

കേരള സർക്കാർ 2004

രജി. നമ്പർ. KL/TV/(N)/12/2003-2005

കേരള ഗസറ്റ്

അസാധാരണം

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്

വാല്യം 49

തിരുവനന്തപുരം ചൊവ്വ

2004 ജൂലായ് 27

നമ്പർ. 1602

കേരള സർക്കാർ

റവന്യൂ (പി) വകുപ്പ്

തിരുത്ത്

ജി.ഒ.(പി.) നമ്പർ 237/2004/ആർ.ഡി.

തിരുവനന്തപുരം 2004 ജൂലായ് 14.

2003 ഒക്ടോബർ 25-ാം തീയതിയിലെ 1945-ാം നമ്പർ കേരള അസാധാരണ ഗസറ്റിൽ എസ്.ആർ.ഒ. നമ്പർ 979/2003 ആയി പ്രസിദ്ധപ്പെടുത്തിയ 2003 ഒക്ടോബർ 22-ാം തീയതിയിലെ ജി.ഒ. പി. നമ്പർ 841/2003/ആർ.ഡി. വിജ്ഞാപനപ്രകാരം പകരം ചേർക്കപ്പെട്ട 21-ാം ചട്ടത്തിലെ 2-ാം ഉപചട്ടത്തിൽ സ്വയംഭരണ സ്ഥാപനങ്ങൾ എന്നത് തദ്ദേശ സ്വയം ഭരണ സ്ഥാപനങ്ങൾ എന്ന് തിരുത്തി വായിക്കേണ്ടതാണ്.

ഗവർണ്ണറുടെ ഉത്തരവിൻ പ്രകാരം

എസ്. സുന്ദരേശൻ
പ്രിൻസിപ്പൽ സെക്രട്ടറി
റവന്യൂ വകുപ്പ്

[Translation in English of “ 2003-ലെ കേരള നദീതീര സംരക്ഷണവും മണൽ വാരൽ നിയന്ത്രണവും (ഭേദഗതി) ചട്ടങ്ങൾ” published in the Extraordinary Gazette dated 25-10-2003 under the Authority]

GOVERNMENT OF KERALA

Revenue (P) Department

NOTIFICATION

G.O. (P) No. 341/2003/RD.

Dated, Thiruvananthapuram, 22nd October, 2003

S.R.O.No. 979/2003.- In exercise of the powers conferred by Section 6 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001, (19 of 2001), the Government of Kerala hereby make the following rules to amend the Kerala Protection of River Banks and Regulation of Removal of Sand Rules, 2002, namely:-

RULES

1. *Short title and commencement.*- (1) These rules may be called the Kerala Protection of River Banks and Regulation of Removal of Sand Amendment) Rules, 2003.

(2) They shall come into force at once.

2. *Amendment of the Rules.*- In the Kerala Protection of River Banks and Regulation of Removal or Sand Rules, 2002.-

(p) in rule 9, after clause (q), the following clauses shall be inserted, namely.-

(r) to provide separate passes for transit of sand from each Kadavu;

(s) to authorise the officer to enter the date and time of transit of sand from each Kadavu, the quantity of sand and to where it is being transported and counter sign the passes;

(t) to submit proposals to Government for the conduct of sand audit once in every three years.

(u) to constitute a squad consisting of Police and other Officials with the Tahsildar as the head, to prevent unauthorized sand removal”.

(2) in rule 17, after clause (p), the following clauses shall be inserted, namely:

(q) to supervise the sale and auction of sand from all Kadavu;

(r) to issue identification boards to the country boats used for sand removal

(s) to assist the collector in confiscating the implements and country boats used for the unauthorized sand removal and the lorries and other vehicles used for transporting such sand.

(t) to issue identity cards to the sand removing workers of each Kadavu.

(u) to assist the Police and Revenue officials in taking action against the land owners and owners of unauthorized Kadavu, to facilitate unauthorized sand removal from rivers.

(v) to set up check posts in the Kadavu having jungar service”;

(3) after rule 19 the following new rule shall be inserted, namely:-

“19A. *Powers of Government to carry out emergent works.*- The Government may in emergent situation; arising out of natural calamity, draught and heavy rainfall, direct to carryout any work for the protection of river banks or for the implementation of the residents in river banks and to defray such expenses from the River Management Fund:

Provided that any work under this sub-rule may be executed through the concerned local authority or through the residence Association of Kudumbasree or any other authority under it.

Explanation.- For the purpose of this rule, the Scheme for the Welfare of the Residents in River Banks includes, the deepening of existing wells in river banks digging of bore wells in draught affected areas, and extending financial assistance to Minor Drinking Water Supply Schemes under Local Authorities etc”.

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

“21. *Implementation of scheme through Development Blocks, Public Works (Local Works), Department, and Local Authorities.-* (1) Any work under the River Bank Development Scheme for which administrative sanction is accorded by the Government under these rules, shall be caused to be executed by the District Collector, through Development Blocks in Village areas and Public Works (Local Works) Department in urban areas, by following the procedure being observed for the execution of relief works in connection with natural calamities;

(2) The activities of planting sapling, implemented under the River bank Development Scheme may be executed through Local Authorities”;

(5) in sub rule (3) of rule 22, after clause (d) the following clauses shall be inserted, namely:-

“(e) the amount required for closing the Kadavu, where sand removal is not permitted and for constructing protection walls;

(f) amount required for the construction of protection walls, at a distance of 100 meters, in order to prevent entry of vehicles into the Kadavu;

(g) amount required to meet fuel expense for the vehicles used for patrolling in order to prevent unauthorized sand removal

(h) amount required to carry out the purposes with the prior approval of the Government or as may directed by the Government”

(6) the existing rule 20 shall be renumbered as sub-rule (1) thereof and after sub-rule (1), as so renumbered, the following sub rules shall be inserted, namely:-

(2) the quantity of sand to be removed from a Kadavu shall be determined by the district Expert Committee after taking into account the guidelines of expert committees such as Centre for Earth Science Studies, Centre for Water Resources Development and Management and shall be sold after paying the royalty by collecting the entire quantity of such sand on river banks.

(3) Sand shall be auctioned in the manner mentioned below, namely:-

(a) While conducting sand auction, the availability and requirement of sand in that area shall be taken into account and such auction shall be conducted in the presence of the Secretaries and Members of the concerned Local Authority and the Tahsildar of that area;

(b) The price of sand shall be fixed after taking into consideration the expense for loading sand into the vehicle and also the labour charge for sand removal.

(4) The bidder shall remove the sand from the Kadavu within the stipulated time, after remitting the entire bid amount and necessary security shall be obtained from the bidder for the due performance of the aforesaid condition.

(5) Separate passes shall be issued for the transit of sand from each Kadavu.

(6) The said pass shall be signed and sealed by the concerned Tahsildar and the Secretary of the concerned Local Authority

(7) The Officer authorised by the District Collector shall countersign the pass, after recording the quantity of sand transported using such pass, register number of the vehicle, date and time of transportation and name of the place where it is transported and shall handover the same to the person driving the vehicle, through the respective Local Authority.

(8) Those who purchase sand shall obtain the pass and keep the same and shall not transport or keep the sand at any place, without the said pass”;

(7) after rule 29, the following rule shall be added, namely:-

“30. *Sand Audit.*- the Government shall conduct, every three years Sand Audit through Expert Committees such as Centre for Earth Science studies, Centre for Water Resources Development and Management, so as to ensure protection of rivers in each District and to assess the quantity of available sand.

(2) The expense required for Sand Audit shall be met from the River Management Fund.

(3) The Government shall, as soon as may be after the receipt of the report of sand audit under sub-rule (1) lay the same on the table of Legislative Assembly with an action taken statement thereof.

By Order of the Governor,

S. SUNDARESHAN,
Principal Secretary (Revenue)

Explanatory Note

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

In the Report of Sand Audit conducted by the Centre for Earth Science Studies in respect of the rivers in Kottayam and Pathanamthitta Districts it was recommended to the Government that the existing law relating to sand removal shall be made stringent and that sand audit shall be conducted every three years and also that the place where the sand is being transported from the Kadavu and its quantity shall be correctly recorded and be maintained. Further it is also necessary to bring suitable amendments in the rules in accordance with the provisions of sand removal law.

This notification is intended to achieve the above object.