

New Sand Mining Policy,2014 - Rules and Procedures for extraction of Sand - Amendment Orders



GOVERNMENT OF ANDHRA PRADESH

Mines & Minerals - New Sand Mining Policy,2014 - Rules and Procedures for extraction of Sand - Amendment Orders - Issued.

INDUSTRIES & COMMERCE (MINES -IV) DEPARTMENT

G.O.Ms.No.99
2014

Dated:21-10-

Read the following:

- 1) G.O.Ms.No.94,Industries &Commerce (Mines-IV) Department, dated:28.08.2014 .
- 2) G.O.Ms.No.95, Industries & Commerce (Mines-IV) Department, dated.28.08.2014.
- 3) From Director of Mines & Geology, Govt of Andhra Pradesh, Letter No.43/R5/Sand/2014, dated.08.10.2014.

The following Notification shall be published in an extraordinary issue of the Andhra Pradesh Gazette, dated:21-10-2014.

NOTIFICATION

In exercise of the powers conferred under sub-section (1) of Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (Act No.67 of 1957), the Governor of Andhra Pradesh hereby issues the following amendments to the orders issued in G.O.Ms.No.95, Industries & Commerce (Mines-IV) Department, dated.28.08.2014:-

AMENDMENT

1. Under rule (1), in the said rules issued in the reference 2nd read above, the following shall be substituted; namely:-

” **District Panchayath Officer**”, will act as Member-Convener instead of Project Director, District Rural Development Agency”.

(BY ORDER AND IN THE NAME OF GOVERNOR OF ANDHRA PRADESH)
J.S.V.PRASAD

PRINCIPAL SECRETARY TO GOVERNMENT.

GOVERNMENT OF ANDHRA PRADESH

Mines & Minerals -New Sand Mining Policy - 2014 - Rules and Procedures
for extraction - Orders - Issued.

INDUSTRIES & COMMERCE (MINES -IV) DEPARTMENT

G.O.MS.No. 95. Dated:28. 8 .2014

Read the following:

- 1) G.O.Ms.No.1172, Industries & Commerce Department,
dated:04-09-1967.
- 2) G.O.Ms.No.24, Industries & Commerce Department, dated:12-02-2007.
- 3) G.O.Ms.No.84, Industries & Commerce Department, dated:10-04-2007.
- 4) G.O.Rt.No.4044 General Administration (Cabinet) Department,
dated:01-09-2012.
- 5) G.O.Rt.No.4093 General Administration (Cabinet) Department,
dated:04-09-2012.
- 6) G.O.Ms.No.142, Industries & Commerce Department, dated:13-10-2012.
- 7) G.O.Ms.No.154, Industries & Commerce Department,
dated: 15.11.2012.
- 8) From the Director of Mines & Geology Lr. No.. 5864/P1/2007,
Dated:17-9-2013.
- 9) G.O.Ms.No.186, Industries & Commerce Department,
dated: 17.12.2013.
- 10) G.O.Ms.No.63, Industries & Commerce Department, dated:22.02.2014.
- 11) G.O.Ms.No.94, dated:28.08.2014 on sand policy 2014.

The following Notification shall be published in an extraordinary issue of
the A.P. Gazette, dated:28-08-2014.

NOTIFICATION

In exercise of the powers conferred under sub-section (1) of Section 15 of the Mines
and Minerals (Development and Regulation) Act, 1957 (Act No.67 of 1957), the
Governor of Andhra Pradesh hereby issues the following orders in
suppression of the orders issued earlier vide references cited.

(1) Identification of sand bearing areas:

Identification of sand bearing areas in III, IV & V and above order Streams shall be
done by this District Level Sand Committee (DLSC). To implement
this scheme successfully, the District Administration shall put in place a proper
administrative mechanism for enforcement of extraction and transportation of
sand. A District Level Sand Committee is constituted with the following:

- (1) District Collector – Chairman.
- (2) Joint Collector – Vice Chairman.

- (3) Superintendent of Police – Vice Chairman
- (4) Chief Executive Officer, Zilla Parishad.
- (5) CE/SE, Irrigation/Executive Engineer, Irrigation/River Conservator.
- (6) Project Director, District Water Management Agency.
- (7) Project Officer, ITDA.
- (8) District Panchayat Officer.
- (9) Executive Engineer, RWS.
- (10) Deputy Director, Ground Water Department.
- (11) Assistant Director of Mines and Geology.
- (12) President, Zilla Mahila Samakhya.
- (13) Project Director, DRDA – Convenor.

(2) Parameters for identification of specified sand bearing areas feasible for sand quarrying:

In areas where sand mining is affecting groundwater regime, such areas shall be notified by the Panchayat Raj and Rural Development Department. Mining and transportation of sand shall be prohibited in notified overexploited ground water micro basins. For other areas, the following conditions shall apply for mining sand:-

(a)(i) Sand extraction upto III order Streams will be permitted in notified areas. However, sand extraction by mechanical means is banned.

Also transportation of sand from these notified areas out of the local jurisdiction i.e. Mandal is banned.

(ii) In IV order streams, sand extraction shall be restricted to specified areas.

(iii) In V order and above streams like Godavari, Krishna, Penna etc., sand mining will be permitted without affecting the existing sources for Irrigation, drinking water or industrial purpose.

(b). The allottees shall not carryout quarrying within 500m of any existing structure such as bridges, dams, weirs or any other cross drainage structure.

(c). Vehicles carrying sand shall not ply over the flood banks except at crossing points or bridges or on a metal road.

(d). Permission to sand quarrying shall not be granted within 500 Mts of any ground water extraction structure(s) either for irrigation or drinking water purposes.

(e). The streams / rivers where the thickness of sand is quite good (more than 8.00 Meters) the depth of removal may be extended to 2.00 Meters but in no case beyond two meters.

(f). Sand quarrying shall not be permitted in streams within 15 Meters or 1/5 of the width of the stream bed from the bank whichever is more.

(g). Sand mining shall not be permitted in streams where the thickness of sand deposition is less than 2.00 Meters.

(h). The depth of sand extraction shall be restricted to one meter particularly in minor streams where the thickness is more than 3.00 Meters and less than 8.00 Meters.

(i). Sand quarrying shall be restricted to depths above the water table

recorded during monsoon and in no case be allowed to affect the water table.

(j). The quantity of sand deposited annually in every stream or river shall be monitored by establishing observation stations along the stream course.

(3) Role of District Level Sand Committee (DLSC):

(a) The respective DLSC shall take up joint inspection to fix the boundaries of the Specified Sand bearing area and assess the sand in terms of quantity including the designated ramps as cleared by River Conservator.

(b) The DLSC shall ensure that the identification of areas feasible for extraction shall be on a continuous basis.

(c) The respective District Collectors shall allot to APMDC all such specified sand bearing areas which have been identified.

(4) Role of Andhra Pradesh Mineral Development Corporation (APMDC):

APMDC shall follow the procedure as prescribed below:-

(i) Prepare feasibility report for sand bearing areas for both open and in-stream extraction.

(ii) Obtain Approved Mining Plans from the competent authority i.e. Mines & Geology Department.

(iii) Obtain Environmental Clearance, CFE & CFO from the competent authorities.

(iv) The expenditure required for obtaining all clearances shall be met by APMDC.

(v) APMDC will allot Sand reaches in consultation with the CEO, SERP and the District Collector to the District/Mandal Mahila Samakhyas or Gramasangams, as the case may be, for undertaking sand quarrying depending on the potential of each sand reach.

(5) Arriving at sale price:

(i) The base price for sale of sand per tonne will be fixed by APMDC.

(ii) The District Level Sand Committee (DLSC) shall fix price over and above the base price fixed by APMDC by taking into account the cost of transportation and other logistics costs.

(iii) Sand will be made available at reasonable price both at the quarry site and as well as at various stock points that would be established.

(iv) The extraction will be carried out scientifically and the entire process will be monitored using CC cameras at Quarry sites as well as stock points.

(v) All the payments will be only through the banking system and no cash transactions shall be allowed.

(vi) An amount not exceeding 25% of the net profits would be made over to the Women Groups.

(6) Use of Machinery for extraction of sand:

The District Collector may permit use of Machinery for extraction of sand in specified sand bearing areas where there is no impact on Ground Water Table.

(7) Operational guidelines:

The operational guidelines for quarrying of sand by District Women Self Help Groups shall be issued by the Rural Development Department particularly CEO, SERP in consultation with District Collectors.

(8) State Level Committee:

The following comprise the State Level Committee:-

- (i) Principal Secretary Industries & Commerce (Mines) Department.
- (ii) Principal Secretary, Rural Development Department.
- (iii) Principal Secretary, Irrigation & CAD.
- (iv) Vice Chairman & Managing Director, A.P. Mineral Development Corporation Ltd.,
- (v) CEO, SERP.
- (vi) Commissioner, Rural Development.
- (vii) Director Ground Water.
- (viii) Director of Mines and Geology.
- (ix) Engineer in Chief (Irrigation).

The above committee shall meet once in a month to review the performance and issue guide lines for proper implementation of the rules.

(9) Capacity Building:

A.P. Mineral Development Corporation Ltd., Department of Mines & Geology and Department of Rural Development at the State level and the Collector and S.P at the District level will provide necessary guidance and support which includes capacity building, meeting working capital requirements, procuring of machinery for sand extraction, transport, loading and unloading, safety and protection of Women Self Help Groups etc.

(10) Regulation of Sand extraction in III, IV & V order and above Streams/Rivers:

(i) Sand extraction upto III order Streams will be permitted in notified areas following the Rules given below:

(a) Panchayat Secretary of concerned Gram Panchayat shall issue way bills for each trip as prescribed by the Mandal Parishad Development Officer(MPDO).

(b) Transportation of sand shall be by means of bullock carts/Tractors only.

(c) The Mandal shall be treated as a unit for free movement of sand within the jurisdiction.

(ii) The transportation of sand extracted from IV order and above Streams/ Rivers shall be utilized anywhere within the State.

(11) Disposal of Stream/River sand in specified sand bearing areas located partially/fully in scheduled areas:

Specified sand bearing areas located partially/fully in Scheduled Areas will be allotted to APMDC as per Andhra Pradesh Panchayat Extension to Scheduled Areas (PESA) Rules, 2011. APMDC shall allocate these areas to Women Self Help Groups in consultation with Integrated Tribal Development Agency (ITDA) and District Collector concerned. Any additional Operational guidelines for ITDA areas will be issued by APMDC in consultation with ITDAs and District Collectors concerned.

(12) Rules for the sand sourced from Reservoirs/Tank Beds:

(i) (a) The de-siltation of Major, Medium & Minor Reservoirs and Tanks as defined by the I&CAD Dept., shall be taken up to enhance the storage capacity of the reservoirs and augment Ground Water recharge in Command Areas besides recovering sand for construction industry use.

(b) The following authorities shall identify the de-siltation of reservoirs and intimate to the District Collector and Chairman of the District Level Sand Committee:-

(i) Major, Medium, Reservoirs – Engineer-in-chief.

(ii) Minor Reservoirs and Tanks – Superintendent Engineer, Irrigation Department of the District.

(c) Irrigation and C.A. Department at the State Level shall identify and notify all major and medium reservoirs and entrust these to the District Collectors concerned.

(d) Similarly, the CE/SE/EE Irrigation at the District Level shall identify and notify all minor reservoirs and major tanks. These will be entrusted to the District Collectors concerned.

(e) The District Level Sand Committee chaired by District Collector shall allot the identified Reservoirs to Women Self Help Groups.

(f) The period of de-siltation shall be as specified by the I&CAD Department. No EC, CFE & CFO is required for de-siltation process.

(g) The operational guidelines for de-siltation of irrigation projects shall be issued by DLSC.

(ii) Sand sourced during the de-silting process shall be subject to APMMC Rules, 1966 and dispatched by obtaining way bills as per Form-S9 issued by the Member-Convenor on payment of Seigniorage fee in advance.

(iii) Sand sourced from de-silting operations also need a Mineral Dealer License from Deputy Director of Mines and Geology concerned as per A.P. Mineral Dealer Rules, 2000.

(iv) Regulation of sand quarrying in Reservoirs shall be by authorities mentioned for regulation of sand extraction in case of III, IV, V and above streams.

(13) De-casting sand from Patta lands:

(i) In case of the sand casted pattalands abutting the Riverbeds, if the pattadar intends to de-cast sand by himself, he may approach the District Collector and Chairman of the DLSC. He has to give his consent in writing for de-casting of sand from his pattaland. The DLSC will get the sand casted land inspected for estimation of sand and then allot the area to the Women Self Help Groups till it is notified as part of river bed under River Conservancy Act, 1884. The Pattadar may get 25% of the net profit as compensation per cubic meter as his share.

(ii) The operational guidelines for regulation of sand extraction from the patta lands shall be issued by the District Level Sand Committee from time to time.

(iii) De-casting of sand from patta lands located in the river bed/course, shall be subject to the conditions stipulated in these Rules, EC, CFE &

CFO issued by MoEF and APPCB respectively and also to the conditions stipulated specifically by the River Conservator concerned.

(14) Responsibility of the Mahila Samakhyas and Grama Sangams:

(i) They shall:

(a) abide by the rules and conditions made under in these Rules, the River Conservancy Act, 1884, and the Environment Protection Act, 1986, subsequent amendments issued by the State and Central Governments from time to time.

(b) conduct operations as stipulated in these Rules and in accordance with the conditions imposed in Approved Mining Plan & Environment Clearance issued by MoEF.

(c) extract and dispatch sand from the specified sand bearing area to approved stockyard alongwith the transit forms (way bills) in Form-S7 issued by the Member Convenor after paying the Seigniorage fee and other taxes at the prevailing rate.

(d) establish stockyards with weigh bridges and dispose sand either from quarry site or from stock points. The DLSC shall assist and secure Mineral Dealer License to the Women Self Help Groups as per A.P. Mineral Dealer Rules, 2000 framed under section 23-C of the Mines & Minerals (Development & Regulation) Act, 1957 from the competent authority.

(e) Women Self Help Groups shall obtain transit passes from the Member-Convenor in Form-E under the Andhra Pradesh Mineral Dealer Rules, 2000 and dispatch sand from the stockyard.

(f) abide by the sale price as fixed by the DLSC for dispatch from both quarrying site and the stockyard.

(g) not use tractors of more than 3 Cu.Mt. capacity for transportation of sand from specified sand bearing area to approved stockyard.

(h) In order to make ramps, pathways and lifting of sand in sand bearing area upto permitted depth, machinery is permitted subject to condition that there is no impact on ground water table.

(i) maintain daily production and dispatch register at the specified sand bearing area and stockyard.

(j) Furnish returns prescribed under various statutes to the Member- Convenor, who in-turn shall consolidate the specified sand bearing area-wise data and furnish to the DLSC on or before 5th of the succeeding month.

(k) No individual Women SHG shall have any exclusive rights for extension of lease agreement for extraction of sand;

(l) be penalized for any extraction of sand beyond the specified area and thickness for any other violations as decided by the DLSC.

(15) Crushed Stone Sand as alternative to natural sand:

(i) Alternate to River sand in the form of Crushed Stone Sand (Manufactured Sand) shall be encouraged from the conservation point of view to River bed/in-Stream sand quarrying operations at affordable cost be made available to meet the requirement of bulk consumers.

(ii) APMDC will support Zilla Mahila Samakhyas in establishing Manufacture Sand Units wherever feasible.

(iii) Preference will be given in granting leases for stone & metal to those

Women SHGs establishing manufacture sand units.

(16) Apportionment of Seigniorage Fee to Zilla Parishad General Funds:

100% Seigniorage Fee shall be remitted to the General Funds under the Head of Account of Zilla Parishad concerned. The District Collector shall apportion these funds in the ratio of 25:50:25 among Zilla Parishad, Mandal Parishad and Gram Panchayat respectively as per existing Government instructions.

(17) Ban on sand transportation across border:

No transportation of sand from the State shall be made across the border to other States.

(18) Offences:

(i) Where vehicles without valid way bill has been used the transportation of sand in contravention to these rules.

(a) If any vehicle is found to be involved for illegal extraction and transportation of sand under these rules shall be levied penalty for each vehicle as detailed below:-

Vehicle type	First offender amount (in Rs.)	time fine	Second offender amount (in Rs.)	time fine
Tractor	15,000		45,000	
Lorry upto 10 Tons capacity	45,000		75,000	
Lorry above 10 tons Capacity	75,000		1,50,000	

(b) If the vehicle is found to be involved more than two times, such vehicle along with sand shall be confiscated by any officer authorized by the Government through notification from time to time.

(ii) Every officer seizing any vehicle under said sub-rule (1) shall place on such vehicle, a mark indicating that the same has been seized and shall submit a report of such seizure to the Competent Court of Law.

(iii) An authorized officer who seizes any vehicle shall order confiscation of the vehicle so seized.

(iv) No order of confiscation of any vehicle shall be made under sub-rule

(v) unless the person from whom the vehicle is seized is given:-

(a) A notice in writing informing the person of the grounds on which it is proposed to confiscate such property.

(b) An opportunity of making a representation in writing within such time as may be specified in the notice against the grounds for confiscation; and

(c) A reasonable opportunity of being heard in the matter.

(vi) without prejudice to the provisions of sub-rule (4), no order of confiscation under sub-rule (3) of any machinery/vehicle shall be made if the owner of the vehicle thereof proves to the satisfaction of the authorized officer that it was used in carrying the operations without his knowledge or connivance or the knowledge or connivance of his agent, if any, or the person in charge of

the vehicle in committing the offence and that each of them had taken all reasonable and necessary precautions against such use. Provided that no order prejudicial to any person shall be passed without being offered an opportunity of being heard.

(vii) Any officer who seized any vehicle under Sub-rule (1)(iii) and where he makes a report of such seizure to the competent court under sub rule (2) may release the same on the execution a bond by the owner thereof for the production of the vehicle so released, as and when directed by the competent court.

(viii) The vehicle seized under this rule shall be kept in the custody of the Station House Officer/Motor Vehicle Inspector concerned until an order of the Competent Court of Law directing its disposal is received.

(ix) Upon the receipt of any report under sub-rule (2), the Magistrate shall take such measures as may be necessary for the trial of the accused and the disposal of the vehicle according to law.

(19) Appeal and Revision:

(i) Upto III order Streams/Rivers:

(a) Any person aggrieved by an order passed by any local authority may prefer the appeal before the DLSC within fifteen (15) days from the date of receipt of such order.

(b) Any person aggrieved by an order of the Chairman, DLSC may prefer revision before the District Collector within fifteen (15) days from the date of receipt of such order.

(ii) IV, V & above order Streams/Rivers:

(a) Any person aggrieved by an order passed by local Mandal Authority may prefer an appeal to the DLSC within thirty (30) days from the date of receipt of such order.

(b) Any person aggrieved by an order passed by the DLSC may prefer revision before the Principal Secretary/Secretary to Government (Mining) Department within thirty (30) days from the date of receipt of such order.

(20) Powers to Issue Orders/Clarifications/Guidelines :

(i) Upto III order streams, the Commissioner, Rural Development & Administrator, shall be the authority competent to issue orders/clarifications/ guidelines to settle the issues arise for cases which are not explicitly mentioned herein.

(ii) For IV, V and above order streams, Secretary to Government, Rural Development Department shall be the authority competent to issue orders/clarifications/guidelines to settle any issues that may arise from time to time.

The cases of illegal quarrying of sand in the areas other than the specified sand bearing areas, shall be dealt as per the Rules under offences.

(BY ORDER IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.S.V. PRASEAD

PRINCIPAL SECRETARY TO GOVERNMENT