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# OFFICIAL GOVERNMENT OF GOA GAZETTE



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## SUPPLEMENT

### GOVERNMENT OF GOA

Department of Mines  
Directorate of Mines & Geology

#### Notification

DMG/34/AUCTION CELL/DUMP  
POLICY/2023/2044

The "Policy for regulating iron ore dump handling in the State of Goa" is hereby published for the general information of the public.

By order and in the name of the Governor of Goa.

Dr. S. Shanbhogue, Director & ex officio  
Joint Secretary.

Panaji, 13th September, 2023.

#### Notification

DMG/34/AUCTION CELL/DUMP  
POLICY/2023/2045

#### Policy for Regulating Iron Ore Dump Handling in the State of Goa

*Preamble.*— The Hon'ble Supreme Court, in Writ Petition (Civil) No. 435 of 2012 filed by Goa Foundation versus the Union of India and others (hereinafter referred to as Goa Foundation I), amongst others, declared vide its Judgment and order dated 21-04-2014 as follows:

(i) the deemed mining leases of the lessees in Goa expired on 22-11-1987 and the maximum of 20 years renewal period of the deemed mining leases in Goa expired on 22-11-2007 and consequently mining by the lessees after 22-11-2007 was illegal and hence the impugned order dated 10-09-2012 of Government of Goa and the impugned order dated 14-09-2012 of the MoEF, Government of India are not liable to be quashed

(ii) dumping of minerals outside the leased area of the mining Lessees is not permissible under the MMDR Act and the Rules made thereunder'.

Prior to pronouncement of the said Judgment and Order dated 21-04-2014, the State of Goa had notified the Policy for regulating the mining dumps on Government and private lands, and related issues on 03-09-2013. It was a one-time policy formulated for dealing with the issue of mining dumps and other related issues. The said policy largely concerned itself with the violation of the provisions of the Goa Land Revenue Code by virtue of the occupation of Government land and private lands, by mining dumps stacked by the erstwhile leaseholders in the absence of obtaining permission and/or paying the requisite fees towards the conversion of the land use. The said Policy condoned the use of the land upon

payment of conversion fees by the erstwhile lease holders. In addition to the above, the erstwhile lease holders were also permitted to thereafter remove the dumps from Government land. However, subsequent to the notification of the said Policy the Hon'ble Supreme Court in Goa Foundation I, declared dumping of minerals outside the lease area itself as illegal. Therefore, in light of the Judgment and order passed in Goa Foundation I, so far as the Policy for regulating the mining dumps on Government and private lands, and related issues collected the conversion charges, fines and rent from the erstwhile lease holders, the same cannot be faulted with, as upon payment of the said amounts the conversion without valid authorization of the land use whereupon the dumps stand, was condoned; however, as the activity of dumping outside the lease area is declared as without valid authorization by the Hon'ble Supreme Court, the erstwhile leaseholders do not have a right to handle the dump, except in accordance with the policy decision reflected herein. Therefore, the present policy is in continuation and modification of the earlier policy for regulating the mining dumps on Government and private lands, and related issues.

The Hon'ble Supreme Court by its Order dated 11-11-2013 passed in Goa Foundation I constituted an Expert Committee consisting of 6 members to conduct a Macro-EIA study and propose a ceiling of the annual excavation of Iron Ore from the State of Goa, and also sought opinion of the Expert Committee on how to deal with the mining dumps outside the leased area.

Further, the Judgment and Order passed in Goa Foundation I, amongst others directed as follows:

'88.11. The Expert Committee will submit its report within six months from today on how the mining dumps in the State of Goa should be dealt with and will submit its final report within twelve months from today on the cap to be put on the annual excavation of iron ore in Goa'.

As directed vide the Judgment and order passed in Goa Foundation I, the Expert Committee submitted its reports. The issue regarding dumps was covered in the interim report dated 14-10-2014 and the final report dated 12-04-2015 of the Expert Committee.

The Government of Goa, thereafter filed an Interlocutory Application bearing No. 6524/2020 before the Hon'ble Supreme Court therein praying for permission to carry out dump mining on the basis of the recommendations of the Expert Committee, which application was allowed vide Order dated 13-12-2022, thereby permitting the Government of Goa to carry out dump mining activities in accordance with the Expert Committee's Report and specifically paragraph No. 6 that is containing the recommendation of the Expert Committee.

The Expert Committee in its report dated 12-04-2015 has recorded as follows:

'However, in the State of Goa, the segregation of various categories of mined materials is not very clear. In earlier days and as late as 2005, only saleable material was segregated and the rest was put in dumps. Slowly and steadily miners in Goa adopted segregation methods that conform to the above categorization of mined products in Goa. However, there are several mines which are continuing with the old practice. As a result, the dumps in Goa that are considered to be waste may contain Fe vales of unknown range and also other associated and industrial minerals.'

'Dumps or stacks of ore (raw or processed) that are marketable presently are not dealt with in this report'

'There has been no observation and/or order in the judgement of this Court dated 21st April, 2014, on ownership and/or expropriation of dumps within or outside the mining lease. Therefore, the levy of fees and the handling of the dumps is a State matter and needs to be governed by the State, in accordance with the Goa (Prevention of Illegal Mining, Storage, Transportation of Minerals)

Rules, 2013 and GMP 2013, other relevant Acts and Rules.'

'Upon considering the amendment brought about to the Land Revenue Code, the Committee suggested that the appropriation/ownership of the dumps outside the lease area is in the domain of the Government of Goa. However, by bringing an amendment in the LRC, and its being as per a Mining Plan (approved by IBM), handling of the dumps located outside the lease area becomes the prerogative of the lessees. In view of this, the Committee suggested that the Government of Goa may formulate a sound dump handling policy, in line with the above judgments/acts/rules, and after taking into consideration the aspects of environment, ecology, economy of the area and conservation of minerals.'

Further, the Expert Committee has classified valuable mineral fraction as:

- a) Ores (Marketable),
- b) Sub-grade Ore (above threshold value) and
- c) Low-grade Ore (below threshold value).

In light of the decision of the Hon'ble Supreme Court dated 13-12-2022 passed in I. A. No. 6524/2020, the report of the Expert Committee, the Judgment and order dated 21-04-2014 passed in Goa Foundation I, and the Goa Mineral Policy 2013 the Government of Goa is hereby pleased to frame the present policy for regulating dump handling in the State of Goa.

The dumps which were created by the mining companies in the land/areas which are not shown in the mining plan were not even permitted by the State Government or any other Authority. Therefore, the Government of Goa has deemed it fit to treat dumps situated outside the lease area but depicted on the mining plan and the dumps situated outside the lease area but not depicted on the mining plan differently. The mining plans which depicted the dumps outside the lease area were duly approved by the Indian Bureau of Mines at the relevant

point of time. The Mining plan as per the MC Rules was required to include the handling of waste, mineral rejects, a tentative estimate about accretion of mine waste and its manner and mode of disposal and confinement.

1. *Scope of the Policy.*— 1.1. As per the declarations provided by the Concessionaires/erstwhile Lessees, the total stock of dumps in Goa exceeds 700 Million Metric Tons as on date. However, some of these dumps were already worked since then.

1.2. Dump constitutes the excavated material accumulated in the form of heap or pile on the surface of the land or stocked on the demineralized area temporarily or permanently during mining, and the material stocked or piled can be re-handled as and when required not only for recovery of Fe mineral and associated minerals but also to fulfil the norms of mine closure plan as specified by the regulatory bodies. Therefore, dumps include not only the piles of stocks of exploitable Fe mineral, but it also includes wastes and tailings.

1.3. A Dump site would mean and include earmarked areas either within the mining lease or outside the lease area utilized for storing ore, overburden lumps or fines, rejects, sub-grade material, tailings or earth/soil generated during mining operation or extraction of ROM.

1.4. The present policy shall cover all dumps including tailing dumps, existing as on date, inventoried and not inventoried created from mining activities and which fall within and outside the lease areas, irrespective of whether they form a part of the inventory of dumps maintained by the Department of Mines and Geology or not. However, the present Policy shall not apply to those dumps which are located within the lease areas of leases which have been successfully auctioned under sub-section (4) of section 8A of the MMDR Act. This is necessitated as it is not practical to have two operators separately for dump mining and actual mining within the lease area. Therefore, it is proposed that the successful

bidder in the auction process is allowed to handle dumps along with other mining activity, subject to having obtained all the necessary approvals and upon the execution of the lease deed between the Directorate of Mines and Geology and the proposed lessee.

*2. Dumps situated outside the lease area on private property.*— 2.1. All dumps which have not been approved or shown in the mining plan sanctioned by the IBM shall be deemed to be completely illegal and neither the lease holder nor any other person shall have any right to the same. Such dumps shall be compulsorily auctioned by the Government.

2.2. With respect to the inventoried dumps situated on private properties falling outside the lease area, but depicted on the mining plan, only if the Conversion fees in terms of the Policy for regulating the mining dumps on Government and private lands, and related issues and the fine contemplated under sub-section 1A of section 33 of the Goa Land Revenue Code, have been paid; the erstwhile lease holder shall be permitted to remove the dump within a period of five years from the date of publication of the present policy or such further period as may be notified, subject to payment of royalty and compliance of all statutory requirements.

2.3. The erstwhile lease holders who fall under category 2.2. above shall not handle such dumps without the prior permission from the Director of Mines and Geology. The erstwhile lease holder shall prepare a proper plan of handling such dump including the manner in which the same shall be processed and transported. The Directorate of Mines and Geology shall verify upon inspection and the following details shall be identified; details of Mining Lease associated with the site or the person, company, body incorporated, agency, association of person associated with the site, details about ownership of the site, the right under which the said site was used for dumping, permission for temporary use on rent, details of date since the site is or was being used for the purpose of dumping or

stocking, the person, company, agency or any other body that is responsible for the site and authorization for the same.

2.4. Samples shall also be collected from three random points of the dump in order to ascertain the Fe content of the material forming the dump.

2.5. With respect to the all dumps (inventoried or not) situated on private property outside the lease area and whether depicted on the mining plan or not, and wherein the conversion fees with respect to the said land in terms of the Policy for regulating the mining dumps on Government and private lands, and related issues and the fine contemplated under sub-section 1A of section 33 of the Goa Land Revenue Code have not been paid by the erstwhile lease holder, all such dumps shall be auctioned by the Government of Goa.

2.6. With respect to the dumps situated outside the lease area but not depicted on the mining plan, the dump shall be auctioned by the Government of Goa.

*3. Dumps situated outside the lease area on Government property.*— The dumps situated outside the lease area, on Government property shall be auctioned irrespective of whether the same is depicted on the mining plan and payment of Conversion fees in terms of the Policy for regulating the mining dumps on Government and private lands, and related issues and the fine contemplated under sub-section 1A of section 33 of the Goa Land Revenue Code has been paid by the erstwhile lease holder.

*4. Dumps within the lease area wherein the lease area has not been auctioned nor proposed for auction under section 8A of the MMDR Act.*— With respect to the leases which have not been put up for auction and are neither proposed for auction in terms of section 8A of the MMDR Act, the Government has already issued Rule 12(1) (hh) notices to such lease holders and as such the lease holders do not have any rights whatsoever to such dumps. These dumps shall be auctioned by the Government of Goa.

5. *Manner in which the dumps will be auctioned.*— 5.1. The State of Goa shall auction the dumps in accordance with the e-auction policy devised by the State of Goa for such dumps.

5.2. Priority handling of dumps will be accorded to dumps which are unstable, adjoining water bodies or otherwise sensitive in nature.

5.3. Prior to processing any dump for auction, the Directorate of Mines and Geology will conduct a dump profile study of each dump.

5.4 . With respect to the dumps that have not been declared and as such do not form a part of the inventory of dumps maintained by the Government of Goa, the Director of the Directorate of Mines and Geology or his representative, shall upon receiving information of the existence of such a dump, carry out an inspection and add the said dump to the inventory of dumps. The said dump shall thereafter be auctioned in terms of the procedures contemplated in the present policy, irrespective of whether the dump is situated within a lease area or outside the lease area, and/or situated on private land or situated on Government land.

5.5. In the first phase, the un-stabilized dumps lying outside the lease area will be taken up for auction no sooner, the dump profile study is completed qua the said dump.

5.6. The operator for dump mining outside the lease area will be selected through a competitive bidding process. The successful bidder in the auction process shall need to take all necessary approvals as may be required including environmental clearance from the competent authority, if applicable, consent to operate and various other approvals as may be required from the different authorities.

5.7. Since some of the dumps are within forest areas including Sanctuary causing problem for wild life. The State Government will seek special approval (if required) from the MOEF for the removal of these dumps

and/or for the purpose of filling of large pits of closed mines in the interests of afforestation, and wild life preservation and only upon receiving a report from Forest Department that the removal of such dump is in the interest of the flora, fauna, forest cover and in the interest of wildlife, shall the State Government allow the removal of such dumps.

5.8. Apart from payment of royalty, the successful bidder shall also pay DMF, GIOPF and NMET, whichever are applicable under the MMDR Act, 1957 and the rules made thereunder, and any other charges as may be prescribed from time to time by the State Government.

5.9. The Government, in the e-auction policy devised will prescribe the time frame for obtaining the statutory approvals/clearances/permissions, timelines for carrying out dump mining and clearing the dumps, schedule of payments to be made to the Government and all other conditions as may be required for conduct of dump mining by the successful bidder.

5.10. The entire proceeds of the dump mining activity by the successful bidder will go to the Government treasury and no firm or person is eligible for any claim of whatsoever nature towards any monetary benefit from such proceeds.

5.11. The Government shall not be responsible for any dispute between the erstwhile mining leaseholder, the successful bidder, the land owner and/or any other party, and the successful bidder shall indemnify the Government to that extent.

5.12. Until the study by NEERI into what the optimum quantum of fresh mining in Goa State should be, an ad hoc limit of 25 million tons for dump transportation on public roads is hereby imposed.

6. *Compensation to be paid to for breach of surface rights.*— 6.1. Where the dump is situated on the property belonging to a private entity and the continuous presence and working of the dump on the said property

leads to infringement of the rights of the private entity, the said private entity shall be entitled to compensation in terms of sub-section (4) of section 36 of the Goa Land Revenue Code.

6.2. Rent/Occupation fees will be payable to the Government of Goa with respect to dumps situated on Government land at the rate as prescribed in the e-auction policy to be devised by the State of Goa.

7. *Proceedings and recoveries.*— 7.1. The auction of the dump, will not come in the way of the Government of Goa taking action under the provisions of the Goa Land Revenue Code and the Policy for regulating the mining dumps on Government and private lands, and related issues against the party that had created the dump, on Government land outside the lease area, or against the owner of the land wherein the said land upon which the dump stands belongs to a private entity. Save and except those cases wherein proceedings under section 33(1A) of the Goa Land Revenue Code have been initiated and the relevant conversion fees and fines have already been paid.

7.2. In the event the dump in question is the subject matter of an SIT inquiry, the same can be auctioned upon intimation to the SIT, as the continued presence of the dump in no manner facilitates or assists the investigation.

8. *Precautions to be carried out whilst carrying out dump mining.*— 8.1. Whilst carrying out dump mining all the necessary

care and precaution ought to be taken in order to prevent any threat to life, any health hazard, loss of lives from dump sliding etc.

8.2. All reasonable measures need to be put into place to prevent run-off from the dump, siltation and pollution of fields and rivers, estuaries and marshes, and overall degradation of the surrounding environment.

9. *Cancellation and modification of earlier policies.*— 9.1. The Goa Mineral Policy 2013, to the extent it deals with dump and dump handling stand cancelled for all purposes and shall no more be enforceable.

9.2. The policy for regulating the mining dumps on Government and private lands, and related issues shall stand modified to the extent it is inconsistent with this policy and any such inconsistent clauses in the policy shall be deemed to have been cancelled for all purposes.

10. *Powers of the State Government.*— Notwithstanding anything contained in the foregoing paragraphs of the present Policy, the State Government, by issuance of notification in the Official Gazette, may amend or withdraw any of the provisions mentioned here in above.

By order and in the name of the  
Governor of Goa.

Dr. S. Shanbhogue, Director & ex officio  
Joint Secretary.

Panaji, 13th September, 2023.

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