



# കേരള ഗസറ്റ് KERALA GAZETTE

## അസാധാരണം EXTRAORDINARY

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### GOVERNMENT OF KERALA Industries (A) Department

#### NOTIFICATION

G. O. (P) No.38/2023/ID

*Dated, Thiruvananthapuram, 31<sup>st</sup> March, 2023  
17<sup>th</sup> Meenam 1198*

**S. R. O. No. 456/2023**

.-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 by notification under G.O(P) No.16/2015/ID dated 7<sup>th</sup> February, 2015 and published as S.R.O No.72/2015 in Part I of the Kerala Gazette No. 288 dated 7<sup>th</sup> February 2015, namely:-



## RULES

1. Short title and commencement.- (1) These Rules may be called the Kerala Minor Mineral Concession (Amendment) Rules, 2023.

(2) They shall come into force from 1<sup>st</sup> April 2023.

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

(1) in sub-rule(1) of rule 2,-

- (i) clauses (iv) and (iv a) shall be omitted;
- (ii) for clause (xv), the following clause shall be substituted, namely:-

“(xv) Quarrying permit” means a short term permit granted under these rules to extract minor minerals specified in item numbers 1, 2, 3 and 5 of schedule I in an area of less than 1 hectare.”;

(iii) after the clause (xvi) the following clause shall be added, namely:-

"(xvi a) Recognised Qualified Person means a person who possesses a certificate of recognition as a qualified person issued by the Director of Mining and Geology, Government of Kerala, for the preparation of any mining plan document for quarrying of minor minerals in the State of Kerala and also include a person who possesses a valid certificate of recognition as a qualified person, issued by Indian Bureau of Mines, to prepare such document for mining of minerals.”

(iv) clause (xviii) shall be omitted;

(2) in sub-rule (1) of rule 3, the words, letters and symbol “or IV, as the case may be” shall be omitted;

(3) in sub-rule (2) of rule 4,-

(i) for clause (d), the following clause shall be substituted, namely:-

"(d) the possession and enjoyment certificate issued by the Village Officer concerned in respect of the land from where the minerals are proposed to be extracted. In case the applied area for quarrying permit is not under the possession and enjoyment of the applicant, then a notarized consent letter from the owner of such land shall be submitted to the effect that he has no objection in extraction of minor mineral by the applicant in the event of grant of quarrying permit by the



Department of Mining and Geology. In the event of issuance of letter of intent by the Department of Mining and Geology for the grant of quarrying permit, the owner of the land and applicant shall enter into a lease agreement for sufficient period permitting the applicant to occupy the land for mining operations for which application has been submitted. The said lease agreement shall be registered as per the Registration Act 1904;"

- (ii) for clause (e) the following clause shall be substituted, namely:- “(e) No Objection Certificate, in the case of revenue poramboke lands or lands owned by Local Self Government or forest lands, from the District Collector or Secretary of the Local Self Government Institution or Divisional Forest Officer, as the case may be, to the effect that they have no objection for the extraction of minor mineral by the applicant subject to the provisions contained in these rules;”

- (4) for rule 7, the following rule shall be substituted, namely:-

“ 7 . Payment of Royalty:- Every applicant for a quarrying permit shall pay royalty in advance to Government at the rate specified in schedule 1. The applicant shall pay royalty in advance for the entire quantity of mineral proposed to be mined each year as per the approved mining plan. The permit holder shall not be eligible for refund of advance royalty remitted even if the quantity of mineral mined or transported is less than the annual quantity of mineral proposed to be mined as per the approved mining plan”;

"Provided that in cases where extraction of minerals are from Revenue Puramboke lands or from lands possessed by other Government Departments or Local Self Governments, the person who extracts minerals from such lands shall pay compensation or value of minerals, as the case may be, to the department concerned for the quantity of such extraction, as fixed by such departments from time to time."

- (5) in rule 9,-

- (i) in sub-rule(1)



(a) first proviso shall be omitted;

(b) in the existing proviso, the word “further” shall be omitted;

(ii) in sub-rule (2), the following proviso shall be added, namely:-

“Provided that in case the applied area for quarrying permit is not under the possession and enjoyment of the applicant, the applicant shall produce a copy of the registered lease agreement as provided in clause (d) of sub-rule (2) of rule 4.”;

(6) in rule 10,-

(i) for clause (b), the following clause shall be substituted, namely:-

“(b)The maximum period for a quarrying permit shall be 3 years for the minerals specified in item number 5 and one year for the minerals specified in item numbers 1, 2 and 3 of Schedule I, depending on the quantity of mineable mineral reserve available in the applied area.”;

(ii) sub-clause (iv) of clause (q) shall be omitted;

(iii) after clause (q), the following clause shall be inserted, namely:-

“(r) The permit holder shall carry out mining operations only in accordance with the approved mining plan submitted by him for obtaining the quarrying permit and the total quantity that can be mined from the permit area during the tenure of the permit is limited to the total mineable mineral reserve earmarked for the permit period in the approved mining plan.”;

(7) for rule 11, the following rule shall be substituted, namely:-

“11. Movement permits and its register:—The permit holder shall be granted movement permit in Form M of the Kerala Minerals (Prevention of Illegal Mining, Storage and Transportation) Rules, 2015 for removal of minor minerals from the area under the quarrying permit on the payment of royalty. Details regarding the issue of movement permit shall be entered in the register kept for the purpose. On getting movement permit the permit holder shall obtain mineral transit passes under the Kerala Minerals (Prevention of Illegal mining, Storage and Transportation) Rules, 2015 for transportation of minerals from the area under permit:



Provided that in cases where statutory licences from authorities other than the competent authority under these rules are required for working of a quarry, the permit holder shall produce such statutory licences for obtaining movement permit under these rules and mineral transit passes under the Kerala Minerals (Prevention of Illegal Mining, Storage and Transportation) Rules,2015.”;

(8) for rule 12, the following rule shall be substituted, namely:-

“12. *Renewal of quarrying permit.*- In cases where the permitted quantity of mineral could not be extracted from the precise area under permit within the permitted period, such quarrying permit may be renewed once for the extraction of balance quantity of mineral for a further period not exceeding one year, subject to the production of modified mining plan and all other statutory licences/ clearances/ no objection certificates/ any other statutory documents etc, as required by the competent authority.

Provided that in case of Granite ( Building Stone) quarries that are working under the valid quarrying permit as on the date of commencement of these rules, the quarrying permit may be renewed once in the precise area for a maximum period of three years subject to the availability of balance mineable mineral reserve and quarrying should be carried as per the stipulations in the approved mining plan.

(9) for rule 13, the following rule shall be substituted, namely:-

“13. Financial guarantee: - (1) Before applying for movement permit under a quarrying permit for the first time, every quarrying permit holder of granite (building stone) or laterite (building stone) shall furnish a financial guarantee of two lakhs rupees for due and proper implementation of progressive mine closure plan contained in the mining plan or the final mine closure plan, as the case may be.

(2) The financial guarantee in any one of the following forms shall be submitted to the competent authority who issued quarrying permit.

- (a) Letter of credit from any Scheduled Bank,
- (b) Performance or surety bond
- (c) Any other form of security or any other guarantee applicable to the competent authority

(3) Release of financial guarantee shall become effective when the permit holder gives notice of the satisfactory compliance of the provisions contained in the final quarry closure plan and certified by the competent authority in this behalf.



(4) If the competent authority has reasonable grounds for believing that the protective, reclamation and rehabilitation measures as envisaged in the progressive mine closure plan contained in the approved mining plan or the final quarry closure plan, in respect of which financial guarantee was furnished, has not been or will not be carried out in accordance with the mining plan or the final quarry closure plan, either fully or partially, the competent authority shall give the permit holder a written notice of his intention to issue the orders for forfeiting the sum assured at least thirty days prior to the date of the order to be issued.

(5) Within thirty days of the receipt of notice referred to in sub-rule (4) if no satisfactory reply has been received in writing from the permit holder, the competent authority shall pass an order for forfeiting the guarantee amount and a copy of such order shall be endorsed to the Director of Mining and Geology.”;

(10) in rule 14,-

(i) for sub-rule (2), the following sub-rule shall be substituted, namely:-

“(2) Notwithstanding anything contained in sub-rule (1), no quarrying permit is required under these rules for the extraction of ordinary earth in connection with the construction and digging of foundations for building that do not require environmental clearance under the Environment (Protection) Act, 1986 (Central Act 29 of 1986), if the owner of the land obtained a prior valid building permit from the Local Self Government authorities concerned. In cases where levelling of land involve extraction and transportation of ordinary earth outside the property, authorities who grant building permit under the Kerala Panchayat Building Rules, 2019 and Kerala Municipality Building Rules, 2019, shall ensure that following particulars are provided in the plans submitted by the applicant, namely:-

- a. precise area proposed for extraction of ordinary earth with demarcation details is provided and that such precise area does not exceed the sum of plinth area of ground floor, the open space around the building as per Building Rules, and the space required for implementing safety provisions, including the driveway.
- b. dimensioned plan and sectional drawing showing the abutting road level, the levels and depths of cutting at all places in respect of excavations for building construction



- c. quantity of ordinary earth proposed to be extracted, quantity of ordinary earth proposed to be used for filling and balance quantity of ordinary earth proposed to be transported outside the property, and
- d. drawings, specifications and details of temporary and permanent protective measures including retaining walls where excavations to a depth of more than 1.5 meters is involved.

Provided that, if the proposed building construction site is located in a hilly terrain with steep slopes where excavation of ordinary earth may result in slope failures, the building permit granting authority may insist the applicant to submit a slope stability study report prepared by any reputable agency providing geotechnical investigation services and the decision to grant permit may be taken based on the recommendations provided in the report.”;

(ii) for sub-rule (3), the following sub-rule shall be substituted, namely:-

“(3) for transporting ordinary earth outside the property, the building permit holder shall obtain a movement permit in Form S and the required number of mineral transit passes in Form O (A) appended to the Kerala Minerals (Prevention of Illegal Mining, Storage, and Transportation) Rules, 2015, after paying the royalty specified in Schedule I of these Rules and shall prepare the pass in duplicate by filling in all required columns and give the original of it to every purchaser or driver or person in charge of any carrier used in transporting the ordinary earth.”;

(iii) for sub-rule (4), the following sub-rule shall be substituted, namely:-

“(4) The Secretary of the Local Self Government Institution shall issue a movement permit in Form S along with the necessary number of mineral transit passes in Form O(A) in the case of buildings with a plinth area up to 3000 square feet (278.7 square meters) ; and in the case of buildings with a plinth area above 3000 square feet (278.7 square meters), the movement

permit and transit passes shall be issued by the District Geologist of the Department of Mining and Geology on an application made by the building permit holder.”;

(iv) for sub-rule (5), the following sub-rule shall be substituted, namely:-



“(5) The application for movement permit and mineral transit passes submitted to Department of Mining and Geology shall be accompanied by:-

- (1) valid building permit and associated plans issued by Local Self Government authorities concerned under Kerala Panchayat Building Rules, 2019 and Kerala Municipality Building Rules, 2019;
- (2) location map issued by the Village Officer concerned;
- (3) possession and enjoyment certificate of the land issued by the Village Officer concerned;
- (4) in case the building permit holder is not the owner of the land, then a notarised consent letter from the owner of the land to the effect that the he has no objection in extraction and transportation of ordinary earth from his property by the building permit holder.”;

(v) after sub-rule (5), the following sub-rules shall be added, namely:-

“(6) A building permit holder who applies for movement permit for transportation of ordinary earth under sub-rule (3) shall also submit along with the application a notarized affidavit on stamped paper in Form T to the effect that in the event of grant of movement permit, he will restrict the excavation and transportation of ordinary earth as per the approved plans and that after the excavation and transportation of the quantity specified in the approved plan, he will carry out the proposed construction as per the approved building plan and building permit and shall complete at least the construction of basement of the building within one year from the date of issuance of movement permit and intimate the same to the competent authority.

(7) In the event of failure to complete at least the construction of the basement of the building within one year from the date of issuance of the movement permit, the act of extraction of ordinary earth under the pretext of construction of the building shall be treated as an offence and the building permit holder shall be liable to pay an amount equal to five times the royalty remitted for obtaining movement permit in addition to the amount already paid.

(8) In the event of the extraction of ordinary earth in excess of the permitted quantity or the extraction of ordinary earth outside the permitted area, the movement permit issued is liable to be cancelled and the building permit holder





shall pay an amount equal to five times the royalty of the ordinary earth extracted in excess of the permitted quantity.

(9) All sum found due to the government by virtue of sub-rules (7) and (8) shall be recovered under the provisions of the Revenue Recovery Act for the time being in force as though such sums are arrears of land revenue and in such other manner as the Government may deem fit.

(10) The competent authority authorized to issue movement permit shall maintain a proper register showing details of movement permit granted including its extension, details of mineral transit passes issued, details of cancellation of movement permit and details of construction of at least the basement of building within one year of issue of movement permit, details of amount realized as per sub-rule (7) and (8) etc.

(11) The statement of remittance/recovery of any sum by virtue of sub-rule (7) and (8) shall be reported on a monthly basis to the appropriate authority in Form U.

(12) In cases and classes of cases where excavation of any mineral other than ordinary earth is inevitable for the construction and digging of foundation of a building, such applications shall be processed by the Department of Mining and Geology in accordance with Rule 104 or sub-rule (1) of Rule 106 of these Rules upon production of a valid building permit along with approved plans from the Local Self Government Institutions concerned.”;

(11) in sub-rule (2) of rule 27,-

(i) for clause (a), the following clause shall be substituted, namely:-

“(a) Copy of PAN card, copy of latest Income Tax Return filed to Income Tax Department, and an affidavit to the effect that the applicant has assessed the income tax, paid the income tax based on the assessment and filed up to date Income Tax Return. In cases where the applicant is not an income tax assessee an affidavit to the effect that he is not an income tax assessee need be submitted.”;

(ii) for clause (c), the following clause shall be substituted, namely:-

“(c) the possession and enjoyment certificate issued by the Village Officer concerned in respect of the land from which the minerals are proposed to be extracted. In case the applied area for quarrying lease is not under the possession and enjoyment of the applicant, then a notarized consent letter from the owner of such land shall be submitted to the effect that he has no objection



in extraction of minor mineral by the applicant in the event of grant of quarrying lease by the Department of Mining and Geology. In the event of issuance of letter of intent by the Department of Mining and Geology for the grant of quarrying lease, the owner of the land and applicant shall enter into a lease agreement for sufficient period permitting the applicant to occupy the land for mining operations for which application has been submitted. The said lease agreement shall be registered as per the Registration Act 1904.”;

(iii) clause (g), shall be omitted;

(12) sub-rule (1a) of rule 32 shall be omitted;

(13) in rule 33,-

(i) for sub-rule (1), the following sub-rule shall be substituted, namely:-

“(i) On receipt of an application for quarrying lease with all requisite contents and particulars thereof prescribed in these rules but without having the statutory licences required to be obtained from other departments concerned, the applicant may be issued a letter of intent by the competent authority intimating the intention for granting quarrying lease after processing the application. The letter of intent shall contain the details of the precise area identified for the grant of quarrying lease, list of documents and statutory licences to be submitted and such other details as the authority deems fit. Quarrying lease shall be granted only after submission of documents specified in the letter of intent. The letter of intent so issued shall be sufficient for other statutory authorities concerned for issuing their licences/ clearances/ No objection Certificates etc.”;

(ii) after sub-rule (2), the following proviso shall be inserted, namely:-

“Provided that in case the applied area for quarrying lease is not under the possession and enjoyment of the applicant, the applicant shall produce a copy of the registered lease agreement as provided in clause (c) of sub-rule (2) of rule 27.”

(14) in rule 39,-

(i) in sub-rule (2), for the word “twelve”, the word "fifteen" shall be substituted;

(ii) in sub-rule (4), for the figures “12”, the figures “15” shall be substituted.



(15) in rule 40,-

(i) in sub-rule (1)

(a) in clause (c), the words and figures “or consolidated royalty at the rate specified in Schedule III in the case of Registered Metal Crusher Units, as may be fixed by the Government from time to time” shall be omitted;

(ii) in sub-rule (2), after the words “quarrying lease”, the words “and the total quantity that can be mined from the lease area during the tenure of the lease is limited to the total mineable mineral reserve earmarked for the lease period in the approved mining plan” shall be added;

(iii) in clause (b) of sub-rule (3), for the figure “25,000” the figure “5,00,000” shall be substituted;

(16) in sub-rule (1) of rule 43, for words “approval of mining plan” the words “the order granting lease” shall be substituted;

(17) in rule 44, the following proviso shall be inserted, namely:-

“Provided that in any case or class of cases where the lessor is of the opinion that the entries in the lease deed should be changed for the purposes such as enhancement of quantity of production, the period of lease or any other rectification in the lease deed, the lessor may do so by executing rectification deed in that respect. Such deed shall be registered under the Indian Registration Act, 1908.”;

(18) in rule 51,-

(i) existing rule shall be numbered as sub-rule (1);

(ii) after the sub-rule (1) so numbered, the following sub-rule shall be added namely:-

“(2) In any case or class of cases where any amount is due to Government from any person/ firm/ association/ company on account of mining of minor minerals from any land, no mineral concession under these rules shall be granted/ renewed in the said land to any person/ firm/ company/ association and no mineral concession under these Rules shall be granted/ renewed to such person/ firm/ company/ association in any land in the State unless all dues are cleared.”;



(19) in rule 54,-

(i) in sub-rule (1), for the words figures and symbols “by any recognised person under rule 22B of the Mineral Concession Rules, 1960.” the words “by a person who possesses a valid certificate of recognition as qualified person to prepare mining plan issued by Indian Bureau of Mines” shall be substituted.

(ii) in sub-rule (2),-

(a) in clause (i), after the word ‘Geology’, the words “or Applied Geology or Marine Geology or any equivalent degree” shall be inserted;

(b) in clause (ii) the words “or mineral administration” shall be omitted;

(iii) after sub-rule (5), the following sub-rule shall be inserted, namely:-

“(6) The Director of Mining and Geology, after giving the recognised qualified person a reasonable opportunity of being heard and after holding such inquiry as it may deem necessary, may cancel the recognition granted as per sub-rule (4), if it is satisfied that the person has committed unethical practices like willful suppression and/or distortion/ manipulation/ fabrication of data during the preparation of a mining plan, or a scheme of mining or a final quarry closure plan.”;

(20) in rule 55,-

(i) in clause (ii), for the words “mineral reserve”, the words “total mineral reserve, mined-out mineral reserve, mineable mineral reserve, blocked mineral reserve and overburden” shall be substituted;

(ii) After clause (vi), the following note shall be added, namely:-

“*Note*:- For the purpose of this rule, “year” means the twelve months period beginning from the first day of April and ending on the thirty- first day of March of the following year”

(21) in rule 56,-

(i) in sub-rule (1), before the words “the lessee” the words “an applicant for quarrying permit or lease or the permit holder or” shall be inserted;

(ii) in sub-rule (2), for the words “A lessee” the words “An applicant for quarrying permit or lease or a permit holder or” shall be substituted;



(22) after sub-rule (1) of rule 59, the following proviso shall be inserted, namely:-

“Provided that in case of quarrying permits having duration less than one year, the final quarry closure plan shall be submitted as a component of mining plan to the competent authority.”;

(23) in rule 62,-

(i) in sub-rule (1), for the words “twenty five thousand” and “one lakhs” the words “three lakh” and “five lakhs” shall respectively be substituted;

(ii) for sub-rule (5), the following sub-rule shall be substituted, namely:-

“(5) If the competent authority has reasonable grounds for believing that the protective, reclamation and rehabilitation measures as envisaged in the progressive mine closure plan contained in the approved mining plan or the final quarry closure plan, in respect of which financial guarantee was furnished, has not been or will not be carried out in accordance with the mining plan or the final quarry closure plan, either fully or partially, the competent authority shall give the lessee a written notice of his intention to issue the orders for forfeiting the sum assured at least 30 days prior to the date of the order to be issued .”;

(24) after sub-rule (5) of rule 67, the following sub-rule shall be added, namely:-

“(6). In the scheme of mining, the quantity of mineral mined out during the previous five year period duly supported by standard method of estimation and calculations accompanied with required sections and plans shall be provided along with the reason for deviation, if any, from proposed annual production indicated in the approved mining plan or scheme of mining.”;

(25) in rule 68,

(i) in sub-rule (1), after the word “Every” the words, “quarrying permit holder or” shall be inserted.

(ii) in sub-rule (2), for the words “mining plan as prescribed under these rules,” the words “the approved mining plan or any other existing laws” shall be substituted;

(26) for sub-rule (1) of rule 69, the following sub-rule shall be substituted, namely:-



“(1)While conducting quarrying operations, the sides of the quarry shall be benched as specified in Metalliferous Mines Regulation, 1961 promulgated under Mines Act, 1952 (Central Act 35 of 1952).”;

(27) for rule 75, the following rule shall be substituted, namely:-

**“75 Preparation of Plans and Sections of quarry-** (1) The holder of a quarrying lease/quarrying permit shall prepare and keep surface plans and cross sections of the quarry.

- (2) The surface plan shall depict the true size and shape of all excavations and shall contain contours/ spot heights.
- (3) The cross sections shall depict the advances made in the quarry operations and areas reclaimed. The cross sections shall be equally spaced and the number of cross sections shall be sufficient for the computation volume of mineral mined out.
- (4) The plans and sections shall be prepared by the end of each financial year.
- (5) Every plan and section prepared under these rules shall carry thereon a certificate for its correctness and shall be signed by a recognised qualified person.
- (6) The owner, mining engineer or manager of every quarry under a quarrying lease/permit shall send to the competent authority copies of the plans and sections maintained under these rules, as and when required by the competent authority.
- (7) The competent authority may, by an order in writing, require such additional details to be shown on the plans and sections required to be kept under these rules or the preparation and maintenance of such plans and sections showing such details and on such scale and within such time as competent authority may specify in the order.”;

(28) rule 76 shall be omitted.;

(29) Chapter IX shall be omitted;

(30) in rule 101, following provisos shall be added, namely:-

"Provided that no stay order shall be passed staying the execution of any order passed by competent authority pertaining to unauthorized mining, storage and



transportation of minor minerals without affording the competent authority an opportunity for being heard:

Provided further that no stay order deferring any recovery proceedings shall be passed unless the appellant remits 10% of the amount demanded by competent authority.";

(31) in rule 104,-

(i) the words "and where the owner of the land desires to transport minerals outside the area of extraction," shall be omitted;

(ii) after the proviso, the following notes shall be inserted, namely:-

"Note 1:- No special permission under these rules is required in cases where the owner of any dry land, in his own responsibility, carries out levelling of his own contiguous dry land by cutting and filling of ordinary earth and where no transportation of ordinary earth is required through public road for such levelling operation. In such cases, before starting the levelling work, the owner of the land shall intimate the District Geologist his intention to carry out the levelling work.

Note 2:- No permission under these rules is required for extraction of minerals not exceeding 150 metric tonnes in connection with the construction of appurtenant structures of a building such as well, septic tank, recharge pit, drainage work, compound wall and the like. In such cases, if the owner of the land intends to transport the excavated mineral out of the work site, he shall apply for mineral transit passes under Kerala Minerals (Prevention of illegal mining, storage and transportation) Rules, 2015 and the competent authorities under these rules may issue mineral transit passes on payment of royalty for the mineral to be transported. The application for mineral transit passes shall be accompanied by possession and enjoyment certificate of the land from where the mineral is to be extracted issued by the Village Officer concerned and a sworn affidavit in stamped paper by the owner of the land to the effect that he shall abide by conditions mentioned in the order granting permission for transportation of mineral.

Note 3:- In cases where extraction/removal of mineral is inevitable for prevention of any disaster or for removal of mineral deposited or accumulated consequent to any natural calamity, the competent authorities of the Department of Mining and Geology shall issue mineral transit passes for removal of such mineral after obtaining prior permission from the District Disaster Management Authority. The applicant shall remit royalty as specified in Schedule 1 for transporting the mineral.



Note 4:- Nothing in these rules shall apply to the extraction and/ or removal of any mineral by the District Disaster Management Authority in connection with the prevention or mitigation of any type of natural disaster that are imminent and for restoration/ rescue operations in connection with any natural disasters.”;

(32) in rule 106,-

(i) for proviso to sub-rule (1), the following proviso shall be substituted, namely:-

“Provided that before extraction of minor minerals, the person concerned shall intimate the competent authority his intention to carry out the works to be performed along with detailed proposal for excavation/ use /transportation and shall furnish necessary documents as required by the competent authority in this regard. If the extracted mineral is used as building material in the property from where the same is extracted then the person concerned shall remit royalty for all minerals except ordinary earth and if the extracted mineral including ordinary earth is to be transported outside the work site, the competent authority may issue special mineral transit passes after collecting the royalty.”;

(ii) for sub-rule (2), the following shall be substituted, namely:-

“(2) Wherein the construction of public works like roads, canals, irrigation projects, railways, as a part of the work, if extraction of minor mineral is inevitable, the Government department or agencies or Local Self Government Authorities may do so without obtaining quarrying permit or lease under these rules.

In such a case, before extracting the minor minerals, the intention of the authorities to extract the mineral along with detailed proposal for excavation/ use/ transportation of mineral shall be intimated to the competent authorities under these rules. If the Government Departments or Agencies or Local Self Government authorities intent to use the excavated mineral as building material for the said public work then the royalty shall be paid for all minor minerals except ordinary earth at the rate prescribed in Schedule I and if any transportation of any mineral is involved for use in the said public work the competent authority under these Rules shall issue mineral transit passes on an application made by the department/agencies/authorities concerned. If any excavated mineral including ordinary earth is left unused after the completion of the work, the department/agency/authority may dispose of the same as per





Government norms after remitting royalty and the competent authority under these Rules shall issue necessary mineral transit passes to the department/agencies/authorities for transportation of mineral on an application made by the authorities concerned. The department/authorities/agencies executing the work may authorise the contractor of the work to remit royalty of minerals;

Provided that it is the sole responsibility of the project/work implementing agencies to ensure that excavation and use/transportation of the excavated mineral or auction of unused mineral are carried out strictly as per the project proposal and the project implementing agency shall also ensure that during the course of project/work execution no mineral is extracted by the contractor or any other person from the adjoining project areas under the pretext of project work.

Provided further that State Government may exempt such Departments/Agencies/Local Self Government Institutions from payment of royalty for the issuance of mineral transit passes for transportation of the mineral outside the work site for stacking it in any other Government land.”;

(iii) sub-rules (3) and (4), shall be omitted;

(33) in rule 108,-

(i) after sub-rule (1), the following sub-rule shall be inserted, namely:-

“(1A) Extraction and removal of minor mineral without any lawful authority from any land is an offence under these rules and the owner of the land and/or the person who indulges in such activity is/are solely responsible for such offence and he/ they are liable to be prosecuted under sub-rule (1).”;

(ii) In sub-rule (2), (a) for the words “raises without any lawful authority any mineral”, the words “raises any minor mineral without any lawful authority or in contravention of the provisions of these rules” shall be substituted; (b) for the words, "extracted by such person or occupier of the land without any lawful authority", the words "extracted by such person or occupier of land" shall be substituted;

(iii) the first proviso to sub-rule (2), shall be omitted;



(iv) in the second proviso to sub-rule(2), the word “further” shall be omitted;

(v) in the note, for the word “two”, the word “four” shall be substituted;

(vi) sub-rule (3), shall be omitted;

(34) in rule 109, the following proviso shall be added, namely:-

“Provided that if any person indulges in mining activity for the purpose of winning minerals in any area without any valid mineral concession using explosives unlawfully possessed by him, the Police authorities concerned may proceed against such person under the Explosive Substances Act 1908.”;

(35) After Rule 113 the following rules shall be added, namely:-

"114. *Interest on delayed payments* -The Competent Authority may charge simple interest at the rate of 12% per annum on any rent, royalty, price of mineral or any other sum due to the Government under the Act or these Rules from the sixtieth day of the expiry of date fixed by the Authority for payment of such sum and until payment of such sum is made.

115. *Payment of mining dues in installment.* □ Government may allow collection of any rent, royalty, tax, fee, price of mineral or other sum due to the Government under these rules in monthly installments not exceeding maximum six installments.

116. *Protection of action taken in good faith.* - No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under these Rules.”;

(36) for the existing schedule I, the following schedule shall be substituted, namely:-

#### SCHEDULE I

#### Rate of Royalty

(see rules 7 and 32)

<i>Item No</i>	<i>Name of Minor Minerals</i>	<i>Rate of Royalty (in Rupees)</i>
(1)	(2)	(3)
1	Kankar and other forms of limestones and four kinds of limeshell namely:	150 (One hundred and fifty only) per tonne



	(i) white limeshell (ii) black limeshell (iii) drift limeshell or seashell and (iv) shell of oyster	
2	Ordinary clay used for making bricks and tiles, ordinary sand used for non industrial purpose and gravel	80 (eighty) per tonne
3	Ordinary earth	40 (forty) per tonne
4	Dimension stones as specified in classification in sub-item (1) of rule 18	6000 (six thousand) per cubic meter
5	Granite (Building stone) and Laterite (Building stone)	48 (forty eight) per tonne
6	Laterite	190 (one hundred and ninety) per tonne
7	China clay/ kaolin including ball clay, white shale and white clay (i) Crude (ii) Processed /washed	(i) 100 (hundred) per tonne (ii) 1500 (one thousand and five hundred) per tonne
8	Silica sand	500 (five hundred) per tonne
9	Quartz	100 (one hundred) per tonne

(37) in schedule II, serial numbers 1, 2 and 3 shall be omitted and the serial numbers 4 and 5 shall be renumbered as 1 and 2 and after serial number 2 the following words and figures shall be added namely:-

3	minerals specified in item No.6, 7, 8 and 9	Nil	600	2400
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(38) schedules III, IV and V shall be omitted;

(39)in Form A,-

(i) in item 1, after the words “Schedule I”, the words “I may be permitted to opt for payment of royalty under Consolidated Royalty Payment System” shall be omitted;

(ii) in item 3 (vi) and (vii) shall be omitted;



(iii) after the words, “I /We also agree to pay the royalty/ advanced consolidated royalty and surface rent as per rules.” the following shall be inserted, namely:-

“In case any of the above information and the documents submitted along with this application is found to be false/ misrepresenting/ fake/ forged, I/we am/are aware that I/we alone will be liable to be prosecuted.”;

(40) in Form B, after the words, “am/are ready to furnish any other details including security deposit etc., as may be required by you.” the following shall be inserted, namely:-

“In case any of the above information and the documents submitted along with this application is found to be false/ misrepresenting/ fake/forged, I/we am/are aware that I/we alone will be liable to be prosecuted.”;

(41) In Form H,-

(i) in condition No. 7, for the words “one kilometer from the boundaries of National park or Wildlife Sanctuaries”, the words “any monument protected by government” shall be substituted;

(ii)for condition No.16, the following condition shall be substituted, namely:-

“16 If the lessee/lessees shall at any time during the said term use the said lands or any part thereof in any manner other than as authorised by this lease or fail to carry on quarrying operations as per the approved mining plan without sufficient cause of which the State Government/competent authority shall be the judge or shall commit a breach of any of the conditions of this lease it shall be lawful for the State Government/competent authority to cancel this lease after giving the lessee an opportunity of being heard or the alternative to receive from the lessee/lessees such penalty not exceeding Rs. 5,00,000 for the breach as the State Government/competent authority may fix.”;

(iii) for condition No.17, the following condition shall be substituted, namely:-

“17 In cases where the area under quarrying lease is Government land, the lessee shall close the mine within three calendar months after the expiry of the lease or its determination and remove any engine, machinery, buildings, structures and other works and conveniences from the area under the lease. If



the lessee does not remove the same within the said period, the same shall become the property of the State government and the State Government shall have the right to dispose the same on such terms and conditions as it deems fit.”;

(iv) after condition No.22, the following condition shall be added, namely:-

“23. In this case, the anticipated royalty to be remitted for the mineral extracted per year at the present rate of the royalty of Rs.....per tonne for the proposed average annual production of .....tonne is Rs.....(Rupees only)

24. In this case, the annual surface rent to be remitted at the present rate of Rs.....per Are per year is Rs..... (Rupees..... only) and the refundable Security Deposit is Rs..... (Rupees only)”;

(42) Form K and L shall be omitted;

(43) in Form M, the words “(Not applicable in the case of CRP System)” and “Whether the permit holder opted CRP System” shall be omitted;'

(44) in form N,-

(i) after the words and figures “See sub-rule (2) of Rule 9”, the following word and figures shall be inserted, namely:-

“and 14”;

(ii) after condition no. 3A the following shall be added, namely:-

“3B. In the case of extraction of ordinary earth in connection with the construction of buildings, the person who obtained building permit and plan from the Local Self Government Institutions may extract ordinary earth as per the conditions imposed by the authorities concerned in this regard and in such a case the condition No.3 above shall not apply. In cases where the environmental clearance under Environment Impact Assessment Notification is mandatory for the development of land and extraction of ordinary earth such activities shall be carried out as per the conditions stipulated therein. In the event of failure to complete at least the construction of basement of building within two years from the date of issuance of mineral transit passes the act of extraction of minor mineral shall be treated as illegal and the offender shall be



liable to pay an amount equal to five times the royalty of the minor mineral extracted from the area, in addition to the amount already paid.”.

(45) after Form R, the following forms shall be added, namely:-

**FORM S**  
(See Rule 14(2) and (3)) Issuing

Authority:

**MOVEMENT PERMIT FOR TRANSPORTATION OF ORDINARY EARTH  
EXCAVATED IN CONNECTION WITH CONSTRUCTION OF BUILDING**

No.....Date

“Shri/Smt./M/s. .... who is holding building permit No..... dated.... under the Kerala Panchayat Building Rules, 2019 /Kerala Municipality Building Rules, 2019 (strike off whichever is not applicable) is hereby permitted to transport ordinary earth from the building construction site as per the particulars and subject to the conditions given below. Every consignment of mineral permitted to be moved under this movement permit shall be moved only with valid mineral transit pass in Form O (A) appended to the Kerala Minerals (Prevention of illegal mining, storage and transportation) Rules, 2015.

1	Name and address of the building permit holder with phone number	
2	Valid building permit No. and date	
3	Building permit issuing authority	
4	Details of the plot where the building is proposed to constructed (District, Taluk, Village, Place name, Survey Nos. and area)	
5	Coordinates of the centre of plot (Latitude and Longitude in Degree Minutes Seconds)	



6	Plinth area of the building (in sq. meters)	
7	Total area of land demarcated for development by excavating ordinary earth (in sq. meters)	
8	Total quantity of ordinary earth proposed to be excavated (in tonnes)	
9	Quantity of ordinary earth proposed to be used for filling the building plot (in tonnes)	
10	Quantity of ordinary earth permitted to be transported under this movement permit (in tonnes)	
11	Particulars of remittance of royalty – Amount, date, receipt details, Treasury details etc.	
12	Validity of movement permit	
13	No. of mineral transit passes issued and the serial number of passes	
14	Any other remarks	

Movement permit extension particulars\*

1	Date of receipt of application for renewal of movement permit	
2	Reason for extension of movement permit	
3	Total quantity of ordinary earth transported as per previous movement permit/s (in tonnes)	
4	Balance quantity to be transported (in tonnes)	
5	No. of mineral transit passes issued/ revalidated and serial number of passes	
6	Date of grant of extension of movement permit	
7	Validity of movement permit	



(\* particulars to be included and filled in only in the case of extension of movement permit)

#### Conditions

1. This movement permit is issued on the basis of notarized affidavit filed by the building permit holder as per sub-rule (6) of rule 14 of Kerala Minor Mineral Concession Rules, 2015 to the effect that he/she shall complete at least the construction of basement of the building within one year from the date of issuance of this permit and intimate the same to the competent authority. If this condition is not complied, the movement permit holder will be liable to remit 5 times the royalty remitted for obtaining this permit in addition to the royalty already remitted as per the provisions in sub-rule (7) of rule 14 of Kerala Minor Mineral Concession Rules, 2015.
2. All columns of the mineral transit pass should be duly filled in using double sided carbon paper and omission to record the date and time in both figures and words or mismatch of any consignment particulars written in pass or overwriting will make the pass invalid.
3. Ordinary earth excavation and transportation shall be limited to the quantity mentioned in the movement permit. Excess extraction of ordinary earth from the permitted area or extraction of ordinary earth outside the permitted area will be considered as illegal. In such case, this movement permit will be cancelled and the movement permit holder will be liable to remit the amount equal to the five times the royalty for the excess quantity of ordinary earth extracted as per the provisions of sub-rule (8) of rule 14 of Kerala Minor Mineral concession Rules, 2015.
4. Extraction and transportation of ordinary earth shall be carried out in a manner that does not cause nuisance to the public or cause any damage to neighbouring properties and structures. While transporting ordinary earth, the same should be covered using appropriate cover like tarpaulin or other suitable material. The movement permit holder shall be solely liable for any loss occurred to any person on account of extraction of ordinary earth and is liable to pay suitable compensation for the damages. In order to prevent any future mishap by collapsing of edges of excavation or by landslip, retaining wall having sufficient strength shall be constructed. If the depth of excavation is more, then excavation shall be carried out in benches to ensure the safety of workers engaged in excavation.





5. Ordinary earth transported on the strength of this movement permit shall not be used for filling or levelling of paddy land and wetlands coming under the purview of Kerala Conservation of Paddy Land and Wetland Act, 2008.
6. Extraction and transportation of ordinary earth shall be done only during 6 a.m to 6 p.m and such activities shall not be done on public holidays.
7. Time restrictions imposed by District Collector for transportation shall be adhered to and restriction imposed for excavation of ordinary earth by Disaster Management Authority as per Disaster Management Act, 2005 shall be abided scrupulously.
8. After the completion of excavation and transportation of permitted quantity of ordinary earth, the matter may be intimated to this office and remaining mineral transit passes, if any, shall be returned.
9. If the permitted quantity of ordinary earth could not be transported before the expiry of this movement permit on account of any unforeseen event, the movement permit holder shall notify the same in writing to this office within two weeks of expiry of this movement permit with reasonable evidence thereof and shall return the unused mineral transit passes. If the permit holder fails to notify the matter within two weeks, the competent authority may not consider the application of extension of movement permit or revalidation of mineral transit pass

(Office Seal) Signature and seal of Competent Authority.

To

Shri/Smt/M/s.....Name and Address of building permit holder Copy to:

1. The District Geologist, Department of Mining and Geology (as applicable)
2. The Secretary, Local Self Government Institutions concerned (as applicable)
3. Station House Officer, Police Station concerned
4. Village Officer

FORM T

(See sub-rule (b) of Rule 14

Affidavit to be produced along with application for movement permit for transportation of ordinary earth in connection with construction of a building



(To be notarized)

I/We, \_\_\_\_\_ S/o, D/o, W/o \_\_\_\_\_, aged \_\_\_\_\_ years and a resident of \_\_\_\_\_, solemnly affirm and declare the following:

1. That I/we intend to construct a building in \_\_\_\_\_ ares of land in \_\_\_\_\_ survey number/s in block no \_\_\_\_\_ of \_\_\_\_\_ Village of \_\_\_\_\_ Taluk \_\_\_\_\_ District as per the building permit and approved plans issued vide permit number \_\_\_\_\_ dated \_\_\_\_\_ by the \_\_\_\_\_ of \_\_\_\_\_ Grama Panchayat/Municipality/ Corporation and for the construction of said building, the plot has to be levelled by excavation \_\_\_\_\_ cubic meters of ordinary earth from \_\_\_\_\_ square meters/ares of land out of which \_\_\_\_\_ cubic meters of ordinary earth has to be transported outside the property.
2. That in the event of grant of a movement permit to me/us for the transportation of ordinary earth, I/we will follow the conditions mentioned in the movement permit issued as per Kerala Minor Mineral Concession Rules, 2015.
3. That I/we will excavate only the quantity mentioned above, and such excavation work will be carried out in a safe manner without compromising safety of workers and without causing any damage to public property and in the event of any accident or causing any damage to the public property on account of excavation, I/we alone will be responsible for the said act and shall pay reasonable compensation as may be assessed by any lawful authority in accordance with the law in force.
4. That I/we will construct the building as per the approved building plan and that the construction of at least the foundation of the building will be completed within one year of the date of the grant of movement permit for moving ordinary earth and the same will be intimated to the movement permit issuing authority.



5. That in the event of failure to construct at least the foundation of the building within one year from the date of grant of movement permit, I/we will pay the amount demanded by the movement permit issuing authority as per Rule 14(7) of the Kerala Minor Mineral Concessions Rules, 2015.
6. That in the event of the extraction of ordinary earth more than the quantity mentioned in the movement permit within or outside the area demarcated for excavation, I/we will pay the amount demanded by the movement permit issuing authority as per Rule 14(8) of the Kerala Minor Mineral Concession Rules, 2015.

I am swearing this affidavit in order to produce before the Secretary \_\_\_\_\_ Grama Panchayat/Municipality/Corporation / The District Geologist, District Office of the Department of Mining and Geology, (strike off whichever is not applicable) for obtaining a movement permit for transportation of ordinary earth in connection with levelling of plot for construction of building as per the building permit mentioned above.

I hereby state that whatever is stated herein above is true to the best of my knowledge, information and belief.

Dated this the \_\_\_\_\_ day of \_\_\_\_\_ 20

Signature and name of the deponent:

Solemnly affirmed and signed before me by the deponent who is personally known to me at my office at \_\_\_\_\_ on this the \_\_\_\_\_ day of 20

FORM U

(See sub-rule (7) of rule 14

Statement of remittance /recovery of sum due to Government by virtue of breach of conditions of movement permit granted for transportation of ordinary earth in connection with construction of building



Name of office:

1	Name and address of the building permit holder with phone number	
2	Valid building permit No. and date	
3	Building permit issuing authority	
4	Movement permit number and date	
5	Details of the plot where the building is proposed to constructed (District, Taluk, Village, Place name, Survey Nos. and area)	
6	Plinth area of the building (in sq. meters)	
7	Total area of land demarcated for development by excavating ordinary earth (in sq. meters)	
8	Total quantity of ordinary earth proposed to be excavated (in tonnes)	
9	Quantity of ordinary earth proposed to be used for filling the building plot (in tonnes)	
10	Quantity of ordinary earth permitted to be transported (in tonnes)	
11	Quantity of ordinary earth excavated and transported in excess than the permitted quantity from the permitted area (in tonnes)	
12	Quantity of ordinary earth excavated outside the permitted area (in tonnes)	
13	Amount realized as per Rule 14(8) of Kerala Minor Mineral Concession Rules, 2015	



14	Amount realized for not constructing at least the foundation of building as per Rule 14(7)	
15	Particulars of remittance of amount in Treasury  (amount, date, challan details, Treasury)	
16	If amount is not remitted, the details of revenue recovery proceedings initiated	

Dated this            day of

(Office seal)

Signature and seal of  
competent authority

To

The Secretary, Local Self Government Institutions concerned (in case of construction of building with plinth area above 3000 square feet(278.7 square meters))

The District Geologist concerned (in case of construction of building with plinth area up to 3000 square feet(278.7 square meters))”.

By order of the Governor,  
**A P M MOHAMMED HANISH,**  
*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 by notification under G.O. (P). No. 16/2015/ID. dated 7<sup>th</sup> February, 2015 and published as S.R.O. No. 72/2015 in the Kerala Gazette Extraordinary No. 288 dated 7<sup>th</sup> February, 2015 to regulate the extraction of minerals in the State. In order to prevent the revenue leakage, to enhance the revenue, to increase the Ease of Doing Business for mining sector to bring in more accountability and transparency in mining sector and to ensure proper regulation of mining and allied activities, the Government have decided to make suitable amendments in the above said rules.

The notification is intended to achieve the above object.



