

AMENDMENT IN CHHATTISGARH DISTRICT MINERAL FOUNDATION TRUST RULES, 2015

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In rule 2, in sub-rule (1), for clause (b), the following shall be substituted, namely:- "Affected Areas/ People" means areas/ people affected by mining or mining related operations from a mine or cluster of mines within the District as notified by the Collector and areas/ people affected by mining or mining related operations from a mine or cluster of mines beyond the District as notified by the State Government from time to time; 2. In rule 2, in sub-rule (1), after clause (r), the following shall be inserted, namely:- " (rr) "Trust Fund" means as describe in Rule 20." 3. In rule 2, in sub-rule (1), after clause (s), the following shall be added, namely:- "(t) "Empanelled Agency" shall mean an agency selected by Governing Council of District Mineral Foundation Trust through a transparent process. The agency shall be involved in carrying out survey as per requirement, identification of beneficiaries (directly affected and indirectly affected), project monitoring, preparation of Master plan/ Vision document for the development of trust schemes and social audit. " 4. In rule 10, in the table, (1) after serial number 4, the following shall be added, namely: (1) (2) (3) 4a 10 members from Gram Sabha of affected area Member (nominated by the Collector) (b) c Only two members, including one woman, will be nominated from each Gram Sabha. In addition to the members of Gram Sabha of the mining areas, preference will be given to members in nomination from adjacent Gram Sabha. In case of affected area bein the urban area, two , 14 2 019 1010 (13) members of the urban local body shall be nominated. (d) In case of scheduled area, at least 50 percent of the total nominated member from Gram Sabha for each trust, shall be nominated from Scheduled Tribes. " (2) after serial number 21, the following shall be added, namely:- "22 23 24 25 5. In rule 12, District Planning & Statistics officer Deputy Director Social Welfare Executive Engineer, CREDA Chief Executive Officer of all Janpad Pancha at of the district Ex-officio Member Ex-officio Member Ex-officio Member Ex-officio Member" (1) (2) after sub-rule (1), the following shall be added, namely:- "(1 a) Annual Action Plan shall be approved from the Governing Council shall be based on a 5 years vision plan which should be based on the survey of the needs of the affected areas related to any district/ Gram Sabha. The basic survey shall be conducted for identifying the needs of the affected areas and if needed the assistance of civil society organizations may be taken;" in sub-rule (2), for the first proviso, the following shall be substituted, namely:- "Provided that, any deviation from the annual plan or budget, it is necessary to obtain post facto approval on scheme/ project from the governing council, within 6 months. Total expenditure of such works should not exceed 10% of the annual expected receipts of the trust. (3) after sub-rule (3), the following shall be added, namely: - "(3a) The social audit shall be conducted by empanelled agencies that are authorised by State Government for

conduct of social audit in schemes like MGNREGA and other welfare schemes/ projects in the State and approved by governing council. The process of social audit shall be conducted in two phases. The first phase shall be related to the identification of requirements of the affected area and the second phase shall be related to implementation and quality of the relevant works undertaken." (4) after sub-rule (7), the following shall be added, namely:- 1010 (14) 1 4 Z-17R7 2019 In the districts where the annual receipt of district mineral foundation trust is rupees 25 crores or more, such district trusts shall be conducted social audit, identification of the affected area/ people and survey as per requirement for making the vision document through the empanelled agency. If, annual receipt of district mineral foundation trust is less than rupees 25 crores, social audit, identification of the affected area/ people and survey as per requirement for making vision document shall be done by the resources/ experts available in the district. " 6. In rule 14, in the table, after serial number 17, the following shall be added, namely:- 1 "18 19 20 21 2 District Planning and Statistics Officer Deputy Director Social Welfare Executive Engineer, CREDA Chief Executive Officer of all Janpad Pancha at of district 3 Ex-officio Member Ex-officio Member Ex-officio Member Ex-officio Member" 7. In rule 15, after sub-rule (3), the following shall be added, namely:- 8. 9. 10. "(3a) Five-year Master Plan/ Vision Document for activities of the Trust, shall be prepared according to the requirement of affected areas based on survey conducted by Empanelled Agency. The Master Plan/ Vision Document shall be approved by Governing Council. Master Plan/ Vision Document can be inspected by a third party at any point of time as per the directions of the settlor. The Annual Plan for the upcoming year shall be prepared by the Managing Committee and shall be approved by the Governing council in the last quarter of the financial year." In rule 17, after sub-rule (3), the following shall be added, namely:- "(4) The State Level Monitoring Committee shall meet atleast once in a year." In rule 18, after sub-rule (4), the following shall be added, namely:- "(5) Shall approve the setup related to the arrangement of staff for State Level District Mineral Foundation Trust Cell. " In rule 22,- (1) (2) in sub-rule (1), for the words " The overall development of area affected" the words "The interest and benefit and overall development of affected area/ people" shall be substituted. after sub-rule (1), the following shall be added, namely:- "(1 a) At least 50 percent of the funds received in the trust fund shall be spent on directly affected area/ people and remaining fund can be spent in the indirectly affected 2019 1010 (15) area/ people. In special circumstances, additional 10 percent of fund can be spent on indirectly affected area/ people with prior approval of the Governing Council: Provided that, if it is necessary and in the best interest of directly affected areas/ people, Education, Health, and such others services/ schemes/ project of public interest could be sanctioned anywhere else, fund may be utilized with prior approval from Governing Council, priority shall be necessary given to people of directly affected area such expenditure shall be treated as incurred on people of directly affected area. " (3) in sub-rule (2), after clause (a), the following shall be added, namely:- "Solar energy based Drinking water project, in large drinking water schemes/ projects village from indirectly affected areas/other areas can be included as per the geographical condition." (4) in sub-rule (2), after clause (b), the following shall be added, namely:- "Intensive plantation on river banks and other public places, streams/ rivulets (Narwa) improvement and conservation related works" (5) in sub-rule (2), after clause (c), the following shall be added, namely:- "Upgradation of health related facilities in government hospitals, such as intensive care related facilities. Creation of infrastructure facilities and all other measures to make health services effective." (6) in sub-rule (2), after clause (d), the following shall be added, namely:- fees in "Payment of educational fees and hostel Universities/ Government Colleges/ Government Institution for the nursing, medical, education, engineering, law, management, Higher Education, vocational courses, Technical education, skill development and arrangement of coaching classes/ training with residential facilities for all competitive exams for family members of the directly affected areas. " (7) in sub-rule (2), after clause (e), the following shall be added, namely:- "Promotion of collection, storage and processing unit of agriculture produce, food processing, minor forest produce processing, processing of medicinal plant, works related to use of upgradation technique of the agriculture, Cattle breed improvement, fodder development, work of promotion of the animal husbandry, Gothan development, value addition, forward and backward linkages, Farmers' Producer Organization (FPO) 1010 (16) 14 2019 works, kisan bazar, work related to training and capacity building of farmers. Measures to improve the standard of living and livelihood for the mining affected forest rights leaseholders, measures to increase the production / cultivation of coarse cereals, pulses, oilseeds, jowar, millet, maize, kodo kutki etc. and to promote organic farming, plantation of fruit bearing

trees." (8) in sub-rule (2), after clause (g), the following shall be added, namely:- "Provisions for expansion of facilities for elderly people and skill development and livelihood measure programmes for the disabled, corrective surgeries and equipment/ instruments for the disabled. " (9) in sub-rule 2, after clause (j), the following shall be added, namely:- " (k) Sustainable livelihood — works related to measures to improve the income and standard of living of the local community in the directly affected areas, and various measures for livelihood and capacity building, rural industry and handicrafts, measures to improve the standard of living of forest rights holders. (l) for works related to sub rule (2), for gap filling of human resources such as doctors, paramedics, nurses and teachers, etc. as per the government approved set-up. (10) in sub-rule (3), after clause (a), the following shall be added, namely:- "Under the other priority areas, maximum 20 percent of the trust funds can be utilized in physical infrastructure such as construction of all types of building, roads, bridges, railways, waterways, airports, industrial parks/ clusters and other industrial infrastructure etc." (11) in sub-rule (3), after clause (b), the following shall be added, namely:- "Minor irrigation projects, lift irrigation (including installation of solar power pumps), water shed, priority will be given to work related to sustainable irrigation facilities in the directly affected areas." (12) in sub-rule (3), after clause (d), the following shall be added, namely:- "(e) Public Transport - expansion of transportation facility projects through individuals and societies of directly affected areas. (f) Conservation of Cultural Values- measures for protection of basic cultural values of the communities and the residents of mining affected areas. (g) Promotion of Youth Activities- Work related to the promotion of social/ economic/ educational and other activities of the youth of the mining affected areas." 1 4 2 019 1010 (17) "(h) Training for capacity building of Gram Sabha for making and monitoring of various development schemes to be implemented under the trust fund." (13) sub-rule (4), (5) and (7) shall be omitted

11. In rule 25, after sub-rule (1), the following shall be added, namely:- "(1 a) Separate registers shall be maintained by trust according to the prescribed format issued by the Settlor for mining related activities in the districts, receipts of trust funds, expenditures from trust fund, list of beneficiaries, proposals received in trust, works approved by trust and complaints received in trust."

12. In rule 26, after sub-rule (5), the following shall be added, namely:- "(6) District Mineral Foundation Trust Cell will be constituted at the state level to monitor the functions of trusts, provide necessary consultation, guidance and coordination with Central Government and State Government and perform the other necessary works. The State Government with the approval of the State Level Monitoring Committee shall sanction the set-up and project monitoring unit for the state level District Mineral Foundation Trust cell. " 13. In FORM-A,- in clause 1, in sub-clause (1), for para (b), the following shall be (1) substituted, namely- (b) "Affected Areas/ People" means areas/ people affected by mining or mining related operations from a mine or cluster of mines within the District as notified by the Collector and areas/ people affected by mining or mining related operations from a mine or cluster of mines beyond the District as notified by the State Government from time to time; (2) in clause 1, in sub-clause (1), after para (r), the following shall be (3) added, namely:- (s) "Trust Fund" means as describe in Rule 20. (t) "Empanelled Agency" shall mean an agency selected by Governing Council of District Mineral Foundation Trust through a transparent process. The agency shall be involved in carrying out survey as per requirement, identification of beneficiaries (directly affected and indirectly affected), project monitoring, preparation of Master plan/ Vision document for the development of trust schemes and social audit. " in Clause 9, in the table, (i) after serial number 4, the following shall be added, namely: (1) (2) (3) IO members from Gram Sabha of affected area Member (nominated by the Collector) a Onl two members, includin one woman, will be 1010 (18) 2019 nominated from each Gram Sabha. (b) In addition to the members of Gram Sabha of the mining areas, preference will be given to members in nomination from adjacent Gram Sabha. (c) In case of affected area being the urban area, two members of the urban local body shall be nominated. (d) In case of scheduled area, at least 50 percent of the total nominated member from Gram Sabha for each trust, shall be nominated from Scheduled Tribes. " (ii) after serial number 21, following shall be added, namely:- "22 23 24 25 (4) In Clause 11, District Planning and Statistics Officer Deputy Director Social Welfare Executive Engineer, CREDA Chief Executive Officer of all Janpad Pancha at of the district Ex-officio Member Ex-officio Member Ex-officio Member Ex-officio Member" (i) (ii) (iii) after sub-clause (1), the following shall be added, namely:- "(la) Annual Action Plan shall be approved from the Governing Council shall be based on a 5-year vision plan which should be based on the survey of the needs of the affected areas related to any district/ Gram Sabha. The basic survey shall be conducted for identifying the needs of the

affected areas and if needed the assistance of civil society organizations may be taken." In sub-clause (2), for the first proviso, the following shall be substituted, namely:- "Provided that, in case of any deviation from the annual plan or budget, it is necessary to obtain post facto approval on scheme/ project from the governing council, within 6 months. Total expenditure of such works should not exceed 10% of the annual expected receipts of the trust. after sub-clause (3), the following shall be added, namely: "(3a) The social audit shall be conducted by empanelled agencies that are authorized by State Government for conduct of social audit in schemes like MGNREGA and other welfare schemes projects in the State and approved by governing council. The process of social audit shall be conducted in two phases. The first phase shall be related to the identification of requirements of the affected area and the second phase shall 14 2 019 1010 (19) (iv) be related to implementation and quality of the relevant works undertaken." after sub-clause (7), the following shall be added, namely:- (8) In the districts where the annual receipt of district mineral foundation trust is rupees 25 crores or more, such district trusts shall be conducted social audit, identification of the affected area/ people and survey as per requirement for making the vision document through the empanelled agency. If, annual receipt of district mineral foundation trust is less than rupees 25 crores, social audit, identification of the affected area/ people and survey as per requirement for making vision document shall be done by the resources/ experts available in the district." (5) in Clause 13, in the table, after serial number 17, the following shall be added, namely:- 1 "18 19 20 21 2 District Planning and Statistics officer Deputy Director Social Welfare Executive Engineer, CREDA Chief Executive Officer of all Janpad Pancha at of district. 3 Ex-officio Member Ex-officio Member Ex-officio Member Ex-officio Member" (6) in Clause 14, after sub-clause (3), the following shall be added, namely:- "(3a) Five-year Master Plan/ Vision Document For activities of the Trust, shall be prepared according to the requirement of affected areas based on survey conducted by Empanelled Agency. The Master Plan/ Vision Document shall be approved by Governing Council. Master Plan/ Vision Document can be inspected by a third party at any point of time as per the directions of the Settlor. The Annual Plan for the upcoming year shall be prepared by the Managing Committee and shall be approved by the Governing council in the last quarter of the financial year." (7) in Clause 16, after sub-clause (3,) the following shall be added, namely:- "(4) The State Level Monitoring Committee shall meet atleast once in a year." (8) in Clause 17, after sub-clause (4), the following shall be added, namely:- "(5) Shall approve the setup related to the arrangement of staff for State Level District Mineral Foundation Trust Cell. " (9) in Clause 21,- 1010 (20) 1 4 2 019 (i) in sub-clause (1), for the words "The overall development of area affected", the words "For the interest and benefit and overall development of affected area/ people" shall be substituted. (ii) after sub-clause (1), the following shall be added, namely:- "(1 a) At least 50 percent of the funds received in the trust fund shall be spent on directly affected area/ people and remaining fund can be spent in the indirectly affected area/ people. In special circumstances, additional 10 percent of fund can be spent on indirectly affected area/ people with prior approval of the Governing Council: Provided that, if it is necessary and in the best interest of directly affected areas/ people, Education, Health, and such others services/ schemes/ project of public interest could be sanctioned anywhere else, fund may be utilized with prior approval from Governing Council, priority shall be necessary given to people of directly affected area such expenditure shall be treated as incurred on people of directly affected area." (iii) in sub-clause (2), after para (a), the following shall be added, namely:- (iv) (v) "Solar energy based Drinking water project, in large drinking water schemes/ projects village from indirectly affected areas/ other areas can be included as per the geographical condition." in sub-clause (2), after para (b), the following shall be added, namely:- "Intensive plantation on river banks and other public streams/ rivulets (Narwa) improvement and places, conservation related works" in sub-clause (2), after para (c), the following shall be added, namely:- "Upgradation of health related facilities in government hospitals, such as intensive care related facilities. Creation of necessary infrastructure and all other measures to make health services effective." (vi) in sub-clause (2), after para (d), the following shall be added, namely:- "Payment of educational fees and hostel in fees Universities/ Government Colleges/ Government Institution for the nursing, medical, engineering, law, education, management, Higher Education, vocational courses, Technical education, skill development and arrangement of coaching classes/ training with residential facilities for all competitive exams for family members of the directly affected areas. " 14 2 0 9 1010 (21) (vii) in sub-clause (2), after para (e), the following shall be added, namely:- "Promotion of collection, storage and processing unit of agriculture produce, food processing, minor forest produce processing, processing of medicinal plant, works related to

use of upgradation technique of the agriculture. Cattle breed improvement, fodder development, works of promotion of the animal husbandry, Gothan development, value addition, forward and backward linkages, Farmers' Producer Organization (FPO) works, kisan bazar, works related to training and capacity building of farmers, measures to improve the standard of living and livelihood for the mining affected forest rights leaseholders, measures to increase the production / cultivation of coarse cereals, pulses, oilseeds, jowar, millet, maize, kodo kutki etc. and to promote organic farming, plantation of fruit bearing trees." (viii) in sub-clause (2), after para (g), the following shall be added, namely:- "Provisions for expansion of facilities for elderly people and skill development and livelihood measure programmes for the disabled, corrective surgeries and equipment/ instruments for the disabled." (xi) in sub-clause (2), after para (j), the following shall be added, namely: "(k) Sustainable livelihood — Works related to measures to improve the income and standard of living of the local community in the directly affected areas, and various measures for livelihood and capacity building, rural industry and handicrafts, measures to improve the standard of living of forest rights holders. (l) for works related to sub-clause (2), for gap filling of human resources such as doctors, paramedics, nurses and teachers, etc. as per the government approved set-up. (x) in sub-clause (3), after para (a), the following shall be added, namely:- "Under the other priority areas, maximum 20 percent of the trust funds can be utilized in physical infrastructure such as construction of all types of building, roads, bridges, railways, waterways, airports, industrial parks/ clusters and other industrial infrastructure etc." (xi) in sub-clause (3), after para (b), the following shall be added, namely:- irrigation (including Minor irrigation projects, lift installation of solar power pumps), water shed, priority will be 1010 (22) 2019 given to work related to sustainable irrigation facilities in the directly affected areas." (xii) in sub-clause (3), after para (d), the following shall be added, namely:- (f) (g) (h) Public transport - expansion of transportation facility projects through individuals and societies of directly affected areas. Conservation of cultural values- measures for protection of basic cultural values of the communities and the residents of mining affected areas. Promotion of youth activities- Work related to the promotion of social/ economic/ educational and other activities of the youth of the mining affected areas." Training for capacity building of Gram Sabha for making and monitoring of various development schemes to be implemented under the trust fund." (xiii) sub-clause (4), (5) and (7) shall be omitted. (IO) in Clause 24, after sub-clause (1), the following shall be added, namely:- "(1a) Separate registers shall be maintained by trust according to the prescribed format issued by the Settlor for mining related activities in the districts, receipts of trust funds, expenditures from trust fund, list of beneficiaries, proposals received in trust, works approved by trust and complaints received in trust." (11) in Clause 25, after sub-clause (5), the following shall be added, namely:- "(6) District Mineral Foundation Trust Cell will be constituted at the state level to monitor the functions of trusts, provide necessary consultation, guidance and coordination with Central Government and State Government and perform the other necessary works. The State Government with the approval of the State Level Monitoring Committee shall sanction the set-up and project monitoring unit for the state level District Mineral Foundation Trust cell. " By order and in the name of the Governor of Chhattisgarh, EFFAT ARA, Deputy Secretary. - 20 19.