

VIOLATION CUM SHOW CAUSE NOTICE
REGISTERED A/D

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

No. BIH/LOH/BX/237/RRO

318/B, Road No.3
Ashok Nagar, Ranchi – 834 002
TEL:0651-2242903/2242889
FAX: 0651-2242903
Date: 19.06.2015

To,

Shri Arbind Kumar Singh, Mine Owner
At: Palmerganj, Lohardaga
Post & District- Jharkhand-835302

Sub: Violation of provisions of MCDR, 1988 in respect of your “Chapi” Bauxite Mine over an area of 9.87 Hectare in Lohardaga district, Jharkhand State.

Sir,

The following provisions of Mineral Conservation and Development Rules, 1988 were found violated in your above mine during inspection on 08.06.2015 by Sri N.K.Chaterji, Asstt. Mining Geologist, of Indian Bureau of Mines, Ranchi accompanied by S/Sri Subodh Kumar, Geologist and Micheal Ekka, Permit manager of the mine:

Rule No.	Nature of violations observed in details.
Rule-13(1):	States that, every holder of a mining lease shall carry out mining operations in accordance with the approved mining plan with such conditions as may have been prescribed under sub-rule (2) of rule 9 or with such modifications, if any, as permitted under rule 10 or scheme approved under rule 12 as the case may be. The extent of deviation observed during inspection is as given below:- (i) Quarry no. 1 and 2 have not been reclaimed as per proposal given in the approved Mining Plan, valid for the plan period 2010-11 to 2014-15. (ii) It was observed that the quarry no. 2 has been developed beyond the proposed excavation area mentioned in the approved Mining Plan. Further, there was proposal to work within 5m depth continuity. It was observed that working in Quarry no. 2 has been carried out more than the proposed depth. Also, the bench height has not been kept as per proposal of approved Mining Plan. At some places bench height has been kept much more than the bench limit proposed in the approved document. (iii) While inspection it was observed that 2 nos. of dumps created along the SE corner of lease boundary, between quarry no. 1 and 2 and around quarry no. 2 were not proposed in the approved document. (iv) Proposed Plantation has not been carried out except in the Northeastern portion of the lease. These deviation from approved Mining Plan may attract provision of Rule- 13(2) of MCDR, 1988.
Rule-16(2):	States that, the ground selected for dumping of overburden, waste material, sub-grade or non-salable ores/ minerals shall be kept away from the working pit. It should be proved for absence or presence of underlying mineral deposits before it brought into use for dumping. In your case it has been observed that dumping ground between quarry no. 1 and 2 and around quarry no. 2 are within the limit of the working pit. Further, the ground on which dumps have been created has been proved to be mineralized.
Rule- 23E(2):	The yearly report of every year setting forth the extent of protective and Rehabilitative work carried out as envisaged in the approved Progressive Mine Closure Plan has not been submitted.
Rule- 24(1):	The owner, agent, mining engineer or manager of every mine shall send to the Controller General, Controller of Mines and the Regional Controller of Mines a notice in Form D-1 when the mining or mineral processing operation in the mine or part thereof are discontinued for a period exceeding ninety days so as to reach them within one hundred and five 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 January 2015 which is more than 180 days.

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Rule-29: The owner, agent, mining engineer or manager of every mine shall (on or before the 30 th day of June) every year submit to the Controller General, Controller of Mines and the Regional Controller of Mines, a copy of the plans and sections maintained under Rule- 28 of MCDR, 1988.
In your case it has been observed that no such Plan/Section has been submitted to this office.

Rule- 42(6)(a): Any person possessing the qualification and experience shall be eligible to be employed in lieu of part time mining engineer in 'B' category mine as laid down in clause (v) of the said Rule. In your case it has been observed that the relevant document along with the Form-I has not been enclosed.

Rule- 44(1): It shall be the duty of the mining engineer to take all necessary steps to plan and conduct mining operation so as to ensure conservation of minerals, systematic development of the mineral deposit and protection of environment in and around the mining lease in accordance with the Rules.
In your case it has been observed that the appointed mining engineer has failed to comply with his duties as mentioned in the deviation observed above.

Rule- 44(2): Mining Engineer is responsible for preparation and maintenance of plans, sections, reports and Schemes in accordance with the Rules.
In your case it has been observed that there is grid difference between the maintained Surface/Working plan, Geological Plan etc (updated) and the Plan submitted along with the approved document.

Rule- 45(5)(a)(iii): The monthly return in form F-3 has not been submitted till date for May, 2015 to the Regional Controller of Mines as required under the rule.

02. In this connection it is brought to your notice that the above violations constitute an offence punishable under Rule-58 of MCDR-1988. The relevant extract of the rule 58 is given below:

“58 Penalty: - Whoever contravenes any of the provisions of these rule shall be punishable with imprisonment for a term which may extend up to **two years**, or with fine extending to **fifty thousand rupees** or with both, and in the case of continuing contravention with an additional fine Which may extend up to **five thousand rupees** for every day during which such contravention continues, after conviction for the first such contravention?

Provided that for repeated contravention the punishment should be in the form of imprisonment only”.

03. You are, therefore, directed to **show-cause** within a period of 30(thirty) days from the date of issue of this letter, as to why you should not be **prosecuted** for the above offence and or mining operations shall not be suspended under the provision of Rule 13(2) of MCDR, 1988 in the mine till the compliance of the aforesaid violations.

04. Please note that no further notice will be given to you in this regard.

Yours faithfully,

Sd/-

(R.Purohit)

Regional Controller of Mines

Copy forwarded for kind information to:

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

The lessee shall have to comply with the Mineral Conservation and Development rules 1988 framed under Section 18 of the Mines and Minerals (Regulation & Development) Act, 1957 as required under Rule 27(1)(u) of MCR 1960.

Sd/-

(R.Purohit)

Regional Controller of Mines

N.O.O.:

Copy for kind information to: -

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

2. The Dy Director General (MMS Division), Indian Bureau of Mines, Indira Bhawan, Civil Lines, Nagpur- 440001.

Sd/-

(R.Purohit)

Regional Controller of Mines