

**QUORUM**

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

**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**

- :** **Mr. C. P. Marak, IFS,**  
Principal Chief Conservator of Forests & HoFF  
Government of Meghalaya;  
Principal Secretary to the Government of Meghalaya,  
Forests and Environment Department  
& Chairman, Meghalaya State Pollution Control Board  
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- :** **Mr. T. Dkhar, IAS,**  
Commissioner & Secretary to the Government of  
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- :** **Mr. M. R. Synrem, IAS**  
Commissioner & Secretary to the Government of  
Meghalaya, Transport and Information Technology  
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- :** **Mr. H. Nongpluh, IPS**  
Additional Director General of Police  
(L & O/ TAP/ SB/ Border)  
Home (Police) Department, Government of Meghalaya  
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- : **Mr. H.C. Chaudhary, IFS,**  
Additional Principal Chief Conservator of Forests,  
(Planning, Development and Legal Matters), Government  
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Email id: harishcc@yahoo.com
- : **Mr. J. K. Bora, General Manager,**  
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- : **Mr. I. Ray, Area Sales Manager**  
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- : **Mr. Manjunatha C, IFS**  
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- : **Mr. I. W. Ingty, IAS**  
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- : **Smti P. L. Lawai, MCS**  
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- : **Mr. D. D. Shira, MCS**  
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- : **Mr. J. H. Nengnong**  
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- : **Mr. M. S. Lyngdoh, Director**  
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- : **Mr. W. R. Kharkrang**  
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- : **Mr. P. Ch Marak**  
Mining Engineer,  
Directorate of Mineral Resources  
Government of Meghalaya

**ORDER NO.: S-1**

**RECORD OF THE MINUTES OF THE PROCEEDINGS OF THE FIRST SPECIAL 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, GUWAHATI HIGH COURT HELD ON 12<sup>th</sup> JULY, 2019 AT 10.00 A.M IN THE CONFERENCE HALL, AT O/o PRINCIPAL CHIEF CONSERVATOR OF FORESTS & HOFF, SYLVAN HOUSE, SHILLONG, MEGHALAYA TO HAVE PRELIMINARY DISCUSSIONS ON DIRECTIONS ISSUED BY THE HON'BLE SUPREME COURT IN JUDGEMENT DATED 03.07.2019 PASSED IN CIVIL APPEAL NO.10720 OF 2018 IN THE MATTER OF STATE OF MEGHALAYA VERSUS ALL DIMASA STUDENT UNION, DIMA - HASAO DISTRICT COMMITTEE & ORS AND OTHER CONNECTED MATTERS.**

Mr. C. P. Marak, IFS, Principal Secretary to the Government of Meghalaya, Forest & Environment Department & Principal Chief Conservator of Forests & Heads of Forest Force (HoFF), Meghalaya, welcomed the Hon'ble Chairperson and other Members of the Committee, Special Invitees from the North Eastern Coalfields Coal India Limited, Senior Officials of the State Government and other officers present.

Prof. A. K. Singh, one of the Members of the Committee has requested grant of leave of absence, as he is unable to attend today's proceeding due to some urgent work.

**AGENDA ITEMS FOR DISCUSSION**

1. Preliminary discussions on formulation of a mechanism for transport and weighing of assessed coal in Meghalaya.
2. Any other matter (s) to be raised with permission of the Chair.

**AGENDA ITEM NO. 1**

1. At the outset the Hon'ble Chairman of the Committee stated that this Special Sitting of the Committee is being held to have preliminary discussions to formulate a strategy to carry out directions issued by the Hon'ble Supreme Court in Judgment dated 03.07.2019 passed in 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. He draw attention of all present in the meeting to the directions issued by the Hon'ble Supreme Court in the said Judgment relating to disposal of the coal assessed by the State of Meghalaya which presently is lying in various districts in the State of Meghalaya which as per the order of the Hon'ble NGT is in custody of the State of Meghalaya.



He also draw attention of the Commissioner and Secretary to Government of Meghalaya, Mining and Geology Department to sub-section (5) of Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957 which empowers the State Government to recover the unlawfully raised minerals or the price along with rent, royalty or tax, in case such unlawfully raised minerals has already been disposed of.

2. The Hon'ble Chairman of the Committee also draw attention of the Commissioner and Secretary to Government of Meghalaya, Mining and Geology Department to a direction issued by the Committee during its Twelfth Sitting held on 24.04.2019 to put in place a system similar to one stipulated in Appendix-XII of the EIA Notification, 2006 to prevent counterfeiting and multiple use of challans to be issued to regulate and monitor transportation of coal, if any, allowed to be transported by any Court of Law, as has now been allowed by the Hon'ble Supreme Court.
3. After the brief opening remarks by the Hon'ble Chairman, Mr. J. K. Bora, General Manager, North Eastern Coalfields, Coal India Limited (CIL) made a detailed presentation on proposed mechanism for disposal of coal permitted to be transported by the Hon'ble Supreme Court. He stated that the CIL presently does not have any mine or any other facility or network in the State of Meghalaya. The nearest mining operation or despatch facility of CIL is at Tikak & Tirap near Ledo Railway Station in Assam, which is about 600 km away from Shillong. Inter-state movement of coal, presently lying at various depots in Meghalaya, by owners of such coal or the State Government, does not seem feasible due to long distance and risk of enroute theft/pilferage. High cost of transportation from the depots in Meghalaya to Ledo may itself make the coal unviable for sale. Absence of rail network in Meghalaya and long distance from the coal depots to the nearest railway siding, makes sale of coal through the road mode as the only viable option.

Shri J.B. Bora further suggested that to prevent and minimise re-handling of coal, it will be desirable to sale the coal on 'as is where is' basis from the depots where it is presently lying. In case any of the depots where coal is presently lying is not accessible by normal long distance trucks, coal available at such depots may be shifted to the nearby depots accessible by a normal long distance truck by using services of four wheel drive trucks, before auction of coal available at such depots.



Before auction, each heap of coal to be auctioned needs to be assigned a unique identification code and all relevant information such as name and address of owner(s), location (*viz.* village, latitude, longitude), grade/size of coal, estimated quantity of coal available etc. at each such heap need to be prepared and properly recorded. For weighment of coal available at various depots, weighment facility near each such depot or a group of depots needs to be identified. In case, no such weighment facility within a reasonable distance is available, a new weighment facility needs to be installed near each such depot/group of depots.

Before e-auction, based on the Gross Calorific Value (GCV), Reserve Price for each heap needs to be fixed. For fixation of Reserve Price, ideally GCV of each heap should be determined by collecting and testing of representative coal samples from each such heap. However, in case it is found that collection and testing of samples from large number of heaps may take long time, based on prior knowledge on quality of coal, the depots located in various regions in the State may be stratified/grouped into a reasonable number of coal quality strata/groups. GCV of coal in each strata/ group may be determined by taking reasonable number of samples from each strata/group.

For assessment of GCV, services of Indian Institute of Technology, Guwahati or Council of Scientific and Industrial Research – North East Institute of Science and Technology (CSIR-NEIST), Jorhat may be availed. For this, representative samples of coal from each heap or each strata/group of heaps need to be collected and sent to IIT, Guwahati or the CSIR-NEIST, Jorhat.

Based on GCV the coal is divided into seventeen grades (G-1 to G-17). For each grade the CIL has fixed base Reserve Price. The same may be used for fixation of Reserve price of coal to be e-auctioned in Meghalaya.

Apart from the base Reserve Price, the State needs to clearly indicate all levies/ taxes which may include royalty/penalty, contribution to Meghalaya Environmental Protection and Restoration Fund (MEPRF), contribution of District Mineral Foundation (DMF), Clean Energy Cess, Goods and Services Tax (GST) etc. to be paid by the successful bidder over and above the Base Price quoted by them.

Once all relevant information/data relating to all the heaps or a lot consisting of certain reasonable number of heaps are available, e-auction of all such heaps may be held through M/s MSTC Ltd., a Miniratna Category-I e-commerce Central Public Sector Undertaking (CPSU), based in Kolkata.

M/s. MSTC Limited is currently providing e-auction services to CIL on realisation of service charges/ e-auction fee of about Rs. 19.00 lakh (rupees nineteen lakh) only per auction. The State Government, along with CIL, may negotiate with MSTC for conducting e-Auction through the same platform developed for CIL, at mutually agreed Service Charge/e-auction fee.

Once the successful bidder for each heap of coal is identified through e-auction and entire amount for estimated quantity of coal is deposited by such bidder, the post bid procedure for issue of delivery challans, transit passes, weighment of coal, despatch challans, invoices, GST challans are to be carried out by the State Government under assistance/ monitoring of the CIL.

4. To prepare the detailed modalities for e-auction of the said Coal, the Committee directs the Commissioner and Secretary to the Government of Meghalaya, **Mining and Geology Department** to provide following information (both in hard and soft format) to the Committee **within ten days**:

- (i) District-wise details in excel sheets of dumps where assessed coal is located, in the following format:

Details of Depots							
Depot Code*	Location of Depot			Number of owners of Depot	Name and complete address of each owner of the depot	Total Qty. of coal by available at the Depot (MT)	No. of coal heaps available at Depot
	Village/ Town	Geo- Coordinates					
		Latitude	Longitude				
1	2	3	4	5	6	7	8

• To be inserted later on

Details of Each Coal Heaps Available at Each Depot				
Heap	Total Qty.	Details of Initial assessment	Details of verification	Details of owners of each coal Heap

Code*	of coal (MT)	Name & Designation of the officer(s) who have made initial assessment of qty. of coal	Date(s) of assessment	Name & Designation of the officer(s) who have verified the qty. of coal	Date(s) of verification	No. of Owners	Name and complete address of each owner of the heap	Qty. of coal owned (MT)
9	10	11	12	13	14	15	16	17

• To be inserted later on

Owner-wise Details of Source of Coal Available At Each Heap							
Details of each mine from which coal has been sourced					Details of each owner of each mine from which coal has been sourced		
No. of mines	Location of each mine			Qty. of coal originated from each mine (MT)	No. of owners	Name and complete address of each owner	Qty. Of coal (MT) supplied
	Village/ Town	Lat.	Long.				
17	18	19	20	21	22	23	24

In case information sought in col. 17 to 25 is not readily available and collection/compilation thereof is likely to take some time, the same may be provided to the Committee separately within a month. It is however, made clear that no payment shall be released to any owner of the coal shall be made unless details in the format given above of all the mines from which such coal has been sourced is provided to the Committee .

- (ii) Time lines for disposal of entire quantity of assessed coal.
- (iii) Summary of the quantity of coal permitted to be transported by Hon'ble National Green Tribunal and the Hon'ble Supreme Court after imposition of ban imposed by the Hon'ble NGT in April 2014 on rat hole coal mining:

Name of the Hon'ble Court	Date of Order	Qty. (MT) permitted to be transported	Qty. (MT) actually transported
1	2	3	4

- (iv) Summary of the quantity of coal permitted to be transported during five years immediately before the ban on rot hole coal mining was imposed by the Hon'ble NGT in April 2014:



<b>Year</b>	<b>Qty. of coal permitted to be transported (MT)</b>
2013-14	
2012-13	
2011-12	
2010-11	
2009-10	
<b>Total</b>	

- (v) A copy of complete set of each affidavit relating to quantity of extracted coal available at various depots filed before the Hon'ble National Green Tribunal and the Hon'ble Supreme Court.
- (vi) Actions taken, if any, to prevent generation of acid mine drain (AMD) from each of the existing coal dumps where coal assessed by the State Government is presently lying, by covering it with water proof tarpaulin and construction of garland drain along with AMD neutralisation chambers.
- (vii) Feasibility of close circuit cameras surveillance of each coal depot to ensure uninterrupted recording of each coal heap where assessed coal is located.
- (viii) Feasibility of uninterrupted live streaming of output from each close circuit camera to be installed for surveillance of each coal heap to a centralised coal heap monitoring centre to be installed at Shillong.
- (ix) Specific views of the Mining and Geology Department, Government of Meghalaya on involvement of respective owner(s) in determination of grade of coal, fixation of Reserve Price, loading of coal and weighment of coal, to prevent and minimise post-auction dispute(s).
- (x) Specific views of the Mining and Geology Department, Government of Meghalaya on proposal of CIL to undertake e-auction on 'as is where is basis'.





- (xi) Specific views of the Mining and Geology Department, Government of Meghalaya on whether GCV and the Reserve Price shall be determined for each heap of the coal or a group of heaps.
- (xii) In case the Mining and Geology Department, Government of Meghalaya is of the view that GCV and Price shall be determined for a Group of the heaps Specific views of the Mining and Geology Department, Government of Meghalaya on the methodology to be adopted to divide the coal heaps into homogenous groups/strata.
- (xiii) Specific views of the Mining and Geology Department, Government of Meghalaya on proposal of the CIL to hand over the coal directly to the successful e-auction bidder at the depots where such coal is presently lying.
- (xiv) Full details of mechanism proposed to be adopted to verify the quantity of coal to be lifted from each coal heap, to regulate transport of coal from present depot to the final destination.
- (xv) Present rates of royalty to be levied on coal along with basis thereof.
- (xvi) Proposal, if any, for enhancement of rates of royalty on coal.
- (xvii) Specific views of the Mining and Geology Department, Government of Meghalaya as to whether contribution to EPRF is to be levied @ 10% of the actual gross sale value inclusive of royalty, cess, taxes etc. payable on such coal; or @ 10% of the actual Base sale price of the coal exclusive of taxes or at the flat rate of Rs. 485 per metric tonne as has been done so far.
- (xviii) Specific views of the Mining and Geology Department, Government of Meghalaya as to whether the coal to be e-auctioned shall be permitted to be exported to Bangladesh.
- (xix) Complete list of royalty, penalty, taxes, cess or any other amount to be levied from the successful e-bidder over and above Base price quoted by her/him along with rates of each such amount proposed to be levied.
- (xx) Details of records proposed to be maintained along with a copy of draft format of each such record and designation of officers responsible to maintain and verify each such record.



(xxi) Reasons for huge difference/discrepancy in the quantity of coal stated to be available at various depots in the State as reported in ATR submitted to the Committee on 13.11.2018 (23,25,663.54 MT) and the same reported to the Hon'ble Supreme Court by affidavit dated 06.04.2019 filed before the Hon'ble Supreme Court (32,56,715 MT).

5. The Committee also directs the Commissioner and Secretary to the Government of Meghalaya, **Mining and Geology Department** to provide following information to the Committee **within a month**:

- (i) Details in the format given in para 4 (i) above for coal which already been transported in accordance with the permissions granted by the Hon'ble National Green Tribunal and the Hon'ble Supreme Court.
- (ii) Month-wise details of coal permitted to be exported to Bangladesh from each land custom station in Meghalaya since ban on rate hole coal mining was imposed by the Hon'ble NGT in April 2014.
- (iii) District wise details of cases where prosecution under section 21 (1) or 21 (4) of the MMDR Act against the persons involved in mining and/or transportation of coal in the State in contravention of relevant provision of the MMDR and/or rules framed thereunder has already been initiated, along with details of coal and/or tool, equipment, vehicle or any other thing involved in each such case.
- (iv) District-wise details of the cases where prosecution under section 21 (1) or 21 (4) of the MMDR Act against the persons involved in mining and/or transportation of coal in the State in contravention of relevant provision of the MMDR and/or rules framed thereunder is proposed to be initiated, along with details of coal and/or tool, equipment, vehicle or any other thing involved in each such case.
- (v) District-wise details of the persons who are known to be involved in mining and/or transportation of the coal in the State in contravention of relevant provisions of the MMDR Act, 1957 where prosecution under MMDR Act is not proposed to be initiated against such persons, along with details of coal and/or tool, equipment, vehicle or any other thing involved in each such case and reasons for not initiating prosecution against each such person.



- (vi) District wise details of cases where process under section 21 (5) of the MMDR Act for recovery of unlawfully raised coal or price of unlawfully raised coal (in case such unlawfully raised coal has already been disposed of) and rent, royalty and tax has already been initiated, along with estimated price of mineral and rent, royalty and tax which is liable to be recovered in each such case.
- (vii) District-wise details of the cases where process under section 21 (5) of the MMDR Act for recovery of unlawfully raised coal or price of unlawfully raised coal (in case such unlawfully raised coal has already been disposed of) and rent, royalty and tax has already been initiated is proposed to be initiated, along with estimated price of mineral and rent, royalty and tax which is liable to be recovered in each such case.
- (viii) District-wise details of the persons who are known to be involved in raising of coal without any lawful authority where process under section 21 (5) of the MMDR Act for recovery of unlawfully raised coal or price of unlawfully raised coal (in case such unlawfully raised coal has already been disposed of) and rent, royalty and tax is not proposed to be initiated, along with estimated price of mineral and rent, royalty and tax which is liable to be recovered from each such person and reasons for not initiating such process.
- (ix) Specific views of the Mining and Geology Department, Government of Meghalaya as to the use/utility, if any, of the existing coal shafts/ rate holes in scientific mining in accordance with the provisions of MMDR Act permitted by the Hon'ble Supreme Court.
- (x) In case Mining and Geology Department is of the view that all or any of the existing coal shafts/ rate holes cannot be used in scientific mining in accordance with the provisions of MMDR Act permitted by the Hon'ble Supreme Court, details of all such shafts/ rate holes along with a plan to close all such shafts/rate holes.

6. The Committee directs the Commissioner and Secretary to the Government of Meghalaya, **Transport Department** to provide following information to the Committee **within ten days**:

- (i) Details of the weighbridges available in the State in the following format:



Location			Name and Complete Address of the Owner	Date of last calibration	Authority who has undertaken last calibration
Village/ Town	Geo- Coordinates				
	Latitude	Longitude			
1	2	3	4	5	6

In case information sought in col. 5 and 6 is not readily available and collection/compilation thereof is likely to take some time, the same may be provided to the Committee separately within a month.

- (ii) Mechanism adopted by the Transport Department to prevent and detect tampering of weigh-bridges.
- (iii) Centre of Excellence/ Institutes of Repute which may be consulted on the matters relating to weigh bridges

7. The Committee directs the Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters), Government of Meghalaya that as soon he receives the information from the Mining & Geology and Transport Departments in the formats given in para 4 (i) and para 6 (ii) above respectively, a copy thereof shall be provided to the Director, North Eastern Space Application Centre (NESAC), Umiam for preparation of a GIS layer indicating location of each coal heap and weighbridge available in the State.

The Committee directs the Director, NESAC to attend the next Special Sitting of the Committee to be held at 11.00 AM onwards on 26<sup>th</sup> July, 2019 in Conference Hall in Guest House of the North Eastern Coalfields Coal India Limited located at Black Diamond Towers, GS Rd, ABC, Post Office, Christian Basti, Guwahati, Assam 781005 and make a presentation before the Committee on location of coal heaps and weighbridges available in the State.

8. The Committee directs the **Chairman, Meghalaya State Pollution Control Board**; the **Addl. Director General, North Eastern Regional Office**, Ministry of Environment, Forest and Climate Change, Government of India and the **Regional Director, Central Pollution Control Board (CPCB)**, Regional Directorate, North East Shillong to provide following information to the Committee **within one month**:

- (i) District wise details of the cases where complaint under relevant provisions of the Water (Prevention and Control of Pollution) Act, 1974; the Air (prevention and



Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986 for undertaking coal mining in the State of Meghalaya in contravention of the provisions of these Act and/or rules, notification and guidelines issued thereunder has already been filed before the concerned Court of Law.

- (ii) District wise details of the cases where process for filing a complaint under relevant provisions of the Water (Prevention and Control of Pollution) Act, 1974; the Air (prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986 for undertaking coal mining in the State of Meghalaya in contravention of the provisions of these Act and/or rules, notification and guidelines issued thereunder have been initiated is proposed to be initiated.
  - (iii) District-wise details of the persons who are known to be involved in mining of the coal in the State in contravention of relevant provisions of the Water (Prevention and Control of Pollution) Act, 1974; the Air (prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986 and/or rules, notification and guidelines issued thereunder where a complaint under relevant provisions of these Acts is not proposed to be filed before competent Court of Law along with the reasons for not filing complaint against each such person.
9. The Committee directs the Director General of Police, Government of Meghalaya to formulate, in consultation with the Mining and Geology Department, Government of Meghalaya and the North Eastern Coalfields, Coal India Limited, an Action Plan to ensure that no freshly mined coal is mixed with the assessed coal available at the existing identified depot(s) and submit the same to the Committee within a month.
  10. The Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department informed the Committee that in compliance of a direction issued by the Committee during its Twelfth Sitting held on 24.04.2019 to put in place a system similar to one stipulated in Appendix-XII of the EIA Notification, 2006 to prevent counterfeiting and multiple use of challans to be issued to regulate and monitor transportation of coal, if any, allowed by any Court of Law, necessary actions have been initiated to introduce transport challans/permits having security features stipulated in the said Appendix to prevent counterfeiting of such transport challans/permits. He however, informed the Committee that system involving establishment of a centralised server, uploading of transport permit/challans and tracking of coal loaded trucks through GPS and RFID tags

stipulated in the said Appendix to prevent and detect multiple use of transport permit/challans is not proposed to be set up by the Department.

The Committee noted that e-auction of the coal available at various depots in the State is proposed to be undertaken from the existing depots on 'as is where is' basis. Many of these depots are located in far flung interior areas. Multiple use of the Transit Passes/Challans to be issued for transportation of coal from these Depots cannot be ruled out. The Committee, therefore directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to immediate necessary action to put in place a system involving establishment of a centralised server, uploading of transport permit/challans and tracking of coal loaded trucks through GPS and RFID tags as stipulated in the said Appendix-XII to the EIA Notification, 2016 to prevent and detect multiple use of transport permit/challans within a month. The Committee further directs that no transportation of coal proposed to be e-auctioned shall commence till the aforementioned system is put in place.

11. The Committee noted that for its records and future reference, it will be desirable to have a video recording of assessed coal existing at various heaps in coal depots in the State. The Committee therefore, directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to constitute, in consultation with the Chairman, Meghalaya State Pollution Control Board and the General Manager, North Eastern Coalfields Limited, Coal India Limited, Joint Teams each consisting of a representative from the Mining & Geology Department, Government of Meghalaya; the Meghalaya State Pollution Control Board and the North Eastern Coalfields Coal India Limited to prepare video recording of each depot where assessed coal is presently available.

The videos of 10 to 15 minutes to be prepared by these Teams for each coal depot in the State in the presence of owners or representatives of the owners shall contain, among others, a panoramic view giving a glimpse of surrounding areas and all coal heaps available in the depot, a close up of the Team and owner/representative of the owner standing in close vicinity of each coal heap, a close up of each coal heap and a close up of Team and owner/representative of the owner standing in middle of the Depot holding a play card containing details such as name, location (village, latitude, longitude etc.) and name of owner etc. of the depot. The video records of each coal depot in the State shall be submitted to the Committee within a month.



12. The Commissioner (Transport) informed the Committee that it has been brought to his notice that in the past in some of the Transport Challans issued by the Mining and Geology Department quantity of coal permitted to be transported by a truck was more than the permissible pay load for such trucks. The same not only is in contravention of the relevant provisions of the Motor Vehicles Act, 1988, but also endangers life of road users and roads in the State as such overloaded trucks are more prone to accidents and also causes extensive damage to the roads. The Committee therefore, directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to ensure that no such transport challans are issued in future.
13. The Commissioner (Transport) informed the Committee also suggested that to facilitate effective monitoring of transportation of e-auctioned coal, it will be desirable if the routes to be taken by the coal laden trucks originating from various areas is identified in advance. The Committee noted the suggestion and decided that the same will be kept in view while finalising the modalities for transportation of e-auctioned coal.

**AGENDA ITEM NO.2**

14. The Committee noted that the Hon'ble Supreme Court in para 179 of the Judgment dated 03.07.2019 in the Civil Appeal No. 10720 of 2018 in the matter of State of Meghalaya *versus* All Dimasa Student Union, Dima-Hasao District Committee and Ors. and other connected matters directed the State of Meghalaya to transfer an amount of Rs. 100 Crores from the Meghalaya Environment Protection and Restoration Fund (MEPRF) to the CPCB.

The Committee directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to transfer an amount of Rs. 100 Crores to the CPCB within one week and submit a report to the Committee in its next Sitting to be held at Shillong on 22.07.2019.

15. The Committee noted that the Hon'ble Supreme Court in para 179 of the said Judgment dated 03.07.2019 directed the CPCB to utilise the aforesaid amount of Rs. 100 Crores only for restoration of Environment in Meghalaya.

It was noted by the Committee that the Regional Directorate, North East Shillong having limited number of officers and staff on its roll has responsibility to carry out powers and functions assigned to the CPCB in all eight North Eastern States. It will



therefore, be not feasible for the CPCB alone to plan, execute and monitor various activities to be undertaken from the aforesaid amount of Rs. 100 Crore for restoration of Environment in Meghalaya.

The Committee further noted that an Action Plan for utilisation of the entire amount presently available in the MEPRF, including Rs. 100 crore now being transferred to the CPCB, has already been prepared by the Committee. Action Plan contains not only the details of activities to be undertaken but also the details of agencies (including CPCB) responsible for execution and monitoring of each of these activities.

The Committee, with a view to ensure that the amounts available for restoration of Environment in Meghalaya is utilised in a holistic and integrated manner, advises the CPCB to consider making available the entire amount of the aforesaid Rs. 100 Crore for implementation of the aforesaid Action Plan prepared by the Committee. The Committee directs the Regional Director, CPCB, Regional Directorate, North East, Shillong to obtain a decision of the concerned competent Authority in the CPCB in this regard and communicate the same to the Committee within a month,

The Committee further directs the Regional Director, Central Pollution Control Board, Regional Directorate, North East Shillong 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 forty five (45) days. The Action Plan shall among other contain full details of activities proposed to be undertaken, estimated cost of each activities and the agencies responsible for execution and monitoring of each of these activities.

16. The Chairman of the Committee stated that he has received a joint petition dated 10.07.2019 from Mr. Welthing R Marak and Ms. Marry M. Sangma wherein the Committee has been requested to direct the Sate of Meghalaya and the Coal India Limited to allow these petitioners to transport the coal stated to be owned by them. The Committee takes the said petition on record and hands over a copy thereof to the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department for his information, record and necessary action in conformity with the relevant statutes and the directions issued by the Hon'ble Supreme Court in 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.






17. The Chairman of the Committee stated that he has also received a petition dated nil from Shri Rakbirthson D Sangma, Tura West Garo Hills addressed to Kum. Isawanda Laloo, IAS, Deputy Commissioner, South West Khasi Hills District, Mawkyrwat, Meghalaya wherein it was requested that the coal purchased through e-auction may not be allowed to be exported outside the India. The Committee takes the said petition on record and hands over a copy thereof to the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department for his information, record and necessary action in conformity with the relevant statutes and the directions issued by the Hon'ble Supreme Court in 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. The Committee also decides that the said petition may also be considered in its next Special Sitting to be held at Guwahati on 26.07.2019 to finalise modalities for of a mechanism for transport and weighing of assessed coal in Meghalaya.

The Committee also directs the Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters), Government of Meghalaya to formally send a copy of the afore-mentioned two petitions to the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department for his necessary actions as directed above.

18. The Committee proposes to have its next Special Sitting at 11.00 AM onwards at Guwahati on 26<sup>th</sup> July, 2019 in the Conference Hall at Guest House of the North Eastern Coalfields Coal India Limited located at Black Diamond Towers, GS Rd, ABC, Post Office, Christian Basti, Guwahati, Assam 781005

The Member-Secretary of the Committee shall invite all concerned to attend the next Special Sitting.

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

  
(Justice Brojendra P. Katakey)  
Chairman