

QUORUM

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

PROF. ASHOK K. SINGH, MEMBER
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DR. SHANTANU KUMAR DUTTA, ADDITIONAL DIRECTOR
REPRESENTATIVE OF CENTRAL POLLUTION CONTROL BOARD
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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**
Department of Environmental Studies,
North Eastern Hill University
Email id: opsinghnehu@gmail.com
- : **Mr. C. P. Marak, IFS**
Principal Secretary, Government of Meghalaya
& Principal Chief Conservator of Forests & HoFF &
Chairman, Meghalaya State Pollution Control Board
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- : **Mr. T. Dkhar, IAS**
Commissioner & Secretary to the Government of
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- : **Mr. H. Nongpluh, IPS**
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- : **Mr. I. R. Kharkongor**
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- : **Dr. Manjunatha C, IFS**
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- : **Mr. I. W. Ingty, IAS**
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PROCEEDING NO. 16-A

RECORD OF THE MINUTES OF FIRST DAY OF SIXTEENTH 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 22nd July, 2019 AT 9.00 A.M ONWARD IN THE CONFERENCE HALL, O/O PRINCIPAL CHIEF CONSERVATOR OF FORESTS & HOFF, SYLVAN HOUSE, SHILLONG, MEGHALAYA.

At the outset, Mr. C. P. Marak, IFS, Principal Secretary to the Government of Meghalaya, Forest & Environment Department & Principal Chief Conservator of Forests & Head of Forest Force, 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 action taken to comply with directions issued by the Committee in its First Special Sitting held on 12.07.2019.
2. Review of actions taken to comply with directions issued by the Committee in its Fourteenth and Fifteenth Sittings held on 03.06.2019 and 28.06.2019 respectively.
3. Review of the existing mechanism for exercise of powers conferred on the State under Sub – section (5) of Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957 to recover illegally raised minerals or cost (along with royalty, taxes etc.) thereof.
4. Review of status of implementation of Rules, if any, framed in exercise of powers conferred on the State Government under Section 23 C of the Mines and Minerals (Development and Regulation) Act, 1957 for preventing illegal mining, transportation and storage of minerals.
5. Presentation by a representative of M/s. Growdiesel Ventures Limited on a pilot project formulated by them for reclamation of one running kilometre acid mine drainage affected



stretch of Umkram stream in Suchen village, East Jaintia Hills District by using Atmoscare Catalytic Boulders and Algae

6. Final presentation by North Eastern Space Application Centre (NESAC), Umiam on a study assigned to them on mapping and analysis of coal mining affected areas in East and West Jaintia Hills Districts.
7. Consideration of a report dated 15.07.2019 from the Superintendent of Police, East Jaintia Hills District on a News report titled "Youth falls down limestone shaft, rescue on" appeared in a Local Daily Highland dated 1st July, 2019
8. Interaction with Chairman and other members of Meghalaya State Coordination Committee of Coal Owners, Miners, Exporters, Transporters and Dealers Forum.
9. Any other matter (s) to be raised with permission of the Chair.

AGENDA ITEM NO. 1

1. Mr. T. Dkhar, IAS, Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department states that the Committee in its first special sitting held at Shillong on 12.07.2019 to have preliminary discussions on directions issued by the Hon'ble Supreme Court in judgment dated 03.07.2019 in Civil Appeal No. 10720 of 2018 in the matter of State of Meghalaya *versus* All Dimasa Student Union, Dima-Hasao District Committee & Ors and other connected matters directed him to provide certain information and documents to the Committee within ten days. These information and documents are required by the Committee to formulate a mechanism for transportation and weighing of assessed coal in Meghalaya, as has been directed by the Hon'ble Supreme Court in the said Judgment.

The Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department states that the information and documents sought by the Committee are being compiled and will be provided to the Committee during the next day of this Sitting to be held on 23.07.2019.

The Committee accepts the afore-mentioned request and directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to provide the afore-mentioned information and documents to the Committee on 23.07.2019 without fail.



2. Mr. I. W. Ingty, IAS, Commissioner Transport, Government of Meghalaya makes a similar request to allow him to submit the information relating to weighbridges sought from Transport Department on 23.07.2019. The Committee accepts the afore-mentioned request and directs the Commissioner Transport to provide the afore-mentioned information to the Committee on 23.07.2019 without fail.
3. The Committee in its first special Sitting held on 12.07.2019 noted that the Hon'ble Supreme Court in para 179 of the Judgment dated 03.07.2019 in the Civil Appeal No. 10720 of 2018 in the matter of State of Meghalaya *versus* All Dimasa Student Union, Dima-Hasao District Committee and Ors. and other connected matters directed the State of Meghalaya to transfer an amount of Rs. 100 Crores from the Meghalaya Environment Protection and Restoration Fund (MEPRF) to the Central Pollution Control Board (CPCB). The Committee in the said Special Sitting directed the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to transfer an amount of Rs. 100 Crores to the CPCB within one week and submit a report to the Committee in this Sitting being held today on 22.07.2019.

The Regional Director, North Eastern Directorate, CPCB, Shillong states that so far the said amount of Rs. 100 crore has not been received by the CPCB. The Committee therefore directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to transfer the said amount of Rs. 100 crore in favour of the Central Pollution Control Board (CPCB) within one week and submit a report to the Committee in its next Sitting to be held at Shillong on 14.08.2019.

AGENDA ITEM NO. 2

4. The Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters), Government of Meghalaya place before the Committee a Report on a visit to West Virginia, USA for search of appropriate coal mining technology for the State of Meghalaya received by him from Mr. Songit Kumar Bagrodia, Director, Mahacoal Trexim Private Limited. The Committee takes the same on record.

As per the Report, in September 2008 a high level delegation consisting of Mr. Timothy Dalbot Shira, Deputy Chief Minister; Mr. Paul Lyngdoh, Minister of Urban Affairs; Mr. Donkumar Massar, Minister of Mining and Geology; Mr. Alexander Laloo Hek, Minister of Public Health; Mr. James Sangma, Parliamentary Secretary; Mr. Arindam Som, IAS, the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department and Mr. Peter Sansan Dkhar, Managing Director of the Meghalaya Mineral



Development Corporation Limited visited the West Virginia in USA to experience in real life situation - the similarities of the landscape, geology and coal deposits between Meghalaya and West Virginia, to get acquainted with the application of the highwall mining technology in West Virginia, USA and to discuss the possibilities of transferring this technology to the State of Meghalaya.

The Delegation also visited the factory of Terex SHM located in Beckley WV at about 100 km south of Charleston WV, the capital of West Virginia. The Terex SHM, as per the said Report, is the world leader in manufacturing of highwall mining technology.

Mr. Songit Kumar Bagrodia in a letter dated 10.07.2019 addressed to the Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters), Government of Meghalaya stated that a copy of the said report has already been submitted to the Government of Meghalaya in November, 2008.

The Committee directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department that decision, if any, taken by the Government of Meghalaya on the said Report may be intimated to the Committee in its next Sitting to be held at Shillong on 14.08.2019. In case no decision on the said Report has been taken by the State Government so far, the same may be taken and intimated to the Committee in its next Sitting to be held at Shillong on 14.08.2019

5. The Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters), Government of Meghalaya informs the Committee that decision of the Hon'ble NGT on a recommendation of the Committee that entire expenditure of Rs. 19,19,500/- (rupees nineteen lakh nineteen thousand five hundred) only to be incurred on a pilot project formulated by M/s. Trinity Impex International for treatment of acidic water in a stream at Rymbai having current ph of 3.5 and estimated flow of about 100 -120 MLD by using micro-algae technology may be met from the Meghalaya Environment Protection and Restoration Fund (MEPRF) is still awaited. The Committee notes the same.
6. Mr. I.R. Kharkongor, Deputy Commissioner in office of the Commissioner of Customs, Shillong informed the Committee that as per the Directorate General of Foreign Trade (DGFT) Notification No. 08/20115-2020 dated 04.06.2015, export of coal to Bangladesh through Land Custom Stations in Meghalaya requires three sets of mandatory documents viz. (i) Bill of Lading/ Airway Bill/ Lorry Receipt/ Railway Receipt / Postal Receipt; (ii) Commercial invoice cum Packing List; and (iii) Shipping Bill/ Bill of Export. As per the



Central Board of Indirect Taxes and Customs (CBIC) Circular No. 01/2015-Cus dated 12.01.2015, separate Commercial Invoice & Packing List can also be accepted.

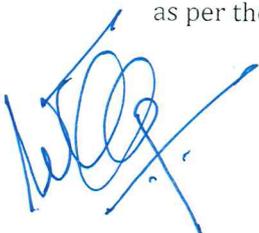
Mr. I.R. Kharkongor further states that in terms of a decision taken during the Joint Group of Customs Meeting between India and Bangladesh, a Car Pass is also required to be issued to trucks carrying export consignment to Bangladesh. For the purpose of ensuring that correct transaction value is stated, a copy of the Letter of Credit (LoC) issued by the Bank is also obtained from the exporter. In case of any doubt on nature or valuation of the goods as per the Customs Valuation (Determination of Value of Export Goods) Rules, 2007, a Proper Officer may call for additional documents from an exporter.

Mr. I.R. Kharkongor further stated that in terms of para 1.23 of the Foreign Trade Policy, 2015-2020, consignments of items meant for export are not to be withheld/ delayed for any reason by any agency of Central/ State Government. However in case of specific intelligence, action can be taken under Section 113 (d) of the Customs Act which is applicable to any goods attempted to be exported or brought within the limit of any customs area for the purpose of being exported, contrary to any prohibition imposed by or under the Customs Act or any other law for the time being in force.

Mr. I.R. Kharkongor also states that the coal meant for export through Land Custom Stations in Meghalaya arrives at Customs Area for clearances after crossing Directorate of Mineral Resources (DMR) check gates and on passing through designated weighbridges. There is no provision under the Customs Act, 1962 or the Foreign Trade (Development & Regulation) Act, 1992 for Customs to ascertain the legal origin of goods intended for export. The documentation presented by the exporter *i.e.* Shipping Bill/ Bill of Export requires the exporter to declare that all particulars given therein are true and correct. The Shipping Bill/ Bill of Export has a field for declaring the State of Origin of the goods.

Mr. I.R. Kharkongor placed before the Committee a statement containing month-wise details of coal exported to Bangladesh after April 2014 through seven Land Custom Stations in Meghalaya *viz.* Baghmara (South Garo Hills District), Bholaganj (East Khasi Hills District), Borsora (South West Khasi Hills District), Dalu (West Garo Hills District), Dawki (West Jaintia Hills District), Ghasuapara (South Garo Hills District) and Mahendraganj (West Garo Hills District). The same is taken on record.

The Committee after preliminary examination of the said statement observes that as per the said statement total 33,23,073 metric tonnes of coal in 5,39,134 truck load was

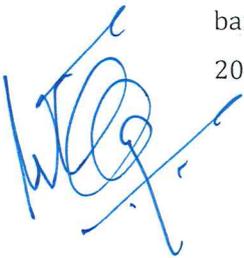


exported to the Bangladesh since the ban on rat hole coal mining was imposed by the Hon'ble NGT in April 2014. The Committee also observes that during the months of April 2014 and April 2018 average quantity of coal transported by a truckload through Ghasuapara Land Custom Station is less than one (1) metric tonne. The quantity of coal exported by each truck load from the Ghasuapara Land Custom Station during these months is substantially lower than the average quantity of about 9.00 MT coal exported by each truck during all other months.

It was also stated by Mr. I.R. Kharkongor that about 80 percent of coal exported to Bangladesh during the said period from these seven Land Custom Stations has originated from the Meghalaya. The remaining 20 percent coal has originated from Bhutan.

The Committee after detailed examination of the matter directs the Commissioner of Custom, Shillong to provide following information to the Committee within ten (10) days:

- (i) Month-wise details of name & full address of the exporter and Source of Origin for each consignment of the coal which was allowed to be exported to the Bangladesh from each of the seven Land Custom Stations in Meghalaya since ban on rat hole coal mining in Meghalaya was imposed by the Hon'ble NGT in April, 2014.
- (ii) Actual quantity and truckload of coal allowed to be exported to the Bangladesh through Ghasuapara Land Custom Station during the months of April 2014 and 2018.
- (iii) In case quantity and truck loads given in the said statement for the Ghasuapara Land Custom Station for the months of April 2014 and April 2018 are correct, the reasons for it being much lower than the average quantity of coal exported by a truck load during all other months.
- (iv) Details of the Land Custom Stations on the India-Bhutan Border through which the coal originating in Bhutan is allowed to enter and transit through India while its export to Bangladesh.
- (v) Month-wise details of name & full address of the exporter for each consignment of coal which was allowed to enter and transit through India while its export to Bangladesh through each Land Custom Station on India-Bhutan Border since the ban on rat hole coal mining in Meghalaya was imposed by the Hon'ble NGT in April, 2014



The Committee also directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to provide to the Committee month-wise details of name & full address of the exporter for each consignment of the coal originating from the Meghalaya allowed to be exported to the Bangladesh from each of the aforementioned seven Land Custom Stations in the State since the ban on rat hole coal mining in Meghalaya was imposed by the Hon'ble NGT in April, 2014.

7. Dr. Manjunatha C., IFS, Secretary to the Government of Meghalaya, Mining and Geology Department stated that a decision to sanction and release an amount of Rs. 16,50,000/- in favour of the Deputy Commissioner, South Garo Hills district for payment of *ex-gratia* @ Rs. 1,00,000 to the next of kin of each of 14 (fourteen) coal mine workers who died while working in an illegal coal mine in South Garo Hills district in 2012 and @ Rs. 50,000 to 5 (five) coal mine workers who were injured in the said accident is likely to be taken by the State Government shortly. He further stated that in response to a notice inviting applications for payment of *ex-gratia* published in local Dailies in compliance of a direction issued by this Committee, Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department received applications from next of kin of 10 (ten) persons who had allegedly died in coal mining related accidents. Veracity of the claims made in these applications is still being examined by the respective Deputy Commissioners.

The Committee directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to expedite decision on payment of *ex-gratia* to next of kin of the afore-mentioned persons who died in accidents relating to illegal coal mining and to the persons who suffered injuries in such accidents. A report on the same may be submitted to the Committee in its next Sitting to be held at Shillong on 14.08.2019.

8. Dr. Manjunatha C., IFS, Secretary to the Government of Meghalaya, Mining and Geology Department states that on 20.06.2019 an amount of Rs. 96.97 lakh has been released in favour the Deputy Commissioner, East Jaintia Hills District from the Meghalaya Environment Protection and Restoration Fund (MEPRF) for purchase of six vehicles, mounted with water tankers, as has been approved by the Hon'ble National Green Tribunal by its order dated 11.04.2019.

The Committee directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to obtain from the Deputy Commissioner, East Jaintia Hills District a Utilisation Certificate (UC) for the said amount along with a

report on use of these vehicles and place the same before the Committee in its next Sitting to be held at Shillong on 14.08.2019.

9. Dr. Manjunatha C., IFS, Secretary to the Government of Meghalaya, Mining and Geology Department states that on 09.07.2019 a meeting was held under chairmanship of the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to review the progress made in developing a coal mining surveillance system as directed by this Committee in its Twelfth Sitting held at on 25.04.2019. During the said meeting, the Director of Mineral Resources reported that out of the 12 (twelve) check gates of the Mining & Geology Department, CCTV cameras of only 5 check gates are functional. In 3 (three) check gates, CCTV cameras have been installed but the same are presently not functional and in 4 others, CCTV cameras have not been installed due to lack of infrastructure in these check gates. He further stated that during the said meeting the following decisions were taken:

- (i) The Transport Department and Director of Mineral Resources to share the list of CCTV cameras installed in the respective weighbridges/ check gates of their Department with the Director General of Police.
- (ii) The Director of Mineral Resources to ensure immediate repair of all non-functional CCTV cameras and to take steps to acquire the infrastructure necessary for installation of CCTV cameras in the remaining check gates.
- (iii) The Director of Mineral Resources to take necessary action to reposition the cameras so as to capture the registration number of trucks at the back, the front side of the trucks (3 cameras in all) and to position one camera for recording the top of the trucks so as to help the identification of the nature of consignment.
- (iv) To upgrade the storage capacity of the CCTV cameras to 6 TB. Each check gate will have 4 numbers 6 TB hard drive for recording and storing of CCTV footage for one year & the Directorate of Mineral Resources (DMR) will take necessary action to purchase 6 TB hard drive for all check gates.
- (v) To examine the possibility of replacement of the hard disc to ensure retention of data for at least one year.
- (vi) The Mining and Geology Department will liase with the Public Works Department (Roads) for construction of additional lanes/lay bays to facilitate checking of trucks passing through the designated check gates/ weighbridges of DMR/



transport department. Identification of such additional lanes may be prioritised based on the volume of traffic handled by a particular weighbridge.

- (vii) The DGP shall ensure that trucks pass through the check gates for video recording of the registration number and consignment.
- (viii) For the present, the data of registration number of trucks recorded by Transport Department will be utilised by DMR for monitoring purposes in those check gates where the CCTV cameras are non-functional/not installed.
- (ix) The Mining and Geology Department will explore the possibility of installing sophisticated scanners as a long term measures.

The Committee notes that in compliance of directions issued by the Hon'ble NGT by Order dated 11.04.2019, the Committee in its twelfth Sitting held on 25.04.2019 issued several directions to ensure detection and prevention of illegal mining and transportation of the coal in Meghalaya. Majority of these directions recorded in para (5) of the Record of Minutes of the said Sitting have not been implemented so far. The Committee therefore; directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to submit a report on status of implementation of each of these directions in next Sitting of the Committee to be held at Shillong on 14.08.2019.

10. Dr. Manjunatha C., IFS, Secretary to the Government of Meghalaya, Mining and Geology Department states that latest data received from the MSPCB on quality of water in 10 worst polluted streams in the State are being displayed in two Digital Display Boards installed at Shillong. The tenders for installation of similar Boards at the Headquarters of all the coal mining affected districts and sub-divisions in the State have been finalised and the orders for supply of installation of these Boards in favour of the successful bidder is being issued shortly.

The Committee directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to complete installation and display thereon the quality of ten worst polluted rivers and streams, of these Boards at headquarters of all coal mining affected districts and sub-divisions in State, at the earliest and to submit a report to the Committee within one month.

11. The Director of Mineral Resources, Government of Meghalaya states that drilling of all the requisite number of bore holes for preparation of a Geological Report and Feasibility Report for 1 sq. km. area in Khliehriat-Sutnga area in East Jaintia Hills District has been



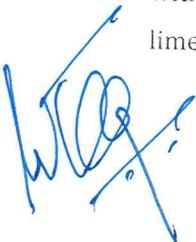
completed. The samples collected during the drilling have been sent to the Central Mine Planning and Design Institute Limited (CMPDI), Dhanbad for analysis.

The Committee directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to expedite the preparation of Geological Report, Feasibility Report and Environment Report for the said areas. A report on current status of preparation of these Reports along with a definite timeframe for completion thereof, shall be intimated to the Committee in its next Sitting to be held at Shillong on 14.08.2019.

12. Prof. O.P. Singh of Department of Environmental Studies, North Eastern Hill University (NEHU) made a presentation on the work for neutralization of Acid Mine Drain (AMD) contaminated water of some selected streams in coal mining areas in East Jaintia Hill district by construction of open limestone channels using locally available limestone and intermittent wetlands using local aquatic plants.

During the presentation the Committee notes that due to formation of a protective layer on outer surface of the limestone, efficiency of the limestone bed to enhance quality of water gradually reduces. Due to the above process called armouring, limestone bed is required to be periodically regenerated either by addition of fresh limestone or by breaking of the existing lumps of limestone available in such bed to create new surface. During the presentation Committee also notes that limestone available in some of the areas in East Jaintia Hill district contains high sulphur content. Such limestone, if used in treatment of AMD affected water, results in release of sulphuric acid, resulting in reduction in overall efficiency of the bed. The Committee also notes that the project involves introduction of Vetiver grass, which naturally does not grow in the State. Though the Vetiver grass has been used to stabilize the steep slopes along the highways etc. in the North Eastern Region, impact of the said grass on the local ecology is still unknown. The same needs to be assessed through a scientific study. The Committee, therefore advises Prof. O. P. Singh to assess feasibility to use any other native species of grass in place of the vetiver grass in such projects.

The Committee also advises Prof. O.P. Singh to prepare a detailed protocol and year-wise cost –estimates for use of the above technology for treatment of AMD contaminated stream. The protocol and the cost estimates may specifically provide for use of limestone with low sulphur content and expenditure to be incurred on periodic rejuvenation of limestone beds.



13. Dr. Manjunatha C., IFS, Secretary to the Government of Meghalaya, Forests and Environment Department states that decision on the proposals submitted by the Principal Chief Conservator of Forests & HoFF for payment of sitting fee to official members of the Committee and various experts invited to attend meetings of the Committee and to enhance the rates of monthly honorarium payable to the Chairman of this Committee are still under consideration of the Government.

The Committee directs the Principal Secretary to the Government of Meghalaya, Forests and Environment Department to expedite decision on the said proposals and submit a report to the Committee in its next Sitting to be held at Shillong on 14.08.2019.

14. The Chairman, Meghalaya State Pollution Control Board (MSPCB) states that agreements between the MSPCB and the Council of Scientific and Industrial Research- Central Institute of Mining and Fuel Research (CSIR-CIMFOR), Dhanbad for two studies, namely; (i) Technology development for treatment of acid mine water for its reuse and safe disposal; and (ii) Scientific investigations for planning, design and supervision of controlled blasting to permanently annihilate all the abandoned and illegal rate holes mines in the State of Meghalaya were signed on 28.06.2019. The MSPCB has also released the amount of payment of Rs. 50,00,000/- ((rupees fifty lakh) only and Rs. 14,75,000 (rupees fourteen lakh seventy five thousand) only payable to the CSIR-CIMFOR respectively for these studies by an account payee cheque dated 18.07.2019.

The Committee directs the Chairman, MSPCB to ensure that both these studies are executed as per the schedule. The Committee further directs the Chairman, MSPCB to submit monthly reports to the Committee on progress made in implementation of these studies.

15. The Chairman, MSPCB states that after scrutiny of the list of miners, dealers and transporters of coal received from the office of the Director of Mineral Resources it was observed that it contains only the communication addresses of these miners, dealers and transporters but does not contain the location of mines under operation by each of these miners. He further states that the MSPCB has consulted the matter with their Standing Counsel who has given his opinion to the effect that for the purpose of initiating action against the defaulting mine owner, the Board needs to carry out inspection of the mines and collect samples of the trade effluent discharged by that mine including the sample of the water of the receiving water body where such trade effluent is discharged, in order to ascertain that the discharged effluent does not meet the prescribed standard and thus pollutes the receives water body. He further states that in pursuant to the above-



mentioned opinion of the Legal Counsel, the Board has written to the Directorate of Mineral Resources to also furnish the location of mines under operation by the particular listed miners so as to enable the Board to carry out inspection for initiating further necessary actions as per law. The Board has also sought information from the listed miners with respect to the location of mines operated by them in the State.

The Committee notes that establishment and operation of a coal mine in Meghalaya requires prior consent from the MSPCB under Section 25 of Water (Prevention and Control of Pollution) Act, 1974. It is an admitted position that all coal mines in the State have been established and operated without obtaining prior consent from the Board. The owners of all these mines are therefore, liable to be punished under Section 44 of the Water (Prevention and Control of Pollution) Act, 1974 for contravention of section 24 of the said Act, without a need to establish before the concerned Court of Law that establishment and operation of such mines have caused pollution of one or more water streams.

The Committee therefore directs the Chairman, MSPCB to re-examine the matter in the light of the above observation and initiate necessary penal actions in accordance with the all relevant provisions of the Water (Prevention and Control of Pollution) Act, 1974 and all other environmental Acts, rules and regulation against the persons involved in illegal mining of coal in the State.

The Committee also notes that apart from the mines, coal depots are also a major source of acid mine drain (AMD). Establishment and operation of coal depots therefore need to be regulated under relevant provisions of the Water (Prevention and Control of Pollution) Act, 1974.

The Committee directs the Chairman, MSPCB to place before the Committee in its next Sitting to be held at Shillong on 14.08.2019 the details of the regulatory regime presently in force to govern establishment and operation of coal depots in the State along with a proposal to fill gaps, if any, in such regime to ensure prevention and control of generation of acid mine drain (AMD) from such depots.

Pending establishment of a fool proof regulatory regime for establishment and operation of coal depots in the State, the MSPCB in consultation with its Standing Counsel shall formulate a strategy to file fool proof complaints under relevant provisions of the Water (Prevention and Control of Pollution) Act, 1974 against the persons involved in establishment and operation of coal depots in the State for causing pollution of the river



and steams and place the same before this Committee in its next Sitting to be held at Shillong on 14.08.2019.

16. The Committee after perusal of the documents placed before it by the Member-Secretary, MSPCB observes that actions are proposed to be taken by the MSPCB against a limited number of persons involved in illegal mining, storage and transportation of coal resulting in pollution of rivers, streams and other water bodies in the State. The Committee is of the view that the mining, storage and transportation of about 12 million tonnes of coal permitted to be transported by the Hon'ble Supreme Court and the Hon'ble NGT from time to time after ban on illegal rat hole coal mining in the State was imposed by the NGT in April, 2014 could not have been undertaken by these limited number of persons.

The Committee therefore, directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to furnish to the MSPCB and to this Committee a district-wise list of all persons involved in mining, storage and transportation of coal permitted to be transported by the Hon'ble Supreme Court and the Hon'ble NGT after the ban on illegal rat-hole coal mining was imposed by the Hon'ble NGT in April 2014.

17. Mr. H Tynsong, Scientist D, North Eastern Regional Office of the Ministry of Environment, Forest and Climate Change (MoEFCC), Government of India (GoI) states that as per the information available in the official website of the MoEFCC, GoI (www.moef.nic.in) the Expert Appraisal Committee (EAC) on Environmental Impact Assessment (EIA) of Thermal Power project in a meeting held on 26.06.2019 has recommended following additional condition *w.r.t.* amendment in Environmental Clearance (EC) conditions related to sourcing of coal for the Thermal Power Plants (TPPs) in the State of Meghalaya:

- (i) Local coal sourced from Meghalaya shall not be used for operation of power plant unless the coal mine in Meghalaya has a valid Mining Lease and Approved Mine Plan under Mines and Minerals (Development and Regulation) Act 1957 and its amendment and connected Regulations. In addition, the coal mine from the State of Meghalaya shall also have valid Environmental Clearance (lease with more than 5 ha under EIA Notification 1994, lease with more than or equal to 5 ha under EIA Notification, 2006 up to 15.01.2016; all coal mining leases irrespective of lease area from 15.01.2016 onwards).
- (ii) The Project Proponent shall submit the source of coal mine, its location, along with boundary coordinates of lease, quantity of coal transported along with the mode of



transportation, copies of valid mining lease, approved mine plan and Environmental Clearance (EC) to the Ministry and its Regional Office, before sourcing the coal from Meghalaya State. Further, this information is to be updated and submitted along with six monthly EC Compliance Report to the Ministry and its Regional Office.

Mr. Tynsong further states that information from the State Environmental Impact Assessment Authority (SEIAA), Meghalaya in respect of stipulation of similar additional condition in Environmental Clearance the TPPs in the State granted by them is still awaited.

The Committee after examination of the matter observes that the afore-mentioned additional conditions in the EC to the TPPs located in Meghalaya have been recommended by the EAC with an understanding to discourage the illegal coal mining which was causing the loss of human lives. The Committee however, was of the view that condition to prohibit use of local use in the EC granted to one of the TPP is Meghalaya viz. the Meghalaya Power Limited was stipulated keeping in view the high sulphur content in the local coal use of which by a TPP may cause severe air pollution.

The Committee therefore, reiterates its earlier direction and further directs the Addl. Director General in -charge North Eastern Regional Office of the MoEFCC, GoI to request the MoEFCC, GoI and the SEIAA, Meghalaya to stipulate an appropriate additional condition in ECs granted to all the TPPs in the State to prohibit use of high sulphur local coal by such TPPs.

18. Shri H. Tynsong, Scientist, D, North Eastern Regional Office of the MoEFCC, GoI states that decision of the MoEFCC, GOI on the proceedings initiated against the Meghalaya Power Limited for use of locally sourced coal in violation of a condition stipulated in the EC to the said TPP is still awaited.

The Committee reiterates its earlier direction and directs the Addl. Director General in-charge North Eastern Regional Office of the MoEFCC, GoI to ensure that appropriate punitive measure against the said TPP for violation of a condition stipulated in the EC shall be initiated at the earliest and a report be submitted to the Committee within one month.

19. Dr. Manjunatha C., IFS, Secretary to the Government of Meghalaya, Mining and Geology Department states that the Comprehensive Disaster Management Plan, both "on-site" and "off-site" is still awaiting approval of the State Disaster Management Authority.

The Committee directs the Commissioner and Secretary to the Government of Meghalaya, Revenue and Disaster management Department to obtain approval of the competent authority to the said Plan and place a copy of duly approved plan before this Committee in its next Sitting to be held at Shillong on 14.08.2019.

20. Dr. Manjunatha C., IFS, Secretary to the Government of Meghalaya, Mining and Geology Department states that so far 67 (sixty seven) cases under relevant provisions of the Mines and Minerals (Development and Regulation) Act, 1957 have been registered by the Police against the persons involved in illegal mining, storage and transportation of coal in the State. All these cases have been registered.

The Committee noted that during its Fifteenth Sitting held on 03.06.2019, Mr. Manjunath C. stated that apart from the Police, the enquiries have also been initiated by some of the officers in the Mining and Geology Department and the District Administration who have been authorised under Section 22 of the Mines and Minerals (Development and Regulation) Act, 1957 to file complaint against the persons involved in illegal raising and transportation of coal. Dr. Manjunatha C during the said Sitting stated that such officers will make complaint to Competent Court of law once such the enquiries are completed. Dr. Manjunatha C., however clarifies during this Sitting that no such enquiry has been initiated by any of the Authorised Officers in the Mining and Geology Department and the District Administration.

The Committee notes the above with great concern and directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to issue directions to all such officers to exercise powers conferred on them to enquire into and file complaint against the persons involved in illegal raising and transportation of coal in the State. A report on the same may be submitted to the Committee in its next Sitting to be held at Shillong on 14.08.2019.

21. Shri H. Nongpluh, IPS, Addl. Director General of Police (L &O/ TAP/ SB/Borders), Government of Meghalaya states that the investigation in the Nangal Bibra P.S. case No. 10 (03) of 2013 is still pending due to non-receipt of non-receipt of the Post-Mortem Report.

The Committee directs the Secretary to the Government of Meghalaya, Health and Family Welfare Department and the District Medical and Health Officer (DMHO), East Garo Hills district, Williamnagar to provide requisite Post-mortem report to the concerned Investigation Officer within five (5) days. A report on the same shall be submitted to the Committee in its next Sitting to be held at Shillong on 14.08.2019 by the

Secretary to the Government of Meghalaya, Health and family Welfare Department and the Director General of Police.

22. The Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters) Government of Meghalaya places before the Committee a letter dated 19.07.2019 of the Superintendent of Police, Ri-Bhoi District wherein it has been stated that investigation in an incident involving overturning of a coal laden truck at Jatah village in Ri-Bhoi district has been completed. Vide C.S. No.02/2019 dated 13.07.2019, Shri. Shanki Sari driver of the truck, Shri. Poo Sari owner of the truck and coal and Shri. Lost Suna, Manager of the truck were charge sheeted U/S 188/279/427/34 IPC read with Section 21 MMDR and Section 15 of the Environment Protection Act. It has also been stated in the said letter that after this incident, a Police Check Post has been set up at Kyhyndewso to prevent such illegal transportation of coal. The Committee places a copy of the said letter on record.

It is also stated in the said letter that the probable routes through which the mined coal can be illegally transported using internal road are as follows:-

1. ROUTE-1: Nartiang-Khyndewso-Tyrso-Mawhati-Jagiroad.
2. ROUTE-2: Nartiang-Khyndewso-Mawlasnai-Bhoirymbong-Umshiaw-Mawhati-Jagiroad.
3. ROUTE-3: Nartiang-Khyndewso-Kyrdem-Bhoirymbong-Umshiaw-Mawhat-Jagiroad
4. ROUTE-4: Mairang-Dongkiingding-Patharkhmah-Rani.
5. ROUTE-5: Mairang-Dongkiingding-Kyrdemkulai-Umsning.
6. ROUTE-6: Mairang-Mawlyndep-Lad Umsaw.

The Superintendent of Police, Ri-Bhoi district in the said letter further states that in order to preclude illegal transportation of coal through Route-1, 2 and 3 a Police Check Post has been set up at Khyndewso, Ri-Bhoi District. Police Check Posts have also been set up at Patharkhmah to tackle Route-4 and at Kyrdemkulai to tackle Route-5 and at Lad Umsaw Check Post for Route-6. Necessary directions have been issued to all Officer In-Charge of Police jurisdiction to deter illegal transportation of coal in Ri-Bhoi District.

The Superintendent of Police, Ri-Bhoi district in the said letter suggested that to effectively avert illegal transportation of coal by manoeuvring through the aforesaid internal routes Police Check Posts may be set up at Dongkiingding, West Khasi Hills District and Nartiang, West Jaintia Hills District.

The Committee directs the Director General of Police, Meghalaya to ensure setting up of Police Check Posts at the afore-mentioned locations suggested by the Superintendent of Police, Ri-Bhoi district and to submit a Report to the Committee in its next Sitting to be held at Shillong on 14.08.2019.

23. Mr. M.B.K. Reddy, IFS, Chief Executive Officer, the Meghalaya State Compensatory Afforestation Fund Management and Planning Authority (CAMPA) states that a plan to obtain approval of the competent authorities for execution of various activities from the CAMPA funds has been formulated. The plan envisages afforestation activities in some of the areas affected by coal mining in the States.

The Committee directs Mr. M.B.K. Reddy to place a copy of the said Plan before the Committee in its next Sitting to be held at Shillong on 14.08.2019. Details of activities to be undertaken in areas affected by the Coal Mining shall separately be provided to the Committee in the said Sitting.

AGENDA ITEM NO. 3

24. The Committee notes that environment in the coal mining affected areas in Meghalaya can not be restored unless the illegal mining of coal in these areas is effectively controlled. Except for 67 cases which have recently been registered by the Police under relevant Sections of the Mines and Minerals (Development and Regulation) Act 1957 against the persons involved in illegal raising and/or transportation of coal in the State, all other persons who raised huge quantity of coal, admittedly without any lawful authority, have been allowed to transport, sale and retain the entire sale proceeds of such illegally raised coal. Even after five years from the day the ban on rat hole mining of coal was imposed by the Hon'ble NGT, the coal miners in the State continue to declare stock of coal purported to be extracted prior to imposition of the ban by the Hon'ble NGT.

The Committee is of view that non-exercise of the powers conferred on the State by relevant provisions of the Mines and Minerals (Development and Regulation) Act, 1957 to take punitive and coercive actions against the persons involved in illegal raising, storage and transportation of coal is the main reason for continuation of illegal mining of coal even after imposition of a blanket ban by the Hon'ble NGT.

Sub section (5) of section 21 of the Mines and Minerals (Development and Regulation) Act, 1957 provides that whenever any person raises, without any lawful authority, any mineral from any land, the State Government may recover from such person the mineral so raised, or, where such mineral has already been disposed of, the

price thereof, and may also recover from such person, rent, royalty or tax, as the case may be, for the period during which the land was occupied by such person without any lawful authority.

The Committee is of the view that above power, if effectively exercised by the State, can play a big role to prevent illegal coal mining in the State. In any case, every power conferred on any person under any statutes always cast a duty on such person to exercise such powers to achieve the intent and purpose under which such power has been conferred on such person. State is thus duty bound to exercise all the Powers conferred on it under relevant sections, including sub-section (1) of Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957.

Dr. Manjunatha C., IFS, Secretary to the Government of Meghalaya, Mining and Geology Department however states that powers conferred on the State under sub-section (5) of section 21 of the Mines and Minerals (Development and Regulation) Act, 1957 have not been exercised by the State even in a single case.

The Committee takes note of the above with great concern and directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to put in place an appropriate institutional and administrative mechanism for exercise of the above power conferred on the State. If required, guidelines stipulating therein the procedure for exercise of the said power shall be formulated and distributed to all concerned for necessary action. Progress made in the above shall be placed before the Committee in its next Sitting to be held at Shillong on 14.08.2019.

The Committee further directs that now onward in the cases where any person declares any stock of coal purported to be extracted prior to imposition of the ban by the Hon'ble NGT, apart from other punitive actions, immediate actions under sub-section (5) to section 21 of the Mines and Mineral (Development and Regulation) Act, 1957 to recover such coal shall be initiated by the State of Meghalaya.

AGENDA ITEM NO. 4

25. The Committee notes that sub-section (1) of Section 23 C of the Mines and Mineral (Development and Regulation) Act, 1957 provides that the State Government may, by notification in the Official Gazette, make rules for preventing illegal mining, transportation and storage of minerals and for the purposes connected therewith.



The Committee further notes that Sub-Section (2) of Section 23 C of the Mines and Minerals (Development and Regulation) Act, 1957 provides that in particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) establishment of check-posts for checking of minerals under transit;
- (b) establishment of weigh-bridges to measure the quantity of mineral being transported;
- (c) regulation of mineral being transported from the area granted under a prospecting licence or a mining lease or a quarrying licence or a permit, in whatever name the permission to excavate minerals, has been given;
- (d) inspection, checking and search of minerals at the place of excavation or storage or during transit;
- (e) maintenance of registers and forms for the purposes of these rules;
- (f) the period within which and the authority to which applications for revision of any order passed by any authority be preferred under any rule made under this section and the fees to be paid therefor and powers of such authority for disposing of such applications; and
- (g) any other matter which is required to be, or may be, prescribed for the purpose of prevention of illegal mining, transportation and storage of minerals.

The Commissioner & Secretary to the Government of Meghalaya, Mining & Geology Department states that State Government has initiated measures to frame Rules under Section 23 C have been initiated. The Rules will be notified after obtaining requisite approvals.

Committee notes that existence of these Rules and an effective institutional mechanism to enforce these Rules is a pre-requisite for prevention of illegal coal mining in the State.

The Committee therefore directs the Commissioner & Secretary to the Government of Meghalaya, Mining & Geology Department to complete all necessary procedural requirements and notify these rules within one month. A copy of a Gazette Notification containing these rules shall be provided to the Committee within one month.



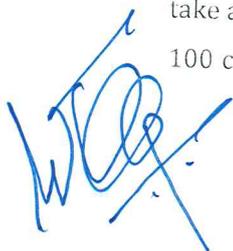
AGENDA ITEM NO. 5

26. The Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters), Government of Meghalaya states that in pursuance of a decision taken by the Committee in its fifteenth Sitting held at Shillong on 28.06.2019, M/s Growdiesel Ventures Ltd. has submitted a pilot project proposal for treatment of one kilometre long acid mine affected stretch of a stream in Suchen Village, East Jaintia Hills District. The proposal envisages construction of ten (10) aquatic algal lagoons at an estimated cost of Rs. 5,40,42,400 (rupees five crore fourty lakh fourty two thousand four hundred) only. The Committee takes a copy of the said proposal on record.

The Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters), Government of Meghalaya further states that in pursuance of a similar decision taken by the Committee in its Fifteenth Sitting held at Shillong on 28.06.2019, M/s. Trinity Impex International & Phycospectrum Environmental Research Centre have submitted a proposal to undertake a Pilot Project on treatment of acidic water at a Water Supply Scheme (WSS) under the Public Health Engineering (PHE) Department at Lelad village in East Jaintia Hills District by using micro-algae consortia as an alternative to lime solution. The proposal envisages supply and installation of requisite equipment/machineries and treatment of the water being supplied by the said WSS on a pilot basis for a period of 30 days at an estimated cost of Rs. 4, 15,000 (rupees four lakh fifteen thousand) only plus GST at the applicable rates. The Committee takes a copy of the said proposal on record.

The Committee notes that there is a possibility of many such proposals coming up for its consideration. The Committee therefore decides to constitute a Sub - Committee to be headed by Dr. Shantanu Kumar Dutta, Addl. Director, North Eastern Regional Directorate of the Central Pollution Control Board, Shillong and having Prof. O. P. Singh, Department of Environmental Studies, North Eastern Hill University, Shillong and suitable representatives, one each from the Mining & Geology Department, Government of Meghalaya; Meghalaya State Pollution Control Board; Forest & Environment Department, Government of Meghalaya and North Eastern Regional Office of the Ministry of Environment, Forests & Climate Change, Government of India as its members.

All such proposals shall be scrutinised by the said Sub-committee. Based on recommendations of the said Sub-Committee, the Central Pollution Control Board will take appropriate decision on all such proposals for release of funds from an amount of Rs. 100 crore being placed at their disposal in compliance of direction issued by the Hon'ble



Supreme Court by the Hon'ble Supreme Court in judgment dated 03.07.2019 in Civil Appeal No. 10720 of 2018 in the matter of State of Meghalaya *versus* All Dimasa Student Union, Dima-Hasao District Committee & Ors and other connected matters. Decision taken by the CPCB on such proposals shall be intimated to this Committee for information and record.

The Committee directs the Mining & Geology Department, Government of Meghalaya; Meghalaya State Pollution Control Board; Forest & Environment Department, Government of Meghalaya and North Eastern Regional Office of the Ministry of Environment, Forests & Climate Change, Government of India to nominate a suitable representative as a member of the said Sub-Committee within ten (10) days and intimate the name and designation of such representative to this Committee in its next sitting to be held at Shillong on 14.08.2019.

The Committee also directs the Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters) to send a copy of the afore-mentioned proposals received from M/s Growdiesel Ventures Ltd. and M/s. Trinity Impex International & Phycospectrum Environmental Research Centre to Dr. Shantanu Kumar Dutta, Addl. Director, North Eastern Regional Directorate of the Central Pollution Control Board, Shillong for necessary action as directed above.

AGENDA ITEM NO. 6

28. Shri P.L.N. Raju, Director, North Eastern Space Application Centre (NESAC) and Mr. M. Somorjit Singh, NESAC, made a presentation on mapping and analysis of coal mining affected areas in East and West Jaintia Hills Districts undertaken by them by using high resolution satellite imageries of 0.80 m resolution for the period of January to March 2018. As per the study 24,392 mine are available in the 470 square kilometre coal mining affected study area. Some.

The Committee noted that some of the existing water quality monitoring stations existing in the study area have not been incorporated in the relevant layer. The Committee therefore directs the Director, NESAC to update the relevant layer by incorporating details of all water quality monitoring stations existing in the Study area and provide atleast ten hard and soft copies of the Report to the Meghalaya State Pollution Control Board for further distribution to all concerned, including the North Eastern Regional Directorate of the CPCB; Commissioner and Secretary to the Government of Meghalay, Mining and Geology Department; Addl. Principal Chief Conservator of Forests

(Social Forestry and Environment), Government of Meghalaya; Director of Mineral Resources, Government of Meghalaya and Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters), Government of Meghalaya.

The Committee further directs that based on the information available in the Report, all concerned may identify and prioritise the critically affected vulnerable area for execution of various activities listed in the Action Plan prepared by the Committee for restoration of environment in the coal mining affected study area.

The afore-mentioned representatives of the NESAC also made a presentation on a proposal to undertake similar land-use Land -cover analysis of the areas having coal dumps/depots for the period immediately before the ban on coal mining was imposed by the Hon'ble NGT in April 2014 and once in a year thereafter (*i.e.* 2014, 2015, 2016, 2017 and 2019) at an estimated outlay of Rs. 24, 35, 500/- (rupees twenty four lakh thirty five thousand five hundred) only to ascertain that coal stated to be existing at these dumps was continuously existing at each such dump/depot since ban on rat hole coal mining was imposed by the Hon'ble NGT in April, 2014. The Committee decides that decision on the said proposal shall be taken during next Sitting to be held at Shillong on 14.08.2019.

AGENDA ITEM NO. 7

29. The Committee considers a Report submitted by the Superintendent of Police, East Jaintia Hills District on a News report titled "Youth falls down limestone shaft, rescue on" appeared in a Local Daily Highland dated 1st July, 2019. The necessary final decision shall be initiated by the appropriate authority.

During the field visit, the Committee noticed a number of mine pits which are not being guarded or fenced in East Jaintia Hills district. The Committee has also been apprised by the NESAC about the existence of around 24,000 such pits in Jaintia Hills, most of which are un - guarded or un - fenced, which gives rise to the possibility of the accidental falling of human beings, cattle, wild animal etc. In the Action Plan finalised by the Committee, it has been stipulated that all safety measures including the fencing of those pits are to be taken. The Hon'ble Supreme Court vide judgement dated 03.07.2019 in Civil Appeal No. 10720 of 2018 in the matter of State of Meghalaya *versus* All Dimasa Student Union, Dima-Hasao District Committee & Ors and other connected matters has held that that the coal mines belongs to the land owners/ community.



The Committee therefore directs that the Mining & Geology Department, Government of Meghalaya in association with the Deputy Commissioners of the respective districts shall ensure taking of all safety measures including fencing of the abandoned and working coal pits as per the Coal Mines Regulations, 2017 and Mines and Minerals (Development and Regulation) Act, 1957 and all other applicable laws.

AGENDA ITEM NO. 8

30. Due to late arrival of the Chairman and other members of Meghalaya State Coordination Committee of Coal Owners, Miners, Exporters, Transporters and Dealers Forum the Committee could not interact with them.

The Committee decides to defer interaction with the Chairman and other members of the said Forum to 09.00 AM on 23.07.2019.

The Committee directs the Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters) Government of Meghalaya to inform the above to the Chairman of the said Forum.

AGENDA ITEM NO. 9

31. No new issue was raised by any member during the meeting.
32. The meeting was adjourned till 09.00 AM on 23.07.2019 ended with a vote of thanks from the Chair.


(Justice Brojendra P. Katakey)
Chairman