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Goa District Mineral Foundation Rules, 2016

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OFFICIAL GAZETTE

GOVERNMENT OF GOA

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GOVERNMENT OF GOA

Department of Mines

Directorate of Mines & Geology

Notification

DMG/MMDR/DMF/01/2015/4151

In exercise of the powers conferred by section 15 read with sub-sections (2) and (3) of section 9B of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957) and all other powers enabling it in this behalf, the Government of Goa hereby makes the following rules, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa District Mineral Foundation Rules, 2016.

(2) They shall be deemed to have come into force with effect from 12-01-2015.

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);

(b) "affected areas" means the areas which are affected by mining related operations;

(c) "affected persons" means the persons residing in affected areas;

(d) "District Mineral Foundation" means a trust established in terms of sub-section (1) of section 9B of the Act;

(e) "financial year" means a year commencing from the 1st day of April;

(f) "Government" means the Government of Goa.

(2) Words and expressions used in these rules, but not defined, shall have the same meaning as respectively assigned to them in the Act.

3. *Composition of the District Mineral Foundation.*— (1) The District Mineral Foundation shall consist of persons each of whom shall have knowledge in the field of mining, engineering, medicine, forest, wildlife, agriculture, biodiversity, rural development and planning. The Government shall appoint a Chairperson and a Member Secretary to the District Mineral Foundation.

(2) The Office of District Mineral Foundation shall be situated at the Directorate of Mines and Geology, Government of Goa, Ground Floor, Menezes Braganza Building, Panaji, Goa.

4. *Functions of the District Mineral Foundation.*— The District Mineral Foundation shall work for the interest and benefits of person, and areas affected by mining related operations and in particular shall work in following areas, namely:—

(i) restoring the ecology damaged by mining or other activity, including tree plantation in affected areas;

- (ii) providing health facilities, education, etc.;
 - (iii) building road/bridge network;
 - (iv) desilting of water bodies including dams, rivers, etc.;
 - (v) installing pollution control devices, sewage treatment plants, etc.;
 - (vi) providing required assistance in agriculture, horticulture, dairy farming, animal husbandry, etc.;
 - (vii) providing alternate employment for the affected persons;
 - (viii) compensating the affected persons and their families through a scheme approved by the Government;
 - (ix) providing compensation due to loss of life or property due to attacks from wildlife or other natural disasters;
 - (x) afforestation and soil conservation measures in the mining impact zone;
 - (xi) soil rejuvenation of agricultural land and fodder development, providing veterinary clinics and storm water drainage in mining impact zone;
 - (xii) upliftment of the affected persons;
 - (xiii) safeguarding the mining affected persons from environmental hazards;
 - (xiv) ensuring that environmental impact from mining is kept at the necessary minimal;
 - (xv) restoring the affected areas from any environmental degradation caused by mining operations;
 - (xvi) implementing the objectives specified in Pradhan Mantri Khanij Kshetra Kalyan Yojana which are not specifically enlisted herein;
 - (xvii) constructing a dedicated mining corridor in the respective districts of Goa;
 - (xviii) providing the required physical infrastructure for affected area(s);
 - (xix) developing alternate sources of irrigation, adoption of suitable and advanced irrigation techniques;
 - (xx) developing alternate sources of energy (including micro-hydel) and rainwater harvesting system;
 - (xxi) collecting, transporting and disposing waste, cleaning of public places, providing proper drainage and Sewage Treatment Plant, making provision for disposal of fecal sludge, making provision of toilets and other related activities;
 - (xxii) setting up of permanent monitoring units along the dedicated mining corridors;
 - (xxiii) setting up of acoustic and wind barrier by way of extensive plantation along with the dedicated corridors;
 - (xxiv) supplying drinking water;
 - (xxv) providing health care;
 - (xxvi) providing Education;
 - (xxvii) providing welfare of women and children;
 - (xxviii) making provision for welfare of aged and disabled people;
 - (xxix) providing skill development and alternate employment.
 - (xxx) framing social welfare schemes.
5. *Utilization of Funds by District Mineral Foundation.*— (1) Fifty percent of the amount received in terms of sub-sections (5) and (6) of section 9B of the Act shall be invested by the District Mineral Foundation in fixed deposit or Government bond/bank bond. The interest earned on such investment to extent of 90% may be utilised for carrying out the works specified in rule 4 and 10% of such interest shall be re-invested in long term investment so that the corpus of such fund remains permanently enhanced surpassing the period of exploitation of mineral ore and such fund shall be used in posterity for the benefit of generations to come thereby protecting the rights of the future generations and creating the inter generational equity.
- (2) The remaining fifty percent of such amount shall also be utilised for carrying out

the works specified in rule 4, provided that 6/10th part of such amount shall invariably be utilised for infrastructural and other projects of permanent nature so that the benefits of such projects are enjoyed not only by the present generation but also by the generations to come.

6. *Implementation of projects.*— (1) The District Mineral Foundation may implement the projects consistent with its functions on its own accord or upon receipt of a project proposal from the Government or upon request from any Government Department.

(2) In implementation of the projects referred to in sub-rule (1), the District Mineral Foundation may devise its own procedure consistent with the provisions of the Act and the rules made thereunder.

(3) The projects shall be executed through Public Works Department, Water Resources Department, Forest Department, River and Navigation Department, Agriculture Department, Department of Animal Husbandry and Veterinary Services, Goa State Infrastructure and Development Corporation or any other Departments of the Government of Goa, as per the directions and decision of the District Mineral Foundation.

(4) The District Mineral Foundation shall monitor implementation of the projects either by itself or by engaging services of any Government Department.

7. *Meetings of the District Mineral Foundation.*— (1) The District Mineral Foundation shall meet at least once in three months.

(2) The meetings shall be presided by the Chairperson, and in the absence of the Chairperson, the ex-officio Members of the District Mineral Foundation may elect Chairperson, from amongst themselves.

(3) All decisions or resolutions including circular resolutions of the District Mineral Foundation shall be made or adopted by consensus.

(4) In case of any disagreement or dissent, the decision of the Chairperson shall be final.

8. *Notice and agenda for meeting.*— (1) The Chairperson, or the Member Secretary of the District Mineral Foundation, with the consent of the Chairperson, shall convene the meeting by giving a minimum fifteen days notice to all the members:

Provided that the Chairperson, may authorise to convene a meeting with a shorter notice period.

(2) Notice for any meeting may include an agenda for that meeting, draft minutes of the earlier meeting and action taken report on the minutes of the earlier meeting.

9. *Quorum for meeting.*— Members present and voting shall form the quorum for any meeting of the District Mineral Foundation.

10. *Powers, duties and responsibilities of the Member Secretary of District Mineral Foundation.*— (1) The Member Secretary shall:—

(i) administer and manage the District Mineral Foundation subject to the superintendence, control and direction of the Foundation;

(ii) exercise such administrative and financial powers as may be delegated to him by the Chairperson.

(2) The Member Secretary shall have the following duties and responsibilities, namely:—

(i) to cause the preparation of the annual plan and related annual budget and submit them to the District Mineral Foundation for consideration;

(ii) to ensure that due diligence has been exercised before considering proposals or projects to be undertaken by the District Mineral Foundation in accordance with its practices, procedure, rules or directions;

(iii) to ensure that the activities of the District Mineral Foundation are being conducted in accordance with the annual plan and related annual budget; and

(iv) to submit the approved annual plan and related annual budget for each financial year.

11. Annual Plan.— The Member Secretary shall, at the beginning of each financial year, cause preparation of plans for short term projects and long term projects proposed to be undertaken by the District Mineral Foundation in the relevant financial year, to be referred as the annual plan, together with details of the activities to be undertaken or completed by the District Mineral Foundation during such time, the expected time for completion of the projects and cost for such projects.

The annual plan shall contain all projects, programmes, activities proposed to be undertaken by the District Mineral Foundation and shall have clearly demarcated milestones.

12. Annual Budget.— The Member Secretary shall, at the beginning of each financial year, cause preparation of an annual budget containing the details of the proposed income and expenditure on activities covered in the annual plan for that particular financial year, including the legal, administrative and other costs and expenditure proposed to be incurred by the District Mineral Foundation together with details of the funding requirements in this regard, to be referred as the annual budget.

13. Approval of the Annual Plan and the Annual Budget.— (1) The annual plan and the annual budget shall be laid before the District Mineral Foundation for its approval.

(2) Without prejudice to the above provisions, the District Mineral Foundation may undertake expenditures for activities that are not approved in the annual plan subject to specific approval by the Chairperson.

(3) The annual plan and related annual budget may be amended at any time subject to the approval of the Chairperson.

14. Annual Report.— (1) The Member Secretary shall, within ninety days of the end

of each financial year, submit an annual report containing such information as deemed appropriate by the District Mineral Foundation.

(2) The annual report shall be approved by the District Mineral Foundation and shall contain details, inter alia, of the activities completed by the District Mineral Foundation during the financial year and the expenditure incurred by the District Mineral Foundation during such financial year.

(3) A copy of the annual report shall be sent to the Government within a period of thirty days from the date of its approval by the District Mineral Foundation.

15. Financial Year.— (1) The accounting or financial year of the District Mineral Foundation shall be from the 1st April to the 31st of March.

(2) The first year of operations of the District Mineral Foundation may be partial year.

16. Maintenance and Audit of Accounts.— (1) The accounts of the District Mineral Foundation shall be maintained in the form, mode and manner as may be decided by the Government.

(2) The accounts of the District Mineral Foundation shall be audited in such manner as may be decided by the State Government.

(3) After the audit the District Mineral Foundation shall submit the annual report to the Government.

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

Prasanna A. Acharya, Joint Secretary (Mines
& Geology).

Panaji, 15th January, 2016.

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