

**BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE
BENCH, KOLKATA**

ORIGINAL APPLICATION NO. 57 (EZ) OF 2023

IN THE MATTER OF:

AJAY RAJAK

APPLICANT

VERSUS

MINISTRY OF COAL & ORS.

RESPONDENT(S)

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Place:

Dated:



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TRIBUNAL, EASTERN ZONE BENCH,
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RESPONDENT(S)

**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 11,
UNION OF INDIA [MINISTRY OF ENVIRONMENT, FOREST
AND CLIMATE CHANGE]**

MOST RESPECTFULLY SHOWETH:

I, Rajeev Ranjan, aged about 43 years, currently working as Scientist 'E' in the Ministry of Environment, Forest and Climate Change (MoEF&CC), in the Regional Office at Ranchi to the Government of India, at 2nd Floor, Headquarter-Jharkhand Housing Board, Harmu Chowk, Ranchi-834002, Jharkhand, do hereby solemnly affirm and state as follows: -



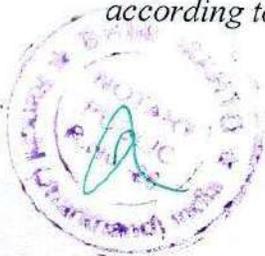
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Date

Rajeev Ranjan

1. That I am filing this Affidavit on behalf of the Respondent No.11, and I am currently posted as Scientist 'E' in the Regional Office at Ranchi to the Ministry of Environment, Forest and Climate Change i.e. Respondent No. 11 in the above mentioned matter, am conversant with the facts and circumstances of the case on the basis of official records, and as such authorized and competent to swear this affidavit.
2. That I have read and understood the content of Original Application under reply and I deny each and every averment made therein except those which are admitted expressly by the deponent. The averments which are not denied may be deemed to have been denied by the deponent.
3. That the present application has been filed against the illegal mining of coal operating in Surunga Pahharigora, Parbad Laxmi Colliery etc. Situated in Alakdiha OP, District Dhanbad in the State of Jharkhand which belongs to the Bharat Cooking Coal Limited (BCCL), Lodna area under Coal India Limited.
4. That further applicant contended that:
 - a) In November 2022, about 20-25 people have lost their lives due to illegal mining in the Central Surunga Paharigora.



- b) These illegal mines falls in the forest area and due to the mining operations, a part of Shiva Temple has also sunk into the ground.
- c) About 1500-2000 people including women and children are engaged in illegal coal mining in tunnel like unsafe coal mines which can any day result in a major tragedy.
5. That in view of the above-stated contentions, Applicant prays for the following things which are reproduced below:
- I. *Kindly passed an order to stop the illegal mines happening unnaturally on the above mentioned forest land.*
 - II. *Please also take appropriate legal action against the mining mafia and guilty officials involve in the said illegal mining.*
 - III. *Please identify the dead person due to illegal mining and give them the grace to provide necessary compensation to their families.*
 - IV. *In view of the difficulties being faced by the nearby villagers due to the said illegal mining, please provide proper compensation to them from the BCCL management.*
 - V. *Please excavate the said mining sites and remove the skeleton of the dead miners and issue an order to get them cremated according to their religion.*



- VI. *Kindly issue an order to investigate the property of all the police officers and their close relatives posted under the sindri subdivision police are, especially the then and present SHO's posted in Alakdiha OP and Baliapur police station, from the Enforcement directorate in the last two years.*
- VII. *Kindly issue an order to deposit the illegal coal extracted from the said mining sites till date in the central treasury after getting the experts, asses the cost of coal and reimburse the amount from the mining operator and the guilty officials.*
6. That in view of the above, the Hon'ble National Green Tribunal (NGT) vide order dated 04.07.2023 constituted a committee to visit the site and prepare an inspection report. The committee comprises of the following members:-
- i) Dy. Commissioner, Dhanbad,
 - ii) Senior Scientist, Central Pollution Control Board,
 - iii) Senior Scientist, Jharkhand State Pollution Control Board,
 - iv) Senior Scientist, Ministry of Environment, Forests and Climate Change, Regional Office, Ranchi.
7. That it is submitted here that MoEF&CC was not mentioned as a respondent in the array of parties. However, the NGT while hearing the instant OA No. 57 of 2023, vide order dated




04.07.2023 directed the applicant to implead MoEF&CC, Regional Office, Ranchi as respondent no. 11 in the array of respondents.

Copy of the Order dated 04.07.2023 is annexed herewith as **Annexure no. R11/1.**

8. That in compliance of the order dated 04.07.2023, MoEF&CC was impleaded as a respondent in the present application. Also, a committee was constituted with the following members:

- a) Shri Sandeep Singh, Dy. Commissioner, Dhanbad
- b) Shri Sandeep Roy, Scientist-D, Central Pollution Control Board, Regional Directorate, Kolkata
- c) Shri Sanjay Kumar Srivastava, Assistant Scientific Officer, Jharkhand Pollution Control Board, HQ Ranchi.
- d) Shri Rajeev Ranjan, Scientist-E, Regional Office, Ranchi, MoEF&CC, Govt. Of India.

9. That as per the direction of the Hon'ble Tribunal the committee visited and inspected the contended sites on 21.07.2023 and submitted the site inspection report along with the remedial steps/action plans with regard to checking and preventing illegal/unauthorised coal mining and theft of coal.



Copy of the detailed inspection report is annexed herewith as

Annexure no.R11/2.

Role of the concerned State Government in curbing illegal

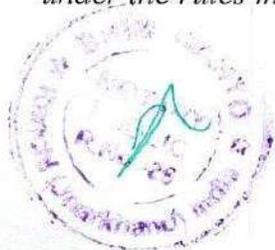
Mining:

10. That it is submitted that under the Mines and Minerals (Development and Regulation) Act (MMDR Act), 1957, the Department of Mines, Government of Jharkhand is the nodal authority in the State of Jharkhand for dealing with the allotment of mining leases and is also entrusted with the enforcement and regulation of mining operations in a State including illegal mining.
11. That section 23-C of the Mines and Minerals (Development and Regulation) Act (MMDR Act), 1957 empower State Government to make rules for preventing illegal mining, transportation and storage of minerals. The section 23 C of the said Act is reproduce below:

“23C. Power of State Government to make rules for preventing illegal mining, transportation and storage of minerals. (1) The State Government may, by notification in the Official Gazette, make rules for preventing illegal mining, transportation and storage of minerals and for the purposes connected therewith. (2) In particular and



without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:— (a) establishment of check-posts for checking of minerals under transit; (b) establishment of weigh-bridges to measure the quantity of mineral being transported; (c) regulation of mineral being transported from the area granted under a prospecting licence or a mining lease or a quarrying licence or a permit, in whatever name the permission to excavate minerals, has been given; (d) inspection, checking and search of minerals at the place of excavation or storage or during transit; (e) maintenance of registers and forms for the purposes of these rules; (f) the period within which and the authority to which applications for revision of any order passed by any authority be preferred under any rule made under this section and the fees to be paid therefore and powers of such authority for disposing of such applications; and (g) any other matter which is required to be, or may be, prescribed for the purpose of prevention of illegal mining, transportation and storage of minerals. (3) Notwithstanding anything contained in section 30, the Central Government shall have no power to revise any order passed by a State Government or any of its authorised officers or any authority under the rules made under sub-sections (1) and (2).”



12. That from the above it is submitted here that section 23C of Mines and Minerals (Development and Regulation) Act (MMDR Act) 1957, empowers the State Governments to frame rules to prevent illegal mining, transportation and storage of minerals and for the purposes connected therewith. Hence, control of illegal mining comes under the legislative and administrative purview of the State Governments.

13. That in pursuance of the provisions of Section 23(C) of the Act, State Governments has framed rules to curb illegal mining. In fact the State Government of Jharkhand has notified the Jharkhand Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2017. These rules further cast the duty upon the officials of the State Government to continuously monitor and take action against the illegal mining transportation storage of coal within the district.

14. That further, the MMDR Act, inter-alia, has the following provisions to curb illegal mining:

- a) Penalty for illegal mining was made more stringent by amendment of the MMDR Act in 2015. Penalties for contravention of Section 4(1) and 4(1A) of the Act have been increased from Rs. 25 thousand per hectares to Rs. 5 Lakh per



hectare and the term of imprisonment has been increased from 2 years to 5 years.

- b) Further, Section 30B of the Act provides for constitution of Special courts by State Governments for speedy trial of Illegal mining/Transportation/Storage cases and 30C of the Act provides that such Special Courts shall be deemed to be a Court of Session.

Copy of the Jharkhand Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2017 is annexed herewith as **Annexure no R11/3.**



Role of the Ministry of Coal, Government of India in curbing

illegal Mining:

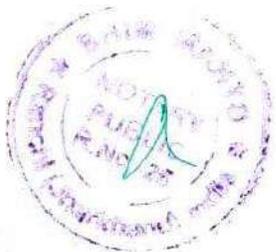
15. That it is submitted here that the role of Central Government i.e., Ministry of Coal, in prevention and control of illegal mining is limited as it is a law and order issue which falls in the domain of State Governments. However, the Ministry of Coal determines policies and strategies in respect of exploration and development of coal and lignite reserves, aids in sanctioning of important projects of high value and for deciding all related issues.



16. That further to curb the menace of illegal coal mining the Ministry of Coal has launched one mobile app namely "Khanan Prahari" and one web app namely "Coal Mine Surveillance and Management System" (CMSMS) for reporting unauthorized coal mining activities so that monitoring and taking suitable action on it can be done by concerned Law & Order enforcing authority.
17. That "Khanan Prahari" is a Mobile App of Ministry of Coal for Reporting Illegal Coal Mining and a tool for reporting any illegal coal mining incident through geo-tagged photographs as well as textual information by any citizen from the place of incidence.
18. That CMSMS was developed to curb illegal mining and take transparent action as an e-Governance initiative of Government of India on use of Space Technology. The objective of development and launching of this CMSMS application was to detect citizens' participation against illegal mining by receipt of citizen's complaints through mobile app – Khanan Prahari and to monitor and take action on any kind of illegal coal mining activity being carried out within the leasehold boundaries of any Coal Mining Project in the Coalfield Areas.



Copy of the complaints received on
the Khanan Prahari Mobile



Application and CMSMS Web Application till January 2023 is annexed herewith as **Annexure No. R11/4.**

19. That further, the judgment of the Hon'ble Supreme Court in the case of **T N Godavarman Thirumulpad (87) v. Union of India & Ors. (2006) 1 SCC 1** is reiterated here, wherein it was held that:

“Natural resources are the assets of the entire nation. It is the obligation of all concerned, including the Union Government and State Governments to conserve and not waste these resources. Any threat to the ecology can lead to violation of the right of enjoyment of healthy life guaranteed under Article 21, which is required to be protected.”

Role of Ministry of Environment, Forest and Climate Change Government of India

20. That it is most humbly submitted that the Ministry of Environment, Forest & Climate Change has notified Environment Impact Assessment (EIA) Notification, 2006 under the provisions of the Environment (Protection) Act, 1986 which deals with the process to grant prior EC. As per EIA Notification, 2006 and subsequent amendments, all new projects or activities listed in the Schedule,



expansion and modernization of existing projects or activities listed in the Schedule, any change in product-mix in an existing manufacturing unit requires prior EC from the concerned authorities. No activity listed in the schedule of the EIA Notification, 2006 can commence before grant of EC.

21. That under the EIA Notification, 2006 all projects and activities are broadly categorized into two categories viz., Category "A" and Category "B", based on the spatial extent of potential impacts on human health and natural and man-made resources.

22. That, from the above, it is most humbly submitted that role of the respondent Ministry is to grant EC and to monitor the compliance of conditions stipulated therein. However, in the instant case the issue involved is predominantly of illegal mining and action under the provisions of the Water (Prevention and Control of Pollution) Act 1974 and the Air (Prevention and Control of Pollution) Act, 1981 may be taken by the concerned State and UT's Pollution Control Board as per the merits of the case. Also, it will also attract the Environment Impact Assessment (EIA) Notification 2006 under the Environment (Protection) Act, 1986 for taking prior EC as applicable.



23. That it is evident from the circumstances stated above that in this instant matter the State Government of Jharkhand is duty bound to curb the menace of illegal mining and abide by the mandate of the MMDR Act.

24. That it is submitted that the Answering Respondent reserves its right to file an additional affidavit during the course of hearing in the said petition or as and when required.

25. That in view of the above mentioned facts, this Hon'ble Court is graciously requested to pass any orders as may deem fit in the interest of justice. The Answering Respondent prays accordingly.



NOTARY PUBLIC, RANCHO, JHARKHAND

Handwritten signature in green ink, dated 15-12-23.

Handwritten signature of Rajeev Ranjan in black ink.

DEPONENT

राजीव रंजन / Rajeev Ranjan
श्रेणीक 'E' / Scientist 'E'
भारत सरकार / Govt. of India
पर्यावरण, वन एवं जलवायु परिवर्तन विभाग
Ministry of Environment, Forest & Climate Change
क्षेत्रीय कार्यालय, राँची
Regional Office, Ranchi

Identified by me
Adv. Rajeev Ranjan Singh
No. - D/118/2021
Signature in Identified
Advocate

VERIFICATON

Verified at Ranchi on this day of 4th October, 2023 that the contents of this affidavit are true and correct to my knowledge and as per official records maintained in the routine course of business. No part of the above affidavit is false and nothing material has been concealed there from.



DEPONENT

राज्यीय संजम / Regional Office
शैक्षणिक 'ई' / Scientific 'E'
सर्वकार / Govt. of India
पर्यावरण, वन एवं जलवायु परिवर्तन विभाग
Min. Environment, Forest & Climate Change
क्षेत्रीय कार्यालय, राँची
Regional Office, Ranchi

Identified by me
Adv. Rajeev Ranjan Raj
Gn. No. - D/1185/2021

**Signature is Identified
by the Advocate.**

Item No.01

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.57/2023/EZ

Ajay Rajak

Applicant(s)

Versus

Ministry of Coal & Ors.

Respondent(s)

Date of hearing: 04.07.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant(s) : Mr. Ajay Rajak, in person (in Virtual Mode)

ORDER

1. Heard Mr. Ajay Rajak, the Applicant in person (in Virtual Mode).
2. This Original Application has been filed on an allegation that there are several illegal coal mines operating in Central Surunga Paharigora, Parbad Laxmi Colliery etc. situated in Alakdiha OP, District – Dhanbad in the State of Jharkhand which belong to Bharat Coking Coal Limited (BCCL), Lodna area under Coal India Limited.
3. It is alleged that in November 2022, about 20-25 people have lost their lives due to illegal mining in the Central Surunga Paharigora. It is also alleged that the said mines fall in the forest area and due to the mining operations, a part of Shiva Temple has also sunk into the ground.
4. It is alleged that about 1500-2000 people including women and children are engaged in illegal coal mining in tunnel like unsafe coal mines which can any day result in a major tragedy. It is alleged that the Respondent No.8, Bittu Yadav is the main operator of the coal mines.

5. In support of the allegations made, photocopies of the newspaper cuttings have been filed as annexures.
6. In our opinion, matter requires consideration.
7. Issue notice to the Respondents, returnable within four weeks.
8. All the Respondents shall file their counter-affidavits within four weeks.
9. Considering the nature of allegations made, we deem it appropriate to constitute a Committee comprising of the following Members:-
 - i) Dy. Commissioner, Dhanbad,
 - ii) Senior Scientist, Central Pollution Control Board,
 - iii) Senior Scientist, Jharkhand State Pollution Control Board,
 - iv) Senior Scientist, Ministry of Environment, Forests and Climate Change, Integrated Regional Office, Ranchi.
10. The Dy. Commissioner, Dhanbad shall be the Nodal office for all logistic purposes and shall file the counter-affidavit within four weeks.
11. The Committee shall visit the site and prepare an Inspection Report which shall be filed along with the affidavit.
12. The Applicant shall also implead (i) Central Pollution Control Board, (ii) Jharkhand State Pollution Control Board, as well as (iii) Ministry of Environment, Forests and Climate Change (MoEF&CC), Regional Office, Ranchi in the array of respondents as Respondent Nos.9, 10 and 11 respectively.
13. Mr. Ashok Prasad, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.1, Ministry of Coal.
14. Mr. Surendra Kumar, learned Counsel who is present in Court, accepts notice on behalf of the State Pollution Control Board, Jharkhand.
15. Mr. Sibojyoti Chakraborty, learned Counsel who is present in Court, accepts notice on behalf of the Central Pollution Control Board.

16. Ms. Aishwarya Rajyashree, learned Counsel who is appearing (in Virtual Mode), accepts notice on behalf of the State Respondents.
17. Ms. Anamika Pandey, learned Counsel who is appearing (in Virtual Mode), accepts notice on behalf of the Ministry of Environment, Forests and Climate Change.
18. Ms. Amrita Pandey, learned Counsel who is appearing (in Virtual Mode), accepts notice on behalf of Coal India Limited.
19. The Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures to the learned Counsel appearing for the Respondents within 24 hours.
20. Issue notices to Respondent Nos.7 and 8, returnable within four weeks.
21. The said Respondents may file their counter-affidavits within four weeks.
22. The learned Counsel who have accepted notices on behalf of the Respondents, shall share their email addresses in the chatbox.
23. **List on 07.08.2023.**

.....
B. Amit Sthalekar, JM

.....
Dr. Afroz Ahmad, EM

July 04, 2023,
Original Application No.57/2023/EZ
SKB

Inspection Report of illegal coal mining sites in Lodna Area of BCCL Dhanbad, Jharkhand in the matter of O.A No. 57/2023/EZ (Ajay Rajak Vs Ministry of Coal and Ors.) pending before Hon'ble National Green Tribunal, Eastern Zone, Kolkata.

I. Background

- a. The Original Application has been filed by Petitioner Sri Ajay Rajak on an allegation that there are several illegal coal mines operating in Central Surunga Paharigora, Parbad Laxmi Colliery, etc. situated in Alakdiha OP, District – Dhanbad in the State of Jharkhand which belong to Bharat Coking Coal Limited (BCCL), Lodna area under Coal India Limited.
- b. The Petitioner has alleged that in November 2022, about 20-25 people have lost their lives due to illegal mining in the Central Surunga Paharigora. It is also alleged that the said mines fall in the forest area and due to the mining operations, a part of Shiva Temple has also sunk into the ground. The Petitioner has also alleged that about 1500-2000 people including women and children are engaged in illegal coal mining in tunnel-like unsafe coal mines which can any day result in a major tragedy.
- c. The matter has been taken up by Hon'ble National Green Tribunal, Eastern Zone, Kolkata in the Original Application No. 57/2023/EZ.
- d. In view of the above Hon'ble NGT constituted a committee to visit the site of the following members: -
 - i) Dy. Commissioner, Dhanbad,
 - ii) Senior Scientist, Central Pollution Control Board,
 - iii) Senior Scientist, Jharkhand State Pollution Control Board,
 - iv) Senior Scientist, Ministry of Environment, Forests and Climate Change, Integrated Regional Office, Ranchi



- e. As per the NGT order dated 04.07.2023 "The Dy. Commissioner, Dhanbad shall be the Nodal office for all logistic purposes and shall file the counter-affidavit within four weeks".

Hon'ble NGT has instructed that "The Committee shall visit the site and prepare an Inspection Report which shall be filed along with the affidavit".

- f. Accordingly, a committee was constituted with the following members:
1. Shri Sandeep Singh, Dy. Commissioner, Dhanbad
 2. Shri Sandeep Roy, Scientist-D, Central Pollution Control Board, Regional Directorate, Kolkata.
 3. Shri Sanjay Kumar Srivastava, Assistant Scientific Officer, Jharkhand State Pollution Control Board, HQ Ranchi
 4. Shri Rajeev Ranjan, Scientist-E, Integrated Regional Office, Ranchi, MoEF&CC, Govt. of India.

Shri Ram Pravesh Kumar, Regional Officer, Jharkhand State Pollution Control Board, Dhanbad, Shri Mihir Salkar, District Mining Officer, Dhanbad, RK Singh, RFO, Dhanbad, Incharge Alakdiha O.P, and Incharge Jorapokhar P.S also accompanied committee members during the inspection.

II. Description of the inspection of the alleged illegal coal mines operation in Lodna Area of BCCL Dhanbad, Jharkhand.

The Committee members inspected/visited the various alleged illegal opening/ sites / Rat Holes for coal theft operating in Central Surunga Paharigora, Parbad Laxmi Colliery, etc. situated in Alakdiha OP, District – Dhanbad on 21.07.2023.

During the inspection Sri Birendra Kumar Sinha, General Manager Lodna Area, BCCL, Sri M.S. Pandey, General Manager, Security BCCL HQ, Sri

(SK)

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Kumar Ranjeev, General Manager, Environment, BCCL HQ, Sri Shailendra Sinha, Agent NT-ST OCP, Sri Arun Kumar Pandey, Agent Aml. Joyrampur Colliery, Sri Ishtak Hussain, AM (Planning), Lodna, Sri Dibyendu Manjhi, Manager NT-ST OCP, Sri Gautam, AM (Survey) Lodna Area, and other officials of BCCL were present to assist the committee.

The present Officials of BCCL informed that the alleged sites are within the Mining Leases vested to BCCL through the Coking Coal Mines (Nationalization) Act, 1972, and the Coal Mines (Nationalization) Act, 1973 but they do not have the surface rights for the entire leasehold area.

First, it is pertinent to mention some important definitions from statutes that are relevant here:

- **Illegal mining:** As per definitions given in Mineral Concession Rules, 1960 (latest amendment on 29.05.2020) "illegal mining" means any reconnaissance or prospecting or mining operation undertaken by any person or a company in any area without holding a reconnaissance permit or a prospecting license or as the case may be, a mining lease as required under sub-section (1) of section 4 of the Act.
Explanation. — For the purpose of this clause, —
(a) violation of any rules, other than the rules made under section 23C of the Act, within the mining lease area by a holder of a mining lease shall not include illegal mining;
(b) any area granted under a reconnaissance permit or a prospecting license or a mining lease, as the case may be shall be considered as an area held with lawful authority by the holder of such permit of license or a lease while determining the extension of illegal mining;
- **Abandoned Working:** As per definitions given in the Coal Mines Regulations, 2017 "abandoned working" means such working as have been abandoned with no intention of working in future.
- **Discontinued working:** As per definitions given in the Coal Mines Regulations, 2017 "discontinued working" means such working in a

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mine as have been discontinued for any reason and are inaccessible or rendered inaccessible but are likely to be worked again.

A. Detailed description of the inspection done by committee members on 21.07.2023.

Field observations during the inspection of Parbad Laxmi Colliery:

- i) As told by General Manager, Lodna Area, Laxmi Colliery was an Old Colliery that was operated by a private mining company prior to nationalization, and at present no such Colliery is functional/operational under M/s Bharat Coking Coal Limited (see photo 01).
- ii) The area of concern lies in the vicinity of Lodna Area, M/s BCCL.
- iii) Inside the Old Quarry of Laxmi Colliery situated towards the east of the railway tracks committee observed an unauthorized pit (see photo 02). The present BCCL officials informed that the quarry dates back prior to Nationalization and at present no activities are being done by M/s BCCL in the Quarry.
- iv) Towards the east side of the old Quarry of Laxmi Colliery, BCCL lies a small colony (see photo 03). The committee inspected the areas around the colony for traces of illegal opening/ ratholes for the extraction of coal but was not found.
- v) Committee members interacted with a few of the local residents of the colony (see photo 04) in order to enquire further. Shri Ashok Sharma, S/o Late Raghunath Sharma acknowledged illegal openings/ratholes by a few miscreants in the past but no illegal openings/rathole was found nearby the Laxmi Colliery Basti area at present.





vi) The committee further enquired about the incidents of subsidence in the course of unauthorized rathole mining with Sri Virendra Kumar and Sri Nand Kishore Paswan, residents of Laxmi Colliery Colony on which they replied that no such incident has happened in Laxmi Colliery or around the colony area.

B. Detailed description of the inspection done by committee members at Central Surunga Paharigora Area on 21.07.2023.

- i) The committee members then proceeded to inspect the Central Surunga Paharigora area.
- ii) The Shiva Temple situated in the Central Surunga area was found in a subsidence-affected area (see photo 05). General Manager, Lodna Area, BCCL informed that the subsided site lies within the old Underground Working which was earlier operated by private miners and the subsidence had happened earlier possibly due to improper stowing of the underground working done by private miners.
- iii) However, during the inspection traces of several ratholes and illegal openings for coal theft were observed in the area which was dozed off by the BCCL (see photos 6 to 14). The traces of coal were found at several places which might be due to illegal extraction and coal dumping. Coal debris and Bags of coal were also observed in a few places.
- iv) Around 200-250 meters from Shiva Temple active OB dump of Jeenagora Colliery, part of the North Tisra-South Tisra Open Cast Project exists.



- v) The committee members inspected the whole area along the OB dump for about 400-500 meters and found more than 7 dozed-off unauthorized openings which were freshly covered using loose soil, stones, bamboo, etc. The General Manager Lodna Area, BCCL informed that the incidents of illegal openings and rat holes are continuously monitored by the Colliery administration and are dozed off from time to time by the management with the help of CISF and local administration.
- vi) Committee member further interacted with the local residents and enquired about the incidents of subsidence with Sri Vijay Kumar Kalindi, S/o Dasrath Kalindi of Surunga Panchayat, to which he informed that such subsidence incidents have happened in the area to his knowledge. Sri Mukesh Kr. Mahto, S/o Sri Dinesh Kr. Mahto also informed the same to the committee.
- vii) The Committee observed an old Fan House near Paharigoda *Basti* which would have been constructed earlier for operating UG mines it was covered using OB and Soil. A few bags filled with coal were found near the fan house indicating the possibility of illegal/unauthorized extraction of coal through that Fan house opening and nearby shaft (see photo 15). The fan house is situated near Paharigoda *Basti* and illegal extraction of coal can be a danger to the residents.
- viii) The committee enquired with one of the residents of the nearby house of Paharigoda *Basti*, Sri Nilkanth Rai, S/o Late Nakul Rai about the illegal mining and accident that happened in the course of illegal extraction of coal but he could not provide any information regarding it. The committee also interacted with Sri Tinku Mahto

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another resident of the *basti* for the same but Sri Mahto also could not provide any information regarding the accidents to the committee members.

- ix) During the inspection towards the south side of Paharigoda *basti* an area was found fenced using Palm Tree Leaves. The Committee upon suspicion entered the area and found several freshly covered illegal mining sites/ratholes within the fenced area.
- x) Ahead of the fenced area towards the east side several other freshly covered openings were found hidden in the bushes, trees, and vegetation. Freshly burnt plastic bags were found in some of the pits that might be used to transport illegally extracted coal (see photos 16, 17). Also, one Shaft-like opening was also found with a makeshift bamboo lifting mechanism which appears to be active (see photos 20 and 21).
- xi) A trail route was found towards the south side which leads to an open area of approx. dimension 40 meters x 10 meters where traces of coal were found along with some of the coal-filled bags (see photos 18 and 19).

Photographs taken during the inspection and geo-coordinates of the places visited by committee members were taken and are attached as Annexure A with this report.

Geo coordinates of the places inspected by committee members were superimposed on Google Maps and the output map of the area is shown in the photos attached as Annexure B.

III. Conclusions made after the site inspection of the committee members:

After the site inspection and on the basis of above description and photographs attached, it can be concluded that unauthorized extraction and illegal rathole mines were operating in the Central Surunga, Paharigora area, Parbad Laxmi area. Many of the holes were dozed off by the BCCL/others while some of the openings were not closed. Coal bags were observed inside fencing of some houses in close vicinity of the illegal sites. Committee members did not find any boundary pillars of the coal mining leases in the Lodna area of BCCL and on the basis of surface plan/ layout shown by the General Manger Lodna area, most of the sites appear within the mining lease hold area of BCCL.

Shiva Temple in Surunga Paharigora area was also found little sunk due to subsidence that occurred. BCCL management informed that the temple has sunk due to subsidence caused may be due to previous underground working in the area but could not provide the actual dates / timeline on which the subsidence occurred. There were several dozed off illegal openings/ratholes observed in the close vicinity so the actual reason for the sinking of Shiva temple could not be ascertained by the committee. The local present there shared only generic and minimal information with the committee members, despite assurance of no legal liabilities.

About any possible loss of life or injury due to illegal mining activities , no confirmation was given by local people present there.



IV. **Some of the Remedial steps/action plans with regard to checking and preventing illegal/unauthorised Coal Mining and theft of coal:**

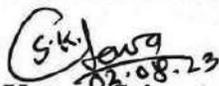
The following steps can be taken to prevent illegal coal mining : -

1. The land area where unauthorized illegal mining activities are observed where the surface rights are not with BCCL, the ownership of the land should be identified.
2. If illegal activities are happening on Rayati land, Raiyat's accountability should be fixed along with the initiation of legal prosecution.
3. Proper checks should be there at all check posts in the vicinity and in the district. Illegal coal transportation trucks should be checked regularly at checkpoints to verify the adequate challan. Installation of CCTVs, Boom Barriers around the identified/probable illegal sites as per the SOP issued by Coal India Limited should be done by BCCL management. The establishment of other structures/obstructions to restrict the movement of heavy and large vehicles within the illegal sites should be done by BCCL Management in their area.
4. Increased Patrolling by the CISF, deployment of QRTs, and check gates should be established in the transportation routes by the BCCL.
5. From time to time Drone surveillance shall be done by the BCCL management in order to identify the illegal sites and should doze them on regular basis.
6. Local Police should monitor and restrict the coal stocking and transportation around the Paharigoda Basti. Strict action should be taken against the illegal miners and persons involved in illegal coal transportation.



7. As the petitioner has alleged the illegal mining has grossly violated The forest Conservation Act 1986, The Air (Prevention and Control of Pollution) Act, 1986, and The Environment(Protection) Act, 1986 therefore, along with the institution of cases under IPC and the Mines and Minerals(Development and Regulation)Act,1957 against the wrongdoers should be done by the competent officers to create deterrence among them.
8. Boundary pillars should be established by the BCCL management marking their mining leasehold and project area. BCCL management should ensure that illegal mining does not take place within their mining lease area by dozing /closing all the unauthorised pits/ratholes/mine openings with the help of local administration at the earliest. All the openings of old working like old shafts, fan shafts, and quarries should be closed as per statutes. Since the illegal openings/ratholes cannot be built in a day or two,continuous vigil by BCCL management, CISF personnel, closing them on a regular basis with the help of District administration will discourage the illegal miners/miscreants.

Signature of committee members:


02.08.23

Sanjay Kumar Srivastava
Assistant Scientific Officer,

Jharkhand State Pollution Control Board, HQ
Ranchi



Sandeep Roy
Scientist-D,

Central Pollution Control Board, Regional
Directorate, Kolkata


02.08.2023

Rajeev Ranjan
Scientist-E,

Regional Office, Ranchi, MoEF&CC,
Govt. of India



Sandeep Singh
Dy. Commissioner, Dhanbad,
Jharkhand

Annexure A

Photos of Parbad Laxmi Area on inspection day i.e.21.07.2023



Photo 01: Photo of the old Quarry of BCCL near Opening 1 near the railway Track going to Patherdih Washery.

Photo 02: Photo of Rathole

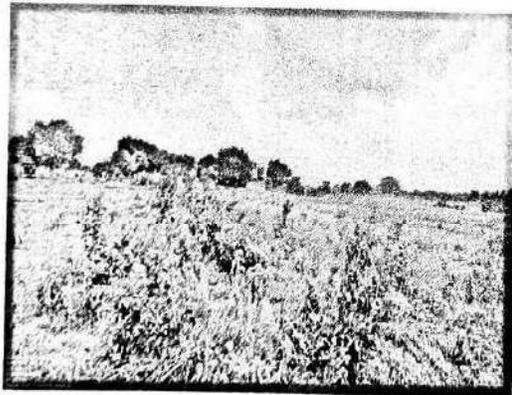


Photo 03: Photo of Laxmi Colliery Basti near Old Quarry

Photo 04: Photo of committee members interacting with local residents/people

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Photo 05: Photo of subsidence-affected Shiva Temple in Central Suranga Paharigora Area



Photo 06: Freshly Covered Illegal Mine Hole Opening – 1 near Shiva Temple

(Signature)

Rajendra

(Signature)

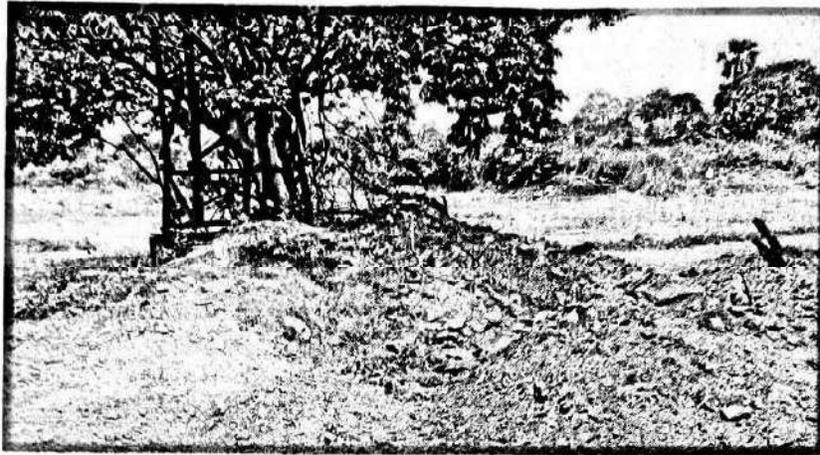


Photo 07: Freshly Covered Illegal Mine Opening -2 Central Surunga Area



Photo 08: Freshly Covered Illegal Mine Opening -3 Central Surunga Area

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Photo 09: Freshly Covered Illegal Mine Hole Opening -3 & 4

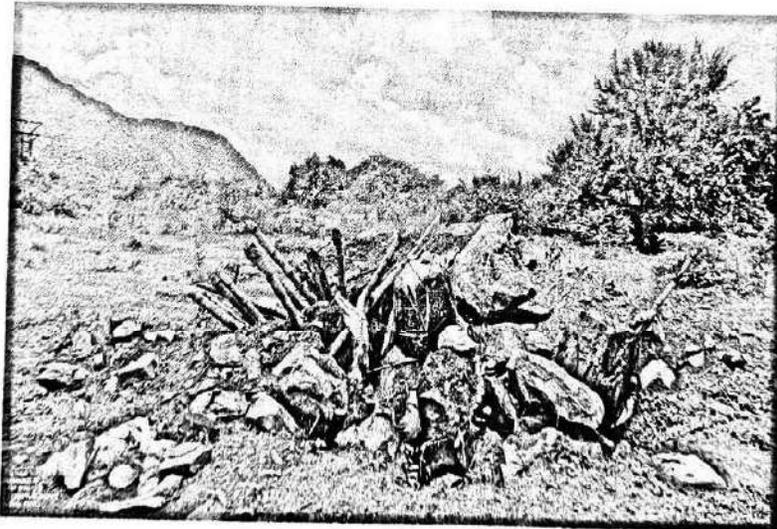


Photo 10: Freshly Covered Illegal Mine Hole Opening - 4 Central Surunga Area
(Near BCCL Lodna area mine overburden dump)

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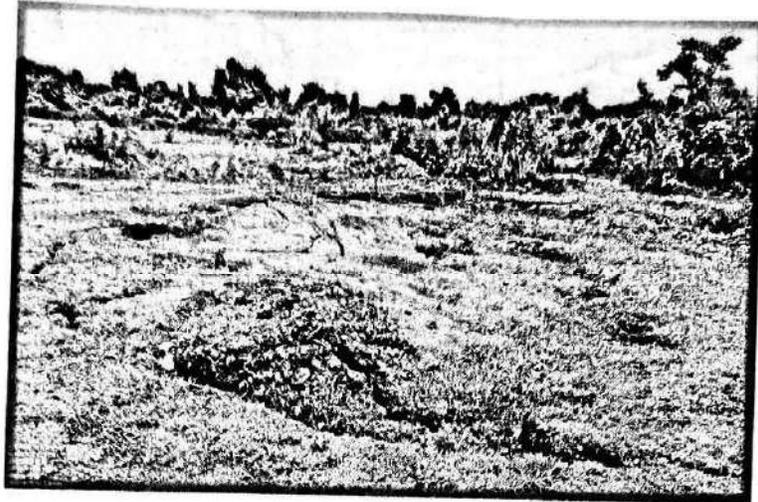


Photo 11: Freshly Covered Illegal Mine Hole opening- 5 Central Surunga Area

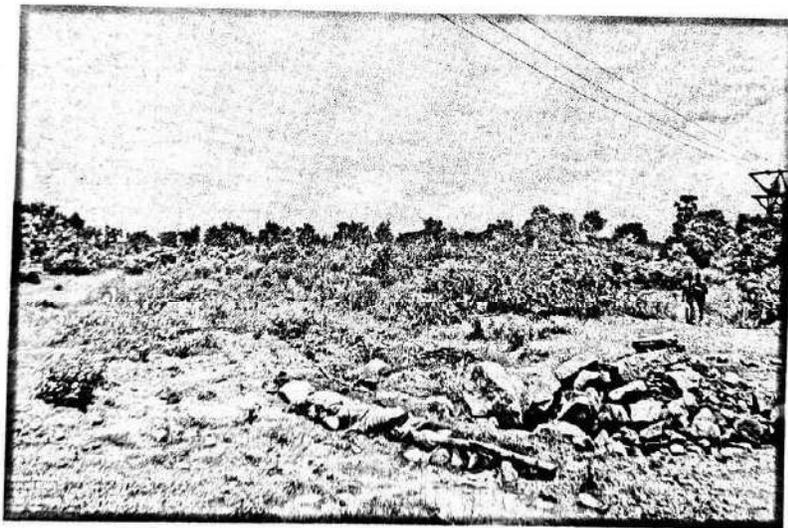


Photo 12: Freshly Covered Illegal Mine Hole Opening - 6 Central Surunga Area

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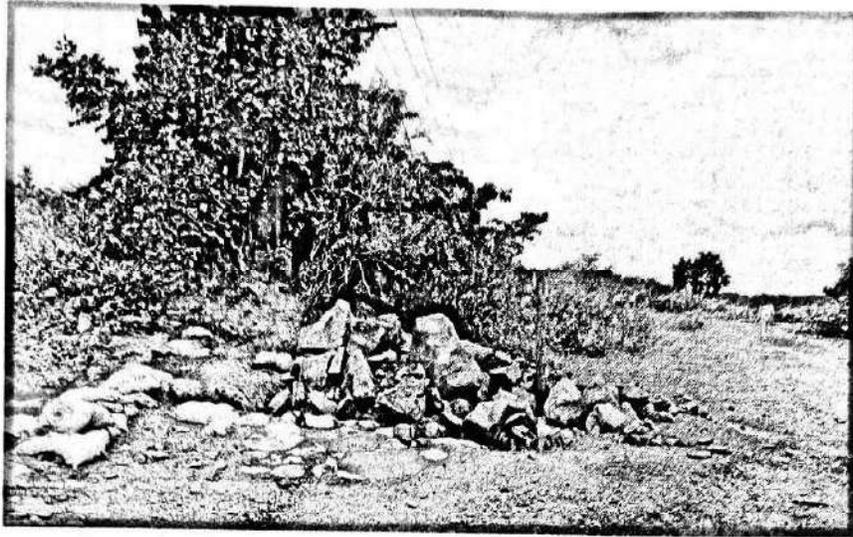


Photo 13: Freshly Covered Illegal Mine Hole Opening -7 Central Surunga Area



Photo 14: Illegal Mine Opening Covered using OB and Loose material adjacent to Pahadigoda Basti

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Photo 15: Illegal shaft adjacent to nearby houses of Central Surunga Pahadigoda *Basti*, near Fan House.

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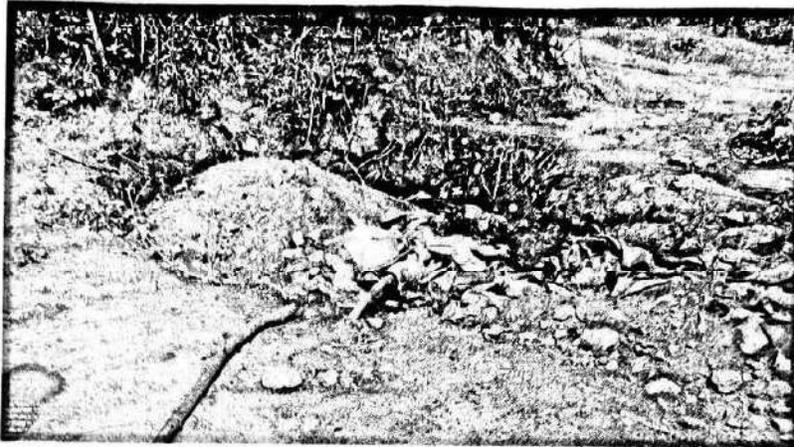


Photo 16: Illegal Mine Rathole filled with Debris and Burnt Plastic bags hidden behind temporary fencing using Palm leaves

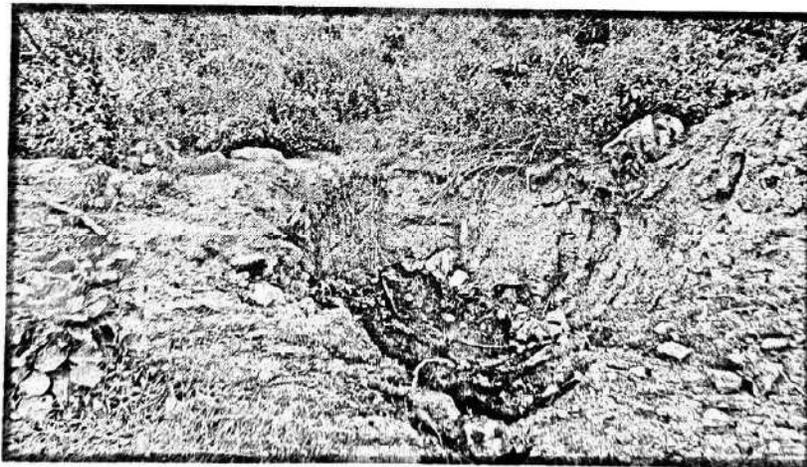
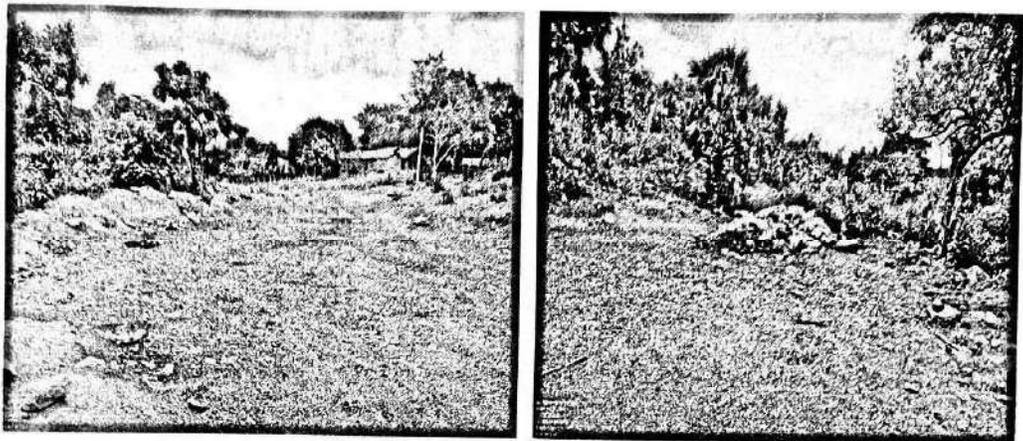


Photo 17: Illegal Mine opening filled with Debris and Burnt Plastic bags hidden behind temporary fencing using Palm leaves

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Photos 18 & 19: Collecting Area of Coal from the nearby illegal sites near Old Magazine House of BCCL



Photos 20 & 21: Shaft-like opening hidden between trees with makeshift arrangement for entering using Bamboo

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Locations Co-ordinates of some of the inspection sites where illegal mining activities were observed by committee members.

Sl.	Site		Coordinates
1.	Laxmi colliery	~	23.693615,86.436695
2.	Old Quarry	~	23.692253, 86.435891
3.	Rathole Opening -1	~	23.692609,86.436521
4.	Shiv Mandir Central Surunga Area	~	23.704854,86.456835
5.	Opening -1 near Shiv Mandir	~	23.705086,86.456648
6.	Opening - 2 Central Surunga Area	~	23.705309,86.456862
7.	Opening - 3 Central Surunga Area	~	23.705751,86.455661
8.	Opening - 4 Central Surunga Area	~	23.706111, 86.455847
9.	Opening -5 Central SurungaArea	~	23.706428, 86.455568
10.	Opening - 6 Central Surunga Area	~	23.707223,86.455432
11.	Opening -7 Central Surunga Area	~	23.708130, 86.455501
12.	Suranga <i>basti</i> jore entry into OB dump NT-ST OB dump Patch F	~	23.708688,86.455721
13.	Closed Opening near Fan House	~	23.701522,86.455965
14.	Covered opening hidden behind bushes	~	23.700807,86.454813
15.	Opening behind bushes nearby <i>Basti</i>	~	23.700722,86.455146
16.	Shaft-like opening hidden between trees	~	23.700076,86.455312
17.	Illegal collection site near shaft (nearby old magazine house)	~	23.700114, 86.455433

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Annexure B

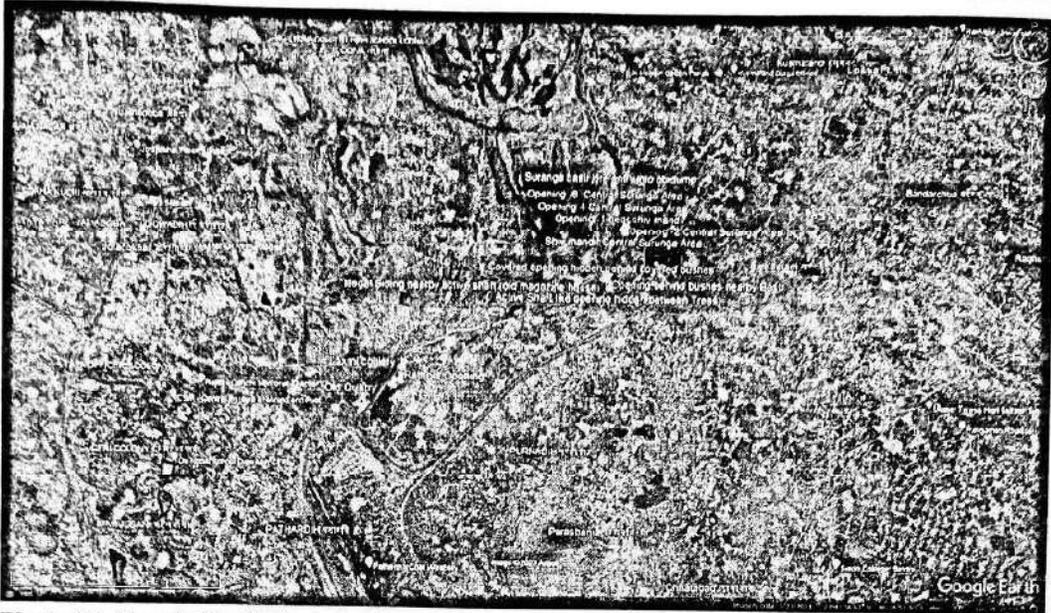


Photo 22: Google Earth photos of inspection sites by committee members where illegal mining activities were observed.

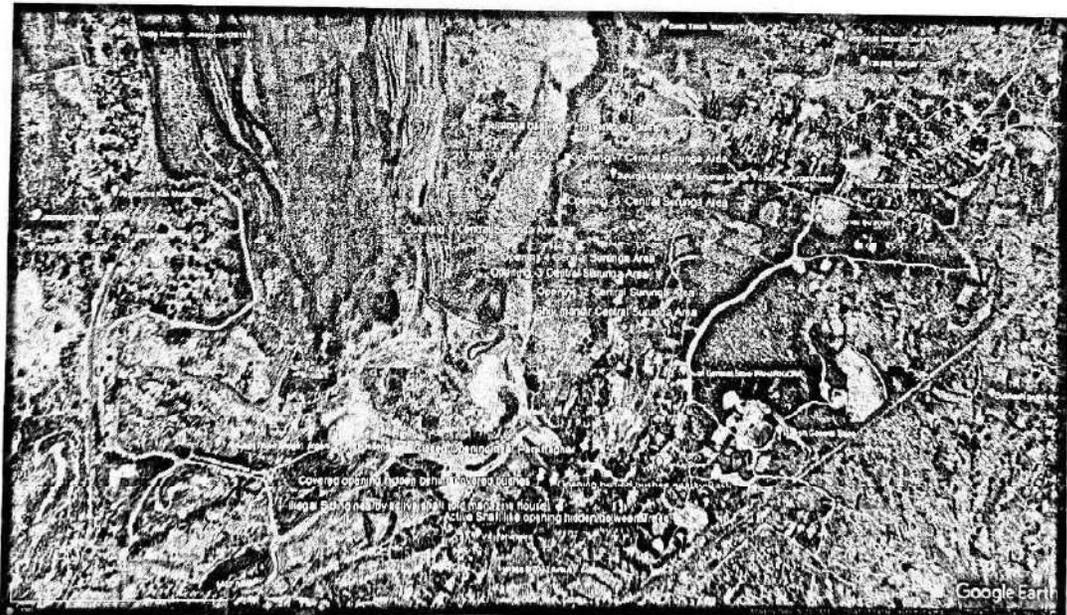


Photo 23: Google Earth photos of inspection sites at Surunga Paharigora area of Dhanbad by committee members where illegal mining activities were observed.

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GOVERNMENT OF JHARKHAND**DEPARTMENT OF INDUSTRIES, MINES & GEOLOGY****Notification**

No. Kha. Ni.-2/ Vidih-41/2006-...../M, Ranchi, Dated-....., In exercise of the powers conferred by Section 23-C(1) and Section 23-C(2) of the Mines and Minerals (Development and Regulation) Act, 1957 (as amended in 2015), the Government of Jharkhand hereby makes the following rules:-

1. SHORT TITLE, EXTENT AND COMMENCEMENT:

- i) These rules may be called "The Jharkhand Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2017.
- ii) It extends to the entire State of Jharkhand.
- iii) It shall come into force on the date of notification.

2. DEFINITIONS:

i) In these rules, unless the context otherwise requires:

- a) "Act" means the Mines and Minerals (Development and Regulation) Act, 1957 (Act 67 of 1957) and as amended in time to time;
- b) "Collector" means "Deputy Commissioner" of the District.
- c) "Competent Authority" means "Additional Chief Secretary, Principal Secretary, Secretary, Mines Commissioner and Director, Mines appointed or authorized by the State Government";
- d) "Competent Officer" means Deputy Commissioner of the district and District/Assistant Mining Officer of the district or any gazetted officer authorized by the Deputy Commissioner of the district;
- e) "Carrier" means any mode or conveyance or facility by which mineral is transported from one place to another and includes mechanized device, person, animal or cart;
- f) "Dealer" means any person who is ;
 - i) Engaged in purchase, storage, sale, transportation and processing of mineral(s) anywhere in the State for commercial gain through mineral based activity. However the purchaser utilizing the mineral for personal consumption shall be exempted.
 - ii) Carrying out export/import of mineral(s)
- g) "Dealer's registration" means a registration granted under these rules authorizing a person, to store and engage in the transaction to buy or sell and transport of minerals defined in clause (k) below;
- h) "Department" means Department of Industries, Mines and Geology, Government of Jharkhand ;
- i) "Form" means "Prescribed Forms".

- j) "Government" means State Government of Jharkhand;
- k) JIMMS – means Jharkhand Integrated Mines & Mineral Management System under the Department of Industries, Mines and Geology.
- l) "Mineral" means, minerals of all types (except the atomic minerals in part B of schedule-1 of Mines and Minerals (Development and Regulation) Act, 1957, and varieties including precious and semiprecious and un-cut stones and minor minerals as specified in section 3(e) of the mines and minerals (Development and Regulation) Act, 1957 (central Act, 67 of 1957) as amended in time to time and Jharkhand Minor Mineral Concession Rule, 2004 and as amended time to time for the purpose of these rules;

Explanation: Any mineral shall remain 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.

m) "Mines Commissioner" means Additional Chief Secretary, Principal Secretary, Secretary, Industries, Mines and Geology Department, Government of Jharkhand or any other officer appointed or authorized as Mines Commissioner by the state government.

n) "Notification" means a notification published by Government of Jharkhand;

o) "Permit" means permit granted under these rules;

p) "Transport Challan" means a challan issued by the officer authorized by the Government for lawful transportation of any mineral raised in accordance with the provisions of the Act and the rules made there under by a carrier, which is issued to a Mineral Dealer; and

q) "Year" means financial year.

ii) Terms not defined in these rules will have the same meaning assigned to them under the Act or the rules framed there under.

3. GRANT OF REGISTRATION:

(i) Any person desirous of being registered as dealer shall apply online through JIMMS Portal in Form as prescribed by Department of Industries, Mines and Geology, Government of Jharkhand.

(ii) Every applicant shall submit the following :-

(a) A fee of Rs 25,000/- or an amount as notified from time to time by the Department of Industries, Mines & Geology payable online through JIMMS Portal.

(b) Self-attested copy of the following document as

- a. PAN;
- b. TAN;
- c. GST Registration;
- d. Aadhar; or
- e. Company/firm Registration.

Department of Industries, Mines and Geology, Government of Jharkhand may add, subtract, mandate or relax any document if so required to establish the identity of the dealer;

(c) An Affidavit to this effect that he/she/they have not been convicted in any case relating to Illegal mining, Transportation, Storage, Sale and Purchase of minerals;

(d) Existing registered dealers as on the date of notification of these rules, have to re-apply with requisite documents to get new registration without any additional fee within ninety days from notification of these rule.

Explanation: If existing dealers do not register themselves under these rules within specified time, their registration will be deemed to have lapsed automatically. Thereafter, if they desire, they will have to get themselves registered as a new dealer.

4. **PROCESSING AND DISPOSAL OF APPLICATION:**

The officer in-charge of JIMMS or any such authorized officer by competent authority shall approve the application for registration in prescribed form after due verification of application within 30 days. If the application is neither approved nor rejected within thirty days, it will be deemed to have been approved. The registration number will be generated automatically in JIMMS portal. Competent Authority/officer or any authorised officer for the purpose may get the verification done subsequent to issuance of registration certificate.

If a person is holding a valid mining lease granted under the Mineral Concession Rules, 1960 or 2016 or JMMC Rule, 2004 & as amended time to time framed under the MM(DR) Act shall be exempted to register as a dealer for the same lease and mineral. However he/she will be treated as deemed dealer for the purpose of these rules.

5. **CONDITIONS:**

- (i) The Dealer shall abide by all terms and conditions prescribed by Department of Industries, Mines and Geology, Government of Jharkhand as mentioned in Dealers Registration Certificate.
- (ii) Dealers will have to register their mineral carrying carrier in JIMMS portal with their RFID/GPS or any other vehicle tracking system within sixty days of getting dealer registration. Lessee, as deemed dealer under Rule-4, will also require to register their mineral carrying carrier in JIMMS portal with RFID/GPS or any other vehicle tracking system within sixty days of notification of this rule.

6. **MANAGEMENT FEES:**

- i) A management fee of Rupees one per ton of mineral despatched shall be paid by the mining lease holders which will be deposited online through JIMMS portal. However, Department of Industries, Mines and Geology, Government of Jharkhand may revise the management fee by a notification.
- ii) The amount collected towards management fee may be provided from time to time in the expenditure budget of the Department of Industries, Mines & Geology

under appropriate head of account. This fund shall be utilised to maintain and strengthen the JIMMS and prevention of illegal mining, transportation and storage or for the purpose as may be notified by the Department of Industries, Mines and Geology, Government of Jharkhand.

7. PROHIBITION:

No person other than a dealer or a mining lease holder shall buy or store or sell or offer for sale or engage in any transaction of buying, selling, processing any mineral at any place or transport mineral for commercial gain without being registered as a dealer.

8. SUSPENSION/TERMINATION/DE-ACTIVATION OF REGISTRATION:-

- i) If a Dealer is found non-operative for a period of two years, the dealer registration will be de-activated automatically.
- ii) Such de-activated Dealers' registration may be re-activated by filling an application in prescribed form along with a fee of Rs. 5000 or as notified time to time by Department, online through JIMMS Portal.
- iii) The District Mining Officer/Any such officer authorized by the Competent Authority may at any time suspend the registration for breach of any of the terms and conditions of the Registration. The registration may be cancelled for breach of any of the terms and conditions of registration after giving an opportunity of being heard.

9. TRANSPORT CHALLAN:

- i) No person shall transport or otherwise remove or carry away any mineral from any place without obtaining a transport challan duly generated through JIMMS. The Dealer desiring such challan should file an application online through JIMMS portal in prescribed Form duly specifying all the particulars prescribed therein.
- ii) The applicant shall upload the original copy of the royalty paid Transport Challan issued by the lessee to such Dealer or the relevant documents showing payment of royalty on such mineral or other adequate proof of such payment.
- iii) On receipt of an application under sub-rule (i), the The District Mining Officer/Any such officer authorized by the Competent Authority shall communicate his approval/rejection within fifteen (15) days on the JIMMS portal for issuing the Transport Challan in prescribed form for such period and subject to such terms and conditions as prescribed by him. The District Mining Officer/Any such officer authorized by the Competent Authority may reject an application to grant Transport Challan for reasons to be recorded in writing and communicated to the applicant through JIMMS Portal.

10. SPECIAL CONDITION WITH RESPECT TO LEASE HOLDERS :

- i. All dispatches of ores and minerals except those by aerial ropeway/conveyor belt by captive users shall be accompanied by Transport Challan in the prescribed Form.
- ii. Sampling and analysis will be done before the mineral/ore is removed from the mine site. The following procedure shall be adhered to-

- (a) Mining Lessees after proper dressing, stacking, grading and analysis shall apply in prescribed form through JIMMS portal to the District/Assistant Mining Officer, within whose jurisdiction the mine is situated, intimating his intention to remove the mineral/ore enclosing copies of the analysis report in duplicate in prescribed Form and shall make payment of royalty of the mineral and other charges through JIMMS portal.
- (b) Upon receipt of such application, District Mining Officer/Assistant Mining Officer shall verify or forward the same to Mining Inspector/any other authorised officer for verification. After verification, verification report will be submitted on JIMMS portal within 07 days of receipt of application. The District/Assistant Mining Officer shall allow/reject the same within 15 days.
- (c) The verifying officer shall draw joint samples from the stacks of marginal grade and also from the stacks, grade of which would appear to him different from that mentioned in the analysis reports. Joint samples shall be drawn by the Mining Inspector/Verifying Officer and an authorized representative of the Mining Lessee and shall be divided into 3 part, of which one part shall be handed over to the mining lessee under joint seals, the 2nd part shall be sent to the Government approved Laboratory for analysis under joint seals and 3rd part shall be kept with District/Assistant Mining Officer under joint seals as an umpire sample.
- (d) The analysis result of Government Laboratory would be final, provided that in case of dispute the Director may, if he is satisfied with the genuineness of the dispute on written reference by the mining lessee, send the respective umpire sample for analysis to another Government approved Laboratory and the report so given by the Laboratory shall be final.
- (e) When minerals/ores are dispatched directly from the mine by railway wagons, joint samples shall be drawn from the wagons and analysis report of each lot of four wagons or less as the case may be, shall be given:

Provided that no analysis report shall be necessary if the minerals/ores are declared to be of the highest grade. No analysis shall also be required in respect of mineral/ores, i.e fireclay, quartzite etc. which do not have different grades for royalty purpose.

- iii. On receipt of the verification report from the Mining inspector, the District/Assistant Mining Officer shall approve/reject the same as mentioned in Clause 10(ii)(b) above.

Provided that no dispatch shall be allowed in respect of the stacks from which joint samples have been drawn till the analysis results are received from the Government Laboratory.

- iv. Permit for the initial dispatch from a new mine shall not be allowed by the District/Assistant Mining Officer without obtaining clearance from concerned Collector that permission for surface operation has been given and all formalities

regarding execution of lease are complete.

- v. (a) All transport of minerals/ores will normally pass through check-gate/weigh bridge of the Department and /or approved by the Department. The quantity moved will be verified through designated check-gate/weigh bridge. Where there is no facility of weighment, the verification shall be done through volumetric measurement.
- (b) The working hours of each check gate shall be announced in advance by the District/Assistant Mining Officer and shall be commensurate with the general requirement of the Mining traffic in that sector.
- vi. (a) Whenever any mining lessee transports the minerals raised in his mine without any valid permits or challan, it will be treated as a transgression of the conditions of these rules along with all other applicable Act and Rules.
- (b) The mining lessee shall be responsible for the strict compliance of these rules by the carriers engaged by them and shall ensure that the carriers produce necessary transit challans at the check-gates/weigh bridge for verification.

11. Search, Seizure and Confiscation:-

- i. The following officers are authorized to stop, check, search and verify at any place/truck/Other Vehicle carrying the minerals/ore from the mine or other source or storage and seize the same as required within the jurisdiction as specified below:

(i)	Additional Chief Secretary/ Principal Secretary/Secretary/ Commissioner, Mines	In the entire State.
(ii)	Director of mines	In the entire State.
(iii)	Additional Director of mine	-do-
(iv)	Deputy Director of mine	Within their respective jurisdictions.
(v)	District Collector/Deputy Commissioner	Within their respective jurisdictions.
(vi)	District/Assistant Mining Officer	Within their respective jurisdictions.
(vii)	Sub Divisional Magistrate/Any other officer authorized by the Collector	Within their respective jurisdictions/ Jurisdiction authorized by the collector in the District
(viii)	Mining Inspector.	-do-
(ix)	In -charge Check-gate	-do-

It shall be the responsibility of the mining lessee/dealers to ensure that their carriers afford all assistance and co-operation for such inspection.

- (ii) The dealer/lessee shall allow any competent authority/competent officer or any such officer authorized by competent authority to inspect the place where mining, storage and processing unit exists to verify the stocks of ore and minerals and take sample or the abstract from the records maintained by him.
- (iii) Every dealer shall allow competent authority/competent officer or any officer authorised by the Director, Mines/Commissioner, Mines or Secretary, Department of Industries, Mines and Geology, Jharkhand to enter and inspect the premises, where the mineral is kept or stored. Inspection of such documents as desired in writing and furnishing of information as directed in writing shall be obligatory for such dealer.
- (iv) Every officer making a seizure, under these rules shall prepare a list of minerals, tools, equipment, vehicles or any other article, 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 detailed information.
- (v) Any minerals, tool, equipment, vehicle or any thing seized shall be liable to be confiscated by an order of the court of the Deputy Commissioner of the concerned district and shall be disposed of in accordance with direction of such court.

12. CUSTODY OF THE SEIZED PROPERTY:-

The competent Officer shall keep the seized material or properties under the custody of an institution belonging to Government or any responsible official of the Government as far as possible.

13. PENALTIES:

- i) Any person, who contravenes any of the provision of these rules, or buys or sells or store minerals except under and in accordance with the terms and conditions of dealers registration or who transports the minerals except as mentioned in the transport challan or transport minerals without transport challan shall be punishable as per provision made under JMMC Rule, 2004 and as amended from time to time.
- ii) Whoever intentionally obstructs the competent officer or any other officer in performing his duties under these rules, shall be punishable with an imprisonment upto a term of one year or fine which may extend to Rs 25000/- or with both.

14. APPEALS:-

- i) Any person aggrieved by an order of the District/Assistant Mining Officer for a particular action under these rules may prefer an appeal in prescribed form to the Deputy Commissioner within thirty (30) days from the date of communication of the order.

- ii) Every application for an appeal shall be accompanied with a fee of Rs. 1000/- (Rupees One Thousand only) or an amount as notified from time to time by the department to be deposited online through JIMMS.
- iii) The appellate authority may, for sufficient reason to be recorded in writing, condone the delay in filling of appeals.

15. REVISION:-

- i) Any person aggrieved by an order passed in an appeal under these rules/by an order passed by the Deputy Commissioner under rule 11(v) may file an application for revision/appeal as the case may be before the Mines Commissioner within Thirty (30) days from the date of communication of such order in prescribed Form.
- ii) Every revision/appeal application shall be accompanied with a fee of Rs. 1000/- (Rupees One Thousand only) or an amount as notified from time to time by the department to be deposited online through JIMMS.
- iii) The Mines Commissioner may, for sufficient reasons to be recorded in writing, condone the delay in submission of revision/appeal application.

16. REPEAL AND SAVING:-

- i) On the commencement of these rules, the Jharkhand Mineral Transit Challan Regulation, 2005 and Jharkhand Minerals Dealer Rule, 2007 shall cease to be in force with respect to all minerals for which the Jharkhand (Prevention of Illegal Mining, Transportation and Storage) Rules, 2017 are applicable except as regards things, done or omitted to be done before such commencement.
- ii) On the commencement of these rules, with respect to the minerals to which these rules apply, any reference to Jharkhand Mineral Transit Challan Regulation, 2005 and Jharkhand Mineral Dealer's Rule, 2007 in the rules made under the Act or any other document shall be deemed to be replaced with the Jharkhand Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2017, to the extent, it is not repugnant to the context thereof.

17. CLARIFICATION :-

In any special case, the Department of Industries, Mines & Geology may issue clarification regarding these rules, if necessary, in the interest of mineral development.

By order of Governor of Jharkhand

Sd/-

(Sunil Kumar Barnwal)
Secretary to Government

Memo: /M., Ranchi, Dated:
Copy to: Superintendent, Government press, Ranchi for information. It is requested to published in next publication of State Gazette and forward 100 copies of the same to the department.

Sd/-

Secretary to Government

Memo: 245 /M., Ranchi, Dated: 27-01-18
Copy to: All head of the department/All divisional Commissioner/All Deputy
Commissioners/ Director, Mines/ Director, Geology/All Additional Director,
Mines/Geology/All Deputy Director, Mines/All Deputy Secretary/All Under
Secretary, Mines Directorate/All District/Assistant Mining Officer/All Assistant
Director, Geology for information and necessary action.


27/1/18

Secretary to Government



Annexure R11/4

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Ministry of Coal

Khanan Prahari Mobile app to Curb Illegal Mining

Posted On: 13 FEB 2023 3:35PM by PIB Delhi

The Government of India has launched one mobile app namely “KhananPrahari” and one web app Coal Mine Surveillance and Management System (CMSMS) for reporting unauthorized coal mining activities so that monitoring and taking suitable action on it can be done by concerned Law & Order enforcing authority. The CMSMS has been developed to curb illegal mining and take transparent action as an e-Governance initiative of GoI on use of Space Technology. The objective of development and launching of this CMSMS application was to detect citizens' participation against illegal mining by receipt of citizen's complaints through mobile app – KhananPrahari and to monitor and take action on any kind of illegal coal mining activity being carried out within the leasehold boundaries of any Coal Mining Project in the Coalfield Areas.

It is a Mobile App of Ministry of Coal for Reporting Illegal Coal Mining and a tool for reporting any illegal coal mining incident through geo-tagged photographs as well as textual information by any citizen from the place of incidence. The State wise details of number of cases reported till January 2023 is enclosed as Annexure.

The following measures are taken to reduce illegal coal mining operations in the country:-

- Concrete walls have been erected on the mouth of the abandoned mines to prevent access and illegal activities in these areas.
- Surprise raids/checks being conducted jointly by security personnel and law and order authorities of the concerned State Government.
- Dumping of the overburden is being done on the outcrop zones.
- Installation of check-posts at vulnerable points.
- Training of existing security/CISF personnel, refresher training and basic training of new recruits in security discipline for strengthening the security setup;
- Maintaining close liaison with the State authorities.
- Committee/task force has been constituted at different level (block level, sub-divisional level, district level, state level) in some subsidiaries of CIL to monitor



fferent aspects



egal mining.



Annexure

CMSMS – Khanan Prahari Complaint Status upto Jan'23				
STATE	Verified False Complaints	Verified True Complaints	Non Verified Complaints	Grand Total
Assam	1	3		4
Non-CIL	1	3		4
Chhattisgarh	16		8	24
SECL	10			10
Non-CIL	6		8	14
Jharkhand	44	28	14	86
BCCL	23	2		25
CCL	2	14		16
ECL	18	12		30
Non-CIL	1		14	15
Madhya Pradesh	10		43	53
NCL	3		8	11
SECL	3			3
Non-CIL	4		35	39



Maharashtra	2		10	12
WCL	2			2
Non-CIL			10	10
Odisha	3		3	6
MCL	1			1
Non-CIL	2		3	5
Uttar Pradesh	3			3
NCL	3			3
West Bengal	172	46	56	274
BCCL	1			1
ECL	170	46		216
Non-CIL	1		56	57
Grand Total	251	77	134	462

This information was given by Union Minister of Coal, Mines and Parliamentary Affairs Shri Pralhad Joshi in a written reply in Rajya Sabha today.

AKN/RKP

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