

# Punjab to have its own Enforcement Directorate

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**In news :** The state government of Punjab announced that the state will have its own Enforcement Directorate to check illegal mining

## About Punjab's Enforcement Directorate

**Department:** It will be set up in the **mining and geology wing of the water resources department.**

## Its composition

- The ED, to be headed by a senior police officer not below the rank of deputy inspector general of police (DIG)
- It would be assisted by 3 SP-level officers in the head office. Each of the 7 mining blocks (number may vary as per government policy) would be headed by an officer not below the rank of a DSP, with 21 inspectors/sub-inspectors at the district level (3 per DSP) and 175 head constables/constables under them.
- **Note:** This deployment may be altered/modified from time to time, keeping in view the functional requirements of the ED

## Mandate & Functions

- The ED will have the mandate to develop strategies, measures and methods to effectively achieve these objectives in coordination with the director mining, chief engineers dealing with mining and district level illegal mining enforcement committees under the deputy commissioners
- It will also develop actionable intelligence for the

purpose and coordinate with agencies of the neighbouring states dealing with the issue of illegal mining.

- It will also facilitate prosecution of those indulging in illegal mining under the Mines and Minerals (Development and Regulation) Act, 1957.
- Working closely with the mining wing of the water resources department, the ED will also ensure that those involved in the sand and gravel business do not overcharge on the sale price ceiling prescribed in the mining policy.

### **Salary and equipment**

The police personnel in ED would be provided salary, equipment, arms, by the police department. Any special equipment, if required, would be provided from the District Mineral Foundation Funds.

### **Targeted districts**

According to the government districts such as Mohali, Ropar, Hoshiarpur, Pathankot, Gurdaspur, Amritsar, Ludhiana, Nawanshahr, Jalandhar, Ferozepur, Sangrur and Bathinda would be given greater attention to ensure effective legitimate mining operations.

### **Coordination among district offices**

The deputy commissioners and district police chiefs (CPs & SSPs) will be required to extend all possible assistance to officers of the ED as and when requested

### **District Level Illegal Mining Enforcement Committees'**

- These Committees' would also be constituted under the deputy commissioners, with representatives from among the civil magistracy, district police and the mining department, in the concerned districts, to bring in the required synergy and coordination in operations to be

conducted against illegal mining.

- The ED would coordinate with these committees and work under overall supervision and control of principal secretary, water resources, and the director mining, and furnish a fortnightly progress report to the water resources minister, DGP, principal secretary (water resources and director mining).

## **Significance**

- The ED would help in checking and stopping unauthorised movement of minor minerals within the state and at the interstate borders of Punjab, in conjunction with the officials of the mining department
- It will also help ramp up the state's revenues by curbing the menace of illegal mining.

## **Central Enforcement Directorate**

- Directorate of Enforcement is a Multi Disciplinary Organization mandated with the task of enforcing the provisions of two special fiscal laws – Foreign Exchange Management Act, 1999 (FEMA) and Prevention of Money Laundering Act, 2002 (PMLA).
- Besides directly recruiting personnel, the Directorate also draws officers from different Investigating Agencies, viz., Customs & Central Excise, Income Tax, Police, etc. on deputation.
- The origin of this Directorate goes back to 1st May, 1956, when an 'Enforcement Unit' was formed, in Department of Economic Affairs, for handling Exchange Control Laws violations under Foreign Exchange Regulation Act, 1947 (FERA '47); this Unit was headed by a Legal Service Officer, as Director of Enforcement, assisted by an Officer drawn on deputation from RBI, besides 03 Inspectors of Special Police Establishment; besides Delhi Hqrs., to start with, there were 02 branches – at Bombay and Calcutta.

- In the year 1957, this Unit was renamed as 'Enforcement Directorate', and another branch was opened at Madras.
- The administrative control of the Directorate was transferred from Department of Economic Affairs to Department of Revenue in 1960.
- With the passage of time, FERA'47 was repealed and replaced by FERA, 1973.
- For a short period of 04 years (1973 – 1977), the Directorate remained under the administrative jurisdiction of Department of Personnel & Administrative Reforms.
- With the onset of the process of economic liberalization, FERA, 1973, which was a regulatory law was repealed and in its place, effective 1st June, 2000, a new law – Foreign Exchange Management Act, 1999 (FEMA) came into operation.
- Further, in tune with the International Anti Money Laundering regime, Prevention of Money Laundering Act, 2002 (PMLA) was enacted, and entrusted for its enforcement to the Directorate, w.e.f. 01.07.2005.
- Carved in the role of a multi-dimensional Organisation, the Directorate enforces two laws;
  - FEMA, a Civil Law having quasi judicial powers, for investigating suspected contraventions of the Exchange Control Laws and Regulations with the powers to impose penalties on those adjudged guilty and
  - PMLA, a Criminal Law, whereby the Officers are empowered to conduct enquiries to locate, provisionally attach/confiscate assets derived from acts of Schedules Offences besides arresting and prosecuting the Money Launderers.
- The Directorate of Enforcement, with its Headquarters at New Delhi is headed by the Director of Enforcement.
- There are five Regional offices at Mumbai, Chennai, Chandigarh, Kolkata and Delhi headed by Special Directors of Enforcement.