

Rajasthan District Mineral Foundation Trust Rules, 2016

RAJASTHAN

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Rule

RAJASTHAN-DISTRICT-MINERAL-FOUNDATION-TRUST-RULES-2016 of 2016

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Rajasthan District Mineral Foundation Trust Rules, 2016 Published vide Notification No. G.S.R. 16, dated 31.5.2017 G.S.R. 16. - In exercise of the powers conferred by section 9-B, sub-section (4) of section 15 and 15-A of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act No. 67 of 1957), the State Government hereby makes the following rules, namely:-

1. Short title and commencement.

(1) These rules may be called [the Rajasthan District] [Substituted 'the District' by Rajasthan Notification No. G.S.R. 36, dated 1.6.2018 (w.e.f. 31.5.2017).] Mineral Foundation Trust Rules, 2016. (2) They shall extend to whole of the State of Rajasthan and shall apply to all minerals. (3) They shall be deemed to have come into force on the 12.1.2015.

2. Definitions.

(1) In these rules, unless the context otherwise requires, - (i) "Act" means the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act No. 67 of 1957); (ii) "Auditors" means the author/chartered accountant appointed by the trust and includes the Accountant General of the State; (iii) "Beneficiaries" means the areas and persons affected by mining related operations undertaken in the area and includes the eligible patients and their legal heirs for ex-gratia payments under provisions of Rajasthan Environment and Health Administrative Board (REHAB); (iv) "Contribution" means the contribution to be collected from the holder of major or minor mineral concession in the district as may be prescribed by the Central or State Government, as the case may be; (v) "District Magistrate" means the District Magistrate of the District; (vi) "Governing Council" means the council consisting of all the trustees of the District

Mineral Foundation Trust;(vii)"Government" means the Government of Rajasthan;(viii)"Trust" means the District Mineral Foundation Trust established by the State Government under sub-section (1) of section 9-B;(ix)"Year" means a financial year commencing from April 1st and ending March 31st of the following year or part period thereof ending on March 31st; and(x)"Zila Parishad" means the Zila Parishad constituted under the Rajasthan Panchayati Raj Act, 1994 (Act No. 13 of 1994).(2)Words and expression used but not defined in these rules shall have the same meaning as assigned to them unless the Mines and Minerals (Development and Regulation) Act, 1957.

3. Name of the Trust.

- The trust shall be known as the (name of the district) District Mineral Foundation Trust and its office shall be located in the office of the Zila Parishad of the district concern.

4. Objects of the Trust.

- The objects of the District Mineral Foundation Trust shall be to work for the interest and benefit of persons and areas affected by mining related operations in the district in the manner as specified in these rules.

5. Appointment and Declaration.

(1)The District Mineral Foundation Trust constituted for each district of the State, under section 9-B of the Act, shall consist of the following trustees namely:-

S. No.	Name	Designation of the Trustees in the Governing Council of Trust
(i)	Zila Pramukh	Chairperson (Trustee)
(ii)	District Magistrate	Vice-Chairperson (Trustee)
[(ii-a) [Inserted by Rajasthan Notification No. G.S.R. 36, dated 1.6.2018 (w.e.f. 31.5.2017).]		
	All Members of the Parliament representing the areas of the District	Trustee]
(iii)	All Member of Legislative Assembly in the district	Trustee
(iv)	Mining Engineer / Assistant Mining Engineer posted at	Member Secretary

	district headquarter or in the district and ill casemore than one Mining Engineer is posted at district headquarter, Mining Engineer Other Mining Engineer/Assistant Mining Engineer posted at district headquarter or in the district as head of the office shall also be member.	(Trustee)
(v)	Deputy Conservator of Forest	Member (Trustee)
(vi)	Treasury Officer	Member (Trustee)
(vii)	Executive Engineer (PWD)	Member (Trustee)
(viii)	Medical Officer nominated by the Chief Medical & Health Officer of the district	Member (Trustee)
(ix)	Representative of Rajasthan State Pollution Control Board	Member (Trustee)
(x)	District Social Welfare Officer	Member (Trustee)
[(x-a) [Inserted by Rajasthan Notification No. G.S.R. 36, dated 1.6.2018 (w.e.f. 31.5.2017).]	Chief Executive Officer, Zila Parisad	Member (Trustee)
(x-b)	Deputy Director, Agriculture	Member (Trustee)
(x-c)	District Education Officer Member (Secondary)	Member (Trustee)
(x-d)	District Education Officer (Elementary)	Member (Trustee)
(x-e)	Superintending Engineer, Water Resource Department	Member (Trustee)
(x-f)	Representative of the Tribal Area Development Department	Member (Trustee)
(x-g)	Superintending Engineer, Public Health and Engineering Department	Member (Trustee)
(x-h)	District Labour Welfare Officer	Member (Trustee)
(x-i)	Deputy Director, Integrated Child Development Scheme	Member (Trustee)]
(xi)	President of mine owners, associations upto five working in the district, nominated by the Government	Nominated Trustee
(xii)	Communities representatives from areas affected by mining operations upto five nominated by the Government	Nominated Trustee
(xiii)	Representative of mine workers upto two, nominated by the Government	Nominated Trustee
(xiv)	NGO working in mining field nominated by the Government	Nominated Trustee

(XV)	Technical mining person working in the district nominated by the Government	Nominated Trustee
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(xvi)	Any other officer/person nominated by the Government	Nominated Trustee
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(2) The nominated trustees of the trust shall be nominated by the State Government. (3) The trustees appointed by official designation shall continue as trustees during the period which they are holding the post and would be deemed to have ceased to be the trustees once they cease to hold the office by virtue of which they were so appointed and their successors in office shall be deemed to have been appointed as trustees in their place with effect from the date of their acquiring such post. (4) The term of appointment for the nominated trustees shall be for three years with effect from the date of their nomination as trustees and the Government may thereafter renew their appointment for another term or may nominate other persons in their place: Provided that the term of such nominated trustees shall in no case exceed [two terms] [Substituted 'three terms' by Rajasthan Notification No. G.S.R. 36, dated 1.6.2018 (w.e.f. 31.5.2017).] of three years each. Provided further that the nominated trustees shall be appointed by the State Government on the basis of recommendation of the District Magistrate. Provided also that community representative from areas affected by mining operations shall be recommended by the District Magistrate on the basis of recommendation of the respective Gram Sabha. (5) The Government may at any time increase the number of trustee in any of the categories and for such term as it may deem fit. (6) The Government may at any time remove any of the trustees and may appoint any other person as the nominated trustee at its sole discretion. The trustee so removed by the Government shall cease to be a trustee with effect from the date of such removal. (7) The trustees shall have the possession of the trust fund which is subjected to the powers and provisions herein declared and contained concerning the same and the trustees shall have the power at any time or times during the tenure as trustee to accept any property from any person or persons by the provisions of any other trust or otherwise to the intent that the same shall be held by or on behalf of the trustees as an accretion to the trust fund.

6. Management of the Trust.

- The management of the trust shall vest in a Governing Council which shall consist of all trustees including nominated trustees of the trust. However, the day to day management of the trust shall be managed by a Managing Committee, as specified in Rule 10. The Government may however decide to alter the composition of the Managing Committee at any time. The powers and functions of the Governing Council and of the Managing Committee shall be as contained in these rules.

7. Decisions by the Trustees.

(1) All decisions by the trustees shall be taken in the meeting of the Governing Council and every meeting of the Governing Council shall be deemed to be a meeting of the trust. (2) All decisions of the Governing Council shall be taken by the majority of the members present and if required by voting. In case of tie the Chairperson of the meeting shall have a casting vote. (3) Trustees, Governing Council and the Managing Committee shall act in accordance with the directions, guidelines etc. issued by the Government from time to time.

8. Powers and Functions of the Governing Council.

- The Governing Council shall, - (i) laying down a broad policy framework for the functioning of the trust and review its working from time to time; (ii) drawing up and approving of annual action plan and the annual budget for the trust. The annual action plan must be prepared and approved by the Governing Council at least one month before commencement of the year. The annual action plan shall contain the list of schemes and projects with the tentative provisions thereof: Provided that if for any reason whatsoever, the Governing Council does not prepare and accord approval to the annual plan and the budget within the specified time, the Chairperson shall get prepared the annual action plan and the budget of the trust and approve the same. The budget so prepared shall be deemed to have been duly prepared and approved by the Governing Council. Provided also that while preparing the annual plan for the next financial year, the sum total of the past commitment and liabilities spilling over shall be assessed. To maintain financial discipline and timely completion of project, the sum total of the past liabilities and commitments and the new schemes being proposed should not in any case exceed three times the expected inflows for the next financial year. (iii) approving such other expenditure, in furtherance of the objects of the trust from the available trust fund in such manner as may be specified by the Government. (iv) approving the recommendations of the Managing Committee. (v) approving the annual reports and audited accounts of the trust within sixty days of the close of the previous year. (vi) distributing monetary benefits to persons or families affected by mining related operations in the district.

9. Meetings of the Governing Council.

(1) The Governing Council shall meet as often as necessary but at least once every quarter. (2) The meeting of the Governing Council shall be convened as desired by the Chairperson. (2A) [The meeting of the Governing Council shall be preside over by the Chairperson and in his absence, such meeting shall be preside over by the Vice Chairperson.] [Inserted by Rajasthan Notification No. G.S.R. 36, dated 1.6.2018 (w.e.f. 31.5.2017).] (3) The quorum for such meeting shall be one third of the total membership.

10. Managing Committee.

- The affairs of the trust shall be managed by a Managing Committee consisting of:-

S.No.	Name	Designation in the Managing Committee
(i)	District Magistrate	Chairperson
(ii)	Mining Engineer/Assistant Mining Engineer posted at district headquarter or in the district and in case more than one Mining Engineer is posted at district headquarter. Mining Engineer Other Mining Engineer/Assistant Mining Engineer posted at district headquarter or in the district as	Member Secretary

head of the officeshall also be member.

(iii)	Deputy Conservator of Forest	Member
(iv)	Treasury Officer	Member
(v)	Executive Engineer of Public Works Department	Member
(Vi)	Medical Officer nominated by the Chief Medical &Health Officer of the district	Member
(vii)	Representative of Rajasthan State PollutionControl Board	Member
(viii)	District Social Welfare Officer	Member
[(viii-a) [Inserted by Rajasthan Notification No. G.S.R. 36, dated 1.6.2018 (w.e.f. 31.5.2017).]		
	Chief Executive Officer, Zila Parisad	Member
(viii-b)	Deputy Director, Agriculture	Member
(viii-c)	District Education Officer (Secondary)	Member
(viii-d)	District Education Officer (Elementary)	Member
(viii-e)	Superintending Engineer, Water Resource Department	Member
(viii-f)	Representative of the Tribal Area Development Department	Member
(viii-g)	Superintending Engineer, Public Health and EngineeringDepartment	Member
(viii-h)	District Labour Welfare Officer	Member
(viii-i)	Deputy Director, Integrated Child DevelopmentScheme	Member]
(ix)	Account personnel posted in Mining Engineer/Assistant Mining Engineer office nominated by the Government	Member
(x)	Any other officer/person nominated by theGovernment	Member

11. Meetings of Managing Committee.

- The meeting of the Managing Committee shall be held at least once in two months and it shall be convened as decided by the Chairperson of the Managing Committee.

12. Powers and Functions of the Managing Committee.

- The Managing Committee shall,-(i)exercise due diligence in carrying out its duties for protecting the interests of the trust;(ii)ensure timely collection of contribution fund from the concerned mineral concession holders in accordance with the provisions of the Act and rules;(iii)prepare the master plan/vision document for the activities of the trust;(iv)assist in the preparation of the annual plan and the annual budget of the trust along with the proposed schemes and projects;(v)supervise and ensure the execution of the annual plan and the approved schemes and projects;(vi)accord sanction to the projects, release and disburse the trust fund for the purpose;(vii)operate the trust

fund in a diligent manner and to open one bank account in the name of the trust and operate such account;(viii)monitor the progress of the utilization of trust funds;(ix)place the audited accounts along with an annual report before the Governing Council for its approval within sixty days of closure of financial year;(x)do all other things which are necessary for smooth functioning and management of the trust; and(xi)lay down the procedure for the functioning of the trust:Provided that prior to implementation of such procedure, same has to be approved by the State Government.

13. Trust Fund.

(1)The trust fund of the District Mineral Foundation Trust shall include the following namely:-(i)the Initial settlement of Rs. 1,000/- (Rupees one thousand only) made by the Government;(ii)any grant, contribution or other moneys received from the Government or from any other agency, institution or person;(iii)every mineral concession holder shall pay the contribution fund in respect of any mineral removed by him from and/or consumed within the area allotted/permitted to him as follows:-(a)in case of major minerals, as prescribed in the Mines and Minerals (Contribution to District Mineral Foundation) Rules, 2015, as amended from time to time; and(b)in case of minor minerals, ten per cent of the royalty with any fraction rounded off to higher integer) paid in terms of the first schedule to the Rajasthan Minor Mineral Concession Rules, 1986, as amended from time to time;(iv)interest accrued on deposits and any other income derived there from: and(v)all other properties of the trust and the income derived there from or appreciation thereof.(2)The payment towards trust fund shall be collected in advance along with royalty under a separate sub-head through e-payment and deposited in the account of trust and if any difference amount is accrued at the time of assessment of royalty, same shall be deposited in the account of trust immediately.(3)In case of minor minerals, contribution to the trust fund shall be recovered through contractor of Excess Royalty Collection Contract/Royalty Collection Contract awarded in the district, in such case, monthly installment of the contribution of trust fund shall be directly deposited in the account of the trust.(4)Where a mining lease falls in more than one district, the contribution towards District Mineral Foundation Trust shall be deposited in the account which is operated by the Mining Engineer/Assistant Mining Engineer in whose office the assessment of royalty is made. However the total amount so received shall be proportionally allocated on the basis of area falling in each district.(5)The Mining Engineer/Assistant Mining Engineer, concerned shall be responsible for collection, reconciliation and cross verification of contribution to the District Mineral Foundation Trust Fund and shall deposit the same in trust account opened in [interest bearing PD account. They shall send periodic information to the Additional Director (Administration), Directorate of Mines and Geology] [Substituted 'any scheduled bank as decided by the trust. They shall send periodic information to Financial Advisor,' by Rajasthan Notification No. G.S.R. 36, dated 1.6.2018 (w.e.f. 31.5.2017).] Nodal Officer for proper maintenance of accounting receipts and disbursement.

14. Operation of the Trust Fund.

- The trust fund shall be kept in [interest bearing PD account] [Substituted 'scheduled commercial nationalized bank only' by Rajasthan Notification No. G.S.R. 36, dated 1.6.2018 (w.e.f. 31.5.2017).] in the name of the trust and account shall be operated under the joint signatures of the Chairperson and Treasury Officer or any member of the managing committee to whom managing committee

authorize. The Managing committee shall maintain the books of accounts of such fund.

15. Scope of District Mineral Foundation Trust.

(1)The Pradhan Mantri Khanij Kshetra Kalyan Yojana (PMKKKY) and other welfare schemes of the State and Central Government shall be implemented by the District Mineral Foundations Trust of the respective districts using the funds accruing to the trust. The overall objective of PMKKKY and other welfare schemes of the State and Central Government will be,-(a)to implement various developmental and welfare projects/programs in mining affected areas, and these projects/programs will be complementing the existing ongoing schemes/projects of State and Central Government;(b)to minimize/mitigate the adverse impacts, during and after mining, on the environment , health and socio-economics of people in mining districts; and(c)to ensure long-term sustainable livelihoods for the affected people in mining areas.(2)Affected areas and people to be covered under the PMKKKY and other welfare schemes of the State and Central Government, shall be as under:(I)Affected areas:(A)Directly affected areas.-Where direct mining-related operations such as excavation, mining, blasting, beneficiation and waste disposal (overburdened dumps, tailing ponds, transport corridors etc.), etc. are located.(a)villages and gram panchayats within which the mines are situated and are operational. Such mining areas may extend to neighboring village, block or district on even state.(b)an area within such radius from a mine or cluster of mines as may be specified by the State Government, irrespective of whether this falls within the district concerned or adjacent district.(c)villages in which families displaced by mines have resettled/ rehabilitated by the project authorities.(d)villages that significantly depend on the mining areas for meeting their economic needs and have usufruct and traditional rights over the project areas, for instance, for grazing, collection of minor forest produce etc. should be considered as directly affected areas.(B)Indirectly affected areas.-Those areas where local population is adversely affected on account of economic, social and environmental consequences due to mining-related operations. The major negative impacts of mining could be by way of deterioration of water, soil and air quality, reduction in stream flows and depletion of ground water, congestion and pollution due to mining operations, transportation of minerals, increased burden on existing infrastructure and resources.(C)The trust shall prepare and maintain an updated list of such directly and indirectly affected areas by mining related operations.(II)Affected people:(A)The following should include as directly affected persons:(a)'Affected family' as defined under clause (c) of section 3 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.(b)'Displaced family' as defined under clause (k) of section 3 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.(c)Any other as appropriately identified by the Gram Sabha concerned.(B)Persons affected by mining should include people who have legal and occupational rights over the land being mined, and also those with usufruct and traditional rights.(C)Affected families should be identified, as far as possible, in consultation with local/ elected representatives of gram sahha.(D)The trust shall prepare and maintain an updated list of such affected persons/ local communities, including the eligible patients and their legal heirs under the provisions of the Rajasthan Environment and Health Administrative Board.(3)Utilisation of Fund,-(i)The trust shall cover the activities listed below:-(A)High priority areas - at least sixty percentage of the fund to be utilized under these heads:(a)Drinking water supply centralized purification systems, water treatment plants, permanent/temporary water

distribution network including standalone facilities for drinking water, laying of piped water supply system.(b)Environment preservation and pollution control measures - effluent treatment plants, prevention of pollution of streams, lakes, ponds, ground water, other water sources in the region, measure for controlling noise, air and dust pollution caused by mining operations, and dumps, mine drainage system, mine pollution prevention technologies, and measures for working or abandoned mines, and restoration, reclamation and rehabilitation of mined area and other air. water and surface pollution control mechanisms required for environment friendly and sustainable mine development.(c)Health care - the focus must be on creation of primary / secondary health care facilities in the affected areas. The emphasis should not be only on the creation of the health care infrastructure, but also on provision of necessary staffing, equipment and supplies required for making such facilities effective.(i)To that extent, the effort should be to supplement and work in convergence with the existing health care infrastructure of the local bodies. State and Central Government. The expertise available with the National Institute of Miners' Health may also be drawn upon to design special infrastructure needed to take care of mining related illnesses and diseases.(ii)Funds may be utilized for welfare, improvement and protection of health conditions of local mine workers affected by mining operation related health hazards, ex-gratia payment to the eligible patients/their legal heirs under the provisions of Rajasthan Environment and Health Administrative Board, regular health check-up camps and occupational health surveillance program. Group insurance Scheme for health care may be implemented for mining affected persons :Provided that projects and activities mentioned in above clause (a) (b) and (c) shall preferably be carried out either on built operate and transfer basis or on single point contractual services. No temporary or permanent post shall be created for this purpose.(d)Education - Construction of school buildings. Additional class rooms.Laboratories, Libraries, Art and crafts room, Toilet blocks, Drinking water provisions. Residential Hostels for students/teachers in remote areas, sports infrastructure, engagement of teachers/other supporting staff, e-learning setup, other arrangement of transport facilities (bus/van/cycles/rickshaws/etc.) and nutrition related programs.(e)Welfare of Women and Children - Special programmes for addressing problems of maternal and child health, malnutrition,infectious diseases, etc. can be taken up under the schemes.(f)Welfare of aged and disabled people - Special program for welfare of aged and disabled people.(g)Skill development - Skill development for livelihood support, income generation and economic activities for local eligible persons. The projects/schemes may include training, development of skill development center, Self- employment schemes, support to Self Help Groups and provision of forward and backward linkages for, such self employment economic activities.(h)Sanitation - 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.(B)Other priority Areas - Upto Fourthly percentage of the fund to be utilized under these heads:(a)Physical infrastructure-providing required physical infrastructure-road, bridges, railways and waterways Oh Irrigation-developing alternate sources of irrigation, adoption of suitable and advanced irrigation techniques.(c)Energy and Watershed Development - Development of alternate sources of energy (including micro-hydel) and rainwater harvesting system. Development of plantation, orchard, integrated farming and economic forestry and restoration of catchments,(d)Any other measures for enhancing environmental quality in mining district.(II)General guidelines:(A)The developmental and welfare activities to be taken up by Trust under the schemes should be. as far as possible, in the nature of complementing the ongoing

schemes/projects being funded by the State as well Central Government. Activities meant to be taken up under the polluter pays principle' should not be taken up by Trust under any schemes. However, without prejudice to the powers of the Foundation, efforts shall be made to achieve convergence with the State and the District Plans so that the activities taken up by the Foundation supplemental development and welfare activities and are treated as extra-budgetary resources for the State Plan.(B)An amount not exceeding [three percent of the annual receipts of the Foundation subject to an upper limit fixed by the State Government may be utilized for administrative, supervisory and overhead costs of the Foundation including expenses under the provisions of rule 17, 18 and 19 of these rules.] [Substituted 'five percent of the annual receipts of the Foundation subject to an upper limit fixed by the State Government may be utilized for administrative, supervisory and overhead costs of the Foundation' by Rajasthan Notification No. G.S.R. 36, dated 1.6.2018 (w.e.f. 31.5.2017).] As far as possible, no temporary/permanent posts should be created under trust. Any creation of temporary/permanent posts and purchase of vehicle by the foundation shall require prior approval of the State Government. However, minimum required staff can be engaged on contractual basis.(C)If the affected area of a mine in one district also falls in the jurisdiction of another district, such percent age of amount collected from the mine by the Foundation, shall be transferred to the Foundation of the other district concerned for taking up the activities in such areas. A project that is for benefit of the affected area people, but stretches beyond the geographical boundary of the district should be taken up [under the by the trust after obtaining prior approval of the State Government. Projects for development of common infrastructure like construction of roads, bridges etc. in excess of the limits] [Substituted 'under the by the trust after obtaining prior approval of the State Government. Projects for development of common infrastructure like construction of roads, bridges etc. in excess of the limits (one crore and above)' by Rajasthan Notification No. G.S.R. 36, dated 1.6.2018 (w.e.f. 31.5.2017).] to the priority for fund utilization, on a case to case basis, may also be taken up for projects of importance to the district. The prior approval of the State Government need to be taken, with intimation to the Central Government, before taking up such works in excess of the limits of funds utilization. Following State Level Empowered Committee shall take decisions regarding the above mentioned purpose:-(a)Chief Secretary(b)Principal Secretary, Mines & Petroleum(c)Secretary, Forest(d)Secretary, PWD(e)Secretary, Social Justice & Welfare(f)Secretary, Medical & Health(g)Director, Mines & Geology(h)Financial Advisor. DMG(i)Additional Director (E&D), DMG.(j)[Additional Director (Administration), Directorate of Mines and Geology.] [Added by Rajasthan Notification No. G.S.R. 36, dated 1.6.2018 (w.e.f. 31.5.2017).](CC)[Any project having an estimated cost exceeding two crore shall be sanctioned only after prior approval of the State Level Empowered Committee specified in sub-clause (C); and] [Inserted by Rajasthan Notification No. G.S.R. 36, dated 1.6.2018 (w.e.f. 31.5.2017).](D)The meetings of the committee shall be held once in a six month. For day to day work, following Committee shall be competent to take decisions:-(a)Principal Secretary, Mines & Petroleum(b)Joint Secretary, Mines(c)Director, Mines & Geology(d)Financial Advisor, DMG(e)[Additional Director (Administration), Directorate of Mines and Geology.] [Inserted by Rajasthan Notification No. G.S.R. 36, dated 1.6.2018 (w.e.f. 31.5.2017).](f)Additional Director (E&D), DMG(g)Representative of the concern line department.The decisions of the above committee shall be get ratified by the State Level Empowered Committee in their next meeting.(E)A reasonable sum of the annual receipts should be kept as endowment fund for providing sustainable livelihood.(4)Special provisions for scheduled areas. - The process to be adopted for utilization of

fund in the scheduled areas shall be guided by the provisions contained in Article 244 read with Schedule V and Schedule VI to the Constitution relating to administration of the Scheduled Areas and Tribal Areas and the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. In respect of villages affected by mining situated within the scheduled areas: (i) Approval of the Gram Sabha shall be required, - (a) for all plans, programs and projects to be taken up under PMKKKY and other welfare schemes of the State and Central Government. (b) identification of beneficiaries under the existing guidelines of the Government. (ii) Report on the works undertaken under the trust in the respective village shall be furnished to the Gram Sabha after completion of every financial year. Explanation. - Gram Sabha shall have same meaning as assigned to it for the purpose of implementation of the Provisions of the Panchayats (Extension to Scheduled Areas) Act, 1996 (Central Act 40 of 1996) (5) Implementation of works/Contracts: - (i) Works/ goods may be procured by the trust after following the due procedure prescribed by the State Government for such procurements. The procurement of goods and services shall be as per the provisions of Rajasthan Transparency in Public Procurement Act, 2012 and rules made there under. The execution of work shall be as per the provisions of accounting rules of respective executive agencies or any special rules made by the Government in this behalf (ii) Transfer of funds to all agencies and beneficiaries shall be into their bank accounts by any electronic payment, mechanism. (6) Compliance of Transparency. - Each trust shall prepare and maintain a website on which, inter alia, following information will be hosted and kept updated, namely: - (a) Details of composition of the trust/bodies of the trust (if any). (b) List of areas and people affected by mining. (c) Quarterly details of all contributions received from lessees and others. (d) All meeting agenda, minutes and action taken reports (ATRs) of the trust. (e) Annual Plans and budget, work orders, Annual Report. (f) Online status of ongoing works-implementation status/progress of all the projects/ programs being undertaken by the trust should be made available on the website, including description of work, details of beneficiaries, estimated cost, name of implementing agencies, expected date of commencement and completion of work, financial and physical progress up to last quarter etc. (g) List of beneficiaries under various welfare programs. (h) Voluntary disclosures under the Right to Information Act, 2005.

16. Agencies to be engaged by the Trust for execution of the proposal.

(1) The District Mineral Foundation Trust may engage any agency of the Government and assign any specific proposal/project to be carried out through such agency. (2) The trust may also empanel qualified agencies e.g. Non-Government Organisation who are working in the field. However, as far as possible, priority shall be given to agency of the Government working in the same field.

17. Charging of Expenses.

- The trustees shall be entitled to charge the trust fund with the following expenses, namely: - (a) all expenses properly incurred in the operation or execution of the trust and the realization, preservation or benefit of the investments and assets comprising the trust fund and for the protection of the interests of the trust. (b) all expenses (including expenses incidental to execution and/or registration of any agreement or other deeds) incurred by the trustees for obtaining the contributions and or any other resources: which may accrue. (c) all expenses in connection with any

legal proceedings by or against the trustee concerning the affairs of the trust including professional fees and Costs of any legal advisor.(d)all legal and statutory expenses incurred in the operation or execution of the trust including all levies, duties and other charges paid/payable in connection with the affairs of the trust.(e)all expenses in connection with the holding of its meetings and other proceedings as per the norms of the State Government.

18. Accounts and Audit.

(1)The Managing Committee shall maintain and/or cause to be maintained proper books of accounts, documents and records with respect to the trust fund to give a true and fair picture of the affairs of the trust. Books of accounts shall be maintained as per provisions of General Finance & Accounting Rules (GF & AR) or any special rules made by the Government in this behalf. The accounts of the trust shall be audited at least on completion of year by a qualified auditor. The auditors of the trust shall be appointed by the trustees from the list of approved auditors notified by the Accountant General of the State in the meeting of the Governing Council, on such terms and conditions as decided by the trustee. The auditors may be removed and replaced by the trustees with the consultation of the Accountant General of Rajasthan.(2)Notwithstanding anything contained in sub-rule (1), the Government may appoint an auditor or auditors or may request the Accountant General for audit of a particular year or period on such term as the Government may so decide.(3)The trust shall forward the approved budget and annual plan along with schemes and projects for the next financial year to the Zila Parishad, District Administration and the State Government for publication on their respective websites.(4)The trust shall prepare a quarterly progress report in physical and financial terms in respect of the approved schemes and projects within forty five days of the close of the quarter and forward it to the Zila Parishad and District Administration, immediately thereafter for publication on their respective websites.(5)The trust shall forward the approved annual report and the approved audit report immediately after their approval by the Governing Council within sixty days of closure of financial year to the Zila Parishad, District Administration and to the State Government along with audit report for publication on their respective websites.(6)The Annual Report of each Foundation shall be laid before the State Legislative Assembly,

19. Administrative Arrangements.

(1)The Government shall provide services of the personnel working in the office of the concern Mining Engineer / Assistant Mining Engineer for management of the trust and for execution of the annual plan as may be required for the purpose.(2)The Trust may request the government to provide required number of core personnel from its departments or from regular employees of such other cadre, for providing administrative and technical assistance to the trust. Services of such personnel shall continue to remain in their own respective cadres. [***] [Deleted 'The trust may bear expenditure up to three percentage of its accrued funds for this purpose' by Rajasthan Notification No. G.S.R. 36, dated 1.6.2018 (w.e.f. 31.5.2017).](3)The trust may also ask services provides to provide such services as may be needed for smooth functioning of the trust and may provide for incurring contingent expenditure for its functioning.

20. Liability of trustees.

(1)The trustees shall not be liable on account of anything done in good faith, bona fide with due diligence. The trustees shall also not be liable or responsible for any banker, broker, custodian or other person in whose hands, the same may, in good faith, be deposited or placed nor for the deficiency or insufficiency in the value of any investments of the trust fund nor otherwise for any involuntary loss.(2)The trustees and every attorney or, agent appointed by the trustees shall be entitled to be indemnified out of the trust fund in respect of all liabilities, losses and expenses incurred in execution of the trust or any of the powers, authorities, and discretion vested in or delegated to them other than those arising out of gross negligence and/or willful misconduct, provided however, that, such indemnity shall not in any event exceed the total of the contributions.

21. Remuneration.

- The trustees shall not be entitled to any remuneration for their services.

22. [Prohibition. [Added by Rajasthan Notification No. G.S.R. 36, dated 1.6.2018 (w.e.f. 31.5.2017).]

- The State Government may prohibit any class of works or activities which may not be beneficial for fulfillment of objectives of the Trust.]