

10

**Q U O R U M**

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

**IN THE MATTER OF**

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

-Vs-

The State of Meghalaya & Ors.

**AND**

All Dimasa Students Union, Dima Hasao District  
Committee

-Vs-

The State of Meghalaya & Ors.

**AND**

Impulse NGO Network

-Vs-

The State of Meghalaya & Ors.

**AND**

Thomas Nongtdu & Anr.

-Vs-

The State of Meghalaya & Ors.

**AND**

R.K. Momin

-Vs-

The State of Meghalaya & Ors.

**P R E S E N T**

: Mr. Yeshi Tsering, IAS,  
Chief Secretary to the Government of Meghalaya

: Mr. C.P. Marak, IFS, PCCF, Meghalaya



: Mr. T. Dkhar, Commissioner & Secretary, Mining and Geology Department.

: Mr. Harish Choudhary, Addl. PCCF, Meghalaya.

: Mr. M.S. Lyngdoh, Director of Mineral Resources.

: Mr. P. Ch. Marak, Mining Engineer, Meghalaya.

### **ORDER No.1**

#### **RECORD OF THE MINUTES OF THE PROCEEDING HELD ON 11<sup>TH</sup> SEPTEMBER, 2018 AT 11:00 AM IN PINWOOD HOTEL, SHILLONG, MEGHALAYA**

The Hon'ble National Green Tribunal, Principal Bench, New Delhi, vide order dated 31.08.2018 has constituted a Committee consisting of Hon'ble Mr. Justice Brojendra Prasad Katakey, Former Judge, Gauhati High Court, Guwahati and representatives from Central Pollution Control Board and Indian School of Mines, Dhanbad, to go into the questions of **Restoration of the Environment & Rehabilitation of the Victims** of rat-hole mining in the State of Meghalaya. A copy of the said order was sent to Mr. Justice Brojendra Prasad Katakey in his e-mail address on 05.09.2018.

2. The Hon'ble National Green Tribunal requested the said Committee to assume its charge within 2(two) weeks from the date of the order, i.e. 31.08.2018. The first sitting, therefore, has been held today, though the Central Pollution Control Board and the Indian School of Mines, Dhanbad, are yet to nominate their representatives as Members of the Committee constituted by the Hon'ble National Green Tribunal.

3. The Chief Secretary of the Government of Meghalaya, shall, therefore, take up the matter with the Chairman of the Central Pollution Control Board, New Delhi and Director of Indian School of Mines, Dhanbad, for nominating their one



representative, each, to become Members of the Committee constituted by the Hon'ble National Green Tribunal, at the earliest and in any case before the next sitting of the Committee scheduled to be held on 19.09.2018, so that the representatives of the said 2(two) Organizations could be present in the next sitting to be held in Shillong. Necessary intimation in writing shall be given to those nominated Members about the sitting of the Committee scheduled to be held in Shillong on 19.09.2018 at 10:30 AM.

4. The Hon'ble National Green Tribunal, vide the aforesaid order dated 31.08.2018, requested the Committee constituted by it to take steps of (i) taking stock of all actions so far taken towards restoration of the environment & rehabilitation of the victims of rat-hole mining in the State of Meghalaya and (ii) to prepare a time bound action plan to deal with the issue and ensure its implementation, apart from taking up of incidental issues, within the time frame, as mentioned in the said order, as far as possible.

5. Having regard to the time limit set by the Hon'ble National Green Tribunal, as aforesaid, even in the absence of the other Members of the Committee, the following directions are issued with the object of expediting the process for which the Committee has been constituted. These directions, however, shall be placed before the Committee in its next meeting scheduled to be held on 19.09.2018 for its ratification.

6. The Chief Secretary to the Government of Meghalaya, for smooth functioning of the Committee, shall also-

- (a) nominate one Officer of the rank of Jt. Secretary, Government of Meghalaya, to be designated as Secretary of the Committee, who shall receive all communications addressed to the Committee;
- (b) urgently set up an website of the Committee for receiving and furnishing information relating to the issues, as aforementioned, before





the Committee. An e-mail id of the Committee shall immediately be generated;

(c) provide fixed accommodation for the sitting of the Committee in Shillong and other infrastructure requirements, such as, an efficient Grade-I Stenographer, Desktop Computer with internet connectivity, Printer, Scanner, etc. in its place of sitting;

(d) produce all relevant records available with the Government of Meghalaya before the Committee during its sitting on 19.09.2018;

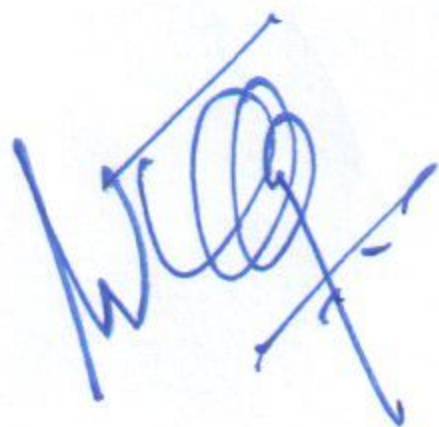
(e) take steps for wide publicity about the setting up of the Committee by the Hon'ble National Green Tribunal, so that the concerned persons as well as the victims of rat-hole mining in the State of Meghalaya are aware of its formation and inviting suggestions from the public about the Restoration of the Environment & Rehabilitation of the Victims and also inviting the victims to lodge their claims. Such publicity shall be made in the newspapers in English, Hindi, Khasi, Jaintia, Garo and other local languages, having wide circulation in the State of Meghalaya including South Garo Hills District. Such publicity shall also be given in the electronic media, namely, Doordarshan and other private television channels apart from FM Radio Stations and Akashvani under Prasar Bharati.

**7.** The Secretaries to the Government of Meghalaya, Mining and Geology and Forest and Environment Departments shall furnish the following information in writing to the Committee in its next sitting:-

(a) the nature and extent of environmental damage caused due to rat-hole mining in State of Meghalaya and the area(s) where such damages have been caused;



- (b) steps and/or actions, if any, already taken till date by the Government of Meghalaya for restoration of the environment and to correct the environmental damages caused;
- (c) the names and addresses with mobile/telephone numbers, if any, of the victims of rat-hole mining;
- (d) steps and/or actions, if any, so far taken for rehabilitation of such victims;
- (e) the amount so far credited in Meghalaya Environment Protection & Restoration Fund (MEPRF), constituted pursuant to the order passed by the Hon'ble National Green Tribunal;
- (f) whether any coal already extracted, which has not been included in the inventory already made, is available, if so, to prepare the time limit within which a separate inventory for such coal can be prepared;
- (g) the time required to ascertain whether such coal was extracted illegally, if so, the time within which the royalty, as per the order of the Hon'ble National Green Tribunal, can be collected;
- (h) the time by which the information in serial Nos.(f) & (g) can be placed before the Joint Team of the representatives of the Central Pollution Control Board and the Indian School of Mines, Dhanbad, as directed by the Hon'ble National Green Tribunal vide its order dated 31.08.2018;
- (i) whether there is any dispute about the receivership/ custodian of the extracted coal? If so, the details of such disputes?
- (j) whether there is any environmental issue arising out of the storage of already extracted coal and whether any complaint(s) in that regard has been received by the Government of Meghalaya from any one? If so, the details of such complaint(s).





60

(k) whether any survey/study has so far been conducted by the Government of Meghalaya to ascertain the damage, if any, caused to the environment due to rat-hole mining and storage of already extracted coal, if so, to submit a report/details of such survey/study?

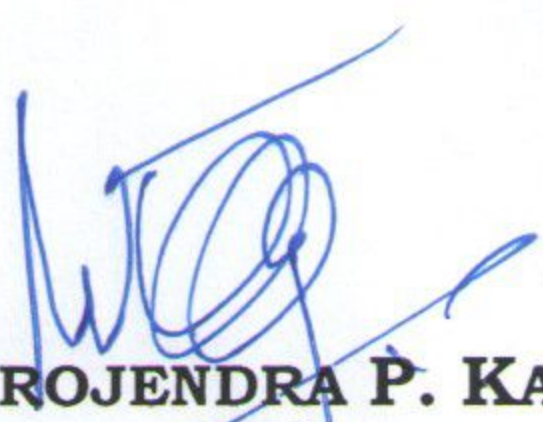
(l) the manner in which the Government of Meghalaya is proposed to restore the damages caused to the environment and rehabilitate the victims of rat-hole mining;

(m) whether any survey has been conducted to ascertain the nature and extent of damage, if any, caused to any individual, if so, the details of such survey; and

(n) the manner in which the concerned public can be made aware of the issues before the Committee and how to involve the educational institutions in the State of Meghalaya and from which level for, the awareness and feedback.

8. It is proposed that all communications addressed to the Committee shall be circulated to all the Members of the Committee in their respective e-mail ids. Intimation relating to holding of any meeting, visit of any site, etc. shall also be circulated to all Members in their respective e-mail ids. The Secretary of the Committee shall maintain a register in that regard.

9. The next proceeding of the Committee would be held on **19<sup>th</sup> September, 2018** at **10:30 AM** in **Shillong**. The Secretary of the Committee shall arrange the venue with due intimation to all concerned well in advance.

  
(JUSTICE BROJENDRA P. KATAKEY)  
FORMER JUDGE  
GAUHATI HIGH COURT, GUWAHATI