

# The National Mineral Exploration Trust Rules, 2015

UNION OF INDIA

India

## The National Mineral Exploration Trust Rules, 2015

### Rule

## THE-NATIONAL-MINERAL-EXPLORATION-TRUST-RULES-2015 of 2015

- Published on 14 August 2015
- Commenced on 14 August 2015
- [This is the version of this document from 14 August 2015.]
- [Note: The original publication document is not available and this content could not be verified.]

The National Mineral Exploration Trust Rules, 2015 Published vide Notification No. G.S.R. 632(E), dated 14th August, 2015 G.S.R. 632 (E). - In exercise of the powers conferred by sub-sections (2), (3) and (4) of section 9C and section 13 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the Central Government hereby makes the following rules, namely:-

### 1. Short title and commencement.

(1) These rules may be called the National Mineral Exploration Trust Rules, 2015. (2) They shall come into force on the date of their publication in the Official Gazette.

### 2. Definitions.

(1) In these rules, unless the context otherwise requires,-(a) "Act" means the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957); (b) "Chairperson, Executive Committee" means the Chairperson of the Executive Committee of the National Mineral Exploration Trust established under sub-section (1) of section 9C of the Act; (c) "Chairperson, Governing Body" means the Chairperson of the Governing Body of the National Mineral Exploration Trust established under sub-section (1) of section 9C of the Act; (d) "Executive Committee" means the Executive Committee of the Trust; (e) "Fund" means the fund referred to in rule 6; (f) "Governing Body" means the Governing Body of the Trust; (g) "Member, Executive Committee" means the member of the Executive Committee of the Trust; (h) "Member, Governing Body" means the member of the Governing Body of the Trust; (i) "obvious geological potential areas" means the area identified by the Geological Survey of India from time to time; and (j) "Trust" means the National Mineral Exploration Trust established by the Central Government under subsection (1) of section 9C of the Act. (2) Words and expressions used and not defined in these rules but defined in the Act shall have the same

meanings as assigned to them in the Act.

### **3. The Functions of the Governing Body and the Executive Committee.**

(1)The Governing Body shall lay down the broad policy framework for the functioning of the Trust and review its working.(2)The Governing Body shall approve the annual plan and annual budget of the Trust upon the recommendations of the Executive Committee and it shall meet at least once in a year.(3)The Executive Committee shall manage, administer and supervise the Trust and shall also monitor and review the expenditure of the Trust fund at regular intervals.(4)The Executive Committee shall, while discharging its functions, follow the policy framework and the directions of the Governing Body from time to time.(5)The Chairperson of the Executive Committee may vary the term of office of any nominated member or remove him from the Executive Committee before the completion of his term.

### **4. Membership of Governing Body.**

(1)The members of the Governing Body shall be ex officio members.(2)Special invitees, if any, of the Governing Body shall be entitled to such sitting fee, conveyance and out of pocket expenditure as the Governing Body may decide.

### **5. Membership of Executive Committee.**

(1)The ex officio members only shall have voting rights.(2)Members, other than ex-officio members including special invitees shall have no voting rights but shall be entitled to such sitting fee, conveyance and out of pocket expenditure as the Governing Body may decide.

### **6. Constitution of a fund under the Trust.**

(1)The Central Government shall, by order, set up a fund under the Trust to be called as the "National Mineral Exploration Trust Fund" to be managed by the Executive Committee of the Trust.(2)[ The Fund shall be opened under the Public Account of India which shall be a non-lapsable and non-interest bearing account and shall be administered by the Central Government.(3)The Fund shall comprise of payment of two percent equivalent of royalty payable by the holders of the mining lease or prospective licence-cum-mining lease under sub-section (4) of the section 9C of the Act.(4)The Fund shall be utilized for carrying out the objects and functions as specified in rule 9, including carrying out regional and detailed exploration for minerals under the scheme, namely, 'Regional and detailed exploration and related activities under Fund.] [Substituted by Notification No. G.S.R. 208(E), dated 7.3.2018 (w.e.f. 14.8.2015).]

### **7. [ Contribution to Fund. [Substituted by Notification No. G.S.R. 208(E), dated 7.3.2018 (w.e.f. 14.8.2015).]**

(1)The holder of mining lease or prospecting license-cum-mining lease shall, while making payment of royalty to the State Government, pay to the Trust a sum equivalent to two percent of the royalty under sub-section (4) of section 9C of the Act by depositing the same in the Public Account of the State under the Head booked for this purpose.(2)The State Governments shall transfer the amount so collected in the Public Account of the State under sub-rule (1) to the Consolidated Fund of India.(3)The accretions in the Consolidated Fund of India shall be periodically transferred to the Fund by the Central Government, after due appropriation made by Parliament by law, in the financial year.(4)The responsibility of collecting and transferring the amount referred in sub-rule (1) to Consolidated Fund of India and maintaining necessary accounts in this behalf shall be that of the State Government and it shall transfer such receipts to the Consolidated Fund of India as early as possible and in any case, not later than the tenth day of the succeeding month in respect of the amount collected in any particular month.(5)The State Government shall provide information regarding the amount collected under sub-rule (1) and the amount transferred to Consolidated Fund of India under sub-rule (2) to the Indian Bureau of Mines on a monthly basis.(6)The Indian Bureau of Mines shall maintain an updated record of the amount transferred to the Consolidated Fund of India along with a database of royalty payments and provide such information to the Trust on a periodic basis.]

## **8. Office and bank account.**

(1)The office of the Trust shall be situated at Ministry of Mines, Shastri Bhawan, Dr. Rajendra Prasad Road, Central Secretariat, New Delhi 110001 or at such other place as may be determined by the Executive Committee.(2)[ The bank account of the Trust shall be closed as soon as possible after the publication of this notification and till such closure, the bank account of the Trust shall continue to be operated through the Member-Secretary or any other Member of the Executive Committee or any other officer of the Central Government as may be authorized by the Executive Committee.] [Substituted by Notification No. G.S.R. 208(E), dated 7.3.2018 (w.e.f. 14.8.2015).]

## **9. Objects and Functions of the Trust.**

(1)The Trust shall carry out regional and detailed exploration for minerals and it shall undertake such activities as may be deemed necessary by the Governing Body to achieve its objects including,-(a)funding special studies and projects designed to identify, explore, extract, beneficiate and refine deep-seated or concealed mineral deposits;(b)undertaking studies for mineral development, sustainable mining adoption of advanced scientific and technological practices and mineral extraction metallurgy;(c)taking up exploration of areas for regional and detailed exploration, giving priority particularly to strategic and critical minerals;(d)consulting Central Geological Programming Board to decide the priorities for exploration of the Trust;(e)facilitating exploration activities in such a manner that areas explored can be taken up for grant of mineral concessions in accordance with the provisions of the Act and the rules made thereunder;(f)facilitating completion of brownfield regional exploration projects in obvious geological potential areas (G3) including conducting high-risk exploration for deep-seated mineral deposits through modern technologies;(g)promoting completion of detailed exploration (G2 or G1) across India in the areas where G3 stage exploration has been completed;(h)facilitating geophysical,

ground and aerial, survey and geochemical survey of obvious geological potential areas and rest of India;(i)facilitating a national core repository for encouraging research in earth sciences and for evaluation of the mineral prospects;(j)organizing capacity building programmes to raise technical capability of personnel engaged in or to be engaged in exploration; and(k)using the Trust Fund for such other purposes that the Governing Body may decide, or authorise the Executive Committee, to be necessary or expedient in the interest of conservation, development and exploitation of mineral resources of India, not inconsistent with the provisions of the Act.(2)In furtherance of the objectives referred to in sub-rule (1), the Governing Body may employ or hire personnel, own and dispose off property, including intellectual property, incur administrative expenses and execute documents as may be necessary.

## **10. Management of the Trust.**

(1)The overall control, periodical reviews and policy directions the Trust shall vest with the Governing Body.(2)The Executive Committee shall manage, administer and supervise the day to day activities of the Trust.(3)The Governing Body may authorise the Executive Committee to exercise any or all of its powers as mentioned in sub-rule (1).(4)The Executive Committee shall formulate and finalise the scheme for delegation of financial powers.

## **11. Committees.**

(1)The Executive Committee may constitute committees or sub-committees to undertake such tasks that may be assigned or delegated by the Executive Committee to such committees or sub-committees.(2)The committee or sub-committee constituted under sub-rule (1) shall devise its own procedure in the discharge of the duties and responsibilities under these rules and in exercise of such powers and functions as may be specified by the Executive Committee.

## **12. Implementation of projects by the Executive Committee.**

(1)The Executive Committee may implement the projects consistent with the objectives of the Trust on its own accord or upon receipt of a project proposal from a State Government or any other entity, including private sector entities.(2)In implementation of the projects referred to in sub-rule (1), the Executive Committee may devise its own procedure consistent with the Act and the rules made thereunder.

## **13. Monitoring of projects.**

(1)The Trust shall monitor implementation of the projects either by itself or by engaging any government entity, including the Indian Bureau of Mines.(2)For the purposes of sub-rule (1), the Trust may devise its own procedure consistent with the Act and the rules made thereunder.

## **14. Meetings of the Governing Body.**

(1)The Governing Body shall meet at least once in a year.(2)The meetings of the Governing Body shall be presided by the Chairperson, Governing Body and in the absence of the Chairperson, Governing Body, the ex-officio Members of the Governing Body may elect an officiating Chairperson, from among themselves.(3)All decisions or resolutions including circular resolutions of the Governing Body shall be made or adopted by consensus.(4)In case of any disagreement or dissent, the ruling of the Chairperson, Governing Body shall be final.

## **15. Meetings of the Executive Committee.**

(1)The Executive Committee shall meet at least once in every three months.(2)The meetings of the Executive Committee shall be presided by the Chairperson, Executive Committee and in the absence of the Chairperson, Executive Committee, the ex-officio Members of the Executive Committee may elect an officiating Chairperson, from among themselves.(3)The meetings of the Executive Committee may be either physical or virtual or by circulation or by combination of both:Provided that the meeting by circulation shall not apply for adoption of accounts of the Trust, recommendation to Governing Body for approval of annual plan, annual budget and annual report of the Trust.(4)All decisions or resolutions including circular resolutions of the Executive Committee shall be made or adopted by a majority of votes of the members of the Executive Committee present and voting.(5)In case of equality of votes, the Chairperson, Executive Committee, or in his absence, the member presiding over such meeting as the Chairperson shall have a casting vote:Provided that no member shall vote or take part in the discussion of any matter coming up for consideration at a meeting of the Executive Committee or any of its committees or sub-committees, if the matter is one in which such member has any direct, indirect or pecuniary interest.

## **16. Notice and agenda for meeting of the Governing Body and Executive Committee.**

(1)The Chairperson or the Convenor of the Governing Body with the consent of the Chairperson, Governing Body, shall convene the meeting of the Governing Body by giving a minimum fifteen days' notice to all the members:Provided that the Chairperson, Governing Body may authorise to convene a meeting with a shorter notice period.(2)The Chairperson or the Member Secretary of the Executive Committee, with the consent of the Chairperson shall convene the meeting of the Executive Committee by giving a minimum seven days' notice to all the Members:Provided that the Chairperson of the Executive Committee may authorise to convene a meeting with a shorter notice period.(3)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.

## **17. Quorum for meeting.**

(1)The quorum for any meeting of the Governing Body shall be six, excluding the special invitees.(2)The quorum for any meeting of the Executive Committee, including a virtual meeting,

shall be seven, excluding the nominated members.

## **18. Powers, Duties and Responsibilities of the Member Secretary of the Executive Committee.**

(1) There shall be a Member Secretary of the Executive Committee to discharge the functions of the Executive Committee. (2) The Member Secretary of the Executive Committee shall, - (a) administer and manage the Trust subject to the superintendence, control and direction of the Executive Committee. (b) exercise such administrative and financial powers as may be delegated by the Executive Committee or as may be assigned by the Chairperson, Executive Committee. (3) The Member Secretary of the Executive Committee shall have the following duties and responsibilities, without prejudice to the generality of sub-rule (2) and (3), namely: - (a) to cause the preparation of the annual plan and related annual budget and submit them to the Executive Committee for consideration and recommendation to the Governing Body; (b) to ensure that due diligence has been exercised before considering proposals or projects to be undertaken by the Trust in accordance with the practices, procedure, rules or directions of the Executive Committee; (c) to ensure that the activities of the Trust are being conducted in accordance with the annual plan and related annual budget; and (d) to submit to the Governing Body the approved annual plan and related annual budget for each financial year to the Central Government, by the end of January of previous financial year.

## **19. Annual Plan.**

(1) The Member Secretary of the Executive Committee shall, [before the beginning] [Substituted 'at the beginning' by Notification No. G.S.R. 208(E), dated 7.3.2018 (w.e.f. 14.8.2015).] of each financial year, cause preparation of plans for short term projects and long term projects proposed to be undertaken by the Trust 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 Trust during such time, the expected time for completion of the projects and cost for such projects. (2) 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.

## **20. [ Annual Budget. [Substituted by Notification No. G.S.R. 208(E), dated 7.3.2018 (w.e.f. 14.8.2015).]**

(1) The Member Secretary of the Executive Committee shall, before 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 Trust together with details of funding requirements in this regard, to be referred as the Annual Budget. (2) Annual Budget provision shall also be made in the Demands for Grants of Central Government under appropriate Head for incurring expenditure under Fund and equivalent amount thereof shall be met from the Fund. (3) After due appropriation of fund and receipt of sanction of the Competent

Authority, the expenditure under the Fund shall be incurred from the relevant sub-major or minor heads and on the basis of the sanction issued by the Central Government, the Pay and Accounts Office of the Central Government shall make the payment as per the General Financial Rules, 2017.]

## **21. [ Approval of the Annual Plan and the Annual Budget. [Substituted by Notification No. G.S.R. 208(E), dated 7.3.2018 (w.e.f. 14.8.2015).]**

(1)The annual plan and the annual budget shall be laid before the Governing Body for its approval thirty days before the beginning of each financial year.(2)Any amendment in the annual plan or the annual budget subsequent to the approval of the Governing Body may be done with the approval of the Executive Committee and informed to the Governing Body in its next meeting.]

## **22. Annual Report.**

(1)The Member Secretary of the Executive Committee shall, within ninety days of the end of each financial year, submit an annual report containing such information as deemed appropriate by the Executive Committee.(2)The annual report shall be approved by the Executive Committee and shall contain details, inter alia, of the activities completed by the Trust during the financial year and the expenditure incurred by the Trust during such financial year.(3)A copy of the annual report shall be sent to the Central Government within a period of thirty days from the date of its approval by the Executive Committee.

## **23. Financial year.**

(1)The accounting or financial year of the Trust shall be from the 1st of April to the 31st of March.(2)The first year of operations of the Trust may be a partial year.

## **24. [ Maintenance and Audit of Accounts. [Substituted by Notification No. G.S.R. 208(E), dated 7.3.2018 (w.e.f. 14.8.2015).]**

(1)The Pay and Accounts Office in the Central Government shall maintain a broadsheet of accretions to and payment from the Fund and effect reconciliation on monthly basis thereof with the concerned divisions and shall ensure that there are no adverse balances in the Fund at any point of time.(2)The account of the Trust shall be subject to the audit by the Comptroller and Auditor General of India and also to audit by internal audit wing of the office of the Chief Controller of Accounts, in the Central Government.]