



ABSTRACT

Industries - Mines and Minerals - Tamil Nadu Minor Mineral Concession Rules, 1959
- Introduction of Rules 41 & 42- Amendment - Notification - Issued.

Industries (MMC.1) Department

G.O. (Ms) No. 79

Dated: 06.04.2015
திருவள்ளூர் ஆண்டு 2046
ஐய வருடம், பங்குனி திங்கள் 23

READ:

1. Order of the Hon'ble Supreme Court of India dated 27.02.2012 in I.A. No.12-13 of 2011 in Special Leave Petitions (c) No.19628-19629 of 2009 in the matter of Deepak Kumar, etc., Vs State of Haryana and others.
2. From the Government of India, Ministry of Environment and Forest, Office Memorandum No.L-11011/47/2011 - IA -11(M), dated 18.05.2012.
3. From the Commissioner of Geology and Mining letter Rc.No.3868/LC/2012 dated 09.10.2012.
4. From the Commissioner of Geology and Mining letter Rc.No.3868/LC/2012, dated 24.09.2013 and 15.10.2014.

ORDER:

The Hon'ble Supreme Court of India in its order first read above have issued directions in respect of grant of leases for minor minerals.

2. The Hon'ble Supreme Court in its order has cited the following issues and recommendations made by the Ministry of Environment and Forest.

- a) Ministry of Mines along with Indian Bureau of Mines in consultation with the State Government may reexamine the classification of minerals into Major and Minor categories.
- b) Minimum size of mine/lease should be 5 hectares.
- c) Minimum period of mine/lease should be 5 years.
- d) A cluster approach to mines should be taken in case of similar mines leases operating presently.
- e) Mining plan should be made mandatory for minor minerals as well.
- f) A separate corpus should be created for reclamation and rehabilitation of mined out areas.

Further, the Chairman, State Level Environment Impact Assessment Authority, Tamil Nadu has addressed to all the District Collectors for submission of the following documents for granting Environment Clearance, as per Environment Impact Assessment Notification, 2006.

- a) to apply in Form-I (given in Appendix-I to the Notification) with amendments.
- b) to submit as Environment Impact Assessment Report.
- c) to submit an approved mining plan, approved by the Competent Authority.

5. In continuation of the above, the Commissioner of Geology and Mining in his letter fourth read above has sent the amendment proposal to insert a new rule 41 and 42 to the 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 introduce new rules 41 and 42 by amending the Tamil Nadu Minor Mineral Concession Rules, 1959 as per the Appendix to this order.

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

8. The Director, Tamil Development Culture and Religious Endowment (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 it in the Tamil Nadu Government Gazette and to all the District Collectors for publishing it in the District Gazettes, immediately.

9. The Government further directs all the District Collectors to follow the instructions detailed below:

- (i) On submission of application for grant of quarry lease in any rule under the Tamil Nadu Minor Mineral Concession Rules, 1959, the District Collector shall take a decision on the grant of lease, and the precise area may be communicated to the applicant.
- (ii) On receipt of the precise area communication from the District Collector, the applicant shall submit the draft Mining Plan to the Assistant Director / Deputy Director (Geology and Mining) of the concerned District, within a period of 90 days. The draft Mining Plan submitted by the applicant may be scrutinized and accorded approval by the Assistant Director / Deputy Director (Geology and Mining) or may be returned to the applicant for modification and resubmission within a period of 90 days from the date of receipt of the draft Mining Plan.

- (iii) If no decision is conveyed to the applicant within the stipulated period, the draft mining plan or the modified draft mining plan furnished by the applicant shall be deemed to have been provisionally approved and such approval shall be subject to the final decision whenever communicated.
- (iv) The Approved Mining Plan may be sent to the applicant for obtaining Environment Clearance from the State Level Environment Impact Assessment Authority or Central Level in the Ministry of Environment & Forests, as the case may be.
- (v) The applicant shall submit the approved mining plan along with the Environment Clearance to the authorities concerned. On receipt of the Approved Mining Plan and the Environment Clearance, the Government / District Collectors shall grant the quarry lease as the case may be.
- (vi) Where quarrying operations for minor minerals other than granite have been undertaken before the commencement of these rules without approved mining plan such existing holder of minor mineral leases shall submit the draft mining plan to the Assistant Director / Deputy Director (Geology and Mining) within 90 days from the date of commencement of these rules.

The draft mining plan submitted by the applicant shall be scrutinized and accorded approval or returned to the applicant by the Assistant Director / Deputy Director (Geology and Mining) for modification and resubmission within a period of 90 days from the date of receipt of the mining plan.

If no decision is conveyed to the applicant within the stipulated period, the draft mining plan or the modified draft mining plan furnished by the applicant shall be deemed to have been provisionally approved and such approval shall be subject to the final decision whenever communicated.

- (vii) When the existing holders of minor mineral leases other than granite failed to submit the approved mining plan within the stipulated period, the District Collector shall cancel the minor mineral leases after giving an opportunity of personal hearing.
- (viii) Where quarrying operations for minor minerals including granite have been undertaken before the commencement of these rules without environment clearance, such holder of minor mineral leases including granite shall submit the environment clearance within 180 days from the date of Commencement of these rules.

- (ix) When the existing holders of minor mineral leases including granite failed to submit the environment clearance within the stipulated period, the District Collector shall cancel the lease after giving an opportunity of personal hearing.

(BY ORDER OF THE GOVERNOR)

C.V. SANKAR
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT

To

The Works Manager, Government Central Press, Chennai-79.
The Director, Tamil Development Culture and Religious
Endowment (Translation) Dept., Chennai-9.
The Commissioner of Geology and Mining, Guindy, Chennai-32.
The Chairman and Managing Director, TamilNadu Minerals Ltd, Chennai-5.
The Principal Chief Conservator of Forest, Chennai-6.
The Special Commissioner of Town & Country Planning, Chennai-.2.
All District Forest Officers, through PCCF, Chennai-6.
All District Collectors
The Principal Secretary, Public Works Department, Chennai-9.
Copy to:
The Law Department, Chennai.9.
The Public Works Department, Chennai-9.
All Sections in Mines wing, Industries Department, Chennai-9.
The Industries (OP.II) Department, Chennai-9.
SF/SC

// Forwarded / By order //


Section Officer 7-4-2018


2/4/15

NOTIFICATION

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, after rule 40, the following rules shall be added, namely:-

"41. Mining plan is a pre - requisite to the grant of lease and submission and approval of mining plan for minor minerals other than Granite"

(1) No lease shall be granted or renewed by the District Collector concerned unless there is a mining plan duly approved by the concerned Assistant Director or Deputy Director of Geology and Mining, as the case may be of the district Concerned by way of a proceedings under rule 6, 7, 8, 8-A, 12, 17, 18, 19 and 38-A of these rules.

(2) The Assistant Director or Deputy Director of Geology and Mining, as the case may be of the district is vested with the powers to approve the mining plan for the precise area communicated by the District Collector for the grant of lease for minor minerals except granite.

(3) Mining Plan to be prepared by a recognized person: -(i) No mining plan shall be approved unless it is prepared by a qualified person recognized in this behalf by the State Government or by a qualified person recognized by the Indian Bureau of Mines;

(ii) No person shall be granted recognition for the purpose of clause (1) by the State Government or by the Indian Bureau of Mines in respect of minor minerals unless he holds:-

(a) a degree in Mining Engineering or a post-graduate degree in Geology granted by a University established or incorporated by or under a Central Act (or) State Act or any Institution recognized by the University Grants Commission established under section 4 of the University Grants Commission Act, 1956 (Central Act 3 of 1956) or any qualification equivalent thereto; and

(b) professional experience of three year of working in a supervisory capacity in the field of mining or mineral administration after obtaining a degree or qualification prescribed under clause (a).

(4) Approval and submission of mining plan:- On submission of application for grant of quarry lease under these rules, the District Collector shall take a decision on the grant of lease and communicate the precise area to the applicant if the application is in order in all respects and the area is 'available for grant of mining lease.

(5) On receipt of the precise area communication from the District Collector, the applicant shall submit the draft mining plan for approval to the Assistant

Director or Deputy Director of Geology and Mining, as the case may be of the District within a period of ninety days. The draft mining plan submitted by the applicant shall be scrutinized and accorded approval or returned to the applicant for modification and resubmission within a period of ninety days from the date of receipt of the draft mining plan.

(6) If no decision is conveyed to the applicant within the stipulated period, the draft mining plan or the modified draft mining plan furnished by the applicant shall be deemed to have been provisionally approved and such approval shall be subject to the final decision whenever communicated.

(7) While considering the approval of mining plan, the Assistant Director or Deputy Director of Geology and Mining as the case may be of the district concerned has to consider the (i) level of production, (ii) level of mechanization (iii) type of machinery used in the mining of minor mineral, (iv) quantity of diesel consumption, (v) number of trees uprooted due to mining operation, (vi) export and import of the minor mineral and (vii) storage of mine waste or dump etc.,

(8) The draft mining plan should contain the following details, namely:-

- (i) the plan of the precise area showing the nature and extent of the minor minerals;
- (ii) spot or spots where the excavation is to be done in the first five year plan period and its extent;
- (iii) a tentative scheme of mining for the first five years of the lease;
- (iv) details of the geology and lithology of the precise area including mineral reserves of the minor mineral;
- (v) the extent of manual mining or mining by the use of machinery and mechanical devices on the precise area. The plan of the precise area showing natural water courses, limits of reserved and other forest areas and density of trees, if any, assessment of impact of mining activity on forest land surface and environment including air and water pollution; details of scheme for restoration of the area by afforestation, land reclamation, use of pollution control devices and of such other measures;
- (vi) annual programme and plan for excavation on the precise area from year to year for five years;
- (vii) environmental clearance for cluster of minor mineral leases from the core area of mining for 5 kilometers radius having area less than 50 hectares must be obtained from the State Environmental Impact Assessment Authority; and
- (viii) any other conditions which are necessary to be imposed by the State Government and the same should be incorporated in the mining plan.

(9) Review of mining plan: - (i) every mining plan duly approved under these rules shall be valid for a period of five years. The lessee shall review the mining plan and submit the scheme of mining for the next five years of the lease, if any, for approval wherever mining / quarrying lease is required beyond 5 years.

- (ii) If the approved mining plan requires modifications within the lease period, the lessee shall carry out such modifications and re-submit the modified mining plan to the Assistant Director or Deputy Director of Geology and Mining, as the case may be of the district concerned for approval.
- (iii) The Assistant Director or Deputy Director of Geology and Mining as the case may be of the district concerned shall, within a period of ninety days from the date of receipt of the modified mining plan, convey his approval or disapproval to the lessee and in case of disapproval, he shall also convey the reasons for disapproving the said modified mining plan.
- (iv) If no decision is conveyed on modified mining plan within the period stipulated, it shall be deemed to have been provisionally approved and such approval shall be subject to the final decision whenever communicated.

(10) Quarrying operations to be in accordance with mining plan:- (i) Every holder of a lease shall carry out the quarrying operation for minor mineral in accordance With the approved mining plan..

- (ii) If the mining operations are not carried out in accordance with the mining plan, the District Collector may order suspension of all quarrying operations and permit continuance of quarrying operations, by way of rectification to restore the conditions as may be necessary in the quarry as envisaged under the said mining plan.
- (iii) Where quarrying operations for minor minerals other than granites have been undertaken before the commencement of these rules without approved mining plan, such existing holder of minor mineral leases shall submit the draft mining plan to the Assistant Director or Deputy Director of Geology and Mining, as case may be of the district concerned within ninety days from the date of commencement of these rules.
- (iv) The draft mining plan submitted by the applicant shall be scrutinized and accorded approval or returned to the applicant for modification and resubmission within a period of ninety days from the date of receipt of the mining plan.
- (v) If no decision is conveyed to the applicant within the stipulated period, the draft mining plan or the modified draft mining plan furnished by the applicant shall be deemed to have been provisionally approved and such approval shall be subject to the final decision whenever communicated.
- (vi) When the existing holders of minor mineral leases other than granite failed to submit the approved mining plan within the stipulated period, the District Collector shall cancel the minor mineral leases after giving an opportunity of personal hearing.

"42. Submission of environment clearance for the grant of quarry lease for minor minerals including Granite" :- (i) The approved mining plan shall be forwarded to the applicant for obtaining environment clearance

from the State Level Environment Impact Assessment Authority or the Ministry of Environment and Forests, as the case may be.

- (ii) On submission of approved mining plan and environment clearance from the said authorities, the Government or the District Collector, as the case may be, shall grant the quarry lease.
- (iii) Where quarrying operations for minor minerals including granites have been undertaken before the commencement of these rules without environment clearance, such holder of minor mineral including granite leases shall submit the environment clearance within one hundred and eighty days from the date of commencement of these rules.
- (iv) When the existing holders of minor mineral leases including granite failed, to submit the environment clearance within the stipulated period, the District Collector or the Government, as the case may be shall cancel the lease after giving an opportunity of Personnel hearing.

(BY ORDER OF THE GOVERNOR)

C.V. SANKAR
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT

To
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The Director, Tamil Development Culture and Religious
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The Commissioner of Geology and Mining, Guindy, Chennai-32.
The Chairman and Managing Director, Tarnilnadu Minerals Ltd, Chennai-5.
The Principal Chief Conservator of Forest, Chennai-6.
The Special Commissioner of Town & Country Planning, Chennai-2.
All District Forest Officers, through PCCF, Chennai-6.
All District Collectors
The Principal Secretary, Public Works Department, Chennai-9.
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The Industries (OP.II) Department, Chennai-9.
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Section Officer