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GOVERNMENT OF JHARKHAND
REVENUE, REGISTRATION AND LAND REFORMS DEPARTMENT
NOTIFICATION

No. 05/Sa.Bhu. Vividh (Ordinance)-43/2020 - 2368/ra Ranchi, Dated:- 11-09-2020

In exercise of the powers conferred by Section 11 of the Jharkhand Mineral Bearing Lands (COVID-19 Pandemic) Cess Ordinance, 2020, The Government of Jharkhand hereby makes "The Jharkhand Mineral Bearing Lands (COVID-19 Pandemic) Cess Rules, 2020".

By the order of the Governor


10/09/2020
(Kamal Kishore Soan)

Secretary to the Government

Memo No: 05/Sa.Bhu. Vividh (Ordinance)-43/2020 - 2368/ra Ranchi, Dated:- 11-09-2020

Copy forwarded to:

1. Principal Secretary to the Hon'ble Governor, Government of Jharkhand.
2. Principal Secretary to Chief Minister, Government of Jharkhand.
3. Chief Secretary, State of Jharkhand.
4. Development Commissioner, Government of Jharkhand.
5. Member, Board of Revenue, Government of Jharkhand.
6. All Additional Chief Secretary/ All Principal Secretary/Secretary/All Department/All Head of Department/ All Divisional Commissioner/All Deputy Commissioner, Jharkhand
7. Accountant General, Jharkhand
8. Superintendent, Government Press, Jharkhand
9. Departmental Nodal Officer, E-gazette for information and necessary action.


10/09/2020
Secretary to the Government

"THE JHARKHAND MINERAL BEARING LANDS (COVID- 19 PANDEMIC) CESS RULES, 20"

1. SHORT TITLE, EXTENT AND COMMENCEMENT

- (1) These rules may be called "The Jharkhand Mineral Bearing Lands (COVID- 19 Pandemic) Cess Rules, 2020".
- (2) It extends to the entire State of Jharkhand.
- (3) It shall come into force on the date of notification.

2. DEFINITIONS

In this Rules, unless the context otherwise requires; -

- (a) "Cess" means the cess levied under Section 3 of the Ordinance
- (b) "Commissioner" means the Commissioner of a Division, comprising of Districts;
- (c) "Dispatch" means dispatch of such Run- of- mine/ minerals as specified in the Schedule appended to the Ordinance, by the holder to any place outside the mineral bearing land;
- (d) "Department" means the Department of Revenue, Registration and Land Reforms of the State;
- (e) "Deputy Commissioner" means the deputy commissioner of the District;
- (f) "Designated Bank" means such bank as fixed by the Government by a circular to receive any amount of Cess or due Cess;
- (g) "Disaster" means a catastrophe, epidemic/ pandemic, mishap, calamity or grave occurrence in any area, arising from natural or man- made causes, or by accident or negligence which results in substantial loss of life, loss of employment of human suffering or damage to, and destruction of, property, or damage to, or degradation of, environment, and is of such a nature or magnitude as to be beyond the coping capacity of the community of the affected area;
- (h) "Documents" means and includes written or printed records of any sort, title deeds and data stored by way of electronic record(s) in whatsoever forms or any other records or form as defined in the Information Technology Act, 2000;
- (i) "Electronic record" means a data, record or data generated, image or sound stored, received or sent in an electronic form, or microfilm or computer generated micro fiche or in a computer disk or in a computer floppy or computer software/ media;
- (j) "Epidemic" means the occurrence in the State, cases of an illness, specific health related behaviour, or other health related events clearly in excess of normal expectancy and includes COVID- 19
- (k) "Fund" means a fund created for the purposes of depositing the proceeds of cess as "COVID- 19 Pandemic Fund"; to carry out the purposes as specified in Section 4 of the Ordinance; and shall be utilized in the manner as prescribed;
- (l) "Governing Body" means a body of such authorities, as constituted by the State Government to carry out the purposes of the Ordinance, as prescribed;

- (m) "Government" means the State Government of Jharkhand;
- (n) "Holder" means the holder of the mining or quarry lease or prospecting- cum- composite license of the mineral bearing land(s);
- (o) "Mineral Bearing Land" means holding or holdings of land comprising the area of a land either allocated or granted or deemed to be granted for mineral right i.e. mining or quarry lease or prospecting- cum- mining lease or petroleum mining lease under the Mines and Minerals (Regulation and Development) Act, 1957, the Coal Bearing Areas (Acquisition and Development) Act, 1957, the Coking Coal Mines (Nationalisation) Act, 1972, the Coal Mines (Nationalisation) Act, 1973, the Coal Mines (Special Provisions) Act, 2015 and Petroleum & Natural Gas Rules, 1959;
- (p) "Mineral Produce" means a produce of mineral specified in the Schedule appended to the Ordinance;
- (q) "Mineral Right" means rights conferred on a lessee/deemed lessee under a mining lease or quarry lease or exploring license or prospecting license or petroleum mining lease granted or renewed under the Mines and Minerals (Regulation and Development) Act, 1957, the Coal Bearing Areas (Acquisition and Development) Act, 1957, the Coking Coal Mines (Nationalisation) Act, 1972, the Coal Mines (Nationalisation) Act, 1973, the Coal Mines (Special Provisions) Act, 2015, Petroleum & Natural Gas Rules, 1959;
- (r) "Month" means a calendar month or part thereof;
- (s) "Notification" means a notification as published in the Official Gazette of the State;
- (t) "Ordinance" means the Jharkhand Mineral Bearing Lands (COVID-19 Pandemic) Cess Ordinance, 2020;
- (u) "Schedule" means the Schedule appended to the Ordinance;
- (v) "Sections" means, sections of the Ordinance;
- (w) "State" means the State of Jharkhand;
- (x) "Year" means a Financial Year beginning of 1st April and ending on 31st March of the subsequent year; and

Words and expressions used but not defined in these Rules shall have the same meaning as defined in the Ordinance and all the respective Mineral Act(s) and all the respective Rules, as assigned to them under all those such Acts; Rules; Notifications or Regulations made or issued thereunder.

3. APPLICABILITY

These rules shall apply to all mineral bearing lands as defined in the Jharkhand Mineral Bearing Lands (COVID-19 Pandemic) Cess Ordinance 2020.

4. OBJECTIVE OF THE FUND

As defined in Section 4 of the Ordinance notified vide gazette notification dated 06.07.2020.

5. REGISTRATION

The holder shall be deemed to be registered under the Ordinance where they have been already granted mineral rights over mineral bearing land.

6. PRESCRIBED OFFICER

- (1) The Deputy Commissioner of the respective districts, or any other officer as delegated in this behalf by the Deputy Commissioner, shall be the prescribed officer, to carry out the functions under the Ordinance;
- (2) The Assistant Mining Officer/ District Mining Officer of the respective districts or any other person as notified by the State Government shall be the competent authority to collect the Cess in a manner as per the prescribed method.

7. GOVERNING BODY

- (1) The State Government within sixty days of the commencement of these rules, shall constitute a Governing Body under Section 11 of the Ordinance to carry out the purposes as specified in Section 4 of the Ordinance.
- (2) The Governing Body shall constitute of the following, as under -
 - (a) Hon'ble the Chief Minister of Jharkhand : ex officio Chairman
 - (b) Hon'ble the Finance Minister of Jharkhand : ex officio Member
 - (c) Hon'ble the Health Minister of Jharkhand : ex officio Member
 - (d) Chief Secretary, Jharkhand : ex officio Member
 - (e) Finance Secretary, Jharkhand : ex officio Member
 - (f) Secretary, Department of Industries, Jharkhand : ex officio Member
 - (g) Secretary, Department of Revenue,
Registration & Land Reforms, Jharkhand : ex officio Member
 - (h) Secretary, Department of Mines
and Geology, Jharkhand : ex officio Member
 - (i) Secretary, Health, Medical Education
& Family Welfare Department : ex officio Member
 - (j) Secretary, Disaster Management Department : ex officio Member
 - (k) Any other member or members as appointed by the Chairman
- (3) The Secretary, Department of Revenue, Registration and Land Reform, Jharkhand shall be the ex officio Member Secretary -cum- Coordinator of the Governing Body.
- (4) The Headquarter of the Governing Body shall be at Ranchi.
- (5) The Member Secretary of the Governing Body shall convene the meeting at least once in two months.
- (6) The Government shall allocate the proceeds or part thereof of fund, for execution/ implementation of such programs/ projects as specified under Section 4 of the Ordinance

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and issue such directions as it may deem fit and necessary to such authorities carrying out the projects.

(7) The Governing Body shall evaluate the progress of the programmes and the projects for which the funds have been provided.

8. PAYMENT OF CESS

(1) The holder shall pay the Cess on the mineral bearing land at such rates as prescribed in the Schedule appended to the Ordinance.

(2) The amount of Cess shall become payable and be paid on the same day on which such royalty was payable to the Government.

(3) The Cess shall be paid electronically through Jharkhand Integrated Mines and Management System.

9. MANNER OF DEPOSIT & WITHDRAWAL OF DEPOSIT

(1) The proceeds thus received as per Schedule appended to the Ordinance shall be credited to the designated bank account(s) to be opened in the name of "COVID- 19 PANDEMIC FUND" in any Scheduled Public Sector Banks.

(2) The bank account(s) of the Fund shall be operated by at least two persons to be authorized by the Governing Council or any officer as authorized by the State Government.

(3) All payments shall only be made electronically to the bank account(s) of the recipient except contingent expenditure not exceeding Rs 5000 and such statutory dues or utility charges for which e- payment facility is not available.

10. TRANSIT MOVEMENT

The holder shall dispatch mineral upon obtaining valid transport challan as prescribed in "The Jharkhand Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2017".

11. MONITORING OF THE AMOUNT PAYABLE TO THE FUND

The Assistant Mining Officer/ District Mining Officer of the respective districts as defined in Rule 6 shall maintain an electronic register of the amount payable and paid by each holder and furnish the monthly consolidated statement thereof to the Member Secretary- cum- Coordinator of the Governing Body as defined in Rule 7 at the end of every month.

12. MAINTENANCE OF ACCOUNTS

(1) The Governing Body shall maintain true and correct accounts of the Fund and of all the income and expenses accurately.

(2) The financial year shall commence from 1st April and end at 31st March of the subsequent year.

[REDACTED]

**13. APPLICATION OF ALL OTHER MINERAL STATUTES APPLICABLE IN
JHARKHAND**

For all or any such provisions or rules not prescribed in these Rules; the prescribed Rules under such other Mineral Rules applicable in the State of Jharkhand; shall be applicable in these Rules also.

14. PENALTY AND RECOVERY OF CONTRIBUTION TO FUND

- (1) The holder shall make the required payment towards Cess in the same frequency as the holder is required to pay royalty to the Government.
- (2) If any holder fails to pay the Cess under this Rule by the due day, the holder shall be liable to pay interest @ 3% per month or part thereof.