

15 -ാം കേരള നിയമസഭ

13 -ാം സമ്മേളനം

നക്ഷത്ര ചിഹ്നം ഇല്ലാത്ത ചോദ്യം നം. 5900

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പാറ ഖനനം

ചോദ്യം		ഉത്തരം	
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(എ)	<p>പാർപ്പിടാവശ്യത്തിന് വാങ്ങിയ ഭൂമിയിൽ വീടിന്റെ നിർമ്മാണ പ്രവൃത്തികൾ പൂർത്തിയാക്കി സ്ഥിരതാമസമാക്കിയ ശേഷം ആ വസ്തുവിൽ നിന്നും പാറ പൊട്ടിക്കുന്നതിന് അനുമതി ലഭ്യമാക്കുന്നുണ്ടോ; എങ്കിൽ ഏതെല്ലാം സാഹചര്യങ്ങളിലാണ് ഇത്തരം അനുമതി നൽകുന്നതെന്നും ഇതുമായി ബന്ധപ്പെട്ട നിലവിലുള്ള മാനദണ്ഡങ്ങളും ചട്ടങ്ങളും എന്തൊക്കെയെന്നും പകർപ്പുകൾ സഹിതം വ്യക്തമാക്കുമോ;</p>	(എ)	<p>ഇത്തരം സാഹചര്യത്തിൽ സാധാരണ ഗതിയിൽ അനുമതി നൽകാറില്ല. എന്നാൽ ഒരു കെട്ടിടത്തിന്റെ അനുബന്ധ ഘടനകൾ, സെപ്റ്റിക് ടാങ്ക്, റീചാർജ് പിറ്റ്, ഡ്രെയിനേജ് ജോലികൾ, കോമ്പൗണ്ട് ഭിത്തി മുതലായ നിർമ്മാണവുമായി ബന്ധപ്പെട്ട് 150 മെട്രിക് ടണ്ണിൽ കൂടാത്ത അളവിൽ ധാതുക്കൾ എക്സ്ട്രാക്ട് ചെയ്യുന്നതിന് 2023 ലെ കേരള മൈനർ മിനറൽ കൺസഷൻ (ഭേദഗതി) ചട്ടങ്ങളിലെ ചട്ടം 104ലെ നോട്ട് 2 പ്രകാരം അനുമതി ആവശ്യമില്ല. എന്നാൽ അത്തരം സന്ദർഭങ്ങളിൽ, എക്സ്ട്രാക്ട് ചെയ്യപ്പെട്ട ധാതു പ്രസ്തുത ജോലി സ്ഥലത്ത് നിന്നും നീക്കം ചെയ്യുവാൻ ഭൂമിയുടെ ഉടമ ഉദ്ദേശിക്കുന്നുവെങ്കിൽ നീക്കം ചെയ്യേണ്ടുന്ന ധാതുവിന്റെ അളവിന് തത്തുല്യമായ റോയൽറ്റി മുൻകൂർ ഒടുക്ക വരുത്തി 2015 ലെ കേരള മിനറൽസ് (അനധികൃത ഖനനം സംഭരണം. ഗതാഗതം തടയൽ) ചട്ടങ്ങൾ വ്യവസ്ഥചെയ്യുന്ന പ്രകാരം നിയമപരമായി അധികാരപ്പെട്ട അതോറിറ്റിയിൽ നിന്നും മിനറൽ ട്രാൻസിറ്റ് പാസുകൾ സമ്പാദിക്കേണ്ടതാണ്.</p> <p>എന്നാൽ ഇപ്രകാരം ഖനനം ചെയ്യേണ്ട ധാതു 150 മെട്രിക് ടണ്ണിൽ അധികരിക്കുകയാണെങ്കിൽ സാഹചര്യം കൃത്യമായി വിലയിരുത്തി 2015 ലെ കെ.എം.എം.സി ചട്ടങ്ങളിലെ ചട്ടം 9 അനുസരിച്ച് ക്വാറിയിങ് പെർമിറ്റ് സമ്പാദിക്കേണ്ടുന്നതാണോ അതോ ചട്ടം 104 അനുസരിച്ച് സർക്കാരിൽ നിന്നും പ്രത്യേക അനുമതി സമ്പാദിക്കേണ്ടുന്നതാണോ എന്ന് വിലയിരുത്തി അപേക്ഷയിൽ തുടർനടപടി സ്വീകരിക്കുന്നതാണ്.</p> <p>ഇതു സംബന്ധിച്ച ചട്ടങ്ങളുടെ പകർപ്പുകൾ അനുബന്ധമായി ചേർത്തിരിക്കുന്നു.</p>

(ബി)	<p>അനുമതിയില്ലാതെ ഇത്തരം പ്രവർത്തനങ്ങൾ നടക്കുന്നുണ്ടോ എന്ന് പരിശോധിക്കുന്നതിന് നിലവിൽ എന്തെല്ലാം സംവിധാനങ്ങളാണ് വകുപ്പിനുള്ളത്; ഇത് സംബന്ധിച്ച പ്രവർത്തനങ്ങൾ വിശദമാക്കുമോ;</p>	(ബി)	<p>അനധികൃത ധാതു ഖനനവും, കടത്തും സംബന്ധിച്ച ഏതു വിധേനയുമുള്ള പരാതികൾ ലഭിക്കുമ്പോൾ അത് തടയുന്നതിലേക്കായി മൈനിംഗ് & ജിയോളജി വകുപ്പിന്റെ 14 ജില്ലാ ഓഫീസുകളിലും സ്ക്വാഡ് ഓഫീസുകൾ രൂപീകരിച്ചിട്ടുണ്ട്. ഈ ഓഫീസുകളിൽ നിന്നും, കൂടാതെ ആവശ്യമെങ്കിൽ ജില്ലാ ഓഫീസുകളിൽ നിന്നും സ്ഥലപരിശോധന നടത്തി അനധികൃത ഖനനം ബോധ്യപ്പെട്ടാൽ സ്ഥലമുടമകളിൽ നിന്ന് അനധികൃത ധാതു ഖനനത്തിനെതിരെ കെ.എം.എം.സി. ചട്ടപ്രകാരമുള്ള പെനാൽറ്റി നടപടിക്രമങ്ങൾ പാലിച്ച് ഈടാക്കുന്നു.</p>
(സി)	<p>അനുമതിയില്ലാതെ നടത്തുന്ന ഇത്തരം പ്രവർത്തനങ്ങൾക്ക് എന്തൊക്കെ നിയമനടപടികളാണ് ചട്ടം അനുശാസിച്ചിട്ടുള്ളതെന്ന് വിശദമാക്കുമോ?</p>	(സി)	<p>2015 ലെ കെ.എം.എം.സി ചട്ടങ്ങളിലെ ചട്ടം 108 (1) പ്രകാരം വ്യവസ്ഥ ചെയ്തിട്ടുള്ള പെനാൽറ്റി അനുസരിച്ച് ചട്ടങ്ങളിലെ വ്യവസ്ഥ ലംഘിച്ചു ചെയ്യുന്ന പ്രവൃത്തികൾക്ക് രണ്ടു വർഷം വരെ തടവോ 5 ലക്ഷം രൂപ വരെ പിഴയോ അല്ലെങ്കിൽ രണ്ടും ഒരമിച്ചോ ശിക്ഷയായി ലഭിക്കാവുന്നതാണ്. അതുപോലെ ചട്ടങ്ങൾക്ക് വിരുദ്ധമായ ഖനനപ്രവർത്തനങ്ങൾക്ക് കെ.എം.എം.സി. ചട്ടം 108(2) പ്രകാരം നീക്കം ചെയ്യപ്പെട്ട ധാതുവിന്റെ അളവിന് തുല്യമായ റോയൽറ്റിയും വിലയും (റോയൽറ്റിയുടെ നാലിരട്ടി തുക), പിഴയും ചേർത്തുള്ള തുക പെനാൽറ്റി ആയി കക്ഷികളിൽ നിന്നും ഈടാക്കുന്നു.</p>

സെക്ഷൻ ഓഫീസർ

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 undercutting 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-560 029; The Regional Controller of Mines, Yeshwantpur, Bengaluru-560 022 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;

from such lands shall pay compensation or value of minerals, as the case may be, to the department concerned for the quantity of such extraction, as fixed by such departments from time to time."

(4) in rule 9,—

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

"Provided that the approved mining plan shall not be insisted, for the grant and renewal of quarrying permits for ordinary earth, ordinary clay, and laterite (building stone), in cases where the depth of mining does not exceed 2 metres."

(ii) in sub-rule (2), after the words "No Objection Certificate" etc." the words "as the case may be" shall be inserted.

(5) in rule 10,—

(i) in clause (a), in the second proviso, the words, symbols and figures "The Regional Controller of Mines, Yeshwantpur, Bengaluru-560 022" shall be omitted.

(ii) for clause (f), the following clause shall be substituted, namely:—

"(f) the permit holder shall not carry on or allow to be carried on any quarrying operations at or to any points within a distance of 100 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 village roads or one kilometre from the boundaries of National Park or Wildlife Sanctuaries 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:

(6) in rule 13, for the words and figures "3 years", the words "five years" shall be substituted;

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

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

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

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

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

- (5) in rule 9,-

- (i) in sub-rule(1)



(a) first proviso shall be omitted;

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

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

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

(6) in rule 10,-

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

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

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

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

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

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

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



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.

(18) for rule 104, the following rule shall be substituted, namely:—

"104. *Power to grant special permission to extract and remove minor minerals in special circumstances.*—In certain cases where extraction and removal of minor minerals is inevitable and in which the Government is of the opinion that the extraction is not for the purpose of winning the minerals and for reasons to be recorded in writing, the Government may by an order grant permission with conditions as they deem fit."

(19) in rule 108,—

(i) in sub-rule (2), in the first proviso, the words and symbols "limited to twice the royalty amount," and "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" shall be omitted;

(ii) after the 2nd proviso, the following note shall be inserted, namely:—

"Note:—In this rule the price of the mineral shall be limited to two times the royalty."

(iii) after sub-rule (3), the following sub-rule shall be inserted, namely:—

"(4) whenever any person raises without any lawful authority any mineral from any land for the purpose of winning minerals and for that purpose brings on the land any tool, equipment, vehicle or any other thing, such mineral, tool, equipment, vehicle or any other thing shall be seized by an officer or authority specially empowered in this behalf by the Government."

(20) in the SCHEDULES,—

(i) in SCHEDULE 1, for the entry against item number 5 in column (2), the following entry shall be substituted, namely:—

"Granite (building stone) and Laterite (building stone)"

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

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

(31) in rule 104,-

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

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

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

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

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



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

(32) in rule 106,-

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

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

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

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

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

