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PUBLIC NOTICE

Sub: Regarding trading in dumps (sub-grade material) and complaints received regarding cheating, fraud etc.

This department has received several complaints from people who are cheated by some persons posing as Owner of dumps in the State of Goa. These people have allegedly collected huge sums of money on assurance of sale of such material to them or alleging need for regularising such material by payments to be affected to Government etc.

As such following clarification are issued on dump material so that in future people are not de-frauded, cheated etc and those persons who are cheated, de-frauded, can initiate civil or criminal proceedings against those who have cheated or de-frauded them.

- 1) Dumps in common parlances means unprocessed or processed stack of ore, stored within or outside the lease hold areas of an existing or previously held lease. Such stack may be situated within or outside forest areas. Such dumps are having vegetation growth on them, at the same time some are without vegetation growth. The grade of mineral found in stacks of such dumps both including processed and unprocessed ore is below 55 grade which were extracted upto 16/10/2009, when threshold value of iron ore was fixed by

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IBM at 55 grade to be called as mineral ore which was reduced to 45 grade from 16/10/2009 because of availability of market for grades below 55. As such dumps include stacks of extracted mineral after October 2009, having grade below 45 grade.


- 2) The Ownership of dumps as referred to hereinabove always vest in Government of Goa, who is Owner of all minerals found within the State of Goa. Such Ownership of minerals can only be transferred to lessee upon payment of royalty and other dues payable to the State Government for legally extracted minerals and minerals extracted otherwise than legal means always vests with the Government of Goa.
- 3) By Notification dated 23/09/2011 a ban was imposed by the State Government, by which mineral from dump area was banned from being worked/handled/sold or traded. The ban is till in force.
- 4) In view of Judgement and Order dated 21/04/2014 in W.P.(C) No. 435/2012, the issue concerning dump working etc is under consideration of Hon'ble Supreme Court of India which has not allowed dump working till further orders. The report submitted by the Expert Committee to Hon'ble Supreme Court of India including observations regarding allowing dump workings is yet to be considered by Hon'ble Supreme Court of India. As such the dump material cannot be touched till such issue is finally decided by the Hon'ble Supreme Court of India.
- 5) The Revenue department of Government of Goa under the Goa Land Revenue code 1968 has regularised illegal conversion of agricultural land used for storage of dumps by imposing fees, penalties etc from those responsible for such storage. As such may also include Owner or occupants of such agricultural land who may not be the lease holders or persons who may have extracted such dump material during legal mining operation or otherwise and stored it on such land.

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- 6) It is hereby clarified that merely by regularisation of illegal landuse by conversion of land from agricultural to non-agricultural use by any person other than lease holder, such conversion shall not confer any right of whatsoever nature on such other person over Ownership to such dump material which is property of the State Government.
- 7) Any attempt by any person itself is illegal to transfer or sell material belonging to the State Government on the strength of challans of fees, fines etc of conversion of land under Land Revenue code 1968 etc or by person having ownership of land or having leasehold rights on such land on which the dump material exists or even in cases where an agreement is entered into with leaseholder of lease from which such dump material was extracted but no royalty payment in respect of such material was affected with the State Government. As such if any transactions are entered into with any individuals other than with lease holders who has affected royalty payment on such mineral are illegal and are solely at the risk of parties to such transactions.
- 8) The members of public are hereby informed that incase they have entered into such illegal transactions, they may take further necessary action in this behalf not only protect their financial interest but also to absolve themselves from any further Civil or Criminal proceedings that may be initiated by the department for illegal transfer of the Government property.
- 9) This notice is also given to those who are in the process of entering into any such transactions involving dump material belonging to the State Government. So that they can protect their interest.

These instructions are issued in public interest.




24/7/16
(Prasanna A. Acharya)
Director of Mines & Geology