



GOVERNMENT OF KERALA

Abstract

Industries Department – Mining & Geology – Judgment of Hon'ble High Court dated 20.10.2011 in WP(C)No.27051/11 and 27058/11 – Inclusion of ordinary earth into the category of Minor mineral – Orders issued.

INDUSTRIES (A) DEPARTMENT

G.O.(MS) No.18/2012/ID

Dated, Thiruvananthapuram, 15/02/2012

- Read:-
- 1) Notification No.GSR 95 (E) on February 3, 2000 of Ministry of Mines and Minerals, Department of Mines, Government of India.
 - 2) G.O(Ms)No.85/2010/ID dated 5.4.2010
 - 3) G.O(Ms)No.180/2011/ID dated 19.8.2011
 - 4) Joint Judgment dated 20.10.2011 in WP(C)No.27051/11 and 27058/11 of Hon'ble High Court

ORDER

Minor mineral is defined under S 3(e) of the Mines and Mineral (Development & Regulation) Act, 1957. As per the Act, 'Minor Minerals' means building stones, gravel, ordinary clay, ordinary sand other than sand used for prescribed purpose, and any other mineral which the Central Government may, by notification in the official Gazette, declared to be a minor mineral.

In exercise of its power under S.3(e) of the Central Government issued GSR 95(E) on February 3, 2000 declaring ordinary earth as a minor mineral, which reads as "the 'ordinary earth' used for filling or leveling purposes in construction of embankments, roads, railways, buildings to be a minor mineral in addition to the minerals already declared as minor minerals herein before under the said clause."

As per Government Order read as 2nd and 3rd papers above, Government of Kerala had issued certain guidelines regarding mining, extraction and transportation of ordinary earth. Both the above read Government Orders were issued, after taking into account the practical difficulties being experienced by the public in extraction and usage of ordinary earth as a construction and filling material.

As per the judgment, read as 4th paper, Hon'ble High Court had observed that, G.O(Ms)85/2010/ID dated 5.4.2010, is opposed not only to the statutory provisions, but also to the principles laid down in a number of previous judgment of Hon'ble Apex Court and Hon'ble High Court. Hon'ble High Court had suggested to modify the orders.

Government have examined the issue in detail and are please to cancel the Government Order read as 2nd & 3rd paper above.

Director of Mining & Geology, Thiruvananthapuram will furnish necessary proposals, for including the ordinary earth in the category of minor mineral, by amending Kerala Minor Mineral Concession Rules, 1967, in tune with the notification of Central Government, read as 1st paper above.

The District Collector will take necessary action to control the illegal mining of ordinary earth till the issuance of notification, as per the Kerala Minor Mineral Concession Rules, 1967.

By Order of the Governor,

Alkesh Kumar Sharma.,
Secretary to Government(IP).

To

- The Director of Mining & Geology, Thiruvananthapuram.
- The Secretary, Ministry of Mines, Government of India, New Delhi.
- The Controller, Indian Bureau of Mines, Nagpur.
- The Geological Survey of India, New Delhi.
- The Revenue Department.
- The Home Department,
- The Local Self Government Department.
- The Water Resources (GW) Department
- All District Collectors.
- ✓ All District Geologists.
- Vyvasaya keralam, Thiruvananthapuram.
- Kerala State Small Scale Industries Association.
- Chamber of Commerce, Jawahar Nagar, Kaudiar,
Thiruvananthapuram.
- Kerala Chamber of Commerce, Shanmugham Road, Kochi.
- Malabar Chamber of Commerce, Kozhikode.
- Director, Public Relations (for vide publicity)
- Stock File, Office Copy

Forwarded/By Order,


Section Officer.