

**QUORUM**

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

**PROF. (RETD.) ASHOK K. SINGH, MEMBER  
REPRESENTATIVE FROM INDIAN SCHOOL OF MINES, DHANBAD  
IIT (ISM), DHANBAD (826004)  
(Email id: singhashok0707@gmail.com)**

**DR. SHANTANU KUMAR DUTTA, ADDITIONAL DIRECTOR  
REPRESENTATIVE OF CENTRAL POLLUTION CONTROL BOARD  
(Email id: shantanucpcb@gmail.com)**

**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  
Forest & Environment Department,  
& Principal Chief Conservator of Forests & HoFF  
& Chairman, Meghalaya State Pollution Control Board  
Government of Meghalaya,  
Email id: cpmarak@gmail.com, pcsmegh@gmail.com,  
megspcb@rediffmail.com
- :** Mr. T. Dkhar, IAS  
Commissioner & Secretary, Government of Meghalaya  
Mining & Geology Department  
Email id: tadkhar.2013@gmail.com
- :** Mr. H. Nongpluh, IPS  
Addl. Director General of Police (L & O/TAP/SB/ Border)  
Home (Police) Department, Government of Meghalaya  
Email id: igp.tap-meg@gov.in



- : **Mr. R. S. Gill, IFS**  
Additional Principal Chief Conservator of Forests  
(Social Forestry & Environment)  
Forests & Environment Department,  
Government of Meghalaya  
Email id: freedomtower@rediffmail.com
- : **Mr. H.C. Chaudhary, IFS,**  
Additional Principal Chief Conservator of Forests,  
(Planning, Development and Legal Matters), Forests &  
Environment Department, Government of Meghalaya.  
Email id: harishcc@yahoo.com
- : **Mr. M. B. K. Reddy, IFS**  
Chief Executive Officer, Meghalaya State CAMPA  
Forests & Environment Department,  
Government of Meghalaya  
Email id: mudiyabala18@yahoo.com
- : **Mr. K. A. Khieya, IRS**  
Commissioner (Customs)  
Commissionerate of Customs (Preventive)  
North Eastern Region, Shillong  
Email id: ashikhieya@gmail.com
- : **Mr. W. Yatbon, IFS**  
Deputy Inspector General of Forests (Central)  
Ministry of Environment, Forests & Climate Change,  
North Eastern Regional Office, Shillong  
Email id: yatbon123@gmail.com
- : **Dr. Manjunatha C, IFS**  
Secretary to the Government of Meghalaya, Mining &  
Geology Department  
Email id: manju2020@gmail.com
- : **Mr. I. R. Kharkongor, IRS**  
Deputy Commissioner  
Office of the Commissioner of Customs  
Email id: isaac.kharkongor@gov.in
- : **Mr. W. Mustafa**  
Assistant Commissioner, Customs  
Office of the Commissioner of Customs  
Email id: wazim.mustafa@gov.in
- : **Dr. Z. Changsan**  
Regional Director, Central Pollution Control Board,  
Regional Directorate North East, Shillong  
Email id: zchangsan.cpcb@nic.in



- : **Mr. K. D. Talukdar**  
Chief Engineer, Public Health Engineering Department,  
Government of Meghalaya, Shillong  
Email: cephe.meg@yahoo.com
- : **Smti P. L. Lawai, MCS**  
Joint Secretary to the Government of Meghalaya,  
Mining & Geology Department,  
Email id: paleilawai@gmail.com
- : **Mr. D. D. Shira**  
Joint Secretary, Home (Police) Department  
Government of Meghalaya  
Email id: dikkishira@gmail.com
- : **Shri. N. Bhattacharjee**  
Chairman  
State Level Expert Appraisal Committee, Meghalaya  
Email id: nabameister@gmail.com
- : **Mr. J. H. Nengnong**  
Member Secretary  
Meghalaya State Pollution Control Board, Shillong  
Email id: megspcb@rediffmail.com
- : **Dr. A. Warr**  
Director  
(DHS MI), Meghalaya  
Email id: amanwarr@gmail.com
- : **Mr. M. Somorjit Singh**  
Scientist  
North Eastern Space Application Centre,  
Department of Space, Government of India  
Email id: msomorjit69@gmail.com
- : **Dr. H. Tynsong, Scientist 'D',**  
Ministry of Environment, Forests & Climate Change,  
North Eastern Regional Office, Shillong  
Email id: h.tynsong@gov.in
- : **Smti. R. Kynjing**  
Executive Engineer, Rural Water Supply Division, Jowai  
Email id: ronkyn38@gmail.com
- : **Mr. M. Passah**  
Sub - Divisional Officer  
Public Health Engineering, Sub - division,  
Khliehriat, Jowai  
Email id: montri\_passah@yahoo.com



- : **Mr. S. Syiem**  
Meghalaya State Pollution Control Board, Shillong  
Email id: megspcb@rediffmail.com
- : **Mr. Y. Kyndiah**  
Mining Officer, Directorate of Mineral Resources  
Government of Meghalaya,  
Email id: yohankyn@gmail.com
- : **Mr. K. L. Nonglait, MFS**  
Deputy Conservator of Forests (Climate change, Research  
& Training), Forests & Environment Department,  
Government of Meghalaya

**PROCEEDING NO. 18**

**RECORD OF THE MINUTES OF PROCEEDINGS OF EIGHTEENTH 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 16<sup>th</sup> SEPTEMBER, 2019 AT 10.00 A.M IN THE CONFERENCE HALL, O/O PRINCIPAL CHIEF CONSERVATOR OF FORESTS & HOFE, SYLVAN HOUSE, SHILLONG, MEGHALAYA.**

At the outset, Mr. C. P. Marak, IFS, Principal Secretary to the Government of Meghalaya, Forest & Environment Department, who is also holding the charge of the posts of the Principal Chief Conservator of Forests & HoFF, Meghalaya and Chairman, Meghalaya State Pollution Control Board 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 Seventeenth Sitting held on 14.08.2019.
2. Review of actions taken to comply with directions issued by the Hon'ble National Green Tribunal by order dated 22.08.2019 in O.A. Mo 110 (Tmc)/ 2018 in the matter of Treat to Life arising out of coal mining in South Garo Hills District versus State of Meghalaya & Ors.
3. Consideration of a report dated 06.09.2019 from the Superintendent of Police, Ri - Bhoi District on a News report titled "Illegal coal - laden trucks intercepted in Ri - Bhoi" appeared in Shillong Edition of a local Daily Meghalaya Guardian on 29.08.2019.
4. Consideration of an electronic media news report (<https://www.youtube.com/watch?v=OqLYV-A3tBI>) regarding illegal transportation of coal in Meghalaya.

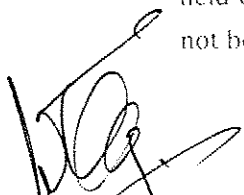
5. Consideration of a representation from one Shri Swarnjit Hajong a resident of Tura in West Garo Hills District, Meghalaya regarding alleged continuance of illegal coal mining in West Khasi Hills District, Meghalaya.
6. Consideration of a report to be received from the Commissioner and Secretary to the Government of Meghalaya regarding mining leases or quarry permits granted and royalty realised from Cement Plants and Thermal Power Plants for use of slate/ mu - slate in the State of Meghalaya.
7. Consideration of reports received from the Meghalaya State Pollution Control Board, the North Eastern Regional Directorate of the Central Pollution Control Board and the North Eastern Regional Office of the Ministry of Environment, Forest and Climate Change, Government of India on a representation dated 26.08.2019 from Star Cement Limited containing comments on observation made at Para 37 of the record of minutes of 17<sup>th</sup> Sitting of the Committee.
8. 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 information/documents sought by the Committee in its First Special Sitting held at Shillong on 12.07.2019 will be submitted after finalisation of Comprehensive Plan for transportation and handing over of the extracted coal to the Coal India Limited. He also states that proposal for video recording of coal stocks will be included in the afore-said plan.

The Committee observes that majority of information sought by the Committee in its First Special Sitting held at Shillong on 12.07.2019 is factual in nature. A copy of affidavits filed before the Hon'ble Supreme Court and the Hon'ble NGT, as sought by the Committee are readily available with the Mining and Geology Department. The Committee therefore fails to understand the reasons for reluctance of the Mining and Geology Department in the State of Meghalaya to share these information/document with the Committee. The Committee also notes that it may not be possible for it to appraise, in an objective and informed manner, the draft comprehensive plan being prepared by the State of Meghalaya for handing over of the extracted coal to the Coal India Limited, unless all the required information/documents are provided to the Committee.

The Committee therefore reiterates its earlier direction that the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department shall provide to the Committee all the information/documents sought by it in its First Special Sitting held on 12.07.2019 by 26.09.2019. The Committee once again makes it clear that it may not be possible for it to finalise the draft Comprehensive Plan being prepared by the State



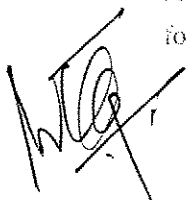
of Meghalaya for transportation and handing over of the extracted coal to the Coal India Limited unless all these information/documents are provided to the Committee.

The Committee also notes that direction to undertake video-recording of all existing coal depots/dumps has been issued to create credible records for future reference and to deal with any dispute relating to quantity and quality of coal available at these dumps in an objective and transparent manner. These records will also help the Committee to deal in an effective and transparent manner the allegations to the effect that quantity of coal actually available at these depots/dumps is much less than the quantity reported to the Hon'ble Supreme Court. The Committee further notes that due to inundation of mine pits and damage to extraction paths, mining and transportation needs to be temporarily suspended during monsoon season. The Committee therefore, is of the view that video-recording of coal depots/dumps during the monsoon season, as was being continuously insisted by it since 12.07.2019 could have eliminated chance of addition of freshly mined coal to these dumps prior to video-recording.

The Committee keeping in view the above directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department that video-recording of all the existing coal depots/dumps in the manner directed by the Committee in its First Special sitting held on 12.07.2019 shall positively be completed and copy thereof shall be provided to the Committee within one month.

2. The Committee notes that the Committee in its Seventeenth Sitting and the Second Special Sitting held on 14.08.2019 and 07.09.2019 respectively issued directions to the effect that 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) as per a proposal submitted by the NESAC at an estimated cost of Rs. 24,35,500/- (rupees twenty four lakh thirty five thousand five hundred) only to ascertain that coal stated to be existing at various dumps/depots 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 shall be an essential component of the draft policy being formulated by the Mining and Geology Department, Government of Meghalaya for handing over of the coal permitted to be transported by the Hon'ble Supreme to the Coal India Limited. The Committee further notes that failure of the Mining and Geology Department in the Government of Meghalaya to prepare video-records of existing coal depots/dumps during the monsoon season has further enhanced necessity of undertaking the afore-mentioned study.

The Committee keeping in view the above re-iterates that the afore-mentioned study shall be an essential component of the afore-mentioned draft policy being formulated by the Mining and Geology Department in the Government of Meghalaya.



3. Mr. M. Somorjit Singh, Scientist, North Eastern Space Application Centre states that based on geo-coordinates (latitude and longitude) of all the existing weighbridges which will be available for weighment of coal to be auctioned by the Coal India Limited in compliance of the Hon'ble Supreme Court's Judgment dated 03.07.2019 in Civil Appeal No. 10720 of 2018 provided to him by the Commissioner of Transport, Government of Meghalaya through the Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters), Government of Meghalaya he has prepared a GIS layer indicating location of each of these weighbridges. On examination of the said layers, coordinates of many of these weighbridges does not appears to be correct. Some of these coordinates even fall outside the State of Meghalaya.

The Committee therefore directs that the Commissioner and Secretary to the Government of Meghalaya, Transport Department in consultation with Mr. M. Somorjit Singh confirm correctness of geo-coordinates of each of these weigh-bridges and provide correct co-ordinates to the NESAC wherever such coordinates are found to be incorrect. Based on the above, the NESAC shall prepare a revised GIS layer indicating correct location of each of the weighbridges which will be available for weighment of coal to be handed over to the Coal India Limited.

4. Mr. M. Somorjit Singh, Scientist, North Eastern Space Application Centre (NESAC), Umiam submits five copies of final report on a study assigned to NESAC to prepare geospatial inputs for planning and restoration of areas affected by coal mining in East and West Jaintia Hills districts in Meghalaya to the Member- Secretary Meghalaya State Pollution Control Board (MSPCB). The Committee directs that a copy of the said report shall be used by all concerned for planning and monitoring of various activities for restoration of environment in these areas.

Mr. M. Somorjit Singh further request that balance amount payable to the NESAC for the said study may be released by the MSPCB in their favour. The Chairman MSPCB assures that the balance amount will be released in favour of the NESAC shortly.

Mr. M. Somorjit Singh further states that work for a similar study being undertaken by the NESAC for the remaining coal mine areas in the State is presently under progress. The Committee directs the Director, NESAC and Mr. Somorjit Singh to complete the study for these remaining areas and submit a report to the Committee within forty five days.

5. Mr. H. Nongpluh, IPS, Addl. Director General of Police (L &O/ TAP/ SB/Borders), Government of Meghalaya states that in compliance of a direction issued by the Committee in the First Special Sitting held on 12.07.2019, the Director General of Police, Meghalaya held a meeting with officials of the Mining and Geology Department and the North Eastern Coalfields, Coal India Limited to prepare an Action Plan to ensure that no freshly mined coal is mixed with the assessed coal available at the existing identified depot(s). The Action Plan will be finalised after the Policy for handing over of the coal



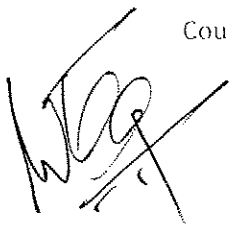
available at such depots to the Coal India Limited for disposal through e-auction is finalised. The Committee notes the same.

6. Mr. H. Nongpluh, IPS, Addl. Director General of Police (L &O/ TAP/ SB/Borders), Government of Meghalaya states that consequent to receipt of post-mortem report from the District Medical and Health Officer, Williamnagar, a charge-sheet in the Nangal Bibra P.S. case No. 10 (03) of 2013 relating to the death of a labourer while working in an illegal coal mine in South Garo Hills District in the year 2012 has already been filed before the concerned competent Court of Law. The Committee notes the same.
7. Mr. Z. Changsan, Regional Director, North Eastern Regional Directorate, Central Pollution Control Board (CPCB) states that till date North Eastern Regional Directorate of CPCB has not filed any complaint before the concerned competent Courts of Laws under relevant Section(s) of the Water (Prevention and Control) Act, 1974 and/or the Air (Prevention and Control of Pollution) Act, 1981 against the persons involved in illegal mining, storage and transportation of coal in Meghalaya.

He further states that it will be difficult to prove before a Court of Law that a mining in a particular coal mine has resulted in discharge of any polluting matter in a river, stream or a land area in contravention of Section 24 of the Water (Prevention and Control, of Pollution) Act, 1974 punishable under section 43 and section 45 (only in the cases involving previous conviction of accused) of the said Act. He therefore suggested that complaints may be filed only for contravention of consent provisions stipulated in section 25 of the said Act punishable under section 44 and section 45 (only in the cases involving previous conviction of accused).

The Committee notes that initiation of mining in a typical rat-hole coal mine after receding of monsoon involves draining of several lakh litres of acidic water accumulated in the mine during monsoon season. Even during winter months small quantity of sub-soil water seeps into the mines. Such water is collected in a small sump/tank constructed at bottom of the mine shaft/box-cutting and is periodically drained out by using electric/diesel operated pumps. The above, along with the facts that none of the existing rat-hole mines in the State of Meghalaya has installed any facility to treat the acid mine drain (AMD) originating from these mines and the water in most of the rivers/streams in coal mining areas in the State of Meghalaya is highly acidic and has pH as low as 1.50 to 2.00, amounts to contravention of the provisions of Section 24 of the Water (Prevention and Control, of Pollution) Act, 1974.

The Committee keeping in view the above directs the Regional Director, North Eastern Regional Directorate, CPCB to file complaints before the concerned competent Courts of Laws under all relevant Section(s) of the Water (Prevention and Control) Act,





1974 and/or the Air (Prevention and Control of Pollution) Act, 1981 against the persons involved in illegal mining, storage and transportation of coal in Meghalaya.

8. Mr. Z. Changsan, Regional Director, North Eastern Regional Directorate, CPCB states that decision of the competent authority in the CPCB on a advise of this Committee that the entire amount of Rs. 100 Crore transferred to the CPCB from amounts available in the Meghalaya Environment Protection and Restoration Fund (MEPRF) in compliance of directions issued by 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 may be made available for implementation of the Action Plan prepared by the Committee for restoration of environment in areas affected by illegal rat hole coal mining in the State to ensure that the amounts available for restoration of Environment in Meghalaya is utilised in a holistic and integrated manner, is still awaited.

The Committee directs Mr. Z. Changsan to obtain a decision of the competent Authority in the CPCB on the above and communicate the same to the Committee within fifteen days.

The Committee further reiterates that in case the aforesaid suggestion of the Committee is not acceptable to the CPCB, the CPCB shall prepare a detailed Action Plan for utilisation of the afore-said amount of Rs. 100 Crore and submit the same to the Committee within one month. The Action Plan shall, among others, contain full details of activities proposed to be undertaken, estimated cost and the agencies responsible for execution and monitoring of each of these activities.

9. Mr. Z. Changsan, Regional Director, North Eastern Regional Directorate, CPCB states that advise of the Committee to transfer an amount of Rs. 100 crore placed at disposal of the CPCB in compliance of a direction issued by 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 in a separate bank account to be opened in any Nationalised Bank at Shillong has been communicated to the Headquarters of the CPCB at Delhi. Decision of the CPCB Headquarters on the same is still awaited.

The Committee notes the above and directs the Regional Director, North Eastern Regional Directorate, CPCB that decision of the concerned competent authority in CPCB on the above may be obtained at the earliest. The Committee also reiterates its earlier advice to the effect that the CPCB shall invest the surplus amounts which are not likely to be utilised in near future in Term Deposit(s) in Nationalised Bank(s) who offers highest rates of interest. A report on the same may be submitted to the Committee within one month.



10. Mr. Z. Changsan, Regional Director, North Eastern Regional Directorate, CPCB states that the draft Terms of Reference (ToR) for a Sub-Committee to be constituted under Chairmanship of Dr. Shantanu Kumar Dutta, Addl. Director, North Eastern Regional Directorate of the CPCB to scrutinise the proposal involving use of new technologies for restoration of environment in general and quality of water in particular, in areas affected by coal mining in Meghalaya have been sent to the Headquarters of the CPCB for approval. Same are still under consideration of the Headquarters of the CPCB.

The Committee directs the Regional Director, North Eastern Regional Directorate, CPCB that the said Committee shall be constituted at the earliest and copy of notification/ communication issued by him in this regard shall be provided to the Committee within one month.

11. The Committee notes that a report on audit of each of the Coke Plants from which the coke has reportedly been sourced by the Jaintia Cement Limited, in the format stipulated by the Committee for resource (coal) audit of cement factories and Thermal Power Plants, is still awaited from North Eastern Regional Directorate of CPCB. The Committee therefore reiterates its earlier direction to the effect that the North Eastern Regional Directorate of CPCB, Shillong shall undertake audit of each of the Coke Plants from which the coke has reportedly been sourced by the Jaintia Cement Limited in the format stipulated by the Committee for resource (coal) audit of cement factories and Thermal Power Plants in Meghalaya and submit a report to the Committee within one month.
12. The Committee further notes that a report on audit of each of the Coke Plants located in Meghalaya in the format stipulated by the Committee for resource (coal) audit of cement factories and Thermal Power Plants in Meghalaya is still awaited from North Eastern Regional Directorate of CPCB. The Committee therefore reiterates its earlier direction to the effect that the North Eastern Regional Directorate of CPCB, Shillong shall undertake audit of each of the Coke Plants located in Meghalaya in the format stipulated by the Committee for resource (coal) audit of cement factories and Thermal Power Plants in Meghalaya and submit a report to the Committee within one month.
13. Mr. W.I Yatbon, IFS, Deputy Inspector General of Forests (Central), North Eastern Regional Office, Ministry of Environment, Forest and Climate Change (MoEFCC), Government of India (GoI) places before the Committee a copy of a communication dated 13.09.2019 containing comments of the Impact Assessment Division in the MoEFCC, GoI on the directions issued by the Committee to initiate actions in accordance with the provisions of the Environment (Protection) Act, 1986 for undertaking mining of coal in the State of Meghalaya without obtaining prior Environmental Clearance (EC). The Committee takes a copy of the said letter on record.

The following has been stated in the said communication dated 13.09.2019:



- (i) The Environment Impact Assessment (EIA) Notification, 2006 under the Environment (Protection) Act, 1986 mandates the requirement of prior Environmental Clearance (EC) for all new projects or activities, expansion or modernization of existing projects or activities listed in the Schedule to the notification. These include mining of minerals/ coal mining projects under category 'A/B' of the said Schedule, requiring EC from the concerned regulatory authority based on the recommendations of the Expert Appraisal Committee as the case may be.
- (ii) As per the provisions contained in the EIA Notification, 2006 read with the subsequent OMs/ Guidelines/ Circulars, prior EC for the coal mining projects/ operations (Opencast/ Underground) are required to be obtained before commencement of the project/ mining, and/ or renewal of the mining lease. Mining operations/ activities carried out without obtaining prior EC attract action under the provisions of the Environment (Protection) Act, 1986.
- (iii) The Ministry has issued a Notification dated 14.03.2017 to deal with the cases of involving violation of the EIA Notification, 2006. As per the orders of the Hon'ble High Court of Madras, only the proposals in pursuance of the said Notification were to be considered as one time measure, having been applied within the prescribed time period.
- (iv) Hon'ble Supreme Court vide order dated 02.08.2017 in Writ Petition (Civil) No.114/2014 in the matter of Common Cause Vs Union of India & Others has observed that such cases operating without EC, Consent to Operate/ Establish, are to be treated as illegal mining and directed for payment of 100% penalty for compensation against the illegal mining, which needs to be settled by the project proponent through the concerned State Government.

It has also been stated in the said communication dated 13.09.2019 that the MoEFCC, GoI by Notification bearing S.O. 804 (E) dated 14.03.2017 has stipulated that in case of violations action will be taken against the project proponent by the respective State or State Pollution Control Board under the provisions of section 19 of the Environment (Protection) Act, 1986 and further, no consent to operate or occupancy certificate will be issued till the project is granted the EC. Based on the above, the Regional Office vide letter dated 13.09.2019 has requested the Director, Directorate of Mineral Resources, Government of Meghalaya and the Meghalaya State Pollution Control Board (MSPCB) to initiate necessary action.

The Committee keeping in view the above directs the Principal Secretary to the Government of Meghalaya, Forests and Environment Department and the Chairman, MSPCB to initiate actions under the provisions of Section 19 of the Environment



(Protection) Act, 1986 against the person involved in illegal mining of the coal in the State of Meghalaya without obtaining requisite EC and submit a report to the Committee within one month.

14. The Committee keeping in view that use of high sulphur local coal by Thermal Power Plants (TPPs) in the State may cause environmental pollution, in the first day of its Sixteenth Sitting held at Shillong on 27.07.2019 directed the Deputy Director General (Central), North Eastern Regional Office, MoEFCC, GoI to request the MoEFCC, GoI and the State Environment Impact Assessment Authority (SEIAA), Meghalaya to stipulate an appropriate additional condition in Environment Clearances (ECs) granted to all the TPPs in the State to prohibit use of high sulphur local coal by these TPPs.

Mr. S.K. Agarwal, Deputy Director General of Forests (Central), North Eastern Regional Office, MoEFCC, GoI in a communication dated 13.09.2019 addressed to the Member-Secretary of this Committee stated that the Ministry of Environment, Forest and Climate Change, Government of India vide e-mail dated 13.09.2019 have intimated that the Hon'ble Minister for Environment, Forest and Climate Change, Government of India has approved recommendation of the Expert Appraisal Committee (EAC) to stipulate following additional conditions in Environment Clearance granted to Thermal Power Plants (TPPs) in Meghalaya to prohibit use of local coal by these plants:

- (i) Local coal sourced from Meghalaya State 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 (leases with more than 5 ha under EIA Notification, 1994; leases with more than 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 the coal mine, its location, along with boundary co - ordinates 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 the six monthly EC Compliance Report to the Ministry and its Regional Office.

It has also been stated in the said communication dated 13.09.2019 that direction of this Committee to prohibit use of high sulphur local coal by all such thermal power plants in the State of Meghalaya is under examination by the MoEFCC, GoI. The Committee notes

the same. The Committee also places a copy of the said communication dated 13.09.2019 on record.

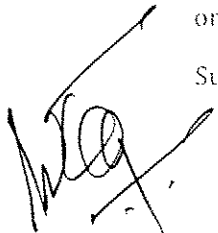
The Committee keeping in view the above directs the Deputy Director General (Central) in-charge North Eastern Regional Office, MoEFCC, GoI that a copy of communications from the MoEFCC, GoI stipulating the afore-mentioned additional conditions in the EC to the TPPs in the State of Meghalaya may be provided to this Committee within one month. The Committee further directs that the Deputy Director General (Central) in-charge North Eastern Regional Office, MoEFCC, GoI shall take necessary actions to expedite decision of the MoEFCC, GoI on direction of this Committee to prohibit use of high sulphur local coal by all such thermal power plants in the State of Meghalaya and submit a report to this Committee within one month.

15. The Committee notes that it has also been stated in said communication dated 13.09.2019 of the North Eastern Regional Office of the MoEFCC, GoI that the Regional Office vide a communication dated 26.08.2019 has communicated the concerns of this Committee for delay in taking action against Meghalaya Power Limited for using Meghalaya coal in violation of a condition stipulated in the EC. The Regional Office, Shillong vide e-mail dated 11.09.2019 has reminded the MoEFCC, GoI to provide the status of action taken by the Ministry on the Show Cause Notice issued to the Meghalaya Power Limited. No response has however been received by the Regional Office, Shillong from the MoEFCC, GoI till date.

The Committee notes with great concern a long delay in taking appropriate penal action for flagrant violation of a condition stipulated in the EC and reiterates its earlier direction to the effect that the Addl. Director General in-charge North Eastern Regional Office of the MoEFCC, GoI shall ensure that appropriate punitive measure against the said Thermal Power Plant for violation of a condition stipulated in the EC shall be taken at the earliest and submit a report on the same to the Committee within one month.

16. The Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department states that in compliance of a direction issued by the Committee in its Seventeenth Sitting held on 14.08.2019 a high level delegation headed by him and consisting of Dr. Shantanu K. Dutta, Addl. Director, CPCB; Mr. N. Bhattacharjee, Chairman, State Level Expert Appraisal Committee and Mr. Yoomiki Kyndiah, Mining Officer as its members visited West Bokaro Mine of TATA Steel located in Ramgarh district in Jharkhand to have first-hand experience of Highwall Mining Technology being used in the said mine. He further states that a copy of the report on the said visit has already been circulated to all members of the Committee. The Committee takes a copy of the said report on record.

Summary of the contents of the said report is as below:



- (i) Working environment/ scenario in West Bokaro Coalfield regarding use of Highwall Mining method is different from the ground situation in the coal bearing areas of Meghalaya. In case of West Bokaro Coalfield, Highwall miner is placed at the edge of existing open cast pits. In the coal bearing areas of Meghalaya there are no opencast pits but there are thousands of box-cuttings.
- (ii) The Highwall mining method involves digging of land in the form of a trench from surface of the land till it reached bottom most coal seam. The width of trench at its bottom is 40 meter. Such trenches are required to be dug at an interval of every 500 -600 meters. Leachate emanating from huge volume of overburden generated during digging of such trenches will have high potential of environmental pollution till such dumps are reclaimed.
- (iii) Probable fragmented nature and lower thickness of coal seams and private ownership of coal bearing areas in Meghalaya will pose hindrance to adoption of Highwall Mining Method in the State of Meghalaya.
- (iv) Minimum 125 hectares (1.25 sq km) area is required for adoption of the Highwall Mining Method. It is not sure whether a single person in Meghalaya possesses this much of land at a single location. The Government of Meghalaya may work out the possibility of identifying such an area in any of the mining districts for trial run of the method.
- (v) The existing rat-hole mining method, which had been in operation in the State since decades do not involve removal of huge overburden and as such does not cause direct environmental degradation of the soil in the mining area. When rat - hole mining was in operation in the State, the effluent generated, which had been highly acidic in nature due to high Sulphur content in coal , was pumped out from the box - cutting and were discharged into the environment. This resulted in water and soil pollution. Overburden generated from the box -cuttings has also not been stored for scientific closure/ reclamation of abandoned coal mines.
- (vi) The rat-hole mining in its current form involves use of child labour in a highly unsafe working condition.
- (vii) The existing rat-hole mining may be undertaken in an environment friendly manner if the issues relating to treatment of AMD, safety of mine workers and reclamation/closure of mines are addressed.
- (viii) It shall be possible to enforce the installation of ETP to treat the AMD generated in the coal mines to minimise the water pollution in the mines and surrounding areas. Similarly, surface runoff to be generated from the coal dumps/ storage depots may also be treated to minimise the AMD generation from such dumps/depots.



The report contains following recommendations:

- (i) The Government of Meghalaya shall complete geological exploration of coal deposits in the State so that detailed data regarding the number of coal seams, thickness of coal seams along with their dipping/ inclination etc. are available.
- (ii) The Government of Meghalaya shall also work out the possibility of acquiring land of equal to or more than 125 hectares at a mining location for a trial run of Highwall Mining in the State.

The Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department states that the Government of Meghalaya is presently in touch with three Registered Qualified Persons (RQPs) to work out suitable mining methodologies, in conformity with the existing environmental, safety and other legal norms. The methodologies being suggested by these RQPs for extraction of coal in the State include Pillar and Post and Tunnel Methods of mining. Use of remotely controlled robot for extraction of coal from the seams is also being explored by these RQPs.

The Committees also notes that during its Fifteenth Sitting Mr. B.N. Pan, Director, Mahacoal Trexim Pvt. Ltd. made a detailed presentation on Highwall Mining Methodology. During the said presentation he stated that the M/s Meghalaya Mahacoal Trexim Pvt. Limited, a Joint Venture (JV) between the Meghalaya Mines and Minerals Development Corporation (MMDC) Limited and M/s Mahacoal Trexim Pvt. Ltd. in July 2010, based on interaction with the Geological Survey of India and a field survey has identified two coal bearing areas located at Pendynslagh and Parmawdor in West Khasi Hills District at about 140 km and 164 km distance respectively from the Shillong for adoption of Highwall Mining Technology.

The Committee keeping in view the above directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to:

- (i) obtain comments of Mr. B.N. Pan, Director, Mahacoal Trexim Pvt. Ltd. on the report of the High Level Team and provide a copy of the same to the Committee within one month;
- (ii) take necessary action on the afore-mentioned recommendation of the High Level Team regarding geological exploration of coal bearing areas and acquisition of 125 ha area for adoption of Highwall Mining Method on trial run and submit a report to the Committee within a month;
- (iii) examine the feasibility of adoption of the Highwall Mining Method at two coal bearing areas located at Pendynslagh and Parmawdor in West Khasi Hills District at about 140 km and 164 km distance respectively from the Shillong identified by M/s Meghalaya Mahacoal Trexim Pvt. Limited for adoption of Highwall Mining Technology; and

(iv) conclude the discussions being held with three RQPs and submit to the Committee within one month details of proposal(s), if any, suggested by them for scientific and safe mining of coal, in conformity with all existing statutes, in the State of Meghalaya.

17. Mr. K. A. Khieya, Commissioner of Customs (Preventive), Office of the Commissioner of Customs, Shillong places before the Committee a CD containing month-wise details (*viz.* name & full address) of the exporter for each consignment of the coal originated from the Meghalaya allowed to be exported to the Bangladesh from each of the seven Land Custom Stations (LCS) in Meghalaya since the ban on rat hole coal mining in Meghalaya was imposed by the Hon'ble NGT in April, 2014. The Committee takes the same on record.

As per the information available in the said CD, total 34,33,073 metric tonnes of coal originated from Meghalaya in 3,87,134 truck loads (except the trucks crossed through Dalu Land Custom Station in 2014-15 for which data are not available) was exported to Bangladesh through seven LCS after the ban on rat hole coal mining in Meghalaya was imposed by the Hon'ble NGT in April, 2014. The above include 4,167 metric tonnes of coal originated in Meghalaya exported to the Bangladesh in 463 truckloads through Gasuapara LCS during the month of May 2019. Each of these 463 trucks carried exactly nine metric tonnes of coal.

The Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department states that as per the records of the Mining and Geology Department in the Government of Meghalaya during the month of May, 2019, only 27 metric tonnes of coal in three truck loads, each carrying 9 metric tonnes of coal, were exported to the Bangladesh through Gasuapara LCS by one exporter (*viz.* D.M. Traders).

The Committee notes the vast discrepancy in the quantity of coal actually exported to the Bangladesh from the Gasuapara LCS during the month of May 2019 and the quantity of coal allowed by the Mining and Geology Department, Government of Meghalaya for export to the Bangladesh through the Gasuapara LCS during the said month from the stock of assessed coal permitted to be transported by the Hon'ble Supreme Court. From the above it is clear that during two days (*viz.* 22<sup>nd</sup> and 23<sup>rd</sup> May, 2019) 460 trucks, each loaded with 9 tonnes of illegally mined coal were allowed to be exported to the Bangladesh through Gasuapara LCS.

The Committee suspects that similar export of illegally mined coal might have happened at the Gasuapara and all other LCS during other months also. The same could not be verified as the month-wise details (*viz.* name & full address) of the exporter for each consignment of coal originated from the Meghalaya allowed by the Mining and Geology Department in the Government of Meghalaya for export to the Bangladesh from each of the seven LCS in Meghalaya since the ban on rat hole coal mining in Meghalaya





was imposed by the Hon'ble NGT in April, 2014, as is being repeatedly sought by the Committee since the first day of its Sixteenth Sitting held on 22.07.2019 has not been provided to the Committee by the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department.

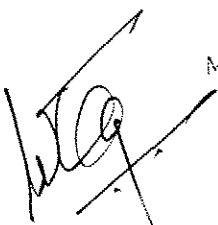
The Committee keeping in view the above directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to obtain the above information from the Directorate of Mineral Resources at the earliest and provide a copy thereof to the Committee within fifteen (15) days positively.

The Committee keeping in view the afore-mentioned discrepancy at the Gasuapara LCS directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department and the Commissioner of Customs (Preventive) to enquire into the matter, identify the person(s) responsible and initiate appropriate action against such persons responsible for export of illegally mined coal to Bangladesh in contravention of directions issued by the Hon'ble Supreme Court and the Hon'ble National Green Tribunal (NGT) and submit a report to the Committee within one month.

The Committee further directs that the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department shall initiate necessary actions in accordance with provisions of Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957 against the persons responsible for illegal mining and transportation of the coal to the Bangladesh and submit a report to the Committee within one month. Actions to be initiated against such persons shall include actions under sub-section (5) of Section 21 of the said Act to recover price of the illegally raised coal along with rent, royalty or tax, as the case may be, payable to the Government in respect of such coal.

18. The Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department states that process for verification of beneficiaries 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 still under progress. He further states that the Deputy Commissioner, South Garo Hills District vide a communication dated 28.08.2019 has requested the Sub-Divisional Officer, Gossaigaon Civil Sub-Division in Kokrajhar District of Assam to verify the identity of the some of the claimants who are resident of the Gossaigaon Civil Sub-Division and also to indicate their correct names along with authorisation to receive compensation. Reply from the Sub-Divisional Officer, Gossaigaon Civil Sub-Division, is still awaited.

The Committee directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to expedite disbursement of the aforesaid



compensation to the concerned beneficiaries and submit a report to the Committee within one month.

19. The Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department states 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, he received 11 (eleven) claims. These claims were forwarded to Deputy Commissioners of the concerned districts (*viz.* East Jaintia Hills and South Garo Hills Districts) for verification. In reply, the Deputy Commissioner, East Jaintia Hills District vide letter dated 06.09.2019 informed that reports have been received from the Superintendent of Police, the Medical and Health Officer and the Deputy Labour Commissioner in the East Jaintia Hills District. He further states that it has been stated in these reports that no reports/records were found of incidents reported in claims submitted by the applicants and it appears that these incidents went unreported. The Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department further states that reply from the Deputy Commissioner, South Garo Hills District is still awaited.

The Committee directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to expedite verification of claims and disbursement of *ex-gratia* to the genuine/eligible claimants and submit a report to the Committee within one month.

20. The Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department states that an order has already been placed by the Deputy Commissioner, East Jaintia Hills District to purchase six vehicles, each mounted with a water tanker, from an amount of Rs. 96.97 lakh released in his favour from the MEPRE, as has been approved by the Hon'ble National Green Tribunal (NGT) by an order dated 11.04.2019. He further states that so far two such vehicles have already been delivered. The Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department also places before the Committee a copy of a communication dated 03.09.2019 from the Deputy Commissioner, East Jaintia Hills District wherein the following has been stated:

- (i) An amount of Rs. 96.50 lakh for purchase of the four water tankers of 10,000 litres each and two water tankers of 2,000 litres each was placed at disposal of the Deputy Commissioner, East Jaintia Hills District by Director Mineral Resources on 24.06.2019.
- (ii) On receipt of the fund the office of the Deputy Commissioner, East Jaintia Hills District had placed an order with the M/s Stanley Roy Construction, an Authorized Dealer of Mahindra vehicles, for supply of these vehicles as per quotation submitted by them.



- (iii) Till date the office of the Deputy Commissioner, East Jaintia Hills District has received supply of two water tankers of 2000 litres each and the same have been utilized for supply of water in the District.
- (iv) Till date the supplier has not supplied the 4 water tankers of 10,000 litres each and on reminder issued to him, it was informed that due to cost escalation the price has been revised for the 10,000 litres trucks from Rs. 19,89,500 to Rs. 23,85,500 and he is willing to supply the same in the revised cost with advance payment.
- (v) In a recent meeting held in the District, the Public Health Engineering (PHE) Department has expressed its inability to manage the cost of driver, maintenance of vehicle and POL for one of the water tanker earmarked for them due to non-availability of fund. As such it has been decided to appraise the Committee that at present only 3 (three) water tankers of 10,000 litres will have to be purchased in lieu of the 4 (four) tankers as proposed as the District Administration will not be able to handle to expenditure cost for all the four water tankers.
- (vi) Till date no payment has been made to the supplier.

Smti. R. Kynjing, Executive Engineer, Rural Water Supply Division, Jowai states that though two vehicles have been purchased, only one driver has been engaged to operate these two vehicles. These vehicles along with a driver are being made available to the PHE Department for supply of potable water to villages affected by acid mine drain.

The Committee notes that due to the current slump in the auto sector, as is widely reported in the print and electronic media, it may be feasible to purchase the tankers at the originally quoted rates. The Committee also notes that such vehicles may also be available at the Government e-Marketplace (GeM) at relatively cheaper rates. The Committee therefore directs that the Deputy Commissioner, East Jaintia Hills District shall endeavour to purchase the remaining four vehicles through GeM. The Committee further directed that the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department shall submit a report on the same along with a Utilisation Certificate (UC) for the amount released in favour of the Deputy Commissioner, East Jaintia Hills District to the Committee within one month.

The Committee also directs that the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department shall, in consultation with the Deputy Commissioner, East Jaintia Hills District, prepare a plan for effective utilisation of these vehicles and place the same before the Committee within one month.

21. The Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department states that the Mineral Transportation Challans having security features such as maplitho paper, fugitive ink, hologram and QR Code are under printing. He further states that during a meeting held by Chief Secretray, Meghalaya on 09.07.2019, which was

attended by officials of the Directorate of Mineral Resources (DMR), Mining and Geology Department, Police, and Transport Department, it has been decided that the DMR will use existing CCTV cameras wherever installed in DMR check-gates for video recording of coal trucks. Wherever the CCTV cameras not installed/non-functional in DMR check-gates, the CCTV cameras under Transport Department shall be used for video recording of coal trucks.

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. The Committee further notes that except for operationalization of a helpline and initiation of a process for introduction of Mineral Transportation Challans with some of the security features stipulated by the Committee in the said Sitting, majority of these directions recorded in para (5) of the Record of Minutes of the said Sitting have not been implemented so far.

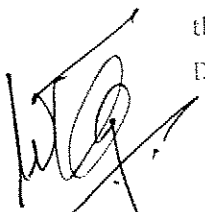
The Committee in its sixteenth sitting held on 22.07.2019 reiterated these earlier directions and directed the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to submit a report on status of implementation of each of these directions in this Sitting. The said report is still awaited.

The Committee therefore directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to expedite implementation of each of these directions and submit a report on status of implementation of each of these directions to the Committee within fifteen days positively.

The Committee also directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department that a report on functioning of the existing CCTV cameras and retention of their footage as decided in the said meeting held under Chairmanship of the Chief Secretary, Meghalaya on 09.07.2019 may be submitted to the Committee within one month.

22. The Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department states that digital display boards have been installed at the headquarters of Ri-Bhoi, East Jaintia Hill, West Jaintia Hill and South Garo Hill districts. He further states that digital display boards have also been installed at headquarters of Sohra, Pynursla and Amlarem Civil Sub-Divisions. The Committee notes the same.

The Committee directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department that digital display boards shall also be installed at headquarters of South West Khasi Hill district. The Committee further directs that quality of ten worst polluted rivers and streams in the respective District/Sub-Division shall be displayed on these Boards and a quarterly report on the same shall be



submitted to the Committee for its information and record. The first such report for the quarter ending on 30.09.2019 shall be submitted to the Committee on or before 15.10.2019.

23. Mr. Y. Kyndiah, Mining Officer, Directorate of Mineral Resources states that since the last meeting of the Committee held on 14.08.2019 no further progress has been made in drilling 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. The Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department states that it has been decided to obtain services of Mineral Exploration Corporation Limited (MeCL) to undertake drilling of requisite number of bore holes in the said area. He further states that Chairman and Managing Director (CMD) of Mineral Exploration Corporation Limited (MeCL) is visiting the Shillong on 16.09.2019 to hold discussions on the above.

The Committee notes that preparation of Geological and Feasibility Reports for the said area based on data collected from these bore-holes is a pre-requisite to assess feasibility of adopting scientific methods of coal mining in the State.

The Committee therefore notes with concern the long delay in drilling of requisite number of bore-holes in the said area and directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to expedite drilling of requisite number of bore-holes and preparation of Geological Report, Feasibility Report and Environment Report for the said area. A report on updated status of drilling of bore holes and preparation of these Reports along with a definite timeframe for completion thereof, shall be intimated to the Committee within fifteen days.

24. Prof. O.P. Singh, Department of Environmental Studies, North Eastern Hill University (NEHU) places before the Committee a copy of detailed protocol and year-wise cost - estimates for neutralization of acid mine drain (AMD) contaminated water of streams in coal mining areas of Meghalaya by constructing open limestone channel (OLC) using locally available limestone and intermittent wetlands with local aquatic plants. The Committee place a copy of the said protocol on record

The Committee directs the Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters) that a copy of the said protocol shall be circulated to all concerned Departments/ Agencies in the State of Meghalaya for implementation of the same at suitable sites.

25. Dr. Manjunatha C., IFS, Secretary to the Government of Meghalaya, Forests and Environment Department states that decision on a proposal 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 is still under consideration of the State Government.



The Committee directs the Principal Secretary to the Government of Meghalaya, Forests and Environment Department to expedite decision on the said proposal and intimate the same to the Committee within one week.

26. The Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department states that the Mining and Geology Department in the Government of Meghalaya has issued a Notification dated 13.09.2019 to fix the monthly honorarium payable to the Chairman of this Committee at Rs. 2.25 lakhs (rupees two lakhs twenty five thousands) only per month with effect from the month of July 2009. He further states that the said Notification also contains approval for the appointment on contract basis of one Secretary @ Rs. 25,000 (Rupees twenty five thousand) only per month and one peon @ Rs. 9,000 (rupees nine thousand) only per month with immediate effect. The Committee notes the same and take a copy of the said Notification on record.
27. The Committee notes that the Member-Secretary, Meghalaya State Pollution Control Board (MSPCB) in a communication dated 13.09.2019 addressed to the Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters), Government of Meghalaya has stated that till date there is no regime for regulating the coal depots in the State of Meghalaya. The Committee further notes that it has also been stated in the said communication that it is appropriate for the MSPCB to regulate such depots since it is necessary to ensure prevention and control of generation of acid mine drain (AMD). In the said communication it has also been stated that the MSPCB proposes to regulate the coal depots under 'Consent Regime' of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.

The Committee notes that the establishment and operation of coal depots can be brought under the 'Consent Regime' of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 only if the coal depot is first included in the list of activities/industries falling under the 'Consent Regime' notified by the appropriate Competent Authority.

The Committee therefore directs that the MSPCB and the CPCB shall take necessary actions to get the 'coal depot' included in the list of activities/industries falling under the 'Consent Regime' notified by the appropriate Competent Authority and submit a report to the Committee within one month.

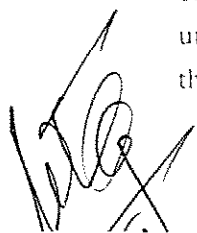
28. The Committee in first day of its Sixteenth Sitting held on 22.07.2019 noted that establishment and operation of a coal mine in Meghalaya requires prior consent from the MSPCB under Section 25 of Water (Prevention and Control of Pollution) Act, 1974. The Committee also noted that it is an admitted position that all coal mines in the State had been established and operated without obtaining prior consent from the MSPCB. 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 25 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.

Keeping in view the above, the Committee in the said sitting directed the Chairman, MSPCB to initiate necessary penal actions in accordance with 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. In response the Member Secretary, in a communication dated 13.08.2019 addressed to the Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters), Government of Meghalaya stated that the MSPCB has sought advice of its Standing Legal Counsel on the matter. In response the Standing Legal Counsel gave his opinions as follows:-

- (i) A prior general public notice is necessary to be published in leading local news paper barring all mining operations, mining activities, coal depots, establishments, coal transportation, etc., from carrying out any activity without prior consent from the board. Failing which, legal actions may be followed.
- (ii) The Directorate of Mineral Resources, Forest Department, District Administration, etc., may immediately stop issuing challans, clearance, granting any permission or licence to any mine owner or miner or trader without prior consent from the Board.
- (iii) The Board on being approached for availing consent by the occupier will ensure by visiting the identified site/location/ETPs and will inspect it in the presence of the Stakeholders tested & mapped and further assure that no effluent or pollutant is allowed to leak into the river or stream or land before granting consent.
- (iv) Unless the aforesaid are initiated afresh and complied by all the stakeholders before granting consent, it would be too huge a task to identify any coal miner, or mine owner or trader spread out across the interiors of the State.

The Committee after examination of the matter in the Seventeenth sitting held on 14.08.2019 observed that the name and address of the mine owners have already been provided to the MSPCB by the Directorate of Mineral Resources. It is also an admitted position that all coal mines in the State have been established and operated without obtaining prior consent from the Board. The Committee in the said meeting also noted that every power conferred on any person or any authority under any statute cast a duty on such person or authority to exercise such power to achieve the intent and purpose under which such power has been conferred on such person or authority. The MSPCB is thus duty bound to exercise all the Powers conferred on it under relevant sections,



including section 44 of the Water (Prevention and Control of Pollution) Act, 1974 to initiate proceedings against all those persons who have undertaken mining of coal in contravention of the provisions of section 25 of the said Act.

The Committee in the Seventeenth Sitting reiterated its earlier direction to the effect that the MSPCB shall initiate necessary penal actions in accordance with 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 and submit a report to this Committee within one month.

The Committee further notes that in response the Member Secretary in a communication dated 13.09.2019 addressed to the Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters), Government of Meghalaya has stated that the MSPCB is still awaiting advice of its Legal Counsel in the matter. The Committee fails to understand the reasons for seeking Legal Opinion on the matter.

The Committee reiterates its earlier direction to the effect that subject to the provisions of the Limitations Act the MSPCB shall initiate necessary penal actions in accordance with 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 and submit a report to this Committee within one month

29. The Committee after perusal of certain documents placed before it by the Member-Secretary, MSPCB in first day of its Sixteenth Sitting held at Shillong on 22.07.2019 observed that actions are proposed to be taken by the MSPCB against only 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, in the said Sitting, was of the view that mining, storage and transportation of about 12 million metric 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 keeping in view the above, in the said Sitting directed 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.

The Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department states that the Director of Mineral Resources has furnished the said



list to the MSPCB vide letter dated 31.05.2019. A copy of the said list has however not been provided to this Committee, so far. The Committee therefore, reiterates its earlier direction to the effect that the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department shall furnish a copy of the said list to the Committee also within one week.

The Committee reiterates its earlier direction to the effect that subject to the provisions of the Limitations Act the MSPCB shall initiate necessary penal actions in accordance with all relevant provisions of the Water (Prevention and Control of Pollution) Act, 1974 and all other environmental Acts, rules and regulation against **all** persons involved in illegal mining of coal in the State and submit a report to the Committee within one month

30. The Commissioner and Secretary to the Government of Meghalaya, Revenue and Disaster Management Department states that the revised draft Comprehensive Disaster Management Plan, both "**on-site**" and "**off-site**" after incorporating suggestions of the State Government has been received from the Deputy Commissioner, East Jaintia Hills District. The same will shortly be placed before the State Disaster Management Authority for approval.

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 provide a copy duly approved by the Competent Authority to this Committee within fifteen days.

31. The Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department states that till date no report has been received on filing of complaint by 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 to exercise power vested on them.

The Committee notes the above with great concern and directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to ensure that all such officers 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 monthly report on the enquiries initiated and complaints filed by such officers shall be submitted to this Committee every month. First such report shall be submitted to this Committee on or before 10.10.2019.

32. The Committee in first day of its Sixteenth Sitting held on 22.07.2019 directed Mr. M.B.K. Reddy, IFS, Chief Executive Officer, the Meghalaya State Compensatory Afforestation Fund Management and Planning Authority (CAMPA) to place before the Committee a plan



formulated by the Meghalaya State CAMPA to obtain approval of the competent authorities for execution of various activities from the CAMPA. He was also directed that details of activities to be undertaken in areas affected by coal mining shall separately be provided to the Committee. The Committee reiterated the said direction in eighteenth Sitting held on 14.08.2019. The said documents are still awaited by the Committee.

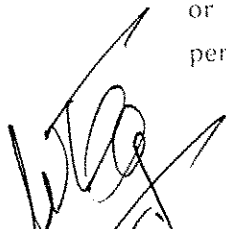
The Committee therefore reiterates its earlier direction to the effect that Mr. M.B.K. Reddy, Chief Executive Officer, Meghalaya State CAMPA shall provide a copy of the said Plan to the Committee within one week. Details of activities to be undertaken in areas affected by the coal mining shall also be provided to the Committee separately within one week.

The Committee further directs that Shri M.B.K. Reddy shall ensure that the said plans are approved by concerned competent Authorities at the earliest. A report on the same shall be submitted to the Committee within one month.

33. During first day of sixteenth Sitting held on 22.07.2019 the Committee noted that environment in the coal mining affected areas in Meghalaya cannot 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 continued to declare stock of coal purported to be extracted prior to imposition of the ban by the Hon'ble NGT.

The Committee in the said Sitting was 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.

The Committee further noted that 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 in the said Sitting was of view that above power, if effectively exercised by the State, can play a big role to prevent illegal coal mining in the State. The Committee also noted that 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 (5) of Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957.

The Secretary to the Government of Meghalaya, Mining and Geology Department informed the Committee during the said Sitting 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 took note of the above and directed 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. The Committee further directed that if required, guidelines stipulating therein the procedure for exercise of the said power shall be formulated and distributed to all concerned for necessary action.

The Committee further directed 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.

During seventeenth Sitting of the Committee held on 14.08.2019 the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department stated that the Government of Meghalaya vide Notification dated 13.03.2019 has notified 'Authorised Officers' to seize mineral raised or transported illegally along with the vehicles. He further stated that the officers authorised by above notification shall also exercise power conferred under sub-section (5) of section 21 of Mines and Minerals (Development and Regulation) Act, 1957 to recover mineral raised unlawfully from such person or where such mineral has already been disposed to recover price thereof.

He further stated that the Chief Secretary, Meghalaya convened a meeting on 07.01.2019 in connection with illegal mining and transportation of coal and a direction was issued to form a joint operation team of police, mining and transport Departments under the supervision of respective Deputy Commissioner/Superintendent of Police to seize coal and machineries/equipment in each mining districts of the State. Deputy Commissioner from time to time have deputed Magistrate and Executive Magistrate, and police to conduct checking in mines to seize mineral, tools and vehicles used in illegal coal

mining. The authorised officers under Section 21 and section 22 of the Mines and Minerals (Development and Regulation) Act, 1957 are enforcing the provisions of the Act.

The Committee keeping in view the above, in the said Sitting held on 14.08.2019 directed the Commissioner and Secretary to the Government of Meghalaya to place before the Committee a copy of notification/communication wherein it has been stated that the officers authorised by the notification dated 13.03.2019 shall also exercise power conferred under sub-section (5) of section 21 of Mines and Minerals (Development and Regulation) Act, 1957 to recover mineral raised unlawfully or where such mineral has already been disposed to recover price thereof. The Committee further directed that the district-wise details of minerals or price thereof recovered by such Authorised Officers and the mineral, tools, and vehicles seized by the Joint Operation Teams shall also be placed before the Committee within one month.

In reply, the Commissioner and Secretary to the Government of Meghalaya states that under sub-section (5) of Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957, it is not clearly mentioned that State Government will authorise officers in a separate notification to exercise the power conferred under sub-section (5). Wherever the power has been conferred to State Government under different Sections of the Mines and Minerals (Development and Regulation) Act, 1957 to empower the officers to exercise power, the State Government has notified 'Authorised Officers' under different sections and sub-sections of the said Act. He further states that the Law Department will be consulted on this matter and opinion will be sought on authorising officers to exercise power conferred under sub-section (5) of Section 21 and a formal Notification will be issued.

The Commissioner and Secretary to the Government of Meghalaya further states that the Government of Meghalaya vide Notification dated 13.03.2019 authorised the officers to seize any mineral which has been raised, transported or caused to be raised or transported, without any lawful authority from any land together with any tool, equipment, vehicle or any other thing used in such unlawful raising or transportation. Procedure for seizure and disposal of seized minerals has been laid down.

The Committee notes that district-wise details of mineral, tools, and vehicles seized by the joint Operation Teams, as sought by the Committee in seventeenth Sitting held on 14.08.2019 have also not been provided to the Committee.

The Committee reiterates its earlier direction to the effect that the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department shall take necessary actions to put in place an appropriate institutional and administrative mechanism for exercise of the power conferred on the State under sub-section (5) of section 21 of the Mines and Minerals (Development and Regulation) Act, 1957. The

Committee further reiterates that, if required, guidelines stipulating therein the procedure for exercise of the said power shall be formulated and distributed to all concerned for necessary action.

The Committee also directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department that district-wise details of mineral, tools, and vehicles seized by the Joint Operation Teams, as sought by the Committee in seventeenth Sitting held on 14.08.2019 shall also be provided to the Committee within fifteen days.

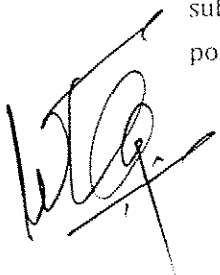
34. The Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department states that the draft rules under Section 23 C of the Mines and Minerals (Development and Regulation) Act, 1957 for preventing illegal mining, transportation and storage of minerals and for the purposes connected therewith are under process for approval by the Government.

The Committee reiterates its earlier direction to the effect that the Commissioner and Secretary to the Government of Meghalaya, Mining & Geology Department shall 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.

35. The Committee in its seventeenth Sitting held on 14.08.2019 directed the Commissioner and Secretary to Government of Meghalaya, Mining and Geology Department to submit monthly reports on 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 undertaken by the Mining & Geology Department, Government of Meghalaya in association with the Deputy Commissioners of the respective districts to prevent human and animal deaths due to accidental falling in unguarded coal mining pits/shafts. The Committee in the said Sitting directed that first such report for the month of August 2019 shall be submitted to the Committee on or before 10.09.2019.

In reply, the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department states that report on compliance of the said directions are awaited from the Director of Mineral Resources and Deputy Commissioners of coal mining districts.

The Committee directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to obtain input from all concerned and submit a consolidated monthly report to the Committee. The first such report shall positively be submitted to the Committee on or before 10.10.2019.



36. The Committee notes with great concern that in spite of prior notice, one Cement Plant (*viz.* Virgo Cements Limited) and one Thermal Power Plant (*viz.* CMJ Breweries Limited) neither deputed a representative to attend this Sitting as well the Sixteenth Sitting of the Committee held at Shillong on 23.07.2019, nor have provided information/documents sought by the Committee from them.

The Committee directs the Managing Director of these Plants to provide the requisite information to this Committee within one week without fail.

### **Agenda Item No. 2**

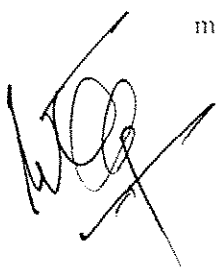
37. The Committee in the fourteenth Sitting held on 03.06.2019 recommended for consideration by the Hon'ble National Green Tribunal (NGT) to release an amount of rupees one crore from MEPR fund to facilitate the Forest & Environment Department for afforestation of the coal mine affected areas and to ensure availability of adequate number of good quality plants. The Hon'ble National Green Tribunal by order dated 22.08.2019 accepted said recommendation of the Committee.

The Addl. Principal Chief Conservator of Forests (Social Forestry and Environment), Government of Meghalaya states that the said amount is proposed to be utilised for raising of nurseries of about 10 (ten) lakh superior quality plants of native species in four coal mining affected districts in the State for biological restoration of coal mining affected areas in these districts. He further states that a detailed plan/estimates for utilisation of the said amount is being prepared. The same will be submitted to the Committee shortly.

The Committee directs the Addl. Principal Chief Conservator of Forests (Social Forestry and Environment), Government of Meghalaya to submit the said plan to the Committee within fifteen days.

The Committee further directs that Addl. Principal Chief Conservator of Forests (Social Forestry and Environment), Government of Meghalaya shall identify the suitable coal mining areas to be biologically reclaimed by raising plantations from these plants, enter into MoU with respective land owners, prepare detailed plans and estimates for creation and maintenance of plantations and submit a copy thereof to this Committee within forty-five days.

The Committee further notes that in its fourteenth Sitting held on 03.06.2019 it was noted that to ensure utilisation of amounts available in the MEPR Fund in an efficient, effective and transparent manner in conformity with various rules and regulations governing use of public funds, the Committee recommended that the institutional mechanism to plan, execute and monitor various activities to be undertaken from the



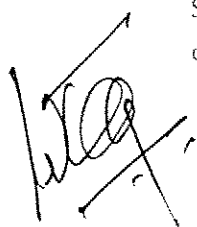
MEPR Fund may consists of a Technical Committee, a Steering Committee and a Monitoring Group.

The Committee in the said Sitting also noted that Technical Committee to be headed by a senior officer of a Technical Department in the State Government may consist of domain experts in various fields covering activities envisaged in the Action Plan. The function of the Technical Committee will be to examine and certify technical feasibility and reasonability of rates/estimated costs and to suggest best possible technology/technical solution for each activity proposed to be undertaken from the MEPRF. The Steering Committee to be headed by the Chief Secretary to the Government of Meghalaya may consist of senior officers from various Departments/Agencies to be involved in planning and execution of activities envisaged in the Action Plan and few reputed non-government organisations and independent experts. Functions of the Steering Committee may include assessment of administrative feasibility and prioritisation of various activities to be undertaken from the MEPRF and also to ensure inter-departmental and inter-agency coordination. The Monitoring Group consisting of independent experts in the fields of Mining, Environment, Forest, Engineering, Social Science, Health, Education, Remote Sensing & GIS *etc.* will monitor the quantitative and qualitative progress of activities undertaken from MEPRF and will submit periodic reports to this Committee and to the Hon'ble NGT. The administrative support to these Committees may be provided by a small administrative support group to be constituted in the Forests and Environment Department.

The Committee also noted that amounts available in the MEPR Fund shall be utilised exclusively for implementation of the Action Plan prepared by the Committee for restoration of environment in the areas affected by the coal mining and to provide relief to victims of illegal coal mining, including payment of *ex-gratia* to the next of kin of the persons died due to coal mining in the State.

The Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department informed the Committee that the Mining and Geology Department has also prepared a draft guideline for utilisation of the MEPRF. The same is likely to be placed before the Cabinet shortly. The Committee directed the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department that the draft guidelines to be placed before the Cabinet should be in conformity with the aforementioned broad parameters. The draft guidelines duly approved by the Cabinet is awaited.

Keeping in view the above, the Committee directs that the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department shall within one month formulate draft guidelines, in conformity with the afore-mentioned



broad parameters for utilisation of amounts available in the MEPR Fund in an expeditious and transparent manner and submit the same to the Committee.

38. The Committee in the fifteenth Sitting held on 25.06.2019 has recommended for consideration by the Hon'ble NGT for release of Rs.19,19,500/- from the MEPR Fund towards the cost to be incurred in the Pilot Project of Micro Algae Treatment of the acidic water in the identified stream in the coal mining affected areas to be implemented by M/S Trinity Impex International. The Hon'ble National Green Tribunal by order dated 22.08.2019 accepted said recommendation of the Committee.

The Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters), Government of Meghalaya states that a Tripartite Agreement to be executed between M/S Trinity Impex International; the Principal Secretary to the Government of Meghalaya, Mining and Geology Department and the Deputy Commissioner of East Jaintia Hills District is being prepared. Once the said agreement is accepted and signed by all these parties, the work will be initiated. The Committee notes the above and directs the Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters), Government of Meghalaya to ensure that agreement as above is executed within one month.

39. The Committee notes that the Hon'ble NGT by order dated 22.08.2019 directed the Committee to fix specific timeline for handing over coal already mined and lying at various places in Meghalaya to the Coal India Ltd. as per directions of the Hon'ble Supreme Court, in the judgement dated 03.07.2019. The Committee further notes that necessary directions in this regard have already been issued to the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department in second Special Sitting held on 07.09.2019. The Committee re-iterates these directions.

40. The Committee in the fourteenth sitting held on 03.06.2019 recommended for consideration by the Hon'ble NGT for passing necessary order for deployment of Central Armed Police Force (CAPFs) to assist the State Police in checking the transportation and mining of coal in the State for the purpose of enforcement of the direction issued from time to time to ban illegal mining and transportation of coal. The Hon'ble NGT in the said order dated 22.08.2019 observed that as regards deployment of Central Armed Police Forces (CAPF), their attention has been drawn to earlier proceedings before the Hon'ble NGT in order dated 25.03.2015 as follows:

*" 1. The Additional Secretary, North East in the Ministry of Home, Central Government shall, within a period of two weeks from today, hold a meeting with the Chief Secretary of the State of Meghalaya and other concerned Authorities and consider the proposal of the State of Meghalaya for deployment of appropriate force to ensure compliance of orders of the Tribunal and protection of the Environment and Ecology, particularly water bodies as*





*recorded in various orders of the Tribunal. We are hopeful, that the decision will be taken objectively and in the interest of public at large."*

The Hon'ble NGT in the said Order directed that the State of Meghalaya may follow the same course of approaching the Central Government. The Hon'ble NGT in the said Order further directed that the Central Government may give due consideration to such proposal expeditiously.

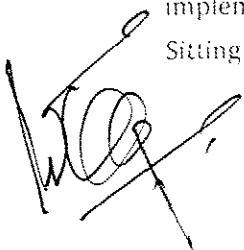
The Committee directs the Addl. Chief Secretary to the Government of Meghalaya, Home (Police) to take necessary actions as per the afore-mentioned directions of the Hon'ble NGT and submit a report to the Committee within one month.

41. Hon'ble NGT in the order dated 22.08.2019 noted that their attention has been drawn to a Challan dated 13.08.2019 issued by the Divisional Mining Officer, Jowai with regard to transportation of the 'auctioned' mineral. Hon'ble NGT in the said order directed that Learned Counsel for the State may ascertain whether the transportation is in terms of the scheme prepared by the Committee in accordance with the directions of the Hon'ble Supreme Court and if not, remedial action may be taken. The Hon'ble NGT in the said Order further directed that the Committee may look into this aspect and applicability of online electronic manifest system for regulating movements of vehicles and issuance of challans as per the Tribunal's order dated 11.04.2019.

The Committee directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to provide a full report on the matter relating the afore-mentioned Challan dated 13.08.2019.

The Committee further 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 for regulating movements of vehicles and issuance of challans in Meghalaya. The Committee further notes that except for initiation of a process for introduction of Mineral Transportation Challans with some of the security features stipulated by the Committee in the said Sitting, majority of these directions recorded in para (c) of the Record of Minutes of the said Sitting have not been implemented so far.

The Committee keeping in view the above directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to ensure implementation on all the afore-mentioned directions given by the Committee in the said Sitting held on 25.04.2019 and submit a report to the Committee within one month.



### Agenda Item No. 3

42. Superintendent of Police, Ri - Bhoi District by a communication dated 06.09.2019 submitted a report on a News report titled "Illegal coal - laden trucks intercepted in Ri - Bhoi" appeared in Shillong Edition of a local Daily Meghalaya Guardian on 29.08.2019. The Committee takes a copy of the said communication on record.

The Superintendent of Police, Ri-Bhoi district in the said report stated that three (3) Police Check-posts are being set up within the District to check and prevent illegal transportation of coal and whenever any detection is made cases are being registered accordingly. It is significant to mention that during the month of August 2019, six (6) cases were registered for illegal transportation of coal and with effect from 01.01.2019 till date, 49 (forty nine) cases have been registered for violation of the Hon'ble NGT order.

It has also been stated in the said report that Police Personnel are being deployed at the entry point of the weighbridge, Narang to ensure that all goods laden truck pass through the weighbridge. It has also been stated in the said report that in respect of the news report appeared in under the caption "*illegal coal laden trucks intercepted in Ri Bhoi*", no complaint has been received from any of the officials of the DMR and Transport Department nor from the NGOs regarding trucks carrying coal without procuring the requisite documents. Police Personnel deployed at the entry point of the weighbridge have ensured that all goods laden trucks enter the integrated weighbridge and till date, no complaint has been received from the DMR nor Transport officials pertaining to trucks carrying coal without Challans.

The Committee notes that the report has been submitted by the Superintendent of Police, Ri-Bhoi District without ascertaining facts from all relevant persons. Veracity of all such allegations relating to illegal transportation of coal in violation of directions issued by the Hon'ble Supreme Court and the Hon'ble NGT needs to be ascertained by the police suo-moto even if no formal complaint is lodged before the police by any person.

Mr. H. Nongpluh, IPS, Addl. Director General of Police (L &O/ TAP/ SB/Borders), Government of Meghalaya states that he will obtain full details of the matter and will submit a detailed report to the Committee within one week. He further suggested that in future a copy of communications seeking reports from Superintendent of Police on such matters may also be endorsed to him to ensure timely submission of proper reports to the Committee.

The Committee directs Mr. H. Nongpluh to submit a detailed reports on the above news report to the Committee within one month. The Committee also directs the Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters) that in future a copy of communications seeking reports from Superintendent of Police on such matters shall also be endorsed to Mr. H. Nongpluh. .

#### Agenda Item No. 4

43. Superintendent of Police, Ri -Bhoi District by a communication dated 06.09.2019 submitted a report on an electronic media news report (<https://www.youtube.com/watch?v=OqLYV-A3tBI>) regarding transportation of illegal coal in Meghalaya. The Committee takes a copy of the said communication on record.

The Committee after examination of the said report notes that contents of the said report are a verbatim copy of the afore-mentioned report dated 06.09.2019 on a News report titled "Illegal coal - laden trucks intercepted in Ri - Bhoi" appeared in Shillong Edition of a local Daily Meghalaya Guardian on 29.08.2019.

The Committee directs that English transcript of the said news report, which is in Khasi language may be provided to the Committee.

The Committee after viewing the said news report in the presence of officials conversant with the Khasi language observes that it has been alleged in the said report that coal is being transported through an integrated check-gate in Ri-Bhoi district under the authority of Mineral Transport Challans issued by the Police Department. It has also been stated in the said report that actual quantity of coal being transported by these trucks is much higher than the quantity mentioned in the Challans.

Mr. H. Nongpluh, IPS, Addl. Director General of Police (L &O/ TAP/ SB/Borders), Government of Meghalaya states that coal in the State of Meghalaya is transported under the Authority of Mineral Transportation Challan issued by the concerned competent authority in the Mining and Geology Department. The Police Department is neither authorised nor is issuing any such challans. To prevent multiple use of such challans, the police personnel posted at integrated check-gate might have been countersigning these challans as and when a truck containing coal crosses the integrated check gate. Mr. H. Nongpluh assures the Committee that he will obtain full details of the matter and will submit a detailed report to the Committee within one week. The Committee directs Mr. H. Nongpluh to submit a detailed reports on the above news report to the Committee within one month.

The Committee directs the Secretary in-charge Legal Metrology Department in the Government of Meghalaya to apprise the Committee about the safeguards presently in place to prevent and detect alleged malpractice in weighing of coal consignments.

#### Agenda Item No. 5

44. During seventeen Sitting of the Committee held on 14.08.2019 the Chairman of the Committee stated that he received a copy of a communication dated 02.08.2019 from Dr.

Manjunatha C. IFS, Secretary to the Government of Meghalaya, Mining and Geology Department addressed to the Director of Mineral Resources, Government of Meghalaya containing approval of the Government of Meghalaya for transportation of 38,340 MT coal seized and auctioned under section 21 (4A) of the Mines and Minerals (Development and Regulation) Act, 1957 in favour of Mr. Erantis Symplic, Byndihati Village, East Jaintia Hill district. The Committee takes a copy of the said communication on record.

The Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department stated that the said illegally mined coal was seized by the officers duly authorised by the State Government. He further stated that the Competent Court by an order dated 12.07.2019 has confiscated the said coal in favour of the State Government.

The Committee in the said Sitting directed the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to provide to the Committee within a week a copy of the Order(s) made by the concerned Court to confiscate the said coal along with the following information:

Name and full address of person(s) from whose possession the seizure has been made	Date of seizure	Quantity seized (MT)	Name and designation of the Officer(s) who has made the seizure	Case/ Complaint No.	Punishment awarded to the person(s) from whose possession the seizure has been made
(1)	(2)	(3)	(4)	(5)	(6)

Date of publication of Notice Inviting Bids for disposal of the coal	Last date for receipt of Bids	No. of Bids Received	The base Rate (Rs./MT) at which the bid has been accepted
(7)	(8)	(9)	(10)

Taxes and other levies to be paid by the successful bidder (Rs./MT)					Gross Amt. payable by successful bidder (Rs./MT)
Royalty	DMF	MEPRF	GST	Any other amt. (pl. specify)	
(11)	(12)	(13)	(14)	(15)	(16)

The Committee in the said Sitting noted that in compliance of a direction issued to the Committee by the Hon'ble NGT by order dated 11.04.2019, the Committee in its Twelfth Sitting held at Shillong on 25.04.2019 issued a direction to the effect that 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 (F) dated 15.01.2016 for monitoring of sand mining and river bed mining, so that the transportation of coal is regulated, even if 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 confirm their validity, GPS tracking of vehicles and generation of reports and alerts in case of detection of any anomaly.

The Committee during the seventeenth Sitting held on 14.08.2019 further noted that to ensure expeditious disposal (after obtaining prior approval of the concerned court) of seized coal in a transparent manner the Committee in the said Sitting held on 25.04.2019 directed that 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. The State Government while allowing transportation of such a huge quantity of the coal has appeared to have ignored these directions.

Keeping in view the above the Committee in the seventeenth Sitting held on 14.08.2019 directed the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to apprise the Committee the reasons for ignoring the aforementioned directions of the Committee while disposing off the said seized coal.

In reply, Joint Secretary to the Government of Meghalaya, Mining and Geology Department vide a communication dated 04.09.2019 provided to the Committee a copy of Affidavit-in-Opposition filed on behalf of the State Respondents No. 1 to 5 before the Hon'ble High Court of Meghalaya in the W.P. (Civil) No. 344 of 2019. The Committee takes a copy of the said Affidavit on record.

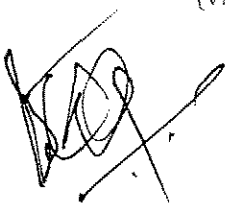
After perusal of the said Affidavit, the Committee notes that among others, the following has been stated in the said affidavit:

- (i) On 10.07.2019 Officer in-charge Khliehriat Police Station received a complaint from the in-charge Deputy Commissioner, East Jaintia Hills through Superintendent of Police, East Jaintia Hills District that he received a report from the Executive Magistrate that he found unclaimed coal heaps at different locations.
- (ii) During enquiry by the police with Executive Magistrate coal heaps at various locations were found.

- (iii) On summary enquiry by the police it was found that nobody came forward to claim the abandoned coal heaps. The Officer in-charge Khliehriat Police Station seized the coal in the presence of Executive Magistrate and filed a non-FIR report dated 11.07.2019 along with six (6) seizure reports before the Court of Addl. Deputy Commissioner (Judicial).
- (iv) The Court of Addl. Deputy Commissioner (Judicial) heard the matter on 12.07.2019 and was pleased to observe that from the above report it appears that coal was illegally extracted by unknown persons/ miscreants and nobody came forward to claim the coal heaps.
- (v) The Court of Addl. Deputy Commissioner (Judicial) by an order dated 12.07.2019 directed that in order to confirm once again by the Court an opportunity is given to any interested person/coal owner to come forward and claim the coal heaps a public notice be issued for information of all concerned coal owners.
- (vi) The Matter was again heard by the Court of Addl. Deputy Commissioner (Judicial) on 19.07.2019. The Hon'ble Court was pleased to note that no claimant appear before the Court during the hours of the Court sitting in respect to the notice issued vide order dated 12.07.2019. The Hon'ble Court therefore by an order dated 19.07.2019 directed as below:

*"From the facts and circumstances of the instant case it appears that there is no claimant(s) who came forward to this Court. Hence this Court is satisfied to proceed further and take cognizance of offence under section 21 (4) (A) of MMDR Act. The seized coal with quantity of 38,340 MT approx., shall be disposed of in accordance with the direction of this Court. Inform the Addl. DC Khlt for compliance."*

- (vii) The Addl. Deputy Commissioner, East Jaintia Hills District assessed upset price/ minimum bid value of the coal at Rs. 1,500 per MT based on among others the following major assumptions:
- (a) Seized coal is not of the high quality and it contains some percentage of sand.
- (b) The seized coal is a raw coal which has not yet been cleaned. Ratio of the coal and the slate in the raw coal by weight is 65: 35 (coal: slate).
- (c) Estimated cost of segregation of slate from the raw coal is Rs. 200 per MT.
- (viii) In response to an Auction Notice dated 19.07.2019, six persons participated in the Auction process held on 29.07.2019. During the process the rate offered by highest

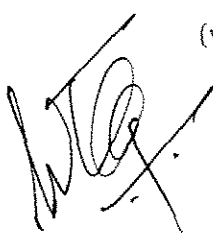


bidder Mr. Erantis Sympli @ Rs. 1,550 (rupees one thousand five hundred fifty) only per MT was accepted.

The Chairman of this Committee received a copy of representation dated 08.09.2019 from one Mr. Swarnjit Hajong, a resident of Tura in West Garo Hills District. The Committee takes a copy of the said representation along with its enclosure on record.

In the said representation addressed to Dr. Manjunatha C., Secretary to the Government of Meghalaya, Mining and Geology Department, among others, the following has been stated:

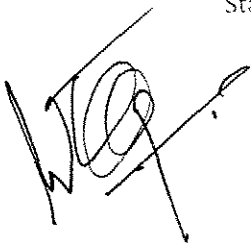
- (i) Transportation order being no DMO-J/R/49/2019/200 dated 13.08.2019 was issued in favour of M/s Shri Erantis Sympli for carrying of about 38,000 MT of coal auctioned and to be picked up from East Jaintia Hills through the Shangbangla DMR Checkpost and/or Borsara/Bagli & Cherragaon DMR Checkgate.
- (ii) There was no coal available to be picked up from East Jaintia Hills District during the period of Auction as well as the time frame allocated for the pickup and transportation of this coal. The original validity for transportation of this coal out of Meghalaya was 04.09.2019.
- (iii) To cover this anomaly, a renewal order no MG-94/2011/122 dated 04.09.2019 was issued to transport the illegal coal from: Shallang, Nongstoin, West Khasi Hills District in lieu of the non-existent coal from East Jaintia Hills District to be transported out of the State of Meghalaya through Mawpun Checkpoint, West Khasi Hills District through the same delivery challans as mentioned above.
- (iv) A communication was also sent to the Director of Mineral Resources, Meghalaya, Shillong against this auction of non-existent coal in the East Jaintia Hills District.
- (v) There is no option through which the Coal from East Jaintia Hills District can be transported out of Meghalaya from the Mawpun Checkpoint, West Khasi Hills District as there is no road route connecting the two places.
- (vi) The entire exercise is being carried out in cohorts with the Divisional Mining Officer, Jowai who has allowed the transportation of this illegal coal vide issuing the renewal transportation orders taking recourse to an earlier order of the NGT which allowed the transportation of any coal mined anywhere in Meghalaya to be taken out from any checkpoint. But he would like to reiterate here that there is no road route to transport the coal from East Jaintia Hills District via Mawpun Checkpoint, West Khasi Hills District.
- (vii) The above thus makes a clear cut case of illegally mined coal being shipped out of Meghalaya vide nefarious means.



In compliance of directions issued by the Chairman of this Committee, the Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters), Government of Meghalaya vide a communication dated 10.09.2019 sent a copy of the said representation to the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department with a request that a report on the matter may be submitted to the Committee during this Sitting.

The Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department states as below:

- (i) Hon'ble Supreme Court in Judgment dated 03.07.2019 in Civil Appeal No. 10720 of 2018 clarified that the coal, which has been seized by the State in illegal transportation or illegal mining for which different cases have been registered is not to be handed over to Coal India Limited for disposal for disposal and directed that the said seized coal shall be dealt by State in accordance with Section 21 of the Act, 1957. Hence, feasibility of disposing seized coal through e-auction by Coal India Limited was not considered.
- (ii) During a meeting held by Chief Secretary, Meghalaya on 09.07.2019, which was attended by officials of the Directorate of Mineral Resources (DMR), Mining and Geology Department, Police, and Transport Department, it has been decided that the DMR will use existing CCTV cameras wherever installed in DMR check-gates for video recording of coal trucks. Wherever the CCTV cameras not installed/non-functional in DMR check-gates, the CCTV cameras under Transport Department shall be used for video recording of coal trucks.
- (iii) Video recording of consignment of auctioned coal will be done at DMR check-gate by using existing CCTV cameras and by using CCTV cameras installed by Transport Department wherever CCTV cameras are not functional/ not installed.
- (iv) At present, the Mineral Transport Challans that are being used for transportation of auctioned coal have security features like hologram and secret internal markings to prevent their counterfeiting and misuse of challans.
- (v) The Mineral Transport Challans having security features such as maplitho paper, Fugitive Ink, hologram and QR Code are under printing.
- (vi) In view of the above, directions of this Committee have not been ignored by the State Government while disposing of the said seized coal.





The Committee after examination of the matter observes as below:

- (i) Information in the format sought by the Committee in its Seventeenth Sitting held on 14.08.2019 have not been provided to the Committee so far.
- (ii) For proper understanding/appreciation of the contents of Affidavit-in Opposition, the same needs to be read together with the Writ Petition filed before the Hon'ble Meghalaya High Court. A copy of the said Writ Petition should have also been provided to the Committee.
- (iii) Hon'ble Supreme Court in 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 & Ors. has noted that approximate price of coal is Rs. 10,000 per metric tonne. Similarly, the Hon'ble NGT in April 2014 fixed the rate of contribution to MEPF Fund keeping in view that in the Report of Comptroller and Auditor General of India for the period ending 31.03.2019 under para 07.5.18 of Chapter 7, the invoice value of the coal was taken at Rs. 4850/- per metric tonne. The rate of Rs. 1,550 per metric tonne at which the coal has been auctioned appears to be too low;
- (iv) Huge quantity of coal has been auctioned without giving adequate publicity and adequate time to all prospective bidders to participate in the auction;
- (v) Estimation of reserve/upset price for coal auctioned in July 2019 is based on an assumption that 35 % weight of the raw weight is constituted by slate which will be segregated before transportation of the coal. Keeping in view the above, the Mineral Transportation Challan should have been issued for only 65 % of the gross estimated weight of the raw coal.
- (vi) Nowhere in the said Judgment dated 03.07.2019, the Hon'ble Supreme Court has prohibited the State Government to dispose of the coal which has been seized by the State in illegal transportation or in illegal mining, for which different cases have been registered by the State by e-auction through Coal India Limited. Such coal, as per said Judgment, shall be dealt by the State in accordance with Section 21 of the Act, 1957 and on being satisfied the State can take a decision to recover the entire quantity of coal so illegally raised without lawful authority and the said cases have to be separately dealt with in accordance with law. Only intent of the directions issued by the Hon'ble Supreme Court in paragraphs 189 and 191 (25) which have been quoted by the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department, is not to transfer the net proceeds of such coal to the person from whose possession such coal has been seized. Directions issued by the Committee to assess feasibility to dispose of the seized coal in a fair and



transparent manner by e-auction through Coal India Limited to ensure realisation of maximum price to the State are not contrary to any of the directions issued by the Hon'ble Supreme Court by the said Judgment dated 03.07.2019.

- (vii) Report on the allegation made by Mr. Swarnjit Hajong that in the guise of the coal auctioned in East Jaintia Hills District, coal illegally extracted in West Khasi Hills has been allowed to be transported through Mawpun check-point is still awaited from the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department.
- (viii) Except for initiation of a process for introduction of Mineral Transit Challans with some of the security features, none of the direction issued by this Committee in its Twelfth Sitting held on 25.04.2019 in compliance of direction issued by the Hon'ble NGT by Order dated 11.04,2019 to regulate and monitor movement of coal have been carried out, so far.

Keeping in view the above, the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to provide to the Committee within fifteen (15) days:

- (i) Information in the format sought by the Committee in its Seventeenth Sitting held on 14.08.2019;
- (ii) A copy of Writ Petition (Civil) No. 340 of 2019 in the matter of Shanbor Lamare and Ors. *versus* State of Meghalaya and Ors. filed before the Hon'ble High Court of Meghalaya along with a copy of orders/judgment, if any, passed by the Hon'ble High Court in the said matter;
- (iii) Reasons for disposal of the seized coal at a price much lower than the price of coal stated in the afore-mentioned Judgment/order of the Hon'ble Supreme Court and the Hon'ble NGT;
- (iv) Reasons for auction of a huge quantity of coal without giving adequate publicity and adequate time to all prospective bidders to participate in the auction;
- (v) Actual quantity of coal which has allowed to be auctioned. In case the quantity of coal allowed to be transported is more than 65 % of the estimated quantity of the raw coal, the reasons for the same;
- (vi) Action plan for disposal of slate segregated from the auctioned coal;

- (vii) Details of specific direction(s), if any, in the Hon'ble Supreme Court's said Judgment dated 03.07.2019 which prohibits the disposal of seized coal in a fair and transparent manner through e-auction;
- (viii) Report on the allegation made by Mr. Swarnjit Hajong that in the guise of the coal auctioned in East Jaintia Hills District, coal illegally extracted in West Khasi Hills has been allowed to be transported through Mawpun check-point. The Report shall contain, among others, details of each consignment of coal which was allowed to be transported from Mawpun check-point along with the route allowed to be undertaken by each such consignment from East Jaintia Hills to Mawpun;
- (ix) Action Plan stating therein definite time-lines for implementation of direction issued by this Committee in its twelfth Sitting held on 25.04.2019 for introduction of Transit Pass (TP)/ Challans with all the security features stipulated in the said Sitting to prevent their counterfeiting, scanning and uploading of TPs/ Challans on a centralised server to facilitate checking of TPs/Challans to confirm their validity, GPS tracking of vehicles to prevent multiple use of TPs/Challans and generation of reports and alerts in case of detection of any anomaly.

#### Agenda Item No. 6

45. The Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department states that slate is a minor mineral. He further states that collection and sharing of royalty on minor minerals in the Autonomous District was done under the power of the Executive Order No. TAD/FR/22/55 dated 22.01.1962 till framing of Meghalaya Minor Mineral Concession Rules, 2016 (MMMCR). The said rules came into force on 12.09.2016. He further states that grant of mining lease/quarry permit for slate was not there till Meghalaya Minor Mineral Concession Rules, 2016 came into force.

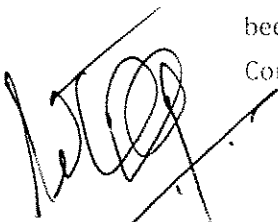
The Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department further states that no mining lease has been granted so far for extraction of slate in the State. Local suppliers have supplied Muslate or slate sourced from overburden of coal mining carried out prior to ban imposed by Hon'ble NGT to the Cement plants. The Cement plants have paid royalty on slate or Muslate used. The amount of royalty paid by the Cement companies for slate or Muslate is as below:

Name and address of Cement or Thermal Power Plant	Date of Payment	Amount Paid (Rs.)	Qty. of Slate (MT)
Star Cement Limited	08.10.2018	1,84,14,900	4,09,220.000
	12.02.2019	43,75,111	97,224.690
	12.02.2019	12,12,000	12,120

Name and address of Cement or Thermal Power Plant	Date of Payment	Amount Paid (Rs.)	Qty. of Slate (MT)
	<b>TOTAL</b>	<b>2,40,02,011</b>	<b>5,18,564</b>
Star Cement Meghalaya Limited	10.08.2018	4,82,26,500	10,71,700.000
	12.02.2019	1,23,13,667	2,73,637.060
	12.02.2019	21,32,000	21,320.00
	<b>TOTAL</b>	<b>6,26,72,167</b>	<b>13,66,657.060</b>
Meghalaya Power Ltd.	08.10.20118	3,14,18,100	6,98,180.010
	12.02.2019	8,32,100	8321.000
	18.02.2019	93,27,040	2,07,267.550
	<b>TOTAL</b>	<b>4,15,77,240</b>	<b>9,13,768.560</b>
M/s. Green Valley Industries Ltd.	01.07.2019	30,28,2011	67293.34
	05.07.2019	48,52,148	95058.87
	<b>TOTAL</b>	<b>78,80,349</b>	<b>162352.20</b>
M/s. Meghalaya Cements Ltd.	01.03.2017	71,52,378	1,58,941.73
	13.06.2017	2895120	64,336
	<b>TOTAL</b>	<b>10047498</b>	<b>2,23,277.7</b>
M/s. Dalmia Cement (Bharat) Ltd.	08.02.2019	4,10,80,533	9,12,900.733
M/s. Goldstone Cement Limited	15.02.2019	2,93,01,030	6,51,134
<b>GRAND TOTAL</b>		<b>19,81,45,928</b>	<b>47,48,654.983</b>

The Committee after examination of the matter observed as below:

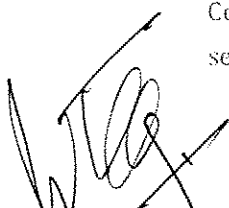
- (i) The Ministry of Mines, Government of India vide Notification bearing S.O. No. 423 (E) dated 10.02.2015 declared slate as a minor mineral. Provisions of the Executive Order No. TAD/FR/22/55 dated 22.01.1962 were therefore applicable to the slate for a very limited period of a time from the date of its declaration as a minor mineral on 10.02.2015 till the MMMCR came into force on 12.09.2016;
- (ii) The entire royalty on slate has been realised from the afore-mentioned cement and power plants after the MMMCR came into force. Majority of the said royalty has been realised after resource (coal) audit of these companies has been started by this Committee in January 2019;



- (iii) Except for a small quantity of overburden generated during creation of box-cutting, rat-hole mining does not involve generation of overburden. Winning of lakhs of metric tonnes of slate from the overburden dumps, as has been stated by the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department, does not seem to be feasible;
- (iv) Clause (d) in Section 3 of the MMDR Act provides that "mining operation" means any operations undertaken for the purpose of winning any mineral. Winning or obtaining of slate from any area, even from overburden dump, as per the said definition, attracts provisions of Section 4 of the MMDR Act, which mandates prior mining lease for any operation undertaken for the purpose of winning any mineral;
- (v) The MMMCR provide an elaborate mechanism for grant of mining lease or quarry permit for mining/winning of slate for use in an industry;
- (vi) A mining lease or a quarry permit for winning of a mineral, as per the MMMCR can be granted only after a prior EC and Consent to Establish is obtained from the concerned regulatory Authorities. Actual winning/mining of slate requires 'Consent to Operate' from the State Pollution Control Board; and
- (vii) As per Rule 29 of the MMMCR, a person who undertakes mining operations (viz. respective lessee or the holder of quarry permit) is responsible for payment of royalty. As per the said rule, in case of a mining lease royalty is to be paid by the concerned lessee on a quarterly basis. In case of a quarry permit, royalty is to be paid before transportation. The very fact that these plants have paid the royalty, these plants are primarily liable to be proceeded against for mining/winning of the slate, if any, used by these plants.

The Committee keeping in view the above, directs the Commissioner and Secretary to the Government of Meghalaya to:

- (i) Enquire how winning/mining of slate stated to be used by these cement and power plants in flagrant violation of the existing mining, environmental and labour safety laws is attempted to be regularised by realisation of royalty;
- (ii) Initiate appropriate actions under Section 21 of the MMDR Act against all persons responsible for illegal mining of slate. Actions to be initiated against such persons shall include actions under sub-section (5) of section 21 the said Act to recover price of the illegally raised slate along with rent, royalty or tax, as the case may be, payable to the Government in respect of such slate; and
- (iii) Take all necessary actions to ensure that illegally raised slate is not utilised by any of the Cement and Thermal Power Plants in the State of Meghalaya. These actions shall include seizure of illegally raised slate, if any, available with any of these plants.



The Committee further directs that a report on actions taken on each of the aforementioned directions shall be submitted to the Committee within one month.

The Committee further directs that the Deputy Director General, North Eastern Regional Office of the MoEFCC, GoI; the Chairman, MSPCB and the Regional Director, North Eastern Regional Directorate of the CPCB shall enquire into the mining/winning of slate, if any, used by cement and power plants in the State of Meghalaya without obtaining requisite Environmental Clearance, Consent to Establish and Consent to Operate, take necessary action as per the provisions of the Environment (Protection) Act, 1986; the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 and submit a report to the Committee within one month.

### Agenda Item No. 7

46. The Committee places on record a copy of reports received from the Meghalaya State Pollution Control Board, the North Eastern Regional Directorate of the Central Pollution Control Board and the North Eastern Regional Office of the Ministry of Environment, Forest and Climate Change, Government of India on a representation dated 26.08.2019 from Star Cement Limited containing their comments on observation made at Para 37 of the record of minutes of 17<sup>th</sup> Sitting of the Committee

The Committee after examination of these reports directs as below:

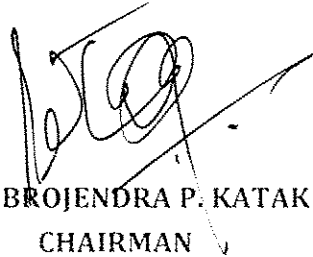
- (i) As sought vide letter dated 27.08.2019 the MSPCB shall provide to the Committee within one week a copy of Environmental Statements submitted to them by all Cement and Thermal Power Plants in the State of Meghalaya for the period from 20014-15 to 2018-19.
- (ii) The MSPCB shall provide to the Committee within one week a copy of all authorizations/ no objection certificates granted by them to Cement and Thermal Power Plants in the State of Meghalaya for use of any fuel other than coal.
- (iii) The MSPCB shall provide to the Committee within one week a copy of 'Consent to Establish' and/or 'Consent to Operate', if any, granted for mining of slate or muslate in the State of Meghalaya. In case no such consent has been granted, the same shall also be intimated to the Committee within one week
- (iv) The North Eastern Regional Office of the MoEFCC, GoI and the State Environmental Impact Assessment Authority (SEIAA), Meghalaya shall provide to the Committee within one week a copy of ECs, if any, granted for mining of slate in the State of Meghalaya. In case no such EC has been issued by them the same shall also be intimated to the Committee within one week.
- (v) CPCB to provide a copy of data which formed the basis for making a submission before the Committee while preparing its First Interim Report to the effect that the

two integrated cement Units viz. Star Cement Limited and Star Cement Meghalaya Limited use coal of about 15% of total clinker production. The CPCB may also provide the reasons for discrepancy between the said information provided in December 2018 and the information provide vide letter dated 13.09.2019 wherein it has been stated that actual requirement of coal by these cement plants is even less than self-declared quantity of 12.75% of clinker production.

**Agenda Item No. 8**

47. The Committee proposes to have its next sitting of the Committee will be held on 18<sup>th</sup> October, 2019 at 10.00 A.M in the Conference Hall in Office of the Principal Chief Conservator of Forests & HoFF, Sylvan House, Shillong, Meghalaya 793001.

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



**(JUSTICE BROJENDRA P. KATAKEY)**  
**CHAIRMAN**