



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 201]

CHENNAI, WEDNESDAY, SEPTEMBER 23, 2015
Purattasi 6, Manmadha, Thiruvalluvar Aandu-2046

Part III—Section 1(a)

General Statutory Rules, Notifications, Orders, Regulations, etc.,
issued by Secretariat Departments.

NOTIFICATIONS BY GOVERNMENT

INDUSTRIES DEPARTMENT

AMENDMENTS TO THE TAMIL NADU MINOR MINERAL CONCESSION RULES, 1959.

[G.O. Ms. No. 233, Industries (MMC.2), 23rd September 2015, புரட்டாசி 6, மன்மத, திருவள்ளுவர் ஆண்டு-2046.]

No. SRO A-15(a)/2015.

In exercise of the powers conferred by sub-sections (1) and (1-A) 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.

AMENDMENTS.

In the said rules,-

In rule-12, for sub-rule (2), the following sub-rules shall be substituted, namely :-

(2) For quarrying silt, savudu and gravel from the beds of tank under the control of Public Works Department or Rural Development and Panchayat Raj Department, the Tahsildars shall prepare the list of tanks and submit their proposal to the District Collector. The list of tanks shall be referred by the District Collector to the Executive Engineer, Public Works Department or Executive Engineer, Rural Development and Panchayat Raj Department as the case may be in respect of tanks in-charge for demarcation of eligible areas and for estimation of quantum of mineral to be removed in respect of each area along with the conditions to be stipulated for removal of mineral from the tanks.

The public may be allowed to quarry free of charge for bonafide domestic or agricultural purposes earth, silt, savudu, etc., from the beds of tanks under the control of the Public Works Department or Rural Development and Panchayat Raj Department which are notified by the 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.

"Provided that the quantity of mineral proposed to be removed from the tanks shall not exceed 30 Cu.mtrs. (or 5 lorry loads of 200 cft each)"

"Provided further that prior permission shall be obtained from the District Collector for removal of such quantity of mineral from the tanks and the period of permission shall not exceed 10 days".

"Provided further that quarrying shall be permitted only in the area demarcated by the Public Works Department/Rural Development and Panchayat Raj Department for this purpose".

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) Earth, silt, savudu, etc., 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) Earth, silt, savudu, etc., 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."

(2-A) (a) If the available quantity as estimated by the Public Works Department/Rural Development and Panchayat Raj Department exceeds 30 cbm., subject to the conditions specified in sub-rule (2), quarrying for other than bonafide domestic or agricultural purposes earth, silt, savudu, etc., from the beds of tanks under the control of the Public Works Department or Rural Development & Panchayat Raj Department which are notified by the District Collector in the District Gazette under sub-rule (2), shall be made subject to the previous permission being obtained from the District Collector concerned on payment of the cost of minerals and seigniorage fee for the quantity of the above said mineral sought to be removed at the rates specified in Appendix-II to these rules. For obtaining permission, an application shall be submitted to the District Collector in Form in Appendix-VI-C to be accompanied with a non-refundable application fee of Rs.1,500/- remitted in the District Treasury concerned and with the following documents, namely:-

(i) An affidavit showing the details of areas mineral-wise in each district of the State, which the applicant or any person jointly with him -

- (a) already holds under a quarrying lease;
- (b) already applied for but not yet granted;
- (c) being applied for simultaneously;

(ii) A valid mining no-dues clearance certificate obtained from the Collector of the District in Form in Appendix-VIII to these rules or an affidavit stating that the applicant is not holding any quarry lease in the State and that there are no mining dues to be paid to the Government; and

(iii) An affidavit stating that the applicant has -

- (a) filed up-to-date income tax returns;
- (b) paid the income tax assessed on him;
- (c) paid the income tax on the basis of the self assessment as provided in the Income Tax Act, 1961 (Central Act 58 of 1962).

(b) The District Collector shall place all eligible applications before a Special Committee constituted by the District Collector consisting of the following officers, namely :-

- | | |
|---|----------|
| 1) District Collector | Chairman |
| 2) Revenue Divisional Officer concerned. | Member |
| 3) Project Director, (District Rural Development Agency) | Member |
| 4) Executive Engineer (Public Works Department), in charge of Tanks. | Member |
| 5) Joint Director of Agriculture of the District | Member |
| 6) Deputy Director or Assistant Director of Geology and Mining of the District, as the case may be. | Convener |

(c) The Special Committee shall scrutinize the applications and furnish its recommendations to the District Collector within thirty days from the date of placement of applications before the said Committee.

(d) For selection of eligible applicants, the Special Committee shall take into consideration the nature of proposed usage of minerals, previous experience and performance of the applicant in the field of quarrying and mineral trade and to furnish specific recommendations on the quantity of mineral to be removed and period of permission to be granted. The Special Committee shall also decide as to whether the quantity of minerals removed is granted equally among all eligible applicants or proportionately depending upon the quantity applied for by the applicants:

(e) Based on the recommendation of the Special Committee, the District Collector shall pass orders on the applications.

(f) The period of permission to be granted under this sub-rule shall not exceed three months.

(g) Permission granted under this sub-rule shall not be renewed or extended for any reason including that the person permitted could not mine or remove the mineral for whatever reason. He will not be entitled for refund of any cost or money incurred in the process. If the permitted quantity is not removed within the stipulated period, the applicant will not be entitled for removal of unutilized quantity of mineral.

(h) In the event, it is found that, the permission-holder has removed in excess of the permitted quantity or if any other violation of the conditions of grant of permission is brought to notice, the permission shall stand cancelled and damages if any to the tank, approach road, etc., will be recovered from him depending upon the excess quantity mined and the extent of damage caused to the tanks. Any cost incurred for the restoration of the tank shall also be recovered from the permission-holder.

C.V. SANKAR,
Additional Chief Secretary to Government.

(2) After APPENDIX VI-B, the following APPENDIX shall be inserted, namely:-

"APPENDIX – VI-C
(See rule 12)

APPLICATION FOR GRANT OF QUARRYING PERMISSION FOR EARTH, SILT, SAVUDU, ETC., IN TANKS
(To be submitted in triplicate)

Dated _____ day of _____ 20____

From

To

Sir,

I/We submit this application under rule 12 (2-A) of the Tamil Nadu Minor Mineral Concession Rules, 1959 in respect of District Gazette Notification No. _____, Dated _____

The required particulars are given below: -

1. Name of the applicant with full address
2. a) Is the applicant an individual or a Private Company or Firm or Association
 - b) If the applicant is an individual, specify his Nationality
 - c) If the applicant is a private company, Firm or Association, name of Directors, Partners, Members and their Nationality (Documentary evidence should be produced).
3. Particulars of remittance of application fee Furnish the number and date of demand draft. (Enclose the demand draft).
4. Residential proof of the applicant.
5. Has the applicant filed an affidavit stating that the applicant -
 - a) has filed up-to-date income tax returns;
 - b) has paid the income tax assessed on him; and
 - c) has paid the income tax on the basis of self-assessment as prescribed in the Income Tax Act, 1961.
6. Particulars of areas already held under quarrying lease in Tamil Nadu
7. a) Whether Mining Dues Clearance Certificate towards payment of quarrying dues, if any, enclosed?
 - b) If on the date of application the applicant does not hold any quarrying lease/mining lease whether an affidavit to this effect is furnished?
8. Minor mineral which the applicant intends to quarry
9. Purpose for which mineral is required
10. Period for which quarrying permission is required.
11. Quantity of mineral required.
12. Total extent of area applied for.
13. Details of area for which the quarry permission application is made

District (1)	Taluk (2)	Village (3)	Survey No. (4)	Area in Hectares (5)
-----------------	--------------	----------------	-------------------	-------------------------

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. I / We hereby swear and state that I / We know very well about the provisions contained in the Tamil Nadu Minor Mineral Concession Rules, 1959, in respect of granting of quarry permission applied for and other conditions stipulated in connection with the quarrying operations.

Yours faithfully,

Place:

Date:

(Signature of applicant)

C.V. SANKAR,
Additional Chief Secretary to Government.