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PART-IIA

GOVERNMENT OF MEGHALAYA
MINING AND GEOLOGY DEPARTMENT

NOTIFICATION

The 24th March, 2022.

No.MG.49/2018/Pt.(A)/15. - In exercise of the powers conferred by section 23C of the Mines & Minerals (Development & Regulation) Act, 1957 (No. 67 of 1957), the Government of Meghalaya hereby makes the following rules namely:-

THE MEGHALAYA MINERAL (PREVENTION OF ILLEGAL MINING, TRANSPORTATION AND STORAGE) RULES, 2022.

CHAPTER - I

PRELIMINARY

1. ***Short title, extent & commencement.*** –

- (1) These rules may be called the Meghalaya Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2022.
- (2) They shall extend to the whole of the State of Meghalaya.
- (3) They shall come into force from the date of Notification in the Official Gazette.

2. ***Definitions*** – (1). In these rules, unless there is anything repugnant in the subject or context,-

- a. “Act” means the Mines & Minerals (Development & Regulation) Act, 1957 (Act, 67 of 1957);
- b. “Authorized Officer” means any officer(s)/person(s) authorized for the specific purpose to work on their behalf by the Competent authority or by the State Government from time to time.

- c. "Carrier" means any mode or conveyance of facility by which mineral is transported from one place to another;
- d. "Competent Authority" means the Director of Mineral Resources and Principal Chief Conservator of Forest & Head of Forest Force (PCCF & HoFF) Shillong.
- e. "Checkpost" means any permanent or temporary structure manages by competent authority to regulate minerals in transit and to verify the documents relating to transport of mineral(s).
- f. "Department" means the Department of Mining & Geology, Government of Meghalaya/ Forest and Environment Department, Government of Meghalaya.
- g. "Director" means Director of Mineral Resources.
- h. "Form" means a form appended to these rules and Form H of Meghalaya Minor Minerals Concession Rules (MMMCR) 2016.
- i. "Government" means Government of Meghalaya.
- j. "Illegal mining" means any mining activities undertaken in violation of the provision of the Act and the rules framed there under including statutory provision notified by the Government from time to time.
- k. "Illegal storage" means storage of any minerals other than in accordance with the provision of the Acts and/or these rules.
- l. "Illegal transportation" means removal or shifting or transfer or transport of any minerals by means of carrier other than in accordance with the provisions of the Act and/or the rules.
- m. "Minerals" means both Major and Minor minerals.
- n. Mining Lease, Composite License, Prospecting License have the same meaning and assigned by them in the Mines & Minerals (Development & Regulation) (MMDR) Act 1957 and as amended.
- o. "Mineral Transport Challan" means Form A appended to this Rule and Form H of Meghalaya Minor Minerals Concession Rules (MMMCR) 2016 issued by the Competent Authority or any officer duly authorized by him for lawful transportation of any mineral raised.
- p. "Research Work" means any work done for beneficiation and upgradation of the minerals and for examining its suitability in the industry, for the purpose of scientific study without any commercial motive:
- q. "Scientific Test" means any test conducted for chemical or mineralogical analysis of mineral constituents and properties for the purpose of scientific study without any commercial motive; and

(2). All other words and expressions used in these rules, but not defined, unless the context otherwise requires, shall have the same meaning as respectively assigned to them under the Acts and the rules framed there under.

CHAPTER - II

3. ***Prohibition*** – No person shall transport or carry or cause to transport any mineral by any means from the place of raising to another without being in possession of a valid “MINERAL TRANSPORT CHALLAN” in FORM –‘A’ for major minerals & Form H of Meghalaya Minor Mineral Concession Rules 2016 for minor minerals issued by the Competent Authority or any officer authorized by him in this behalf. The provision of rule (3) shall not be applicable for captive use of major minerals within a distance of 5 km from the mine.
4. ***Transportation of Minerals.*** –
- (1) The lessee (a holder of mining lease) or his Agent desiring to transport any mineral from his Mining Lease shall get himself registered with the office of the Competent Authority / Authorized Officer against the payment of ₹ 3,000/- as a registration fee supported by relevant documents as spelt out herein below along with the legal documents relating to raising of the mineral and which shall be renewed every year with a renewal fee of ₹ 1,000/-.
 - (2) For the purpose of registration, every lessee or his agent shall have to produce the following documents-
 - (a) 2 (Two) Nos. passport-size photographs.
 - (b) Trading license and Professional Tax Clearance Certificate from the District Council concerned to which the place of dispatch of the minerals is located. Trading License is necessary in the case of non-tribal only.
 - (c) Income Tax clearance or Exemption certificate
 - (d) GST registration and Clearance Certificate.
 - (e) Specimen signature.
 - (f) Authorization letter or Power of attorney (as applicable).
 - (3) For transportation of any minerals to any place, the holder of a mining lease/agent shall make an application in Form-B to the Competent Authority or any officer authorized by him for issue of ‘Mineral Transport Challan’.
 - (4) Issue of Mineral Transport Challan to the registered person in a year will be limited according to the approved Mining Plan and as per the extent of payment of Royalty etc. to the lessor/State Government.
 - (5) All dispatches of minerals(s) by the holder of mining lease / agent by means of carrier shall be accompanied with Mineral Transport Challan in duplicate.

Provided that in the case of transport of mineral by holder of Composite License for testing purposes, a special permit by the Competent Authority or Authorized Officers shall suffice.
 - (6) The period of validity of Mineral Transport Challans will be 1 (one) month from the date of issue, which maybe revalidated by the competent authority from time to time as deemed fit and proper.
 - (7) The Mineral Transport Challan shall be issued by the Competent Authority or authorized officers for the state or inter-state movement or export shall be honored by all concerns. Mineral Transport Challan shall contain security features that may be notified by the Government from time to time.
 - (8) Seized minerals under Section 21 of MMDR Act 1957 after auctioning shall have to obtained Mineral Transport Challan for its lifting after obtaining lifting order from the auctioning authority. Procedure laid down in sub-rule 1 to 7 of Rule 4 shall be applicable for auctioned seized minerals.

(9) Transportation of Coal and other minerals from outside the State of Meghalaya.

- A. Any person intending to transport coal and other minerals from outside the State to the State of Meghalaya or through the State of Meghalaya enroute to Bangladesh or other States shall apply to Mining & Geology Department Government of Meghalaya with the following details:-
- a) Proof of identity in case of individual or Registration with Competent authority in case of firm/company.
 - b) Name of Mineral(s) intend to transport.
 - c) Quantity in possession, quantity intended to transport in Metric Tonne (MT)/ cubic metre (cum).
 - d) Sources of the mineral(s) along with documentary evidence.
 - e) Route for transportation and Destination.
 - f) Period for which transportation is required.
 - g) Details of vehicles.
- B. An Undertaking shall be submitted to the competent authority stating that in case any of the document submitted for transportation of the mineral(s) is found to be invalid/fake, they shall be liable for penalizing under Section 21 of MMDR Act, 1957 and relevant provision of Indian Penal Code.
- C. The person(s)/firm(s)/company(s) on entering into Meghalaya shall produce documentary evidence to the nearest Checkgate of the competent authority for verification and countersigning.
- D. The Officer in-charge of Checkgate at entry point shall verify the documents, check the consignment and placed his signature and stamp on the documents and maintain separate records on the matter.
- E. For minerals landing in the State of Meghalaya, Prior notice to the competent authority has to be given for cross-checking the landing minerals and verification of documents.
- F. For minerals enroute to Bangladesh and other States, the consignee has to produce the verified documents from entry point of Checkgate to the nearest Checkgate at exit point for cross verification of document and consignment.
- G. The Officer In-charge of the nearest Checkgate at exit point, shall cross-check the documents signed at the entry point and upon satisfactory, he should sign and stamp on the document and retain all the relevant documents for onward submission to the office of the competent authority
- H. Weekly returns of the transportation of mineral have to be submitted by the Consignor to the office of the competent authority.
- I. Monthly returns and on completion of transshipment has to be submitted to the office of the competent authority by the respective Officer In-charge of both the Entry and Exit Checkgates.

5. Establishment of Checkgates – For the purpose of checking the transport and storage of minerals raised without lawful authority, the Competent Authority shall set up Checkgate at any place, or places within the State and a notification / public notice in this regards shall be issued by the Competent Authority after getting approval from concerned authorities including the Government of India, Ministry of Road Transport& Highways, if such Checkgate is on National Highway (N.H.)

6. Production of Mineral Transport Challans: -

- (1) Every holder of mining lease / agent/ successful bidders of auction of seized minerals transporting by means of carrier any mineral for sale or otherwise shall produce a Mineral Transport Challan or Form H of Meghalaya Minor Minerals Concession Rules (MMMCR) 2016 at the Checkgates.
- (2) The Officer In-charge of the Checkgates shall, check and verify the mineral in transit and after which countersign with date on the body of the Mineral Transport Challan or Form H of Meghalaya Minor Minerals Concession Rules (MMMCR) 2016 and return the duplicate copy of the Mineral Transport Challan or Form H of Meghalaya Minor Minerals Concession Rules (MMMCR) 2016 to the carrier and retain with him the original copies thereof.

7. Determination of the weight of the mineral transit. -

- (1) The actual weight of each consignment shall be determined at the weigh-bridge set up by the Government or its authorized agent in accordance with Rule framed by Transport Department in this regard and such weigh shall be taken into account by the Officer-in-charge of the Checkgate for the purpose of sub-rule (2) of Rule 6.
- (2) In case the weight of any mineral consignment cannot be determined as provided under sub-rule (1), the weight shall be determined by the Officer-In-Charge of the Checkgate on the basis of the volume of the mineral so carried.

8. Authority to seize or recover the value of the mineral not covered by Mineral Transport Challan-

- (1) The Officer-In-Charge of the Checkgates or any other authorized officer in this behalf shall have the power to seize the mineral, if he has reasons to believe that the mineral in transit is not covered by the Mineral Transport Challan or Form H of Meghalaya Minor Minerals Concession Rules (MMMCR) 2016.
- (2) The Officer-In-Charge of the Checkgate or any other authorized officer in this behalf shall give a seizure list of the mineral seized under sub-rule (1) to the respective District Administration and competent authority.
- (3) The District administration, Competent authority or any other authorized officer in this behalf shall have the power to auction the mineral seized by him under the sub-rule (1) as per the guidelines issued by State Government under Mining and Geology Department from time to time.

CHAPTER – III**9. Mining of Major and Minor Minerals. -**

- (1) Mining Operation of major minerals in the State to be undertaken in accordance with the Act and Rules framed there under.
- (2) The Minor Minerals would be mined in accordance with the Meghalaya Minor Mineral Concession Rules, 2016.

CHAPTER – IV**10. Storage of Minerals.**

- (1) The Deputy Commissioner of the district shall have the power to identify and declare the Designated Storage area for storing of minerals in each district with the prior approval of the Government in Mining & Geology Department.
- (2) Anyone desiring to have a designated storage area would approach the Deputy Commissioner of the district for designating the storage area and Deputy Commissioner after due examination shall declare the area as Designated Storage area.
- (3) While designating, the following considerations shall be taken into account.
 - (a) The area has to be sufficient large enough to store the mineral and have a specific area and boundary.
 - (b) The area has to be at least 50 m away from the State Road and National Highway (NH) and other surface features like natural nallah, stream etc. and human habitation or as per the siting norms of the Meghalaya State Pollution Control Board as applicable.
 - (c) The area has to be sufficiently protected to arrest spillage of minerals and sludge especially during rainy season with siltation tank at the lower side of the storage area.
 - (d) Consent to Establish and Consent to Operate from State Pollution Control Board shall have to be obtained.
- (4) The Designated storage area shall be declared for a period of 5 (five) years only and shall be renewed from time to time for a period of 2 (two) years as per the requirement by the Deputy Commissioner of the concerned District.
- (5) The above declaration shall not be required for the mineral based industries having their own storage facilities in their own plant.
- (6) The owner of the designated storage area shall maintain a record register of the mineral stock and dispatch in their possession including the procurement details.

11. Exemption: The provisions of above Rule 10 would not be applicable for storage of mineral in a mining lease area granted under Mines & Minerals (Development & Regulation) Act, 1957 and the Rules framed thereunder including the Meghalaya Minor Mineral concession Rules 2016.

12. Authority to cause notice, seize or auction of the mineral stored in areas other than the designated storage area –

- (1) The Competent authority or any other authorized officer shall have the power to serve notice to any person/firms for removal of any mineral stored other than in the designated storage area.
- (2) The Competent Authority or any other authorized officer shall, after expiry of 15 (fifteen) days notice issued sub-rule (1) seize any mineral in possession of any person stored in areas other than designated storage area.
- (3) The Competent Authority or any other authorized officer shall give a seizure list of the mineral seized under sub-rule (2) to any person in possession of the mineral.

(4) Competent authority or any other authorized officer in this behalf shall have the power to auction the mineral seized under sub-rule (2) as per the guidelines issued by State Government under Mining and Geology Department from time to time.

13. Interpretation of Rules:- If any question arises relating to interpretation of these Rules, the decision of the Government in Mining & Geology Department shall be final.

14. Repeal & Savings:- Government Notification No.MG.38/2020/Pt. II/6, dated 22nd October, 2021 and Government Order No.MG.49/2008/Pt-I/285, dated 10th December, 2020 and all others instructions in these regard are hereby repealed;

Notwithstanding anything such repeal, all the actions already taken or purported to be taken with regard to issuing of Mineral Transport Challans, shall be construed as having taken under the relevant provisions of these Rules.

E. KHARMALKI,
Secretary to the Govt. of Meghalaya
Mining & Geology Department.

Form A

(See Rule 2(1) (m))

GOVERNMENT OF MEGHALAYA
DIRECTORATE OF MINERAL RESOURCES
SHILLONG

MINERAL TRANSPORT CHALLAN

(in triplicate)

Book No.

Sl. No.

1. Name and address of :
- The consignor
-
-
2. Details of Permit :
-
-
3. Name of mineral :
4. Quantity :
5. Vehicle Registration No :
6. Place of dispatch :
-
7. Route :
8. Place of delivery :
9. Date of dispatch :
10. Valid upto :

Office Seal

Signature of Issuing
Authority

To be filled up at the _____ Checkpost

1. Mineral
2. Truck No
3. Quantity transport.....MT
4. Remark.....

Countersignature by the Officer In-charge

..... Checkpost.

Date:

NB :

- a) Original and Duplicate copy of Mineral Transport Challan are to be produced by the consignor at the Checkpost. After necessary verification, stamping and countersignature on the body of this Transport Challan, the original copy is to be retained at the Checkpost whereas the Duplicate copy is to be retained by the consignor.
- b) Valid for 30 (Thirty) days.

Form - B

(See Rule 4 (3))

APPLICATION FOR MINERAL TRANSPORT CHALLAN

Sir/Madam,

I/We request that _____ No. of Mineral Transport Challan in Form A or Form H of Meghalaya Minor Minerals Concession Rules (MMMCR) 2016 be granted to enable me/us to transport/ dispatch the quantity of mineral furnished below:-

Royalty of Rs. _____ (Rupees- _____) only has been paid *vide* Treasury Receipt No. - _____ dt. _____ / other means of payment to the lessor (copy of the proof of payment enclosed).

1. Name of the applicant with complete :
Address
2. Name of the mineral:
3. Quantity of mineral to be transported/
Dispatched, place of dispatch and destination:
4. Programme of period required to dispatch the
above quantity of mineral :

Date : _____

Yours faithfully

Place : _____

ORDER OF ISSUING AUTHORITY

Issue _____ Nos _____ Transport Challan Vide Book

No. _____ Sl. No. _____ to _____

Book No. _____ Sl. No. _____ to _____

Book No. _____ Sl. No. _____ to _____

Date:

Signature of Receiver

Signature of Issuing Authority