



Government of Goa  
Directorate of Mines & Geology  
Institute Menezes Braganza , Panaji-Goa

Phone No. 0832 - 2426431 website: www.goadmg.gov.in email: dir-mine.goa@nic.in

No. 01/1001/ MISC-Mines/2016/S031

Date : 16/03/2016

To,

1. The Panchayat Secretary,  
Village Panchayat Caurem-Pirla,  
Quepem-Goa.

**Sub:-Illegal Panchayat resolution concerning transportation of mineral passed by Caurem-Pirla village Panchayat.**

Sir,

Copy of letter No. NO/VP/CP/2015-16/1259 dtd. 19/02/2016 alongwith resolution 4(5) of Panchayat Meeting held on 19/02/2016 signed by Sarpanch of Village Panchayat Caurem-Pirla forwarded by Office of District Magistrate South Goa, Margao-Goa vide their letter no. 37/16/2012/MAG/2756 dated 08/03/2016 is perused and in this behalf I have to state and submit as under:

1. The said resolution 4(5) dated 19/02/2016 is concerning transportation of ore from Bategal Mines situated within jurisdiction of Caurem-Pirla village Panchayat to Capxem Jetty situated outside jurisdiction of village Panchayat Caurem- Pirla.
2. The resolution states that Panch member Shri Ravindra Velip has objected to transportation of e-auction Cargo relying upon Panchayat's earlier resolution no. 6-1(3)(4) dated 18/05/2014 for not allowing transportation of

mineral to be done by private parties or contractor's and instead to allot the contract or such transport to local villagers or bodies and that such transportation is to be carried out by Co-operative Society which will be formed by villagers to carry out mining related activities.

3. Mineral exploitation and allied activities like storage and transportation so also matter concerning illegal mining are covered under Central Legislation namely the Mines & Minerals Development and Regulation Act, 1957. The MMDR Act, 1957 is enacted in exercise or power under entry 54 to List I (Union list) to Seventh Schedule to the Constitution of India.
4. Section 23C of MMDR Act, 1957 gives powers to the State Government to make rules for preventing illegal mining, transportation and storage of minerals.
5. In exercise of powers under section 23C of MMDR Act, 1957 the State Government has framed the Goa Prevention of Illegal Mining, Transportation and Storage Rules, 2013.
6. The Goa Prevention of Illegal Mining, Transportation and Storage Rules, 2013 do not contain any provision regarding prior permission NOC etc of any local body to be obtained for either commencement of mining operation or allied activities like transportation, storage of mineral etc.
7. Village Panchayat are constituted under the Goa Panchayat Raj Act, 1994 which legislation is based upon constitution Seventy third Amendment Act, 1992.

8. The Powers and responsibilities of Panchayat for functioning of such institutions are broadly mentioned in Eleventh Schedule to the Constitution of India read with Article 243 G of the Constitution of India.
9. Schedule I to the Goa Panchayat Raj Act, 1994 specifies the function of Panchayat which they shall perform within their respective jurisdiction.
10. None of the entries in schedule I to the Panchayat Raj Act, 1994 empowers the Panchayat to interfere in any trading or business activity or mining or allied activities either undertaken fully or partly within the jurisdiction of village Panchayat. As such any resolution of village Panchayat which is contrary to provision of Goa Panchayat Raj Act, 1994 or MMDR Act, 1952 and the constitution of India are null and void being resolution passed without being specifically empowered in this behalf hence the same is illegal and void ab initio.

As such, I request you to take necessary action for declaring such resolution null and void. Secondly to initiate necessary action through the Office of the Directorate of Panchayat, etc. if deemed fit against the Panch member's of village Panchayat Caurem- Pirla who have recorded their commercial interest in said resolution dated 19/02/2016 concerning activities carried out within jurisdictions of local body and using their official capacity as elected member of Panchayat by trying to take undue advantage of such position in to trying to stop activities carried out under MMDR Act, 1957 and rules made their under so also transgressing upon powers not vested in the local body or for trying to promote their commercial interest.

Through this letter you are requested to convey to the Panch member's of local body that any hindrance to movement of ore or mining activities carried out in accordance with law should not be

sabotaged and incase they try to do so, further necessary action shall be initiated against them with Government approval especially concerning the e-auction cargo which is to be dealt with as per direction of Hon'ble Supreme Court of India.



**(Prasanna A. Acharya)**  
**Director of Mines & Geology**

**Copy for information to:**

1. The P.A of Chief Minister, Secretariat – Goa.
2. P.A to the Secretary (Mines), Secretariat – Goa.
3. Directorate of Panchayat ( **with request to advise all Panchayat's not to pass any illegal resolution of this nature**)
4. The District Collector (South), Office of the District Collector  
Margao.
5. The Dy. Collector, Office of the Dy Collector & SDO  
Quepem.