

ABSTRACT

Industries - Mines and Quarries - Minor Minerals - Amendment to Rule 12(2) and 12(2-A)(a) to the Tamil Nadu Minor Minerals Concession Rules, 1959 - Notification - Issued.

Industries (MMC.1) Department

G.O. (Ms) No. 50

Dated: 27.04.2017

ஹெலிஎம்ப்லி, சித்திரை -14,
திருவள்ளூர் ஆண்டு -2048

Read:

1. G.O.(Ms.) No.233, Industries (MMC.2) Department, dated 23.09.2015.
2. From the Chief Executive Officer, Tamil Nadu Khadi and Village Industries Board, Letter Rc.No.8198/V2(3)/2016, dated 09.07.2016 and 20.01.2017.
3. From the Commissioner of Geology and Mining, Letter No.7925/ LC/ 2016, dated 28.12.2016, 18.4.2017, 21.4.2017, 24.4.2017 and 27.4.2017.

ORDER:

In the letters third read above, the Commissioner of Geology and Mining has stated that the Chief Executive Officer, Tamil Nadu Khadi and Village Industries Board in his letter second read above has submitted that as per rule 6(2) of the Tamil Nadu Minor Mineral Concession Rules, 1959, 800 cart loads of clay and sand or a mixture of both per annum is allowed to be quarried free for bona fide pot or brick making purposes by pottery and brick manufacturers from the premises of the village or neighbouring villages and that as per the new rules 41 and 42 introduced in Tamil Nadu Minor Mineral Concession Rules, 1959 vide G.O.Ms.No.79, Industries (MMC1) Department, dated 06.04.2015, Rule 6 grantees have to remove the mineral only after getting the Environmental Clearance and hence, he has requested to provide exemption for obtaining Environment Clearance for the potters.

2. The Commissioner of Geology and Mining has further stated that the Government of India, Ministry of Environment, Forest and Climate Change vide Notification S.O.No.141(E), dated 15.1.2016 have already granted exemption for ordinary sand and clay from the purview of District Environmental Impact Assessment Authority which has virtually neutralized or made redundant rule 6 and rules 41 & 42 of the Tamil Nadu Minor Mineral Concession Rules, 1959.

3. Further, the Commissioner of Geology and Mining has stated that in the letter dated 20.4.2017, the Engineering in-Chief, Water Resources Department & Chief Engineer (General), Public Works Department has stated that de-silting the water bodies in order to increase the storage capacity is one of the mission envisaged during the launching of the Kudimaramathu works of the irrigation tanks and channels in Tamil Nadu during March, 2017. At present, storage in the tanks and reservoirs are only 10% of their original capacity and the water holding capacity have diminished by about 20% on an average due to silting up over the years. The silt deposited in the water bodies are rich in nutrients and can be applied as a good natural manure to the agricultural fields by the farmers. Hence, allowing the farmers to take earth from the beds of tanks and reservoirs freely to the requirement for the fields would be beneficial to them and also the restoration of the lost capacities of the water bodies can also be achieved indirectly. Thus, the Engineering in-Chief, WRD & Chief Engineer (General) Public Works

Department has suggested for modifying the rule 12(2) of Tamil Nadu Minor Mineral Concession Rules 1959.

4. The Commissioner of Geology and Mining has further stated that in the meeting convened on 24.4.2017, the matter was discussed by the Principal Secretary of Industries Department with the concerned departments.

5. Based on the outcome of the discussion, the Commissioner of Geology and Mining has sent a proposal to the Government for amending Rule 12 (2) and 12(2-A)(a) of Tamil Nadu Minor Mineral Concession Rules, 1959.

6. The Government have examined the above amendment proposal of the Commissioner of Geology and Mining and have decided to amend rule 12(2) and 12(2-A)(a) to the Tamil Nadu Minor Mineral Concession Rules, 1959 and ordered accordingly. Further, the Government order that for desilting of tanks, reservoirs and other water bodies in Chennai, Tiruvallur and Kancheepuram Districts, concerned departments (PWD and RD&PR) will issue appropriate instructions not to operationalize the above amendments to these districts.

7. The Notification appended to this Order will be published in the Tamil Nadu Government Gazette Extraordinary. The Works Manager, Government Central Press, Chennai-79 is requested to supply 25 copies of the Notification to this department, Commissioner of Geology and Mining, Chennai-32 and to all District Collectors.

8. The Director, Tamil Development and Information (Translation) Department is requested to send the Tamil Translation of the Notification appended to this Order to the Works Manager, Government Central Press, Chennai-79 for publishing in the Tamil Nadu Government Gazette and to the Collectors of all Districts for publishing it in the District Gazettes immediately.

(BY ORDER OF THE GOVERNOR)

ATULYA MISRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Works Manager,
Government Central Press, Chennai-79.
The Director,
Tamil Development & Information (Translation) Department, Chennai-9.
The Additional Chief Secretary to Government,
Rural Development & Panchayat Raj Department, Chennai-9.
The Principal Secretary to Government, Public Works Department, Chennai-9.
The Principal Secretary to Government, HHT&K Department, Chennai-9.
The Agriculture Production Commissioner/Principal
Secretary to Government, Agriculture Department, Chennai-9.
The Commissioner of Geology and Mining, Guindy, Chennai-32.
The Chief Executive Officer, Khadi and Village Industries Board, Chennai-108.
All District Collectors.
The Accountant General, Chennai-18.
Copy to:
O/o. Hon'ble Minister (Industries), Chennai-9.
The Law Department, Chennai-9.
All Sections in Mining Wing, Industries Department, Chennai-9.
The Industries (OP.II) Department, Chennai-9.
SF/SCs.

// Forwarded / By order //

19.07.2017
A. M. Misra

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APPENDIX
NOTIFICATION

In exercise of the powers conferred by sub-sections (1) and (1-A) of section 15 of the Mines and Minerals (Development and Regulations) Act, 1957 (Central Act 67 of 1957), the Governor of Tamil Nadu hereby makes the following amendments to the Tamil Nadu Minor Mineral Concession Rules, 1959, namely:-

AMENDMENT

In the said Rules, in rule 12, --

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

"(2) (a) Notwithstanding anything contained in these rules, for quarrying clay, silt, savudu and gravel from the beds of tanks, channels and reservoirs in the State (except Chennai, Kancheepuram and Tiruvallur Districts) under the control of Public Works Department or Rural Development and Panchayat Raj Department, the Executive Engineer, Public Works Department or the Executive Engineer of the Rural Development and Panchayat Raj Department, as the case may be, shall prepare the list of tanks, channels and reservoirs and submit their proposal to the District Collector for removal of clay, silt, savudu and gravel from the beds of tanks, channels and reservoirs with demarcation of eligible areas and the estimation of quantum of such mineral to be removed in respect of each area along with the conditions to be stipulated for removal of such mineral from the tanks, channels and reservoirs. The District Collector shall notify the said list in the District Gazette.

(b) Any person engaged in the making of pots or any registered Pottery Labourers Co-operative Society registered under the Tamil Nadu Co-operative Societies Act, 1983 (Tamil Nadu Act 30 of 1983) for making pots, the public for bonafide domestic purpose and the farmers for agriculture purpose be allowed to quarry clay, silt, savudu and gravel, on free of charges from the beds of tanks, channels and reservoirs under the control of the Public Works Department or Rural Development and Panchayat Raj Department which are notified by the District Collector in the *District Gazette* under this rule after obtaining permission from the District Collector for quarrying;

Provided that the dwelling place or agricultural land of the person concerned and the quarrying place shall be in the same revenue village or in the adjoining revenue village. For removal of the above said minerals by any person for agricultural purpose shall produce a certificate issued by the Village Administrative Officer to the effect that they are holding lands in their name or a cultivating tenant as per Adangal Register:

Provided further that the quantity of silt and clay proposed to be removed for agricultural purpose from the beds of tanks, channels and reservoirs shall not exceed 75 Cubic meters per acre (185 Cubic meters per Hectare) for wet lands and a quantum not exceeding 90 Cubic meters per acre (222 Cubic meters per Hectare) for dry lands once in two years. The quantity of earth, savudu and gravel proposed to be removed for other domestic purposes shall not exceed 30 cubic meters. The quantity of clay proposed to be removed for making pots shall not exceed 60 cubic metres:

Provided also that prior permission shall be obtained from the District Collector for removal of such quantity of minerals from the tanks, channels and reservoirs and the period of permission shall not exceed 20 days :

Provided also that quarrying shall be permitted only in the area demarcated by the Public Works Department or Rural Development and Panchayat Raj Department, as the case may be, and the minerals shall be loaded in the vehicles brought by the applicant by the Public Works Department or Rural Development and Panchayat Raj Department. as the case may be.

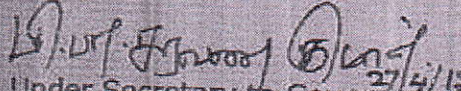
(c) Any removal of mineral from these lands shall be subject to the following restrictions, namely :—

- (i) Pits shall be at a distance of at least twice the height of the bund from the toe of the bund and they shall not be more than one metre in depth (the depth shall be less, if pits one metre deep are likely to expose porous strata) ;
- (ii) Clay, silt, savudu and gravel shall not be carted along the tank bund unless the bund is a recognized road or cart-track ;
- (iii) Bunds shall not be cut to enable to pass ;
- (iv) Clay, silt, savudu and gravel removed should not be stacked on tank beds, sluice or any other masonry works of the tanks and causeways or slopes of the bunds ; and
- (v) Vehicles and carts shall not touch any portion of the revetment, sluice or any masonry works of the tanks and cause damage to them.”; and

(2) in sub-rule (2-A), in clause (a), for the expression “30 cubic meters”, the expression “222 cubic meters” shall be substituted”.

ATULYA MISRA
PRINCIPAL SECRETARY TO GOVERNMENT

//True Copy//


Under Secretary to Government 27/4/17