

GOVERNMENT OF JAMMU AND KASHMIR
DEPARTMENT OF MINING
Civil Secretariat, Jammu

NOTIFICATION

Jammu, the 23rd of February 2021

S.O 60.—In exercise of the powers conferred by section 15 and section 23C of the Mines and Minerals (Development and Regulation) Act, 1957, (Central Act No 67 of 1957), the Government of Jammu and Kashmir hereby makes the following rules; namely .----

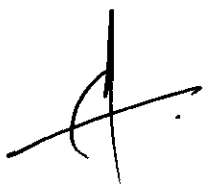
1. Short Title, Extent and Commencement: (1) These Rules may be called the Jammu and Kashmir Stone Crushers/Hot and Wet Mixing Plants Regulation Rules, 2021.

(2) They shall extend to whole of the Union Territory of Jammu and Kashmir.

(3) They shall come into force from the date of publication in the Official Gazette.

2. Definitions.—In these Rules, unless the context otherwise requires:-

- (i) **"Act"** means the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957);
- (ii) **"Government"** means the Government of Union Territory of Jammu and Kashmir;
- (iii) **"Minor Mineral"** means the minerals as defined in the section 3(e) of the Act;
- (iv) **"Mineral Concessions"** means a Mining lease, Mining License, quarry license, short term permit and disposable permit in respect of minor mineral permitting the mining of minor mineral in accordance with the Jammu and Kashmir Minor Mineral (Concession, Storage, Transportation of Minerals and Prevention of Illegal Mining Rules), 2016;
- (v) **"Stone Crusher unit/Hot and Wet Mixing plant"** means the industrial units/ plants/crushers installed or established for the processing of the Minor Minerals into value added/finished products;



- (vi) **"Processing"** means all physical processes such as grading, washing, crushing, pulverization, calcinations, powdering, cutting and polishing of Minor Minerals; and
- (vii) **"Processor"** means a unit/plant/crusher holder involved in processing, value addition and sale of Minor Minerals under these rules.

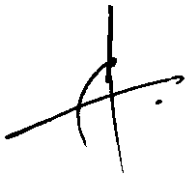
Words and expression used but not defined in these Rules shall have the meaning respectively assigned to them under the Mines and Minerals (Development and Regulation Act), 1957 and the Jammu and Kashmir Minor Mineral Concession, Storage, Transportation of Minerals and Prevention of Illegal Mining Rules, 2016.

3. General Requirements.— (1) A stone crusher/Hot and Wet Mixing plant is not a mining unit but a processor of minerals obtained from a source with a valid mineral concession. Such units shall be regulated by laws, rules and other provisions applicable to industrial units.

(2) No permission/license would be needed by a stone crusher/hot and wet mixing plant from the Mining Department except where it also engages in mining, which activity shall be regulated by laws/rules applicable to mining.

(3) Stone Crusher/Hot and Wet Mixing Plant shall establish/operate only on securing:-

- (i) Consent to establish/ operate from the Jammu and Kashmir Pollution Control Board issued as per the procedure/guidelines and siting criteria prescribed by the Jammu and Kashmir Pollution Control Board.
- (ii) No objection Certificate from Deputy Commissioner concerned regarding title verification of land and its usage; and
- (iii) Registration with the District Industries Centre (DIC) if the unit holder intends to avail any incentives available in the Industrial Policy.



4. Raw/ Processed Minor Minerals.— Every Stone Crusher/Hot and Wet Mixing Plant established/operating under these rules shall procure minor minerals, for storage and processing in the Unit/ plant/Crusher for conversion to finished goods and sale, from a valid mining concessionaire only under the relevant provisions of Jammu and Kashmir Minor Mineral Storage, Transportation of Minerals and prevention of Illegal Mining Rules 2016

5. Power of Inspection/Penalties.— The provisions of the Jammu and Kashmir Minor Mineral Storage, Transportation of Minerals and prevention of Illegal Mining Rules, 2016 shall apply to seizure of Minor Minerals and tools and associated penalties for their illegal procurement, transportation and storage in any Stone Crusher/Hot and wet mixing plant.

6. Protection of Environment.— Every Stone Crusher/Hot and wet mixing plant established under these rules shall strictly comply with the provisions of the Environment (Protection) Act, 1986, the Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981, guidelines of the Pollution Control Board and the Ministry of Environment, Forest ,and Climate Change issued from time to time and other relevant laws/rules.

7. Fixation of Price and Sale.— (1)The Deputy Commissioner of the district may from time to time, by notification in the official Gazette, fix the maximum price of finished product per cubic meter for whole of the district or different areas and different prices may be fixed for different kinds having regard to specific gravity, size, compressive strength colour and end use. While fixing such price per cubic meter for a minor mineral all relevant cost factors would be taken into account.

(2) No Processor shall sell or offer/cause to sell or otherwise dispose of, to any person finished goods for a price or at a rate exceeding the maximum selling fixed under rule 7(1);

(3) Every consignment of finished goods shall invariably be accompanied by a valid sale bill indicating the quality, price and tax charges.



(4) No processor shall refuse to sell the goods to any person, if he is holding the stock for such sale. Such refusal by the above unit holder or dealers shall constitute an offence under relevant provisions of law in force.

(5) Each Processor shall maintain all records/accounts of the minor minerals procured, processed and supplied to further destinations and submit monthly returns;

(6) Any processor who contravenes the provisions of these rules shall be liable to pay penalty as per the provisions of the Act.

8. Delegation of powers.— The Government may, by notification in the Official Gazette, direct that any or all the powers exercisable by it under these Rules may in relation to such matter and subject to such conditions, if any, as may be specified in such notification, be exercisable also by such officers or authority subordinate to the Government:

Provided that powers already delegated under Rule 84 of the Jammu and Kashmir Minor Mineral Storage, Transportation of Minerals and prevention of Illegal Mining Rules, 2016 shall also be exercised by such officers under these rules .

9. Conformity to other statutory provisions and court directions.— Notwithstanding anything contained in these rules, the processor shall abide by the applicable Acts and rules or any modification/amendments made under such Acts and rules from time to time, any guidelines of Jammu and Kashmir Pollution Control Board and the Central Pollution Control Board.

10. Units existing prior to the commencement of the Jammu and Kashmir Minor Mineral Exploitation and Processing Rules, 2017.— Notwithstanding anything contained in these rules, an unlicensed Crusher Unit/Hot and Wet Mixing Plant existing before the commencement of the Jammu and Kashmir Minor Mineral Exploitation and Processing Rules, 2017 having valid Consent to Operate from the Jammu and Kashmir Pollution Control Board shall be allowed to operate. However, after expiry of consent to operate , it



shall have to obtain fresh permission as per Rule 3(3)(ii) as one time requirement.

11. Repeal and savings.—(1) The Jammu and Kashmir Minor Mineral Exploitation and Processing Rules, 2017 issued vide Notification SRO 302 of 2017 dated 19.07.2017 shall stand repealed.

(2) Notwithstanding such repeal, nothing in these rules shall affect validity, effect of consequence of anything done or suffer to be done under the said law, rule or order before the date on which these rules come into force.

By order of the Lieutenant Governor.

Sd/-

(Manoj K. Dwivedi) IAS,

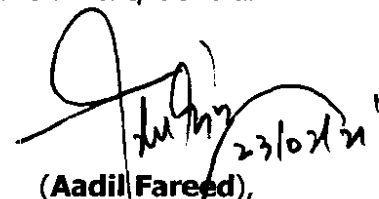
Commissioner/Secretary to the Government.

No: MNG/Crushers/15/2021

Dated: 23.02.2021

Copy to the:

1. All Financial Commissioners.
2. Director General of Police, J&K.
3. Principal Secretary to the Lieutenant Governor.
4. All Principal Secretaries to the Government.
5. Principal Resident Commissioner, J&K Government, New Delhi.
6. Chief Electoral Officer, J&K.
7. All Commissioner/Secretaries to the Government.
8. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
9. Divisional Commissioner, Jammu/Kashmir.
10. Director General, J&K Institute of Management, Public Administration and Rural Development.
11. Chairman, J&K Special Tribunal.
12. All Heads of Departments/Managing Directors.
13. All Deputy Commissioners.
14. Director, Information, J&K.
15. Secretary, J&K Public Service Commission.
16. Director Estates, J&K.
17. Director, Archives, Archaeology and Museums, J&K.
18. Director, Geology and Mining, J&K.
19. General Manager, Government Press, Jammu/ Srinagar.
20. Private Secretary to the Hon'ble Lieutenant Governor.
21. Private Secretary to Advisor (F) to the Lieutenant Governor.
22. Private Secretary to Advisor (B) to Lieutenant Governor.
23. Private Secretary to Advisor (BK) to Lieutenant Governor.
24. Private Secretary to the Chief Secretary.
25. Private Secretary to Commissioner/Secretary to the Government, General Administration Department/I&C Department.
26. Incharge Website, I&C/GAD.
27. Government Order file/Stock file.


(Aadil Fareed),
Deputy Secretary to the Government

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