



TAMIL NADU GOVERNMENT GAZETTE

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INDUSTRIES DEPARTMENT

Amendments to the Tamil Nadu Minor Mineral Concession Rules.

*[G.O. Ms. No. 79, Industries (MMC.1), 6th April 2015,
பங்குனி 23, ஜய, திருவள்ளூர் ஆண்டு-2046.]*

No. SRO A-8/2015.—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, 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.

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