

### Bihar Mica Rules, 1948

1. These Rules may be called the Bihar Mica Rules, 1948.
2. In these Rules -
  - (a) "the Act" means the Bihar Mica Act, 1947 (Bihar Act 10 of 1948).
  - (b) "Form" means a form in the Schedule in these Rules.
  - (c) "Inspector of Mica Accounts" means the person appointed by the Provincial Government under Section 11 under the designation of Inspector of Mica Accounts.
  - (d) "Section" means a Section of the Act.
3. (i) The proprietor's certificate shall be in Form A.
  - (ii) The Mica minor's licence shall be in Form B.
  - (iii) The Mica dealer's licence shall be in Form C.
  - (iv) The digger's permit shall be in Hindi in Form L.
4. An application for the registration of an instrument referred to in Section 8 shall be made orally or in writing to such officer as may have been empowered by the Provincial Government by notification in the Gazette to register such applications for the area in which the land mentioned in the instrument is situated.
5. (1) On the presentation to him of an instrument for registration under Rule 4, the officer empowered under Section 8 shall satisfy himself-
  - (a) that it is in a language commonly used in the district or is accompanied by a translation into such language certified to be true translation by a person known to such officer;
  - (b) that the description of the land from which the extraction of mica is authorised is sufficient for the identification of such land;
  - (c) that the application for registration is made by or on behalf of the person who is authorised by the instrument to extract mica;
  - (d) that all interlineations, blanks, erasures and alterations are initialled by the person executing the instrument, or by the scribe if the executant is illiterate;
  - (e) that, when an instrument presented for registration purports to have been executed by a person who cannot sign his name and has attested the document by means of a mark, the name of the executant has been entered in full in close proximity to that mark;
  - (f) that the instrument bears the full address and father's name of the executant.

(2) When an instrument is presented for registration an officer, other than the officer to whom application is required by Rule 4 to be made, he shall return it to the applicant with an endorsement specifying the officer to whom it should be presented.

(3) If the instrument does not comply with any of the conditions specified in Clause (1) of this Rule, the instrument shall be returned to the applicant with one or more of the following endorsements in Hindi:

(a) requires a true translation in a language commonly used in the district;

(b) description of land is insufficient;

(c) application not made by or on behalf of the person authorised by the instrument to extract mica;

(d) corrections not initialled;

(e) executant's name not written in full close to his mark;

(f) executant's address and/or father's name wanting.

(4) If the requirements of Rule 4 and Clause (1) of this Rule are complied with the registering officer shall endorse in red ink on the instrument, the words:

"Registered at the.....office. Fee of one rupee paid. Applicant personally known to me

....."

identified by

(5) When a registering officer is not personally acquainted with the person applying for registration of an instrument he shall require such person to be identified to his satisfaction.

(6) When the registering officer registers any instrument under these Rules he shall cause the instrument to be copied into a register to be kept for this purpose, and shall cause a notice in Form E signed by him to be sent by registered post to the executant.

6. (i) The authority to whom licensees, registered proprietors and diggers shall notify places used by them for strong mica for sale shall be the Inspector of Mica Accounts.

(ii) The notice shall be given-

(a) in respect of a place used for storing mica for sale on the date when these Rules come into force, within thirty days of such date;

(b) in respect of any such place first so used at any time after these rules come into force, within twenty-four hours after the commencement of such use.

(iii) (1) Every such notice shall be in writing and shall be either-

(a) delivered to the Inspector of Mica Accounts;

(b) sent by registered post to the Inspector of Mica Accounts; or

(c) delivered to the officer-in-charge of the police station, within the limits of which the place referred to in the notice is situated, to be forwarded to the Inspector of Mica Accounts:

Provided that if the person who is required to give notice is illiterate, he may give such notice orally to the persons mentioned in sub-clause (a) or (c) of this clause.

(2) The officer to whom a notice is delivered under sub-clause (a) or sub-clause (c) of Clause (iii) of this Rule, whether orally or in writing shall give to the person who delivers such notice an acknowledgement thereof in writing.

(iv) Every such notice shall contain such particulars as may be sufficient to locate and identify the place referred to therein and shall state-

(a) in the case of building-

(1) the name of the village with thana and thana number and settlement plot number or, if such building is situated in a municipality, the ward and the number of the holding on which such building is situated;

(2) the name of owner of the building; and

(3) a description of a place other than a building-

(i) the name of the village with thana and thana number and settlement plot number or, if such place is situated in a municipality, the ward and the number of the holding in which place is situated;

(ii) the name of the owner of the place; and

(iii) the description of the place.

(v) Any licensee, registered proprietor or digger who intends to close, for a period exceeding two weeks any place or places in respect of which he has given a notice under this Rule, shall before he closes such place or places inform the Inspector of Mica Accounts by registered post of his intention to do so.

7. (i) The pass referred to in Section 14 shall be in Form F, either in English or in Hindi.

(ii) Every such pass shall be made out in duplicate and one copy shall be kept by the person issuing the pass.

(iii) Books of passes shall be obtained on payment from the office of the Inspector of Mica Accounts, and the passes and the counterfoils shall be serially numbered.

8. The authority who may require the production of a licence under subsection (3) of Section 17 shall be the Inspector of Mica Accounts or any Magistrate of the first class appointed under Section 12 of the Code of Criminal Procedure or any Police Officer not below the rank of an Inspector having jurisdiction in the area in which the licensee uses any place for strong mica or preparing the same for sale.

9. (1) (a) Every licensee and every registered proprietor shall not later than the tenth day of each month submit to the Inspector of Mica Accounts, a return

showing the stock of crude mica, unsorted blocks, chillas and splitting which were in his possession on the first and last days of the month immediately preceding the month in which the return is submitted, together with totals of all additions to, from, or other transactions relating to, the stock during that month.

(b) (i) The return of crude mica shall be in Form G.

(ii) The return of unsorted blocks and uncut chillas shall be in Form H.

(iii) The return of sorted blocks shall be in Form T.

(iv) The return of cut chillas shall be in Form J.

(v) The return of splitting shall be in Form K.

(2) The returns shall show separately the stock of each place in respect of which a licensee or registered proprietor has given a notice under Rule 6 and shall be either-

(a) delivered to the Inspector of Mica Accounts; or

(b) sent by registered post to the Inspector of Mica Accounts.

(3) When any return is delivered under sub-clause (a) of Clause (2) of this Rule the Inspector of Mica Accounts shall be given to the person who delivers such return an acknowledgement thereof in writing.

(4) (a) If a licensee or a registered proprietor suspends his business for a period exceeding one month and gives the notice required by Clause (v) of Rule 6 he shall not be required to submit the returns referred to in Clause (1) of this Rule for the period during which his business is so suspended.

(b) Such licensee or registered proprietor shall not reopen his business after such suspension until he has given a notice of his intention to do so to the Inspector of Mica Account and shall after he has re-opened his business submit the returns referred to in Clause (1) of this rule.

(5) When the licensee of a licence is cancelled under sub-section (1) of Section 25 of the Act or ceases to be in force under sub-section (3) of Section 6 of the Act, the licensee shall, if he exercise the right conferred on him by sub-section (3) Section 4 of the Act, submit returns for a period of six month's after expiry of the licence or until the disposal of his stock, whichever is earlier.

#### Form B

(See Section 6 of the Act and Rule 3)

#### Form of Miner's Licence

No. ....	Original fee Rs. 250.
Year .....	Annual fee Rs. 150.

This licence is hereby granted to..... and Co.....resident of village.....son of.....police station.....district.....ordinarily carrying on business

at.....authorising him it to have in his/its possession and to sell mica extracted from any mica mine of which he/it is in possession and which is situated in land of which he/it is not the proprietor, or from any mica dump of which he/it is in possession.

Issued this day of.....19.....

This licence is granted subject to the condition that the registered proprietor shall not sell mica other than manufactured mica to any person resident or carrying on business in a controlled area, unless such person possesses a dealer's licence.

(Signature).....

Controller.

Particulars of mines in possession of the licensee

Specification (including settlement plot numbers or Government forest square number) of the area for which the licensee holds a mining lease or prospecting licence.	Name of proprietor or tenure-holder in whose estate or tenure the area is situated.	Date of commencement and termination of the mining lease or prospecting licence of the area.
1	2	3

The following persons are hereby authorised under Section 7 of the Bihar Mica Act, 1947, to exercise on behalf of the licensee named above any of the powers conferred on such licensee under the Act or under this licence:-

Name	Father's name	Place of residence	Date

(Signature).....

Controller

Form C

(See Section 6 of the Act and Rule 3)

Form of Dealer's Licence

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No. ....	Original fee Rs. 250.
Year .....	Annual fee Rs. 150.

This licence is hereby granted to.....and Co.,..... son of..... resident of village police station ..... district.....ordinarily carrying on business at.....to buy mica and to have in his/its possession and sell mica extracted in a controlled area from a mica mine of which he/it is not in possession, or from a mica dump, or mica mine imported into a controlled area from any place not situated in a controlled area.

Issued this .....19.

This licence is granted subject to the following conditions:

- (a) that the licensee shall not sell mica other than manufactured mica to any person resident or carrying on business in a controlled area unless such person possesses a dealer's licence;
- (b) that the licensee shall not buy mica other than manufactured mica from a person resident or carrying on business in a controlled area unless such person is a licensee, registered proprietor or digger, or a person exercising the right conferred by sub-section (3) of Section 4.

(Signature).....

Controller.

The following persons are hereby authorised under Section 7 of the Bihar Mica Act, 1947, to exercise on behalf of the licensee, named above any of the powers conferred on such licensee under the Act or under this licence:-

Name	Father's name	Place of residence	Date

Signature.....

Controller.

Form D

(See Section 9 of the Act and Rule 5)

Form of Digger's Permit

Fee Re. 1.

Whereas son of resident of village..... police station.....district.....has by an instrument in writing registered in the office of the on the day of .....19, been authorised by.....son of resident

of.....	owner of.....	Estate.....tauzi no...
	lessee of land included in	

.....of the district of.....to extract mica on his own behalf from the lands described in the Schedule below.

This permit is hereby granted to the said.....to extract mica in his own behalf from the lands described in the Schedule below.

This permit is valid upto and including the.....day of.....19

The permit-holder shall transport all mica extracted by him from the said lands only by the routes specified below.

The permit-holder shall sell all mica extracted by him from the said lands only at the place specified below.

This permit is granted subject to the conditions that the holder of the permit shall not sell mica other than manufactured mica to any person resident or carrying on business in a controlled area unless such person possess a dealer's licence.

#### Schedule

Name of village with thana and thana number in which the land is situated	Settlement plot number	Boundaries

Routes.....

Places of sale.....

(Signature.....

Controller

Form E

[See Rule 5(6)]

#### Form of notice of registration of instruments

This is to inform you that an instrument purporting to be executed by you has this day been registered in my office, authorising

resident of village

police station .... district to extract mica on his own behalf from/the land specified in the schedule below of estate tauzi no of the district of of which you are the owner/lessee.

### Schedule

Name of village with thana and thana number in which the land is situated	Settlement plot number	Boundaries

(Signature).....

Registering Officer

### Form F

(See Section 14 of the Act and Rule 7)

#### Form of Pass for the Removal of Mica

Book no. ....	Serial no. ....
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1. Date of issue.....
2. Time of issue.....
3. Issued by.....
4. Number and date of licence or proprietor's certificate of person by or on whose behalf the pass is issued.....
5. Quantity and size of mica.....

Or

if mica has not been sorted into sizes, quantity and description.....

6. Place from which the mica is being removed.....
7. Destination of the mica.....
8. Name of person to whom the mica is consigned.....
9. Signature of person issuing the pass ...

[Entries against (3), (5) and (8) must be written in block Capitals.]

### Form G

[See Rule 9 (1)(b)(i)]

Return No. 1

Return of crude mica for the month of .....19.....

Name of the licensee/registered proprietor.....



No. and nature of licence/no. of certificate.....

Name of the place in respect of which a licensee or registered proprietor has given a notice under Rule 6 and police station.....

		Quantity Large (4) and Small (5) up and down	Remarks
		Md. Sr. Ch. Md. Sr. Ch.	
1.	Opening balance.....		
2.	Receipts during the month-		
	(i) From mines.....		
	(ii) From other places in respect of which a licensee or registered proprietor has given notice under Rule 6		
	(iii) From dump.....		
	(iv) Purchased .....		
	(v) *Other sources.....		
3.	Total receipts.....		
4.	Issues during the month-		
	(i) Issue for cutting.....		
	(ii) Despatched to other places in respect of which a licensee or registered proprietor has given notice under Rule 6.....		
	(iii) Sold....		
	(iv) Otherwise disposed of.....		
5.	Total issue...		
6.	Results of cutting-		

	(i) Mixed blocks.....		
	(ii) Uncut chillas.....		
	7. Closing balance.....		

Signature of the licensee/registered proprietor or his authorised agent.....

Date.....

\* Entries against Serial 2 (v) and 4 (iv) must be explained in the remarks column.

Form H

[See Rule 2 (1) (b) (ii)]

Return No.2

Return of unsorted blocks and uncut chillas for the month of 19

Name of the licensee/registered proprietor.

No. and nature of the licence/no. of certificate.

Name of the place in respect of which a licensee or registered proprietor has given notice under Rule 6 and police station.

		Quantity	Remarks
		Mixed block Uncut chillas	
		Md. Sr. Ch. Md. Sr. Ch.	
	1. Opening balance.....		
	2. Receipts during the month-		
	(i) From crude mica.....		
	(ii) From other places in respect of which a licensee or registered proprietor has given notice under Rule 6		
	(iii) From dump.....		
	(iv) Purchased .....		
	(v) *Other sources.....		
	3. Total receipts.....		

4.	Issues during the month-		
(i)	Issue for sorting.....		
(ii)	Despatched to other places in respect of which a licensee or registered proprietor has given notice under Rule 6.....		
(iii)	Sold....		
(iv)	*Otherwise disposed of.....		
5.	Total issue...		
6	Closing balance.....		

Signature of the licensee/registered proprietor or his authorised agent

Date.....

\* Entries against serials 2 (v) and 4 (iv) must be explained in the remarks column.

#### Form I

[See Rule 9 (i) (b) (iii)]

Return No. 3

Return of sorted blocks for the month of 19.....

Name of licensee/registered proprietor.....

No. and nature of license/no. of certificate.....

Name of the place in respect of which a licensee or registered proprietor has given notice under Rule 6 and police station.....

		Quantity	Remarks
		Special No. 1 No. 2 No. 3 No. 4 No. 5 No. 6 No. 7	
		M.S.C. M.S.C. M.S.C. M.S.C. M.S.C. M.S.C. M.S.C.	
1.	Opening balance.....		
2.	Receipts during the month-		

	(i)	From sorting.....		
	(ii)	From other places in respect of which a licensee or registered proprietor has given notice under Rule 6.....		
	(iii)	Purchased .....		
	(iv)	*Other sources.....		
3.	Total receipts.....			
4.	Issues during the month-			
	(i)	Despatched to other places in respect of which a licensee or registered proprietor has given notice under Rule 6.....		
	(ii)	Sold or exported.....		
	(iii)	Issues for splitting.....		
	(iv)	*Otherwise disposed of.....		
5.	Total issue...			
6	Closing balance.....			

Signature of the licensee/registered proprietor or his authorised agent.....

Date....

\* Entries against serials 2(v) and 4 (iv) must be explained in the remarks column.

Form J

[See Rule 9(1) (b) (iv)]

Return No. 4

Return of cut chillas for the month of 19.....

Name of the licensee/registered proprietor....no. and nature of the licensee/no. of certificate...

Name of the place in respect of which a licensee or registered proprietor has given notice under Rule 6 and police station.....

		Quantity	Remarks
		No. 4 and No.	

		5 and Mixed Md. Sr. Ch. Md. Sr. Ch. Md. Sr. Ch.	
1.	Opening balance.....		
2.	Receipts during the month-		
(i)	From uncut chillas.....		
(ii)	From blocks.....		
(iii)	From other places in respect of which a licensee or registered proprietor has given notice under Rule 6.....		
(iv)	Purchased .....		
(v)	*Other sources.....		
3.	Total receipts.....		
4.	Issues during the month-		
(i)	Despatched to other places in respect of which a licensee or registered proprietor has given notice under Rule 6.....		
(ii)	Sold or exported.....		
(iii)	Issues for splitting.....		
(iv)	*Otherwise disposed of.....		
5.	Total issue...		
6	Closing balance.....		

Signature of the licensee/registered proprietor or his authorised agent.....

Date.....

\* Entries against serials 2(v) and 4 (iv) must be explained in the remarks column.

Form K

[See Rule 6 (1) (b) (v)]

Return of splittings for the month of 19....

Name of the licensee/registered proprietor....no. and nature of the licence/no. of certificate.

Name of the place in respect of which a licensee or registered proprietor has given notice under Rule 6 and police station,

		Quantity			Remarks
		Pan-packed	Block	Loose	
		Md. Sr. Ch. Md. Sr. Ch. Md. Sr. Ch.			
1.	Opening balance.....				
2.	Receipts during the month-				
	(i)	From block and chillas.....			
	(ii)	From other places in respect of which a licensee or registered proprietor has given notice under Rule 6.....			
	(iii)	From dump.....			
	(iv)	Purchased .....			
	(v)	*Other sources.....			
3.	Total receipts.....				
4.	Issues during the month-				
	(i)	Despatched to other places in respect of which a licensee or registered proprietor has given notice under Rule 6.....			
	(ii)	Sold.....			
	(iii)	*Otherwise disposed of.....			
5.	Total issue...				

6 Closing balance.....| |

Signature of the licensee/registered proprietor or his authorised agent.....

Date.....

\* Entries against serials 2 (v) and 4(iv) must be explained in the remarks column.