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GOVERNMENT OF KERALA Industries (A) Department

NOTIFICATION

G. O. (P) No. 37/2023/ID

*Dated, Thiruvananthapuram, 31st March, 2023
17th Meenam 1198*

S. R. O. No. 455/2023

.- In exercise of the powers conferred by sub- section (1) of section 23C of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957), the Government of Kerala hereby make the following rules to amend the Kerala Minerals (Prevention of Illegal Mining, Storage, and Transportation) Rules, 2015 issued by notification under G.O (P) No.17/2015/ID dated 7th February, 2015 and published as S.R.O No.73/2015 in the Kerala Gazette Extraordinary No.289 dated 7th February, 2015, namely:-



RULES

1. Short title and commencement. - (1) These rules may be called the Kerala Minerals (Prevention of Illegal Mining, Storage and Transportation) Amendment Rules, 2023.

(2) They shall come into force from 1st April 2023.

2. Amendment of the Rules.- In Kerala Minerals (Prevention of Illegal Mining, Storage and Transportation) Rules, 2015,-

(1) in rule 2 of sub-rule(1),-

(i) for clause (x), the following clause shall be substituted, namely:-

“(x) "Mineral product” means mineral that has been processed into a marketable form by means of a mineral processing unit or value addition unit using methods like crushing, grinding, sizing, sorting, concentrating, or washing but without undergoing any chemical change.”;

(ii) in clause (xii), after the figures “1960” the words, brackets, symbols and figures “or Minerals (Other than Atomic and Hydro Carbons Energy Minerals) Concession Rules, 2016 or Atomic Mineral Concession Rules, 2016” shall be inserted.

(iii) in clause (xv), the words, symbols and figures “and includes a person who has a Registered Metal Crusher Unit under the Kerala Minor Mineral Concession Rules, 2015” shall be omitted;

(2) in rule 3,-

(i) in sub-rule (1), after the figures “1960” the words, brackets, symbol, and figures “or Minerals (Other than Atomic and Hydro Carbons Energy Minerals) Concession Rules, 2016 or Atomic Mineral Concession Rules, 2016” shall be inserted and the words, brackets, symbol, and figures “or mineral products mentioned in schedule I of the Kerala Minor Mineral



Concession Rules, 2015 or in Schedule II of the Mines and Minerals (Development and Regulation) Act, 1957,” shall be omitted;

(ii) in the sub-rule (2), the word "mineral or" shall be omitted;

(iii) for Note 1 of sub-rule (2), the following note shall be substituted, namely:-

“Note 1:- The public sector undertakings or companies owned by Government are exempted from obtaining a dealer’s licence for stocking or selling of minerals or mineral products.”;

(3) proviso to rule 5 shall be omitted;

(4) in rule 9,-

(i) for sub-rule (2), the following sub-rule shall be substituted,

namely:-

“2 The maximum period for which a registration is granted shall be five years.”;

(ii) after sub-rule (4), the following sub-rule shall be added, namely:-

“(5) The competent authority may, by notice in writing, order any registration holder under these rules to furnish particulars of value addition unit/mineral processing unit including quantity of mineral stocked, source of mineral, type of value additions carried out, types of machines deployed, types of products manufactured, sale of products etc. within such time as he may specify in the notice.”;

(5) in rule 10,-

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



“(2) A mineral producer who manufactures mineral products by erecting a mineral processing unit or value addition unit within or outside the permit or lease area shall also apply for a dealer’s licence.”;

(6) for rule 14, the following rule shall be substituted, namely:-

“14 . *Fee for licence.*- (1) Each licensee shall pay in advance an annual licence fee for stocking of mineral or mineral products at the rate prescribed in the Schedule I of these rules. The fee for selling of mineral or mineral product, as the case may be, shall be paid as per Schedule I in advance at the time of submission of application for movement permit.

(2) Any applicant for a dealer’s licence or any licensee shall not be eligible for refund of any of the amount paid by way of application fee or licence fee. The fee remitted for stocking and/or selling of minerals or mineral products by a dealer’s licence holder shall not be carried forward or adjusted at the time of renewal of dealer’s licence.”;

(i) for rule 21, the following rule shall be substituted, namely:-

“21 *Checking of unauthorized stocking and/or dealing of minerals.*-

Any person who stocks any mineral or its products shall, if required, provide sufficient proof to the District Geologist or the competent authority or the officer authorized in this behalf to the effect that the mineral was produced with the strength of a mineral concession or the mineral /mineral product was purchased from any duly authorised producer or dealer. If that person fails to produce sufficient evidence to that effect, the mineral/mineral product so possessed by him shall be treated as illegally stocked. District Geologist or such authorised officer may recover the mineral or the



price and royalty of the mineral so possessed by him. In the case of recovery of minerals/mineral products, any authority under clause (ii) or (iv) of sub-rule (1) of Rule 2 may sell the minerals by public auction.

Note:- In this rule, the price of the minor mineral shall be limited to four times the royalty.”;

(8) in rule 23, for the words, symbol, figure and brackets “sub- section (1)”, the words, symbol, figure and brackets “sub-section (2)” shall be substituted;

(9) in rule 25,-

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

“(1) Every producer or dealer of mineral or its products under these rules shall give valid mineral transit passes in form O(A) of these rules to every purchaser or person-in-charge of the carrier transporting the mineral from mine or sales depot or mineral processing unit in the manner stipulated in rule 26.”;

(ii) in sub-rule (2),-

(a) after the figures “1960” the words, brackets, symbols and figures “or Minerals (Other than Atomic and Hydro Carbons Energy Minerals) Concession Rules, 2016 or Atomic Mineral Concession Rules, 2016” shall be inserted;

(b) the proviso shall be omitted;

(iii) after sub-rule (2), the following sub-rule shall be added, namely:-

"(3) The Government may require any mineral producer or dealer to set up a weighbridge to measure the quantity of minerals being transported and to integrate it with the e- governance portal,



through which the mineral transit pass is issued, in the manner prescribed by the Government from time to time.;

(10) in rule 26,-

(i) in sub-rule (1), after the words “in duplicate”, the words “in accordance with the conditions mentioned therein” shall be inserted;

(ii) sub-rule (2) shall be omitted;

(iii) for sub-rule (3), the following proviso shall be inserted, namely:-

“Provided that a mineral transit pass shall be deemed invalid if it is not prepared in accordance with the conditions specified therein, if the information furnished in the pass is inaccurate or unjustified, or if the information in the pass and the situation at the time of checking do not match.”;

(iv) for sub-rule (6), the following sub-rule shall be substituted, namely:-

“(6) The Government may require online submission of application for online generation of mineral transit pass (e- Pass), the permit holder or lessee or dealer can generate e- Pass in Form O(C) instead of passes in Form O (A) at the dispatch point through the official website of the Department of Mining and Geology of Government of Kerala. The procedure to be followed for online submission of application and generation of e-Passes shall be as specified by the Government. While issuing e-Pass the consignor shall give consignee’s copy to the purchaser or the driver of the vehicle, as the case may be, and shall retain the consignor’s copy. In the case of e-Pass the rules with respect to the transportation of mineral shall also apply wherever applicable.”

(11) in sub-rule (1) of rule 32, after the words and brackets “clause (ii) of” the words, symbol, brackets and number “sub-rule (1) of” shall be inserted.;



(12) for the heading of chapter VII, the heading for the words “UNAUTHORISED TRANSPORTATION OR STORAGE OF MINERALS AND ITS PRODUCTS”, the words “PENALTY FOR ILLEGAL MINING, STORAGE OR TRANSPORTATION OF MINERALS” shall be substituted;

(13) for rule 29, the following rule shall be substituted, namely:-

“29 Penalties.- (1) Any contravention of sub-section (1) and sub-section (1A) of section 4 of the Act shall be liable for punishment under sub-section (1) of section 21 of the Act.

(2) Any contravention of the provisions of these rules shall be liable for punishment under sub-section (2) of section 21 of the Act.

(3) Whenever a minor mineral concession holder extracts any minor mineral in contravention of the approved mining plan or scheme of mining, the State Government may recover from such person the mineral so extracted, or, where such mineral has already been disposed of, the State Government may recover the price and royalty of mineral so extracted.

(4) Whenever a minor mineral concession holder extracts and transports any minor mineral without payment of advance royalty, the State Government may recover the price and the royalty of mineral so extracted and transported.

Note:- In this rule, the price of the minor mineral shall be limited to four times the royalty of the mineral.”;

(14) after rule 33, the following rules shall be added, namely:-

“34. *Interest on delayed payments* - The Competent Authority shall charge simple interest at the rate of 12% per annum on any rent, royalty, price of mineral or any other sum due to the Government under the Act or these rules from the sixtieth day of the expiry of date fixed by the Authority for payment of such sum and until payment of such sum is made.”



35. *Payment of mining dues in instalment.* - Government may allow collection of any rent, royalty, tax, fee, price of mineral or other sum due to the Government under these rules in monthly instalments, not exceeding maximum six instalments.

(15) for the existing schedule I, the following schedule shall be substituted, namely:-

“SCHEDULE I
(See rules 12 and 14)

A. Fee for Dealer’s Licence and its Renewal for the minerals included in schedule I of the Kerala Minor Mineral concession Rules, 2015 except item No. 3,4 & 5.

For stocking of mineral or mineral products	Rs. 6 per tonne
For selling of mineral	Rs. 2 per tonne
For selling of mineral products	Rs. 6 per tonne

B. Fee for Dealer’s Licence and its Renewal for the minerals included as item 5 in Schedule I of the Kerala Minor Mineral Concession Rules, 2015

For stocking of mineral or mineral products	Rs. 6 per tonne
For selling of mineral	Rs. 2 per tonne
For selling of mineral products	
a. Granite (building stone) aggregates ranging from 6 mm to 200 mm in size	Rs. 6 per tonne



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|---|-----------------|
| b. Granite (building stone)
aggregate coming under
the category of manufactured sand | Rs. 8 per tonne |
| c. Granite (building stone)
aggregate coming under
the category of rock dust
and granular sub-base/wet mix | Rs. 4 per tonne |
| d. Granite (building stone)
aggregates not falling under
the category a, b and c | Rs. 2 per tonne |
| e. Laterite (building stone)
tiles and slab | Rs. 6 per tonne |

C. Fee for Dealer's Licence and its Renewal for the major minerals other than atomic and hydrocarbon energy minerals and for Granite (Dimension Stones) as specified in rule 18, sub-item (i) of the Kerala Minor Mineral Concession Rules, 2015.

- | | |
|--|-----------------|
| For stocking of mineral
or mineral products | Rs. 8 per tonne |
| For selling of mineral | Rs. 2 per tonne |
| For selling of mineral
products. | Rs. 8 per tonne |



(16) in Form D, for the words “Quantity allowed for stocking for one year” the words and symbol “Particulars of processing unit, if any” shall be substituted;

(17) in Form M, after the figures “1960” the words, brackets, symbol and figures “or Minerals (Other than Atomic and Hydro Carbons Energy Minerals) Concession Rules, 2016 or Atomic Mineral Concession Rules, 2016” shall be inserted;

(18) in Form N,

(i) the item numbers 6,9,12,15 and 18 shall be omitted;

(ii) the words, symbol and brackets

“Form O(B).....” shall be omitted;

(iii) the words and symbols “and.....in” shall be omitted;

(19) in Form O(A),-

(i) for the words “Department of Mining and Geology”, the words and symbol “Name of the Department:” shall be substituted.;

(ii) the words and brackets, “(FOR TRANSPORT OF MINERALS FOR THE PURPOSE OF SALE)”, shall be omitted;

(iii) in item No.(2), the symbol and letters "/RMCU" shall be omitted;

(iv) in condition No.7, for the words, symbols and brackets “Omission to record date and/or time (both in figures and words) or any overwriting in the pass make the pass invalid.”, the words and symbol “It is mandatory to fill in date and time of dispatch of mineral in words and in figures.” shall be substituted;

(20) Form O(B) shall be omitted;

(21) in Form O(C), the words and brackets, “(FOR TRANSPORT OF MINERALS FOR THE PURPOSE OF SALE)” shall be omitted;



(22) Form O(D) shall be omitted.

By order of the Governor,

A P M MOHAMMED HANISH,
Principal Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

The Kerala Minerals(Prevention of Illegal Mining, Storage and Transportation) Rules, 2015 were issued by notification under G.O. (P)No.17/2015/ID. dated 7th February, 2015 and published as S.R.O.No.73/2015 in the Kerala Gazette Extraordinary No.289 dated 7th February, 2015 to prevent the illegal mining, storage and transportation of minerals in the State. In order to strengthen the measures taken against such activities the Government have decided to make suitable amendments in the above said rules.

The notification is intended to achieve the above object.



