

ANDHRA PRADESH MICA ACT, 1957

7 of 1957

[27th June, 1957]

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An Act to regulate the possession and transport of, and trading in, mica in the State of Andhra Pradesh Whereas it is expedient to regulate the possession and transport of, and trading in, mica in the State of Andhra Pradesh Be it enacted in the Eighth Year of the Republic of India as follows

1. Short title, extent and commencement :-

(1) This Act may be called the Andhra Pradesh Mica Act, 1957.

(2) It extends to the whole of the State.

2. Definitions :-

(2) The Andhra Pradesh General Clauses Act, 1891 (Act 1 of 1891) shall apply for the interpretation of this Act as it applies for the interpretation of an Andhra Pradesh Act.

3. Prohibition of, possession and trading in, mica without licence, proprietor certificates or digger permit :-

(3) Any registered proprietor or licensee whose proprietor 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 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 certificate ceased to be in force or was cancelled.

(4) If any proprietor 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 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 certificate or licence, as the case may be, to his heir or heirs for the unexpired period of such certificate or licence.

4. Grant of proprietor 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 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 licenses :-

(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.

(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 licence and proprietor certificate :-

(1) The Mica Officer may, on an application made to him by the licensee or registered proprietor, renew his licence or proprietor certificate, as the case may be, issued under the provisions of this Act.

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 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 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;

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 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 permit.

(2) A fee of one rupee shall be payable for a digger 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.

(5) No person holding a digger 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 :-

(2) Any person who removes mica from mica mine, dump or other mica 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.

(4) Any licensee who fails 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 :-

(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 :-

(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.

(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.

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. Officer 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).

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 certificate :-

may cancel any licence or proprietor certificate of any person who has been found guilty of any offence under this Act.

(3) A fresh licence or proprietor certificate shall not, without the previous sanction of the Government, be granted to any licensee or registered proprietor whose licence or proprietor 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.

(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 A.P 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 Legislative Assembly as soon as possible after they are published and shall be subject to such modifications, whether by way of repeal or amendment, as the Assembly may make within fourteen days during the session in which they are so laid.