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Government of Kerala
2015



Regn. No. KERBIL/2012/45073
dated 5-9-2012 with RNI
Reg. No. KL/TV(N)/634/2015-17

കേരള ഗസറ്റ്
KERALA GAZETTE

അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
PUBLISHED BY AUTHORITY

വാല്യം 4 } Vol. IV }	തിരുവനന്തപുരം, ചൊവ്വ Thiruvananthapuram, Tuesday	2015 ഒക്ടോബർ 6 6th October 2015	നമ്പർ } No. } 2269
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GOVERNMENT OF KERALA

Industries (A) Department

NOTIFICATION

G. O. (P) No. 144/2015/ID.

Dated, Thiruvananthapuram, 5th October, 2015
19th Kanni, 1191.

S. R. O. No. 671/2015.—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 Mineral Concession Rules, 2015 issued under Notification No. G. O. (P) No. 16/2015/ID dated 7th February, 2015 and published as S.R.O. No.72/2015 in Part I of the Kerala Gazette No. 288 dated 7th February, 2015, namely:—

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GOVERNMENT CENTRAL PRESS, THIRUVANANTHAPURAM, 2015.

RULES

1. *Short title and commencement.*—(1) These Rules may be called the Kerala Minor Mineral Concession (Second Amendment) Rules, 2015.

(2) They shall come into force at once.

2. *Amendment of the Rules.*—In the Kerala Minor Mineral Concession Rules, 2015,—

(i) In Rule 12, for the first and second proviso the following proviso shall be substituted, namely:—

Provided that the mining plan and environmental clearance required under rule 9 shall not be insisted in respect of renewal of quarrying permits of granite (building stone) quarries which had quarrying permits under the Kerala Minor Mineral Concession Rules, 1967 on or before 26th February, 2012.

(ii) for rule 13, the following rule shall be substituted, namely:—

13. *Restriction on grant of quarrying permit in the same area.*— A permit holder shall not be eligible for a permit on a particular area of contiguous land owned and possessed by him if he has availed himself of permits for quarrying in the same land for a period of 3 years in different spells from the date of publication of the Kerala Minor Mineral Concession (Second Amendment) Rules, 2015.

Provided that the permit holder may apply for a quarrying lease in case he desires to continue quarrying from the area for a period of more than 3 years if he is able to satisfy all the conditions laid down in the rules dealing with quarrying leases.

By order of the Governor,

P. H. KURIAN,
Principal Secretary to Government.

Explanatory Note

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

The Kerala Minor Mineral Concession Rules, 2015 were issued under Notification No. G. O. (P) 16/2015/ID dated 7th February, 2015 and published as S.R.O. No. 72/2015 in the Kerala Gazette Extraordinary No. 288 dated 7th February, 2015. In the order dated 27th February, 2012 of the Hon'ble Supreme Court of India, in Deepak Kumar Vs. State of Haryana case [(2012) 4 SCC 629] environmental clearance has been made mandatory for grant/renewal of quarrying leases till the rules are framed by the State Governments and Union Territories as per the directions given by the Court in this order. Considering the particular situation prevailed in the State environmental clearance could not be insisted by the State Government during such period. In the judgment dated 23rd March, 2015 of the Hon'ble High Court of Kerala in WP (C) No. 31148/2014 and other connected cases, the Hon'ble Court has made it clear that the quarrying permits granted/renewed after 27th February, 2012 without obtaining environmental clearance are not valid. The rule 12 of the above rules was challenged before the Hon'ble High Court in WP (C) No. 31148/2014 and other connected cases and in the judgment dated 23rd March, 2015, the Hon'ble High Court has also made it clear that there was no necessity of environmental clearance for issuance of quarrying permit in an area less than or equal to 5 hectare before 27th February, 2012. In order to make the renewal of permits issued before 27th February, 2012 possible and to give sufficient time to the existing quarrying permit holders for obtaining environmental clearance and mining plan for applying for quarrying lease, Government have decided to amend rules 12 and 13 of the Kerala Minor Mineral Concession Rules, 2015.

The notification is intended to achieve the above object.
