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Kerala Minor Mineral Concession (Second Amendment) Rules, 2020

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കേരള ഗസറ്റ്
KERALA GAZETTE
അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
PUBLISHED BY AUTHORITY

വാല്യം 9
Vol. IX

തിരുവനന്തപുരം,
വെള്ളി
Thiruvananthapuram,
Friday

2020 ജൂൺ 12
12th June 2020

1195 ഇടവം 29
29th Idavam 1195

1942 ജ്യേഷ്ഠം 22
22nd Jyaishta 1942

നമ്പർ
No.

1420

GOVERNMENT OF KERALA

Industries (A) Department

NOTIFICATION

G. O. (P) No. 16/2020/ID.

*Dated, Thiruvananthapuram, 12th June, 2020
29th Idavam, 1195.*

S. R. O. No. 391/2020

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 7th February



2015 and published as S. R. O. No.72/2015 in the Kerala Gazette Extra ordinary No. 288 dated 7th February, 2015, namely:-

RULES

1. *Short title and commencement.*- (1) These Rules may be called the Kerala Minor Mineral Concession (Second Amendment) Rules, 2020.

(2) They shall come into force at once.

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

(1) in rule 9, in sub-rule (1),-

(i) in the existing proviso, for the word “shall”, the word “may” shall be substituted;

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

“Provided further that approved mining plan may not be insisted for the grant and renewal of quarrying permits for extraction of ordinary earth in connection with the construction of buildings on the strength of valid building permit and land development permit issued by the Local Self Government Institution concerned.”;

(2) in rule 14,- (a) in sub-rule (1), after the word “extraction”, the words “and transportation” shall be inserted;

(b) for sub-rule (2), except the provisos, 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 extraction of ordinary earth in connection with the construction and digging of foundation for the buildings not requiring environmental clearance under the Environment (Protection) Act, 1986 (Central Act 29 of 1986), if the owner of the land obtained a prior valid permit for construction of such building from the Local Self Government authorities concerned or if the owner of the land is entitled to construct such building as per the Kerala Micro Small and Medium Enterprises Facilitation Act, 2019 (16 of 2019)”;

(3) rules 20, 21, 22, 23, and 24 shall be omitted;

(4) for rule 63, the following rule shall be substituted, namely:-

“63. *District Mineral Foundation Trust Fund.*- The holder of a quarrying permit or quarrying lease under these rules shall pay to the District Mineral Foundation Trust of the district



an amount equal to such percentage of royalty as may be prescribed in the Kerala District Mineral Foundation Rules, 2018, in addition to the royalty paid”.

(5) rules 64, 65 and 65A shall be omitted;

(6) rules 78, 79, 80, 81, 82, 83, 84, 85, 86, 87 and 88 shall be omitted;

(7) for rule 104, the following rule shall be substituted, namely:-

“104. Power of State Government to grant special permission to extract and remove minor minerals in special circumstances.- In any case or class of cases where extraction of minor mineral is inevitable for any legitimate purpose, other than winning the mineral, and where the owner of the land desires to transport minerals outside the area of extraction, the applicant shall submit an application along with the No Objection Certificate issued by the Revenue Divisional Officer to the State Government for its extraction and transportation and in such cases if the State Government is of the opinion that the extraction and transportation of minerals is inevitable, the State Government may for reasons to be recorded in writing, issue an order in writing granting permission for extraction and transportation of such minerals with such terms and conditions as they deems fit. The applicant shall remit royalty as specified in Schedule I for the quantity of the mineral extracted:

Provided that, in such cases, the application shall be submitted through the Director of Mining and Geology and along with the application for extraction and transportation of minerals, the applicant shall produce documents as required by the competent authority for substantiating the details furnished in the application”;

(8) in the explanation to sub-rule (1) of rule 106, after the words “reading rooms” the words “recognized educational institutions,” shall be inserted.

By order of the Governor,

Dr. K. ELLANGOVAN,
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 7th February, 2015 and published as S. R. O. No. 72/2015 in the Kerala Gazette Extraordinary No. 288 dated 7th February, 2015.



As per notification No. S.O.141(E) dated 15th January, 2016, the Ministry of Environment, Forest and Climate Change exempted environmental clearance for digging of foundation of buildings and construction projects for digging of foundation for the construction of buildings not requiring prior environmental clearance. EIA notification 2006 demands environmental clearance for buildings and construction projects if the built up area is greater than or equal to 20,000 square meters. In view of this, Government have decided to amend the relevant rules to facilitate hassle free construction activities and hence rule 14(2) is amended to such an extent.

Kerala District Mineral Foundation Rules, 2018 has been framed as per section 9B of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957) for the benefit of the persons and areas affected by mining operations. Since ensuring the safety of quarries is one of the objectives of the District Mineral Foundation, there is no need for a separate fund collection for activities pertaining to quarry safety. In these circumstances, the rules pertaining to quarry safety fund is no longer required. Hence it is decided to make amendment to such an extent.

As the mineral rights in the erstwhile Malabar Region are vested with the Government as per the Kerala Minerals (Vesting of Rights) Ordinance, 2020 (23 of 2020), the rules pertaining to the grant of mineral concessions in respect of land in which the mineral rights vests in a person other than Government are omitted.

Since Revenue Divisional Officer is one of the competent authorities under the Kerala Land Utilization Order, 1967, the Kerala Land Conservancy Act, 1957, the Kerala Land Conservancy Rules, 1958, the Kerala Land Development Act, 1964, the Kerala Government Land Assignment Act, 1960 etc. which are enacted for land conservancy and utilisation, land development, land assignment etc. it is appropriate that any non-mining activity involving development of land by excavating and transporting of minor minerals shall be done with the prior permission of Revenue Divisional Officer (RDO) and hence it is suggested to amend the Rules to this extent.

The notification is intended to achieve the above object.

