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Government of Kerala
കേരള സർക്കാർ
2012



Regn. No. KERBIL/2012/45073
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Reg. No. രജി. നമ്പർ
KL/TV(N)/634/2012-14

KERALA GAZETTE

കേരള ഗസറ്റ്

EXTRAORDINARY

അസാധാരണം

PUBLISHED BY AUTHORITY

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GOVERNMENT OF KERALA

Industries (A) Department

NOTIFICATION

G. O. (P) No. 138/12/ID. Dated, Thiruvananthapuram, 17th November, 2012.

S. R. O. No. 798/2012.—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 section (IV) of the Kerala Gazette No. 49 dated 12th December, 1967, namely:—

33/4680/2012/DTP.

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala Minor Mineral Concession (Amendment) Rules, 2012.

(2) They shall come into force at once.

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

(i) in rule 5, after sub-rule (6), the following sub-rule shall be inserted, namely:—

“(7) Every application for grant of quarrying permit for ordinary earth from any type of land shall be accompanied by a No Objection Certificate from the District Collector concerned.”;

(ii) in rule 8 after sub-rule (1), the following sub-rules shall be inserted, namely:—

(1A) Every quarrying permit for extraction of ordinary earth shall be in Form V.

(1B) A person, firm, association or company may extract ordinary earth from lands owned by him/them without obtaining a quarrying permit where the extraction is for domestic and non-commercial purposes and he/they shall not be liable to pay royalty under these rules but shall obtain necessary sanction from the competent authority on the basis of an application along with a sworn affidavit in this regard in stamp paper worth ₹ 100. This concession shall be limited to a quantity of mineral, the royalty for which does not exceed ₹ 5000. For quantities exceeding this limit royalty at the scheduled rates shall be paid.”;

(iii) in the forms, after Form-U, the following form shall be inserted, namely:—

“FORM V

GOVERNMENT OF KERALA

Department of.....

QUARRYING PERMIT FOR EXTRACTION OF ORDINARY EARTH
[See Rules 4(1) and 8 (1) (A)]

No. Dated.....

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

is hereby permitted to extract and remove ORDINARY EARTH from an area of.....Hect./Arc in Sy. No..... of..... village (situated at.....). Taluk.....District, Kerala State under sub-rule (1) of rule 4 of the Kerala Minor Mineral Concession Rules, 1967 subject to the conditions mentioned below:

- A. Quantity of extraction of mineral permitted : MT/CBM
- B. Name and address of the owner of the land :
under mineral concession/particulars of consent/
NOC received from the occupant of the land
(if applicable)
- C. 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.....toor till the date on which the permitted quantity of minor minerals are extracted, whichever is earlier.

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 or any bridge on National Highway; or 25 metres from the boundary of the adjacent property or 50 metres from any residential building except with the previous written permission of the owner of such property or building, as the case may be/or 50 metres from any reservoir, tanks, canals, bridges, other public works except with the previous permission of the authorities concerned.
4. The permit holder shall not mine or 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. 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.
7. The permit holder shall furnish to the competent authority or the officer authorised by him in this behalf a monthly return in Form F regarding the mineral quarried and removed from the area.
8. The permit holder shall carry on the operations hereby permitted in a fair, orderly, skilful and workman-like manner and shall not cause any damage to life or property in nearby areas and shall also not cause any environmental hazard.
9. 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 transit pass etc. and it shall be open for inspection by the competent authority/authorised officer in this regard, during all reasonable time.

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, failing which the permit is liable to be cancelled and appropriate action taken as provided for in the Rules.
11. (a) 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.

(b) If the land under mineral concession is Government land, the permit holder shall pay any tax, that is 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 or otherwise.
13. The permit holder shall without delay send to the District Collector and the undersigned a report on 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. The permit holder shall give Form 'P' as prescribed in Rule 48K of the Kerala Minor Mineral Concession Rules, 1967 for every trip of consignment while he sells or transports or cause to transport ordinary earth from the place of extraction.

16. In order to extract minerals on the strength of this permit, the permit holder shall obtain other necessary licences, if any, from other statutory authorities concerned.
17. 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 the permit is liable to be cancelled and appropriate action shall be taken as provided for in the Rules.

DETAILS OF FEE REMITTED

<i>Item</i>	<i>Chalan No. and Date</i>	<i>Amount</i>	<i>Name of Treasury</i>
Application fee			
Royalty			
Surface Rent			

*Signature and Address of the
issuing authority.*

Office Seal

To

- Copy to:* 1. The Director of Mining and Geology (with C. L.).
2. The District Collector (with C. L.).
3. Shri/Smt./M/s.
(Name and Address of the owner of the land)

(iv) in Schedule I, after serial number 2 in column 1 and the entries thereto in column 2, the following serial number and entries in columns 1 and 2 shall respectively be inserted, namely:—

“2A. Ordinary earth ₹ 20.00 (Rupees Twenty only) per Metric Tonne or ₹ 40.00 (Rupees Forty only) per cubic metre”.

By order of the Governor,

V. SOMASUNDARAN,
Additional Chief 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, 1967 were framed to regulate extraction and movement of all minor minerals in the State. Though the Central Government had included the ordinary earth in the list of minor minerals it has not been included in these rules. Now, the Government have decided to include it in these rules. In order to achieve these objects, the Government have decided to amend the said Rules.

The notification is intended to achieve the above objects.