

Government of Gujarat,
Industries and Mines Department,
Circular No. MMR/102018/1294/CHH
Sachivalay, Gandhinagar.

Dated: 11/7/2018

Read:

1. Office of Geology and Mining's IWDMS File No.401189/null/CGM/2018 dated 6/7/18.
2. The Mines and Minerals (Development and Regulation) Act -1957.
3. Gujarat Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2017.
4. Gujarat Minor Mineral Concession Rules-2017.

Preamble:

The State of Gujarat in exercise of the powers conferred under the Section 23C of the Mines and Minerals (Development and Regulation) Act, 1957 framed the Gujarat Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2017 to prevent the menace of illegal mining. The Government has also constituted inspection teams and task force at the State as well as the District Level. The Authorities have been conferred with various powers and responsibilities. One such power being filing of police complaints in cases of illegal mining. Hundreds of cases have been filed under the 2005 Rules and 2017 rules, which are pending with the authorities for investigation or for further adjudication. However, in order to bring uniformity amongst the authorities and for proper and effective implementations of the Rules in order to prevent this menace of illegal mining, which is increasing day by day, the Government has resolved to issue guidelines for filing police complaints.

Circular:

1. It is hereby informed to all the District Authorities as well the State Level authorities, exercising powers under the Gujarat Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2017 that, Police Complaints in the cases of Illegal Mining, Transportation and Storage are to be filed in the cases wherein:
 - a. Any person/vehicle is involved in more than three instances in illegal mining, transportation and storage of minerals in violation of Rule-22(C) of the Gujarat Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2017.

- b. Any person/vehicle is involved in transportation of mineral Ordinary Sand out of the territory of State of Gujarat in violation of Rule 83 of the Gujarat Minor Minerals Concession Rules, 2017.
 - c. Any persons commits or attempts to commit assault on the authorities performing their duties, interferes or attempts to interfere with their duties and restricts or attempts to restrict the authorities from performing their duties.
 - d. The offender is involved in illegal mining, transportation and storage of any mineral by using fake royalty passes.
 - e. Upon inspection, it is observed that the illegal mining activity is carried out by unknown persons.
 - f. The offender doesn't hold any valid mining concession and is not ready to compound the said offence after the order for penalty is passed.
 - g. Any person is involved in Illegal Sotage of any minerals, the Authorities, after filing police complaint, shall confiscate the mineral involved and dispose off the same by way of public auction.
2. Apart from the abovementioned instances, the Authorities may, for reasons to be recorded in writing, file police complaints in cases wherein illegal activity with respect to minerals has been carried out by any antisocial groups of persons.
 3. The authorities, through a duly signed and valid office order and for the reasons to be recorded in writing, can authorize royalty inspector or mines supervisor working under his command to file a complaint under the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 and the Gujarat Minerals (Prevention of Illegal Mining, Transportation, Storage) Rules, 2017 after conducting appropriate and necessary inquiry into the said case under the law.



(D.G. Chaudhari)
Deputy Secretary
Industries and Mines Department
Gandhinagar.

To,

- Personal Secretary to Hon. Governor, Rajbhavan, Gandhinagar(*By Letter)
- Personal Secretary to Hon. Chief Minister, Office of Hon. Chief Minister, Swarnim Sankul-1, Sachivalay, Gandhinagar.
- Deputy Secretary to Chief Secretary, Chief Secretary's office, Sachivalay, Gandhinagar.
- Personal Secretary to Additional Chief Secretary, Home Department, Sachivalay, Gandhinagar.
- Personal Secretary to Additional Chief Secretary, Environment and Forest Department, Sachivalay, Gandhinagar.

- Personal Secretary to Principal Secretary, Industries and Mines Department, Sachivalay, Gandhinagar.
- Commissioner, Office of Geology and Mining , Udyog Bhavan, Sector-11, Gandhinagar.
 - With a request to forward this Circular to all Geologists/Assistant Geologists under their control.
- All the District Collectors, Gujarat.
- Revision Authority, Industries and Mines Department, Sachivalay, Gandhinagar.(3 Copies)
- All the District Geologists/Asst.Geologists
- Section Officer,CHH-1 Branch,Industries and Mines Department,Sachivalay,Gandhinagar.
- ✓ - Computer Cell, Industries and Mines Department, Sachivalay, Gandhinagar.
 - With a request to upload this Circular on department's website.
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