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DEPARTMENT OF MINES AND GEOLOGY

NOTIFICATION

9th May, 2025

No.Kha.Ni.(Vividh)-95/2024-1111/M.--In exercise of the power conferred by Section-15 of The Mines and Minerals (Development and Regulation) Act, 1957; the Government of Jharkhand hereby makes the following rules:-

1. SHORT TITLE, EXTENT AND COMMENCEMENT

- (i) These rules may be called "Jharkhand Sand Mining Rules, 2025".
- (ii) It extends to the entire State of Jharkhand.
- (iii) It shall come in to force from the date of publication of notification in Jharkhand e-gazette.

2. DEFINITIONS

In this Rules, unless the context otherwise requires:-

- (a) "**Act**" means The Mines and Minerals (Development and Regulation) Act, 1957;
- (b) "**State**" means the State of Jharkhand;
- (c) "**Government**" means the State Government of Jharkhand;
- (d) "**Department**" means the Department of Mines & Geology of the State;

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- (e) **“Director Mines”** means Director, Directorate of Mines.
 - (f) **“Deputy Commissioner”** means the Deputy Commissioner of the District;
 - (g) **“Additional Director Mines”** means Additional Directors of Mines Directorate of Department.
 - (h) **“Deputy Director Mines”** means Deputy Directors of Mines Directorate of Department.
 - (i) **“District/Assistant Mining Officer/Mining Inspector”** means District/Assistant Mining Officer/Mining Inspector of Mines Directorate of Department.
 - (j) **“Lessee”** means the holder of the mining or quarry lease of sand and as defined in Jharkhand Minor Mineral Concession Rule 2004 as amended.
 - (k) **“Reserve Price”** means the base price of auction to be calculated by the District Committee as per the guidelines issued by the Directorate of Mines.
 - (l) **“Annual Mineral Concessional Value”** means final price offer of the preferred bidder.
 - (m) **“Bid Amount”** shall be the final Annual Mineral Concessional Value on the basis of all necessary statutory clearances like Environmental Clearance etc.
 - (n) **“Person”** means the entity under relevant provisions that allows to do business with all valid certification and eligibility criteria.
 - (o) **“District Survey Report”** means A District Survey Report for each mineral and for each district shall be prepared by the committee constituted as per the judgment of Hon’ble Supreme Court of India in case of CIVIL APPEAL Nos. 3661-3662 of 2020, The State of Bihar and Others Vrs. Pawan Kumar and Others.
 - (p) **“Earnest Money Deposit”** means Earnest Money deposit shall be Ten Percent (10%) of the reserve price.
 - (q) **“Performance Security”** means Performance Security deposit shall be Ten Percent (10%) of annual mineral concessional value as quoted in the auction
 - (r) **“Preferred Bidder”** means the person who shall submit the highest bid amount in the auction.
 - (s) **“JIMMS”** means Jharkhand Integrated Mines and Mineral Management system under the Department of Mines and Geology.
 - (t) **“Annual Mineable sand quantity”** means quantity of sand deposit as per statutory clearances for the operationalization of sand deposit.
 - (u) **“Mining Plan”** means a plan prepared and approved as per the Jharkhand Minor Mineral Concession Rule 2004 as amended.
 - (v) **“Month”** means a calendar month or part there of;
 - (w) **“Year”** means Financial Year from first day of April of the year to thirty first day of March of succeeding year.
 - (x) **“Notification”** means a notification as published in the Official Gazette of the State;

Words and expressions used but not defined in these Rules shall have the same meanings defined in the Act and all the respective Mineral Act(s) and all the respective Rules, as assigned to them under all those such Acts; Rules; Notifications or Regulations made or issued there under.

3. **APPLICABILITY**

These rules shall apply to all sand bearing lands/ river stream as mentioned in the District Survey Report (Sand) of the concerned district.

4. **Prohibition and Restriction of Sand Mining:-**

Notwithstanding anything contained in the other rules for the time being in force in relation to the matter connected with sand mining, the excavation of sand is prohibited without valid mineral concession.

5. **Maximum Area for mineral concession for Sand Mining: -**

Notwithstanding anything contained in any other rules for the time being in force in relation to the maximum area of mineral concession of minor mineral, sand mining lease shall not be granted to a person for an area exceeding one thousand hectares in the State.

6. **PROCESS AND MANAGEMENT OF SAND BEARING LAND AND GHATS**

I. **Preparation of District Survey Report: -**

The Department shall issue necessary guidelines or directives as and when required for an effective preparation or updation of District Survey Report.

II. **Categorization of Streams/Rivers: -**

- a. Identification of the sand available in different order of streams such as 1st, 2nd, 3rd, 4th, 5th order or more shall be carried out by the District Survey Committee based on its size and capacity.
- b. Based on District Survey Report the Survey Committee shall categorize the sand in 1st order and 2nd order stream/river as Category-1 and 3rd order and above as Category-2.
- c. Notwithstanding anything mentioned in above sub rule (a) & (b), the sand available/deposited on any land or excavated during distillation/cleaning of natural/regulated water streams/bodies shall be categorized as category-2.
- d. However, based on recommendation of District Survey Committee and depending upon local conditions/requirements, the State may review and change the positioning of a particular order of stream/river into a particular category of Category-1 or Category-2.

III. **Management of Sand Deposits of Category-1 Streams/Rivers:**

- a. The sand deposits of Category-1 stream/river will be kept fully free from domain of grant of mining lease.
- b. The sand from this category can be used only for non-commercial purposes such as domestic purpose, Community purposes, Government Sponsored Schemes etc.
- c. Gram Panchayat/Local Self Government shall be responsible for supervision of sand collection from such area.
- d. There shall be no transfer or subletting of the sand deposits from these Streams/Rivers.
- e. The sand from these Streams/Rivers shall be free from any taxes, royalty or levy.
- f. For the purpose of maintenance of the approach road, management, supervision etc. a nominal Maintenance Charge shall be levied by Gram Panchayat/Local Self Government per unit volume of sand lifted/collected/dispatched, as per the rate decided by Directorate of Mines.

- g.** It shall be responsibility of Gram Panchayat/Local Self Government to ensure that sand from these deposits is not used for any commercial purposes and to regulate the same, a receipt-cum-dispatch challan will be issued by the Gram Panchayat/Local Self Government in the format as prescribed by the State.
- h.** The maintenance charge so collected shall be deposited in the account of Gram Panchayat/Local Self Government.
- i.** The book keeping of this account shall be maintained by Gram Panchayat/Local Self Government according to prevailing rules and guidelines of the Gram Panchayat/Local Self Government.
- j.** Under no circumstances the sand shall be allowed to be stored from these Streams/Rivers.
- k.** This shall be the responsibility of the Gram Panchayat/Local Self-Government to restrict sand mining in prohibited areas as directed by the Department.
- l.** Excavation of sand shall be adhered to Sustainable Sand Mining Management Guideline-2016 (SSMG-2016), Enforcement & Monitoring Guidelines for Sand Mining (EMGSM-2020) and Environment Clearance. Under no circumstances mechanized lifting/excavation of sand shall be allowed from these category of streams/rivers. In any case no machinery shall be used to excavate the sand from river/stream of this category.
- m.** The Deputy Commissioner shall put in place proper administrative/enforcement mechanism to ensure no commercial/illegal extraction of sand from these orders of streams/rivers.

IV. Auction of Sand Deposits of Category-2 Streams/Rivers: -

- a.** The sand deposits of Category-2 shall be managed through allocation by competitive bidding (e-auction).
- b.** The e-auction shall be conducted by the District Committee as constituted by the Department of Mines and Geology, Government of Jharkhand under chairmanship of Deputy Commissioner.
- c.** Reserve Price of the auction shall be determined by the District Committee as per the guidelines issued by the Directorate of Mines. After two unsuccessful attempts of auction the Reserved Price shall be re-determined after due consideration of all socio, technical and economical aspects.
- d.** Model Tender Document for e-auction shall be prepared by Directorate of Mines.

V. Payments:-

- a.** Bid amount shall be for the period of first year of allocation that will start from the execution of Lease deed. Bid amount for the second and subsequent year shall be One Hundred and Ten Percent (110%) of bid amount of the previous lease year.
- b.** Earnest Money deposit shall be Ten Percent (10%) of the reserve price, that to be deposited by the prospective bidder along with their tender document. For Preferred Bidder Performance Security deposit shall be Ten Percent (10%) of annual mineral concessional value as quoted in the auction within fifteen working days of issuance of Letter of Intent (LoI). Performance Security deposit shall be adjusted in the last/third installment.
- c.** Initially Annual Mineral Concessional Value shall be calculated as per annual mineable sand quantity of District Survey Report and finally as per Environmental Clearance for the first and subsequent Year of lease period, which is termed as bid amount, that shall be deposited/adjusted proportionately as per following table: -

Sl. No.	Installment	Schedule for payment
1	First Installment (50%)	a. Before grant of first permit for the first year. b. 15 th March for Subsequent year.
2	Second Installment (25%)	15 th October
3	Third Installment (25%)	15 th January

In case of failure of payment of installments, the generation of e-challan shall be stopped and it shall be re-opened only after payment of advance payment of installment

- d.** Royalty and contribution to the District Mineral Foundation Trust of the sand deposit shall be payable as per schedule/table mentions in the Rule 6(V)(c), and Income Tax, Environmental Cess, Management Fee, GST, Stamp Value and Registration Charges etc. shall be paid as per applicable law.

VI. Period of allocation :-

- Allocation of the Sand mining lease shall be for a period of five years.
- Government may extend the period as deemed fit under special circumstances.
- The sale price of sand must be entered in the JIMMS e-challan.

VII. Execution of Lease Deed:

- A grant order shall be issued to the preferred bidder/Letter of Intent holder after depositing Performance Security.
- Lease deed in the format as prescribed in Jharkhand Minor Mineral Concession Rules, 2004 as amended shall be executed after acquiring all necessary clearances.

VIII. Surrender of the allocation :-

The lessee may surrender the lease after payment of all installments for that year. In case of non-payment of all installments of Annual Mineral Concessional value or bid amount, Royalty and others, the security deposit along with other payments, if any, shall be forfeited.

IX. Cancellation of Lease Deed :-

Deputy Commissioner of the district shall premature terminate the lease in case non-payment of dues for more than ninety days, violation of any contractual terms or engagement in any illegal sand mining activity.

X. Online Sand Portal :-

- All transactions (online and offline) and activities (Excavation/Storage/Transportation/Sale price declaration etc.) shall be monitored by Central Electronic Documentation System. Department of Mines and Geology may nominate any Government Agency or Government Company for this purpose at a fee.

- b. State Government may use JIMMS or any other system for the purposes as mentioned in above sub-rule (a).
- c. For the Management of Central Electronic Documentation System, the expenditure incurred shall be compensated by the Department of Mines and Geology by Management Fee.

7. Rules, Direction/Terms and Conditions to be followed by the lessee: -

All applicable rules, direction and terms & conditions for the operation of sand ghats or excavation of sand from sand bearing land shall be followed by the lessee.

8. Penalty: -

Provision for action to be taken against the illegal mining, transportation and storage of sand, shall be invoked as mentioned in The Jharkhand Minerals (Prevention of illegal mining, transportation and storage) Rules 2017 as amended from time to time.

9. Buffer Stock: -

Sand Lessee shall maintain the buffer stock of sand through dealer licence. For this purpose, identification of land and subsequent necessary approvals shall be done by sand lessee. This doesn't bar the operation of dealer license already issued/to be issued as per prevailing provisions.

10. Preferential right to the State Government

For the purposes as may be decided by the State Government, for the reasons to be recorded, the state government shall have preferential right to purchase all or part of sand available in stockyard/sand bearing land/sand ghats through the Department of Mines and Geology.

11. Guidelines to be issued by the State Government for desiltation/cleaning

Sand excavated or collected during desiltation/cleaning of any water stream or body shall be disposed of as per guidelines to be issued by the Department of Mines and Geology in this regard.

12. Necessary amendments in others Rules: -

To avoid any ambiguity with respect to provisions of others rules effective in this regard, necessary amendments shall be done in the others relevant rules in due course

13. Power to rectify apparent mistakes: -

Authority issuing letter/direction shall have opportunity to rectify the apparent mistake related to calculation error or typographical error as and when its comes or brought to the knowledge.

14. Power to issue direction and guidelines: -

For effective implementation of these rules Department of Mines and Geology shall have power to issue guidelines and directions

15. Validity of Environment clearance: -

In case of lapsing/surrender/premature termination of sand lease, the environment clearance shall be valid for the rest of the period of its validity. Environment Clearance and other statutory clearances shall be valid mutatis mutandis for the new sand lessee.

16. Appeal: -

1. Any appeal against the order/direction issued by the District Mining Officer in case of lease of up to 5 Hectare shall be preferred before Concerned Deputy Director, Mines and in case of lease of more than 5 Hectare shall be preferred before Additional Director, Ranchi within 90 days of such issuance of order/direction. Appeal shall be accompanied with a fee of rupees 500 only.
2. In case of District Mining Officer being the Deputy Director, Mines also of the concerned circle, appeal shall be preferred before the Additional Director, Ranchi.

The concerned Deputy Director, Mines or Additional Director, Mines, Ranchi may, for the reasons to be recorded in writing, set-aside or modify the order/direction against which such appeal is preferred.

17. Revision: -

1. Any revision against the order/direction issued by the Deputy Commissioner shall be preferred before Mines Commissioner within 90 days of such issuance of order/direction. Revision shall be accompanied with a fee of rupees 1000 only.
2. Mines Commissioner may, for the reasons to be recorded in writing, set-aside or modify the order/direction against which such revision is preferred.

18. Over-riding effects of these rules: -

Notwithstanding anything contained in the others rules time being enforced in relation to the purpose of these rules, these rules shall have the overriding effect over those rules.

19. Recovery of Demand

An outstanding demand payable under this rule, after period of thirty days from the date of determination of demand; providing opportunity of hearing, shall be recovered as an arrear of land revenue.

20 . Repeal and Saving: -

1. On the commencement of these rules, the Jharkhand Sand Mining Policy 2017 and its subsequent amendments shall cease to be in force except as regards things, done or omitted to be done before such commencements.
2. On the commencement of these rules, any matter or act to which these rules apply, any reference to the Jharkhand Sand Mining Policy 2017 in the rules made under the Act or any other documents shall be deemed to be replace with the Jharkhand Sand Mining Rules 2025 to that extent, it is not repugnant to the context thereof.

3. After the notification of these rules, any earlier executed lease deed/deemed lease shall be valid till the date of validity of lease deed or as period defined in the order for deemed lease; subsequently the process of mineral concession shall be adhered to these rules.
4. On the commencement of these rules, for matter connected with the period/extension of earlier allocated sand ghats, keeping in view the provisions, order of Hon'ble Courts if any etc; decision shall be taken by the Department of Mines and Geology.

By the order of the Governor of Jharkhand,

Arava Rajkamal,
Secretary to the Government
