GOVERNMENT OF MEGHALAYA
MINING AND GEOLOGY DEPARTMENT
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ORDERS BY THE GOVERNOR

OFFICE MEMORANDUM

No. MG.61/2018/37 Dated Shillong, the 17th December, 2019

Guidelines for operation of the 'Meghalaya Environment Protection and Restoration Fund (MEPRF)'

WHEREAS the Hon'ble National Green Tribunal vide its order dated 25th March, 2015 in Original Application No. 73 of 2014 directed the State Government to collect 10% of the market value of the coal per metric tonne, in addition to the royalty and deposit the said amount in the account titled as 'Meghalaya Environment Protection and Restoration Fund(MEPRF)' to be maintained by the State under direct control of the Chief Secretary of the State of Meghalaya;

And WHEREAS the Hon'ble National Green Tribunal vide aforesaid order directed State to use the Meghalaya Environment Protection and Restoration Fund (MEPRF) exclusively for restoration of environment and for necessary remedial and preventive measures in regard to environment and matters related thereto;

And WHEREAS the State Government has opened an account in the Nationalized Bank in the name of 'Meghalaya Environment Protection and Restoration Fund' and 10% of the market value of the coal per metric tonne being collected from the transportation of already extracted coal, as allowed by the Hon'ble Supreme Court and by the Hon'ble National Green Tribunal from time to time;

And WHEREAS Hon'ble National Green Tribunal has vide order dated 31st August, 2018 passed in the O.A. No. 110(THC)/2012 constituted a committee headed by Hon'ble Justice Mr B.P. Katekey, Former Judge of Guwahati High Court along with one representative each from Central Pollution Control Board and Indian School of Mines, Dhanbad to prepare time bound action plan for restoration of the environment and rehabilitation of the victims from the MEPRF funds;

Now, THEREFORE, the Governor of Meghalaya is pleased to notify the following guidelines for the purpose of operation and utilization of the said Meghalaya Environment Protection and Restoration Fund (MEPRF).

1. "Guidelines for operation of the 'Meghalaya Environment Protection and Restoration Fund (MEPRF)".

The State Government shall notify institutional mechanism consisting of District level executive committees, a Technical Committee, the Steering Committee and a Monitoring Group to ensure utilisation of MEPRF in an efficient, effective and transparent manner for the purposes of restoration of environment in areas affected by coal mining in the State and for necessary remedial and preventive

measures in regard to environment and matters related thereto including rehabilitation of persons affected by coal mining.

2. Steering committee.-(1)The Steering committee at State level shall comprise of following members :-

Sl No	**Name and designation**	**Designation in the Governing body**
1	Chief Secretary	Chairperson
2	Principal Chief Conservator of Forests &HoFF	Members
3	Additional Chief Secretary/Principal Secretary/ Commissioner & Secretary, Mining and Geology Dept	
4	Additional Chief Secretary/Principal Secretary/Commissioner & Secretary, Forests & Environment Dept	
5	Additional Chief Secretary/Principal Secretary/ Commissioner & Secretary, Finance Department/Planning Department/ PHE Department/ Revenue & Disaster Management Dept./Labour Department/ Social Welfare Department/Education Department	
6	Commissioner of Divisions, Khasi jaintia Hills Division/Garo Hills Division.	
7	Deputy Director General of Forests (C) MOEF &CC Regional Office North Eastern Zone, Shillong	
8	Chairman, State Environmental Impact Assessment Authority	
9	Chairman, Meghalaya State Pollution Control Board	
10	Regional Director, Central Pollution Control Board, Shillong	
11	Secretary to the Chief Executive Member, Autonomous District Councils	
12	Director of Mineral Resources	Member secretary
13	Two non-official members/non-governmental organization having expertise in the field of Environment and Mining	Non-official member

(2) Powers and functions of the Steering committee:- Without prejudice to the general powers and functions of fulfilment of the object of these guidelines, the Steering committee shall have the following powers and functions:

i. Assessment of administrative feasibility and prioritisation of various activities to be under taken from the MEPRF.

ii. Determine project area for undertaking various activities and schemes under the MEPRF.

iii. Recommending the Annual Action Plan prepared by respective District Level Implementing Committee duly scrutinised and approved by technical committee.

iv. Placing Annual Action plan before the committee constituted by the Hon'ble National Green Tribunal vide order dated 31st August, 2018 in the O.A. No. 110(THC)/2012 for approval.

v. Approving such other expenditure, in furtherance of the objectives of the Meghalaya Environment Protection and Restoration Fund (MEPRF) after obtaining necessary approval from the Committee.

vi. Ensuring Inter-Departmental coordination.

vii. Approving annual reports and audited accounts of the MEPRF submitted by each District Level Implementing Committee.

viii. Laying down of annual reports before the State Legislative Assembly.

ix. Ratifying the appointments on contractual basis to run the MEPRF.

x. Appointment of auditor for auditing accounts of District Level Implementing Committee.

xi. Monitor the progress of the utilization of MEPRF and review the progress of preceding projects.

xii. Placing the annual report before the NGT committee for onward submission to the Hon'ble National Green Tribunal

(3)Meetings of the Steering committee:-

i. The Steering committee shall meet at least once in three months and it shall be convened as decided by the Chairperson

ii. The quorum for such meeting shall be one third of the total members of the Steering committee.

3. Technical committee.-(1) The Technical committee shall be constituted with following members:-

Sl No	**Name and designation**	**Designation in the Technical committee**
1	Principal Chief Conservator of Forests &HoFF	Chairperson
2	Additional Principal Chief Conservator of Forests (CC R&T)	Member Secretary
3	Director of Mineral Resources.	Members
4	Member Secretary, State Expert Appraisal Committee (SEAC)	
5	Member Secretary, Meghalaya State Pollution Control Board	
6	Additional Director, Central Pollution Control Board, Shillong	
7	Senior Scientist/ Environmental Engineer, MOEF & CC Regional Office North Eastern Zone, Shillong.	
8	Chief Engineer PHE	
9	Labour Commissioner	
10	Director of Social Welfare	
11	Head, Department of Environmental Studies, North-Eastern Hill University	
12	Representative from CSIR –Central Institute of Mining and Fuel Research, Dhanbad.	
13	Representative from Environment Protection Training and Research Institute (EPTRI), Hyderabad	

(2) Powers and functions of the Technical Committee:-

a) To examine and certify technical feasibility of the proposals for restoration of environment damaged due to coal mining.

b) To scrutinize and recommend the proposals received and submit before the Sub-committee constituted by committee constituted by the Hon'ble National Green Tribunal vide order dated 31st August, 2018 in the O.A. No. 110(THC)/2012 for approval.

c) To scrutinize and approve Annual Action Plan prepared by respective District Level Implementing Committee.

d) To approve rates/estimated costs of the proposals for various activities restoration of environment damaged due to coal mining.

e) To suggest best possible technology/technical solution for each activity proposed to be undertaken from the MEPRF by holding brain storming sessions and consulting reputed organizations involved in restoration of environment damaged due to mining activities.

(3) Meetings of the Technical Committee:-

a) The Technical Committee shall meet at least once in every month and it shall be convened as decided by the Chairperson

b) The quorum for such meeting shall be one third of the total members of the Technical Committee.

4. District Level Implementing Committee.- 1) District Level Implementing Committee shall be constituted in each district affected by coal mining with following members:-

Sl No	**Name and designation**	**Designation**
1	Deputy Commissioner	Chairperson
2	Divisional Forest Officer, Territorial Division /Social Forestry Division	Member secretary
3	Representative from the Directorate of Mineral Resources	Members
4	Representative from Autonomous District Councils	
5	Executive Engineer, PHE	
6	District School Education Officer	
7	Representative from the Meghalaya State pollution Control Board	
8	Representative from Meghalaya Basin Development Agency (MBDA)	
9	Representative from Institute/Firm/Organization implementing projects	
10	Three representatives from villages affected by coal mining in the District	Non official Members

2) Powers and functions of the District Level Implementing Committee:-

a) Take all steps for implementation of various activities/schemes for the restoration of environment in project areas.

b) Preparation Annual Action Plans as per the projects/schemes approved by technical committee and Steering committee for various activities permissible under the Guidelines.

c) Submission of Annual action Plan to technical committee and steering committee for approval.

d) Execute and supervise the Annual Action Plans and the approved schemes and projects.

e) Prepare Annual Report for each Financial year.

f) Maintain the books of accounts and place audited accounts along with Annual Report before the Steering Committee for approval.

3) Meetings of executive Committee: The meeting of District Level Implementing Committee shall be held at least once in every month and it shall be convened as decided by the Chairperson.

5. Monitoring Group.-(1)The Monitoring Group shall be constituted with following members:-

Sl No	**Name and designation**	**Designation**
1	Non-official expert in the field of Mining or Environment	Chairperson
2	Two Non-official experts in the field of Mining or Environment	Members
3	Representative from NESAC	Member
4	Mining Officer, Directorate of Mineral Resources	Member secretary

(2)Powers and functions of the Monitoring Group:-

a) Monitoring quantitative and qualitative progress of activities under taken from MEPRF.

b) Submits periodic reports to committee constituted by the Hon'ble national Green Tribunal vide order dated 31st August, 2018 in the O.A. No. 110(THC)/2012 for its perusal and onward submission to the Hon'ble National Green Tribunal.

c) Conducting field inspections of the activities undertaken from MEPRF for preparation of periodic reports.

6. Operation of Account.-

1) Funds accrued under MEPRF shall be kept under Savings Bank Account in a Nationalised Bank.

2) The account shall be operated under joint signature of the Chief Secretary and Director of Mineral Resources.

3) Portion of the fund accrued may be invested in Fixed Deposits for a maximum period of 90 days.

4) The Member Secretary of Steering committee shall maintain the books of accounts for this Fund.

7. Utilization of the Fund.-1) The Meghalaya Environment Protection and Restoration Fund (MEPRF) shall be utilized for implementing action plan prepared by committee constituted by the Hon'ble national Green Tribunal vide order dated 31st August, 2018 in the O.A. No. 110(THC)/2012 for restoration of environment in areas affected by coal mining and rehabilitation of persons affected by coal mining activities in the State of Meghalaya.

2) The MEPRF shall be utilised for following activities:-

i. Undertake pilot projects on reclamation of abandoned coal mines by involving reputed institutes;
ii. Installation of pollution control devices;
iii. Development and transfer of AMD treatment technology;
iv. Treatment of Acid Mine Drainage (AMD) originating from coal mines, coal depots and other storage spaces;
v. Restoration of ecology damaged by coal mining including tree plantation;
vi. Closure of abandoned mines by controlled blasting and reclamation of area;
vii. Erection of physical barrier at periphery of shafts of mines;
viii. Closure of shafts of mines where coal reserves already exhausted by controlled blasting or refilling of debris/overburden
ix. Construction of garland canal around the coal dumps and release of AMD only after treatment;
x. Closure and sealing of coal mine shafts having opening in the river/stream bed;
xi. Restoration of water quality in rivers/streams affected by coal mining;
xii. Development of portable water purifier to treat acidic water to ensure availability of potable water in affected area;
xiii. Creation of public awareness,
xiv. Drinking Water Supply;
xv. Providing compensation for loss of life or property due coal mining activities;
xvi. Rehabilitation of persons affected by coal mining activities in the State of Meghalaya;
xvii. Any other activities with prior approval of the Hon'ble National Green Tribunal.

3) A portion of interest received by the Funds invested in Fixed Deposits shall be used for paying wages of contractual appointments, administrative expenses, sitting fee & TA/DA of non-official members of the committees constituted under these guidelines and payment towards monitoring and evaluation purpose.

8. Execution of works .- 1) Goods and services may be procured by District Level Implementing Committee after following the due procedure prescribed by the State Government for such procurement.

2) The works undertaken under the MEPRF shall normally be executed through Government Departments, agencies, statutory body, public sector undertakings and Autonomous District Councils which will follow the relevant norms applicable to the organization while executing or awarding contracts.

3) Technical approval and supervision of the work will be looked after by officers competent to do so under the administrative delegation of powers as applicable to the Department concerned.

4) In respect of such works which cannot be executed through Government Departments, agencies, statutory body or public sector undertakings, the District Level Implementing Committee may award the work to any other competent and

reputed agencies following a transparent process, after obtaining prior approval of the Steering committee.

9. ACCOUNTS AND AUDIT.-

1) The District Level Implementing Committee shall maintain and/or cause to be maintained proper books of accounts.
2) The accounts shall be audited every year by qualified auditor
3) The auditors of the MEPRF shall be appointed by the steering committee from the list of approved auditors notified by the Accountant General of the State on such terms and conditions as decided by the committee.
4) The auditors may be removed and replaced by the steering committee.
5) District Level Implementing Committee shall submit a quarterly progress report in physical terms and utilization certificate every year in respect of the approved Schemes and Projects to the Steering committee.
6) Every year within three months from the date of closure of the financial year, the District Level Implementing Committee shall forward approved annual report and audited accounts in respect of MEPRF to the Steering Committee.
7) The annual report of each District Level Committee shall be laid down before the State Legislative Assembly.
8) The annual report of each District Level Committee shall also be submitted before Hon'ble National Green Tribunal.

10. Administrative arrangements.- 1) The concerned Departments shall provide services of the personnel under their control for execution of the Annual Action Plan and for providing administrative and technical assistance to all the 4 (four) committees constituted under these guidelines.

2) A portion of interest received by the Funds invested in Fixed Deposits shall be used to meet administrative expenses.

Sd/-
(Dr. Manjunatha C, IFS)
Secretary to the Government of Meghalaya
Mining and Geology Department

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No. MG.61/2018/37-A **Dated Shillong, the 17th December, 2019**

Copy forwarded to:-

1. The P.S. to the Chief Minister of Meghalaya for kind information of the Hon'ble Chief Minister.
2. The P.S. to the Minister, I/c Forests & Environment Department for kind information of the Hon'ble Minister.
3. The P.S. to the Chief Secretary of Meghalaya for kind information of the Chief Secretary.
4. The Principal Chief Conservator of Forests &HoFF, Meghalaya, Shillong.
5. The Additional Chief Secretary/Principal Secretary/ Commissioner & Secretary to the Govt. of Meghalaya, Forests & Environment Dept/ Finance Department/Planning Department/ PHE Department/ Revenue & Disaster Management Dept./Labour Department/ Social Welfare Department/Education Department.

6. The Deputy Director General of Forests (C) MOEF &CC Regional Office North Eastern Zone, Shillong.
7. The Chief Executive Officer, Meghalaya Basin Development Agency (MBDA).
8. The Director of Mineral Resources, Meghalaya Shillong
9. All the Deputy Commissioners Meghalaya
10. The Chairman, State Environmental Impact Assessment Authority
11. The Chairman, Meghalaya State Pollution Control Board
12. The Regional Director, Central Pollution Control Board, Shillong
13. The Secretary to the Chief Executive Member, Autonomous District Councils
14. The Director of Printing and Stationary, Meghalaya Shillong with request to publish the above notification in the Meghalaya Gazette and supply 200 copies to this Department.
15. State Informatics Officers, National Informatics Centre, Shillong with a request to upload the above notification in the Government website.

By Order Etc.,

(P.L. Lawai, MCS)
Joint Secretary to the Govt. of Meghalaya
Mining and Geology Department