

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

Original Application No.110(THC)/2012  
WITH  
Original Application No. 73/2014  
WITH  
Original Application No. 13/2014  
WITH  
Original Application No. 186/2014  
WITH  
Original Application No. 287/2017  
WITH  
Original Application No. 1054/2018

Threat to life arising out of coal mining in south Garo Hills district

Applicant(s)

Versus

State of Meghalaya& Ors.

Respondent(s)

WITH

All Dimasa Students Union Dima Hasao Dist. Committee

Applicant(s)

Versus

State of Meghalaya& Ors.

Respondent(s)

WITH

Impulse NGO Network

Applicant(s)

Versus

State of Meghalaya& Ors.

Respondent(s)

WITH

Thomas Nongtdu & Anr.

Applicant(s)

Versus

State of Meghalaya& Ors.

Respondent(s)

WITH

R.K. Momin

Applicant(s)

Versus

State of Meghalaya& Ors.

Respondent(s)

WITH

News item published in “Hindustan Times” dated 17.12.2018  
“13 believed dead in Meghalaya illegal mine accident” by David  
Laitphlang and Utpal Parashar, etc.”

Date of hearing: 11.04.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s): Mr. Aagney Sail, Advocate for Amicus Curiae

For Respondent (s): Mr. Ranjan Mukherjee, Ms. Aprajita Mukherjee, Mr. Upendra Mishra, Ms. Sneha Kalifa and Ms. Rekha Bavshi, Advocates for State of Meghalaya  
Mr. Shuvodeep Roy and Mr. Vinayak Gupta, Advocates for State of Assam  
Mr. Tatenjam Momo Singh, Advocates for Meghalaya State Pollution Control Board  
Mr. Saurabh Sharma, Advocate for State C. Committee  
Mr. Shashank Saxena and Mr. Amritesh Raj, Advocates for MOC

### **ORDER**

1. The matter has been put up in pursuance of order of this Tribunal dated 04.01.2019, to consider the report submitted by the Committee in pursuance of the said order.
2. The proceedings were initiated in this matter to take remedial action against unscientific 'Rat Hole' Mining of coal in the State of Meghalaya. The Tribunal directed stopping of such illegal mining and transportation of illegally mined material by an earlier order. However, the same continued. This led to further direction, including creation of 'Meghalaya Environment Protection and Restoration Fund' (MEPR Fund) to be recovered from law violators for restoration of environment. A sum of Rs. 410 Crores has been credited to the said fund. On the subject of restoration of the damage to the environment and rehabilitation of victims, the Tribunal directed constitution of a Committee headed by a former Judge of Gauhati High Court vide order dated 31.08.2018.

3. The Committee gave its report on 02.01.2019 which was considered on 04.01.2019. The report was furnished after undertaking spot inspections, reviewing and analyzing the ground situation and preparing an action plan. The report of the Committee noted that the problem was continuing since 1991 but no steps were taken to remedy the quality of water in the affected areas or to impound the vehicles and equipment used for illegal mining. Mining was being done with the help of cranes and other equipment. More than 2712 trucks were seized for illegal transportation. Illegal mining was continuing without adopting safety measures. A tragic incident dated 13.12.2018 was widely published wherein 15 workers were trapped and are reported to have died. The power plants and cement plants were encouraging coal mining activities. There was huge damage to the environment as a result of illegal activities. The Committee recommended various steps to prevent and remedy the situation.
4. The Tribunal accepted the report and directed that action be taken for illegal mining on “Polluter Pays” principle, apart from prosecution or other actions. The Tribunal also directed the State of Meghalaya to deposit a sum of Rs. 100 Crores as an interim measure for restoration of the environment, which could be recovered from the violators of law, including the colluding officers of the Government. The Tribunal also suggested for consideration of the Committee measures to deal with the vehicles involved in illegal activities, to identify victims and to take mitigation measures.
5. Further report dated 31.03.2019 received vide e-mail dated 06.04.2019 has been put up for consideration today. The report has chapters on introduction, ‘gist of deliberations of proceedings’ held by

the Committee, 'extent of implementation of action plan' and finally 'request for releasing of a sum of Rs. 96.59 Lakh from the MEPR Fund' for purchase of six vehicles, mounted with water tanks.

6. We approve the proposal of the Committee. The said amount may be released for the purpose mentioned by the Committee.
7. We have noted from the report that four persons died on 11.03.2019 in East Jaintia Hills District and the State was directed to take remedial action. The Committee also noted as follows:

*"From the aforesaid admitted position, it is, therefore, evident that despite the order passed by the Hon'ble Supreme Court prohibiting transportation of coal, such transportation is going on which has not been stopped by the authorities for the reasons best known to them. As reported in various newspapers, illegal coal mining activities are also going on despite the ban by the Hon'ble NGT."*

8. It was also noted that no digital display boards have been installed in the Sub-Divisional, District and State headquarters/capital, displaying the quality of water in the respective areas for information of the general public.
9. We direct Chief Secretary of the State to forthwith take remedial measures in the matter. Learned Counsel for the State submits that the above issues will be duly dealt with and a compliance report filed before the Committee within two weeks which may be considered by the Committee on the next date which we are informed is 25.04.2019. The Committee may consider the matter and pass further orders/recommendations.
10. The Committee may consider requiring a foolproof mechanism to be adopted for effective action against transportation of illegally mined



coal such as electronic manifest system for regulating movement of vehicles and issuance of challans. The Committee may also consider requiring audit of the sources of coal acquired by the power generation and cement plants in the State of Meghalaya.

11. The report dated 31.03.2019 is disposed of.

Put up for further consideration as and when necessary or in August, 2019.

Adarsh Kumar Goel, CP

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

April 11, 2019  
Original Application No.110(THC)/2012  
And other connected matters  
DV

