



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
MINES AND MINERALS DEPARTMENT

NOTIFICATION

The 9th July, 2026

ECF No. 813330/16.- In exercise of the powers conferred by section 15 and section 23C of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957), the Governor of Assam is hereby pleased to make the following rules further to amend the Assam Minor Mineral Concession Rules, 2013 (hereinafter referred to as the principal Rules), namely:—

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| Short title and commencement | 1. | (1) | These rules may be called the Assam Minor Mineral Concession (Amendment) Rules, 2026. |
| | | (2) | They shall come into force on the date of their publication in the Official Gazette. |
| Amendment of rule 2 | 2. | In the principal Rules, in rule 2, in sub-rule (1), | |
| | | (i) | in clause (e), in fifth line, for the words “or any other authority specified by any Government Notification for exercise of such powers and carrying out of such functions as specified in these rules;” the words “except ordinary clay and District Commissioner and Principal secretary of Sixth Schedule areas in respect of Ordinary clay listed in Schedule Y” shall be substituted. |
| | | (ii) | after clause (gg), the following clauses shall be inserted, namely:— |
| | | “(hh) | “Online Portal” or “Portal” means an online web based interactive electronic platform established by the Government to execute electronically the necessary processes and functions provided under these rules. An |

electronic Transit Pass (e-TP) means a Transit Pass generated through the Portal authorizing transport of a consignment of minor minerals.

- (ii) “registered stockyard” means a demarcated area of land, situated outside the concession area but within ten kilometres thereof, registered and specified in a storage licence granted under rule 38A for the storage and stocking of minor mineral raised by the storage licensee from his own mineral concession area;
- (jj) “storage licence” means a licence granted under rule 38A to a mineral concession holder authorising him to stock, store and keep, in a registered stockyard, minor mineral raised by him under his own mineral concession, and to dispatch the same on a valid transit pass;
- (kk) “storage licensee” means a mining contract holder or a mining lease holder to whom a storage licence has been granted under rule 38A.
- (ll) “Authorized Officer” is an officer not below the rank of forester in case of Schedule Y minerals (except ordinary clay) and an officer not below the rank of District Mineral Officer for the minerals mentioned under Schedule X minerals and for ordinary clay or any other Officer, not below the rank of Circle Officer, nominated by the competent authority.
- (mm) “Mineral Royalty” means the statutory payment payable by the holder of a mineral concession, permit, lease, licence, or any other mineral right to the Government for the extraction, removal, consumption, dispatch, sale, or utilization of any Minor Mineral. Such royalty shall be levied and collected at the rates specified by the Government from time to time, in accordance with the provisions of the Mines and Minerals (Development and Regulation) Act, 1957, and the rules made thereunder. The provisions relating to Mineral Royalty shall apply to all Minor Minerals as defined under clause (e) of section 3 of the Act.
- (nn) “Clearance Certificate on Mineral Royalty (CCMR)” means a certificate issued by the competent authority certifying that all Mineral Royalty, together with any other dues, fees, penalties, interest, or charges payable under the provisions

of these rules and the Act, as applicable, have been duly paid and that no outstanding liability remains against the holder in respect of the specified mineral concession, permit, lease, licence, transit pass, or mineral-related activity for the period covered by such certificate.”

Amendment of rule 3 3. In the principal rule, in rule 3, after clause (b), the following new clause shall be inserted, namely:—

“(c) District Commissioners and Principal Secretaries in respect of Sixth Schedule areas shall be the “Competent Authority” to give permission in respect of minor mineral, namely, 'Ordinary Clay' as in entry (2) of Schedule Y.”

Amendment of rule 5 4. In the principal rules, in rule 5,

(i) for sub-rule (2), the following shall be substituted, namely:—

(2) “Notwithstanding anything contained elsewhere in these rules, a mining permit for extraction of minor minerals for execution of any kind of Government work or project shall be granted only where the value of the individual work order or agreement is Rupees Five Crore or above. Such mining permit shall be granted only to the contractor, firm or organization to whom the work has been awarded by the Government/ Government Agency / PSUs/ Central Government Agency under a valid work order or agreement for the quantity of minor minerals specified in the Detailed Project Report or such quantity as may be approved by the competent authority, on an application made under sub-rule (1).”

(ii) for sub-rule (3), the following shall be substituted, namely:—

(3) “The mining permit shall be project-specific and remain valid only for the period of execution of the work or project and shall be non-transferable and non-assignable or to sub-let, either wholly or in part, to any other person or firm or company.”

(iii) for sub-rule (4), the following shall be inserted, namely:—

“(4) The minor minerals extracted under the permit shall be used exclusively for the execution of the Government work or project for which the permit has been granted and shall not be sold, supplied, transported, diverted or otherwise utilized for any other work or project. Any contravention of this sub-rule shall render the mining permit liable to cancellation, without prejudice to recovery of royalty, other Government dues and initiation of proceedings under these rules and any other law for the time being in force.”

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| Insertion of rule 7A | 5. | In the principal rules, after rule 7, the following rule 7A, shall be inserted, namely:— |
| “In-situ rock conservation | 7A. | For scientific conservation and sustainable development of mineral resources, no in-situ rock shall be given for mining unless a detailed geological report has been obtained from Director, Directorate of Geology and Mining, Assam.” |
| Amendment of rule 37 | 6. | In the principal rules, in rule 37, after sub rule (3), the following clause shall be inserted -

“(4) Notwithstanding anything contained under sub rule (2) and (3) above, the highest bidder shall be required to deposit an additional bid security of 25% of annual contract money in a single installment at the time of depositing Initial Bid Security under sub- rule (3) clause (i) above in case his bid value is more than 2.5 times the reserve price.” |
| Amendment of rule 38 | 7. | In the principal rules, in rule 38, after sub-rule (1), the following sub-rules shall be inserted, namely:—

“(1a) Notwithstanding the periodicity of the installments specified in sub-rule (1), a lessee, contractor or permit holder may pay one or more installments (kist) of contract money in advance, and thereupon extract and remove, during the financial year, the quantity of minor mineral referable to the installment(s) so paid in advance, each installment being referable to one-fourth of the annual quantity, together with the royalty, District Mineral Foundation Trust Fund (DMFT), Mines and Minerals Development Restoration and Rehabilitation Fund (MMDRR), State Mineral Exploration Trust (SMET), Goods and Service Tax (GST) and other applicable taxes payable on the quantity so extracted.” |
| Insertion of new rule 38A | 8. | In the principal Rules, after rule 38, the following rule shall be inserted, namely:— |
| “Storage of minor minerals | 38A. | Storage of minor minerals by mineral concession holders and grant of storage licence. In order to enable the minor mineral contract holder to stock mined minerals outside the minor mineral concession area, to ensure round the year supply of minor minerals, and to protect the mined minerals from vagaries of nature such as floods, the following provisions for storage of mined minor minerals shall apply:—

(1) Notwithstanding anything contained in sub-rule (12) of rule 38, a storage licensee may, under and in accordance with a storage licence granted under this rule may stock, store and keep, at a registered stockyard, the minor minerals raised by |

him from his own mineral concession area, on payment of one lakh rupees fee per annum together with GST and other payable taxes for the contract period.

- (2) A storage licence may be granted only to a mining contract holder or a mining lease holder, in respect of minor mineral raised by him under his own mineral concession. The validity of the license shall be co-terminus with the validity of the term of the mineral concession.
- (3) The registered stockyard shall be situated outside the concession area but within ten kilometres of the concession area from which the minor mineral is raised and no minor mineral other than that raised by the holder under his own mining contract shall be received or kept thereat.
- (4) The storage capacity specified in a storage licence shall not exceed one-half of the annual quantity of minor minerals permissible under the mineral concession.
- (5) An application for the grant or renewal of a storage licence shall be made online and shall be accompanied by,—
 - (i) the particulars of the applicant's mineral concession, namely the lease, contract or permit number, the minor mineral and the approved annual production
 - (ii) proof of the applicant's right to use the land proposed as the stockyard, namely the ownership document, registered lease or the consent of the landowner, together with its location, area, Dag and Patta numbers and the Global Positioning System (GPS) coordinates of its corners, and proof that it lies within ten kilometres of the mineral concession area.
 - (iii) a site plan of the stockyard showing its boundaries and the points of ingress and egress.
- (6) Competent Authority within whose jurisdiction the registered stockyard is situated may, after such enquiry and physical verification of the stockyard as he considers necessary, and on being satisfied that the grant shall not facilitate illegal mining, transportation or storage of minor mineral, grant a storage licence, specifying the registered stockyard, the kind, the storage capacity, the period and the conditions of the licence, or may, for reasons to be recorded in writing and after giving the applicant a reasonable opportunity of being heard, refuse the application, and every application complete in all respects shall be disposed of within thirty days from the date of its receipt.
- (7) Every storage licensee shall ensure that—
 - (a) every quantity of minor mineral brought into the registered stockyard is minor mineral raised by him under his own mineral concession and is covered by a valid mineral transit pass on which royalty, as applicable, with Goods and Service Tax (GST) and other applicable taxes has been paid;
 - (b) no minor mineral of illegal origin or unaccounted stock, or raised otherwise is received or kept at the stockyard;

- (c) the quantity stocked at any time does not exceed the storage capacity specified in the licence and shall not have any unaccounted stock;
 - (d) the stockyard is clearly demarcated and a board displaying the licence number, the name of the licensee, the kind of minor mineral and the storage capacity is exhibited at the stockyard; and
 - (e) a weighbridge and Closed-Circuit Television (CCTV) cameras are installed at the registered stockyard and kept functional at all times, and the weighment records and the Closed-Circuit Television (CCTV) footage are retained, and made available to the Department, for such period as may be specified.
- (8) The storage licensee, for every dispatch of minor mineral from the registered stockyard shall generate an electronic Transit Pass (e-TP), for transportation of the minerals from the registered stockyard.
- (9) Every storage licensee shall maintain a true and up-to-date stock register, in such form as may be specified and keep available the same online. The premises as well as all records in document format and online shall be made available for inspection by an authorized officer or the competent authority or any law enforcing agency of the State Government to enter and inspect the stockyard, to weigh, measure or take measurements of the stocks, and to examine and take copies of the registers, records and mineral transit passes; and verify the Closed-Circuit Television (CCTV) and weighbridge records.
- (10) Where the storage licensee contravenes any provision of this rule or any condition of the storage licence, the authorized officer, after giving the licensee a reasonable opportunity of being heard, may suspend or cancel the storage licence, without prejudice to any action under the rules in respect of the contravention."

Amendment of
rule 51

9. In the principal rules, in rule 51, for clause (ii), the following shall be substituted, namely:—

"(ii) possesses professional experience of 8 years in case a Mining Engineer in the field of mining and 8 years in case of Geologist in field of geological survey, after obtaining the basic academic qualification."

Amendment of
rule 52

10. In the principal rules, in rule 52, in sub-rule (3), the following shall be substituted, namely:—

"(3) Every mining plan or scheme of mining submitted for approval under these rules shall be accompanied with a non-refundable fee as in Fourth Schedule.

Amendment of
rule 58

11. In the principal Rules, in rule 58, for clauses (i) to (vii), the following clauses shall be substituted, namely:—

(i) Funding of common facilities for the benefit of the community and for reclamation, rehabilitation and restoration works in areas affected by mining operations, including the raising of forestry

nurseries, plantations, slope-stabilising and soil-moisture conservation measures;

- (ii) Development of infrastructure facilities for the orderly growth of mining operations and allied activities, such as roads, water supply, wireless and mobile infrastructure, Closed-Circuit Television (CCTV) / Internet Protocol (IP) cameras, Automatic Number Plate Recognition (ANPR) cameras, gantries, geo-fencing, and Global Positioning System (GPS) devices in monitoring vehicles, drones and the setting up of command-and-control centres for implementing monitoring mechanism for minor minerals, including use of Artificial Intelligence, edge based technologies, sensor systems etc;
- (iii) Funding of studies, surveys, District Survey Report (DSR) preparation, replenishment studies, exploration and prospecting of minerals related to the mining sector, and procurement of machinery, equipment and accessories for the same;
- (iv) Undertaking activities for the restoration of surrounding catchment areas, eviction of encroached forests and their restoration to rejuvenate the streams of catchment area.
- (v) Education, awareness and training of mineral concession holders and of officers and staff through field visits and exposure to the best mining practices;
- (vi) Funding of expenditure incurred on the implementation of any scheme or incentive that the State Government may frame for recognition and awards for scientific mining, and for the achievement of exceptional revenue collection, undertaken with the highest regard to mineral conservation and rehabilitation measures along with environmental safeguards and other measures; and
- (vii) Any other objective which the Government may consider expedient to support in the overall interest of the mining sector, including forest protection, wildlife conservation and man-animal conflict management.”

Amendment of rules 63 12. In the principal rules, for rule 63, the following shall be substituted, namely:—

“Illegal or unauthorized mining, storage and transport

- 63. (i) Any person undertaking any mining operation without a valid mineral concession granted under the Act and the rules framed thereunder in any area shall be deemed to be indulging in illegal or unauthorized mining and shall be dealt in accordance with provisions contained in this chapter.
- (ii) Any person undertaking transport of minor minerals without valid Good and Services Tax paid invoice or e-way bill, copy of valid e-TP shall be deemed to be indulging in illegal transportation of minor minerals and shall be dealt in accordance with provisions contained in this chapter.
- (iii) Any person undertaking storage of minor minerals without valid licence issued under rule 38A shall be deemed to be indulging in illegal storage of minor minerals and shall be dealt in accordance with provisions contained in this chapter.”

Amendment of rules 64 13. In the principal rules, in rule 64, the following shall be substituted, namely:—

“Consequences of illegal mining, transport and storage 64. Any act of illegal mining, or transportation or storage shall be liable for the following:—

- (i) Any person involved in an act of illegal mining shall be liable to pay penalty of five thousand rupees for ordinary earth or ordinary clay; fifty thousand rupees for sand; and one lakh rupees for stone or gravel or boulder or Quartzite in addition to payment of five times the value of royalty together with levy of DMFT, MMDRR and SMET charges and Goods and Service Tax (GST) and other applicable taxes upon the total value arrived at on the total quantity of minor minerals mined illegally. A vehicle found at the illegal mining activity site shall be levied as prescribed below:—

Sl. No.	Category of Vehicle	Category of Vehicle
1.	Tractor trolley and other small carriers	10,000.00
2.	Dumper/ Truck	50,000.00
3.	Excavator	1,00,000.00

- (ii) Any person involved in an act of illegal transport of minor minerals shall be liable to pay a minimum fine of five thousand rupees, but not exceeding two lakh rupees in addition to twice the value of royalty together with levy of District Mineral Foundation Trust Fund (DMFT), Mines and Minerals Development Restoration and Rehabilitation Fund (MMDRR) and State Mineral Exploration Trust (SMET) charges and Goods and Service Tax (GST) and other applicable taxes on the total value arrived at on the total quantity of minor minerals transported illegally. The penalties shall be levied as prescribed below:—

Sl. No.	Category of Vehicle	Penalty Amount (In Rupees)
1.	Tractor trolley and other small carriers (below 3 cu.m.)	5000.00
2.	Truck (upto 8 cu.m)	50,000.00
3.	Truck (> 8 cu.m. and upto 15 cu.m.)	1,00,000.00
4.	Multi Axle Truck (> 15 cu.m.)	2,00,000.00

- (iii) Any person involved in an act of illegal storage or dump of minor minerals, other than ordinary earth and ordinary clay, shall be liable to pay a minimum fine of fifty thousand rupees, but not exceeding five lakh rupees in addition to twice the value of royalty together with levy of District Mineral Foundation Trust Fund (DMFT), Mines and Minerals Development Restoration and Rehabilitation Fund (MMDRR) and State Mineral Exploration Trust (SMET) charges and Goods and Service Tax (GST) and other

applicable taxes on the total value arrived at on the total quantity of minor minerals stored or dumped illegally. The penalties shall be levied as prescribed below:—

Sl. No.	Category of illegal Storage and Dump	Penalty Amount (In Rupees)
1.	Upto 500 cu.m.	50,000.00
2.	501 cu.m to 1000 cu.m.	1,00,000.00
3.	1001 cu.m to 5000 cu.m.	2,00,000.00
4.	5001 cu.m. to 10,000 cu.m.	3,00,000.00
5.	>10,000 cu.m.	5,00,000.00

For illegal storage or dump of ordinary earth and ordinary clay, the penalty levied shall be ten thousand in addition to twice the value of royalty together with levy of District Mineral Foundation Trust Fund (DMFT), Mines and Minerals Development Restoration and Rehabilitation Fund (MMDRR) and State Mineral Exploration Trust (SMET) charges and Goods and Service Tax (GST) and other applicable taxes on the total value arrived at on the total quantity of minor minerals stored/dumped illegally.

- (iv) Any person involved in an act of illegal mining without a valid mining plan or Environmental Clearance shall be dealt with as under sub rule (i) above.
- (v) Any person defaulting in timely payment of royalty as per the Third Schedule, notified under Assam Minor Mineral Concession (Amendment) Rules, 2021 vide Mines and Mineral Department's Notification No. PEM.130/2021/40 Dt. 7th October, 2021, shall be liable to pay a penalty of a minimum of one lakh rupees in addition to twice the value of royalty as per Third Schedule with levy of District Mineral Foundation Trust Fund (DMFT), Mines and Minerals Development Restoration and Rehabilitation Fund (MMDRR) and State Mineral Exploration Trust (SMET) and Goods and Service Tax (GST) and other applicable taxes.
- (vi) In event of default in payment of the royalty and other dues within a period of six months, pursuant to the sub rule above, the entire amount as fixed under sub rule (v) above shall be recoverable from the Head of the Department or Head of the Agency of the State or the Central Government.
- (vii) Every Head of the Department or Head of the Agency whether of the State Government or the Central Government shall ensure that the provisions of the Third Schedule are fully adhered to.
- (viii) In case a vehicle carrying minor minerals is found to be not registered on the Online Portal, or not fitted with requisite Automatic Identification System (AIS) 140 True Global Positioning System (GPS) which is Vehicle Location Tracking Device (VLTD) compliant and remitting data to the designated tracking portal, or vehicle found to be not passing through a designated weighbridge, a fine of Twenty

Five thousand vehicle shall be imposed and the said vehicle shall not be allowed to carry minor minerals until requisite compliance is achieved

- (ix) In case a vehicle carrying minor minerals is found to have a forged Transit Pass, the owner of the vehicle shall be fined a sum of two lakh rupees in addition to twice the value of royalty together with levy of District Mineral Foundation Trust Fund (DMFT), Mines and Minerals Development Restoration and Rehabilitation Fund (MMDRR) and State Mineral Exploration Trust (SMET) charges and Goods and Service Tax (GST) and other applicable taxes on the total value arrived at on the total quantity of minor minerals transported illegally.
- (x) In case any person or agency or Department presents or is found to present a forged Transit Pass as a proof of minor minerals used in execution of works for obtaining Clearance Certificate on Mineral Royalty (CCMR) shall be liable to pay a fine of minimum two lakh rupees and a maximum of five lakh rupees, in addition to twice the value of royalty together with levy of District Mineral Foundation Trust Fund (DMFT), Mines and Minerals Development Restoration and Rehabilitation Fund (MMDRR) and State Mineral Exploration Trust (SMET) charges and Goods and Service Tax (GST) and other applicable taxes on the total value of minerals covered under the forged Transit Pass.
- (xi) Any person, who contravenes any provisions of this Act or any rules made thereunder for which no penalty is separately provided for under the Act or in these rules shall liable to pay a fine which may extend to twenty-five thousand rupees in addition to payment of twice the value of royalty or rent or kist, as may be applicable, together with levy of District Mineral Foundation Trust Fund (DMFT), Mines and Minerals Development Restoration and Rehabilitation Fund (MMDRR) and State Mineral Exploration Trust (SMET) and Goods and Service Tax (GST) and other applicable taxes upon the total value arrived at.
- (xii) In event of any person who fails to pay fines and sums of royalty, rent or kist moneys together with Goods and Service Tax (GST) and other applicable taxes, as provided for in the sub rules above, they shall be liable for being proceeded against by way of actions such as seizure of the minor minerals, together with all tools, implements, vehicles, earth-movers, equipment, machinery etc. for the illegality that has been committed under these rules and the matter shall be duly forwarded to the court competent to try the offence under the Act, subject to sub rule (4) of rule 64D.
- (xiii) Any unclaimed seized minor mineral(s) shall be put to spot auction after giving public notice for 7 days, if the quantity of the minor mineral is not more than 1,000 cu.m. The reserve price shall be fixed at minimum of twice the value of royalty together with levy of District Mineral Foundation Trust Fund (DMFT), Mines and Minerals Development

Restoration and Rehabilitation Fund (MMDRR) and State Mineral Exploration Trust (SMET) charges and Goods and Service Tax (GST) and other applicable taxes on the total value arrived at on the total quantity of minor minerals seized. Any quantity above 1,000 cu.m. shall be put to e-Auction with a notice period of 21 (twenty one) days.

- (xiv) Any minor mineral against which an offence has occurred, shall only be transported with a valid Transit Pass.
- (xv) In event of detection of forgery in any document of mineral concession, transport or storage, in addition to the penalties levied as prescribed in the rules above, the officer concerned shall register an FIR against the accused person/s.
- (xvi) The competent authority may issue notice or summons to any person, company, entity or agency whether private or of the State Government or Central Government, for the recovery of any pending royalty, rent, kist or other dues including District Mineral Foundation Trust Fund (DMFT), Mines and Minerals Development Restoration and Rehabilitation Fund (MMDRR), State Mineral Exploration Trust (SMET), Goods and Service Tax (GST) etc. A copy of every such notice shall be endorsed to the State Goods and Service Tax (GST) Commissioner.
- (xvii) All persons summoned under the sub rule above shall be legally bound to comply and shall be bound to attend, either in person or by an authorized representative, and the person so appearing shall state the truth during examination or make statements (in writing) or produce such documents as may be required.
- (xviii) Every such enquiry, under sub rule (xvi) and (xvii) above shall be deemed to be a judicial proceeding within the meaning of section 229 and section 267 of the Bhartiya Nyaya Sanhita, 2023.
- (xix) Any contravention of these rules shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to five lakh rupees or with both."

Insertion of new
rules 64A, 64B,
64C, 64D, 64E
and 64F

14. In the principal rules, after rule 64, the following rules shall be inserted, namely:—

"Power of entry and
inspection

64A. The authorized officer for the purpose of securing compliance with the Act and these rules and of preventing illegal mining, transportation or storage of any minor mineral or mineral product, may —

- (a) enter and inspect, at any reasonable time, any mine, quarry, concession area, stockyard, depot, godown, crusher, brick kiln, processing unit or other place or premises where any minor mineral or mineral product is, or is reasonably believed to be raised or processed or stocked or stored or loaded or unloaded or transported or kept, or where any contravention of the Act or these rules is reasonably believed to have been committed;

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| | | (b) | survey and take measurements in any such mine, quarry or place or unit as mentioned in sub rule (a) above; |
| | | (c) | examine any document, book, register, record, mineral transit pass, challan, or any electronic records or other material evidence in the possession or power of any person having the control of, or connected with, any such mine, quarry, place or carrier, place marks of identification thereon, and take extracts from, or make copies of, such document, book, register, record or thing; and |
| | | (d) | order the production of any document, book, register, record, mineral transit pass, challan or electronic records. |
| Power of search and seizure | 64B. | (1) | If the authorised officer, or a Police Officer not below the rank of Sub Inspector, has reason to believe, on information received or otherwise, that any minor mineral or mineral product has been, is being, or is about to be, raised, transported, stored or kept in contravention of the Act or these rules, he may, for reasons to be recorded in writing, enter and search any mine, place, premises, carrier, vehicle, vessel or receptacle where such minor mineral or mineral product, or any document or thing relating thereto, is or is reasonably believed to be kept or processed. |
| | | (2) | The authorised officer, or the Police Officer, may stop, detain and check any carrier or vehicle transporting any minor mineral or mineral product, and may require the person in charge thereof to produce the mineral transit pass for such transportation. |
| | | (3) | Where, on such inspection, search or checking, the authorised officer finds that any minor mineral or mineral product has been raised, transported, stored or kept or processed in contravention of the Act or these rules, he may seize such minor mineral or mineral product, together with the tools, equipment, machinery, vehicles, vessels or other things used in connection therewith, and the documents and records relating thereto. |
| | | (4) | The power of search and seizure under this rule shall, so far as may, be exercised in accordance with the provisions relating to searches and seizures of the Bharatiya Nagarik Suraksha Sanhita, 2023, and is in addition to, and not in derogation of, the powers under section 21 and section 23B of the Act. |
| Power to require production of documents and information and to issue summons to persons | 64C. | (1) | The authorised officer may, by notice in writing, require any person to produce, or cause to be produced, at such time and place as may be specified in the notice, any document, book, register, record, mineral transit pass, challan, electronic record or other thing relating to any minor mineral or mineral product, or to furnish any information or Goods and Service Tax (GST) return relating thereto, which is in the possession of such person. |
| | | (2) | The authorised officer may summon any person whose attendance he considers necessary, either to give evidence or to produce any document or thing referred to in sub-rule (1); |

and the person so summoned shall be bound to attend, to state the truth upon any subject in respect to which he is examined, and to produce such documents and things as may be required.

- Procedure on seizure, custody, interim release, confiscation, disposal and recovery
- 64D. (1) (3) Every person to whom an order or summons is issued under this rule shall be legally bound to comply with it, and every authorised officer acting under rules 64A to 64F shall be deemed to be a public servant within the meaning of clause (28) of section 2 of the Bharatiya Nyaya Sanhita, 2023 as provided in sub-section (2) of section 24 of the Act.
- (1) The authorized officer effecting a seizure under rule 64B, or impounding any property under rule 64, shall prepare a list (seizure memo) of the minor mineral or mineral product and of the tools, equipment, vehicles, vessels and other things seized and if possible shall obtain thereon the signature of the person from whom the seizure is made; and shall furnish a copy of the list to such person.
- (2) The competent authority may, pending the conclusion of proceedings and on an application made in that behalf, order the interim release of the seized minor mineral or mineral product, or of any tool, equipment, vehicle or vessel, to the person from whom it was seized or to the person entitled thereto, on such person furnishing a bond, with or without security, for the production of the property when required and for the payment of the amounts that may become due.
- (3) The minor mineral or mineral product, and the tools, equipment, vehicles and other things, seized under this Chapter shall be liable to be confiscated by an order of the Court competent to take cognizance of the offence under sub-section (1) of section 21 of the Act, and shall be disposed of in accordance with the directions of such Court, as provided in sub-section (4A) of section 21 of the Act:
- Provided that nothing in this sub-rule shall affect the realisation of the price of the mineral and the applicable royalty, Goods and Service Tax (GST) and other applicable taxes and the fine, under rule 64, or the compounding of the offence under rule 64E
- (4) Where the person from whom any minor mineral or mineral product, or any tool, equipment, vehicle or vessel, has been seized under this Chapter does not, after the notice to show cause, come forward to compound the offence under rule 64E or to pay the price of the mineral, the royalty, Goods and Service Tax (GST) and other applicable taxes, the fine and other dues, the competent authority may, after giving three successive notices, each allowing a period of fifteen days, cause the seized minor mineral or mineral product, and any tool, equipment, vehicle or vessel liable to be proceeded against, to be disposed of by public auction or by sale in such manner as may be specified; and the entire sale proceeds shall be credited to the Government, no part thereof being refundable to the person from whom the property was seized, and where the sale proceeds fall short

of the price of the mineral, the royalty, Goods and Service Tax (GST) and other applicable taxes, the fine and other dues, the shortfall shall be recoverable from him as an arrear of land revenue under rule 72:

Provided that no property which is required to be produced before, or which has been confiscated by, the Court under sub-rule (3) shall be disposed of under this sub-rule without permission of the court; and any minor mineral or mineral product, tool, equipment, vehicle or vessel shall be released to the person entitled thereto at any time before such disposal on payment of the amounts due together with the fine.

- (5) The provisions of this rule shall apply, so far as may be, to every seizure and impounding under rule 64 as they apply to a seizure under rule 64B.
- Compounding of offences 64E. (1) Any offence punishable under the Act or under these rules in respect of the illegal mining, transportation or storage of any minor mineral or mineral product, or any contravention of these rules, may, either before or after the institution of any prosecution, be compounded by the competent authority, or any other officer authorized in this behalf by the competent authority, on payment by the offender, of an amount as determined under rule 64 for the offence(s) committed.
- (2) On the compounding of an offence under this rule, no proceeding or further proceeding shall be taken against the offender in respect of the offence so compounded; the offender, if in custody, shall be released forthwith; and any property seized shall be released.
- (3) Nothing in this rule shall—
- require the competent authority or the authorised officer to compound any offence, the compounding being in the discretion of the officer empowered, who may, for reasons to be recorded in writing, refuse to compound;
 - apply to a person who is found to have committed the like offence after a previous compounding, or to an offence in respect of which an First Information Report (FIR) has been registered and the matter handed over to the police; or
 - affect any liability of the offender under any other law for the time being in force, the compounding under this rule discharging only the offence under the Act and these rules.
- Savings and protection of action taken in good faith 64F. (1) The powers conferred by, and the consequences provided under, rules 64A to 64E are in addition to, and not in derogation of, the provisions of the Act.
- (2) Section 27 of the Act (protection of action taken in good faith) shall apply to anything which is in good faith done, or intended to be done, by the Government, the competent authority, any authorised officer or any other officer or authority, under these rules.”

Insertion of new Chapter 12A 15. In the principal rules, the following new Chapter shall be inserted, namely:—

“CHAPTER 12A

REGULATION OF TRANSIT OF MINOR MINERALS IN THE STATE OF ASSAM

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| Transit Pass | 65A. | <p>(1) All dispatch of minerals by a carrier shall be accompanied with a valid Transit Pass or as prescribed in Part I of the Fifth Schedule for Schedule Y minerals.</p> <p>(2) Any vehicle carrying minor minerals entering Assam shall pay a fee as specified in Part II and III of the Fifth Schedule appended to these rules.</p> <p>(3) Any vehicle carrying minor minerals entering Assam shall be subject to payment of e-Transit Pass charges as specified in Part IV of the Fifth Schedule appended to these rules.</p> <p>(4) A vehicle carrying minor minerals entering Assam without valid documents, such as a transit pass and an e-Way bill, shall be deemed to carry minerals won in Assam, on which royalty shall be payable, as per the First Schedule of principal Rules, along with District Mineral Foundation Trust Fund (DMFT), Mines and Minerals Development Restoration and Rehabilitation Fund (MMDRR), State Mineral Exploration Trust (SMET), together with Goods and Service Tax (GST) and other applicable taxes, without prejudice to any other legal action.</p> |
| Establishment of weighbridges | 65B. | <p>(1) The competent authority shall notify authorized electronic weighbridges at such places as may be specified, for the purpose of checking minor minerals and mineral products under transit, of measuring the quantity being transported and of preventing their illegal transportation.</p> <p>(2) Every such weighbridge shall be fitted with Closed-Circuit Television (CCTV), Internet, uninterrupted power supply and a control room for unhindered 24x7 operation of the weighbridge.</p> <p>(3) It shall be mandatory to integrate the electronic weighbridge data with the online Portal.</p> |
| Registration of Vehicles for Transportation of Minor Minerals | 65C. | <p>(1) Every vehicle intended for transporting minor minerals shall register on the Online portal.</p> <p>(2) Only those vehicles which are compliant with Vahan Portal shall be registered</p> <p>(3) All such registered vehicles shall have to be fitted with requisite AIS 140 True Global Positioning System (GPS) which is Vehicle Location Tracking Device (VLTD) compliant and shall remit data to the Online portal.”</p> |
- Amendment of Schedule X 16. In the principal rule, in Schedule X, the following entries shall be deleted, namely:—
- “(14) Barytes
 - (25) Feldspar
 - (33) Mica
 - (36) Quartz”

- Insertion of new Schedule 17. In the principal Rules, after the Third Schedule, the following Fourth and Fifth Schedule shall be inserted, namely:—

<u>“Fourth Schedule</u>			
Approval Fee for Scheme of Mining			
[See rule 52 sub-rule (3)]			
Sl. No.	Category of Minor Mineral	Quantity Applied for (Cubic Metres)	Fee (₹)
1.	Schedule ‘Y’ Minor Minerals (Ordinary Clay, Ordinary Earth, Brick Earth)	Upto 25000	5000.00
		Above 25000 to 50000	10000.00
		Above 50000	50000.00
2.	Schedule ‘Y’ Minor Minerals (Sand, Gravel, Shingle, Boulder, Stone, Quartzite and Sandstone)	Upto 25000	10000.00
		Above 25000 and upto 50000	20000.00
		Above 50000	50000.00
3.	Schedule ‘Y’ Minor Minerals – (Slate and Shale and other minerals not mentioned in Serial 1 and 2 above)	Upto 50,000	50000.00
		Above 50,000	100000.00
4.	Schedule ‘X’ Minor Minerals – Building stone including Granite, Quartzite and Sand Stone, China Clay and all listed Minerals under Schedule X of Assam Minor Minerals Concession Rules (AMMCR).	Upto 50,000	50000.00
		Above 50000	100000.00
<u>Fifth Schedule</u>			
[See rule 65A sub-rule (2) & (3)]			
Part I			
Transit Pass			
Sl. No.	Category	Purpose (Movement covered)	
1	White e-TP (We-TP)	Movement of minor minerals from any registered Minor Mineral Concession Area (MMCA) Permit, Patta Land Permit, Work Permit (Pre-Third Schedule), Brick Kiln, from Mineral Concession Area to Stockyard and registered Stone-crusher unit, from spot-auctions/e-auctions of seized dumps	
2	Green e-TP (Ge-TP)	Movement of minor mineral from a settled Minor Mineral	

		Concession Area within the State to the work site, against a registered work and for minor minerals transported by Urban Local Bodies to their workplace.
3	Orange e-TP (Oe-TP)	Movement from an assigned mining site to the work site, for notified Central or State Government departments and agencies holding Government permits, on advance payment of royalty.
4	Yellow e-TP (Ye-TP)	Movement from any other mineral concession areas within the State against a registered work on the Portal under the Third Schedule. Subject to advance payment of royalty.
5	Blue e-TP (Be-TP)	Movement of crushed material out of a registered stone crusher unit, generated by defacing the originating e-TP.
6	Pink e-TP (Pe-TP)	Movement from Stockyard for outward sales by defacing the originating e-TP.
7	Red e-TP (Re-TP)	Movement of seized or released or confiscated minor minerals generated by the Range Forest Officer concerned.
8	Brown e-TP (Bwe-TP)	Commercial minor mineral brought into, or passing through, the State from other States. e-TP will be generated upon verification of the GST e-Way bill against the GST portal. However, e-Way bills shall be subject to online verification and subsequent action, if any. Brown e-TP with charges as per rule 65A(3) and without any charges as per rule 65A(4).
9	Zero e-TP (Ze-TP)	For registered Contractors of State Government Departments for works whose Royalty gets deducted directly through Fin Assam Portal and gets deposited in the treasury and the material is won within the State only (White Color)
10	Royalty Free e-TP (Fe-TP)	For projects in which royalty has been exempted by the Government of Assam and the material is won

		within the State only (White Color)	
11	Orange-Yellow e-TP (OY e-TP)	For minor minerals entering Assam from neighbouring countries (With “IMPORTED FROM NAME_OF_COUNTRY” microtext)	
PART II			
Inter-State Transportation Fee on Minor Minerals			
Sl. No.	Nature of Fee	Minor Mineral	Amount (In Rupees)
1.	Inward Fee when minor mineral enters Assam from neighboring States	Sand or Stone or Gravel or Aggregate or Boulder, or Road Metal or Chips	Rs. 150.00 per cu.m.
2.	Outward Fee when minor mineral is intended for Transportation from Assam to neighboring States.	Sand or Stone or Gravel or Aggregate or Boulder, or Road Metal or Chips	Rs. 200.00 per cu.m.
PART III			
Transportation Fee of Minor Minerals from Neighbouring Countries			
Sl. No.	Nature of Fee	Minor Mineral	
1.	Inward Fee when minor mineral is intended for use in the State and is coming from Bhutan	Sand or Stone or Gravel or Aggregate or Boulder, or Road Metal or Chips	Rs. 100.00 per cu.m.
2.	Inward Fee when minor mineral is coming from Bhutan and transits through the State	Sand or Stone or Gravel or Aggregate or Boulder, or Road Metal or Chips	NIL
3.	Outward Fee when minor mineral from Assam is intended for transporting outside India other than Bhutan	All minor minerals	200.00 per cu.m.
PART IV			
e-Transit Pass Charges on Minor Minerals Entering Assam			
Sl. No.	Nature of Charge	Minor Mineral	Amount
1.	Electronic Transit Pass Charge for consignment with proof of royalty and GST payment	All minor minerals	Rs. 200.00 per e-TP

	with proof of royalty and GST payment		
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AJAY TEWARI,

Additional Chief Secretary to the Government of Assam,
Mines and Minerals Department.