



കേരള ഗസറ്റ്  
KERALA GAZETTE

അസാധാരണം  
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്  
PUBLISHED BY AUTHORITY

വാല്യം 3	തിരുവനന്തപുരം, ചൊവ്വ	2014 മാർച്ച് 25	നമ്പർ } 944
Vol. III		Thiruvananthapuram, Tuesday	
		1189 മീനം 11	No. } 944
		11th Mecnam 1189	
		1936 ചൈത്രം 4	
		4th Chaithra 1936	

GOVERNMENT OF KERALA

Industries (A) Department

NOTIFICATION

G. O. (P) No. 43/14/ID.

Dated, Thiruvananthapuram, 24th March, 2014.

**S. R. O. No. 217/2014.**—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, 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 of the Kerala Gazette No. 49 dated 12th December, 1967, namely:—

RULES

1. *Short title and commencement.*—(1) These Rules may be called the Kerala Minor Mineral Concession (Amendment) Rules, 2014.

(2) They shall come into force at once.

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

(1) in rule 8, for sub-rule (1) the following sub-rule shall be substituted, namely:—

“(1) Every quarrying permit except for ordinary earth granted under rule 4 shall be subject to the following conditions, namely:—

- (a) that the depth of the pit below surface shall not exceed 6 metres except in the case of extraction of granite stones and laterite stones:

Provided that in the cases of quarries of granite (building stones) and laterite (building stones) where the depth of the pit exceeds 6 metres the sides of open workings shall be sloped, stepped or benched or secured by the permit holder in such a manner so as to prevent danger from fall of material. When an open working is worked in steps such steps shall be of sufficient breadth in relation to their height to secure safety. In an excavation in any hard and compact ground the sides shall be adequately benched, sloped or secured so as to prevent danger from fall of sides. No trees, loose stone or debris shall be allowed to remain within a distance of three metres from the edge or side of the excavation. No person shall undercut any face or side or cause to permit such undercutting so as to cause any overhanging:

Provided further that in the case of granite and laterite building stone quarries, the permit holder shall give a notice in writing in Form-E to the Deputy Director General, Directorate General of Mines Safety, Southern Zone, Bengaluru-560 029; The Regional controller of Mines, Yeshwantpur, Bengaluru-560 022 and the District Magistrate of the District when the depth of open cast excavation measured from its highest to the lowest point reaches 6 metres or when the number of persons employed on any day is more than 50 or when any explosives are used for excavation.

- (b) that the period for which a quarrying permit may be granted under these rules shall not exceed one year. If the competent authority or the authorised officer under these rules is satisfied that the renewal of a quarrying permit already granted for one area is absolutely necessary and inevitable he may renew the same for a further period of two years but not exceeding one year at a time subject to the conditions applicable to grant of quarrying permits and in that case the fee for renewal shall be the same as that of fee applicable to grant of quarrying permits.

- (c) that the permit holder shall not extract and remove excess quantity of the mineral than permitted;
- (d) that the permit holder shall not be eligible for refund of any of the amount paid by way of any fee, royalty, rent etc.;
- (e) that the permit holder shall apply for a quarrying lease in case he desires to continue quarrying from the area for a period of more than three years provided he is able to satisfy all the necessary conditions laid down in the rules dealing with quarrying leases;
- (f) that the permit holder shall furnish to the competent authority or the officer authorised by him in this regard a return in Form 'F' regarding the mineral quarried and removed from the area. The permit holder shall also allow inspection of the area by the officers concerned at any time and shall give satisfactory proof as to the quantity of the mineral quarried and removed;
- (g) that the permit holder shall not carry on or allow to be carried on any quarrying operations at or to any points within a distance of 75 meters from any railway line except with the previous written permission of the Railway Administration concerned, and any bridge on National Highway or 50 meters from any reservoir, tanks, canals, rivers, bridges, public roads, other public works, residential buildings, the boundary walls of places of worship, burial grounds or burning ghats except with the previous permission of the authorities concerned or State Government or competent authority or any other officer authorised by the State Government in this behalf.

Provided that the Railway administration or the State Government or any other authority in this behalf may in granting such permission impose other such conditions as may be found proper and necessary.”;

(2) for sub-clauses (i), (ii) and (iii) of clause (n) of sub-rule (1) of rule 29, the following sub-clauses shall be substituted, namely:—

“(i) to the Deputy Director General, Directorate General of Mines Safety, Southern Zone, Bengaluru- 560 029;

(ii) The Regional Controller of Mines, Yeshwantpur, Bengaluru -560 022; and

(iii) the District Magistrate of the district in which the mine is situated.”;

(3) for FORM- U the following Form shall be substituted, namely:—

"FORM - U  
GOVERNMENT OF KERALA

DEPARTMENT OF .....

QUARRYING PERMIT FOR EXTRACTION OF GRANITE BUILDING STONE/  
LATERITE BUILDING STONE/ORDINARY SAND OTHER THAN SAND  
USED FOR PRESCRIBED PURPOSES/ORDINARY CLAY/LIME SHELL/  
SEASHELL GRANTED UNDER SUB-RULE (1) AND (1A) OF  
RULE 4 OF THE KERALA MINOR MINERAL  
CONCESSION RULES, 1967

[see clause (ivA) of rule 3, sub-rules (1) and (1A) of rule 4]

No. .... Dated .....

Shri/Smt./M/s. ....

is hereby permitted to extract and remove .....(Name of mineral)  
from an area of .....Hect. /Arc in Sy. No.  
.....of.....  
.....Village of.....

Taluk of.....District, Kerala State under  
sub-rule (1) and (1A) of rule 4 of the Kerala Minor Mineral Concession Rules, 1967  
subject to the conditions mentioned below:—

Quantity of extraction of mineral permitted : MT/CBM  
(Not applicable in the case of CRP System)

Number of passes (Form-P) to be issued :

Name and address of the owner of the land :  
under mineral concession/particulars of consent/NOC  
received from the occupier of the land (if applicable)

Date of expiry of permit :

## CONDITIONS

1. Quarrying shall be strictly confined to the area allotted for the purpose.
2. The permit shall be in force for the period from .....to..... or till the date on which the permitted quantity of minor minerals are extracted, whichever is earlier (strike of if not applicable).
3. The permit holder shall not carry on or allow to be carried on any quarrying operations at or to any points within a distance of 75 meters from any railway line except with the previous written permission of the Railway Administration concerned and any bridge on National Highway or 50 meters from any reservoir, tanks, canals, rivers, bridges, other public works, residential buildings, the boundary walls of places of worship, burial grounds, burning ghats except with the previous permission of the authorities concerned or State Government or competent authority or any other officer authorised by the State Government in this behalf.
4. The permit holder shall not win and dispose of any type of mineral other than the mineral specified in this permit.
5. The permit holder shall report to the State Government or the undersigned the discovery of any mineral not specified in this permit within a period of seven days from the date of such discovery and shall not undertake any quarrying operations in respect of such mineral unless such mineral is included in the permit.
6. (i) The permit holder shall erect a notice board to the knowledge of the public near to the entrance of the quarry to the effect that it shall contain the name and address of the permit holder, the mineral to be extracted, permit number and date, date of expiry of permit, quantity of extraction permitted (if applicable), area of extraction permitted, explosives used (if any), etc..  
(ii) The permit holder shall erect a sign board (written in both Malayalam and English languages) indicating the mineral to be quarried, along the side of the road leading to the quarry at a distance of 100 metres away from the quarry.
7. The permit holder shall allow any officer authorised by the Central or the State Government in this behalf to enter upon any building, place of excavation or land comprised in this permit for the purpose of inspection of the same.

8. The permit holder shall carry on the operations hereby permitted in a fair, orderly, skillful and workman like manner and shall not cause any damage to life and property in nearby areas and also not cause any serious environmental hazard.
9. (i) The permit holder shall at all times during the term of this permit keep or cause to be kept correct and intelligible records of accounts which shall contain accurate entries showing from time to time the quantity of mineral extracted and if sold, to whom sold, place, number of pass (Form-P) etc. and it shall be open for inspection by the competent authority/authorised officer in this regard, during all reasonable time.  
(ii) The permit holder shall submit a return of production and sale of minor mineral effected by him in Form - F of the Kerala Minor Mineral Concession Rules, 1967 to the undersigned.
10. The permit holder shall give on demand any information pertaining to the quarrying that may be called for by the undersigned or the officer duly authorised by him in that behalf and comply with the provisions contained in the Kerala Minor Mineral Concession Rules, 1967 and the amendments made to it from time to time.
11. (i) The permit holder shall not be eligible for refund of any amount paid by way of application fee, rent, royalty or tax as the case may be,  
(ii) In cases where the land under mineral concession is Government land the permit holder shall pay any tax, if applicable to Government, in addition to royalty and surface rent.
12. This permit is subject to all rules and regulations which may from time to time to be issued relating to the working of the quarries and other matters affecting the safety, health and convenience of the permit holders, employees or of the public whether under the Mines Act, 1952 (Central Act 35 of 1952) or otherwise.
13. The permit holder shall without delay send to the District Collector, Deputy Director General, Directorate General of Mines Safety, Bengaluru and the undersigned a report of any accident causing death or serious bodily injury or serious damage to property which may occur during the course of the quarrying operation.
14. The permit holder shall make and pay such reasonable satisfaction and compensation as may be assessed by lawful authority in accordance with the law in force on the subject for all damage, injury or disturbance which may be



done by him in exercise of the powers granted by this permit and shall indemnify and be kept indemnified fully and completely the State Government against all claims which may be made by any person or persons in respect of any such damage, injury or disturbance and all costs and expenses in connection therewith.

15. (i) In the case of granite and laterite building stone quarries where a pit has been formed as a result of any mining operation, the permit holder shall provide retention wall/barricade/fencing/compound wall surrounding the quarrying area in order to prevent accidents by falling of human beings, animals or vehicles or any other things into the quarry.
- (ii) The permit holder shall sufficiently fence and secure all pits that may be seen or made in the permitted area, whether abandoned or not.
- (iii) The permit holder shall also provide all effective preventive measures for the safety of labourers as well as the public in general.
- (iv) In the case of granite and laterite building stone quarries, the permit holder shall give a notice in writing in Form 'E' of the Kerala Minor Mineral Concession Rules, 1967 to the Deputy Director General, Directorate General of Mines Safety, Southern Zone, Bengaluru- 560 029; The Regional Controller of Mines, Yeshwantpur, Bengaluru -560 022 and the District Magistrate of the District as soon as,—
  - (a) the depth of any open cast excavation measured from its highest to the lowest point reaches 6 meters; or
  - (b) the number of persons employed on any day is more than 50; or
  - (c) any explosives are used.
16. The permit holder shall obtain seal and signature of the competent authority or authorised officer concerned in the original of the P-Forms under the Kerala Minor Mineral Concession Rules, 1967 and shall prepare these Forms in duplicate as stipulated under these rules and shall issue the original while he sells or transports or cause to transport each consignment of minor mineral from the place of extraction and the duplicate shall be retained.
17. The permit holder shall not win and dispose of any excess quantity of mineral than permitted.

18. In order to extract minerals on the strength of this permit, the permit holder shall obtain necessary licences, if any, from other statutory authorities concerned.
19. If the holder of this permit fails to act upon the above said conditions or any relevant provisions of the Kerala Minor Mineral Concession Rules, 1967, or any provisions of any Act and Rules which is applicable to the permit holder, the permit is liable to be cancelled and appropriate action shall be taken as provided for in the such Act or Rules.

**Details of fee remitted**

<i>Item</i>	<i>Chalan No. &amp; Date</i>	<i>Amount</i>	<i>Name of Treasury</i>
Application fee			
Royalty			
Surface Rent			
Addl. Royalty remitted, if any			

*Signature and Address of the  
Issuing Authority*

Office Seal

To

*Copy to :*

1. District Collector, (with C/L).
2. Shri/Smt/M/s.....(Name and Address of the owner of the land, if applicable)."

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.)

In the judgment dated 24th July, 2009 in WP(C) No. 9015/2007, Hon'ble High Court has directed that the quarrying permits issued under the Kerala Minor Mineral Concession Rules, 1967, shall contain a condition restricting the depth of the pit to be used for quarrying below the surface to 20 feet(6metres). Also, it is decided to grant quarrying permit for a maximum period of three years not exceeding one year at a time. As per clause (n) of the sub-rule (1) of Rule 29 of the above rules, in the case of a lease holder, the lessee shall give notice in writing to the Chief Inspector of Mines, and to the Director of Indian Bureau of Mines, Government of India and to the District Magistrate of the District when the depth of any open cast excavation measured from its highest to the lowest point reaches 6 meters. Accordingly the quarrying lease holders may extract minor minerals below ground surface. But in the case of quarrying permit holders, the extraction is limited to 6 meters below the surface level. This disparity is to be avoided in the case of quarrying of granite stones and laterite stones as huge quantity of these mineral deposits are found below the ground surface and the environmental deterioration due to extraction of these minerals is very less. In clause (n) of sub-rule (1) of rule 29, it is decided to incorporate the Deputy Director General and Regional Controller of Mines in the place of the Chief Inspector and the Director of Indian Bureau of Mines. Also, it is not practical to leave the quarry abandoned when the pit formed below surface reaches 6 meters. It is also decided to delete the existing condition in the rules regarding the use of mechanical devices including jack hammer and pump in quarrying. Further it is decided to incorporate the existing conditions regarding quarrying operations near railway line, reservoirs, public roads, residential buildings, etc., contained in the Forms, in rule 8. Further, as there is no separate Form for granting quarrying permit under sub-rule (1) of rule 4, it is decided to make a common Form for quarrying permit granted under sub-rules (1) and (1A) of rule 4 by modifying the existing Form-U. In order to give statutory validity to the above matter Government have decided to amend Kerala Minor Mineral Concession Rules, 1967 accordingly.

This notification is intended to achieve the above objects.