

Department of Mines

Notification

5/20/98-Mines

In exercise of the powers conferred by section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957) and all other powers enabling it in this behalf the Government of Goa hereby makes the following rules, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Minor Mineral Concession (Amendment) Rules, 2002.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Amendment of rule 5.*— In rule 5 of the Goa, Daman and Diu Minor Mineral Concession Rules, 1985 (hereinafter referred to as the "principal Rules") in sub-rule (2), in clause (a), for the words "one hundred and fifty", the words "three hundred" shall be substituted.

3. *Amendment of rule 15.*— In rule 15 of the principal Rules, for the letter and figures "Rs. 2/-," the words "rupees ten" shall be substituted.

4. *Amendment of rule 20.*— In rule 20 of the principal Rules, for the letter and figures " Rs. 250/-," the words "rupees seven hundred and fifty" shall be substituted.

5. *Omission of chapter III.*— Chapter III of the principal Rules shall be omitted.

6. *Amendment of rule 50.*— In rule 50 of the principal Rules, for the words "Rupées twenty five," the words "rupees fifty," shall be substituted.

7. *Insertion of new rule.*— After rule 60 of the principal Rules, the following rule shall be inserted, namely:—

"60A. *Amalgamation of quarrying leases.*— The Competent Officer may, in the interest of mineral development and for reasons to be recorded in writing, permit amalgamation of two or more adjoining leases held by a lessee:

Provided that the period of the amalgamated leases shall be co-terminous with the lease whose period will expire first."

8. *Amendment of rule 62.*— In rule 62 of the principal Rules,—

(i) in sub-rule (1), the words "or sub-rule (1) of rule 26" shall be omitted;

(ii) for sub-rules (2) and (3), the following shall be substituted, namely:—

(2) Whoever is found extracting or transporting or using or storing minor minerals or on whose behalf extraction or transport or use or storage is made, other than in accordance with the provisions of these rules, shall be punishable with simple imprisonment which may extend to one year or with a fine which may extend to five thousand rupees or with both and in case of continuing contravention, with additional fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

(3) Whenever any person is found extracting or removing or transporting or storing minor minerals in contravention of the provisions of these rules, the Competent Officer/Inspecting Officer may seize the minor minerals together with all tools, equipment, vehicles, etc. used in committing such offences".

(iii) in sub rule (3), the following shall be added, namely:—

"The Inspecting Officer empowered to take action under this rule, shall, if necessary, request in writing for the help of the local police and the police authorities shall render such assistance, as may be necessary to enable the officer to exercise the power conferred on him by these rules to stop unauthorized mining and movement of minor minerals."

9. *Insertion of new chapter.*— After Chapter XII of the principal Rules, the following shall be inserted, namely:—

"CHAPTER XIII

73. *Prohibition.*— (1) No person shall store or cause to be stored any minor mineral within the State of Goa except under and in accordance with these rules.

(2) Every person who stores the minor mineral(s) for the purpose of sale shall maintain an accurate account of minor mineral(s) obtained by him/her/ /them.

74. *Registers/Returns for Stone Crusher/lime kiln/brick kiln owners.*— Every owner of crusher/limekiln/brick kiln or owner of mineral based industries shall maintain an account of minor mineral obtained by him/her/them in Form "I" appended to these rules and shall submit to the Competent Officer a copy of the returns of the stock by 7th of the month for the preceding month.

75. *Register/Returns for dealers/stockist dealing with polishing/storage/sale of ornamental/decorative natural stones.*— Every dealer/stockist/retailer dealing with polishing/storage/sale of ornamental/decorative natural stones shall maintain an accurate account of minor mineral(s) obtained by him/her/them in Form "J" appended to these rules and shall submit to the Competent Officer a copy of the returns of the stock by 7th of the month for the preceding month.

76. *Inspection of accounts and registers.*— All accounts, registers, and other documents pertaining to storage of minor mineral(s) shall be kept open for inspection of the Inspecting Officer at all reasonable times.

CHAPTER XIV

Powers of entry, inspection of records and seizure of books of accounts

77. *Seizure of accounts, register and other documents.*— (1) If the Inspecting Officer has reason to suspect that the minerals have been obtained without lawful authority or without the payment of royalty, he may, for reasons to be recorded in writing, seize such accounts, registers or other documents as he may consider necessary and shall give receipt to the person from whose custody such accounts, documents and registers are seized.

(2) The accounts, documents and registers so seized under sub-rule (1) shall be retained by such officer only for the purpose of examination or for any inquiry of proceedings under these rules or for prosecution:

Provided that the accounts, registers and documents so seized shall not be retained by such officer beyond a period of three months from the date of such seizure without a written order of the Competent Officer for reasons to be recorded in writing:

Provided further that before returning the accounts, registers and documents, the Competent

Officer may require the person to give a bond along with a surety amount as may be determined by the Competent Officer binding the said person to produce the said accounts, registers and documents before the appropriate authority or the Competent Court.

(3) For the purpose of sub-rules (1) and (2), the Inspecting Officer shall have powers to enter and search, at all reasonable times, any office, godown, factory or vehicle or any other place of business or any building or place where such authority has reason to believe that the person keeps or for the time being is keeping any minor mineral(s) accounts, registers or other documents pertaining to his business or mining operations.

(4) The Inspecting Officer, may, when it is not practical to seize books or accounts, registers, documents or minor minerals, serve upon the person who is in immediate possession or control thereof, an order that he shall not remove, part with or otherwise deal with them except with the previous permission of such authority who may take such steps in accordance with rules, as may be necessary for ensuring compliance of this rule

(5) The power conferred by sub-rule (3) and (4) shall include the power to break open any box or receptacle in which any minor mineral, accounts, registers or documents of dealer/lessee may be contained or to break open the door of any premises where any such minor mineral, accounts, registers or documents, may be kept or to place marks of identification on his books of accounts, registers or documents or to make or cause to be made extracts or copies thereof:

Provided that the power to break open the door shall be exercised only after the dealer/lessee or any other person in occupation of the premises, if he is present therein, fails or refuses to open the door on being called upon to do so.

78. *Penalty for unauthorized possession of minor mineral.*— The Competent Officer or any officer authorised by the Competent Officer may after giving the person an opportunity of being heard and holding such further inquiry as he may consider fit, realize from him, for the possession of minor mineral not accounted for, the cost of minor mineral equivalent to ten times the royalty amount fixed for the particular minor mineral.

79. *Release of seized minor mineral and documents.*— The Competent Officer or the officer

authorized under rule 78 may release the minor mineral or document seized under these rules on payment of cost of minor mineral or on furnishing such security for payment thereof as he may consider necessary.

80. *Furnishing of information.*— The Competent Officer or the officer authorized under rule 78 may require any person who,—

(a) transports or holds in custody for delivery to or on behalf of any person, any minor mineral, to give any information likely in his possession in respect of such minor mineral or to permit inspection thereof, as the case may be;

(b) maintains or has in his possession any accounts, books or documents relating to the business/mining operation, to produce such accounts, books or documents for inspection.

81. *Procedure for search.*— The provisions of the Code of Criminal Procedure, 1973 (2 of 1974) relating to searches shall apply, so far as may be, to the searches made under these rules."

10. *Amendment of Schedule I.*— For Schedule I appended to the principal Rules, the following Schedule shall be substituted namely:—

"SCHEDULE I
Rates of Royalty
(See rule 22)

MINERAL	RATES
(I) (a) Lime stone and its varieties	
(i) When used for lime burning	
(ii) Prepared lime	
(iii) When used as building stone ballast, metal grit, etc.	Rs. 5/- per cubic metre
(b) Kankar when used for lime burning	
(c) Lime shells, when used for lime burning	Rs. 20/- per cubic metre
(II) Building stones	
(a) Laterite chiras	Rs. 10/- per cubic metre
(b) Laterite rubbles	Rs. 6/- per cubic metre
(c) Basalt, masonry stones other than laterite chiras & rubbles, metal grit, basalt blocks	Rs. 12/- per cubic metre
(III) Boulder, shingle, gravel, kankar all used for constructional purpose, either by excavation or collection.	Rs. 5/- per cubic metre
(IV) (a) Ordinary sand used for construction purpose, either by extraction or collection	Rs. 10/- per cubic metre
(b) Pebbles, and modules of chalcedony, quartzite stone or flint	Rs. 10/- per cubic metre
(V) Ordinary clay when used for manufacture of tiles	Rs. 3/- per cubic metre
(VI) Murrum, matti and other coloured matti (not amounting to ochres)	Rs. 3/- per cubic metre
(VII) Brick-earth	Rs. 3/- per cubic metre
(VIII) Ordinary earth	Rs. 3/- per cubic metren

(See Rule 75)

(Register/Returns for Polishing/Storage of Ornamental/Decorative Natural Stones)

[illegible]

By order and in the name of the Governor of Goa.

Charles D'Souza, Joint Secretary (Mines).

Panaji, 26th March, 2002.