

QUORUM

**HON'BLE MR. JUSTICE BROJENDRA PRASAD KATAKEY,
FORMER JUDGE, GAUHATI HIGH COURT, GUWAHATI**

**PROF. ASHOK K. SINGH, MEMBER
REPRESENTATIVE FROM INDIAN SCHOOL OF MINES, DHANBAD
IIT (ISM), DHANBAD (826004)**

**DR. SHANTANU KUMAR DUTTA, ADDITIONAL DIRECTOR,
REPRESENTATIVE OF CENTRAL POLLUTION CONTROL BOARD**

IN THE MATTER OF

Threat to Life Arising Out of Coal Mining in South Garo Hills District

-Vs-

**The State of Meghalaya & Ors.
And other connected matters**

PRESENT

- :** **Prof. O. P. Singh,**
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- :** **Prof. P. Ramanujam**
Department of Botany
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- :** **Mr. P.W. Ingty, IAS**
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- :** **Mr. S. Kharlyngdoh, IAS**
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- : **Mr. Manjunatha C, IFS**
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PROCEEDING NO. 12

**RECORD OF THE MINUTES OF TWELFTH SITTING OF THE COMMITTEE
CONSTITUTED BY THE HON'BLE NATIONAL GREEN TRIBUNAL UNDER THE
CHAIRMANSHIP OF HON'BLE MR. JUSTICE B. P. KATAKEY, FORMER JUDGE,
GAUHATI HIGH COURT HELD ON 25th APRIL, 2019 AT 10.00 A.M IN THE
CONFERENCE HALL, O/O PRINCIPAL CHIEF CONSERVATOR OF FORESTS & HOFF,
SYLVAN HOUSE, SHILLONG, MEGHALAYA.**

Mr. P. W. Ingty, IAS, Additional Chief Secretary to the Government of Meghalaya welcomed the Hon'ble Chairperson, Members of the Committee, Special Invitees, senior officials of the State Government and other officers present.

AGENDA ITEMS FOR DISCUSSION

1. Review of actions taken to comply with directions issued by the Committee in its eleventh sitting held on 25.03.2019.
2. Review of actions taken to carry out directions issued in para 6 and 9 of the Hon'ble National Green Tribunal's order dated 11.04.2019 in O. A. No.110 (T_{HC})/2012 in the matter of Threat to life arising out of coal mining in South Garo Hills District and other connected matters.
3. Formulation of a strategy to carry out directions issued in para 10 of Hon'ble National Green Tribunal's order dated 11.04.2019 in O.A. No. 110 (T_{HC})/2012 in the matter of Threat to life arising out of coal mining in South Garo Hills District and other connected matters.
4. Consideration of the following reports received from the Superintendent of Police, Ri – Bhoi District:
 - (i) Report dated 08.04.2019 on a document purported to be a F.I.R lodged by Ri – Bhoi Youth Organisation (RBYO) Central body with the Umroi PIC.
 - (ii) Report dated 10.04.2019 on a news report titled "Two coal trucks overturn" appeared in Shillong Edition of a local daily Shillong Times on 09.04.2019.
5. Presentation by the NESAC on the progress made in preparation of geo – spatial database input for Planning & Restoration of areas affected by coal mining in the State of Meghalaya.



6. Examination of Manual for organising awareness programme in coal mining areas of Meghalaya prepared by Prof. O. P. Singh, Department of Environmental Studies, North Eastern Hills University, Shillong.
7. Examination of a report regarding treatment on acid mine drain (AMD) affected water by inoculation with certain micro – algae received from M/s Trinity Impex International, Delhi.
8. Any other matter (s) to be raised with permission of the chair.

AGENDA ITEM NO. 1

(1) The review of action taken in compliance with the directions issued by this Committee in its eleventh sitting held on 25.03.2019 along with other agenda item (s), if any, would be done in next sitting of the Committee to be held on 3rd May, 2019 from 10.00 A.M onwards.

AGENDA ITEM NOS. 2 & 3

(2) The Hon'ble National Green tribunal vide its order dated 11.04.2019 has approved the proposal of the Committee for releasing an amount of Rs.96.59 lakh from MEPR fund for purchase of six vehicles, mounted with water tankers. The said amount may be released by the Mining and Geology Department, Government of Meghalaya in favour of the Deputy Commissioner East Jaintai Hills District from funds available in the Savings Bank Accounts maintained in State Bank of India other than the fund invested in the Fixed Deposits. The fund so released shall be utilized for the above purpose only and by following all the norms of the Govt. of Meghalaya. A report in this regard shall be submitted to the Committee within a month.

(3) The Hon'ble National Green Tribunal vide its Order dated 11.04.2019, while considering the Committee's Report dated 31.03.2019 directed the Chief Secretary to the Government of Meghalaya to forthwith take remedial measures in the matter of stoppage of the transportation of coal, having noted the Committee's finding that the transportation is still going on.

The Secretary to the Government of Meghalaya, Mining & Geology Department, Dr. Manjunath C. has placed before the Committee the communication dated 18.02.2019 issued by him to the Deputy Commissioner, East Jaintia Hills District with a copy to the Deputy Commissioners and Superintendents of Police of all the Districts to implement the ban on coal mining and illegal transportation of coal as imposed by the Hon'ble National Green Tribunal. Another communication dated 01.02.2019 issued by the Commissioner & Secretary to the Government of Meghalaya, Political Department to all the Deputy



Commissioners and Superintendents of Police of all the Districts of the State of Meghalaya directing implementation of the orders passed by the Hon'ble National Green Tribunal banning all types of mining activities including transportation, has also been placed before the Committee.

(4) The Committee in its second interim report dated 31.03.2019 has indicated that illegal mining activities, including transportation of the coal, despite the ban imposed is still going on unabatedly. The Ban imposed by the Hon'ble Supreme Court as well as by the Hon'ble National Green tribunal has to be complied with, which has not been done by the State Administration fully till date.

(5) Hence, the Committee with a view to implement the said ban issue the following directions:

- (i) The Mining & Geology Department, Government of Meghalaya in consultation with the Director General of Police (DGP), Meghalaya shall develop a coal transport surveillance system to provide for checking and video recording of the consignment of each truck passing through all probable routes likely to be used for illegal transportation of coal. The DGP in consultation with the said Department shall identify suitable locations which may cause least disturbance to non – truck traffic and install a system of Close Circuit Cameras to ensure video recording of consignment of each truck passing through such locations. Network of Close Circuit Cameras shall ensure recording of registration number and consignment of each truck passing through each identified check points. To minimise inconvenience to non – truck traffic, feasibility of installation of such system at existing toll gates, checkpoints, parking lanes/ bays etc. may be explored. In case no such toll gates, check points, parking lanes/ bays etc. exists at the required locations, the State Public Works Department or national Highways and Infrastructure Development Corporation (NHIDCL), or National Highways Authority of India (NHAI) may explore the feasibility to construct additional lanes to facilitate checking of trucks without causing inconvenience to other moving traffic.

The temper proof continuous recordings made at the check points shall be retained at least for a period of one year and shall be reviewed / checked by the authorities in the Police, Civil Administration and Mining & Geology Department.

A report relating to progress of work shall be submitted within a month.

- (ii) The DGP, Meghalaya with the assistance of the Mining & Geology Department, Government of Meghalaya shall within a month from today set up a centralised



helpline to receive complaints / information on illegal mining and transportation of coal in the State and provide adequate publicity to the same through print and electronic media. The helpline to be manned round the clock shall have features such as temper proof automatic call recording, maintenance of call log, and a Standard Operating Procedure (SoP) for follow up actions on information received on the helpline. To encourage free flow of information without any danger of threat or coercion to the informer, the system shall have features to ensure anonymity of caller etc.

A report shall be submitted within a month.

- (iii) The Government of Meghalaya shall also within a month from today take a decision and to frame a scheme to reward the informers suitably in case the information provided by them is found to be true, as such reward will definitely encourage the member of general public to provide information to the authorities on illegal mining and transportation. The confidentiality of the person furnishing the information, at all cost shall be maintained so that such informer is not threatened / harassed by anyone who are interested in continuing coal mining activities.

A report of compliance shall be submitted within one month.

- (iv) To regulate the transportation of coal, the State Government shall follow the procedure similar to one stipulated in Appendix XII of the EIA Notification 2006, inserted vide Notification bearing No. S.O. 141 (E) dated 15.01.2016 for monitoring of sand mining and river bed mining, so that the transportation of coal is regulated, in case at any point of time such transportation is allowed by any Court of Law. The system provides for adequate security features of Transit Pass (TP)/ Challans to prevent their counterfeiting or multiple use, scanning and uploading of TPs/ Challans on a centralised server to facilitate checking of TPs/ Challans to check their validity, GPS tracking of vehicles and generation of reports and alerts in case of detection of any anomaly. The Mining & Geology Department, Government of Meghalaya shall within a month put such system in place and submit a report to this Committee in its next Proceeding.

A report in that regard shall be submitted within a month.

- (v) The Mining & Geology Department, Government of Meghalaya with the assistance of North Eastern Space Applications Centre (NESAC) put in place a Coal Mine Surveillance system (MSS) in the State within a period of three months from today and also develop a Standard Operating Procedure (SoP) providing for effective follow up action, in case any illegal mining or dumping of coal is detected by the MSS. The MSS to be developed should be similar to one which is already developed by the Ministry of Mines and Indian Bureau of Mines (IBM)

with the assistance from the Bhaskaracharya Institute for Space Application and Geo –Informatics (BISAG), Gandhinagar and Ministry of Electronics and Information Technology (MEITY). A report in that regard shall be submitted to the Committee within three months.

- (vi) To ensure expeditious disposal (after obtaining prior approval of the concerned court) of seized coal in a transparent manner the Mining and Geology Department, Government of Meghalaya shall explore the feasibility to dispose of such coal through e-auction conducted by the Coal India Limited. Amount collected from disposal of such coal may be deposited in a separate account as may be directed by the concerned court while permitting disposal of such coal. A report in that regard shall be submitted to the Committee within a month.

(6) The Hon'ble National Green Tribunal vide the Order dated 11.04.2019 has also directed this Committee, apart from adopting a foolproof mechanism against transportation of illegally mined coal, to consider the requirement of the audit of the sources of coal acquired by the power plants and cement plants in the State of Meghalaya.

The Committee directs conduct of year-wise resource (coal) audit of each power plant and the cement factory in the State by the Central Pollution Control Board in the following format:

Name of Plant:

Year:

A. Estimated Annual Coal Requirement:

- (i) Installed Capacity:
- (ii) Supporting document for installed capacity:
- (iii) Actual production during the year (MT of cement or kwh of power):
- (iv) Supporting document for actual production during the year:
- (v) Capacity utilisation (%):
- (vi) Industry average for capacity utilisation (%):
- (vii) Supporting document for industry average for capacity utilisation:
- (viii) Reason(s) for poor capacity utilisation in case capacity utilisation of the plant is less than the industry average:
- (ix) Supporting document for each reasons for poor capacity utilisation:
- (x) Per unit coal requirement (MT of coal/ kwh power or MT of coal/ MT of cement):
- (xi) Supporting document for per unit coal requirement:
- (xii) Estimated coal requirement during the year (MT): Actual production during the year (iii) X per unit coal requirement:



B. Recorded Annual Coal Consumption During the Year

- (i) Opening Balance (MT):
- (ii) Supporting document for opening balance:
- (iii) Coal purchased during the year:

Sl. No.	Coal Source	Qty Purchased (MT)	Supporting document
1			
2			
.....			
Total			

- (iv) Closing balance (MT):
- (v) Supporting document for closing balance:
- (vi) Recorded coal consumption during the year: opening balance (i) + coal purchased during the year – closing balance.

C. Difference between the estimated coal requirement and recorded coal consumption

- (i) Difference between the estimated coal requirement and recorded coal consumption: Estimated coal requirement during the year {B(xii)} – Recorded coal consumption during the year {B (vi)}
- (ii) Reason(s), if any, for difference between the estimated the estimated coal requirement and recorded coal consumption
- (iii) Supporting document for each reason, if any, for difference between the estimated coal requirement and recorded coal consumption

Report on the resource (coal) Audit for all the power plants and cement factories in the State shall be submitted to the Committee within a month.

(7) Dr. Manjunath C., Secretary to the Government of Meghalaya, Mining & Geology Department has apprised this Committee that though the Learned Counsel for the State on 11.04.2019 made a submission before the Hon'ble National Green Tribunal that the compliance report relating to installation of the digital display board would be submitted before the Committee in today's Proceeding, such digital display board has not so far been installed in any of the places as directed by the Committee vide its earlier Proceedings. Dr. Manjunath C, however, has informed the Committee that the process of installation of such digital display boards has been started and it will take a month's time to install the same.

The Committee having regard to the aforesaid, allowed the Mining & Geology Department, Government of Meghalaya a further one month's time to install the digital



display board in terms of its earlier direction. Such display board shall display the data obtained from Central Pollution Control Board as well as Meghalaya State Pollution Control Board relating to the quality of water in the rivers and streams of the affected areas.

A report in that regard shall be submitted to the Committee within a month.

AGENDA ITEM NO. 4

(8) Perused the Report dated 08.04.2019 & 10.04.2019 submitted by the Superintendent of Police, Ri – Bhoi District, Nongpoh. It appears from the Report dated 8.04.2019 that based on an FIR lodged by an NGO by the name of Ri – Bhoi Youth Organisation on 01.04.2019, Umiam PS Case No. 22 (4)19 U/S 188/34 IPC R/w Sec 21 of Mines and Minerals (Development and Regulation) Act, 1957 and Section 15 of the Environment Protection Act, 1986 has been registered and the investigation is under progress. Report dated 10.04.2019 reveals registration of Nongpoh PS Case No. 75 (4) of 2019 and 76 (4) of 2019 U/S 279/337/427/120 – B/188/420/109 IPC R/w Section 15 of Environment Protection Act, 1986 and Section 21 of Mines and Minerals (Development and Regulation) Act, 1957 wherein the investigation is also going on. Those two cases were registered after the Traffic Personnel on duty found two coal laden trucks capsized at Shangbangla G. S. Road near NRL Petrol Pump and Shangbangla Crusher respectively.

(9) It is therefore evident from the said Reports and the Committee also in its Second Interim Report dated 31.03.2019 submitted to the Hon'ble National Green Tribunal has indicated that despite the ban imposed by the Hon'ble Supreme Court as well as the Hon'ble National Green Tribunal, the illegal transportation of coal in the State of Meghalaya is going on, which so far could not be stopped by the State Administration for the reasons best known to it.

AGENDA ITEM NO. 5

(10) Shri M. Somorjit Singh, Scientist, North Eastern Space Application Centre (NESAC), Department of Space, Government of India has apprised the Committee that the work on preparation of geo – spatial data base inputs for planning and restoration of areas affected by coal mining, in respect of East Jaintia Hills District, is going on and would be completed within the time fixed for the purpose, in terms of the agreement between the NESAC and Meghalaya State Pollution Control Board, which was six months from the date of receipt of satellite imageries.

The Committee has also been apprised that by end of May 2019, such geo – spatial data base inputs would be prepared by NESAC and a final presentation in that respect would be made before the Committee thereafter.



(11) Dr. Manjunath C., Secretary to the Government of Meghalaya, Mining & Geology Department has also apprised the Committee that the responsibility for ground survey and preparation of Geological Report (GR) and feasibility report including environmental report for Khliehriat Sutnga Block of East Jaintia Hills District has been entrusted to Central Mine Planning and Design Institute (CMPDI), Ranchi. The CMPDI was initially required to submit a report within a period of six months which however has subsequently been extended. The Committee has also been apprised that the drilling required to be done by the Mining & Geology Department, Government of Meghalaya initially has started in two places without however any success and drilling in the new places shall recommence now so that the said Report can be prepared by CMPDI at the earliest.

(12) In view of the above, the Mining & Geology Department, Government of Meghalaya is directed to re – start the drilling as required to be done for the purpose of preparation of the aforesaid report by CMPDI and to ensure preparation of said report and submit the same to the Mining & Geology Department, Government of Meghalaya within a period of four months. In case of inability to do so, within the aforesaid period of time, the Mining & Geology Department shall submit a report to this Committee giving the reason(s) thereof.

The Committee has also been apprised that the possibility of mining of coal in the State of Meghalaya by scientific way could be ascertained only after submission of the said report by the CMPDI and formulation of mining plans by the CMPDI.

(13) The Committee also requests the presence of Dr. S. Bhatt of CMPDI, who is dealing with the matter of preparation of the said reports, to be present in the Proceeding of the Committee to be held in the month of June 2019. The Member Secretary of the Committee shall accordingly intimate Dr. S. Bhatt.

AGENDA ITEM NO. 6

(14) The Manual for organising awareness programmes in coal mining areas of Meghalaya prepared by Prof. O. P. Singh of Department of Environmental Studies, NEHU has been accepted. Prof. O. P. Singh has also been requested to prepare the Model Power Point Presentation and other display/ IEC (information, Education and Communication) materials for use in the awareness camps/ programmes to be held. The Government of Meghalaya shall arrange and conduct the awareness camps/ programmes in terms of the said Manual and also the other feedback to be furnished by Prof. O. P. Singh. The Government of Meghalaya shall also explore the possibility of funding such awareness programmes/ camps out of Compensatory Afforestation Fund Management and Planning Authority (CAMPA)



fund. Monthly report on the awareness camps/ programmes held shall be submitted to the Committee by the Director of School Education and Literacy, Government of Meghalaya.

AGENDA ITEM NO. 7

(15) The Report submitted by M/s Trinity Impex International, Delhi has been examined by the Committee in details. A discussion on the said Report has also been held wherein Prof. Mrs. P. Ramanujam of North Eastern Hill University (NEHU) and Prof. O.P. Singh also of NEHU have given their inputs. The Committee upon perusal of the aforesaid Report submitted by M/s Trinity Impex International, Delhi and having considered the discussion held in that respect, decided to request M/s Trinity Impex International, Delhi to prepare a pilot project after the field visit in respect of one selected streams in East Jaintia Hills District and submit the same before the Committee within a month. The Committee thanked Prof. P. Ramanujam, Department of Botany, North Eastern Hill University for attending in today's Proceedings as per the request made by the Committee. Prof. Mrs. P. Ramanujam has also been requested to attend the Committee's next Proceeding, date of which will be intimated to Prof. P. Ramanujam in due course of time to discuss about the pilot project to be submitted by M/s Trinity Impex International, Delhi.

(16) Dr. O. P. Singh, Principal Investigator, Department of Environmental Studies, NEHU has placed before the Committee the status reports on treatment of Acid Mine Drain (AMD) contaminated water of such selected streams in the coal mining areas of Meghalaya by constructing open limestone channel using locally available limestone and intermittent wetlands using local aquatic plants. Responsibility for implementation of the said project was given to Prof. O. P. Singh in association with Meghalaya Basin Development Authority (MBDA). It appears from the said Report that during the survey, 8 villages and 8 streams in East Jaintia Hills District were identified for such treatment, out of which, work in 5 streams in 5 villages viz. Dkhiah West, Rymbai, Narwan and Mukha – ialong and Chamcham has already commenced. The work at the Narwan village is going to be completed within a month from now. Prof. O. P. Singh has also apprised the Committee that the AMD treatment of the streams of the aforesaid 5 villages would be completed within a year, other than the streams in Narwan Village. The Committee has also been apprised that the villagers of Mukha – ialong Village have also requested him to conduct such treatment in respect of few other streams in one of those localities which are near to the project earlier completed by Prof. O. P. Singh in association with Meghalaya Basin Development Authority.

(17) It appears from the said status report that progress of work requested to be implemented by Prof. O. P. Singh in association with MBDA is satisfactory. A status report



in so far as Narwan Village is concerned would be submitted to the Committee after a month.

AGENDA ITEM NO. 8

(18) Pursuant to the decisions of the Committee, a number of experts have been invited to attend various sittings of the Committee, who, however, so far have not been paid any honorarium/ sitting fee. The Government of Meghalaya shall take appropriate decision relating to the payment of honorarium/ sitting fee to the special invitees including official member of the Committee. The Member-Secretary of the Committee shall apprise the Committee about the said decision within a month.

The meeting ended with a vote of thanks from the Chair.


(Justice Brojendra P. Katakey)
Chairman