

**Draft Policy Guidelines for considering proposals of Mining contractors for use of River Bundh/Embankments.**

In case of some sand mining units they had direct access to the metalled road and the others have to ply their vehicles, through bundh/Embankment for transportation of excavated sand to different destinations. One of the sand contractor **M/s. Sangam Infra Estates Pvt. Ltd.**, of "Barauli sand Mining Unit-3" has filed **CWP No.23218 of 2018** before the Hon'ble Punjab and Haryana High Court. The Hon'ble Punjab and Haryana High Court vide order dated 25.10.2018/ 14.11.2018 directed the State to form a uniform policy with regard to permission for the use of bundh/embankment by the mining Contractors/ stakeholders for transportation of sand. It has therefore, considered necessary to lay down specific policy guideline prescribing a uniform procedure adopted for Mining contractors for use of River Bundh/Embankments and the charges to be levied from the beneficiaries for processing such proposal.

- 1 The mining contractors / Mineral Dealer License shall apply to the Mining Officer Concerned along with detail of the area/ stretch of usage of bundh/embankment (RD numbers/GPS readings) as well as duly marked map and length of bundh/embankment sought for their use. No application from any individual Mining Contractor will be considered by Irrigation & Water Resources Department.
- 2 The application shall carry nonrefundable fee of **Rs. 50,000/-** per year of the contract period and onetime refundable security amount of **Rs. 10 lac** to be payable by Mining Contractor to the Irrigation & Water Resources Department. The security will be refunded only after expiry of contract period/permission. If any, damage is found in the bundh/embankment then the Executive Engineer of Irrigation & Water Resources Department will send an estimated cost to the mining contractor and the mining contractor has to rectify the damages within 15 days otherwise Irrigation & Water Resources Department will execute the repair work at the risk and cost of mining contractor and amount will be deducted from the refundable security deposited by mining contractor. The mining officer will ensure that at any given time the refundable security should not be less than Rs. 10 lacs during the contract period.
- 3 The **Mining Officer, Mines & Geology Department** would forward the application complete in all respect to Executive Engineer concerned within a period of 7 days of receipt of application.



- 4 The Executive Engineer would decide the case/ grant the permission within 10 days, subject to following conditions:
- a) Permission will be granted for the period coterminous with the period of mining contract or mineral dealer license.
  - b) Plying of vehicles carrying mineral shall remain suspended during the rainy season i.e. from 1<sup>st</sup> July to 15<sup>th</sup> September.
  - c) The bundh/embankment wherever presently are not as per level of the design of Irrigation & Water Resources Department, the same would be brought to design level by Irrigation & Water Resources Department as a deposit work of Mining Department.
  - d) The contractor will ensure that the bundh/embankment remains in proper shape and damage if any shall be repaired from time to time by the contractor.
  - e) To ensure safety of the side slopes of the *bundh/embankment*, the contractors shall carry out additional plantation on the sides and grass over slope to ensure stability.
  - f) The mining contractors/ stakeholder having permission shall maintain the bundh/embankment to design level of the bundh/embankment for the stretch allowed to be used, throughout the contract period/ period of permission. Any other additional requirement, if arises in future, for safety of bund/embankment then Executive Engineer of Irrigation & Water Resources Department after taking approval from Engineer-in-Chief, Irrigation & Water Resources Department would ensure that the mining contractor/MDL is bound to implement the decision for the safety of the bundh/embankment.
  - g) A team comprising Executive Engineer of Irrigation & Water Resources Department and Mining Officer of district concerned shall inspect the *bundh/embankment* on or before 15<sup>th</sup> May and 15<sup>th</sup> September every year.
- 5 In case of any modification / change of area / stretch of bundh/embankment required the same shall be considered on fresh application for which no additional fee may be required but any fresh area / stretch shall not be used unless modified permission is obtained.



- 6 A Committee of concerned Executive Engineer of Irrigation & Water Resources Department and Mining Officer shall ensure maintenance of the bundh/embankment and implementation of policy.
- 7 Further, in case of non-compliance/ violation of any of the condition of the permission, the concerned Executive Engineer of Irrigation & Water Resources Department after giving the opportunity of hearing may revoke/ cancel the permission under intimation to Engineer-in-Chief, Irrigation & Water Resources Department and DMG as well as MO.
- 8 The existing stake holders intends to seek permission to ply the vehicles through bundh/embankment may apply immediately and would be entitled to use the same after finalization of the policy by the state government on payment of Rs.50,000/- per year of contract period and onetime refundable security of Rs.10 lac to Irrigation & Water Resources Department and/or after taking prior approval from the Hon'ble Court in the matter. The amount deposited would be adjustable against the fee/ security as may be finally approved by the government.
- 9 The stretch of bundh/embankment allowed to be used by the contractors/ stockists/ MDLs shall be allowed to be used by local villagers for their non-commercial use without any hindrance
- 10 Any person found using the bundh/embankment without any permission shall be liable to pay a fine of Rs. 1,000/- per truck and an FIR be registered against such offender as per Clause-58 of The Haryana Canal & Drainage Act, 1974 as and when reported by Irrigation & Water Resources Department.
- 11 The Engineer-in-Chief, Irrigation & Water Resources Department would forward the case for notifying the policy / process to Government.