

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/214/RRO

318/B, Road No.3
Ashok Nagar, Ranchi-834002
TEL:0651-2242903/2242889
FAX: 0651 2242903
Date: 16/02/2016

To,

Smt. Beenapani Agarwal (Mine Owner),
C/o Sri O.P.Lal,
At – Upper Bazar,
P.O/Distt.- Lohardaga,
PIN- 835302 (Jharkhand).

Sub. : Violation of provisions of Mineral Conservation & Development Rules, 1988 in respect of “Tuimu” Bauxite Mine (46.94 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 the inspection on 10.02.2016 by Sri N.K Chaterji, Asstt. Mining Geologist, of Indian Bureau of Mines, Ranchi accompanied Sri G.Bhopal Reddy, representative of lessee:

Rule No.	Nature of violations observed in details.
Rule-12(3):	The Mining Plan for Tuimu Bauxite mine (46.94 hc) was approved valid for the plan period 2010-11 to 2014 -15, validity of which has already completed on 31.03.2015. It is observed that no subsequent document has been submitted 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, has to be submitted. The aforesaid modification incorporating proposal for further period w.e.f 2015-15 onwards, has not been submitted to this office.
Rule-13(1):	The mining activity in the mine has not been carried out in accordance with the proposal given in the approved Mining Plan valid for the plan period 2010-11 to 2014-15. The extent of deviation is as given below: A new quarry has been opened between boundary pillar no. 41 & 42 on the Northern portion of the lease without having any valid approved proposal. The deviation from approved Mining Plan 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 along with the modification in approved Mining Plan, for approval, along with Financial Assurance under Rule 23F (3) as a component of the Scheme of Mining.
Rule-42(1)(c)(i):	As per Mineral Conservation and Development Rules as amended vide notification no.- G.S.R:216(E) New Delhi, 29 th 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 the supporting document along with Form-I in respect of Mining Engineer and Geologist have not been submitted.
Rule-45(5)(a)(iii):	The Monthly return in form F-3 has not been submitted for the month of January, 2016 to the Regional Controller of Mines as required under the rule. Non-submission of Monthly return will attract provision of Rule-45(7)(i) of MCDR, 1988.

Contd...2/.

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Rule-46: When any new appointment is made of an Agent, Mining engineer, Geologist, Manager or any person under sub-rule(6) of Rule-42 of MCDR or the employment of any such person is terminated or any such person leaves the said employment or when any change occurs in the address of any such person, the owner of the mine shall within fifteen days from the date of such appointment, termination, leaving or change in address give a notice in Form I to the Controller General, Controller of Mines and the Regional Controller of Mines.

In your case it has been observed that no such notice, in respect of resignation of Sri G.Tiwari as full time Mining engineer, in Form I has been submitted to this office for record.

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.

(a) For examination & extent of the pit / quarries and its development /proposals etc. there is requirement of the boundary pillars. But physical presence of boundary pillar no. 1, 2, 20, 35, 41, 44, 48 & 74 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 rule 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

N.O.O.:

Copy forwarded for kind information to:

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

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

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(R.PUROHIT)
REGIONAL CONTROLLER OF MINES