



GOVERNMENT OF KERALA

Abstract

Industries Department – Mining & Geology – Order of Hon'ble Supreme Court dated 27/2/2012 in IA Nos.12-13 of 2011 in SLP No.19628-19629 of 2009 – Regarding grant of Mineral Concessions to minor minerals – issuance of permits for extraction of minor minerals in private holdings - granted – Orders issued.

INDUSTRIES (A) DEPARTMENT

G.O.(MS) No. **140**/2012/ID

Dated, Thiruvananthapuram, 23/11/2012

- Read:-
- 1) Order of Hon'ble Supreme Court dated 27/2/2012 in IA Nos.12-13 of 2011 in SLP No.19628-19629 of 2009.
 - 2) Letter No.3889/M2/12 dated 25/7/2012 from the Director of Mining and Geology, Thiruvananthapuram.
 - 3) Legal opinion No.SLP(C)15962-15964/12/AG/OPA dated 12/10/2012 from the Advocate General, Ernakulam.
 - 4) Petitions from various organizations connected with quarrying activity.
 - 5) Minutes of the meeting convened by Hon'ble Chief Minister on 12/10/2012

ORDER

As per order read as 1st paper above, Hon'ble Supreme Court issued an interim order in IA No.12-13 of 2011 in SLP Nos.19628-19629 of 2009 between Deepak Kumar etc V/s State of Haryana and others.

The elaborated observations and directions of Hon'ble Supreme Court start with an issue of granting auctions for the extraction of minor mineral, gravel and sand from an area not exceeding 4.5 ha of land from River beds of State of Haryana.

While considering the public interest litigation on illegal mining, Hon'ble Supreme Court, has directed MoEF to submit a detailed report detailing the Environmental aspects and MoEF has submitted a detailed report. Following are the key recommendations:

- "Minimum size of mine lease should be 5 ha.
- Minimum period of mine lease should be 5 years.
- A cluster approach to mines should be taken in case of smaller mines leases operating currently.

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- Mine plans should be made mandatory for minor minerals as well.
- A separate corpus should be created for reclamation and rehabilitation of mined out areas.
- Hydro-geological reports should be prepared for mining proposed below groundwater table.
- For river bed mining, leases should be granted stretch wise, depth may be restricted to 3m/water level, whichever is less, and safety zones should be worked out.
- The present classification of minerals into major and minor categories should be re-examined by the Ministry of Mines in consultation with the States.”

Hon'ble Supreme Court is of the view that, all State Government/Union territories have to give due weight to the recommendations of the committee constituted by MoEF, which are made in consultation with all the State Government and UTI. Model Rules of 2010 issued by the ministry of mines are very vital from the environmental, ecological and biodiversity point of view and therefore the State Governments have to frame proper Rules in accordance with the recommendations, under section '15' of the Mines and Mineral (P&R) Act 1957 within a period of '6' months.

It is also ordered that, leases of minor minerals including their renewal for an area of less than 5 hectares be granted by the State, only after getting environmental clearance from the Ministry of Forest and Environment.

Government have received various representations from different organizations, in this connection.

Government had obtained the legal opinion of Advocate General in this regard.

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Government have examined all the aspects of the issue in detail and are pleased to order that, in the light of the legal opinion furnished by the Advocate General short terms permits can be granted for the existing quarries for extraction of minor minerals from private holdings, for a period not exceeding one year, if the applicant concerned had complied with all other conditions for issuance of such permit, as well as the conditions regarding environmental clearance stipulated in the Supreme Court Order read as 1st paper above, wherever applicable.

By Order of the Governor,

K.S.SRINIVAS,
Special Secretary to Government.

To

✓ The Director of Mining & Geology, Thiruvananthapuram.
The Advocate General, Ernakulam.
The Government of India, Ministry of Mines, New Delhi (with C/L)
The Government of India, Ministry of Environment and Forest (with C/L)
The Principal Accountant General (Audit), Kerala, Thiruvananthapuram.
The Accountant General (A&E), Kerala, Thiruvananthapuram
The Controller, Indian Bureau of Mines, Nagpur (with C/L)
The Law Officer, Office of the Resident Commissioner,
Kerala House, New Delhi.
The Commissioner of Land Revenue, Thiruvananthapuram.
All District Collectors.
All District Geologists.
The Chairman, Kerala State Pollution Control Board,
Thiruvananthapuram.
The Law/Local Self Government/Home/Forest/Revenue/
Environment/Finance Departments.

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Copy to: The General Administration (SC) Department
(vide item No.2590 dated 15/11/2012)

PS to Minister (Industries)
PA to Additional Chief Secretary, Industries.
PA to Special Secretary, Industries (IP).
Industries (A4) Department.
Industries (B) Department.

Forwarded/By Order,



Section Officer.