

GOVERNMENT OF GOA
Department of Mines
Directorate of Mines & Geology

PREAMBLE :

WHEREAS in the judgment of the Hon'ble Supreme Court of India in Writ Petition (Civil) No. 435 of 2012 dated 21st April, 2014, the Court has evolved the concept of intergenerational equity which is not only in the interest of the sustainable development of State of Goa but also in the interest of future generations which are to be protected.

AND WHEREAS the State Government is required to frame rules in exercise of powers under sub section 4 of the section 9 (B) of the MMDR Act 1957 under the section 9B (1) & (2) of the MMDR Act, 1957 for the functioning of the District Mineral Foundation.

AND WHEREAS the Government of India has issued directions to the all the State Governments to incorporate the Pradhan Mantri Khanij Kshetra Kalyan Yojana into the rules framed by the respective States under section 9B (1) & (2) of the MMDR Act, 1957.

AND WHERAS, considering the historical and peculiar background of Goan mining industry; the locations of mines, transportation routes etc. so also the directions of the Hon'ble Supreme Court issued in the judgment in Writ Petition (Civil) No. 435 of 2012 dated 21st April, 2014, the aforesaidguidelines need to be modified to a certain extent for the purpose and benefit of the mining affected people and mining affected areas in the State of Goa.

Now, therefore, in exercise of the powers conferred by the Section 9B of the Mines and Minerals (Development and Regulation) Act, 1957 and in adherence to the principles of sustainable mining, inter-generational equity, and to afford protection to the environment and ecology and to

meet the needs of the mining affected persons and areas, the Government of Goa hereby makes the following rules, namely:—

CHAPTER I

1. Short title and commencement.—

(1) These rules may be called the Goa Districts Mineral Foundation Rules 2016.

(2) They shall be deemed to have been 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 Talukas which are affected by mining or transportation of mineral or mining related activity.

(c) “Affected People” means the people permanently residing in the talukas which are affected by mining and related activities.

(d) “Year” means financial year i.e. from 1st April to 31st March;

(2) All other words and expressions used in these rules, but not defined, unless the context otherwise requires, shall have the same meaning as respectively assigned to them under the Act and rules made thereunder.

CHAPTER II

3. COMPOSITION AND OFFICE OF FOUNDATION:

(1) The composition of the respective foundation trust shall be as notified by the Government.

(2) The nominated members are to be so nominated by the Government from amongst persons having knowledge in the field of mining, engineering, medicine, forest, wildlife, agriculture, biodiversity, rural development and planning.

(3) Office of the Foundations: The office of the respective foundations shall be situated at the Directorate of Mines & Geology, Ground Floor, Menezes Braganza Building, Panaji, Goa having an operational area over the entire State of Goa.

Chapter III

4. **Contribution:** - The Contribution to the Foundation trust shall be in terms of the section 9B of the MMDR Act 1957 and the rules made thereunder.

Chapter IV

5. **OBJECTIVES OF THE FOUNDATION:** The following shall be the broad objectives of the respective foundation trust:-

- i. Restoring the ecology damaged by mining or other activity, including tree plantation in mining affected Talukas.
- ii. providing health facilities, education, etc.,
- iii. building road / bridge network,
- iv. desilting of water bodies including dams, rivers etc.,
- v. installation of pollution control devices, sewage treatment plants,

- vi. providing required interventions in agriculture, horticulture, dairy farming, animal husbandry,
- vii. providing alternate employment for the people residing in Mining Talukas and residing in Talukas used for transportation of minerals,
- viii. compensating families impacted by mining directly 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, and
- xi. Soil rejuvenation in agriculture fields and fodder development, veterinary clinics, storm water drainage in mining impact zone.
- xii. Upliftment of the mining Affected People;
- xiii. Safeguarding the mining Affected People from environmental hazards;
- xiv. Ensuring that environmental impact from mining is kept at the necessary minimal;
- xv. Restoration of the Affected Areas from any environmental degradation caused by mining activities;
- xvi. Implementation of the objectives specified in Pradhan Mantri Khanij Kshetra Kalyan Yojana which are not specifically enlisted herein .
- xvii. The construction of a dedicated mining corridor in the respective districts of Goa.
- xviii. Providing the required physical infrastructure.
- xix. Developing alternate sources of irrigation, adoption of suitable and advanced irrigation techniques.
- xx. Development of alternate sources of energy (including micro-hydel) and rainwater harvesting system.

- xxi. Collection, transportation and disposal of waste, cleaning of public places, provision of proper drainage and Sewage Treatment Plant, provision for disposal of fecal sludge, 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. Drinking water supply.
- xxv. Health care
- xxvi. Providing Education.
- xxvii. Providing Welfare of Women and Children.
- xxviii. Welfare of aged and disabled people
- xxix. Providing Skill development and Alternate Employment.
- xxx. Compensation for affected people.
- xxxi. Social welfare schemes.

CHAPTER V

6. UTILISATION OF FUNDS

(1) The fund shall be used to achieve objectives which have been specified herein above.

(2) 50% of contribution towards the fund shall be deposited in fix deposit or Government bond/ bank bond. The interest earned on such amount to the extent of 90% can be utilised for achieving the objectives stated herein above, whereas 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.

(3)The remaining 50% of the fund and 90% on the returns of the investment shall be utilised for achieving the objectives of the fund. However 60% 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.

Chapter VI

7. Implementation of projects:

(1) The respective foundation may implement the projects consistent with the objectives on its own accord or upon receipt of a project proposal from the State Government or upon request from any Government department.

(2) In implementation of the projects referred to in sub-clause (i), the foundation may devise its own procedure consistent with the Act and the rules made thereunder.

(3) Execution of work: The projects shall be executed through Public Works Department, Water Resources Department, Forest Department, River and Navigation Department, Agriculture Department, Department of Animal Husbandry & 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 foundation.

(4) The respective foundation shall monitor implementation of the projects either by itself or by engaging services of any government department.

CHAPTER VII

8. Meetings of the respective foundations:-

(1) The respective foundation committee 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 foundation may elect an officiating Chairperson, from among themselves.

(3) All decisions or resolutions including circular resolutions of the respective foundation shall be made or adopted by consensus.

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

(5) Notice and agenda for meeting :

The Chairperson or the Convenor of the 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.

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

(6)Quorum for meeting: The quorum for any meeting of the shall be such as may be decided by state Government, excluding the special invitees.

Chapter VIII

9. Powers, Duties and Responsibilities of the Member Secretary:

(1) There shall be a Member Secretary respective foundation to discharge the functions of the respective foundation.

(2) The Member Secretary of the Shall:

- i. administer and manage the respective foundation subject to the superintendence, control and direction of the trust.
- ii. exercise such administrative and financial powers as may be delegated by the by the Chairperson.

(3) The Member Secretary shall have the following duties and responsibilities, without prejudice to the generality of sub-Clause (a) and (b), namely:

- i. to cause the preparation of the annual plan and related annual budget and submit them to the trust for consideration.
- ii. to ensure that due diligence has been exercised before considering proposals or projects to be undertaken by the respective foundation in accordance with the practices, procedure, rules or directions of the foundation;
- iii. to ensure that the activities of the respective 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.

(4) 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 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 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 Trust for achieving its objective and shall have clearly demarcated milestones.

(5) 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 respective foundation together with details of the funding requirements in this regard, to be referred as the annual budget.

(6) Approval of the Annual Plan and the Annual Budget:

The annual plan and the annual budget shall be laid before the committee members of respective foundation for its approval.

The Member Secretary shall, on receipt of the copies of the duly approved annual plan and the related annual budget within a period of thirty days from the date of receipt of approval.

Without prejudice to the provisions of sub-Clause (b), the foundation may undertake expenditures for activities that are not approved in the annual plan subject to specific approval by the Chairperson..

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

Chapter IX

10. Annual Report:

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 foundation.

The annual report shall be approved by the trust and shall contain details, inter alia, of the activities completed by the foundation during the financial year and the expenditure incurred by the foundation during such financial year.

A copy of the annual report shall be sent to the State Government within a period of thirty days from the date of its approval by the trust.

11. Financial year:

The accounting or financial year of the foundation shall be from the 1st April to the 31st of March.

The first year of operations of the foundation may be partial year.

12. Maintenance and Audit of Accounts:

The accounts of the foundation shall be maintained in the form, mode and manner as may be decided by the State Government.

The accounts of the foundation shall be audited in such manner as may be decided by the State Government.

After the audit referred to in sub-clause (b), the Trust shall submit the annual report to the State Government.

13. Removal of Difficulty: In case of any doubt or difficulty regarding interpretation of any rules etc., the decision of the Government on that issue shall be final.