

**Note on Rule 36(1-A)(e) of Tamil Nadu Minor Mineral
Concession Rules, 1959**

While moving the Demand for the Industries Department for the year 2021-2022, on 31.08.2021, the Hon'ble Minister for Water Resources has announced that Archeological Sites/Monuments, ancient inscriptions, Jain beds will be protected from quarrying operations among others. Further, during the departmental review meeting conducted by the Hon'ble Chief Minister, in order to prohibit quarrying activity in the Elephant corridors and Tiger Reserves and to protect the buildings etc., in the habitations from the quarrying activities, it was directed that the safety distance already prescribed in the rules be extended further for which necessary amendments may be made to the Tamil Nadu Minor Mineral Concession Rules, 1959.

Accordingly, a new clause (e) in sub rule (1-A) of rule 36 of TNMMCR has been added by which quarrying or mining activities are prohibited within 1 km radial distance from the boundaries of National Parks, Wild Life Sanctuaries, Tiger Reserves, Elephant Corridors and Reserve Forests. The term "Reserve Forests" was included in the order despite not having been specifically announced.

The inclusion of "Reserve Forests" has caused hard ship to many craftsmen and artisans, including potters and sculptors in different parts of the State who have represented to Government.

Subsequently, during the Budget session of the Tamil Nadu Legislative Assembly for the year 2022-2023, the Hon'ble Minister (Water Resources) has stated on 19.04.2022, that due to the restriction to quarry within 1km radial distance of "Reserve Forest" a number of practical difficulties have arisen and more than 500 quarries and mines affected, including 19 quarries of M/s. TAMIN. Further the Government has incurred revenue loss to a greater extent. He has stated that in order to protect the interest of the quarry/mine lessees and to augment the revenue to the Government, necessary amendment would be made in the above rule.

Further, this issue was discussed in detail in the Geology and Mining department's District Officers review meeting conducted by the Hon'ble Minister for Water Resources on 16.06.2022. The Government after carefully considering DGM's recommendation ordered the deletion of the term 'Reserve Forests' from rule 36(1-A) (e) vide G.O.Ms.No.243, Industries, Investment Promotion and Commerce Department, dated 14.12.2022. This was also notified in the Government Gazette.

It should be noted that as per the above notification, mining and quarrying is still not permissible within 1 km of radial distance from the boundaries of National Parks, Wild Life Sanctuaries, Tiger Reserves and Elephant Corridors, which is in consonance with the Orders of the Hon'ble Supreme Court of India dated 03.06.2022 in Writ petition (Civil) No.202/1995 filed by TN Godavarman Thirumulpad Vs. Union of India and Others, directing among others that "each protected forest, that is national park or wildlife sanctuary must have an ESZ of minimum one kilometer measured from the demarcated boundary of such protected

forest in which the activities proscribed and prescribed in the Guidelines of 09.02.2011 shall be strictly adhered to and that mining within the national parks and wildlife sanctuaries shall not be permitted". It may be noted that "protected forests" in this context means Sanctuaries and National Parks and not Reserve Forests. The Guidelines of the Government of India, Ministry of Environment and Forests (Wildlife Division) dated 09.02.2011 relate only to the Eco-Sensitive Zones around National Parks and Wildlife Sanctuaries and not to Reserve Forests.

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