

Telangana Mica Act, 1957

TELENGANA

India

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Act 7 of 1957

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Telangana Mica Act, 1957(Act No. 7 of 1957)Last Updated 7th January, 2020The Andhra Pradesh Mica Act, 1957, in force in the combined State, as on 02.06.2014, has been adapted to the State of Telangana, under section 101 of the Andhra Pradesh Reorganisation Act, 2014 (Central Act 6 of 2014) vide. the Telangana Adaptation of Laws Order, 2016, issued in G.O.Ms.No.45, Law (F) Department, dated. 01.06.2016.

1. Short title, extent, and commencement.

(1)This Act may be called the [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] Mica Act, 1957.(2)It extends to the whole of the State.(3)(a)This section shall come into force in the whole of the State at once.(b)The rest of this Act shall come into force-(i)in the district of Nellore at once; and(ii)in any other district or local area in the State on such date as the Government may, by notification, appoint.

2. Definitions.

(1)In this Act, unless the context otherwise requires,-(i)"block mica" means trimmed mica and dressed mica with thickness ranging from 8 to 12 mils (one mil-1,000th of an inch);(ii)"broker" means any person engaged in establishing contact between the purchaser and seller of mica by whatever name such person is known and who has obtained a dealer's licence;(iii)"chill as" means films or thins with thickness ranging from 2 to 8 mils;(iv)"controlled area" means the district or local area in which this Act is brought into force under sub-section (3) of section 1;(v)"crude mica" means mica in its rough state before it has been trimmed or subjected to any process;(vi)"dealer" means a person who holds a dealer's licence;(vii)"dealer's licence" means a licence granted under section 5 authorising a person to whom it is granted-(a)to act as a broker between persons engaged in the transactions of buying, selling, or both buying and selling mica;(b)to buy or sell and to have in possession mica-(1)extracted, from a mica mine which is in the controlled area and of which he is not in possession or from a mica dump; or(2)imported into any controlled area from a mica mine

not situated in any other controlled area;(viii)"digger" means a person to whom a digger's permit has been granted under section 11;(ix)"diggers permit" means a permit granted under section 11 authorising a person to whom it is granted to have in his possession and sell mica extracted from a mica mine worked by him on his own behalf;(x)"Government" means the State Government;(xi)"licensee" means a person to whom a miner's licence or a dealer's licence has been granted;(xii)"manufactured mica" means any mica processed from either blocks, films or thins, or hard-rounds or waste rounds and includes splittings;(xiii)"mica" means the mineral mica as extracted and includes mica of all other forms and shapes;(xiv)"mica dump" means any collection of waste or scrap mica with or without extraneous matters associated with it;(xv)"mica mine" means any excavation, underground or otherwise, where any operation for the purpose of searching for, or obtaining, mica has been or is being carried on;(xvi)"Mica Officer" means any officer appointed by the Government as Mica Officer for the purposes of this Act and until such time as a Mica Officer is so appointed, the Collector of the district;(xvii)"miner" means any person who has been authorised by the Government under any lease or prospecting licence or under any agreement to excavate mica from a patta land;(xviii)"miner's licence" means a licence granted under section 5 authorising the person to whom it is granted to have in his possession and sell mica extracted from a mica mine of which he is in possession and which is situated in a land of which he is not the proprietor or from a mica dump of which he is in possession;(xix)"notification" means a notification published in the [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] Gazette;(xx)"prescribed" means prescribed by rules made under this Act;(xxi)"proprietor" means the proprietor of the land in which the mica mine of which he is in possession is situated and includes the owner of such land;(xxii)"proprietor's certificate" means a certificate granted under section 4 authorising the person to whom it is granted to have in his possession and sell mica extracted from a mica mine of which he is in possession and which is situated in a land of which he is the proprietor or from a mica dump of which he is in possession;(xxiii)"registered proprietor" means a person to whom a proprietor's certificate has been granted under section 4;(xxiv)"splittings" means thin laminations of mica of the micas' thickness of 1 ¼ mils and includes looses-splittings, book-splittings, dust-loose splittings and pan-packed splittings;(xxv)"State" means the State of [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.].(2)[The Telangana General Clauses Act, 1891] [Adapted by G.O.Ms.No.45, Law (F) Department, dated. 01.06.2016.] (Act I of 1891) shall apply for the interpretation of this Act as it applies for the interpretation of [Telangana Act] [Substituted for the words 'Andhra Pradesh Act' by G.O.Ms.No.45, Law (F) Department, dated. 01.06.2016.].

3. Prohibition of, possession and trading in, mica without licence, proprietors' certificate or digger's permit.

(1)Save as provided in sub-sections (2) and (3), no person shall-(a)have in his possession or sell mica extracted from a mica mine of which he is in possession and which is situated in a land of which he is not the proprietor, except under and in accordance with a miner's licence or a digger's permit;(b)have in his possession or sell mica extracted from a mica mine of which he is in possession and which is situated in a land of which he is the proprietor except under and in accordance with a proprietor's certificate;(c)have in his possession or sell mica extracted from a mica dump of which he is in possession, except under and in accordance with a miner's licence, a

dealer's licence or a proprietor's certificate;(d)buy mica, or have in his possession or sell mica extracted in a controlled area from a mica mine or mica dump of which he is not in possession or, mica imported into a controlled area from any place not situated in a controlled area, except under and in accordance with a dealer's licence;(e)being a licensee, registered proprietor or digger, sell mica to any person resident or carrying on business in a controlled area, unless such person possesses a valid dealer's licence;(f)being a person to whom a dealer's licence has been granted, buy mica from a person resident or carrying on business in a controlled area, unless such person is a licensee, registered proprietor or digger.(2)Nothing in sub-section (1) shall apply to-(a)the possession, sale or purchase of manufactured mica;(b)the sale of mica by a licensee or registered proprietor to, or the purchase of mica from a licensee or registered proprietor by any person not resident or carrying on business in a controlled area; and(c)the possession, sale or purchase of all mica other than manufactured mica under such circumstances and subject to such conditions as may, from time to time by notification, be specified by the Government.(3)Any registered proprietor or licensee whose proprietor's certificate or licence ceases to be in force under sub-section (2) of section 4 or sub-section (2) of section 5 or is cancelled under sub-section (1) of section 30, shall be entitled, up to a date not later than six months after the date on which his licence or proprietor's certificate ceases to be in force or is cancelled, as the case may be, to sell or otherwise dispose of any mica which was in his possession on the date on which his licence or proprietor's certificate ceased to be in force or was cancelled.(4)If any proprietor's certificate or licence ceases to be in force by reason of the death of the registered proprietor or the licensee, as the case may be, it shall be the duty of his legal representative, and if he has more than one legal representative, all legal representatives, to furnish to the Mica Officer within six months of the date of the death of the registered proprietor or the licensee a true and correct amount of any mica left in the possession of such registered proprietor or licensee on the date of his death.(5)The Mica Officer may, after such inquiry as he thinks fit, by order, permit such legal representative or representatives to sell or otherwise dispose of any mica in respect of which particulars have been furnished under sub-section (4), within such period, not exceeding six months from the date of the order, and subject to such conditions, if any, as may be specified in the order.(6)If any legal representative or representatives of any such deceased registered proprietor or licensee fails or fail to furnish a true and correct account of any mica, as required by sub-section (4) or to sell or otherwise dispose of any such mica within the period specified in an order under sub-section (5) or within such further time as may have been allowed by the Mica Officer in this behalf, the Mica Officer may order that such mica shall be forfeited to the State Government.(7)If any proprietor's certificate or licence ceases to be in force by reason of the death of the registered proprietor or the licensee, the Mica Officer may, on application and after making such inquiry as he thinks fit grant a temporary proprietor's certificate or licence, as the case may be, to his heir or heirs for the unexpired period of such certificate or licence.(8)Any person aggrieved by an order passed by the Mica Officer under sub-section (5) or sub-section (6) may, within thirty days from the date of order, appeal to the Collector of the District whose order shall be final:Provided that where the order was passed under sub-section (5) or sub-section (6) by the Collector himself acting as Mica Officer, the appeal shall lie to the Government whose order thereon shall be final.

4. Grant of proprietor's certificate.

(1)The Mica Officer shall, on the application of any person who is a proprietor, and on payment by such person of a fee of three hundred rupees grant to such person a proprietor's certificate.(2)A certificate granted under sub-section (1) shall be in force for one year from the date of the order unless renewed in the meantime in accordance with the provisions contained in section 6.(3)If at any time a certificate granted under sub-section (1) is lost by the proprietor or is destroyed, the proprietor shall forthwith report the fact in writing to the Mica Officer explaining the circumstances under which the certificate has been lost or destroyed. Upon the receipt of such intimation, the Mica Officer shall make such inquiry as he may think fit, and if he is satisfied that the certificate has been lost or destroyed, he may issue on payment of a fee of five rupees by the proprietor a duplicate certificate which shall be stamped with the word "Duplicate".

5. Grant or refusal of licences.

(1)The Mica Officer shall, on the application of any person and on payment by such person of a fee of three hundred rupees, grant to such person a miner's licence or a dealer's licence, as the case may be, applied for:Provided that the Mica Officer may refuse to grant such a licence to a person who is convicted of an offence under this Act.(2)Any licence granted under sub-section (1) shall be in force for one year unless renewed in the meantime in accordance with the provisions contained in section 6.(3)Any person who has been refused a licence by the Mica Officer under the proviso to sub-section (1) may, within thirty days of the order of the Mica Officer, appeal to the Collector of the district whose order shall be final:Provided that where the order of refusal under sub-section (1) was passed by the Collector himself acting as the Mica Officer, the appeal shall lie to the Government whose order thereon shall be final.(4)If at any time a licence granted under sub-section (1) is lost by the licensee or is destroyed, the licensee shall forthwith report the fact in writing to the Mica Officer explaining the circumstances under which the licence has been lost or destroyed. On receipt of such report, the Mica Officer shall make such inquiry as he may think fit, and if he is satisfied that the licence has been lost or destroyed, he may issue on payment of a fee of five rupees by the licensee a duplicate licence which shall be stamped with the word "Duplicate".

6. Renewal of licences and proprietor's certificate.

(1)The Mica Officer may on an application made to him by the licensee or registered proprietor, renew his licence or proprietor's certificate, as the case may be, issued under the provisions of this Act.(2)An application for the renewal of a licence or proprietor's certificate shall be made in the prescribed form, not less than three months before the expiry of his licence or certificate, as the case may be, and shall be accompanied by a fee of one hundred rupees:Provided that it shall be lawful for the Mica Officer to receive an application for renewal submitted after the time limit mentioned in this sub-section but before the date of expiry of period of licence, if he is satisfied that there is sufficient ground for such submission.

7. Exercise of powers of licensees or registered proprietors by agents.

- The Mica Officer shall, on the application of a licensee or registered proprietor, endorse on his licence or proprietor's certificate, as the case may be, the names of persons who shall be entitled to exercise on behalf of such licensee or registered proprietor any of the powers conferred on him under this Act or his licence or proprietor's certificate, and no person whose name is not so endorsed shall be entitled to exercise any of the said powers on behalf of any licensee or registered proprietor.

8. Obligation of licensees and registered proprietors to keep books of account and to submit returns.

- Every licensee and every registered proprietor shall-(a)keep books of account in the prescribed form;(b)submit returns showing-(i)the quality and quantity of mica purchased or sold by or through him, as the case may be; and(ii)the names and addresses of the purchasers or sellers, as the case may be who were parties to the transactions of buying or selling to such officer, in such form and at such times as may be prescribed.

9. Production of accounts by licensees and registered proprietors.

- Every licensee, registered proprietor and broker shall when so required by any officer authorised in this behalf by the Government-(a)produce his accounts and disclose or produce the full amount of his stock of mica for the inspection of such officer;(b)give such officer every facility for inspecting any mica mine or mica dump of which he is in possession.

10. Registration of certain instruments authorising extraction of mica.

- Any person who has been authorised by the owner or lessee of any land by an instrument in writing to extract mica on his own behalf from such land for a period not exceeding one year, may apply to such officer as may be appointed in this behalf by the Government, for the registration of such instruments, and such officer shall, on payment by such person of a fee of one rupee, register such instrument in such manner as may be prescribed.

11. Grant of digger's permit.

(1)The Mica Officer shall, on the application of any person and on production by such person of an instrument registered by him under section 10, grant to such person a digger's permit.(2)A fee of one rupee shall be payable for a digger's permit and no such permit shall be granted until such fee has been paid.(3)A permit granted under sub-section (1) shall be in force for one year or for the period stated in the instrument referred to in sub-section (1), whichever is less.(4)Every such permit shall specify-(a)the period for which it is in force;(b)the area within which the digger is authorised to extract mica;(c)the route or routes along which the digger shall transport mica; and(d)the place or places at which the digger shall sell mica.(5)No person holding a digger's permit shall have in his

possession any mica not extracted from the area specified in his permit.

12. Inspection of mine worked by digger.

- Any officer authorised in this behalf by the Government may inspect any mica mine worked by a digger, and the digger shall afford such officer every facility for inspecting such mine.

13. Licensee, registered proprietor and digger to notify places used for storing mica.

- Every licensee, registered proprietor or digger shall notify to the prescribed authority and in the prescribed manner all places used by him, whether for storing mica or for preparing the same for sale, and shall afford such authority every facility for inspecting such places.

14. Removal of mica.

(1) No person shall remove mica from any mica mine, mica dump or other place in the occupation of a licensee or of a registered proprietor unless he carries a pass, in the prescribed form specifying the date and time of its issue and the signature of such licensee or registered proprietor or his duly authorised agent, showing-(a) the place from which the mica has been removed; (b) the quantity and the size or, in the case of mica which has not been sorted into sizes, the description and the quantity of such mica; and (c) the destination of such mica: Provided that any person who is ordinarily engaged in the business of splitting mica may without a pass-(i) remove block mica or chill as from any place other than a mica mine or a mica dump in the occupation of a licensee or registered proprietor; and (ii) return to such licensee or registered proprietor, splittings made from such block mica or chill as. (2) Any person who removes mica from a mica mine, mica dump or other place in the occupation of a licensee or of a registered proprietor and who is required by sub-section (1) to carry a pass shall on being required to do so by any officer authorised in this behalf by the Government, produce such pass to such officer.

15. Removal of mica from mine worked by diggers.

- No person other than a digger shall remove mica from any mine worked by a digger.

16. Sale of mica by diggers.

(1) The Mica Officer shall appoint places for the sale of mica by diggers and shall, by notice affixed at some conspicuous position at every such place specify the days on which and the times at which mica may be sold at such places. (2) The Mica Officer may appoint an officer to be in charge of any place appointed under sub-section (1) for the sale of mica and such officer shall keep a register in the prescribed form of all sales of mica made by diggers at any such place. (3) Every sale of mica by a digger at a place appointed under sub-section (1) shall be made in the prescribed manner.

17. Penalties.

(1)Any person who contravenes sub-section (1) of section 3 shall, on conviction, be punishable with fine which may extend to five hundred rupees.(2)Any person-(a)who buys mica or has in his possession or sells mica extracted from a mica mine or mica dump of which he is not in possession except under and in accordance with a dealer's licence;(b)has in his possession or sells mica extracted from a mica dump of which he is in possession except under and in accordance with a miner's licence or a dealer's licence or proprietor's certificate;(c)being a licensee, registered proprietor or digger, sells mica to any person other than a person to whom a dealer's licence has been granted and who resides or carries on business in a controlled area;(d)being a person to whom a dealer's licence has been granted, buys mica from a person who is not a licensee or registered proprietor or a digger and who resides or carries on business in a controlled area- shall on conviction, be punishable with fine which may extend to five hundred rupees.(3)Any licensee or registered proprietor who-(a)fails to keep any books of account required to be kept under section 8, or keeps books of account which do not contain the particulars required by the said section or which contains accounts which are false in any material particular;(b)fails to produce such accounts or disclose or to produce the full amount of his stock of mica when so required under section 9;(c)fails to submit any prescribed return or submits a prescribed return which is false in any material particular;(d)refuses or wilfully neglects to afford to any officer authorised under section 9 any reasonable facility for inspecting any mica mine or mica dump in his possession-shall on conviction be punishable with fine which may extend to five hundred rupees.(4)Any licensee who fail to produce his licence within a reasonable time after being so required by the prescribed authority shall, on conviction, be punishable with fine which may extend to fifty rupees.

18. Penalty for certain offences committed by diggers.

(1)Any digger who-(a)has in his possession any mica not extracted from the area specified in his permit;(b)transports mica except along a route specified in his permit;(c)sells mica except at a place specified in his permit;-shall on conviction be punishable with imprisonment for a term which may extend to three months or with fine which may extend to two hundred rupees.(2)If any digger is convicted of an offence under this section, his permit shall be deemed to be cancelled with effect from the date of such conviction and no fresh permit shall be granted to any such digger for a period of one year after the date of such conviction.

19. Penalty for Unauthorised Removal of Mica.

- Any person who removes mica in contravention of section 14 shall be punishable with imprisonment which may extend to one year or with fine which may extend to one thousand rupees.

20. Penalty for removal of mica from mine worked by digger.

- Any person other than a digger who removes mica from a mine worked by a digger shall, on conviction, be punishable with imprisonment for a term which may extend to three months, or with

fine which may extend to two hundred rupees.

21. Penalty for obstructing officers in the performance of duties.

(1)Whoever intentionally obstructs the Mica Officer or any other officer in the exercise of any powers conferred or the performance of any duties imposed on him by or under this Act shall, on conviction, be liable to imprisonment which may extend to six months or to a fine which may extend to five hundred rupees or to both.(2)Any person who obstructs the seizure of mica in transport by any mica officer shall be punishable with imprisonment which may extend to one year.

22. Power of search and seizure.

(1)(a)The Mica Officer and every other officer authorized in this behalf by the Government may search any place in which he has reason to believe that an offence under this Act, has been or is being committed, and seize any stock of mica in respect of which the offence has been, or is being committed.(b)Every such officer shall have the right to take down and record statements of persons in charge of mines, mine premises, storage, godowns or splitting depots of processing premises.(2)Every Mica Officer or other officer authorised in this behalf, shall have power to seize mica while in transport without a permit, or in contravention of the provisions of this Act.(3)Every officer seizing mica under this section shall-(a)prepare a list of the mica so seized and deliver a copy thereof signed by him to the person found in possession of such mica;(b)enclose the mica seized in a package and place on such package a mark indicating that the mica therein contained has been seized; and(c)as soon as may be after such seizure, make a report thereof to the Magistrate having jurisdiction to try the offence on account of which such seizure has been made.(4)On receipt of any such report, the Magistrate shall with all convenient despatch, take such measures as may be necessary for the arrest and trial of the offender and the disposal of the property according to law.

23. Things liable to confiscation.

- All mica in respect of which an offence has been committed under this Act or any rule made thereunder and every box, receptacle, package or covering containing such mica shall be liable to confiscation.

24. Confiscation how to be effected.

(1)Where a Magistrate trying an offence under this Act or any rule made thereunder, considers that anything is liable to confiscation under section 23, he may, after hearing the person, if any, claiming any right thereto and evidence, if any, which such person may produce in support of his claim, order confiscation.(2)Where an offence has been committed under this Act or any rule made thereunder, and the offender is not known or cannot be found, or when anything liable to confiscation under this Act and not in the possession of any person cannot be satisfactorily accounted for, any officer authorised by the Government in this behalf may hold an inquiry and may order confiscation:Provided that no such order shall be made before the expiration of one month from the

date of seizure of the thing liable to confiscation or without hearing the person, if any, claiming any right thereto and the evidence, if any, which he may produce in support of his claim.

25. Power to arrest without warrant.

- Any police officer not below the rank of a Sub-Inspector of Police, or any Mica Officer may arrest without warrant, any person found committing an offence punishable under clause (a) of sub-section (2) of section 17, sub-section (1) of section 18, section 19 or section 20.

26. Protection of acts done in good faith.

- No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

27. Officers acting under Act to be public servants.

- Every officer acting or purporting to act in pursuance of any of the provisions of this Act or any rule made thereunder shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

28. Offences to be bailable.

- All offences punishable under this Act or any rule made thereunder shall be bailable within the meaning of [the Code of Criminal Procedure, 1898 (Central Act 5 of 1898)] [Please refer to the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).].

29. Jurisdiction to try offences.

- No Court inferior to that of a Magistrate of the first class shall try any offence punishable by or under this Act.

30. Cancellation of licence and proprietor's certificate.

(1)The Mica Officer may cancel any licence or proprietor's certificate of any person who has been found guilty of any offence under this Act.(2)Any person aggrieved by an order passed by the Mica Officer under sub-section (1) cancelling a licence may within a month from the date of receipt of the order prefer an appeal to the District Collector whose decision shall be final:Provided that, if the order cancelling the licence was passed by the District Collector himself as a Mica Officer, an appeal may be preferred within two months from the date of receipt of the order, to the Government whose decision shall be final.(3)A fresh licence or proprietor's certificate shall not, without the previous sanction of the Government, be granted to any licensee or registered proprietor whose licence or proprietor's certificate has been cancelled under this section.

31. Saving of other laws.

- The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in the State.

32. Power to make rules.

(1)The Government may make rules for carrying out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-(a)the form of the proprietor's certificate or digger's permit or of any licence;(b)the manner in which instruments shall be registered under section 10;(c)the returns to be submitted by any licensee or registered proprietor and the form or manner in which and the times at which such returns shall be submitted;(d)the authority to whom and the manner in which licensees, registered proprietors and diggers shall notify the place or places at which they store or prepare mica for sale;(e)the form of the pass referred to in section 14;(f)the manner in which sales by a digger at a place appointed under sub-section (1) of section 16 shall be made, and the form of the register referred to in sub-section (2) of the said section; and(g)any other matter which has to be, or may be, prescribed.(3)The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication.(4)All rules made under this section shall be published in the [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] Gazette and upon such publication shall have effect as if enacted in this Act. The rules so made shall be placed on the table of the Legislature as soon as possible after they are published and shall be subject to such modifications, whether by way of repeal or amendment, as the Legislature may make within fourteen days during the session in which they are so laid.

33. Power to remove difficulties.

- If any difficulty arises in giving effect to the provisions of this Act, the Government may make such orders not inconsistent with the said provisions, as appear to them to be necessary or expedient for the purpose of removing the difficulty.