GOVERNMENT OF MEGHALAYA
MINING AND GEOLOGY DEPARTMENT
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ORDERS BY THE GOVERNOR

OFFICE MEMORANDUM

No. MG.61/2018/149 Dated Shillong, the 20th August, 2020

Revised Guidelines for utilising 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 the State to use the Meghalaya Environment Protection and Restoration Fund (MEPRF) exclusively for restoration of environment and for necessary remedial and preventive measures with regard to environment and matters related thereto;

And WHEREAS the State Government has opened an account in a 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 in O.A. No. 110(THC)/2012 constituted a "Committee"(hereinafter referred to as the NGT Committee, Meghalaya) headed by a Former Judge of Gauhati High Court along with one representative from Central Pollution Control Board and Indian School of Mines, Dhanbad respectively to prepare time bound action plan for restoration of the environment and rehabilitation of the victims from the MEPRF funds;

And WHEREAS the State Government has issued Guidelines for operation of the 'Meghalaya Environment Protection and Restoration Fund (MEPRF)' on 17th December, 2019 vide Office Memorandum No. MG 61/2918/37;

And WHEREAS the NGT Committee, Meghalaya during 22nd sitting held on 19th June, 2020 deliberated on the said Guidelines and conveyed approval for the said guidelines with amendments;

Now, THEREFORE, the Governor of Meghalaya is pleased to issue the Revised Guidelines for the purpose of operating and utilizing the Meghalaya Environment Protection and Restoration Fund (MEPRF).

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

The State Government shall notify institutional mechanism consisting of District Level Executing Committees, Technical Committee, Steering Committee and Monitoring Group to ensure utilisation of MEPRF in an efficient, effective and transparent manner for the purpose of restoration of environment in areas affected by coal mining in the State and for necessary remedial and preventive measures with 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	Additional 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

Note: Selection of non-official members shall be subject to approval by the NGT Committee, Meghalaya.

(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:

a) Assessment of administrative feasibility and prioritisation of various activities to be undertaken from the MEPRF.

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

c) Recommending the Annual Action Plans prepared by respective District Level Executing Committee duly scrutinised and approved by technical committee.

d) Placing Annual Action Plan before the NGT Committee, Meghalaya for approval.

e) 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.

f) Ensuring Inter-Departmental coordination.

g) Approving Annual Reports and audited accounts of the MEPRF submitted by each District Level Implementing Committee.

h) Laying Annual Reports before the State Legislative Assembly.

i) Ratify the appointments on contractual basis to run the MEPRF.

j) Appointment of auditor for auditing accounts of District Level Executing Committee.

k) Monitor the progress of the utilization of MEPRF and review the progress of preceding projects.

l) Placing the Annual Report before the NGT Committee, Meghalaya.

(3)Meetings of the Steering Committee:-

a) The Steering Committee shall meet at least once in three months or as decided by the Chairperson.

b) The quorum for such meeting shall be half of the total members of the Steering Committee.

3. Technical Committee.-(1) The Technical Committee shall be constituted with the 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
3	Chief Conservator of Forests (SF &E)	Member Secretary
4	Director of Mineral Resources.	Members
5	Chairman, State Expert Appraisal Committee (SEAC)	
6	Member Secretary, Meghalaya State Pollution Control Board	
7	Additional Director, Central Pollution Control Board, Shillong	
8	Scientist 'E'/Scientist 'D', MOEF & CC Regional Office North Eastern Zone, Shillong.	
9	Director of School Education and Literacy	
10	Chief Engineer PHE	
11	Labour Commissioner	

12	Director of Social Welfare	
13	Head, Department of Environmental Studies, North-Eastern Hill University	
14	Representative from CSIR –Central Institute of Mining and Fuel Research, Dhanbad.	
15	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 received proposals and submit before the NGT Committee, Meghalaya through the Steering Committee.

c) To scrutinize and recommend Annual Action Plan prepared by respective District Level Executing Committee and forward to Steering Committee.

d) To approve rates/estimated costs of the proposals for various activities with regard to 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 or as decided by the Chairperson

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

4. District Level Executing Committee.- 1) District Level Executing 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	Deputy Labour Commissioner/Assistant Labour Commissioner	
8	Representative from the Meghalaya State Pollution Control Board	
9	Representative from Meghalaya Basin Development Agency (MBDA)	
10	Representative from Institute/Firm/Organization implementing the projects	
11	Three representatives from villages affected by coal mining in the District	Non official Members

Note: Selection of non-official members shall be subject to approval by the NGT Committee, Meghalaya.

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

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

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

c) Submission of Annual Action Plan to the Technical Committee.

d) Execute, coordinate and supervise the Annual Action Plans and the approved schemes and projects with the assistance from line Departments.

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 District Level Executing Committee:

a) The meeting of District Level Implementing Committee shall be held at least once in every month or as decided by the Chairperson.

b) The quorum for such meeting shall be half of the total members of the District Level Executing Committee.

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

Note: Selection of non-official members shall be subject to approval by the NGT Committee, Meghalaya.

(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 the Steering Committee and the NGT Committee, Meghalaya for their perusal.

c) Conducting field inspection 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 Secretary to the Government of Meghalaya, Mining & Geology Department and Director of Mineral Resources.

3) Portion of the fund accrued may be invested in 2-3 Fixed Deposits for various periods ranging 6 months to 3 years.

4) The Member Secretary of the 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 the Action Plan prepared by the NGT Committee, Meghalaya for restoration of environment in areas affected by coal mining in the State of Meghalaya.

2) The MEPRF can also be utilised for following activities:-

a) Undertake pilot projects on reclamation of abandoned coal mines by involving reputed institutes;

b) Engaging consultant to prepare master plan and provide consultancy service in the field of restoration of coal mining affected areas;

c) Closing of underground mine where mineable coal has been exhausted with suitable manner, procedure and technology, so that there is no threat of fire, undue subsidence or any other damage to human and environment;

d) Sealing of entry of mines, which is not in use but has the potential of becoming productive mine in future;

e) Drinking Water Supply;

f) Providing compensation for loss of life or property due to coal mining;

g) Rehabilitation of persons affected by coal mining activities in the State of Meghalaya;

h) Expenses towards strengthening regulatory framework to prevent illegal mining and illegal transportation of coal;

i) Any other activity with the prior approval of the NGT Committee, Meghalaya.

3) A portion of interest received from the Funds invested in Fixed Deposits, with the prior approval of the Chairman NGT Committee, Meghalaya, may be used for paying wages or remuneration of contractual appointees, sitting fee & TA/DA of non-official members of the Committees constituted under these Guidelines, miscellaneous expenses, administrative expenses, institutional expenses, and payment towards monitoring and evaluation purpose.

8. Execution of works .-

1) The funds in relation to execution of the approved projects/works/schemes may be released in favour of the District Level Executing Committee, concerned Department or the implementing agency/organization/firm as deemed fit.

2) Goods and services may be procured by District Level Executing Committee or concerned Department or implementing agency/organization after following the procedure prescribed by the State Government.

3) 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.

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

5) In respect of such works which cannot be executed through Government Departments, agencies, statutory body or public sector undertakings, the Steering Committee or concerned Department or the District Level Executing Committee may award the work to any other competent and reputed agency following a transparent process, after obtaining prior approval of the State Government.

9. ACCOUNTS AND AUDIT.-

1) The District Level Executive Committee and the concerned Department shall maintain 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 Steering Committee may remove and replace auditors with any other auditor notified by the Accountant General of the State.
5) District Level Executing Committee and concerned Department shall submit to the Steering committee a quarterly progress report relating to physical and financial achievement, and utilization certificate every year in respect of the Schemes and Projects.
6) Within three months from the date of closure of the financial year, the District Level Executing Committee and concerned Department shall forward Annual Report and audited accounts in respect of MEPRF to the Steering Committee.
7) The consolidated compiled annual report pertaining to all the District Level Executing Committees and the concerned Department/Agency shall be laid before the State Legislative Assembly and the NGT Committee, Meghalaya.

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.

11. These Guidelines are issued with the approval of the NGT Committee, Meghalaya headed by Hon'ble Justice Mr B.D Agarwal, Former Judge of Gauhati High Court.

Sd/-
(Dr. Manjunatha C, IFS)
Secretary to the Government of Meghalaya
Mining and Geology Department
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No. MG.61/2018/149-A **Dated Shillong, the 20th August, 2020**

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 Member Secretary, NGT Committee, Meghalaya for kind information of the Hon'ble NGT Committee, Meghalaya.
5. The Principal Chief Conservator of Forests &HoFF, Meghalaya, Shillong.
6. 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.
7. The Chairman, Meghalaya State Pollution Control Board.
8. The Chief Executive Officer, Meghalaya Basin Development Agency (MBDA).
9. The Deputy Director General of Forests (C) MOEF &CC Regional Office North Eastern Zone, Shillong.
10. The Director of Mineral Resources, Meghalaya Shillong.
11. All the Deputy Commissioners Meghalaya
12. The Chairman, State Environmental Impact Assessment Authority.
13. The Regional Director, Central Pollution Control Board, Shillong.
14. The Secretary to the Chief Executive Member, Autonomous District Councils.
15. State Informatics Officers, National Informatics Centre, Shillong with a request to upload the above notification in the Government website.

By Order Etc.,

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