INDUSTRIES AND COMMERCE (MINES-I) DEPARTMENT


Read the following:

3. From the Director of Mines & Geology Lr.No.87/P/2014-3, Dated: 10.02.2015.

ORDER:

The following Notification shall be published in the Extraordinary Issue of Telangana State Gazette dated the 19th February, 2015.

NOTIFICATION

In exercise of the powers conferred by Section 15(1) of Mines & Minerals (Development & Regulation) Act, 1957 (Central Act 67 of 1957), the Governor of Telangana hereby issues the following amendments to the Telangana State Sand Mining Rules, 2015 issued in G.O.Ms.No.3, Industries & Commerce (Mines-I) Department, Dated 08-01-2015.

AMENDMENT

1. In the Rule-3 for the words "Sand extraction in I and II order streams" shall be substituted with the words "Sand extraction in I, II and III order (notified over exploited areas) streams".

2. In the Rule-3(6) for the words "The District Collector shall put in place proper administrative mechanism for enforcement of extraction and transportation of sand in I and II order Streams comprising of:" shall be substituted with the words "The District Collector shall put in place proper administrative mechanism for enforcement of extraction and transportation of sand in I, II and III (Notified over exploited areas) order Streams comprising of".

3. In the Rule-4(1)(iii)(a) for the words "The Ground Water Dept. shall issue the feasibility report under Water, Land and Tree Rules, 2004 or any suitable subsequent rules/amendments to be issued by the Govt. from time to time with geo-coordinates of the specified sand bearing areas, with specific recommendations on the mode of sand extraction". shall be substituted with the words "The Ground Water Dept. shall issue the feasibility report under Water, Land and Tree Rules, 2004 or any suitable subsequent rules/amendments to be issued by the Govt. from time to time, record the geo-coordinates of the specified sand bearing area as marked on ground by the Revenue Dept., with two permanent reference points alongwith specific recommendations on the thickness and mode of sand extraction."

4. In the Rule-4(1)(iii)(c) for the words "The Revenue Department shall demarcate the specified sand bearing area and furnish plan on village map." shall be substituted with the words "The Revenue Department shall demarcate the specified sand bearing area as per the geo-coordinates recorded alongwith two permanent reference points and furnish sketch to be appended to the Agreement of Allotment in Form-S1."

[P.T.O.]
5. In the Rule 4(1)(d) in the clause 5(2) of CONDITIONS in Form-S1 for the words "Pay the seigniorage fee and obtain way bills in Form-S2 from the Asst. Director of Mines & Geology concerned and despatch sand from the specified sand bearing area to specified stockyard" shall be substituted with the words "Pay the seigniorage fee in advance and obtain Permit for Despatch for Sand in Form-S2 from the Asst. Director of Mines & Geology concerned and despatch sand from the specified sand bearing area to stockyard".

6. In the Rule 5(1)(d), for the words "Extract and despatch sand from the allotted sand bearing area to approved stockyard alongwith the way bill in Form-S2 issued by the Asst. Director of Mines & Geology concerned after paying the seigniorage fee and other taxes as per the prevailing scheduled rate or revised from time to time" shall be substituted with the words "Extract and dispatch sand from the allotted sand bearing area to approved stockyard by duly paying seigniorage fee and other taxes in advance as per the prevailing scheduled rate or revised from time to time and obtain Permit for Despatch of Sand in Form-S2 from the Asst. Director of Mines & Geology concerned for the quantity of sand proposed for extraction".

7. In the Rule-6 for the words "Regulation of sand extraction in III and above order streams/Rivers:" shall be substituted with the words "Regulation of sand extraction in III (non notified areas) and above order streams/ Rivers:".

8. In the Rule-7(4) for the words "After receipt of orders from the Govt. the Asst. Director of Mines & Geology concerned shall collect the seigniorage fee for the entire assessed sand quantity in advance, security deposit in the form of Bank Guarantee in favour of Asst. Director of Mines & Geology equivalent to seigniorage fee on the assessed sand quantity and enter into an agreement in Form-S5 before issue of dispatch permits in Form-S3" the following shall be substituted:
   (a) After receipt of orders from the Govt. the District Collector shall issue necessary permission to the pattadar for de-casting sand.
   (b) The pattadar shall furnish refundable security deposit equivalent to 25% of seigniorage fee on the entire assessed quantity of sand in the form of Demand Draft in favour of Asst. Director of Mines & Geology concerned, enter into an agreement in Form-S4 as appended to this order, remit seigniorage fee on the quantity of sand proposed for de-cast in advance before issue of dispatch permits in transit form in Form-S3.”

9. For the Rule-7(5), under the heading “Responsibilities of Pattadar”, the following shall be substituted;
   (a) Shall dispose the de-casted sand from the pattaland and dispatch alongwith transit form in Form-S3 issued by the Asst. Director of Mines & Geology concerned duly indicating the quantity, destination, date and time. Every vehicle carrying sand de-cast from pattaland shall carry Form-S3 at all times from source to end consumption point.
   (b) The de-casted sand shall be disposed from the pattaland as per the sale price fixed by the Government from time to time.
   (c) The loading of sand from the pattaland shall be as per the capacity of the vehicle permitted by the Transport Dept.
   (d) Any contravention by the pattadar during the de-casting, the Chairman, DLSC may order for collection of:
      (i) Rs.1,00,000/- or Rs.500/- per Cu. Mt. whichever is higher as penalty on de-casting sand beyond the specified extent or in excess of permitted depth.
      (ii) Repeated violations will result in cancellation of permission and forfeiture of security deposit.

10. In the Rule-8(c)(ii) for the words "Sand de-silted shall be dispatched to the stockyard registered under A.P. Mineral Dealers’ Rules, 2000 by competent authority with Form-S4 issued by the Asst. Director of Mines & Geology concerned.” shall be substituted with the words "Sand de-silted shall be dispatched to the
stockyard registered under A.P Mineral Dealers’ Rules, 2000 by competent authority by duly paying seigniorage fee and other taxes in advance as per the prevailing scheduled rate or revised from time to time and obtain Permit for Despatch of Sand in Form-S2 from the Asst. Director of Mines & Geology concerned for the quantity of sand proposed for de-silting”.

11. In the Rule-8(e), the following shall be added at the end “However, the Government is competent to cancel earlier allotment, if any, and order for refund of the amount to bring such reservoirs under the control of Telangana State Mineral Development Corporation”.

12. For the Rule-13, under the heading “Offences”, the following shall be substituted “Any vehicle found transporting sand without valid transit pass issued by the Asst. Director of Mines & Geology concerned to Telangana State Mineral Development Corporation OR transit form issued to the pattadar for de-casting sand from pattaland will be deemed illegal and in contravention of these rules”. The definition of transit form and transit pass is as described below:

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Type of Documentary Evidence</th>
<th>Purpose</th>
<th>Rule</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Transit form</td>
<td>Source to Destination in respect of de-casting in pattaland</td>
<td>Form-S3 (Rule 7(4) of TSSMR, 2015)</td>
</tr>
<tr>
<td>2</td>
<td>Transit pass</td>
<td>Stockyard to Destination in respect of TSMDC</td>
<td>Form-E (Rule 6 of APMDR, 2000)</td>
</tr>
</tbody>
</table>

(1) Any vehicle transporting sand alongwith transit pass issued by the Asst. Director of Mines & Geology concerned to Telangana State Mineral Development Corporation OR transit form issued to the pattadar for de-casting sand from pattaland will be deemed illegal and in contravention of these rules. Such excess quantity shall be imposed a fine @ Rs.2000/- per MT.

(2) Any vehicle/machinery, if found, involved in illegal extraction and transportation of sand in contravention of these rules shall be levied penalty for such each vehicle/machinery as detailed below:

<table>
<thead>
<tr>
<th>Vehicle Type</th>
<th>First time (In Rs.)</th>
<th>Second time (In Rs.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tractor</td>
<td>5,000/-</td>
<td>15,000/-</td>
</tr>
<tr>
<td>Lorry upto 10 tons capacity</td>
<td>25,000/-</td>
<td>50,000/-</td>
</tr>
<tr>
<td>Lorry above 10 tons capacity</td>
<td>50,000/-</td>
<td>1,00,000/-</td>
</tr>
<tr>
<td>Machinery</td>
<td>50,000/-</td>
<td>1,00,000/-</td>
</tr>
</tbody>
</table>

(3) The vehicle/machinery, found involved more than two times, such vehicle/machinery alongwith sand shall be seized/confiscated by the following officers in the State authorized under these rules:

a) District Collector (Concerned)
b) Joint Collector (Concerned)
c) Superintendent of Police (Concerned)
d) Additional Superintendent of Police/OSD (Concerned)
e) Sub-Collector/ Revenue Divisional Officer (concerned).
f) Tahsildar (concerned) Mandal.
g) Sub-Divisional Police Officer (concerned).
h) Station House Officer (concerned).
i) District/Divisional Panchayat Officer
j) Deputy Director of Mines and Geology (Concerned)k) Asst. Director of Mines & Geology (concerned).
l) Any other officer nominated by the Dist. Collector (concerned).

(4) An officer authorized under sub-rule (3) shall follow the procedure as under to confiscate any vehicle/machinery:

a) Issue show cause notice to the person/owner from whom the vehicle/machinery is to be seized/confiscated.

b) Immediately take steps by preparing seizure/confiscation report and produce the vehicle/machinery before the Competent Court to enable
the person/owner from whom the vehicle/machinery is seized to file an application under Section 451 of Criminal Procedure Code (Cr.P.C) for release of vehicle/machinery, whereupon the Competent Court shall pass orders in accordance with law.

c) In the alternative, the person/owner from whom vehicle/machinery is to be seized shall be permitted to submit explanation to the show cause notice along with an application to the authorized officer seeking release of vehicle/machinery.

d) Upon receipt of explanation to the show cause notice and the application for release of vehicle/machinery, the authorized officer shall consider the application and pass appropriate orders in accordance with law, within a period of two weeks there from, on production of security of Rs.25,000/- in case of tractor; Rs.1,00,000/- in case of vehicle upto 10 tonnes capacity; Rs.1,50,000/- in case of vehicle above 10 tonnes capacity and Rs.2,00,000/- for any machinery, in the form of Demand Draft drawn in favour of the authorized officer along with an affidavit/undertaking to produce the seized vehicle/machinery as and when required.

e) If the person from whom the vehicle/machinery is seized, fails to comply sub-rule (4) clause ‘d’, the authorized officer shall issue order for disposal of seized vehicle/machinery in public auction in consultation with Transport Department within (15) days from the date of seizure order.

f) The fine paid as per the orders of Competent Court; the security furnished as per sub-rule (4) clause ‘d’ OR the proceeds as per sub-rule (4) clause ‘e’ shall be deposited in the head of account ‘0853-102-81–other receipts’ and the original challan shall be sent to the Asst. Director of Mines & Geology concerned.

13. In the Rule 14, the following shall be added at the end “The transit form for the seized sand shall be issued by the Asst. Director of Mines & Geology concerned in Form-S5 appended to this order”.

14. In the Rule 15, for the following words “(i) In case of I & II order streams” and (ii) In case of III and above order streams/rivers” shall be substituted with the words “(i) In case of I, II & III order (notified over exploited) streams” and (ii) In case of III (non-notified) and above order streams/rivers”.

15. For Rule 16, the following shall be substituted “No other person or agency other than Telangana State Mineral Development Corporation shall be issued Mineral Dealer Licence for stocking/storing/trading of sand under A.P. Mineral Dealers’ Rules, 2000 or under any suitable subsequent rules/amendments to be issued by the Government from time to time”.

16. In the Form-S1 for the words ‘the Joint Collector’ shall be substituted with the words “the District Collector and Chairman, District Level Sand Committee”.

17. For the Form-S2 read with Rule 5(1)(d) and for the Form-S4 read with Rule 8(c)(ii), revised Form-S2 is attached to this G.O.

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18. For the Form-S3 read with Rule 7(4), revised Form-S3 is attached to this G.O.

19. For the Form-S5 read with Rule 7(4), revised Form-S4 is attached to this G.O.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

K. PRADEEP CHANDRA
SPECIAL CHIEF SECRETARY TO GOVERNMENT AND COMMISSIONER FOR INDUSTRIAL PROMOTION
To
The Commissioner of Printing, Stationary & Stores Purchase (Ptg. Wing)
Hyderabad. (He is requested to publish the above Notification in the Extra-
Ordinary issue of Telangana Gazette, and arrange to send 2500 copies of the
same to Government in Industries & Commerce (M.I) Department).
The Director of Translation, Telangana, Hyderabad. (He is requested to
furnish the Telugu version of the Notification direct to the Commissioner,
Printing, Stationary & Stores Purchase (Ptg.Wing), Hyderabad)
The Director of Mines and Geology, Telangana State, Hyderabad
The Vice Chairman & Managing Director, Telangana State Mineral
Development Corporation Ltd., Hyderabad.
All the District Collectors/Joint Collectors in the state of Telangana through
Director of Mines and Geology, Hyderabad.
The Irrigation & CAD Department.
The Transport, Roads & Buildings Department
The Panchayat Raj & Rural Development Department
The Revenue Department.
The Commissioner of Transport, Hyderabad.
The Commissioner of Panchayat Raj, Hyderabad
All the Departments of Telangana Secretariat.

Copy to:
P.S. to Principle Secretary to the Hon’ble Chief Minister.
P.S. to Hon’ble Minister for Mines and Geology.
P.S. to Hon’ble Minister for Panchayat Raj & Information Technology.
P.S. to Hon’ble Minister for Irrigation.
P.S. to Chief Secretary to Government.
P.S. to Special Chief Secretary to Government & CIP, Ind & Com Dept.
P.S. to Secretary to Government, Ind & Com Dept.,
The Joint Directors/Deputy Directors/Assistant Directors of Mines and Geology
Deptt.,
through the Director of Mines & Geology, Hyderabad.
The Law Department.
The General Administration (Cabinet) Department.
Sf/Sc.

// FORWARDED :: BY ORDER//

SECTION OFFICER
Permit No.__________________.             Dated:________.

Permit is hereby granted to
M/s.__________________________________________ to Despatch
_________ cubic meters / metric tonnes of Sand from the Specified Sand
bearing area situated in Sy.No._________ of _____________ Village,
_______________ Mandal, ______________ District / De-silting Reservoir or
Tank Name___________________ ______ in ________ ____ Village
_____________ Mandal, ______________ District in consideration of
payment of a sum of Rs.____________ being Seigniorage Fee on the said
quantity, subject to the following conditions:

1. The permit is valid for _______ days from _____________ to
______________ and shall expire on _______________.

2. The permit is not transferable.

3. The permit shall be surrendered after the quantity noted therein is
dispatched within a week after last consignment of despatch alongwith
the despatch particulars by giving the details of the name of consignee,
date of despatch etc.

4. The permit holder shall maintain Production & Despatch Register at the
allotted sand bearing area or de-silting reservoir/tank with the details
of, destination, quantity, vehicle number, date of despatch etc.

5. The permit holder shall transport the extracted sand to the specified
stockyard by tractors having capacity not more than 3 Cu.Mts.

6. The permit holder shall comply with above conditions.

Issuing Authority.
Transit Form No.___________.          District Code:___  
                                      Book No.________

Order No. & Date of permission issued by DLSC/ADM&G __________.

1. Name of the Pattadar            :

2. Name & Address of the Consignee :

3. Location of the De-casting area :

   a) Sy.No.
   b) Village
   c) Mandal

4. Destination                   :

5. Date & Time of issue           :

6. Vehicle No.                   :

7. Quantity                      :

8. VAT/TIN No.                   :

Signature of the Consignor/ 
Authorized Person.                      

Signature of the 
Issuing Authority

Conditions :

1. Overwriting in any form in the way bills makes it invalid.
2. The driver shall carry the duplicate stamped copy of the transit form and hand it over to consignee.
3. The original Transit Form shall be surrendered by the consignor to the issuing authority.
FORM-S4
Agreement for De-casting Sand from the Pattaland.
[See Rule 7(4)]

This agreement entered into on this ___ day of ______________, 20___
tween Asst. Director of Mines & Geology ______________ District on
behalf of Government of Telangana State, which expression shall unless
repugnant to the subject or context mean and include its successors, assignees
and representatives etc., on one part.

AND

Sri/Smt/M/s __________________, Rep. by ______________________
located at _______________ (hereinafter referred to as pattadar) which expression
shall include its successors in interest on other part.

Whereas, the Collector vide order No.________ dated ______ accorded
permission for de-casting sand from pattaland situated between the following geo-
coordinates:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Reference Point</th>
<th>Geo-Coordinates</th>
<th>Extent (in Ha)</th>
<th>Qty. of sand to be de-casted (in Cu.Mt)</th>
</tr>
</thead>
<tbody>
<tr>
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</table>

This contract is subject to the extent, terms and conditions of order,
Telangana State Sand Mining Rules, 2014 or any suitable Rules/Amendments to be
issued by Govt. from time to time.

NOW IT IS MUTUALLY AGREED AND DECLARED BY AND BETWEEN PARTIES
HERETO AS FOLLOWS:

1. SCOPE OF THE WORK:

The pattadar shall de-cast sand from the specified pattaland situated
in Survey No. _____ , __________ Village, ___ Mandal, _________District.

2. PERIOD OF THE AGREEMENT:

   (i) The agreement shall be inforce with effect from ____ to _____.

   (ii) The agreement is not transferable.

3. QUANTITY OF SAND TO BE DE-CASTED; The Pattadar shall:

   (i) De-cast sand as per the quantity indicated in the order of
       confirmation from the specified pattaland as estimated by the
       Ground Water Department during joint inspection.

   (ii) De-casting shall confine to the thickness specified by the
       Ground Water Department from the pattaland having the
       boundaries fixed.

   (iii) Pay Security Deposit in the form of Bank Guarantee in favour of
       the Asst. Director of Mines & Geology concerned equivalent to
       30% of Seigniorage Fee on the entire assessed sand quantity for
       de-casting as per the prevailing rates or revised from time to
time.

ADM&G

PATTADAR
(iv) Dispose the de-casted sand during the period of agreement after payment of Seigniorage Fee in advance as per the prevailing rates or revised from time to time.

(v) Dispatch de-casted sand from the pattaland after obtaining Transit Form in Form-S3 from the competent authority.

(vii) Maintain records of dispatch of de-casted sand from the specified pattaland and shall file monthly returns on the quantity of sand de-casted to the Asst. Director of Mines & Geology concerned.

4. PAYMENT OF SEIGNIORAGE FEE:

The Pattadar shall pay Seigniorage Fee in advance for the quantity of sand proposed to be de-casted from time to time as per the prevailing scheduled rates or revised from time to time in the Zilla Parishad General Funds and furnish challan to the Asst. Director of Mines & Geology for obtaining transit form in Form-S3.

5. CONDITIONS: The Pattadar shall:

1. Abide by the conditions and the rules made under River Conservancy Act, 1884, Andhra Pradesh Water Land & Trees Act 2002 or any suitable Rules/Amendments to be issued by Govt. from time to time and Environment Protection Act 1986 and subsequent amendments issued by the State and Central Governments from time to time.

2. Obtain way bills in Form S3 from the Asst. Director of Mines & Geology concerned and dispatch de-casted sand from the specified pattaland.

3. Maintain daily production and dispatch register & statutory returns/clearances prescribed under various statutes at the specified area.

4. De-cast sand from the specified pattaland in a systematic manner as per the guidelines issued by the District Collector from time to time.

5. Not allow vehicles carrying sand to ply over the flood banks.

6. Use the paths authorized by the Tahsildar concerned to approach the specified pattaland.

7. Disposal of de-casted sand from specified pattaland shall be through designated route only.

8. Not to de-cast sand more than the permitted quantity and beyond the specified thickness. Sand de-casted beyond the specified boundaries or in excess of permitted thickness shall be treated as unauthorized de-casting and liable for penalization.

9. Erect and maintain at his own expense, boundary pillars at each corner or angle in the line of boundary of the Specified pattaland for de-casting sand.

6. Any other specific condition deemed fit in the opinion of the District Collector/Chairman, DLSC on a case-to-case basis as per local conditions (to be mentioned).
GOVERNMENT OF TELANGANA
FORM-S5
Transit Form for Seized sand
{See Rule 14}

Transit Form No._________. District
Code:___                  Book No.________

Order No. & Date of permission issued by DLSC/ADM&G ___________.

1. Name & Address of the Consignee :

2. Location of the Seized sand area :
   b) Sy.No.
   b) Village
   c) Mandal

3. Destination :

4. Date & Time of issue :

5. Vehicle No. :

6. Quantity :

7. VAT/TIN No. :

Signature of the Consignor/
Authorized Person.                         Signature of the
Issuing Authority

Conditions :

1. Overwriting in any form in the way bills makes it invalid.
2. The driver shall carry the duplicate stamped copy of the transit form and hand it over to consignee.
3. The original Transit Form shall be surrendered by the consignor to the issuing authority.