

FAX

Government of Orissa
Revenue & Disaster Management Department

Letter No. 4123/CSR&DM, Bhubaneswar, dated the 25th Jan, 2011
MM-63/2010(Pt)

From :

Shri R.K. Sharma, IAS
Commissioner-cum-Secretary to Government.

To

All Collectors.

Sub: Control over illegal and unauthorized quarrying operations.

Sir/Madam,

This is to say that there are complaints of wide spread illegal and unauthorized quarrying operations resulting in theft of minor minerals which causes huge loss to the Government. This issue has also been raised in the Hon'ble Orissa Legislative Assembly in the past.

There are sufficient provisions in the Orissa Minor Mineral Concession Rules, 2004 to regulate and control the mining of minor minerals. The Tahasildars are the Competent Authorities for the mining minerals like ordinary clay, silt, rehmatti, ordinary sand other than used for industrial and prescribed purposes, brick-earth, ordinary earth, moorum, laterite slabs, ordinary boulders, road metals including ballasts, chips, bajri and rock fines generated from stone crushers, gravels of ordinary stones and river shingles and pebbles occurring in non-forest land.

As per Rule 68 of the OMMC Rules, any person found extracting or transporting any minor mineral otherwise than in accordance with

these rules is punishable with simple imprisonment of upto three years and/or fine of upto Rs. 25,000/-. Collector/Sub-Collector and Tahasildar are competent to seize the minor minerals and its products together with all tools, equipments and vehicles used in committing such offence within their respective jurisdiction.

The offences can be compounded by the Tahasildar on payment of an amount not exceeding the maximum amount of fine and value of the mineral and other properties seized as determined by the Tahasildar. The controlling authority, competent authority or any officer authorized by them have power of entry and inspection under the OMMC Rules.

From the information received from Collectors in respect of stone quarries, it is found that 22 districts have reported nil collection of fines under Rule 68 of OMMC Rules. Only 8 districts namely Ganjam (17.27 lakh), Khurda (15.60 lakh), Dhenkanal (13.69 lakh) Cuttack (7.66 lakh), Mayurbhanj (6.37 lakh), Puri (1.05 lakh), Kandhamal (0.50 lakh), Rayagada (0.06 lakh) have collected fines from unauthorized extraction or transportation of minor minerals. Even in the case of these districts, the amount of fine collected is much less than the maximum fine permissible under the OMMC Rules. For instance, from 16 unauthorised quarries and 206 vehicles/machines seized in Khurda district, the average amount of fine collected is only Rs. 7,025/- per case. In case of Puri district, the average fine realized is Rs. 2227/- only.

You are instructed to review the cases of detection and compounding under the OMMC Rules and recommend departmental proceedings against the officer who neglected their duties by not detecting unauthorized quarrying or showed undue favour to the offender by compounding the offences on payment of nominal fee.

You are also directed to take following steps for curbing the unauthorized and illegal mining of minor minerals –

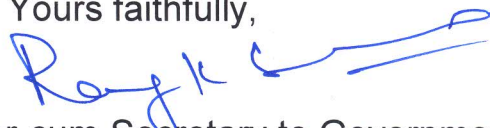
1. In order to have transparency and public scrutiny, details of all sources of minor minerals should be displayed in the website of the district showing the name of the bidder, plot No. and area of the mines, name of minor mineral, amount of auction price/royalty paid etc. Copy of this information should also be sent to this Department for display in the Department website.
2. All the sairat sources should be clearly demarcated and signboards should be displayed at the site giving full information on the bidder, quantity authorized, area and the period for which source has been settled, at the cost of the bidder. The contact details (with phone number) of Tahasildar should be written on the board so that complaints of unauthorized mining can be made by the public.
3. Revenue Inspector and Tahasildar/Additional Tahasildar for the area concerned should be held accountable for any cases of theft of minor minerals.
4. Squads should be constituted at the district and sub-divisional level to conduct surprise checks at the sairat sources and check the vehicles transporting minor minerals. Transit passes should also contain the time of dispatch of the material and should be verified during the surprise checks.
5. Monthly review should be made in the district revenue meeting on the cases detected and action should be taken for violation of OMMC Rules.
6. All the Sariat Sources should be auctioned well in advance of the financial year. Next higher authority should visit the not-settled sources and satisfy himself that no unauthorized quarrying is going on at the source.

7. All un-authorized sources should be either settled, if in non-objectionable sites or mining therein should be stopped through regular checks.
8. In the unlikely event of any source remaining not settled, the signboard thereon should be painted showing the status of the source.
9. All the complaints of unauthorized quarrying should be enquired within 48 hours and result intimated to the petitioner as well as the next higher authority of the officer receiving the complaint.
10. Depending on the potential of the sairat source, the Sub-Collectors, Tahasildars and Revenue Inspectors should be assigned to regularly visit the sairat sources under their control and also take all steps for preventing unauthorized quarrying. The Collectors should assign such responsibility amongst the officers by a written order. Collectors and ADM's should also conduct supervisory checks to ensure compliance.

A copy of the statement showing the area and collection of sairat and the amount of fine collected in respect of stone quarries is enclosed for your reference.

You are instructed to take all out steps for preventing the illegal and unauthorized quarrying of minor minerals. Action taken should be reported to the Department on monthly basis.

Yours faithfully,



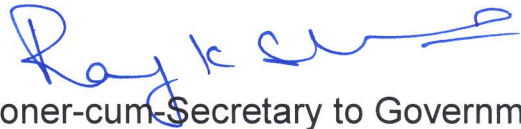
Commissioner-cum-Secretary to Government

Encl. : a/a.

Memo No. 4124 /CSR&DM, dated 25th January, 2011

Copy with copy of enclosures to All Revenue Divisional Commissioners for information and necessary action. They are

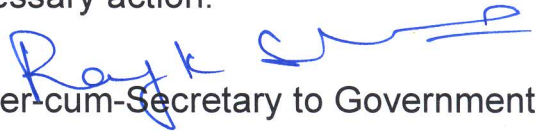
instructed to review the measure taken by the Collectors and Tahasildars during their field visits.



Commissioner-cum-Secretary to Government

Memo No. 4125 /CSR&DM, dated 25th January, 2011.

Copy with copy of enclosures to Secretary, Board of Revenue, Orissa, Cuttack for information and necessary action.



Commissioner-cum-Secretary to Government

Memo No. 4126 /CSR&DM, dated 25th January, 2011

Copy with copy of enclosures to P.S. to Minister, R&DM for kind information of the Hon'ble Minister, R&DM.



Commissioner-cum-Secretary to Government

Memo No. 4127 /CSR&DM, dated 25th January, 2011

Copy with copy of enclosures to Special Secretary/U.S.(LR&GE) /OIC, IMU/Guard File of LR&GE((A)/(B)/(C).



Commissioner-cum-Secretary to Government

Stone Quarries – Sairat Sources and Fine Collected

Sl. No.	Name of the Districts	Area (Acres)	2010-11 (Rs. In Lakh)	Unauthor-ized qua-rries detected	FIR's Filed	Trucks/ vehicles/ Machines seized	Fine collected (Rs in lakh)
1.	Angul	775	39.09	-	-	-	-
2.	Balasore	365	483.07	-	-	-	-
3.	Bargarh	373	26.68	-	-	-	-
4.	Bhadrak	-	-	-	-	-	-
5.	Bolangir	357	46.91	-	-	-	-
6.	Boudh	-	-	-	-	-	-
7.	Cuttack	252	20.36	5	5	61	76.60
8.	Deogarh	32	3.60	-	-	-	-
9.	Dhenkanal	78	118.33	31		56	13.69
10.	Gajapati	566	18.56	-	-	-	-
11.	Ganjam	3188	138.29	-	-	7	17.27
12.	Jagatsinghpur	-	-	-			
13.	Jajpur	497	38.26				
14.	Jharsuguda	252	22.54				
15.	Kalahandi	77	3.08				
16.	Kandhamal	2	0.07			2	0.50
17.	Kendrapara	-	-	-	-	-	-
18.	Keonjhar	567	104.30	-	-	-	-
19.	Khurda	14	13.48	16	02	2.06	15.60
20.	Koraput	238	96.51	-	-	-	-
21.	Malkanagiri	88	1.04	-	-	-	-
22.	Mayurbhanj	479	185.80	-	-	-	6.37
23.	Nuapada	198	228.09	-	-	-	-
24.	Nawarangpur	90	11.97	-	-	-	-
25.	Nayagarh	209	17.01	-	-	-	-
26.	Puri	143	1.87	12	4	39	1.05
27.	Rayagada	2798	46.76	5		5	0.07
28.	Sambalpur	864	46.36	-	-	-	-
29.	Subarnapur	158	5.72	-	-	-	-
30.	Sundargarh	553	96.12	-	-	-	-
	TOTAL	13,213	1813.87	39	11	421	131.15