



GOVERNMENT OF KERALA
Local Self Government (RC) Dept.

CIRCULAR

No.78327/RC3/09/LSGD

Dated 15-03-2010

Based on the directions of the Hon'ble High court in WP(C) 30848/09 on the need for greater coordination among the multiple Government Departments and authorities regulating quarrying operations in the State, a series of inter departmental consultations were held among the concerned Departments including at the level of Chief Secretary on 22-02-2010.

2. These consultations reveal that the regulation of quarrying in the State is being done through the following departments and agencies of Government. The Revenue Department and the Department of Mining and Geology grant quarrying licenses as per delegation prescribed under the Kerala Mines and Minerals Concession Rule 1967, the Revenue Department and Chief Controller of Explosive grant explosive licenses, where applicable, as per delegation listed under the Explosives Rules 2008, the Local Self Government Institutions (LSGIs) grant D&O licenses under the Panchayat Raj Act 1994 (Issue of license to Offensive Trades and Factories Rules 2008), the Kerala State Pollution Control Board (KSPCB) under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1987 and finally, the Revenue Department which gives permission under the Kerala Land Conservancy Act (for Revenue lands). While some of the Departments such as the Revenue Department prescribe the production of NOCs/ license from other Departments as a pre-requisite for grant of permission; others such as the KSPCB and the Department of Mining and Geology do not insist on the same. Due to the piecemeal and un-coordinated approach among different Government Departments as well as the lack of awareness of statutory provisions among the

functionaries of some of the Departments, the present regulatory regime does not fulfil the objectives of ensuring compliance with the law and maintaining the prescribed safety standards. Therefore based on the inter departmental consultations held earlier, the following directions are issued for compliance by the concerned Departments to ensure more transparent and effective regulation of the quarrying operations in the State.

1.The Local Self Government Institutions (LSGIs) which have a grass-root presence in all localities of the State will be designated as the terminal nodal point for ensuring compliance with all the statutes, prior to grant of D&O licenses under the Kerala Panchayat Raj Act. To this end, they would work as a "single window" to collect and circulate to the other Departments ie, Department of Mining and Geology, Revenue Department, the Controller of Explosives and the State Pollution Control Board, all applications for issue of licenses/NOCs for quarrying. However, in order to save time, applicants would be free to approach the different agencies directly also for license/NOCs.

2. Only after an applicant is able to make available the permissions/NOCs from the Department of Revenue/Department of Mining and Geology under the Mines & Mineral Concession Rules, the State Pollution Control Board, under the Air and Water Acts, the Revenue Department (for Revenue land under KLC Act), and from the Revenue Department/Controller of Explosives under the Explosives Act and Rules (if applicable); would the D&O licenses under Kerala Panchayat Raj Act be issued by the concerned LSGI. In other words, the LSGI concerned would ensure the availability of all the other licenses/NOCs mentioned above prior to the grant of the D&O licenses and a check list would be prescribed for this purpose. (Annexure I)

3.All the Departments/Authorities would place on their respective website the permissions/NOCs given by them for quarrying operations along with the conditions imposed in the licenses, the location of the sites etc.

4. The LSGIs as well as the other concerned Departments would take immediate action for closure of all unauthorized quarrying sites obtaining the assistance of the concerned District Collector and the local police station where necessary.

5. In addition, in order to further simplify, the licensing procedures in all the concerned Departments and also to ensure greater transparency, safety as well as co-ordination; an Expert committee with representation of the concerned Departments would be constituted to prepare a detailed hand book for the guidance of all the stake holders involved in the quarrying industry. Orders for the same are being issued separately.

Rajesh Kumar Singh,
Secretary to Govt.
Local Self Government Department

To

The Revenue Department, Govt. Secretariat.

The Industries Department, Govt. Secretariat.

The Environment Department, Govt. Secretariat.

The Health & FW Department, Govt. Secretariat.

The Land Revenue Commissioner, Thiruvananthapuram.

The Director of Mining and Geology, Thiruvananthapuram

The Chairman, KSPCB, Thiruvananthapuram

The Director of Urban Affairs, Thiruvananthapuram

The Director of Panchayat, Thiruvananthapuram

All District Collectors.

Director, PRD (for publicity)

~~IKM~~ (for publishing in the Website)

Forwarded / Bu Order
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Section Officer

Annexure I

Check list for issue of license under section 232 of the Kerala Panchayat Raj Act, 1994
(relating to dangerous and offensive trades/ Factories)

	Yes	No
1. Whether consent from the State Pollution Control Board. has been oriented.		
2. Whether possession certificate from Revenue department is available? (for Privately owned lands)		
3. Whether permission from the Revenue department under KLC Act is obtained (for Revenue lands)		
4. Whether permission for use of explosives under Explosive Act has been obtained from the Revenue department/ Chief Controller of Explosives, Government of India. (If applicable) Whether service of a licensed blaster are available?		
5. Whether license from the department of Mining and Geology has been obtained?		