

CIRCULAR No. 27/2011

Sub: Prevention of Illegal/unauthorized quarries/quarrying activities – responsibility of the SHOs – instructions issued.

Ref: (1) Judgment dated 04/02/2011 of Hon'ble High Court of Kerala in WP(C) No.5452/2010.
(2) Government Circular No.78327/RC3/09/LSGD dated 15/03/2010.
(3) DO letter No.53179/RC3/2011/LSGD dated 1/8/2011 from Chief Secretary to Government.

The quarrying activity and functioning of quarries give rise to a lot of geological/ecological/environmental concerns apart from the security issues arising from the use of explosives. The large scale excavation related to quarrying and the transportation of materials result in local issues including law and order problems.

2) Illegal quarrying is a very grave offence as quarrying is regulated by a number of enactments. For carrying out quarrying operations in accordance with law a person is required to obtain permission from the Mining and Geology Department, Explosive licence, Consent from Pollution Control Board, Short Firer licence under Explosive Act and Licence from local body. Operating a quarry without all the necessary licences or permits becomes an offence under various enactments such as Mines Act 1952 and Metalliferrous Mines Regulations 1961, Explosive Rules 2005, Environment (protection) Act 1986, Kerala Minor Mineral Concession Rules, 1967 and Panchayat Act and other statutes as applicable.

3) It is the duty and responsibility of the Station House Officer to see that no illegal quarry or quarrying activity take place in his jurisdiction. The Hon'ble High Court of Kerala in the judgment cited first affirmed that 'the Police Officers in Charge of Police Stations are primarily responsible for the enforcement of law, more particularly when the infraction of law constitutes of an offence under some enactment or other'.

4) All Station House Officers shall personally ensure that no illegal quarrying is carried out in their jurisdiction. A list of all the quarries and licence holders shall be kept updated by the Station House Officers concerned and periodical inspections have to be conducted by the Station House Officers personally. In the absence of the requisite permits/licences immediate action should be taken to stop the quarrying activity and legal action must be initiated. They shall render all necessary assistance to the officers of the concerned departments as well in this regard.

5) The CI/DySPs and DPCs shall carry out random inspections to see that the above instructions are strictly complied with. Any laxity in this regard shall be viewed seriously and the Station House Officer will be held squarely responsible for such lapses and stringent disciplinary action shall be initiated against erring officers. In case of any mishap due to illegal quarrying activity, apart from disciplinary action, the officers are also liable to be subjected to criminal prosecution.


State Police Chief

Copy to All Officers in list 'B'

CAs to SPC/ADsGP(HQ)/(PCR)/IsGP(HQ)/(Admn)/AIG-I/II/(PG)/SP(HQ)/SP (Spl.Cell).
Stock File/Circular Book/Operation Cell.