



# The Gazette of Meghalaya

EXTRAORDINARY

PUBLISHED BY AUTHORITY

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No. 17

Shillong, Tuesday, January 2, 2018

12<sup>th</sup> Pausa, 1939 (S. E.)

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## PART-IIA

GOVERNMENT OF MEGHALAYA

MINING AND GEOLOGY DEPARTMENT

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NOTIFICATION

The 28<sup>th</sup> December, 2017.

### CORRIGENDUM

**No.MG.47/2015/252.-** Dated 28<sup>th</sup> 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. 8<sup>th</sup> December, 2017.

**No.MG.47/2015/252-A.-** Dated 28<sup>th</sup> December, 2017: (2) Rule 4 the Meghalaya District Mineral Foundation Rules, 2017 notified *vide* this Department Notification No.MG.47/2015/229, dated 8<sup>th</sup> 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). NAME OF TRUST:**

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 FOUNDATION 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/immovable 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**

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

**SETTELOR**

Tentative Nos. of Trustees to be prescribed by Mining & Geology Department.