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Andaman and Nicobar Islands Minor Minerals Rules, 2007

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ANDAMAN AND NICOBAR ADMINISTRATION

ANDAMAN AND NICOBAR ISLANDS MINOR MINERALS RULES 2007

In exercise of the powers conferred by section 15 of the Mines and Minerals (Regulation & Development) Act, 1957 Central Act 67 of 1957) and all other powers enabling him in this behalf the Lieutenant Governor of UT of Andaman & Nicobar Islands hereby makes the following rules namely Andaman and Nicobar Minor Mineral Rules 2007.

CHAPTER – I

PRELIMINARY

- (1) These rules may be called **ANDAMAN AND NICOBAR ISLANDS MINOR MINERALS RULES 2007**.
- (2) They shall come into force on the date of their publication in the official Gazette.

2. Definitions:

In these rules, unless the context otherwise requires:-

- (a) "Act" means the Mines and Minerals {Regulation and Development} Act, 1957
- (b) "Controlling Authority" means the Administrator of A & N Islands or any other officer appointed by the Administrator.
- (c) "Licensing Authority" means the Authority as prescribed in these Rules at 8(v);
- (d) "Deputy Commissioner" means the Deputy Commissioner of the District;
- (e) "Member Secretary" means the member Secretary of Pollution Control Committee of the A & N Administration.
- (f) "Form" means a form appended to these rules;
- (g) "Non-specified minor mineral" means minor minerals other than specified minor minerals;
- (h) "Specified minor mineral" means minor minerals specified and appended to the rules at Schedule I.
- (i) "Permit" means a quarry operation permit granted under these rules;

- (j) "Quarrying area" means any area declared as such by the Controlling Authority and assigned for quarrying any minor mineral;
- (k) "Quarrying" means a quarrying permit granted under these rules;
- (l) "Crushing activities" means associated activities involving processing of quarry products;
- (m) "Inspecting officer/Authorised Officer" means any officer appointed by the Deputy Commissioner for the purpose of inspection of quarries and crushers;
- (n) "Schedule" means a Schedule appended to these rules;
- (o) "Ordinary building stone" means ordinary building stone used for reinforcement of cement concrete
- (p) "Sub-divisional officer" means the Sub-divisional Revenue Officer posted in a Sub-division of these islands.
- (q) "Tehsildar" means the Tehsildar posted in any Tehsil of A & N Islands.
- (r) "Subsidiary activity" means the right to occupy such land as may be necessary for purpose subsidiary thereto including the erection of office, workman's dwelling machinery, stacking of minerals and deposit of refuse, the construction of road or tramline and installation of crusher unit.

CHAPTER II

GENERAL

3. Quarrying to be under quarrying permit:-

- (i) No person shall undertake any quarrying operation in respect of any minor mineral in any land except under or in accordance with the terms and conditions of a quarrying permit granted under these rules.
- (ii) No quarry site shall be allowed within the distance of 500 metres from any regular habitation (cluster of ten houses) and in case of any hill between the site and habitation, the distance can be reduced by hundred metres.
- (iii) No quarry shall be allowed within 500 metres of any water body.
- (iv) No quarry shall be allowed in a depression.

(v) No quarry shall be allowed at a height of less than five metres mean sea level.

4. General conditions for assigning quarrying rights:-

- (i) Where the holder of a quarrying permit fails to undertake quarrying operations for a period of six months after the date of grant the permit, having commenced the quarrying operations, has discontinued the same for a period of six months, the quarrying rights shall lapse on the last day of the period of six months:

Provided that the Deputy Commissioner may, on an application made by the holder of such permit before its expiry and on being satisfied that the holder of such permit could not undertake quarrying operations or continue such operations for reasons beyond his control, make an order, that such permit shall not lapse or where it has already lapsed, order for revival of such permit.

- (ii) In case of violation by the permit holder of any of the conditions specified in these rules, the Deputy Commissioner shall require by notice in writing the permit holder to remedy the breach within thirty days from the date of notice and if the breach is not remedied within such period the Deputy Commissioner may levy a fine for an amount as notified by the A & N Administration from time to time in the case of non-specified minor minerals and for an amount as notified by the A & N Administration from time to time in case of specified minor minerals and the Deputy Commissioner may without prejudice to any other action that may be taken against such permit holder, determine the permit after providing an opportunity of being heard.
- (iii) Any minor mineral extracted from a quarry and not removed by the permit holder before the date of termination or determination or expiry of the quarrying permit shall be the property of the A & N Administration.
- (iv) No appeal shall lie against the order of the Deputy Commissioner under sub rule (i), (ii) of rule 4.

5. Power of the Deputy Commissioner to specify additional conditions:-

A quarrying permit may contain such other conditions, as the Deputy Commissioner may deem necessary.

6. The Controlling Authority shall declare quarrying area as and when required through a notification.

Provided that the first notification shall be issued within three months of publication of this rule.

7. Restrictions on grant of quarrying rights:-

- (i) No quarrying permit shall be granted to any person other than an Indian Citizen except with the prior approval of the Central Government.
- (ii) **No Objection Certificate for quarry shall be granted to a person who erects and runs crushing unit within the premises of the quarry or has agreement with any person who runs the crusher unit within the specified distance (to be decided by the Administration). The subsidiary activity which includes installation of crusher would be allowed subject to No Objection Certificate issued by Pollution Control Committee of the Administration under the provisions of Environments (Protection) Act 1986.**
- (iii) The specified minor mineral would be allowed to be processed within the permitted area only under these Rules.
- (iv) No quarrying permit holder shall be allowed to dump rejects at a place other than the specified place as given in the condition of quarry permit.
- (v) No quarry permit shall be granted to any person unless the permit holder deposits royalty amount of Rupees Three Lakhs only in advance in the form of demand draft drawn in favour of the Deputy Commissioner of the district by the permit holder. The amount of royalty shall be revised in every three years.

Provided that no quarry operator will extract quarry products exceeding 12000 cubic metre in a year.
- (vi) Permit holder shall also furnish a security deposit of Rupees One Lakh Only as Bank guarantee. The amount of Bank guarantee shall be revised in every three years.
- (vii) Quarrying permit may be assigned in any forest land by the A & N Administration with the prior approval of the Central Government under the Forest (Conservation) Act, 1980.
- (viii) No quarrying permit shall be granted in respect of any land notified by the A & N Administration as reserved for use by the A & N Administration or Central Government, any body or corporation owned or controlled by the A & N Administration or Central Government or for any other public or special purposes.
- (ix) No quarrying permit or renewal shall be granted to any person if such person has contravened the provisions of the Act or the rules made there under.

CHAPTER III

GRANT OF QUARRYING PERMIT FOR SPECIFIED MINOR MINERALS

8. Application for grant of a quarrying permit:-

- (i) Every application for grant of a permit to quarry specified minor minerals in the land belonging to the Government shall be made in FORM-GL to the Deputy Commissioner of the

district and shall be accompanied by a non refundable processing fees of Rupees Five Thousand Only to be deposited in the form of Bank Draft drawn in favour of the Deputy Commissioner of the respective District.

(ii) A committee of the following shall make recommendations for the initial grant of quarrying permit under this rule.

- (a) The Deputy Commissioner of the District shall be the Chairman.
- (b) The DFO, Department of Environment and Forests.
- (c) The Member Secretary of Pollution Control Committee, A & N Administration.
- (d) The Superintending Engineer, APWD.
- (e) The Sub-Divisional Officer of the sub division shall be the Member Secretary.

(iii) On receipt of applications, the committee shall having regard to the priorities under rule 16, and the guidelines issued by the A & N Administration, if any, consider such applications and make recommendations to the Licensing Authority.

(iv) The Licensing Authority shall consist of the following.

a) The Chief Secretary of the Andaman & Nicobar Administration shall be the Chairman;

b) The Principal Chief Conservator of Forest, Department of Environment and Forests,

c) The Secretary, Finance, A & N Administration,

d) The Secretary, Revenue, A & N Administration

(v) On receipt of the recommendation of the Committee under sub rule (ii), the Licensing Authority shall approve or reject application and convey its decision to the DC.

(vi) In case of approval by the Licensing Authority, the DC shall before granting permit ask the applicant to deposit the amount of security and royalty as specified in rule 7 within fifteen days, failing which the application shall be rejected ipso facto.

(vii) On receiving the prescribed amounts as mentioned in rule 7, the DC would issue the permit to the applicant.

9. Renewal of quarrying permit:-

(i) An application for renewal shall be in FORM-GL made to the Deputy Commissioner of the District at least two months before the expiry of the permit. The renewal application shall be accompanied by a non refundable processing fee of rupees five thousand in the form of a Bank Draft drawn in favour of the Deputy Commissioner of the District together with document of land and with a certificate issued to the effect of having cleared the arrears if any in respect of any permit held by him as on the date of making application and documents.

(ii) If an application for renewal of a quarrying permit made within the time referred to in sub-rule (1) if not disposed of by the Deputy Commissioner before the date of expiry of the permit,

the period of that permit shall be deemed to have been extended by a further period till the Deputy Commissioner passes orders thereon”.

Provided that the committee shall consider only such application for renewal where the quarry permit holder produces No Objection Certificate from the Pollution Control Committee, A & N Administration

- (iii) There shall be a Committee to make recommendations for renewal of a quarrying permit under this rule.

The committee shall consist of the following members;

- a) The Assistant Commissioner of the sub division shall be the Chairman.
 - b) The Assistant Conservator of Forest to be nominated by the Divisional Forest Officer of the area.
 - c) Representative of Pollution Control Committee A & N Administration.
 - d) Assistant Engineer, APWD to be nominated by Executive Engineer of the area.
 - e) Tehsildar of the Tehsil shall be the Member Secretary.
- (iv) Three members shall form the quorum for a meeting of the committee.
 - (v) The Assistant Commissioner of the sub-division shall, on receipt of the application under rule 9 scrutinizes all such application and submit with the recommendation of the committee to the Deputy Commissioner of the District.
 - (vi) The Deputy Commissioner having regard to recommendations of the committee, order for renewal of quarrying permit or reject the application.

10. Granting of permit for soil from private land for bonafide domestic use:-

- (i) A tenant may remove soil or any other earth material from his land for the bonafide purpose of construction of his own house, or land development. However, he shall not transport these materials without prior permission of the DC.

Provided that no transportation permit shall be granted unless the applicant has deposited the transit fees as may be prescribed from time to time by the Controlling Authority.

11. Restriction on grant of quarrying permit for minor mineral other than on government land

- (i) Except with the previous approval of the Licensing Authority no quarrying permit therein shall be granted for any minor mineral on land licensed to private person.

(ii) Assignment of quarry rights in licensed land would be granted as per the procedure specified in the rule 3, 4 and 7 of A & N Islands Minor Minerals Rules, 2007.

(iii) Whenever an application for quarry in a licensed land to other person than the applicant, the owner of the land will give a NOC that he/she has no objection for quarrying minor minerals by the applicant.

12. Register of application and Quarrying Permit:-

(i) The Deputy Commissioner shall cause to be maintained the following Registers, namely:-

(a) Register of applications for quarrying permits in FORM-QLA.

(b) Register of quarrying permits in FORM-QL with area sketches appended.

(ii) Every such Register is open to inspection by any person on a written request and payment of rupees ten.

13. Disposal of application for grant or renewal of permit:-

Application for grant or renewal of permit shall be disposed;

(i) in the case of an existing quarry within a period of sixty days from the date of receipt of application failing which the applicants shall be informed of the reasons for delay within fifteen days after the expiry of the disposal period.

(ii) in all other cases within a period of forty five days from the date of receipt of applications failing which the applicants shall be informed of the delay within fifteen days after the expiry of the disposal period.

14. Maximum area of Quarrying permit to be granted:-

(i) Total area of any quarry specified minor minerals shall not exceed;

(a) 4000 sq. mtrs .in case of an existing quarry, falling under of rule 16 (i),

(b) 2000 Sq mtrs. in case of other units, falling under rule 16 (ii)

15. Periods for which quarrying permits may be granted or renewed:-

(i) The period for which a quarrying permit may be granted under this chapter shall not exceed one year or for any other period to be specified by the Controlling Authority.

(ii) A quarrying permit under this chapter may be renewed up to one year at a time or any period to be specified by the Controlling Authority.

16. Priorities: -

Selection from amongst the applicants for grant of quarrying permit under this chapter shall normally be made in the following order of preference, namely:-

- (i) A department of A & N Administration or Corporation or undertaking owned or controlled by the Central Government and Joint Sector projects with such Government Corporations or Undertakings;
- (ii) Any other persons or institution those are engaged in construction industry and enlisted by any engineering department of the A & N Administration or Central Government.
- (iii) In the reserve area notified under the A & N Islands (Protection of Aboriginal Tribe) Regulation, 1956 to the Tribal Council.

CHAPTER –IV

TERMINATION AND /OR SUSPENSION OF QUARRYING PERMIT

17. (i) Notwithstanding anything contained in these rules, the Licensing Authority may, at any time, by giving to the permit holder one months notice in writing determine permit if the area for which the permit has been granted or any part thereof is required by the Controlling Authority for any public purpose can terminate the quarrying permit.
- (ii) In the event of termination of quarry permit as provided at 17 (i), the permit holder can prefer an appeal against the order of termination to the Controlling Authority within thirty days of suspension order.
- (iii) The Controlling Authority on receipt of appeal petition against the termination of quarry permit shall dispose the appeal petition as he may deem fit after giving the appellant an opportunity for personal hearing.
18. (i) If the Deputy Commissioner is of the opinion that the quarrying operations are done in a manner which cause danger to public health or safety of the people or have any adverse effect on environment or ecology or interferes with the objective of flood control or prevention of pollution or safety of public structures including communication facilities, roads and buildings or cause public nuisance, he may by an order in writing suspend the quarrying operation.
- (ii) The permit holder whose permit has been suspended under sub rule (i) of 18, may apply to the DC within thirty days of suspension order for revocation of the order of suspension and the DC after giving an opportunity for personal hearing to the applicant and if he is satisfied that the

reason for which the order of suspension was issued, no longer exists, can revoke the suspension order.

(iii) If the DC is of the opinion that the reasons for suspension of quarry permit still exists, shall recommend to the Licensing Authority for cancellation of permit.

(iv) The Licensing Authority on receipt of appeal petition against the cancellation of quarry permit shall dispose the appeal petition as he may deem fit after giving the appellant an opportunity for personal hearing.

19.. Prohibition of working quarries – If the Deputy Commissioner has reason to believe that the grant of quarrying permit or of any right, title or interest in such permit is in contravention of any of the provision of this chapter, the Deputy Commissioner may, after giving the permit holder an opportunity to give his say, direct the permit holder concerned not to undertake any quarrying operation in the area to which the permit relates.

20. Survey and demarcation of the area granted:-

(i) Power of entry and inspection – (i) For the purpose of ascertaining the position of the working actual or prospective of any mine or quarry or abandoned mine or quarry or for any other purpose connected with these rules the Deputy Commissioner or any inspecting officer may:-

(a) enter and inspect any mine or quarry

(b) survey and take measurements in any such mine or quarry.

(c) weigh, measure on take measurements in any such mine or quarry.

(d) examine any document, book register or record in the possession or power of any person having the control of or connected with any mine or quarry and place marks of identification therein and take extracts from or make copies of such document, book, register or record.

(e) order the production of any such document, book, register, record as is referred to in clause (d) and

(f) examine any person having the control of or connected with any mine or quarry.

(ii) The Deputy Commissioner or the inspecting officer acting under sub-rule (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code and every person to whom an order or summons is issued by virtue of the powers conferred by clause (e) or clause (f) of that sub-rule shall be legally bound to comply with such order or summons as the case may be.

- (iii) The boundaries of area covered by a quarrying permit shall run vertically downwards below the surface towards the centre of the earth.

21. Execution of quarrying permit:-

- (i) The permit holder shall also submit a QUARRYING PLAN which shall incorporate a notional map of the area showing the layout of the proposed quarry and the area identified for installation of crushing unit and dumping wastes, together with a brief report about the minor minerals occurring in the area and their probable reserves, impact of quarrying on Environment and measures proposed for preservation of the Environment.
- (ii) As soon as the permit deed is executed the copy of the same shall be forwarded to the concerned Deputy Commissioner.
- (iii) The permit holder shall at his own expense erect and at all times maintain and keep in good condition marks and pillars necessary to indicate the boundaries of the area permitted to him.
- (iv) If any mineral, major or minor, not specified in the permit or natural water source is discovered in the permitted area, the permit holder shall report the discovery without undue delay to the concerned Deputy Commissioner and to the officer in charge of the District and shall seek permission to quarry or dispose of such mineral.
- (v) The permit holder shall abide by such reasonable instructions and directions as may be issued by the Deputy Commissioner from time to time regarding the conservation and development of minor minerals.
- (vi) The permit holder shall abide by provisions of any law for the time being in force relating to working of minerals, ecology and environment and matters affecting surface and ground water conditions, safety, health and convenience of the permit holder's employees or of the public.
- (vii) The permit holder shall keep correct accounts showing the quantity and other particulars of all minor minerals produced or obtained, in stock and dispatched from the permitted area and the number of persons employed therein and also compile survey plans of the quarry workings and shall furnish to the Deputy Commissioner or any officer authorized by the Deputy Commissioner such information/reports and returns as the State Government may require from time to time.
- (viii) The permit holder shall submit to the Deputy Commissioner or any other officer authorized by him, quarterly returns in FORM-Q before the tenth day of the succeeding month and annual returns in FORM-Y for each financial year before the tenth day of April of the succeeding year. Such reports shall furnish specific information on the quantity of minor minerals, quantity sold or utilized, quantity in stock, royalty or dead rent paid and permits obtained.

22. Surrender of permit;

- (i) Permit holder may surrender his permit granted under rule 8 or part of the permitted area by giving a notice in writing of not less than one month to the Deputy Commissioner and by delivering possession of the area permitted.
- (ii) The Deputy Commissioner may accept the surrendered area after due verification of the land and subject to the following conditions, namely:-
 - (a) the permit hold area to be surrendered has been properly surveyed and is contiguous; and
 - (b) the permit holder has paid all the dues payable to the Government under the permit upto the date of application.
- (iii) The Deputy Commissioner shall dispose of the application under this rule within thirty days from the date of receipt of the application.
- (iv) The surrender shall take effect from the date when the Deputy Commissioner accepts surrender and permit holder delivers possession of the quarry or part of the quarry area to the Deputy Commissioner.
- (v) At the time of renewal of the quarrying permit, the permit holder shall be entitled to surrender any part of the permitted area.

23. (i) Prohibition of Transfer of permits; The permit holder shall not,

- (a) assign, sub-let, mortgage or in any other manner transfer the quarrying permit or any right, title or interest therein, or
- (b) enter into any agreement, arrangement or understanding with any person whereby permit holder is directly or indirectly financed to a substantial extent by such person and quarrying operation and other activities connected therewith are substantially controlled by such person;
- (ii) The Deputy Commissioner may, by order, in writing determine any permit at any time, if, the permit, has, in the opinion of the Deputy Commissioner, committed a breach of any of the provisions of sub-rule (1) or has transferred any permit or any right, title or interest therein

24. Rights of the permit holder:-

Subject to the conditions specified in these rules, permit holder shall, for the purpose of quarrying operations have rights to;

- (i) Work the quarry well within the limits of the area granted and as per the sketch of the permit area appended to the permit deed;

- (ii) sink pits and shafts in a systematic manner;
- (iii) use water subject to any law in force.

CHAPTER –V

ENVIRONMENT PROTECTION

- 25. Protection of environment – Every holder of a prospecting license or a mining permit shall take all possible precautions for the protection of environment and control of pollution while conducting, prospecting, mining, beneficiation or metallurgical operations in the area in terms of provisions of **Environment (Protection). Act.**
- 26. Removal and utilization of the top soil –
 - (i) every holder of quarrying permit shall wherever top soil exists and is to be excavated for quarrying operations, removal it separately.
 - (ii) The top soil so removed shall be utilized for restoration or rehabilitation of the land which is no longer required for prospecting or mining operations or for stabilizing or landscaping the external dumps.
 - (iii) Whenever the top soil cannot be utilized concurrently it shall be stored separately for future use.
- 27. Storage of overburden, waste rock, etc –
 - (i) Every quarry permit holder shall take steps so that the overburden, waste rock, rejects and fines generated during operations or tailings, slimes and fines produced during sizing sorting and beneficiation or metallurgical operations shall be stored in separate dumps.
 - (ii) The dumps shall be properly secured to prevent escape of material there from in harmful quantities which may cause degradation of environment and to prevent causation of floods.
 - (iii) The site for dumps, tailings or slimes shall be selected as far as possible on impervious ground to ensure minimum leaching effects due to precipitations.
 - (iv) Wherever possible, the waste rock, overburden, etc, shall be back-filled into the excavations with a view to restoring the land to its original use as far as possible.
 - (v) Wherever back-filling of waste rock in the area excavated during operations is not feasible, the waste dumps shall be suitably terraced and stabilized through vegetation or otherwise.

- (vi) The fines, rejects or tailings from mine, beneficiation or metallurgical plants shall be deposited and disposed specially prepared tailings disposal areas such that they are not allowed to flow away and cause land degradation or damage to agricultural field, pollution of surface water bodies and ground water or cause floods.
28. Reclamation and rehabilitation of lands – Every permit holder shall undertake the phased restoration, reclamation and rehabilitation of lands affected by prospecting or mining operations and shall complete this work before the conclusion of such operations and the abandonment of prospects or mine.
29. Precaution against ground vibrations – Whenever any damage to public buildings or monuments is apprehended due to their proximity to the permit area, scientific investigations shall be carried out by the holder of permit so as to keep the ground vibrations caused by blasting operations within safe limit.
30. Control of surface subsidence- stopping in underground shall be so carried as to keep surface subsistence under control.
31. Precaution against air pollution-
- (i) Air pollution due to fines, dust, smoke or gaseous emission during prospective, mines, beneficiations or metallurgical operations and related activities shall be control and kept within “permissible limits” specified under various environmental law of the country including the Air (Prevention and control of Pollution) Act 1981 (14 of 1981) and Environment (Protection) Act 1986.
 - (ii) Each applicant asking permit for quarry rights will have to obtain ‘No Objection’ certificate from the ‘Pollution Control Committee’ duly notified by the government. No permit would be given without the ‘NOC’ as stated above.
32. Discharge of toxic liquid – Every permit holder shall take all possible precaution to prevent or reduce the discharge of toxic and objectionable liquid effluents from mine, workshop, beneficiation or metallurgical plant, tailing ponds, into surface water bodies, ground water aquifer and usable land, to a minimum. These effluents shall be suitable treated, if required, to conform to the standard laid down in this regard.
33. Precaution against noise – Noise arising out of the quarrying operations shall be abated or control by the holder of permit at the source as to keep it within the permissible limit.
34. Permissible limit and standards – The standards and permission limits of all pollutants, toxic and noise referred to in rule 31, 32 & 33 shall be those notified by the concerned authorities under the provision of the relevant status from time to time.

35. Restoration of flora –

- (i) Every holder of permit shall carry out operations, as the case may be, in such a manner as to cause damage to the flora of the area held under permit and the near by areas.
- (ii) Every holder of permit shall –
 - (a) take immediate measures for planting in the same area or any other area selected by the Pollution Control Committee or the authorized officer not less than twice the number of plants destroyed by reason of any operations.
 - (b) Look after them during the subsistence of the permit after which this trees shall be handed over to the state Forest Department or any other authority as may be nominated by the Pollution Control Committee or the authorized officer, and
 - (c) Restore to the extent possible other flora destroyed by the permit holder.
- (iii) In the event of the failure on the part of the permit holder to undertake the aforesaid measures within the stipulated period, the government, without prejudice in any other action that it may take against the permit holder may take the required steps to rehabilitate the said land and recover the expenses incurred for such work from the permit holder as arrears of land revenue.

CHAPTER-VI

TRANSIT OF MINOR MINERALS

- 36. Minor Minerals not to be moved without transit passes: - No Minor minerals shall be moved into or from or within the territory of Andaman & Nicobar Islands except as hereunder provided without a transit pass in the form prescribed in schedule, from any other officer authorized under these rules to issue such pass and in accordance with the conditions of such pass.
- 37. Officers authorized to issue transit passes – For the purpose of these rules any officer authorized by the Deputy Commissioner shall have power to issue transit passes.
- 38. Availability of transit pass books: The transit pass books with the seal of the Deputy Commissioner or Inspecting Officer shall be made available to the permit holder after paying advance royalty as per the rates prescribed.
- 39. Permit holder to issue duly filled in transit pass – Every permit holder who intends to dispatch minor mineral by rail, road or river or sea shall issue a duly and correctly filled in transit pass supplied by the Deputy Commissioner or the authorized officer or the inspecting officer to the carriers.

Provided that in case of double transport like transport by land and then by sea where the earlier transport will be covered by transit pass prescribed in schedule III and the later by transit pass prescribed in schedule IV, the transit pass issued to the carrier driver, shall be handed to the buyer/consumer on delivery of the minor mineral load.

40. Buyer/consumer to retain transit pass – The buyer/consumer shall retain all transit passes delivered to him on delivery of each load for a period of two years from the date of its issue and if so required to prove subsequently the bonafides of the minor minerals purchased/consumed; and shall produce it on demand by the Deputy Commissioner or the authorized officer or the Inspecting Officer. The buyer/consumer shall furnish all the relevant details of purchase of minor minerals made by him as may be required by the Deputy Commissioner or the authorized officer or the Inspecting Officer.
41. Transit Pass not to cover more than one load at a time – No transit pass issued under these rules shall cover more than one load at a time.
42. Counterfoils of transit pass to be returned to the Deputy Commissioner or the authorized officer or the Inspecting Officer – The permit holder/permit holder shall return the counterfoil of all used transit passes as the case may be to the Deputy Commissioner or the authorized officer or the Inspecting Officer.
43. Driver to produce on demand transit pass – The driver of the vehicle/vessel carrying minor mineral shall at any stage of transport, produce on demand by the Deputy Commissioner or the authorized officer or the Inspecting Officer a valid duly filled in transit pass.
44. Application to Deputy Commissioner to bring minor minerals from outside Andaman & Nicobar Islands – Where a person intends to bring minor minerals into the Union Territory of Andaman & Nicobar Islands from outside the Union Territory, he shall apply to the Deputy Commissioner to issue the necessary permit stating the nature quantity and origin of the minor mineral.
45. Stoppage in transit –
 - (i) Minor Mineral in transit may be stopped unloaded and examined at any place by the Deputy Commissioner or Inspecting Officer, if such Officer shall have reason to believe that any money which is due to the Government has not been paid or that such minor mineral has been removed illicitly.
 - (ii) The person in charge of such minor mineral shall furnish to any such officer all the information which he is able to give regarding the same and if he is transporting the same under the pass, shall produce the pass on demand for the inspection of such officer and shall not in any way prevent or resist the stoppage or the examination of the said minor minerals by such officer.

CHAPTER-VII

REPORTING TO GOVERNMENT IN CERTAIN CASES & MAINTENANCE OF RECORDS

46. Reporting of accidents. – The permit holder/permit holders shall report all accidents to the competent officer, the District Magistrate and the District Superintendent of Police concerned, in case of any accident causing death or serious bodily injury or serious injury to the property or seriously affecting or endangering life or property which may occur in the course of the operations under this permit and the permit holder/permit holders shall send a complete report without any delay of such an accident to the said officers.
47. Reporting discovery of other minerals. – Whenever the permit holder/permit holders shall find in the said lands any mineral other than the permitted mineral/minerals or source of water the permit holder shall immediately report such discovery in writing to the Deputy Commissioner with full particulars of the nature and position of each such find.
48. Records and accounts regarding production and employees etc. – The permit holder shall at all times during the said term keep or cause to be kept correct and intelligible books of accounts which shall contain accurate entries showing from time to time.
- (i) Quantity and quality of the said mineral/minerals raised from the said lands;
 - (ii) Quantity of the various qualities of the said mineral/minerals beneficiated processed or conveyed.
 - (iii) Quantities of the various qualities of the said mineral/minerals sold and disposed of separately and the manner and purpose of such sale and disposal.
 - (iv) The prices and all other particulars of all sales of the said mineral/minerals.
 - (v) The number of persons employed in the mines or works or upon the said lands specifying the nationality, qualification and pay of such persons.
 - (vi) Such other facts, particulars and circumstances as the Deputy Commissioner or the Inspecting Officer may from time to time require and shall also furnish free of charge to such officers, and at such times as they may prescribe true and correct abstracts of all or any such books of accounts and shall at all reasonable times allow such officers or any other officer as the Government shall in that behalf appoint, to enter into and have free access to, for the purpose of examination and inspecting the said books of accounts and make copies thereof and make extracts there from.

CHAPTER-VIII

OFFENCES AND PROSECUTION

49. Penalty –

- (i) Whoever contravenes the provisions of rule 3 shall be punished with imprisonment for a term which may extend to two years or with fine, which may extend to rupees “(Fifty thousand)” or both. The violation under this section would be cognizable as per the definition given in section 2 (c) of The Code of Criminal Procedure 1974.
- (ii) Whoever contravenes the provision given in Chapter V under rules 26,27,28,29,30,31,32, 33,34,35,36, shall be punished under the provision of The Environment Protection Act, 1986 and rules framed thereunder.
- (iii) Whoever is found transporting or using minor minerals or on whose behalf the transport is made other than in accordance with the provisions of these rules shall be punishable with imprisonment which may extend to one year or with a fine which may extend to five thousand rupees or with both and in case of continuing contravention with additional fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for first such contravention.
- (iv) Whenever any person is found extracting or removing or transporting minor minerals in contravention of the provisions of these rules the Deputy Commissioner/Inspecting Officer may seize the minor minerals together with all tools, equipment, vehicles etc. used in committing such offences.
- (v) The Deputy Commissioner/Inspecting Officer who has seized the minor minerals or the tools equipment or vehicles etc under sub-rule (iv) may re-permit the same on execution by the claimant thereof a bond for the production of the property so re-permitted if and when so required before the Court having jurisdiction to try the offence on account of which the seizure has been made.
- (vi) If any driver of any carrier whilst carrying minor minerals fails to furnish the transit pass, refuses inspection of the transit pass by the Deputy Commissioner or any Inspecting Officer, he shall be punishable with a simple imprisonment which may extend to six months or with fine which may extend to (five thousand rupees or with both).

50. Compounding of offence –

- (i) The Deputy Commissioner or the Inspecting Officer may either before or after the institution of the prosecution, compound any offence committed under these rules except as given in section 49(i), on payment of such sum to be specified by him and which shall be credited to the Government.

- (ii) When an offence is compounded, no proceeding shall be taken against the offender in respect of the offence so compounded.
 - (iii) Whenever any person raises without a lawful authority any minor mineral from any land, the Deputy Commissioner or the officer authorized by the Deputy Commissioner may recover from such person the minor mineral so raised or where such minor mineral has already been dispatched or consumed, the Deputy Commissioner or the officer authorized by Deputy Commissioner may recover the cost of the minor mineral, which may be computed as ten times the market value of the material at the prevailing rate.
51. Cognizance of offences – Except as given in section 50 (i) of this rule no court shall take cognizance of any offence punishable under these rules except upon a complaint in writing made by the Deputy Commissioner or Inspecting Officer.

CHAPTER IX

MISCELLANEOUS.

53. Modification of existing mining right:-

All quarrying permits or any permit thereof granted or acquired before the commencement of these rules, if in force at such commencement, shall stand modified and brought into conformity with the provisions of these rules and shall be deemed to be applicable to such cases.

54. Power to remove difficulties: -

If any difficulty arises in giving effect to any provision of this Regulation, the Controlling Authority may, as occasion requires, take any action not inconsistent with the provisions of this Regulation which may appear to it necessary for the purpose or removing the difficulty.

ANDAMAN & NICOBAR ADMINISTRATION

FORM - QL

(See Sub-rule (iv) of Rule 8, Rule 26 and Sub-rule (ii) of Rule 33)

ORDER NO.

Date.....

1. In pursuance of rule ____ of the Andaman & Nicobar Islands Minor Minerals Rules 2007 sanction is hereby accorded for grant / first renewal / second renewal of a quarry permit/licence for quarrying _____ (Mineral) for _____ years to Smt./ Shri/ M/s. _____ over an extent of _____ Hects. of _____ (Revenue/Forest/Private) land in Sy. Nos. _____ of _____ village, _____ taluk, _____ district, as per the enclosed sketch.
2. The grant of the above permit/licence for quarrying is subject to the terms and conditions mentioned hereunder;
 - a) Quarrying permit/licence shall be in respect of _____ minor mineral only. If any other minor mineral(s) is/are found in association with the said minor mineral, it/they should be brought to the notice of the Deputy Commissioner and if the permit holder/licencee desires to quarry these minerals also he should do so only after the consent of the Deputy Commissioner is obtained in writing.
 - b) The permit holder/ licencee shall at his own expense erect and at all times maintain and keep in good repair, boundary pillars and marks which are necessary to indicate the boundaries of the area.
 - c) A board should be displayed boldly at the entrance to the Quarry permit or the land granted on Quarrying licence giving details of the name of the quarry, permit/licence number, and owners name and address and date of the execution of the permit deed/licence.
 - d) The grant of this quarrying permit/licence for quarrying shall be subject to the various other provisions of these rules.
 - e) The grantee shall be governed by all additional conditions, which may be incorporated into the permit deed at the time of execution of the licence deed.
 - f) The permit/licence would be determined if the permit holder or the holder of the licence fails to commence quarrying operations within one year from the date of execution of the permit/licence.

Deputy Commissioner

To.

NOTE: The grantee should execute the formal licence/permit deed in form No. _____ within a period of 90 days from the date of the order sanctioning the quarrying permit, failing which the order of sanctioning this Quarrying permit/licence for quarrying be deemed to have been revoked under rule _____ of these Rules.

Additional Conditions:-

The permit holder should strictly adhere to the conditions laid down by the Pollution Control Committee while granting Provisional clearance to the quarrying Operation vide Consent No. ---_____dated _____ i.e.

1. Implementation of the following for pollution control measures:
 - (a) Installation of dust containment cum suppression system for the equipment.
 - (b) Construction of wind breaking walls.
 - (c) Construction of the metal led roads within the premises.
 - (d) Regular cleaning and wetting of the ground within the premises.
 - (e) Growing of green belt along the periphery.
2. The suspended particulate matter measured between 3 to 10 meters from any process shall not exceed 600 Rg/m³.
3. The noise level should not exceed 75 dB day time and 70 dB at night time.
4. General conditions.
 - (a) The site shall be at a distance not less than 500 mts, from the National Highways/State Highways/Important Roads.
 - (b) The unit of the quarry should be located at a distance of not less than 500 mts. from the residential area/ educational institutions/ religious places/ public places.
 - (c) The unit of the quarry shall provide a green belt of evergreen road leaf trees at least 10 mts while encompassing the area around it.
 - (d) Air polluting emission, if any should be proceeded by adequate control treatment device, Safety precautions and necessary approvals are required to be obtained from concerned authority.
 - (e) Land clearance Certificate shall be obtained from concerned department/body.
 - (f) The removal of stone should be done in such a way that the land later on could be used for plantation by making terraces.
 - (g) No blasting shall be carried out before obtaining required permission from the Deputy Commissioner.
 - (h) No hazardous chemicals shall be used for quarry operation.
 - (i) No damage shall be caused to the adjacent private or government land due to the quarry operation.
 - (j) The quarry operation shall not cause any defacement of the topography of the area resulting in adverse environmental effect.
 - (k) The principle of "Precautionary" and "polluter Pay" to be strictly followed on anticipatory basis in the operation of quarry. Any violations will lead to withdrawal of 'No Objection Certificate' granted by the pollution Control Committee and also enforcement of actions as deemed fit.
 - (l) Pollution Control Committee or its representatives shall undertake inspections of the quarry at their discretion.

- (m) The quarry operators shall not cut naturally grown trees either for actual quarry operations or for the activities facilitating quarry operation.
- (n) The quarry operations should not be carried out below the mean sea level.
3. Monthly returns indicating number of transit passes issued in respect of the products extracted from the quarry shall be intimated to Deputy Commissioner (SA), (N&M), Car Nicobar, Sub Divisional Officer, South Andaman, Mayabunder, Diglipur, Nancowry, Great Nicobar and Tehsildar, Port Blair, Ferrargunj, Rangat, Mayabunder, Diglipur, Nancowry, Campbell Bay.
 4. Royalty @ Rs.5/- per 100 cft (Rs. 1.77 per cbm.) should be paid/deposited in the State Bank of India and a copy of the receipted challan be produced in the office of the concerned Tehsildar. No stone shall be removed from the site unless it is inspected by the Tehsildar concerned or his authorized representative i.e. Patwari.
 5. The quarry operator in no case will be allowed to cut rocks/stones more than 30 degree angle.
 6. The removal of the stone should be done in such a way that the land later on could be used for plantation by making terrace.
 7. No blasting shall be carried out before obtaining required permission from the Deputy Commissioner.
 8. In no case the permit holder should unauthorisedly sublet the area of the quarry to any person without obtaining prior permission from the Deputy Commissioner.
 9. No damage shall be caused to the adjacent private or Govt. land due to the quarry operation.
 10. The quarry operation shall not cause any defacement of the topography of the area resulting in adverse environmental effect.
 11. No permission will be granted for transportation of quarry products from quarry site to/form any crusher site beyond _____.
 12. The authority issuing the permit shall reserve all the rights to cancel the quarry permit in public interest at any time without assigning any reason thereof for cancellation.
 13. The permit may be cancelled at any time earlier than the said period or quantity permitted without notice for breach of terms and conditions of the permit for other reasons, if any, no compensation would be paid in case permit is cancelled before expiry of the validity period.
 14. Blasting to be done and other quarry operators be made alert while blasting is going on in one quarry.
 15. Danger like a big over hands likely caving in of rock, etc must be taken.
 16. Persons handling explosives and blasting operations must be well trained.
 17. Positioning of sentries with red flags, and use of whistles must be taken.
 18. The area falling within flying zone of blasting stones must be clear of inhabitation, grazing animals, piggeries and working persons.
 19. Rock excavation through bench cutting to avoid over hanging during quarrying.

ANDAMAN AND NICOBAR ADMINISTRATION

FORM - GL

(See Sub-rule (1) of Rule 8)

APPLICATION FOR GRANT OF QUARRYING LICENCE.

To.

Sir.

I /We submit an application for grant/renewal of the quarrying permit No. _____ or quarrying license No. _____ under the Andaman & Nicobar Islands Minor Minerals Rules 2007.

The required particulars are given below.

1. Name and address of the applicant stating whether he or it is an Individual, firm, company or Society.
2. Mineral for which the renewal is applied.
3. Particulars of the original quarrying License:-
 - a) District
 - b) Tehsil
 - c) Village/Forest block or range.
 - d) Sy.No.(s).
 - e) Total extent in acres.
 - f) No. and date of the order granting the permit/license
(Enclose copy of the original permit/license deed).
 - g) period for which the permit/ license was granted.
 - h) Date of expiry of the permit/license
4. Details about the area in regard

to which renewal is applied for:-

a) Whether the area applied for is the whole or a part

of the permit/license held.

b) In case it is for a part of the permit/ license held:

i) the extent of the area to be renewed

ii) Sy.No.

iii) whether the area sketch is enclosed showing the area applied for renewal

5. Details of production and dispatches and royalty paid during the last 3 years.

6. Details of production and dispatches made from the mineral based industry during the past three years.

7. Period for which the renewal is applied for.

8. Have all dues on the existing quarry been paid to Government?

If so attach no due certificate from the Director.

9. Any other particulars which the applicant wishes to furnish.

I/We hereby declare that the particulars furnished above are correct and I/We am/are ready to furnish any other details, plans etc. as may be required by you.

Yours faithfully

Date:

Place:

Signature of the Applicant

N.B. If the application is signed by an authorized agent of the applicant, the power of attorney should be attached.

FORM-G

(See sub-rule (iii) of Rule 8, 9 & Rule 34)

**ACKNOWLEDGEMENT FOR RECEIPT OF APPLICATION FOR
GRANT/RENEWAL OF QUARRYING LICENCE**

Received one application for grant/renewal for quarrying licence from(name
the minor mineral) in Sy.No..... Extent.....(Revenue land/Forest land/Patta land
in.....Village of.....Tehsil of..... District from Shri/M/s..... on
(date).....

Enclosures are as follows:

1)

2)

Place:

Signature of the Deputy Commissioner

Date:

To.

.....

.....

.....

.....

FORM – Q

(See Sub-rule (viii) of Rule 20)

Monthly returns for the month of

Quarry License No.....

IMPORTANT :

Please return this form duly filled to the Deputy Commissioner(SA), the concerned Deputy Commissioner and the Geologist before the 8th of the succeeding month

Date

1) Quarry licensee Number. :

2) Name of licensee :

3) No. & date of order granting the

quarry license :

4) Location of the quarry,

a) Village/Forest Range :

b) Tehsil :

c) District :

5) Royalty paid for the permit period :

6) Total quantity permitted for extraction

(a) Quantity already extracted..... Nos.

(b) Balance quantity.....

8) Dispatches Cu.Mt

(a) To self use

(b) To other agencies

(i) Departments

(ii) Private agencies

9) Quantity/volume of minor mineral in
stock at the quarry site as on date

10) No. of workers employed at the quarry

(a) Supervisors.....(b) Skilled (c) Unskilled.....

Signature of the licensee

TRANSIT PASS

No.

Date

1. DC's Permit No.

Date

2. Total quantity in permit

3. Name of the permit holder

4. Description of the material

5. Quantity carrying

6. Truck No.

7. Place of collection

8. Destination

9. Date of issue

10. Date of Expiry

11. Progressive total of the material removed including the Transit Pass
.....

(Signature of the Issuing Authority with Seal)

Schedule

Under Rule 8 of Andaman & Nicobar Islands Minor Minerals Rules 2007 specified the following are the Minor Minerals.

- a. Building Stone
- b. Gravels
- c. Muram
- d. Earth
- e. Kankar
- f. Nallah Gravel