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GOVERNMENT OF ARUNACHAL PRADESH DEPARTMENT OF GEOLOGY AND MINING ITANAGAR

NOTIFICATION

The 4th February, 2023

The Arunachal Pradesh Minerals Regulation and Dealers Rules, 2023.

No.DGM-11028/1/2022.— In exercise of the powers conferred by section 23 (C) (1) and (2) of the Mines and Minerals (Development and Regulation) Act, 1957 (Act 67 of 1957) the Governor of Arunachal Pradesh is hereby pleased to notify the following rules to regulate the possession, storage, trading and transport of minerals and mineral products and to check evasion of royalty, fee, stopping of illegal mining and transportation in the state of Arunachal Pradesh and for the purposes connected therewith, namely:-

1. Short title, application and commencement :

- (1) These rules may be called "the Arunachal Pradesh Minerals Regulation and Dealers Rules, 2023".
- (2) These rules shall be applicable to all Minerals Dealers and all industries/factories connected with the sale, purchase, transportation, processing and consumption of minerals for commercial purpose in the state of Arunachal Pradesh.
- (3) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions :

- (1) In these rules, unless the context otherwise requires, -
 - (a) "Act" means the Mines and Minerals (Development and Regulation) Act, 1957 (Act 67 of 1957);
 - (b) "Authorised Officer" means an Officer authorized by Secretary, Geology and Mining, Arunachal Pradesh;
 - (c) "Competent Authority" means Secretary, Geology and Mining, Arunachal Pradesh.
 - (d) "Carrier" means any mode or conveyance or facility by which mineral is transported from one place to another and includes mechanized devices, person, animal or cart;
 - (e) "Dealer" means any person who carries on the business of buying, storing, selling, supplying, trading, transporting, distributing or delivering for sale of minerals and mineral products and include the following: -
 - (i) persons who buy and process mineral or mineral products for sale beyond any lease area;
 - (ii) the end users consuming 50 MT or more of minerals per annum for commercial purpose;
 - (f) "Dealers' registration" means a registration granted under these rules authorizing a person to whom it is granted to engage in the transaction of purchase or sale and shall be in possession of minerals defined in clause (k) below;
 - (g) "Department" means Department of Geology and Mining, Government of Arunachal Pradesh;

- (h) "End user" means any industry, distillery, brick klin, tea garden, coke bhatta etc. using or consuming minerals for commercial purpose;
- (i) "Form" means form appended to these rules;
- (j) "Government" means State Government of Arunachal Pradesh;
- (k) "Mineral" means, minerals of all types mentioned in the FIRST AND SECOND SCHEDULE of Mines and Mineral (Development and Regulation) Act,1957 (except the atomic mineral listed in part B of First Schedule of Mines and Minerals (Development and Regulation) Act, 1957 and all Minerals mentioned in Arunachal Pradesh Minor Mineral Concession Rules, 2020.

Explanation:

Any mineral shall not cease to be a mineral by reason of being subjected to any process like crushing, burning, breaking, drying, cutting, polishing, pulverizing or any other procedure intended to make the mineral fit or suitable for sale or consumption.

- (I) "Mining lease" means a lease granted for the purpose of undertaking mining operation;
- (m) "Notification" means a notification published in the Arunachal Pradesh Official Gazette;
- (n) "Permit" means permit granted under the Mineral Concession Rules, 1960;
- (o) "Prescribed" means prescribed by these rules under Mines and Mineral (Development and Regulation) Act, 1957;
- (p) "Prospecting License" means a license granted for the purpose of undertaking prospecting operations under Mineral Concession Rules, 1960;
- (q) "Year" means financial year from 1st April to 31st March;
- (2) Words and expressions used in these rules and not defined herein but defined in the Act shall have the same meanings respectively assigned to them in the Act.

3. Prohibition:

- (1) All mineral dealers shall register themselves as Dealers under the Department of Geology and Mining, Government of Arunachal Pradesh as per the procedure mentioned in these rules.
- (2) All traders in minerals including those who deal with imported minerals should be registered as dealers.
- (3) No person other than a dealer or a mining lease holder shall buy or sell or offer for sale or engage in any other transaction of buying and selling any mineral at any place or transport mineral for the purpose of sale or consuming more than 50 MT per annum without being registered as a dealer or lease holder for that mineral:

Provided that no person purchasing and transporting mineral for own use or consumption by himself, (where such use or consumption does not involve any commercial activity) and any holder of a mining lease in respect of the minerals for which he holds a lease shall be required to register himself as dealer.

4. Grant of registration and its renewal:

- (1) Any person who is desirous of being registered as dealer or required to be registered as dealer or requires renewal of registration shall apply in **Form A** to the Competent Authority.
- (2) Every application made under sub- rule (1) shall be accompanied by:
 - (a) .
 - (i) Fees of ₹ 20,000 (Rupees twenty thousand only for registration);
 - (ii) Fees of ₹ 10,000 (Rupees ten thousand only for renewal).
 - (b) Copy of the PAN Card granted by Income Tax Department, if the applicant is not covered under section 10(26) of the Income Tax Act, 1961.
 - (c) GST Registration Certificate.
 - (d) An affidavit to the effect that he/ she/they have not been convicted in any case relating to smuggling or theft of mineral or any other criminal activities.

- (e) Attested copy(ies) of the registration certificate (s) issued by the Industries Department/ Udyog Aadhar or any other Government Department for establishment of the factory or beneficiation plant or trading or stocking of mineral as the case may be.
- (f) Copy of Land allotment /Land Possession Certificate (LPC)/Land Occupancy in case the applicant is the owner of land or lease deed agreement when land is taken on rent.
- (3) On receipt of application for registration the Department, Geology and Mining, Arunachal Pradesh shall acknowledge the receipt in **Form B.**

5. Process of disposal of registration and renewal application :

- (1) The Director, Geology and Mining, Arunachal Pradesh shall maintain a register in Form- C, where necessary entries about the application shall be recorded from receipt to disposal of the application.
- (2) The Competent Authority after due examination of the application in **Form A**, shall grant dealer registration in **Form G** with specific terms depending upon local conditions as deemed fit, for a maximum period of 1 (one) year.
- (3) Application for renewal of registration shall be made to Department of Geology and Mining, Arunachal Pradesh within 60 (sixty) to 45 (forty-five) days prior to the date of expiry of the registration.
- (4) Renewal shall also be for one year.
- (5) If application for renewal of registration is not submitted within the time stipulated in sub-rule (3), the existing registration shall be deemed to have been cancelled from the date of its expiry and the dealer will have to apply for fresh registration.
- **6. Condonation of delay**: The Competent may condone any delay by the applicant, if deemed fit.
- 7. Transportation Of Minerals: No person shall transport or otherwise remove or carry away any mineral from any place without Transport Challan in Form D, issued as per Rules. The Transport Challans shall be issued by Officers Authorised by Competent Authority.

8. Conditions:

The registration shall be granted in Form - G subject to the following conditions: -

- I. The dealer shall deposit an amount of ₹ 20,000 (Rupees twenty thousand) as a security deposit.
- II. The dealer shall maintain correct and intelligible accounts of minerals procured, stored, stocked, processed and dispatched to different destinations in **Form F**.
- III. The dealer shall submit copies of the **Form E** to the Director, Geology and Mining, Government of Arunachal Pradesh on quarterly basis.
- IV. While removing the minerals from stock or factories the dealer shall obtain permission from the Department of Geology and Mining, Government of Arunachal Pradesh and transport the material under prescribed transport challan in **Form – D** issued by the Department of Geology and Mining, Government of Arunachal Pradesh.
- V. The dealer shall maintain daily stock and transport register in **Form M** and submit monthly return in **Form H** to the Director, Geology and Mining, Government of Arunachal Pradesh.
- VI. The dealer shall allow any Authorised Officer to inspect the stores and factories to verify the stocks of minerals and take sample or the abstract from the records maintained by him.
- VII. Every dealer shall allow any Officer authorized by the Competent Authority to enter and inspect the premises, where the furnishing of information as directed in writing shall be obligatory for such dealer.
- VIII. The Officer authorized by the aforesaid authority in their behalf shall be competent to search any place in which there is reason to believe that an offence is being committed and seize any stock of minerals in respect of which the offence has been or is being committed.
- IX. The department shall be empowered to issue any executive instruction as and when necessary for -
 - (a) proper implementation of these rules under the Act; and
 - (b) for regulation of mineral being transported from the area granted under a prospecting licence or a mining lease or a quarrying license or a permit in whatever name the permission to excavate minerals has been given.

9. The end user who consumes minerals less than 50 MT per annum need not submit any returns.

10. Penalties:

- (1) Any person, who contravenes any of the provisions of these rules, or buys or sells or stores minerals except under and in accordance with the Dealers' Registration or who transports the minerals except as mentioned in the e-way bill shall be punishable with,
 - (a) A fine of ₹ 50,000 (Rupees fifty thousand) or imprisonment for a term which may extend to one year or with both.
 - (b) In the case of a continuing contravention, with an additional fine which may extend to ₹ 1000 (Rupees one thousand) for every day during which such contravention continues after conviction for the first such contravention.
- (2) Any person, who buys or sell minerals except under and in accordance with the registration for commercial purpose, shall be punishable with a fine which may extend to ₹ 50,000 (Rupees fifty thousand).
- (3) Any person, who transports minerals except to the specified destination, shall be punishable with an imprisonment up to a term of one year or fine which may extend to ₹ 20,000 (Rupees twenty thousand) or with both.
- (4) Whoever, intentionally obstructs the competent officer or any other officer in performing his duties (in imposing penalties etc.) under these rules, shall be punishable with an imprisonment for a term which may extend to 6 (six) months or fine which may extend ₹ 20,000 (Rupees twenty thousand) or with both.
- (5) Any end user who does not maintain the register and submit the return in time shall be liable to a fine of ₹ 15,000 (Rupees fifteen thousand). This shall not be applicable in case of end user defined in **rule 9.**
- (6) Any dealer or end user who maintain false entry in the register or submit incorrect statement in return is liable to a fine of ₹ 50,000 (fifty thousand) and cancellation of dealership registration.
- (7) When any competent Officer/authorized Officer have sufficient reason to believe that the information submitted by the dealer or end user is false or incorrect then he may seize the mineral along with register, records and challans.

11. Seizure and confiscation:

- (1) Every dealer or person permitted to stock, sell trade or transport shall allow any Officer authorized by the Department of Geology and mining to enter and inspect any premises, where the mineral is kept or stored or transported. Providing such documents for inspection as desired in writing and furnishing such information as directed in writing shall be obligatory to such dealers.
- (2) The Officer authorized by the Competent Authority may search any place or vehicle in which he has a reason to believe that an offence under these rules is being committed and seize any stock of mineral together with all tools, equipment, vehicles and articles used in committing such offence.
- (3) Every officer seizing mineral under these rules shall prepare a list of minerals, tools, equipment, vehicles or any other articles so seized and deliver a copy thereof signed by him to the person found in possession of such minerals, such officer shall keep such seized property under proper custody with proper official seal and with detail information in **Form I.**
- (4) Any mineral tool, equipment, vehicle or any other things [objects/material seized under subrule (2) shall be liable to be confiscated by an order of the competent court of concerned district in the hierarchy to take cognizance of the offence committed under these rules and shall be disposed of in accordance with direction of such Court.
- (5) The Competent Authority, for compliance of rule 11(4), shall serve Notice for personal appearance prior to confiscating of seized items in **Form L**.

12. Custody of seized property:

The authorised officer shall keep the seized material or properties under the custody of institution belonging to the Government or any responsible Officer of the Department as far as possible or any third independent party in the locality with proper terms and conditions.

13. Appeals:

- (1) Any person aggrieved by an order of an authorised officer(s) for a particular action under these rules may within 30 (thirty) days from the date of communication of the order prefer an appeal in Form - J to the Secretary of the Department of Geology and Mining, Government of Arunachal Pradesh.
- (2) Every application for an appeal shall be accompanied with a fee of ₹ 500 (Rupees Five hundred) to be deposited in Government Treasury. The appeal shall be disposed of by the appellate authority within a period of 30 (thirty) days from the date of its receipt.
- (3) The appellate authority may, for sufficient reasons, condone the delay in filing of appeals.

14. Revision:

- (1) Any person aggrieved by an order passed in appeal under these rules may file an application for revision before the Secretary, Department of Geology and Mining within 30 (thirty) days from the date of communication of such order in **Form K**.
- (2) Every revision application shall be accompanied with a fee of ₹ 1,000 (Rupees one thousand) to be deposited in the Government Treasury.
- (3) The Secretary, Department of Geology and Mining may for sufficient reasons, condone the delay of submission of revision application.
- **15. Repeal**: All rules and all executive instructions such as circulars, notifications, orders etc. corresponding to these rules in force immediately before the commencement of these rules are hereby repealed:

Provided that anything done or any action taken under the rules or instructions so repealed shall, so far as they are not inconsistent with the provisions of these rules, be deemed to have been done or taken under the corresponding provisions of these rules.

Anirudh Singh, IRS Secretary, Geology and Mining, Government of Arunachal Pradesh, Itanagar.

Form — **A** [(See rule 4(1)]

1.	Name of applicant (In full)	:				
2.	Profession	:	Photo			
3.	Full address with residential proof	:				
4.	Father's name in full (In case of firm, give name and address of partners and person holding powers of attorney to act on behalf of the firm)	:				
5.	Specific place or place of business	:				
6.	Financial status with details of person (i.e. property, annual payment of income Tax and any other relevant evidence regarding financial status)					
7.	Specific purpose for which Registration is applied for (Processing/ Storing/ Selling/ Trading)	:				
8.	Name of mineral/ Ore for which registration is required.	:				
9.	Evidence of payment of application fee	:				
10.	Name and address of person/ firm/ company from whom the mineral/ ore will be purchased/ procured	:				
11.	Period for which registration is required	1				
12.	In case of renewal the number and date of original registration	:				
13.	PAN issued by the Income Department with proof thereof	:				
14.	Sale tax clearance certificate	1				
15.	Any special ground for grant of registration	:				
List o	List of enclosures :					
	<u>DECL</u> 4	ARATION				

I/We hereby declare that I/We have read and understood all the provisions of the Arunachal Pradesh Minerals Regulation and Dealers Rules, 2023 and the conditions of Registrations and I/We agree to abide by the same.

Date of application : Place :

Signature of Applicant

Form — B [See rule 4(3)]

(Acknowledgement of receipt of application for registration)

Received the appl	ication for registration for process	ing / storing / selling /trading of	
	(name of mineral (ore) from Sri	/ Smti	
	resident of		
P.O	P.S	District	
State	PIN	today on day of 20	
with the following enclos	ures:		
1.			
2.			
3.			
4.			
5.			
6.			
Application receipt numb	er:		
		Signature of the competent authority with D	ate:

GOVERNMENT OF ARUNACHAL PRADESH DEPARTMENT OF GEOLOGY AND MINING

Form — C [See rule 5(1)]

(Details of mineral dealer application / license)

SI. No.	Date of receipt of application	Name of applicant	Address of applicant	Name of mineral/ ore
1	2	3	4	5
1.				
2.				
3.				

Place of processing/ storing/ selling/ trading	Date of forwarding of advance copy of application to DGM	Date of forwarding processed application by DGM	Date of grant/ refusal	Date of appeal if any	Date of disposal of appeal
6	7	8	9	10	11

Brief order on appeal	Date of expiry of license if granted	Date of Application for renewal	Date of grant/ refusal of renewal	Period of renewal	Remarks	Signature
12	13	14	15	16	17	18

Form — D [See rule 8 (IV)]

Dealer Transport Challan

(See section 23 C of Mines and Minerals Development and Regulation Act, 1957)

		Dato
	Transportation of in (To be filled in by the dealer f	
1.	Name and address of the dealer	:
2.	Details of business place	:
3.	Name of Mineral	:
4.	Name and address of the purchaser to whom material has been sold and supplied.	:
5.	Quantity	:metric/tonnes (in words)
6.	Vehicle Registration No.	1
7.	Name and address of vehicle owner	:
8.	Name and address of the driver in case the mineral is to be transported by road	:
9.	Place of delivery of the material	:
10.	Date and time of dispatch of mineral	:

I/ we hereby declare that the above statements are correct and complete to the best of my/ our knowledge and belief.

Signature of the dealer

Signature of authorised officer Seal :

Designation:

Form — E [See rule 8 (III)]

(Account of minerals/ ores fed to plant and their recovery to be maintained daily)

1. Name of the Dealer :

2. Full Address :

3. Registration No. and Date of Registration :

4. Period of Registration :

5. Name of mineral/ Ore :

6. Name of the plant / factory :

7. Postal address of the factory :

8. Name of district where the factory is located

1	Name of Months/ year
2	Date
3	Opening balance of mineral/ ore at the plant/crude beneficiated
4	Quantity of mineral lore received at plant
5	Quantity of ore/ mineral fed to the beneficiation plant
6	Quantity of ore/mineral recovered after beneficiation
7	Closing balance of ore/mineral at the plant crude beneficiated
8	Remarks

Signature of the Licencee	
Date of submission of the return	

Form — F [See rule 8 (II)]

To,

Dire	Director, ctorate of Geology & Mini achal Pradesh - 791113.	ng,			
Subject : Iss	sue of Transport Challa	n.			
Sir/ Madam,					
			nber. (Year)		
	tonns neral) from bonafide lesse		tonns (in words) of.		
(name or min	leral) Irom bonance lesse		s shown below.	1	
SI. No.	Name of lessee		Name of mineral		Quantity
I/ we, of Challan.	neral) ontherefore, request you to	·	a transport Challan Book	contair	ning nos
SI. No.	Amount (₹)	Tr	easury challan number		Date
Thank	ing you,			Vours	o foithfully
				Tours	s faithfully,
Date			Name		

Form — G [See rule 5 (2)]

Mine	ral Dealer Licence NoYo	ear	
1.	Name of dealer in full	:	Photo
2.	Full address	:	
3.	Father's name in full (In case of firm name and address of partner and person holding power of attorney to act on behalf of the firm)	:	
4.	Profession of the dealer	:	
5.	Specific place of places of business	:	
6.	Specific purpose for which registration is granted.	:	
7.	Name of mineral / ore covered under the Licence	:	
8.	Challan for payment of application fee	:	
9.	Challan for payment of security deposit	:	
10.	Name and address of person / firm from whom the mineral/ ore will be purchased/ procured.	:	
11.	Period of registration (validity of licence)	:	
12.	In case of renewed license, the number and date of the original registration.	:	
13.	Number and date of application for this registration	:	
14.	Conditions imposed by the Directorate of Geology & Mining, Arunachal Pradesh.		
	(a)		
	(b)		
	(c)		
	(d)		
	(e)		
	Date of grant		

Signature of the competent authority granting licence Designation:

Seal:

Form — H [See rule 8(V)]

1.	Name of licence holder	:		
2.	Address in full	:		
3.	Registration No. of license	:	Date	
4.	Period of license	:		
5.	Name of Mineral / ore transported	:		
6.	Place details from which mineral / ore is transported:	:		
7.	Total amount of mineral/ore transport	rted :		
		0	\ T	<u>_</u>

Date of submission of the return:

Signature of the licencee

GOVERNMENT OF ARUNACHAL PRADESH DEPARTMENT OF GEOLOGY AND MINING

Form — I [See rule 11(3)]

1.	Name of officers seizing the property	:
2.	Designation and address of the officer	:
_	D () () ()	

- Details of property seized.
- (a) Place of seizure
- (b) Date and time of seizure
- (c) Description of each property:
- 4. Rule under which property is seized
- 5. Name and address of person from whom the property is seized
- 6. Name and address of any other claimant for the seized property
- 7. Details of "Seal" given on the seized property:
- 8. Name and address of person under whose custody the property has been kept:
- 9. Signature of the custodian:
- 10. Approximate value of the seized property:
- 11. Remarks:
- Signature of person from whom the property is seized: Signature of any other claimant for the seized property:
- 13. Name and address of the witnesses with their signatures :

Name of witness	Address	Signature

٠		

Date:....

Form — J [See rule 13 (1))

Form of Appeal

Name of the applicant 1. 2. Address Father's name 3. (In case of firm name and addresses of the partners and persons holding the power of attorney to act on behalf of the firm) Number and date of order of Competent 4. Authority against which appeal is preferred. 5. Ground of appeal 6. Evidence of payment of fee for appeal 7. In case of appeal is preferred after 30 days of the order, the reason of the delay. 8. Whether the appellant desires to be heard in person or through pleader. Any additional information the appellant 9. desires to furnish.

Date of filing the appeal petition:

desires to furnish:

Signature of the appellant

GOVERNMENT OF ARUNACHAL PRADESH DEPARTMENT OF GEOLOGY AND MINING

Form — K [See rule 14]

Name of the applicant 1. 2. Address 3. Father's name (In case of firm name and addresses of the partners and persons holding the power of attorney to act on behalf of the firm) 4. Number and date of order appellate authority against which this application is filed 5. Ground of revision 6. Evidence of payment of fee for application 7. Number and date of order by Competent authority against which revision is preferred. Any additional information the revisionist

Signature of the appellant Date.

Form - L [See rule 11(5)]

No.	
To,	
	Shri/Smti: Address:
Sir/ ı	madam,
	Take notice that the following properties which were involved in an offence committed unde nachal Pradesh Minerals Regulation and Dealers Rule, 2023 on
	Place of occurrence of offence:
	A copy of the Form-I showing details of seizure is enclosed
	You are hereby informed that you may submit a representation within 3 days from the date of issued is notice to the undersigned and request for a personal hearing. Failing which the matter will be ded exparte.
Date	·
	Signature of the competent authority Name: Seal Designation: Office address:

GOVERNMENT OF ARUNACHAL PRADESH DEPARTMENT OF GEOLOGY AND MINING

Form — M [See rule 8(V)]

(Format to maintain daily account of mineral/ore)

SL. NO.	ITEM DETAILS	PARTICULARS		
1.	Is person concession holder or traders			
2.	Registration No.			
3.	Name of the registered person /firm			
4.	Address in full			
5.	Is mineral for captive consumption or sale			
6.	If mineral / ore is for sale whether to be sold domestically or exported If mineral lore is procured	Fill Part - A		
7.	If mineral lore is transported Fill Part - B			
8.	If mineral lore is processed Fill Part - C			

 $\underline{\text{Part - A}}$ (Format to maintain daily account of mineral/ore in case of procurement)

SL. No.	Item Details	Particulars
1.	Name of mineral/ore or waste procured	
2.	Place of Business	

 $\underline{\text{Part - B}}$ (Format to maintain daily account of mineral/ore in case of transportation)

SI. No.	Item Details	Particulars
1.	Name of mineral/ore or waste to be transported	
2.	Place from which mineral/ ore or waste is transported	
3.	Total quantity of mineral/ore or waste to be transported	

Date	Opening stock of mineral/waste transported (Tonne)	Quantity of mineral/waste Transported (Tonne)	Particulars of supporting Transit Permit/Delivery Challan	Destination to which mineral/waste transported	Closing stock of mineral/waste transported <i>(Tonne)</i>	Remarks

Part - C (Format to maintain daily account of mineral/ore in case of crushing, pulverizing or any kind of processing)

SI. No.	Item Details	Particulars
1.	Name of mineral/ore processed	
2.	Name of plant/factory	
3.	Address in full of the factory	