

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: 24.07.2015

To,

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

Sub: Violation of provisions of MCDR, 1988 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, 1988 were found violated in your above mine during inspection on 09.06.2015 by Sri N.K.Chaterji, Asstt. Mining Geologist, of Indian Bureau of Mines, Ranchi accompanied by Sri D.K.Singh, Mining Engineer of the mine:

Rule No.	Nature of violations observed in details.
Rule-12(3):	The Mining Plan of Kujam Bauxite mine(76.40 hc) was approved for a period of five years valid for the plan period 2010-11 to 2014 -15 completed on 31.03.2015. The subsequent Scheme of Mining for the period 2015-16 to 2019-20 was to be submitted at least 120 days before the expiry of five(05) years plan period i.e on or before 02.12.2014 for which it was approved on the last occasion vide letter no. 314(3)/2011-MCCM(C)/MP-36/96, dated 21.06.2012. It has been observed that no Scheme of Mining has been submitted so far to the Regional Controller of Mines, Ranchi for approval.
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) It was proposed to explore the lease area by giving 11 nos. of boreholes each during 2012-13 and 2013-14. But no boreholes have been drilled as per proposal. (ii) 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. (iii) It was proposed to backfill an area of 6.28 Hect. During 2012-13 to 2014-15. No backfilling has been done as per proposal. (iv) The 7.5m barrier zone on NE portion of quarry no. 4A, NE portion of quarry no. 3A(between boundary pillar no. 67 to 68), Southern portion of quarry no. 1 has been worked out. (v) Stacking of top soil has been done between quarry no. 2 and 3B beside the mine road without prior proposal in the approved Mining Plan. These deviation may attract provision of Rule- 13(2) of MCDR, 1988.
Rule-23 B (2):	As per Mineral Conservation and Development Rules as amended up to 24/12/2003 and Chief Controller of Mines, Indian Bureau of Mines letter no.-K-11014/1/2002-CCOM, Nagpur, dated 10/01/2005, the Progressive Mine Closure Plan for this mine has not been submitted to the Regional Controller of Mines for approval along with Financial Assurance under Rule 23F (3) as a component of the Scheme of Mining.
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.

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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 April, 2015.

Rule-27(4): The plans and sections required under the Rule shall be maintained up to date within three (03) months in case of category 'A' mine.

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

Rule-29: The owner, agent, mining engineer or manager of every mine shall (on or before the 30 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 have been submitted to this office.

Rule-32(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 Morrum and Laterite obtained during working of Quarry no. 4 have dumped over top soil dump near boundary pillar no. 16.

Rule-42(1)(c)(i): As per Mineral Conservation and Development Rules as amended vide notification no.- G.S.R:216(E) New Delhi, 29th March 2010. Every holder of a mining lease shall employ in case of category 'A' mine, a whole-time Mining Engineer and Geologist.

In your case it has been observed that no such Geologist has been appointed as required under the rule with intimation of the same under Rule-46 of MCDR, 1988 to the Indian Bureau of Mines, Ranchi.

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

Rule-45(7): The Annual Return for the year 2014-15 has been submitted, the following discrepancies have been observed i. Part- I, item no. 8, information not furnished correctly as Form-I has been submitted in respect of appointment of Mining Engineer. Item no. 9, information furnished has not been supported with relevant document. ii. Part-II, item no. 1.(iii), intimation of appointment of Geologist has not been submitted. iii. Part-IIA, item no. 1, no information has been furnished. iv. Part-V, item no. 1, proper chemical analysis of lump and granular form of mineral should be given. Item no. 3, Reserve/Resource figure furnished, do not match with that of approved Mining Plan(after depletion). Item no. 4.2(C)(ii), information furnished does not match with the figure given at item no. 3 of Part-IV. Item no. 4.4, information furnished does not seem to be proper.

vi. Part-VI, item no. 3, no information has been furnished. After submission of online Annual Return the same has not been submitted in hard copy bearing signature of appropriate authority. This amounts to furnishing of incomplete/wrong information in Annual return which may attract provision of Rule- 45(7)(i) of MCDR, 1988.

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. The mining operations can be suspended under Rule-13(2) of MCDR, 1988, if compliance of Rule-13(1) is not found satisfactory.

04. 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/-

(R.Purohit)

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 – 834002.

- (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 31 of MCR -1960 and item 2, part VII of Form 'K'.**
- (b) The lessee shall have to comply with the aforementioned 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 forwarded for kind information to:

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

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

Sd/-

(R.PUROHIT)

REGIONAL CONTROLLER OF MINES