



GOVERNMENT OF KERALA

Abstract

Environment Department -Mining and quarrying of minor minerals for construction- Integration of environmental safeguards - Orders issued.

ENVIRONMENT (A) DEPARTMENT

G.O (MS) No. 02 /14/Envt.

Dated, Thiruvananthapuram, 21.02.2014.

- Read: (1) Order dated 27.02.2012 of the Hon'ble Supreme Court of India in SLP No. 19628-19629/2009 (Deepak Kumar case).
(2) Office Memorandum No. L-11011/47/2011-IA(M) dated 18.05.2012 of the MoEF, Government of India.
(3) Office Memorandum No. L-11011/47/2011-IA(M) dated 24.06.2013 of the MoEF, Government of India.
(4) Orders dated 05.08.2013 and 29.08.2013 of the Hon'ble National Green Tribunal in O/A. No.171/2013 filed by the NGT Bar Association.
(5) Order dated 26.09.2013 of the Hon'ble National Green Tribunal in M. A. No. 671/2013 in O/A No.171/2013.
(6) Order dated 17.01.2014 of the Hon'ble National Green Tribunal in M. A. No. 803/2013 in O/A No.744/2013 filed by Sri. Hassan. M.

ORDER

The categorical directions of the Hon'ble Supreme Court in the order read above and the pursuant decision conveyed in the Office Memorandum read as second paper above on prior Environmental Clearance for mining of minor minerals even in areas of less than five ha resulted in complete stoppage of mining/ quarrying of building materials in the state and construction activities including public works. Government of Kerala had as early as in 1967, framed the Kerala Minor Mineral Concession Rules, which *inter alia* ensure that operation of mines of minor minerals and the environmental fall outs are subjected to strict regulatory parameters. Consents of the Kerala State Pollution Control Board stipulate adequate measures to ensure that environmental conditions are duly incorporated and those are being complied with. In the context of the additional environmental conditions imposed, its adverse

consequences in the construction sector, and the resultant hardships to common man, Government have reviewed the situation and now issue the following orders for strict compliance by all concerned:

1. Rock quarrying

Quarrying permits (quantity based short term permit up to 1 year), under consolidated royalty payment system (area based mineral concession for granite and laterite building stone) and quarrying leases (long term concession for a period up to 12 years) are the mineral concessions for quarrying operation issued under the Kerala Minor Mineral Concession Rules, 1967. As far as the State of Kerala is concerned, long term quarrying leases can be granted only for the mining of granite stones. More than 90% of the building stone quarries are less than 1 hectare in area and most of them are privately owned. These quarries are the main source of raw material for the developmental activities of the State. On the other hand, long term quarrying leases are not being issued for environmentally sensitive minerals like ordinary earth, ordinary sand and ordinary clay with a view to protect the ecology, because longer the period of mining, the greater the exploitation and consequent environmental degradation.

The system of permit being environmentally benign and carries the environmental safeguards as expounded in the recommendations of the MoEF extracted in para II of the order read as first paper above, and is statutorily approved and implemented since 1967, even as Environmental Clearance is being insisted for quarrying on long term lease, short time permits in small private holding have been sanctioned to be continued on the extent permit conditions up to 09.02.2015. Government order that while operating these quarries on permit, the permit holders shall be required to submit an undertaking that Environmental Clearance as may be required for such quarrying activities will be obtained from the State Environmental Impact Assessment Authority.

Leases will be issued or renewed only after obtaining prior Environmental Clearance and the same policy will apply to permits given by Revenue as well as Mining & Geology Departments.

2. River sand mining.

Effective provisions taking due care of environmental and ecological concerns of river sand mining have been incorporated in the Kerala Protection of River Banks and Regulation of Removal of Sand Act 2001 to regulate removal of sand from the rivers. As per Section 9 of the said Act, the total quantity of sand that can be removed from a 'Kadavu' (meaning a river bank or water body where removal of sand is carried out) or river bank giving due regard to the guidance of expert agencies like the Centre for Earth Science Studies (Now NCESS) and Centre for Water Resources Development and Management (CWRDM), or other agencies as Government may determine.

Rule 8(b) of the Kerala Protection of River Banks and Regulation of Removal of Sand Rules 2002 lays down that the District Expert Committee under the Act, shall determine the quantum of river sand that could be removed from each 'Kadavu' annually after the monsoon. The practicable way out for scientific and ecologically sustainable river sand mining in the small rivers of Kerala is sand auditing for each river. It has been decided earlier that making the sand audit for Manimala river as a model, sand audit in respect of all other rivers may be done engaging other expert agencies as well, so that the audit could be completed expeditiously, with NCESS, Thiruvananthapuram as the Resource Department for the rivers of the 7 Southern Districts and the CWRDM, Kozhikode for the rivers of the 7 Northern Districts. There is no ban on river sand mining except in Ecologically Sensitive Areas, if it is done in accordance with the direction of the Courts and as per available sand audit reports. Such a procedure has been adopted in Kannur District, which could be replicated.

Accordingly Government order that sand audit be conducted in all the remaining rivers and where current audit report are not available, engaging expert agencies in consultation with NCESS/CWRDM as the case may be, to be done under their direct supervision. The NCESS/CWRDM shall provide the standard procedure for the work of the expert agencies to be engaged and scientific opinion and yardsticks and also other required data. The District Collectors may avail of the River Management Fund for the sand audit works.

Those which have valid sand audit studies completed ,will collect and reach the applications for sand removal along with the sand audit report to the Member Secretary, State Expert Appraisal Committee (Director of Environment & Climate Change, 'Devi Kripa', Pallimukku, Petta (P.O), Thiruvananthapuram-24), in Form I of the EIA Notification No. 1533 dated 14.09.2006 of the MoEF, Government of India, available in the website of MoEF. The Districts which do not have updated reports will urgently arrange to get these studies updated for determination of feasibility of sand removal and conditions. In such cases the Director of Environment & Climate Change will allow sand mining provided the District Authorities who apply, undertake to complete the studies in six months. Government also order that the sand lying in dams and reservoirs will be desilted for use for which the District Collectors will urgently take action after obtaining approval of Forest Department wherever necessary.

3. Ordinary Earth (Red earth)

As per the Office Memorandum read as third paper above, activities of burrowing/excavation of 'brick earth' and 'ordinary earth' up to an areas less than 5ha has been categorized as 'B2' category subject to the guidelines therein for Environmental Clearance, which is obligatory. The Local Panchayat can grant permission for removal of ordinary earth up to 250 tonnes and on royalty payment of ₹ 5000/- for that much quantity. For all purposes other than for domestic as pointed out above , Environmental Clearance is to be insisted upon for the time being. The intention is to progressively arrive at a position where Environmental Clearance will be obtained for all types of earth removal.

For area less than 5ha the State Environmental Impact Assessment Authority has prescribed a simplified procedure and application form in Malayalam (available in the website of SEIAA). The District Collectors will designate an authorized officer in each District who will be approached by the owner of the land, or contractor having NOC from the owner with the above said application and the officer will forward the application to the Member Secretary, State Expert Appraisal Committee (Director of Environment & Climate Change,

'Devi Kripa', Pallimukku, Petta (P.O), Thiruvananthapuram-24) who in turn will take expeditious action to consider the application for Environmental Clearance.

The existing Government Orders on Environmental Clearance for mining of the above minor minerals is modified to the above extent.

The authority granting the final sanction will be personally responsible for ensuring Environmental Clearance in all cases where such clearance is required.

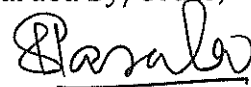
By Order of the Governor,

G. RAJEEV,
Additional Secretary.

To

All District Collectors.
The Director, Mining & Geology.
The Director, Environment & Climate Change.
The Member Secretary, Kerala State Pollution Control Board.
The Director of Panchyats.
The Director, Urban Affairs Department.
The Director, National Centre for Earth Science Studies, Akkulam,
Thiruvananthapuram.
The Director, Centre for Water Resource Development & Management,
Kunnamangalam P.O., Kozhikode.
The Member Secretary, State Environment Impact Assessment Authority.
The Member Secretary, State Expert Appraisal Committee.
The Member Secretary, Kerala State Council for Science, Technology &
Environment.
The Commissioner for Land Revenue.
The Chief Engineer, Irrigation (I&A) Department.
The Chief Engineer, PWD.
The Principal Chief Forest Conservator.
Industries , Revenue, Local Administration, Science & Technology, Public
Works, Water Resources , Forest & Wild Life Departments.

Forwarded By/Order,



Section Officer.