



### **ABSTRACT**

Industries Department - Mines and Minerals – Minor Minerals – Extraction of earth in ryotwari lands for improvement of agricultural lands on short term basis - Amendment to the Tamil Nadu Minor Mineral Concession Rules, 1959 – Notification – Orders - Issued.

### **Industries (MMC.1) Department**

**G.O.(Ms).No.213**

**Dated: 03.09.2021**

பிலவ வருடம், ஆவணி 18  
திருவள்ளூர் ஆண்டு 2052

#### **Read:**

- (1) From the Commissioner of Geology and Mining, Letter No.723/MM6/2020, dated 12.02.2021.
- (2) From the Director of Geology and Mining, Letter No.723/MM6/2020 dated 18.08.2021.

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#### **ORDER:**

In the letters read above, the Director of Geology and Mining has sent amendment proposal to Government for extraction or removal of Earth in ryotwari lands manually for betterment of agricultural land, for an optimum depth based on the topographical condition to be specified by the Assistant Director/Deputy Director of Geology and Mining, not exceeding one-and-a-half metres shall be treated as non-mining activity in tune with Serial No.13 in Appendix IX to the Notification S.O.No.1224(E), dated 28.03.2020 issued by the Ministry of Environment, Forest and Climate Change.

2. The Government have examined the proposal of the Director of Geology and Mining carefully and have decided to accept the same with certain modifications. Accordingly, the Notification appended to this Order will be published in the Extra-ordinary issue of *Tamil Nadu Government Gazette*. The Works Manager, Government Central Press, Chennai – 600 079 is requested to supply 50 copies of the Notification each to this Department, Director of Geology and Mining, Chennai – 600 032 and to all District Collectors.

3. 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 – 600 079 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)**

**N. MURUGANANDAM  
PRINCIPAL SECRETARY TO GOVERNMENT**

To  
The Works Manager,  
Government Central Press,  
Chennai – 600 079.  
The Director,  
Tamil Development & Information (Translation) Department,  
Chennai – 600 009.  
The Director of Geology and Mining,  
Guindy, Chennai – 600 032.  
All District Collectors. (Through DGM)  
All the Assistant Directors/Deputy Directors of Geology and Mining (through DGM)  
The Accountant General, Chennai – 600 018.

Copy to:

The Industries (MMA/MMB/MMD/MME/E/OP.II) Department, Chennai – 600 009.  
The Law Department, Chennai – 600 009.  
O/o. Hon'ble Minister (Water Resources), Chennai – 600 009.  
O/o. Hon'ble Chief Minister, Chennai – 600 009.  
SF/SC's.

//Forwarded by Order//

*F. Ganesan*  
3/9/21.  
**SECTION OFFICER**  
LHM  
9/9/2021

**APPENDIX.**  
**NOTIFICATION.**

In exercise of the powers conferred by sub-sections (1) and (1A) of section 15 of the Mines and Minerals (Development and Regulation) 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:-

**AMENDMENTS.**

In the said Rules,-  
(1) after rule 43, the following rule 44 shall be added, namely:-

**"44. Removal of earth for betterment of agricultural lands(1)**

Notwithstanding anything contained in rule 18 and sub-rule (2) of rule 19, extraction or removal of earth in ryotwari lands manually for improvement of agricultural lands or lands that are not suitable for cultivation purpose, for an optimum depth based on the topographical condition to be specified by the Assistant Director of Geology and Mining or Deputy Director of Geology and Mining, as the case may be, not exceeding one-and-a-half metres shall not be treated as mining activity:

Provided that such extraction of earth shall be carried out under a permit issued for a period not exceeding three months by the District Collector concerned:

Provided further that the soil excavated approximately upto 1 feet depth from the top may be used/replaced for improving the soil structure or fertility of lands where continuous cultivation is under taken for several decades without using organic manures and where soil nutrients got depleted which resulted in lesser yield:

Provided further that the soil extracted or removed beneath one feet depth not exceeding one-and-a-half metres may also be used for brick kilns,

bedding material for soils that were disturbed by natural calamities including floods, etc., so that vegetation in those areas can be re-established:

Provided further that if the brick earth removed is transported to a registered brick kiln unit, the permit holder shall pay due seigniorage fee for the quantum of brick earth removed from the permitted area at the rate fixed in Appendix – II to these rules:

Provided further that the permit holder may use the earth so removed for own consumption, for betterment of his own land or for any other purpose:

Provided also that the permit holder shall not remove earth after expiry of the permit period.

(2) For improvement of an agricultural land, the owner of the land may apply for permit for removal of earth. An application for the purpose shall be made to the District Collector in the Form prescribed in Appendix – XXV along with a plan for removal of earth.

(3) The plan for removal of earth shall contain the following details, namely:-

- (i) the area showing the nature and extent of the land;
- (ii) period and quantum of earth proposed for extraction;
- (iii) a certificate to the effect that the proposal is for making the land fit for cultivation, after extraction of earth obtained from the Joint Director of Agriculture.

(4) Every such application shall be accompanied with an application fee of one hundred rupees along with a copy of computerised chitta or copy of the latest sale deed registered in the name of the applicant along with extracts of village accounts.

(5) The District Collector shall dispose of the application for extraction of earth in ryotwari lands after ascertaining of objections, if any. He shall obtain No Objection Certificate from the jurisdictional Revenue

Divisional Officer to ensure the genuineness of the patta of the land applied for and non-inclusion of any Government land or Government interest, including land acquisition before grant of permit for extraction of earth. The District collector may issue permit under this rule for a period not exceeding three months, subject to the following conditions, namely:-

(i) Extraction of earth shall be carried out without affecting the interest of the adjoining land owners.

(ii) Extraction of earth shall not be done within a distance of 10 metres from the village road and cart track and distance of 50 metres from the highways, railway lines, river, reservoir, tanks and any other permanent structures.

The District Collector shall also impose terms and conditions as per provisions of the Act and these rules or guidelines, in the permit.

(6) The Assistant Director of Geology and Mining or Deputy Director of Geology and Mining, as the case may be, shall inspect the applied area and decide the optimum depth and the quantum of extraction of earth based on the topographical condition to be permitted, not exceeding one-and-a-half metres. The District Collector concerned shall ensure that the material proposed to be removed is not sand or gravel, after appropriate testing in the laboratories authorised by the Director of Geology and Mining. Every permit issued under this rule shall be entered in the register maintained for the purpose by the Assistant Director of Geology and Mining or Deputy Director of Geology and Mining.

(7) The permit holder shall also pay contribution to the District Mineral Foundation Trust Fund at the rate fixed under the Tamil Nadu District Mineral Foundation Rules, 2017.

(8) The excavated brick earth shall be transported to the Brick Manufacturing Unit along with the transport slip, as prescribed in

Appendix-XXVI to these Rules issued by the Assistant Director of Geology and Mining or Deputy Director of Geology and Mining.

(9) The permit issued under this rule shall be a one time permit and shall not be revalidated for any reason.

(10) The permit under this rule shall not be granted for removal of earth in area falling under "Hill areas" specified by the Government, from time to time and 'Protected areas' falling within 10 Kilometres from the Wildlife Sanctuaries and National Parks and in Elephant Corridors. The No objection Certificate to this effect shall be obtained from the District Forest Officer concerned.

(11) If any mineral other than earth such as sand or gravel are found to occur during extraction within the permitted depth, the permit holder shall stop the extraction works immediately and intimate the same to the District Collector concerned.

(12) The District Collector concerned, on receipt of report or otherwise on the occurrence of any minerals other than earth such as sand or gravel shall cancel the permit.

(13) If there is any contravention of the conditions of the permit, penal action will be initiated against the permit holder under the provisions of the Act and these Rules.

(14) In case of breach of the conditions of permit by the permit holder, without prejudice to any other penalty which may be imposed in respect of such breach, the District Collector shall cancel the permit after providing an opportunity of hearing to the permit holder.

(15) Any person aggrieved by an order of the District Collector may, within thirty days from the date of receipt of the order, prefer an appeal to the Director of Geology and Mining against the order.

(16) The District Level Task Force formed for prevention of illegal mining / transportation of minerals by the Government shall monitor the areas wherein permits are granted, to ensure compliance of the conditions stipulated under this rule."

(2) After APPENDIX-XXIV, the following Appendices shall be added, namely:-

**"APPENDIX-XXV**

**[see rule 44(2)]**

**APPLICATION FOR SHORT TERM PERMIT TO EXTRACT  
EARTH BY THE LAND OWNER**

From To  
The District Collector,  
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Sir,

I / We submit this application under rule 44 of the Tamil Nadu Minor Mineral Concession Rules, 1959.

2. I / We request that a short term permit for removal of earth from my patta lands may be granted.

3. The required particulars are given below:

1. Name of the applicant with :  
full address
2. Particulars of challan for :  
remittance of application  
fee
- 3 Has the applicant filed an :  
affidavit stating that the  
applicant has paid all the  
mining dues to the  
Government?

4 Location of the area applied :  
for the short term permit.

Taluk	Village	S.F.No.	Extent (in hectares)

- 5 Does the applicant have full ownership/rights over the land proposed? (copies of computerised chitta to be attached)
- 6 Period applied for :
- 7 Quantity applied for (in cbm) :
- 8 Plan of extraction to be attached. :
- 9 Undertaking that the proposed land is not falling under "Hill areas" specified by the Government, from time to time or 10 kilometres from Wildlife sanctuaries or National Parks or in elephant corridors. :
- 10 Purpose of extraction and mode of disposal. :
- 11 Undertaking that the applicant will extract not more than one-and-a-half metres as per the plan of extraction submitted. :

I / We do hereby declare that the particulars furnished above are correct and am /are ready to furnish any other details as may be required by the District Collector or the Deputy Director/ Assistant Director of Geology and Mining.

Place:

Date:

Yours faithfully,  
(Signature of the applicant)



**APPENDIX-XXVI**

**[see rule 44 (8)]**

**TRANSPORT SLIP FOR BRICK EARTH**

- (1) Sl.No. :
- (2) Name and address of the permit holder :
- (3) Order No. and date of grant of short term permit issued by the District Collector concerned. :
- (4) Period of validity of short term permit From -----  
To -----
- (5) Location of the excavation site :

Taluk	Village	S.F.No.	Extent (in hectares)

- (6) Details of No Objection Certificate issued by Revenue Divisional Officer. :
- (7) Details of No Objection Certificate issued by District Forest Officer. :
- (8) Quantity of brick earth permitted for transportation. :
- (9) Location and address of the brick kiln to which the brick earth is transported. :
- (a) Mode of transportation :
- (b) Registration No. of Lorry / Tractor :
- (10) Route of transport and approximate distance to the destination. :
- (11) (a) Date and time at which the vehicle left the place of excavation. :

- (b) Approximate time :  
expected for transport
- (c) Signature of the driver :  
of the vehicle  
transporting brick  
earth (should be  
signed before the  
vehicle leaves the  
excavation site)

Signature of the short term  
permit holder with seal or  
the authorised person  
issuing the transport slip in  
the excavation site.

Signature and date of the  
Assistant Director of Geology  
and Mining / Deputy Director  
of Geology and Mining with  
Office seal.

**CONDITIONS.**

- 1) This Transport slip is intended for transportation of brick earth to the registered brick kiln units only.
- 2) This Transport slip is not transferable.
- 3) This Transport slip cannot be revalidated.
- 4) A copy of this Transport slip should be kept in the excavation site with the short term permit holder or with the person authorised by the short term permit holder in this behalf.
- 5) The driver of the vehicle should be in possession of the Transport slip. The Transport slip should be shown to any authorised officer checking the vehicle in which the brick earth is transported".

**N.MURUGANANDAM**  
**PRINCIPAL SECRETARY TO GOVERNMENT**

//True Copy//

*F. Clonsoni*  
*3/9/21.*  
**SECTION OFFICER**  
*3/9/2021*