

**GOVERNMENT OF MEGHALAYA
FORESTS AND ENVIRONMENT DEPARTMENT**

ORDERS BY THE GOVERNOR
NOTIFICATION

No. FOR.29/2018/Pt/474

Dated Shillong the 8th April, 2022

WHEREAS the Hon'ble High Court of Meghalaya by a Judgment and Order dated 30th June, 2015 in Writ Petition (Civil) No. 140 of 2014 in the matter of Shri Tangkham M Sangma *versus* State of Meghalaya and Ors. directed that State Government, in order to reclaim the damage caused to the forest and the environment, as a result of mining activities, even if permitted under the rules, shall have to draw a comprehensive scheme and create a fund for reclamation wherefor an amount to the extent of not less than ten percent of the sale proceeds of the minerals extracted under the license or lease deed as provided in the judgment of Hon'ble the Supreme Court in Goa Foundation's case and being in accordance with the principle that a "polluter shall pay" can be validly charged.

WHEREAS Rule 31 of the Meghalaya Minor Minerals Concession Rules, 2016 provides that the lease holder or permit holders shall deposit or make payment to Meghalaya Minor Mineral Reclamation Fund created by State at the rates as shall be prescribed from time to time by notification for reclamation of the mining areas;

AND WHEREAS in compliance of the afore-mentioned judgment and rules, a fund in the name of Meghalaya Minor Mineral Reclamation Fund (MMMRF) has been established and amounts at the rates prescribed from time to time by notifications is being deposited or paid to the fund by the lessees and permit holders of minor minerals.

NOW THEREFORE the Governor of Meghalaya is pleased to make the following guidelines for management and use of the Meghalaya Minor Mineral Reclamation Fund in expeditious, efficient and transparent manner and for purposes connected therewith and incidental thereto, namely:-

CHAPTER-I

PRELIMINARY

1. Short title, extent and commencement. – (1) These guidelines may be called the Meghalaya Minor Minerals Reclamation Fund Management Guidelines, 2022.

(2) These guidelines shall extend to the whole of Meghalaya.

(3) These guidelines shall come into force from the date of their publication in the Official Gazette.

2. Definitions. - In these guidelines, unless the context otherwise requires,-

(a) "annual plan of operations" means a statement showing brief description, estimated cost, basis of cost estimation, measurable outcome, agency responsible for execution and time schedule of each activity to be undertaken from monies available in the fund during a year;

(b) "approved annual plan of operation" means an annual plan of operations approved by the governing body;

- (c) “Authority” means the Meghalaya Minor Minerals Reclamation Fund Management Authority constituted under sub-paragraph (1) of paragraph 10;
- (d) “Chief Executive Officer” means Chief Executive Officer of the Authority appointed under sub-paragraph (8) of paragraph 10;
- (e) “Department” means a Department in the Government of the State of Meghalaya;
- (f) “executive committee” means executive committee of the Authority constituted under sub-paragraph (9) of paragraph 10;
- (g) “governing body” means governing body of the Authority constituted under sub-paragraph (5) of paragraph 10;
- (h) “Government” means the Government of the State of Meghalaya;
- (i) “Environmental reclamation fee” means an amount to be realized under rule 31 of the Meghalaya Minor Minerals Concession Rule 2016 by each lessee from the sale proceeds of the minor minerals extracted under a permit or a lease deed in the state to reclaim the damage caused to the forest and the environment as a result of mining activities.
- (j) “Form” means a Form appended to these guidelines;
- (k) “fund” means the Meghalaya Minor Minerals Reclamation Fund established by the Government in compliance of Hon’ble High Court of Meghalaya’s Judgment and Order dated 30th June, 2015 in Writ Petition (Civil) No. 140 of 2014 in the matter of Shri Tangkham M Sangma *versus* State of Meghalaya and Ors. to receive the monies to the extent prescribed under Rule 31 of the Meghalaya Minor Minerals Concession Rules, 2016 from the sale proceeds of the minor minerals extracted under the license or lease deed to reclaim the damage caused to the forest and the environment as a result of such mining activities;
- (l) “illegal mine” means an area where mining of a minor mineral has been undertaken or is being undertaken without obtaining a mining lease or a quarry permit under relevant provisions of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act No. 67 of 1957) and the rules made thereunder;
- (m) “illegal mining” meaning an operation where mining of a minor mineral has been undertaken or is being undertaken without obtaining a mining lease or a quarry permit under relevant provisions of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act No. 67 of 1957) and the rules made thereunder;
- (n) “lessee” means a firm or a person in whose favour a mining lease or a quarry permit for mining of a minor mineral under the relevant provisions of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act No. 67 of 1957) and the rules made thereunder has been granted;
- (o) “mining” means any operation undertaken for the purpose of winning of any minor mineral as defined in the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act No. 67 of 1957);
- (p) “minor mineral” means a mineral defined as such in clause (e) of Section 3 of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act No. 67 of 1957) and in subsequent notifications of the Central Government declaring such mineral as minor mineral;

- (q) “notification” means a notification published in the Official Gazette;
- (r) “non-official member” means a member of the executive committee not from the Government appointed under clauses (m) and (n) of sub paragraph (9) of paragraph 10;
- (s) “official Gazette” means the Gazette of Meghalaya;
- (t) “Secretary in-charge” means the senior most secretary in a Department;
- (u) “year” means a financial year commencing from April 1st and ending on March 31st of the following year or a part period ending on March 31st.

CHAPTER –II

MANAGEMENT AND UTILISATION OF THE MEGHALAYA MINOR MINERAL RECLAMATION FUND

3. Credit of money to the fund.– (1) Each lessee shall credit to the fund the environmental reclamation fee for minor minerals extracted in the State at the rates as may be specified by the Government by a notification issued with reference to Rule 31 of the Meghalaya Minor Minerals Concession Rules, 2016.

(2) There shall also be credited to the fund:—

- (a) *grants-in-aid* received by the Government ,if any, into the Fund;
- (b) interest accrued on investment of the fund.

4. Monitoring of credit of environmental reclamation fee to the fund. - (1) Each authority in the Government authorised to permit transportation or in-situ use of minor minerals in the State shall ensure that transportation or in-situ use of a minor mineral is not permitted unless environmental reclamation fee payable for such minor mineral is credited to the fund.

(2) Details of environmental reclamation fee payable to the fund during a month on quantities of minor minerals whose transportation or in-situ use is permitted during such month shall be provided to the Chief Executive Officer by each such authority in the Government authorised to permit transportation or in-situ use of minor minerals, on or before tenth day of the following month.

(2) On or before tenth day of each month the Authority shall reconcile the environmental reclamation fee payable to the fund on quantities of minor minerals whose transportation or in-situ use was permitted during the previous month as per statements received from each authority authorised to permit transportation or in-situ use of minor minerals in the State and the environmental reclamation fee actually credited to the fund during the previous month and take actions to recover the environmental reclamation fee payable to the fund in each case where environmental reclamation fee payable to the fund has not been credited to the fund or the environmental reclamation fee credited to the fund is less than the amount payable to the fund.

5. Management of the fund.– (1) The Chief Executive Officer shall be responsible for management and safe custody of the fund.

(2) The Chief Executive Officer shall maintain a full record of each credit to and withdrawal from the fund.

(3) The funds shall be operated by the Chief Executive Officer or any other officer of the Authority empowered by the governing body in this behalf, subject to the approval of the Government.

- (4) All Monies credited to the fund shall be received in one interest bearing accounts in a nationalized bank to be opened in the name of the Fund and CEO of the Authority shall be the authorized signatory for operating the said account of the Fund.
- (5) Investment of the monies credited to the fund may be made by the Authority as per paragraph 7 of these guideline.
- (6) Separate accounts statement shall be maintained for environmental reclamation fee and each *grant-in-aid* received or made to the fund.
- (7) The Chief Executive Officer shall maintain a register containing details of the bank account of the Fund.

6. Investment of surplus money.-(1) At the beginning of each year the Chief Executive Officer, keeping in view the unspent balance available in the fund at the beginning of the year, estimated fresh accrual to the fund during each month, estimated monthly accrual to the fund due to maturity of past investments and estimated monthly expenditure from the fund, assess the estimated amount of surplus money likely to remain available in the fund at the beginning of each month and prepare a tentative plan for investment of such surplus money in Government Bonds, Government Securities and nationalized banks and place the same before the governing body for approval.

- (2) Investment of surplus money in nationalized banks as approved by the governing body shall be made in the following manner, namely-
 - (a) A notice inviting sealed bids clearly stating therein the of amount of surplus money and the period for which such money is proposed to be invested shall be sent to each nationalized bank having a branch in Shillong at-least fifteen days before the last date for receipt of the bids. In case a nationalized bank has more than one branch in the Shillong, notice inviting bids shall be sent to only one branch of such bank as may be decided by the Chief Executive Officer.
 - (b) A copy of the notice inviting bids shall be placed on websites of the Authority and the Forests and Environment Department at least fifteen days prior to the last date for receipt of the bids.
 - (c) Subject to clause (d), money shall be invested in a nationalized bank which offers the highest rate of interest. In case more than one nationalized banks offer equal highest rate of interest, the money to be invested shall be equally divided among all such banks; and
 - (d) At any point in time not more than twenty percent of the total surplus money of the fund shall be invested in any one nationalized bank.

7. Utilization of environmental reclamation fee and interest accrued thereon.-

- (1) The environment reclamation fee and the interest accrued thereon may be utilised for the following purposes, namely:-
 - (a) Reclamation, rehabilitation and restoration of quarry/mines of minor minerals including abandoned or illegal mines/quarry.
 - (b) Restoration of direct or indirect damage to forests, wildlife habitats, wildlife corridors and environment in general, as a result of mining and allied activities.
 - (c) Creation of alternate sources of ecological services to compensate loss in accrual of such services as a result of mining;
 - (d) Prevention of illegal mining; and
 - (e) Monitoring and evaluation of works undertaken from monies released from the fund and to meet expenses of the Authority;

Provided that money spent from the fund on monitoring, evaluation and to meet expenses of the Authority during a year shall not be more than five percent of the total money spent from the fund during such year.

(2) For reclamation of illegal and abandoned mines the environmental reclamation fee and the interest accrued thereon may be used for all or any of the following activities within such mines, namely:-

- (a) Survey, identification and preparation of site specific plans;
- (b) Soil and moisture conservation works;
- (c) Slope stabilization including benching or terracing or using jute Geo textile;
- (d) Reclamation of quarry/mines through rollover slopes, backfilling, bench planting, restoration blasting and natural recovery;
- (e) Re-vegetation and afforestation on backfilled area, dumps, exhaust benches and barren areas around the quarries and creating wildlife habitat;
- (f) To create recreational facility in and around quarry/mines of minor minerals;
- (g) Converting abandoned mine pits/quarry into reservoir/fish pond and grazing lands;
- (h) Restoration of rivers/streams affected by quarrying/mining of minor minerals;
- (i) Fencing and barricading of artificial wetlands created in mining pits;
- (j) Restoration of water quality in artificial wetland created in mining pits;
- (k) Treatment of polluting discharge or leachate emanating from such mines; and
- (l) Afforestation.

(3) For restoration of direct or indirect damage to forests, wildlife habitats, wildlife corridors and environment as a result of mining, the environmental reclamation fee and the interest accrued thereon may be used for all or any of the following activities in areas affected as a result of mining, namely:-

- (a) Survey, delineation and assessment of direct and indirect damage to forests, wildlife habitats, wildlife corridors and environment as a result of mining and preparation of site specific plans for restoration of such damage;
- (b) Afforestation of blank patches and restocking of under-stocked degraded forests;
- (c) Prevention and control of forest fires;
- (d) Rejuvenation of water springs; and
- (e) Restoration of wildlife habitats and corridors affected as a result of mining.

(4) For creation of alternate sources of ecological services to compensate loss in accrual of such services as a result of mining, the environmental reclamation fee and the interest accrued thereon may be used for all or any of the following activities, namely:-

- (a) Survey, identification and prioritization of nature and location of the potential compensatory activities and preparation of site-specific plans and estimates for undertaking compensatory activities in such areas;
- (b) Afforestation of blank patches and restocking of under-stocked degraded forests;
- (c) Identification, delineation, restoration and improvement of alternate corridors which may be utilised by the wild animals in place of existing corridors adversely affected as a result of mining;
- (d) Restoration and improvement in the quality of the existing wildlife habitats and corridors;
- (e) Protection of natural forests, sacred groves, important wildlife habitats and wildlife corridors;
- (f) Prevention and control of forest fires;
- (g) Incentive to communities and private owners of critical wildlife habitat, wildlife corridors and forests located in catchment areas of water supply schemes and hydro electrical projects in lieu of their firm and verifiable commitment to protect and conserve such habitats, corridors, forests and catchments;
- (h) Promotion of ecologically prudent and environmentally sustainable livelihood options to divert and minimize pressure on forests and wildlife to facilitate

natural regeneration and recovery of forests, wildlife habitats, wildlife corridors and catchments; and

- (i) Establishment, upgradation and operation of conservation breeding centers for identified species of wild animals.

(5) For prevention of illegal mining, the environmental reclamation fee and the interest accrued thereon may be used for all or any of the following activities, namely:-

- (a) Survey, identification and delineation of areas prone to illegal mining;
- (b) Strengthening regulatory framework to prevent illegal mining and illegal transportation of minor minerals
- (c) Establishment and operation of satellite and drone based illegal mining detection and mapping systems;
- (d) Survey and identification of routes likely to be utilised for transportation of illegally extracted minerals;
- (e) establishment and operation of check gates at vulnerable locations to detect and prevent illegal transportation of minerals;
- (f) Engagement of persons temporarily, on contract basis , if required, to assist and aid the permanent staff of the Forests and Environment Department responsible for implementation of the Meghalaya Minor Mineral Concession Rules, 2016;
- (g) Establishment and operation of depots for storage and auction of seized minor minerals;
- (h) Acquisition, operation and maintenance of patrol vehicles and mobile squads to detect and prevent illegal raising and transportation of minerals;
- (i) Establishment of a network of informer and payment of reward to informers to gather intelligence on illegal mining; and
- (j) Creation, upgradation and maintenance of residential and office buildings and other infrastructure for front-line field staff of the Forests and Environment Department not above the rank of a Forest Ranger responsible for implementation of the Meghalaya Minor Mineral Concession Rules, 2016.

(6) To ensure availability of quality planting material for execution of the activities specified in the sub-paragraph (2) to sub-paragraph (4), a part of the environmental reclamation fee and the interest accrued thereon may be utilised for establishment, maintenance and operation of nurseries and associated facilities such as seed production areas, seedling seed orchards, vegetative multiplication gardens and tissue culture laboratories with hardening facilities.

(7) For monitoring and evaluation of works undertaken from monies released from the fund and to meet expenses of the Authority, environmental reclamation fee and the interest accrued thereon may be used for all or any of the following activities, namely:-

- (a) concurrent monitoring of works undertaken from the monies released from the fund by officers and staff of the Authority and of the implementing agencies;
- (b) third party monitoring and periodic evaluation of works undertaken from the monies released from the fund;
- (c) payment of salary, travel expenses and other emoluments to officers and staff of the Authority;
- (d) payment of travelling allowance, daily allowance and sitting fee to non-official members;
- (e) payment of remuneration to experts and consultants engaged by the Authority on contract basis to plan, supervise and monitor works undertaken from the fund and to provide assistance to the Chief Executive Officers in performance of day to day duties relating to utilization and management of fund and other affairs of the Authority;

- (f) payment of consultancy charges for preparation of perspective plan, annual plan, architectural and structural design of works to be undertaken from monies released from the fund;
 - (g) purchase, maintenance and hiring of vehicles for officers and staff of the Authority and for other experts and consultants engaged by the Authority;
 - (h) purchase of computers, computer accessories, office equipment, furniture, stationary and other consumable items for day to day running of the office of the Authority;
 - (i) organization of meetings, conferences, seminars and awareness programmes by the Authority;
 - (j) payment of rent, electricity and telephone bills for office of the Authority;
 - (k) creation, maintenance and periodic updation of website and other database *etc.* by the Authority;
 - (l) audit of the accounts of the Authority and implementing agencies; and
 - (m) any other expenditure relating to affairs of the Authority as may be approved by the governing body.
- (8) The environmental reclamation fee and interest accrued thereon shall not be used for any of the following purposes, namely:-
- (a) payment of salary to officers or staff borne on roll of the Government, except the officers and staff appointed on deputation to the Authority on full time basis;
 - (b) execution of any activity mandated by the mining plan or the environmental clearance or the forest clearance or the wildlife clearance or any other statutory clearance to a mining project;
 - (c) foreign travel;
 - (d) purchase of vehicles and staff cars for officers above the rank of a Forest Ranger, except the officers and staff appointed on deputation or contract basis to the Authority on a part time or full time basis;
 - (e) purchase of land; and
 - (f) purchase of furniture, office equipment and for residences and offices of the officers above the rank of a Forest Ranger, except the officers and staff of the Authority.

8. Utilization of monies other than environmental reclamation fee credited to the fund.- *Grants-in-aid received*, if any into the fund, shall be utilised for the purpose for which such *grants-in-aid* has been received by or made to the Fund. If no such purpose for receipt of monies are specified then the amount so received may be utilized for the purposes provided for utilization of monies received as environment reclamation fee.

9. Disbursement of monies available in the fund.- (1) During a year money available in the fund shall be used for execution of only those activities which are included in the approved annual plan of operations for such year.

Provided that the money available in the fund may be utilized for purposes other than the activities included in the approved annual plan, only with prior approval in writing of the Governing Body of the Authority.

(2) Within fifteen days from the beginning of a year or from the date the annual plan of operations for such year is approved by the governing body, whichever is later, the Chief Executive Officer shall communicate sanction of the Authority to incur expenditure from the fund to undertake activities given in the approved annual plan of operations for the year. A copy of such communication shall be endorsed to, among others, the Secretary in-charge Forests and Environment Department, Principal Chief Conservator of Forests and Head of Forest Force and the agencies identified for execution of each activity included in the approved annual plan of operations.

(3) The communication referred in sub-paragraph (2) shall contain for each activity included in the approved annual plan of operations, among others, the followings, namely:-

- (a) complete description of activity as given in the annual plan of operations approved by the governing body;
- (b) total estimated expenditure during the year;
- (c) item-wise breakup of the total estimated expenditure during the year;
- (d) quarter-wise break-up of the total estimated expenditure during the year under each item of expenditure; and
- (e) Name and complete address of the agency responsible to execute the activity.

(4) The Chief Executive Officer shall release monies in favour of agencies identified for execution of activities included in the approved annual plan of operations on quarterly basis.

(5) Each agency identified to execute any of the activities included in the approved annual plan of operation shall open a separate bank account in a nationalized bank to receive money from the fund.

(6) Agencies identified to execute activities included in the approved annual plan of operations shall incur expenditure of the monies released from the fund in their favour subject to observance of the general financial rules and other relevant norms applicable to such agencies or such other guidelines as may be provided by the Government and the Authority.

CHAPTER-III

CONSTITUTION OF THE MEGHALAYA MINOR MINERALS RECLAMATION FUND MANAGEMENT AUTHORITY

10. Constitution of the Authority.-(1) The Government shall, by notification constitute an Authority called the “Meghalaya Minor Mineral Reclamation Fund Management Authority”.

(2) The Authority shall manage and utilize the fund for the purposes of these guidelines.

(3) Headquarters of the Authority shall be located in Office of the Principal Chief Conservator of Forests & Head of Forest Force, Lower Lachumiere, Shillong 793001.

(4) The Authority shall consist of a governing body and shall be assisted by an executive committee.

(5) The governing body shall consist of the following, namely:—

- (a) Minister in-charge Forests and Environment Department- Chairperson, *ex-officio*;
- (b) Chief Secretary- Vice Chairperson, *ex-officio*;
- (c) Secretaries in-charge of the Departments dealing with Finance, Planning, Mining and Geology, Rural Development, Soil and Water Conservation, Water Resources, District Council Affairs and Law- Members, *ex-officio*;
- (d) Principal Chief Conservator of Forests & Head of Forest Force—Member, *ex officio*;
- (e) Chief Wildlife Warden—Member, *ex officio*;
- (f) Chairperson, Meghalaya State Pollution Control Board- Member, *ex officio*;
- (g) Financial Advisor, Forests and Environment Department- Member, *ex officio*;
and
- (h) Chief Executive Officer- Member, *ex officio*

(6) Secretary in-charge Forest and Environment Department shall be Member-Secretary of the governing body.

(7) The governing body shall, in performance of its functions and powers under the guidelines, be assisted by the executive committee.

(8) The Government shall appoint an officer of the rank not below the rank of a Chief Conservator of Forests as the Chief Executive Officer of the Authority who shall be the Member-Secretary of the executive committee.

(9) The executive committee shall consist of the following, namely:—

- (a) Additional Chief Secretary/Secretary In-charge of Forest and Environment Department - Chairperson, *ex officio*
- (b) Principal Chief Conservator of Forests & Head of Forest Force—Vice-Chairman, *ex officio*;
- (c) Chief Wildlife Warden—Member, *ex officio*;
- (d) Senior most officer in office of the Principal Chief Conservator of Forests & Head of Forest Force dealing with minor minerals- Member, *ex officio*;
- (e) Senior most officer in office of the Principal Chief Conservator of Forests & Head of Forest Force dealing with development schemes—Member, *ex officio*;
- (f) Senior most officer in office of the Principal Chief Conservator of Forests & Head of Forest Force dealing with forestry research—Member, *ex officio*;
- (g) Member Secretary, State Forest Development Agency—Member, *ex officio*;
- (h) Chief Executive Officer, Meghalaya Compensatory Afforestation Fund Management and Planning Authority- Member, *ex officio*;
- (i) Directors in the Departments dealing with Rural Development, Soil and Water Conservation, Water Resources, Mining and Geology, —Members, *ex officio*;
- (j) Chief Forest Officer, each Autonomous District Council- Member, *ex officio*;
- (k) Member-Secretary, Meghalaya State Pollution Control Board- Member, *ex officio*;
- (l) Finance and Accounts Officer, office of the Principal Chief Conservator of Forests & HoFF- Member, *ex officio*;
- (m) Representatives of two eminent non- government organizations working in the fields of forest, wildlife and environment to be nominated by the Government—Members;
- (n) Three experts, namely an environmentalists, a conservationists and a social scientists to be nominated by the Government — Members; and
- (o) Chief Executive Officer—Member-Secretary, *ex officio*.

(10) The Government shall appoint following officers on deputation to the Authority for a period not exceeding four years at a time, to assist the governing body, the executive committee and the Chief Executive Officer in performance of the powers and functions of the Authority, namely:-

- (a) Joint Chief Executive Officer of the rank not below the rank of a Conservator of Forests; and
- (b) Deputy Chief Executive Officer of the rank not below the rank of a Deputy Conservator of Forests.

(11) The governing body may, with prior approval of the Government, allow the Chief Executive Officer to appoint experts and staff on deputation or on contract basis to assist the executive committee and the Chief Executive Officer in performance of the powers and functions of the Authority.

11. Disqualification for appointment of a non-official member.- A person shall be disqualified for being appointed as a non-official member, if he-

- (a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Government, involves moral turpitude; or
- (b) is an undischarged insolvent; or
- (c) is of unsound mind and stands so declared by the competent court; or
- (d) has been removed or dismissed from the service of the Government or organization or undertaking owned by the Government; or
- (e) has, in the opinion of the Government, such financial or other interest in the Authority as is likely to affect the duties discharged by him of his function as a member.

12. Term of office and condition of service of the non-official members.- (1)

The term of office of the non-official members shall be for a period of three years from the date of appointment and this term may be extended for a further period of three years by the Government:

Provided that no person shall be eligible for appointment as a non-official member for more than two terms.

(2) A non-official member may resign his office by writing under his hand addressed to the Secretary in-charge Forests and Environment Department.

(3) The office of a non-official member shall fall vacant from the date on which his resignation is accepted, or on the expiry of thirty days from the date of receipt of intimation of resignation, whichever is earlier.

(4) The power to accept the resignation of a non-official member shall vest in the Government.

(5) The Government may remove any non-official member from his office if such member—

- (a) is, in the opinion of the Government, unfit to continue in office by reason of infirmity of mind or body ; or
- (b) has become of unsound mind and stands so declared by a Competent Court ; or
- (c) is adjudged insolvent ; or
- (d) is convicted of a criminal offence involving moral turpitude ; or
- (e) fails, without leave of the Chairperson, to attend more than three successive meetings of the committee :

Provided that, no such non-official member shall be removed from the office unless he has been given reasonable opportunity to furnish his explanation.

(6) When a non-official member resigns, or dies or is removed from the office, the Government may nominate a person to fill the vacancy by notification in the Official Gazette.

(7) A person appointed to fill the vacancy under sub-paragraph (6) shall hold office only so long as the member whose place he fills would have been entitled to hold office, if the vacancy had not occurred.

(8) Non-official members shall be entitled to draw travelling and daily allowances at the highest rate admissible to the Government servants of Group 'A' under the rules and orders made by the Government for the time being in force.

(9) For attending the meetings, the non-official members shall be paid sitting fee at such rate as may be stipulated by the Government by a notification.

(10) Chief Executive Officer shall be the controlling authority in respect of payment of allowances and sitting fee to non-official members.

13. Term of office and condition of service for officers and staffs of the Authority.- (1) Save as otherwise provided in these guidelines, the officers and staff of the Authority shall be appointed for a term of three years. The Government may on recommendation of the governing body extend the period of appointment of any officer or staff of the Authority for a further period of one year at a time.

(2) The officers and staff appointed on deputation to the Authority shall be entitled to such pay and allowances as would have been admissible to them in their parent cadre had they have not been appointed on deputation to the Authority.

(3) Officers and staffs of the Authority appointed on contract basis shall be entitled to such remuneration as the Government on recommendation of the governing body may by a notification prescribe.

CHAPTER-IV POWERS AND FUNCTIONS OF THE AUTHORITY

14. Powers and functions of the Governing body.- (1) The governing body shall—

- (a) formulate broad policy framework, to be notified by the Government, for functioning of the Authority;
- (b) formulate a policy framework, to be notified by the Government, for qualitative and quantitative monitoring and evaluation of activities undertaken from money released from the fund;
- (c) approve annual reports and audited accounts of the Authority;
- (d) approve annual budget and annual plan of operations of the Authority;
- (e) review reports on decisions taken by the executive committee and the Chief Executive Officer, including investment decisions;
- (f) monitor the progress of the utilization of monies released from the fund;
- (g) accept the annual monitoring reports prepared by the Chief Executive Officer and monitoring and evaluation reports prepared by third party institutional and individual experts, if any, engaged by the Authority or the Government, with such directions as it may consider necessary to rectify and prevent recurrence of shortcomings and anomalies, if any, reported in such reports;
- (h) approve, subject to prior concurrence of the Government, proposals for appointment of officers and staff in the Authority on contract or on deputation basis;
- (i) authorize investment of surplus money in the fund which is not immediately required;
- (j) approve proposals, to be notified by the Government, for delegation of financial and administrative powers to various functionaries in the Authority,; and
- (k) do such other works as may be assigned by the Government from time to time.

(2) The governing body shall meet at least once in sixth months.

15. Powers and functions of the Executive Committee.- (1) The executive committee shall—

- (a) examine annual report, annual audited accounts, annual plan of operations and annual budget of the Authority and send the same to the governing body with such modifications as it may consider necessary, for approval;
- (b) undertake qualitative and quantitative supervision, monitoring and evaluation of the works implemented from monies released from the fund;
- (c) examine annual monitoring report prepared by the Chief Executive Officer and monitoring and evaluation reports prepared by third party institutional and individual experts, if any, engaged by the Government, issue such directions as it may consider necessary to address and prevent recurrence of shortcomings and

- anomalies, if any, reported in any such report and send the same to the governing body with such recommendations as it may consider necessary, for approval;
- (d) review reports on decisions taken by the Chief Executive Officer including investment decisions;
 - (e) examine proposals for appointment of officers and staff in the Authority on contract or on deputation basis and send the same to the governing body with such modifications as it may consider necessary, for approval;
 - (f) examine proposals, to be notified by the Government, for delegation of financial and administrative powers to various functionaries in the Authority and send the same to the governing body with such modifications as it may consider necessary, for approval;
 - (g) maintain and update public information system on the Authority and present all information on its transaction in the public domain;
 - (h) do such other works as may be assigned by the Government or the governing body, from time to time.
- (2) The executive committee shall meet at least once in three months.

16. Powers and functions of the Chief Executive Officer.- The Chief Executive Officer shall:

- (a) maintain all records of the Authority;
- (b) records the proceedings of the meetings of the executive committee;
- (c) prepare agenda for meetings of the executive committee in consultation with the Chairperson;
- (d) prepare annual budget, annual plan of operations and annual report of the Authority for each year;
- (e) monitor the quantitative and qualitative progress of works executed from the monies released from the fund and prepare annual monitoring report;
- (f) carry out all correspondence and also receive them on behalf of the Authority;
- (g) exercise general supervision of all works of the Authority and be responsible for the smooth running of the same;
- (h) invest surplus monies in the fund which are not immediately required;
- (i) be responsible for delegation of financial and administrative powers;
- (j) exercise financial powers in general or as specially delegated to him;
- (k) employ, engage and pay experts or consultants, Indian or Foreign, in connection with the planning, conduct and development of all or any of the aspects of the Authority's activities,
- (l) do all other things ancillary and incidental to achieving the objectives of the Authority;
- (m) carry out the directions as may be issued by the Government or the governing body or the executive committee, from time to time; and
- (n) do such other work as may be assigned by the Government or the governing body or the executive committee, from time to time.

CHAPTER V

CONDUCT OF BUSINESS OF THE AUTHORITY

17. Time and place of meetings of the governing body and executive committee.- (1) Meetings of the governing body and the executive committee shall ordinarily be held at the headquarters of the Authority on such dates as may be fixed by the respective Chairperson.

(2) Chairperson of the governing body or executive committee shall either on their own motion or upon the written request of not less than five members of the respective body or committee or upon a direction of the Government, call a special meeting of the governing body or the executive committee.

(3) Seven clear days' notice for an ordinary meeting and three clear days' notice for a special meeting, specifying the time and place at which such meeting is to be held and the business to be transacted thereat shall be given by the Member-Secretary to the members.

(4) Notice of a meeting may be given to the members by delivering the same by messenger or sending it by registered post to their last known place of residence or business or in such other manner as the Chairperson may in the circumstances of the case, deem fit.

(5) No member shall be entitled to bring forward for the consideration of the meeting any matter of which he has not given five clear days notice to the Member-Secretary unless the Chairperson in his discretion permits him to do so.

(6) The governing body and the executive committee may adjourn a meeting from day to day or for any particular days, and no fresh notice shall be required for any adjourned meeting.

(7) No proceeding shall be invalidated merely on the ground that the provision in this paragraph relating to the notice is not strictly complied with.

18. The procedure to be followed at a meeting of the Governing body and Executive committee.- (1) Every meeting of the governing body and the executive committee shall be presided over by the respective Chairperson or in his absence, by a Chairperson for the meeting to be elected by the members present from among themselves.

(2) All questions at a meeting shall be decided by a majority of votes of members present, and voting shall be by raising of hands in favour of the proposal. In case of an equality of votes, the presiding officer, shall have a second or casting vote.

(3) The presiding officer shall preserve order at the meeting.

19. Quorum.- (1) Fifty present of the total members shall form the quorum for any meeting of the governing body or the executive committee.

(2) If at any time fixed for any meeting or during the course of any meeting quorum is not present, the presiding officer shall adjourn the meeting and if a quorum is not present on the expiry of fifteen minutes from such adjournment, the presiding officer shall adjourn the meeting to such hours on the same date or on some other future date as he may fix.

(3) No quorum shall be necessary for the adjourned meeting.

(4) No matter which had not been on the agenda of the original meeting shall be discussed at such adjourned meeting.

(5) No fresh notice shall be required for the adjourned meeting.

20. Authority to exist inspite of vacancy etc.- The Authority shall function notwithstanding any vacancy and notwithstanding any defect in the appointment or nomination of its members; and no act or proceedings of the governing body or the executive committee shall be called in question merely by reason of the existence of any vacancy therein or of any defect in appointment or nomination of its members.

21. Business to be transacted at the meeting and order of business.—(1) Except with the permission of the presiding officer, no business which is not entered in the

agenda or of which notice has not been given by a member under sub-paragraph (5) of paragraph 18 shall be transacted at any meeting.

(2) At any meeting business shall be transacted in the order in which it is entered in the agenda.

(3) Either at the beginning of the meeting or after conclusion of the debate on an item during the meeting the presiding officer or a member may suggest a change in the order of business as entered in the agenda and if the members present in the meeting agrees, such a change shall take place.

22. Minutes.—(1) Record shall be kept, of the names of members who attend the meeting and of the proceedings at the meeting, in a book to be maintained for that purpose by the respective Member-Secretary.

(2) The minutes of a meeting shall be read at the beginning of every succeeding meeting, and shall be confirmed and signed by the presiding officer at such succeeding meeting.

(3) The proceedings shall be open to inspection for any member at the office of the Authority during office hours.

CHAPTER VI

FINANCE, ACCOUNTS, AUDIT AND ANNUAL REPORT

23. Budget of the Authority.— (1) The Authority shall prepare its budget for the year ensuing showing the estimated receipts and expenditure of the Authority shall, as far as may be, based on a model Form in a format given in **Form-I**.

(2) The estimated receipts and expenditures for the year ensuing shall be accompanied by the revised budget estimates for the current year.

24. Submission of budget estimate to the executive committee, the governing body and the Government.—(1) The budget proposal compiled in accordance with paragraph 23 shall be placed before the executive committee by the 15th September each year for examination.

(2) The budget proposal for the ensuing year and the revised budget proposal for the current year after incorporating therein such modifications as have been decided upon by the executive committee, shall be placed before the governing body by the 5th October each year for approval.

(3) After approval of the budget estimates for the year ensuing and the revised budget estimates for the current year by the governing body, four copies of the final budget proposals incorporating therein such modifications as have been decided upon by the governing body, shall be submitted to the Government by the 15th October of each year.

25. Annual plan of operations.— (1) The Authority shall prepare its annual plan of operations for the year ensuing showing a brief description, estimated cost, basis for cost estimation, quarter-wise break-up of estimated cost, measurable outcome, agency responsible for execution of each activity to be undertaken during the year ensuing from monies available in the fund.

(2) In case of immovable assets, apart from the details given in sub-paragraph (1), name and geo co-ordinates of the place where such asset is proposed to be created shall also be given in the annual plan of operations.

(3) The annual plan of operation for a year shall be prepared in three parts. The first part shall contain committed works on maintenance of plantations and other ongoing works initiated during previous years. Such expenditure shall form first charge on monies available in the fund. The second part shall contain the new projects and activities to be initiated during the year. The third part shall contain the activities relating to monitoring and evaluation of works undertaken from monies released from the fund and to meet expenses of the Authority.

(4) The annual plan of operation for the ensuing year shall be accompanied by the revised annual plan of operations for the current year, and reasons for each deviation, if any, in the approved annual plan of operations for the current year.

(5) The annual plan of operations for the year ensuing, as far as may be, based on a model Form in a format given in **Form –II**. The revised annual plan of operations for the current financial year shall contain a summary of each change proposed in the approved annual plan of operation, if any, along with reasons thereof.

26. Agencies eligible to receive money from the fund.- (1) Following agencies are eligible to receive money from the fund for execution of any of the permissible activities specified in paragraphs 7 and 8, namely:-

- (i) Divisions in the Forests and Environment Department;
- (ii) Forest Development Agencies;
- (iii) Mining and Geology Department;
- (iv) Community and Rural Development Department;
- (v) Forests Department in Autonomous District Councils;
- (vi) Meghalaya State Pollution Control Board;
- (vii) Eco-Development Society of Meghalaya;
- (viii) Water Resources Department; and
- (ix) Soil and Water Conservation Department.

(2) The Government may by a notification add or delete the agencies eligible to receive monies from the fund.

27. Submission of proposal by agencies and annual plan of operations to the Executive committee, Governing body and to the Government.—(1) Any of the agencies listed in paragraph 26 who desires to receive money from the fund during the year ensuing shall submit a proposal containing details specified in sub-paragraphs (1) and (2) of paragraph 25 to the Chief Executive Officer by the 15th August.

(2) Proposals from the Divisions in the Forests and Environment Department and the Forest Development Agencies shall be submitted to the Chief Executive Officer through the Head of the respective Wing in office of the Principal Chief Conservator of Forests and Head of Forest Force. Proposals from the Mining and Geology and Community, Rural Development Departments, Soil and Water Conservation, Water Resources shall be submitted by the Head of the respective Directorate. Proposals from the Forest Department in the Autonomous District Councils shall be submitted by the Secretary of the respective Autonomous District Council. Proposals from the Meghalaya State Pollution Control Board shall be submitted by the Chairperson of the said Board. Proposals from Eco-Development Society of Meghalaya shall be submitted by Managing Director of the Society.

(4) Based on the information received from eligible agencies, the Chief Executive Officer shall compile annual plan of operations for the year ensuing in accordance with paragraph 25 and place the same before the executive committee along with the revised annual plan of operation for the current year by the 15th September each year for examination.

(5) The annual plan of operations for the year ensuing and the revised annual plan of operation for the current year after incorporating therein such modifications as have been decided upon by the executive committee, shall be placed before the governing body by the 5th October each year for approval.

(6) After approval of the annual plan of operations for the year ensuing and the revised annual plan of operation for the current year, four copies of final annual plan of operations incorporating therein such modifications as have been decided upon by the governing body, shall be submitted to the Government by the 15th October each year.

28. Re-appropriation and emergent expenditure.—No expenditure, which is not covered by a provision in the sanctioned budget estimate and approved annual plan of operation or which is likely to be in excess over the amount provided under any head shall be incurred from the Fund by the Authority without provision being made by re-appropriation from some other head under which savings are firmly established and available.

29. Accounts and Audit of the Fund.— (1) The Authority shall prepare monthly statement of accounts, of the Fund, Monthly Statement of Authority on physical and financial achievements and Annual statement of accounts of the fund in such forms as may be specified by the Government in consultation with the Accountant General, by a notification.

(2) Each implementing agency shall prepare monthly statement of accounts in such form as may be specified by the Government in consultation with the Accountant General, by a notification.

(3) The accounts of the Fund , the Authority and each implementing agency shall be audited by an auditor duly qualified to act as an auditor of companies under section 139 of the Companies Act, 2013 (Central Act No. 18 of 2013).

(4) The auditor shall be appointed by the State Government on the advice of the Comptroller and Auditor-General of India.

(5) Every auditor appointed to audit the accounts of the Authority and implementing agencies under these guidelines shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authority and of the implementing agencies.

(6) Every auditor appointed to audit the accounts of the Fund shall send a copy of his report together with an audited copy of the accounts to the Authority and to the State Government.

(7) The Government shall have the power to conduct the special audit or performance audit of the fund and of the Authority through the Accountant General.

30. Annual report. – (1) The Authority shall, for each year, prepare an annual report giving a true and full account of its activities under these guidelines during a year and forward a copy thereof to the Government by the 15th June in the next year.

(2) The annual report of the authority shall be prepared, as far as may be, in a format given in **Form-III**.

Sd/-

(Syed Md. A. Razi, IRTS)
Commissioner and Secretary to Govt. of Meghalaya
Forest and Environment Department

Copy forwarded to :-

1. The P.S. to the Chief Minister, Meghalaya, Shillong for kind information of the Hon'ble Chief Minister.
2. The P.S to the Minister in- charge Forest & Environment Department for kind information of the Hon'ble Minister.
3. The P.S. to the Chief Secretary to the Government of Meghalaya for information of the Chief Secretary.
4. The Principal Chief Conservator of Forest & HoFF, Meghalaya, Shillong.
5. The Secretaries in-charge of Finance/Planning/Mining and Geology/Rural Development/Soil and Water Conservation/Water Resources/District Council Affairs/Law Departments.
6. Managing Director, Eco-Development Society of Meghalaya Shillong
7. The Directors, Community & Rural Development/Soil and Water Conservation/Water Resources/Mining and Geology.
8. Chief Engineer Water Resources Meghalaya Shillong.
9. Chairperson, Meghalaya State Pollution Control Board Shillong.
10. Secretary to the Executive Committee, Khasi Hills Autonomous District Council/Garo hills Autonomous District council/ Jaintia Hills Autonomous District Council.
11. The Director of Printing & Stationery Meghalaya Shillong for publication in the Meghalaya Gazette.
12. The Senior System Analyst, NIC, Shillong , Meghalaya with a request to upload in the Government website.
13. Guard File.

By order etc.,

Secretary to the Govt. of Meghalaya
Forest & Environment Department.

Form –I

Form of Budget Proposal for the Meghalaya Minor Mineral Reclamation Fund
Management Authority
(see sub-paragraph (1) of paragraph 25)

MEGHALAYA MINOR MINERALS RECLAMATION FUND AUTHORITY

ANNUAL BUDGET PROPOSAL FOR THE YEAR ENDING 31ST MARCH, 20...
(Rupees in thousands)

Actual 20..- 20..	Budget Estimates 20..- 20..	Revised Estimates 20..- 20..	Description	Budget Estimates 20..- 20..
1. RECEIPT				
			1. Opening balance	
			(a) Environmental reclamation fee	
			(b) <i>Grants –in-aid</i>	
			(c)Interest accrued on	
			(i) Environmental reclamation fee	
			(ii) <i>Grants-in aid</i>	
			2. Estimated receipt	
			(a) Environmental reclamation fee	
			(b) <i>Grants –in-aid</i>	
			(c) Interest accrued on	
			(i) Environmental reclamation fee	
			(ii) <i>Grants-in aid</i>	
			3. Total amount available for utilisation (1+2)	
			(a) Environmental reclamation fee	
			(b) <i>Grants –in-aid</i>	
			(c) Interest accrued on	
			(i) Environmental reclamation fee	
			(ii) <i>Grants-in aid</i>	
EXPENDITURE				
			1. Environmental reclamation fee plus interest accrued thereon	
			(a) Reclamation of illegal and abandoned mines.	
			(b) Restoration of direct or indirect damage to the forests, wildlife habitats, wildlife corridors and environment as a result of mining.	
			(c) Creation of alternate sources of ecological services to compensate loss in accrual of such services as a result of mining	

			(d) Prevention of illegal mining	
			(e) Establishment, operation and maintenance of planting stock production infrastructure	
			(f) Monitoring and evaluation	
			(i) Internal monitoring	
			(ii) Third party monitoring	
			(g) Expenses of the Authority	
			(i) Salary	
			(ii) Wages	
			(iii) Medical Treatment	
			(iv) Domestic Travel Expenses	
			(v) Office expenses	
			(vi) Rent, rate and Taxes	
			(vii) Publications	
			(viii) Supplies and materials	
			(ix) Advertising and Publicity	
			(x) Minor Works	
			(xi) Professional Services	
			(xii) Other charges	
			(xiii) Motor vehicles	

Form-II

Form of Annual Plan of Operation for the Meghalaya Minor Mineral Reclamation Fund
Management Authority

(see sub-paragraph (5) of paragraph 27)

The Meghalaya Minor Minerals Reclamation Fund Management Authority

Annual Plan of Operation for the Financial Year Ending on 31st March 20...

Part –I - Committed Works

Sl. No.	Brief Description of Activity	Location (in case of immovable assets)			Implementing Agency
		Name of Place	Geo Co-ordinates		
			Latitude	Longitude	
1	2	3	4	5	6
1	Reclamation of illegal and abandoned mines/quarry.				
1.1					
1.2					
....					
Sub-Total for ‘1’					
2	Restoration of direct or indirect damage to the forests, wildlife habitats, wildlife corridors and environment as a result of mining.				
2.1					
2.2					
.....					
Sub-Total for ‘2’					
3	Creation of alternate sources of ecological services to compensate loss in accrual of such services as a result of mining				
3.1					
3.2					
.....					
Sub-Total for ‘3’					
4	Prevention of illegal mining				
4.1					
4.2					
...					
Sub-Total for ‘4’					
5.	Establishment, maintenance and operation of planting stock production infrastructure				
5.1					
5.2					
....					
Sub-Total for ‘5’					
GRAND TOTAL FOR COMMITTED WORKS (1+2+3+4+5)					

Qty	Unit	Rate	Basis of rate	Estimated outlay during the year (Rs.)	Quarter-wise distribution of estimated annual outlay (Rs.)				Measurable outcome	Performance in preceding years (in case of continuing activities)	Remarks
					1 st	2 nd	3 rd	4 th			
7	8	9	10	11	12	13	14	15	16	17	18

Note: To be prepared separately for utilisation of environmental reclamation fee plus interest accrued thereon and, grants –in-aid,

Part –II – New Works

Sl. No.	Brief Description of Activity	Location (in case of immovable assets)			Implementing Agency
		Name of Place	Geo Co-ordinates		
			Latitude	Longitude	
1	2	3	4	5	6
1	Reclamation of abandoned mines.				
1.1					
1.2					
....					
Sub-Total for ‘1’					
2	Restoration of direct or indirect damage to the forests, wildlife habitats, wildlife corridors and environment as a result of mining.				
2.1					
2.2					
.....					
Sub-Total for ‘2’					
3	Creation of alternate sources of ecological services to compensate loss in accrual of such services as a result of mining				
3.1					
3.2					
.....					
Sub-Total for ‘3’					
4	Prevention of illegal mining				
4.1					
4.2					
...					
Sub-Total for ‘4’					
5.	Establishment, maintenance and operation of planting stock production infrastructure				
5.1					

5.2					
....					
Sub-Total for '5'					
GRAND TOTAL FOR NEW WORKS(1+2+3+4+5)					

Qty.	Unit	Rate	Basis of rate	Total Estimated Outlay	Estimated outlay during the year (Rs.)	Quarter-wise distribution of estimated annual outlay (Rs.)				Measurable outcome	Remarks
						1 st	2 nd	3 rd	4 th		
7	8	9	10	11	12	13	14	15	16	17	18

Note: To be prepared separately for utilisation of environmental reclamation fee plus interest accrued thereon, grants –in-aid.

Part-III- Monitoring, Evaluation and Expenses of the Authority

Sl. No.	Brief Description of Activity	Estimate d Outlay during the year	Quarter-wise distribution of estimated annual outlay (Rs.)				Remarks
			1 st	2 nd	3 rd	4 th	
1	2	3	4	5	6	7	8
1	Monitoring and evaluation						
1.1	Internal monitoring						
1.1.1	Travel Expenses						
1.1.2	Professional Services						
1.2	Third party monitoring						
1.2.1	Travel Expenses						
1.2.2	Professional Services						
3.	Expenses of the Authority						
3.1	Salary						
3.2	Wages						
3.3	Medical Treatment						
3.4	Domestic Travel Expenses						
3.5	Office expenses						
3.6	Rent, rate and Taxes						

3.7	Publications						
3.8	Supplies and materials						
3.9	Advertising and Publicity						
3.10	Minor Works						
3.11	Professional Services						
3.12	Other charges						
3.13	Motor vehicles						
3.14	Machineries and equipment						

Form-III

Form of Annual Report for the Meghalaya Minor Mineral Reclamation Fund Management Authority

(see sub-paragraph (2) of paragraph 32)

1. Introduction.
2. Constitution of the Authority
 - (i) Constitution of the governing body including changes therein
 - (ii) Constitution of the executive committee including changes therein
3. Meetings
 - (i) Meetings of the governing body
 - (ii) Meetings of the executive committee
4. Details of works undertaken by the Authority
 - (i) Reclamation of illegal and abandoned mines
 - (ii) Restoration of direct or indirect damage to the forests, wildlife habitats, wildlife corridors and environment as a result of mining
 - (iii) Creation of alternate sources of ecological services to compensate loss in accrual of such services as a result of mining
 - (iv) Establishment, maintenance and operation of planting stock production infrastructure
 - (v) Prevention of illegal mining
 - (vi) Monitoring and evaluation of works undertaken from monies released from the fund and to meet expenses of the Authority
 - (vii) Any other work
5. Shortcomings and anomalies noticed during monitoring and evaluation and actions taken to rectify and prevent recurrence of shortcomings and anomalies
6. Innovative technologies and models developed by the Authority
7. Finance and Accounts of the Authority
8. Annual plan of operations for the year ensuing.
9. Any other important matter dealt by the Authority.

Annexure

- I Staff Strength including recruitment
- II Publications
- III Training Courses, Seminars, Workshops organized
- IV Statement of Accounts
