

NOTICE

The Industries and Mines Department, Government of Gujarat has prepared the draft rules named, “The Gujarat Mineral (Prevention of Illegal Mining and Transportation and Storage) Rules, 2016” for the provisions relating to prevention of illegal mining and transportation and storage of mineral under section 23C of the Mines and Minerals (Development and Regulation) Act, 1957.

The draft rules are placed on the website of the Industries and Mines Department and Commissioner of Geology and Mining for inviting comments/suggestions from the general public, mining industry, stake holders, industry associations, and other persons and entities concerned. The last date for receipt of the comments/suggestions is August 10, 2016.

The comments/suggestions may be sent by e-mail to the following ID: [srgeologist-
imd@gujarat.gov.in](mailto:srgeologist-imd@gujarat.gov.in)

It may kindly be ensured that the comments are sent as Microsoft-Office Word file only. Alternatively, comments/suggestions may also be sent by post to the following address:

Commissioner of Geology and Mining,
Block Number 1,
7th Floor, Udhog Bhavan, Sector 11,
Gandhinagar,
Gujarat – 382011

The envelope may kindly be super scribed on the top with: “Comments/suggestions on “The Gujarat Mineral (Prevention of Illegal Mining and Transportation and Storage) Rules, 2016”.

Government of Gujarat.

The Gujarat Mineral (Prevention of Illegal
Mining and Transportation and
Storage) Rules, 2016

Draft for consultation purposes only.

GOVERNMENT OF GUJARAT

NOTIFICATION

Sachivalaya, Gandhinagar, the [day] [month] [year]

In exercise of the powers conferred by section 23C of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the Government of Gujarat hereby makes the following rules, namely:-

CHAPTER I: PRELIMINARY

1. Short title and commencement.-

- (1) These rules may be called the Gujarat Mineral (Prevention of Illegal Mining and Transportation and Storage) Rules, 2016.
- (2) These rules shall come into force at once except clause (g) of sub-rule (1) of rule 3, clause (w) of sub-rule (1) of rule 3, sub-rule (5) of rule 5, clause (iv) of sub-rule (1) of rule 6, sub-rule (6) of rule 6, clause (a) of sub-rule (1) of rule 8 and sub-rule (2) of rule 9, which shall come into force on such date as the Government may by notification, in the official gazette, appoint:

Provided that different dates may be appointed for different provisions of these rules and any reference in any such provision to the commencement of these rules shall be construed as a reference to the coming into force of that provision.

2. Application.- These rules shall extend to the whole State of Gujarat.

3. Definitions.-

- (1) In these rules, unless the context otherwise requires -
 - (a) “Act” means the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957);
 - (b) “Authorised Officer” means an officer authorised by the Government to perform functions under these rules and for such jurisdiction as specified in Schedule I;
 - (c) “Carrier” means any mode of conveyance or facility by which a mineral is transported from one place to another and includes a mechanised device, person, animal or cart;
 - (d) “Check Post” means a check post established in accordance with Rule 9;
 - (e) “Commissioner” means the Commissioner of Geology and Mining, Gujarat State;
 - (f) “Delivery Challan” shall have the meaning assigned to it in sub-rule (3) of rule

6;

- (g) “electronic identification device” means a device which is capable of electronically storing data and wirelessly sharing such data for the purposes of identification and tracking and includes a radio frequency identification tag;
- (h) “Electronic Weigh Bridge” means an electronic system of weighing minerals or mineral products and includes weigh in motion technology having such specifications as may be specified by the Government from time to time;
- (i) “end-user” shall mean any person who uses the mineral as a raw material and includes any beneficiation or processing plant situated outside the leasehold area; provided that if such beneficiation or processing plant is situated in the leasehold area of either same lease holder or other lease holder, the processed mineral/ run of mine shall be stocked/stacked in such a manner so as to be distinctly identifiable from run of mine/mineral of different leases and the same shall be accounted for separately;
- (j) “Form” means the forms appended to these rules;
- (k) “Government” means the Government of Gujarat;
- (l) “illegal mining” means any mining operation undertaken by any person in any area without holding a mineral concession;
- (m) “illegal storage” means the storage of any mineral otherwise than in accordance with the provisions of the Act and/or the rules made thereunder;
- (n) “illegal transportation” means the removal, shifting, transfer and/ or transport of any mineral by any Carrier otherwise than in accordance with the provisions of the Act and/or the rules made thereunder;
- (o) “Mechanized Machinery” means and includes each and every machinery used in the winning of a mineral from the lease or beneficiation plant and its processing other than a Carrier, run on electricity or otherwise and whether owned by the holder of a mineral concession or otherwise;
- (p) “mineral concession” means a permit, licence or lease granted pursuant to rules made under Section 13 of the Act, or a lease or permit granted pursuant to rules made under Section 15 of the Act;
- (q) “property” shall have the meaning assigned to it in sub-rule (1) of rule 13;
- (r) “research work” means any work done for beneficiation and up-gradation of the mineral and for examining its suitability for utilization in the industry for the purpose of scientific study without any commercial purpose;
- (s) “Schedule” means a schedule appended to these rules;

- (t) “scientific test” means any test conducted for chemical or mineralogical constituents and properties for the purpose of scientific study without any commercial motive/purpose;
 - (u) “State” means the State of Gujarat;
 - (v) “sustainable mining” means and includes carrying out mining operations conforming to conditions stipulated in clearances and permissions accorded for mining by various authorities and without damaging the ecology and environment of the State;
 - (w) “tracking device” means any equipment which is capable of receiving and transmitting signals to track the location, speed and route of a Carrier using the global positioning system or an equivalent system such as the Indian Regional Navigation Satellite System, of such specifications as may be specified by the Government from time to time;
 - (x) “trader” means any person who:
 - (i) carries on the business of buying, possessing, storing, selling, supplying, transporting, distributing, delivering, exporting for sale or processing of mineral(s), directly or otherwise for cash or for deferred payment or for commission, remuneration or other valuable consideration;
 - (ii) uses mineral/s and/or it's ingredients as a raw material;
 - (iii) has a mineral sharing agreement with the holder of a mineral concession;
 - (iv) has capital investment in the underlying lease;
 - (v) has a raising contract with the holder of a mineral concession;
 - (vi) is involved in winning or mining of minerals including a power of attorney holder but excluding a member of a family acting in the capacity of an agent;
 - (vii) buys and processes minerals for sale or for utilization for his own purposes; or
 - (viii) a person who holds a mineral concession;
 - (ix) “Transit Permit” shall have the meaning assigned to it in sub-rule (2) of rule 6; and
 - (x) “waste” means any material other than mineral which is generated either during winning of a mineral or processing of such mineral won, by whatever name called and includes the concentrates.
- (2) The words and expressions used in these rules but not defined herein shall have

the same meaning as assigned to them in the Act or rules made thereunder.

4. Prohibitions.- No person shall carry on the business of buying, storing, selling, supplying, transporting, distributing, delivering, exporting for sale or processing of minerals at any place for the purpose of sale or consumption or otherwise deal with any mineral and/or waste, except under and in accordance with the Act and the rules made thereunder, including in accordance with registration requirements, permit requirements and other conditions specified in these rules:

Provided that the holder of a mineral concession shall not be required to obtain a license for possessing, storing, selling, supplying, transporting, distributing or processing of such mineral(s) within the leasehold area.

CHAPTER II: ELECTRONIC SYSTEM

5. Establishment of an electronic system.-

- (1) The Government may establish and maintain an electronic system capable of, amongst others, storing and retrieving biometric information of persons registered under such system, including under sub-rule (3) and sub-rule (4), to manage and regulate mining operations within the State, to check illegal mining, illegal transportation or illegal storage of minerals, to protect the revenue recoverable from mining activity, to promote sustainable mining and to ensure compliance of various conditions imposed in the lease deed and other consents and approvals.
- (2) The Government may implement the electronic system referred in sub-rule (1) in a phased manner through a notification.
- (3) Within a period of ninety days of commencement of these rules, a Carrier or persons who are engaged in following activities on the date of such commencement, shall register themselves (by making an application in Form A) with the Government, if not already registered, in the manner specified in Schedule II, namely:
 - (a) a person who is a holder of any mineral concessions within the State;
 - (b) an operator of a Carrier (other than a tractor) for carrying minerals;
 - (c) every Carrier (other than a tractor) used for carrying minerals;
 - (d) a mine development operator, by whatever name called, for a mine situated in the State;
 - (e) Mechanized Machinery; and
 - (f) a trader within the State.

In addition to the registration requirements specified in Schedule II, every trader who exports mineral(s)/ ores from the State shall procure a no-objection

certificate from the Government prior to exporting any mineral(s)/ ores. The no-objection certificate shall be issued by the Government subject to submission of the following documents and information by the trader:

- (a) specific details regarding the exact quantity of mineral, type of mineral, grade and mineral price at which the mineral is proposed to be exported/sold;
 - (b) details of the purchaser/importers destination/place;
 - (c) details of the source of procurement of the mineral(s)/ ore(s);
 - (d) an affidavit to the effect that the trader is registered in the business of trading for the minerals being exported; and
 - (e) any other documentation and information as may be required by the Government.
- (4) No Mechanized Machinery or Carrier (other than a tractor) shall be used by the holder of a mineral concession unless the same is registered with the Government in accordance with the requirements of sub-rule (3).
- (5) Within such time as may be specified by the Government through a notification, machinery or persons who are engaged in following activities shall register themselves with the Government, if not already registered, on the date of publication of such notification in the manner specified in such notification, namely:
- (a) a person who is an end-user in the State; and
 - (b) such other person as may be specified by the Government.
- (6) Registration with the Government shall be for a period of ten years in the manner and subject to such conditions as specified by the Government, including payment of the following non-refundable registration fee:
- (a) Rupees five thousand for each Carrier (other than a tractor);
 - (b) Rupees five thousand for each Mechanized Machinery;
 - (c) Rupees twenty thousand for an operator of a Carrier (other than a tractor);
 - (d) Rupees twenty thousand for a mine development operator;
 - (e) Rupees twenty thousand for a trader; and
 - (f) Such other fee as may be specified by the Government with respect to any other registration.

The registration fee shall be paid in the manner specified by the Government, and

the relevant Grant of Registration shall be made in Form B. The Government shall maintain a register recording all Grants of Registration in a register per Form C. It is clarified that after the expiry of the aforesaid duration of ten years, subject to compliance with other applicable provisions, a fresh application for registration may be made.

- (7) An End User engaged in the construction business shall obtain an online registration (by making an application in Form A) and approval (which shall be automatic upon registration) for each construction project with respect to which more than five hundred metric tonnes of a mineral specified in Part A of the Schedule V of The Gujarat Minor Mineral Concession Rules, [2010/ 2016]¹ is to be consumed, by paying a one-time registration fee of Rupees ten thousand, and such registration and approval shall be valid for the tenure of the relevant project (without factoring in any amendments, changes or modifications).
- (8) No person shall undertake any activity listed in sub-rule (3), sub-rule (5) or sub-rule (7) without obtaining a registration in the manner prescribed therein.

CHAPTER III: DISPATCH, CHECK POSTS AND REPORTING

6. Dispatch of minerals outside the lease area.-

- (1) A holder of a mineral concession in the State shall, prior to dispatch of any mineral or waste outside the lease area, provide the following information to Government:
 - (i) quantity of mineral and/or waste dispatched;
 - (ii) name, address and registration number of the person to whom such mineral and/or waste is being dispatched, hereinafter referred to as the “Consignee”;
 - (iii) particulars of the Carrier carrying the minerals and/or waste;
 - (iv) particulars of the tracking device and electronic identification device; provided however that in case of export of minerals and/ or waste, a tracking device and electronic identification device would not be required for transportation outside the State;
 - (v) the expected route for transportation and the particulars of en-route Check Posts within the State;
 - (vi) if the holder of mineral concession has availed services of any other person for transportation, then particulars of the transporter including the registration number of the transporter;

¹ To delete whichever is not applicable.

- (vii) particulars of royalty and other payments made with respect to such minerals;
- (viii) in case of export of mineral and/or waste to an overseas Consignee, a copy of documents submitted with the customs department with respect to such export; and
- (ix) such other particulars as may be specified by the Government:

Provided that if the holder of a mineral concession has engaged the services of a mine development operator, by whatever name called, such information may be furnished by the mine development operator. In such case, the mine development operator and the holder of a mineral concession shall be jointly and severally responsible with respect to entry and accuracy of the information so furnished.

- (2) Upon due and proper entry of information under sub-rule (1), the holder of a mineral concession shall obtain a digitally signed permit for lawful transportation of minerals, hereinafter referred to as the "Transit Permit", which shall be in the format specified in Schedule III and shall be printed by the holder of a mineral concession on a Special Security Permit Papersheet.
- (3) Every trader shall, prior to dispatch of any mineral or waste, provide the information set out in sub-rule (1) to the Government, other than the information set out in clause (vii) of sub-rule (1). Upon due and proper entry of the information under sub-rule (1), other than the information set out in clause (vii) of sub-rule (1), the trader shall obtain a digitally signed permit for lawful transportation of the mineral/ore, hereinafter referred to as the "Delivery Challan". The Delivery Challan shall be in the format specified in Schedule IV and shall be printed by the trader on a Special Security Permit Papersheet.
- (4) The Authorised Officer shall issue a special security permit papersheet which shall be used by the holder of a mineral concession or a trader, to print the Transit Permit or the Delivery Challan, as the case may be. The special security permit papersheet shall be issued in such manner as may be specified by the Government. The Transit Permit or Delivery Challan shall be in triplicate, machine numbered with the book number and serial number thereof.
- (5) The Transit Permit or Delivery Challan, as the case may be, shall be specific to each Carrier carrying the minerals and/or waste and at all times during transit, a physical copy of the Transit Permit or Delivery Challan shall be retained.
- (6) The holder of mineral concession shall ensure that it installs such equipment as may be necessary to comply with these rules, including equipment to enter relevant information in the electronic identification device of each Carrier.
- (7) Minerals shall be dispatched outside the lease area only in a Registered Carrier and pursuant to a duly issued Transit Permit, and Minerals shall be dispatched

outside a stockyard only in a Registered Carrier and with a Delivery Challan.

7. Obligations of the Consignee.-

- (1) The Consignee, who received the minerals and/or waste in the State are encouraged to verify the Transit Pass/ Delivery Challan and they shall keep the receipt in respect of the minerals received and maintain records thereof.
- (2) If the Consignee is to receive the minerals outside the State, then, at the last Check Post before crossing the border of the State, a record of the minerals and/or waste being transported shall be taken.
- (3) If the Consignee is an end-user in the State, it shall ensure that the minerals and/or waste are stocked in accordance with the provisions of Chapter IV.

8. Obligations of the operator of Carrier.-

- (1) Every operator of a Carrier carrying minerals and/or waste within the State shall carry:
 - (a) a duly working tracking device and duly working electronic identification device; and
 - (b) a valid Transit Permit or Delivery Challan.

The Carrier shall follow the transportation route specified pursuant to clause (v) of sub-rule (1) of rule 6 and passes through the en-route Check Posts.

- (2) In case of transfer of ownership of a Carrier, the new owner shall register himself and the Carrier, and pending such registration, such Carrier shall not be used for carrying minerals and/or waste.
- (3) A carrier or other person (including importer) carrying minerals which enters the State of Gujarat from outside the state, shall register at the first Check Post, and provide to the first Check Post information regarding the quantity, quality, destination, name of carrier/ person at whose behest minerals are entering the State of Gujarat, related price information, and such other information as may be required to be disclosed for minerals entering the State of Gujarat.
- (4) The Government may also impose additional conditions as it may deem necessary, with respect to carriage of minerals in the State.

9. Check posts.-

- (1) With a view to check the transport and storage of minerals raised without lawful authority and to check the quality and quantity of minerals transported from leasehold areas and stockyards, the Government may set up Check Posts at any place within the State.

- (2) Each Check Post shall have information technology enabled equipment or a system which is connected to a central electronic system and which is capable of reading, recording, retrieving and analysing information of the tracking device and the electronic identification device on a real-time basis.
- (3) Any Authorised Officer may stop and check any Carrier at any place within their respective jurisdiction and the person in charge of the Carrier shall furnish such information as may be required by Authorised Officer(s)

10. Record and Returns.-

- (1) Upon registration pursuant to sub-rule (3) and (4) of rule 5, every registered end-user, every holder of a mineral concession and every trader shall file online monthly returns as per the relevant formats given in Schedule VI and annual returns as per the relevant formats given in Schedule VII.
- (2) The monthly returns and annual returns filed under sub-rule (1) shall specify the source of procuring the minerals, manner of consumption, processing, sale or export thereof along with registration number of all the relevant parties.
- (3) A copy of the documents filed by a registered end-user, every holder of a mineral concession or every trader with any regulatory authority, including customs authorities, with respect to transportation (including export) or sale of minerals and/or waste shall also be filed with the Government on a monthly basis. The documents filed by a registered end-user, every holder of a mineral concession or every trader with customs authorities, with respect to transportation (including export) or sale of minerals and/or waste, shall also be filed with the Government on an annual basis.
- (4) Every registered end-user, every holder of a mineral concession and every trader shall:
 - (i) maintain an account of the ore and minerals procured and transported daily to different destinations in Part-A and Part-B of Schedule V and submit a monthly statement of the same to the Authorised Officer in Part-A and Part-B of Schedule VI and an annual statement of the same to the Authorised Officer in the relevant formats specified in Schedule VII; and
 - (ii) in case of crushing, pulverizing or any kind of processing plant and factory, maintain a separate daily account of minerals procured and fed to the factory or plant and the processed minerals recovered in Part-C of Schedule V and submit monthly statement of the above in the Part-C of Schedule VI duly maintained for every month, to the Authorised Officer and an annual statement of the same to the Authorised Officer in the relevant formats specified in Schedule VII.
- (5) All monthly returns specified in this rule 10 shall be filed by the 10th day of the

next month. All annual returns specified in this rule 10 shall be submitted before the 1st day of July each year for the preceding financial year. Any delay in filing the monthly returns or annual returns within the timelines stipulated in this rule 10 shall be punishable with a penalty of rupees five thousand only.

CHAPTER IV: STOCKYARDS

11. Storage of mineral.-

- (1) No person other than a holder of a mineral concession or trader or who is an end-user shall store mineral and/or waste.
- (2) Mineral and/or waste shall be stored at the mine head (within the lease area) or stockyard of the holder of a mineral concession or of the end-user situated outside the leasehold area.
- (3) Registered ports and jetties having a storage facility shall have an Electronic Weigh Bridge installed to facilitate the measurement of the mineral and/ or waste in transit. The mineral and/or waste may be permitted to be stored at jetties and ports within the State during its transit.
- (4) Any person, other than a holder of mineral concession or a trader or a person who is an end-user, who was permitted to store any mineral under the Gujarat Mineral (Prevention of Illegal Mining, Transportation and Storage) Rules 2005, shall no longer be permitted to store such minerals from the date of commencement of these rules. Such persons shall within a period of one month from date of commencement of these rules, submit documentary evidence of disposal of the minerals possessed by them failing which such mineral shall vest with the Government.
- (5) All other mineral stored by unauthorized person within the territory of State shall from the date of commencement of these rules vest in the Government.
- (6) All existing stock yards shall be registered with the Government within a period of one month from the date of commencement of these rules and no new stock yard shall be operationalized without prior registration with the Government. The holder of a mineral concession or trader or who is an end-user shall, at the time of registration, certify and declare the source, quantity and quality of material stored and the quantity of waste at the site.

CHAPTER V: INSPECTION, CONFISCATION AND RELEASE

12. Inspection and verification by Authorised Officer(s).-

Any holder of a mineral concession or trader shall provide necessary assistance to the Authorised Officer to inspect, verify and check the stocks at any place including in transit and accounts of minerals and any other documents pertaining thereto and shall allow any Authorised Officer to draw samples thereof.

13. Seizure of property liable to confiscation.-

- (1) Whenever any person raises, transports or causes to be raised or transported, without any lawful authority, any mineral from any land, and, for that purpose, uses any tool, equipment, vehicle or any other thing, such mineral, tool, equipment, vehicle or other thing (hereinafter referred to as “property”) shall be liable to be seized by the Government in the manner specified in sub-rule (2).
- (2) Every Authorised Officer seizing any property under these rules shall photograph the property and place on such property a mark in such manner as may be prescribed, indicating that the same has been so seized and shall:
 - (a) issue a notice in writing in Form D informing the person from whom the property is seized of the property so seized;
 - (b) conduct:
 - i. an investigation and if he is satisfied that a compoundable offence has been committed in respect of the property, he may, subject to receipt of a compounding application, order payment of such amount for compounding the offence as may be deemed appropriate; or
 - ii. a preliminary investigation and shall produce the property seized before a court empowered to determine commission of such offence, if compounding is not permissible under rule 24 or if no application for compounding is received pursuant to clause (a) above, upon the expiry of fifteen days from the date of seizure or upon completion of the investigation, whichever is earlier.
- (3) Where any property seized under sub-rule (1) is produced before a court under sub clause (ii) of clause (b) of sub-rule (2) and the court is satisfied that offence has been committed in respect thereof, the court may order confiscation of the property under sub-section (4A) of Section 21 of the Act.
- (4) No order for confiscating any property shall be made under sub-rule (3) unless the person from whom the property is seized is given:
 - (a) an opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the grounds for confiscation; and
 - (b) a reasonable opportunity of being heard in the matter.
- (5) Upon expiry of fifteen days from the date of seizure of the property under sub-rule (2) and prior to:
 - (a) payment for compounding the offence under sub-clause (i) of clause (b) of sub-rule (2); or

- (b) completion of the investigation by the Authorised Officer under sub-clause (i) of clause (b) of sub-rule (2); or
- (c) a determination under sub-rule (3),

the Authorised Officer may release the property on the furnishing of a bank guarantee in the format specified in Schedule VIII. The bank guarantee shall be valid for an initial period of six months and shall be for an aggregate amount equivalent to the market value of the property, as determined by the Authorised Officer. The period of the bank guarantee may be extended until completion of the investigation by the Authorised Officer under clause (a) of sub-rule (2) or a determination under sub-rule (3):

Provided that, if upon a determination under sub-rule (3), a penalty for an amount exceeding the amount of bank guarantee is levied and the penalty amount is not paid, then the penalty amount may be recovered in the same manner as if it were an arrear of land revenue.

- (6) The property seized under this rule 13 shall be kept in the custody of the Authorised Officer and/ or any other third party/ nearest police station / Government premises until:
 - (a) payment for compounding the offence is paid; or
 - (b) until a bank guarantee is provided pursuant to sub-rule (5); or
 - (c) until an order of court directing its disposal is received by the Authorised Officer.

14. Power of entry, search, seizure etc.-

If the Government or any other officer authorised by the Government in this behalf has a reason to believe that provisions of ‘The Minerals (Other than Atomic and Hydro Carbons Energy Minerals) Concession Rules, 2016’ or ‘The Gujarat Minor Mineral Concession Rules [2010/ 2016]²’ have been contravened or are likely to be contravened, then, with such assistance as it/ he thinks fit, the Government or any other officer authorised by the Government may-

- (a) search any person;
- (b) require the owner, occupier or any other person in charge of any place, premises, Carrier to produce any books, accounts or other documents showing transactions relating to such contravention;
- (c) enter, inspect or break open and search any place or premises or Carrier;

² To delete whichever is not applicable.

- (d) seize any documents or take or cause to be taken, extracts from or copies of any documents showing transactions relating to such contravention which are produced before him; and
- (e) search, seize and remove the stock minerals and the animals, vehicles, vessels or other conveyances used in carrying the said minerals in contravention of the provisions of these rules, or of the conditions of the registration issued here under and thereafter, take or authorize the taking of all measures necessary for securing the production of stocks of minerals and the animals, vehicles, vessels, or other conveyances so seized in a court and for their safe custody pending such production.

15. Recovery of money due to Government.-

All money, except fines imposed by the judicial courts due under these rules, if not paid when due, may be recovered as if it were an arrear of land revenue.

16. Depositing the sums.-

All sums collected by compounding the offences shall be deposited under the appropriate budget head.

17. Protection of action taken in good faith.-

No suit, prosecution or other legal proceedings shall lie against any Authorised Officer for anything which is in good faith done or intended to be done.

18. Disposal of minerals including processed minerals by public auction in certain cases.-

Notwithstanding anything contained in the foregoing provisions, it shall be lawful for an Authorised Officer to sell in a fair and transparent manner, by public auction, any mineral seized and confiscated in accordance with the provisions of these rules.

CHAPTER VI: APPEAL, REVISIONS, PENALTIES AND COMPOUNDING

19. Appeal and Revision.-

- (1) Any person aggrieved by an order of the Authorised Officer issued under these rules may within thirty days from date of communication of such order to him, file an appeal against such order to the Additional Director (Appeal):

Provided that any such appeal may be entertained after the said period of thirty days if the appellant satisfies the Additional Director (Appeal) that he had sufficient cause for not making an appeal within time.

- (2) Any person aggrieved by an order of the Additional Director (Appeal) under these rules may within thirty days from the date of communication of such order to him, apply to the Commissioner for revision of the same:

Provided that any such application may be entertained after the said period of thirty days, if the applicant satisfies the Commissioner that he had sufficient cause for not making an application within time.

- (3) An appeal or revision application under sub-rules (1) or (2) of this rule shall be filed with the Additional Director (Appeal) or the Commissioner, as the case may be, and the applicant shall also submit as many copies thereof as there are parties impleaded. Such application shall be in Form-E and shall state concisely the grounds on which it is based.
- (4) On receipt of the appeal or the application, as the case may be and the copies thereof, the Additional Director (Appeal) or the Commissioner, as the case may be, shall send a copy of the appeal or the application to each of the parties impleaded thereunder, specifying a date on or before which he may make his representations, if any, against the appeal or revision application.

20. Application fee.-

Every appeal or application for revision under rule 19 shall be accompanied by a fee of Rupees five thousand for such application and credited in the appropriate budget head. Such fee may be paid online in the manner specified by the Government.

21. Procedure on receipt of appeal or revision application.-

After receiving of such appeal or application, the appellate or revisionary authority may call for the record of the case and after examining the record of the case, may confirm, modify or set aside the order or pass such order in relation thereto as it may deem just and proper.

22. Powers to Review.-

- (1) The Commissioner may, at any time, of his own accord call for and examine the record of any order passed by the Additional Director (Appeal) under these rules for the purpose of satisfying himself of the legality, propriety or merits of such order. If in any case, it appears to the Commissioner that the order of the Additional Director (Appeal) should be modified, annulled or reversed, he may pass such orders thereon as he may deem fit:

Provided that before any order is passed adversely affecting a person, such person shall be given an opportunity to present his case.

- (2) The Government may, at any time, of its own accord call for and examine the record of any order passed by the Authorised Officer under these rules for the purpose of satisfying itself as to the legality, propriety or merits of any order passed. If in any case, it appears to the Government that any order should be modified, annulled or reversed, it may pass such orders thereon as it may deem fit. It may issue a stay order to (i) stop working or excavating of minerals, or (ii)

hand over possession of the area in dispute also:

Provided that before any order is passed adversely affecting a person, such person shall be given an opportunity of stating his case.

23. Penalties and recovery.-

- (1) Any contravention of sub-section (1) or sub-section (1A) of Section 4 of the Act shall be punishable in accordance with sub-section (1) of Section 21 of the Act.
- (2) Any other contravention of these rules shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to five lakh rupees, or with both and in the case of a continuing contravention, with additional fine which may extend to fifty thousand rupees for every day during which such contravention continues after conviction for the first such contravention. If any offence under these rules is committed:
 - (a) for the second time, the offence shall, in addition to imprisonment for a term provided for that offence be punishable with twice the amount of fine for such offence; and
 - (b) for the third time or subsequent thereto, the offence shall, in addition to imprisonment for a term provided for that offence be punishable with three times the amount of fine for such offence and the State Government shall also be entitled to terminate the relevant mineral concession in case the offender is the holder of a mineral concession.
- (3) Whenever any person raises, transports or stores any mineral or causes to be raised or transported or stored any mineral, without any lawful authority, the Government may recover from such person the mineral so raised or transported or stored and where such mineral has already been disposed of, the price thereof, and may also recover from such person the rent, royalty, tax and any other amount payable under the Act or the rules made thereunder and hereunder, as the case maybe:

Provided that where the minerals have been obtained from a mineral based area on a Transit Permit after the due payment of royalty but the storage of the mineral is made without registration, a penalty equal to the amount of single royalty amount payable shall be charged for such illegal storage, in case the person has applied for registration prior to storage. If the person has made application for registration after the storage of minerals, a penalty equal to double the amount of royalty payable shall be charged for such illegal storage.

- (4) Whenever any person raises, transports or stores or cause to be raised or transported or stored without any lawful authority any mineral from any land/place and for that purpose, uses any tool, equipment, vehicle or any other thing, such property shall be liable to be seized by an officer or authority

specially empowered in this behalf.

- (5) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence under sub-rule (1) shall be cognizable.

24. Compounding of offences.-

Any offence punishable under these rules may, either before or after the institution of the prosecution, be compounded by the Authorised Officer on payment of an amount computed in the manner specified in Schedule IX. When an offence is compounded:

- (a) no further proceedings shall be commenced against such person;
- (b) if any proceedings have already been commenced against such person, such proceedings shall not be further proceeded with; and
- (c) the accused person, if in custody, shall be discharged and the property seized shall, if it is not to be so retained, be released:

Provided that with respect to the same person or Carrier, the same offence shall not be compounded more than twice.

25. Maintenance of records.-

The Authorised Officer shall maintain a record in Form-F and shall mention therein the details of every offence compounded by him. The District Collector shall also collate, compile and maintain a consolidated record of all offences compounded within the district by the Authorised Officers.

26. Offence by Companies or firms.-

- (1) Where any offence under these rules have been committed by a company, a person who would have been considered to be an “officer who is in default”, as defined in sub-section 60 of Section 2 of the Companies Act, 2013 (18 of 2013), if such an offence would have been committed under that act, shall be deemed to be guilty of the offence hereunder and shall be liable to be proceeded against and punished accordingly.
- (2) Additionally, any other person who, at the time offence was committed, was in charge of and was responsible with respect to the act or omission resulting in the offence, shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this rule shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such an offence.

- (3) Notwithstanding anything contained in sub-rule (1) where an offence under this

rule has been committed and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any Director, Manager, Secretary or officer of the company or firm, such Director, Manager, Secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation:- For the purpose of this rule:

- (a) "Company" means any body-corporate and includes a firm or other association of individuals, and
- (b) "Director" in relation to a firm or company means owner or partner in the firm.

CHAPTER VII: MISCELLANEOUS

27. Surveillance System.-

- (1) Mineral bearing areas in the State, including areas over which mineral concessions have been granted will be geo-fenced by the Government through geographic information system, based on satellite technologies and monitored through change detection techniques.
- (2) Every holder of a mineral concession shall conduct mining operations or exploration, as the case may be, within area over which the mineral concession has been granted, as demarcated by physical and/or geo-fenced boundaries.
- (3) The Government shall prepare a geo-referenced and geo-fenced identification database of the location of all stockyards in the State giving exact latitude and longitude.

28. Non-applicability of Rules in certain cases.-

Nothing containing in these rules shall apply to:

- (a) any persons or class of persons who the Government may, by notification in the Official Gazette, specify; provided the mineral is stored/mined/carried for the purpose of scientific test and research work only;
- (b) institutions/ departments exempted under the Act;
- (c) the department or institution or person(s) subject to a general or special order or instruction issued by the Government from time to time.

29. Power to rectify apparent mistakes.-

Any clerical or arithmetical mistake in any order passed by the Government or any other officer under these rules and any error arising therein from accidental slip or omission may, be corrected by the Government or the officer, as the case may be:

Provided that no order prejudicial to any person shall be passed unless he has been given a reasonable opportunity to present his case.

30. Power of Government to give directions.-

The grant or renewal of a storage permit under these rules shall be subject to such general instructions and directions as may be issued by the Government from time to time.

31. Rewards on the seized minerals.-

Appropriate reward will be paid to any informer(s) as per the guidelines separately issued by the Government.

32. Repeal and Savings.-

- (1) The Gujarat Mineral (Prevention of Illegal Mining, Transportation and Storage) Rules 2005 (hereafter in this section referred to as the repealed rules) shall stand repealed:

Provided that if the Government notifies provisions of these rules on different dates, then the provisions of the repealed rules corresponding to the provisions which have not been so notified shall continue to apply as if they have not been repealed.

- (2) Notwithstanding the repeal under sub-rule (1):

- (a) anything done or any action taken or purported to have been done or taken, including any rule, notification, inspection, order or notice made or issued or any appointment or declaration made or any operation undertaken or any direction given or any proceeding taken or any penalty, punishment, forfeiture or fine imposed under the repealed rules shall, insofar as it is not inconsistent with the provisions of the Act and these rules, be deemed to have been done or taken under the corresponding provisions of these rules;
- (b) subject to the provisions of clause (a), any order, rule, notification, regulation, order or document made, fee directed, direction given, proceeding taken, instrument executed or issued, or thing done under or in pursuance of the repealed rules shall, if in force at the commencement of these rules, continue to be in force, and shall have effect as if made, directed, passed, given, taken, executed, issued or done under or in pursuance of these rules;
- (c) any prosecution instituted under the repealed rules and pending immediately before the commencement of these rules before any forum shall, subject to the provisions of the Act and these rules, continue to be

heard and disposed of by the said forum;

- (d) any inspection, investigation or inquiry ordered to be done under the repealed rules shall continue to be proceeded with as if such inspection, investigation or inquiry has been ordered under the corresponding provisions of these rules; and
- (e) any matter filed with the Government before the commencement of these rules and not fully addressed at that time shall be concluded by the Government, as the case may be, in terms of the repealed rules, despite its repeal, in so far as it is not inconsistent with these rules.

33. Modification of Forms

The Government may by notification in the official gazette, amend any forms included herein as may be specified in such notification.

SCHEDULES

SCHEDULE I

Authorised Officers for respective jurisdictions

S. No.	Designation Officer	Functions
1.	Commissioner	Chapter III: Rule 9 sub rule 1
2.	District Collector	Chapter II: Rule 5 sub rule 3; Rule 5 sub rule 5 Chapter IV: Rule 11 sub rule 6 Chapter V: Rule 13, Rule 14 and Rule 18 Chapter VI: Rule 23, Rule 24
3.	Deputy Director (Flying Squad).	Chapter V: Rule 13 ,Rule 14 and Rule 18 Chapter VI: Rule 23, Rule 24
4.	District Geologist or Assistant Geologist as the case may be.	Chapter III: Rule 6 sub rule 4; Rule 9 sub rule 3 Chapter V: Rule 13 , Rule 14 and Rule 18(with the prior approval of the District Collector) Chapter VI: Rule 23, Rule 24
5.	Deputy Collector/ Mamlatdar/Geologist/Senior Geologist/ Mines Supervisor or Geological Assistant as the case may be.	Chapter III: ; Rule 9 sub rule 3 Chapter V: Rule 14 Chapter VI: Rule 23
6.	Naka Clerk	Chapter III: Rule 9 sub rule 3
7.	Royalty Inspector	Chapter III: Rule 9 sub rule 3 Chapter V : Rule 13, Rule 14 Chapter VI: Rule 23
8.	Assistant Director (flying squad)	Chapter III: Rule 9 sub rule 3 Chapter V : Rule 13, Rule 14 Chapter VI: Rule 23, Rule 24

SCHEDULE II

Grant of registration

(1) Process for registration:

The following shall register themselves/ be registered on the electronic system established by the Government:

- (a) a person who is a holder of any mineral concessions within the State;
- (b) an operator of a Carrier (other than a tractor) for carrying minerals;
- (c) every Carrier (other than a tractor) used for carrying minerals;
- (d) a trader within the State;
- (e) a mine development operator, by whatever name called, for a mine situated in the State; and
- (f) every Mechanized Machinery.

(2) Every registration under clause (1) shall be accompanied with and subject to:

- (a) Payment of the following non-refundable one-time registration fee:
 - (i) Rupees five thousand for a Carrier (other than a tractor);
 - (ii) Rupees five thousand for every Mechanized Machinery;
 - (iii) Rupees twenty thousand for an operator of a Carrier (other than a tractor);
 - (iv) Rupees twenty thousand for every mine development operator;
 - (v) Rupees twenty thousand, for a trader; and
 - (vi) such other fee as may be specified by the Government with respect to any other registration;
- (b) A sales tax registration certificate;
- (c) An affidavit, where applicable, to the effect that he has not been convicted in any case or unlawful activity related to the ores and minerals;
- (d) A valid document pertaining to the storing place, in case of a trader or holder of a mineral concession, if applicable and details of all vehicles to be used for the purpose of transporting or carrying minerals/ores in case of a Carrier or operator of a Carrier;
- (e) The operator of the Carrier shall also provide such details as may be called for, to the satisfaction of the Government, that the Carrier or operator of the Carrier is genuinely engaged in the process of transportation of the mineral for the holder of the mineral concession;
- (f) The trader shall provide such details as may be called for, to the satisfaction of the Government, that the trader is genuinely engaged in the business of buying, possessing, storing, selling, supplying, transporting, distributing or delivering for sale or processing of mineral(s), directly or otherwise;
- (g) The mine development operator shall give the list of the holders of mineral

concession using the Mechanized Machinery owned by him and shall also provide the details of the registration number and make of the Mechanized Machinery together with the copy of the contract executed with the holder of the mineral concession in this regard; and

(h) Compliance with such other conditions as may be required by the Government.

(3) Login Credentials:

Upon completion of registration, including compliance with conditions (a) to (h) of clause (2), as applicable, each registrant shall receive a unique registration number and a unique username and a password.

(4) Cancellation or suspension of the registration:

The Authorised Officer may at any time and after giving an opportunity of being heard to the firm / person registered and after recording the reasons whereof, cancel or suspend the registration by an order in writing communicated to the firm/ person registered, for:

- (a) any misrepresentation or omission of facts or suppression of facts or disclosure of incomplete facts for the process of registration by such firm/ person; or
- (b) any non-submission of any monthly returns for a continuous period of two months;

provided that such suspension order may be revoked by the Authorised Officer upon payment of an amount equal to the registration fee as specified in clause (2), by the firm / person registered.

To be printed in triplicate
Schedule III
(Transit Permit)
(To be printed on Special Security Permit Papersheet)

Transit Permit Book No.: [System generated]

Transit Permit No.: [System generated]

This Transit Permit shall be valid till [] days from its generation.

Sr.No.	Item	Particulars
1.	Concession Holder Code	
2.	Concession Holder Registration No.	
3.	Concession Holder TIN No.	
4.	Name of Registered Concession Holder	
5.	Address and Contact Details	
6.	District	
7.	Royalty Paid	
8.	DMF	
9.	NMET (if applicable)	
10.	Other Payments (if applicable)	
11.	Weighbridge Details	
12.	Electronic Identification Device / Tracking Device	
13.	Name of Purchaser	
14.	Registration No.	
15.	Address	
16.	Name of Mineral	
17.	Grade	
18.	Quantity of Mineral and/or waste (<i>in figure</i>)	
19.	Quantity of Mineral and/or waste (<i>in words</i>)	
20.	Driver's Name.	
21.	License No. of Driver	
22.	Carrier Type	
23.	Carrier Registration No.	
24.	Carrier No.	
25.	Journey Start Date	
26.	Expected Journey Route	
27.	Name of Check Posts in the Route	
28.	Journey End Date	
29.	Distance (in km)	
30.	Is mineral exported	Yes/No
31.	If yes, whether copy of document submitted to customs (shipping bill) attached	Yes/No

- *Transit Permit should be always available in the carrier from the moment carrier is loaded till the time carrier is unloaded at destination.*
- *This Transit Permit needs to be produced at the check post or demand by the Authorised Officer.*

System Generated

To be printed in triplicate

Schedule IV
(Format of Delivery Challan)

(To be printed on Special Security Permit Papersheet)

Delivery Challan Book No.: [System generated] Delivery Challan No.: [System Generated]

This Delivery Challan is validity till [] days from its generation

Sr.No.	Item Details	Particulars
1.	Application No.	
2.	Application Type (New / Surrender)	
3.	Application Date	
4.	Stockist Code	
5.	Stockist Registration No.	
6.	Stockist TIN No.	
7.	Name of Registration Holder/Firm	
8.	Address and Contact Details of the Registration Holder / Firm	
9.	District	
10.	Name of Purchaser/Consignee	
11.	Address of Purchaser/Consignee	
12.	Purchaser registered or not	Yes/No
13.	if Yes, Registration No. of Purchaser	
14.	Name of Mineral	
15.	Grade	
16.	Quantity of Mineral (<i>in figure</i>)	
17.	Quantity of Mineral (<i>in words</i>)	
18.	Weighbridge Details	
19.	Driver's Name	
20.	Driver's License No.	
21.	Carrier Type	
22.	Carrier Registration No.	
23.	Carrier No.	
24.	Journey Start Date	
25.	Expected Journey Route	
26.	Name of Check Posts in the Route	
27.	Journey End Date	
28.	Distance (in km)	
29.	Is mineral exported	Yes/No
30.	If yes, whether copy of document submitted to customs (shipping bill) attached	Yes/No

- *Delivery Challan should be always available in the carrier from the moment carrier is loaded till the time carrier is unloaded at destination.*
- *This Delivery Challan needs to be produced at the check post or on demand by the Authorised Officer.*

System Generated

Schedule V
(Format to maintain daily account of mineral/ore)

Sr. No.	Item Details	Particulars
1.	Is person Concession Holder or Trader	
2.	Registration No.	
3.	Name of the registered person/firm	
4.	Address in full	
5.	Name of Circle/ Mining Office having jurisdiction over the ore/mineral stored	
6.	Is mineral for captive consumption or sale	
7.	If mineral is for sale whether to be sold domestically or exported	
8.	If mineral /ore is transported	Fill Part A
9.	If mineral /ore is procured	Fill Part B
10.	If mineral /ore is processed	Fill Part C

Part A

(Format to maintain daily account of mineral/ore in case of procurement)

Sr. No.	Item Details	Particulars
1.	Name of mineral/ore or waste procured	
2.	Place of Business	

Date	* Opening stock of mineral/waste at the stockyard/factory ('000 tonne)	*Quantity of mineral/waste procured ('000 tonne)	Particulars of supporting Transit Permit/Delivery Challan	Source from which mineral /waste is procured	Total stock of ore/mineral ('000 tonne)	*Quantity of minerals/waste consumed/sold /dispatched for processing ('000 tonne)	*Closing stock of mineral /waste procured ('000 tonne)	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

* *Grade wise, if applicable*

Part B

(Format to maintain daily account of mineral/ore in case of transportation)

Sr. No.	Item Details	Particulars
1.	Name of mineral/ore or waste to be transported	
2.	Place from which mineral/ ore or waste is transported	
3.	Total quantity of mineral/ore or waste to be transported	

Date	*Opening stock of mineral/waste transported ('000 tonne)	*Quantity of mineral/waste Transported ('000 tonne)	Particulars of supporting Transit Permit/Delivery Challan	Destination to which mineral/waste transported	*Closing stock of mineral/waste transported ('000 tonne)	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

* *Grade wise, if applicable*

Part C

(Format to maintain daily account of mineral/ore in case of crushing, pulverizing or any kind of processing)

Sr. No.	Item Details	Particulars
1.	Name of mineral/ore processed	
2.	Name of plant/factory	

3.	Address in full of the factory	
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Date	*Opening stock of mineral/ore processed at the plant ('000 tonne)	*Quantity of mineral/ore received at the plant ('000 tonne)	*Quantity of mineral/ore fed to the beneficiation plant ('000 tonne)	*Quantity of mineral/ore recovered after beneficiation ('000 tonne)	Particulars of supporting Transit Permit/Delivery Challan	*Closing stock of mineral/ore processed at the plant ('000 tonne)	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

** Grade wise, if applicable*

Schedule VI

(Format of Online Monthly Return by Concession Holder/Trader)

Sr. No.	Item Details	Particulars
1.	Is person Concession Holder or Trader	
2.	Registration No.	
3.	Name of the registered person/firm	
4.	Address in full	
5.	Name of Circle / Mining Office having jurisdiction over the ore/mineral stored	
6.	Is mineral for captive consumption or sale	
7.	If mineral is for sale whether consumed domestically or exported	
8.	If mineral /ore is transported	Fill Part A
9.	If mineral /ore is procured	Fill Part B
10.	If mineral /ore is processed	Fill Part C

Part A

(Format to maintain monthly account of mineral/ore in case of procurement)

Sr. No.	Item Details	Particulars
1.	Name of mineral/ore or waste procured	
2.	Place of Business	

Month	Date	* Opening stock of mineral/waste at the stockyard/factory ('000 tonne)	*Quantity of mineral/waste procured ('000 tonne)	Particulars of supporting Transit Permit/Delivery Challan	Source from which mineral/waste is procured	Total stock of ore/mineral ('000 tonne)	*Quantity of minerals/waste consumed/sold/discharged for processing ('000 tonne)	*Closing stock of mineral/waste procured ('000 tonne)	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

* Grade wise, if applicable

Part B

(Format to maintain monthly account of mineral/ore in case of transportation)

Sr. No.	Item Details	Particulars
1.	Name of mineral/ore or waste to be transported	
2.	Place from which mineral/ ore or waste is transported	
3.	Total quantity of mineral/ore or waste to be transported	

Month	Date	*Opening stock of mineral/waste transported ('000 tonne)	*Quantity of mineral/waste transported ('000 tonne)	Particulars of supporting Transit Permit/Delivery Challan	Destination to which mineral/waste transported	*Closing stock of mineral/waste is transported ('000 tonne)	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

** Grade wise, if applicable*

Part C

(Format to maintain monthly account of mineral/ore in case of crushing, pulverizing or any kind of processing)

Sr. No.	Item Details	Particulars
1.	Name of mineral/ore processed	
2.	Name of plant/factory	
3.	Address in full of the factory	

Month	Date	*Opening stock of mineral/ore processed at the plant ('000 tonne)	*Quantity of mineral/ore received at the plant ('000 tonne)	*Quantity of mineral/ore fed to the beneficiation plant ('000 tonne)	*Quantity of mineral/ore recovered after beneficiation ('000 tonne)	Particulars of supporting Transit Permit/Delivery Challan	*Closing stock of mineral/ore processed at the plant ('000 tonne)	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

** Grade wise, if applicable*

Schedule VII

(Format of Online Annual Return by Concession Holder/Trader)

Sr. No.	Item Details	Particulars
1.	Is person Concession Holder or Trader	
2.	Registration No.	
3.	Name of the registered person/firm	
4.	Address in full	
5.	Name of Circle / Mining Office having jurisdiction over the ore/mineral stored	
6.	Is mineral for captive consumption or sale	
7.	If mineral is for sale whether consumed domestically or exported	
8.	If mineral /ore is transported	Fill Part A
9.	If mineral /ore is procured	Fill Part B
10.	If mineral /ore is processed	Fill Part C

Part A

(Format to maintain annual account of mineral/ore in case of procurement)

Sr. No.	Item Details	Particulars
1.	Name of mineral/ore or waste procured	
2.	Place of Business	

Month	Date	* Opening stock of mineral/waste at the stockyard/factory ('000 tonne)	*Quantity of mineral/waste procured ('000 tonne)	Particulars of supporting Transit Permit/Delivery Challan	Source from which mineral/waste is procured	Total stock of ore/mineral ('000 tonne)	*Quantity of minerals/waste consumed/sold/discharged for processing ('000 tonne)	*Closing stock of mineral/waste procured ('000 tonne)	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

* Grade wise, if applicable

Part B

(Format to maintain annual account of mineral/ore in case of transportation)

Sr. No.	Item Details	Particulars
1.	Name of mineral/ore or waste to be transported	
2.	Place from which mineral/ ore or waste is transported	
3.	Total quantity of mineral/ore or waste to be transported	

Month	Date	*Opening stock of mineral/waste transported ('000 tonne)	*Quantity of mineral/waste transported ('000 tonne)	Particulars of supporting Transit Permit/Delivery Challan	Destination to which mineral/waste transported	*Closing stock of mineral/waste is transported ('000 tonne)	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

** Grade wise, if applicable*

Part C

(Format to maintain annual account of mineral/ore in case of crushing, pulverizing or any kind of processing)

Sr. No.	Item Details	Particulars
1.	Name of mineral/ore processed	
2.	Name of plant/factory	
3.	Address in full of the factory	

Month	Date	*Opening stock of mineral/ore processed at the plant	*Quantity of mineral/ore received at the plant ('000 tonne)	*Quantity of mineral/ore fed to the beneficiation plant ('000 tonne)	*Quantity of mineral/ore recovered after beneficiation	Particulars of supporting Transit Permit/	*Closing stock of mineral/ore processed at the plant	Remarks

		('000 tonne)	tonne)		('000 tonne)	Delivery Challan	('000 tonne)	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

** Grade wise, if applicable*

SCHEDULE VIII: FORMAT OF BANK GUARANTEE

[See rule 13(5)]

To

[Name of entity in whose favor this guarantee is to be issued to be included]

WHEREAS

A. [Name of the person whose property is seized] incorporated in India under the Companies Act, [1956/2013] with corporate identity number [CIN], whose registered office is at [address of registered office], India and principal place of business is at [address of principal place of business, if different from registered office]³ is required to provide an unconditional and irrevocable bank guarantee for an amount equal to INR [figures] (Indian Rupees [words]) valid for six months date of expiry of performance bank guarantee (“**Expiry Date**”).

B. The Bank Guarantee is required to be provided to [Name of entity in whose favor this guarantee is to be issued to be included] for discharge of certain obligations under Rule 13 of The Gujarat Mineral (Prevention of Illegal Mining and Transportation and Storage) Rules, 2016 (“**Rules**”).

C. We, [name of the bank] (the “**Bank**”) at the request of [Name of the person whose property is seized] do hereby undertake to pay to the [Name of entity in whose favor this guarantee is to be issued to be included] an amount not exceeding INR [figures] (Indian Rupees [words]) (“**Guarantee Amount**”) to secure the obligations of [Name of the person whose property is seized] on demand from the [Name of entity in whose favor this guarantee is to be issued to be included] on the terms and conditions herein contained herein.

NOW THEREFORE, the Bank hereby issues in favour of [Name of entity in whose favor this guarantee is to be issued to be included] this irrevocable and unconditional payment bank guarantee (the “**Guarantee**”) on behalf of [Name of the person whose property is seized] for the Guarantee Amount:

1. The Bank for the purpose hereof unconditionally and irrevocably undertakes to pay to [Name of entity in whose favor this guarantee is to be issued to be included] without any demur, reservation, caveat, protest or recourse, immediately on receipt of first written demand from [Name of entity in whose favor this guarantee is to be issued to be included], a sum or sums (by way of one or more claims) not exceeding the Guarantee Amount in the aggregate without [Name of entity in whose favor this guarantee is to be issued to be included] needing to prove or to show to the Bank grounds or reasons for such demand for

³ Note : Suitable changes to be made to the above text in the event the guarantee is provided for any other category of persons

the sum specified therein and notwithstanding any dispute or difference between [Name of entity in whose favor this guarantee is to be issued to be included] and [Name of the person whose property is seized] on any matter whatsoever. The Bank undertakes to pay to [Name of entity in whose favor this guarantee is to be issued to be included] any money so demanded notwithstanding any dispute or disputes raised by [Name of the person whose property is seized] in any suit or proceeding pending before any court or tribunal relating to the Bank's liability under this present being absolute and unequivocal.

2. The Bank acknowledges that any such demand by [Name of entity in whose favor this guarantee is to be issued to be included] of the amounts payable by the Bank to [Name of entity in whose favor this guarantee is to be issued to be included] shall be final, binding and conclusive evidence in respect of the amounts payable by [Name of the person whose property is seized] to [Name of entity in whose favor this guarantee is to be issued to be included] under the Rules.

3. The Bank hereby waives the necessity for [Name of entity in whose favor this guarantee is to be issued to be included] from demanding the aforesaid amount or any part thereof from [Name of the person whose property is seized] and also waives any right that the Bank may have of first requiring [Name of entity in whose favor this guarantee is to be issued to be included] to pursue its legal remedies against [Name of the person whose property is seized], before presenting any written demand to the Bank for payment under this Guarantee.

4. The Bank further unconditionally agrees with [Name of entity in whose favor this guarantee is to be issued to be included] that [Name of entity in whose favor this guarantee is to be issued to be included] shall be at liberty, without the Bank's consent and without affecting in any manner the Bank's obligation under this Guarantee, from time to time to forbear or enforce any of the rights exercisable by [Name of entity in whose favor this guarantee is to be issued to be included] against [Name of the person whose property is seized] under the Rules and the Bank shall not be relieved from its liability by reason of any such act or omission on the part of [Name of entity in whose favor this guarantee is to be issued to be included] or any indulgence by [Name of entity in whose favor this guarantee is to be issued to be included] to [Name of the person whose property is seized] or other thing whatsoever which under the law relating to sureties would, but for this provision, have the effect of relieving the Bank of its obligations under this Guarantee.

5. Any payment made hereunder shall be made free and clear of and without deduction for, or on account of, any present or future taxes, levies, imposts, duties, charges, fees, commissions, deductions or withholdings of any nature whatsoever.

6. The Bank agrees that [Name of entity in whose favor this guarantee is to be issued to be included] at its option shall be entitled to enforce this Guarantee against the Bank, as a principal debtor in the first instance without proceeding at the first instance against [Name of the person whose property is seized].

7. The Bank further agrees that the Guarantee herein contained shall remain in full force and effect during the period that is specified and that it shall continue to be enforceable till all the obligations of [Name of the person whose property is seized] under or by virtue of the Rules with respect to Rule 13 of the Rules have been fully paid and its claims satisfied or discharged or till [Name of entity in whose favor this guarantee is to be issued to be included] certifies that the provisions of the Rules with respect to Rule 13 of the Rules have been fully and properly carried out by [Name of the person whose property is seized] and accordingly discharges this Guarantee. Notwithstanding anything contained herein, unless a demand or claim under this Guarantee is made on the Bank in writing on or before the Expiry Date the Bank shall be discharged from all liability under this Guarantee thereafter.

8. The payment so made by the Bank under this Guarantee shall be a valid discharge of Bank's liability for payment thereunder and [Name of entity in whose favor this guarantee is to be issued to be included] shall have no claim against the Bank for making such payment.

9. This Guarantee is subject to the laws of India. Any suit, action, or other proceedings arising out of this Guarantee or the subject matter hereof shall be subject to the exclusive jurisdiction of courts at the State of Gujarat.

10. The Bank has the power to issue this Guarantee in favour of [Name of entity in whose favor this guarantee is to be issued to be included]. This Guarantee will not be discharged due to the change in the constitution of the Bank.

11. The Bank undertakes not to revoke this Guarantee during its currency except with the previous consent of [Name of entity in whose favor this guarantee is to be issued to be included] in writing.

12. [Name of entity in whose favor this guarantee is to be issued to be included] may, with prior intimation to the Bank, assign the right under this Guarantee to any other departments, ministries or any governmental agencies, which may act in the name of the [Name of entity in whose favor this guarantee is to be issued to be included]. Save as provided in this Clause 12, this Guarantee shall not be assignable or transferable.

13. Notwithstanding anything contained herein,

a) the liability of the Bank under this Guarantee shall not exceed the Guarantee Amount; and

b) this Guarantee shall be valid up to the Expiry Date.

14. The Bank is liable to pay the Guaranteed Amount or any part thereof under this Guarantee only and only if [Name of entity in whose favor this guarantee is to be issued to be included] serves upon the Bank a written claim or demand on or before the Expiry Date.

Dated the [day] day of [month] [year].

In witness whereof the Bank, through its authorized officer, has set its hand and stamp.

(Signature)

(Name and Designation)

(Bank Stamp)

SCHEDULE IX: COMPOUNDING

[See rule 24]

The following fee shall be chargeable in case of compounding of offences concerning illegal mining:

- (i) Whenever any person undertakes transportation of any mineral without a Transit Permit or Delivery Challan, such person shall be liable to pay a compounding payment @ Rs. 5000 per tonne.
- (ii) Wherever any person undertakes transportation of any mineral without getting the mineral weighed at the nearest weigh bridge, such person shall be liable to pay a compounding payment equal to 100% of the royalty for such mineral; provided that the relevant Carrier has crossed the nearest weigh bridge as specified in the Transit Permit or Delivery Challan.
- (iii) Whenever any person undertakes illegal mining or illegal storage, he shall be liable to make compounding payment and the collectible amounts shall be calculated in accordance with the below mentioned formula, and such amount shall be rounded off/ calculated up to the next highest multiple of 10:

Mineral Value (mt) - (Royalty Index × Royalty) + Royalty Rate

Where Royalty Index = $\frac{\text{Production Value}}{\text{Royalty Rate}}$

The Government may also, by notification, specify the amount of compounding to be paid from time to time in situation where any person undertakes illegal mining or illegal storage.

- (iv) Whenever any person undertakes illegal transportation of any mineral or illegal mining or illegal storage, the following compounding fee may be charged in addition to the costs specified in (i) and (ii) above, for releasing the seized equipment/vehicle/tools etc.

S. No.	Name of Equipment/Vehicle/Tools	Compounding fee for each item (Rs.)
1.	Tractor Trolley/ Compressor/ Drilling Machine/ Wire Saw & Other Tools etc.	25,000
2.	Half Body Trucks/ Small Dupers/ Crane etc.	50,000
3.	Full Body Trucks/ Heavy Duty Dumpers/ Crusher/ Power Hammer, etc.	100,000
4.	Trolla*/ Excavator/Loader, etc.	200,000

* Trolla means an articulated vehicle having more than 6 wheels.

Form-A

Format for Application for Registration

Application No.: [System Generated]

(In case of Mineral Concession Holder / Operator of Carrier (other than a tractor) and Trader or Mechanized Machinery / Mine Development Operator)

Sr. No.	Item Details	Particulars
1.	Name of applicant for registration (in full)	
2.	Full address	
3.	Email of applicant	
4.	Mobile/ Phone number of applicant	
5.	Father's name in full (in case of firm, give names and address of partner and person holding power of attorney to act on behalf of the firm)	
6.	Profession of the registrant (<i>tick whichever is applicable</i>)	
	Mineral Concession Holder	
	Operator of Carrier	
	Trader	
	Mine Development Operator	
7.	Specific place or places of storage (<i>In case of trader or holder of mineral concession or mine development operator</i>)	
8.	Financial status with details of person i.e. property, annual payment of income tax, and any other relevant evidence regarding financial status	
9.	Specific purposes for which registration is applied for	
	Processing	
	Selling	
	Storing	
	Trading	
10.	Name of mineral/ore for which registration is required	
11.	Name and address of persons/firms from whom the mineral/ore will be purchased/procured	
12.	Details of sales tax registration certificate	
13.	Details of income tax/sales tax clearance certificate	
14.	No Objection Certificate No. (NOC from Government for exporting of minerals, in case of an exporter)	
15.	Affidavit No. (affidavit to the effect that registrant has not been convicted in any case or unlawful activity related to the ores and minerals) (<i>if applicable</i>)	
16.	Any special ground for grant of registration in favor of the applicant	
17.	Period of Registration	
18.	Name of authorised signatory	

(In case of Carrier other than a tractor)

Sr. No.	Item Details	Particulars
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1.	Name of Operator of Carrier (in full)	
2.	Full address of Operator of Carrier	
3.	Email of Operator of Carrier	
4.	Mobile/ Phone number of Operator of Carrier	
5.	Registration Number of the Operator of Carrier	
6.	Profession of the registrant	Carrier
7.	Details of the carrier(s) to be used for the purpose of transporting or carrying minerals/ores	
8.	Vehicle Registration Number	
9.	Chassis Number	
10.	Period of Registration	
11.	Name of authorised signatory	

(In case of End User – Using Part A Minerals in excess of 500 tonnes per project)

Sr. No.	Item Details	Particulars
1.	Name of applicant for registration (in full)	
2.	Full address	
3.	Name and address of the project for which registration is being obtained	
4.	Name of the Mineral(s) for which registration is required	
5.	Quantity of the Mineral(s) Required for the Project based on the information/ estimates specified in the project report or approved building plan prepared for the Project	
6.	Duration of the Project	
7.	Brief details of the Project	
8.	Name of authorised signatory	

(In case of Mechanized Machinery)

Sr. No.	Item Details	Particulars
1.	Name of mine development operator owning the Mechanized Machinery or name of the holder of the mineral concession owning the Mechanized Machinery (in full)	
2.	Full address of mine development operator owning the Mechanized Machinery or of the holder of the mineral concession owning the Mechanized Machinery	
3.	Email of mine development operator owning the Mechanized Machinery or of the holder of the mineral concession owning the Mechanized Machinery	
4.	Mobile/ Phone number of mine development operator owning the Mechanized Machinery or of the holder of the mineral concession owning the Mechanized Machinery	
5.	Registration Number of the mine development operator owning the Mechanized Machinery or of the holder of the mineral concession owning the Mechanized Machinery	
6.	Profession of the registrant	

7.	Details of the Mechanized Machinery to be used for the purpose of mining operations	
8.	Invoice Details	
9.	Period of Registration	
10.	Name of authorised signatory	

(In case of Mine Development Operator)

Sr. No.	Item Details	Particulars
1.	Name of Mine Development Operator (in full)	
2.	Full address of Mine Development Operator	
3.	Email of Mine Development Operator	
4.	Mobile/ Phone number of Mine Development Operator	
5.	Registration Number of the Mine Development Operator	
6.	Profession of the registrant	
7.	Details of the area and minerals to be excavated	
8.	Period of Registration	
9.	Name of authorised signatory	

DECLARATION

I/We hereby declare that I/We have read and understood all the provisions of the Gujarat Mineral (Prevention of Illegal Mining and Transportation and Storage) Rules, 2016 and the conditions of the registration and, I/We agree to abide by the same.

Date of application:

Signature of the Applicant

Form-B
Grant of Registration

Sr. No.	Item Details	Particulars
1.	Name of the person/company registered	
2.	Full address	
3.	Father's name in full (in case of firm, give names and address of partner and person holding power of attorney to act on behalf of the firm)	
4.	Profession of the registrant	
5.	Specific place or places of storage (Not applicable for end user)	
6.	Specific purpose for which registration is granted	
7.	Name of mineral/ore covered under the registration	
8.	Challan No. showing payment of security deposit	
9.	Name and address of persons/firm from whom the mineral/ore will be purchased/procured (Not applicable for end user)	
10.	Period of registration	
11.	No. and date of application for this registration	

Date of grant

Signature of Authorised Officer
*to grant registration with
designation and address*

FORM-C

Register for grant of registration

Sr. No.	Name of the Applicant	Address of Applicant	Name of mineral/ore	Place of processing/storing / selling/trading/ Project	Date of expiry of registration if granted	Type of Registration	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Form-D
Notice Regarding Seizing of Property

Dated: []

To

(Address)

Take notice that the following property(ies) which was/were involved in offence committed under the Gujarat Mineral (Prevention of Illegal Mining and Transportation and Storage) Rules, 2016 on (date) has been seized by Shri. Designation and kept under the custody of the undersigned.

The details of the property being seized are as under:

Sr. No.	Item Details	Particulars
1.	Details of property seized	
a.	Place of seizure with date and time	
b.	Description of each property	
2.	Name and address of person from whom the property is seized	
3.	Name and address of any other claimant for the seized property	
4.	Name and address of person under whose custody the seized property has been kept	
5.	Is the person whose property has been seized, registered with the Government	(Yes/No)
6.	If yes, then registration number of the person whose property is seized, to be provided	
7.	Approximate value of the seized property	
8.	Remarks	

In case you want to be heard in person in the matter, you are hereby asked to convey the same in writing within 15 days from date of issue of this notice at the following address.

Signature of Authorised Officer
with designation and address

Signature of the Custodian
with designation and address

FORM-E

Form of appeal or revision application

To

[Address]

I/We submit the following application for appeal/revision or for passing of an order which has not been passed within the required time period.

Sr. No.	Item Detail	Particulars
1.	Name of Applicant (In case of a firm or other association of individuals, provide names of each person constituting the firm or the association of individuals, as the case may be.)	
2.	Address of the Applicant (In case of a firm or other association of individuals, provide addresses of each person constituting the firm or the association of individuals, as the case may be.)	
3.	Status of the Appellant/Revisionist <ul style="list-style-type: none"> • Individual • Firm • Other association of individuals (<i>major mineral</i>) • Company • LLP (<i>minor mineral</i>) 	
4.	Purpose (Review of an order passed / Request for passing of an order where such an order has not been passed within the time period prescribed)	
5.	In case of review of an order, date of communication and number of the order to the appellant/revisionist. OR In case of request for passing of an order, the date on which the date on which the time period for passing such order expired.	
6.	Evidence of Payment of Fee	
6 (a)	Name of bank	
6 (b)	Demand draft or challan number with date	
7.	Mineral or minerals for which the appeal/revision is filed	
8.	Details of area with respect to which the appeal/revision in filed	
9.	Whether the appeal is filed within the prescribed time period	
10.	If not, the reasons for not presenting it within the prescribed limit and seeking condonation of delay.	
11.	Name and complete address of the party/parties impleaded	
12.	Number of copies of petition attached Petition is to be submitted in triplicate if no party is impleaded. Besides these, for each party impleaded one additional copy is to be enclosed)	
13.	Grounds of appeal/revision	

14.	Whether the appellant/ revisionist desires to be heard in person or through pleader	
15.	Any additional information the appellant/revisionist desires to furnish	

I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details, as may be required by you.

Yours faithfully,

Place:

Date:

Signature of the applicant

Instructions to applicant:

(a) The application must be signed by a duly authorized representative of the appellant, in case the appellant is a company or LLP. In case the appellant is an individual, the appellant must personally sign the application. In case of a firm or association of individuals, all the persons constituting the firm or association of individuals shall sign the application.

(b) The corporate authorisation of the authorised signatory of the appellant (which is a company) must be enclosed with the application. Any change in such corporate authorisation must be immediately intimated to the State Government.

