
READ – the following:-

From the Director of Industries and Commerce, Lr.No.K.Di 162593/64, DC4, dated 10th June 1955.

From the Director of Industries and Commerce, Lr.No.Rc.106092/65, DC4, dated 19th July 1965.

ORDER:

Under section 2 (2) of the Mines and Mineral (Regulation and Development) Act, 1957, the State Government may by notification in the official Gazette direct that any powers exercisable by it under the said Act is relation to such matters and subject to such conditions if any as may be specified in the notification, be exercisable also by such officer or authority subordinate to the State Government as may be specified in the notification. The Director of Industries and Commerce was asked to examine the question of delegating some of the powers now exercisable by the Government to the subordinate Officers, in consultation with select Collectors. The Director of Industries and Commerce in consultation with the Collectors of Salem, Coimbatore and Tiruchirappalli has made the following suggestions:

(i) The Director of Industries and Commerce may be empowered to dispose the applications for major minerals. If this not possible, he may be empowered to dispose of the applications for associated minerals not included in the Second Schedule to the Mines and Mineral (Regulation and Development) Act 1957.

(ii) The Director of Industries and Commerce may be empowered to authorize a person to prefer a complaint against the offenders in respect of illicit mining under Section 22 of the Mines and Mineral (Regulation and Development) Act, 1957.

(iii) The Director of Industries and Commerce may be empowered either to reject the premature applications for to instruct the Collectors to register those applications in Collector’s Office and take them along with other applications that will be received by the Collectors on the date when the land in question become available for the grant of mining lease / Prospecting Licence.

2. The Government have carefully examined the above suggestions of the Director of Industries and Commerce they pass the following orders:

Suggestion (1) in paragraph 1 above – Grant of mineral concession is a matter involving policy decision at Government level State Government therefore consider that no change in the existing procedure is necessary.
Suggestion (2) in paragraph 1 above – Illicit mining is detected by Revenue Officials in the district. It is therefore better that the district revenue official himself is authorized to sanction prosecution in the interest of expeditious and successful prosecution. The Government therefore consider that the Collectors may be empowered to sanction prosecution under Section 22 of Mines and Mineral (Regulation and Development) Act, 1957.

Suggestion (3) in paragraph 1 above – The Government accept the proposal of the Director of Industries and Commerce to delegate powers to a subordinate authority to reject premature applications. They, however, consider that the power the delegated to the Collector instead of the Director of Industries and Commerce, as the Collectors will be in a better position to know the availability of areas notified under rule 58 of the Mineral Concession Rules 1960 and as they are also the competent authority to receive application for mineral concessions.

3. The Government also direct that applications for grant and renewal of certificate of approval under the Mineral Concession Rules be hereafter disposed of by the Director of Industries and Commerce.

4. The following notification shall be published in the Fort St. George Gazette.

NOTIFICATION

In exercise of the powers conferred by Sub-section (2) of section 26 of the Mines and Mineral (Regulation and Development) Act, 1957 (Central Act 67 of 1957), the Governor of Madras hereby directed.

(i) that the powers exercisable by the State Government under section 22 of the said Act and under Rule 60 of the Mineral Concession Rules 1960 shall be exercisable also by the District Collectors; and

(ii) that the powers exercisable by the State Government under Rules 4 and 6 of the said rules shall be exercisable also by the Director of Industries and Commerce.