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### CIRCULAR

**Sub: Instructions to surface right holders to report illegal extraction, transport, trade & storage of minor mineral in State of Goa.**

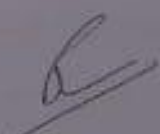
1. The mineral found within the State of Goa belong to the State Government.
2. The Directorate of Mines & Geology has developed modules for monitoring and regulating extraction of minor mineral, storage of minor mineral, transportation of extracted mineral so also curbing illegal activities in Goa.
3. In terms of provision of M.M.D.R. Act 1957 and the Rules made there under, more particularly Section 4 prohibits extraction and transportation of mineral except and in accordance with the M.M.D.R. Act and Rules. Similarly, in terms of provision of M.M.D.R. Act and Rules and its interpretation by Hon'ble Supreme Court of India and High Court, it is clear that for illegal extraction, storage, transportation and any trade activity in minerals carried out otherwise and in accordance with law, should be treated as

theft of minerals belonging to State Government entailing the Government to recover price of the mineral, etc.

4. This Department however does not wish to penalize innocent citizens for the illegal acts committed upon land owned or possessed by them without their knowledge including land belonging to State Government, comunidades, Corporation of State Government & Central, Government, etc.
5. As such, the members of public so also heads of department of Goa and Central Government Departments, functionaries and administrators of comunidades and all the owners/occupants of surface rights in State of Goa are hereby requested to verify on ground as to whether such lands is used for the purpose of illegal extraction of minor mineral, storage of illegal mineral or in any way used for parking of vehicles and other machinery used for extraction and transportation of minor minerals illegally extracted.
6. Upon inspection, if any illegal activity is found which is ongoing or has been carried out in the past, they are requested to ascertain as to who are the persons responsible for which illegal activities. They should also immediately file F.I.R. with police against such persons involved in any illegal activities relating to minerals in the State of Goa. They should also inform this office and providing details about such illegal activities.
7. It is hereby informed that if any mineral was extracted during construction of house or road or in the course of development of land for agricultural purpose etc., such acts do not amount to illegal extraction so long as the mineral is

stored separately within the same property. However, the disposal of same, without the involvement of department would amount to illegality concerning mineral belonging to State of Goa.

8. The details of such illegal activities carried out till 15/01/2019 shall, upon reporting to this department shall be inquired into by the department to ascertain whether such illegal activities were carried out with involvement and knowledge of surface right owner or otherwise. However, any illegal activity carried out after 16/01/2019, shall be presumed to be carried out with active involvement of the owner or occupier of the land and the department reserves it's right to recover the value of the mineral from such occupier/ owner of the surface right either jointly or severally.
9. If such illegality is carried out with active or passive support from the officers or officials of this department or revenue department, police department, Forest department/officers and officials of comunidade or administrators of such comunidades or officials of other departments including panchayat shall also be made parties to Civil and criminal proceeding from 16/01/2019 onwards.



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