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राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शनिवार, 27 अगस्त, 2016 / 5 भाद्रपद, 1938

हिमाचल प्रदेश सरकार

HIGH COURT OF HIMACHAL PRADESH, SHIMLA-171 001

NOTIFICATION

Shimla, the 17th August, 2016

No. HHC/GAZ/14-152/83-I.— Hon'ble the Chief Justice has been pleased to grant 9 days earned leave *w.e.f.* 26.8.2016 to 3.9.2016 with permission to prefix gazetted holiday falling on 25th August, 2016 and to suffix Sunday falling on 4th September, 2016 in favour of Shri S. C. Kainthla, District and Sessions Judge, Solan, H.P.

Certified that Shri S.C.Kainthla is likely to join the same post and at the same station from where he proceeds on leave, after expiry of the above period of leave.

Also certified that Shri S.C. Kainthla would have continued to hold the post of District and Sessions Judge, Solan, but for his proceeding on leave for the above period.

By order,
Sd/-
Registrar General.

HIGH COURT OF HIMACHAL PRADESH, SHIMLA- 171 001

NOTIFICATION

Shimla, the 11th August, 2016

No.HHC/Admn.3(117)/78-II.—16 days commuted leave on and with effect from 01.07.2016 to 16.07.2016, with permission to suffix Sunday fell on 17.07.2016 is hereby sanctioned, *ex-post-facto*, in favour of Shri Tek Ram, Secretary (Retd) of this Registry.

Certified that Shri Tek Ram has joined the same post and at the same station from where he had proceeded on leave after the expiry of the above leave period.

By order,
Sd/-
Registrar General.

HIGH COURT OF HIMACHAL PRADESH AT SHIMLA.-171 001

NOTIFICATION

Shimla, 20th August, 2016

No.HHC/GAZ/14-280/05.—The result of 14th Departmental Examination of the cadre of District Judges/Additional District Judges (Members of the Himachal Pradesh Judicial Service) held in June, 2016 is hereby published for information of all concerned as required under rule 2 read with Rule 18 of the Himachal Pradesh Judicial Service Rules, 2004 and Regulation 12(iii) of the Himachal Pradesh Judicial Service (Departmental Examination for direct recruit to the cadre of District Judges/Additional District Judges) Regulations, 2005.

By order,
Sd/-
Registrar general.

RESULT OF 14TH DEPARTMENTAL EXAMINATION HELD IN THE MONTH OF JUNE, 2016 FOR THE DIRECT RECRUITS TO THE HP. JUDICIAL SERVICE IN THE CADRE OF DISTRICT JUDGES/ADDITIONAL DISTRICT JUDGES

Note.—The candidates are required to pass all the papers with minimum 60% marks in each paper except Hindi in which the candidates are required to obtain 50%. A candidate qualifying one or more papers shall not be required to appear in that/those papers in the next examination(s). ‘P’ means ‘Pass’, ‘A’ means ‘Absent’ and ‘F’ means ‘Fail.’

Sl. No	Name of the Officer(s)	Roll No.	Criminal Law (100 marks)	Civil Law (100 marks)	Revenue Law (100 marks)	Constitutional Law (100 marks)	High Court Rules * & Orders and Accounts (100 marks)	Language (Hindi) in Devnagri Script (50 marks)	Remarks
1	2	3	4	5	6	7	8	9	10
1.	Sh. Vikas Bhardwaj	901	62½(P)	-	-	-	-	-	-
2.	Sh. Sharad Kumar Lagwal	902	62(P)	-	-	-	-	-	-
3.	Sh. Paras Doger	903	-	-	-	-	60(P)	-	-

(Poonam Mahajan)
Addl. Registrar (Admn)/Superintendent

(Virender Sharma)
Registrar (Rules)/Secretary.

[Authoritative English Text of this Department's Notification No.SJE-B-B(1)-4/2015 dated 24/08/2016 as required under clause (3) of article 348 of the Constitution of India.]

SOCIAL JUSTICE & EMPOWERMENT DEPARTMENT

NOTIFICATION

Shimla-2, the 24th August, 2016

No. SJE-B-B(1)-4/2015.—In exercise of the powers conferred by proviso to article 309 of the Constitution of India, the Governor, Himachal Pradesh, in consultation with the Himachal Pradesh Public Service Commission, is pleased to make the Recruitment & Promotion Rules for the post of **Law Officer, Class-II** (Gazetted) in the Directorate of SCs, OBCs & Minority Affairs, under the Department of Social Justice and Empowerment, Himachal Pradesh as per Annexure-“A” attached to this notification, namely:—

1. Short title and commencement.—(1) These rules may be called the Himachal Pradesh, Department of Social Justice Empowerment, Directorate of SCs, OBCs & Minority Affairs, Law Officer, Class-II (Gazetted) Recruitment and Promotion Rules, 2015.

(2) These rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

By order,
Sd/-
Secretary (SJ&E).

RECRUITMENT AND PROMOTION RULES FOR THE POST OF LAW OFFICER, CLASS-II (GAZETTED) IN THE DIRECTORATE OF SC, OBCs & MINORITY AFFAIRS UNDER THE DEPARTMENT OF SOCIAL JUSTICE & EMPOWERMENT, HIMACHAL PRADESH.

1. **Name of the post.**— Law Officer
2. **Number of post(s).**— 01 (One)
3. **Classification.**— Class-II (Gazetted)
4. **Scale of Pay.**— (i) *Pay Band for regular incumbent(s):*—Pay Band Rs.10300-34800+Rs 4400/-Grade Pay.
(ii) *Emoluments for contract employee(s):*—Rs 14,700/- as per details given in Column-15-A.
5. **Whether “Selection” or “Non-Selection” Post`.**—(i) Placement: Not applicable.
(ii) Promotion: Selection.
6. **Age for direct Recruitment.**—18 to 45 years.

Provided that the upper age limit for direct recruits will not be applicable to the candidates already in service of the government including those who have been appointed on adhoc or on contract basis:

Provided further that if a candidate appointed on adhoc basis or on contract basis had become over-age on the date he/she was appointed as such he/she shall not be eligible for any relaxation in the prescribed age limit by virtue of his/her such adhoc or contract appointment:

Provided further that upper age limit is relaxable for Scheduled Caste/ Scheduled Tribe/ Other categories of persons to the extent permissible under the general or special order (s) of the Himachal Pradesh Government:

Provided further that the employees of all the Public Sector Corporations and Autonomous Bodies who happened to be Government servants before absorption in public Sector Corporation/ Autonomous Bodies at the time of initial constitutions of such Corporations/ Autonomous Bodies shall be allowed age concession in direct recruitment as admissible to Government servants. This concession will not, however, be admissible to such staff of the public Sector, Corporations/ Autonomous Bodies who were/are subsequently appointed by such Corporations/Autonomous Bodies and who are/were finally absorbed in the service of such Corporations/Autonomous Bodies after initial constitution of the Public Sector Corporation/Autonomous Bodies.

(1) Age limit for direct recruitment will be reckoned on the first day of the year in which the post (s) is/are advertised for inviting applications or notified to the employment Exchanges or as the case may be.

(2) Age and experience in the case of direct recruitment, are relaxable at the discretion of the Himachal Pradesh Public Service Commission in case the candidate is otherwise well qualified.

7. Minimum educational and other qualification required for direct recruits.—(a) ESSENTIAL QUALIFICATION:—Professional degree in Law from a recognized University with 5 years experience as a practicing Advocate or 5 years experience in legal matters while working in a Government/Semi Government Institution.

(b) *DESIRABLE QUALIFICATION(s)*:—Knowledge of customs, manners and dialects of Himachal Pradesh and suitability for appointments in the peculiar conditions prevailing in the Pradesh.

8. Whether age and educational qualifications prescribed for direct recruits will apply in the case of the promotees.—Age :— Not Applicable.

Educational Qualification:—Yes

9. Period of probation, if any.—(a) Direct recruitment:—Two years subject to such further extension for a period not exceeding one year as may be ordered by the competent authority in special circumstances and reasons to be recorded in writing.

(b) No probation in the case of appointment on contract basis, tenure basis, reemployment after superannuation and absorption.

(c) *Placement:*—No probation.

(d) *Promotion:*—Two years or the period of probation prescribed for the direct recruitment to the post, if any, in the case of promotion from one group to another.

10. Method of recruitment, whether by direct recruitment or by promotion, secondment, transfer and the percentage of post(s) to be filled in by various methods.—100% by placement failing which by promotion failing both on secondment basis failing all by direct recruitment on a regular basis or by recruitment on contract basis, as the case may be.

11. In case of recruitment by promotion, secondment, transfer, grade from which promotion/deputation/ transfer is to be made.—By placement (strictly on the basis of seniority) from amongst the Senior Assistant(s) subject to possessing a recognized professional degree in Law with 03 years experience of dealing with legal matters in the department failing which by promotion from amongst the incumbents of Common Clerical Cadre (which includes Clerk/Junior Assistant) subject to possessing a recognized professional degree in Law with 10 (ten) years regular service or regular combined with continuous adhoc service, if any, in the cadre including 05 (five) years experience of dealing with legal matters in the department failing both on secondment basis from amongst the incumbents of this post working in the identical pay scale from other Himachal Pradesh Government Departments failing all by direct recruitment:

Provided that for the purpose of placement or promotion a select list of all eligible officials shall be prepared wherein the incumbents with higher pay scales shall be kept enbloc above the eligible persons and thereafter the incumbents next in the lower pay scales be placed below it and so on:

Provided further that for the purpose of placement or promotion a combined seniority list of all the eligible officials of the feeder posts shall be prepared on the basis of their length of service in their respective grades without disturbing their inter-se-seniority in their respective cadres:

Provided that for the purpose of promotion every employee shall have to serve at least one term in the Tribal/ Difficult areas subject to adequate number of post (s) available in such areas:

Provided further that the proviso (1) supra shall not be applicable in the case of those employees who have five years or less service, left for superannuation: Provided further that Officers/Officials who have not served atleast one tenure in Tribal /Difficult area shall be transferred to such area strictly in accordance with his /her seniority in the respective cadre.

Explanation-I:—For the purpose of proviso-I supra the “ term” in "Tribal / Difficult areas" shall mean normally three years or less period of posting in such areas keeping in view the administrative requirements and performance of the employee.

Explanation-II:—For the purpose of proviso-I supra the Tribal / Difficult areas shall be as under:—

1. District Lahaul & Spiti.
2. Pangi and Bharmour Sub Division of Chamba District.
3. Dodra Kwar Area of Rohru Sub-Division
4. Pandrah Bis Pargana, Munish Darkali and Gram Panchyat Kashapat, Gram Panchayats of Rampur Teshil of District Shimla.
5. Pandrah Bis Pargana of Kullu District.
6. Bara Bhangal Areas of Baijnath Sub Division of Kangra District.
7. District Kinnaur.
8. Kathwar and Korga Patwar Circles of Kamrau Sub Tehsil, Bhaladh Bhalona and Sangna Patwar Circles of Renukaji Tehsil and Kota Pab Patwar Circle of Shillai Tehsil, in Sirmaur District.
9. Khanyol – Bagra Patwar Circle of Karsog Tehsil, Gada- Gussaini, Mathyani, Ghanyar, Thachi, Baggi, Somgad and Kholanal of Bali- Chowki Sub Tehsil, Jharwar, Kutgarh, Graman, Devgarh, Trailla, Ropa, Kathog, Silh-Badhwani, Hastpur, Ghamrehar and Bhatehar Patwar Circle of Padhar Tehsil, Chinuni, Kalipar, Mangarh, Thach-Bagra, North Magru and South Magru Patwar Circles of Thunag Tehsil and Batwara Patwar Circle of Sunder Nagar Tehsil in Mandi District.

(1) In all cases of promotion, the continuous adhoc service rendered in the feeder post, if any, prior to regular appointment to the post shall be taken into account towards the length of service as prescribed in these Rules for promotion subject to the condition that the adhoc appointment/ promotion in the feeder category had been made after following proper acceptable process of selection in accordance with the provisions of R& P Rules:

Provided that in all cases where a junior person becomes eligible for consideration by virtue of his/her total length of service(including the service rendered on adhoc basis, followed by regular service/appointment) in the feeder post in view of the provision referred to above, all persons senior to him/her in the respective category /post/ cadre shall be deemed to be eligible for consideration and placed above the junior person in the field of consideration:

Provided that all incumbents to be considered for promotion shall possess the minimum qualifying service of at least three years' or that prescribed in the R&P Rules for the post, whichever is less:

Provided further that where a person becomes ineligible to be considered for promotion on account of the requirements of the preceding proviso, the person(s) junior to him/her shall also be deemed to be ineligible for consideration for such promotion:

Explanation:—The last proviso shall not render the junior incumbent(s) ineligible for consideration for promotion if the senior ineligible person(s) happened to be Ex- Servicemen recruited under the provisions of Rule-3 of the Demobilized Armed Forces Personnel (Reservation of vacancies in Himachal State Non-Technical Services) Rules, 1972 and having been given the benefit of seniority there-under or recruited under the provisions of Rule-3 of the Ex-Serviceman (Reservation of vacancies in the Himachal Pradesh Technical Services) Rules, 1985 and having been given the benefit of seniority there-under.

(2) Similarly, in all cases of confirmation, continuous adhoc service rendered on the feeder post, if any, prior to the regular appointment/promotion against such post shall be taken into account towards the length of service, if the adhoc appointment/promotion had been made after proper selection and in accordance with the provision of the R&P Rules:

Provided that inter-se-seniority as a result of confirmation after taking into account, adhoc service rendered as referred to above shall remain unchanged.

12. If a Departmental Promotion Committee exists, what is its composition?.—(a) *For Placement:*—As may be constituted by the Government from time to time.

(b) *For Promotion:*—D.P.C. to be presided over by the Chairman, Himachal Pradesh Public Service Commission or a Member thereof to be nominated by him.

13. Circumstances under which the H.P.P.S.C. is to be consulted in making recruitment.—As required under the Law.

14. Essential requirement for a direct recruitment.—A candidate for appointment to any service or post must be a citizen of India.

15. Selection for appointment To the post by direct recruitment.—Selection for appointment to the post in the case of direct recruitment shall be made on the basis of interview/personality test, if the Himachal Pradesh Public Service Commission or other recruiting agency/ authority as the case may be, so consider necessary or expedient on the basis of interview/ personality test preceded by a screening test (Objective type)/written test or practical test or physical test, the standard/syllabus etc. of which, will be determined by the Commission or other recruiting agency / authority, as the case may be.

15-A. Selection for appointment to the post by contract appointment.—Notwithstanding anything contained in these Rules, Contract appointments to the post will be made subject to the terms and conditions given below:—

(1) CONCEPT:—(a) Under this policy the Law Officer in the Directorate of SCs, OBCs & Minority Affairs under the Department of Social Justice & Empowerment, H.P. will be engaged on contract basis initially for one year; which may be extendable on year-to-year basis:

Provided that for extension / renewal of contract period on year to year basis the concerned HOD shall issue a certificate that the service and conduct of the contract appointee is satisfactory during the year and only then his period of contract is to be renewed/extended.

(b) POST FALLS WITHIN THE PURVIEW OF HPPSC:—The Secretary (SJ&E) to the Government of H.P. after obtaining the approval of the Government to fill up the vacant posts on contract basis will place the requisition with the concerned recruiting agency i.e. H.P. Public Service Commission.

(C) The selection will be made in accordance with the eligibility conditions prescribed in these R&P Rules.

(II) Contractual Emoluments:—The Law Officer appointed on contract basis will be paid consolidated fixed contractual amount @ Rs. 14,700/-per month (which shall be equal to minimum of the pay band+ grade pay). An amount of Rs. 441/- (3% of the minimum of pay band + grade pay of the post) as annual increase in contractual emoluments for the subsequent year(s) will be allowed if contract is extended beyond one year.

(III) APPOINTING/ DISCIPLINARY AUTHORITY:—The Secretary (SJ&E) to the Government of H.P. will be appointing and disciplinary authority.

(IV) SELECTION PROCESS:—Selection for appointment to the post in the case of direct recruitment shall be made on the basis of interview/personality test, if the Himachal Pradesh Public Service Commission or other recruiting agency/authority as the case may be, so consider necessary or expedient on the basis of interview/personality test preceded by a screening test (objective type)/written test or practical test or physical test, the standard/ syllabus, etc. of which , will be determined by the Commission or other recruiting agency/authority as the case may be.

(V) COMMITTEE FOR SELECTION OF CONTRACTUAL APPOINTMENT:—As may be constituted by the concerned recruiting agency i.e. the H.P. Public Service Commission from the time to time.

(VI) AGREEMENT:—After selection of a candidate, he/she shall sign an agreement as per Annexure-B appended to these Rules.

(VII) TERMS AND CONDITIONS:—(a) The contract appointee will be paid fixed contractual amount @ Rs. 14700/- per month (which shall be equal to minimum of pay band + grade pay) The contract appointee will be entitled for increase in contractual amount Rs. 441/- (3% of the minimum of the pay band + grade pay of the post) for further extended years and no other allied benefits such as senior /selection scales etc. will be given.

(b) The service of the contract appointee will be purely on temporary basis. The appointment is liable to be terminated in case the performance/ conduct of the contract appointee is not found satisfactory.

(c) Contractual appointee will be entitled for one-day's casual leave after putting one month service. However, the contract appointee will also be entitled for 135 days Maternity leave, 10 days Medical Leave and 5 days Special Leave. A female contract appointee will also be entitled for maternity leave not exceeding 45 days(irrespective of the number of surviving children) during the entire service, in case of miscarriage including abortion, on production of medical certificate issued by the Government Medical Officer. He/ She shall not be entitled for Medical Re imbursement and LTC etc. No leave of any other kind except above is admissible to the contract appointee.

Provided that the un-availed Casual Leave Medical Leave and Special Leave can be accumulated upto the Calendar Year and will not be carried forward for the next Calendar Year.

(d) Unauthorized absence from the duty without the approval of the controlling officer shall automatically lead to the termination of the contract. However, in exceptional cases where the circumstances for unauthorized absence from duty where beyond his / her control on medical grounds, such period shall not be excluded while considering his / her case for regularization but the incumbent shall have to intimate the controlling authority in this regard well in time. However, the contract appointee shall not be entitled for contractual amount for this period of absence from duty:

Provided that he / she shall submit the certificate of illness / fitness issued by the Medical Officer, as per prevailing instructions of the Government.

(e) An official appointed on contract basis who has completed three years tenure at one place of posting will be eligible for transfer on need based basis wherever required on administrative grounds.

(f) Selected candidate will have to submit a certificate of his / her fitness from a Government / Registered Medical Practitioner. Women candidate pregnant beyond 12 weeks will stand temporarily unfit till the confinement is over. The women candidate will be re examined for the fitness from an authorized Medical Officer / Practitioner.

(g) Contract appointee will be entitled to TA/DA if required to go on tour in connection with his / her official duties at the same rate as applicable to regular counter part official at the minimum of pay scale.

(h) Provisions of service rules like FR SR, Leave Rules, GPF Rules, Pension Rules & Conduct Rules etc. as are applicable in case of regular employees will not be applicable in case of contract appointees. They will be entitled for emoluments etc. as detailed in this column.

16. Reservation.—The appointment to the service shall be subject to orders regarding reservation in the service for Scheduled Castes /Scheduled Tribes / Other Backward Classes / other categories of persons issued by the Himachal Pradesh Government from time to time.

17. Departmental Examination.—Every member of the service shall pass the Departmental Examination as prescribed in the H.P. Departmental Examination Rules, 1997.

18. Power to relax.—Where the State Government is of the opinion that it is necessary or expedient to do so, it may, by order for reasons to be recorded in writing and in consultation with the Himachal Pradesh Public Service Commission relax any of the provisions(s) of these Rules with respect to any Class or Category of person(s) or post (s).

ANNEXURE-B

Form of contract/agreement to be executed between the Law Officer & the Government of Himachal Pradesh through _____ (Designation of the Appointing Authority)

This agreement is made on this _____ day of _____ in the Year _____ between _____ Sh/Smt.S/o/D/oShri _____

R/o _____ contract appointee (hereinafter called the (FIRST PARTY), AND The Governor, Himachal Pradesh through _____ (Designation of the Appointment Authority) Himachal Pradesh (here-in-after the SECOND PARTY).

Whereas, the SECOND PARTY has engaged the aforesaid FIRST PARTY and the FIRST PARTY has agreed to serve as a Law Officer on contract basis on the following terms & conditions:—

1. That the FIRST PARTY shall remain in the service of the SECOND PARTY as a Law Officer for a period of one year commencing on day of _____ and ending on the day of _____. It is specifically mentioned and agreed upon by both the parties that the contract of the FIRST PARTY with SECOND PARTY shall ipsofacto stand terminated on the last working day i.e. on _____ and information notice shall not be necessary:

Provided that for extension /renewal of contract period on year to year basis the concerned HOD shall issue a certificate that the service and conduct of the contract appointee is satisfactory during the year and only then his period of contract is to be renewed/extended.

2. The contract salary of the FIRST PARTY will be Rs. R 14700/- Per month.
3. The service of FIRST PARTY will be purely on temporary basis. The appointment is liable to be terminated in case the performance/conduct of the contract appointee is not found good.
4. Contractual Law Officer will be entitled for one day casual leave after putting one month service. However, the contract appointee will also be entitled for 135 days maternity leave, 10 days medical leave and 5 days special leave. A female contract appointee shall also be entitled for maternity leave not exceeding 45 days(irrespective of the number of surviving children) during the entire service, in case of miscarriage including abortion, on production of medical certificate issued by the authorised Government Medical Officer. He/she shall not be entitled for Medical Reimbursement and LTC etc. No leave of any other kind except above is admissible to the contract appointee:

Provided that the un-availed casual leave, medical leave and special leave can be accumulated up to the calendar year and will not be carried forward for the next calendar year.

5. Unauthorised absence from the duty without the approval of the controlling officer shall automatically lead to the termination of the contract. However, in exceptional cases where the circumstances for un-authorized absence from duty were beyond his/her control on medical grounds, such period shall not be excluded while considering his/her case for regularization but the incumbent shall have to intimate the controlling authority in this regard well in time.

However, the contract appointee shall not be entitled for contractual amount for this period of absence from duty:

Provided that he/she shall submit the certificate of illness/fitness issued by the Medical Officer, as per prevailing instructions of the Government.

6. A Law Officer appointed on contract basis who have completed three years tenure at one place of posting will be eligible for transfer on need based basis wherever required on administrative grounds.
7. Selected candidate will have to submit a certificate of his/her fitness from a Government/Registered Medical Practitioner. In case of women candidates pregnancy beyond twelve weeks will render her temporarily unfit till the confinement is over. The women candidate should be re examined for fitness from an authorized Medical Officer/ Practitioner.
8. Contract appointee shall be entitled to TA/DA if required to go on tour in connection with his official duties at the same rate as applicable to regular counterpart official at the minimum of the pay scale.
9. The Employees Group Insurance Scheme as well as EPGF/GPF will not be applicable to the contractual appointee.

IN WITNESS the FIRST PARTY AND SECOND PARTY have herein to set their hands the day, month and year first, above written.

IN THE PRESENCE OF WITNESS:

1.
.....
.....
(Name and Full Address) (signature of the FIRST PARTY)
2.
.....
.....
(Name and Full Address) (signature of the SECOND PARTY)

HOME DEPARTMENT

ORDER

Shimla-171002, the 10th June, 2016

No.Home(A)-A(3)-3/2012-I.—In supersession to this department's order No.Home(A)-A(3)-2/2012 dated 03-06-2013 and in exercise of the powers conferred by sections 26 and 37 of the Himachal Pradesh Police Act 2007, (Act No.17 of 2007) the Governor, Himachal Pradesh is pleased to make the following order to specify Uniform and Badges for Non-Gazetted Police Officers Grade-I and Grade-II of Himachal Pradesh Police Department namely:—

1. Short titled application and Commencement.—(1) This Order may be called the Himachal Pradesh Police Department Uniform and Badges Order, 2016

(2) This Order shall be applicable to the Non-Gazetted-Police Officers Grade-I and Grade-II of the Police Department Himachal Pradesh.

(3) This Order shall come into force from the date of its publication in the Official Gazette.

2. Muster pattern of supply of Articles of Uniform.—The Non-Gazetted Police Officers shall be supplied Uniform and Equipment articles as specified in following table.

MUSTER PATTERN FOR ARTICLES TO BE ISSUED PERMANENTLY

Table-I
Part-I

Sr. No.	Items	Description	Size
1.	(i) Beret Cap	Beret Cap Khaki with white Metal Crest for distts./Armed Police (For NGO Grade-I & Grade-II)	All sizes. White Metal Crest Height/Width 4x3½ CMs
	(ii) Beret Cap	Beret Cap Dark Blue with White Metal Crest for Traffic and TTR Police (For both NGO Grade-I and Grade-II)	-do-
2.	Peak Cap	Peak Cap Khaki colour with best peak/white colour with best peak/white metal crest and leather belt black attached with metal button. For NGO Grade-I in distts. & Armed Police.	All sizes.
3.	Cap Balaclava	Cap Balaclava Khaki Colour for difficult & remote places at 9000 feet & above.	Standard size.
4.	(i) Pagree for Sikh Police Personnel.	Pagree Khaki with White Metal Crest. Fifty of yellow salu cloth for Distts./ Armed Police	Cloth width 84 cms, Length not below 4 ½ meters (fifty size 66"x9 ½"), Crest height/width 4x3½ cms.
	(ii) Pagree for Sikh Police Personnel	Pagree Dark blue with white crest. Fifty of Yellow salu cloth for Traffic/TTR Police.	-do-
5.	(i) Shirts Terrykot	Terrykot Superior quality Wrinkle Free Khaki full sleeves NGOs pattern open with two breast pockets with flaps 4 Tich button. 12 buttons Khaki for Distts/Armed Police.	Pocket: Width 5 ¾ into 6¾ inches. Flap: 2 ½ inches Pocket Patti Width 1 ½ inches Cuffs: 2 ¾ inches Collar length: 3 ½ inches Shoulder flap: 6 inches into 2 ½ inches. Cloth Width 137/139 cms.
	(ii) Shirts Terrykot	Terrykot Superior quality Wrinkle Free White full sleeves NGOs pattern open with two breast pockets with flaps 4 Tich button. 12 buttons White for Traffic/TTR Police.	-do-
6.	(i) Shirts Angola for winters	Superior quality Wrinkle Free Khaki full sleeves NGOs pattern open with two breast pockets with flaps 4 Tich button. 12 buttons Khaki for Distts/Armed Police.	Same as for Terrykot Shirt Cloth Width 152 cms.

	(ii) Shirts Angola for winters	Superior quality Wrinkle Free White full sleeves NGOs pattern open with two breast pockets with flaps 4 Tich button. 12 buttons White for Traffic/TTR Police.	-do-
7.	White P.T.T. Shirt	White P.T.T. Shirt with collar, half sleeve.	All sizes
8.	Woolen Vests	V-shape Full sleeve (For remote areas at 9000 feet & above)	All sizes
9.	Under Pant	Men's wool cotton under pants (For remote areas at 9000 feet & above)	All sizes
10.	(i)Trousers Terrycot	Superior quality Wrinkle Free Terrycot Khaki. One back pocket without flap. One pocket on each side. Three loops for belt with buttons Khaki. Front loop with 2 hooks & Zip for Distts./Armed Police.	The bottom to measure 19 inches to 10 inches. Back pocket of 5 into 5 ½ inches. Length of loops for belt 3 inches. Front loop for hooks 3 inches. Cloth width 137/139 cms.
	(ii) Trousers Terrycot	Superior quality Wrinkle Free Terrycot Dark blue. One back pocket without flap. One pocket on each side. Three loops for belt with buttons Dark blue. Front loop with 2 hooks & Zip for Traffic/TTR Police.	-do-
11.	(I) Trousers Serge cloth for winters	Superior quality Wrinkle Free Woolen serge Khaki cloth. Pattern same as for terrycot uniform Distts./Armed Police.	Same as for Terrycot Trousers Width 142 cms.
	(ii) Trousers Serge cloth for winters	Superior quality Wrinkle Free Woolen serge dark blue cloth. Pattern same as for terrycot uniform for Traffic/TTR Police.	-do-
12.	Nikkar Terrycot (for training period only)	Superior quality Wrinkle Free Terrycot Khakhi. One back pocket without flap. One pocket on each side. Three loops for belt with buttons Khaki. Front loop with 2 hooks & Zip.	The Length to measure 17 inches to 18 inches. Back pocket of 5 into 5 ½ inches. Length of loops for belt 3 inches. Front loop for hooks 3 inches. Cloth width 137/139 cms.
13.	(i)Jersey for winters	Jersey woolen Khaki without pockets, Y Neck, plain knitted (worsted). For Distts/Armed Police.	All sizes. Border: 6 cms Arms Border: 7 cms.
	(ii) Jersey for winters	Jersey woolen Dark blue without pockets, Y Neck, plain knitted (worsted). For Traffic/TTR Police.	-do-
14.	(i)Jacket for winters (Distts. Police/Bns.)	Colour Khaki Jacket Waterproof 100% Polyester Cloth as per specification IS:391-1975 and	Jacket Size: Small, Medium & Large.

		IS/ISO:105:C10:B2-2010 with upto date amendments. Other specifications:- Inner Lining: 100% Polyester Cloth, Button VT8 metal Outer cloth Tapta Cloth with rubber coating for 100% water proofing. Polyfill Polyester fiber with density 100 GMS. Thread: Coats India 3 Ply 100% spun Polyester Khaki with word "Police" in Golden yellow in reflective type paint on back. (for Distts./Armed Police)	
	(ii) Jacket for winters (Traffic/TTR)	Colour Dark Blue Jacket Waterproof 100% Polyester Cloth as per specification IS: 391-1975 and IS/ISO:105:C10: B2-2010 with upto date amendments. Other specifications:- Inner Lining: 100% Polyester Cloth, Button VT8 metal Outer cloth Tapta Cloth with rubber coating for 100% water proofing. Polyfill Polyester fiber with density 100 GMS. Thread: Coats India 3 Ply 100% spun Polyester Dark Blue with word "Police" in Golden yellow in reflective type paint on back. (for Traffic/TTR Police)	Jacket Size: Small, Medium & Large.
15.	Parka Coat	Coat Parka O.G or any other suitable colour(for remote areas at 9000 feet and above)	Large size 34" & 32" Blow hood
16.	Ribbon for NGOs Grade I	Superior quality Golden Yellow and Dark blue silk cloth	Width 2 cms. (1 cm Blue & 1 cm yellow)
17.	Star for NGOs Grade-I	White Metal plain with five pointed stars.	Size: 3 ½ X 3 ½ cms
18.	Chevrons	Golden Yellow & Dark blue (Fused) II stripes for HHCs & III stripes for HCs as per existing pattern.	Width 12 ¾ cms Yellow Stripes width: 1 ½ cms. Width of blue portion between stripes: 1 cms. Width of blue border: ¼ cms.
19.	Name Tab	In silver zari letters with Black velvet cloth back with Velcro (English or Hindi)	Width 2.5 cms, letters width 1 cm
20.	Shoulder Badge	White Metal HPP badges	Half inch block letters
21.	Cap Badge	White Metal HPP Cap badges	Crest Height/Width 4 X 3 ½ cms. (part of beret cap but R/C of this items required to be issue separately
22.	Insignia Dog squad	Insignia of a Dog, fused above name plate fused	Height 7 cms. Width 6 cms.

23.	Insignia Mounted Police	Insignia of a Horse, fused above name plate fused	Height 7 cms. Width 6 cms.
24.	Insignia of Tourist Police	Insignia of a Tourist police, fused above name plate fused	Height 7 cms. Width 6 cms.
25.	Insignia investigation Officers	Insignia of Investigation Officer, fused above name plate fused	Height 7 cms. Width 6 cms.
26.	Formation sign	Formation sign (Fused/tich button) (Distt./Bn.)	Height 7 cms., Width 6 cms.
27.	Whistle Cord silken khaki & Blue	Whistle Cord Superior quality Khaki and Blue silken (Traffic/ TTR) as per police pattern.	All sizes
28.	Whistle Metropolitan	Whistle Metropolitan style Superior quality as per prescribed pattern.	-do-
29.	(i) Belt	Brown leather Belt with Buckle without loop & eyelets. (for NGO Grade-I of distts. & Bns.)	Length 138 cms. Open full Width 6 ½ cms. With eyelets Fitting Carbon steel
	(ii) Belt	Web Belt Nylon Black with Buckles without loop & eyelets. (NGO Grade-II).	Length 138 cms. Open full Width 6 ½ cms. With eyelets Fitting Carbon steel
30.	(i) Socks for Summer	Socks Nylon Khaki plain knitted	All sizes
	(ii) Socks for summer	Socks Nylon black plain Knitted for Traffic/TTR Police	-do-
31.	(i) Socks for Winters	Socks Woolen Khaki Plain knitted.	-do-
	(ii) Socks for Winter	Socks Woolen blue plain knitted for Traffic/TTR Police.	-do-
32.	(i) Ankle Boot Brown	(i) Ankle Boot Brown rubber sole (DMS) Army Pattern (NGO Grade-I, Distts. & Bns).	All Sizes
	(ii) Ankle Boot Black	(ii) Ankle Boot black rubber sole (DMS) Army Pattern (NGO Grade-II Distts. & Bns.)	All Sizes
33.	(i) Derby Shoes Brown	Derby Shoes Brown rubber sole (NGO Grade-I district Police & Bns.)	All Sizes
	(ii) Derby Shoes Black	Derby Shoes Black rubber sole (NGO Grade-II district & Bns.)	All Sizes
34.	P.T. Shoes	P.T. Shoes canvas White/Brown rubber sole with fabric laces.	All sizes. Pattern as per Police Force.
35.	Hunter Boot	Hunter Boot (jungle boot) O.G. colour (For remote areas at 9000 feet & above) in place of P.T. Shoes.	Size 5 to 11. As per Police Pattern.
36.	Gloves Leather	Chrome Leather Khaki	All sizes

37.	Ground Sheet	Colour Khaki or any suitable Canvas	Ground Sheet Sizes 1800X900 mm i.e. 6'X3' with eyelets
38.	(i) Sleeping Bags or	Sleeping Bags O.G. or any other suitable colour (for remote areas at 9000 feet & above)	Standard size
	(ii) Blanket Woolen	Woolen Dyed Natural Grey (For remote areas at 9000 Ft. & above)	Standard size

PART-II**MUSTER PATTERN FOR ARTICLES TO BE ISSUED ON NEED BASIS**

These articles are required to be issued on need basis according to requirements for various duties and returned back after duty.

Sr. No.	Items	Existing Pattern	Size
1.	Hackle	Golden Yellow & Dark Blue (ceremonial duties) Superior quality Feather	High-15 cms.
2.	Peak Cap	Peak Cap Khaki with black visor of Rexene, Golden Yellow Band & HPP Crest during ceremonial occasions.	Cap all sizes, black Leather belt of 2 cms width above visor yellow band of 2 cms width above Leather belt.
3.	Helmet Traffic	Helmet Should be replaced by one side folded hat colour white with tape & badge.	All Size
4.	Helmet Mounted	Helmet fiber glass leather finish with crest for Mounted Police personnel.	Helmet all sizes. Crest high/Width 4X3 ½ cms
5.	Kullah	Kullah Golden Yellow during ceremonial occasions.	Height 21 ½ cms. As per Police pattern.
6.	Safa	Superior quality cotton calico cloth Safa Khaki during ceremonial occasion.	Width 84 cms length not below 4 ½ Mtrs.
7.	Safa Band	Band yellow cloth with crest during ceremonial occasions.	Band Width 7 cms Crest height 6 cms width 5 ½ cms
8.	Safa Fringes	Golden Yellow & Dark Blue cloth with silken fringe as per Police pattern during ceremonial occasions.	Length 84 cms width 24 cms. and yellow silken fringe 6 cms.
9.	Turah	Dark Blue & Golden yellow, Double with lining of buckram during ceremonial occasions.	Height: 23 cms. Width: 61 cms.
10.	Pallu Yellow	As per Police pattern for ceremonial occasions.	Length: 59 cms. Width: 43 cms.
11.	Scarf HPP	Scarf Dark Blue & Golden yellow with silve embroidery HPP Crest during ceremonial occasions.	Scarf neck belt width 5 cms Scarf width 18 cms. Length 26 cms below neck belt.
12.	Shoulder Flap	Shoulder Flap Dark blue & Golden yellow Nylon cloth with lining of Buckram for NGOs Grade-II during ceremonial duties.	Width 4 cms (2cms each of blue/yellow portion)

13.	Kamar Band	Kamar band Dark blue & Golden yellow Nylon cloth with lining of Buckram (ceremonial occasions)	Width 11 ½ cms, length as per measures of individuals
14.	Anklelets White	Anklelets with zipper Size-1 Mounted Police- Size-2	Height Front -35 cms. Back-28 cms. Front-38 cms Back-33 cms.
15.	Gloves White	Gloves plain knitted for ceremonial	Border-7 ½ cms.
16.	Revolver Lanyard	Revolver Lanyard Khaki (NGO Gd-I)	Length-36" (Double) with Aluminium Hook
17.	Brown Leather Revolver Holster	Brown leather revolver holster for NGO-Gd-I.	Length -7½" Width-4" Standard make Leather Boundary 3 Buckle
18.	Ammunition Pouch	Ammunition Pouch Nylon Khaki canvas	Standard size
19.	Cane stick	Cane stick leather with HPP monogram as per prescribed pattern.	Size length 36 ½ " Dia-1"
20.	Accessories for belt	For carrying, Plastic sticks & Wireless set	Standard size
21.	Frog Web	Nylon Black	Standard size
22.	Breaches for Mounted Police	Drill cloth Khaki Colour	Standard size
23.	Putties for Mounted Police	Full putties woolen serge Khaki Colour	Standard size
24.	Snow Goggle	As prescribed for snow areas at 9000 feet & above.	As per Police pattern. All sizes
25.	Overall (Dungaree)	Overall (Dungaree) Camouflage as per Police pattern.	All sizes
26.	(i) Rain Coat	Rain Coat Khaki colour for Distt/ Armed Police.	Standard size
	(ii) Rain Coat Rain	Coat black colour for Traffic/TTR Police.	Standard size
27.	Gilgit Boot	Gilgit Boots combat rubber White for places 9000 feet & above.	All sizes
28.	Mosquito Net	Cotton Mosquito Net (curtain) Round mesh netting colour khaki	Size 195X140X95 cms.
29.	Bed for NGOs Grade-II	Steel Bed Police pattern made of 25 mm, 16 gauge round pipe with ply or niwar.	Ply Size 1800x900x450mm

PART-III**QUANTITY AND MINIMUM DURATION PERIOD OF UNIFORM ARTICLES**

Sr. No.	Name of item	Initial issue	Duration period	Regular issue	Duration period
1.	(i) Beret Cap (NGO Gd.I)	2	3 years	1	2 year
	(ii) Beret Cap (NGO Gd.II)	2	2 years	1	1 year

2.	Peak Cap	1	4 Years	1	4 years
3.	Cap Balaclava (for remote areas at 9000 Ft. & above)	1	1 year	1	1 year
4.	Pagree	2	3 years	1	1 years
5.	(i) Shirts Terrycot	2	2 years	1	1 years
	(ii) Shirt for PTC Instructors during their tenure as instructors	1	1 year	1	1 year
6.	Shirts Angola for winters	2	3 years	1	2 years
7.	White PTT Shirt	2	1 year	1	1 year
8.	Woolen Vest (For remote areas at 9000 Ft. & above)	2	1 years	1	9 months
9.	Under Pant -do-	2	1 year	1 year	9 months
10.	(i)Trousers Terrycot	2	2 years	1	1 years
	(ii)Trousers of PTC Instructors during their tenure as instructors.	1	1 year	1	1 year
11.	Trousers Serge cloth for winters	2	3 years	1	2 years
12.	Nikkar Terrycot (for training period only)	2	For Training period only	2	For training period only
13.	Jersey for winters	2	3 years	1	2 years
14.	Jacket for winters	1	3 years	1	3 years
15.	Parka Coat (For remote areas at 9000 Ft. & above)	1	3 years	1	3 years
16.	Ribbon for NGOs Grade-I	1 Mtr.	When found unserviceable	1 mtr.	When found unserviceable
17.	Star for NGOs Grade-I	2 Set	-do-	1 set	-do-
18.	Chevrons	2 pair	When found unserviceable	1 Pair	When previous issued found unserviceable
19.	Name Tab	1	-do-	1	-do-
20.	Shoulder Badge	2 Pairs	-do-	1 pair	-do-
21.	Cap Badges	2 Pairs	-do-	1 pair	-do-
22.	Insignia Dog squad	2 Nos.	-do-	1 No.	-do-
23.	Insignia Mounted Police	2 Nos.	-do-	1 No.	-do-
24.	Insignia of Tourist Police	2 Nos.	-do-	1 No.	-do-
25.	Insignia Investigation Officers	2 Nos.	-do-	1 No.	-do-
26.	Formation Sign	2 Nos.	-do-	1 No.	-do-
27.	Whistle Cord silken Khaki & Blue	1 Nos.	-do-	1 No.	-do-
28.	Whistle	1 Nos.	-do-	1 No.	-do-
29.	Belt	1 Nos.	-do-	1 No.	-do-
30.	Socks for Summer	2 Pairs	1 Year	1 Pair	6 months

31.	Socks for Winters	2 Pairs	1 year	1 pair	-do-
32.	Ankle Boot Brown/ Black Leather	1 pair	3 year	1 pair	3 year
33.	Derby Shoes (Brown/Black)	2 Pair	2 years	1 pair	1 year
34.	P.T. Shoes	1 pair	6 months	1 pair	6 months
35.	Hunter Boot (For remote areas at 9000 Ft. above)	1 pair	6 months	1 pair	6 months
36.	(i) Leather Gloves Khaki	1	3 year	1	3 years
	(ii) Leather Gloves Khaki (for remote areas at 9000 Ft. & above)	1	1 year	1	1 year
37.	Ground Sheet.	1 No.	When found unserviceable	1 No	When found unserviceable
38.	(i) Sleeping Bags or (9000 Ft. & above)	1	3 years	1	3 years
	(ii) Barrack Blanket -do-	5	3 years	2	1 ½ years

Note.—The Upper & lower subordinates of Railway Police will wear the same uniform and equipment as the District Police.

By order,
Sd/-
Principal Secretary (Home).

गृह विभाग

अधिसूचना

शिमला-2, 19 अगस्त, 2016

संख्या: गृह-(ए) बी (1)-11/2015.—हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश पुलिस अधिनियम, 2007 (2007 का अधिनियम संख्यांक 17) की धारा 11 की उपधारा (1) और धारा 82 की उपधारा (4) के साथ पठित दण्ड प्रक्रिया संहिता, 1973 की धारा 2 के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उपरोक्त अधिनियम के अधीन रिपोर्टिड साइबर क्राईम मामलों के रजिस्ट्रीकरण और अन्वेषण को सुकर बनाने के लिए, इस अधिसूचना के राजपत्र (ई-गजट), हिमाचल प्रदेश में प्रकाशन की तारीख से, राज्य गुप्तचर (सीआईडी) विभाग के मुख्यालय शिमला में, साइबर क्राईम पुलिस थाना, जिसकी अधिकारिता पूरे राज्य में होगी, सृजित करते हैं।

आदेश द्वारा,
हस्ताक्षरित /—
प्रधान सचिव (गृह)।

[Authoritative English text of this Department Notification No. Home-(A)B(1)-11/2015 dated 19th August, 2016 as required under Article 348(3) of the Constitution of India.]

HOME DEPARTMENT

NOTIFICATION

Shimla-2, the 19th August, 2016

No. Home-(A)B(1)-11/2015.—In exercise of the powers conferred by clause(s) of section 2 of the Code of Criminal Procedure, 1973 read with sub-section (1) of section 11 and subsection (4) of section 82 of the Himachal Pradesh Police Act, 2007 (Act No. 17 of 2007), the Governor, Himachal Pradesh is pleased to create a Cyber Crime Police Station, with Statewide jurisdiction, to facilitate the registration and investigation of Cyber Crime Cases reported under the aforesaid Act, with Head Quarter of State Criminal Investigation Department at Shimla, with effect from the date of publication of this Notification in the Rajpatra (e-Gazette), Himachal Pradesh.

By order,
Sd/-
Principal Secretary (Home).

उद्योग विभाग

अधिसूचना

शिमला-171002, 22 अगस्त, 2016

संख्या: इण्ड-बी-एफ-(6)-31/2016.—हिमाचल प्रदेश के राज्यपाल खान और खनिज (विकास और विनियमन) अधिनियम, 1957 की धारा 9 ख, धारा 15 और धारा 15 क द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित नियम बनाते हैं; अर्थात् :—

1. संक्षिप्त नाम और प्रारम्भ.—(1) इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश जिला खनिज संस्थान न्यास नियम, 2016 है ।

(2) ये नियम राजपत्र, हिमाचल प्रदेश में प्रकाशन की तारीख से प्रवृत्त होंगे ।

2. परिभाषाएं—(1) इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो .—

(क) “अधिनियम” से खान और खनिज (विकास और विनियमन) अधिनियम, 1957 अभिप्रेत है;

(ख) “प्रभावित क्षेत्र” से प्रबन्ध समिति द्वारा यथा चिन्हित खनन् या खनिज से सम्बन्धित प्रचालनों द्वारा प्रभावित क्षेत्र अभिप्रेत हैं और इनके अन्तर्गत प्रत्यक्षतः या अप्रत्यक्षतः प्रभावित क्षेत्र हैं;

स्पष्टीकरण,—इस खण्ड के प्रयोजन के लिए,—

(i) “प्रत्यक्षतः प्रभावित क्षेत्र” से वे क्षेत्र अभिप्रेत हैं जहां खनन् या खनन् से सम्बन्धित प्रचालन, जैसे कि सज्जीकरण और अपशिष्ट व्ययन (अतिभार क्षेपण भूमि और अपशिष्ट पोखर आदि) किए जाते हैं। इसके अन्तर्गत खनन् पट्टे की सीमा से 300 मीटर की परिधि में आने वाले गांव या क्षेत्र भी हैं;

(ii) “अप्रत्यक्षतः प्रभावित क्षेत्र” से खनन् पट्टे की सीमा से 300 मीटर से दो किलोमीटर की परिधि के क्षेत्र अभिप्रेत हैं; और

(iii) कोई अन्य क्षेत्र जो प्रबन्ध समिति द्वारा चिन्हित किया जाए ;

(ग) “प्रभावित व्यक्ति” से केवल वे व्यक्ति अभिप्रेत हैं जो खनन् या खनन् से सम्बन्धित प्रचालनों द्वारा प्रत्यक्षतः प्रभावित है और इसके अन्तर्गत वे व्यक्ति भी हैं जिनके खनित भूमि पर विधिक और उपजीविकाजन्य अधिकार हैं ।

स्पष्टीकरण,—इस खण्ड के प्रयोजन के लिए, —

(i) “प्रभावित कुटुम्ब” के अन्तर्गत ऐसा कुटुम्ब भी है जिसकी भूमि या अन्य अचल सम्पत्ति का खनन् या खनन् सम्बन्धी प्रचालनों के लिए अर्जन किया गया है और उस कुटुम्ब की अपनी कोई भूमि नहीं है किन्तु ऐसे कुटुम्ब का/के सदस्य धृति के किसी रूप सहित काश्तकार या भोगाधिकार वाला/वाले या शिल्पकार (कारीगर) या जो खनन् या खनन् से सम्बन्धित प्रचालनों के लिए भूमि के अर्जन से पूर्व तीन वर्ष से प्रभावित क्षेत्र में कार्य कर रहा है/रहे हैं जिसकी/जिनकी आजीविका का मुख्य स्रोत भूमि के ऐसे अर्जन द्वारा प्रभावित हुआ है;

(ii) “विस्थापित कुटुम्ब” से ऐसा कुटुम्ब अभिप्रेत है जिसे खनन् या खनन् से सम्बन्धित प्रचालनों के लिए भूमि के अर्जन के कारण प्रभावित क्षेत्र से पुनर्वास क्षेत्र में पुनः व्यवस्थित और पुनर्व्यवस्थापित किया गया है;

स्पष्टीकरण,—पुनर्व्यवस्थापित क्षेत्र वे क्षेत्र हैं जहां प्रभावित कुटुम्ब, जो भू-अर्जन के परिणामस्वरूप विस्थापित हुए हैं, पुनर्व्यवस्थापित किए गए हैं;

(iii) कोई अन्य कुटुम्ब जिसकी प्रबंध समिति द्वारा पहचान की जाए;

(घ) “हिताधिकारी” से क्षेत्र में किए गए खनन् प्रचालनों से प्रभावित व्यक्ति और क्षेत्र अभिप्रेत है;

(ङ) “अभिदाय” से नियम 13 में यथा विनिर्दिष्ट जिला में खनन् पट्टा या पूर्वक्षित (भावी) अनुज्ञप्ति एवं खनन् पट्टा या संविदा या अनुज्ञा धारकों से संगृहीत किया जाने वाला अभिदाय अभिप्रेत है;

(च) “विभाग” से उद्योग विभाग, हिमाचल प्रदेश अभिप्रेत है;

(छ) “जिला मजिस्ट्रेट” से जिला स्तर पर राजस्व प्रशासन का प्रमुख अभिप्रेत है चाहे उपायुक्त या जिला कलक्टर पदाभिहित हो;

(ज) “प्ररूप” से इन नियमों से संलग्न प्ररूप अभिप्रेत है;

(झ) “सरकार” से हिमाचल प्रदेश सरकार अभिप्रेत है;

(ञ) “शासी परिषद” से जिला खनिज संस्थान न्यास के समस्त न्यासी अभिप्रेत है;

(ट) “अनुसूची” से अधिनियम से संलग्न अनुसूची अभिप्रेत है;

(ठ) “धारा” से अधिनियम की धारा अभिप्रेत है;

(ड) “व्यवस्थापक” से सचिव, उद्योग, हिमाचल प्रदेश सरकार अभिप्रेत है;

(ढ) “न्यास” से अलाभकारी निकाय के रूप में सृजित सरकार द्वारा स्थापित व्यवस्थापक द्वारा जिला खनिज संस्थान न्यास अभिप्रेत है; और

(ग) “वर्ष” से प्रथम अप्रैल से प्रारम्भ होने वाला तथा आगामी वर्ष के 31 मार्च को समाप्त होने वाला या उसके भाग का वित्तीय वर्ष अभिप्रेत है ।

(2) उन समस्त शब्दों और पदों के, जो इनमें प्रयुक्त हैं किन्तु परिभाषित नहीं हैं, वही अर्थ होंगे जो अधिनियम में क्रमशः उनके हैं ।

3. न्यास का नाम.—न्यास “जिला खनिज संस्थान न्यास” के नाम से ज्ञात होगा और इसका कार्यालय जिला के जिला खनन् अधिकारी के कार्यालय में अवस्थित होगा ।

4. न्यास के उद्देश्य.—न्यास के निम्नलिखित उद्देश्य हैं.—

- (i) खनन् और खनन् से सम्बन्धित प्रचालनों द्वारा प्रभावित व्यक्तियों और क्षेत्रों के हित और प्रसुविधा के लिए कार्य करना;
- (ii) जिला खनिज संस्थान में संचित निधियों का इन नियमों के अनुसार उपयोग करना; और
- (iii) निधियों का अन्य किसी प्रयोजन जिसे न्यासी सम्बद्ध जिला में खनिज विकास के हित में विनिश्चित करना वांछित या समीचीन समझे, के लिए उपयोग करना ।

5. न्यास का गठन.—न्यास का गठन निम्न प्रकार से होगा :—

क्रम संख्या	पद नाम	शासी परिषद् में पदनाम
1.	उपायुक्त	अध्यक्ष,
2.	अरण्यपाल	सदस्य,
3.	अधीक्षण अभियन्ता, हिमाचल प्रदेश लोक निर्माण विभाग	सदस्य,
4.	अधीक्षण अभियन्ता सिंचाई एवं जनस्वास्थ्य विभाग, हि0प्र0	सदस्य,
5.	मुख्य चिकित्सा अधिकारी	सदस्य,
6.	महा प्रबन्धक, जिला उद्योग केन्द्र	सदस्य,
7.	भू-विज्ञान खण्ड से दो प्रतिनिधि	सदस्य,
8.	वन विभाग/प्रदूषण नियंत्रण बोर्ड/भू-विज्ञान खण्ड से दो विख्यात व्यक्ति	सदस्य, और
9.	खनन् अधिकारी	सदस्य सचिव ।

6. नियुक्ति और घोषणा.—(1) व्यवस्थापक, न्यास को न्यासियों को ऐसे निबंधनों और शर्तों पर, जो सचिव (उद्योग) हिमाचल प्रदेश सरकार के माध्यम से सरकार और न्यासियों के मध्य प्ररूप-क में निष्पादित किए जाने वाले न्यास विलेख में करार पाई जाएं, यथास्थिति, नियुक्त या नामनिर्देशित करेगा ।

(2) पदाभिधान से नियुक्त न्यासी तब तक न्यासी बने रहेंगे जब तक वे पद पर बने रहते हैं और जब उस पद, जिसके फलस्वरूप वे इस पद पर नियुक्त किए गए थे, पर नहीं रह जाते हैं तो उन्हें न्यासी नहीं समझा जाएगा और पद पर उनके उत्तरवर्ती, उनके ऐसे पद ग्रहण की तारीख से, उनके स्थान पर न्यासी के रूप में नियुक्त किए गए समझे जाएंगे ।

(3) नामनिर्दिष्ट न्यासियों की पदावधि न्यासियों के रूप में उनके नामनिर्देशन की तारीख से तीन वर्ष होगी । नामनिर्देशन प्राधिकारी ऐसे न्यासियों को एक और अविध के लिए पुनः नामनिर्दिष्ट कर सकेगा या उनके स्थान पर अन्य व्यक्तियों को नामनिर्दिष्ट कर सकेगा परन्तु ऐसे नामनिर्दिष्ट न्यासियों की पदावधि किसी भी दशा में दो पदावधियों से अधिक नहीं होगी ।

(4) व्यवस्थापक किसी भी समय, किसी भी प्रवर्ग में, ऐसी पदावधि के लिए, जैसी वह उचित समझे, किन्तु जो दो से अधिक नहीं होगी, न्यासियों की संख्या बढ़ा सकेगा ।

(5) व्यवस्थापक किसी भी समय, मात्रा अपने अनन्य स्वविवेक पर किसी दूसरे व्यक्ति को न्यासी के रूप में नामनिर्दिष्ट कर सकेगा ।

(6) व्यवस्थापक किसी भी समय, प्रत्यक्षतः प्रभावित क्षेत्रों के कम से कम 51 प्रतिशत प्रभावित व्यक्तियों के प्रतिवेदन पर किसी न्यासी को हटा सकेगा । व्यवस्थापक द्वारा इस प्रकार हटाया गया न्यासी, ऐसे हटाए जाने की तारीख से, न्यासी नहीं रहेगा ।

7. न्यास का प्रबन्धन.—न्यास का प्रबन्धन शासी परिषद् में निहित होगा जिसमें न्यास के समस्त सदस्य सम्मिलित होंगे । तथापि न्यास का दिन-प्रतिदिन के प्रबन्धन की व्यवस्था नियम 11 में यथा परिभाषित समिति द्वारा की जाएगी । व्यवस्थापक किसी भी समय प्रबन्धन समिति की संरचना में परिवर्तन कर सकेगा ।

8. न्यास के विनिश्चय.—(1) न्यास के समस्त विनिश्चय शासी परिषद् की बैठक में लिए जाएंगे और शासी परिषद् की प्रत्येक बैठक न्यास की बैठक समझी जाएगी ।

(2) शासी परिषद् के समस्त विनिश्चय उपस्थित और मत देने वाले सदस्यों के बहुमत द्वारा किए जाएंगे । मत बराबर होने की दशा में अध्यक्ष का निर्णायक मत होगा ।

9. शासी परिषद् की शक्तियां और कृत्य.—निम्नलिखित करना शासी परिषद् का उत्तरदायित्व होगा,—

- (i) न्यास के कार्यकरण के लिए व्यापक पॉलिसी की रूप रेखा अधिकथित करना और समय-समय पर इसके कार्य की समीक्षा करना;
- (ii) न्यास की वार्षिक कार्य योजना और वार्षिक बजट के लिए रूप रेखा तैयार करने और उसे अनुमोदित करना । वार्षिक कार्य योजना शासी परिषद् द्वारा तैयार और अनुमोदित की जाएगी । वार्षिक कार्य योजना में उसके अनन्तिम प्रावधानों सहित स्कीमों और परियोजनाओं की सूची अन्तर्विष्ट होगी :

परन्तु आगामी वित्तीय वर्ष के लिए वार्षिक कार्य योजना तैयार करते समय पूर्ववर्ती प्रतिबद्धताओं और छलके हुए उत्तरदायित्वों की कुल रकम का निर्धारण किया जाएगा;

- (iii) वित्तीय अनुशासन बनाए रखना और परियोजना को समय पर पूर्ण करना, पूर्ववर्ती उत्तरदायित्वों और प्रतिबद्धताओं और प्रस्तावित की जा रही नई स्कीमों की कुल रकम किसी भी दशा में आगामी वित्तीय वर्ष के लिए संभावित अन्तर्वाह के दुगुने से अधिक नहीं होगी;
- (iv) न्यास के उद्देश्यों को अग्रसर करने में उपलब्ध न्यास निधि से, ऐसी रीति में, जो व्यवस्थापक द्वारा निदेशित की जाए, ऐसे अन्य व्यय का अनुमोदन करना;
- (v) प्रबन्ध समिति की सिफारिशों का अनुमोदन करना; और
- (vi) न्यास की वार्षिक रिपोर्टें और संपरीक्षित लेखों का अनुमोदन करना ।

10. न्यास की बैठकें.—(1) शासी परिषद् प्रत्येक छह मास में कम से कम एक बार बैठक करेगी ।

2. शासी परिषद् की बैठक (बैठकें) शासी परिषद् के सदस्य-सचिव द्वारा बुलाई जा सकेंगी । ऐसी बैठक (बैठकों) की कार्यसूची बैठक (बैठकों) की तारीख से कम से कम एक मास पूर्व शासी परिषद् के साथ सांझा की जाएगी और शासी परिषद् के 51 प्रतिशत सदस्यों द्वारा इसकी पुष्टि की जाएगी ।

3. प्रबन्ध समिति की बैठक तीन मास में की जाएगी और इसका आयोजन ऐसे किया जाएगा जैसा प्रबन्ध समिति द्वारा विनिश्चित किया जाए ।

4. शासी परिषद् और प्रबन्ध समिति की ऐसी बैठकों के लिए कुल सदस्यों के पचास प्रतिशत से गणपूर्ति होगी ।

11. प्रबन्ध समिति.—न्यास के कार्यकलाप प्रबन्ध समिति द्वारा प्रबन्धित किए जाएंगे जो निम्नलिखित से गठित होगी,—

- | | | |
|---|---|--------------|
| (1) सम्बद्ध जिला का उपायुक्त | — | अध्यक्ष, |
| (2) महाप्रबन्धक, जिला उद्योग केन्द्र | — | सदस्य, |
| (3) सम्बद्ध जिला का अधीक्षण अभियन्ता,
सिंचाई एवं जनस्वास्थ्य विभाग | — | सदस्य, |
| (4) सम्बद्ध जिला का खनन् अधिकारी | — | सदस्य सचिव । |

12. प्रबन्ध समिति की शक्तियां और कृत्य.—(i) न्यास के हितों के संरक्षण के लिए इनके अपने कर्तव्यों को कार्यान्वित करने के लिए सम्यक तत्परता बरतेगी;

- (ii) अधिनियम के उपबन्धों के अनुसार सम्बद्ध खनिज रियायत धारकों से अंशदान निधि का समय पर संग्रहण सुनिश्चित करेगी ।
- (iii) न्यास के क्रियाकलापों के लिए मास्टर प्लान/विजन डॉक्युमेंट तैयार करेगी ।
- (iv) प्रस्तावित स्कीमों और परियोजनाओं सहित न्यास की वार्षिक योजना और वार्षिक बजट को तैयार करने में सहायता करेगी ।
- (v) वार्षिक योजना और अनुमोदित स्कीमों और परियोजनाओं का पर्यवेक्षण और उनका निष्पादन सुनिश्चित करेंगी ।
- (vi) राज्य सरकार द्वारा विहित सम्यक् प्रक्रिया अपनाने के पश्चात् निष्पक्ष और पारदर्शी रीति में प्रदान की गई परियोजनाओं और संकर्मों को मंजूरी देगी और आशयित प्रयोजन के लिए न्यास निधि का निर्मोचन और वितरण करेगी ।
- (vii) न्यास निधि का प्रचालन (संक्रिया) करेगी और तत्पर रीति में उसका विनिधान करेगी तथा न्यास के नाम से बैंक खाते खोलेगी और ऐसे खातों और विनिधानों का प्रचालन करेगी ।
- (viii) न्यास निधियों के उपयोजन की प्रगति को मॉनिटर करेगी ।
- (ix) वित्तीय वर्ष की समाप्ति के साठ दिन के भीतर वार्षिक रिपोर्ट सहित संपरीक्षित लेखों को इसके अनुमोदन के लिए शासी परिषद् के समक्ष रखेगी, और
- (x) समस्त ऐसे अन्य कार्य करेगी जो न्यास के निर्बाध कार्यान्वयन और प्रबन्धन के लिए आवश्यक हों ।

13. न्यास निधि में अभिदान (12जनवरी 2015 से लागू).—न्यास निधि में निम्नलिखित सम्मिलित होगा :—

- (i) प्रमुख खनिजों की दशा में :—

(क) खनन् पट्टे, यथास्थिति, 12 जनवरी, 2015 को या उसके पश्चात् प्रदान की गई भावी अनुज्ञप्ति-एवं-खनन् पट्टे की बाबत खान और खनिज (विकास और विनियमन) अधिनियम, 1957 (1957 का 67) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की द्वितीय अनुसूची के निबंधनों के अनुसार संदत्त रॉयलेटी (स्वामित्व) का 10 प्रतिशत; और

(ख) 12 जनवरी, 2015 से पूर्व प्रदान किए गए खनन् पट्टों की बाबत उक्त अधिनियम की द्वितीय अनुसूची के निबंधनों के अनुसार संदत्त रॉयलेटी (स्वामित्व) का 30 प्रतिशत; और

(ग) या जो समय-समय पर केन्द्रीय सरकार द्वारा विहित की जाए ।

(ii) **गौण खनिजों की दशा में :—**प्रत्येक खनिज रियायत/ संविदा का धारक, रॉयलेटी, (स्वामित्व) के अतिरिक्त जिला, जिसमें खनन् प्रचालन कार्यान्वित किए जा रहे हैं, जिला खनिज संस्थान न्यास को निम्नलिखित दरों या जैसी समय-समय पर सरकार द्वारा अधिसूचित की जाए, रकम संदत्त करेगा:—

(i)	साधारण मिट्टी/ईट मिट्टी/ स्लेटी पत्थर (शैल)	पारेषित खनिज का 1/— रुपया प्रति टन, और
(ii)	समस्त अन्य खनिज	पारेषित खनिज का 10/— रुपए प्रति टन ।

14. न्यास निधि का प्रचालन (संक्रिया).—(1) न्यास निधि एक या एक से अधिक अनुसूचित बैंकों में या न्यास के नाम बैंक खाता (खातों) के माध्यम से रखी जाएगी और समस्त ऐसे खातों अध्यक्ष और सदस्य-सचिव के सुयुक्त हस्ताक्षरों के अधीन प्रचालित किए जाएंगे ।

(2) न्यास इस निधि की लेखा पुस्तकों का अनुरक्षण करेगा ।

15. न्यास निधि के व्यय.—(1) न्यास निधि का सर्वथा खनन् या खनन् सम्बन्धी प्रचालनों द्वारा प्रभावित व्यक्तियों और क्षेत्रों की प्रसुविधा और उनके सामाजिक और आर्थिक उत्थान के लिए उपयोग किया जाएगा । जहां तक सम्भव हो, निधि प्रत्येक खान के अभिदान के अनुपात में उपयोजित की जाएगी ।

(2) वर्ष में न्यास निधि में संभाव्य प्राप्त होने वाली कुल रकम विभिन्नतया निम्नलिखित प्रयोजनों के लिए निर्धारित की जाएगी :—

(क) कुल निधि का दस प्रतिशत, प्रभावित क्षेत्रों में खनन् क्रियाकलाप बन्द होने के साथ-साथ आपातकालीन स्थितियां जैसे कि प्रभावित क्षेत्रों में प्राकृतिक आपदाओं (जो न्यास द्वारा आपदा समझी जाए) के लिए भविष्य में उपयोग हेतु राष्ट्रीयकृत बैंक में जमा किया जाएगा;

(ख) प्रत्यक्षतः प्रभावित क्षेत्रों में 50 प्रतिशत से कम खर्च नहीं किया जाएगा;

(ग) 10 प्रतिशत से अधिक न्यास के प्रशासनिक व्ययों के रूप में उपयोग नहीं किया जाएगा; और

(घ) शेष का 30 प्रतिशत अप्रत्यक्षतः प्रभावित क्षेत्रों में उपयोजित किया जाएगा;

(3) न्यास के पास उपलब्ध निधियां निम्नलिखित के लिए उपयोजित की जाएगी,—

प्रत्यक्षतः प्रभावित व्यक्तियों के प्रसुविधा हिस्सेदारी प्रत्यक्ष धनीय प्रसुविधा निम्नलिखित रीति में उपलब्ध करके और प्रत्यक्ष धनीय प्रसुविधा ऐसी खान के कुल अभिदान का 20 प्रतिशत से अधिक नहीं होगा:—

(i) धनीय प्रसुविधा के हकदार व्यक्ति या कुटुम्ब को उसे या तो मासिक आधार पर या वार्षिक आधार पर संदत्त किया जाएगा;

- (ii) ऐसे धनीय संव्यवहार के लिए बैंक खाता कुटुम्ब की महिला मुखिया के नाम से खोला जाएगा । महिला मुखिया की अनुपस्थिति में खाता प्रभावित कुटुम्ब के किसी अन्य उपयुक्त सदस्य के नाम से खोला जाएगा;
- (iii) प्रत्येक वित्तीय वर्ष के प्रारम्भ पर संदेय धनीय प्रसुविधा की रकम न्यास की प्रबन्ध समिति द्वारा विनिश्चित की जाएगी;
- (iv) अनिवार्य सेवाओं और अवसंरचना के लिए सहायता के लिए जैसे कि ,—
- (क) **पेयजल प्रसुविधा**—नल, जल आपूर्ति प्रणाली को बिछाने सहित पेयजल प्रदाय केन्द्रीयकृत शुद्धीकरण प्रणालियां;
- (ख) पर्यावरण संरक्षण और प्रदूषण नियन्त्रण उपाय—क्षेत्र में झरनों, झीलों, तालाबों, भू-गर्भ जल, अन्य जल स्रोतों का प्रदूषण निवारण, खनन प्रचालनों और क्षेपण भूमि, खान निकास प्रणाली, खान प्रदूषण निवारण प्रविधियों द्वारा कारित वायु और धूल प्रदूषण नियन्त्रित करने के लिए उपाय तथा पर्यावरण हितैषी और धारणीय (चिरस्थायी) खान विकास के लिए अपेक्षित सक्रिय या परित्यक्त खानों और अन्य वायु, जल और सतह के प्रदूषण नियन्त्रण क्रियाविधि के लिए उपाय;
- (ग) **स्वास्थ्य देखभाल**—प्रभावित क्षेत्रों में प्रारम्भिक/अनुषंगी स्वास्थ्य देखभाल प्रसुविधाओं का सृजन करने पर अवश्य ध्यान केन्द्रित होना चाहिए । केवल स्वास्थ्य देखभाल अवसंरचना के सृजन (निर्माण) को ही महत्व नहीं देना चाहिए अपितु आवश्यक उपस्करों और ऐसी प्रसुविधाओं को कारगर बनाने के लिए अपेक्षित औषध आपूर्ति की व्यवस्था करने के लिए भी देना चाहिए। स्थानीय निकायों, राज्य और केन्द्रीय सरकार की विद्यमान स्वास्थ्य देखभाल अवसंरचना का अनुपूरण करने और समाभिरूपता में कार्य करने का होगा । खनन सम्बन्धित रोगों और बीमारियों की देखभाल करने के लिए आवश्यक विशेष अवसंरचना डिजाइन करने के लिए राष्ट्रीय खान स्वास्थ्य संस्थान के पास उपलब्ध विशेषज्ञता का ध्यान रखा जाना चाहिए । खनन से प्रभावित व्यक्तियों की स्वास्थ्य देखभाल हेतु सामूहिक बीमा योजना भी कर्यान्वित की जाए ;
- (घ) शिक्षा—शौचघर ब्लॉकों का सन्निर्माण, पेयजल व्यवस्था, क्रीडा अवसंरचना, ई-लर्निंग व्यवस्था और पोषण से सम्बन्धित कार्यक्रम ।
- (ङ) महिलाओं और बच्चों का कल्याण—मातृ और शिशु स्वास्थ्य, कुपोषण, संक्रामक रोगों आदि की समस्याओं के समाधान के लिए विशेष प्रोग्राम;
- (च) वृद्ध और निःशक्त व्यक्तियों का कल्याण—वृद्ध और निःशक्त व्यक्तियों के लिए विशेष प्रोग्राम;
- (छ) स्थानीय पात्रा व्यक्तियों के लिए आजीविका सहायता, आय अर्जन और आर्थिक क्रियाकलापों के लिए कौशल का विकास करना । परियोजनाओं/स्कीमों में प्रशिक्षण, कौशल विकास केन्द्र का सन्निर्माण, स्वनियोजन स्कीमों और स्वयं सहायता समूहों की सहायता करना और ऐसे स्वनियोजन आर्थिक क्रियाकलापों के लिए प्रगतिशील और पश्चगामी संयोजन की व्यवस्था करना भी सम्मिलित होगा;
- (ज) **स्वच्छता**—ठोस अपशिष्ट का संग्रहण करना, परिवहन और निपटान करना, सार्वजनिक स्थानों की सफाई करना, उचित निकास और मलीय गाद के निपटान हेतु व्यवस्था करना, शौचघर और अन्य सम्बन्धित क्रियाकलापों की व्यवस्था करना;
- (झ) विद्यमान सम्पर्क मार्गों और पैदल मार्गों की मरम्मत और उनका रख-रखाव करना;

(ज) सिंचाई—सिंचाई के वैकल्पिक स्रोतों को विकसित करना, उपयुक्त और आधुनिक सिंचाई तकनीकें अपनाना;

(ट) वर्षा जल संग्रहण प्रणाली, एकीकृत कृषि और सामाजिक वानिकी और वाटर शेड्स का विकास करना; और

(ठ) खनन् जिला में पर्यावरणीय गुणवत्ता की वृद्धि या अन्य क्रियाकलाप, जो व्यवस्थापक द्वारा निदेशित किए जाएं, के लिए अन्य उपाय करना ।

16. लेखे और संपरीक्षा.—(1) न्यास को लोक प्राधिकरण समझा जाएगा, जो सरकार के सदस्य लोक संपरीक्षा और संवीक्षा के लिए खुला रहेगा ।

(2) न्यास एक रजिस्टर अनुरक्षित रखेगा जिसमें निम्नलिखित ब्यौरे होंगे :—

(क) जिला में खनन् पट्टा धारकों की सूची और उनके द्वारा न्यास को किए गए वार्षिक संदाय;

(ख) जिला में हिताधिकारियों सूची;

(ग) प्रभावित व्यक्तियों को प्रसुविधाओं का संवितरण; और

(घ) न्यास के वार्षिक संपरीक्षित लेखे ।

(3) न्यास उचित लेखे और अन्य सुसंगत अभिलेख अनुरक्षित रखेगा और न्यास के पास उपलब्ध निधियों की बाबत लेखों, आय और व्यय तुलनपत्र का वार्षिक विवरण और ऐसी रीति में, जैसी महालेखाकार हिमाचल प्रदेश के परामर्श से, सरकार द्वारा विनिर्दिष्ट की जाए, तैयार करेगा ।

(4) न्यास के लेखे प्रतिवर्ष महालेखाकार, हिमाचल प्रदेश द्वारा संपरीक्षित किए जाएंगे ।

(5) न्यास प्रत्येक वर्ष के अन्त में इसके द्वारा किए गए क्रियाकलापों की वार्षिक रिपोर्ट तैयार करेगा और इसे सरकार के साथ सांझा करेगा ।

(6) लेखों, निधि के संवितरण और उपयोग, संपरीक्षा रिपोर्टें, वार्षिक रिपोर्ट और प्रत्येक बैठक को कार्यवृत्तों सहित न्यास से सम्बन्धित समस्त सूचना को समय-समय पर न्यास द्वारा सरकार को अग्रेषित किया जाएगा ।

17. शास्त और न्यास निधि के लिए अभिदाय की वसूली.—(1) खनिज रियायत धारक न्यास में, उसी प्रायिकता में जैसी सरकार को रॉयल्टी संदत्त करने के लिए अपेक्षित है, अपेक्षित संदाय करेगा ।

(2) यदि अनुज्ञप्तिधारी समय पर न्यास को अपेक्षित संदाय करने में असफल रहता है, तो निम्नलिखित लागू होगा:—

(क) खनिज रियायत धारक से इस प्रकार संदत्त मूल रकम के अतिरिक्त चौबीस प्रतिशत वार्षिक ब्याज प्रभारित किया जाएगा;

(ख) इन नियमों के अधीन वसूलीय रकम उसी रीति में वसूल की जाएगी जैसी गौण खनिज (रियायत) और खनिज (अवैध खनन् उसके परिवहन और भण्डारण का निवारण) नियम, 2015 के अधीन वसूलीय है;

(ग) यदि खनन् पट्टा धारक बकाया रकम को जमा करने में असफल रहता है, तो वह खनन् पट्टा समाप्त (पर्यवासित) किए जाने के लिए दायी होगा/होंगी :

परन्तु देयों का संदाय न करने की दशा में जिला खनिज संस्थान न्यास, विभाग या सम्बद्ध जिला के खनिज अधिकारी को मामलों में आगामी कार्यवाही करने के निर्देश देगा ।

18. प्रशासनिक प्रबन्ध.—(1) सरकार अध्यक्ष पर न्यास के प्रबन्धन और वार्षिक योजना के निष्पादन के लिए, जो प्रयोजन के लिए अपेक्षित हो, सैकेण्डमैंट आधार पर जिला उद्योग केन्द्रों में उसके नियन्त्रणाधीन कार्यरत कर्मचारियों सहित कार्मिकों की सेवाएं उपलब्ध करवा सकेगी ।

(2) न्यास सेवा प्रदायकों से बाहरी स्रोत से सेवाएं प्राप्त करने (आउटसोर्सिंग) के माध्यम से, ऐसी सेवाएं, जो न्यास के निर्बाध कार्यकरण के लिए आवश्यक हैं, की भी मांग कर सकेगा और इसके कृत्यों के लिए समाश्रित व्यय उपगत करने का प्रावधान कर सकेगा ।

(3) न्यास, आवश्यकता के अनुसार सरकार/पब्लिक सेक्टर उपक्रमों से सेवानिवृत्त व्यक्तियों की सेवाएं, ऐसे व्यक्तियों द्वारा अन्तिम आहरित वेतन के चालीस प्रतिशत से अनाधिक उपलब्धियों पर, लेने के लिए सक्षम होगा ।

19. न्यासियों के दायित्व.—(1) न्यासी, सद्भावपूर्वक सम्यक तत्परता के साथ सदाशयता के कारण की गई किसी बात के लिए दायी नहीं होगा। न्यासी किसी बैंकर, दलाल, संरक्षक या किसी अन्य व्यक्ति जिसके पास उसे (निधियों) सद्भावपूर्वक जमा किया जाना है या रखा जाना है, न तो न्यास निधि के किन्हीं निवेशों के मूल्य में किसी कमी या अपर्याप्तता के लिए और न ही अन्यथा किसी अस्वैच्छिक हानि के लिए भी दायी या उत्तरदायी नहीं होगा ।

(2) न्यासी और प्रत्येक अटॉर्नी या न्यासी द्वारा नियुक्त अभिकर्ता समस्त दायित्वों, न्यास के निष्पादन में उपगत हानियों और व्ययों या घोर उपेक्षा और/या इरादतन दुराचार (अवचार) के कारण से उद्भूत से अन्यथा उन्हें प्रत्यायोजित शक्तियों, प्राधिकारों और उनमें निहित विवेकाधिकारों की बाबत, न्यास निधि से क्षतिपूर्ति करने का हकदार होगा, तथापि ऐसी क्षतिपूर्ति किसी भी दशा में अभिदानों के योग से अधिक नहीं होगी ।

20. निदेश जारी करने की शक्ति.—इन नियमों में किसी बात के होते हुए भी, व्यवस्थापक, लोक हित में इन नियमों में अन्तर्विष्ट किसी मामले पर जिला खनिज संस्थान न्यास को निर्देश जारी करने के लिए सक्षम होगा ।

21. न्यासियों के पारिश्रमिक.—न्यासी उनके द्वारा दी गई सेवाओं के लिए किसी पारिश्रमिक के लिए हकदार नहीं होंगे ।

22. न्यास की मुहर.—न्यासी शासी परिषद् की बैठक में न्यास के प्रयोजन के लिए मुहर की व्यवस्था करने के लिए विनिश्चय कर सकेंगे और उन्हें समय-समय पर उसे नष्ट करने और उसके बदले में उसके स्थान पर नई मुहर की व्यवस्था करने की शक्ति होगी । न्यास की मुहर प्रबन्ध समिति के सदस्य सचिव की अभिरक्षा में रहेगी और अध्यक्ष तथा सदस्य-सचिव को न्यास के निमित्त उसका उपयोग करने का प्राधिकार होगा ।

23. प्रतिसंहरणीयता.—यह न्यास व्यवस्थापक के विवेकाधिकार पर प्रतिसंहरणीय है। न्यास, ऐसे समय तक जैसा व्यवस्थापक द्वारा निविष्टित किया जाए, विद्यमान रहेगा । न्यास के निर्वापन के समय, न्यास की समस्त परिसम्पत्तियां और दायित्व सरकार को अन्तरित किए जाएंगे ।

प्ररूप-क

(नियम 6 (i) देखें)

जिला खनिज संस्थान न्यास विलेख

यह न्यास विलेख एक पक्षकार के रूप में ----- तारीख को ----- (स्थान) पर

हिमाचल प्रदेश सरकार द्वारा, सचिव (उद्योग) हिमाचल प्रदेश सरकार, जिसका मुख्यालय शिमला में अवस्थित है, जिसे इसमें इसके पश्चात् व्यवस्थापक कहा गया है जिसके अन्तर्गत उसके उत्तरवर्ती या समनुदेभिती के प्रतिनिधि भी है जब तक कि ऐसा सन्दर्भ या इसके अर्थ के विरुद्ध न हो, के माध्यम से, दूसरे पक्षकार के रूप में निम्नलिखित न्यासियों जिसके अन्तर्गत पदनाम से धारित पदों के उत्तरवर्ती भी है सन्दर्भ, अर्थ के असंगत न हो :

क्रम संख्या	नाम-पदनाम	शासी परिषद् में पदनाम
1.	उपायुक्त	अध्यक्ष
2.	अरण्यपाल	सदस्य
3.	अधीक्षण अभियन्ता, हिमाचल प्रदेश लोक निर्माण विभाग	सदस्य
4.	अधीक्षण अभियन्ता, सिंचाई एवं जन स्वास्थ्य विभाग, हिमाचल प्रदेश ।	सदस्य
5.	मुख्य चिकित्सा अधिकारी	सदस्य
6.	महा प्रबन्धक, जिला उद्योग केन्द्र	सदस्य
7.	भू-विज्ञान खण्ड से दो प्रतिनिधि	सदस्य
8.	वन/प्रदूषण नियन्त्रण बोर्ड/ भू-विज्ञान से दो विख्यात व्यक्ति	सदस्य
9.	खनन् अधिकारी	सदस्य सचिव ।

के पक्ष में निष्पादित किया गया ।

तारीख 12 जनवरी, 2015 को राजपत्र में प्रकाशित अधिसूचना द्वारा खान और खनिज (विकास और विनियमन) संशोधन अध्यादेश, 2015 की धारा 9 ख, 15 और 15 क सरकार द्वारा, हिमाचल प्रदेश जिला खनिज संस्थान न्यास नियम, 2015 के उपबंधों के अनुसार खनन् सम्बन्धी प्रचालनों द्वारा प्रभावित व्यक्तियों और क्षेत्रों के हित और प्रसुविधा के लिए कार्य करने के उद्देश्य से एक अलाभकारी निकाय जिला खनिज संस्थान न्यास की स्थापना के लिए उपबंध करती हैं;

और व्यवस्थापक ने इस प्रयोजन के लिए सरकार के अन्तर्गत किसी लाभ के बिना और समाज की सामान्य भलाई के महत्वपूर्ण भूमिका का अदा करने के लिए और न्यास की निधि का उपयोग, खनन् से सम्बन्धित प्रचालनों द्वारा प्रभावित व्यक्तियों और क्षेत्रों के हित और प्रसुविधा के लिए, ऐसी रीति में, जैसी सरकार द्वारा निहित की जाए, न्यास स्थापित करने का विनिश्चय किया गया है;

और व्यवस्थापक ने जिला खनिज संस्थान न्यास स्थापित करने का इच्छुक होने के कारण केवल 1000/- रु0 (एक हजार) रुपए की रकम, जिस रकम को इसमें इसके पश्चात् "प्रारम्भिक व्यवस्थापन" कहा गया है, को न्यासियों के नियन्त्रणाधीन रखा है ।

अतः इसके पक्षकारों ने पूर्व निर्दिष्ट तारीख ----- को इस विलेख को निष्पादित किया है ।

व्यावस्थापक की ओर से हस्ताक्षरित और परिदत्त

(-----)

सचिव (उद्योग)

हिमाचल प्रदेश सरकार

न्यासियों की ओर से हस्ताक्षरित और परिदत्त (-----) उपायुक्त जिला-----	न्यासियों की ओर से हस्ताक्षरित और परिदत्त (-----) अरण्यपाल जिला-----
न्यासियों की ओर से हस्ताक्षरित और परिदत्त (-----) मुख्य चिकित्सा अधिकारी जिला-----	न्यासियों की ओर से हस्ताक्षरित और परिदत्त (-----) अधीक्षण अभियन्ता, लोक निर्माण विभाग जिला-----
न्यासियों की ओर से हस्ताक्षरित और परिदत्त (-----) अधीक्षण अभियन्ता सिंचाई एवं जनस्वास्थ्य विभाग, जिला-----	न्यासियों की ओर से हस्ताक्षरित और परिदत्त (-----) महा प्रबन्धक, जिला उद्योग केन्द्र -----
न्यासियों की ओर से हस्ताक्षरित और परिदत्त (-----) खनन अधिकारी जिला	

आदेश द्वारा,
(आर० डी० धीमान),
प्रधान सचिव (उद्योग)।

[Authoritative English text of this Department Notification No. IND-B-F-(6)-31/2016 dated 22nd August, 2016 as required under clause (3) of Article 348 of the Constitution of India.]

INDUSTRIES DEPARTMENT

NOTIFICATION

Shimla-171002, the 22nd August, 2016

No. IND-B-F-(6)-31/2016.—In exercise of the powers conferred by section 9B, section 15 and section 15 A of the Mines and Minerals (Development and Regulation) Act, 1957, the Governor, Himachal Pradesh is pleased to make the following rules, namely:—

1. Short title and commencement.—(1) These rules may be called the Himachal Pradesh District Mineral Foundation Trust Rules, 2016.

(2) These rules shall come into force from the date of their publication in the official gazette.

2. Definitions.—(1) In these rules, unless, the context, otherwise requires,—

- (a) 'Act' means the Mines and Minerals (Development and Regulation) Act, 1957;
- (b) 'affected areas' means areas affected by mining or mining related operations as identified by the Managing Committee and includes directly or indirectly affected areas;

Explanation.— For the purpose of this clause,—

- (i) 'directly affected areas' means those areas where mining or mining related operations such as beneficiation and waste disposal (such as overburdened dumps and tailing ponds, etc.), are taking place. These include villages or areas within 300 meters radius from the boundary of the mining lease;
 - (ii) 'indirectly affected areas' means those areas from 300 meters to two kilometers radius from the boundary of the mining lease; and
 - (iii) any other area as identified by the Managing Committee;
- (c) 'affected persons' mean only those persons directly affected by mining or mining related operations and includes persons who have legal and occupational rights over the mined land;

Explanation.— For the purpose of this clause,—

- (i) 'affected family' includes a family whose land or other immovable property has been acquired for mining or mining related operations and a family which does not own any land but a member or members of such family may be agricultural labourers, tenants including any form of tenancy or holding of usufruct rights, share croppers or artisans or who may be working in the affected area for three years prior to the acquisition of the land for mining or mining related operations, whose primary source of livelihood stand affected by such acquisition of land;
 - (ii) 'displaced family' means any family, who on account of acquisition of land for mining or mining related operations has been relocated and resettled from the affected area to the resettlement area;
- Explanation.*— Resettlement areas are where the affected families who have been displaced as a result of land acquisition are resettled.
- (iii) 'any other family' as identified by the Managing Committee;
- (d) 'beneficiaries' mean the persons and areas affected by mining related operations undertaken in the area;

- (e) 'contribution' means the contribution to be collected from the holders of a mining lease or a prospecting licence-cum-mining lease or contract or permit in the District as specified in rule 13;

- (f) 'Department' means Department of Industries, Government of Himachal Pradesh;

- (g) 'District Magistrate' means the Head of the Revenue Administration at the District level whether designated as Deputy Commissioner or District Collector;
- (h) 'form' means a form appended to these rules;
- (i) 'Government' means the Government of Himachal Pradesh;
- (j) 'Governing Council' means all the trustees of the District Mineral Foundation Trust;
- (k) 'Schedule' means Schedule appended to the Act;
- (l) 'section' means section of the Act;
- (m) 'SETTLOR' means the Secretary Industries to the Government of Himachal Pradesh;
- (n) 'Trust' means the District Mineral Foundation Trust, as a non-profit body established by the Government created by the SETTLOR; and
- (o) 'year' means a financial year beginning on 1st April and ending on 31st March of the following year or part thereof.

(2) All other words and expressions used but not defined in these rules shall have the same meaning respectively as assigned to them in the Act.

3. Name of the Trust.—The Trust shall be called as the "District Mineral Foundation Trust", and its office shall be located in the office of the District Mining Officer of the District.

4. Objectives of the Trust:— There are following objectives of the Trust,—

- (i) to work for the interest and benefit of persons, and areas affected by mining and mining related operations;
- (ii) to utilize the funds accumulated in the District Mineral Foundation in accordance with these rules; and
- (iii) to use the funds for any other purposes that the Trustees may decide to be desirable or expedient in the interest of the mineral development of the concern District.

5. Composition of the Trust.— The composition of the Trust shall be as follows:—

Sr. No.	Name	Designation in the Governing Council
1.	Deputy Commissioner	- Chairman,
2.	Conservation Forest	- Member,
3.	Superintending Engineer, PWD	- Member,
4.	Superintending Engineer, I & PH	- Member,

- | | | | |
|----|---|---|-------------------|
| 5. | Chief Medical Officer | - | Member, |
| 6. | General Manager, DIC | - | Member, |
| 7. | Two representative from Geological Wing | - | Member, |
| 8. | Two eminent persons from Forest/
Pollution Control Board/Geology | - | Member, and |
| 9. | Mining Officer | - | Member Secretary. |

6. Appointment and Declaration.—(1) The SETTLOR shall appoint or nominate, as the case may be, the trustees of the Trust on such terms and conditions as agreed to in the trust deed to be executed between the Government through Secretary (Industries) to the Government of Himachal Pradesh called the SETTLOR and Trustees in Form-A.

- (2) The trustees appointed by virtue of office shall continue as trustees during the period they are holding the post and would be deemed to have ceased to be the trustees once they cease to hold the office by virtue of which they were so appointed and their successors in office shall be deemed to have been appointed as trustees in their place with effect from the date of their acquiring such office.

- (3) The term of nominated trustees shall be three years from the date of their nomination as trustees. The nominating authority may re-nominate such trustees for another term or may nominate other persons in their place:

Provided that the term of such nominated trustees shall in no case exceed two terms.

- (4) The SETTLOR may at any time increase the number of trustees in any of the categories for such term as he may deems fit but not exceeding two terms.
- (5) The SETTLOR may at any time nominate any other person as the trustees at his sole discretion.
- (6) The SETTLOR may at any time remove any of the trustees on a representation made by atleast 51% affected persons of directly affected areas. The trustee so removed by the SETTLOR, shall cease to be a trustees from the date of such removal.

7. Management of the Trust.—The Management of the Trust shall vest in a Governing Council, which shall consist of all the members of the Trust. However, the day-to-day management of the Trust shall be managed by a Managing Committee, as defined under rule 11. The SETTLOR may alter the composition of the Managing Committee at any time.

8. Decisions of the Trust.—(1) All decisions of the Trust shall be taken in the meeting of the Governing Council and every meeting of the Governing Council shall be deemed to be a meeting of the Trust.

- (2) All decisions of the Governing Council shall be taken by the majority of the members present and voting. In case of tie, the Chairman shall have a casting vote.

9. Powers and Functions of the Governing Council.—The Governing Council, shall be responsible,—

- (i) to lay down the broad policy framework for the functioning of Trust and review its working from time to time;
- (ii) for drawing up and approving of Annual Action Plan and the Annual Budget for Trust. The Annual Action Plan shall be prepared and approved by the Governing Council. The Annual Action Plan shall contain the list of schemes and projects with the tentative provisions thereof:

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;

- (iii) to maintain financial discipline and timely completion of project, the sum total of the past liabilities and commitments and the new schemes being proposed shall not in any case exceed two times the expected inflows for the next financial year;
- (iv) for approving such other expenditure, in furtherance of the objective of the Trust from the available Trust Fund in such manner as may be directed by the SETTLOR;
- (v) for approving the recommendations of the Managing Committee; and
- (vi) for approving the annual reports and audited accounts of the Trust.

10. Meetings of the Trust.—(1) The Governing Council shall meet at least once every six months.

(2) The Meeting(s) of the Governing Council may be called by the Member-Secretary of the Governing Council. The agenda of such meeting(s) shall be shared with the Governing Council at least one month prior to the date of the meeting(s), and shall be ratified by 51% members of the Governing Council.

(3) The Meeting of the Managing Committee shall be held quarterly and shall be convened as decided by the Chairperson of the Managing Committee.

(4) The quorum for such meetings, both for Governing Council and for Managing Committee, shall be 50% of the total members.

11. Managing Committee.—The affairs of the Trust shall be managed by a Managing Committee, which shall consist of,—

- | | | |
|---|---|-------------------|
| (1) Deputy Commissioner of the District | - | Chairman, |
| (2) General Manager, District Industries Centre (DIC) | - | Member, |
| (3) Superintending Engineer, I & PH of the District concerned | - | Member, |
| (4) Mining Officer of the District concerned | - | Member-Secretary. |

12. Powers and Functions of the Managing Committee.—The Managing Committee shall,—

-
- (i) exercise due diligence in carrying out its duties for protecting the interests of the Trust;
 - (ii) ensure timely collection of Contribution Fund from the concerned mineral concession holders in accordance with the provisions of the Act;
 - (iii) prepare the Master Plan/Vision Document for the activities of the Trust;
 - (iv) assist in the preparation of the Annual Plan and the Annual Budget of the Trust alongwith the proposed schemes and project;
 - (v) supervise and ensure the execution of the Annual Plan and the approved schemes and projects;
 - (vi) accord sanction to the projects and the work shall be awarded in a fair and transparent manner after following the due procedure prescribed by the State Government and release and disburse the Trust Fund for the intended purpose;
 - (vii) operate the Trust Fund and invest the same in a diligent manner and open Bank Accounts in the Name of the Trust and operate such accounts and investments;
 - (viii) monitor the progress of the utilization of Trust Funds;
 - (ix) place the audited accounts alongwith an Annual Report before the Governing Council for its approval within 60 days of close of financial year; and
 - (x) do all other things which are necessary for smooth functioning and management of the Trust.

13. Contribution to the Trust Fund (Applicable from 12th January, 2015):—The Trust Fund shall include:—

(i) In case of major minerals:—

- (a) 10% of the royalty paid in terms of Second Schedule to the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) (herein referred to as the said Act) in respect of mining leases or, as the case may be, prospecting license-cum-mining lease granted on or after 12th January, 2015 and;
- (b) 30% of the royalty paid in terms of the Second Schedule to the said Act in respect of mining leases granted before 12th January, 2015;
- (c) or as may be prescribed by the Central Government from time to time.

(ii) In case of minor minerals:—The holder of every mineral concession/ contract shall, in addition to the royalty, pay to the District Mineral Foundation Trust of the district in which the mining operations are carried on, an amount at the following rates or as may be notified by the Government from time to time:-

-(i) Ordinary Soil/Brick Earth/ Shale	Rs. 1/- per tonne of the mineral dispatch, and
(ii) All other minerals mineral	Rs. 10/- per tonne of the Dispatch.

14. Operation of the Trust Fund.— (1) The Trust Fund shall be kept in one or more of the Scheduled Banks through bank account(s) in the name of the Trust and all such account(s) shall be operated under the joint signatures of the Chairman and the Member-Secretary.

(2) The Trust shall maintain the books of accounts of this Fund.

15. Expenditure from the Trust Fund.—(1) The Trust Fund shall be strictly used for the benefit of persons and areas affected by mining or mining related operations and for their social and economic upliftment. The funds shall be used as far as possible in proportion to the contribution of each mine.

(2) The total amount that the Trust Fund likely to be received in a year shall be earmarked specifically for the following purposes:—

- (a) 10% of the total fund shall be deposited in a Nationalized Bank for future use, once mining activities cease in the affected areas as well as for emergency situations, such as natural calamities in the affected areas as considered necessary by the Trust;
- (b) not less than 50% shall be spent on directly affected areas;
- (c) not more than 10% shall be used as administrative expenses of the Trust; and
- (d) rest of the 30% shall be utilized for the indirectly affected areas.

(3) The funds available with the Trust shall be used for –

Benefit-sharing, by providing direct monetary benefit to the directly affected persons in following manner and direct monetary benefit will not exceed 20% of the total contribution of such mine.—

- (i) the person or family entitled to monetary benefit shall be paid either on monthly or annual basis;
- (ii) a bank account shall be opened in the name of the woman head of the family for such monetary transaction. In absence of a woman head, the account shall be opened in the name of any other suitable member of the affected family;
- (iii) the amount of monetary benefit payable shall be decided by the Managing Committee of the Trust at the beginning of each financial year;
- (iv) support to essential services and infrastructure such as,-
 - (a) drinking water supply centralized purification systems, including facilities for drinking water, lying of piped water supply system;

- (b) environment preservation and pollution control measures- 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 mechanism required for environment-friendly and sustainable mine development;
- (c) health care – the focus must be on creation of primary/ secondary health care facilities in the affected areas. The emphasis should not be only on the creation of the health care infrastructure, but also on provision of necessary equipments and medicine supplies required for making such facilities effective. The effort shall be to supplement and work in convergence with the existing health care infrastructure of the local bodies, State and Central Government. The expertise available with the National Institute of Miners' Health may also be drawn upon to design special infrastructure needed to take care of mining related illnesses and diseases. Group Insurance Scheme for health care may also be implemented for mining affected persons;
- (d) education—Construction of Toilet blocks, Drinking water provisions, sports infrastructure, e-learning setup and nutrition related programs;
- (e) welfare of Women and Children-Special programmes for addressing problems of maternal and child health, malnutrition, infectious diseases, etc.;
- (f) welfare of aged and disabled people – Special program for welfare of aged and disabled people;
- (g) skill development for livelihood support, income generation and economic activities for local eligible persons. The projects/schemes may include training, construction of skill development center, self employment schemes and support to Self Help Groups and provision of forward and backward linkages for such self-employment economic activities;
- (h) sanitation– collection, transportation & disposal of solid waste, cleaning of public places, provision of proper drainage & Sewage Treatment Plant, provision for disposal of fecal sludge, provision of toilets and other related activities;
- (i) repair and maintenance of existing link roads and footpaths;
- (j) Irrigation – developing alternate sources of irrigation, adoption of suitable and advanced irrigation techniques;
- (k) rain water harvesting system, integrated farming and social forestry and development of watersheds; and
- (l) any other measures for enhancing environmental quality in mining district or any other activity as directed by the SETTLOR.

16. Accounts and Audit.— (1) The Trust is deemed to be a public authority, open to the Government as well as public audit and scrutiny.

(2) The Trust shall maintain a register giving details of—

- (a) the list of holders of a mining lease in the district and the annual payments made by them to the Trust;
- (b) the list of beneficiaries in the District;
- (c) the disbursal of benefits to the affected persons; and
- (d) the annual audited accounts of the Trust.

(3) The Trust shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, income and expenditure and balance sheet in respect of the funds available with the Trust, in a manner as may be specified by the Government in consultation with the Accountant General of Himachal Pradesh.

(4) The accounts of the Trust shall be annually audited by the Accountant General of Himachal Pradesh.

(5) The Trust at the end of each year shall prepare an annual report of the activities it has undertaken and share it with the Government.

(6) All information concerning the Trust, including accounts, fund disbursal and use, audit reports, annual report and minutes of every meeting shall be forwarded to the Government by the Trust from time to time.

17. Penalty and recovery of contribution to Trust Fund.—(1) The mineral concession holder shall make the required payment to the Trust in the same frequency as is required to pay royalty to the Government.

(2) In case, the licensee fails to make the required payment to the Trust on time, then following shall apply:—

- (a) in addition to the principal amount so payable, 24% interest per annum shall be charged from the mineral concession holder;
- (b) the sum recoverable under these rules shall be dealt with the same manner as is recoverable under the Himachal Pradesh Minor Minerals (Concession) and Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2015;
- (c) in case the mining lease holder fails to deposit the outstanding amount, his/her mining lease shall be liable to be terminated:

Provided that in case of non payment of dues, District Mineral Foundation Trust shall make a reference to the Department or the Mining Officer of the concerned District to proceed further in the matter.

18. Administrative Arrangements.—(1) The Government may at the requisition provide services of the personnel under their control including employees working in the District Industries Centres on secondment basis for management of the Trust and for execution of the Annual Plan as may be required for the purpose.

(2) The Trust may also ask service providers through outsourcing to provide such services as may be needed for smooth functioning of the Trust and may provide for incurring contingent expenditure for its functioning.

(3) It shall also be competent for the Trust to hire services of persons retired from Government/Public Sector Undertaking as per the requirement and on such emoluments as not exceeding 40% of the last pay drawn by such person.

19. 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 and/or wilful misconduct, provided however, that, such indemnity shall not in any event exceed the total of the Contributions.

20. Powers to issue directions.—Notwithstanding anything contained in the rules, it shall be competent to the SETTLOR to issue directions to the District Mineral Foundation Trust on any of the matter contained in these rules in the public interest.

21. Trustees Remuneration.—The Trustees shall not be entitled to any remuneration for their services.

22. The Seal of the Trust.— The Trustees, in a meeting of the Governing Council may decide to provide a Seal for the purpose of the Trust and shall have power, from time to time, to destroy the same and substitute a new seal in lieu thereof. The Seal of the Trust shall remain in the custody of the Member-Secretary of the Managing Committee and the Chairman and Member Secretary shall have the authority to use the same for and on behalf of the Trust.

23. Revocability.—This Trust is revocable at the discretion of the SETTLOR. 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 Government.

FORM-A
(see rule 6(i))

DISTRICT MINERAL FOUNDATION TRUST DEED

THIS DEED OF TRUST EXECUTED AT ----- ON THIS _____
DAY OF _____ IN THE YEAR TWO THOUSAND _____

BY

THE GOVERNMENT OF Himachal Pradesh, through the Secretary(Industries) to the Government of Himachal Pradesh having its Headquarter at Shimla, herein after called the “SETTLOR” which expression, unless repugnant to the context or meaning thereof, shall include his successor (s) or representative of assignee of the one Part

IN FAVOUR OF

The following Trustees of the Other Part which expression shall, unless repugnant to or inconsistent with the context, mean and include the successors occupying the posts by designation:

Sr. No.	Name	Designation in the Governing Council
1.	Deputy Commissioner	Chairman
2.	Conservation Forest	Member
3.	Superintending Engineer, PWD	Member
4.	Superintending Engineer, I & PH	Member
5.	Chief Medical Officer	Member
6.	General Manager, DIC	Member
7.	Two representative from Geological Wing	Member
8.	Two eminent persons from Forest/ Pollution Control Board/Geology	Member
9.	Mining Officer	Member-Secretary

WHEREAS, section 9B, section 15 and section 15A of the Mines and Minerals (Development and Regulation) Amendment Ordinance, 2015 published vide Gazette Notification dated 12th January 2015 provides for establishment of a District Mineral Foundation Trust by the Government, a non-profit body, with an objective to work for the interest and benefit of persons, and areas affected by mining related operations in accordance with the provisions of Himachal Pradesh District Mineral Foundation Trust Rules, 2015;

AND WHEREAS, the SETTLOR for this purpose has decided to set up a Trust as an entity under the 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 in such manner as may be prescribed by the Government;

AND WHEREAS, the SETTLOR being desirous of establishing the District Mineral Foundation Trust 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, THEREFORE, whereof, the parties hereto have executed this deed on the day and year first here-in-before appearing.

Signed and Delivered on behalf of the SETTLOR.

()

Secretary (Industries) to the
Government of Himachal Pradesh

Signed and Delivered on behalf of the Trustees () Deputy Commissioner, District	Signed and Delivered on behalf of the trustees () Conservator Forest, District
Signed and Delivered on behalf of the Trustees () Chief Medical Officer District	Signed and Delivered on behalf of the Trustees () Superintending Engineer, PWD, District
Signed and Delivered on behalf of the Trustees () Superintendent Engineer, I&PH, District	Signed and Delivered on behalf of the Trustees () General Manager, District Industries, Centre District
Signed and Delivered on behalf of the Trustees () Mining Officer, District	

By order
(R. D. DHIMAN),
Pr. Secretary (Industries).

PRINTING & STATIONERY DEPARTMENT**NOTIFICATION***Shimla-2, 23rd August, 2016*

No. Mudran (B)1-1/2016 (DPC).—The Governor, Himachal Pradesh on the recommendations of the Departmental Promotion Committee, is pleased to order the promotion of Shri Prem Raj, Suptd. Grade-II, Class-II, (Non-Gazetted) to the post of **Superintendent Grade-I, Class-I, (Gazetted)** in the Pay Band of ₹ 15600—39100+ ₹ 5400/- G.P. in the Department of Printing & Stationery, H.P., on regular basis, with immediate effect.

2. The Governor, Himachal Pradesh is further pleased to order the posting of Shri Prem Raj as Superintendent Grade-I in the Department of Printing & Stationery, H.P. Shimla against the vacant post.

3. The above Officer shall remain on probation for a period of 2 years in the first instance and shall also be entitled to exercise his option for fixation of pay under the provisions of F.R. 22(1) (a)(i) within one month from the date of receipt of this order.

4. Shri Prem Raj is directed to report for duty at his new place of posting within a fortnight positively. The promotion shall take place on joining at new place of posting and if he does not join even after expiry of joining time, shall forfeit his promotion. No extension in joining period will be allowed in any case.

By order,
Sd/-
Pr. Secretary (P&S)
to the government of Himachal Pradesh.

**In the Court of Shri Hemis Negi, H.A.S., Sub Divisional Magistrate Shimla (Urban),
District Shimla, Himachal Pradesh**

Kalsang Dolma d/o Shri Bhuchung, r/o House No. 31, Nursery Day School, Tibetan Colony Sanjauli, Shimla-6, Tehsil & District Shimla. . . Applicant.

Versus

General Public

.. Respondent.

Application under Section 13(3) of Birth and Death Registration Act, 1969.

Whereas Kalsang Dolma d/o Shri Bhuchung, r/o House No. 31, Nursery Day School, Tibetan Colony Sanjauli, Shimla-6, Tehsil & District Shimla has preferred an application to the undersigned for registration of her date of birth (DOB 10-10-1978) in the record of Municipal Corporation Shimla, District Shimla, H.P.

Therefore, this proclamation, the general public is hereby informed that any person having any objection for entry as to date of birth mentioned above, may submit his objection in writing in this court on or before 23-9-2016 failing which no objection will be entertained after expiry of date and will be decided accordingly.

Given under my hand and seal of the Court on this 23rd day of August, 2016.

Seal.

HEMIS NEGI,
*Sub-Divisional Magistrate,
Shimla (Urban).*

**In the Court of Shri Hemis Negi, H.A.S., Sub Divisional Magistrate Shimla (Urban),
District Shimla, Himachal Pradesh**

Nyima s/o Shri Tashi Bhuchung, r/o House No. 11, Tibetan Colony Nursery Day School,
Sanjauli, Shimla-6, Tehsil & District Shimla. . . Applicant.

Versus

General Public

.. Respondent.

Application under Section 13(3) of Birth and Death Registration Act, 1969.

Whereas Nyima s/o Shri Tashi Bhuchung, r/o House No. 11, Tibetan Colony Nursery Day School, Sanjauli, Shimla-6, Tehsil & District Shimla has preferred an application to the undersigned for registration of his date of birth (DOB 02-03-1977) in the record of Municipal Corporation Shimla, District Shimla, H.P.

Therefore, this proclamation, the general public is hereby informed that any person having any objection for entry as to date of birth mentioned above, may submit his objection in writing in this court on or before 23-9-2016 failing which no objection will be entertained after expiry of date and will be decided accordingly.

Given under my hand and seal of the Court on this 23rd day of August, 2016.

Seal.

HEMIS NEGI,
*Sub-Divisional Magistrate,
Shimla (Urban).*

**In the Court of Shri Hemis Negi, H.A.S., Sub Divisional Magistrate Shimla (Urban),
District Shimla, Himachal Pradesh**

Tenzin Palden s/o Shri Tandin Dorjee, r/o House No. 35, Tibetan Colony Sanjauli, Shimla-6, Tehsil & District Shimla. . . Applicant.

Versus

General Public

.. Respondent.

Application under Section 13(3) of Birth and Death Registration Act, 1969.

Whereas Tenzin Palden s/o Shri Tandin Dorjee, r/o House No. 35, Tibetan Colony Sanjauli, Shimla-6, Tehsil & District Shimla has preferred an application to the undersigned for registration of his date of birth (DOB 20-02-1994) in the record of Municipal Corporation Shimla, District Shimla, H.P.

Therefore, this proclamation, the general public is hereby informed that any person having any objection for entry as to date of birth mentioned above, may submit his objection in writing in this court on or before 23-9-2016 failing which no objection will be entertained after expiry of date and will be decided accordingly.

Given under my hand and seal of the Court on this 23rd day of August, 2016.

Seal.

HEMIS NEGI,
Sub-Divisional Magistrate,
Shimla (Urban).

**In the Court of Shri Hemis Negi, H.A.S., Sub Divisional Magistrate Shimla (Urban),
District Shimla, Himachal Pradesh**

Tenzin Tsomo w/o Shri Jampa Gyaltsso, r/o House No. 37, Nursery Day School, Tibetan Colony, Sanjauli, Shimla-6, Tehsil & District Shimla. . . Applicant.

Versus

General Public

.. Respondent.

Application under Section 13(3) of Birth and Death Registration Act, 1969.

Whereas Tenzin Tsomo w/o Shri Jampa Gyaltsso, r/o House No. 37, Nursery Day School, Tibetan Colony, Sanjauli, Shimla-6, Tehsil & District Shimla has preferred an application to the undersigned for registration date of birth of her daughter namely Pema Choedon (DOB 07-12-1998) in the record of Municipal Corporation Shimla, District Shimla, H.P.

Therefore, this proclamation, the general public is hereby informed that any person having any objection for entry as to date of birth mentioned above, may submit his objection in writing in this court on or before 23-9-2016 failing which no objection will be entertained after expiry of date and will be decided accordingly.

Given under my hand and seal of the Court on this 23rd day of August, 2016.

Seal.

HEMIS NEGI,
*Sub-Divisional Magistrate,
Shimla (Urban).*

**In the Court of Shri Hemis Negi, H.A.S., Sub Divisional Magistrate Shimla (Urban),
District Shimla, Himachal Pradesh**

Nyima s/o Shri Bhuchung, r/o House No. 31, Tibetan Colony Nursery Day School, Sanjauli,
Shimla-6, Tehsil & District Shimla. *.. Applicant.*

Versus

General Public

.. Respondent.

Application under Section 13(3) of Birth and Death Registration Act, 1969.

Whereas Nyima s/o Shri Bhuchung, r/o House No. 31, Tibetan Colony Nursery Day School, Sanjauli, Shimla-6, Tehsil & District Shimla has preferred an application to the undersigned for registration of his date of birth (DOB 10-09-1985) in the record of Municipal Corporation Shimla, District Shimla, H.P.

Therefore, this proclamation, the general public is hereby informed that any person having any objection for entry as to date of birth mentioned above, may submit his objection in writing in this court on or before 23-9-2016 failing which no objection will be entertained after expiry of date and will be decided accordingly.

Given under my hand and seal of the Court on this 23rd day of August, 2016.

Seal.

HEMIS NEGI,
*Sub-Divisional Magistrate,
Shimla (Urban).*

**In the Court of Shri Hemis Negi, H.A.S., Sub Divisional Magistrate Shimla (Urban),
District Shimla, Himachal Pradesh**

Rinzin Dorjee s/o Shri Dala Gyaltsen, r/o House No. C-69, Tibetan Handicraft Society
Panthaghatti Kasumpti, Shimla-9, Tehsil & District Shimla. . . Applicant.

Versus

General Public

.. Respondent.

Application under Section 13(3) of Birth and Death Registration Act, 1969.

Whereas Rinzin Dorjee s/o Shri Dala Gyaltsen, r/o House No. C-69, Tibetan Handicraft Society Panthaghatti Kasumpti, Shimla-9, Tehsil & District Shimla has preferred an application to the undersigned for registration of his date of birth (DOB 15-11-1985) in the record of Municipal Corporation Shimla, District Shimla, H.P.

Therefore, this proclamation, the general public is hereby informed that any person having any objection for entry as to date of birth mentioned above, may submit his objection in writing in this court on or before 23-9-2016 failing which no objection will be entertained after expiry of date and will be decided accordingly.

Given under my hand and seal of the Court on this 23rd day of August, 2016.

Seal.

HEMIS NEGI,
Sub-Divisional Magistrate,
Shimla (Urban).

**In the Court of Shri Hemis Negi, H.A.S., Sub Divisional Magistrate Shimla (Urban),
District Shimla, Himachal Pradesh**

Seema d/o Shri Balbir Singh, r/o House No. 4, near Labour Hostel, Lalpani, Shimla, Tehsil Shimla, District Shimla, H.P. . . Applicant.

Versus

General Public

.. Respondent.

Application under section 13(3) of Birth and Death Registration Act, 1969.

Whereas Seema d/o Shri Balbir Singh, r/o House No. 4, near Labour Hostel, Lalpani, Shimla, Tehsil Shimla, District Shimla, H.P. has preferred an application to the undersigned for registration the name and date of birth of her (DOB 15-1-1990) in the record of Municipal Corporation, Shimla.

Therefore, this proclamation, the general public is hereby informed that any person having any objection for entry as to date of birth mentioned above, may submit his objection in writing in this court on or before 17-9-2016 failing which no objection will be entertained after expiry of date and will be decided accordingly.

Given under my hand and seal of the Court on this 17th day of August, 2016.

Seal.

HEMIS NEGI,
Sub-Divisional Magistrate,
Shimla (Urban).

**In the Court of Shri Gian Sagar Negi, Sub-Divisional Magistrate, Shimla (R),
District Shimla (H. P.)**

Shri Vidya Dhar s/o Shri Ganesh Ram, r/o Village Dargi, P.O. Sainj, Sub-Tehsil Dhami & District Shimla, Himachal Pradesh.

Versus

General Public

.. Respondent.

Whereas Shri Vidya Dhar s/o Shri Ganesh Ram, r/o Village Dargi, P.O. Sainj, Sub-Tehsil Dhami & District Shimla, Himachal Pradesh has filed an application along with affidavit in the court of undersigned under Section 13(3) of the Births & Deaths Registration Act, 1969 to enter date of birth of his Daughter named—Ms. Vanita d/o Shri Vidya Dhar s/o Shri Ganesh Ram, r/o Village Dargi, P.O. Sainj, Sub-Tehsil Dhami & District Shimla, Himachal Pradesh in the record of Secy., Birth and Death, Gram Panchayat Chalahal, Shimla.

Sl. No.	Name of the family member	Relation	Date of birth
1.	Ms. Vanita	Daughter	11-09-1990

Hence, this proclamation is issued to the general public if they have any objection/claim regarding entry of the date of birth of above named in the record of Gram Panchayat Chalahal, Shimla may file their claims/objections on or before one month of publication of this notice in Govt. Gazette in this court, failing which necessary orders will be passed.

Issued today 11-08-2016 under my signature and seal of the court.

Seal.

GIAN SAGAR NEGI,
Sub-Divisional Magistrate,
Shimla (R), District Shimla.

