© Government of Kerala
കേരള സർക്കാർ
2009

Reg. No. രജി. നമ്പർ
KL/TV(N)/12/2009-2011

KERALA GAZETTE

കേരള ഗസറ്റ്

EXTRAORDINARY

അസാധാരണം

PUBLISHED BY AUTHORITY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്

Vol. LIV / വാല്യം 54 — Thiruvananthapuram, Wednesday / തിരുവനന്തപുരം, ബുധൻ — 18th March 2009 / 2009 മാർച്ച് 18 — 27th Phalguna 1930 / 1930 ഫാൽഗുനം 27 — No. / നമ്പർ 610

GOVERNMENT OF KERALA

Industries (A) Department

NOTIFICATION

No. 4327/A3/2009/ID. *Dated, Thiruvananthapuram, 12th March, 2009.*

S. R. O. No. 256/2009.—In exercise of the powers conferred by sub-section (1) of section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957), the Government of Kerala hereby make the following rules, further to amend the Kerala Minor Minerals Concession Rules, 1967 issued under notification No.15203/E2/63/ID dated, 24th November, 1967 and published as S. R. O. No. 364/67 in Part I Section (IV) of the Kerala Gazette No. 49 dated 12th December, 1967, namely:—

RULES

1. *Short title and commencement.*—(1) These rules may be called Kerala Minor Mineral Concession (Amendment) Rules, 2009.

(2) They shall come into force at once.

2. *Amendment of the rules.*—In the Kerala Minor Mineral Concession Rules, 1967—

(i) after sub-rule (4) of rule 5, the following sub-rules shall be inserted, namely:—

"(5) Every application for grant/renewal of quarrying permit in respect of minor minerals, mentioned in item 2 of Schedule I appended to these rules, for any type of lands should be accompanied by a no objection certificate from the District Collector concerned.

(6) Every application for grant/renewal of quarrying permit in respect of minor minerals of item 2 of Schedule I, appended to these rules shall be accompanied by a financial assurance in the form of Bank guarantee from any nationalized/scheduled bank at the rate fixed by Public Works Department for the proposed area".

(ii) For clause (a) of sub-rule (1) of Rule 57 the following rule shall be substituted, namely:—

"In cases of levelling of ground for construction of residential building, creation of play ground for public purpose, construction of canals, wells, roads or for agricultural and such other purposes where extraction of minor mineral is inevitable, the State Government may grant special permit on terms and conditions, that it may specify, other than those prescribed in these rules on the basis of an application by interested parties along with a sworn affidavit in this regard in stamp paper worth Rs. 50. They shall be exempted from obtaining quarrying permit or quarrying lease and payment of royalty for removing of minor minerals. This concession shall be limited to a quantity of mineral, the royalty for which according to item No. 4 of scheduled 1 rate does not exceed Rs. 5,000. For quantities exceeding this limit royalty at the scheduled rates should be paid".

By order of the Governor,

T. BALAKRISHNAN,
Principal Secretary to Government.

Explanatory Note

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

The grant of quarrying permits under the Kerala Minor Mineral Concession Rules, 1967 collide with the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001 creating problems to the Government at times. In order to avoid the confrontation situation between the Revenue and Mining and Geology Departments, the production of no objection certificate from the District Collector is to be made obligatory under sub-rule (5) of rule 5.

The pits developed after the extraction of ordinary sand and tile/brick clay are mostly left as waste lands without reclamation by the quarrying permit holders posing threat to the public and environment. To find a solution to the widespread allegations and for the mitigation of the problems, obtaining of financial assurance as bank guarantee has been introduced to minimize the land degradation and to see that all the pits are properly reclaimed and developed into a fertile land for agricultural purpose.

At present there is no provision in the rule for the grant of special permits in certain occasions while working for roads, buildings, railway lines, canals, levelling of ground for residential buildings, play grounds, construction of wells, construction of private roads, improvement of land and construction of any kind of structures. The rule 57(1) (a) has been substituted to mitigate the problems faced on such contingencies. The State Government may grant special permits on terms and conditions other than those prescribed in these rules.

This notification is intended to achieve the above object.

PRINTED AND PUBLISHED BY THE SUPERINTENDENT OF GOVERNMENT PRESSES
AT THE GOVERNMENT CENTRAL PRESS, THIRUVANANTHAPURAM, 2009.