

## **MATTERS RELATED WITH ILLEGAL MINING , TRANSPORTATION OF MINERAL AND RELATED ISSUES**

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India's mining industry is an increasingly important part of the economy, employing hundreds of thousands of people and contributing to broader economic growth. But mining can be extraordinarily harmful and destructive if not properly regulated. The scale of lawlessness that prevails in India's mining sector is hard to overstate. Even government officials acknowledge that the mining sector faces a myriad of problems, including widespread "illegal mining." Generally speaking, "illegal mining" refers to cases where operators harvest minerals they have no legal right to exploit.

There is enormous and large scale multi-state illegal mining of minerals running into thousands of crores every year, having several pernicious evil effects on the national economy, good governance, public functionaries, bureaucracy, public order, law and order. It has encouraged huge corruption at all different levels in public life, mafia in society and money power. It is not only a national loot, but also has deleterious effects on the national economy , society and environment . Such illegal mining of minerals has to be stopped immediately and effectively.

Both the Central and the State governments have enacted Acts and Rules with the view to curb illegal mining including penal provisions for any violation.

### **Sections dealing with prohibitions of mining**

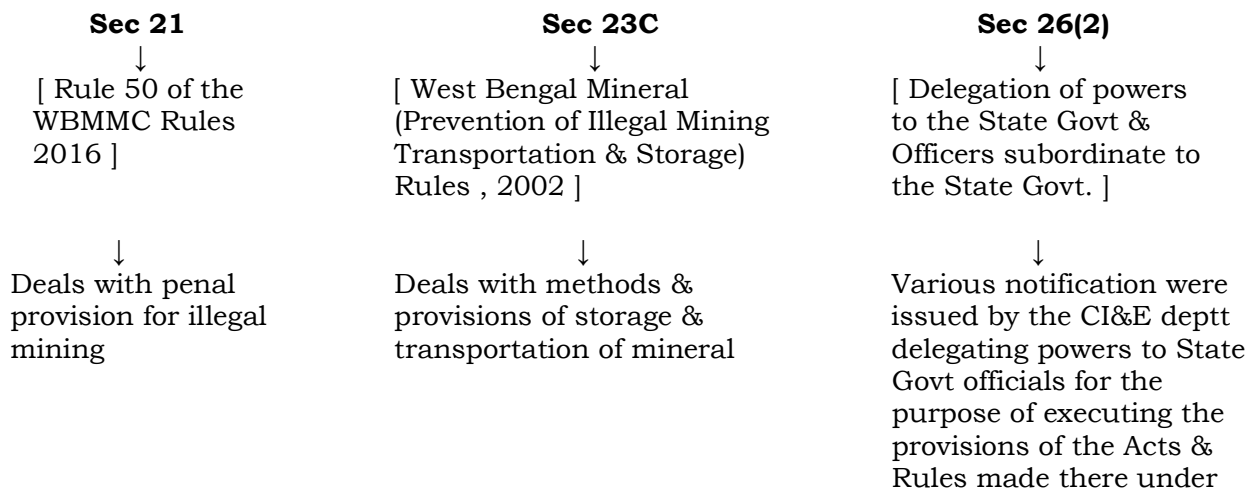
- ▶ Section 4 (1) of the MM(D&R) Act, 1957 [ Mines & Minerals (Development & Regulation ) Act ] clearly states that no person shall undertake any mining operations except under and in accordance with the terms and conditions of proper mineral concession granted under the act or rules . This means that no person (be it an individual or company) shall quarry/mine any mineral without having proper lease/license/permit or any other mineral concession granted by competent authority.
- ▶ Section 4 (1A) of the MM(D&R) act, 1957 lays down provisions that no person shall transport or store any minerals otherwise than in accordance with the provisions laid down in the Acts and the West Bengal Mineral (prevention of Illegal Mining , Transportation & Storage ) Rules , 2002 [ WBM(PoIM,T&S) Rules,2002] .

### **Rules dealing with prohibitions of mining**

Rule 3(1)(a) and 3 (1)(b) of the WBMMC Rules , 2016 [ West Bengal Minor Mineral Concession , Rules , 2016 ] lays down provisions that mining ,storage and transportation of minor minerals can be carried out only under proper lease/license/permit or mineral concession .

The principal act and the rules made there under also provides for penal action ( including fine and imprisonment ) against any person(s) who contravenes the prohibitions and/or conditions for mining .

Some important sections of the MM(D&R) Act, 1957 and corresponding rules implemented by the state of West Bengal are depicted in the following tree diagram for a quick reference , -



In the pursuit to curb illegal mining one of the effective method which is followed all over the world is conducting raid programmes. Conducting raid involves (a) vigilance on illegal mining , (b) identify unauthorised storage spots and transportation of minerals, ( c) identification of any violation of mining conditions/parameters, (d) seizures of tools/equipments/vehicles , (e) seizure of illegally mined mineral ,(f) imposition penalty/fine ,(g) lodging FIRs , etc.

The MM(D&R) Act, 1957 and the WBMMC Rules, 2016 and WBM(PoIM,T&S) Rules ,2002 has categorically and elaborately laid down provisions in connection with the penal provisions and procedures to follow regarding illegal mining , transportation and storage of minerals.

In connection with raid there are two questions that are frequently asked, -

- (i) Can authorised officer of the state govt. penalize /seize any person/mineral involved in illegal mining/transportation of Major minerals ?
- (ii) Can persons/vehicles transporting finished/processed products without proper authority can be prosecuted under any section(s) of the principal act or rules made there under ?

The answer to the first question is ' YES ' . The penal measures and other related issues involving illegal mining are covered under sections 21 to 25 of the principal act , which applies both to major and minor minerals. In clause (g) of rule 2 of the WBM(PoIM,T&S) Rule,2002, illegal transportation is defined as , - "**transportation of any mineral without any valid permit/challans issued by the authorised officer;**" The term any mineral necessarily involves minerals as defined in Sec. 3(a) and 3(e) of the principal act, - i.e. both major & minor minerals.

Clause ( j j ) of Section 2 of the Mines Act, 1952 defines - "**'minerals' means all substances which can be obtained from the earth by mining, digging, drilling, dredging, hydraulic, quarrying or by any other operation and includes mineral oils (which in turn include natural gas and petroleum).**" So any finished or processed items/goods are not obtained by any of the methods mentioned in the Mines Act. So

finished items/goods cannot be treated as mineral and thus are not covered under the principal act or Rules dealing with minerals.

Now let us focus on the penal measures as envisaged in the act and the rules for contravention of Sec. 4(1) and 4(1A) [ i.e. mining without permit/lease and storage /transportation of mineral without permit. ].

### **What the Act says ?**

Sec.21(1) of the principal act , as last amended says that whoever contravenes the provisions of Sec. 4(1) and 4(1A) shall be punishable with imprisonment which may extend to **five years** and with a fine which may extend to **five lakh rupees per hectar** of the area.

### **What the Rule says ?**

Rule 50(1) of the WBMMC Rules , 2016 has fixed the period of imprisonment not exceeding **two years** and the fine not exceeding **one lakh** rupees **or both** for any person extracting minor minerals without lease or storing/transporting minor minerals in unauthorized manner.

Now the question that comes to our mind , what if the contravention is in connection with major mineral ? Should we impose a fine of Rs. 5 lakhs (as per act ) or 01 lakh (as per rule). Since the WBMMC rules deals only with minor minerals , so a fine of 01 lakh cannot be imposed for any contravention of law in case of major minerals. For all minor minerals a fine not exceeding 01 lakh may be imposed.

### **What if the contravention of Sec. 4(1) & 4(1A) is a continuing one ?**

Sec. 21(2) of the act (as amended) clearly states that when contravention of the sections 4(1) and 4(1A) is a continuing one, the state governments may provide additional fine which may extend to Rs. 50,000 /- every day during which such contravention continues after conviction of the first such contravention. But the WBMMC rules does not include any such provisions. So what should we do ? In such a situation we may go by the provisions of the act i.e. Sec. 21(2).

As has been mentioned earlier , the Central government may delegate powers to the State governments or to such officers subordinate to the State government in relation to matters connected with execution/implementation of the provisions of the act and rules made there under [ Sec. 26(2)].

The CI&E department , from time to time through various notification has empowered/authorized certain state government officials for carrying out their duties in relation to illegal mining of minerals. This is summarized in the following table.

<b>Section of the Act</b>	<b>What it says</b>	<b>Corresponding Rule in WBMMC</b>	<b>Notification No. of the CI&amp;E Deptt</b>	<b>Authorised officers under the Act.</b>
21(3)	Any trespassers into any land in violation of Sec. 4(1) shall be evicted from that land	50(2)	No. 87-CI / Gr. D dt. 24/01/1991 & No. 550-CI/O/MIN/MNM/MIS/03/2013 dt. 13/08/2014	DL&LRO/ CMO / MO / SDL&LRO/ BL&LRO / Director(M&M,WB) / IO of D(M&M) WB & [ Exe.Eng, RO, Asst.Eng , Sub-Asst. Eng. , ACRO of I&W deptt ]
21(4)	Any tool , equipment , vehicle , any other thing used for unauthorised mining along with the extracted mineral on transit shall be liable to be seized	50(3)	No. 88-CI / Gr. D/4M-30/88 dt. 24/01/1991 & No. 550-CI/O/MIN/MNM/MIS/03/2013 dt. 13/08/2014	DM / ADM / DL&LRO/ SDO / CMO / MO / SDL&LRO / BL&LRO / Director(M&M,WB) / IO of D(M&M) WB / Exe Magistrate in charge of SDO / SI & ASI of police & [ Exe.Eng, RO, Asst.Eng , Sub-Asst. Eng. , ACRO of I&W deptt ]
21(5)	Recovery of illegally mined mineral or its price , rent , royalty , tax ,	50(5)	No.695-CI/4M-30/88 dt. 10/08/1992 & No. 550-CI/O/MIN/MNM/MIS/03/2013 dt. 13/08/2014	DM / ADM / DL&LRO / SDO / SDL&LRO / BL&LRO / Director(M&M,WB) / CMO / MO & [ Exe.Eng, RO, Asst.Eng , Sub-Asst. Eng. , ACRO of I&W deptt ]
22	No court shall take cognizance of any offence punishable under the act or rules, except upon complaint in writing made by a person authorised by Central/State Govt.	50(4)	No.89-CI/4M-30/88 dt. 24/01/1991 & No. 550-CI/O/MIN/MNM/MIS/03/ 2013 dt. 13/08/2014	ADM / DL&LRO / SDO / SDL&LRO / BL&LRO / Director(M&M,WB) / CMO / MO / Exe Magistrate in charge of SDO & [ Exe.Eng, RO, Asst.Eng , Sub-Asst. Eng. , ACRO of I&W deptt ]
23A	Any offence punishable under the act or rule may be compounded by an officer authorised u/s 22 of the act.	NA	Same as U/S 22	Same as U/S 22
25	Recovery of any rent, royalty, Tax, Fee or any other sum due to be recovered on a certificate of such officer as an arrear of land revenue	NA	No.90-CI/4M-30/88 dt. 24/01/1991	DL&LRO / SDO / SDL&LRO / BL&LRO
24	Power to enter, inspect, survey, take measurements of any mine, examine or order production of any books, register, records of any mine	NA	NO. 9031(45)-Mines/1P-4/67 dt. 14.12.1967 & No. 551-CI/O/MIN/MNM/MIS/03/2013 dt. 13/08/2014	DM / SDO / SDL&LRO / SRO / Director(M&M,WB) / CMO / MO / Sr. Geologist / Geologist & Exe.Eng, RO, Asst.Eng , Sub-Asst. Eng. , ACRO of I&W deptt
23C	State govt .may make rules for prevention of illegal mining ,transportation & storage of minerals & for purposes connected therewith	2(b) ,4 ,5 & 6 of the WB Mineral [PoIM , T & S] Rules , 2002	No. 120/C/O/MISC/21/09/MINES dt. 02.06.2010 & No. 552-CI/O/MIN/MNM/MIS/03/2013 dt. 13/08/2014	DM / ADM / DL&LRO / SDO / SDL&LRO / BL&LRO / Exe Magit. in charge of SDO / Director(M&M,WB) / IO of D(M&M) / CMO / MO / & Exe.Eng, RO, Asst.Eng , Sub-Asst. Eng. , ACRO of I&W deptt

## **Seizure**

As per provision of Sec.21(4) of the principal act, the officers { as mentioned in column 5 of row 2 of the table } are the authorised officers to seize any minerals ( major & minor ) which are mined and/or transported illegally . Such officers may also seize any machines, tools , equipments , vehicles used for illegal mining of minerals or its transportation . Things so seized ( including mineral in transit) may be put into custody of the police .

Any thing seized shall be liable to be confiscated by an order of a Court competent to take cognizance of the offence and such things shall be disposed of as per direction of the Court [ Sec. 21(4A) ] . The competent Court shall take cognizance of any offence under the principal act or rules , only if there is an written complaint made by the authorised officer(s) under Sec. 22 [ i.e. authorised officers as mentioned in column 5 of row 4 ] .

So any written complaint made by the authorised officer(s) under Sec. 22 , be it in the form of Seizure List or letter for Safe Custody or FIR or complaint in any other forms is sufficient for the competent Court to take cognizance of the offence and start prosecution against the offender.

In most of the districts the authorities encourages and sometimes compels the Revenue Officers (RO) , Special Revenue Officers (SRO-II ) and sometimes Revenue Inspectors (RI) of the L&LR department to go to raid and seize minerals/vehicles/tools etc. But such practices are against the statute. None of the above officers are empowered to exercise the powers vested under the existing act or rules in relation to illegal mining, it's transportation or storage, seizure , lodging FIR's or even impose penalty or compound an offence under the act.

After the commencement of the WBMMC rules, 2016 , the officers of the Irrigation & Waterways department , who are the authorised officers under various sections of the act as referred to in the table, has withdrawn all its officials from raid duty. But the statutes still empowers the officers of the I&W department to conduct raids, impose penalty, seize whatever is necessary as per act. Notifications 550 , 551 and 552 all dated 13/08/2014 of the C I & E department has empowered the officers of the I&W for the purposes of sub - Sec. (3) , (4 ) (5 ) of sec. 21 , Sec. 22 , Sec. 24(1) and as authorised officers under the WB(PoIM,T&S) Rules, 2002 in respect of river bed materials including sand; which are very much in force till date. Therefore if the officers of the I&W department are engaged in the raid programmes and other related matters , the fight against illegal mining will be strengthened .

## **Compounding of Offences**

In common parlance compounding of offences means to come to a settlement or agreement by accepting anything of value under an agreement not to prosecute. In other words any person against whom a prosecution has been started for offences punishable under the acts or rules , his offence can be compounded by receiving a payment ( in the form of penalty) credited to the Government .

Sec. 23A of the principal act deals with compounding of offences punishable under the principal acts . The act says that either before or after the institution of prosecution against the offender , be compounded by the authorised officer, of such sum (penalty/fine) as the officer may specify , credited to the Government. The authorised officer(s) under this section are those under Sec. 22 of the act.

For compounding of any offence punishable with fine/penalty, such sum shall not exceed Rs. 1 lakh for minor minerals [ rule 50(1) ] and Rs. 5 lakhs for major minerals [ Sec.21(1) ] .

The act also provides that if an offence is compounded, no proceeding or further proceeding shall be taken against the offender in respect of the offence, and if the person is in custody, he shall be released forthwith.

There is no thumb rule regarding the amount of penalty to be imposed by the authorised officer under section 22. It varies across the district, among the districts and even among the officers empowered to compound such offences. It is sometimes argued that the penalty is too much a burden or too low and officers are often criticized for their actions. But such criticism is totally unwarranted as the power to compound an offence by any officer authorised, flows from the law. However the authorities may issue direction or guidelines regarding the amount of penalty to be imposed quantity wise or vehicle wise and even enhance the amount periodically.

### **Can an authorised officer impose penalty & recover price/value of mineral at the same time from an offender**

**Penalty**”- **A punishment; a punishment imposed by statute as a consequence of the commission of a certain specified offense.** *Lancaster v. Richardson, 4 Laus. (N. Y.) 136; People v. Nedrow. 122 111. 363, 13 N. E. 533; Iowa v. Chicago, etc., R. Co. (C. C.) 37 Fed. 497, 3 L. R. A. 554* . In other words, Penalty is a punishment imposed for violating a law or agreement; one pays penalty for breaking a law or violating part or all of the terms of a contract.

Whenever any person(s) contravenes the provisions of Sec. 4(1) or Sec. 4(1A), the offender may be penalised under Sec. 21(1) [ corresponding rule is 50(1) ] i.e. a penalty can be imposed upon him.

Now after mining illegally the person (i) may dispose the mineral which is not possible to recover or (ii) he may transport the mineral not covered by challan/permit. In either case the authorised office may recover from the person ( mining) or the person (transporting) price of the mineral as per provisions of Sec. 21(5) [ read with rule 50(5) of WBMMC rules,2016 and rule 4(4) of the WBM(PoIM,T&S) Rules,2002 ] .

So any contravention of Sec. 4(1) & 4(1A) of the act, will necessarily invite both penalty and realization of price/value of Mineral. It is pertinent to mention that it is the price of mineral, and not Royalty, that is to be recovered from the offender. This is because Royalty is payable only by a holder of mining lease/concession under rule 35 of the WBMMC Rules, 2016 for extracting minerals under valid lease/permit/concession.

### **Stock of Mineral for which there are no legal claimants or the stockist is not a permit/lease holder**

It is a common phenomena where a stock of mineral is found, which is stored without any permit and for which there is no claimant. The entire stock of mineral is suspected to be stolen or illegally mined. Since the offender in such cases cannot be identified, so prosecution under the MM(D&R) Act or rules made there under cannot be initiated. Such cases can be dealt with Sec. 102 read with Sec. 457 and 458 of the Code of

Criminal Procedures , 1973. Under Sec. 102 **any police officer** may seize the mineral and report the seizure to the Magistrate having jurisdiction over the area . Sec. 457 & 458 deals with the provisions of disposal the seized mineral or delivery of the mineral subsequent to identification of the person having claim over the mineral as per direction of the competent court.

If the competent Court /Magistrate passes an order for auction of seized mineral under section 457 & 458 of the Code of Criminal Procedures , 1973 , such auction of mineral cannot be guided by the WBMM Auction Rules , 2016 as because it is already mined mineral. So the question arises that what will be the floor price for such bidding and who will determine it.

The role of the District Committee for Competitive Bidding , as per WBMM Auction Rules,2016 is restricted for the purposes of rule 6 , 8 & 9 of the said rule, which does not apply in this case. So the floor price for bidding/auction may be fixed by multiplying the volume of mineral by the price of the mineral (without transportation cost) as notified by the PWD or any other method as may be approved by the District Authority [as defined under rule 2(g) of the WBMM rules,2016 ] .

Transportation of such purchased mineral (through auction) shall be guided by the proviso to the Rule 4(2) of the WBM(PoIM,T&S) Rules ,2002 .

It is often misinterpreted that the authorised officers under rule 6 of the WBM(PoIM,T&S) Rules, 2002 can seize unauthorised stock of mineral . But the sub rule (7) of the said rule very clearly says that such authorised officers { as mentioned in column 5 of row 8 of the table } have the power to seize any mineral , **record of which is not found in the stock register, prepare seizure list & give it to the lessee with acknowledgement** . That is to say the authorised officers under WBM(PoIM,T&S) Rules ,2002, has the power to seize mineral from a person who has been given a stock permit under the rule. For any other illegal stock of mineral found , Sec. 102 of the Code of Criminal Procedures , 1973 shall apply.

Authorities often give directions to the BL&LROs to seize stocked minerals and lodge an FIR . But since the statute doesn't permit the BL&LROs or any other authorised officers for such an action , so the best thing to do is to report any such occurrences to the police and ask them to take custody of the mineral.

### **How much mineral can a vehicle carry**

It is sometimes asked what should be the maximum mineral load ( in cft. ) that a vehicle can carry while in transit. This depends on the carrying capacity of the vehicle and varies with the make and model of the vehicle. In general the carrying capacity of vehicles is explained below .

**Carrying Capacity = { GVW/RLW – ULW }**  
GLW - Gross Vehicle Weight ; RLW – Registered Laden Weight ; ULW – Unladen Weight ;

For **ten wheeler** vehicles :- RLW = 25 Metric Tonnes (MT) & ULW = 8.8 MT

So, **Carrying Capacity = { 25 – 8.8 } = 16.2 MT**

For example , wet sand weighs 5.5 MT per 100 cft. So a ten wheeler vehicle can carry wet sand to a maximum limit of **300 cft.**

For **six wheeler** vehicles :- RLW = 16.2 MT & ULW = 6.2 MT ( which varies depending on model & make of the vehicle)

So, **Carrying Capacity = { 16.2 - 6.2 } = 10 MT**

For example , wet sand weighs 5.5 MT per 100 cft. So a six wheeler vehicle can carry wet sand to a maximum limit of **200 cft.**

[ Memorandum No. 232-IRC dated 09/12/2015 of the I & W Department restricts the maximum quantity as per road permit for 10 wheelers should not exceed 330 cft of sand. ].

### **Transportation of Mineral**

Transportation of any mineral ( both major & minor ) shall be guided by Rule 4 of the WBM(PoIM,T&S) Rules ,2002 . The rule provides for method for application for transit pass/challan , its authentication and issuance and all other purposes connected therewith. The authorised officers to perform under the rule are those as depicted in column 5 of row 7 of the table [ Notification No. 120/C/O/MISC/21/09/MINES dt. 02.06.2010 & No.552-CI/O/MIN/MNM/MIS/03/2013 dt. 13/08/2014 of the C & I Deptt ] .

The above notification 120/C/O/MISC/21/09/MINES clearly states the jurisdiction of such authorised officers in a separate Table-II appended to that notification. For inter-State transportation of minerals the Director of Mines & Minerals is the only authorised Officer beyond State & within West Bengal for the purposes of Rule 4 of the WBM(PoIM,T&S) Rules ,2002.

The C, I & E department to the Government of West Bengal is working on Mineral Tracking and e-Permit System. This system involves generation of e-Challan/Transit Pass along with a monitoring system software for Sand mining , transport and tracking. A detailed outline of the monitoring system may be found in Appendix-XII of the Notification S.O. 141(E) dated 15/01/2016 of the Ministry of Environment, Forest & Climate Change, Government of India [ MoEF & CC ] .

Note :- It is nightmare of an officer on raid duty when after intercepting a vehicle carrying unauthorized mineral on road ,--the driver flees. Or a situation may arise were a number of vehicles are found parked alongside the road and the driver of the vehicle is nowhere to be found. What is normally done is that those vehicles are towed or local arrangements are made to take those vehicles to the nearest police station and custody of the same is given to the Officer in Charge of the Police Station. This is the best way to follow, as lack of infrastructure on the part of the Officer of the L&LR Department is really a hindrance to keep safe custody of the same. However rule 5(5)(iii) of the WBM(PoIM,T&S) Rules ,2002 empowers the authorised officer [column 5 of row 8 of the table ] to seize the vehicle and take the same in his possession .

### **Stock of Mineral**

The Rule 6 of the West Bengal Minerals ( Prevention of Illegal Mining, Transportation & Storage) Rules, 2002 lays down the provisions for storage of minor minerals before it's being transported ( inter district or state ) with prior permission from the authorised officer at least 15 days prior to the commencement of the mining operation.

But the question now arises that how the mined minerals are to be transported from the mining spot to the storage site, as the said rule does not provide any provisions for issuance of any challan/road pass for this purpose neither there is any prescribed format



appended to the said rules regarding application and / or certificate for permit for stocking. Moreover the transit pass/challan issued under provisions of rule 4 of the said rule cannot be used for this purpose as it will simply double count the quantity of mineral extracted and royalty calculated thereof.

In continuation of the above discussion the following proposals are made ,

- (A) a Transit Pass/challan in form of a booklet printed in duplicate may be issued to the lessees/permit holders for movement of minerals from the mining/quarry spot upto the storage site. A specimen of such challan is depicted below .
- (B) the storage spot shall be within 2( two) k.m. from the mining/quarry spot. And the lessees/permit holders have to obtain the NOC from the recorded owner of the plot or if it is Govt. land , from the concerned department.
- (C) the pages of the challan booklet is proposed to be **coloured** throughout the district.
- (D) the booklet are only to be issued from the offices of the concerned S.D.L. & L.R.O.
- (E) under no circumstances the stock of mineral should exceed the quantity as mentioned in clause **H** at ant particular point of time.
- (F) the type of mineral , quantity of mineral , type (make) of vehicles to be used , registration number of the vehicles are to be **printed** ( not hand written ) in the challan along with transport route printed on the reverse of the challan .
- (G) No lessee/permit holder shall be permitted to stock minerals in more than one storage spots.
- (H) Lessees/permit holders intending to stock minerals for future transportation during the banned (monsoon) season ( restriction on mining imposed by the I&W dept.) , can stock minerals upto a maximum limit of three times the average calculated by dividing the mineral reserve (as per mine plan) by effective mining period( i.e. 8 months in a year.) or upto a height of 04 (four) feet from the ground ,whichever is less( depending on the area used for storage purpose .
- (I) A wall should be built around the periphery of the storage spot upto a height which is at least two feets higher than the height of the mineral stored ,to prevent dust/sand emission in the surrounding areas.
- (J) No stocking of minerals within 1.00 k.m. from any National /State highways.
- (K) A clearance of 2 ft. from the boundary wall should be maintained inside the stock area.
- (L) A sum of Rs. 50,000/- (rupees fifty thousand) may be deposited by the lessee as a contribution to the D.M.F, or any other amount as recommended by the Governing Council .
- (M) The lessee may submit Financial Assurance in the form of Bank Guarantee at the rate of Rs. 15000.00 per hector or Rs. 50,000/- (which ever is higher) for area put to use for stocking mineral and allied activities ( in terms of Rule 18 of the WBMMC Rules, 2016).
- (N) The intending lessee may submit- (i) Application Form , (ii) An affidavit regarding due compliance of the terms of stocking including the registration No. of the dedicated vehicle(s) to used for the purpose , (iii) the route map showing the movement of mineral from mining site to the storage spot.

**Transit Pass/Challan for Storage of (Minor Minerals) Sand**

**SPECIMEN**

[ See Rule 6 of the West Bengal Minerals ( Prevention of Illegal Mining, Transportation & Storage) Rules, 2002 ]

**Details of Lease :-**

Name of the Lessee :-

Lease Deed No :-  
Mouza:-  
Plot No. :-

Date of Expiry:-  
J.L.No.:-  
Area of lease(in acres) :-

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**Details of Storage Spot :-**

Name of the Raiyat :-  
Khatian No :-  
Mouza :-  
Plot No. :-

J.L.No. :-  
Area of storage(in acres) :-

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**Mineral Transported :-** SAND  
**Quantity of Mineral :-** to be printed  
**Type of Vehicle :-** to be printed  
**No. of the Vehicle :** to be printed  
**Date :-** \_\_\_\_\_  
**Time:-** \_\_\_\_\_

Signature of the Lessee/Manager

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**NOTE**

1. This transit pass/challan is issued only for movement of minerals(as noted above) from the mining/quarry spot to the storage site.
2. The storage spot should be within 02 (two) k.m. from the mining/quarry spot.
3. This challan cannot be used in lieu of Transit Pass/Challan issued in terms of Rule 4 of the West Bengal Minerals ( Prevention of Illegal Mining, Transportation & Storage) Rules, 2002 for transportation of minerals.
4. The Lessee/Permit holder shall maintain/preserve the transit pass/challan for each mineral kept in the store.
5. The Lessee/Permit holder shall maintain proper Stock Register(s) of storage of minerals in the stores which should indicate inter alia the, (a) Capacity of stores (in m.t.) ; (b) area of the store (in sq. mtr.) ; ( c) actual stock of mineral held, category wise ; (d) daily status of entry of minerals in the stores ; (e) daily status of exit of minerals from the stores ; (f) daily opening and closing balances.
6. An authorised Officer of the State Government may at any time visit the stores and inspect the mineral kept in the stores with reference to the entries made in the registers / Bin-Card.
7. Any vehicles engaged in transportation of minerals other than as printed above , will be treated as illegal transportation .
8. The designated vehicle(s) should follow the pre determined route from the mining/quarry spot to the storage spot as printed on the reverse of this transit pass/challan.

It often so happens that a lessee of one district ( referred as **Dist- A** )applies for stock permit to a different /adjacent district authority ( referred as **Dist- B** ). This may be for reasons of close proximity of National/State Highways passing through **Dist- B** . In such cases , permit for stock may be granted as per provisions of Rule 6 of the WB(PoIM,T&S) Rules, 2002. But the question is , which district authority will issue the transit pass/challan for transportation of the stored mineral .

If **Dist- B** intends to issue transit pass/challan , **Dist- A** will certainly raise an objection as because they will loose royalty/cess/ DMF contribution , which should have been their collection. Moreover, the measurement of extracted mineral cannot be carried

out or reconciliation of mined mineral with the number of transit pass/challan issued be done, due to different district jurisdiction .

In such a situation the following proposals are made ,-

1. **Dist- A** may issue transit pass/challan for within or inter district movement of minerals and thereby keep record of mineral extracted;
2. **Dist- B** may issue transit pass/challan only for movement of mineral from the mining spot to the storage spot ;
3. **Dist- B** may claim Financial Assurance [ rule 18 of WBMMC Rules, 2016 ] for area used for storage purpose ;
4. **Dist- B** may also claim lump sum contribution to the DMF ( District Mineral Foundation) [ rule 11 of WBDMF Rules, 2016 ] .

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