15 -ാം കേരള നിയമസഭ

11 -ാം സമ്മേളനം

നക്ഷത്ര ചിഹ്നം ഇല്ലാത്ത ചോദ്യം നം. 2587

<u>24-06-2024 - ൽ മറുപടിയ്ക്</u>

വീട് നിർമ്മാണ ആവശ്യങ്ങൾക്ക് ചെങ്കല്ല് ഖനനം

ചോദ്യം		ഉത്തരം	
ശ്രീ. തോട്ടത്തിൽ രവീന്ദ്രൻ		ശ്രീ. പി. രാജീവ് (നിയമം, വൃവസായം, കയർ വകപ്പ് മന്ത്രി)	
(എ)	വീട് നിർമ്മാണ ആവശ്യത്തിന് ചെങ്കല്ല് ഖനനം ചെയ്യുന്നതിന് ജില്ലാ ജിയോളജി ഓഫീസുകളിൽ ലഭിക്കുന്ന അപേക്ഷകളിൽ നിയമാനുസരണം അന്മതി നൽകാതെ പൊതുജനങ്ങളെ ബുദ്ധിമുട്ടിക്കുന്ന വിഷയം ശ്രദ്ധയിൽപ്പെട്ടിട്ടുണ്ടോ; എങ്കിൽ അതിൽ എന്ത് പരിഹാരനടപടികൾ സ്വീകരിക്കുവാനാണ് ഉദ്ദേശിക്കുന്നത്; വിശദീകരിക്കാമോ;	(എ)	ഇല്ല. വീട് നിർമ്മാണ ആവശ്യത്തിന് ചെങ്കല്ല് ഖനനം ചെയ്യുന്നതിന് പഞ്ചായത്തിൽ നിന്നും ലഭിക്കുന്ന ബിൽഡിംഗ് പെർമിറ്റ്, ബിൽഡിംഗ് പ്ലാൻ, ഡെവലപ്മെന്റ് പെർമിറ്റ്, മറ്റ് ആവശ്യമായ രേഖകൾ എന്നിവ ഉൾപ്പെടെ ജില്ലാ ജിയോളജി ഓഫീസുകളിൽ ലഭിക്കുന്ന അപേക്ഷകളിൽ മറ്റ് അപാകതകൾ ഇല്ലാത്തപക്ഷം സ്ഥലപരിശോധന ഉൾപ്പെടെ നടത്തി താമസംവിനാ അനുമതി നൽകിവരുന്നുണ്ട്.
(ബി)	ഈ സർക്കാരിന്റെ കാലയളവിൽ 2021 മുതൽ 31.05.2024 വരെ കോഴിക്കോട് ജില്ലാ ജിയോളജി ഓഫീസിൽ വീട് നിർമ്മാണ ആവശ്യങ്ങൾക്ക് ചെങ്കല്ല് ഖനനം ചെയ്യുന്നതിന് എത്ര അപേക്ഷകൾ ലഭിച്ചിട്ടുണ്ടെന്നും അതിൽ സ്വീകരിച്ച നടപടികളും വിശദീകരിക്കാമോ; എത്ര അപേക്ഷകൾ തീർപ്പാക്കാനുണ്ടെന്ന് വ്യക്തമാക്കാമോ;	(ബി)	2021 മുതൽ 31/05/2024 വരെ വീട് നിർമ്മാണ ആവശ്യത്തിന് ചെങ്കല്ല് നീക്കം ചെയ്യുന്നതിനായി മൊത്തം 7 (ഏഴ്) അപേക്ഷകൾ ലഭിച്ചിട്ടുണ്ട്. ആയതിൽ 4 (നാല്) അപേക്ഷകൾക്ക് അനുമതി നൽകി തീർപ്പാക്കിയതാണ്. 3 (മൂന്ന്) അപേക്ഷകൾക്ക് റോയൽറ്റി അടവാക്കുവാൻ നിർദ്ദേശം നൽകിയിട്ടുള്ളതാണ്. ആയത് അടവാക്കുന്ന മുറക്ക് അനുമതി നൽകുന്നതാണ്.
(സി)	നിലവിൽ വീട് നിർമ്മാണാർത്ഥം ചെങ്കല്ല് ഖനനം ചെയ്യുന്നതിനുള്ള സർക്കാർ ഉത്തരവ് ലഭ്യമാക്കാമോ;	(സി)	കേരള മൈനർ മിനറൽ കൺസഷൻ ചട്ടങ്ങൾ 2015, ചട്ടം 106 ൽ (1) പ്രകാരമാണ് സാധാരണ മണ്ണ് ഒഴികെയുള്ള മറ്റെല്ലാ ചെറുകിട ധാതുക്കൾക്കും വീട് നിർമ്മാണാർത്ഥം ധാതു ഖനനം ചെയ്യേണ്ടതുണ്ടെങ്കിൽ അനുമതി നൽകുന്നത്. ടി ചട്ടത്തിന്റെയും 2023 ൽ ടി ചട്ടത്തിൽ വരുത്തിയ ഭേദഗതിയുടെയും പകർപ്പ് അനുബന്ധമായി ചേർക്കുന്നു.
(ഡി)	വീട് നിർമ്മാണത്തിനുള്ള അപേക്ഷ പരിശോധിച്ച് റിപ്പോർട്ട് സമർപ്പിക്കേണ്ട ജിയോളജി ഉദ്യോഗസ്ഥന്റെ പേര്, സ്ഥാനപേര് എന്നിവ ലഭ്യമാക്കാമോ?	(ഡി)	നിലവിൽ കോഴിക്കോട് ജില്ലയിൽ വീട് നിർമ്മാണത്തിനുള്ള അപേക്ഷ പരിശോധിച്ച് റിപ്പോർട്ട് സമർപ്പിക്കേണ്ട ജിയോളജി ഉദ്യോഗസ്ഥരുടെ പേരും സ്ഥാനപ്പേരും ചുവടെ ചേർക്കുന്നം. ശ്രീമതി. അമൃത. വി, ജിയോളജിസ്റ്റ്,

	ശ്രീമതി. രേഷ്മ. ആർ, അസിസ്റ്റന്റ് ജിയോളജിസ്റ്റ്,
	ശ്രീ. അഖിൽ. എസ്. സുശീൽ, അസിസ്റ്റന്റ് ജിയോളജിസ്റ്റ്.

സെക്ഷൻ ഓഫീസർ

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- 102. Electronic filing of application for mineral concession and service. The Government may require online submission of applications for mineral concession through the official website of Mining and Geology Department of the Government of Kerala. The procedure to be followed for online receipt and processing of applications and issuing permits or leases shall be as specified by the Government.
- 103. Power to rectify apparent mistakes. The Government of the competent authority may, at any time within one year from the date of the order passed by them or it under these rules on its own motion rectify any mistake or error which had been brought to its notice by an applicant for the grant of a quarrying lease:

Provided that no order prejudicial to any person shall be passed unless he has been given a reasonable opportunity for stating his case.

- 104 Power to relay the terms and conditions of quarrying permit. In any cases or class of cases in which the Government is of the opinion that public interest so requires and for reasons to be recorded in writing, the Government may, by notification in the Gazette, relax—the terms and conditions on the basis of which—quarrying permit is granted under these rules.
- 105. Disposal of minor minerals by public auction in certain cases—Notwithstanding anything contained in the foregoing provisions, the Government or the competent authority may sell by public auction any minor mineral in any case or class of cases where such auction or disposal of right to remove minor minerals is inevitable on such terms and conditions as they or it may deem fit.
- 106. Extraction of numerals for special purposes,—(1) In any case or class of cases such as construction of common facilities or residential building where extraction of minor mineral is inevitable as a part of the work, the person doing such work may be exempted from obtaining quarrying permit/lease under these rules:

Provided that before extraction of minor minerals, the person concerned shall intimate the competent authority his intention to carry out the works to be performed and shall furnish necessary documents as required by the competent authority in this regard. If the extracted mineral is to be transported outside the worksite, the competent authority may issue special mineral transit passes after collecting the royalty.

Explanation:— For the purpose of this rule, "common facility" includes waiting sheds, public wells, public libraries and reading rooms, temples, churches, mosques used for public purpose.

- (2) Quarrying of minor minerals from Government owned lands including porambokes, by Grama Panchayats, Municipalities and Corporations for bona fide public purposes, as long as the work is done under their direct supervision shall be exempted from the obligation of obtaining a quarrying permit or quarrying lease. But they shall pay royalty for all minor minerals extracted by them at the rates prescribed in Schedule 1. The royalty shall be paid to the credit of the Department of Mining and Geology before the 10° day of succeeding month to which the royalty relates. If the extracted mineral is to be transported out of the work site, the competent authority shall issue mineral transit passes after collecting the royalty on an application made by the Local Sclf Government Institutions.
- (3) Where in the construction of public works like roads, canals, urrigation projects, railways, as a part of the work, if extriction of minor mineral is inevitable, the department/authority may do so without obtaining quarrying permit under these rules. If the extracted mineral is to be transported out of the work site, competent authority shall issue mineral transit passes on an application made by the authority concerned, after collecting the royalty.
- (4) Before quarrying minor minerals under sub-rule (2) Grama Panchayats, Municipalities and Corporations concerned shall intimate the competent authority of their intention to conduct quarrying from any locality. In the case of Poramboke lands and forest land, the written permission of the District Collector and the Conservator of Forests respectively shall be produced.
- (5) Nothing in these rules shall apply to the extraction of ordinary clay up to a quantity of 50 tonnes by traditional artisans making earthern pots or Co-operative Societies of such artisans for making pots by traditional means in a calendar year:

Provided further that in cases where traditional artisans making earthern pots or Co-operative Societies of such artisans produce identity eards issued by the General Manager of the District Industries Centre of the State or such other authorities so as to prove their identity in this respect, the competent authority under these rules may issue special transit passes for the transportation of 50 tonnes of ordinary clay every year without payment of any royalty or fee by them

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Note 4:- Nothing in these rules shall apply to the extraction and or removal of any mineral by the District Disaster Management Authority in connection with the prevention or mitigation of any type of natural disaster that are imminent and for restoration rescue operations in connection with any natural disasters.":

(32) in rule 106,-

(i) for proviso to sub-rule (1), the following proviso shall be substituted, namely:-

"Provided that before extraction of minor minerals, the person concerned shall intimate the competent authority his intention to carry out the works to be performed along with detailed proposal for excavation, use transportation and shall furnish necessary documents as required by the competent authority in this regard. If the extracted mineral is used as building material in the property from where the same is extracted then the person concerned shall remit royalty for all minerals except ordinary earth and if the extracted mineral including ordinary earth is to be transported outside the work site, the competent authority may issue special mineral transit passes after collecting the royalty.";

(ii) for sub-rule (2), the following shall be substituted, namely:-

"(2) Wherein the construction of public works like roads, canals, irrigation projects, railways, as a part of the work, if extraction of minor mineral is inevitable, the Government department or agencies or Local Self Government Authorities may do so without obtaining quarrying permit or lease under these rules,

In such a case, before extracting the minor minerals, the intention of the authorities to extract the mineral along with detailed proposal for exeavation/use/ transportation of mineral shall be intimated to the competent authorities under these rules. If the Government Departments or Agencies or Local Self Government authorities intent to use the excavated mineral as building material for the said public work then the royalty shall be paid for all minor minerals except ordinary earth at the rate prescribed in Schedule I and if any transportation of any mineral is involved for use in the said public work the competent authority under these Rules shall issue mineral transit passes on an application made by the department/agencies/authorities concerned. If any excavated mineral including ordinary earth is left unused after the completion of the work, the department/agency/authority may dispose of the same as per



Government norms after remitting royalty and the competent authority under these Rules shall issue necessary mineral transit passes to the department/agencies/authorities for transportation of mineral on an application made by the authorities concerned. The department/authorities/agencies executing the work may authorise the contractor of the work to remit royalty of minerals:

Provided that it is the sole responsibility of the project/work implementing agencies to ensure that excavation and use/transportation of the excavated mineral or auction of unused mineral are carried out strictly as per the project proposal and the project implementing agency shall also ensure that during the course of project/work execution no mineral is extracted by the contractor or any other person from the adjoining project areas under the pretext of project work.

Provided further that State Government may exempt such Departments Agencies Local Self Government Institutions from payment of royalty for the issuance of mineral transit passes for transportation of the mineral outside the work site for stacking it in any other Government land,";

- (iii) sub-rules (3) and (4), shall be omitted;
- (33) in rule 108 -
 - (i) after sub-rule (1), the following sub-rule shall be inserted, namely:-
 - "(1A) Extraction and removal of minor mineral without any lawful authority from any land is an offence under these rules and the owner of the land and/or the person who includes in such activity is/are solely responsible for such offence and he they are hable to be prosecuted under sub-rule (1).":
 - (ii) In sub-rule (2), (a) for the words "raises without any lawful authority any mineral", the words "raises any minor mineral without any lawful authority or in contravention of the provisions of these rules" shall be substituted; (b) for the words, "extracted by such person or occupier of the land without any lawful authority", the words "extracted by such person or occupier of land" shall be substituted;
 - (iii) the first proviso to sub-rule (2), shall be omitted;

