

**VIOLATION LETTER**  
**REGISTERED A/D**

GOVERNMENT OF INDIA  
MINISTRY OF MINES  
INDIAN BUREAU OF MINES  
OFFICE OF THE REGIONAL CONTROLLER OF MINES

No. BIH/GLA/BX/238/RRO Vol. II

318/B, Road No.3  
Ashok Nagar, Ranchi – 834 002  
TEL:0651-2242903/2242889  
FAX: 0651-2242903  
Date: 19.05.2017

To,

Shri Gyan Chand Prasad Agarwal, Mine Owner  
East Gola Road, Post & District- LOhardaga,  
Jharkhand-835302

**Sub: Violation of provisions of MCDR, 2017 in respect of your “Kujam” Bauxite Mine over an area of 76.40 Hectare in Gumla district, Jharkhand State.**

Sir,

The following provisions of Mineral Conservation and Development Rules, 2017 were found violated in your above mine during inspection on 10.02.2017 by Sri N.K.Chaterji, Asstt. Mining Geologist, of Indian Bureau of Mines, Ranchi accompanied by S/Sri B.C.Kuila and B.N.Mishra, representative of lessee:

Rule No.	Nature of violations observed in details.
<b>Rule-11 (4):</b>	The holder of a mining lease shall submit the mining plan to the competent authority for review at least one hundred and eighty days before the expiry of five years period for which it was approved on the last occasion, for mining operations for a period of five subsequent years. The Mining Plan of Kujam Bauxite Mine over an area of 76.40 hect. was approved for a period of 5 (five) years valid for the plan period 2010-11 to 2014-15 completed on 31.03.2015. The subsequent document for this mine for the next 5 (five) years plan period from 2015-16 to 2019-20 was to be submitted at least 180 days before the expiry of 5 (five) years plan period i.e, on or before 02.10.2014 for which it was approved on the last occasion vide letter No. 314(3)/2011-MCCM(C)/MP-36/96, dated 21/06/2012. The aforesaid Mining Plan incorporating proposal for further period w.e.f 2015-16 onwards, has not been submitted to this office.
<b>Rule- 11(1):</b>	No holder of a mining lease shall commence or carry out mining operations in any area except in accordance with the mining plan approved, modified or reviewed by the Indian Bureau of Mines or prepared and certified in accordance with the system established by the State Government pursuant to the proviso to clause (b) of sub-section (2) of section 5. In your case the extent of deviation observed during inspection is as given below:- (i) It was proposed to explore the lease area by giving 11 nos. of boreholes each during 2012-13 and 2013-14. But no information about boreholes has been submitted to this office. (ii) The backfilled part on the East of quarry no. 4 has crossed the lease limit which envisages excavation beyond lease area. (iii) It was proposed to plant 1008 nos. of saplings along the periphery of the reclaimed area during 2012-13 to 2014-15. No plantation has been done as per proposal. (iv) The 7.5m barrier zone near boundary pillar no. 7 has been worked out. <b>These deviation may attract provision of Rule- 11(2) of MCDR, 1988.</b>
<b>Rule-14(4):</b>	The ground selected for dumping of overburden, waste material, the sub-grade or non-saleable ores or minerals shall be proved for absence or presence of underlying mineral deposits before it is brought into use for dumping. In your case it has been observed that the dumps have been created without proving the ground to be non-mineralized.
<b>Rule-23:</b>	The holder of a mining lease shall submit to the competent authority a progressive mine closure plan as a component of the mining plan, at the time of submission, modification and review of the mining plan. It is observed that no such review has been submitted as required under the Rule to this office along with Financial Assurance under Rule 27.

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**Rule- 28(1):** Subject to the provisions of section 4A, the holder of a mining lease shall send to the authorised officer, as the case may be, and the State Government a notice in Form E when the mining or mineral processing operations in the mine or part thereof are discontinued for a period exceeding ninety days so as to reach them within one hundred and twenty days from the date of such temporary discontinuance.

In your case it has been observed that the mine under reference has not reported production since March, 2016.

**Rule-31(4):** The plans and sections required under these rules shall be maintained up to date within three months in case of category 'A' mines as referred to in clause (a) of sub-rule (2) of rule 55, and within twelve months in the case of any other mine as mentioned in clause (b) of sub-rule (2) of rule 55.

In your case it was observed that the same have not been maintained up to date.

**Rule-33:** The holder of a mining lease shall, on or before the 30<sup>th</sup> day of June every year submit to the authorised officer, as the case may be, and the State Government, a digital copy along with a print copy of the surface geological plan and sections maintained under rule 32 of MCDR, 2017.

It is observed that no such plan and sections as required under the Rule have been submitted to this office.

**Rule-36(3):** Whenever the top soil generated during mining operation and cannot be utilized concurrently, it shall be stored separately for future use.

In your case it has been observed that the top soil stored as dumps have not been stabilized causing wash-off of top soil during rainy season.

**Rule- 37(5):** Wherever back-filling of waste rock in the area excavated during mining operations is not feasible, the waste dumps shall be suitably terraced and stabilized through vegetation or otherwise.

In your case, it has been observed that the dumps, located within the lease and attained more than 3m height, have neither been stabilized nor any parapet/retaining wall and garland drain have been constructed at the toe of the dump to prevent slump and wash-off of the same.

**Rule- 55(3):** Every holder of a mining lease shall employ, in case of-

(i) category 'A' mines, a whole-time mining engineer and a geologist;

(ii) category 'B' mines, a part-time mining engineer and a part-time geologist.

In your case it has been observed that no such full time Mining Engineer and Geologist have been appointed as required under the rule with intimation of the same under Rule-46(a) of MCDR, 2017 to the Indian Bureau of Mines, Ranchi.

**02.** In this connection it is brought to your notice that the above violations constitute an offence punishable under Rule-62 of MCDR-2017. The relevant extract of the rule 62 is given below:

**“62 Penalty:** - Whoever contravenes any of the provisions 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.

**03.** You are, therefore, advised to rectify the above violations immediately and intimate the position to this office within 45 (forty five) days from the date of issue of this letter.

Yours faithfully,

Sd/-

(Anupam Nandi)

Regional Controller Of Mines

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**Copy forwarded for kind information to:**

**The Director of Mines**, Govt. of Jharkhand, Nepal House Area, Doranda, Ranchi – 834 002.

(a) For examination & extent of the pit / quarries and its development /proposals etc. there is requirement of the boundary pillars. But physical presence of all the boundary pillars of the lease boundary /area have not been seen at the time of inspection as per rule 12(1)(v) of Minerals (Other than Atomic and Hydrocarbons Energy Minerals) Concession Rule, 2016, and item 2, part VII of Form 'K'.

(b) The lessee shall have to comply with the aforementioned Mineral Conservation and Development rule 2017 framed under Section 18 of the Mines and Minerals (Regulation & Development) Act, 1957 (amended upto 27<sup>th</sup> March 2015) as required under Rule 29(a) of Minerals (Other than Atomic and Hydrocarbons Energy Minerals) Concession Rule, 2016.

Sd/-  
(Anupam Nandi)  
Regional Controller Of Mines

**N.O.O.:**

Copy forwarded for kind information to:

**The Controller of Mines (CZ)**, Indian Bureau of Mines, Civil Lines, Nagpur- 440001.

Sd/-  
(Anupam Nandi)  
Regional Controller Of Mines