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 Government of Kerala
 കേരള സർക്കാർ
 2010



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

KERALA GAZETTE

കേരള ഗസറ്റ്

EXTRAORDINARY

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GOVERNMENT OF KERALA

Industries (A) Department

NOTIFICATION

G. O. (P) No. 54/2010/ID. Dated, Thiruvananthapuram, 10th March, 2010.

S. R. O. No. 255/2010.—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 in the Kerala Minor Mineral 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, 2010.

(2) They shall come into force at once.

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

(i) for sub-rules (5) and (6) of Rule 5, the following shall be substituted, namely:—

“(5) Every application for grant of quarrying permit in respect of minor minerals mentioned in item 2 of schedule I appended to these rules shall be accompanied by a No Objection Certificate from the District Collector concerned:

Provided that an application for obtaining permission for digging up of or renovation of ponds or wells or tanks and for the renovation of stagnant water bodies in patta lands in order to store water for irrigation, agriculture, pisciculture (aquaculture) or for such other purposes where extraction of ordinary clay and/or ordinary sand is necessary the No Objection Certificate stipulated in this rule is not mandatory but shall be accompanied by a certificate from the Agricultural Officer or officer in charge of Marine Products Export Development Agency or Department of Fisheries or Village Officer or local authority concerned to the effect that the applicant is in need of digging up of or renovation of ponds or wells or tanks or in need of renovation of stagnant water bodies in patta land in order to store water for irrigation or agriculture or pisciculture (aquaculture) purposes, or for such other public purposes, as the case may be:

Provided further that in the case of applications for extraction of ordinary clay from the lands specified in Government Orders issued from time to time in this regard, production of No Objection Certificate from the District Collector is not mandatory.

(6) Every application for grant of quarrying permit in respect of minor minerals mentioned in item 2 of Schedule I appended to these rules shall be accompanied by a financial security in the form of bank guarantee from any Nationalized/Scheduled Bank at the rate fixed by Public Works Department for the purpose of reclamation of pits to be formed in the applied area after quarrying:

Provided that in the case of application for obtaining permission for digging up of or renovation of ponds or wells or tanks and for renovation of stagnant water bodies in order to store water for irrigation or agriculture or pisciculture (aquaculture) purposes or for such other purposes where extraction of ordinary clay and/or ordinary sand is necessary, conditions stipulated in this rule shall not apply”.

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).

As per notification No. 4327/A3/2009/ID dated 12th March 2009 and published as S.R.O. No. 256/2009 in the Kerala Gazette Extraordinary No. 610 dated 18th March, 2009, amendments were made in the Kerala Minor Mineral Concession Rules, 1967 by inserting sub-rule (5) and sub-rule (6) of rule 5 of the said Rules. As per sub-rule (5), the applicant has to produce No Objection Certificate from District Collector for every renewal of quarrying permits. The grant of No Objection Certificate by the District Collector for every renewal of quarrying permit is very difficult. It is also very difficult for the public to obtain the same from the District Collector for every renewal. In order to minimize this difficulty Government have decided to insist No Objection Certificate at the time of grant of a quarrying permit only and have also decided to exempt from obtaining No Objection Certificate of the District Collector where the extraction of ordinary clay and/or ordinary sand is necessary for digging up or renovation of ponds or wells or tanks and for renovation of stagnant water bodies in patta lands in order to store water for irrigation or agriculture or pisciculture (aquaculture) or for such other purposes and in the case of application for extraction of ordinary clay from the lands specified in Government Orders issued from time to time in this regard for the manufacturing of tiles, bricks and other clay based industrial products. Hence amendment to such extent is suggested in sub-rule 5 of rule 5.

Sub-rule (6) of rule 5 insists that every application for grant or renewal of quarrying permit shall be accompanied by a financial security. In the case of digging up of ponds or wells or tanks and renovation of stagnant water bodies in patta lands financial security stipulated in this rule is not necessary. Hence Government have decided to amend the rule to make provision to the above effect.

This notification is intended to achieve the above object.