



കേരള ഗസറ്റ് KERALA GAZETTE

അസാധാരണം EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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24th August 2021
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8th Chingam 1197
1943 ഭാദ്രം 2
2nd Bhadra 1943

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No. 2459

GOVERNMENT OF KERALA Law (Legislation-C) Department NOTIFICATION

No. 27707/Leg.C3/2019/Law.

*Dated, Thiruvananthapuram, 24th August, 2021
8th Chingam, 1197
2nd Bhadra, 1943.*

The following Ordinance promulgated by the Governor of Kerala on the 23rd day of August, 2021 is hereby published for general information.

By order of the Governor,

V. HARI NAIR,
Law Secretary.



ORDINANCE No. 124 OF 2021**THE KERALA MINERALS (VESTING OF RIGHTS) ORDINANCE, 2021**

Promulgated by the Governor of Kerala in the Seventy-second Year of the Republic of India.

AN

ORDINANCE

to vest the rights of the minerals in the soil and subsoil of the land in the State excluding the land comes under the purview of Travancore Proclamation dated 14th day of June, 1881 and Cochin Proclamation of 1905.

Preamble.—WHEREAS, the Kerala Minerals (Vesting of Rights) Ordinance, 2019 (43 of 2019) was promulgated by the Governor of Kerala on the 29th day of December, 2019;

AND WHEREAS, a Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala, during its session which convened on the 31st day of December, 2019;

AND WHEREAS, in order to keep alive the provisions of the said Ordinance, the Kerala Minerals (Vesting of Rights) Ordinance, 2020 (4 of 2020) was promulgated by the Governor of Kerala on the 14th day of January, 2020;

AND WHEREAS, a Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala, during its session which commenced on the 29th day of January, 2020 and ended on the 12th day of February, 2020;

AND WHEREAS, in order to keep alive the provisions of the said Ordinance, the Kerala Minerals (Vesting of Rights) Ordinance, 2020 (12 of 2020) was promulgated by the Governor of Kerala on the 17th day of February, 2020;

AND WHEREAS, a Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala, during its session which commenced on the 2nd day of March, 2020 and ended on the 13th day of March, 2020;

AND WHEREAS, in order to keep alive the provisions of the said Ordinance, the Kerala Minerals (Vesting of Rights) Ordinance, 2020 (23 of 2020) was promulgated by the Governor of Kerala on the 31st day of March, 2020;

AND WHEREAS, a Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala, during its session which convened on the 24th day of August, 2020;



AND WHEREAS, in order to keep alive the provisions of the said Ordinance, the Kerala Minerals (Vesting of Rights) Ordinance, 2020 (64 of 2020) was promulgated by the Governor of Kerala on the 26th day of September, 2020;

AND WHEREAS, a Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala, during its session which convened on the 31st day of December, 2020 and during its session which commenced on the 8th day of January, 2021 and ended on the 22nd day of January, 2021;

AND WHEREAS, in order to keep alive the provisions of the said Ordinance, the Kerala Minerals (Vesting of Rights) Ordinance, 2021 (11 of 2021) was promulgated by the Governor of Kerala on the 9th day of February, 2021;

AND WHEREAS, a Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala, during its session which commenced on the 24th day of May, 2021 and ended on the 10th day of June, 2021;

AND WHEREAS, in order to keep alive the provisions of the said Ordinance, the Kerala Minerals (Vesting of Rights) Ordinance, 2021 (91 of 2021) was promulgated by the Governor of Kerala on the 1st day of July, 2021;

AND WHEREAS, a Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala, during its session which commenced on the 22nd day of July, 2021 and ended on the 13th day of August, 2021;

AND WHEREAS, under sub-clause (a) of clause (2) of Article 213 of the Constitution of India, the said Ordinance will cease to operate on the 2nd day of September, 2021;

AND WHEREAS, difficulties will arise if the provisions of the said Ordinance are not kept alive;

AND WHEREAS, the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Minerals (Vesting of Rights) Ordinance, 2021.

(2) It shall be deemed to have come into force on the 30th day of December, 2019.

2. *Definitions.*—In this Ordinance, unless the context otherwise requires,—

(a) “Government” means the Government of Kerala;

(b) “minerals” means minerals and minor-minerals as defined in clause (a) and clause (c) respectively, of section 3 of Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957);



(c) “prescribed” means prescribed by rules made under this Ordinance;

(d) “state” means the State of Kerala.

3. *Vesting of minerals.*—Notwithstanding anything contained in any other law or in any judgment or decree or order of any court or proclamation, all rights in the minerals in the soil and subsoil of all lands of whatsoever ownership or tenure shall stand vested in and shall be subject to the control of the State Government from the date on which this Ordinance come into force.

4. *Manner of vesting.*—The manner of vesting of the rights of the minerals in the soil and subsoil of the land in the State excluding the land comes under the purview of Travancore Proclamation dated 14th day of June, 1881 and Cochin Proclamation of 1905 shall be in the same manner as is vested in the State in the Travancore and Cochin areas mentioned above.

5. *Power to make rules.*—(1) The Government may by notification in the Gazette make rules for carrying out the provisions of this Ordinance.

(2) Every rule made under this Ordinance shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.

6. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Ordinance, the Government may, by order published in the Gazette, make such provisions not inconsistent with the provisions of this Ordinance, as appear to it to be necessary or expedient, for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Ordinance.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the Legislative Assembly.

7. *Repeal and saving.*—(1) The Kerala Minerals (Vesting of Rights) Ordinance, 2021 (91 of 2021) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the said Ordinance, shall be deemed to have been done or taken under this Ordinance.

ARIF MOHAMMED KHAN,
GOVERNOR.

