



The Meghalaya Minerals Cess Act, 1988

Act 7 of 1988

Keyword(s):

Cess, Minerals

Amendment append: 17 of 2020

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

The 16th May, 1988

No. LL(B) 27/88/41.- The following Act, of the Meghalaya Legislative Assembly which received the assent of the Governor/President is hereby published for general information.

MEGHALAYA ACT NO. 7 OF 1988

THE MEGHALAYA MINERALS CESS ACT, 1988

(As passed by the Meghalaya Legislative Assembly on 29th April, 1988)

[Received the assent of the Governor on the 12th May, 1988]

(Published in the *Gazette of Meghalaya*, Extra-ordinary, dated 16th May, 1988)

An

Act

To provide for the levy and collection of cess on some minerals of the State for the development of Primary education and for development and improvement of mining areas and for matters connected therewith.

Be it enacted by the Legislature of the State of Meghalaya in the Thirty-ninth Years of the Republic of India as follows:-

Short title, extent and commencement.	1	(1) This Act may be called the Meghalaya Minerals Cess Act, 1988 (2) It extent to the whole of the State of Meghalaya. (3) It shall come into force on such date as the Government may by notification in the Official Gazette appoint, and different dates may be appointed for different areas.
Definitions	2	In this Act unless there is anything repugnant in the subject for context- (a) 'Act' means the Meghalaya Minerals Cess Act, 1988; (b) 'Cess' means the tax leviable as cess under section 3; (c) 'Government' means the Government of the State of Meghalaya; (d) 'minerals' means coal, sillimate, limestone and fireclay; (e) 'prescribed' means prescribed by the rules made under this Act; and (f) 'section' means a section of this Act;
Imposition of cess	3	On and from the coming into force of this Act, there shall be levied and collected as cess a tax on coal, silliminate, limestone and fire-clay from any person who extracts or removes the minerals from any mine or quarry in the State according to the provisions of this Act;

Rate of Cess	4	<p>(1) The rate of the cess to be levied and collected under section 3 shall be, in the case of-</p> <ul style="list-style-type: none"> (a) coal, rupees, ten per metric tonne; (b) sillimanite, rupees ten per metric tonne; (c) limestone, rupees two and paise eighty per metric tonne; and (d) fire clay, rupees one and paise twenty-five per metric tonne. <p>(2) The rate of cess fixed under sub-section (1) may from time to time be revised by Government by notification in the official Gazette.</p>
Application to the proceeds of the tax	5	<p>The proceeds of tax collected under this Act shall first be credited to the Consolidated Fund of the State to be utilised, after due appropriation made by the Legislature by law, for the purpose of-</p> <ul style="list-style-type: none"> (a) Developing primary education; and (b) Developing and improving the mining areas, in the State; <p>Provided that not more than twenty per cent of the proceeds so collected shall at any time be utilised for the purpose referred to in clause (b).</p>
Manner of collection and payment of the tax.	6	<p>(1) The tax under this Act shall be leviable and payable in the manner as may be prescribed.</p> <p>(2) Under the tax due under this Act has been paid no person shall remove or transport or attempt to remove or transport any mineral from any mine or quarry in the State.</p>
Penalty for non-payment of tax	7	<p>If any tax payable under this Act is not paid within such period as may be prescribed it shall be deemed to be in arrears and the authority prescribed in this behalf may impose on the person extracting or removing the minerals a penalty not exceeding the amount of tax in arrears;</p> <p>Provided that before imposing the penalty such person shall be given an opportunity of being heard and if the said authority is satisfied that the default was for good and sufficient reason, no penalty shall be imposed under this section.</p>
Recovery of sums due	8	<p>Any tax due under this Act including any penalty under Section 7 if not paid within the time prescribed, shall be recoverable by detaining and selling by the authority prescribed in this behalf any mineral belonging to such person and if the sum cannot be so recovered the same shall be recoverable as if were an arrear of land revenue.</p>

Offences	9	Whoever evades payment of the tax under this Act shall on conviction by a court be punishable with imprisonment for a term which may extend to six months or with fine which may extend to rupees two thousand or with both.
Offences by companies.	10	<p>Where an offence under this Act has been committed by a company every person who at the time the offence was committed was in charge of, and was responsible for the conduct of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly;</p> <p>Provided that such person shall not be liable to any punishment under this section if, he proves that the offence was committed without his knowledge and that he had exercised all due diligence to prevent the commission of such offence.</p>
Protection of action taken in good faith	11	No suit, prosecution or legal processing shall lie against the Government or any of its officers or staff for anything done or intended to be in good faith done under this Act or the rules made there under.
Power to make rules.	12	<p>(1) The Government may by notification in the official Gazette make rules for carrying out the purpose of this Act.</p> <p>(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely-</p> <ul style="list-style-type: none"> (i) The manner of levy and payment of the tax; (ii) The time within which the tax and penalty (under Section 7) shall be paid; (iii) The authority which may impose penalty under Section 7; (iv) The authority which may detain and sell the minerals under Section 8; (v) The manner in which the cess shall be applied for the purpose of this Act; (vi) The form of receipts for payment of the tax; and (vii) Any other matter that may have to be prescribed.

E. W. MAIROM,

Deputy Secretary to the Govt. Of Meghalaya,

Law (B) Department.



The Gazette of Meghalaya
EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 222

Shillong, Tuesday, November 24, 2020

3rd Agrahayana-1942 (S. E.)

PART-IV
GOVERNMENT OF MEGHALAYA
LAW (B) DEPARTMENT

NOTIFICATION

The 24th November, 2020.

No.LL(B)27/88/119.—The Meghalaya Minerals Cess (Amendment) Act, 2020 (Act No. 17 of 2020) is hereby published for general information.

MEGHALAYA ACT NO. 17 OF 2020.

(As passed by the Meghalaya Legislative Assembly)

Received the assent of the Governor on the 20th November, 2020.

Published in the Gazette of Meghalaya Extra-Ordinary issue dated 24th November, 2020.

THE MEGHALAYA MINERALS CESS (AMENDMENT) ACT, 2020

An

Act

further to amend the Meghalaya Minerals Cess Act, 1988 (Meghalaya Act No. 7 of 1988).

Be it enacted by the Legislature of the State of Meghalaya in the Seventy- first Year of the Republic of India as follows :-

- | | |
|--------------------------------------|--|
| Short title and commencement. | 1. (1) This Act may be called the Meghalaya Minerals Cess (Amendment) Act, 2020.
(2) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint. |
| Amendment of Section 3. | 2. In the Meghalaya Minerals Cess Act, 1988 (Meghalaya Act No. 7 of 1988), in Section 3, -
(a) after the word "limestone", the words "Iron ore, Building stone, Boulder, Gravel, Ordinary sand, Ordinary clay, Ordinary earth, Brick earth, Slate, Shale, Granite, Quartz, Quartzite, Sandstone" shall be inserted;
(b) after the word "quarry", the words "or any land" shall be inserted. |
| Amendment of Section 4. | 3. In the Meghalaya Minerals Cess Act, 1988 (Meghalaya Act No. 7 of 1988), in sub-section (1) of Section 4, after clause (d), the following clauses shall be inserted, namely; -
"(e) Iron ore, rupees one hundred and ten per tonne;
(f) Building stone and Boulder, rupees twenty-five per cubic meter;
(g) Gravel and Ordinary sand, rupees thirty per cubic meter;
(h) Ordinary clay, Ordinary earth and Brick earth, rupees twenty-five per cubic meter;
(i) Quartz, Slate and Shale, rupees twenty-five per tonne;
(j) Quartzite and Sandstone, rupees sixty per cubic meter;
(k) Granite, rupees two hundred and fifty per cubic meter". |
| Amendment of Section 5. | 4. In the Meghalaya Minerals Cess Act, 1988 (Meghalaya Act No. 7 of 1988), in Section 5,-
(a) in the clause (a), the word "and" shall be deleted;
(b) after clause (b), the following clauses shall be inserted, namely : -
"(c) improvement of public health;
(d) drinking water supply; and
(e) physical infrastructure development".
(c) the existing proviso after clause (b) shall be replaced with the following proviso, namely : -
"provided that not less than twenty five percent of the proceeds so collected shall at any time be utilized for the purpose referred to in clause (a)". |

L. K. SWETT,

Under Secretary to the Govt. of Meghalaya,
Law (B) Department.