

## ABSTRACT

Mines and Quarries - Minor Minerals - Tamil Nadu Minor Mineral Concession Rules, 1959 - Introduction of Rule - 38 A Amendment to Tamil Nadu Minor Mineral Concession Rules, 1959 - Notification - Issued.

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### INDUSTRIES (MMC.I) DEPARTMENT

G.O.Ms.No. 95

Dated: 1.10.2003

Read:

G.O.2(D) No.46, Industries Department dated 25.9.2002.

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### ORDER:

Taking cognizance of the indiscriminate quarrying in the river systems of Tamil Nadu in a Public Interest Litigation, the Hon'ble High Court in their order dated 26.7.2002 had directed the State Government to constitute a Committee of Experts consisting of geologist, environmentalist and scientist to study the river and river beds in the State with reference to the impact of sand quarrying. Accordingly, the Government in the G.O. read above constituted a six member High Level Committee. The Committee after extensive touring of the river systems of the State has submitted its report to the Government. A copy of the report has been furnished to the Hon'ble High Court. The High Court, while ordering the Government to constitute the High Level Committee had also directed -

“ The Government on receipt of the report from the Committee shall act in conformity with the guidelines and take all necessary further steps to arrest the exploitation and to protect and improve the situation and restore status quo-antè. The Government shall pass suitable regulatory legislation in this regard. The action on the part of the Government after the receipt of the report should not brook any delay, it should act fast.”

2. The High Level Committee in its report has pointed out that illicit and haphazard sand mining has led to deepening of the river beds, widening of the rivers, damage to civil structures, depletion of groundwater table,

degradation of groundwater quality, sea water intrusion in coastal areas, damages to the river systems and reduction in biodiversity. Moreover, sewage and other effluents let into the rivers cause health hazards and environmental degradation.

3. Some of the major observations of the High Level Committee are,

- (a) In all the areas, mining of river sand has been done in a haphazard, irregular and unscientific manner causing environmental degradation.
- (b) Sand quarrying has created pools of water stagnation in the river bed, impairing the water flow down stream, which in turn will have grave consequences on agricultural production.
- (c) The usage of machinery like poclain for removal of sand has caused river bed erosion, collapse of banks, damages to infrastructure like bridges, transmission power lines and drinking water systems.
- (d) The lessees have generally exceeded the area of grant and quarried more than the permissible depth.
- (e) There is no responsibility of a single department in respect of sand mining. Three departments that are involved are Geology and Mining, Revenue and Public Works Department

4. The High Level Committee has concluded that

a) illicit and haphazard sand mining has led to deepening of the river beds, widening of the rivers, damage to civil structures, depletion of groundwater table, degradation of groundwater quality, sea water intrusion in coastal areas, damages to the river systems and reduction in biodiversity. Moreover, sewage and other effluents let into the rivers cause health hazards and environmental degradation. Tamil Nadu has several river basins with good potential of sand. Proper scientific approach of exploitation and utilization are needed to remove this resource. This will not only ensure good revenue to the Government, but will also be in harmony with nature.

b) even though several rules on sand mining exist, illegal quarrying of sand is out of control. Authority for regulating sand mining is vested with

the Notification to this Department and Commissioner of Geology and Mining, Chennai-32 and to all District Collectors.

9. The Director, Tamil Development and Culture and Religious Endowments (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)

<sup>c</sup>  
D. RAJENDRAN,  
SECRETARY TO GOVERNMENT.(I/c.)

To

The Works Manager,  
Govt. Central Press, Chennai-79.

The Director

Tamil Development and Culture and  
Religious Endowments (Translation) Department, Chennai-9.

The Secretary to Government, Public Works Department, Chennai 9.

The Commissioner of Geology and Mining, Chennai-32.

The Chairman and Managing Director,  
Tamil Nadu Minerals Limited, Chennai-5.

All District Collectors.

All District Forest Officers through  
the Principal Chief Conservator of Forests, Chennai-6.

The Accountant General, Chennai-18.

Copy to:

The Public (SC) Department, Chennai 9.

The Chief Minister's Secretariat, Chennai 9.

The Law Department, Chennai-9.

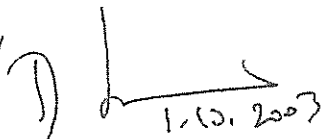
The Finance Department, Chennai-9.

All Sections in Mining Wing, Industries Department, Chennai-9.

The Industries (OP.II) Department, Chennai-9.

S/Sc.

/Forwarded/by order/

  
1.12.2003  
Section Officer.

different organizations such as, State Geology and Mining Department, Revenue Department and Public Works Department. Hence, implementation and monitoring of rules and regulations regarding sand quarrying are not effective. This important task of sand mining therefore, should be entrusted to a **SINGLE AGENCY**.

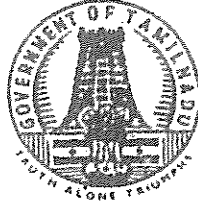
5. The observations and conclusions of the High Level Committee clearly indicate the emergent need for a framework for regulation of sand quarrying in the State in Public Interest.

6. Hence, detailed discussions were held by Government at various levels. After taking cognizance of the pernicious practice of unsustainable over exploitation of sand in the State, it was decided in Public interest that the quarrying of sand in Government poramboke lands and private patta lands by private agencies will cease to be effective with immediate effect and sand quarrying henceforth will be undertaken only by the Government through a single department namely the Public Works Department. In order to meet the above requirements, suitable amendment to the Tamil Nadu Minor Mineral Concession Rules, 1959 is necessary.

7. In accordance with the directions of the Hon'ble High Court and the recommendations of the High Level Committee constituted in pursuance of the directions of the Hon'ble High Court, Government has taken these initiatives in public interest to ensure

- (a) elimination of indiscriminate and unscientific sand quarrying.
- (b) uninterrupted availability and supply of sand in a regular and orderly manner to the common public.
- (c) availability of the sand at affordable prices to common public thereby effecting reduction in the cost of construction.
- (d) augmentation of the revenue of the State Government.

8. The Notification appended to this order will be published in the Tamil Nadu Government Gazette and in the District Gazettes. The Works Manager, Government Central Press, Chennai-79 is requested to publish the Notification in the Tamil Nadu Government Gazette and supply 75 copies of



## 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 amendment to the Tamil Nadu Minor Mineral Concession Rules, 1959:-

2. The amendment hereby made shall come into force on the 2<sup>nd</sup> day of October, 2003.

## AMENDMENT

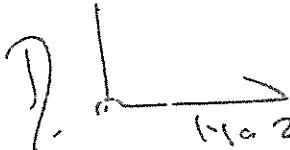
In the said Rules, after rule 38, the following rule shall be inserted, namely:-

**"38-A. Quarrying of sand by the State Government -**  
Notwithstanding anything contained in these rules, or any order made or action taken thereunder or any judgement or decree or order of any Court, all existing leases for quarrying sand in Government lands and permissions/leases granted in ryotwari lands shall cease to be effective on and from the date of coming into force of this rule and the right to exploit sand in the State shall vest with

the State Government to the exclusion of others. The proportionate lease amount for the unexpired period of the lease and the unadjusted seigniorage fee, if any, will be refunded."

**D. RAJENDRAN,  
SECRETARY TO GOVERNMENT(i/c)**

**/TRUE COPY/**

  
1-10-2003  
**SECTION OFFICER.**

To.

ASST. Director,  
Geology & mining,  
Coimbatore