

VIOLATION LETTER
REGISTERED A/D

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

No. BIH/LOH/BX/209/RRO

318/B, Road No.3
Ashok Nagar, Ranchi – 834 002
TEL:0651-2242903/2242889
FAX: 0651-2242903
Date: 29.09.2015

To,

Sri Durga Bhagat,
C/o (late) Gandharva Oraon,
Near Nadia Hindu High School,
Court Road, P.O/Distt.- Lohardaga,
PIN- 835302 (Jharkhand).

Sub. : Violation of provisions of Mineral Conservation & Development Rules, 1988 in respect of Pakhar Bauxite Mine (50.854 hect) 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 10.09.2015 by Sri N.K.Chaterji, Asstt. Mining Geologist, of Indian Bureau of Mines, Ranchi accompanied by representative of lessee.

Rule No.	Nature of violations observed in details.
Rule-12(3):	The Mining Plan of Pakhar Bauxite Mine over an area of 50.854 hect. was approved for the plan period 2010-11 to 2014-15 (2010-11 to 2011-12 being lapse period), has completed on 31.03.2015. The subsequent Scheme of Mining for this mine for the next 5 (five) years plan period from 2015-16 to 2019-20 was to be submitted at least 120 days before the expiry of 5 (five) 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)/2012/MCCM(CZ)/MP/MS/PMCP-22, dated 21.06.2013 (Reference, condition no. (xvii) of the referred approval letter). It is observed that no such scheme of mining has been submitted so far to the Regional Controller of Mines, Indian Bureau of Mines, Ranchi for approval on or before 02.12.2014. As per Section 8A of the Mines and Minerals (Development and Regulation) Amendment Act 2015 (implemented w.e.f. 12.01.2015), the lease has been dispensed for further period. Consequent to amendment in MM(D & R) Act, modification in approved Mining Plan under Rule- 22(6) of MCR,1960, was to be submitted. The aforesaid modification incorporating proposal for further period of 2015-16 to 2019-20 has not been submitted to this office till date.
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 along with Financial Assurance under Rule 23F (3) as a component of the required document for the period 2015-16 to 2019-20.
Rule-23 E(2):	The yearly report before 1 st July of every succeeding year(i.e on 01.07.2011, 01.07.2012, 01.07.2013, 01.07.2014 & 01.07.2015) setting forth the extent of protective and rehabilitative work carried out as envisaged in the approved Mine Closure Plan, has not been submitted.
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 th day of June) every year shall submit to the Controller General, Controller of Mines and the Regional Controller of Mines a copy of Plans and Sections maintained under Rule-28 of MCDR, 1988. It is observed that the updated plans and sections as required under the Rule have not 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 top soil dump has not been stabilized properly giving retention wall and garland drain, for its future use.

Contd...2/.

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, 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

O/c

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 as shown in approved document 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 Section18 of the Mines and Minerals (Regulation & Development)Act, 1957 as required under Rule 27(1)(u) of MCR1960.

-sd-

(R.PUROHIT)

REGIONAL CONTROLLER OF MINES

O/c

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

O/c