

***The Kerala Protection of River Banks and Regulation of Removal of Sand Rules, 2002**

In exercise of the powers conferred by section 26 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001(18 of 2001), Government of Kerala hereby make the following rules, namely: -

Rules

1. Short title and commencement.

- (1) These rules may be called the Kerala Protection of River Banks and Regulation of Removal of Sand Rules, 2002.
- (2) They shall come into force at once.**

2. Definitions.- In these rules unless the context otherwise, requires,-

- (a) "Act" means the Kerala Protection of River Banks and Regulation of Removal of Sand Act. 2001 (18 of 2001);
- (b) "River Management Fund" means the River Management Fund constituted under section 17 of the Act;
- (c) "Revenue Divisional Officer" means Revenue Divisional Officer of Revenue Department;
- (d) "Tahsildar" means the Tahsildar having charge over the Revenue Taluk;
- (e) words and expressions used but not defined in these rules but defined in the Act shall have the same meaning respectively assigned to them in the Act.

3. Meeting of the District Expert Committees.-

- (1) The meeting of the District Expert Committee shall be held at the place and time fixed by its Chairman.
- (2) Agenda of the meeting shall be prepared by the Convener in consultation with the Chairman of the District Expert Committee.
- (3) The subjects, proposed by the Chairman, which requires the consideration of the meeting shall be included in the agenda.

* Issued under G.O. (P) No. 114/2002/RD. dt. 27-4-2002 pub. in K.G. Ex. No. 969 dt. 4-6-2003 as SRO 332/2002.

** Date of commencement: With immediate effect.

*Notes: Restrictions imposed by the Court for sand mining from rivers.
Assn. for Environment Protection v. State of Kerala, 2002 (1) KLT 723.*

- (4) The notice regarding the place, date, time and the subject to be discussed in the meeting shall be given to all the members at least three completed days prior to the fixed date of meeting.
- (5) Any subject which is not included in the agenda of a scheduled meeting shall not be considered in the meeting.
- (6) Notwithstanding anything contained in sub-rule (1), if not less than one third of the members of the existing number of members of the District Expert Committee demand in writing to the Chairman to convene the meeting, the Chairman shall have to convene the meeting.
- (7) If the District Expert Committee considers that the Assistance or advice of Center for Earth Science Studies or Center for Water Resources Development and Management or such other institutions are necessary for the performance of duties acquired under this Act or rules, it may, in consultation with such institutions, connect any person with it and such connected person has the right to attend the meetings of the Committee regarding this but he shall not have the right to cast vote.

4. Quorum of District Expert Committee meetings.-

- (1) One third of the total number of members of the District Expert Committee shall constitute the quorum and if such number of persons are not present in the meeting, the meeting shall not be convened.
- (2) When there is no quorum at any time during the course of a meeting, the meeting shall not be further continued.
- (3) If there is no quorum even after half an hour from the time fixed for a meeting and the members present are reluctant to wait further, the meeting shall be deemed to be postponed.
- (4) There shall be a register containing the names of the committee members and all the members present in the meeting have to sign in it.

5. Holding of District Committee Meeting and Presiding thereof.-

- (1) Every meeting of the District Expert Committee shall be presided over by its Chairman or in his absence any person nominated by him.
- (2) All the subjects coming up for the consideration of the meeting of the Committee shall be decided by a majority vote by the members present in the meeting and in all cases of equal votes, the Chairman shall make use of a casting vote.
- (3) The Chairman is empowered to take a decision on any point of issue and to enforce its decision.

6. Preparation of the minutes of the meeting of District Expert Committee.-

- (1) There shall be a minutes book to record the proceedings regarding the meeting of the District Expert Committee and it shall be under the custody of the Chairman.
- (2) The draft of the minutes of the meeting shall be prepared by the Convener and submitted to the Chairman for approval within 24 hours of the meeting.

- (3) The Chairman shall examine the draft minutes prepared by the Convener and return to him within 24 hours on the receipt of the same with or without corrections, if necessary, regarding the decisions of the meeting.
- (4) On receipt of the minutes of the meeting approved by the Chairman, the convener shall record the same in the minutes book and get the signature of the Chairman at once.
- (5) After recording the minutes in the minutes book, the Convener shall forward copies of the minutes to the other members immediately.

7. Forwarding of the minutes of district Expert Committee.

- (1) The Chairman shall forward copy of the minutes of each meeting of the District Expert Committee to Government within seven days of the meeting.
- (2) If the decision of the Government is necessary on any issue or dissenting note regarding the implementation of the decisions of the Committee, the Chairman shall bring it to the notice of government with detailed report and implement the decision only on the receipt of Government direction.

8. Powers and functions of the District Expert Committee.- Subject to the provisions of the Act and other provisions of these rules, the District Expert Committee shall have the following powers and functions, namely:-

- (a) To identify the Kadavu or River Bank in a District in which sand removal may be permitted each year and to recommend to the District Collector to constitute Kadavu Committee to control sand mining from such Kadavus;
- (b) To fix the total quantity of sand that can be removed from a Kadavu immediately after monsoon each year.
- (c) To change and fix the place from which sand can be removed from every year;
- (d) To constitute Karma Samithis at local level involving voluntary organizations and others to ensure that sand mining operations are being carried out only under the provisions of the Act and the Rules;
- (e) To ensure the protection of river banks and to take steps to remove all types encroachments;

- (f) to prepare River Bank Development Plan to protect and co-ordinate river banks of the district;
- (g) to recommend to the Government the necessity to ban sand removal from any river or Kadavu during any period in each year;
- (h) to carry out the ban order on sand mining issued by the Government or District Collector;
- (i) to carryout the directions given by Government, from time to time.

9. Powers and Functions of District Collector.- The District Collector shall be the Chairman of the District Expert Committee and he has following powers and functions also, namely: -

- (a) to implement the decisions of the District Expert Committee;
- (b) to constitute the Kadavu Committee and inspect its activities;
- (c) to preside over the meetings of the District Expert Committee;
- (d) to record specific opinion on all issues coming up for consideration of the District Expert Committee and place each item of Agenda, with his specific opinion, before the meeting of District Expert Committee;
- (e) to report the decision of the District Expert Committee to Government.
- (f) to dispose the appeal filed on the orders issued or decisions taken by the Kadavu Committee or Local Self Government Institutions under this Act or Rules;
- (g) to maintain and keep the income and expenditure accounts of River Management Fund;
- (h) to effect payment by cheque or cash for all the expenditure authorized by Government or District Expert Committee;
- (i) to take steps necessary to remove the encroachments and obstructions on river banks or kadavu;
- (j) to exercise all powers and perform duties specially entrusted to the District Collector under the Act and other provisions of these Rules;
- (k) to implement the plans approved by the District Expert Committee with the sanction of Government;
- (l) to ban the sand mining from river or kadavu in any period of a year;
- (m) to implement ban order on sand mining issued by the Government;
- (n) to inspect the implementation of plan and give necessary guidelines;
- (o) to fill up the vacancies arising in the Kadavu Committee;
- (p) to audit the accounts maintained by the Kadavu Committee;
- (q) to settle the dispute between the Local Self Government Institutions on sand mining.

- ¹ [(r) to provide separate passes for transit of sand from each Kadavu;
(s) to authorise the officer to enter the date and time of transit of sand from each Kadavu, the quantity of sand and to where it is being transported and to countersign the passes;
(t) to submit proposals to Government for the conduct of sand audit, once in every three years;
(u) to constitute a squad consisting of Police and other Officials with the Tahsildar as the head, to prevent unauthorised sand removal.]

10. Meeting of the Kadavu Committees.-

- (1) The meeting of the Kadavu Committee shall be held at such place and time as the Chairman may decide.
- (2) Agenda of the meeting shall be prepared by the Convener of the Committee in consultation with the Chairman of the Kadavu Committee.
- (3) The subjects, proposed by the Chairman, which require the consideration of the District Expert Committee shall be included in the agenda.
- (4) The notice regarding place, date and time of the meeting and subjects to be discussed in the meeting shall be given to all the members at least three completed days prior to the fixed date of meeting.
- (5) Any subjects which is not included in the agenda of the meeting shall not be considered in that meeting.
- (6) Notwithstanding anything contained in the sub-rule {1), if not less than one third of the existing members of the Kadavu Committee demand in writing to the Chairman to convene a meeting, the meeting shall be convened by the Chairman.

11. Quorum of the Kadavu Committee Meeting.-

- (1) One third of the total number of members of the Kadavu Committee shall be the quorum for the meeting and if such number of members are not present, the meeting shall not be convened.
- (2) When there is no quorum at any times during the course of a meeting, the meeting shall not be further continued.
- (3) In the case of the absence of quorum even after half an hour from the time fixed for a meeting and if the members present are reluctant to wait further, the meeting shall deemed to be postponed.
- (4) There shall be a register containing the names of the Committee members and all the members present in the meeting have to sign in it.

12. Holding the Kadavu Committee Meeting and presiding thereof. -

- (1) Every meeting of the Kadavu committees shall be presided over by its Chairman, or in his absence a member nominated by him or in the circumstances where nomination is not possible as such, one person among the members present may be elected by majority vote to preside over the meeting.

1. Inserted by G.O. (P) No. 341/2003/RD dt. 22-10-03 pub. in K.G. Ex. No. 1705 dt. 7-8-03 as SRO 979/03, with immediate effect.

- (2) All the subjects coming up for the consideration of the meeting shall be decided by majority vote by the members present in the meeting and in all the cases of equal votes the chairman shall make use of a casting vote also.
- (3) The Chairman is empowered to take a decision on any point of issue and to enforce it.

13. Preparation of the minutes of the meeting of Kadavu Committee.-

- (1) There shall be a minutes book to record the proceedings regarding the Kadavu Committee meetings and the same has to be under the custody of the Convener,
- (2) The draft minutes of the meeting shall be prepared by the Convener and submitted to the Chairman for approval within 24 hours of the meeting.
- (3) The Chairman shall return the draft minutes prepared by the Convener within 24 hours on its receipt to him with or without corrections, if necessary, regarding the decisions of the meeting.
- (4) When the minutes of the meeting, approved by the Chairman, is received by the Convener it shall record the same in the minutes book and get the signature of the Chairman at once.
- (5) After recording the minutes in the minutes book, the Convener shall give copies of the minutes to the other members at once.

14. Forwarding of the minutes of Kadavu Committee .-

- (1) The Convener shall forward copy of the minutes of each meeting of the Kadavu Committee to the District Collector within seven days of the meeting.
- (2) If the decisions of the Government is necessary on an any issue or dissenting note regarding the implementations of the decisions of Kadavu Committee, the Convener of the Kadavu Committee shall bring the issue to the notice of the District Collector and implement the decision only on receipt of directions from District Collector.

15. Powers and functions of the Kadavu Committee.- Subject to the provisions of the Act and other provisions of these rules, the Kadavu Committee shall also have the following powers and functions, namely:-

- (a) to ensure the compliance of restrictions imposed on sand mining;
- (b) to fix the price of sand of the respective Kadavu;
- (c) to carryout the directions of Government and the District Expert Committee from time to time;
- (d) to ensure the protection and maintenance of Kadavus;

- (e) to assist the District Expert Committee in preparing River Bank Development Plan;
- (l) to inform, at the proper time, to the District Collector for removing any encroachment or obstruction on River Banks on Kadavus;
- (g) supervise the implementation of the ban orders on sand mining issued by the Government and District Expert Committee;
- (h) to supervise the implementation of River Bank Development Plan;
- (i) to prepare the list of country boats using for sand mining and labourers engaged in sand mining work;
- (j) to inspect the account and registers maintained by the local self Government Institutions regarding collections and sale of sand;
- (k) to report the violation of the provisions of the Act and Rules made thereunder for further action;
- (l) to examine whether the Grama Panchayat or Municipalities have made necessary arrangements for carrying out sand mining activities;
- (m) to take steps to prevent the removal of excess quantity of sand from a Kadavu or River Bank over and above the quantity fixed by the District Expert Committee;
- (n) to examine and report the matters required by District Expert Committee.

16. Powers and functions of the Secretaries of Local Self Government Institutions.- The Secretaries of the Local Self Government Institutions shall be the Convener of the Kadavu committees and they have the following powers of functions, namely:-

- (a) to implement the decisions of the Kadavu Committee;
- (b) to record his opinions on all issues coming up for consideration of the Kadavu Committee and place each item of agenda, with his specific opinions, before the meeting of Kadavu Committee;
- (c) to report the decisions of the Kadavu Committee to the District Collector;
- (d) to keep the income and expenditure accounts of the Kadavu accurately;
- (e) to deliver the amount payable towards River Management Fund by Cheque or Demand Draft to the District Collector at the appropriate time;
- (f) to take necessary steps to remove encroachment from River Banks or Kadavus at the right time;
- (g) to exercise all the powers and perform duties specifically entrusted on the Convener of the Kadavu Committee under the Act or these Rules;
- (h) to implement the ban imposed by Government or District Collector on sand mining;
- (i) to brought to the notice of the District Collector the disputes among Local Self Government Institutions regarding sand mining
- (j) to issue pass for each load of sand transported from the Kadavu.

17. Powers and functions of the Local Self Government Institutions.-

Subject to the provisions of the Act and other provisions of these rules, the Local Self Government Institutions shall have the following powers and functions namely: -

- (a) to ensure the compliance of restrictions imposed on sand mining in the Act and Rules made thereunder;
- (b) to follow and implement the instructions given by Government, District Expert Committee and District Collector from time to time;
- (c) to take steps to prevent the filling up of wet land or low land using river sand;
- (d) take steps to prevent the flow of filthness to rivers;
- (e) take steps to prevent the flow of filthness to water courses which extend to rivers;
- (f) to prevent all types of encroachment on river poramboke and to recommend the District Collector evict the existing encroachments;
- (g) to construct check dams to avoid loss by flow of rain water available during rainy season;
- (h) to prohibit or control bathing of animals, washing clothes and cleaning other things in the rivers considering public health;
- (i) to assist the Kadavu Committees to prepare River Bank Development Plan;
- (j) to publish the list of sand mining labourers working in the Kadavu under the control of Local Self Government Institutions;
- (k) to issue permits to country boats being used sand mining and publish its list;
- (l) to make all arrangements for sand mining operations in the Kadavu as decided by the District Expert Committee, Kadavu Committees and District Collector;
- (m) to erect concrete pillars in Kadavu or river bank in such a way not to get entry of vehicles directly to river banks;
- (n) to establish check posts to inspect the transportation of sand from Kadavu;
- (o) to remit the amount towards River Bank Management Fund at the appropriate time;
- (p) to assist the implementation of River Bank Development Plan.
- ¹(q) to supervise the sale and auction of sand from all Kadavu;
- (r) to issue identification boards to the country boats used for sand removal;

1. Inserted by G.O. (P)No. 341/2003/RD dt. 22-10-03 pub. in K.G. Ex, No. 1705 dt. 7-8-03 as SRO 979/03, with immediate effect.

- (s) to assist the collector in confiscating the implements and country boats used for the unauthorised sand removal and the lorries and other vehicles used for transporting such sand;
- (t) to issue identity cards to the sand removing workers of each Kadavu;
- (u) to assist the Police and Revenue Officials in taking action against the land owners and owners of unauthorised Kadavu, who facilitate unauthorised sand removal from rivers;
- (v) to set up check posts in the Kadavu having jungar service.]

18. Preparation of River Bank Development Plan.-

- (1) The District Expert Committee may prepare plan for comprehensive development of River Banks in the district and its catchment areas, for Protection of River Banks, Construction of Kadavus on River Banks and up keep of bio-physical environment of River Banks, in consultation with the Kadavu Committee if necessary.
- (2) Each plan prepared under sub-rule (1) shall contain the following details, namely:-
 - (a) are intended to be included under River Bank Development Plan;
 - (b) work or works to be done;
 - (c) each stage of plan on the basis of River Bank areas and works;
 - (d) a sketch plan of the area intended to be included under the plan;
 - (e) location of a new kadavu or re-fixation of the location of existing kadavu;
 - (f) survey numbers of catchment area included, in addition to river poramboke;
 - (g) expenditure for the plan and for its each stages;
 - (h) any charges or amounts to be levied on beneficiaries;
 - (i) length of river bank roads included in the plan and the amount required for its repair and protection;
 - (J) Other details as required by the Government or District Collector from time to time;
 - (k) Details of plants to be planted on the banks of rivers and its tributaries and catchment areas;
 - (i) Method of implementation of Plan.
- (3) Plants and other related items shall be purchased from Agriculture Department, Forest Department or Agricultural Colleges and if it is not available in such places it shall be purchased from nurseries run by Co-operative institutions or voluntary organizations approved by the Agriculture Department.

- (4) The District Expert Committee shall prepare River Bank Development Plan considering the proposal submitted by Local Self Government Institutions.
- (5) More than ten percent of the plan estimate shall not be allocated for the protection and development of River Bank roads.
- (6) The District Collector shall examine the River Bank Development Plan prepared by the District Expert Committee and to ensure that the draft plan is in compliance with the guidelines prescribed by the Government and in case of non-compliance, he is empowered to make necessary changes in the plan.
- (7) The River Bank Development Plan approved by the District Expert Committee shall be forwarded to Government for final approval.
- (8) Government shall have power to make necessary changes in the plan to protect the bio-physical environment of the river bank.
- (9) Copy of the River Bank Development Plan approved by Government shall be published in Local Self Government Institutions, Village Office and in the Office of the District Collector where the River Bank is situated.

19. Implementation of plan.-

- (1) The District Expert Committee may implement the plan in accordance with the plan soon after receipt of Government approval.
- (2) The right to select the plants to be planted on the catchment area and its maintenance shall be vested on the beneficiaries.
- (3) The maintenance of plants on River Bank poramboke shall be vested with the concerned Local Self Government Institutions.
- (4) The maintenance of the existing Kadavus and the newly erected Kadavus on the basis of the plan shall be under Local Self Government Institutions concerned.
- (5) The District Expert Committee may enter and carry out all contracts necessary and suitable for implementation of the River Bank Development Plan.
- (6) The following conditions shall be observed to implement the public works and other works entrusted to and performed by the District Expert Committee under the River Bank Development Plan, namely:-
 - (a) to decide whether a work has to be done on contract or not, and take further steps in accordance with the plan regarding the works intended to be done on contracts;
 - (b) to invite tender on behalf of District Expert Committee and take further steps by District Collector.

- (c) to take decision regarding entrustment of work in the name of any person or Local Self Government Institutions;
 - (d) to sign contract with contractor regarding work on behalf of District Expert Committee by the District Collector;
 - (e) if the District Collector is satisfied that a contractor fails to finish the work as per the provisions of the contract within the stipulated time or if it is found that the completed work is not in accordance with the provisions of the contract, he shall place that fact to the District Expert Committee for discussions and take further steps as per the decision of the committee.
- (7) The District Expert Committee shall have the right to cancel the contracts.
- (8) After accepting the tender the District Collector shall obtain necessary security as per the provisions of the contract before starting the work or providing materials or accepting service, as the case may be for complete observance of the conditions of the contract to be signed.

¹**[19A. Powers of Government to carry out emergent works.-** The Government may in emergent situation; arising out of natural calamity, draught and heavy rainfall, direct to carry out any work for the protection of river banks or for the implementation of the residents in river banks and to defray such expenses from the River Management Fund:

Provided that any work under this sub-rule may be executed through the concerned local authority or through the residence Association Kudumba-sree or any other authority under it.

Explanation.- For the purposes of this rule, the Scheme for the Welfare of the Residents in River Banks includes, the deepening of existing wells in river banks digging or borewells in draught affected areas, and extending financial assistance to Minor Drinking Water Supply Schemes under Local Authorities etc.]

²**[20. Observation of Procedure of Government Departments.-**

- (1) Except otherwise specifically mentioned in these rules the procedures existing in Public Works Department of Government shall be observed for preparation of plan and estimate, inviting tenders, implementation of work, payment of cash preparation of accounts, etc., regarding work of a River Bank Development Plan.
- (2) the quantity of sand to be removed from a Kadavu shall be determined by the District Expert Committee after taking into account the guidelines of expert committees such as Centre for Earth Science Studies, Centre for Water Resources Development and Management and shall be sold after paying the royalty, by collecting the entire quantity of such sand on river banks.
- (3) Sand shall be sanctioned in the manner mentioned below, namely.-
 - (a) While conducting sand auction, the availability and requirement of sand in that area shall be taken into account and such auction shall be conducted in the presence of the Secretaries and Members of the concerned Local Authority and the Tahsildar of that area.
 - (b) The price of sand shall be fixed after taking into consideration the expense for loading sand into the vehicle and also the labour charge for sand removal.
- (4) The bidder shall remove the sand from the Kadavu within the stipulated time, after remitting the entire bid amount and necessary security shall be obtained from the bidder for the due performance of the aforesaid condition.

- (5) Separate passes shall be issued for the transit of sand from each Kadavu
- (6) The said pass shall be signed and scaled by the concerned Tahsildar and the Secretary of the concerned Local Authority
- (7) The Officer authorised by the District Collector shall countersign the pass, after recording the quantity of sand transported using such pass, register number of vehicle, date and time of transportation and name of the place where it is transported and shall handover the same to the person driving the vehicle, through the respective Local Authority.
- (8) Those who purchase sand shall obtain the pass and keep the same and shall not transport or keep the sand at any place, without the said pass.]

³[**21.Implementation of scheme through Development Blocks, Public Works (Local Works), Department, and Local Authorities.-**

- (1) Any work under the River Bank Development Scheme, for which administrative sanction is accorded by the Government under these rules, shall be caused to be executed by the District Collector, through Development Blocks in Village areas and Public Works (Local Works) Department in urban areas, by following the procedure being observed for the execution of relief works in connection with natural calamities.
- (2) The activities of planting saplings, implemented under the River Bank Development Scheme may be executed through Local Authorities.]

1. *Inserted by SRO 979/03.*
3. *Substituted by ibid.*

22. River Management Fund.-

- (1) The District Collector shall constitute a fund called "River Management Fund" to meet all necessary expenses towards management of kadavu or river bank and implementation of River Development Plan and the same shall be utilized and spent under the provisions of the Act and these Rules.
- (2) The River Management Fund shall consist of the following components, namely:-
 - (a) fifty per cent of the amount collected by the Local Self Government Institutions through sale of sand under sub-section (2) of section 17 of the Act.
 - (b) grants given by Government to implement River Bank Development Plan framed under provisions of the Act;
 - (c) money obtained by donations or contributions from public or from non-governmental agencies;
 - (d) all penalties imposed under the provisions of the Act or these Rules;
 - (e) the amounts to be transferred under section 19 and the amount due to the fund prior to the enforcement of this Act.
- (3) The following items of expenditure shall be met from the River Management Fund, namely: -
 - (a) the amounts required for the implementation of the River Bank Development Plan approved by Government;
 - (b) the amount required to measure the quantity of sand from time to time as per section 29;
 - (c) the amount required for the proceedings of the meeting of District Expert Committee and Travelling Allowances of unofficial members;
 - (d) the amount for audit fees.
 - ¹(e) the amount required for closing the Kadavu, where sand removal is not permitted and for constructing protection walls;
 - (f) amount required for the construction of protection walls, at a distance of 100 meters, in order to prevent entry of vehicles into the Kadavu;
 - (g) amount required to meet fuel expense for the vehicles used for patrolling in order to prevent unauthorised sand removal;

1. Inserted by SRO 979/03.

- (h) amount required to carry out the purposes with the prior approval of the Government or as may directed by the government,]
- (4) All the amount available towards River Management Fund shall be kept in the Treasury Savings Bank Accounts.

23. Audit of the River Management Fund.-

- (1) The Income and Expenditure of the River Management Fund shall be audited by a Chartered Accountant every year.
- (2) All the facts relating to River Management Fund shall be subjected to examination in audit and along with that, the following facts shall be specially taken into account namely:-
 - (a) whether the income to the River Management Fund has been credited properly;
 - (b) Whether the expenditure is in accordance with authorization;
 - (c) whether the records regarding expenditure;
 - (d) whether the expenditure has been incurred by observing procedure;
 - (e) whether expenditure has been incurred by diverting fund;
 - (f) whether the income has been properly accounted;
 - (g) which all are the expenditure on River Bank Development Plan;
 - (h) whether the decisions are being properly implemented.
- (3) Copy of the audit report shall be submitted to the Government and the District Collector soon after the completion of audit.
- (4) The copy of the audit report received by the District Collector, with the notes of the District Collector on it, shall be placed before the District Expert Committee for consideration specially convened for this purpose.
- (5) the special meeting of the District Expert Committee shall be convened within one month on receipt of audit report by the District Collector and discuss the report in details and take specific decisions on relevant comments.

24. Providing Records, Registers and Accounts to Auditors.-

- (1) All the records, registers and accounts required by the auditor in writing shall be provided by the District Collector and Secretary to the Local Self Government Institutions.
- (2) If default is made in providing concerned records or accounts, it shall be presumed that such records or accounts are not existing and the auditors may arrive at such a conclusion thereon.
- (3) The Secretary and concerned officials are responsible to avoid reference, that may be made by the auditors, by proceeding necessary documents if available, at the time of audit itself in order to avoid difficulties and objections on sanction for expenditure brought to attention during audit.

25. Special Audit.- In all the cases of suspicion on theft of money, money loss, wastage, fake accounts or misappropriation of money, after conducting a preliminary enquiry, Government shall suggest to conduct an extraordinary audit of the River Management Fund of any district for a particular period for a particular purpose and in such cases the Director of Local Fund Audit shall make necessary arrangements for a special audit in accordance with the Government direction and the auditor shall submit copy of the audit report to Government and the District Collector.

26. Travelling Allowance and Daily Allowance.- The un-official members of the District Expert Committee and Kadavu Committee shall be eligible for travelling allowance and daily allowances as eligible for first class officers as per existing Kerala Service Rules, for attending the meeting of the committee.

27. Procedure for confiscation of vehicle. -

- (1) The Police or Revenue officials shall seize the vehicle used for transporting sand in violation of the provisions of the Act and these Rules.
- (2) In the case of seizure of vehicle under sub-section (1), a mahazar shall be prepared in the presence of two witnesses regarding the vehicle and one copy of the same shall be given to the person possessing the vehicle at the time of seizure and on copy to the District Collector.
- (3) The vehicle may be returned if the owner of the vehicle or the possessor remits an amount towards River Management Fund equal to the price fixed by the District Collector with fine within seven days of seizure.

28. Sale of the vehicle seized.

- (1) The District Collector shall consider every objection submitted within seven days of seizure of any vehicle under rule 27 and the decision of District Collector thereon shall be final.
- (2) In the case of sale of the vehicle under sub-section (1), if the fine and amount under sub-section (3) of section 27 of these rules has not been remitted, the District Collector shall sell the vehicle by auction.
- (3) The amount received from auction under sub-section (2) shall be credited to the River Management Fund after deducting the expenditure of auction.

¹[29. Additional provisions on Sand Mining Activities.

- (1) In addition to the conditions in the Act, the following conditions shall also be observed on sand mining, namely :-
 - (a) the passes shall be issued in 'P' form as provided under Kerala Minor Mineral Concession Rules:
 - (b) the passes shall contain the signature and seal of the authorised

I. Renumbered by SRO 979/03.

officer of the Mining and Geology Department. It shall be counter signed by the Secretary to Local Self Government Institution;

- (c) to transport sand outside the District or State, permit from the officer authorized by the District Collector for this purpose shall also be necessary.
- (d) the vehicle, used to transport sand outside District or State without permit shall be confiscated.
- (e) an amount of Rupees ten shall be remitted to River Management Fund as contribution for issuing each permit.
- (f) the permit shall contain the name and address of the person to whom issued, register number, travel route of the vehicles and period of permit;
- (g) in the case of removal of sand from river which flows through the boundary of two Local Self Government Institutions both the Panchayats should jointly take steps to remove sand and the amount shall be equally divided after deducting the royalty to Mining and Geology Department, wages to workers and share towards River Management Fund and ancillary expenditure;
- (h) the District Collector shall be vested with power to settle any dispute between Local Self Government Institutions involved as per clause (g):

Provided that, if the Local Self Government Institutions involved, fall under the jurisdiction of different District Expert Committees, such dispute shall be referred to Government for consideration and the decision of the Government shall be final.

- (i) the boundaries of area permitted for sand mining shall be demarcated specifically in each Panchayat and Municipality.]

¹[(2) the quantity of sand to be removed from a Kadavu shall be determined by the District Expert Committee after taking into account the guidelines of expert committees such as Centre for Earth Science Studies Centre for Water Resources Development and Management and shall be sold after paying the royalty, by collecting the entire quantity of such sand on river banks.

- (3) Sand shall be auctioned in the manner mentioned below, namely:-
 - (a) While conducting sand auction, the availability and requirement of sand in that area shall be taken into account and such auction shall be conducted in the presence of the Secretaries and Members of the concerned Local Authority and the Tahsildar of that area;
 - (b) The price of sand shall be fixed after taking into consideration the expense for loading sand into the vehicle and also the labour charge for sand removal.

- (4) The bidder shall remove the sand from the Kadavu within the stipulated time, after remitting the entire bid amount and necessary security shall be obtained from the bidder for the due performance of the aforesaid condition.
- (5) Separate passes shall be issued for the transit of sand from each Kadavu.
- (6) The said pass shall be signed and sealed by the concerned Tahsildar and the Secretary of the concerned Local Authority.
- (7) The Officer authorised by the District Collector shall countersign the pass, after recording the quantity of sand transported using such pass, register number of the vehicle, date and time of transportation and name of the place where it is transported and shall handover the same to the person driving the vehicle, through the respective Local Authority.
- (8) Those who purchase sand shall obtain the pass and keep the same and shall not transport or keep the sand at any place, without the said pass.]

¹[**30. Sand audit.**- The Government shall conduct, every three years Sand Audit through Expert committees such as Centre for Earth Science Studies, Centre for Water Resources Development and Management, so as to ensure protection of rivers in each district and to assess the quantity of available sand.

- (2) The expense required for Sand Audit shall be met from the River Management Fund.
- (3) The Government shall, as soon as may be after the receipt of the report of sand audit under sub-rule (1) lay the same on the table of Legislative Assembly with an action taken statement thereof.]

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

Section 26 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001 (18 of 2001) empowers Government to make Rules for achieving the purpose of the Act. The Government have decided to make rules by utilizing such powers. This notification is intended to achieve the said object.

I. Added by SRO 979/03.