

Application No. 68 of 2017

Tandur Citizens Welfare Society,
Rep by its President,
Rajgopal Sartha,
Having its registered office at
No. 7/7/52/4A,
Gomathikumj,
Tandur - 501141
Rangareddy District, Telangana

....Applicant

Government of Telangana
Rep by its Secretary,
Mines and Geology Department,
Secretariat,
Hyderabad - 500 022
& 4 others.

-Vs-

.... Respondents.

STATUS REPORT FILED BY THE SECOND RESPONDENT

1. I, V.V.Samba Siva Rao, S/o. Late Sri V. Pallam Raju, aged about (54) Years, working as Asst. Director of Mines & Geology (I/c) at Tandur, Vikarabad District, do hereby sincerely affirm and state as follows.

2. I submit that the said application came up for hearing on 17.01.2020 and the Hon'ble NGT, Chennai directed the first respondent to submit a detailed status report containing certain aspects of monitoring and regulation of sand lifting and transportation in the subject area. Accordingly, a detailed report on the status of sand monitoring, regulation and alongwith other queries has been submitted to the Hon'ble NGT, Chennai for the hearing conducted on 28.02.2020, 18.09.2020. The matter has been again posted on 06.11.2020 with a direction to the respondents to come with further detailed report on certain aspects of compensation from the violators & mechanism for implementation on curbing illegal sand mining, monetary penalization for recovery of royalty on sand, report on seizure of vehicles and aspects pertaining to recycling of the area for fresh mining leases due to accumulation of new sand deposits during monsoon season.

3. I respectfully submit that the Government of Telangana in the year 2015 pronounced the New Sand Mining Policy through G.O.Ma.No. 38, Industries & Commerce (Mines-I) Department, dt. 12.12.2014 on regulation of sand extraction and transportation from I, II, III, IV, V and higher orders streams in the State. The policy includes lifting of sand

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V.V. Samba Siva Rao
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Tandur, Vikarabad District.

from rivers/streams, de-silting of reservoirs and de-casting of private patta lands. The sand in the feasible areas from I,II & III order streams need to be regulated by the District Administration and from IV, V and higher order streams need to be regulated for supply to the consumers in the State of Telangana exclusively by the Public Sector Enterprise i.e., M/s. Telangana State Mineral Development Corporation Limited.

4. In accordance with G.O.Ms.No.3, Dt. 08.01.2015 and further instructions from the Government through Memo. No. 1562/M.I(I)/2016-1 & 2, dated. 17.03.2016 & 05.08.2016 the District Collector shall put in place proper administrative mechanism for enforcement of extraction and transportation of sand in I, II & III order streams comprising of Revenue, Ground Water, Irrigation, Police and Transport Department to be exclusively for local use in villages or towns bordering the streams for bonafide purposes other than commercial operations/public trading/stocking etc.

5. In this regard, a detailed report has been submitted to the Hon'ble NGT, Chennai dated: 31.07.2020 on the necessities for building up the required infrastructure facilities of newly formed Vikarabad District of Telangana State.

6. It is submitted that for the above purpose, the District administration based on the approval of District Sand Level Committee (DLSC) recommendations, accorded permission for lifting of sand along the III order stream Kagna at sand bearing areas of Old Tandur and Khanjapur of Tandur Mandal located in the western part of the Vikarabad District bordering with Karnataka State. This stream is seasonal, dry for most of the period in the year and due to which the availability of sand is scanty and whatever sand is mostly deposited along the stream meanders adjoining few villages and not wide spread but restricted to small pockets. The sand available is not potential for commercial/large scale exploitation as it is of inferior quality made up of coarse grained and with silt. However, to meet at least for the minimum requirements, the available sand in the identified areas were permitted for extraction exclusively for catering the local needs in developmental/welfare activities related civil construction works, as there is no other source of sand available in the District by duly keeping in view of the model guidelines issued by the Government from time to time.

V. V. Sankar Siva Rao ...3.
Asst. Director of Mines & Geology (I/c)
Tandur, Vikarabad District.

7. Accordingly, the DLSC, Chairperson & District Collector issued circular instructions to the Tahsildar concerned *who being the regulating authority* of lifting of sand from the approved areas for the permitted quantity, exclusively for local use in construction of important flagship schemes/projects of the State Government such as weaker section housing schemes, Individual Household Latrine (IHHL) Scheme under Swachh Bharath (ODF), civil works pertaining to Government hostels, colleges, schools and farmers development center, crematorium, dumping yard in the villages taken up by the Government Engineering Departments. The mode of lifting of sand is through way bills and also the operational procedure to be followed by duly adhering to the model guidelines and other instructions of the Government issued from time to time.

It is submitted that with a view for an effective, transparent and smooth implementation of lifting of sand from the approved areas with a intention to stream line the entire operations the following model guidelines are formulated by the Government on *Regulation of sand extraction for local use in I, II & III (notified over-exploited areas), the salient features are as detailed below:-*

- 1 The approved areas of sand bearing permitted for lifting shall be by manual means under the supervision of Panchayat Secretary /Village Revenue Assistant.
2. The transportation of sand from the identified areas shall be by means of bullock carts/ Tractors only within district as a unit.
- 3 Sand extracted from I, II & III (Notified over exploited areas) order streams shall be exclusively for local use in the surrounding villages for developmental/welfare works.
- 4 The Tahsildar concerned shall issue necessary proceedings for allotment of sand for the bonafide purposes only.
- 5 The Panchayat Secretary on receipt of instructions from the Tahsildar shall permit sand extraction for the specified quantity and issue way bills to the applicant.
- 6 Sand extraction from the identified area(s) loading and transportation shall be done in day time only i.e., 6 Am. Any extraction loading and transportation in night shall be treated as illegal and stringent action be taken against the concerned in addition to seizure of sand stocks.

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V. V. Sambasiva Rao
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Tandur, Vikarabad District.

8. The lifting of sand with suitable mechanism for the permitted quantity of 19920 CBM for sand bearing area of 'Old Tandur' and 7720 CBM of 'Khanjapur' were put into force w.e.f., May-2017 onwards. These lifting operations are being carried out in scientific manner wherein the quantities approved are recommended in accordance with Telangana State Water and Land Use Act, 2002 which were detailed in the report dated: 31.07.2020. The guidelines for lifting of sand were communicated to the Tahsildars concerned for an effective regulation of sand lifting within the limits registered under geo-coordinates for the bonafide purposes. The *entire regulation* of sand lifting and transportation is governed by the operational guidelines issued by the Government from time to time and in accordance with 'Telangana State Sand Mining Rules 2015'.

9. The District Administration issued the following operational guidelines and instructions to be followed scrupulously for effective and smooth regulation of sand lifting which are as detailed below:-

1. The Engineering Departments/any Executing Agencies/ Departments who require sand, for execution of Government works shall place indent before the Tahsildar concerned for required quantity of sand.
2. The Tahsildar shall issue proceedings for the quantity in favour of executing Engineering Departments under copy marked to the local Station House Officer for information.
3. The Village Revenue Assistant/ Panchayath Secretary shall issue way bill for transportation of sand after receipt of orders from Tahsildar duly mentioning the project work, Department name, location of project, time/date. The way bill shall be issued only at the time of despatch from the permitted specified sand area and also ensure that the sand waybill is deposited/surrendered at project site to the representative of the end user Department.
4. The Tahsildar shall put in a mechanism of check points near the sand bearing area to ensure no un-authorized movements of sand tractor takes place.
5. The Executing Department initially shall furnish the list of tractors for registering with the Revenue Department so as to inform the same to the local Station House Officer for curbing any un-authorized transportation of sand.

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V. V. Sampath Kumar
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6. Only tractors are permitted for transportation from the specified sand bearing area to the place of project work with way bill. The supervisor at the work site shall certify the receipt of the sand at work site and maintain accounts.
7. Sand for Government sponsored weaker section schemes shall be allowed free of sale price. The site in-charge shall certify receipt of sand for the said purpose.
8. Sand shall be not stocked other than work site of construction mentioned in Tahsildar orders. If found, will be treated as illegal and will be seized.
9. DRDO is incharge for printing of stationery and way bills duly maintaining common serial number.
10. The extraction and transportation of sand from the specified area shall be only between 8.00AM to 6.00PM.
11. The Village Revenue Assistant/ Panchayath Secretary shall maintain accounts at sand extraction & loading point in the register and submit the same to the Tahsildar on weekly basis for verification and reconciliation with orders issued and sand dispatched.
12. Tahsildar shall submit monthly report to the District Collector.
13. Tahsildar/RDO shall dispose seized sand if any seized for other than said purpose on payment of sale price and statutory amounts.
14. Police and Transport Department shall put in mechanism to verify the transportation of sand in the District and take necessary action as per rules for curbing the illegal activity.
15. Panchayath Secretary shall maintain muster roll of the wage workers engaged in loading the sand at the specified sand area for making payment and pay the wages in their bank accounts.
16. The Geo-coordinates of the site shall be recorded at which the construction is proposed for and to be done by the Executing Department in consultation with local Village Revenue Officers/ Village Revenue Assistants.
17. The sand so permitted shall not be mis-utilized for other than the said purpose. The said purpose shall also include the point of embankment of sand and location involved.

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U. V. Sankar Reddy
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Tandur, Vikarabad District.

10. It is to submit that the regulating authority for the approved sand bearing area is the Tahsildar concerned who accord permission for lifting of sand through proceedings to the Executing Engineering Departments for the tractors registered with the Regulating Authority of fixed volume which is of 3 CBM to the work places/destinations and no storage of sand is allowed at any intermittent stage. The same vehicles shall be put into force till completion of the quantity allowed for dispatch. The transportation is done with the issuance of way bills by the regulating authority for a fixed period with a date and time duly mentioned on the bill for each trip till its destination. Field assistants/supervisors will monitor the lifting and transportation of sand at both the ends by obtaining the receipt of acknowledgement of delivery of sand from the Executing Engineering Departments in order to avoid any duplication. Any deviation of the dispatch from the designated route is alerted not only by whistle bowlers but also for appropriate action taken by the Police/Transport/Mines and Revenue Departments. Thus, the above monitoring mechanism is being implemented in curbing any unauthorized movement of sand transportation.

Further, the administration keeping in view of an effective regulation of sand, not even encouraged for de-casting of sand from the patta lands adjoining the stream though in the policy just to avoid any illegal extraction of sand in the guise of removal from the de-casting lands as there will be additional pressure on the District administration to deploy men and machinery for monitoring.

11 Further, under Rule 16 of Telangana State Sand Mining Rules (TSSMR), 2015 *no other person or agency other than M/s. Telangana State Mineral Development Corporation Ltd., shall be issued licence for stocking /storing/processing /trading of sand including manufactured sand under AP Mineral Dealer Rules, 2000 or under any suitable subsequent rules /amendments to be issued by the Government from time to time. This provision will also ensure that any reports on the storing of sand will be subjected to necessary action for its disposal in accordance with TSMMR 2015 rules and regulations. As such, there are no reports from the subject areas in the Vikarabad District.*

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V. V. Sambasiva Rao
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Tandur, Vikarabad District.

12. It is submitted that as such these sand deposits in most of the places lacks feasibility to be considered and designated as a source of regular supply due to lack of huge thickness of sand deposits and further not fulfilling the criteria in terms of quality and sand reaches. And the large demand of the general public of Tandur Town including for the most of the civil works taken up Government Engineering Departments are also being met from the procurement of superior quality of sand from other parts of the major rivers flowing across the State namely Godavari and Krishna being supplied by State Mineral Development Corporation Limited and also partly met from the crushed stone sand (manufactured sand) as an alternate to natural sand. As the State is endowed with good deposits of granite/rock stone deposits, the Government with the opinion that manufactured sand is good alternate to natural ordinary sand also extends incentives for the stone crushing units wherein necessary instructions are given by the Engineering Departments for utility of stone crushed sand in view of its technical feasibility in civil construction works.

13. Further, adequate provisions are also made for stringent action on the illegal transportation of sand under rule 13 of Telangana State Sand Mining Rules (TSSMR), 2015 'under heading offences' which clearly spells out the penalty component that if any vehicle, found without proper documentary evidence, the following amounts shall be levied for such violations as detailed below:-

Vehicle Type	First time (In Rs.)	Second time (In Rs.)
Tractor	5,000/-	15,000/-
Lorry upto 10 tons capacity	25,000/-	50,000/-
Lorry above 10 tons capacity	50,000/-	1,00,000/-
Machinery	50,000/-	1,00,000/-

Further, under the rule 13 (3) of TSSMR, 2015 any 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).

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- 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).

14. Further, the rule 13 (4), TSSMR, 2015 clearly states that an officer authorized shall confiscate any vehicle/machinery if found to be involved un-authorized transportation of sand for more than 2 times i.e., for the third time, to be produce the vehicle/machinery before the Competent Court for release of vehicle on production of security deposit as per the procedure laid down under the rules. In case of non-compliance by the person, the authorized officer shall issue order for disposal of seized vehicle/machinery in public auction in consultation with Transport Department.

15. As submitted earlier, as per new sand mining policy the lifting of sand from I, II and III orders streams for local use is being regulated by the Mandal Revenue Authority and streams of IV, V, VI & higher order by the State Mineral Development Corporation Limited and no third parties/private persons are allowed for sand quarrying therefore it is submitted that there is no scope for large scale illegal mining of sand as alleged by the petitioner in the Original Application.

16. It is to submit that as per the instructions of the District Administration lifting of sand from the Old Tandur sand bearing area is falling within the Municipal limits of Tandur town and was commenced its operations since May-2017 onwards. And being administered and regulated by the Revenue Department and the power of issuing permission for sand dispatches for local use in developmental and welfare civil constructions works taken up by the executing Engineering departments is vested with the Tahsildar, Tandur Mandal.

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17. Further as a part of an effective and smooth regulation of sand lifting operations from the approved sand bearing areas, a fool proof mechanism was constituted by the District Administration for monitoring and curbing any illegal transportation of sand for other than the bonafide purpose. And earlier in the year 2017 formulated monitoring vigilance teams especially in the odd and wee hours of the night in and around Tandur town comprising of Revenue, Police & Mining Staff for not only curbing illegal transportation but also for effective implementation of the guidelines from sand point to various designated places.

18. It is submitted that however due to extreme scarcity of sand for local use, some sand bearing Tractors ply within the municipal limits of Tandur Town by some unscrupulous elements without any documentary evidence which are being intercepted by the local police and revenue officials. Accordingly, the local police officials of Tandur Town Station House as a part of monitoring mechanism intercepted the said bearing Tractors within station limits and duly registered FIR's cases after seizing the vehicles (tractors) by invoking IPC Sections under 379 IPC 3 of PDPP Act and Sec 21 (4) of MMDR Act and charge sheeted in 20 cases against the persons who were not able to produce the required documentary evidence during transportation of sand and the same are pending for disposal in the Hon'ble Court of Junior First Class Magistrate (JFCM) at Tandur.

The Station House Officer (SHO) should have ideally invoked Rule 13 (2) of TSSMR, 2015 (instead of Section 21 of MMDR Act as the sand is classified as minor mineral wherein the Telangana State Minor Mineral Concession Rules, 1966 will be applicable) and to be referred to this office for *levying penalty* amounts of tractors involved on unauthorized transportation of sand as the case may be, but *preferred* to approach the Tahsildar, Tandur who being the mandal regulating authority for auctioning of seized Tractor load of sand comprising of 3 cu.m only, after duly charge sheeted the persons involved in the cases. The seizure of sand and confiscation of vehicle (Tractor) shall to have been carried out if the same vehicle was found to be involved in the crime for the third time in accordance with Rule 13 (4) of TSSMR, 2015 but in the present instance it was charge sheeted in the first instance itself only to show that the local administration viewed the issue seriously and also with a reason to cause fear among the persons involved.

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U. V. Sambasiva Rao
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Later, the Tahsildar, Tandur being the mandal regulating authority based on the cases forwarded by the local SHO, Tandur Town conducted open auction of seized sand in the attached Trolley of the Tractor (3 cbm) involved in illegal transportation and the highest bidder remitted the amounts in the form of demand draft. The details of auction amount were communicated by the Tahsildar, Tandur to the SHO, Tandur after auction of seized tractor load of sand, with realization of a minimum of Rs.1800/- per 3 cbm (fixed @ Rs 600/- per cbm) of each tractor load which is much higher than the seigniorage charges/royalty, notified @ Rs. 40/- per cbm cumulating to Rs.120/- only (cf table for details).

19. The details of the cases registered by the local police officials who being also the regulating authority intercepted and confiscated pertaining to the tractors for not having proper documentary evidence during transportation plying within the municipal limits of Tandur Town and not from the sites of sand mining and therefore it is submitted that the action taken up by the regulating authority is on un-authorized transportation but not on illegal sand mining and the case details are as given below:-

Sl. No.	Year	Month	No of cases	FIR No	Type of Vehicle	Qty. in cubic meter	S.Fee / Royalty (Rs. 40/- per CBM)	Amount realized through open auction	Status of case
1	2017-18	December	6	267	Tractor with Trolley capacity of 3 cbm	18	720/-	15500/-	Under trial
2				284					
3				286					
4				05					
		February		33					
		March		57					
1	2018-19	April	11	90	Tractor with Trolley capacity of 3 cbm	33	1320	20200/-	Under trial
2		May		102					
3		June		113					
4				116					
5		July		135					
6				136					
7		September		200					
8		October		224					
9				241					
10				233					
11				232					
1	2019-20	October	2	243	Tractor with Trolley capacity of 3 cbm	6	240	1800/-	Under trial
2		March		70					
1	2020-21	July	1	379	Tractor with Trolley capacity of 3 cbm	3	120	3000/-	Under trial

It is submitted that with these comprehensive and stringent measures taken by the District Administration, the illegal activity of sand transportation in and around Tandur Town has drastically come down and was reduced to a large extent with the untiring and continuous efforts of the line departments like Police and Revenue. Therefore, the allegation of inaction of the local administration are presented out of proportion, in spite of prompt and appropriate action initiated by the District and Local Administration and also will continue to take action on eventuality of any violations, in future as per rules. The district and local administration will never turn a blind eye on reports of illegal mining and transportation if any and will enforce stringent measures on the detection of any violations. Thus, the allegation by the petitioner in his original application is based on the news paper clippings on large scale sand mining which is exaggerated and far from truth and the same is not correct and denied.

In this regard, it is pertinent to submit that the role of the local people need not be overemphasized as they themselves being the whistle blowers are active and able to safe guard the natural resources in the interest of local environs of the surroundings and their villages.

20. Further it is to submit that the approved sand bearing areas of Old Tandur and Khanjapur by the District Administration are only to a small extents with a dimension 249 M x 80 M x 1 M cumulating to total of 19,920 CBM of sand in extent of 2.8 Hectares covering an area of (19920 M²) and 152 M x 51.45 M x 1 M with atotal of 7816 CBM in an extent of 0.30 Hectare covering an area of (7816 M²) respectively.

The lifting of sand operations is completed in the latter area (7720 CBM) and not yet completed for permitted quantity at former place till date. As per the records (upto 30.09.2020) furnished by the regulating authority, only a quantity of 10210 CBM of sand was lifted since May-2017 onwards and with balance of 9710 CBM (49%) still to be lifted from the Old Tandur sand bearing area. At present, the sand lifting operations has been slowed down and the regulating authority being the Tahsildar, Tandur Mandal of Vikarabad District accorded permission only 360 CBM of sand for last 6 months between April-September 2020 with an average dispatch of 60 CBM of sand per month for the bonafide purpose only.

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V.V. Sambasiva
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Tandur, Vikarabad District.

It is true that recuperation of sand takes place in the area during monsoon with add on quantities but in the present instance even the earlier approved quantities have not been totally lifted since its operation in the year 2017 till date, with leftover balance of 9710 cbm still to be lifted. In this regard, it is to submit again that the lifting of sand from the approved sand bearing area is being carried out with the operational guidelines issued by the Government from time to time and being regulated exclusively by the Revenue Department and the authority being the Tahsildar Tandur Mandal and no sand mining leases are granted in favour of private persons or agency for sand mining as per the new sand mining policy, 2014 and therefore no scope for illegal sand mining.

Further, it is submitted that the administration has stopped lifting of sand from Khanjapur Sand bearing area as the earlier approved quantities were exhausted though the area may have been recuperated with fresh blanket of sand deposits during monsoon since 2019 onwards. The resumption of operations will be with the approval of District Level Sand Committee by duly following the procedure and guidelines as specified in the TSSMR Rules, 2015 alongwith statutory clearances.

The lifting sand operations in the State is exclusively under taken by State Public Sector undertaking and in the District by the Revenue Department without allotment to any private persons/Agency or any other third parties. The sand so lifted from the III order stream is under regulation of Tahsildar, Tandur who being the regulating authority and important functionary of the Government and shall be exclusively for local use in civil construction works of important flagship schemes/projects of the State Government such as weaker section housing schemes, Individual Household Latrine (IHHL) Scheme under Swatch Bharath (ODF) at free of cost, civil works pertaining to Government hostels, colleges, schools and farmers development centres, crematoriums, dumping yards in the villages taken up by the Government Engineering Departments.

Thus, the lifting of sand with comprehensive and stringent measures taken by the District Administration is being carried out in accordance with 'New Sand Mining Policy', 2015 and Telangana State Sand Mining Rules (TSMMR), 2015 and subsequent amendments to TSMMR rules duly adhering to the guidelines and Rules and Regulations

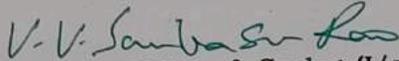
V.V. Santhosh Rao
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of MoEF&CC and Telangana State Water, Land & Trees Act, 2002 and its Rules 2004 with a care to local environs.

As per the direction by the Hon'ble National Green Tribunal submitting the status report for consideration and pass such other order or orders which deemed fit and proper in the circumstances of the case.

VERIFICATION

I, V. V.Samba Siva Rao, S/o. Late Sri. V. Pallam Raju working as Asst. Director of Mines & Geology at Tandur, Vikarabad District (*Incharge*), do hereby verify that the contents of Paras are true to the best of my personal knowledge and para 1 to 21, believed to be true on legal advice and that I have not suppressed any material fact.


Asst. Director of Mines & Geology(I/c),
Tandur, Vikarabad District.

**Asst. Director of Mines & Geology
Tandur, Vikarabad District.**

**BEFORE THE NATIONAL GREEN
TRIBUNAL (SZ), CHENNAI**

Application No. 68 of 2017

Tandur Citizens Welfare Society

....Applicant

Vs

Government of Telangana
Rep by its Secreatry,
Mines and Geology Department,
Secretariat,
Hyderabad - 500 022
& 4 others.

.... Respondents.

**STATUS REPORT FILED
BY THE SECOND RESPONDENT**

H.Yasmeen Ali
Counsel for the Respondents