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Registering Office, 5// 9 KQRAPUT

DISTRICT MINERAL FOUNDATION TRUST DEED

THIS DEED OF TRUST IS EXECUTED AT KORAPUT ON THIS THE 21s+ DAY OF OCTOBER 2019

Odisha. represented by the Development Governor Commissioner-cum-Additional Chief Secretary and Secretary to Government, Planning and Convergence Department, Government of Odisha having its at Bhubaneswar, hereinafter called "the SETTLOR", OF THE Headquarter

ONE PART.

Madhusudan Mistore Probeer Kumar Nayak

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Additional Chief Secretary
Additional Chief Secretary
Additional Odisha

Simitro. Guntha Kishore Chandra Hayak (_____ NIO) moj h

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IN FAVOUR OF

The following TRUSTEES of the OTHER PART which expression shall, unless repugnant to or inconsistent with the context, means and include the successors occupying the posts by official designation or public office:

S1. No.	Official Designation or Public Office held	Designation in the Trust
,	Collector Koraput	Chairperson cum Managing Trustee
wil	Project Director, District Rural Development Agency and Chief Executive Officer, District Minera Foundation Koraput	
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Additional District Magistrate 3 Ex-officio, Member Koraput 1 Deputy Director, Mines, Koraput Ex-officio, Member Divisional Forest Officer 5 Ex-officio, Member (Territorial), Hq., Koraput Executive Engineer, Rural Works 6 Ex-officio, Member Division, Koraput Executive Engineer, Rural Water 7 Ex-officio, Member Supply & Sanitation, Koraput 🕟 Executive Engineer, Road & Ex-officio, Member Building, Koraput

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9	District Welfare Officer, Koraput	Ex-officio, Member	
10	Chief District Medical Officer, Koraput	Ex-officio, Member	
11	Sri Saptagiri Sankar Ulaka, Hon'ble MP, Lok Sabha, Koraput	Ex-officio, Member	1
12	Sri Raghuram Padal, Hon'ble MLA, Koraput	Ex-officio, Member	
13	Sri Prabhu Jani, Hon'ble MLA, Laxmipur	Ex-officio, Member	
14	Sri Pitam Padhi, Hon'ble MLA Pottangi	Ex-officio, Member	
15	Deputy Director, (Planning & Statistics), DPMU, Koraput	Ex-officio, Member	
16	Smt. Purnima Jani, ZP Member, Koraput	Ex-officio, Member	
17	Sri Dinesh Khara, Chairperson, Semiliguda	Member	
18	Smt. Sumitra Guntha, PS Member, Mathalput GP of Koraput Block	Member	
19	Sri Laxman Majhi, Sarpanch, Mathalput GP of Koraput Block	Member	

section 9B of the Mines and Minerals (Development and Regulation) Act, 1957 (No. 57 of 1957) and rule 3 of the Odisha District Mineral Foundations Rules, 2015 provides for establishment of a District Mineral Foundation Trust by the State Government, as a non-profit body, with ogly kom Pader Pitam Radh

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an objective to work for the interest and benefit of persons, and areas affected by mining related operations in such manner as may be prescribed by the State Government;

AND WHEREAS, the SETTLOR, for this purpose has set up the District Minerals Foundation, a trust as an entity under the State Government for "no profit" and for playing an important role for common good of the community and for using the fund of the trust for the interest and benefit of persons, and areas affected by mining related operations the manner as has been prescribed in the above mentioned Rules by the State Government;

AND WHEREAS, the SETTLOR in order to formalize the said Foundation is desirous to draw a Registered Trust Deed and has placed under the control of the TRUSTEES a sum of Rs.1,000/- (Rupees one thousand only), which sum is hereinafter referred to as the "INITIAL SETTLEMENT"-

NOW THIS DEED OF TRUST WITNESSETH AS FOLLOWS:

INTERPRETATION & DEFINITIONS:

(1) IN THIS DEED OF TRUST wherever the context permits, the following word shall have the meaning mentioned herein:

(i) "Act" means the Mines and Minerals (Development & Regulation)

Act, 1957 (No. 57 of 1957);

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- (ii) "Auditors" means the Chartered Accountant appointed by the Board for auditing the accounts of the Trust from amongst the Chartered Accountants empanelled by the Comptroller and Auditor General of India;
- (iii) "Beneficiaries" means the persons and areas affected by mining related operations undertaken in the District of Koraput.
- (iv) "Board" means Board of Trustees of the District Mineral Foundation constituted under rule 4, sub-rule(1) of Odisha District Mineral Foundations Rules, 2015;
- (v) "Chairperson" means as provided in the rule 4, sub-rule(1), clause(i) and rule 6, sub-rule(1), clause(a) of ODMF Rules, 2015;
- (vi) "Chief Executive Officer" means as provided in rule 4, sub-rule (1) and rule 6 of ODMF Rules;
- (vii) "Collector" shall mean the Officer in charge of the revenue administration of district and shall include Deputy Commissioner;
- (viii) "Contribution" means the funds to be collected from the holders of:

prospecting licence-cum mining lease under the provisions of sub-section (5) of section 9B of the Act;

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- (b) mining lease under the provisions of sub-section (6) of section 9B of the Act; and
- (c) minor mineral concession under the provisions of section 15A of the Act in the District as may be prescribed by the State Government;
- (ix) "Government" means the Government of Odisha;
- (x) "Managing Trustee" means as provided in the rule 4, sub-rule (1), clause (iii) of ODMF Rules, 2015;
- (xi)"Panchayati Raj Institutions and Urban Local Bodies" means and includes the institutions and bodies constituted under the Odisha Panchayat Samiti Act 1960 (Odisha Act 7 of 1960), Odisha Grama Panchayats Act 1964, (Odisha Act 1 of 1965), Odisha Zilla Parishad Act 1991 (Odisha Act 17 of 1997), Odisha Muncipal Act 1950 (Odisha Act 23 of 1950) and Odisha Municipal Corporation Act, 2003 (Odisha Act 11 of 2003);
- (xii) "PMKKKY" means the scheme as defined in rule 2 (c-a) of ODMF Rules;
- (xiii) "Rules" means the Odisha District Mineral Foundations Rules,
- (xiv) "Settlor" means Development Commissioner-cum-Additional Chief Secretary and Secretary to Government, Planning and Convergence Department, Government of Odisha and may include the successors occupying the post by official designation or public office;

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- (xv) "The Trust" means the Koraput District Minerals Foundation created by the SETTLOR under the Odisha District Mineral Foundation Rules, 2015;
- (xvi) "Year" means a financial year beginning from April 1 and ending on March 31 of the following year or part period thereof ending on March 31;
- (2) Words in the singular shall include words in the plural and words in the plural shall include the singular.
- (3) Words importing the masculine gender shall include feminine and neutral gender.
- (4) The headings and sub-headings to this Deed are inserted only for reference to the provisions hereof and shall not affect the construction of such provisions.
- (5) The words and expressions used but not defined above shall have the same meaning as assigned to them in the Mines and Minerals (Development and Regulation) Act, 1957 (No. 67 of 1957) or, as may be defined under the provisions of the Mineral Concession Rules, 1960 or the Odisha Minor Mineral Concession Rules, 2014 and ODMF Rules, 2015.
 - 2. NAME OF THE TRUST: The Trust shall be known as the Koraput District Mineral Foundation and the office of the Trust

Shall be located in Koraput.

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- OBJECTS OF THE TRUST: The object of the District Mineral 3. Foundation shall be as follows, namely:-
 - (1) to prepare and implement various developmental and welfare projects or programs for the mining affected areas and also work towards complementing the same with existing ongoing schemes or projects being funded by the State as well as the Central Government:
 - (2) to minimize or mitigate the adverse impacts, during and after mining, on the environment, health and socio-economic condition of people in the mining affected districts; and
 - (3) to ensure long-term sustainable livelihoods for the affected people in the mining area, in such manner as may be prescribed by the State Government.
 - (4) Any other Object as may be specified by the Government.

APPOINTMENT AND DECLARATION: 4.

(1) The SETTLOR hereby appoints the TRUSTEES as the trustees of the Trust which is hereby created and the TRUSTEES accept such appointment on the terms and conditions mentioned herein.

(2) The TRUSTEES hereby appointed in their official capacity shall continue as TRUSTEES during the period they are in office and

would be deemed to have ceased to be the TRUSTEES once they

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cease to hold the designated office by virtue of which they were so appointed and their successors in office shall be deemed to have been appointed as TRUSTEES in their place with effect from the date they are admitted to such office.

- (3) The SETTLOR may at any time subject to the approval of Government change the number of Trustees in any of the categories and for such term as may be deemed fit by the SETTLOR.
- (4) The SETTLOR may at any time subject to the approval of Government substitute or replace or remove any of the trustees at its discretion and the trustee so removed by the SETTLOR, shall cease to be a TRUSTEE with effect from the date of such removal.
- (5) The TRUSTEES shall have the possession of the Trust Fund which shall be subjected to the powers and provisions herein declared and contained concerning the same and the TRUSTEES shall have the power during the Trust Period to accept any Property from any person or persons by the provisions of any other trust or otherwise to the intent that the same shall be held by or on behalf of the TRUSTEES as an accretion to the Trust Fund.

MANAGEMENT OF THE TRUST: The Management of the Trust shall 5. vest in a Board of Trustees, which shall consist of all the trustees including nominated trustees of the Trust. However, the day to day

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management of the Trust shall be managed by an Executive Committee, as defined in the rule 6 read with Clause 7.

- 6. DECISIONS OF THE TRUSTEES:
 - (1) All decisions by the TRUSTEES shall be taken in the meeting of the Board of Trustees and every meeting of the Board of Trustees shall be deemed to be a meeting of the TRUST.
 - (2) All decisions of the Board of Trustees shall be taken by the majority of the trustees present and if required by voting. In case of tie the Chairperson of the meeting shall have a casting vote.
 - (3) Unless agreed to by the SETTLOR the TRUSTEES shall not amend any part of this TRUST DEED.
- 7. POWERS & FUNCTIONS OF THE BOARD OF TRUSTEES: The Board shall have the overall control over the management and functioning of the Trust and shall, subject to the guidelines or directions, if any, issued by the Government from time to time, have the following powers, namely:-
 - (1) Identify affected areas and affected people.

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- (3) Lay down the broad policy framework and approve the master plan or perspective plan for the functioning of the Trust and review its working from time to time. A perspective planning approach shall be adopted to address long term needs, sustainable investments, and future security. However pending formulation or approval of master plan or perspective plan, in order to address the immediate need, a shelf of projects shall be prepared for utilization of the Trust Fund.
- (4) Decide the priority areas and sectoral allocations through proper assessment of the relevant socio-economic, human development and environmental parameters and capture the needs and aspirations of people by engaging them in the planning process.

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- (5) Grant administrative sanction of individual projects exceeding the estimated cost of Rupees Ten Crores and monitor the proper functioning of the Trust.
- (6) Approve such other expenditure, for furtherance of the objects of the Trust from the available Trust Fund in such manner as may be prescribed by the SETTLOR.
- (7) Approve the recommendations of the Executive Committee.
- (8) Appoint the Auditors of the Trust.
- (9) Approve the annual reports and audited accounts of the Trust.

8. MEETINGS OF BOARD OF TRUSTEES:

- (1) The Trustees shall meet at least twice in a year at such places and time as they may decide from time to time for efficient management of the Trust and for disposing of all such other matters as may arise in such meetings.
- (2) The meeting of the Board of Trustees shall be convened as desired by the Chairperson.

(3) That a notice of 14 (Fourteen) days shall be given in writing for convening the meeting of the Board of Trustees. The notice may be

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served by hand, post or by e-mail to the address provided by the trustees for the purpose:

Provided, that, for urgent matters, a meeting of the Board of Trustees may be convened at a shorter notice: subject to the condition that at least fifty percent of the members of the Board of Trustees have given their consent for such meeting.

Provided further that such consent may be given through e-mail or by circulation of a resolution to that effect.

- (4) The quorum for such meeting shall be fifty per centum of total number of Trustees.
- (5) The Chairperson or in his absence any trustee nominated by the Chairperson shall preside over all meetings of the Trustees. The decision of the Trustees shall be by majority vote and the Chairperson or his nominee as the case may be shall have a casting vote in case of equality of votes.
- (6) The proceedings of the meeting of the trustees shall be recorded in writing in a Minutes Book kept for the purpose.
- (7) The Chairperson may invite other persons or officials or subject experts to the meeting as he may consider necessary as special invitees and the invitees shall not be eligible to vote.

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- 9. EXECUTIVE COMMITTEE: The Executive Committee of the Trust shall consist of the following members, namely: -
 - (i) Collector, who shall be the Chairperson;
 - (ii) District level officers of Rural Development, Works, Forest and Environment and Steel and Mines Departments ... Members ;
 - (iii)Project Director, District Rural Development Agency ... Member;
 - (iv) The Chief Executive Officer of the Trust shall be the Member Secretary of the Executive Committee;
 - (v) Government, may however, alter the composition of the Executive Committee, whenever exigencies arise.

10. MEETINGS OF EXECUTIVE COMMITTEE:

- (1) That the Executive Committee shall meet at least once every quarter and at such places within the District and at such time as may be decided by the Chairperson for efficient management of the Trust and for disposing of all such other matters that may arise in such meetings. The meeting of the Executive Committee shall be convened as desired by the Chairperson.
- (2) That a notice of 14 (Fourteen) days shall be given in writing for convening the meeting of the Executive Committee. The notice may be served by hand, post or by e-mail to the address provided by the

Members of the Executive Committee for the purpose:

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Provided that, for urgent matters, meeting of the Executive Committee may be convened at a shorter notice subject to the condition that at least fifty percent of the members of the Executive Committee have given their consent for such meeting

Provided further, that, such consent may be given through e-mail or by circulation of a resolution to that effect.

- (3) The quorum for such meeting shall be fifty per centum of total members.
- (4) The proceedings of the meeting of the Executive Committee shall be recorded in writing in a Minutes Book kept for the purpose. The minutes shall describe in sufficient detail, the proceedings of each meeting. The minutes of each meeting shall be circulated to each member upon the approval by the Chairperson.
- (5) The Chairperson or in his absence any Member nominated by the Chairperson shall preside over the meetings of the Executive Committee. The decisions of the Executive committee shall be by majority vote and the Chairperson or his nominee as the case may be shall have a casting vote in case of equality of vote.

(6) The Chairperson may invite any other persons or officials or subject expert to the meeting as he may consider necessary as special invitee and the invitees shall not be eligible to vote.

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- Development Commissioner.cum Additional Chief Secretary
- POWERS AND FUNCTIONS OF THE EXECUTIVE COMMITTEE: The 11. Executive Committee shall be responsible for monitoring the day to day management and supervision of the activities of the Trust under the overall supervision and control of the Board and more specifically, shall have the following powers, namely :-
 - (1) Award contracts and works and sanction of payment for the same.
 - (2) Grant administrative sanction for individual projects with estimated cost not exceeding Rupees Ten Crore.
 - (3) Maintain accounts of the Trust.
 - (4) Supervise the progress in discharge of contracts and execution of works.
 - (5) Invest funds of the Trust in accordance with the guidelines laid down by the Government and the Board.
 - (6) Prepare perspective plan, annual budget, annual action plan etc. for approval of the Board. The annual action plan and the annual budget of the Trust shall be prepared along with the proposed schemes and projects falling under the permissible activities prescribed in rule 10 read with rule 11 A:

Provided that while preparing the annual action plan for the next financial year, the sum total of the past commitment and liabilities spilling over shall be assessed. To maintain financial discipline and

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timely completion of project, the Committee shall make endeavour to complete the ongoing project in time and provide for the cost for new projects or schemes keeping in view the expected inflows of funds for the ensuing financial year.

- (7) Exercise due diligence in carrying out its duties for protecting the interests of the Trust.
- (8) Maintain records and ensure timely collection of Contribution from the concerned Mining Lease Holders in accordance with the provisions of the Act and Rules.
- (9) Prepare the Master Plan or Vision Document for the activities of the Trust with the assistance of Line Department, Expert Bodies, Agencies, to be placed before the Board.
- (10) Accord sanction to the projects, release and disburse the Trust Fund for the purpose.
- (11) Monitor the progress of the utilization of Trust funds.
- (12) Place the audited accounts along with an Annual Report before the Board for its approval within 60 days of close of financial year.
- (13) Lay down or approve rules and procedures for the day to day functioning of the Trust.

(14) Do all other things which are necessary for smooth functioning and

· management of the Trust.

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- (15) May delegate such of its power to the Chief Executive Officer as it may consider appropriate.
- TRUST FUND: The Trust Fund of the District Mineral Foundation Trust 12. shall include the following, namely:-
 - (1) The amount placed under the control of the Trustees by the Settlor;
 - (2) Any grant, contribution or other monies received from the Settlor or from any other Agency, Institution or Person;
 - (3) The Contributions to be collected from the holders of the following namely;-
 - (a) mining lease or a prospecting licence-cum-mining lease under the provisions of sub-section (5) of section 9B of the Act;
 - (b) mining lease under the provisions of sub-section (6) of section 9B of the Act; and
 - (c) minor mineral concession under the provisions of section 15A of the Act in the District as may be prescribed by the State Government;
 - (4) Investments and other deposits and the interest accrued thereon and any other income derived therefrom;

(5) All other properties of the Trust and the income derived therefrom or

appreciation thereof;

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- (6) Voluntary contributions, if any, received by the Trust from any person or organisation;
- (7) Funds transferred from contributions received by other districts as may be decided by the State Government in accordance with the provisions of rule 11A, sub-rule(6).
- OPERATION OF BANK ACCOUNTS: 13.
 - (1) All the receipts of the Trust shall be deposited or credited to the bank account(s) opened in the name of the Trust in one or more Scheduled Banks or a banking account in the Public Account of State Government as may be prescribed by the State Government and maintained in accordance with the provisions of rule 8.
 - (2) The bank accounts shall be operated under the joint signatures of the Managing Trustee and another member of the Executive Committee to be authorized by the Board of Trustees.

INVESTMENTS: The receipts or income of the Trust pending utilization 14. for the purposes of the Trust may be invested by the Board with a purpose to generate income from the idle funds in accordance with Loglin Am Podat Ham Keral

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rule 8, sub-rule(4) read with rule 14 and as contained in section 11, sub-section (5) of the Income Tax Act, 1961 (No 43 of 1961).

SCOPE OF DISTRICT MINERAL FOUNDATION TRUST: 15.

(1) The District Mineral Foundation Trust shall at present work for interest and benefit of persons, and for the overall development of the areas affected by mining related operations in the District in the manner provided below:

Provided that the scope shall include and be subjected to rules, as amended from time to time hereafter.

- (2) Affected areas and people to be covered shall be as under:
 - (A) Affected areas shall include the following namely:-
 - (a) Directly affected areas are areas where direct mining-related operations such as excavation, mining, blasting, beneficiation and waste disposal (overburdened dumps, tailing ponds, transport corridors etc.) etc. are taking place, which may also include the following namely:-

(i) villages and gram panchayats within which the mines are situated and are operational, which may extend to neighbouring village, block or district or even the State;

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- (ii) an area within a radius of ten kilometres from a mine or cluster of mines, irrespective of the fact whether this falls within the district concerned or adjacent district;
- (iii) villages in which families displaced by mines have been resettled or rehabilitated by the project authorities; and
- (iv) villages that significantly depend on the mining areas for meeting their economic needs and have usufruct and traditional rights over the project areas i.e. for grazing, collection of minor forest produce etc.
- (b) Indirectly affected areas are areas where local population is adversely affected on account of economic, social environmental consequences due to mining-related operations and such operation may have the major negative impacts of mining by way of deterioration of water, soil and air quality, reduction in stream flows and depletion of ground water, congestion and pollution due to mining operations, transportation of minerals, increased burden on existing infrastructure and resources.

(B) Affected People

(a) Directly Affected People shall include the following namely:

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- (i) 'affected family' as defined under section 3, clause (c) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (No. 30 of 2013); and
- (ii) 'displaced family' as defined under section 3, clause (k) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (No. 30 of 2013); or
- (iii) any other family or persons as appropriately identified by the concerned Gram Sabha.
- (b) Persons affected by mining related operation may also include people who have legal and occupational rights over the land being mined and also those with usufruct and traditional rights.
- (c) Affected families may also be identified, as far as possible, in consultation with the local or elected representatives of Gram Sabha.

(3) Utilization of Funds:- The funds of the Trust may be utilised for implementing the following activities, namely:-

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- (A) High priority activities :
 - (i) Drinking water supply: centralized purification systems, water treatment plants, permanent or temporary water distribution networks including stand-alone facilities for drinking water, laying of piped water supply system;
 - (ii) Environment preservation and pollution control measures:effluent treatment plants, prevention of pollution of streams, lakes, ponds, ground water, other water sources in the region, measure for controlling air and dust pollution caused by mining operations and dumps, mine drainage system, mine pollution prevention technologies, and measures for working or abandoned mines and other air, water and surface pollution control mechanisms required for environment-friendly and sustainable mine development, except in so far as these responsibilities of the lessee in terms of relevant laws or conditions of clearances granted to the lessee;

(iii) Health care: -

(a) The focus must be on creation of primary or secondary health care facilities in the affected areas and the

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emphasis should not be only on the creation of the health care infrastructure, but also on provision of necessary staffing, equipment and supplies required for making such facilities effective.

- (b) To that extent, the effort should be to supplement and work in convergence with the existing health care infrastructure of the local bodies, State and Central Government.
- (c) The expertise available with the National Institute of Miners' Health may also be drawn upon to design special infrastructure needed to take care of mining related illnesses and diseases.
- (d) Group Insurance Scheme for health care may be implemented for mining affected persons not covered under other schemes;
- (iv) Education: construction of school buildings, Additional class rooms, Laboratories, Libraries, Art and crafts room, toilet blocks, drinking water provisions, residential Hostels for students or teachers in remote areas, sports infrastructure, engagement of teachers or other supporting staff, e-learning setup, other arrangement of transport facilities (bus or van or cycles or rickshaws etc.) and nutrition related programs;

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- (v) Welfare of Women and Children: Special programmes for addressing problems of maternal and child health, malnutrition, infectious diseases etc;
- (vi) Welfare of aged and disabled people : Special programme for welfare of aged and disabled people. Provision of aids and appliances to disabled persons etc.

(vii) Skill development: -

- (a) skill development for livelihood support, income generation and economic activities for local eligible persons;
- (b) The projects or schemes may include training, skill development centre, self-employment, support to Self Help Groups and provision of forward and backward linkages for such self-employment economic activities;
- (viii) Sanitation: collection, transportation and disposal of waste, cleaning of public places, provision of proper drainage and Sewage Treatment Plant, provision for disposal of fecal sludge, provision of toilets and such other related activities;
- (ix) Housing:- Schemes for providing shelter to the persons not having pucca houses including group housing schemes, individual houses, old age homes etc.

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- for livelihood, income (x) Livelihood Programmes:- Support generation and economic activities;
- (xi) Road connectivity:- Road connectivity to unconnected habitations.

(B) Other priority activities : -

- providing required physical (i) Physical infrastructure railways infrastructure such as road, bridges, waterways projects;
- (ii) Irrigation developing alternate sources of irrigation, checkdams, diversion weirs, adoption of suitable and advanced irrigation techniques;
- (iii) Energy and Watershed Development -
 - (a) Development of alternate source of energy (including micro-hydel) and rainwater harvesting system;
 - (b) Development of orchards, integrated farming and economic forestry and restoration of catchments.
 - (c) Improvement of quality of electricity supply through appropriate augmentation to the transmission and distribution nerwork.

(iv) Afforestation - Plantation of trees and regeneration of degraded forests, soil conservation measures etc;

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Development Commissioner-cum Additional Chief Secretary Odisha

- (v) Any other measures for enhancing environmental quality in the districts where mining operations are carried on.
- (C) Not less than 60 percentum of the funds may be utilised for high priority activities and upto 40% of the funds may be utilised for other priority activities:

Provided that if the Board is of view that it is necessary in the interest of welfare of the affected people and of the development of the affected areas so to do, it may take up projects for other priority areas in excess of the limits specified in this sub-rule.

(D) Not more than forty percentum of the funds may be utilized for taking up activities in the indirectly affected areas.

16. GENERAL GUIDELINES OF THE TRUST:

- (1) The developmental and welfare activities to be taken up by the Trust shall be in the nature of complementing the ongoing schemes or projects being funded by the State as well the Central Government.
- (2) Activities meant to be taken up under the 'polluter pays principle' shall not be taken up under the Trust.
- (3) Without prejudice to the powers of the Trust, efforts shall be made to achieve convergence with the State and the District Plans so that the activities taken up by the Trust supplement the development and welfare activities and are treated as extra-budgetary resources for the

State Plan.

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- (4) An amount not exceeding five per centum of the annual receipts of the Trust or such other limit not exceeding five per centum, as may be fixed by the Government, may be utilised for administrative, supervisory and overhead costs of the Trust.
- (5) As far as possible, no temporary or permanent posts shall be created by the Trust and for any creation of temporary or permanent posts and purchase of vehicle the Trust shall require prior approval of the Government:

Provided that minimum required staff can be engaged on contractual basis, with the prior approval of the Government.

- (6) If the affected area of a mine in one district also falls in the jurisdiction of another district, such percentage of amount collected from the mine by the Trust, as may be decided by the Government, shall be transferred to the Trust of the other district concerned for taking up the activities in such areas.
- (7) A project that is for benefit of the affected area or people, but stretches beyond the geographical boundary of the district shall be taken up by the Trust of the respective district.

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- (A) Projects for development of common social and economic infrastructure like institutions of higher and technical education, sports infrastructure, science centres, health institutions in the secondary and tertiary sector, roads and bridges etc. in excess of the limits specified in regard to the priority for fund utilization, on a case to case basis, may also be taken up for projects of importance to the district.
- (9) Prior approval of the Government need to be taken, before taking up such works in excess of the limits of fund utilization.
- (10)A reasonable sum of the annual receipts as decided by the Board, may be kept as endowment fund for providing sustainable livelihood.
- (11)Any Scheme implemented in any Scheduled area shall be subjected to approval of Gram Sabha.
- (12) The works undertaken by the Trust shall be executed Government agencies or through any other competent and sound agency following a transparent process, after obtaining prior approval of the Board or Executive Committee:

Provided that the guidelines for functioning of the Trust shall be subjected to ODMR Rules, 2015 as amended from time to

time hereafter. A Victorial

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- 17. CHARGING OF EXPENSES: The Trustees shall be entitled to charge the Trust Fund with the following expenses, namely:-
 - (1) all expenses properly incurred in the operation or execution of the Trust and for the realisation, preservation or benefit of the investments and assets comprising the Trust Fund and for the protection of the interests of the Trust;
 - (2) all expenses (including expenses incidental to execution or registration of any agreement or other deeds) incurred by the Trustees for obtaining the contributions and or any other resources; which may accrue;
 - (3) all expenses in connection with any legal proceedings by or against the Trust or concerning the affairs of the Trust including professional fees and costs of any legal adviser;
 - (4) all legal and statutory expenses incurred in the operation or execution of the Trust including all levies, duties and other charges paid or payable in connection with the affairs of the Trust; and
 - (5) all expenses in connection with the holding of its meetings, and other proceedings and expenditure incurred on planning, execution, inspections, reviews and preparation of projects, hiring of consultants, third party inspections, auditors and such other expenses incidental thereto.

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18. ACCOUNTS AND AUDIT:

- (1) (i) The Executive Committee shall maintain or cause to be maintained proper books of accounts, documents and records of the Trust in accordance with such accounting procedures as the Government may notify in the official gazette.
 - (ii) The accounts of the Trust shall be audited every year by the Chartered Accountant(s) appointed by the Board from amongst the Chartered Accountants empanelled with the Comptroller and Auditor General of India, on such terms and conditions as may be decided by the Board. The audit report shall be placed in the Board alongwith the annual report and shall also be placed in public domain.
 - (iii) The auditors may be removed and replaced by the Board.
- (2) Notwithstanding the provisions of clause (1), the Settlor may appoint an auditor or auditors on such terms as the Settlor may so decide.
 - (4) Every year, within three months from the date of its closure, the Board shall cause to prepare and approve an Annual Report on the activities of the Trust for the respective year. The Annual Report will be submitted to the Government within one month from the date of its approval by the Board and will also be hosted on the website of the Trust. The Annual Report of each Trust shall also be laid before the Odisha Legislative Assembly.

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19. MAINTENANCE OF TRANSPERENCY

- (1) The Executive Committee shall disclose information relating to the Trust as prescribed in the rule 17 of the rules and display the same in the website.
- (2) The Executive Committee shall update the website to maintain transparency in respect of its activities.
- (3) The Trust shall make voluntary disclosure of the information under the Right to Information Act, 2005 (No. 22 of 2005)

20. ADMINISTRATIVE ARRANGEMENTS:

- (1) The State Government shall provide services of the personnel under their control including employees working in the District Rural Development Agency for management of the Trust and for execution of the Annual Action Plan as may be required for the purpose.
- (2) The Trust may request the SETTLOR or State Government to provide required number of personnel from Departments of Government or such other cadre, for providing administrative and technical assistance to the Trust. Services of such personnel shall continue to remain in their own respective cadres. The Trust may bear expenditure within 5% of the Annual receipt of the trust or such other limits of the annual not exceeding five percentum, as may be fixed by the Government, which may be utilized for administrative, supervisory and overhead costs of the Trust.

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(3) The Trust may also ask service providers to provide such services as may be needed for smooth functioning of the Trust and may provide for incurring contingent expenditure for its functioning within the limit prescribed.

21. LIABILITY OF TRUSTEES:

- (1) The TRUSTEES shall not be liable on account of anything done in good faith, bonafide with due diligence. The TRUSTEES shall also not be liable or responsible for any banker, broker, custodian or other person in whose hands the same may, in good faith, be deposited or placed nor for the deficiency or insufficiency in the value of any investments of the Trust Fund nor otherwise for any involuntary loss.
- (2) The TRUSTEES and every attorney or, agent appointed by the TRUSTEES shall be entitled to be indemnified out of the Trust Fund in respect of all liabilities, losses and expenses incurred in execution of the Trust or any of the powers, authorities, and discretions vested in or delegated to them other than those arising out of gross negligence or willful misconduct.
- TRUSTEES REMUNERATION: The TRUSTEES shall not be entitled to 22. any remuneration for their services.

AMENDMENT: This Trust deed may be amended from time to time by 23. SETTLOR only with the prior concurrence of the Government and not

otherwise Madhusudan Mistra Frabeer Karmar Nayak

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- 24. CLARIFICATION: The SETTLOR may issue such clarifications as may be necessary for smooth functioning of the Trust.
- 25. THE SEAL OF THE TRUST: The TRUSTEES shall have power from time to time to destroy the Seal and substitute a new Seal in lieu thereof. The Seal of the TRUST shall remain in the custody of the Board of Trustees who shall have the authority to use the same for and on behalf of the TRUST.

26. REVOCABILITY: This Trust is revocable by SETTLOR with prior concurrence of the Government. The Trust shall continue to exist till such time as may be decided by the SETTLOR. At the time of extinguishment of the trust, all the assets and liabilities of the Trust

shall be transferred to the State Government.

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IN WITNESS whereof the parties hereto have executed this deed on the day and year first hereinbefore appearing.

Signed and Delivered on behalf of the Governor of Odisha, the SETTLOR.

Development Commissioner-cum-Commissioner-cum-Additional Chief Additional Chief Secre Revelopment Secretary dish dovernment,

Planning and Convergence Department.

Name with Official Seal.

Surech Chandre Mahapatra

Development Commissioner-cum-Additional Chief Secretary Odisha

Witnesses:

(i) Signature = 9.0

Gopalan Shu Cartpally

Address: Spl-Secretary to Govl. 120 Department, Odveta (ii) Signature pulled

Pradynama kumer Mahakad Name:

Address: Joint Secretary to hovernment, PRC Department, odisha

(III) A. K. Shadangi'. Advocate, Korcaput Jo i Rama Ch. Shadangi', H.B. colony, KPT,

SIGNATURE OF TRUSTEES

(i) Signature Madhusudan Missace, Name: Madhusudan Mishra, cas (sag) Address: Collector, Koraput

(ii) Signature Brabeer Kumar Hayak Name: Prabeer Kumar Nayak, OAS (S) Address: PD, DRDA, Koraput

(iii) Signature Lotus Skur (2)
Name: Deben Kumar Pradhan, oas (sag)
Address: ADM, Koraput
(iv)Signature
Name: Janum Singh Banra Tanum Cing Banra
Address: DD Mines, Koraput 🚊
(v) Signature Pinter Curai.
Name: Rinku Kumari, IFS
Address: DFO (T), Koraput
(vi) Signature Kishore Chandra Nayar 555
Name: Kishore Chandra Nayak
Address: EE, RWD Koraput
(vii)Signature
Name: Sashibhusan Mishra
Address: EE, RWSS, Koraput Serlibburn Midh
(viii) Signature Withou Kumur Manch.
Name: Kishor Kumar Nanda Wilon Kum Mahle.
Address: EE, R & B Koraput
(ix) Signature Madhnik Mahr
Name: Madhusmita Mahapatra Mudhil John
Address: DWO, Koraput
(x) Signature Dorbe Learnan Typall
Name: Dadhibaman Tripathy
Address: CDMO, Koraput
(xi)Signature Market
Name: Saptagiri Sankar Ulaka
Address MD V.
(xii) Signature Rade landadel
(xii)Signature Raglin limbadey Name: Raghuram Padal Raglin Rom fode Address: MLA. Koraput
Address: MLA Koranut

(xiii)Signature

Name Prabhu Jani

Address: MLA, Laxmipur
(xiv)Signature htm John

Name: Pitam Padhi

Address: MLA, Pottangi
(xv)Signature

Name: Laxmidhar Biswal

Address: DD, P&S, DPMU
(xvi)Signature

Name: Purnima Jani Pereine Jani

Address: ZP Member, Koraput

(xvii)Signature Name: Dinesh Khara

Address: Chairperson, Semiliguda

(xviii) Signature Seimitra Guntha

Name: Sumitra Guntha Samitra Guntha

Address: PS Member, Mathalput

(xix)Signature gram moh

Name: Laxman Majhi

Address: Sarapanch, Mathalput

Additional Chief Secreta