

15 -ാം കേരള നിയമസഭ

3 -ാം സമ്മേളനം

നക്ഷത്രചിഹ്നമിട്ട ചോദ്യം നം. 567

10-11-2021 - ൽ മറുപടിയ്ക്ക്

ശാസ്ത്രീയ പഠനത്തിന്റെ അടിസ്ഥാനത്തിൽ കരിങ്കൽ വനം

ചോദ്യം		ഉത്തരം	
<p>ശ്രീ. തിരുവഞ്ചൂർ രാധാകൃഷ്ണൻ , ശ്രീ. പി. ടി. തോമസ് , ശ്രീ. എൽദോസ് പി. കുന്നപ്പിള്ളിൽ</p>		<p>Shri. K. Rajan (റവന്യൂ ഭവനനിർമ്മാണ വകുപ്പ് മന്ത്രി)</p>	
(എ)	<p>പരിസ്ഥിതി ദുർബലമായ മേഖലകളിൽ ഉൾപ്പെടെ റവന്യൂ ഭൂമിയിലടക്കം നടത്തുന്ന അന്യധീകൃത കരിങ്കൽ വനം പരിസ്ഥിതിക്ക് വിനാശകരമായ തോതിൽ വ്യാപകമായിരിക്കുന്നതായി ശ്രദ്ധയിൽപ്പെട്ടിട്ടുണ്ടോ; എങ്കിൽ ഇത് പഠനവിധേയമാക്കിയിട്ടുണ്ടോ; ശാസ്ത്രീയ പഠനത്തിന്റെ അടിസ്ഥാനത്തിൽ നിയന്ത്രണത്തോടെ വനം നടത്താൻ എന്ത് പദ്ധതിയാണുള്ളതെന്ന് അറിയിക്കുമോ;</p>	(എ)	<p>നിലവിലെ ചട്ടങ്ങൾ പ്രകാരം പരിസ്ഥിതി ദുർബല പ്രദേശങ്ങളിൽ വനനത്തിന് അനുമതി നൽകി വരുന്നില്ല. വയനാട് , പാലക്കാട് ജില്ലകളിൽ പരിസ്ഥിതി ദുർബല പ്രദേശങ്ങളിൽ അന്യധീകൃത വനം നടന്നിട്ടുള്ളതായി റിപ്പോർട്ട് ലഭ്യമായിട്ടുണ്ട്. ശാസ്ത്രീയ പഠനത്തിന്റെ അടിസ്ഥാനത്തിൽ പരിസ്ഥിതി ദുർബല മേഖലയുൾപ്പെടെ റവന്യൂ ഭൂമിയിലടക്കം വനം നടത്തുന്നത് നിരോധനം ഏർപ്പെടുത്തിയിട്ടുണ്ട്. വയനാട് ജില്ലയിൽ ജില്ലാ ദുരന്ത നിവാരണ അതോറിറ്റി തയ്യാറാക്കിയ ഡിസാസ്റ്റർ മാനേജ്മെന്റ് പ്ലാൻ പ്രകാരവും സംസ്ഥാന സർക്കാർ നിയോഗിച്ച വിദഗ്ദ്ധ സമിതിയുടെ പഠന റിപ്പോർട്ട്, ജിയോളജിക്കൽ സർവ്വേ ഓഫ് ഇന്ത്യയുടെ പഠന റിപ്പോർട്ട് എന്നിവയുടെ അടിസ്ഥാനത്തിലാണ് ടി നിരോധനം ഏർപ്പെടുത്തിയിട്ടുള്ളത്.</p>
(ബി)	<p>പരിസ്ഥിതിക്ക് വിനാശകരമാകാതെ നിർമ്മാണ മേഖലയ്ക്ക് പാറ ലഭ്യമാക്കുന്നതും കരിങ്കൽ വനം പൊതു മേഖലയിലാക്കുന്നതും സംബന്ധിച്ച നിലപാട് വ്യക്തമാക്കാമോ;</p>	(ബി)	<p>പരിസ്ഥിതിക്ക് വിനാശകരമാകാതെ നിർമ്മാണ മേഖലയ്ക്ക് പാറ ലഭ്യമാക്കാനാണ് സർക്കാർ ശ്രമിക്കുന്നത്. ഇതിനായി കേരള മൈൻ മിനറൽ കൺസൺ റൂൾസ് , 2015-ലെ വ്യവസ്ഥകൾക്ക് വിധേയമായാണ് സംസ്ഥാനത്ത് വനനാനുമതി നൽകി വരുന്നത്. Petroleum & Explosives Safety Organisation (PESO), State Environment Impact Assessment Agency (SEIAA), Pollution Control Board (PCB), മൈനിങ്ങ് & ജിയോളജി വകുപ്പ്, ബന്ധപ്പെട്ട തദ്ദേശ സ്വയംഭരണ സ്ഥാപനം എന്നിവിടങ്ങളിൽ നിന്നുള്ള അനുമതി/ലൈസൻസിന്റെ അടിസ്ഥാനത്തിലാണ് വനനാനുമതി അനുവദിക്കുന്നത്. സർക്കാർ ഭൂമിയിലെ വനനത്തിന് ബന്ധപ്പെട്ട ജില്ലാ കളക്ടറിൽ നിന്നുള്ള എതിർപ്പില്ലാ രേഖ കൂടി ലഭ്യമാക്കേണ്ടതുണ്ട്. അന്യധീകൃത വനം സംബന്ധിച്ച നിയമാനുസൃത</p>

		<p>നടപടികൾ ജില്ലാ തലത്തിൽ സ്വീകരിച്ചു വരുന്നുണ്ട്. സംസ്ഥാനത്തെ സർക്കാർ ഭൂമികളിലെ ഖനനാനുമതിക്കുള്ള എതിർപ്പില്ലാ രേഖ അനുവദിക്കുന്നതിനുള്ള മാർഗ്ഗ നിർദ്ദേശങ്ങൾ പുറപ്പെടുവിച്ചു കൊണ്ട് ജി.ഒ (എം.എസ്) നം. 28/2021/റവ തീയതി 28.01.2021 പ്രകാരം സർക്കാർ ഉത്തരവായിട്ടുള്ളതാണ്. ആയതു പ്രകാരമുള്ള നടപടികൾ പുരോഗമിക്കുന്നു. കരിങ്കൽ ഖനനം പൊതുമേഖലയിലാക്കുന്ന കാര്യം ഇപ്പോൾ സർക്കാരിന്റെ പരിഗണനയിലില്ല.</p>
(സി)	<p>മറ്റേതെങ്കിലും തരത്തിൽ ഖനനത്തിൽ നിയന്ത്രണം സാധ്യമാകുമോ; എങ്കിൽ വിശദമാക്കുമോ?</p>	<p>(സി) നിലവിലെ ചട്ടങ്ങൾ പ്രകാരം പരിസ്ഥിതി ദുർബല പ്രദേശങ്ങളിൽ ഖനനത്തിന് അനുമതി നൽകി വരുന്നില്ല. മറ്റേതെങ്കിലും തരത്തിലുള്ള നിയന്ത്രണം സാധ്യമാകുമോ എന്ന് പരിശോധിക്കാവുന്നതാണ്.</p>

സെക്ഷൻ ഓഫീസർ

വിശദീകരണക്കുറിപ്പ്

കേരള മൈനർ മിനറൽ കൺസഷൻ റൂൾസ്, 2015-ലെ വ്യവസ്ഥകൾക്ക് വിധേയമായാണ് സംസ്ഥാനത്ത് ഖനനാനുമതി നൽകി വരുന്നത്. Petroleum & Explosives Safety Organisation (PESO), State Environment Impact Assessment Agency (SEIAA), Pollution Control Board (PCB), മൈനിങ്ങ് & ജിയോളജി വകുപ്പ്, ബന്ധപ്പെട്ട തദ്ദേശ സ്വയംഭരണ സ്ഥാപനം എന്നിവിടങ്ങളിൽ നിന്നുള്ള അനുമതി/ലൈസൻസിന്റെ അടിസ്ഥാനത്തിലാണ് ഖനനാനുമതി അനുവദിക്കുന്നത്. സർക്കാർ ഭൂമിയിലെ ഖനനത്തിന് ബന്ധപ്പെട്ട ജില്ലാ കളക്ടറിൽ നിന്നുള്ള എതിർപ്പില്ലാ രേഖ കൂടി ലഭ്യമാക്കേണ്ടതുണ്ട്. അനധികൃത ഖനനം സംബന്ധിച്ച നിയമാനുസൃത നടപടികൾ ജില്ലാ തലത്തിൽ സ്വീകരിച്ചു വരുന്നുണ്ട്. സംസ്ഥാനത്തെ സർക്കാർ ഭൂമികളിലെ ഖനനാനുമതിക്കുള്ള എതിർപ്പില്ലാ രേഖ അനുവദിക്കുന്നതിനുള്ള മാർഗ്ഗ നിർദ്ദേശങ്ങൾ പുറപ്പെടുവിച്ചു കൊണ്ട് ജി.ഒ (എം.എസ്) നം. 28/2021/റവ തീയതി 28.01.2021 പ്രകാരം സർക്കാർ ഉത്തരവായിട്ടുള്ളതാണ്. ആയതു പ്രകാരമുള്ള നടപടികൾ പുരോഗമിക്കുന്നു.

GOVERNMENT OF KERALA

Industries (A) Department

NOTIFICATION

G.O. (P) No.16//2015/ID

Dated, Thiruvananthapuram, 07.02.2015.

24th Makaram, 1190.

S.R.O. No. 72/2015.- 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 in supersession of 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:-

CHAPTER I

PRELIMINARY

1. Short title and commencement – (1) These Rules may be called the Kerala Minor Mineral Concession Rules, 2015.

(2) They shall come into force at once.

2. Definitions - (1) In these rules unless the context otherwise requires,-

- (i) “Act” means the Mines and Minerals (Development and Regulation) Act, 1957 (Act 67 of 1957);
- (ii) “Approved Mining Plan” means a mining plan approved by the competent authority under these rules;
- (iii) “Competent authority” means the authority or officer appointed by the Government by notification in the Official Gazette to exercise the powers and perform the functions of the competent authority under these rules;
- (iv) "Consolidated Royalty Payment System (CRP System) for granite (building stones) and laterite (building stones)” means a mode of advance payment of consolidated royalty as per Schedule IV of these rules that can be opted by a quarrying permit holder for extraction of granite (building stones) and laterite (building stones) specified in item 5 of Schedule I;
- (v) “Dead rent” means a rent payable to the Government by a lessee under these rules for every year except for the first year of the period of quarrying lease from the date of execution of the lease at the rates stipulated in Schedule II of these rules or the amount of royalty payable by a lessee in one year for the quantity of the mineral removed or consumed by him from the leasehold, whichever is higher;

- (vi) “Dealer” means a person other than a lessee or a quarrying permit holder under these rules who is carrying on the business of selling minor minerals mentioned in schedule I.
- (vii) “Environmental Clearance” means the environmental clearance issued under the Environment (Protection) Act, 1986 (Central Act 29 of 1986) or the rules made thereunder.
- (viii) “Form” means a form appended to these rules;
- (ix) “Government” or “State Government” means the Government of Kerala;
- (x) “Movement permit” means a permit issued in Form R of these rules to a lessee who is in possession of all statutory licences required for the working of a quarry to remove minerals from the place of extraction after payment of royalty to Government and also includes a permit granted under rule 107 of these rules;
- (xi) “Ordinary Earth” means ordinary earth used for filling or levelling purposes in construction of embankments, roads, railways and buildings;
- (xii) “Precise area” means the area in respect of which quarrying/mining is intended to be permitted by the competent authority out of the area applied for quarrying lease/permit by the applicant;
- (xiii) “Producer” means a person carrying on the business of extraction of minor minerals;
- (xiv) “Public Works” mean public works such as roads, public buildings, reservoirs, irrigation canals and tanks;
- (xv) “Quarrying Permit” means a short term permit granted under chapter II of these rules for a period not exceeding one year at a time to extract any minor mineral within a specified period from an area of such extent as specified in Schedule IV or in specified quantities within a specified period as sanctioned by the authorities concerned;
- (xvi) “Quarrying Lease” means a mining lease for minor minerals granted under these rules for a period as specified in rule 39;
- (xvii) “Registered Holder” means a person in whose name the land has been registered in the revenue records;
- (xviii) “Registered metal crusher unit” means a unit engaged in the business of crushing granite stones into aggregates by means of mechanical devices that conform to specific jaw sizes and dimensions which has been registered with the Department of Mining and Geology and possessing valid quarrying lease;
- (xix) “Schedule” means a schedule appended to these rules;

(xx) “Surface rent” means a rent payable to the Government for every year for the surface area allotted to a quarrying permit holder or a lessee under these rules at such rates not exceeding the land tax assessable on the land by the Government from time to time;

(2) Words and expressions used but not defined in these rules and defined in the Act shall have the meanings respectively assigned to them in the Act and the rules made thereunder.

CHAPTER II

GRANT OF QUARRYING PERMITS IN RESPECT OF LANDS IN WHICH MINERALS OR MINERAL RIGHT BELONG TO GOVERNMENT

3. Grant of quarrying permit - (1) On application made to it the competent authority under these rules may grant a quarrying permit to any Indian National to extract any minor mineral, other than dimension stone, from any specified land within the limits of its jurisdiction and authority as notified by the Government in the official Gazette from time to time on payment of royalty as the competent authority may fix on the basis of the rates specified in schedule I or IV, as the case may be and also on payment of such surface rent and cess as may be assessable on the lands.

(2) The competent authority may grant a permit for a lower quantity than applied for or refuse to grant such permit for reasons to be recorded in writing.

(3) The area under a quarrying permit shall be a contiguous unit and shall not exceed one hectare.

(4) The competent authority under these rules shall send a copy of the quarrying permit granted by it to the District Collector and the Secretary of the Local Self Government Institution concerned.

4. Application for quarrying permit - (1) An application for a quarrying permit shall be made in Form A and shall contain the following particulars, namely:

- a.** name, address, profession and nationality of the applicant;
- b.** name and quantity of the minor mineral for which the permit is required;
- c.** description such as location, survey number etc. of the lands from which the minor mineral is to be extracted;
- d.** purpose for which the minor mineral is to be used.

(2) Every such application shall be accompanied by,-

- a. a copy of the survey map of the area, attested by the Village Officer concerned or any other competent officer of the department of Land Revenue having jurisdiction over the area in respect of which permit is applied for or Assistant Director of Survey and Land Records concerned. The area in which extraction is applied for in each survey number shall be demarcated and coloured red in the map;

- b. a certificate of demarcation of the boundaries of areas applied for, issued by an officer of the department of Land Revenue not below the rank of Village Officer who has jurisdiction over the relevant area;
- c. a certificate from the Village Officer concerned to the effect that the land in respect of which quarrying permit is applied for, is not assigned for any special purpose by the department of Land Revenue;
- d. 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 the case of revenue poramboke lands or lands owned by Local Self Government or in the case of forest lands, a No Objection Certificate from the District Collector or Secretary of the Local Self Government Institution or Divisional Forest Officer concerned, as the case may be, to the effect that the department concerned has no objection for the extraction of minor mineral by the applicant subject to the provisions contained in these rules;
- e. notarised consent letter from the owner of the land from which minor mineral is to be extracted to the effect that he has no objection to the extraction of the minor mineral by the applicant, if the land is not in the possession of the applicant;
- f. No Objection Certificate from the District Collector concerned, based on the recommendation of the District Expert Committee constituted by the Government in this regard, in the case of application for extraction of ordinary clay or ordinary sand;
- g. Bank guarantee from any Nationalized or Scheduled Bank at the rate of Rs 300/-(Rupees three hundred only) per cubic metre for the purpose of reclamation of pits that will be formed after quarrying in the area permitted, in respect of application for extraction of ordinary clay and ordinary sand.

5. Application fee - (1) Every application for a quarrying permit shall be accompanied by a fee of one thousand rupees for all minor minerals.

(2) The amount of fee shall be remitted in any of the State Government treasuries to the credit of the Department of Mining and Geology under the relevant receipt head of account and the treasury chalan receipt shall be attached to the application.

6. Acknowledgement of application - (1) Where an application for the grant or renewal of quarrying permit is delivered personally, its receipt shall be acknowledged forthwith, in Form C.

(2) In all other cases, the receipt of such application shall be acknowledged in Form C on the next working day.

(3) The officer receiving such application shall enter on it the day on which and the hour at which the application has been received by him.

7. *Payment of Royalty* - Every applicant for a quarrying permit shall pay royalty in advance to Government at the rates specified in Schedule I or IV, as the case may be. In the case of payment of royalty under consolidated royalty payment system (CRP System) for granite (building stones) and laterite (building stones) the competent authority may permit an applicant to opt for making payment under this system.

8. *Letter of intent to an applicant for a quarrying permit* - On receipt of an application for a quarrying permit 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 shall be issued a letter of intent by the competent authority after making site visits and other enquiries as the authority deems fit. Quarrying permit shall be granted and royalty collected only after obtaining all other statutory licences/clearances/No Objection Certificates etc. from other statutory authorities concerned. The letter of intent so issued shall be sufficient for statutory authorities concerned for issuing their licenses/permissions/No Objection Certificates etc.

9. *Disposal of application for the grant of quarrying permit* - (1) On receipt of the application for grant of quarrying permit for undertaking quarrying operations, the competent authority shall make site inspection and take decision regarding the precise area to be granted for the said purpose and intimate the applicant to submit approved mining plan and Environmental Clearance for the precise area.

Provided that, approved mining plan and environmental clearance shall not be insisted, for the issuance and renewal of permits in the case of Laterite Building Stone.

(2) On receipt of an approved mining plan and Environmental Clearance for the precise area and on production of all other statutory licenses/clearances/No Objection Certificate etc. from other statutory authorities concerned, the competent authority shall issue a quarrying permit to the applicant within thirty days in Form N for ordinary earth and in Form M for all other minor minerals.

10. *Conditions on which quarrying permit shall be granted* -Every quarrying permit, except for ordinary earth, under rule 9 shall be granted subject to the following conditions, namely:-

- a. the depth of the pit below surface shall not exceed 6 metres except in the case of extraction of granite (building stones) and laterite (building 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 slope failure. 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 under cutting 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-D to the Deputy Director General, Directorate General of Mines Safety, Southern Zone, Bengaluru - 560029; The Regional Controller of Mines, Yeshwantpur, Bengaluru - 560022 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. The maximum period for a quarrying permit shall be one year from the date of grant under rule 9;
- c. the permit holder shall not extract and remove excess quantity of the mineral than permitted;
- d. the permit holder shall not extract minerals outside the area permitted for extraction;
- e. 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 before 10th day of every calendar month after the month of grant of quarrying permit. The permit holder shall also allow inspection of the area by the competent authority or any officer authorized by him at any time and shall give satisfactory proof as to the quantity of the mineral quarried and removed;
- f. the permit holder, in cases where explosives are not used for quarrying, shall not carry on or allowed to be carried on any quarrying operations at or to any points within a distance of 75 metres from any railway line except with the previous written permission of the Railway Administration concerned and any bridge on National Highway or 50 metres from any reservoir, tanks, canals, rivers, bridges, other public works, residential buildings, the boundary walls of places of worship, burial grounds, burning ghats or forest lands or village roads except with the previous permission of the authorities concerned or the Government or the competent authority:

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:

Provided further that in cases where explosives are used for quarrying, the permit holder shall not carry on or allowed to be carried on any quarrying operations at or to any points within a distance of 100 metres from any railway line, any bridge, reservoir, tanks, residential buildings, monuments protected by Government, canals, rivers, public roads having vehicular traffic, other public works or the boundary walls of places of worship or 50 metres from any burial grounds or burning ghats or village roads or forest lands;

- g. The area granted under a quarrying permit shall be a contiguous unit;
- h. The permit holder shall not win and dispose of any type of mineral other than the mineral specified in his permit;
- i. (i) The permit holder shall erect a notice board in Malayalam at a prominent place with a minimum size of 1metre X 1.5 metres in a metallic board near to the entrance of the quarry to the effect that it shall contain the name and address of the permit holder, mineral concession number and date, the mineral to be extracted, permit number and date and its date of expiry, quantity of extraction permitted (if applicable), area of extraction permitted, explosives used (if any), etc;
- (ii) The permit holder shall erect a warning board with danger sign regarding operation of the quarry 100 metres away by the side of the road leading to it;
- j. 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 the permit for the purpose of inspection of the same;
- k. The permit holder shall carry on the operations 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;
- l. The permit holder shall at all times during the term of the 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 in this regard, during all reasonable time;
- m. The permit holder shall give on demand any information pertaining to the quarrying as required by the competent authority under these rules;

- n. 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;
- o. The permit holder shall comply with all rules and regulations which may from time to time 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;
- p. The permit holder shall without delay send to the District Collector, Deputy Director General, Directorate General of Mines Safety, Bengaluru and the competent authority under these rules 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;
- q. (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 thing 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) The permit holder shall carry out mining operations only in accordance with the approved mining plan submitted by him for obtaining the quarrying permit.

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.

18. Classification of granite and other crystalline rocks - The different varieties of granite and other crystalline rocks are classified as-

- (i) Dimension stones which include all types of granites, dolerite, charnockite, leptynite and other crystalline rocks of Acid, Intermediate, basic and ultra basic groups of igneous and metamorphic origin which are suitable for cutting to pre-determined sizes, polishing, carving and amenable for making value-added products in decorative monumental and ornamental fields of industry as a high-value item; and
- (ii) all those group of rocks specified above in sub item (i) which are not suitable for using as dimension stones as specified therein, but can be used as ordinary building stones, road metal, rubble and ballasts after breaking into irregular pieces by blasting or otherwise as low value item with different rates of royalty or dead rent.

Note: - Indulgence of quarrying or raising a high value item of dimension stone with the permit/lease taken for ordinary low value items of granite and other crystalline rocks will attract provisions of sub-rules (1) and (2) of Rule 108.

19. Preferential right in granting of quarrying Permits.- Where two or more persons have applied for a quarrying permit in respect of the same land, the applicant whose application was received earlier shall have a preferential right for the grant of the permit over the applicant whose application was received later provided the earlier application satisfies all the conditions laid down in these rules.

CHAPTER III
GRANT OF QUARRYING PERMITS IN RESPECT OF LANDS IN WHICH
MINERAL RIGHT VESTS WITH PRIVATE PERSONS

- 20. *Grant of quarrying permit.***- On application made to him in form 'A', a private person in whom is vested the mineral rights in the lands owned by him may grant a quarrying permit to any Indian National to extract and remove from a specified land any minor mineral not exceeding 10,000 tonnes in quantity under one permit under the same conditions as specified in Chapter II under which the competent authority or the officer authorised by him in that regard may grant a quarrying permit in respect of lands in which the minerals vest in Government.
- 21. *Duties of the grantor*** - The private person who may grant a quarrying permit under Rule 20 shall submit to the competent authority or any officer empowered by him in this regard an attested true copy of the permit issued by him to any person, within thirty days of its grant.
- 22. *Prohibition of working of quarries.***- If the Government or competent authority has reason to believe that the grant of a quarrying permit is in contravention of any of the provisions of this Chapter, the Government or the competent authority may, after giving the parties an opportunity of being heard, direct the parties concerned not to undertake any quarrying operations in the area to which the permit relates.

CHAPTER IV
GRANT OF QUARRYING PERMIT IN RESPECT OF LANDS IN WHICH THE
MINERAL RIGHTS VEST PARTLY IN GOVERNMENT AND PARTLY IN PRIVATE
PERSONS

- 23. *Chapter II to apply to quarrying leases in respect of lands in which minerals vest partly in Government and partly in a private person.***- The provisions in Chapter II shall apply in relation to grant of quarrying permit in respect of lands in which minerals vest partly in Government and partly in a private person:

Provided that the royalty, surface rent and cesses, if any, payable shall be shared by the Government and by the private person in proportion to the shares they have in the minerals.

- 24. *Duty of landholder to prove his share in mineral rights*** - In granting the quarrying permit the competent authority shall treat the land as land in which the minerals vest in Government and issue permit to extract the specified quantity of the mineral:

Provided that if the private person is able to produce valid documentary proof to show his share in the royalty, surface rent, and cesses, if any, during the currency of the permit, the competent authority shall after getting a clearance certificate from the concerned

Revenue Authorities make arrangements to pay him his share from the collection already made from the quarrying permit holder:

Provided further that where the applicant for the quarrying permit is the private person and where he produces along with the application valid documentary proof in regard to his share in the mineral rights, the competent authority shall, after getting clearance certificate from the concerned Revenue authorities, and after collecting the share of the Government in the royalty, surface rent, and cesses, if any, issue the permit.

CHAPTER V

GRANT OF QUARRYING LEASES IN RESPECT OF LANDS IN WHICH THE MINERAL OR MINERAL RIGHT VESTS IN GOVERNMENT

25. *Applicability of the chapter.*- The provisions of this chapter shall apply only to the grant of quarrying leases in respect of lands in which the minor minerals vest exclusively in the Government.

26. *Restrictions on the grant of quarrying leases.*- Quarrying leases under this chapter shall be granted only to Indian Nationals:

Provided that a quarrying lease may be granted by the Government to a person who is not an Indian National with the previous approval of the Central Government.

27. *Application for grant of quarrying lease.*- (1) An application for grant or renewal of a quarrying lease shall be made to the competent authority in form 'B';

(2) Every such application shall be accompanied by-

- (a) income-tax clearance certificate from the income-tax officer concerned;
- (b) copy of the survey map of the area attested by an officer not below the rank of a Tahsildar of the department of Land Revenue or Assistant Director of the department of Survey and Land Records. The area applied for extraction in each survey number shall be demarcated and coloured red in the map;
- (c) possession and enjoyment certificate issued by the Village Officer concerned in respect of the land from which the minerals are proposed to be extracted and removed;
- (d) 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;

(e) certificate of demarcation of the boundaries of areas applied for, issued by an officer of the department of Land Revenue not below the rank of Village Officer who has jurisdiction over the relevant area;

(f) certificate from the Village Officer concerned to the effect that the land applied for quarrying lease is not assigned for any special purpose by the department of Land Revenue;

(g) notarised consent letter from the owner of the land applied for quarrying lease to the effect that he has no objection to the extraction of the minor mineral by the applicant, if the land is not in the possession of the applicant;

28. Application fee for quarrying lease - (1) Every application for grant of quarrying lease shall be accompanied by a fee of Rs. 10,000/- (Rupees ten thousand only) for all minor minerals except for dimension stones as specified under these rules.

(2) In the case of application for a quarrying lease for extraction of dimension stones, it shall be accompanied by a fee of twenty thousand rupees.

(3) The amount of fee shall be remitted to the State Government treasuries to the credit of the Department of Mining and Geology under the relevant receipt head of account and the treasury chalan receipt shall be attached to the application.

29. Acknowledgement of application - The procedure for receipt and acknowledgement of application for grant or renewal of quarrying lease is as provided for in rule 6.

30. Application for renewal of quarrying lease - (1) Every application for the renewal of a quarrying lease shall be made at least three months before the date on which the lease is due to expire.

(2) Documents to be attached to and the fee prescribed for the application for grant of quarrying lease shall be the same for an application for its renewal.

31. Preferential right of certain persons - (1) Where two or more persons have applied for quarrying lease in respect of the same land the applicant whose application was received earlier shall have preferential right for the grant of the lease over an applicant whose application was received later.

(2) The Government or the competent authority may, for special reasons to be recorded grant a quarrying lease to an applicant whose application was received later in preference to an applicant whose application was received earlier.

32. Payment of royalty by a lessee - (1) The holder of a quarrying lease which is granted on or after the commencement of these rules shall pay royalty in respect of any mineral removed by him from the land in respect of which the lease has been granted at the rates specified in schedule I in respect of the mineral.

(2) The State Government may, by notification in the Official Gazette, enhance or reduce the rate of royalty in respect of any minor mineral with effect from the date, as may be specified in such notification:

Provided that the rate of royalty shall not be enhanced in respect of any mineral more than once during any period of three years.

33. Disposal of application for the grant or renewal of quarrying lease - (1) On receipt of the application for grant or renewal of quarrying lease for undertaking quarrying operations, the competent authority shall make site inspection and take decision regarding the precise area to be granted for the said purpose and intimate the applicant to submit approved mining plan and Environmental Clearance for the precise area,

(2) On receipt of an approved mining plan and Environmental Clearance for the precise area and on production of all other statutory licenses/clearances/No Objection Certificate etc. from other statutory authorities concerned, the competent authority shall grant a quarrying lease within thirty days.

(3) No application shall be refused without affording the applicant an opportunity of being heard.

(4) Where the competent authority passes an order refusing to grant or renew a quarrying lease, the reason thereof shall be communicated through a speaking order within fifteen days of the date of the order.

34. Refund of application fee - Where an application for the grant or renewal of a quarrying lease is refused under rule 33 or the applicant refuses to accept the lease on account of any conditions imposed under these rules or any other relevant law or order, the application fee paid by the applicant shall not be refunded to him.

35. Length and breadth of area leased - .- Except in case of a quarrying lease for sand or Kankar The length of an area held under a quarrying lease shall not exceed four times its breadth

36. Boundaries below the surface - The boundaries of the area covered by a quarrying lease shall run vertically downwards below the surface towards the centre of the earth.

37. Restriction on the area of quarrying lease - (1) The area under the quarrying lease shall be a contiguous unit and shall not be less than one hectare:

Provided that in the case of renewal of quarrying lease the restrictions in minimum area shall not be applicable.

(2) No lessee shall ordinarily hold in the aggregate more than 2 square kilometres of area under lease in respect of one minor mineral within the state of Kerala.

38. Survey and demarcation of precise area approved for grant of lease - (1) On receipt of communication regarding the precise area under rule 55, the applicant shall make arrangements for the survey and demarcation by erection of boundary pillars of the said

area by the revenue authority not below the rank of a Tahsildar or Assistant Director of Department of Survey and Land Records and shall produce a certificate in this regard issued by the authorities concerned.

(2) In cases where the area applied for quarrying lease and the precise area as communicated by the competent authority under rule 55 are different, the applicant shall submit a survey map of the precise area attested by the competent officer who issued the certificate under sub rule (1).

39. *Period of quarrying lease* - (1) The minimum period for which a lease may be granted shall be five years.

(2) The maximum period for which a lease may be granted shall be twelve years;

(3) In the case of renewal of a quarrying lease, the dead rent, royalty and surface rent shall be charged at the rates in force at the time of renewal and also at the rates in the amendments made in these rules from time to time;

(4) A quarrying lease may be renewed for a period not exceeding 12 years subject to the condition that the renewal shall not be for a period exceeding the period for which lease was originally granted.

40. *Conditions of quarrying lease.* - (1) Every quarrying lease shall be subject to the following conditions and/ or any other conditions that may be imposed by the competent authority and such conditions shall be incorporated in every quarrying lease deed, -

(a) the lessee shall report to the competent authority, the discovery in the leased area of any mineral not specified in the lease within fifteen days of such discovery;

(b) if any mineral not specified in the lease is discovered in the leased area, the lessee shall not win or dispose of such mineral unless a separate lease is obtained therefore under the relevant rules and if he fails to apply for such a lease within six months from the discovery of the mineral, the Government may grant a lease in respect of such minerals to any other person;

(c) the lessee shall pay to the Government royalty on any mineral moved out of the lease hold at the rates specified in schedule-I 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.

(d) the lessee shall pay the Government for every year, except the first year of lease such yearly dead rent within the limits specified in schedule II, as may be fixed from time to time by the Government. Where the lease permits the working of any mineral, the lessee shall be liable to pay dead rent or royalty in respect of that mineral whichever is higher, but not both:

Provided that where the lease permits the working of more than one mineral in the same area, the lessee shall be liable to pay dead rent or royalty in respect of each mineral subject to the restriction mentioned above in respect of any mineral:

Provided further that where the quarrying of one mineral involves the quarrying of any other mineral or minerals and lease permits the working of such other mineral or minerals also the lessee shall be liable to pay dead rent for only one mineral, the highest dead rent being payable for this purpose in lieu of the combined royalty, if the latter is less than the former.

- (e) the lessee shall also pay to the Government for the surface area used by him for the purpose of mining operations, surface rent at such rate, as may be specified in the lease, but not exceeding the land revenue and cesses assessable on the land from time to time;
- (f) the lessee shall not employ in connection with the mining operations any persons who are not an Indian National except with the previous approval of the State Government or the competent authority;
- (g) the lessee shall commence quarrying operations within two years from the date of execution of the lease and shall thereafter conduct such operations in a proper, skillful and workman-like manner. Otherwise the lease shall lapse on the expiry date of the period of two years from the date of execution of the lease:

Provided that the competent authority may, on an application made by the holder of such lease within three years from the date of execution of the lease and, on being satisfied that it will not be possible for the lessee to undertake mining operations or to continue such operations for reasons beyond his control, make an order, subject to such conditions as may be prescribed, to the effect that such lease shall not lapse.

Explanation:- For the purpose of this clause, mining operations shall include the erection of machinery, laying of a tramway or construction of a road in connection with the working of the mine.

- (h) the lessee shall at his own expense erect and at all times maintain and keep in good repair boundary marks and pillars necessary to indicate the demarcation shown in the plan annexed to the lease.
- (i) in cases where explosives are not used for quarrying, the lessee shall not carry on or allowed to be carried on any quarrying operations at or to any points within a distance of 75 metres from any railway line except with the previous written permission of the Railway Administration concerned and any bridge on National High way or 50 metres from any reservoir, tanks, canals, rivers, bridges, public roads, other public works, residential buildings, the boundary walls of places of worship, burial grounds, burning ghats or any Government protected monuments or forest lands except with the previous permission of the authorities concerned or the Government or competent authority:

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

Provided further that in cases where explosives are used for quarrying, the lessee shall not carry on or allowed to be carried on any quarrying operations at or to any points within a distance of 100 metres from any railway line, bridges, reservoirs, tanks, residential buildings, Government protected monuments, canals, rivers, public roads having vehicular traffic, any other public works or the boundary walls of places of worship or 50 metres from any burial grounds or burning ghats or forest lands.

- (j) the lessee shall keep correct accounts showing the quantity and other particulars of all minor minerals obtained from the mine, date wise, quantities of minerals despatched from the lease area, the price obtained for such minerals, the name of the purchasers, the receipts for money received, the number of persons employed therein, and shall allow any officer authorised by the State Government or the competent authority in this behalf to examine at any time any accounts and records maintained by him and shall furnish the Government or the competent authority with such information and returns as may be required.
- (k) the lessee shall support and strengthen, to the satisfaction of the railway administration concerned or the State Government or the competent authority, as the case may be, any part of the quarry which in its or their opinion requires such strengthening or support for the safety of any railway, reservoir, canal, road or any other public works or buildings;
- (l) the lessee shall allow any officer authorised by the Government or the competent authority and the Central Government to enter upon any building, excavation or land comprised in the lease for the purpose of inspecting the same;
- (m) the lessee shall give to,-
 - (i) the Deputy Director General, Directorate of Mines Safety, Southern Zone, Bengaluru – 560029;
 - (ii) the Regional Controller of Mines, Yeshwantpur, Bengaluru – 560022;
 - (iii) the District Magistrate of the district in which the mine is situated, a notice in writing in form 'D' appended to these rules, as soon as,-
 - (a) the depth of any open cast excavation measured from its highest to the lowest point reaches 6 metres; or
 - (b) the number of persons employed on any day is more than 50; or
 - (c) any explosives are used;
- (n) the Government or the competent authority shall at all times have the right of pre-emption of the minor minerals won from the land in respect of which the lease has been granted:

Provided that the fair market price prevailing at the time of pre-emption shall be paid to the lessee for all such minor minerals;

- (o) the lessee shall-
 - (i) submit by the tenth day of every month, to the competent authority, a return in Form F giving the total quantity of minor minerals raised in the preceding calendar month and its value;
 - (ii) furnish by the 15th day of April of every year to the competent authority, a statement in Form G giving information regarding quantity and value of minor minerals obtained during the last financial year, average number of labourers employed (men and women separately), number of accidents, compensation paid and number of days worked separately;
- (p) the lessee shall be responsible for implementing the provisions of the various labour laws applicable, from time to time, to the quarry;
- (q) the lessee shall not assign, sub-let or transfer his lease or any right, title or interest therein to any person without the previous sanction in writing of the State Government or competent authority as provided in rule 45;
- (r) where any lease or any right, title or interest therein has been, assigned, sublet or transferred as provided in clause (q), then the person in whose favour such assignment, sublease or transfer has been made shall be responsible for implementing the provisions of the various labour laws applicable, from time to time, to the quarry;
- (s) a quarrying lease may contain such other conditions as the State Government or the competent authority may deem necessary in regard to the following matters, namely:-
 - (i) the time limit, mode and place of payment of rents and royalties for this purpose, minerals shall be moved from the quarry area only on permits issued by the competent authority on the basis of prepaid royalty;
 - (ii) the compensation for damage to the land covered by the lease;
 - (iii) the felling of trees;
 - (iv) the restrictions of surface operations in any area prohibited by any authority;
 - (v) the notice by lessee for surface occupation;
 - (vi) the facilities to be given by the lessee for working other minor minerals in the leased area or adjacent areas;
 - (vii) the entering and working in a reserved or protected forest;
 - (viii) the securing of pits and shafts;
 - (ix) the reporting of accidents;

- (x) the indemnity to the State Government against claim of third parties;
- (xi) the delivery of possession over lands and mines or the surrender, expiration or determination of the lease;
- (xii) the forfeiture of property left after determination of lease;
- (xiii) the power to take possession of plant, machinery, premises and mines in the event of war or emergency;
- (xiv) the provision of proper weighing machines;
- (xv) the mining plan, quarrying operation and scientific mining as specified in Chapter VI.

(2) The lessee shall carry out the mining operations only in accordance with the approved mining plan submitted by him for obtaining the quarrying lease.

(3) (a) If the lessee does not allow entry or inspection under clause (1) of sub-rule (1), the Government or the competent authority shall give notice in writing to the lessee requiring him to show cause within thirty days why the lease should not be terminated and his security deposit forfeited, and if the lessee fails to show cause within the aforesaid period to the satisfaction of the Government or the competent authority they or it may terminate the lease and forfeit the whole or part of the security deposit.

(b) If the lessee makes any default in payment of dues to the Government or commits breach of any of the conditions other than those referred to in clause (a), the Government or the competent authority shall issue notice to the lessee requiring him to pay the dues or remedy the breach, within thirty days from the date of receipt of the notice and if the payment is not made or the breach is not remedied within such period, the Government or the competent authority may without prejudice to any proceeding that may be taken against him, require the lessee to pay a penalty not exceeding Rs. 25,000/-.

(c) A quarrying lease may contain any other special conditions as may be specified by the Government.

41. Rights of lessee - Subject to the conditions mentioned in rule 40, the lessee with respect to the land leased to him, shall have the right for the purpose of mining operations on that land-

- (a) to work the mines;
- (b) to sink pits and shafts and construct building and roads;
- (c) to erect plant and machinery;
- (d) to quarry and obtain buildings and road materials and to make bricks, but not for sale;
- (e) to use water;
- (f) to use land for stacking purposes;
- (g) to do any other thing specified in the lease.

42. Security Deposit.- (1) An applicant for quarrying lease shall before the deed referred to in rule 43 is executed, deposit as security a sum of ten thousand rupees per hectare for all minor minerals (except dimension stones) only for the due observance of the terms and conditions of the lease.

(2) In the case of dimension stones the security deposit shall be twenty thousand rupees per hectare. The security amount shall be refundable on the expiry of period of lease after deducting penalties, if any;

(3) The security deposit shall be remitted to the credit of the State Government to the remittance head of account as the Government may by special order specify in this regard;

(4) The security deposit stipulated in this rule is in addition to the financial guarantee mentioned in rule 62.

43. Lease to be executed within six months.- (1) Where a quarrying lease is granted, a lease deed in Form H shall be executed within six months of approval of mining plan or within such further period as the Government or the competent authority may allow in this behalf, and if no such lease deed is executed within the said period due to any default on the part of the applicant, the Government or the competent authority may revoke the order granting the lease, and in that event the application fee shall be forfeited to the Government.

(2) The date of commencement of the period for which a quarrying lease is granted shall be the date on which the deed is executed under sub-rule (1) and the quarrying shall be started only after registration of quarrying lease deed under rule 44.

44. Registration of quarrying leases - All quarrying leases granted under this chapter shall be registered in accordance with the provisions of the Indian Registration Act, 1908 (Central Act 16 of 1908).

45. Transfer of quarrying lease - (1) The lessee shall not transfer the quarrying lease to any other person without obtaining previous sanction of the Government or competent authority.

(2) The lessee shall apply to the competent authority for transfer of lease, along with a fee of ten thousand rupees.

(3) The transfer deed shall be executed in Form E within three months of the date of sanction of transfer.

46. Responsibility for implementing the labour laws - The lessee shall be responsible for implementing the provisions of the various labour laws applicable, from time to time, to the quarry:

Provided that where the lease or any right, title or interest therein has been assigned, sublet or transferred as provided in rule 45, then the person in whose favour such assignment, sub-lease or transfer has been made shall be responsible for implementing the provisions of the various labour laws applicable, from time to time, to the quarry.

47. Rights to determine the lease - The lessee may terminate the lease at any time by giving not less than six months' notice in writing to the Government or the competent authority after paying all outstanding dues to the State Government.

48. Register of quarrying lease.- (1) A register of applications for quarrying leases shall be maintained by the competent authority in Form I.

(2) A register of quarrying lease shall be maintained by the competent authority in Form J.

49. Movement permits and its register.- The lessee shall be granted movement permit in Form R of these rules for removal of minor minerals from the area under the quarrying lease on 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 lessee shall obtain mineral transit passes under the Kerala Minerals (Prevention of Illegal Mining, Storage and Transportation) Rules, 2015 for removal of minerals from the area of lease:

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 lessee 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.

50. Cancellation of quarrying lease.- If the Government or competent authority under these rules has reason to believe that the lease granted is in contravention of provisions of any other law or the lessee has violated any of the conditions subject to which the lease is granted, the Government or the competent authority may, after giving the lessee an opportunity of being heard, direct him not to undertake any quarrying operations in the area of the lease and may cancel the lease 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 lessee shall also be forfeited to Government:

Provided that where the competent authority is of the opinion that it is expedient in the interest of regulation of quarries and mineral development, preservation of natural environment, control of floods, prevention of pollution or to avoid danger to public health or communications or to ensure safety of buildings, monuments or other structures or for such other purposes, as the competent authority may deem fit, he may, by an order terminate the quarrying lease with respect to the area or any part thereof covered by such lease.

51. Refusal for renewal of quarrying lease.- Where an applicant for renewal of quarrying lease is convicted for illegal quarrying, and there are no interim orders of any court of law suspending the operation of the order of such conviction in appeals pending against such conviction in any court of law, the Government or the competent authority may, after

giving such applicant an opportunity of being heard and for reasons to be recorded in writing and communicated to the applicant, refuse to renew such quarrying lease.

52. Pending application for quarrying lease.- Applications for the grant or renewal of the quarrying leases pending at the commencement of these rules shall be disposed of in accordance with the provisions of these rules.

CHAPTER VI

MINING PLAN

53. Mining Plan as a pre-requisite for the grant of quarrying permit or quarrying lease.-

Except as provided for in the proviso to sub-rule(1)of rule 9, no quarrying permit or lease shall be granted by the Government or the competent authority unless there is a Mining Plan duly approved by the competent authority.

54. Mining Plan to be prepared by a Recognised Qualified Person.- (1) No mining plan shall be approved unless it is prepared by a qualified person recognized in this behalf by the Government or the Director of Mining and Geology or by any recognised person under rule 22B of the Mineral Concession Rules, 1960.

(2) No person shall be recognised by the Government or the Director of Mining and Geology for preparation of mining plan unless he is below 70 years of age and holds, –

(i) a degree in Mining Engineering or a post-graduate degree in Geology granted by a University or any institutions recognised by the University Grants Commission established under section 4 of the University Grants Commission Act, 1956 (Central Act 3 of 1956) or any equivalent qualification granted by any University or institution outside India; and

(ii) professional experience of five years of working in a supervisory capacity in mining operations or mineral administration after obtaining degree:

Provided that a person recognised to prepare a mining plan may also carryout modifications of an existing mining plan.

(3) Any person possessing the qualifications and experience specified in sub-rule (2) may apply in Form P along with a nonrefundable fee of ten thousand rupees for recognition to the Director, Mining and Geology (hereinafter referred to as Director).

(4) The Director, after making such enquiry as he deems fit, may grant or refuse to grant recognition. Where recognition is refused, the authority shall record reasons of refusal in writing and communicate the same to the applicant.

(5) A certificate of recognition as recognized qualified person shall be issued in Form Q.

55. Submission of mining plan and its approval.- On receipt of the application for grant of quarrying permit or lease for undertaking quarrying operations the competent authority

shall take decision regarding the precise area to be granted for the said purpose and communicate such decision to the applicant and on receipt of such communication, the applicant shall submit a mining plan for the approval and the said mining plan shall include,-

- (i) (a) plan of the precise area showing the nature and extent of the mineral deposit clearly showing the spot or spots where the excavation is to be done in the first five year in the case of quarrying lease; or for the entire period in the case of quarrying permit.
- (b) a detailed cross-section and detailed plan of spots of excavation;
- (c) a tentative scheme of quarrying for the second five year period of the quarrying lease;
- (ii) the geological and lithological details of the precise area including mineral reserves;
- (iii) the extent of manual quarrying or quarrying by the use of machinery and mechanical devices on the precise area;
- (iv) a plan of the precise area, showing natural water course, limits of reserved and other forest areas and density of trees, if any, assessment of impact of quarrying activity on forest, land surface and environment including air and water pollution, details of scheme for restoration of the area by afforestation, reclamation of land, use of pollution control devices and of such other measures as may be directed by the Government or competent authority from time to time;
- (v) annual programme and plan for excavation of the precise area, from year to year, in the case of quarrying permit, or from year to year for five years, in the case of quarrying lease;
- (vi) any other matter which the Government or the competent authority may require the applicant to provide in the mining plan.

56. Modification of mining plan.— (1) The competent authority may require the lessee to make such modifications in the mining plan submitted by him or impose such conditions by an order in writing if such modifications or imposition of conditions are considered necessary in the light of the experience of operation of mining plan or in view of the change in the technological development;

(2) A lessee desirous of seeking modifications in the approved mining plan as are considered expedient, in the interest of safe and scientific mining, conservation of minor minerals or for the protection of environment, shall apply to the competent authority for

modification of the mining plan setting forth the intended modifications and explaining the reasons for the same;

(3) The competent authority may approve the modifications under sub-rule (2) or approve such alterations as it may consider expedient.

57. Quarry Closure Plan.- Every quarry shall have quarry closure plan which shall be of two types:-

- (i) Progressive closure plan; and
- (ii) Final closure plan.

58. Submission of Progressive Quarry closure Plan.- (1) The owner or agent or manager or mining engineer shall, in case of fresh grant or renewal of quarrying lease, submit a progressive quarry closure plan as a component of mining plan to the competent authority;

(2) The owner or agent or manager or mining engineer shall, in case of existing quarrying lease, submit a progressive quarry closure plan as a component of mining plan to the competent authority for approval within a period of one year from the date of commencement of these rules;

(3) The owner or agent or manager or mining engineer shall review the progressive quarry closure plan every five years from the date of its approval in case of existing quarry or from the date of opening of the quarry in case of fresh grant or from the date of renewal of quarrying lease, as the case may be, and shall submit to the competent authority for its approval;

(4) The competent authority in this behalf shall convey his approval or refusal of the progressive quarry closure plan within ninety days of its receipt;

(5) If approval or refusal of the progressive quarry closure plan is not conveyed to the owner or agent or manager or mining engineer of the quarry within the period as specified in sub-rule (4), the progressive mine closure plan shall be deemed to have been provisionally approved, and such approval shall be subject to final decision whenever communicated.

59. Submission of Final Quarry Closure Plan.- (1) The owner or agent or manager or mining engineer shall submit a final quarry closure plan to the competent authority in this behalf for approval one year prior to the proposed closure of the quarry.

(2) The competent authority in this behalf shall convey his approval or refusal of the final quarry closure plan within ninety days of the date of its receipt to the owner, agent or manager;

(3) If approval or refusal of the final quarry closure plan is not conveyed to the owner, agent or manager of the quarry within the period as specified in sub-rule (2), the final quarry closure plan shall be deemed to have been provisionally approved and such approval shall be subject to final decision whenever communicated.

60. The modification of quarry closure plan.- (1) The holder of a quarrying lease desirous of seeking modifications in the approved quarry closure plan shall apply to the competent authority for approval setting forth the intended modifications and explaining the reasons for such modifications.

(2) The competent authority may approve the modifications as submitted under clause (1) or approve with such alterations as it may consider expedient.

61. Responsibility of the lessee.- (1) The owner or agent or manager of a quarry shall have the responsibility to ensure that the protective measures contained in the quarry closure plan have been carried out in accordance with the approved quarry closure plan or with such modifications as approved by the competent authority in this behalf under these rules.

(2) The owner or agent or manager shall submit to the competent authority in this behalf an yearly report before 1st July of every year setting forth the extent of protective works carried out as envisaged in the approved quarry closure plan, and if there is any deviation, reasons thereof.

62. Financial guarantee.- (1) Every lessee shall furnish a financial guarantee for the purpose of performance of the quarry closure plan. The amount of financial guarantee shall be twenty five thousand rupees per hectare of the lease area put to use for quarrying and allied activities. However, the minimum amount of financial guarantee to be furnished in any of the forms referred to in sub-rule (2) shall be one lakh rupees:

Provided that a lessee shall be required to enhance the amount of financial guarantee with the increase in the area of quarrying and allied activities.

(2) The financial guarantee shall be submitted in one of the following forms to the competent authority in this behalf,-

- (a) Letter of Credit from any Scheduled Bank;
- (b) performance or Surety bond;
- (c) any other form of security or any other guarantees acceptable to the competent authority.

(3) The lessee shall submit the financial guarantee to the competent authority in this behalf before executing the quarrying lease deed. In case of an existing quarrying lease, the lessee shall submit the financial guarantee along with the progressive quarry closure plan.

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

(5) If the competent authority has reasonable grounds for believing that the protective measures as envisaged in the approved quarry closure plan in respect of which financial guarantee was given, has not been or will not be carried out in accordance with the 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 thirty days prior to the date of the order to be issued.

(6) Within thirty days of the receipt of notice referred to in sub- rule (5), if no satisfactory reply has been received in writing from the lessee, the competent authority shall pass an order for forfeiting the guarantee amount and a copy of such order shall be endorsed to the Government.

63. Quarry Safety Fund.- (1) The District Collector shall constitute a fund called “Quarry Safety Fund” to meet necessary expenses for ensuring safety to the abandoned quarries.

(2) The quarry safety fund shall consist of ten percent of the amount of royalty or consolidated royalty collected from every quarrying permit holder or lessee under these rules in addition to the amount collected as royalty or consolidated royalty.;

(3) The entire amount available towards Quarry Safety Fund shall be kept in the Treasury Savings Bank Account.

64. Audit of the quarry safety fund.- (1) The income and expenditure of the quarry safety fund shall be audited by the office of the Local Fund Audit once in every three years.

(2) All the facts relating to the quarry safety fund shall be subjected to examination in audit and along with that the following facts shall be specially taken into account, namely:-

- (a) whether the income to the quarry safety fund has been credited properly;
- (b) whether the expenditure is in accordance with the authorisation;
- (c) whether the records regarding expenditure is complete;
- (d) whether the expenditure has been incurred by observing procedure;
- (e) whether the income has been properly accounted.

(3) The copy of the audit report shall be submitted to the Government and the District Collector soon after the completion of audit.

65. Procedure for ensuring safety in abandoned quarries.- (1) In cases where the backfilling of the mined out area is not completed after the period of quarrying lease of a quarry, the Geologist or Senior Geologist of the District offices of the Department of Mining and Geology shall intimate the matter with all relevant particulars of the quarry to the District Collector and the District Collector with the assistance of the Public Works Department shall make arrangements to fence the quarry properly using concrete /iron pillars and iron ropes so as to avoid entrance to the abandoned pit. The expenditure in this connection will be met by the District Collector from the quarry safety fund. Proper fencing of the abandoned quarry shall be completed soon after the intimation by the Geologist to the District Collector subject to the availability of the fund.

(2) In cases where the pits formed due to mining of minor minerals happens to be dangerous to the public and if so reported by the Local Self Government Institutions or the Geologist or Senior Geologist of the district offices of the Department of Mining and

Geology or the Revenue authorities concerned the District collector shall make arrangements to fence the quarry using concrete or iron pillars and iron ropes so as to avoid entrance to the abandoned quarry pit with the assistance of the Public Works Department by using quarry safety fund subject to its availability.

(3) In the event of non-reclamation of pits formed due to quarrying of ordinary clay and ordinary sand by the quarrying permit holder or occupier of the land for which permit was granted under sub-rule (1) of rule 3 after obtaining financial guarantee, the District Collector concerned may direct the authority who received the financial guarantee to transfer it to the Executive Engineer of the Public Works Department concerned and direct him to take steps for reclamation of pits:

Provided that where the financial guarantee so received happens to be insufficient for the reclamation of such pits, the District Collector concerned may recover the amount so required for the purpose from the person who failed to reclaim the pits or from his legal heirs under the provisions of the Revenue Recovery Act, 1968 (15 of 1968) and transfer it to the Executive Engineer of the Public Works Department concerned and direct him to take steps for their reclamation.

66. Mining plan to be submitted by the existing lessee.- (1) Where quarrying operations for minor minerals have been undertaken before the commencement of these rules without an approved mining plan, the holder of such lease shall submit a mining plan within a period of one year from the date of commencement of these rules, to the competent authority in this behalf.

(2) If a lessee has not been able to submit the mining plan within the specified time for reasons beyond his control, he may apply for extension of time giving reasons to the competent authority in this behalf.

(3) The competent authority on receiving an application made under sub-rule (2) may, on being satisfied that the reasons given under sub-rule (2) are genuine, extend the period for submission of the mining plan for a period which may not extend beyond one year from the date of commencement of these rules.

(4) The competent authority may approve the mining plan submitted by the lessee under sub-rule (1) or require any modifications to be carried out in the mining plan and the lessee shall carry out such modifications and resubmit the modified mining plan for approval of the competent authority.

(5) The competent authority shall within ninety days from the date of receipt of the mining plan or the modified mining plan convey its approval or disapproval to the applicant and in case of disapproval it shall also convey the reasons for disapproving the said mining plan or the modified mining plan.

(6) If no decision is conveyed within the period stipulated under sub-rule (5) the mining plan or the modified mining plan shall be deemed to have been provisionally approved and such approval shall be subject to the final decision whenever communicated.

(7) The mining plan under sub-rule (1) shall be prepared by a recognised qualified person.

67. Review of mining plan.- (1) Every mining plan duly approved under these rules shall be valid for the entire duration of the lease.

(2) The owner, agent, mining engineer or manager of every quarry shall review the mining plan as prescribed under sub-rule (1) and submit a scheme of mining for the next five years of the lease to the competent authority for approval at least one hundred and twenty days before the expiry of the first five year period for which it was approved on the last occasion.

(3) The competent authority shall convey its approval or refusal to the scheme of mining within ninety days of the date of its receipt.

(4) If approval or refusal of the scheme of mining is not conveyed to the lessee within the stipulated period, the scheme of mining shall be deemed to have been provisionally approved and such approval shall be subject to final decision whenever communicated.

(5) Every scheme of mining submitted under these rules shall be prepared by a recognized qualified person as stipulated under sub-rule (2) of rule 54.

68. Quarrying operations to be in accordance with mining plan.- (1) Every lessee shall carry out quarrying operations in accordance with the approved mining plan with such conditions as may be prescribed under these rules or with such modifications, if any, as permitted under these rules or the mining plan or the scheme approved under these rules, as the case may be.

(2) If the quarrying operations are not carried out in accordance with mining plan as prescribed under these rules, the competent authority may order suspension of all or any of the quarrying operations and permit continuance of only such operations as may be necessary to restore the conditions in the quarry as envisaged under the said mining plan.

69. System of working.- (1) System of working in granite quarries in sheet rock shall be performed by formation of benches as per the Metalliferous Mines Regulations, 1961, issued under the Mines Act, 1952 (Central Act 35 of 1952).

(2) Such benches on granite deposits and overburden including weathered rocks shall be formed separately and the benches in overburden shall be kept sufficiently in advance so that their working does not interfere with the working of granite.

70. Separate stacking of rejects.- (1) The non-saleable rejects at quarry bottom shall regularly be collected and transported to the surface and the quarry floor kept reasonably clear of debris.

(2) The ground selected for dumping of top soil, overburden, waste material or non-saleable materials shall be kept away from working quarry.

(3) Before starting quarrying operations, conceptual ultimate limits of the quarry shall be determined and dumping ground shall be so selected that dumping is not carried out within the limits of the ultimate size of the quarry except where simultaneous backfilling is proposed.

(4) In the case of working for granite (dimension stones), non-saleable granite pieces suitable for possible use by small scale industries sector shall be properly recovered.

71. Notice for opening of a quarry under a quarrying lease and intimation of existence of a quarry.- The owner, agent, mining engineer or manager of every quarry under a quarrying lease shall intimate the competent authority, the opening of a quarry so as to reach them within fifteen days of such opening. The notice of intimation shall contain the particulars such as date of opening of mine, letter number and date through which the mining plan was approved, name and address of the lessee, particulars of lease such as date of its execution and period and area, location of the lease area etc.

72. Abandonment or surrender of quarries by a lessee.- (1) The owner, agent, mining engineer or manager of every quarry under a quarrying lease shall not abandon or surrender it or part of it during the subsistence of the lease except with prior permission in writing of the competent authority.

(2) Notice for abandonment or surrender of a quarry or a part thereof shall be accompanied by plans showing accurately the work done in such quarry upto the date of submission of the notice and such notice shall contain particulars such as name and address of the lessee, particulars of the lease location of quarry, date by which quarrying operations are to be abandoned or quarry to be surrendered, reasons for abandonment/surrender, reserve of the mineral, total production since its opening etc.

(3) Where an abandonment of a quarry or part thereof takes place as a result of the occurrence of a natural calamity beyond the control of the owner, agent, mining engineer or manager of such a quarry or the lease is terminated in compliance of any order or directions issued by any judicial authority or statutory authority established under any law for the time being in force, an intimation shall be sent to the competent authority within a period of seven days of such abandonment or termination and the notice of abandonment as provided in sub-rule (2) shall be submitted to the competent authority within a period of fifteen days of such abandonment or termination etc.

73. Notice of temporary discontinuance of work in quarries under a quarrying lease.- The owner, agent, mining engineer or manager of every quarry under a quarrying lease shall send to the competent authority a notice when the work in such quarry is discontinued for a period exceeding one month so as to reach them within forty days from the date of such temporary discontinuance and such notice shall contain particulars such as name and

address of the lessee particulars of the lease location of quarry, date of discontinuance of quarrying operations, reasons for discontinuance etc.

74. Intimation of reopening of a quarry under a quarrying lease.- The owner, agent, mining engineer or manager of every quarry under a quarrying lease shall send to the competent authority a notice of reopening of such quarry after temporary discontinuance so as to reach them within fifteen days of such reopening under registered post and such notice shall contain particulars such as name and address of the lessee, particulars of the lease particulars of the location of quarry, date on which the quarrying operation was discontinued, date of reopening etc.

75. Copies of plans and sections to be submitted by the lessee.- The owner, agent, mining engineer or manager of every quarry under a quarrying lease shall send to the competent authority a copy of the plans and sections maintained under these rules, as and when required by the competent authority.

76. Preparation of plans.- (1) All plans, sections and tracings and copies thereof kept at the premises of the quarry under a quarrying lease shall be serially numbered or suitably indexed.

(2) Every plan, section or part thereof prepared under these rules shall carry thereon a certificate for its correctness and shall be signed by the Mining Engineer or a recognised qualified person under rule 22B of the Mineral Concession Rules, 1960, or under these rules with date.

(3) Every copy of a plan and section or part thereof submitted or maintained under these rules shall bear a reference to the original plan or section from which it was copied and shall be certified thereon by the owner/agent/mining engineer.

77. Scientific mining and protection of environment.- (1) Every permit holder or lessee under these rules shall take all possible precautions including the following for the protection of environment and control of pollution while conducting quarrying in the area for which permit/ lease is granted:-

- (a) where top soil exists and is to be excavated for quarrying operations, it should be removed separately;
- (b) the top soil so removed shall be utilized for backfilling the worked out quarry;
- (c) where top soil cannot be used concurrently, it shall be stored separately for future backfilling;
- (d) the overburden, waste rock and non-saleable minerals generated during quarrying operations shall be stored separately by the lessee in properly formed dumps on grounds earmarked;
- (e) such dumps shall be properly secured to prevent the escape of material in harmful quantities which may cause degradation of surrounding land or silting of water courses;

- (f) such waste rock or overburden or other rejects shall be backfilled into the worked out quarry where the mineral has been recovered up to the optimum depth. Where the backfilling is not feasible the worked out quarry shall be properly fenced using concrete/iron pillars and iron ropes and in such cases the waste dumps shall be suitably terraced and stabilised by planting vegetation or otherwise;
- (g) air pollution due to dust, exhaust emissions or fumes during quarrying operations and related activities shall be controlled by the lessee and kept within permissible limits specified under the environmental laws for the time being in force;
- (h) all possible precautions shall be taken to prevent or reduce to a minimum the discharge of toxic and objectionable liquid effluents from quarry, workshop or processing plant into surface of ground water bodies and usable lands. These effluents shall conform to the standards laid down in this regard;
- (i) noise arising out of quarrying and processing operations shall be abated or controlled by the lessee at the source so as to keep it within the permissible limit;
- (j) the standards and permissible limits of all pollutants, toxins and noise shall be those notified by the authorities concerned under the provisions of the relevant statutes from time to time;
- (k) quarrying operations shall be carried out in such a manner as to cause least damage to the flora of the area held under the lease or permit or the nearby area and take immediate steps to plant, to the extent possible other flora where they are destroyed by quarrying operation.

CHAPTER VII

PROCEDURE FOR OBTAINING QUARRYING LEASE IN RESPECT OF LAND IN WHICH THE MINERAL RIGHT VESTS IN A PERSON OTHER THAN STATE GOVERNMENT

78. *Applicability of this chapter.*- The provisions of this chapter shall apply to the grant of quarrying leases in respect of lands in which the mineral right vests exclusively in a person other than the State Government.

79. *Grant of quarrying permit and restrictions thereto.*- On an application made to him in Form B, a private person in whom is vested the mineral right in the lands owned by him may grant a quarrying lease to any person subject to the restrictions specified below:-

- (i) No quarrying lease shall be granted to any person unless he produces along with his application in Form B an income tax clearance certificate from the Income Tax Officer.
- (ii) No quarrying lease shall be granted to any person who is not an Indian National:

Provided that a quarrying lease may be granted to a person who is not an Indian National with the previous permission of the Government. The Government shall obtain the approval of the Central Government before granting permission.

80. Conditions of quarrying lease.- Every quarrying lease shall be granted subject to the following conditions, namely:-

- (i) the provisions of clauses (b) to (o) of sub-rule(1) of rule 40 relating to conditions of quarrying lease shall apply to such leases with the modification that in clauses (c) and (d) for the words "Government", the word "lessor" shall be substituted and in clause (o), the words "to the competent authority" shall be omitted.
- (ii) the provisions of rule 35 shall apply to such leases;
- (iii) the lease may contain such other conditions not being inconsistent with the provisions of the Act and these rules, as may be agreed upon between the parties;
- (iv) if the lessee makes any default in payment of royalty or commits a breach of any of the conditions of the lease, the lessor shall give notice to the lessee requiring him to pay the royalty or remedy the breach, as the case may be, within thirty days from the date of the receipt of the notice and if the royalty is not paid or the breach is not remedied within such period, the lessor may, without prejudice to any proceeding that may be taken against the lessee terminate the lease;
- (v) the lessee may terminate the lease at any time by giving not less than three months' notice in writing to the lessor.

81. Registration of quarrying lease.- All quarrying leases granted under this chapter shall be registered in accordance with the provisions of the Indian Registration Act, 1908 (Central Act 16 of 1908).

82. Submission of copy of registered quarrying lease order by the lessor.- Every lessor granting a quarrying lease shall, within one month of the grant of the lease, submit to the Government or the competent authority a copy of the lease order.

83. Submission of copy of the lease deed.- The lessee obtaining a quarrying lease, shall, within one month of the date of registration of the lease deed, submit to the Government or the competent authority a registered copy of the lease deed.

84. Transfer of assignment.- No quarrying lease shall be transferred to a person unless he is an Indian National and holds an Income Tax clearance certificate from the Income Tax officer concerned.

85. Communication of transfer of assignment.- Every transferee or assignee of a quarrying lease shall within thirty days of such transfer on assignment inform the Government or the

competent authority of the transfer or assignment and submit to the Government or the competent authority one registered copy of the agreement entered into in that regard.

86. Prohibition of working of quarries.- If the Government or the competent authority has reason to believe that the grant or transfer of quarrying lease is in contravention of any of the provisions contained in this chapter, the Government or the competent authority may, after giving the parties an opportunity to represent their views within a specified period, direct the parties concerned not to undertake any quarrying operations in the area to which the lease relates.

87. Returns and statements.- The holder of a quarrying lease shall furnish to the Government or the competent authority such information and statements within such period as may be required by them on it, as the case may be.

CHAPTER VIII

GRANT OF QUARRYING LEASE IN RESPECT OF LANDS IN WHICH THE MINERAL RIGHT VESTS PARTLY IN GOVERNMENT AND PARTLY IN PRIVATE PERSONS

88. Chapter V to apply to quarrying leases in respect of mineral right which vests partly in Government and partly in private persons .- The provisions contained in Chapter V shall apply in relation to the grant of quarrying leases in respect of mineral right which vests partly in the Government and partly in a private person, as they apply in relation to the grant of quarrying lease in respect of mineral right which vests exclusively in the Government:

Provided that the dead rent and royalty payable in respect of lands in which mineral right partly vests in the Government and partly in a private person shall be shared by the Government and by the private person in proportion to the shares they have in the minor minerals. If the applicant or the land owner is not able to produce valid documents to prove the land owner's share in the mineral rights, the quarrying lease shall be granted treating the mineral as belonging exclusively to the Government:

Provided further that the land owner shall be given a registered notice to this effect and granted a period of three months or any extension of period as the Government or the competent authority may grant, to produce such documents. In such an event, the Government or the competent authority shall waive the condition in rule 42 and allow sufficient time for the execution of the lease deed.

CHAPTER IX

CONSOLIDATED ROYALTY

89. Registration for a metal crusher unit and payment of consolidated royalty.- (1) A holder of a quarrying lease for extraction of granite (building stones) who possesses metal

crusher units for production of granite aggregates may opt for their registration under these rules by paying a fee of one thousand rupees for each unit and opt for payment of consolidated royalty for the mineral crushed by such unit at the rates specified in Schedule III instead of paying royalty at the rates specified in Schedule I.

(2) The lessee may opt for remittance of consolidated royalty specified in schedule III in four quarterly installments before the last day of March, June, September and December.

(3) The lessee who registered his metal crusher unit with the Department of Mining and Geology shall not extract and remove granite (building stone) from his leasehold for purposes other than using the mineral in his registered metal crusher unit.

90. Form and manner of application for registration and its renewal.- (1) Every application for registration of metal crusher unit and its renewal shall be made to the competent authority or to the persons authorised in this behalf in Form K.

(2) Every such application shall be accompanied by,-

- (i) treasury chalan receipt for the amount of fee for registration and consolidated royalty at the rates shown in Schedule III remitted under the relevant receipt head of the Department of Mining and Geology;
- (ii) location map showing the exact location of the registered metal crusher unit. (Survey number and other details of the place where the metal crusher unit is situated shall be entered in the map).

(3) Every application for renewal of registration shall be made at least one month before the date on which the licence is due to expire.

91. Form and particulars for grant of registration and renewal.- (1) On receipt of an application for grant of registration to a metal crusher unit or its renewal, the competent authority after making such enquiry as it deems fit may grant or renew a registration in Form L or refuse to grant a registration.

(2) Every registration issued under sub-rule (1) shall be subjected to such conditions and restrictions as may be specified therein and to the provisions of the Act and these rules.

92. Grant or refusal to register metal crusher unit.- In granting or refusing registration to a metal crusher unit the competent authority shall take into consideration the following matters, namely:-

- (i) the request for registration owned by any co-operative society in the locality possessing valid mineral concession such as quarrying lease or permit;
- (ii) the number of registered metal crusher units in the area;
- (iii) availability of the granite building stones for crushing;
- (iv) location of the quarry;

Provided that in cases where the location of the quarry is in a district other than the one in which crusher unit is situated, such a quarry shall not be included in the Registration Certificate issued.

- 93. *Display of registration certificate.***- Registration certificate issued for a metal crusher unit shall be displayed by the lessee in a prominent place of the premises open to the public.
- 94. *Loss of registration certificate.***- A true copy of the registration certificate may be issued to the registered metal crusher unit on payment of five hundred rupees if the competent authority is convinced that the original registration certificate is damaged, defaced or lost.
- 95. *Cancellation of registration.***- If a lessee operates any type of machine that is not included in the registration certificate or fails to comply with any of the conditions of the registration or any of the provisions of the Act, Rules or orders in this regard, the competent authority shall, by an order in writing rescind the lease granted to the quarry and registration granted to the crusher unit and action shall also be initiated against the lessee under these rules.
- 96. *Period of registration.***- The period of registration shall be for the financial year for which it is granted and the registration shall expire on 31st March unless the competent authority rescinds it earlier.
- 97. *Mineral transit pass for transportation of granite aggregates from a registered metal crusher unit.***- The owner or agent or manager of a registered metal crusher unit shall issue or cause to issue a valid mineral transit pass issued under Kerala Minerals (Prevention of illegal mining, storage and transportation) Rules, 2015 for transportation of every consignment of granite aggregates including rock dust despatched from the premises of the registered metal crusher unit showing therein the registration number allotted it.

CHAPTER X APPEAL AND REVIEW

- 98. *Form of appeal.***- (1) (a) Any person aggrieved by any order made by the competent authority or authorised officer, as the case may be, under these rules, may, within two months from the date of communication of the order to him, prefer an appeal in Form O to the Appellate Authority appointed by the Government in this behalf by notification in the Gazette.
- (b) Any person aggrieved by an order of the Appellate Authority under clause (a) may, within one month from the date of communication of such order to him, prefer a second appeal in Form O to the final Appellate Authority appointed by Government in this behalf by notification in the Gazette:

Provided that any such appeal, under clause (a) or clause (b), may be entertained after the period specified therein if the appellant satisfies the Appellate Authority or Final

Appellate Authority, as the case may be, that he had sufficient cause for not filing the appeal in time.

(c) Every appeal memorandum, under clause (a) and clause (b) shall be accompanied by the treasury receipt showing that a fee of five hundred rupees has been remitted in the Government Treasury to the credit of the Government under the remittance Head of the Department of Mining and Geology.

(2) In every appeal memorandum, under sub-rule (1) the authority against whose order the appeal is preferred shall be impleaded as a party;

(3) Along with the appeal memorandum under sub-rule (1) the appellant shall submit as many copies thereof as there are parties impleaded under sub-rule (2);

(4) On receipt of the appeal memorandum and the copies thereof the Appellate Authority or the Final Appellate Authority, as the case may be, shall send a copy of the appeal memorandum to each of the parties impleaded under sub-rule (2) specifying a date on or before which he may make his representation if any, against the appeal.

99. Orders on appeal.- Where an appeal is made under clause (a) or clause(b) of sub rule (1) of rule 98, the Appellate Authority or the Final appellate authority, as the case may be, may confirm, modify or set aside the order or pass such other order in relation thereto as it may deem just and proper. The order passed by the Final Appellate Authority shall be final and binding on the parties.

100. Review.- The competent authority or the appellate authority in case its orders have not been challenged in appeal under clause (a) or clause (b) of sub-rule (1) of rule 98, as the case may be, or the final Appellate Authority may, on its own motion or an application by the interested party, review any order passed by it and pass such orders in reference thereto as it may deem fit. No order under rule 99 or 100 shall be passed against any person interested, unless he has been given a reasonable opportunity of being heard.

101. Stay orders .- Pending the final disposal of an appeal, second appeal or review, the Competent Authority, appellate authority or the final appellate authority, may, as the case may be, for sufficient cause, stay the execution of the order against which appeal, second appeal or review has been filed.

CHAPTER XI MISCELLANEOUS

102. Electronic filing of application for mineral concession and service.- The Government may require online submission of applications for mineral concession through the official website of Mining and Geology Department of the Government of Kerala. The procedure to be followed for online receipt and processing of applications and issuing permits or leases shall be as specified by the Government.

103. Power to rectify apparent mistakes.- The Government or the competent authority may, at any time within one year from the date of the order passed by them or it under these rules on its own motion rectify any mistake or error which had been brought to its notice by an applicant for the grant of a quarrying lease:

Provided that no order prejudicial to any person shall be passed unless he has been given a reasonable opportunity for stating his case.

104. Power to relax the terms and conditions of quarrying permit.-In any cases or class of cases in which the Government is of the opinion that public interest so requires and for reasons to be recorded in writing, the Government may, by notification in the Gazette, relax the terms and conditions on the basis of which quarrying permit is granted under these rules.

105. Disposal of minor minerals by public auction in certain cases.- Notwithstanding anything contained in the foregoing provisions, the Government or the competent authority may sell by public auction any minor mineral in any case or class of cases where such auction or disposal of right to remove minor minerals is inevitable on such terms and conditions as they or it may deem fit.

106. Extraction of minerals for special purposes.- (1) In any case or class of cases such as construction of common facilities or residential building where extraction of minor mineral is inevitable as a part of the work, the person doing such work may be exempted from obtaining quarrying permit/lease under these rules:

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 and shall furnish necessary documents as required by the competent authority in this regard. If the extracted mineral is to be transported outside the worksite, the competent authority may issue special mineral transit passes after collecting the royalty.

Explanation:- For the purpose of this rule, “common facility” includes waiting sheds, public wells, public libraries and reading rooms, temples, churches, mosques used for public purpose

(2) Quarrying of minor minerals from Government owned lands including porambokes, by Gramapanchayats, Municipalities and Corporations for bona fide public purposes, as long as the work is done under their direct supervision shall be exempted from the obligation of obtaining a quarrying permit or quarrying lease. But they shall pay royalty for all minor minerals extracted by them at the rates prescribed in Schedule I. The royalty shall be paid to the credit of the Department of Mining and Geology before the 10th day of succeeding month to which the royalty relates. If the extracted mineral is to be transported out of the work site, the competent authority shall issue mineral transit passes after collecting the royalty on an application made by the Local Self Government Institutions.

(3) Where in 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 department/authority may do so without obtaining quarrying permit under these rules. If the extracted mineral is to be transported out of the work site, competent authority shall issue mineral transit passes on an application made by the authority concerned, after collecting the royalty:

(4) Before quarrying minor minerals under sub-rule (2) Grama panchayats, Municipalities and Corporations concerned shall intimate the competent authority of their intention to conduct quarrying from any locality. In the case of Poramboke lands and forest land, the written permission of the District Collector and the Conservator of Forests respectively shall be produced.

(5) Nothing in these rules shall apply to the extraction of ordinary clay up to a quantity of 50 tonnes by traditional artisans making earthen pots or Co-operative Societies of such artisans for making pots by traditional means in a calendar year:

Provided further that in cases where traditional artisans making earthen pots or Co-operative Societies of such artisans produce identity cards issued by the General Manager of the District Industries Centre of the State or such other authorities so as to prove their identity in this respect, the competent authority under these rules may issue special transit passes for the transportation of 50 tonnes of ordinary clay every year without payment of any royalty or fee by them.

107. *Import of minerals.*- A person who brings minerals to the State of Kerala from other countries or other states in India by means of ship or rail shall be considered as a producer under these rules. On production of sufficient documentary proof of import from outside the country, or documents in proof of payment of royalty in case of import from another State of India by such person, he may be given sanction to obtain movement permit under Kerala Minerals (Prevention of illegal mining, storage and transportation) Rules, 2015 without payment of royalty for transportation of minerals from the place of unloading.

108. *Penalties.*- (1) Whoever contravenes any provision of these rules shall be punishable with imprisonment for a term which may extend to two years, or with a fine which may extend to five lakh rupees or with both and in the case of continuing contravention, with an additional fine which may extend to fifty thousand rupees for every day during which such contravention continues after conviction for the first such contravention.

(2) Whenever any person raises without any lawful authority any mineral from any land, the Government or the competent authority may recover from such person or the occupier of the land the mineral so raised, or where such mineral has already been disposed of, the price thereof, and may also recover from such person rent, royalty or tax, as the case may be, for the mineral extracted by such person or occupier of the land without any lawful authority:

Provided that whenever a person who opted for Consolidated Royalty Payment System extracts minor minerals from the area under mineral concession after the date of expiry of permit or extracts minor minerals from outside the area under mineral concession without any lawful authority, he shall be liable to pay the royalty at the rate prescribed in Schedule I and price limited to twice the royalty amount, of the entire quantity of the minor mineral illegally extracted from the area. In such a case while calculating the amount of royalty and price payable, the amount already paid by the permit holder/lessee for obtaining permission shall be deducted:

Provided further that in the case of Government lands, any rent, tax, or fee or compensation for the mineral extracted, as the case may be, as fixed by the department concerned shall be recovered from such person:

(3) Whenever a lessee who has obtained a registration for a metal crusher unit as per the provisions of these rules, is found operating any additional number of crushers than permitted or found operating any crusher with size or sizes other than the permitted one such action of the lessee shall be considered as illegal and he shall be liable for payment of an amount equal to two times the annual consolidated royalty for the size of the illegally operating crusher as stipulated in schedule III of these rules, in addition to the amount remitted for obtaining a registration for the metal crusher unit for the financial year.

109. Role of Police and revenue authorities.- The competent authority or an officer authorised by it in this behalf, shall if necessary request in writing for the help of the local police and local revenue authorities and when such a request is made, the police authorities and revenue authorities shall render such assistance as is necessary to enable the officer concerned to exercise the powers conferred on it or him by these rules in the matter of preventing illegal mining and unauthorised movement of minerals.

110. Cognizance of offence.- No Court shall take cognizance of any offence punishable under these rules, except upon a complaint in writing made by a person authorized in this behalf by the Government or the competent authority. The name or the designation of such person shall be published in the Gazette.

111. Compounding of offences.- (1) Any offence punishable under these rules may, either before or after the institution of the prosecution, be compounded by the person authorised under rule 110 to make a complaint to the court with respect to that offence, on payment to that person, for credit to the Government of such sum as that person may specify:

Provided that in the case of an offence punishable with fine only, no such sum shall exceed the maximum amount of fine which may be imposed for that offence.

(2) Where an offence is compounded under sub-rule (1), no proceeding or further proceeding as the case may be, shall be taken against the offender in respect of the offence so compounded, and the offender if in custody, shall be released forthwith.

112. Revenue Recovery.- All sums found due to the Government under or by virtue of these rules may 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.

113. Delegation of powers.- The Government may, by notification in the Gazette, delegate all or any of the powers vested in them to any officer or class of officers under them, as the case may be.

SCHEDULE I
Rates of Royalty
(See rules 3 and 7)

Item No.	Name of minor minerals	Rate of Royalty (in Rupees)
(1)	(2)	(3)
1.	Kankar and other forms of limestone and four kinds of limeshell namely: (i) white limeshell (ii) black limeshell (iii) drift limeshell or sea shell and (iv) shell of oyster	75 (Seventy five only) per tonne
2	Ordinary clay used for making bricks and tiles, ordinary sand used for non-industrial purposes and gravel	40 (forty only) per tonne or 80 (eighty only) per cubic metre.
3.	Ordinary earth	20 (twenty only) per tonne or 40 (forty only) per cubic metre.
4	Dimension stones as specified in classification in Sub-item (1) of rule 18	4000 (Four thousand only) per cubic metre
5.	All those group of rocks specified in classification in sub-item (ii) of rule 18 and laterite (building stone)	24 (twenty four only) per tonne or 60 (sixty only) per cubic metre.

SCHEDULE -II
Dead Rent

(See clause (d) of sub-rule (1) of rule 40)

Sl. No.	Mineral	Dead Rent for the 1 st year per hectare per annum	Dead Rent for the 2 nd year in Rs. per hectare per annum	Dead Rent from 3 rd year onwards in Rs. per hectare per annum
(1)	(2)	(3)	(4)	(5)
1	Minerals specified in item No.1 of schedule I	Nil	450	1800
2	Minerals specified in item No. 2 of schedule I	Nil	300	1200

Sl. No.	Mineral	Dead Rent for the 1 st year per hectare per annum	Dead Rent for the 2 nd year in Rs. per hectare per annum	Dead Rent from 3 rd year onwards in Rs. per hectare per annum
3	Minerals specified in item No. 3 of schedule I	Nil	300	1200
4	Minerals specified in item No. 4 of schedule I	Nil	600	2400
5	Minerals specified in item No. 5 of schedule I	Nil	300	1200

SCHEDULE III
Consolidated Royalty
(See rule 89)

Sl. No.	Description and Jaw size in centimetre of the Metal Crusher/Machine	Annual Consolidated Royalty per machine* (in Rupees)
(1)	(2)	(3)
1	up to 40.64 x 22.86	2,00,000
2	Greater than 40.64 x 22.86 to 76.20 x 20.32	4,00,000
3	Greater than 76.20 x 20.32	6,00,000
Cone Crusher (in terms of 'Horse Power')		
4	up to 300	16,00,000
5	Greater than 300	26,00,000
Sand Making Units (in terms of 'Horse Power') (for those who use sand making machine only)		
6	up to 300	16,00,000
7	Greater than 300	26,00,000

*Exemption from payment of consolidated royalty is applicable to Vertical Shaft Impactor, Horizontal Shaft Impactor, Auto Sand Units attached to cone crusher and jaw crushers. The crusher owners may be permitted to remit the amount in four instalments.

SCHEDULE IV
Consolidated Royalty
(See rules 3 and 7)

A. Granite (Building Stone)

Sl. No.	Extent	No. of Mineral Transit Passes to be issued	Annual consolidated royalty (in Rupees)
(1)	(2)	(3)	(4)
1	Upto 10 Ares	750	75,000
2	Above 10 Ares to 20 Ares	1500	1,50,000
3	Above 20 Ares to	3000	3,00,000

Sl. No.	Extent	No. of Mineral Transit Passes to be issued	Annual consolidated royalty (in Rupees)
	30 Ares.		
4	Above 30 to 40 Ares	5000	5,00,000
5	Above 40 Ares and up to 50 Ares	No. of Mineral Transit Passes required for transportation of granite (building stone) extracted from the specified area during the specified period for which the annual consolidated royalty paid in advance	7,00,000

B. Laterite (Building Stone)

Sl. No.	Extent (in Ares)	No. of Mineral Transit Passes to be issued	Annual consolidated royalty (in Rupees)
(1)	(2)	(3)	(4)
1	Upto 10 Ares	750	75,000
2	10 to 20 Ares	1500	1,50,000
3	20 to 30 Ares.	3000	3,00,000
4	30 to 40 Ares	5000	5,00,000
5	Above 40 Ares and up to 50 Ares	No. of Mineral Transit Passes required for transportation of laterite (building stone) extracted from the specified area during the specified period for which the annual consolidated royalty paid in advance	7,00,000

FORM A

(See rule 4)

APPLICATION FOR GRANT/RENEWAL OF QUARRYING PERMIT

(For both types of payment of royalty, to be submitted in duplicate)

To

The Senior Geologist/Geologist
District Office, Department of Mining and Geology

.....

Sir,

1. I/We request that a Quarrying Permit may be granted under the Kerala Minor Mineral Concession Rules, 2015 to me/us to extract..... . I may be permitted to remit royalty under Schedule I/**I may be permitted to opt for payment of royalty under Consolidated Royalty Payment System to extract Granite (Building Stones) /Laterite (Building Stones) for sale in any form.** (strike off which is not applicable)
2. A sum of Rs. 1000/- (Rupees One thousand only) being the application fee has been deposited.

3. The required particulars are given below
- (i) Name of the applicant with complete address :
 - (ii) Status of the applicant :
 - (iii) In case the applicant is -
 - a. an individual, his nationality; :
 - b. a private company, nationality of all members of the company, along with place of registration of the Company; :
 - c. a public company, the nationality of directors, the percentage of share capital held by Indian Nationals and place of incorporation; :
 - d. a firm or association, the names and nationality of all partners of the firm or members of association and place of registration. :
 - (iv) Profession or nature of business of the applicant :
 - (v) Name of the minor mineral to be quarried :
Quantity applied for (if applicable) :
 - (vi) Whether intends to opt for payment of royalty under Consolidated Royalty Payment System? If so, area of extraction.
 - (vii) Consolidated Royalty Payment System? If so, area of extraction.
 - (viii) Details of the location of the proposed quarry
 - (a) District :
 - (b) Taluk :
 - (c) Village :
 - (d) Survey No. :
 - (e) Grama Panchayat /Municipality/Corporation :
 - (f) Name of locality :
 - (g) Area in Ares :
 - (ix) Anticipated royalty/ annual consolidated royalty :
 - (x) (a) Details of Possession Certificate/ No Objection Certificate :
 - (b) Details of Survey map :
 - (c) Details of consent letter from the owner of the land permitting quarrying. (if applicable) :
 - (xi) Particulars of previous permit, if applying for renewal. :
 - (xii) Particulars of application fee -remitted
 - Amount :
 - Treasury :
 - Chalan No. & date :

I/We do hereby declare that the particulars furnished above are true and am/are ready to furnish any other details as may be required by you. I/We also agree to pay the royalty/advance consolidated royalty and surface rent as per rules.

Yours faithfully,

Place:

Date:

Name and Signature of the applicant

Received at (place).....on
(date)..... at (hour).....
Initials of receiving officer.....

FORM B
(See rule 27)

APPLICATION FOR GRANT/RENEWAL OF QUARRYING LEASE

(For all types of lands)

To be submitted in triplicate

From

To

The Director of Mining & Geology,
Through the Geologist,
District Office,
.....District

Sir,

1. I/we am/are submitting this application for the grant/renewal of a quarrying lease under the Kerala Minor Mineral Concession Rules, 2015.
2. A sum of Rs. 10,000/- or Rs. 20,000/- being the application fee in respect of this application payable under sub-rule (1) of Rule 28 / sub-rule (2) of Rule 28 of the said rules has been deposited. (strike off which is not applicable)
3. The required particulars are given below:
 - (i) Name and complete address of the applicant
 - (ii) Is the applicant a private individual/private company /Public company/firm or association
 - (iii) In case the applicant is
 - (a) an individual, his nationality
 - (b) a private company, the names and nationality of all members and place of registration.
 - (c) a public company, the names and nationality of the Directors, the percentage of share capital held by Indian National and place of incorporation.
 - (d) a firm or association, the names and nationality of all the partners of the firm or members of the association and place of registration.
 - (iv) Profession or nature of business of the applicant.
 - (v) Whether the application is for a fresh lease

or for renewal of a lease previously granted.

- (vi) Minor Mineral or minerals which the applicant intends to mine.
- (vii) Period for which the quarrying lease is required.
- (viii) Approximate quantity of mineral expected to be raised per year.
- (ix) Manner in which the minor mineral raised is to be utilised.
 - (a) for manufacture
 - (b) for sale
 - (c) any other purpose

(In case of manufacture the industries in connection with which it is required should be specified).

Details of the area in respect of which quarrying lease is required. Attested copies of the survey map of the area with survey numbers clearly marked should be attached to each copy of the application.

- (xi) Nature of tenure of the land over which quarrying lease is applied for (Documentary proof to show the land owners right if any, over the mineral should be submitted in the case of lands in which the minerals vest partly with the Government and partly with the registered holder of the land).
- (xii) No. and date of the income-tax clearance certificate attached.
- (xiii) Financial resources of the applicant :
- (xiv) Particulars of receipted treasury chalan attached for the amount referred to at 2 above. :
- (xv) Any other particulars which the applicant wishes to furnish. :

I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details including security deposit etc, as may be required by you.

Yours faithfully,

(Signature of the applicant)

Place :

Date :

Received at (place).....

On (date).....

at (hour)

Initials of Receiving Officer

FORM C

(See rule 6)

**RECEIPT OF APPLICATION FOR QUARRYING PERMITS/QUARRYING LEASE
IN RESPECT OF MINOR MINERALS**

Sl. No.

Dated....

Received the application with the following enclosures for quarrying permit/quarrying lease/renewal of quarrying lease in respect of (name of mineral) from Shri/Smt/M/s _____ at ___ hrs on ___ day of (name of month), Year .

Enclosures

- 1.
- 2.
- 3.

Signature and designation of receiving officer with office seal

FORM D

*[See clause (a) of rule 10 and
clause (m) of sub-rule (1) of rule 40]*

NOTICE

1.
 - a. Name of mine
 - b. Name of minerals
 - c. Situation of mine (Survey Number, Village, Taluk, District, State)
 - d. Date when work was first started
2.
 - (a) Name and postal address of present owner (s)
 - (b) Name and postal address of agent, if any
3.
 - (a) Name and postal address of manager, if any
 - (b) His age
 - (c) His qualification
 - (d) His experience in mining
4. Whether workings are likely to be extended below ground
5.
 - (a) Maximum depth of open cast excavation measured from its highest to its lowest point
 - (b) Date when depth first exceeded 6 metres
6.
 - (a) Nature, amount and kind of explosives used, if any
 - (b) Date when explosives were first used.

Signature of Owner/Agent/Manager.

Date.

To be sent to:

1. The Deputy Director General, Directorate General of Mines Safety, Southern Zone
Bengaluru -560029.

2. The Regional Controller of Mines, Yeshwantpur, Bengaluru-560022.
3. The District Magistrate of the District.

FORM E

MODEL FORM FOR TRANSFER OF QUARRYING LEASE

(See rule 45)

When the transferor is an individual.....The indenture made this.....day of..... 20....between..... (Name of the person with address and occupation) (hereafter referred to as the "transferor" which expression shall where the context so admits be deemed to include his heirs, executors, administrators, representatives and permitted assigns).

When the transferors are more than one individual.....(Name of person with address and occupation) and(Name of person with address and occupation) (hereinafter referred to as the "transferor" which expression shall where the context so admits be deemed to include their respective heirs, executors, administrators, representatives and permitted assigns).

When the transferor is a registered firm.....(Name of the person with address of all the partners) all carrying on business in partnership under the firm name and style of.....(Name of the firm) registered under the Indian Partnership Act, 1932(9 of 1932) and having their registered office at.....(hereinafter referred to as the "transferor" which expression where the context so admits be deemed to include all the said partners, their respective heirs, executors, legal representatives and permitted assigns).

When the transferor is a registered company(Name of Company) a company registered under(Act under which incorporated) and having its registered office at.....(Address)(hereinafter referred to as the "transferor" which expression shall where the context so admits be deemed to include its successors and permitted assigns) of the first part.

And

When the transferee is an individual (Name of person with address and occupation) (hereinafter referred to as the "transferee" which expression shall where the context so admits be deemed to include his heirs, executors, administrators, representatives and permitted assigns.).

When the transferees are more than one individual.....(Name of the person with address and occupation) and(Name of person with address and occupation)(hereinafter referred to as the "transferee" which expression shall where the context so admits be deemed to include their respective heirs, executors, administrators, representatives and permitted assigns).

When the transferee is a registered firm.....(Name and address of all the partners all carrying on business in partnership under the firm name and style of)(Name of the firm) registered under the Indian Partnership Act, 1932 (9 of 1932) and having their registered office at.....(hereinafter referred to as the "transferee" which expression

where the context so admits be deemed to include all the said partners, their respective heirs, executors, legal representatives and permitted assigns).

When the transferee is a registered company.....(Name of the Company) a company registered under (Act under which incorporated) and having its registered office at (Address) (hereinafter referred to as the "transferee" which expression shall where the context so admits be deemed to include its successors and permitted assigns) of the second part.

And

The Governor of (hereinafter referred to as the 'State Government' which expression shall where the context so admits be deemed to include the successors and assigns) of the third part.

Whereas by virtue of a deed of lease dated the and registered as No.on (date) in the office of the Sub-registrar of (place) (herein after referred to as lease) the original whereof is attached hereto and marked 'A' entered into between the State Government (herein after called the lessor) and the transferor (herein after called the lessee), the lessee is entitled to search for, win and work mines and minerals in respect of.....(Name of mineral/s) in the lands described in Schedule thereto and also in Schedule annexed hereto for the term and subject to the payment of the rents and royalties and observance and performance of the lessee's covenant and conditions in the said deed of lease reserved and contained including a covenant not to assign the lease or any interest there under without the previous sanction of the State Government.

And whereas the transferor is now desirous of transferring and assigning the lease to the transferee and the State Government has, at the request of the transferor, granted permission to the transferor vide order No.....dated to such a transfer and assignment of the lease upon the condition of the transferees entering into an agreement containing the terms and conditions hereinafter setforth.

Now this Deed Witnesseth as follows:

1. The transferee hereby covenants with the State Government that from and after the transfer and assignment of the lease the transferee shall be bound by, and be liable to perform, observe and conform and be subject to all the provisions of all the covenants, stipulations and conditions contained in said hereinbefore recited lease in the same manner in all respects as if the lease had been granted to the transferee as the lessee thereunder and he had originally executed it as such.
2. It is further hereby agreed and declared by the transferor of the one part and the transferee of the other part that
 - (i) the transferor and the transferee declare that they have ensured that the mineral rights over the area for which the quarrying lease is being transferred vest in the State Government.
 - (ii) the transferor hereby declares that he has not assigned, sublet, mortgaged or in any other manner transferred the quarrying lease now being transferred and that no other person or persons has any right, title or interest where under in the present mining lease being transferred.

(iii) the transferor further declares that he has not entered into or made any agreements, contract or understanding whereby he had been or is being directly or indirectly financed to a substantial extent by or under which the Transferor's operation or understandings were or are being substantially controlled by any person or body of persons other than the transferor.

(iv) the transferee hereby declares that he has accepted all the conditions and liabilities which the transferor was having in respect of such quarrying lease.

(v) the transferee further declares that he is financially capable of and will directly undertake mining operations.

(vi) the transferee further declares that he has filed an affidavit stating that he has filed up-to-date income tax returns, paid the income tax assessed on him and paid the income tax on the basis of self-assessment as provided in the Income Tax Act, 1961, (43 of 1961).

(vii) the transferor has supplied to the transferee the original or certified Copies of all plans of abandoned workings in the area.

(viii) the transferee hereby further declares that as a consequence of this transfer, the total area while held by him under mineral concessions are not in contravention of Kerala Minor Mineral Concession Rules, 2015

(ix) The transferor has paid all the rent, royalties, and other dues towards Government till date, in respect of this lease.

Schedule of description of land

District	Village or Amsom	Survey No. of the area	Bounded by Sy.Nos.	Area in hectares

Surrounded by On the North by:

On the East by:

On the South by:

On the West by:

In witness whereof the parties hereto have signed on the date and year first above written.

Signed by

for and on behalf of the Governor of Kerala

in the presence of

1.

2.

Signature of transferor

in the presence of witnesses

1.

2.

Signature of transferee

(i.e. from 1st of January to 31st December) to the office appointed for this purpose in the region where the land is situated.

FORM H
(See rule 43)
QUARRYING LEASE

This deed of lease made on this the..... day of 20..... between the Governor of Kerala (hereinafter referred to as the "State Government" which expression shall, where the context so admits be deemed to include his successors and assigns) of the one part and Shri/Smt..... agedson/daughter of..... resident of..... in the village of.....taluk of district (hereinafter called the "lessee/lessees" which expression shall where the context so admits, include his/their heirs, executors, administrators, representatives and permitted assigns) of the other part,

Witnesseth that in consideration of the rents and royalties and lessee's/Lessees' covenants, hereinafter reserved and contained the State Government hereby give on lease to the lessee/lessees the land measuringhectares described in the schedule hereunder and delineated on the plan hereto annexed and therein coloured red (hereinafter called the "said lands") to hold the same for a period of----years commencing from the----- and ending on the----- for the purposes of extracting minor mineral/minerals and subject to the terms and conditions contained in the Kerala Minor Mineral Concession Rules, 2015 (hereinafter referred to as "the Rules") and to the terms and conditions hereinafter appearing.

1. The lessee/lessees shall have the right in and upon the said lands to extract ----- (hereinafter called the said mineral/minerals) and to do all acts necessary for the extraction of the said mineral/minerals including the erection on the said lands, buildings and plant required for the purposes and also to take lead and carry away over the said lands and to dispose of the said minerals extracted as aforesaid.
2. The lessee/lessees shall during the subsistence of this lease have the liberty to work the said mineral/minerals and remove the same from the leasehold on permits issued by the State Government/competent authority or any other officer authorised by him in this regard. The permits shall be issued only on the basis of pre-paid royalty at the rates specified in schedule I to these Rules. The royalty rates shall be subject to revision from time to time as the State Government may order.
3. The lessee/lessees shall pay to the State Government a yearly surface rent equal to the land revenue if any, assessable under the rules for the time being in force, or if the land be the property of Government or in reserve forest then equal to the land revenue plus cess, if any, per hectare of the land the surface whereof shall be occupied or used by the lessee/lessees for any of the purposes of this deed and so in proportion for any area less than one hectare. The said surface rent shall be paid by yearly payments; the first of such payments to be made on or before the last day of the first year of occupation provided always that no such rent shall be paid or demanded in respect of any roads or ways now in existence.
4. The lessee/lessees shall at all times during the currency of this lease keep correct and intelligible books of account showing accurately the quantity of the said minerals extracted and the weight and value of the said mineral sold or exported together with the names of the purchasers or consignees. The lessee shall also maintain a register of employees showing therein separately men, women employed daily and shall at

reasonable times allow the competent authority appointed under the rules (hereinafter referred to as "competent authority") or the officer authorised by him to examine the said books of account and the register of employees and to take copies and extracts therefrom. The lessee/lessees shall submit reports in Forms F and G on the specified dates.

5. All sums found due under or by virtue of this deed from the lessee/lessees may be recovered from him jointly and severally from them and his / their properties movable and immovable under the provisions of the Revenue Recovery Act for the time being in force as though such sums are arrears of land revenue or in any other manner as the State Government may deem fit.
6. The lessee/lessees shall at the lessee's/lessees' own expense erect and at all times maintain and keep in repair boundary marks and pillars along the boundaries of the said lands according to the demarcation shown in the plan hereto annexed.
7. In cases where explosives are not used for quarrying the lessee shall not carry on or allowed to be carried on any quarrying operations at or to any points within a distance of 75 metres from any railway line except with the previous written permission of the Railway Administration concerned; and any bridge on National High way or 50 metres from any reservoir, tanks, canals, rivers, bridges, public roads, other public works, residential buildings, the boundary walls of places of worship, burial grounds, burning ghats or any Government protected monuments or forest lands which do not conform to the category of wild life forests 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.

In cases where explosives are used for quarrying , the lessee shall not carry on or allowed to be carried on any quarrying operations at or to any points within a distance of 100 metres from any railway line, bridge, reservoir, tanks, residential buildings, Government protected monuments, canals, rivers, public roads having vehicular traffic, other public works or the boundary walls of places of worship or 50 metres from any burial grounds or burning ghats or village roads or forest lands which do not conform to the category of wild life forests.

The above said distances shall be measured in the case of a railway, reservoir or canal horizontally from outer edge of the cutting or outer edge of the bank, as the case may be and in the case of a building horizontally from the plinth thereof.

For the purposes of this clause the expression 'railway' and 'railway administration' shall have the same meaning as defined in sub sections (4) and (6) of section 3 of Indian Railway Act, 1890 (IX of 1890).

8. The sides of open workings shall be sloped, stepped or secured by the lessee in such a manner as to prevent slope failure, when an open working is worked in steps, steps shall be of sufficient breadth in relation to their height to secure safety. In open workings trees liable to fall and all loose ground and material shall be removed by the lessee sufficiently far from the edge or otherwise made source in order to prevent danger to persons employed in the quarry.
9. If a working place is found to be unsafe all persons shall be withdrawn by the lessee/lessees immediately from the dangerous area and all access to such working

- place except for the purpose of removing the danger of saving life shall be prevented by securely fencing the full width of all entrances to the place.
10. The lessee/lessees shall at all reasonable times allow any officer authorised by the Central Government or by the State Government in that behalf to inspect the said lands and the buildings and plants erected thereon and the lessee/lessees shall assist such persons in conducting the inspection and afford them all information they may reasonably require, and shall conform to and observe all orders which the Central and State Governments as the result of such inspection or otherwise, may from time to time pass.
 11. The lessee shall be responsible for implementing the provisions of the various labour laws applicable, from time to time, to the quarry.
 12. The lessee/lessees shall not assign or underlet the said lands or any part thereof or the rights or privileges, therein hereby granted or any of them without the previous permission in writing of the State Government / competent authority:
 13. Where the lease or any right, title or interest therein has been assigned, sublet or transferred as provided in rule 45 read with condition 12, then the person in whose favour such assignment, sublease or transfer has been made shall be responsible for implementing the provisions of the various labour laws applicable, from time to time, to the quarry.
 14. The lease may be surrendered by the lessee/lessees at any time after 3 months notice in writing to the State Government/competent authority:
Provided that the lessee/lessees has/have paid all sums due on account of the lease. Provided further that if the lessee/lessees elects/elect to determine this lease before the expiry of the term of the lease, shall pay in addition to other dues a sum equal to the dead rent payable for the remaining part of the term of the lease deed.
 15. If the lessee/lessees shall be desirous of taking a further lease of the said lands for a further term of years he/they shall give three months' previous notice in writing of such desire to the State Government/Competent authority and if the lessee/lessees has/have duly observed all the conditions of this lease, the State Government/competent authority may agree to renew the lease for such further term and on such terms and conditions as the State Government/Competent authority may determine which shall be in accordance with the provisions of these rules.
 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 continuously 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 and take possession of the said lands or the alternative to receive from the lessee/lessees such penalty not exceeding Rs. 25000/- for the breach as the State Government/Competent authority may fix.
 17. If at the expiration of three calendar months after the expiry of the lease or its sooner determination, there shall remain in or the said lands, any engines, machinery, plant buildings, structures and other works erections and conveniences the said minerals or other property which the lessee is/lessees are entitled to remove from the said lands, the same shall, if not removed by the lessee/lessees within one calendar month after notice in writing requiring their removal be given to the lessee/lessees by the

State Government/Competent authority be deemed to become the property of the State Government in such manner as they may deem fit without liability to pay any compensation or to account to the lessee/lessees in respect thereof.

18. This lease subject to all rules and regulations which may from time to time be issued by the State Government regulating the working of the quarries and other matters affecting safety, health and convenience of the lessee's/lessees' employees or of the public, whether under the Indian Mines Act or otherwise.
19. The lessee/lessees shall without delay send to the District Collector and the competent authority or the officer authorised by him in this regard report of any accident causing loss of life or serious bodily injuries or seriously affecting or endangering life or property which may at any time occur at or in the said lands in the course of operations under this lease.
20. The lessee/lessees shall furnish such reports and returns relating to output, labourers employed and other matters as the State Government may prescribe.
21. The lessee/lessees shall make and pay such reasonable 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/them in exercise of the powers granted by this lease and shall indemnify and shall keep 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.
22. Any condition prescribed in the Kerala Minor Mineral Concession Rules, 2015 but left out in this lease which may be found applicable to the lessee/lessees shall be treated as binding on the lessee/lessees.

Schedule of description of land

District	Village or Amsom	Survey No. of the area	Bounded by Sy.Nos.	Area in hectares

Surrounded by, On the North by:
 On the East by:
 On the South by:
 On the West by:

In witness whereof the parties hereto have set their hands hereunto on the day and year first above written.

Signed by.....
 for and on behalf of the Governor of Kerala.
 In the presence of:

- (1)
- (2)

Signed by
 for and on behalf of the lessee/lessees
 In the presence of:

- (1)
- (2)

FORM I
(See sub-rule (1) of rule 48)
REGISTER OF APPLICATION FOR QUARRYING LEASE

1. Serial No.
2. Date of the application for quarrying lease.
3. Date on which application was received by the receiving officer.
4. Name of the applicant with full address.
5. Particulars of the land applied for and its area.
6. Minor mineral or minerals which the applicant desires to extract.
7. Details of remittance of application fee.
8. Period for which quarrying lease is required.
9. Final disposal of the application.
10. Remarks.
11. Signature of the officer.

FORM J
(See sub-rule (2) of rule 48)
REGISTER OF QUARRYING LEASES/RENEWALS

- (A)
1. Serial No.
 2. Name of the lessee.
 3. Residence with complete address of lessee
 4. Date of application
 5. Date on which application was received by the receiving officer.
 6. (a) No. and date of grant of lease.
(b) Date of execution of lease
 7. Particulars of the land and total area granted
 8. Minor Minerals for which lease originally granted.
 9. Rates of royalty surface rent and dead rent
 10. Period for which granted.
 11. Amount of security deposit
 12. Date of assignment or transfer of the lease if any, and the name and address of the assignee/transferee
 13. Date of expiry or relinquishment or cancellation
 14. Remarks
 15. Signature of the officer
- (B)
1. Date of renewal
 2. Period of renewal
 3. Total area under renewal
 4. Minor mineral or minerals for which renewal is valid
 5. Rate of royalty, surface rent and dead rent
 6. Amount of security deposit.

FORM K

(See rule 90)

**APPLICATION FOR GRANT/
RENEWAL OF REGISTRATION AS
"REGISTERED METAL CRUSHER UNIT"**

To

The Director of Mining and Geology
Through the Geologist, District Office.
.....District.

Sir,

I/We request that my/our metal crusher unit may be registered for production and sale of granite aggregates (building stones) under the Kerala Minor Minerals Concession Rules, 2015.

The fee of Rs..... payable for the grant/renewal of registration has already been paid. I/We are ready to pay the consolidated royalty in full/4 installments.

The required particulars are given below:

1. Name of the applicant with completed address:
2. Is the applicant a private individual/private or public company /firm or
3. association?
4. In case the applicant is.
5. (a)An individual, his nationality:
6. (b) A private company, the nationality of all members of the company along with place of registration:
7. (c) A public company, the nationality of Directors, the percentage of share capital held by Indian Nationals along with place of incorporation:
8. (d)A firm or association, the nationality of all partners of the firm or members of association:
9. (4) Sizes of jaws in the metal crusher unit and the number of jaws employed for crushing/ other details of machines used in crusher unit.
10. Details of location of the quarry (Address, Sy. No. etc.,of the lease area in which the quarry is situated and validity of quarrying lease are to be furnished along with a location map):
11. Particulars of the previous registration, if applying for renewal:

I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish other details including security deposit etc. as may be required by you.

Yours faithfully,

Place:

Date:

Name and Signature of the Applicant.

For office use only: The lessee has to remit Rs..... being the consolidated royalty for one year. He has opted for payment in full/..... installments. He has remitted full amount/ Rs..... being the installment. The next installment falls due on (strike off whichever is not applicable)

Geologist/Sr. Geologist

FORM L
(See rule 91)
REGISTRATION CERTIFICATE ISSUED TO A REGISTERED METAL CRUSHER UNIT

Registration No.....

Dated.....

The Metal Crusher Unit situated inSurvey No. ofVillage of..... Taluk ofDistrict and owned by has been registered in the Department of Mining and Geology under Rule 91 the Kerala Minor Mineral Concession Rules, 2015 for the production and sale of aggregates of granite (building stones) by operating the machines noted below. The owner of the registered metal crusher unit has been granted quarrying lease/leases in Sy. No..... of village of Taluk for the extraction of granite (building stones) to be used in the crusher unit.

Jaw size & No. of jaws used in the crusher unit :

The particulars of the other machines, if any, used for crushing granite (building stones):

Particulars of quarrying leases based on which registration is granted :

This registration will be in force for the financial yearto.....(or fromto.....)

The registration already granted and which expired on 31st Marchis renewed up to 31st March

Conditions for Registration

The registration certificate shall be displayed in a prominent place in a part of the premises open to the public.

The owner of the registered metal crusher unit shall comply with the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 and the Kerala Minor mineral Concession Rules, 2015 and all other orders issued by the competent authority in this regard from time to time.

The owner of the registered metal crusher unit shall display in a prominent place in a part of the premises the true list of granite aggregates offered for sale by them.

Dated this..... day of

Seal of the competent authority.

Signature of the competent authority

The lessee has to remit Rs..... being the consolidated royalty for one year. He has opted for payment in full/..... installments. He has remitted full amount/Rs..... being the installment. The next installment falls due on He is eligible for movement permit for the period from to (strike off whichever is not applicable)

Note: This certificate shall be issued separately on payment of each installment opted.

FORM M
(See sub-rule (2) of rule 9)
(For all type of quarrying permits)
GOVERNMENT OF KERALA
DEPARTMENT OF MINING & GEOLOGY DISTRICT OFFICE

.....
**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 RULES 3(1), 9 AND 10 OF THE KERALA
MINOR MINERAL CONCESSION RULES, 2015**

No.Dated

.....
Shri/Smt./M/s.....is
hereby permitted to extract and remove(Name of mineral)
from an area ofHect. /Are in Sy.
No.ofvillage
of.....
Taluk of.....District, Kerala State under rule
3(1) and 9 of the Kerala Minor Mineral Concession Rules, 2015 subject to the conditions
mentioned in rule 10.

Quantity of extraction of mineral permitted: MT/CBM

(Not applicable in the case of CRP System):

Whether the permit holder opted CRP System:

Number of mineral transit passes 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:

Details of fee remitted:

Item	Chalan No. &Date	Amount	Name of Treasury
Application fee			
Royalty			
Surface Rent			
Addl. Royalty remitted, if any			

Signature & Address of the issuing authority

Office Seal

To

Shri/Smt/M/s.....(Name and Address of the owner of the land)

Copy to : The District Collector, (with C/L)

FORM N
(See sub-rule (2) of rule 9)
GOVERNMENT OF KERALA
DEPARTMENT OF MINING AND GEOLOGY, DISTRICT OFFICE

.....

.....

QUARRYING PERMIT FOR ORDINARY EARTH

No.Dated

Shri/Smt./M/s.

.....is hereby permitted to extract and remove ORDINARY EARTH from an area ofHect. /Are in Sy. Noof.....village ofTaluk of.....District, Kerala State under sub-rule (1) and (2) of rule 9 of the Kerala Minor Mineral Concession Rules, 2015 subject to the conditions mentioned below:-

- A. Quantity of extraction of mineral permitted : Tonnes/CBM
- B. 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) :
- 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.....to or 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 allowed to be carried on any quarrying operations at or to any points within a distance of 25 metres from the boundary or boundaries of adjacent properties or 50 metres from any residential building except with the consent of the owners of such property or building or 75 metres from any railway line, 50 metres from any bridge, reservoir, tanks and canals or other public works except with the previous permission of the authorities concerned or State Government or competent authority.
- 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 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 shall not cause any serious environmental hazard.

8. 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.
9. 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, 2015, failing which the permit is liable to be cancelled and appropriate action taken as provided for in the Rules.
10. (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) In cases where the land under mineral concession is a Government land, the permit holder shall pay any tax, if applicable to Government in addition to royalty and surface rent.
11. This permit is subject to all rules and regulations which may from time to time 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.
12. The permit holder shall without delay send to the District Collector 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.
13. The permit holder shall make and pay such reasonable 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.
14. The permit holder shall obtain mineral transit passes in prescribed form as per the provisions contained in the Kerala Minerals (Prevention of illegal mining, storage and transportation) Rules, 2015 from the competent authority concerned and shall prepare these passes in duplicate and shall issue the original to the purchaser while he sells or transports or cause to transport mineral from the place of extraction and the duplicate shall be retained.
15. 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.
16. 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, 2015, the permit is liable to be cancelled and appropriate action shall be taken as provided for in the Rules.

Details of fee remitted:

Item	Chalan No. and Date	Amount	Name of Treasury
Application fee			
Royalty			
Surface Rent			

Signature and Address of the issuing authority

Office Seal

To

Shri/Smt/M/s.....(Name and Address of the owner of the land)

Copy to: The District Collector (with C/L)

FORM O
(See rule 98)

FORM OF APPEAL MEMORANDUM

1. Name and address of individual/firm/company
2. Profession of individuals or nature of business
3. Full details of the order of the authorised officer / competent authority/appellate authority against which the appeal is made (copy enclosed)
4. Minor Mineral/minerals forming the subject matter of the appeal
5. Details of the area in respect of which appeal is filed (A plan of the area to be attached. District, Taluk, Village & Survey number etc. to be specified)
6. Is the appeal filed within the period specified in rule 98(1)? If not, the reason thereof.
7. Grounds of appeal
8. If the appeal memorandum is filed by the holder of power of Attorney, attach documents.

Name and Signature of the
appellant (with date) .

FORM P

(See sub-rule (3) of rule 54)

APPLICATION FOR RECOGNITION AS QUALIFIED PERSON

“Persons eligible for grant of recognition under Rule 54 (3) of Kerala Minor Mineral Concession Rules,2015 may download this form and submit the duly filled in form to the authority concerned, State of Kerala along with a fee of Rs. 10,000/- (for individual registration) credited to the Department of Mining and Geology under head of account 0853-102-99(1)”

I am desirous of seeking recognition as qualified person under Rule 54(4) of Kerala Minor Mineral Concession Rules, 2015 for the preparation of Mining Plans (including environmental management plans) and furnish the following information :

1. (a) Name of the applicant : Attested photograph
- (b) Father's name :
- (c) Address of the applicant :
- (d) Date of Birth :
- (e) Nationality :
- (f) Place where the applicant ordinarily resides :
Village / City _____, Taluk _____,
District _____, State _____

2. Academic and Professional Qualifications (Degree level and above)

Name of Institution / University :

Examination Passed :

Year of Passing :

3. Experience in supervisory capacity in mining operations/mineral administration (starting from the present or most recent position)

A. Present or most recent post

Years of Service : From _____ to _____

Title of Post :

Name and location of the mine /Department:

Name and Address of the Employer :

Description of your work indicating your personal responsibility :

B. Previous post

Years of Service : From _____ to _____

Title of Post :

Name and location of the mine/Department :

Description of your work indicating your personal responsibility :

Name and Address of the Employer :

4 .Experience if any in mine planning - Analysis of own experience (state why you consider yourself suitable for preparation of mining plans including environmental management plans. Give particulars of mine plans prepared if any.)

5 .List of copies of certificates & testimonials attached in support of qualifications and experience

6. (a) State if application for recognition was ever made before, under Rule 54 of Kerala Minor Mineral Concession Rules, 2015.

(b) If yes, name and address of the authority to whom the application was made and date of application.

(c) Decision of the said authority.

I hereby declare that the information furnished above is true, complete and correct to the best of my knowledge and belief.

Place :

Signature of the applicant

Date :

FOR OFFICE USE ONLY

1. Having examined the application of Shri _____ , I am satisfied that the applicant is FIT / NOT FIT for recognition under Rule 54 of Kerala Minor Mineral Concession Rules, 2015.

2. The registration number accorded to him as a recognised person is ---. The reasons for refusing the grant of recognition are recorded below :

Place :

Date :

Director of Mining & Geology

FORM Q
(See sub-rule (5) of rule 54)
RECOGNISED QUALIFIED PERSON CERTIFICATE

(emblem)

**CERTIFICATE OF RECOGNITION AS QUALIFIED PERSON TO PREPARE
MINING PLANS FOR QUARRYING MINOR MINERALS IN KERALA**
(issued under Rule 54 of the Kerala Minor Mineral Concession Rules, 2015)

Shri/Smt------(address) having given satisfactory evidence of his/her qualification and experience is hereby granted RECOGNITION under Rule 54 of the Kerala Minor Mineral Concession Rules, 2014 as a qualified Person to prepare Mining Plans for quarrying minor minerals in Kerala.

The registration number is -----

Director Mining and Geology

Date:

FORM R
(See rule 49)
The Kerala Minor Mineral Concession Rules, 2015

GOVERNMENT OF KERALA
DEPARTMENT OF MINING AND GEOLOGY
DISTRICT OFFICE,

MOVEMENT PERMIT

No.

Date:

“Shri. /Smt./M/s. who is holding quarrying lease No..... dated..... under the Kerala Minor Mineral Concession Rules, 2015 is hereby permitted to transport (name of mineral) from quarry situated at (location name), in Survey No..... of village of Taluk of District for the period from to *This movement permit is issued for the purpose of transport of minerals for value addition and for subsequent sale of value added products from the value addition unit. (strike off if not applicable). **Every consignment of mineral permitted to be moved under this movement permit shall be moved only with valid minerals transit pass issued under the Kerala Minerals (Prevention of illegal mining, storage and transportation) Rules 2015.**

Other particulars are as detailed below:

1. Particulars of mineral concession (concession number/date/allowed quantity/validity etc.):

2. Particulars of previous movement permits which stands cancelled:
3. Balance quantity of mineral brought forward from previous movement permit:
4. Quantity of mineral permitted to be moved under this movement permit:
5. *Registration number with date allotted to the value addition unit (if applicable):
6. *Location name, survey number, village, taluk, district of the value addition unit to which the mineral is intended to be moved (if applicable):
7. Special conditions to be imposed (if any):
8. Particulars of remittance of rent/royalty/taxes as applicable:

(Office Seal)

Signature and seal of Competent Authority

- to be furnished in the case of issuance of movement permit for the purpose of transport of minerals to the value addition unit and for subsequent sale of value added products.

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.)

The Kerala Minor Mineral Concession Rules, 1967 were 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. The Honourable Supreme Court has directed the State Governments to frame proper rules under section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 in accordance with the recommendations of the Ministry of Forest and Environment and also directed the State Government to grant leases of minor minerals after getting environmental clearance from the appropriate authority and approved mining plan. Further the existing rules contained provisions for storage and transportation of minerals. The Government have decided to omit the said provisions from the said rules and to issue separate rules for the same.

In the above said circumstances Government have decided to issue the Kerala Minor Mineral Concession Rules, 2015 superseding the Kerala Minor Mineral Concession Rules, 1967 as per the directives issued by the Honourable Supreme Court.

The notification is intended to achieve the above object.



GOVERNMENT OF KERALA

Abstract

Revenue Department - Grant of No Objection Certificate (NOC) for mining of minerals from Government Land - Comprehensive Guidelines Issued - Reg

REVENUE (P) DEPARTMENT

G.O.(Ms)No.28/2021/RD Dated,Thiruvananthapuram, 28/01/2021

- Read 1 The Mines and Minerals (Development & Regulation a) Act, 1957
- 2 The Kerala Minor Mineral Concession Rules, 1967
- 3 Circular No 84339/P1/2005/RD dated 30.09.2005
- 4 G.O(P) 16/2015/ID dated 07.02.2015
- 5 Letter No AAG-RT/WPC No 20464/2019 dated 05.12.2019 from Additional Advocate General, Ernakulam

ORDER

As per Section 15 of the Mines and Minerals (Development & Regulation) Act, 1957 read as 1st paper above, the State Govt. enacted Kerala Minor Mineral Concession Rules, 1967 read as 2nd paper above and repealed other Rules in force related to extraction of Minor Minerals in any part of the State. The enactment of Kerala Minor Mineral Concession Rules, 1967 specifies either a short tem permit having a maximum duration of 1 year or a quarrying lease having a maximum duration of 12 years has to be obtained for mining of minor minerals irrespective of the type of land where mining is conducted.

The Kerala Minor Mineral Concession Rules, 1967 specifies that every application for a quarrying permit/lease shall, if the lands from which the minor mineral is to be extracted are occupied lands, be accompanied by a letter from the occupant of such lands to the effect that he has no objection to the extraction of the minor mineral by the applicant. Hence the Department of Mining and Geology demanded consent letter from the owner of the land in case of private lands and since the occupant of Government land for extraction of mineral is Government itself, No Objection Certificate (NOC) was demanded from Revenue Officials for grant of mineral concessions like quarrying permit or lease.

As per the Circular read as 3rd paper above, specific directions were given to issue No Objection Certificate (NOC) for a maximum period of 12 years as lease is granted for a maximum period of 12 years.

As per G.O(P) 16/2015/ID dated 07.02.2015, the Kerala Minor Mineral Concession Rules, 2015 read as 4th paper above was issued in supersession of the Kerala Minor Mineral Concession Rules, 1967. Rule 4(2)(d) of the Kerala Minor Mineral Concession Rules, 2015 specifies about the documents required to be submitted

along with the application for quarrying permit which reads below:

'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 the case of revenue puramboke lands or lands owned by Local Self Government or in the case of forest lands, a No Objection Certificate from the District Collector or Secretary of the Local Self Government Institution or Divisional Forest Officer concerned, as the case may be, to the effect that the department concerned has no objection for the extraction of minor mineral by the applicant subject to the provisions contained in these rules'.

Rule 27 (2)(d) of the Kerala Minor Mineral Concession Rules, 2015 specifies about the documents required to be submitted along with the application for quarrying lease which reads below:

' No Objection Certificate, in the case of revenue puramboke 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'.

Rule 32(3) of Kerala Minor Mineral Concession Rules, 2015 specifies to facilitate collection of compensation/seigniorage by other departments in addition to the royalty collected by the Department of Mining and Geology which reads below:

' In cases where extraction of minerals is from Revenue Puramboke lands or from lands possessed by other Government Departments or Local Self Governments, the persons who extracts minerals from such land shall be liable to 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.'

Till date, all the mineral concessions for minor minerals in Government land were issued by the Department of Mining and Geology based on the NOC issued by Revenue Officials. However, there was no proper system for granting No Objection Certificate (NOC) for quarrying in Government land, which are fit for mining of minor minerals. The private individuals/companies may turn up and submit an application requesting No Objection Certificate (NOC) from District Collector for conducting mining operation in a Govt land. The Revenue Department upon receiving such application conduct site inspection and if the site is found suitable for quarrying, NOC will be issued. After getting No Objection Certificate (NOC), the applicant will have to further procure licenses/consent/clearances from Petroleum & Explosive & Safety Organization (PESO), Mining and Geology Department, State Environment Impact Assessment Agency (SEIAA), Pollution Control Board (PCB) and Local Self Government (LSGs) concerned. The additional revenue apart from royalty is the collection of seigniorage/compensation only which is very less compared to the market value of the mineral.

The following drawbacks has been noticed in the existing system:

1. Since it is first come first serve, the people who have access to information will be on a comparative advantage as market competition is restricted.

2. There is no better income to the state other than the prefixed minuscule seigniorage.
3. Those who take No Objection Certificate (NOC) in advance may not start production for years and may result in monopolizing the entire sector.
4. There is no proper mechanism for assessment of quantity of mineral extracted and for accounting of compensation/seigniorage.
5. The NOC holder simply abandons the quarry without proper closure after NOC period is over. There is no mechanism to collect the dues.
6. There is no guideline for imposing of penalty for violation of NOC condition and for illegal mining from Government land.
7. Lack of coordination with Dept of Land Revenue and Department of Mining and Geology.

The Additional Advocate General, Ernakulam in the letter dated 05.12.2019 read as 5th paper above has informed that WP(c) No 28977/19 has been filed by Shri Basil Madappilli, Kuttichira, Chalakudy seeking a direction to the District Collector, Thrissur to consider his applications for NOC to conduct quarrying operations in the Govt. properties of Kuttichira Village of Chalakudy Taluk. Similarly WP(c) 20464/19 was filed by Shri Raji Mathew & Company seeking a direction to the District Collector, Idukki to consider their applications for NOC to conduct quarrying operations in the Govt. properties of Elappara Village of Peerumedu Taluk. It has been informed that the writ petitions were considered by the Learned Single Judge on 05.12.2019 and the Hon'ble Court directed to give specific instructions regarding the policy being followed by Govt. while issuing NOC by District Collectors. Hence Additional Advocate General, Ernakulam had requested to give specific instructions whether the Govt. has issued any orders/circulars regulating the issuance of NOCs by the District Collectors under Rule 27(2)(d) of Kerala Minor Mineral Concession Rules, 2015.

Hence, it is noticed that it is imperative that the entire system needs to be revised and a more transparent and efficient model for giving No Objection Certificate (NOC) needs to be issued.

Government have examined the matter in detail and hereby issue the following guidelines for giving No Objection Certificate (NOC) for quarrying operations in Government land to private players, so that it may give a level playing ground to different stake holders and produce more revenue to exchequer out of the precious minor mineral wealth of the state.

Guidelines for grant of No Objection Certificate (NOC) for quarrying of mineral from Government land

Steps	Process	Responsible Officers	Remarks/points to be taken care
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1	<p>Issue of instruction by District Collector to RDO for identification of area suitable for quarrying in each Taluk which are non-arable and uncultivable rocky Govt. land</p>	<p>District Collector</p>	<p>1. Tentative maximum number of NOCs to be put up for bidding in the year to be decided by DC concerned</p> <p>2. Each land parcel having an extent of 1 hectare and above will be made available for quarrying lease. Each land parcel having an extent below 1 hectare will be made available for quarrying permit. The minimum & maximum area will be fixed by DC based on the land availability and fulfillment of legal and statutory requirement.</p>
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2	Identification of areas suitable for issuance of NOC for granite quarrying and preparation of survey maps in 1:1000 scale.	Team headed by RDO consisting of District Geologist, Tahsildar, Taluk Surveyor, Village Officer	<p>1. Area shall be contiguous</p> <p>2. More than 1 ha(for quarrying lease) or less than 1 ha(quarry permit) to be specified.</p> <p>3. Shall not fall in landslide susceptible areas (Red Zones)</p> <p>4. Shall not fall in ecologically sensitive areas, ecologically sensitive zones, forest etc.</p> <p>5. Shall have prescribed distance (as per KMMC Rules) from the buildings and other structures</p> <p>6. Shall have road access to the top of the identified area</p> <p>7. In instances where there is no road access to the Govt. land proposed then bidding shall be done only when road access to the top of the land is made available</p> <p>While submitting suitability report the geological, environmental, social, economic & legal aspects shall be clearly mentioned.</p>
3	Submission of suitability report of the land identified to the District Collector	RDO	
4	Scrutiny of report and finalization of Notice Inviting Tender (NIT) for auction	District Collector	

5	E-tendering of NOC through e-tendering portal of the State (https://etenders.kerala.gov.in)	District Collector	<p>1. The lease rent is fixed @Rs 10 lakhs/ha per annum for a lease period of 12 year duration. The lease rent shall be remitted annually in equal installments. The lease rent fixed @Rs 10 lakhs/ha per annum will be the floor price.</p> <p>2. The bidder quoting the highest lease rent (H1) (amount per unit area) will be selected for awarding the NOC</p> <p>3. The H1 bidder shall pay Security deposit in the head of account specified per ha of land.</p> <p>4. The tender fee and EMD shall be as per the Kerala Stores Purchase Manual</p>
6	Signing of agreement by H1	H1 bidder	He has to sign an agreement with District Collector that he would pay the lease rent as well as the seigniorage if he is awarded the LOI-letter of intent. (H-1 bidder).
7	Award of LoI for grant of NOC with copy to Dept. of Mining and Geology, SEIAA, Secretary of LSGD	District Collector	The LoI shall be treated as NOC for the purpose of processing of lease or other applications (not for actual operation)

File No.REV-P2/285/2017-REV

8	Forwarding of recommendation for issue of NOC with period of NOC and tentative quantity of mineral that could be mined during the lease period	Director of Mining and Geology	After scrutiny of map and inspection of area, precise area will be fixed by Director of Mining and Geology and issues LoI for grant of lease. With this LoI, the applicant approaches SEIAA for EC, PESO for explosive license, LSGI for their license and PCB for consent. After obtaining all these documents applicant approaches Director of Mining and Geology for lease. The DMG shall recommend issue of NOC. (During the processing of application, DMG or SEIAA could suggest some modification in map (area/shape) and Tashildar with the assistance of Taluk Surveyor shall issue revised map subject to approval of DC)
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9	Issue of NOC recording NOC period and the lease rent quoted by the applicant (copies to DMG, Tahsildar, VO)	District Collector	<p>1. Lease rent (lease rent as per H1) at the rate prescribed per hectare/annum shall be collected before issuance of NOC</p> <p>2. Whenever the seigniorage fee is revised by the Government the lease holder will have to pay the seigniorage fee at the revised rate. This condition shall be there in the NOC and bid document</p> <p>3. There shall be a condition in the NOC stating that the seigniorage fee and lease rent shall be remitted in advance before obtaining Movement Permit from Mining and Geology Department. (Collection of seigniorage fee shall be integrated in KOMPAS software of Mining and Geology Dept). In case of collection of arrear royalty or royalty (for excess extraction) by Dept. of Mining and Geology, the same shall be intimated to Tahsildar and the Tahsildar shall collect seigniorage for the excess quantity if any.</p>
10	Forwarding a copy of lease order along with one approved mining plan to DC and Tahsildar concerned	DMG	
11	Collection of seigniorage/arrear etc	Tahsildar	
12	Collection of dues on expiry of lease period (if any)	Tahsildar	<p>1. Tahsildar shall intimate DC regarding the collection of dues if any on the expiry of lease</p> <p>2. In case of any violation in mining or if any default in remitting any charges, the NOC holder will be terminated and be blacklisted for 12 years</p>

13	Release of security deposit after expiry of lease/NOC period	DC	The security deposit shall be forfeited to Govt if the lease holder fails to obtain lease or carry out mining as per the conditions of NOC, lease, EC etc
14	Periodic Report submission	NOC holder	NOC holder shall submit a status report once in two years prepared by a Recognized Qualified Person (Recognized Qualified Person (RQP) is the person authorized to prepare the minning plan as per KMMC Rules) which contains the details of quantity of mineral extracted and the levels thereof to DC with a copy to RDO
15	Periodic Inspection	Tahsildar	Tahsildar shall inspect the quarry area with the help of Taluk Surveyor and ensure that there is no violation of NOC or lease condition and report the matter to RDO and DC
16	Violation of lease/NOC condition is noticed	RDO DC	<p>If excess amount of mineral is extracted but within the territorial extent, provided the lease area is not violated, then it can be regularized by imposing a Regularization fee not less than 5 times of Seigniorage for that quantity which is extracted in excess by the RDO.</p> <p>If the NOC holder extract the excess amount of mineral from the area beyond the lease area, then DC will cancel the NOC with immediate effect and DMG shall cancel the mining lease upon the report from DC. A Regularization fee not less than 5 times of Seigniorage for that quantity which is extracted in excess shall also be imposed.</p>

As per the existing rate specified in the Kerala Store Purchase Manual for the total quoted amount. Refundable to those unsuccessful bidders after the completion of 15 days from the date of issuing of Lol or 3 months from the bid opening date whichever is earlier.

Seigniorage

Amount of compensation for the loss of mineral wealth in the Government land. It is fixed per ton of mineral and shall be revised from time to time by Government by Notification.

Lease Rent

A non-refundable one-time fees to be remitted for obtaining NOC from the District Collector. The basic concept is that the Government is giving the occupancy of the land for 12 years. The lease rent is fixed @Rs 10 lakhs/ha per annum for NOC period. The lease rent fixed @Rs 10 lakhs/ha will be the floor price. The bidding shall start from the floor price fixed by Govt. The bidder who bids the higher lease rent (H1) (amount per unit area) will be selected for awarding the NOC. The lease rent will be remitted in the same head of account where the seigniorage fee is remitted.

Security Deposit

The Security Deposit is fixed @ Rs 10 lakhs/ha. It is the amount to be remitted in the specified treasury account which will act as a security for carrying out mining as per the approved mining plan. It should be remitted before awarding of Lol by District Collector and shall be refundable to the NOC holder once he completes entire operations including mine closure as per the approved Final Quarry Closure Plan.

Eligibility to Participate in the bidding process

All persons/firms/companies/associations except those who are blacklisted by Government of India or Government of Kerala or by the Government of any states or union territories are disqualified in participating in the tender process. Blacklisted persons/firms/companies/associations include persons who are the directors of blacklisted companies, or those companies formed by those persons who are either blacklisted or the directors of any blacklisted companies.

Preparation of bid document

Preparation of bid document, the process of auction and final award is to be done by the respective District Collectors.

2. Issues

No	Scenario	Result	Option to be exercised
1	LoI is issued and the bidder failed to obtain other statutory licenses	He will lose security deposit as it is his mistake	There shall be a period fixed for LoI within which lease shall be obtained. This period could be extended by the DC if there is valid reason
2	LoI is issued and the statutory agencies refused to grant their licenses	He will lose security deposit	Refunding half the security deposit if the mistake is not from the part of applicant
3	NOC is issued after collecting lease rent and the lessee fails to mine mineral	He will lose lease rent	
4	NOC is issued after collecting fee and statutory agencies withdraw licenses	He will lose lease rent if the statutory agencies cancel license due violation of conditions	Half the amount could be refunded if the mining is stopped due to enactment of new act or rule
5	Mining dues pending from the lease holder	Recover seigniorage and royalty by RR. He will lose the security deposit	
6	Lease holder fails to close the mine properly	Security deposit will not be refunded	

7	Lease holder wants to transfer the lease (there is provision to transfer lease (KMMCR) as well as EC (EIA Notification)	Not allowed	Permitted with prior sanction of DC. Transferor person has to clear the dues and the transferee person has to sign agreement.
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3. Regarding existing quarries in Government land

In case of existing quarries (around 50 numbers) for which NOCs were issued earlier, the District Collectors concerned will be instructed to get take the volume of mineral extracted through Taluk Surveyors and to take necessary action in consultation with District Geologist for collecting the arrear of seigniorage if any.

4. Repeated offence :

If anybody repeats the offense then NOC will be cancelled and the company will be blacklisted for 5 years. If partner/director in the defaulting company is present in new company then that company cannot participate in bidding (since it is very easy to form a new partnership firm or company and next time they participate in bidding in new name).

5. Procedure for quarrying after lease period

Government land is given for lease for quarrying for a period of 12 years. After the lease period, necessary certification from the District Geologist be obtained to ensure that further quarrying be permitted. If found feasible, all procedures/guidelines as stated above needs to be started afresh for granting lease.

6. Procedure for quarrying after lease period if application is submitted by the same individual/organization

Government land is given for lease for quarrying for a period of 12 years. After the lease period, necessary certification from the District Geologist be obtained to ensure that further quarrying be permitted. If the same individual/organization who was running the quarry submits an application for lease then the same individual/organization may be granted lease for an another period of 12 years by fixing the lease rent @Rs 10 lakhs/ha per annum for 12 years without bidding and by depositing the security deposit @ Rs 10 lakhs/ha. Provided no more further lease may be granted to the said

individual/organization after the tenure.

These guidelines, may be brought to the notice of all concerned for further necessary action and strict compliance.

(By order of the Governor)
DR. A JAYATHILAK IAS
PRINCIPAL SECRETARY

To:

The Commissioner of Land Revenue
The Director of Mining & Geology, Thiruvananthapuram
Deputy Chief Controller of Explosives,
Petroleum & Explosive & Safety Organization (PESO),Ernakulam
The Chairman, State Environment Impact Assessment Agency (SEIAA),
The Chairman, Pollution Control Board (PCB)
All District Collectors
All Revenue Divisional Officers
All Tahsildars

Copy To:

PS to Hon'ble Chief Minister
PS to Hon'ble Minister (Revenue)
PS to Hon'ble Minister (Industries)
PS to Hon'ble Minister (LSGD)

Forwarded /By order

Signature valid

Digitally signed by Kadeeja A A
Date: 2021.01.25 14:45:32 IST
Reason: Approved

Section Officer

GOVERNMENT OF KERALA

Industries (A) Department

NOTIFICATION

G.O. (P) No.16//2015/ID

Dated, Thiruvananthapuram, 07.02.2015.

24th Makaram, 1190.

S.R.O. No. 72/2015.- 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 in supersession of 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:-

CHAPTER I

PRELIMINARY

1. Short title and commencement – (1) These Rules may be called the Kerala Minor Mineral Concession Rules, 2015.

(2) They shall come into force at once.

2. Definitions - (1) In these rules unless the context otherwise requires,-

- (i) “Act” means the Mines and Minerals (Development and Regulation) Act, 1957 (Act 67 of 1957);
- (ii) “Approved Mining Plan” means a mining plan approved by the competent authority under these rules;
- (iii) “Competent authority” means the authority or officer appointed by the Government by notification in the Official Gazette to exercise the powers and perform the functions of the competent authority under these rules;
- (iv) "Consolidated Royalty Payment System (CRP System) for granite (building stones) and laterite (building stones)" means a mode of advance payment of consolidated royalty as per Schedule IV of these rules that can be opted by a quarrying permit holder for extraction of granite (building stones) and laterite (building stones) specified in item 5 of Schedule I;
- (v) “Dead rent” means a rent payable to the Government by a lessee under these rules for every year except for the first year of the period of quarrying lease from the date of execution of the lease at the rates stipulated in Schedule II of these rules or the amount of royalty payable by a lessee in one year for the quantity of the mineral removed or consumed by him from the leasehold, whichever is higher;

- (vi) “Dealer” means a person other than a lessee or a quarrying permit holder under these rules who is carrying on the business of selling minor minerals mentioned in schedule I.
- (vii) “Environmental Clearance” means the environmental clearance issued under the Environment (Protection) Act, 1986 (Central Act 29 of 1986) or the rules made thereunder.
- (viii) “Form” means a form appended to these rules;
- (ix) “Government” or “State Government” means the Government of Kerala;
- (x) “Movement permit” means a permit issued in Form R of these rules to a lessee who is in possession of all statutory licences required for the working of a quarry to remove minerals from the place of extraction after payment of royalty to Government and also includes a permit granted under rule 107 of these rules;
- (xi) “Ordinary Earth” means ordinary earth used for filling or levelling purposes in construction of embankments, roads, railways and buildings;
- (xii) “Precise area” means the area in respect of which quarrying/mining is intended to be permitted by the competent authority out of the area applied for quarrying lease/permit by the applicant;
- (xiii) “Producer” means a person carrying on the business of extraction of minor minerals;
- (xiv) “Public Works” mean public works such as roads, public buildings, reservoirs, irrigation canals and tanks;
- (xv) “Quarrying Permit” means a short term permit granted under chapter II of these rules for a period not exceeding one year at a time to extract any minor mineral within a specified period from an area of such extent as specified in Schedule IV or in specified quantities within a specified period as sanctioned by the authorities concerned;
- (xvi) “Quarrying Lease” means a mining lease for minor minerals granted under these rules for a period as specified in rule 39;
- (xvii) “Registered Holder” means a person in whose name the land has been registered in the revenue records;
- (xviii) “Registered metal crusher unit” means a unit engaged in the business of crushing granite stones into aggregates by means of mechanical devices that conform to specific jaw sizes and dimensions which has been registered with the Department of Mining and Geology and possessing valid quarrying lease;
- (xix) “Schedule” means a schedule appended to these rules;

(xx) "Surface rent" means a rent payable to the Government for every year for the surface area allotted to a quarrying permit holder or a lessee under these rules at such rates not exceeding the land tax assessable on the land by the Government from time to time;

(2) Words and expressions used but not defined in these rules and defined in the Act shall have the meanings respectively assigned to them in the Act and the rules made thereunder.

CHAPTER II

GRANT OF QUARRYING PERMITS IN RESPECT OF LANDS IN WHICH MINERALS OR MINERAL RIGHT BELONG TO GOVERNMENT

3. Grant of quarrying permit - (1) On application made to it the competent authority under these rules may grant a quarrying permit to any Indian National to extract any minor mineral, other than dimension stone, from any specified land within the limits of its jurisdiction and authority as notified by the Government in the official Gazette from time to time on payment of royalty as the competent authority may fix on the basis of the rates specified in schedule I or IV, as the case may be and also on payment of such surface rent and cess as may be assessable on the lands.

(2) The competent authority may grant a permit for a lower quantity than applied for or refuse to grant such permit for reasons to be recorded in writing.

(3) The area under a quarrying permit shall be a contiguous unit and shall not exceed one hectare.

(4) The competent authority under these rules shall send a copy of the quarrying permit granted by it to the District Collector and the Secretary of the Local Self Government Institution concerned.

4. Application for quarrying permit - (1) An application for a quarrying permit shall be made in Form A and shall contain the following particulars, namely:

- a.** name, address, profession and nationality of the applicant;
- b.** name and quantity of the minor mineral for which the permit is required;
- c.** description such as location, survey number etc. of the lands from which the minor mineral is to be extracted;
- d.** purpose for which the minor mineral is to be used.

(2) Every such application shall be accompanied by,-

- a. a copy of the survey map of the area, attested by the Village Officer concerned or any other competent officer of the department of Land Revenue having jurisdiction over the area in respect of which permit is applied for or Assistant Director of Survey and Land Records concerned. The area in which extraction is applied for in each survey number shall be demarcated and coloured red in the map;

- b. a certificate of demarcation of the boundaries of areas applied for, issued by an officer of the department of Land Revenue not below the rank of Village Officer who has jurisdiction over the relevant area;
- c. a certificate from the Village Officer concerned to the effect that the land in respect of which quarrying permit is applied for, is not assigned for any special purpose by the department of Land Revenue;
- d. 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 the case of revenue poramboke lands or lands owned by Local Self Government or in the case of forest lands, a No Objection Certificate from the District Collector or Secretary of the Local Self Government Institution or Divisional Forest Officer concerned, as the case may be, to the effect that the department concerned has no objection for the extraction of minor mineral by the applicant subject to the provisions contained in these rules;
- e. notarised consent letter from the owner of the land from which minor mineral is to be extracted to the effect that he has no objection to the extraction of the minor mineral by the applicant, if the land is not in the possession of the applicant;
- f. No Objection Certificate from the District Collector concerned, based on the recommendation of the District Expert Committee constituted by the Government in this regard, in the case of application for extraction of ordinary clay or ordinary sand;
- g. Bank guarantee from any Nationalized or Scheduled Bank at the rate of Rs 300/- (Rupees three hundred only) per cubic metre for the purpose of reclamation of pits that will be formed after quarrying in the area permitted, in respect of application for extraction of ordinary clay and ordinary sand.

5. Application fee - (1) Every application for a quarrying permit shall be accompanied by a fee of one thousand rupees for all minor minerals.

(2) The amount of fee shall be remitted in any of the State Government treasuries to the credit of the Department of Mining and Geology under the relevant receipt head of account and the treasury chalan receipt shall be attached to the application.

6. Acknowledgement of application - (1) Where an application for the grant or renewal of quarrying permit is delivered personally, its receipt shall be acknowledged forthwith, in Form C.

(2) In all other cases, the receipt of such application shall be acknowledged in Form C on the next working day.

(3) The officer receiving such application shall enter on it the day on which and the hour at which the application has been received by him.

7. *Payment of Royalty* - Every applicant for a quarrying permit shall pay royalty in advance to Government at the rates specified in Schedule I or IV, as the case may be. In the case of payment of royalty under consolidated royalty payment system (CRP System) for granite (building stones) and laterite (building stones) the competent authority may permit an applicant to opt for making payment under this system.

8. *Letter of intent to an applicant for a quarrying permit* - On receipt of an application for a quarrying permit 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 shall be issued a letter of intent by the competent authority after making site visits and other enquiries as the authority deems fit. Quarrying permit shall be granted and royalty collected only after obtaining all other statutory licences/clearances/No Objection Certificates etc. from other statutory authorities concerned. The letter of intent so issued shall be sufficient for statutory authorities concerned for issuing their licenses/permissions/No Objection Certificates etc.

9. *Disposal of application for the grant of quarrying permit* - (1) On receipt of the application for grant of quarrying permit for undertaking quarrying operations, the competent authority shall make site inspection and take decision regarding the precise area to be granted for the said purpose and intimate the applicant to submit approved mining plan and Environmental Clearance for the precise area.

Provided that, approved mining plan and environmental clearance shall not be insisted, for the issuance and renewal of permits in the case of Laterite Building Stone.

(2) On receipt of an approved mining plan and Environmental Clearance for the precise area and on production of all other statutory licenses/clearances/No Objection Certificate etc. from other statutory authorities concerned, the competent authority shall issue a quarrying permit to the applicant within thirty days in Form N for ordinary earth and in Form M for all other minor minerals.

10. *Conditions on which quarrying permit shall be granted* -Every quarrying permit, except for ordinary earth, under rule 9 shall be granted subject to the following conditions, namely:-

- a. the depth of the pit below surface shall not exceed 6 metres except in the case of extraction of granite (building stones) and laterite (building 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 slope failure. 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 under cutting 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-D to the Deputy Director General, Directorate General of Mines Safety, Southern Zone, Bengaluru - 560029; The Regional Controller of Mines, Yeshwantpur, Bengaluru - 560022 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. The maximum period for a quarrying permit shall be one year from the date of grant under rule 9;
- c. the permit holder shall not extract and remove excess quantity of the mineral than permitted;
- d. the permit holder shall not extract minerals outside the area permitted for extraction;
- e. 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 before 10th day of every calendar month after the month of grant of quarrying permit. The permit holder shall also allow inspection of the area by the competent authority or any officer authorized by him at any time and shall give satisfactory proof as to the quantity of the mineral quarried and removed;
- f. the permit holder, in cases where explosives are not used for quarrying, shall not carry on or allowed to be carried on any quarrying operations at or to any points within a distance of 75 metres from any railway line except with the previous written permission of the Railway Administration concerned and any bridge on National Highway or 50 metres from any reservoir, tanks, canals, rivers, bridges, other public works, residential buildings, the boundary walls of places of worship, burial grounds, burning ghats or forest lands or village roads except with the previous permission of the authorities concerned or the Government or the competent authority:

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:

Provided further that in cases where explosives are used for quarrying, the permit holder shall not carry on or allowed to be carried on any quarrying operations at or to any points within a distance of 100 metres from any railway line, any bridge, reservoir, tanks, residential buildings, monuments protected by Government, canals, rivers, public roads having vehicular traffic, other public works or the boundary walls of places of worship or 50 metres from any burial grounds or burning ghats or village roads or forest lands;

- g. The area granted under a quarrying permit shall be a contiguous unit;
- h. The permit holder shall not win and dispose of any type of mineral other than the mineral specified in his permit;
- i. (i) The permit holder shall erect a notice board in Malayalam at a prominent place with a minimum size of 1metre X 1.5 metres in a metallic board near to the entrance of the quarry to the effect that it shall contain the name and address of the permit holder, mineral concession number and date, the mineral to be extracted, permit number and date and its date of expiry, quantity of extraction permitted (if applicable), area of extraction permitted, explosives used (if any), etc;
- (ii) The permit holder shall erect a warning board with danger sign regarding operation of the quarry 100 metres away by the side of the road leading to it;
- j. 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 the permit for the purpose of inspection of the same;
- k. The permit holder shall carry on the operations 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;
- l. The permit holder shall at all times during the term of the 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 in this regard, during all reasonable time;
- m. The permit holder shall give on demand any information pertaining to the quarrying as required by the competent authority under these rules;

- n. 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;
- o. The permit holder shall comply with all rules and regulations which may from time to time 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;
- p. The permit holder shall without delay send to the District Collector, Deputy Director General, Directorate General of Mines Safety, Bengaluru and the competent authority under these rules 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;
- q. (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 thing 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) The permit holder shall carry out mining operations only in accordance with the approved mining plan submitted by him for obtaining the quarrying permit.

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.

18. Classification of granite and other crystalline rocks - The different varieties of granite and other crystalline rocks are classified as-

- (i) Dimension stones which include all types of granites, dolerite, charnockite, leptynite and other crystalline rocks of Acid, Intermediate, basic and ultra basic groups of igneous and metamorphic origin which are suitable for cutting to pre-determined sizes, polishing, carving and amenable for making value-added products in decorative monumental and ornamental fields of industry as a high-value item; and
- (ii) all those group of rocks specified above in sub item (i) which are not suitable for using as dimension stones as specified therein, but can be used as ordinary building stones, road metal, rubble and ballasts after breaking into irregular pieces by blasting or otherwise as low value item with different rates of royalty or dead rent.

Note: - Indulgence of quarrying or raising a high value item of dimension stone with the permit/lease taken for ordinary low value items of granite and other crystalline rocks will attract provisions of sub-rules (1) and (2) of Rule 108.

19. Preferential right in granting of quarrying Permits.- Where two or more persons have applied for a quarrying permit in respect of the same land, the applicant whose application was received earlier shall have a preferential right for the grant of the permit over the applicant whose application was received later provided the earlier application satisfies all the conditions laid down in these rules.

CHAPTER III
GRANT OF QUARRYING PERMITS IN RESPECT OF LANDS IN WHICH
MINERAL RIGHT VESTS WITH PRIVATE PERSONS

- 20. *Grant of quarrying permit.***- On application made to him in form 'A', a private person in whom is vested the mineral rights in the lands owned by him may grant a quarrying permit to any Indian National to extract and remove from a specified land any minor mineral not exceeding 10,000 tonnes in quantity under one permit under the same conditions as specified in Chapter II under which the competent authority or the officer authorised by him in that regard may grant a quarrying permit in respect of lands in which the minerals vest in Government.
- 21. *Duties of the grantor*** - The private person who may grant a quarrying permit under Rule 20 shall submit to the competent authority or any officer empowered by him in this regard an attested true copy of the permit issued by him to any person, within thirty days of its grant.
- 22. *Prohibition of working of quarries.***- If the Government or competent authority has reason to believe that the grant of a quarrying permit is in contravention of any of the provisions of this Chapter, the Government or the competent authority may, after giving the parties an opportunity of being heard, direct the parties concerned not to undertake any quarrying operations in the area to which the permit relates.

CHAPTER IV
GRANT OF QUARRYING PERMIT IN RESPECT OF LANDS IN WHICH THE
MINERAL RIGHTS VEST PARTLY IN GOVERNMENT AND PARTLY IN PRIVATE
PERSONS

- 23. *Chapter II to apply to quarrying leases in respect of lands in which minerals vest partly in Government and partly in a private person.***- The provisions in Chapter II shall apply in relation to grant of quarrying permit in respect of lands in which minerals vest partly in Government and partly in a private person:

Provided that the royalty, surface rent and cesses, if any, payable shall be shared by the Government and by the private person in proportion to the shares they have in the minerals.

- 24. *Duty of landholder to prove his share in mineral rights*** - In granting the quarrying permit the competent authority shall treat the land as land in which the minerals vest in Government and issue permit to extract the specified quantity of the mineral:

Provided that if the private person is able to produce valid documentary proof to show his share in the royalty, surface rent, and cesses, if any, during the currency of the permit, the competent authority shall after getting a clearance certificate from the concerned

Revenue Authorities make arrangements to pay him his share from the collection already made from the quarrying permit holder:

Provided further that where the applicant for the quarrying permit is the private person and where he produces along with the application valid documentary proof in regard to his share in the mineral rights, the competent authority shall, after getting clearance certificate from the concerned Revenue authorities, and after collecting the share of the Government in the royalty, surface rent, and cesses, if any, issue the permit.

CHAPTER V

GRANT OF QUARRYING LEASES IN RESPECT OF LANDS IN WHICH THE MINERAL OR MINERAL RIGHT VESTS IN GOVERNMENT

25. *Applicability of the chapter.*- The provisions of this chapter shall apply only to the grant of quarrying leases in respect of lands in which the minor minerals vest exclusively in the Government.

26. *Restrictions on the grant of quarrying leases.*- Quarrying leases under this chapter shall be granted only to Indian Nationals:

Provided that a quarrying lease may be granted by the Government to a person who is not an Indian National with the previous approval of the Central Government.

27. *Application for grant of quarrying lease.*- (1) An application for grant or renewal of a quarrying lease shall be made to the competent authority in form 'B';

(2) Every such application shall be accompanied by-

- (a) income-tax clearance certificate from the income-tax officer concerned;
- (b) copy of the survey map of the area attested by an officer not below the rank of a Tahsildar of the department of Land Revenue or Assistant Director of the department of Survey and Land Records. The area applied for extraction in each survey number shall be demarcated and coloured red in the map;
- (c) possession and enjoyment certificate issued by the Village Officer concerned in respect of the land from which the minerals are proposed to be extracted and removed;
- (d) 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;

(e) certificate of demarcation of the boundaries of areas applied for, issued by an officer of the department of Land Revenue not below the rank of Village Officer who has jurisdiction over the relevant area;

(f) certificate from the Village Officer concerned to the effect that the land applied for quarrying lease is not assigned for any special purpose by the department of Land Revenue;

(g) notarised consent letter from the owner of the land applied for quarrying lease to the effect that he has no objection to the extraction of the minor mineral by the applicant, if the land is not in the possession of the applicant;

28. Application fee for quarrying lease - (1) Every application for grant of quarrying lease shall be accompanied by a fee of Rs. 10,000/- (Rupees ten thousand only) for all minor minerals except for dimension stones as specified under these rules.

(2) In the case of application for a quarrying lease for extraction of dimension stones, it shall be accompanied by a fee of twenty thousand rupees.

(3) The amount of fee shall be remitted to the State Government treasuries to the credit of the Department of Mining and Geology under the relevant receipt head of account and the treasury chalan receipt shall be attached to the application.

29. Acknowledgement of application - The procedure for receipt and acknowledgement of application for grant or renewal of quarrying lease is as provided for in rule 6.

30. Application for renewal of quarrying lease - (1) Every application for the renewal of a quarrying lease shall be made at least three months before the date on which the lease is due to expire.

(2) Documents to be attached to and the fee prescribed for the application for grant of quarrying lease shall be the same for an application for its renewal.

31. Preferential right of certain persons - (1) Where two or more persons have applied for quarrying lease in respect of the same land the applicant whose application was received earlier shall have preferential right for the grant of the lease over an applicant whose application was received later.

(2) The Government or the competent authority may, for special reasons to be recorded grant a quarrying lease to an applicant whose application was received later in preference to an applicant whose application was received earlier.

32. Payment of royalty by a lessee - (1) The holder of a quarrying lease which is granted on or after the commencement of these rules shall pay royalty in respect of any mineral removed by him from the land in respect of which the lease has been granted at the rates specified in schedule I in respect of the mineral.

(2) The State Government may, by notification in the Official Gazette, enhance or reduce the rate of royalty in respect of any minor mineral with effect from the date, as may be specified in such notification:

Provided that the rate of royalty shall not be enhanced in respect of any mineral more than once during any period of three years.

33. Disposal of application for the grant or renewal of quarrying lease - (1) On receipt of the application for grant or renewal of quarrying lease for undertaking quarrying operations, the competent authority shall make site inspection and take decision regarding the precise area to be granted for the said purpose and intimate the applicant to submit approved mining plan and Environmental Clearance for the precise area,

(2) On receipt of an approved mining plan and Environmental Clearance for the precise area and on production of all other statutory licenses/clearances/No Objection Certificate etc. from other statutory authorities concerned, the competent authority shall grant a quarrying lease within thirty days.

(3) No application shall be refused without affording the applicant an opportunity of being heard.

(4) Where the competent authority passes an order refusing to grant or renew a quarrying lease, the reason thereof shall be communicated through a speaking order within fifteen days of the date of the order.

34. Refund of application fee - Where an application for the grant or renewal of a quarrying lease is refused under rule 33 or the applicant refuses to accept the lease on account of any conditions imposed under these rules or any other relevant law or order, the application fee paid by the applicant shall not be refunded to him.

35. Length and breadth of area leased - .- Except in case of a quarrying lease for sand or Kankar The length of an area held under a quarrying lease shall not exceed four times its breadth

36. Boundaries below the surface - The boundaries of the area covered by a quarrying lease shall run vertically downwards below the surface towards the centre of the earth.

37. Restriction on the area of quarrying lease - (1) The area under the quarrying lease shall be a contiguous unit and shall not be less than one hectare:

Provided that in the case of renewal of quarrying lease the restrictions in minimum area shall not be applicable.

(2) No lessee shall ordinarily hold in the aggregate more than 2 square kilometres of area under lease in respect of one minor mineral within the state of Kerala.

38. Survey and demarcation of precise area approved for grant of lease - (1) On receipt of communication regarding the precise area under rule 55, the applicant shall make arrangements for the survey and demarcation by erection of boundary pillars of the said

area by the revenue authority not below the rank of a Tahsildar or Assistant Director of Department of Survey and Land Records and shall produce a certificate in this regard issued by the authorities concerned.

(2) In cases where the area applied for quarrying lease and the precise area as communicated by the competent authority under rule 55 are different, the applicant shall submit a survey map of the precise area attested by the competent officer who issued the certificate under sub rule (1).

39. *Period of quarrying lease* - (1) The minimum period for which a lease may be granted shall be five years.

(2) The maximum period for which a lease may be granted shall be twelve years;

(3) In the case of renewal of a quarrying lease, the dead rent, royalty and surface rent shall be charged at the rates in force at the time of renewal and also at the rates in the amendments made in these rules from time to time;

(4) A quarrying lease may be renewed for a period not exceeding 12 years subject to the condition that the renewal shall not be for a period exceeding the period for which lease was originally granted.

40. *Conditions of quarrying lease.* - (1) Every quarrying lease shall be subject to the following conditions and/ or any other conditions that may be imposed by the competent authority and such conditions shall be incorporated in every quarrying lease deed, -

(a) the lessee shall report to the competent authority, the discovery in the leased area of any mineral not specified in the lease within fifteen days of such discovery;

(b) if any mineral not specified in the lease is discovered in the leased area, the lessee shall not win or dispose of such mineral unless a separate lease is obtained therefore under the relevant rules and if he fails to apply for such a lease within six months from the discovery of the mineral, the Government may grant a lease in respect of such minerals to any other person;

(c) the lessee shall pay to the Government royalty on any mineral moved out of the lease hold at the rates specified in schedule-I 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.

(d) the lessee shall pay the Government for every year, except the first year of lease such yearly dead rent within the limits specified in schedule II, as may be fixed from time to time by the Government. Where the lease permits the working of any mineral, the lessee shall be liable to pay dead rent or royalty in respect of that mineral whichever is higher, but not both:

Provided that where the lease permits the working of more than one mineral in the same area, the lessee shall be liable to pay dead rent or royalty in respect of each mineral subject to the restriction mentioned above in respect of any mineral:

Provided further that where the quarrying of one mineral involves the quarrying of any other mineral or minerals and lease permits the working of such other mineral or minerals also the lessee shall be liable to pay dead rent for only one mineral, the highest dead rent being payable for this purpose in lieu of the combined royalty, if the latter is less than the former.

- (e) the lessee shall also pay to the Government for the surface area used by him for the purpose of mining operations, surface rent at such rate, as may be specified in the lease, but not exceeding the land revenue and cesses assessable on the land from time to time;
- (f) the lessee shall not employ in connection with the mining operations any persons who are not an Indian National except with the previous approval of the State Government or the competent authority;
- (g) the lessee shall commence quarrying operations within two years from the date of execution of the lease and shall thereafter conduct such operations in a proper, skillful and workman-like manner. Otherwise the lease shall lapse on the expiry date of the period of two years from the date of execution of the lease:

Provided that the competent authority may, on an application made by the holder of such lease within three years from the date of execution of the lease and, on being satisfied that it will not be possible for the lessee to undertake mining operations or to continue such operations for reasons beyond his control, make an order, subject to such conditions as may be prescribed, to the effect that such lease shall not lapse.

Explanation:- For the purpose of this clause, mining operations shall include the erection of machinery, laying of a tramway or construction of a road in connection with the working of the mine.

- (h) the lessee shall at his own expense erect and at all times maintain and keep in good repair boundary marks and pillars necessary to indicate the demarcation shown in the plan annexed to the lease.
- (i) in cases where explosives are not used for quarrying, the lessee shall not carry on or allowed to be carried on any quarrying operations at or to any points within a distance of 75 metres from any railway line except with the previous written permission of the Railway Administration concerned and any bridge on National High way or 50 metres from any reservoir, tanks, canals, rivers, bridges, public roads, other public works, residential buildings, the boundary walls of places of worship, burial grounds, burning ghats or any Government protected monuments or forest lands except with the previous permission of the authorities concerned or the Government or competent authority:

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

Provided further that in cases where explosives are used for quarrying, the lessee shall not carry on or allowed to be carried on any quarrying operations at or to any points within a distance of 100 metres from any railway line, bridges, reservoirs, tanks, residential buildings, Government protected monuments, canals, rivers, public roads having vehicular traffic, any other public works or the boundary walls of places of worship or 50 metres from any burial grounds or burning ghats or forest lands.

- (j) the lessee shall keep correct accounts showing the quantity and other particulars of all minor minerals obtained from the mine, date wise, quantities of minerals despatched from the lease area, the price obtained for such minerals, the name of the purchasers, the receipts for money received, the number of persons employed therein, and shall allow any officer authorised by the State Government or the competent authority in this behalf to examine at any time any accounts and records maintained by him and shall furnish the Government or the competent authority with such information and returns as may be required.
- (k) the lessee shall support and strengthen, to the satisfaction of the railway administration concerned or the State Government or the competent authority, as the case may be, any part of the quarry which in its or their opinion requires such strengthening or support for the safety of any railway, reservoir, canal, road or any other public works or buildings;
- (l) the lessee shall allow any officer authorised by the Government or the competent authority and the Central Government to enter upon any building, excavation or land comprised in the lease for the purpose of inspecting the same;
- (m) the lessee shall give to,-
 - (i) the Deputy Director General, Directorate of Mines Safety, Southern Zone, Bengaluru – 560029;
 - (ii) the Regional Controller of Mines, Yeshwantpur, Bengaluru – 560022;
 - (iii) the District Magistrate of the district in which the mine is situated, a notice in writing in form 'D' appended to these rules, as soon as,-
 - (a) the depth of any open cast excavation measured from its highest to the lowest point reaches 6 metres; or
 - (b) the number of persons employed on any day is more than 50; or
 - (c) any explosives are used;
- (n) the Government or the competent authority shall at all times have the right of pre-emption of the minor minerals won from the land in respect of which the lease has been granted:

Provided that the fair market price prevailing at the time of pre-emption shall be paid to the lessee for all such minor minerals;

(o) the lessee shall-

- (i) submit by the tenth day of every month, to the competent authority, a return in Form F giving the total quantity of minor minerals raised in the preceding calendar month and its value;
- (ii) furnish by the 15th day of April of every year to the competent authority, a statement in Form G giving information regarding quantity and value of minor minerals obtained during the last financial year, average number of labourers employed (men and women separately), number of accidents, compensation paid and number of days worked separately;

(p) the lessee shall be responsible for implementing the provisions of the various labour laws applicable, from time to time, to the quarry;

(q) the lessee shall not assign, sub-let or transfer his lease or any right, title or interest therein to any person without the previous sanction in writing of the State Government or competent authority as provided in rule 45;

(r) where any lease or any right, title or interest therein has been, assigned, sublet or transferred as provided in clause (q), then the person in whose favour such assignment, sublease or transfer has been made shall be responsible for implementing the provisions of the various labour laws applicable, from time to time, to the quarry;

(s) a quarrying lease may contain such other conditions as the State Government or the competent authority may deem necessary in regard to the following matters, namely:-

- (i) the time limit, mode and place of payment of rents and royalties for this purpose, minerals shall be moved from the quarry area only on permits issued by the competent authority on the basis of prepaid royalty;
- (ii) the compensation for damage to the land covered by the lease;
- (iii) the felling of trees;
- (iv) the restrictions of surface operations in any area prohibited by any authority;
- (v) the notice by lessee for surface occupation;
- (vi) the facilities to be given by the lessee for working other minor minerals in the leased area or adjacent areas;
- (vii) the entering and working in a reserved or protected forest;
- (viii) the securing of pits and shafts;
- (ix) the reporting of accidents;

- (x) the indemnity to the State Government against claim of third parties;
- (xi) the delivery of possession over lands and mines or the surrender, expiration or determination of the lease;
- (xii) the forfeiture of property left after determination of lease;
- (xiii) the power to take possession of plant, machinery, premises and mines in the event of war or emergency;
- (xiv) the provision of proper weighing machines;
- (xv) the mining plan, quarrying operation and scientific mining as specified in Chapter VI.

(2) The lessee shall carry out the mining operations only in accordance with the approved mining plan submitted by him for obtaining the quarrying lease.

(3) (a) If the lessee does not allow entry or inspection under clause (1) of sub-rule (1), the Government or the competent authority shall give notice in writing to the lessee requiring him to show cause within thirty days why the lease should not be terminated and his security deposit forfeited, and if the lessee fails to show cause within the aforesaid period to the satisfaction of the Government or the competent authority they or it may terminate the lease and forfeit the whole or part of the security deposit.

(b) If the lessee makes any default in payment of dues to the Government or commits breach of any of the conditions other than those referred to in clause (a), the Government or the competent authority shall issue notice to the lessee requiring him to pay the dues or remedy the breach, within thirty days from the date of receipt of the notice and if the payment is not made or the breach is not remedied within such period, the Government or the competent authority may without prejudice to any proceeding that may be taken against him, require the lessee to pay a penalty not exceeding Rs. 25,000/-.

(c) A quarrying lease may contain any other special conditions as may be specified by the Government.

41. Rights of lessee - Subject to the conditions mentioned in rule 40, the lessee with respect to the land leased to him, shall have the right for the purpose of mining operations on that land-

- (a) to work the mines;
- (b) to sink pits and shafts and construct building and roads;
- (c) to erect plant and machinery;
- (d) to quarry and obtain buildings and road materials and to make bricks, but not for sale;
- (e) to use water;
- (f) to use land for stacking purposes;
- (g) to do any other thing specified in the lease.

42. Security Deposit.- (1) An applicant for quarrying lease shall before the deed referred to in rule 43 is executed, deposit as security a sum of ten thousand rupees per hectare for all minor minerals (except dimension stones) only for the due observance of the terms and conditions of the lease.

(2) In the case of dimension stones the security deposit shall be twenty thousand rupees per hectare. The security amount shall be refundable on the expiry of period of lease after deducting penalties, if any;

(3) The security deposit shall be remitted to the credit of the State Government to the remittance head of account as the Government may by special order specify in this regard;

(4) The security deposit stipulated in this rule is in addition to the financial guarantee mentioned in rule 62.

43. Lease to be executed within six months.- (1) Where a quarrying lease is granted, a lease deed in Form H shall be executed within six months of approval of mining plan or within such further period as the Government or the competent authority may allow in this behalf, and if no such lease deed is executed within the said period due to any default on the part of the applicant, the Government or the competent authority may revoke the order granting the lease, and in that event the application fee shall be forfeited to the Government.

(2) The date of commencement of the period for which a quarrying lease is granted shall be the date on which the deed is executed under sub-rule (1) and the quarrying shall be started only after registration of quarrying lease deed under rule 44.

44. Registration of quarrying leases - All quarrying leases granted under this chapter shall be registered in accordance with the provisions of the Indian Registration Act, 1908 (Central Act 16 of 1908).

45. Transfer of quarrying lease - (1) The lessee shall not transfer the quarrying lease to any other person without obtaining previous sanction of the Government or competent authority.

(2) The lessee shall apply to the competent authority for transfer of lease, along with a fee of ten thousand rupees.

(3) The transfer deed shall be executed in Form E within three months of the date of sanction of transfer.

46. Responsibility for implementing the labour laws - The lessee shall be responsible for implementing the provisions of the various labour laws applicable, from time to time, to the quarry:

Provided that where the lease or any right, title or interest therein has been assigned, sublet or transferred as provided in rule 45, then the person in whose favour such assignment, sub-lease or transfer has been made shall be responsible for implementing the provisions of the various labour laws applicable, from time to time, to the quarry.

47. Rights to determine the lease - The lessee may terminate the lease at any time by giving not less than six months' notice in writing to the Government or the competent authority after paying all outstanding dues to the State Government.

48. Register of quarrying lease.- (1) A register of applications for quarrying leases shall be maintained by the competent authority in Form I.

(2) A register of quarrying lease shall be maintained by the competent authority in Form J.

49. Movement permits and its register.- The lessee shall be granted movement permit in Form R of these rules for removal of minor minerals from the area under the quarrying lease on 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 lessee shall obtain mineral transit passes under the Kerala Minerals (Prevention of Illegal Mining, Storage and Transportation) Rules, 2015 for removal of minerals from the area of lease:

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 lessee 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.

50. Cancellation of quarrying lease.- If the Government or competent authority under these rules has reason to believe that the lease granted is in contravention of provisions of any other law or the lessee has violated any of the conditions subject to which the lease is granted, the Government or the competent authority may, after giving the lessee an opportunity of being heard, direct him not to undertake any quarrying operations in the area of the lease and may cancel the lease 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 lessee shall also be forfeited to Government:

Provided that where the competent authority is of the opinion that it is expedient in the interest of regulation of quarries and mineral development, preservation of natural environment, control of floods, prevention of pollution or to avoid danger to public health or communications or to ensure safety of buildings, monuments or other structures or for such other purposes, as the competent authority may deem fit, he may, by an order terminate the quarrying lease with respect to the area or any part thereof covered by such lease.

51. Refusal for renewal of quarrying lease.- Where an applicant for renewal of quarrying lease is convicted for illegal quarrying, and there are no interim orders of any court of law suspending the operation of the order of such conviction in appeals pending against such conviction in any court of law, the Government or the competent authority may, after

giving such applicant an opportunity of being heard and for reasons to be recorded in writing and communicated to the applicant, refuse to renew such quarrying lease.

52. Pending application for quarrying lease.- Applications for the grant or renewal of the quarrying leases pending at the commencement of these rules shall be disposed of in accordance with the provisions of these rules.

CHAPTER VI

MINING PLAN

53. Mining Plan as a pre-requisite for the grant of quarrying permit or quarrying lease.-

Except as provided for in the proviso to sub-rule(1)of rule 9, no quarrying permit or lease shall be granted by the Government or the competent authority unless there is a Mining Plan duly approved by the competent authority.

54. Mining Plan to be prepared by a Recognised Qualified Person.- (1) No mining plan shall be approved unless it is prepared by a qualified person recognized in this behalf by the Government or the Director of Mining and Geology or by any recognised person under rule 22B of the Mineral Concession Rules, 1960.

(2) No person shall be recognised by the Government or the Director of Mining and Geology for preparation of mining plan unless he is below 70 years of age and holds, –

(i) a degree in Mining Engineering or a post-graduate degree in Geology granted by a University or any institutions recognised by the University Grants Commission established under section 4 of the University Grants Commission Act, 1956 (Central Act 3 of 1956) or any equivalent qualification granted by any University or institution outside India; and

(ii) professional experience of five years of working in a supervisory capacity in mining operations or mineral administration after obtaining degree:

Provided that a person recognised to prepare a mining plan may also carryout modifications of an existing mining plan.

(3) Any person possessing the qualifications and experience specified in sub-rule (2) may apply in Form P along with a nonrefundable fee of ten thousand rupees for recognition to the Director, Mining and Geology (hereinafter referred to as Director).

(4) The Director, after making such enquiry as he deems fit, may grant or refuse to grant recognition. Where recognition is refused, the authority shall record reasons of refusal in writing and communicate the same to the applicant.

(5) A certificate of recognition as recognized qualified person shall be issued in Form Q.

55. Submission of mining plan and its approval.- On receipt of the application for grant of quarrying permit or lease for undertaking quarrying operations the competent authority

shall take decision regarding the precise area to be granted for the said purpose and communicate such decision to the applicant and on receipt of such communication, the applicant shall submit a mining plan for the approval and the said mining plan shall include,-

- (i) (a) plan of the precise area showing the nature and extent of the mineral deposit clearly showing the spot or spots where the excavation is to be done in the first five year in the case of quarrying lease; or for the entire period in the case of quarrying permit.
- (b) a detailed cross-section and detailed plan of spots of excavation;
- (c) a tentative scheme of quarrying for the second five year period of the quarrying lease;
- (ii) the geological and lithological details of the precise area including mineral reserves;
- (iii) the extent of manual quarrying or quarrying by the use of machinery and mechanical devices on the precise area;
- (iv) a plan of the precise area, showing natural water course, limits of reserved and other forest areas and density of trees, if any, assessment of impact of quarrying activity on forest, land surface and environment including air and water pollution, details of scheme for restoration of the area by afforestation, reclamation of land, use of pollution control devices and of such other measures as may be directed by the Government or competent authority from time to time;
- (v) annual programme and plan for excavation of the precise area, from year to year, in the case of quarrying permit, or from year to year for five years, in the case of quarrying lease;
- (vi) any other matter which the Government or the competent authority may require the applicant to provide in the mining plan.

56. Modification of mining plan.— (1) The competent authority may require the lessee to make such modifications in the mining plan submitted by him or impose such conditions by an order in writing if such modifications or imposition of conditions are considered necessary in the light of the experience of operation of mining plan or in view of the change in the technological development;

(2) A lessee desirous of seeking modifications in the approved mining plan as are considered expedient, in the interest of safe and scientific mining, conservation of minor minerals or for the protection of environment, shall apply to the competent authority for

modification of the mining plan setting forth the intended modifications and explaining the reasons for the same;

(3) The competent authority may approve the modifications under sub-rule (2) or approve such alterations as it may consider expedient.

57. Quarry Closure Plan.- Every quarry shall have quarry closure plan which shall be of two types:-

- (i) Progressive closure plan; and
- (ii) Final closure plan.

58. Submission of Progressive Quarry closure Plan.- (1) The owner or agent or manager or mining engineer shall, in case of fresh grant or renewal of quarrying lease, submit a progressive quarry closure plan as a component of mining plan to the competent authority;

(2) The owner or agent or manager or mining engineer shall, in case of existing quarrying lease, submit a progressive quarry closure plan as a component of mining plan to the competent authority for approval within a period of one year from the date of commencement of these rules;

(3) The owner or agent or manager or mining engineer shall review the progressive quarry closure plan every five years from the date of its approval in case of existing quarry or from the date of opening of the quarry in case of fresh grant or from the date of renewal of quarrying lease, as the case may be, and shall submit to the competent authority for its approval;

(4) The competent authority in this behalf shall convey his approval or refusal of the progressive quarry closure plan within ninety days of its receipt;

(5) If approval or refusal of the progressive quarry closure plan is not conveyed to the owner or agent or manager or mining engineer of the quarry within the period as specified in sub-rule (4), the progressive mine closure plan shall be deemed to have been provisionally approved, and such approval shall be subject to final decision whenever communicated.

59. Submission of Final Quarry Closure Plan.- (1) The owner or agent or manager or mining engineer shall submit a final quarry closure plan to the competent authority in this behalf for approval one year prior to the proposed closure of the quarry.

(2) The competent authority in this behalf shall convey his approval or refusal of the final quarry closure plan within ninety days of the date of its receipt to the owner, agent or manager;

(3) If approval or refusal of the final quarry closure plan is not conveyed to the owner, agent or manager of the quarry within the period as specified in sub-rule (2), the final quarry closure plan shall be deemed to have been provisionally approved and such approval shall be subject to final decision whenever communicated.

60. *The modification of quarry closure plan.*- (1) The holder of a quarrying lease desirous of seeking modifications in the approved quarry closure plan shall apply to the competent authority for approval setting forth the intended modifications and explaining the reasons for such modifications.

(2) The competent authority may approve the modifications as submitted under clause (1) or approve with such alterations as it may consider expedient.

61. *Responsibility of the lessee.*- (1) The owner or agent or manager of a quarry shall have the responsibility to ensure that the protective measures contained in the quarry closure plan have been carried out in accordance with the approved quarry closure plan or with such modifications as approved by the competent authority in this behalf under these rules.

(2) The owner or agent or manager shall submit to the competent authority in this behalf an yearly report before 1st July of every year setting forth the extent of protective works carried out as envisaged in the approved quarry closure plan, and if there is any deviation, reasons thereof.

62. *Financial guarantee.*- (1) Every lessee shall furnish a financial guarantee for the purpose of performance of the quarry closure plan. The amount of financial guarantee shall be twenty five thousand rupees per hectare of the lease area put to use for quarrying and allied activities. However, the minimum amount of financial guarantee to be furnished in any of the forms referred to in sub-rule (2) shall be one lakh rupees:

Provided that a lessee shall be required to enhance the amount of financial guarantee with the increase in the area of quarrying and allied activities.

(2) The financial guarantee shall be submitted in one of the following forms to the competent authority in this behalf,-

- (a) Letter of Credit from any Scheduled Bank;
- (b) performance or Surety bond;
- (c) any other form of security or any other guarantees acceptable to the competent authority.

(3) The lessee shall submit the financial guarantee to the competent authority in this behalf before executing the quarrying lease deed. In case of an existing quarrying lease, the lessee shall submit the financial guarantee along with the progressive quarry closure plan.

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

(5) If the competent authority has reasonable grounds for believing that the protective measures as envisaged in the approved quarry closure plan in respect of which financial guarantee was given, has not been or will not be carried out in accordance with the 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 thirty days prior to the date of the order to be issued.

(6) Within thirty days of the receipt of notice referred to in sub- rule (5), if no satisfactory reply has been received in writing from the lessee, the competent authority shall pass an order for forfeiting the guarantee amount and a copy of such order shall be endorsed to the Government.

63. Quarry Safety Fund.- (1) The District Collector shall constitute a fund called “Quarry Safety Fund” to meet necessary expenses for ensuring safety to the abandoned quarries.

(2) The quarry safety fund shall consist of ten percent of the amount of royalty or consolidated royalty collected from every quarrying permit holder or lessee under these rules in addition to the amount collected as royalty or consolidated royalty.;

(3) The entire amount available towards Quarry Safety Fund shall be kept in the Treasury Savings Bank Account.

64. Audit of the quarry safety fund.- (1) The income and expenditure of the quarry safety fund shall be audited by the office of the Local Fund Audit once in every three years.

(2) All the facts relating to the quarry safety fund shall be subjected to examination in audit and along with that the following facts shall be specially taken into account, namely:-

- (a) whether the income to the quarry safety fund has been credited properly;
- (b) whether the expenditure is in accordance with the authorisation;
- (c) whether the records regarding expenditure is complete;
- (d) whether the expenditure has been incurred by observing procedure;
- (e) whether the income has been properly accounted.

(3) The copy of the audit report shall be submitted to the Government and the District Collector soon after the completion of audit.

65. Procedure for ensuring safety in abandoned quarries.- (1) In cases where the backfilling of the mined out area is not completed after the period of quarrying lease of a quarry, the Geologist or Senior Geologist of the District offices of the Department of Mining and Geology shall intimate the matter with all relevant particulars of the quarry to the District Collector and the District Collector with the assistance of the Public Works Department shall make arrangements to fence the quarry properly using concrete /iron pillars and iron ropes so as to avoid entrance to the abandoned pit. The expenditure in this connection will be met by the District Collector from the quarry safety fund. Proper fencing of the abandoned quarry shall be completed soon after the intimation by the Geologist to the District Collector subject to the availability of the fund.

(2) In cases where the pits formed due to mining of minor minerals happens to be dangerous to the public and if so reported by the Local Self Government Institutions or the Geologist or Senior Geologist of the district offices of the Department of Mining and

Geology or the Revenue authorities concerned the District collector shall make arrangements to fence the quarry using concrete or iron pillars and iron ropes so as to avoid entrance to the abandoned quarry pit with the assistance of the Public Works Department by using quarry safety fund subject to its availability.

(3) In the event of non-reclamation of pits formed due to quarrying of ordinary clay and ordinary sand by the quarrying permit holder or occupier of the land for which permit was granted under sub-rule (1) of rule 3 after obtaining financial guarantee, the District Collector concerned may direct the authority who received the financial guarantee to transfer it to the Executive Engineer of the Public Works Department concerned and direct him to take steps for reclamation of pits:

Provided that where the financial guarantee so received happens to be insufficient for the reclamation of such pits, the District Collector concerned may recover the amount so required for the purpose from the person who failed to reclaim the pits or from his legal heirs under the provisions of the Revenue Recovery Act, 1968 (15 of 1968) and transfer it to the Executive Engineer of the Public Works Department concerned and direct him to take steps for their reclamation.

66. Mining plan to be submitted by the existing lessee.- (1) Where quarrying operations for minor minerals have been undertaken before the commencement of these rules without an approved mining plan, the holder of such lease shall submit a mining plan within a period of one year from the date of commencement of these rules, to the competent authority in this behalf.

(2) If a lessee has not been able to submit the mining plan within the specified time for reasons beyond his control, he may apply for extension of time giving reasons to the competent authority in this behalf.

(3) The competent authority on receiving an application made under sub-rule (2) may, on being satisfied that the reasons given under sub-rule (2) are genuine, extend the period for submission of the mining plan for a period which may not extend beyond one year from the date of commencement of these rules.

(4) The competent authority may approve the mining plan submitted by the lessee under sub-rule (1) or require any modifications to be carried out in the mining plan and the lessee shall carry out such modifications and resubmit the modified mining plan for approval of the competent authority.

(5) The competent authority shall within ninety days from the date of receipt of the mining plan or the modified mining plan convey its approval or disapproval to the applicant and in case of disapproval it shall also convey the reasons for disapproving the said mining plan or the modified mining plan.

(6) If no decision is conveyed within the period stipulated under sub-rule (5) the mining plan or the modified mining plan shall be deemed to have been provisionally approved and such approval shall be subject to the final decision whenever communicated.

(7) The mining plan under sub-rule (1) shall be prepared by a recognised qualified person.

67. Review of mining plan.- (1) Every mining plan duly approved under these rules shall be valid for the entire duration of the lease.

(2) The owner, agent, mining engineer or manager of every quarry shall review the mining plan as prescribed under sub-rule (1) and submit a scheme of mining for the next five years of the lease to the competent authority for approval at least one hundred and twenty days before the expiry of the first five year period for which it was approved on the last occasion.

(3) The competent authority shall convey its approval or refusal to the scheme of mining within ninety days of the date of its receipt.

(4) If approval or refusal of the scheme of mining is not conveyed to the lessee within the stipulated period, the scheme of mining shall be deemed to have been provisionally approved and such approval shall be subject to final decision whenever communicated.

(5) Every scheme of mining submitted under these rules shall be prepared by a recognized qualified person as stipulated under sub-rule (2) of rule 54.

68. Quarrying operations to be in accordance with mining plan.- (1) Every lessee shall carry out quarrying operations in accordance with the approved mining plan with such conditions as may be prescribed under these rules or with such modifications, if any, as permitted under these rules or the mining plan or the scheme approved under these rules, as the case may be.

(2) If the quarrying operations are not carried out in accordance with mining plan as prescribed under these rules, the competent authority may order suspension of all or any of the quarrying operations and permit continuance of only such operations as may be necessary to restore the conditions in the quarry as envisaged under the said mining plan.

69. System of working.- (1) System of working in granite quarries in sheet rock shall be performed by formation of benches as per the Metalliferous Mines Regulations, 1961, issued under the Mines Act, 1952 (Central Act 35 of 1952).

(2) Such benches on granite deposits and overburden including weathered rocks shall be formed separately and the benches in overburden shall be kept sufficiently in advance so that their working does not interfere with the working of granite.

70. Separate stacking of rejects.- (1) The non-saleable rejects at quarry bottom shall regularly be collected and transported to the surface and the quarry floor kept reasonably clear of debris.

(2) The ground selected for dumping of top soil, overburden, waste material or non-saleable materials shall be kept away from working quarry.

(3) Before starting quarrying operations, conceptual ultimate limits of the quarry shall be determined and dumping ground shall be so selected that dumping is not carried out within the limits of the ultimate size of the quarry except where simultaneous backfilling is proposed.

(4) In the case of working for granite (dimension stones), non-saleable granite pieces suitable for possible use by small scale industries sector shall be properly recovered.

71. Notice for opening of a quarry under a quarrying lease and intimation of existence of a quarry.- The owner, agent, mining engineer or manager of every quarry under a quarrying lease shall intimate the competent authority, the opening of a quarry so as to reach them within fifteen days of such opening. The notice of intimation shall contain the particulars such as date of opening of mine, letter number and date through which the mining plan was approved, name and address of the lessee, particulars of lease such as date of its execution and period and area, location of the lease area etc.

72. Abandonment or surrender of quarries by a lessee.- (1) The owner, agent, mining engineer or manager of every quarry under a quarrying lease shall not abandon or surrender it or part of it during the subsistence of the lease except with prior permission in writing of the competent authority.

(2) Notice for abandonment or surrender of a quarry or a part thereof shall be accompanied by plans showing accurately the work done in such quarry upto the date of submission of the notice and such notice shall contain particulars such as name and address of the lessee, particulars of the lease location of quarry, date by which quarrying operations are to be abandoned or quarry to be surrendered, reasons for abandonment/surrender, reserve of the mineral, total production since its opening etc.

(3) Where an abandonment of a quarry or part thereof takes place as a result of the occurrence of a natural calamity beyond the control of the owner, agent, mining engineer or manager of such a quarry or the lease is terminated in compliance of any order or directions issued by any judicial authority or statutory authority established under any law for the time being in force, an intimation shall be sent to the competent authority within a period of seven days of such abandonment or termination and the notice of abandonment as provided in sub-rule (2) shall be submitted to the competent authority within a period of fifteen days of such abandonment or termination etc.

73. Notice of temporary discontinuance of work in quarries under a quarrying lease.- The owner, agent, mining engineer or manager of every quarry under a quarrying lease shall send to the competent authority a notice when the work in such quarry is discontinued for a period exceeding one month so as to reach them within forty days from the date of such temporary discontinuance and such notice shall contain particulars such as name and

address of the lessee particulars of the lease location of quarry, date of discontinuance of quarrying operations, reasons for discontinuance etc.

74. Intimation of reopening of a quarry under a quarrying lease.- The owner, agent, mining engineer or manager of every quarry under a quarrying lease shall send to the competent authority a notice of reopening of such quarry after temporary discontinuance so as to reach them within fifteen days of such reopening under registered post and such notice shall contain particulars such as name and address of the lessee, particulars of the lease particulars of the location of quarry, date on which the quarrying operation was discontinued, date of reopening etc.

75. Copies of plans and sections to be submitted by the lessee.- The owner, agent, mining engineer or manager of every quarry under a quarrying lease shall send to the competent authority a copy of the plans and sections maintained under these rules, as and when required by the competent authority.

76. Preparation of plans.- (1) All plans, sections and tracings and copies thereof kept at the premises of the quarry under a quarrying lease shall be serially numbered or suitably indexed.

(2) Every plan, section or part thereof prepared under these rules shall carry thereon a certificate for its correctness and shall be signed by the Mining Engineer or a recognised qualified person under rule 22B of the Mineral Concession Rules, 1960, or under these rules with date.

(3) Every copy of a plan and section or part thereof submitted or maintained under these rules shall bear a reference to the original plan or section from which it was copied and shall be certified thereon by the owner/agent/mining engineer.

77. Scientific mining and protection of environment.- (1) Every permit holder or lessee under these rules shall take all possible precautions including the following for the protection of environment and control of pollution while conducting quarrying in the area for which permit/ lease is granted:-

- (a) where top soil exists and is to be excavated for quarrying operations, it should be removed separately;
- (b) the top soil so removed shall be utilized for backfilling the worked out quarry;
- (c) where top soil cannot be used concurrently, it shall be stored separately for future backfilling;
- (d) the overburden, waste rock and non-saleable minerals generated during quarrying operations shall be stored separately by the lessee in properly formed dumps on grounds earmarked;
- (e) such dumps shall be properly secured to prevent the escape of material in harmful quantities which may cause degradation of surrounding land or silting of water courses;

- (f) such waste rock or overburden or other rejects shall be backfilled into the worked out quarry where the mineral has been recovered up to the optimum depth. Where the backfilling is not feasible the worked out quarry shall be properly fenced using concrete/iron pillars and iron ropes and in such cases the waste dumps shall be suitably terraced and stabilised by planting vegetation or otherwise;
- (g) air pollution due to dust, exhaust emissions or fumes during quarrying operations and related activities shall be controlled by the lessee and kept within permissible limits specified under the environmental laws for the time being in force;
- (h) all possible precautions shall be taken to prevent or reduce to a minimum the discharge of toxic and objectionable liquid effluents from quarry, workshop or processing plant into surface of ground water bodies and usable lands. These effluents shall conform to the standards laid down in this regard;
- (i) noise arising out of quarrying and processing operations shall be abated or controlled by the lessee at the source so as to keep it within the permissible limit;
- (j) the standards and permissible limits of all pollutants, toxins and noise shall be those notified by the authorities concerned under the provisions of the relevant statutes from time to time;
- (k) quarrying operations shall be carried out in such a manner as to cause least damage to the flora of the area held under the lease or permit or the nearby area and take immediate steps to plant, to the extent possible other flora where they are destroyed by quarrying operation.

CHAPTER VII

PROCEDURE FOR OBTAINING QUARRYING LEASE IN RESPECT OF LAND IN WHICH THE MINERAL RIGHT VESTS IN A PERSON OTHER THAN STATE GOVERNMENT

78. *Applicability of this chapter.*- The provisions of this chapter shall apply to the grant of quarrying leases in respect of lands in which the mineral right vests exclusively in a person other than the State Government.

79. *Grant of quarrying permit and restrictions thereto.*- On an application made to him in Form B, a private person in whom is vested the mineral right in the lands owned by him may grant a quarrying lease to any person subject to the restrictions specified below:-

- (i) No quarrying lease shall be granted to any person unless he produces along with his application in Form B an income tax clearance certificate from the Income Tax Officer.
- (ii) No quarrying lease shall be granted to any person who is not an Indian National:

Provided that a quarrying lease may be granted to a person who is not an Indian National with the previous permission of the Government. The Government shall obtain the approval of the Central Government before granting permission.

80. Conditions of quarrying lease.- Every quarrying lease shall be granted subject to the following conditions, namely:-

- (i) the provisions of clauses (b) to (o) of sub-rule(1) of rule 40 relating to conditions of quarrying lease shall apply to such leases with the modification that in clauses (c) and (d) for the words "Government", the word "lessor" shall be substituted and in clause (o), the words "to the competent authority" shall be omitted.
- (ii) the provisions of rule 35 shall apply to such leases;
- (iii) the lease may contain such other conditions not being inconsistent with the provisions of the Act and these rules, as may be agreed upon between the parties;
- (iv) if the lessee makes any default in payment of royalty or commits a breach of any of the conditions of the lease, the lessor shall give notice to the lessee requiring him to pay the royalty or remedy the breach, as the case may be, within thirty days from the date of the receipt of the notice and if the royalty is not paid or the breach is not remedied within such period, the lessor may, without prejudice to any proceeding that may be taken against the lessee terminate the lease;
- (v) the lessee may terminate the lease at any time by giving not less than three months' notice in writing to the lessor.

81. Registration of quarrying lease.- All quarrying leases granted under this chapter shall be registered in accordance with the provisions of the Indian Registration Act, 1908 (Central Act 16 of 1908).

82. Submission of copy of registered quarrying lease order by the lessor.- Every lessor granting a quarrying lease shall, within one month of the grant of the lease, submit to the Government or the competent authority a copy of the lease order.

83. Submission of copy of the lease deed.- The lessee obtaining a quarrying lease, shall, within one month of the date of registration of the lease deed, submit to the Government or the competent authority a registered copy of the lease deed.

84. Transfer of assignment.- No quarrying lease shall be transferred to a person unless he is an Indian National and holds an Income Tax clearance certificate from the Income Tax officer concerned.

85. Communication of transfer of assignment.- Every transferee or assignee of a quarrying lease shall within thirty days of such transfer on assignment inform the Government or the

competent authority of the transfer or assignment and submit to the Government or the competent authority one registered copy of the agreement entered into in that regard.

86. Prohibition of working of quarries.- If the Government or the competent authority has reason to believe that the grant or transfer of quarrying lease is in contravention of any of the provisions contained in this chapter, the Government or the competent authority may, after giving the parties an opportunity to represent their views within a specified period, direct the parties concerned not to undertake any quarrying operations in the area to which the lease relates.

87. Returns and statements.- The holder of a quarrying lease shall furnish to the Government or the competent authority such information and statements within such period as may be required by them on it, as the case may be.

CHAPTER VIII

GRANT OF QUARRYING LEASE IN RESPECT OF LANDS IN WHICH THE MINERAL RIGHT VESTS PARTLY IN GOVERNMENT AND PARTLY IN PRIVATE PERSONS

88. Chapter V to apply to quarrying leases in respect of mineral right which vests partly in Government and partly in private persons .- The provisions contained in Chapter V shall apply in relation to the grant of quarrying leases in respect of mineral right which vests partly in the Government and partly in a private person, as they apply in relation to the grant of quarrying lease in respect of mineral right which vests exclusively in the Government:

Provided that the dead rent and royalty payable in respect of lands in which mineral right partly vests in the Government and partly in a private person shall be shared by the Government and by the private person in proportion to the shares they have in the minor minerals. If the applicant or the land owner is not able to produce valid documents to prove the land owner's share in the mineral rights, the quarrying lease shall be granted treating the mineral as belonging exclusively to the Government:

Provided further that the land owner shall be given a registered notice to this effect and granted a period of three months or any extension of period as the Government or the competent authority may grant, to produce such documents. In such an event, the Government or the competent authority shall waive the condition in rule 42 and allow sufficient time for the execution of the lease deed.

CHAPTER IX

CONSOLIDATED ROYALTY

89. Registration for a metal crusher unit and payment of consolidated royalty.- (1) A holder of a quarrying lease for extraction of granite (building stones) who possesses metal

crusher units for production of granite aggregates may opt for their registration under these rules by paying a fee of one thousand rupees for each unit and opt for payment of consolidated royalty for the mineral crushed by such unit at the rates specified in Schedule III instead of paying royalty at the rates specified in Schedule I.

(2) The lessee may opt for remittance of consolidated royalty specified in schedule III in four quarterly installments before the last day of March, June, September and December.

(3) The lessee who registered his metal crusher unit with the Department of Mining and Geology shall not extract and remove granite (building stone) from his leasehold for purposes other than using the mineral in his registered metal crusher unit.

90. Form and manner of application for registration and its renewal.- (1) Every application for registration of metal crusher unit and its renewal shall be made to the competent authority or to the persons authorised in this behalf in Form K.

(2) Every such application shall be accompanied by,-

- (i) treasury chalan receipt for the amount of fee for registration and consolidated royalty at the rates shown in Schedule III remitted under the relevant receipt head of the Department of Mining and Geology;
- (ii) location map showing the exact location of the registered metal crusher unit. (Survey number and other details of the place where the metal crusher unit is situated shall be entered in the map).

(3) Every application for renewal of registration shall be made at least one month before the date on which the licence is due to expire.

91. Form and particulars for grant of registration and renewal.- (1) On receipt of an application for grant of registration to a metal crusher unit or its renewal, the competent authority after making such enquiry as it deems fit may grant or renew a registration in Form L or refuse to grant a registration.

(2) Every registration issued under sub-rule (1) shall be subjected to such conditions and restrictions as may be specified therein and to the provisions of the Act and these rules.

92. Grant or refusal to register metal crusher unit.- In granting or refusing registration to a metal crusher unit the competent authority shall take into consideration the following matters, namely:-

- (i) the request for registration owned by any co-operative society in the locality possessing valid mineral concession such as quarrying lease or permit;
- (ii) the number of registered metal crusher units in the area;
- (iii) availability of the granite building stones for crushing;
- (iv) location of the quarry;

Provided that in cases where the location of the quarry is in a district other than the one in which crusher unit is situated, such a quarry shall not be included in the Registration Certificate issued.

- 93. *Display of registration certificate.***- Registration certificate issued for a metal crusher unit shall be displayed by the lessee in a prominent place of the premises open to the public.
- 94. *Loss of registration certificate.***- A true copy of the registration certificate may be issued to the registered metal crusher unit on payment of five hundred rupees if the competent authority is convinced that the original registration certificate is damaged, defaced or lost.
- 95. *Cancellation of registration.***- If a lessee operates any type of machine that is not included in the registration certificate or fails to comply with any of the conditions of the registration or any of the provisions of the Act, Rules or orders in this regard, the competent authority shall, by an order in writing rescind the lease granted to the quarry and registration granted to the crusher unit and action shall also be initiated against the lessee under these rules.
- 96. *Period of registration.***- The period of registration shall be for the financial year for which it is granted and the registration shall expire on 31st March unless the competent authority rescinds it earlier.
- 97. *Mineral transit pass for transportation of granite aggregates from a registered metal crusher unit.***- The owner or agent or manager of a registered metal crusher unit shall issue or cause to issue a valid mineral transit pass issued under Kerala Minerals (Prevention of illegal mining, storage and transportation) Rules, 2015 for transportation of every consignment of granite aggregates including rock dust despatched from the premises of the registered metal crusher unit showing therein the registration number allotted it.

CHAPTER X APPEAL AND REVIEW

- 98. *Form of appeal.***- (1) (a) Any person aggrieved by any order made by the competent authority or authorised officer, as the case may be, under these rules, may, within two months from the date of communication of the order to him, prefer an appeal in Form O to the Appellate Authority appointed by the Government in this behalf by notification in the Gazette.
- (b) Any person aggrieved by an order of the Appellate Authority under clause (a) may, within one month from the date of communication of such order to him, prefer a second appeal in Form O to the final Appellate Authority appointed by Government in this behalf by notification in the Gazette:

Provided that any such appeal, under clause (a) or clause (b), may be entertained after the period specified therein if the appellant satisfies the Appellate Authority or Final

Appellate Authority, as the case may be, that he had sufficient cause for not filing the appeal in time.

(c) Every appeal memorandum, under clause (a) and clause (b) shall be accompanied by the treasury receipt showing that a fee of five hundred rupees has been remitted in the Government Treasury to the credit of the Government under the remittance Head of the Department of Mining and Geology.

(2) In every appeal memorandum, under sub-rule (1) the authority against whose order the appeal is preferred shall be impleaded as a party;

(3) Along with the appeal memorandum under sub-rule (1) the appellant shall submit as many copies thereof as there are parties impleaded under sub-rule (2);

(4) On receipt of the appeal memorandum and the copies thereof the Appellate Authority or the Final Appellate Authority, as the case may be, shall send a copy of the appeal memorandum to each of the parties impleaded under sub-rule (2) specifying a date on or before which he may make his representation if any, against the appeal.

99. Orders on appeal.- Where an appeal is made under clause (a) or clause(b) of sub rule (1) of rule 98, the Appellate Authority or the Final appellate authority, as the case may be, may confirm, modify or set aside the order or pass such other order in relation thereto as it may deem just and proper. The order passed by the Final Appellate Authority shall be final and binding on the parties.

100. Review.- The competent authority or the appellate authority in case its orders have not been challenged in appeal under clause (a) or clause (b) of sub-rule (1) of rule 98, as the case may be, or the final Appellate Authority may, on its own motion or an application by the interested party, review any order passed by it and pass such orders in reference thereto as it may deem fit. No order under rule 99 or 100 shall be passed against any person interested, unless he has been given a reasonable opportunity of being heard.

101. Stay orders .- Pending the final disposal of an appeal, second appeal or review, the Competent Authority, appellate authority or the final appellate authority, may, as the case may be, for sufficient cause, stay the execution of the order against which appeal, second appeal or review has been filed.

CHAPTER XI MISCELLANEOUS

102. Electronic filing of application for mineral concession and service.- The Government may require online submission of applications for mineral concession through the official website of Mining and Geology Department of the Government of Kerala. The procedure to be followed for online receipt and processing of applications and issuing permits or leases shall be as specified by the Government.

103. Power to rectify apparent mistakes.- The Government or the competent authority may, at any time within one year from the date of the order passed by them or it under these rules on its own motion rectify any mistake or error which had been brought to its notice by an applicant for the grant of a quarrying lease:

Provided that no order prejudicial to any person shall be passed unless he has been given a reasonable opportunity for stating his case.

104. Power to relax the terms and conditions of quarrying permit.-In any cases or class of cases in which the Government is of the opinion that public interest so requires and for reasons to be recorded in writing, the Government may, by notification in the Gazette, relax the terms and conditions on the basis of which quarrying permit is granted under these rules.

105. Disposal of minor minerals by public auction in certain cases.- Notwithstanding anything contained in the foregoing provisions, the Government or the competent authority may sell by public auction any minor mineral in any case or class of cases where such auction or disposal of right to remove minor minerals is inevitable on such terms and conditions as they or it may deem fit.

106. Extraction of minerals for special purposes.- (1) In any case or class of cases such as construction of common facilities or residential building where extraction of minor mineral is inevitable as a part of the work, the person doing such work may be exempted from obtaining quarrying permit/lease under these rules:

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 and shall furnish necessary documents as required by the competent authority in this regard. If the extracted mineral is to be transported outside the worksite, the competent authority may issue special mineral transit passes after collecting the royalty.

Explanation:- For the purpose of this rule, “common facility” includes waiting sheds, public wells, public libraries and reading rooms, temples, churches, mosques used for public purpose

(2) Quarrying of minor minerals from Government owned lands including porambokes, by Gramapanchayats, Municipalities and Corporations for bona fide public purposes, as long as the work is done under their direct supervision shall be exempted from the obligation of obtaining a quarrying permit or quarrying lease. But they shall pay royalty for all minor minerals extracted by them at the rates prescribed in Schedule I. The royalty shall be paid to the credit of the Department of Mining and Geology before the 10th day of succeeding month to which the royalty relates. If the extracted mineral is to be transported out of the work site, the competent authority shall issue mineral transit passes after collecting the royalty on an application made by the Local Self Government Institutions.

(3) Where in 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 department/authority may do so without obtaining quarrying permit under these rules. If the extracted mineral is to be transported out of the work site, competent authority shall issue mineral transit passes on an application made by the authority concerned, after collecting the royalty:

(4) Before quarrying minor minerals under sub-rule (2) Grama panchayats, Municipalities and Corporations concerned shall intimate the competent authority of their intention to conduct quarrying from any locality. In the case of Poramboke lands and forest land, the written permission of the District Collector and the Conservator of Forests respectively shall be produced.

(5) Nothing in these rules shall apply to the extraction of ordinary clay up to a quantity of 50 tonnes by traditional artisans making earthen pots or Co-operative Societies of such artisans for making pots by traditional means in a calendar year:

Provided further that in cases where traditional artisans making earthen pots or Co-operative Societies of such artisans produce identity cards issued by the General Manager of the District Industries Centre of the State or such other authorities so as to prove their identity in this respect, the competent authority under these rules may issue special transit passes for the transportation of 50 tonnes of ordinary clay every year without payment of any royalty or fee by them.

107. *Import of minerals.*- A person who brings minerals to the State of Kerala from other countries or other states in India by means of ship or rail shall be considered as a producer under these rules. On production of sufficient documentary proof of import from outside the country, or documents in proof of payment of royalty in case of import from another State of India by such person, he may be given sanction to obtain movement permit under Kerala Minerals (Prevention of illegal mining, storage and transportation) Rules, 2015 without payment of royalty for transportation of minerals from the place of unloading.

108. *Penalties.*- (1) Whoever contravenes any provision of these rules shall be punishable with imprisonment for a term which may extend to two years, or with a fine which may extend to five lakh rupees or with both and in the case of continuing contravention, with an additional fine which may extend to fifty thousand rupees for every day during which such contravention continues after conviction for the first such contravention.

(2) Whenever any person raises without any lawful authority any mineral from any land, the Government or the competent authority may recover from such person or the occupier of the land the mineral so raised, or where such mineral has already been disposed of, the price thereof, and may also recover from such person rent, royalty or tax, as the case may be, for the mineral extracted by such person or occupier of the land without any lawful authority:

Provided that whenever a person who opted for Consolidated Royalty Payment System extracts minor minerals from the area under mineral concession after the date of expiry of permit or extracts minor minerals from outside the area under mineral concession without any lawful authority, he shall be liable to pay the royalty at the rate prescribed in Schedule I and price limited to twice the royalty amount, of the entire quantity of the minor mineral illegally extracted from the area. In such a case while calculating the amount of royalty and price payable, the amount already paid by the permit holder/lessee for obtaining permission shall be deducted:

Provided further that in the case of Government lands, any rent, tax, or fee or compensation for the mineral extracted, as the case may be, as fixed by the department concerned shall be recovered from such person:

(3) Whenever a lessee who has obtained a registration for a metal crusher unit as per the provisions of these rules, is found operating any additional number of crushers than permitted or found operating any crusher with size or sizes other than the permitted one such action of the lessee shall be considered as illegal and he shall be liable for payment of an amount equal to two times the annual consolidated royalty for the size of the illegally operating crusher as stipulated in schedule III of these rules, in addition to the amount remitted for obtaining a registration for the metal crusher unit for the financial year.

109. Role of Police and revenue authorities.- The competent authority or an officer authorised by it in this behalf, shall if necessary request in writing for the help of the local police and local revenue authorities and when such a request is made, the police authorities and revenue authorities shall render such assistance as is necessary to enable the officer concerned to exercise the powers conferred on it or him by these rules in the matter of preventing illegal mining and unauthorised movement of minerals.

110. Cognizance of offence.- No Court shall take cognizance of any offence punishable under these rules, except upon a complaint in writing made by a person authorized in this behalf by the Government or the competent authority. The name or the designation of such person shall be published in the Gazette.

111. Compounding of offences.- (1) Any offence punishable under these rules may, either before or after the institution of the prosecution, be compounded by the person authorised under rule 110 to make a complaint to the court with respect to that offence, on payment to that person, for credit to the Government of such sum as that person may specify:

Provided that in the case of an offence punishable with fine only, no such sum shall exceed the maximum amount of fine which may be imposed for that offence.

(2) Where an offence is compounded under sub-rule (1), no proceeding or further proceeding as the case may be, shall be taken against the offender in respect of the offence so compounded, and the offender if in custody, shall be released forthwith.

112. Revenue Recovery.- All sums found due to the Government under or by virtue of these rules may 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.

113. Delegation of powers.- The Government may, by notification in the Gazette, delegate all or any of the powers vested in them to any officer or class of officers under them, as the case may be.

SCHEDULE I
Rates of Royalty
(See rules 3 and 7)

Item No.	Name of minor minerals	Rate of Royalty (in Rupees)
(1)	(2)	(3)
1.	Kankar and other forms of limestone and four kinds of limeshell namely: (i) white limeshell (ii) black limeshell (iii) drift limeshell or sea shell and (iv) shell of oyster	75 (Seventy five only) per tonne
2	Ordinary clay used for making bricks and tiles, ordinary sand used for non-industrial purposes and gravel	40 (forty only) per tonne or 80 (eighty only) per cubic metre.
3.	Ordinary earth	20 (twenty only) per tonne or 40 (forty only) per cubic metre.
4	Dimension stones as specified in classification in Sub-item (1) of rule 18	4000 (Four thousand only) per cubic metre
5.	All those group of rocks specified in classification in sub-item (ii) of rule 18 and laterite (building stone)	24 (twenty four only) per tonne or 60 (sixty only) per cubic metre.

SCHEDULE -II
Dead Rent

(See clause (d) of sub-rule (1) of rule 40)

Sl. No.	Mineral	Dead Rent for the 1 st year per hectare per annum	Dead Rent for the 2 nd year in Rs. per hectare per annum	Dead Rent from 3 rd year onwards in Rs. per hectare per annum
(1)	(2)	(3)	(4)	(5)
1	Minerals specified in item No.1 of schedule I	Nil	450	1800
2	Minerals specified in item No. 2 of schedule I	Nil	300	1200

Sl. No.	Mineral	Dead Rent for the 1 st year per hectare per annum	Dead Rent for the 2 nd year in Rs. per hectare per annum	Dead Rent from 3 rd year onwards in Rs. per hectare per annum
3	Minerals specified in item No. 3 of schedule I	Nil	300	1200
4	Minerals specified in item No. 4 of schedule I	Nil	600	2400
5	Minerals specified in item No. 5 of schedule I	Nil	300	1200

SCHEDULE III
Consolidated Royalty
(See rule 89)

Sl. No.	Description and Jaw size in centimetre of the Metal Crusher/Machine	Annual Consolidated Royalty per machine* (in Rupees)
(1)	(2)	(3)
1	up to 40.64 x 22.86	2,00,000
2	Greater than 40.64 x 22.86 to 76.20 x 20.32	4,00,000
3	Greater than 76.20 x 20.32	6,00,000
Cone Crusher (in terms of 'Horse Power')		
4	up to 300	16,00,000
5	Greater than 300	26,00,000
Sand Making Units (in terms of 'Horse Power') (for those who use sand making machine only)		
6	up to 300	16,00,000
7	Greater than 300	26,00,000

*Exemption from payment of consolidated royalty is applicable to Vertical Shaft Impactor, Horizontal Shaft Impactor, Auto Sand Units attached to cone crusher and jaw crushers. The crusher owners may be permitted to remit the amount in four instalments.

SCHEDULE IV
Consolidated Royalty
(See rules 3 and 7)

A. Granite (Building Stone)

Sl. No.	Extent	No. of Mineral Transit Passes to be issued	Annual consolidated royalty (in Rupees)
(1)	(2)	(3)	(4)
1	Upto 10 Ares	750	75,000
2	Above 10 Ares to 20 Ares	1500	1,50,000
3	Above 20 Ares to	3000	3,00,000

Sl. No.	Extent	No. of Mineral Transit Passes to be issued	Annual consolidated royalty (in Rupees)
	30 Ares.		
4	Above 30 to 40 Ares	5000	5,00,000
5	Above 40 Ares and up to 50 Ares	No. of Mineral Transit Passes required for transportation of granite (building stone) extracted from the specified area during the specified period for which the annual consolidated royalty paid in advance	7,00,000

B. Laterite (Building Stone)

Sl. No.	Extent (in Ares)	No. of Mineral Transit Passes to be issued	Annual consolidated royalty (in Rupees)
(1)	(2)	(3)	(4)
1	Upto 10 Ares	750	75,000
2	10 to 20 Ares	1500	1,50,000
3	20 to 30 Ares.	3000	3,00,000
4	30 to 40 Ares	5000	5,00,000
5	Above 40 Ares and up to 50 Ares	No. of Mineral Transit Passes required for transportation of laterite (building stone) extracted from the specified area during the specified period for which the annual consolidated royalty paid in advance	7,00,000

FORM A

(See rule 4)

APPLICATION FOR GRANT/RENEWAL OF QUARRYING PERMIT

(For both types of payment of royalty, to be submitted in duplicate)

To

The Senior Geologist/Geologist
District Office, Department of Mining and Geology

.....

Sir,

1. I/We request that a Quarrying Permit may be granted under the Kerala Minor Mineral Concession Rules, 2015 to me/us to extract..... I may be permitted to remit royalty under Schedule I/**I may be permitted to opt for payment of royalty under Consolidated Royalty Payment System to extract Granite (Building Stones) /Laterite (Building Stones) for sale in any form.** (strike off which is not applicable)
2. A sum of Rs. 1000/- (Rupees One thousand only) being the application fee has been deposited.

3. The required particulars are given below
- (i) Name of the applicant with complete address :
 - (ii) Status of the applicant :
 - (iii) In case the applicant is -
 - a. an individual, his nationality; :
 - b. a private company, nationality of all members of the company, along with place of registration of the Company; :
 - c. a public company, the nationality of directors, the percentage of share capital held by Indian Nationals and place of incorporation; :
 - d. a firm or association, the names and nationality of all partners of the firm or members of association and place of registration. :
 - (iv) Profession or nature of business of the applicant :
 - (v) Name of the minor mineral to be quarried :
Quantity applied for (if applicable) :
 - (vi) Whether intends to opt for payment of royalty under Consolidated Royalty Payment System? If so, area of extraction.
 - (vii) Consolidated Royalty Payment System? If so, area of extraction.
 - (viii) Details of the location of the proposed quarry
 - (a) District :
 - (b) Taluk :
 - (c) Village :
 - (d) Survey No. :
 - (e) Grama Panchayat /Municipality/Corporation :
 - (f) Name of locality :
 - (g) Area in Ares :
 - (ix) Anticipated royalty/ annual consolidated royalty :
 - (x) (a) Details of Possession Certificate/ No Objection Certificate :
 - (b) Details of Survey map :
 - (c) Details of consent letter from the owner of the land permitting quarrying. (if applicable) :
 - (xi) Particulars of previous permit, if applying for renewal. :
 - (xii) Particulars of application fee -remitted
 - Amount :
 - Treasury :
 - Chalan No. & date :

I/We do hereby declare that the particulars furnished above are true and am/are ready to furnish any other details as may be required by you. I/We also agree to pay the royalty/advance consolidated royalty and surface rent as per rules.

Yours faithfully,

Place:

Date:

Name and Signature of the applicant

Received at (place).....on
(date)..... at (hour).....
Initials of receiving officer.....

FORM B
(See rule 27)

APPLICATION FOR GRANT/RENEWAL OF QUARRYING LEASE

(For all types of lands)

To be submitted in triplicate

From

To

The Director of Mining & Geology,
Through the Geologist,
District Office,
.....District

Sir,

1. I/we am/are submitting this application for the grant/renewal of a quarrying lease under the Kerala Minor Mineral Concession Rules, 2015.
2. A sum of Rs. 10,000/- or Rs. 20,000/- being the application fee in respect of this application payable under sub-rule (1) of Rule 28 / sub-rule (2) of Rule 28 of the said rules has been deposited. (strike off which is not applicable)
3. The required particulars are given below:
 - (i) Name and complete address of the applicant
 - (ii) Is the applicant a private individual/private company /Public company/firm or association
 - (iii) In case the applicant is
 - (a) an individual, his nationality
 - (b) a private company, the names and nationality of all members and place of registration.
 - (c) a public company, the names and nationality of the Directors, the percentage of share capital held by Indian National and place of incorporation.
 - (d) a firm or association, the names and nationality of all the partners of the firm or members of the association and place of registration.
 - (iv) Profession or nature of business of the applicant.
 - (v) Whether the application is for a fresh lease

or for renewal of a lease previously granted.

- (vi) Minor Mineral or minerals which the applicant intends to mine.
- (vii) Period for which the quarrying lease is required.
- (viii) Approximate quantity of mineral expected to be raised per year.
- (ix) Manner in which the minor mineral raised is to be utilised.
 - (a) for manufacture
 - (b) for sale
 - (c) any other purpose

(In case of manufacture the industries in connection with which it is required should be specified).

Details of the area in respect of which quarrying lease is required. Attested copies of the survey map of the area with survey numbers clearly marked should be attached to each copy of the application.

- (xi) Nature of tenure of the land over which quarrying lease is applied for (Documentary proof to show the land owners right if any, over the mineral should be submitted in the case of lands in which the minerals vest partly with the Government and partly with the registered holder of the land).
- (xii) No. and date of the income-tax clearance certificate attached.
- (xiii) Financial resources of the applicant :
- (xiv) Particulars of receipted treasury chalan attached for the amount referred to at 2 above. :
- (xv) Any other particulars which the applicant wishes to furnish. :

I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details including security deposit etc, as may be required by you.

Yours faithfully,

(Signature of the applicant)

Place :

Date :

Received at (place).....

On (date).....

at (hour)

Initials of Receiving Officer

FORM C

(See rule 6)

**RECEIPT OF APPLICATION FOR QUARRYING PERMITS/QUARRYING LEASE
IN RESPECT OF MINOR MINERALS**

Sl. No.

Dated....

Received the application with the following enclosures for quarrying permit/quarrying lease/renewal of quarrying lease in respect of (name of mineral) from Shri/Smt/M/s _____ at ___ hrs on ___ day of (name of month), Year .

Enclosures

- 1.
- 2.
- 3.

Signature and designation of receiving officer with office seal

FORM D

*[See clause (a) of rule 10 and
clause (m) of sub-rule (1) of rule 40]*

NOTICE

1.
 - a. Name of mine
 - b. Name of minerals
 - c. Situation of mine (Survey Number, Village, Taluk, District, State)
 - d. Date when work was first started
2.
 - (a) Name and postal address of present owner (s)
 - (b) Name and postal address of agent, if any
3.
 - (a) Name and postal address of manager, if any
 - (b) His age
 - (c) His qualification
 - (d) His experience in mining
4. Whether workings are likely to be extended below ground
5.
 - (a) Maximum depth of open cast excavation measured from its highest to its lowest point
 - (b) Date when depth first exceeded 6 metres
6.
 - (a) Nature, amount and kind of explosives used, if any
 - (b) Date when explosives were first used.

Signature of Owner/Agent/Manager.

Date.

To be sent to:

1. The Deputy Director General, Directorate General of Mines Safety, Southern Zone
Bengaluru -560029.

2. The Regional Controller of Mines, Yeshwantpur, Bengaluru-560022.
3. The District Magistrate of the District.

FORM E

MODEL FORM FOR TRANSFER OF QUARRYING LEASE

(See rule 45)

When the transferor is an individual.....The indenture made this.....day of..... 20....between..... (Name of the person with address and occupation) (hereafter referred to as the "transferor" which expression shall where the context so admits be deemed to include his heirs, executors, administrators, representatives and permitted assigns).

When the transferors are more than one individual.....(Name of person with address and occupation) and(Name of person with address and occupation) (hereinafter referred to as the "transferor" which expression shall where the context so admits be deemed to include their respective heirs, executors, administrators, representatives and permitted assigns).

When the transferor is a registered firm.....(Name of the person with address of all the partners) all carrying on business in partnership under the firm name and style of.....(Name of the firm) registered under the Indian Partnership Act, 1932(9 of 1932) and having their registered office at.....(hereinafter referred to as the "transferor" which expression where the context so admits be deemed to include all the said partners, their respective heirs, executors, legal representatives and permitted assigns).

When the transferor is a registered company(Name of Company) a company registered under(Act under which incorporated) and having its registered office at.....(Address)(hereinafter referred to as the "transferor" which expression shall where the context so admits be deemed to include its successors and permitted assigns) of the first part.

And

When the transferee is an individual (Name of person with address and occupation) (hereinafter referred to as the "transferee" which expression shall where the context so admits be deemed to include his heirs, executors, administrators, representatives and permitted assigns.).

When the transferees are more than one individual.....(Name of the person with address and occupation) and(Name of person with address and occupation)(hereinafter referred to as the "transferee" which expression shall where the context so admits be deemed to include their respective heirs, executors, administrators, representatives and permitted assigns).

When the transferee is a registered firm.....(Name and address of all the partners all carrying on business in partnership under the firm name and style of)(Name of the firm) registered under the Indian Partnership Act, 1932 (9 of 1932) and having their registered office at.....(hereinafter referred to as the "transferee" which expression

where the context so admits be deemed to include all the said partners, their respective heirs, executors, legal representatives and permitted assigns).

When the transferee is a registered company.....(Name of the Company) a company registered under (Act under which incorporated) and having its registered office at (Address) (hereinafter referred to as the "transferee" which expression shall where the context so admits be deemed to include its successors and permitted assigns) of the second part.

And

The Governor of (hereinafter referred to as the 'State Government' which expression shall where the context so admits be deemed to include the successors and assigns) of the third part.

Whereas by virtue of a deed of lease dated the and registered as No.on (date) in the office of the Sub-registrar of (place) (herein after referred to as lease) the original whereof is attached hereto and marked 'A' entered into between the State Government (herein after called the lessor) and the transferor (herein after called the lessee), the lessee is entitled to search for, win and work mines and minerals in respect of.....(Name of mineral/s) in the lands described in Schedule thereto and also in Schedule annexed hereto for the term and subject to the payment of the rents and royalties and observance and performance of the lessee's covenant and conditions in the said deed of lease reserved and contained including a covenant not to assign the lease or any interest there under without the previous sanction of the State Government.

And whereas the transferor is now desirous of transferring and assigning the lease to the transferee and the State Government has, at the request of the transferor, granted permission to the transferor vide order No.....dated to such a transfer and assignment of the lease upon the condition of the transferees entering into an agreement containing the terms and conditions hereinafter setforth.

Now this Deed Witnesseth as follows:

1. The transferee hereby covenants with the State Government that from and after the transfer and assignment of the lease the transferee shall be bound by, and be liable to perform, observe and conform and be subject to all the provisions of all the covenants, stipulations and conditions contained in said hereinbefore recited lease in the same manner in all respects as if the lease had been granted to the transferee as the lessee thereunder and he had originally executed it as such.
2. It is further hereby agreed and declared by the transferor of the one part and the transferee of the other part that
 - (i) the transferor and the transferee declare that they have ensured that the mineral rights over the area for which the quarrying lease is being transferred vest in the State Government.
 - (ii) the transferor hereby declares that he has not assigned, sublet, mortgaged or in any other manner transferred the quarrying lease now being transferred and that no other person or persons has any right, title or interest where under in the present mining lease being transferred.

(iii) the transferor further declares that he has not entered into or made any agreements, contract or understanding whereby he had been or is being directly or indirectly financed to a substantial extent by or under which the Transferor's operation or understandings were or are being substantially controlled by any person or body of persons other than the transferor.

(iv) the transferee hereby declares that he has accepted all the conditions and liabilities which the transferor was having in respect of such quarrying lease.

(v) the transferee further declares that he is financially capable of and will directly undertake mining operations.

(vi) the transferee further declares that he has filed an affidavit stating that he has filed up-to-date income tax returns, paid the income tax assessed on him and paid the income tax on the basis of self-assessment as provided in the Income Tax Act, 1961, (43 of 1961).

(vii) the transferor has supplied to the transferee the original or certified Copies of all plans of abandoned workings in the area.

(viii) the transferee hereby further declares that as a consequence of this transfer, the total area while held by him under mineral concessions are not in contravention of Kerala Minor Mineral Concession Rules, 2015

(ix) The transferor has paid all the rent, royalties, and other dues towards Government till date, in respect of this lease.

Schedule of description of land

District	Village or Amsom	Survey No. of the area	Bounded by Sy.Nos.	Area in hectares

Surrounded by On the North by:

On the East by:

On the South by:

On the West by:

In witness whereof the parties hereto have signed on the date and year first above written.

Signed by

for and on behalf of the Governor of Kerala

in the presence of

1.

2.

Signature of transferor

in the presence of witnesses

1.

2.

Signature of transferee

(i.e. from 1st of January to 31st December) to the office appointed for this purpose in the region where the land is situated.

FORM H
(See rule 43)
QUARRYING LEASE

This deed of lease made on this the..... day of 20..... between the Governor of Kerala (hereinafter referred to as the "State Government" which expression shall, where the context so admits be deemed to include his successors and assigns) of the one part and Shri/Smt..... agedson/daughter of..... resident of..... in the village of.....taluk of district (hereinafter called the "lessee/lessees" which expression shall where the context so admits, include his/their heirs, executors, administrators, representatives and permitted assigns) of the other part,

Witnesseth that in consideration of the rents and royalties and lessee's/Lessees' covenants, hereinafter reserved and contained the State Government hereby give on lease to the lessee/lessees the land measuringhectares described in the schedule hereunder and delineated on the plan hereto annexed and therein coloured red (hereinafter called the "said lands") to hold the same for a period of----years commencing from the----- and ending on the----- for the purposes of extracting minor mineral/minerals and subject to the terms and conditions contained in the Kerala Minor Mineral Concession Rules, 2015 (hereinafter referred to as "the Rules") and to the terms and conditions hereinafter appearing.

1. The lessee/lessees shall have the right in and upon the said lands to extract ----- (hereinafter called the said mineral/minerals) and to do all acts necessary for the extraction of the said mineral/minerals including the erection on the said lands, buildings and plant required for the purposes and also to take lead and carry away over the said lands and to dispose of the said minerals extracted as aforesaid.
2. The lessee/lessees shall during the subsistence of this lease have the liberty to work the said mineral/minerals and remove the same from the leasehold on permits issued by the State Government/competent authority or any other officer authorised by him in this regard. The permits shall be issued only on the basis of pre-paid royalty at the rates specified in schedule I to these Rules. The royalty rates shall be subject to revision from time to time as the State Government may order.
3. The lessee/lessees shall pay to the State Government a yearly surface rent equal to the land revenue if any, assessable under the rules for the time being in force, or if the land be the property of Government or in reserve forest then equal to the land revenue plus cess, if any, per hectare of the land the surface whereof shall be occupied or used by the lessee/lessees for any of the purposes of this deed and so in proportion for any area less than one hectare. The said surface rent shall be paid by yearly payments; the first of such payments to be made on or before the last day of the first year of occupation provided always that no such rent shall be paid or demanded in respect of any roads or ways now in existence.
4. The lessee/lessees shall at all times during the currency of this lease keep correct and intelligible books of account showing accurately the quantity of the said minerals extracted and the weight and value of the said mineral sold or exported together with the names of the purchasers or consignees. The lessee shall also maintain a register of employees showing therein separately men, women employed daily and shall at

reasonable times allow the competent authority appointed under the rules (hereinafter referred to as "competent authority") or the officer authorised by him to examine the said books of account and the register of employees and to take copies and extracts therefrom. The lessee/lessees shall submit reports in Forms F and G on the specified dates.

5. All sums found due under or by virtue of this deed from the lessee/lessees may be recovered from him jointly and severally from them and his / their properties movable and immovable under the provisions of the Revenue Recovery Act for the time being in force as though such sums are arrears of land revenue or in any other manner as the State Government may deem fit.
6. The lessee/lessees shall at the lessee's/lessees' own expense erect and at all times maintain and keep in repair boundary marks and pillars along the boundaries of the said lands according to the demarcation shown in the plan hereto annexed.
7. In cases where explosives are not used for quarrying the lessee shall not carry on or allowed to be carried on any quarrying operations at or to any points within a distance of 75 metres from any railway line except with the previous written permission of the Railway Administration concerned; and any bridge on National High way or 50 metres from any reservoir, tanks, canals, rivers, bridges, public roads, other public works, residential buildings, the boundary walls of places of worship, burial grounds, burning ghats or any Government protected monuments or forest lands which do not conform to the category of wild life forests 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.

In cases where explosives are used for quarrying , the lessee shall not carry on or allowed to be carried on any quarrying operations at or to any points within a distance of 100 metres from any railway line, bridge, reservoir, tanks, residential buildings, Government protected monuments, canals, rivers, public roads having vehicular traffic, other public works or the boundary walls of places of worship or 50 metres from any burial grounds or burning ghats or village roads or forest lands which do not conform to the category of wild life forests.

The above said distances shall be measured in the case of a railway, reservoir or canal horizontally from outer edge of the cutting or outer edge of the bank, as the case may be and in the case of a building horizontally from the plinth thereof.

For the purposes of this clause the expression 'railway' and 'railway administration' shall have the same meaning as defined in sub sections (4) and (6) of section 3 of Indian Railway Act, 1890 (IX of 1890).

8. The sides of open workings shall be sloped, stepped or secured by the lessee in such a manner as to prevent slope failure, when an open working is worked in steps, steps shall be of sufficient breadth in relation to their height to secure safety. In open workings trees liable to fall and all loose ground and material shall be removed by the lessee sufficiently far from the edge or otherwise made source in order to prevent danger to persons employed in the quarry.
9. If a working place is found to be unsafe all persons shall be withdrawn by the lessee/lessees immediately from the dangerous area and all access to such working

- place except for the purpose of removing the danger of saving life shall be prevented by securely fencing the full width of all entrances to the place.
10. The lessee/lessees shall at all reasonable times allow any officer authorised by the Central Government or by the State Government in that behalf to inspect the said lands and the buildings and plants erected thereon and the lessee/lessees shall assist such persons in conducting the inspection and afford them all information they may reasonably require, and shall conform to and observe all orders which the Central and State Governments as the result of such inspection or otherwise, may from time to time pass.
 11. The lessee shall be responsible for implementing the provisions of the various labour laws applicable, from time to time, to the quarry.
 12. The lessee/lessees shall not assign or underlet the said lands or any part thereof or the rights or privileges, therein hereby granted or any of them without the previous permission in writing of the State Government / competent authority:
 13. Where the lease or any right, title or interest therein has been assigned, sublet or transferred as provided in rule 45 read with condition 12, then the person in whose favour such assignment, sublease or transfer has been made shall be responsible for implementing the provisions of the various labour laws applicable, from time to time, to the quarry.
 14. The lease may be surrendered by the lessee/lessees at any time after 3 months notice in writing to the State Government/competent authority:

Provided that the lessee/lessees has/have paid all sums due on account of the lease. Provided further that if the lessee/lessees elects/elect to determine this lease before the expiry of the term of the lease, shall pay in addition to other dues a sum equal to the dead rent payable for the remaining part of the term of the lease deed.
 15. If the lessee/lessees shall be desirous of taking a further lease of the said lands for a further term of years he/they shall give three months' previous notice in writing of such desire to the State Government/Competent authority and if the lessee/lessees has/have duly observed all the conditions of this lease, the State Government/competent authority may agree to renew the lease for such further term and on such terms and conditions as the State Government/Competent authority may determine which shall be in accordance with the provisions of these rules.
 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 continuously 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 and take possession of the said lands or the alternative to receive from the lessee/lessees such penalty not exceeding Rs. 25000/- for the breach as the State Government/Competent authority may fix.
 17. If at the expiration of three calendar months after the expiry of the lease or its sooner determination, there shall remain in or the said lands, any engines, machinery, plant buildings, structures and other works erections and conveniences the said minerals or other property which the lessee is/lessees are entitled to remove from the said lands, the same shall, if not removed by the lessee/lessees within one calendar month after notice in writing requiring their removal be given to the lessee/lessees by the

State Government/Competent authority be deemed to become the property of the State Government in such manner as they may deem fit without liability to pay any compensation or to account to the lessee/lessees in respect thereof.

18. This lease subject to all rules and regulations which may from time to time be issued by the State Government regulating the working of the quarries and other matters affecting safety, health and convenience of the lessee's/lessees' employees or of the public, whether under the Indian Mines Act or otherwise.
19. The lessee/lessees shall without delay send to the District Collector and the competent authority or the officer authorised by him in this regard report of any accident causing loss of life or serious bodily injuries or seriously affecting or endangering life or property which may at any time occur at or in the said lands in the course of operations under this lease.
20. The lessee/lessees shall furnish such reports and returns relating to output, labourers employed and other matters as the State Government may prescribe.
21. The lessee/lessees shall make and pay such reasonable 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/them in exercise of the powers granted by this lease and shall indemnify and shall keep 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.
22. Any condition prescribed in the Kerala Minor Mineral Concession Rules, 2015 but left out in this lease which may be found applicable to the lessee/lessees shall be treated as binding on the lessee/lessees.

Schedule of description of land

District	Village or Amsom	Survey No. of the area	Bounded by Sy.Nos.	Area in hectares

Surrounded by, On the North by:
 On the East by:
 On the South by:
 On the West by:

In witness whereof the parties hereto have set their hands hereunto on the day and year first above written.

Signed by.....
 for and on behalf of the Governor of Kerala.
 In the presence of:

- (1)
- (2)

Signed by
 for and on behalf of the lessee/lessees
 In the presence of:

- (1)
- (2)

FORM I
(See sub-rule (1) of rule 48)
REGISTER OF APPLICATION FOR QUARRYING LEASE

1. Serial No.
2. Date of the application for quarrying lease.
3. Date on which application was received by the receiving officer.
4. Name of the applicant with full address.
5. Particulars of the land applied for and its area.
6. Minor mineral or minerals which the applicant desires to extract.
7. Details of remittance of application fee.
8. Period for which quarrying lease is required.
9. Final disposal of the application.
10. Remarks.
11. Signature of the officer.

FORM J
(See sub-rule (2) of rule 48)
REGISTER OF QUARRYING LEASES/RENEWALS

- (A)
1. Serial No.
 2. Name of the lessee.
 3. Residence with complete address of lessee
 4. Date of application
 5. Date on which application was received by the receiving officer.
 6. (a) No. and date of grant of lease.
(b) Date of execution of lease
 7. Particulars of the land and total area granted
 8. Minor Minerals for which lease originally granted.
 9. Rates of royalty surface rent and dead rent
 10. Period for which granted.
 11. Amount of security deposit
 12. Date of assignment or transfer of the lease if any, and the name and address of the assignee/transferee
 13. Date of expiry or relinquishment or cancellation
 14. Remarks
 15. Signature of the officer
- (B)
1. Date of renewal
 2. Period of renewal
 3. Total area under renewal
 4. Minor mineral or minerals for which renewal is valid
 5. Rate of royalty, surface rent and dead rent
 6. Amount of security deposit.

FORM K

(See rule 90)

**APPLICATION FOR GRANT/
RENEWAL OF REGISTRATION AS
"REGISTERED METAL CRUSHER UNIT"**

To

The Director of Mining and Geology
Through the Geologist, District Office.
.....District.

Sir,

I/We request that my/our metal crusher unit may be registered for production and sale of granite aggregates (building stones) under the Kerala Minor Minerals Concession Rules, 2015.

The fee of Rs..... payable for the grant/renewal of registration has already been paid. I/We are ready to pay the consolidated royalty in full/4 installments.

The required particulars are given below:

1. Name of the applicant with completed address:
2. Is the applicant a private individual/private or public company /firm or
3. association?
4. In case the applicant is.
5. (a)An individual, his nationality:
6. (b) A private company, the nationality of all members of the company along with place of registration:
7. (c) A public company, the nationality of Directors, the percentage of share capital held by Indian Nationals along with place of incorporation:
8. (d)A firm or association, the nationality of all partners of the firm or members of association:
9. (4) Sizes of jaws in the metal crusher unit and the number of jaws employed for crushing/ other details of machines used in crusher unit.
10. Details of location of the quarry (Address, Sy. No. etc.,of the lease area in which the quarry is situated and validity of quarrying lease are to be furnished along with a location map):
11. Particulars of the previous registration, if applying for renewal:

I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish other details including security deposit etc. as may be required by you.

Yours faithfully,

Place:

Date:

Name and Signature of the Applicant.

For office use only: The lessee has to remit Rs..... being the consolidated royalty for one year. He has opted for payment in full/..... installments. He has remitted full amount/ Rs..... being the installment. The next installment falls due on (strike off whichever is not applicable)

Geologist/Sr. Geologist

FORM L
(See rule 91)
REGISTRATION CERTIFICATE ISSUED TO A REGISTERED METAL CRUSHER UNIT

Registration No.....

Dated.....

The Metal Crusher Unit situated inSurvey No. ofVillage of..... Taluk ofDistrict and owned by has been registered in the Department of Mining and Geology under Rule 91 the Kerala Minor Mineral Concession Rules, 2015 for the production and sale of aggregates of granite (building stones) by operating the machines noted below. The owner of the registered metal crusher unit has been granted quarrying lease/leases in Sy. No..... of village of Taluk for the extraction of granite (building stones) to be used in the crusher unit.

Jaw size & No. of jaws used in the crusher unit :

The particulars of the other machines, if any, used for crushing granite (building stones):

Particulars of quarrying leases based on which registration is granted :

This registration will be in force for the financial yearto.....(or fromto.....)

The registration already granted and which expired on 31st Marchis renewed up to 31st March

Conditions for Registration

The registration certificate shall be displayed in a prominent place in a part of the premises open to the public.

The owner of the registered metal crusher unit shall comply with the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 and the Kerala Minor mineral Concession Rules, 2015 and all other orders issued by the competent authority in this regard from time to time.

The owner of the registered metal crusher unit shall display in a prominent place in a part of the premises the true list of granite aggregates offered for sale by them.

Dated this..... day of

Seal of the competent authority.

Signature of the competent authority

The lessee has to remit Rs..... being the consolidated royalty for one year. He has opted for payment in full/..... installments. He has remitted full amount/Rs..... being the installment. The next installment falls due on He is eligible for movement permit for the period from to (strike off whichever is not applicable)

Note: This certificate shall be issued separately on payment of each installment opted.

FORM M
(See sub-rule (2) of rule 9)
(For all type of quarrying permits)
GOVERNMENT OF KERALA
DEPARTMENT OF MINING & GEOLOGY DISTRICT OFFICE

.....
**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 RULES 3(1), 9 AND 10 OF THE KERALA
MINOR MINERAL CONCESSION RULES, 2015**

No.Dated

.....
Shri/Smt./M/s.....is
hereby permitted to extract and remove(Name of mineral)
from an area ofHect. /Are in Sy.
No.ofvillage
of.....
Taluk of.....District, Kerala State under rule
3(1) and 9 of the Kerala Minor Mineral Concession Rules, 2015 subject to the conditions
mentioned in rule 10.

Quantity of extraction of mineral permitted: MT/CBM

(Not applicable in the case of CRP System):

Whether the permit holder opted CRP System:

Number of mineral transit passes 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:

Details of fee remitted:

Item	Chalan No. &Date	Amount	Name of Treasury
Application fee			
Royalty			
Surface Rent			
Addl. Royalty remitted, if any			

Signature & Address of the issuing authority

Office Seal

To

Shri/Smt/M/s.....(Name and Address of the owner of the land)

Copy to : The District Collector, (with C/L)

FORM N
(See sub-rule (2) of rule 9)
GOVERNMENT OF KERALA
DEPARTMENT OF MINING AND GEOLOGY, DISTRICT OFFICE

.....
.....
QUARRYING PERMIT FOR ORDINARY EARTH

No.Dated
Shri/Smt./M/s.

.....is hereby
permitted to extract and remove ORDINARY EARTH from an area of
.....Hect. /Are in Sy. No
.....of.....village of
.....Taluk of.....District, Kerala State
under sub-rule (1) and (2) of rule 9 of the Kerala Minor Mineral Concession Rules, 2015
subject to the conditions mentioned below:-

- A. Quantity of extraction of mineral permitted : Tonnes/CBM
B. 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)
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.....to or 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 allowed to be carried on any quarrying operations at or to any points within a distance of 25 metres from the boundary or boundaries of adjacent properties or 50 metres from any residential building except with the consent of the owners of such property or building or 75 metres from any railway line, 50 metres from any bridge, reservoir, tanks and canals or other public works except with the previous permission of the authorities concerned or State Government or competent authority.
- 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 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 shall not cause any serious environmental hazard.

8. 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.
9. 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, 2015, failing which the permit is liable to be cancelled and appropriate action taken as provided for in the Rules.
10. (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) In cases where the land under mineral concession is a Government land, the permit holder shall pay any tax, if applicable to Government in addition to royalty and surface rent.
11. This permit is subject to all rules and regulations which may from time to time 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.
12. The permit holder shall without delay send to the District Collector 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.
13. The permit holder shall make and pay such reasonable 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.
14. The permit holder shall obtain mineral transit passes in prescribed form as per the provisions contained in the Kerala Minerals (Prevention of illegal mining, storage and transportation) Rules, 2015 from the competent authority concerned and shall prepare these passes in duplicate and shall issue the original to the purchaser while he sells or transports or cause to transport mineral from the place of extraction and the duplicate shall be retained.
15. 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.
16. 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, 2015, the permit is liable to be cancelled and appropriate action shall be taken as provided for in the Rules.

Details of fee remitted:

Item	Chalan No. and Date	Amount	Name of Treasury
Application fee			
Royalty			
Surface Rent			

Signature and Address of the issuing authority

Office Seal

To

Shri/Smt/M/s.....(Name and Address of the owner of the land)

Copy to: The District Collector (with C/L)

FORM O
(See rule 98)

FORM OF APPEAL MEMORANDUM

1. Name and address of individual/firm/company
2. Profession of individuals or nature of business
3. Full details of the order of the authorised officer / competent authority/appellate authority against which the appeal is made (copy enclosed)
4. Minor Mineral/minerals forming the subject matter of the appeal
5. Details of the area in respect of which appeal is filed (A plan of the area to be attached. District, Taluk, Village & Survey number etc. to be specified)
6. Is the appeal filed within the period specified in rule 98(1)? If not, the reason thereof.
7. Grounds of appeal
8. If the appeal memorandum is filed by the holder of power of Attorney, attach documents.

Name and Signature of the
appellant (with date) .

FORM P

(See sub-rule (3) of rule 54)

APPLICATION FOR RECOGNITION AS QUALIFIED PERSON

“Persons eligible for grant of recognition under Rule 54 (3) of Kerala Minor Mineral Concession Rules,2015 may download this form and submit the duly filled in form to the authority concerned, State of Kerala along with a fee of Rs. 10,000/- (for individual registration) credited to the Department of Mining and Geology under head of account 0853-102-99(1)”

I am desirous of seeking recognition as qualified person under Rule 54(4) of Kerala Minor Mineral Concession Rules, 2015 for the preparation of Mining Plans (including environmental management plans) and furnish the following information :

1. (a) Name of the applicant : Attested photograph
- (b) Father's name :
- (c) Address of the applicant :
- (d) Date of Birth :
- (e) Nationality :
- (f) Place where the applicant ordinarily resides :
Village / City _____, Taluk _____,
District _____, State _____

2. Academic and Professional Qualifications (Degree level and above)

Name of Institution / University :

Examination Passed :

Year of Passing :

3. Experience in supervisory capacity in mining operations/mineral administration (starting from the present or most recent position)

A. Present or most recent post

Years of Service : From _____ to _____

Title of Post :

Name and location of the mine /Department:

Name and Address of the Employer :

Description of your work indicating your personal responsibility :

B. Previous post

Years of Service : From _____ to _____

Title of Post :

Name and location of the mine/Department :

Description of your work indicating your personal responsibility :

Name and Address of the Employer :

4 .Experience if any in mine planning - Analysis of own experience (state why you consider yourself suitable for preparation of mining plans including environmental management plans. Give particulars of mine plans prepared if any.)

5 .List of copies of certificates & testimonials attached in support of qualifications and experience

6. (a) State if application for recognition was ever made before, under Rule 54 of Kerala Minor Mineral Concession Rules, 2015.

(b) If yes, name and address of the authority to whom the application was made and date of application.

(c) Decision of the said authority.

I hereby declare that the information furnished above is true, complete and correct to the best of my knowledge and belief.

Place :

Signature of the applicant

Date :

FOR OFFICE USE ONLY

1. Having examined the application of Shri _____ , I am satisfied that the applicant is FIT / NOT FIT for recognition under Rule 54 of Kerala Minor Mineral Concession Rules, 2015.

2. The registration number accorded to him as a recognised person is ---. The reasons for refusing the grant of recognition are recorded below :

Place :

Date :

Director of Mining & Geology

FORM Q
(See sub-rule (5) of rule 54)
RECOGNISED QUALIFIED PERSON CERTIFICATE

(emblem)

**CERTIFICATE OF RECOGNITION AS QUALIFIED PERSON TO PREPARE
MINING PLANS FOR QUARRYING MINOR MINERALS IN KERALA**
(issued under Rule 54 of the Kerala Minor Mineral Concession Rules, 2015)

Shri/Smt------(address) having given satisfactory evidence of his/her qualification and experience is hereby granted RECOGNITION under Rule 54 of the Kerala Minor Mineral Concession Rules, 2014 as a qualified Person to prepare Mining Plans for quarrying minor minerals in Kerala.

The registration number is -----

Director Mining and Geology

Date:

FORM R
(See rule 49)
The Kerala Minor Mineral Concession Rules, 2015

GOVERNMENT OF KERALA
DEPARTMENT OF MINING AND GEOLOGY
DISTRICT OFFICE,

MOVEMENT PERMIT

No.

Date:

“Shri. /Smt./M/s. who is holding quarrying lease No..... dated..... under the Kerala Minor Mineral Concession Rules, 2015 is hereby permitted to transport (name of mineral) from quarry situated at (location name), in Survey No..... of village of Taluk of District for the period from to *This movement permit is issued for the purpose of transport of minerals for value addition and for subsequent sale of value added products from the value addition unit. (strike off if not applicable). **Every consignment of mineral permitted to be moved under this movement permit shall be moved only with valid minerals transit pass issued under the Kerala Minerals (Prevention of illegal mining, storage and transportation) Rules 2015.**

Other particulars are as detailed below:

1. Particulars of mineral concession (concession number/date/allowed quantity/validity etc.):

2. Particulars of previous movement permits which stands cancelled:
3. Balance quantity of mineral brought forward from previous movement permit:
4. Quantity of mineral permitted to be moved under this movement permit:
5. *Registration number with date allotted to the value addition unit (if applicable):
6. *Location name, survey number, village, taluk, district of the value addition unit to which the mineral is intended to be moved (if applicable):
7. Special conditions to be imposed (if any):
8. Particulars of remittance of rent/royalty/taxes as applicable:

(Office Seal)

Signature and seal of Competent Authority

- to be furnished in the case of issuance of movement permit for the purpose of transport of minerals to the value addition unit and for subsequent sale of value added products.

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.)

The Kerala Minor Mineral Concession Rules, 1967 were 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. The Honourable Supreme Court has directed the State Governments to frame proper rules under section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 in accordance with the recommendations of the Ministry of Forest and Environment and also directed the State Government to grant leases of minor minerals after getting environmental clearance from the appropriate authority and approved mining plan. Further the existing rules contained provisions for storage and transportation of minerals. The Government have decided to omit the said provisions from the said rules and to issue separate rules for the same.

In the above said circumstances Government have decided to issue the Kerala Minor Mineral Concession Rules, 2015 superseding the Kerala Minor Mineral Concession Rules, 1967 as per the directives issued by the Honourable Supreme Court.

The notification is intended to achieve the above object.



GOVERNMENT OF KERALA

Abstract

Revenue Department - Grant of No Objection Certificate (NOC) for mining of minerals from Government Land - Comprehensive Guidelines Issued - Reg

REVENUE (P) DEPARTMENT

G.O.(Ms)No.28/2021/RD Dated,Thiruvananthapuram, 28/01/2021

- Read 1 The Mines and Minerals (Development & Regulation a) Act, 1957
- 2 The Kerala Minor Mineral Concession Rules, 1967
- 3 Circular No 84339/P1/2005/RD dated 30.09.2005
- 4 G.O(P) 16/2015/ID dated 07.02.2015
- 5 Letter No AAG-RT/WPC No 20464/2019 dated 05.12.2019 from Additional Advocate General, Ernakulam

ORDER

As per Section 15 of the Mines and Minerals (Development & Regulation) Act, 1957 read as 1st paper above, the State Govt. enacted Kerala Minor Mineral Concession Rules, 1967 read as 2nd paper above and repealed other Rules in force related to extraction of Minor Minerals in any part of the State. The enactment of Kerala Minor Mineral Concession Rules, 1967 specifies either a short tem permit having a maximum duration of 1 year or a quarrying lease having a maximum duration of 12 years has to be obtained for mining of minor minerals irrespective of the type of land where mining is conducted.

The Kerala Minor Mineral Concession Rules, 1967 specifies that every application for a quarrying permit/lease shall, if the lands from which the minor mineral is to be extracted are occupied lands, be accompanied by a letter from the occupant of such lands to the effect that he has no objection to the extraction of the minor mineral by the applicant. Hence the Department of Mining and Geology demanded consent letter from the owner of the land in case of private lands and since the occupant of Government land for extraction of mineral is Government itself, No Objection Certificate (NOC) was demanded from Revenue Officials for grant of mineral concessions like quarrying permit or lease.

As per the Circular read as 3rd paper above, specific directions were given to issue No Objection Certificate (NOC) for a maximum period of 12 years as lease is granted for a maximum period of 12 years.

As per G.O(P) 16/2015/ID dated 07.02.2015, the Kerala Minor Mineral Concession Rules, 2015 read as 4th paper above was issued in supersession of the Kerala Minor Mineral Concession Rules, 1967. Rule 4(2)(d) of the Kerala Minor Mineral Concession Rules, 2015 specifies about the documents required to be submitted

along with the application for quarrying permit which reads below:

'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 the case of revenue puramboke lands or lands owned by Local Self Government or in the case of forest lands, a No Objection Certificate from the District Collector or Secretary of the Local Self Government Institution or Divisional Forest Officer concerned, as the case may be, to the effect that the department concerned has no objection for the extraction of minor mineral by the applicant subject to the provisions contained in these rules'.

Rule 27 (2)(d) of the Kerala Minor Mineral Concession Rules, 2015 specifies about the documents required to be submitted along with the application for quarrying lease which reads below:

' No Objection Certificate, in the case of revenue puramboke 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'.

Rule 32(3) of Kerala Minor Mineral Concession Rules, 2015 specifies to facilitate collection of compensation/seigniorage by other departments in addition to the royalty collected by the Department of Mining and Geology which reads below:

' In cases where extraction of minerals is from Revenue Puramboke lands or from lands possessed by other Government Departments or Local Self Governments, the persons who extracts minerals from such land shall be liable to 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.'

Till date, all the mineral concessions for minor minerals in Government land were issued by the Department of Mining and Geology based on the NOC issued by Revenue Officials. However, there was no proper system for granting No Objection Certificate (NOC) for quarrying in Government land, which are fit for mining of minor minerals. The private individuals/companies may turn up and submit an application requesting No Objection Certificate (NOC) from District Collector for conducting mining operation in a Govt land. The Revenue Department upon receiving such application conduct site inspection and if the site is found suitable for quarrying, NOC will be issued. After getting No Objection Certificate (NOC), the applicant will have to further procure licenses/consent/clearances from Petroleum & Explosive & Safety Organization (PESO), Mining and Geology Department, State Environment Impact Assessment Agency (SEIAA), Pollution Control Board (PCB) and Local Self Government (LSGs) concerned. The additional revenue apart from royalty is the collection of seigniorage/compensation only which is very less compared to the market value of the mineral.

The following drawbacks has been noticed in the existing system:

1. Since it is first come first serve, the people who have access to information will be on a comparative advantage as market competition is restricted.

2. There is no better income to the state other than the prefixed minuscule seigniorage.
3. Those who take No Objection Certificate (NOC) in advance may not start production for years and may result in monopolizing the entire sector.
4. There is no proper mechanism for assessment of quantity of mineral extracted and for accounting of compensation/seigniorage.
5. The NOC holder simply abandons the quarry without proper closure after NOC period is over. There is no mechanism to collect the dues.
6. There is no guideline for imposing of penalty for violation of NOC condition and for illegal mining from Government land.
7. Lack of coordination with Dept of Land Revenue and Department of Mining and Geology.

The Additional Advocate General, Ernakulam in the letter dated 05.12.2019 read as 5th paper above has informed that WP(c) No 28977/19 has been filed by Shri Basil Madappilli, Kuttichira, Chalakudy seeking a direction to the District Collector, Thrissur to consider his applications for NOC to conduct quarrying operations in the Govt. properties of Kuttichira Village of Chalakudy Taluk. Similarly WP(c) 20464/19 was filed by Shri Raji Mathew & Company seeking a direction to the District Collector, Idukki to consider their applications for NOC to conduct quarrying operations in the Govt. properties of Elappara Village of Peerumedu Taluk. It has been informed that the writ petitions were considered by the Learned Single Judge on 05.12.2019 and the Hon'ble Court directed to give specific instructions regarding the policy being followed by Govt. while issuing NOC by District Collectors. Hence Additional Advocate General, Ernakulam had requested to give specific instructions whether the Govt. has issued any orders/circulars regulating the issuance of NOCs by the District Collectors under Rule 27(2)(d) of Kerala Minor Mineral Concession Rules, 2015.

Hence, it is noticed that it is imperative that the entire system needs to be revised and a more transparent and efficient model for giving No Objection Certificate (NOC) needs to be issued.

Government have examined the matter in detail and hereby issue the following guidelines for giving No Objection Certificate (NOC) for quarrying operations in Government land to private players, so that it may give a level playing ground to different stake holders and produce more revenue to exchequer out of the precious minor mineral wealth of the state.

Guidelines for grant of No Objection Certificate (NOC) for quarrying of mineral from Government land

Steps	Process	Responsible Officers	Remarks/points to be taken care
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1	Issue of instruction by District Collector to RDO for identification of area suitable for quarrying in each Taluk which are non-arable and uncultivable rocky Govt. land	District Collector	<p>1. Tentative maximum number of NOCs to be put up for bidding in the year to be decided by DC concerned</p> <p>2. Each land parcel having an extent of 1 hectare and above will be made available for quarrying lease. Each land parcel having an extent below 1 hectare will be made available for quarrying permit. The minimum & maximum area will be fixed by DC based on the land availability and fulfillment of legal and statutory requirement.</p>
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2	Identification of areas suitable for issuance of NOC for granite quarrying and preparation of survey maps in 1:1000 scale.	Team headed by RDO consisting of District Geologist, Tahsildar, Taluk Surveyor, Village Officer	<p>1. Area shall be contiguous</p> <p>2. More than 1 ha(for quarrying lease) or less than 1 ha(quarry permit) to be specified.</p> <p>3. Shall not fall in landslide susceptible areas (Red Zones)</p> <p>4. Shall not fall in ecologically sensitive areas, ecologically sensitive zones, forest etc.</p> <p>5. Shall have prescribed distance (as per KMMC Rules) from the buildings and other structures</p> <p>6. Shall have road access to the top of the identified area</p> <p>7. In instances where there is no road access to the Govt. land proposed then bidding shall be done only when road access to the top of the land is made available</p> <p>While submitting suitability report the geological, environmental, social, economic & legal aspects shall be clearly mentioned.</p>
3	Submission of suitability report of the land identified to the District Collector	RDO	
4	Scrutiny of report and finalization of Notice Inviting Tender (NIT) for auction	District Collector	

5	E-tendering of NOC through e-tendering portal of the State (https://etenders.kerala.gov.in)	District Collector	<p>1. The lease rent is fixed @Rs 10 lakhs/ha per annum for a lease period of 12 year duration. The lease rent shall be remitted annually in equal installments. The lease rent fixed @Rs 10 lakhs/ha per annum will be the floor price.</p> <p>2. The bidder quoting the highest lease rent (H1) (amount per unit area) will be selected for awarding the NOC</p> <p>3. The H1 bidder shall pay Security deposit in the head of account specified per ha of land.</p> <p>4. The tender fee and EMD shall be as per the Kerala Stores Purchase Manual</p>
6	Signing of agreement by H1	H1 bidder	He has to sign an agreement with District Collector that he would pay the lease rent as well as the seigniorage if he is awarded the LOI-letter of intent. (H-1 bidder).
7	Award of LoI for grant of NOC with copy to Dept. of Mining and Geology, SEIAA, Secretary of LSGD	District Collector	The LoI shall be treated as NOC for the purpose of processing of lease or other applications (not for actual operation)

File No.REV-P2/285/2017-REV

8	Forwarding of recommendation for issue of NOC with period of NOC and tentative quantity of mineral that could be mined during the lease period	Director of Mining and Geology	After scrutiny of map and inspection of area, precise area will be fixed by Director of Mining and Geology and issues LoI for grant of lease. With this LoI, the applicant approaches SEIAA for EC, PESO for explosive license, LSGI for their license and PCB for consent. After obtaining all these documents applicant approaches Director of Mining and Geology for lease. The DMG shall recommend issue of NOC. (During the processing of application, DMG or SEIAA could suggest some modification in map (area/shape) and Tashildar with the assistance of Taluk Surveyor shall issue revised map subject to approval of DC)
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9	Issue of NOC recording NOC period and the lease rent quoted by the applicant (copies to DMG, Tahsildar, VO)	District Collector	<p>1. Lease rent (lease rent as per H1) at the rate prescribed per hectare/annum shall be collected before issuance of NOC</p> <p>2. Whenever the seigniorage fee is revised by the Government the lease holder will have to pay the seigniorage fee at the revised rate. This condition shall be there in the NOC and bid document</p> <p>3. There shall be a condition in the NOC stating that the seigniorage fee and lease rent shall be remitted in advance before obtaining Movement Permit from Mining and Geology Department. (Collection of seigniorage fee shall be integrated in KOMPAS software of Mining and Geology Dept). In case of collection of arrear royalty or royalty (for excess extraction) by Dept. of Mining and Geology, the same shall be intimated to Tahsildar and the Tahsildar shall collect seigniorage for the excess quantity if any.</p>
10	Forwarding a copy of lease order along with one approved mining plan to DC and Tahsildar concerned	DMG	
11	Collection of seigniorage/arrear etc	Tahsildar	
12	Collection of dues on expiry of lease period (if any)	Tahsildar	<p>1. Tahsildar shall intimate DC regarding the collection of dues if any on the expiry of lease</p> <p>2. In case of any violation in mining or if any default in remitting any charges, the NOC holder will be terminated and be blacklisted for 12 years</p>

13	Release of security deposit after expiry of lease/NOC period	DC	The security deposit shall be forfeited to Govt if the lease holder fails to obtain lease or carry out mining as per the conditions of NOC; lease, EC etc
14	Periodic Report submission	NOC holder	NOC holder shall submit a status report once in two years prepared by a Recognized Qualified Person (Recognized Qualified Person (RQP) is the person authorized to prepare the minning plan as per KMMC Rules) which contains the details of quantity of mineral extracted and the levels thereof to DC with a copy to RDO
15	Periodic Inspection	Tahsildar	Tahsildar shall inspect the quarry area with the help of Taluk Surveyor and ensure that there is no violation of NOC or lease condition and report the matter to RDO and DC
16	Violation of lease/NOC condition is noticed	RDO DC	<p>If excess amount of mineral is extracted but within the territorial extent, provided the lease area is not violated, then it can be regularized by imposing a Regularization fee not less than 5 times of Seigniorage for that quantity which is extracted in excess by the RDO.</p> <p>If the NOC holder extract the excess amount of mineral from the area beyond the lease area, then DC will cancel the NOC with immediate effect and DMG shall cancel the mining lease upon the report from DC. A Regularization fee not less than 5 times of Seigniorage for that quantity which is extracted in excess shall also be imposed.</p>

As per the existing rate specified in the Kerala Store Purchase Manual for the total quoted amount. Refundable to those unsuccessful bidders after the completion of 15 days from the date of issuing of Lol or 3 months from the bid opening date whichever is earlier.

Seigniorage

Amount of compensation for the loss of mineral wealth in the Government land. It is fixed per ton of mineral and shall be revised from time to time by Government by Notification.

Lease Rent

A non-refundable one-time fees to be remitted for obtaining NOC from the District Collector. The basic concept is that the Government is giving the occupancy of the land for 12 years. The lease rent is fixed @Rs 10 lakhs/ha per annum for NOC period. The lease rent fixed @Rs 10 lakhs/ha will be the floor price. The bidding shall start from the floor price fixed by Govt. The bidder who bids the higher lease rent (H1) (amount per unit area) will be selected for awarding the NOC. The lease rent will be remitted in the same head of account where the seigniorage fee is remitted.

Security Deposit

The Security Deposit is fixed @ Rs 10 lakhs/ha. It is the amount to be remitted in the specified treasury account which will act as a security for carrying out mining as per the approved mining plan. It should be remitted before awarding of Lol by District Collector and shall be refundable to the NOC holder once he completes entire operations including mine closure as per the approved Final Quarry Closure Plan.

Eligibility to Participate in the bidding process

All persons/firms/companies/associations except those who are blacklisted by Government of India or Government of Kerala or by the Government of any states or union territories are disqualified in participating in the tender process. Blacklisted persons/firms/companies/associations include persons who are the directors of blacklisted companies, or those companies formed by those persons who are either blacklisted or the directors of any blacklisted companies.

Preparation of bid document

Preparation of bid document, the process of auction and final award is to be done by the respective District Collectors.

2. Issues

No	Scenario	Result	Option to be exercised
1	LoI is issued and the bidder failed to obtain other statutory licenses	He will lose security deposit as it is his mistake	There shall be a period fixed for LoI within which lease shall be obtained. This period could be extended by the DC if there is valid reason
2	LoI is issued and the statutory agencies refused to grant their licenses	He will lose security deposit	Refunding half the security deposit if the mistake is not from the part of applicant
3	NOC is issued after collecting lease rent and the lessee fails to mine mineral	He will lose lease rent	
4	NOC is issued after collecting fee and statutory agencies withdraw licenses	He will lose lease rent if the statutory agencies cancel license due violation of conditions	Half the amount could be refunded if the mining is stopped due to enactment of new act or rule
5	Mining dues pending from the lease holder	Recover seigniorage and royalty by RR. He will lose the security deposit	
6	Lease holder fails to close the mine properly	Security deposit will not be refunded	

7	Lease holder wants to transfer the lease (there is provision to transfer lease (KMMCR) as well as EC (EIA Notification)	Not allowed	Permitted with prior sanction of DC. Transferor person has to clear the dues and the transferee person has to sign agreement.
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3. Regarding existing quarries in Government land

In case of existing quarries (around 50 numbers) for which NOCs were issued earlier, the District Collectors concerned will be instructed to get take the volume of mineral extracted through Taluk Surveyors and to take necessary action in consultation with District Geologist for collecting the arrear of seigniorage if any.

4. Repeated offence :

If anybody repeats the offense then NOC will be cancelled and the company will be blacklisted for 5 years. If partner/director in the defaulting company is present in new company then that company cannot participate in bidding (since it is very easy to form a new partnership firm or company and next time they participate in bidding in new name).

5. Procedure for quarrying after lease period

Government land is given for lease for quarrying for a period of 12 years. After the lease period, necessary certification from the District Geologist be obtained to ensure that further quarrying be permitted. If found feasible, all procedures/guidelines as stated above needs to be started afresh for granting lease.

6. Procedure for quarrying after lease period if application is submitted by the same individual/organization

Government land is given for lease for quarrying for a period of 12 years. After the lease period, necessary certification from the District Geologist be obtained to ensure that further quarrying be permitted. If the same individual/organization who was running the quarry submits an application for lease then the same individual/organization may be granted lease for an another period of 12 years by fixing the lease rent @Rs 10 lakhs/ha per annum for 12 years without bidding and by depositing the security deposit @ Rs 10 lakhs/ha. Provided no more further lease may be granted to the said

individual/organization after the tenure.

These guidelines, may be brought to the notice of all concerned for further necessary action and strict compliance.

(By order of the Governor)
DR. A JAYATHILAK IAS
PRINCIPAL SECRETARY

To:

The Commissioner of Land Revenue
The Director of Mining & Geology, Thiruvananthapuram
Deputy Chief Controller of Explosives,
Petroleum & Explosive & Safety Organization (PESO),Ernakulam
The Chairman, State Environment Impact Assessment Agency (SEIAA),
The Chairman, Pollution Control Board (PCB)
All District Collectors
All Revenue Divisional Officers
All Tahsildars

Copy To:

PS to Hon'ble Chief Minister
PS to Hon'ble Minister (Revenue)
PS to Hon'ble Minister (Industries)
PS to Hon'ble Minister (LSGD)

Forwarded /By order

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Date: 2021.01.25 14:45:32 IST
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Section Officer