



# കേരള ഗസറ്റ് KERALA GAZETTE

അസാധാരണം  
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്  
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GOVERNMENT OF KERALA  
Law (Legislation-C) Department  
NOTIFICATION

No. 22707/Leg.C3/2019/Law.

Dated, Thiruvananthapuram, 30th December, 2019  
14th Dhanu, 1195  
9th Pousha 1941.

The following Ordinance promulgated by the Governor of Kerala on the 29th day of December, 2019 is hereby published for general information.

By order of the Governor,  
ARAVINTHA BABU P. K.,  
Law Secretary.



**ORDINANCE No. 43 OF 2019****THE KERALA MINERALS (VESTING OF RIGHTS)  
ORDINANCE, 2019**

Promulgated by the Governor of Kerala in the Seventieth 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, all rights in the metals and minerals irrespective of the tenure of the land in the Travancore area had been vested in the State Government as per the provisions of the Travancore Proclamation dated 14th day of June, 1881;

AND WHEREAS, all rights of the minerals in the Cochin area had been vested in the State Government as per the Cochin Proclamation of 1905;

AND WHEREAS, the Hon'ble Supreme Court as per judgment reported in 2013 (9) SCC 725 had held that the owners of jenmam land in Malabar area are the owners of mineral wealth or subsoil rights of such land and that such minerals in the erstwhile Malabar area does not vest with the State Government;

AND WHEREAS, it is necessary to have a uniform law in the matter through out the State of Kerala;

AND WHEREAS, it is expedient to enact a law to vest all rights of the minerals in the soil and subsoil in the State Government and for matters connected therewith or incidental thereto ;

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, 2019.

(2) It shall come into force at once.

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 (e) 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 14<sup>th</sup> 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, makes



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.

ARIF MOHAMMED KHAN,  
GOVERNOR.

