GOVERNMENT OF MEGHALAYA
MINING & GEOLOGY DEPARTMENT
ORDERS BY THE GOVERNOR

NOTIFICATION

The 8th December, 2017

No. MG.47/2015/229:- The Governor of Meghalaya is pleased to notify The Meghalaya District Mineral Foundation Rules, 2017 as follows:-

THE DISTRICT MINERAL FOUNDATION RULES, 2017

In exercise of the powers conferred by sub section (4) of Section 15, Section 15A and Section 21 read with Section 9B of the Mines and Minerals (Development and Regulation) Act, 1957 as amended by the Amendment Act, 2015, the Government of Meghalaya hereby makes the following rules for the establishment of District Mineral Foundations, the manner of working and receipt of contributions thereto, in all mineral bearing districts, for the interest and benefit of persons and areas affected by mining related operations and for purposes connected therewith, as follows,-

1. **Short title & commencement.-** (1) These rules may be called "the Meghalaya District Mineral Foundation Rules, 2017."

2. They shall come into force with effect from the date of their notification in the Official Gazette.

2. Definitions.- (1) In these rules, unless the context otherwise requires :-

(a) "Act" means the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957) as amended;

(b) "Authorized Officer" means Director or Joint Director or Deputy Director or Mining Engineer or Divisional Mining Officer or Mining Officer or Mines Royalty Inspector or Assistant Mines Royalty Inspector or Engineer of the Mining & Geology Department for their respective jurisdiction or any other officer authorized in this behalf by the State Government by notification in the Official Gazette;

(c) "Central Government" means the Government of India;

(d) "Department" means Department of Mining & Geology, Government of Meghalaya;

(e) "Director" means Director of Mineral Resources, Government of Meghalaya;

(f) "DMF" means District Mineral Foundation established under this rule;

(g) "Governing Council" means all the trustees of the District Mineral Foundation;

(h) "Section" means section of the Mines and Minerals (Development and Regulation) Act, 1957 as amended;

(i) "State" means the State of Meghalaya;

(j) "State Government" means the State Government of Meghalaya;

(k) "Trust' means the District Mineral Foundation set up by State Government under sub-rule (1) of rule 3 of Meghalaya District Mineral Foundation Rules, 2017;

(l) "Year" means financial year beginning on April 1 and ending on March 31 of the following year or part period there of ending on March 31;

(m) "Gram Sabha" means "Local Authority" as defined in Section 2(g) of the Meghalaya Residents Safety and Security Act, 2016 (Act No. 6 of 2016); and

(n) "PMKKKY" means "Pradhan Mantri Khanij Kshetra Kalyan Yojana" notified by Ministry of Mines, Government of India vide notification No. 16/7/2015-M.VI(Part) dated 16th September, 2015 appended as Schedule –II.

(2) Words and expression used but not defined in these rules shall have the same meaning as assigned to them under the Mines and Minerals (Development and Regulation) Act, 1957, as amended.

3. **Constitution of District Mineral Foundation.-**

(1) There shall be a Trust to be known as the District Mineral Foundation, constituted for each district of the State.

(2) The Trust shall be a perpetual body and shall have a common seal.

(3) The Deed of Trust (Form A appended hereto) shall be registered in each district by the Department or any person duly authorised on his behalf.

(4) The Deed of Trust shall be read along with this Part for removal of any difficulties and operational issues.

4. Composition of the District Mineral Foundation.- (1) The Governing Council shall consist of the following members, namely;-

(i) District Magistrate or Deputy Commissioner, who shall be its Chairperson and managing Trustee. - Chairman

(ii) Additional Deputy Commissioner or Project Director, District Rural Development Agency. - Member

(iii) Divisional Forest Officer. - Member

(iv) District Medical & Health Officer. - Member

(v) District Social Welfare Officer. - Member

(vi) District AH and Veterinary Officer. - Member

(vii) District School Education Officer. - Member

(viii) District Agriculture Officer. - Member

(ix) District Horticulture Officer. - Member

(x) General Manager, District Commerce & Industries Centre. - Member

(xi) Deputy Labour Commissioner. - Member

(xii) Joint Director or Divisional Mining Officer or representative from Directorate of Mineral Resources. -Member Secretary

(xiii) Executive Engineer Public Works Department (R) & (B). - Member

(xiv) District Treasury Officer. - Member

(xv) Representative of Secretary of the concerned Autonomous District Council. - Member

(xvi) Five community representatives from areas affected by mining, nominated by the DMF.

(xvii) One representative each from lease or permit holder of major or minor mineral, nominated by the District Governing Council.

(2) The Chairperson may nominate or invite such other Officials to the meetings of the Council, as he may consider necessary.

(3) The quorum for the Council shall be fifty percent of the members.

(4) The Joint Director or Divisional Mining Officer, acting as Convenor, shall call for meetings of the Council.

(5) The Council shall meet once every quarter in a financial year.

(6) Membership of the District Governing Council will be for a maximum period of three years in respect of non official members. Members once nominated or selected can be re-nominated or reselected only after a gap of 10 years. This provision does not apply to government representatives.

5. **Powers and Functions of the Governing Council of the District Mineral Foundation.**- There shall be a Governing Council for the overall control over the management and day to day functioning of the Trust, shall, subject to the guidelines or directions, if any, issued by the State or Central Government from time to time, have the following powers and functions including but not limited to:

(i) prepare and maintain an updated list of directly or indirectly affected areas by mining related operations;

(ii) approve the list of beneficiaries identified in the manner as specified in these rules;

(iii) approve the master plan or perspective plan;

(iv) ratify the appointment of auditors and approve annual reports;

(v) monitor the proper functioning of the Trust;

(vi) approve the annual budget, audit report and annual plan of the Trust;

(vii) grant administrative sanction for projects, release and disburse the Trust Fund;

(viii) appoint and remove staff taken on outsourcing basis;

(ix) supervision of execution of contracts and works and matters incidental thereto;

(x) maintenance of proper books of accounts;

(xi) exercise due diligence in carrying out its duties for protecting the interests of the Trust;

(xii) ensure timely collection of Contribution Fund from the concerned Mining Lease Holders in accordance with the provisions of the Act;

(xiii) all such other activities which are required for proper administration and working of the DMF; and

(xiv) any other activity incidental to or connected with any of the powers and functions as stated above.

6. **Objectives of the Trust.-** The objectives of the Trust will be-

(i) To work for the interest and benefit of persons and areas affected by mining related operations;

(ii) To plan, allocate, and ensure effective utilization of the funds accruing to the District Mineral Foundation towards the implementation of the various developmental and welfare projects or programmes in mining affected areas;

(iii) To minimise or mitigate the adverse impacts during and after mining, on the environment, health and socio-economics of people in mining districts;

(iv) To ensure long term sustainable livelihoods for the affected people in the mining areas.

7. Contributions to the Trust.- (1) Amount received under sub-sections (5) and (6) of Section 9B of the Mines & Minerals (Development and Regulation) Act, 1957 as amended at rates as notified by Central Government.

(2) By concession amount of payment under clause (C) of sub-section (4) of Section 15 of the Mines & Minerals (Development and Regulation) Act, 1957 as amended at the rate prescribed in the Schedule I appended to these rules.

(3) Income from properties of the Trust.

(4) Any other income which may accrue in the working of institution controlled by the Trust.

(5) Contributions to District Mineral Foundation Trust may also be made through grants and aid by either the State or Central Government.

8. Utilisation of the Funds of the District Mining Foundation.-The funds available with the District Mineral Foundation shall be utilised covering the activities listed in Para 2 of PMKKKY for the affected areas and people to be identified in the manner prescribed in Para 1 of PMKKKY.

9. Power to hold property. - The Trust shall have the power to hold property both moveable and immovable property which are highly essential for its day to day functioning.

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10. Vacancies in the Trust.- Any vacancy in the Trust shall not invalidate acts of the Trust.

11. Audit.- The accounts of the District Mineral Foundation shall be audited every year by the Chartered Accountant appointed by the Foundation, or in such a manner as the Government may specify, and the report thereof shall be placed in the public domain along with the Annual Report.

12. Annual Report.- (1) Every year, within three months from the date of closure of the financial year, the District Mineral Foundation shall cause to prepare an Annual Report on its activities for the respective financial year and place it before District Mineral Foundation.

(2) The Annual Report will be submitted to the Government within one month from the date of its approval by the District Mineral Foundation and will also be hosted on the website of the Foundation.

(3) The Annual Report of each District Mineral Foundation shall be laid before the State Legislative Assembly.

(T. DKHAR)

Commissioner & Secretary to the Government of Meghalaya,

Mining & Geology department

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Schedule –I

[See sub-rule (2) of Rule 7]

30% of the Royalty paid in terms of the Schedule-IV to the Meghalaya Minor Minerals Concession Rules, 2016.

SCHEDULE-II
[See Rule 2(1) (n)+8]

Guidelines of Pradhan Mantri Khanij Kshetra Kalyan Yojana (PMKKKY) published vide No. 16/7/2015-M.VI (Part) Government of India, Ministry of Mines, New Delhi Shastri Bhavan dated 16th September, 2015.

The Pradhan Mantri Khanij Kshetra Kalyan Yojana (PMKKKY) will be implemented by the District Mineral Foundations (DMFs) of the respective districts using the funds accruing to the DMF and as per provisions laid in Section 20A of the MMDR act, 1957, has directed to incorporate PMKKKY into the rules framed for DMF.

The overall objective of PMKKKY scheme will be (a) to implement various developmental and welfare projects/programs in mining affected areas, and these projects/ programs will be complementing the existing ongoing schemes/projects of State and Central Government; (b) to minimize/mitigate the adverse impacts, during and after mining, on the environment, health and socio-economics of people in mining districts; and (c) to ensure long-term sustainable livelihoods for the affected people in mining areas.

1. Identification of affected areas and people to be covered under the PMKKKY

1) Affected areas

a. Directly affected areas – where direct mining-related operations such as excavation, mining, blasting, beneficiation and waste disposal (overburdened dumps, tailing ponds, transport corridors etc.), etc. are located.

a) Villages and gram panchayats within which the mines are situated and are operational. Such mining areas may extend to neighboring village, block or district on even state.

b) An area within such radius from a mine or cluster of mines as may be specified by the State Government, irrespective of whether this falls within the district concerned or adjacent district.

c) Villages in which families displaced by mines have resettled/rehabilitated by the project authorities.

d) Villages that significantly depend on the mining areas for meeting their economic needs and have usufruct and traditional rights over the project areas, for instance, for grazing, collection of minor forest produce etc. should be considered as directly affected areas.

b. Indirectly affected areas –Those areas where local population is adversely affected on account of economic, social and environmental consequences due to mining-related operations. The major negative impacts of mining could be by way of deterioration of water, soil and air quality, reduction in stream flows and depletion of ground water, congestion and pollution due to mining operations, transportation of minerals, increased burden on existing infrastructure and resources.

c. The DMF shall prepare and maintain an updated list of such directly and indirectly affected areas by mining related operations.

2) **Affected people**

a. The following should include as directly affected persons:-

a) 'Affected family' as defined under Section 3 (c) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

b) 'Displaced family' as defined under Section 3 (k) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

c) Any other as appropriately identified by the concerned gram sabha.

b. Persons affected by mining should include people who have legal and occupational rights over the land being mined, and also those with usufruct and traditional rights

c. Affected families should be identified, as far as possible, in consultation with local/elected representatives of gram sabha.

d. The DMF shall prepare and maintain an updated list of such affected persons/local communities.

2. **Utilisation of Funds**

1) Scope of PMKKKY

The PMKKKY may cover the activities listed below: High priority areas – at least 60% of PMKKKY funds to be utilized under these heads:

a. Drinking water supply –centralized purification systems, water treatment plants, permanent/temporary water distribution network including standalone facilities for

drinking water, laying of piped water supply system.

b. Environment preservation and pollution control measures- effluent treatment plants, prevention of pollution of streams, lakes, ponds, ground water, other water sources in the region, measure for controlling air and dust pollution caused by mining operations and dumps, mine drainage system, mine pollution prevention technologies, and measures for working or abandoned mines and other air, water & surface pollution control mechanisms required for environment-friendly and sustainable mine development.

c. Health care –the focus must be on creation of primary / secondary health care facilities in the affected areas. The emphasis should not be only on the creation of the health care infrastructure, but also on provision of necessary staffing, equipment and supplies required for making such facilities effective. To that extent, the effort should be to supplement and work in convergence with the existing health care infrastructure of the local bodies, state and Central government. The expertise available with the National Institute of Miners' Health may also be drawn upon to design special infrastructure needed to take care of mining related illnesses and diseases. Group Insurance Scheme for health care may be implemented for mining affected persons.

d. Education – construction of school buildings, Additional class rooms, Laboratories, Libraries, Art and crafts room, Toilet blocks, Drinking water provisions Residential Hostels for students/teachers in remote areas,, sports infrastructure, engagement of teachers/other supporting staff, e-learning setup, other arrangement of transport facilities (bus/van/cycles/rickshaws/etc.) and nutrition related programs.

e. Welfare of Women and Children- Special programmes for addressing problems of maternal and child health, malnutrition, infectious diseases, etc. can be taken up under the PMKKKY.

f. Welfare of aged and disabled people – Special program for welfare of aged and disabled people.

g. Skill development–skill development for livelihood support, income generation and economic activities for local eligible persons. The projects / schemes may include training, development of skill development center, self-employment schemes, support to Self Help Groups and provision of forward and backward linkages for such self-employment economic activities.

h. Sanitation– collection, transportation & disposal of waste, cleaning of public places, provision of proper drainage & Sewage Treatment Plant, provision for disposal of fecal sludge, provision of toilets and other related activities.

Other priority Areas – Up to 40% of the PMKKKY to be utilized under these heads

a. **Physical infrastructure** - providing required physical infrastructure - road, bridges, railways and waterways projects.

b. **Irrigation** - developing alternate sources of irrigation, adoption of suitable and advanced irrigation techniques.

c. **Energy and Watershed Development** - Development of alternate source of energy (including micro-hydel) and rainwater harvesting system. Development of orchards, integrated farming and economic forestry and restoration of catchments.

d. **Any other measures for enhancing environmental quality in mining district.**

2) **General guidelines**

a. The developmental and welfare activities to be taken up under the PMKKKY should be, as far as possible, in the nature of complementing the ongoing schemes/projects being funded by the State as well Central Government. Activities meant to be taken up under the 'polluter pays principle' should not be taken up under the PMKKKY. However, without prejudice to the powers of the Foundation, efforts shall be made to achieve convergence with the State and the District Plans so that the activities taken up by the Foundation supplement the development and welfare activities and are treated as extra-budgetary resources for the State Plan.

b. An amount not exceeding 5% of the annual receipts of the Foundation subject to an upper limit fixed by state government may be utilised for administrative, supervisory and overhead costs of the Foundation. As far as possible, no temporary/permanent posts should be created under PMKKKY. Any creation of temporary/permanent posts and purchase of vehicle by the foundation shall require prior approval of the State Government. However, minimum required staff can be engaged on contractual basis.

c. If the affected area of a mine in one district also falls in the jurisdiction of another district, such percentage of amount collected from the mine by the Foundation, as may be decided by the Government, shall be transferred to the Foundation of the other district concerned for taking up the activities in such areas. A project that is for benefit of the affected area/ people, but stretches beyond the geographical boundary of the district should be taken up under the PMKKKY after obtaining prior approval of the State Government. Projects for development of common infrastructure like construction of roads, bridges etc. in excess of the limits specified in regard to the priority for fund utilization, on a case to case basis, may also be taken up for projects of importance to the District. The prior approval of the State Government need to be taken, with intimation to the Central

Government, before taking up such works in excess of the limits of fund utilization.

d. A reasonable sum of the annual receipts should be kept as endowment fund for providing sustainable livelihood.

3. Special provisions for scheduled areas

The process to be adopted for utilization of PMKKKY funds in the scheduled areas shall be guided by the provisions contained in Article 244 read with Schedule V and Schedule VI to the Constitution relating to administration of the Scheduled Areas and Tribal Areas and the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

In respect of villages affected by mining situated within the scheduled areas:

(i) Approval of the Gram Sabha shall be required

a) for all plans, programs and projects to be taken up under PMKKKY.

b) identification of beneficiaries under the existing guidelines of the Government.

(ii) Report on the works undertaken under PMKKKY in the respective village shall be furnished to the Gram Sabha after completion of every financial year.

[Gram Sabha will have same meaning as assigned to it for the purpose of implementation of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (Act 40 of 1996)]

4. Implementation of Works / Contracts

(i) Works /goods may be procured by the DMF after following the due procedure prescribed by the respective state governments for such procurements.

(ii) Transfer of fund to all agencies and beneficiaries shall be into their bank account.

5. Compliance of Transparency

(1) Each Foundation will prepare and maintain a website on which, inter-alia, following information will be hosted and kept updated:-

(i) Details of composition of the DMF/bodies of DMF (if any).

(ii) List of areas and people affected by mining.

(iii) Quarterly details of all contributions received from lessees and others.

(iv) All meeting agenda, minutes and action taken reports (ATRs) of the DMF.

(v) Annual Plans and budget, work orders, Annual Report.

(vi) Online status of ongoing works – implementation status/progress of all the projects/programs being undertaken under PMKKKY should be made available on the website, including description of work, details of beneficiaries, estimated cost, name of implementing agencies, expected date of commencement and completion of work, financial and physical progress upto last quarter etc.

(vii) List of beneficiaries under various welfare programs.

(viii) Voluntary disclosures under RTI Act.

6. **Audit**

The accounts of the DMF shall be audited every year by the Chartered Accountant appointed by the DMF, or in such other manner as the Government may specify, and the report thereof shall be placed in the public domain alongwith the Annual Report.

7. **Annual Report**

a. Every year, within three months from the date of closure of the financial year, the DMF shall cause to prepare an Annual Report on its activities for the respective financial year and place it before the DMF.

b. The Annual Report will be submitted to the Government within one month from the date of its approval by the DMF and will also be hosted on the website of the Foundation.

c. The Annual Report of each Foundation shall be laid before the State Legislative Assembly.

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PART-IIA

GOVERNMENT OF MEGHALAYA

MINING AND GEOLOGY DEPARTMENT

NOTIFICATION

The 28th December, 2017.

CORRIGENDUM

No.MG.47/2015/252.- Dated 28th December, 2017: (1) The Deed of Trust (Form A) under Rule 3 (3) is added to the Meghalaya District Mineral Foundation Rules, 2017 notified *vide* this Department Notification No.MG.47/2015/229, dated. 8th December, 2017.

No.MG.47/2015/252-A.- Dated 28th December, 2017: (2) Rule 4 the Meghalaya District Mineral Foundation Rules, 2017 notified *vide* this Department Notification No.MG.47/2 015/229, dated 8th December, 2017 may be read as follows:-

4. Composition of the District Mineral Foundation- (1) There shall be a Governing Council at the State level and in each District which shall be comprised of the following members, namely:-

State Level:

(i)	Chief Secretary	-	Chairman
(ii)	Principal Secretary/Commissioner & Secretary/Secretary Mining & Geology Department	-	Member
(iii)	Principal Secretary/Commissioner & Secretary C&RD Department	-	Member
(iv)	Principal Secretary/Commissioner & Secretary, Forest & Environment Department	-	Member
(v)	Principal Secretary/Commissioner & Secretary, Health & Family Welfare Department.	-	Member
(vi)	Principal Secretary/Commissioner & Secretary, Public Works Department.	-	Member
(vii)	Principal Secretary/Commissioner & Secretary/ Secretary District Council Affairs Department.	-	Member
(viii)	Principal Secretary/Commissioner & Secretary / Secretary Education Department	-	Member
(ix)	Principal Secretary/Commissioner & Secretary/Secretary Social Welfare Department.	-	Member
x)	Principal Secretary/Commissioner & Secretary/Secretary Labour Department.	-	Member
(xi)	One Representative from each Autonomous District Council	-	Member
(xii)	Two Deputy Commissioners on rotation basis - Chairman of DMF	-	Member
(xiii)	Director of Mineral Resources	-	Member Secretary

District Level:

(i) District Magistrate or Deputy Commissioner, who shall be its Chairperson and managing Trustee. - Chairman

(ii) Additional Deputy Commissioner or Project Director, District Rural Development Agency. - Member

(iii) Divisional Forest Officer. - Member

(iv) District Medical & Health Officer. - Member

(v) District Social Welfare Officer. - Member

(vi) District AH and Veterinary Officer. - Member

(vii) District School Education Officer. - Member

(viii) District Agriculture Officer. - Member

(ix) District Horticulture Officer. - Member

(x) General Manager, District Commerce & Industries Centre. - Member

(xi) Deputy Labour Commissioner. - Member

(xii) Joint Director or Divisional Mining Officer or representative from Directorate of Mineral Resources. -Member Secretary

(xiii) Executive Engineer Public Works Department (R) & (B). - Member

(xiv) District Treasury Officer. - Member

(xv) Representative of Secretary of the concerned Autonomous District Council. - Member

(xvi) Five community representatives from areas affected by mining, nominated by the DMF.

(xvii) One representative each from lease or permit holder of major or minor mineral, nominated by the District Governing Council.

(2) The Chairperson may nominate or invite such other Officials to the meetings of the Council, as he may consider necessary.

(3) The quorum for the Council shall be fifty percent of the members.

(4) The Joint Director or Divisional Mining Officer, acting as convenor shall call for meetings of the Council.

(5) The Council shall meet once every quarter in a financial year.

(6) Membership of the District Governing Council will be for a maximum period of three years in respect of non official members. Members once nominated or selected can be re-nominated or reselected only after a gap of 10 years. This provision does not apply to government representatives.

T. DKHAR,
Commissioner & Secretary to the Government of Meghalaya,
Mining & Geology Department.

FORM - A
DISTRICT MINERAL FOUNDATION TRUST DEED

THIS DEED OF TRUST executed on **this** _____ **day of** _____**, 201**__ by the Governor of Meghalaya represented by the Secretary/ Joint Secretary/ Deputy Secretary Mining & Geology Department, Government of Meghalaya, Shillong, East Khasi Hills District, herein after called the **"SETTELOR"** of the PART ONE (which expression shall unless repugnant to the context or meaning thereof to be deemed to include their respective heirs, executors, administrators of the FIRST PART).

WHEREAS, the Authors of this Trust by virtue and consideration of **Section 9B of the Mines and Mineral (Development and Regulation) Act 1957** (as amended) and desire of creating the **TRUST** hereby shall be known as _____ **DISTRICT MINERAL FOUNDATION TRUST,** the objectives and purpose more fully set out in the clauses herein below;

WHEREAS, in pursuance of the above District Mineral Foundation Trust, the Government of Meghalaya hereby contributed a sum of Rs. _____/- (Rupees _____) only to the Trust;

AND WHEREAS, the Board of Trustees have agreed to accept the same for its purposes in the manner hereinafter appearing.

NOW THIS DEED OF TRUST WITNESSETH AS FOLLOWS:

1. **INTERPRETATION & DEFINITIONS;**

IN THIS DEED OF TRUST wherever the context permits, the following word shall have the meaning mentioned herein:

(a) 'Act' means the Mines and Mineral (Development & Regulation) Act, 1957 as amended.

(b) "Auditors" the Auditor or Chartered Accountant appointed by the Trustees, and includes the Accountant General of the State or other Auditors nominated by the Settlor.

(c) "Beneficiaries" mean the persons and areas affected by mining related operations undertaken in the area.

(d) "Contribution" means the contribution to be collected from the holders of:

i. mining lease or a prospecting licence-cum-mining lease under the provisions of sub-section (5) of Section 9B of the Act;

ii. mining lease under the provisions of sub-section (6) of Section 9B of the Act; and

iii. minor mineral concession under the provisions of section 15A of the Act.

in the District as may be prescribed by the Central Government or State Government;

(e) "Contribution Fund" means the Contribution Fund to be collected from the holders of -

(i) mining lease or a prospecting licence-cum-mining lease under the provisions of sub-section (5) of Section 9B of the Act.

(ii) mining lease under the provisions of sub-section (6) of section 9B of the Act; and

(iii) minor mineral concession under the provisions of Section 15A of the Act.

in the District as may be prescribed by the Central Government or State Government, as the case may be;

(f) 'District Magistrate' means the Head of the Revenue Administration at the District level whether designated as Deputy Commissioner or Collector;

(g) 'District Panchayat' means and includes District Council or any other authority entrusted with the similar functions in the areas under the Schedule-V and Schedule-VI of the Constitution of India;

(h) "Governing Council" means all the trustees of the District Mineral Foundation Trust.

(i) "The Trust" means the (name of the District) District Mineral Foundation Trust created by the SETTLOR; and

(j) "Year" means a financial year beginning April 1 and ending March 31 of the following year or part period there of ending on March 31.

2 (1). <u>NAME OF TRUST</u>:

The Trust shall be called **"DISTRICT MINERAL FOIUNDATION TRUST".**

(2) OFFICE:

The Office of the Trust shall be at Shillong, Meghalaya, INDIA.

(3) OBJECTS:

The objective of the **DISTRICT MINERAL FOIUNDATION TRUST** shall be as specified under **Rule 3 of the Meghalaya District Mineral Foundation Rules, 2017.**

3 . PURPOSES & OBJECTIVES OF THE TRUST:

(1) To Earmark funds for the District Mineral Foundation for implementation of the activities under the PMKKKY scheme.

(2) To open and provide such medical care and health centres, training centres, etc. affected by the mining activities.

(3) To conduct social, educational, and community development programmes, such as lectures, demonstrations, seminars, workshops, conferences and other effective means & media.

(4) To spread the message, educate, publicized regarding mining by means of literature, by printing, publishing, circulating, TV or radio messages, distributing them to the public:

PROVIDED that the application of the Foundation Trust funds and assets shall be done without distinction of nationality, Religion, caste, class, creed or sex.

4. FOUNDER TRUSTEES:

The Authors of the Foundation Trust are the Founder Trustees who shall hold the office of the Trust for _____ years unless they resign their Trusteeship and inform the State Government in writing or removed for indulging in anti-activities of the Trust.

5. BOARD OF TRUSTEES:

Foundation Trust shall be governed by the Board of Trustees consisting of not less than..... (in words) but not more than ..... (in words) members.

6. FUNCTIONS OF THE BOARD OF TRUSTEES:

1) Exercise due diligence in carrying out its duties for protecting the interest of the Trust.
2) Ensure timely collection of Contribution Fund from the concerned Mining Lease Holders in accordance with the provision of the Act.
3) Prepare the Master Plan/ Vision Document for the activities of the Trust.
4) Assist in the preparation of the Annual Plan and the Annual Budget of the Trust along with the proposed Schemes and Projects.
5) Supervise and ensure the execution of the Annual Plan and the approved Schemes and Projects.
6) Accord sanction to the projects, release and disburse the Trust Fund for the purpose.
7) Operate the TRUST FUND and to invest the same in a diligent manner and to open Bank Accounts in the Name of the Trust and operate such accounts and investments.
8) Monitor the progress of the utilization of Trust funds.
9) Approve the audited accounts along with an Annual Report within 60 days of close of financial year.
10) Do all other things which are necessary for smooth functioning and management of the Trust.
11) Lay down and /or approve rules and procedures for the functioning of the Trust.

7. CO-OPTION:

The Authors of the Foundation may co-opt additional members to an extend of maximum ____ Trustees whose period of office shall be not less than _____ years

8. CONSTITUTION OF THE BOARD OF TRUSTEES:

i. The Board of Trustees shall elect among themselves:-
President, Secretary and Treasurer, who shall hold the office for a period of ____ years or until such time the new office bearers of the Board of Trust are elected.

ii. The President shall be entitled to preside over the meetings if the Board of Trustees.

iii. In the absence of the President the Trustees present may elect among themselves a Trustee to chair the meeting.

9. POWERS OF THE OFFICE BEARERS OF BOARD OF TRUSTEES :

(1) PRESIDENT:

(a) The President of the Trust shall preside over all the meetings of the General Body of Trustees.

(b) The President shall direct the other officers to execute the resolution of the Trust.

(2) SECRETARY:

(a) The Secretary is the person to execute the decisions of the Trust.

(b) The Secretary to maintain correspondence with members as well as with other Trustees or with the Government or any other body, on behalf of the Trust.

(c) The Secretary in consultation with the President shall convene the meeting of the Board of Trust.

(d) The Secretary is to prepare and submit the annual report of the Trust of the proceeding year and also maintain correspondence.

(e) Secretary is the officer of the Trust who will keep records of the Trust and also maintain correspondence.

(f) The membership list of the Board of Trust upto date shall be maintained by the Secretary.

(g) Recording the minutes of the meeting of the Board of Trustees as well as the executive/ sub-Committee meetings.

(3) **TREASURER:**

(a) Treasurer is the person who is in charge of the funds of the Trust and only the treasurer shall operate the Bank accounts along with the Secretary or President in respect of the funds of the Trust.

(b) The Treasurer is the person authorized to receive and also make payments as per the rules and regulations of the Trust and according to the directive of the Board of Trustees.

(c) The Treasurer has to prepare the statement of accounts and get it audited by the person authorized by the trustees and submit annually to the Board of Trustees for approval.

(d) Treasurer shall receive donations, any other amount on behalf of the Trust and issue receipts and make payments.

10. FUNDS OF THE FOUNDATION TRUST:

The funds of the foundation shall comprise:

(a) Amount received under sub-sections (5) and (6) of Section 9B of the (Development and Regulation) Act, 1957 as amended.

(b) Income from properties of the Trust.

(c) Any other income which may accrue in the working of institution controlled by the Trust.

11. (1) BOARD OF TRUSTEES SHALL HAVE POWERS TO FRAME RULES FROM TIME TO TIME:

Subject to the approval of the State Government, the Board of Trustees may from time to time frame rules on the followings:-

(a) For the conduct of their own meetings and business.

(b) For facilitating and carrying out of the objects of the Trust.

(c) To appoint sub-Committees, advisory or Governing Bodies for all or any one and they may delegate their powers to such bodies or others or to some of their members on such terms and conditions as they deem fit.

(d) To employ the necessary staff, take disciplinary actions, to terminate their services, regulate their service conditions etc.

(2) THE BOARD OF TRUSTEES MAY AND ARE HEREBY EMPOWERED:

(a) As per law obtain and secure in the name of the Trust any moveable/immoveable properties by Purchase, Gift, lease or grant and to own and possess the same to sell. Mortgage, or lease out the same, provided in case of purchase or sale of properties the consent of majority of the trustees has been obtained.

(b) Open any current or other account/s with any Nationalised Bank/s and arrange for operation thereon by President along with any one of the Trustees for the time being.

(c) Construct any building, and improve, alter or repair any building which may be acquired in the name of the Trust.

(d) Raise funds and receive donations if necessary for carrying out the progress and objects of the Foundation Trust.

(e) Incur necessary expenses for carrying out the aims and objects of the Foundation Trust.

12. ACCOUNTS AND MINUTES:

The Board of Trustees shall maintain true and correct accounts of all receipts and payments and dealings in regard to the foundation's property and shall also maintain the correct record of their meetings and deliberations. Accounts shall be audited every year by a qualified Chartered accountant appointed by the Board of Trustees. The accounting year shall be from 1st April to 31st March of every succeeding year.

13. TRUST FUNDS:

The funds and the income of the Trust shall be solely utilized for the achievement of the objectives of the trust and no portions shall be utilized for payment to the Trustees members by way of profit, interest, dividends etc.

14. THE TRUST IS IRREVOCABLE:

In case of death or retirement or resignation or termination of one of the Trustees or any other reason causing vacancy, the State Government shall process to immediately filled up within 30 days of vacancy so caused.

15. AREA OF JURISDICTION:

The activities of the Trust at the District level will be only within the area of jurisdiction of the concerned District.

16. DISSOLUTION OF THE TRUST :

In the event of dissolution or winding up of the Trust the assets remaining as on the date of dissolution shall under no circumstances be distributed among the Trustees and the same shall be either transferred, dispose of only as per the terms and condition to be prescribed by rules by the State Government.

17. NOTICE OF MEETING :

A clear notice of 5 (five) days shall be given for Board of Trustees unless it is an emergent meeting. Emergent meeting of the Trust shall be held with a notice of 24 (twenty-four) hours.

18. PROCEEDINGS OF MEETING:

No business shall be transacted at the ordinary meeting of the Board of Trustees other than those detailed in the Agenda except with permission of Chairman of the meeting.

19. QUORUM:

Five Trustees shall be deemed to be the quorum for a meeting of Trustees. If required quorum is not present, the meeting shall stand adjourned to the same day, hour and place of the next week to discuss the same agenda and the members present may transact the business for which the meeting is called for. In such adjourned meeting, no quorum is required and no new subject shall be considered.

20. INDEMNITY:

The Trustees shall be kept fully indemnified and harmless by the Trust against any loss suffered or liability arising against Trustees for anything done by them in good faith pursuant to the power and authority conferred on them by this Deed.

21. CONSENT OF TRUSTEES:

The parties hereto declare that they have consented to act as Trustees in the manner herein before stated and affixed their signature to this Deed.

22. AMENDMENT:

No amendment to the Trust Deed shall be made which may prove to be repugnant to the provisions of **the Mines and Mineral (Development and Regulation) Act 1957** and the Meghalaya District Mineral Foundation Rules, 2017 as amended from time to time.

Further, no amendment shall be carried out without the prior approval of the State Government.

TRUSTEES		**SETTELOR**
1.		
2.		
3.		
4.		
5.	Tentative Nos. of Trustees to be prescribed by Mining & Geology Department.	
6.		
7.		
8.		
9.		
10.		

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