

പതിനാലാം കേരള നിയമസഭ
പതിനാലാം സമ്മേളനം

നക്ഷത്ര ചിഹ്നമിടാത്ത
ചോദ്യം നം. 2408

07.02.2019 ൽ മറുപടിക്ക്

വീട് നിർമ്മാണത്തിനുള്ള മണ്ണ്

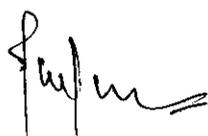
ചോദ്യം

ശ്രീ.കെ.ബാബു

മറുപടി

ശ്രീ. ഇ.പി.ജയരാജൻ
(വ്യവസായവും സ്പോർട്സും
യുവജനകാര്യവും വകുപ്പുമന്ത്രി)

- | | |
|---|---|
| <p>(എ) വീട് നിർമ്മാണത്തിനും മറ്റ് സ്വകാര്യ ആവശ്യത്തിനും മണ്ണ് കൊണ്ടുവരുന്നതിന് അനാവശ്യമായി പിഴ ചുമത്തുന്നതായുള്ള ആക്ഷേപം ശ്രദ്ധയിൽപ്പെട്ടിട്ടുണ്ടോ;</p> | <p>(എ) ചട്ടപ്രകാരമുള്ള നിയമനടപടികൾ മാത്രമാണ് സ്വീകരിക്കുന്നത്.</p> |
| <p>(ബി) ഇത്തരം ആവശ്യങ്ങൾക്ക് മണ്ണ് കൊണ്ടുവരുന്നതിന് എന്തെല്ലാം നടപടികളാണ് പാലിക്കേണ്ടത് എന്ന് വിശദമാക്കുമോ;</p> | <p>(ബി) മണ്ണ് ഖനനം ചെയ്ത് കൊണ്ടു പോകുന്നതിന് മൈനിംഗ് & ജിയോളജി വകുപ്പിൽ നിന്നും മിനറൽ ട്രാൻസിറ്റ് പാസ്സുകൾ സമ്പാദിച്ച വ്യക്തികളിൽ നിന്നുമാത്രം മണ്ണ് വാങ്ങി വാഹനങ്ങളിൽ കയറ്റിക്കൊണ്ടു പോകുന്നതിന് ശ്രദ്ധിക്കേണ്ടതാണ്.</p> |
| <p>(സി) ഇതിനായി എന്തെങ്കിലും ഉത്തരവ് ഇറക്കിയിട്ടുണ്ടോ; ഉണ്ടെങ്കിൽ പകർപ്പ് ലഭ്യമാക്കുമോ?</p> | <p>(സി) മണ്ണ് ഖനനവും, കടത്തുമായി ബന്ധപ്പെട്ട് പാലിക്കേണ്ട നടപടികൾ സംബന്ധിച്ച് പുറപ്പെടുവിച്ചിട്ടുള്ള 2015 ലെ കേരള മൈനർ മിനറൽ കൺസൺ ചട്ടങ്ങളിലെ ചട്ടം 14(2), ടി ചട്ടത്തിന്റെ 22.06.2017 ലെ ഭേദഗതി എന്നിവയുടെ പകർപ്പുകൾ അനുബന്ധമായി ചേർത്തിരിക്കുന്നു.</p> |


സെക്ഷൻ ഓഫീസർ

11. *Mineral transit passes for a permit holder.*—On an application by a permit holder, the competent authority may issue a fixed number of Mineral transit passes under rule 26 of the Kerala Minerals (Prevention of illegal mining, storage and transportation) Rules, 2015, as stipulated in item A or B of Schedule IV, in the case of payment of royalty under Consolidated Royalty Payment System or as fixed by the competent authority concerned in the case of payment of royalty at the rates specified in schedule I:

Provided that in the case of payment of royalty under Consolidated Royalty Payment System, on depletion of mineral transit passes during the period of permit, the permit holder is eligible for obtaining additional Mineral Transit Passes at the rates stipulated in item A or B of Schedule IV.

12. *Renewal of a quarrying permit.*—On receipt of an application in Form A, a quarrying permit may be renewed for a further period of two years but not exceeding one year at a time after complying with the procedure provided for grant of quarrying permit under rule 9 and subject to the production of all other statutory licenses/clearances/No Objection Certificate, etc. from other statutory authorities concerned:

Provided that, the environmental clearance required under rule 9 shall not be insisted, in the case of renewal of quarrying permits, in respect of quarries which had a valid permit as on 9th day of January, 2015:

Provided further that the approved mining plan required under Rule 9 shall not be insisted till 1st April, 2016 for renewal of a quarrying permit.

13. *Restriction on quarrying permit from the same area.*—No person shall be eligible for a permit on a particular area of contiguous land owned and possessed by him if he has availed permits for quarrying up to a maximum period of three years in different spells on the same land.

14. *Quarrying Permit for Ordinary earth.*—(1) A quarrying permit under these rules shall be obtained for extraction of ordinary earth used for filling or levelling purposes in construction of embankments, roads, railways or buildings in Form N.

(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 of residential buildings including flats or commercial buildings having a plinth area of 300 square metres if the owner of the land obtained a prior valid permit for construction of such building from the Local Self Government authorities concerned:

Provided that in cases where transportation of ordinary earth is required, the owner shall pay royalty for the quantity to be transported and shall obtain mineral transit passes under the Kerala State Minerals (Prevention of illegal mining, storage and transportation) Rules, 2015 from the competent authority:

Provided further that the competent authority shall not issue mineral transit passes for removal of ordinary earth exceeding the quantity needed to be extracted, as ascertained by it through a site inspection.

15. *Removal of overburden by a quarrying permit holder.*—A person who has obtained quarrying permit under these rules for extraction of minerals other than ordinary earth may extract overburden from the area under the permit without obtaining a quarrying permit for extraction of the same where such extraction is inevitable for the extraction of the mineral under the permit:

Provided that in such cases the permit holder shall stack the overburden at a safer distance away from the quarrying area and the overburden so stacked shall be used for backfilling the pits in future.

16. *Cancellation of quarrying permit.*—If the Government or competent authority under these rules has reason to believe that a permit was obtained by way of submission of any false documents or in contravention of provisions of any other law or the permit holder has violated any of the conditions stipulated under these rules, the State Government or the competent authority may, after giving the permit holder an opportunity of being heard, direct him not to undertake any quarrying operations in the area to which the permit relates and may cancel the permit and in such cases the quarried materials lying on the land from which they are extracted shall become the absolute property of the Government. In such an event, all the royalties and rents paid in advance or part thereof that may stand to the credit of the permit holder shall also be forfeited to Government.

17. *Compensation for damage.*—The permit holder shall pay reasonable compensation as may be assessed by any 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 rights granted to him by the permit and shall indemnify and be kept indemnified 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.

(7) in rule 14.—

(i) in sub-rule (2), for the existing provisos the following proviso shall be substituted, namely:—

“Provided that in cases where transportation of ordinary earth is required, the owner of the land shall obtain mineral transit passes for the quantity to be transported under the Kerala Minerals (Prevention of Illegal Mining, Storage and Transportation) Rules, 2015 after making payment of royalty, on an application submitted in this regard. Such application shall be accompanied by (1) valid building permit for construction of building obtained from the Local Self Government authorities concerned, (2) land development permit obtained from the Local Self Government authorities concerned in cases where the levelling of the land and extraction of ordinary earth is involved and (3) possession and enjoyment certificate of the land issued by the Village Officer concerned:

Provided further that in cases where levelling of land and extraction of ordinary earth is involved, the building permit shall be accompanied by an approved building plan obtained from the Local Self Government authorities concerned which shall contain the area of land to be developed for the construction of the building and the quantity of ordinary earth to be extracted for such construction.”:

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

“(3) A person who applies for mineral transit passes for transportation of ordinary earth under this rule shall also submit along with the application a sworn affidavit in stamped paper to the effect that he will carry out the proposed construction as per the 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 mineral transit passes and intimate the same to the competent authority.

KMMCR - 2015

10

11. *Mineral transit passes for a permit holder.*—On an application by a permit holder, the competent authority may issue a fixed number of Mineral transit passes under rule 26 of the Kerala Minerals (Prevention of illegal mining, storage and transportation) Rules, 2015, as stipulated in item A or B of Schedule IV, in the case of payment of royalty under Consolidated Royalty Payment System or as fixed by the competent authority concerned in the case of payment of royalty at the rates specified in schedule I:

Provided that in the case of payment of royalty under Consolidated Royalty Payment System, on depletion of mineral transit passes during the period of permit, the permit holder is eligible for obtaining additional Mineral Transit Passes at the rates stipulated in item A or B of Schedule IV.

12. *Renewal of a quarrying permit.*—On receipt of an application in Form A, a quarrying permit may be renewed for a further period of two years but not exceeding one year at a time after complying with the procedure provided for grant of quarrying permit under rule 9 and subject to the production of all other statutory licenses/clearances/No Objection Certificate, etc. from other statutory authorities concerned:

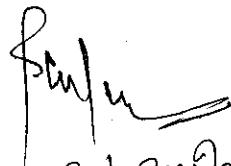
Provided that, the environmental clearance required under rule 9 shall not be insisted, in the case of renewal of quarrying permits, in respect of quarries which had a valid permit as on 9th day of January, 2015:

Provided further that the approved mining plan required under Rule 9 shall not be insisted till 1st April, 2016 for renewal of a quarrying permit.

13. *Restriction on quarrying permit from the same area.*—No person shall be eligible for a permit on a particular area of contiguous land owned and possessed by him if he has availed permits for quarrying up to a maximum period of three years in different spells on the same land.

14. *Quarrying Permit for Ordinary earth.*—(1) A quarrying permit under these rules shall be obtained for extraction of ordinary earth used for filling or levelling purposes in construction of embankments, roads, railways or buildings in Form N.

(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 of residential buildings including flats or commercial buildings having a plinth area of 300 square metres if the owner of the land obtained a prior valid permit for construction of such building from the Local Self Government authorities concerned:


 സെക്രട്ടറി