

QUORUM

**HON'BLE MR. JUSTICE B. D. AGARWAL,
FORMER JUDGE, GAUHATI HIGH COURT, GUWAHATI**

**MR. S. C. BHOWMIK, PROFESSOR
REPRESENTATIVE FROM INDIAN SCHOOL OF MINES,
(IIT – ISM), DHANBAD
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**DR. SHANTANU KUMAR DUTTA, ADDITIONAL DIRECTOR
REPRESENTATIVE OF CENTRAL POLLUTION CONTROL BOARD
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IN THE MATTER OF

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

-Vs-

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

PRESENT

- : Mr. D.P. Wahlang, IAS,**
Principal Secretary to the Govt. of Meghalaya,
Forests & Environment Department,
- : Mr. C. P. Marak, IFS (Retd),**
Chairman,
Meghalaya State Pollution Control Board
Government of Meghalaya
Email id: megspcb@rediffmail.com,
cpmarak1@gmail.com
- : Shri S.M. Sahai, IFS**
Addl PCCF Research & Training
Forests & Environment Department
Govt of Meghalaya
- : Mrs. I. Nongrang, IPS**
Addl. Director General of Police (L & O)
Meghalaya, Shillong
Email id: adgplo.mlp-meg@gov.in
- : Mr. W. S. Manner, IFS**
CCF Social Forestry & Env
& Member Secretary, SEIAA
Forests & Environment Department,
Government of Meghalaya
- : Mr. W.I. Yatbon, IFS,**
Deputy Inspector General of Forests (Central)
Ministry of Environment, Forests & Climate Change,
North Eastern Regional Office, Shillong
Email id: yatbon123@gmail.com
- : Mr. Manjunatha C, IFS**
Secretary to the Government of Meghalaya,
Mining & Geology Department
Email id: manju2020@gmail.com
- : Mr. A. Kembhavi, IAS**
Director, Directorate of Mineral Resources,
Government of Meghalaya,
Email id: arunkumar.kembhavi@gmail.com

- : **Mr. K. D. Talukdar**
Chief Engineer,
Public Health Engineering Department,
Government of Meghalaya
Email id: cephe.meg@yahoo.com
- : **Mr. B. Hajong. MCS**
Joint Secretary,
Revenue & Disaster Management Department,
Shillong
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- : **Dr. Z. Changsan**
Regional Director, Central Pollution Control Board,
Regional Directorate North East, Shillong
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- : **Mr.N. Bhattacharjee,**
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- : **Mr. J. H. Nengnong,**
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- : **Mrs. I. Mawlong**
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- : **Mr. M. Somorjit Singh**
Scientist, North Eastern Space Application Centre,
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- : **Prof. O. P. Singh,**
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- : **Dr. H. Tynsong,** Scientist 'D',
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- : **Smti. R. Kynjing**
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- : **Mr. M. Passah**
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- : **Mr. I. R. Lyngdoh**
Meghalaya Institute of Natural Resources –
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- : **Deputy Commissioner**
East Jaintia Hills District, Khliehriat.
- : **Deputy Commissioner**
West Jaintia Hills District, Jowai
- : **Deputy Commissioner**
West Khasi Hills District, Nongstoin
- : **Deputy Commissioner**
Ri-Bhoi District, Nongpoh
- : **The Deputy Commissioner**
South West Khasi Hills District, Mawkyrwat
- : **The Deputy Commissioner**
East Garo Hills District, Williamnagar

PROCEEDINGS NO. 23

RECORD OF MINUTES OF TWENTY THIRD SITTING OF THE COMMITTEE CONSTITUTED BY THE HON'BLE NGT UNDER CHAIRMANSHIP OF HON'BLE MR. JUSTICE B.D. AGARWAL, FORMER JUDGE, GAUHATI HIGH COURT HELD THROUGH VIDEO CONFERENCE ON 01ST JULY, 2020 AT 11:00 A.M. AT MAIN CONFERENCE HALL, MAIN SECRETARIAT BUILDING, MEGHALAYA, SHILLONG-793001.

AGENDA

- I. Review of the progress and action taken by the concerned departments/ authorities/organizations in the matter of implementation of the Action Plan (prepared by the National Green Tribunal Committee, Meghalaya) for restoration of environment damaged on account of illegal coal mining in Meghalaya as directed in the 21st Sitting of the NGT Committee on 14.02.2020.
- II. Status of compliance of the directions of the Hon'ble NGT in their order dated 17.01.2020 in O.A No 110(THC)/2012:
 - (i) Report from District Magistrates (Deputy Commissioners) regarding sale of seized equipments and trucks involved in illegal mining and transportation;
 - (ii) Progress by Mining & Geology Dept in the matter of installation and making fully functional, within a month, 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 EIA Notification, 2016;
 - (iii) Furnishing to the NGT Committee, Meghalaya, the details of the exporters by Mining & Geology Department for each consignment of coal originating from Meghalaya which was allowed by the Mining and Geology Department, Meghalaya for export to Bangladesh from each of the seven

- LCS in Meghalaya since the ban on rat hole coal mining in Meghalaya imposed by the Hon'ble NGT in April, 2014;
- (iv) Action by Mining & Geology Department against aforesaid defaulters in accordance with provisions of Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957 in addition to action under sub-section (5) of Section 21 of the said Act to recover price of such illegally raised coal along with rent, royalty or tax;
 - (v) Preparation of Disaster Management Plan in relation to coal mining related tragedies or disaster by concerned authorities (Revenue & Disaster Management Department);
 - (vi) Progress of the Pilot Project for treatment of acidic water;
 - (vii) Progress of the Pilot project for reclamation and afforestation of coal mine affected land;
 - (viii) Progress in preparation of guidelines by CPCB and Govt of Meghalaya for utilization of Rs100 Crores deposited with CPCB by Govt of Meghalaya;
 - (ix) Statistics and status of cases registered U/s 21 of the MMDR Act for the year 2018-19 and 2019-20 – Information to be provided by the Police Department;
 - (x) Progress to be reported by Mining and Geology Department in the matter of developing coal mine surveillance system in Meghalaya by NESAC;
 - (xi) Progress by the State of Meghalaya in the matter of realization of royalty, GST/VAT, contribution to the MEPR Fund and any other statutory tax and/levy payable on the illegally mined coal utilised by the Cement Manufacturing Plants and the Thermal Power Plants in the State of Meghalaya (listed in the order of the Hon'ble NGT dated 17.01.2020) after the ban on illegal rat-hole mining was imposed by the Tribunal in April 2014 in the State of Meghalaya;
 - (xii) Progress by the State of Meghalaya in the matter of realization from each of the aforementioned Cement Manufacturing Plants and Thermal Power Plants who have used illegally mined local coal after the ban on illegal rat-hole coal mining since April 2014, at the rate of Rs. 400 per tonne of coal which is being utilised by each such plant on or after the date of the order of the Hon'ble Tribunal (17.01.2020) and deposit the same in the MEPR Fund;
 - (xiii) Progress by the State Government regarding establishment of integrated check post and tamper proof weigh in motion way bridges in the 7 LCSH;
 - (xiv) Progress by the State of Meghalaya (Revenue and Disaster Management Department) in the matter of disbursing an amount of Rs Five lakhs to next of kin of each of the labourers who were killed while working in any illegal rat-hole coal mining in the State of Meghalaya including the labourers which were killed in a tragic accident in an illegal rat-hole mine in Ksan village in East Jaintia Hill district in December 2018;

- (xv) Progress by the Police Department in ensuring that all the persons and vehicles, equipment, tools and machineries involved in raising and transportation of about 80,000 MT seized by the Meghalaya Police are identified, and necessary action as per the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 and all other relevant Statutes are initiated;
- (xvi) Progress by the Police Department in providing to the Meghalaya State Pollution Control Board details of persons involved in illegal mining and transportation of the coal and the progress by the Meghalaya State Pollution Control Board in filing complaint before the concerned competent Court of Law under Water (Prevention and Control of Pollution) Act, 1974; the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the rules, guidelines and notifications issued thereunder against such persons.

III. Progress in utilization of Rs100 Crores deposited with CPCB by the concerned authorities for restoration of environment of Meghalaya.

IV. Strategies and action taken by the Police Department to prevent illegal coal mining and transport of illegal coal.

PROCEEDINGS

AGENDA- I

I. Review of the progress and action taken by the concerned departments/ authorities/organizations in the matter of implementation of the Action Plan (prepared by the National Green Tribunal Committee, Meghalaya) for restoration of environment damaged on account of illegal coal mining in Meghalaya as directed in the 21st Sitting of the NGT Committee on 14.02.2020.

1. Clause A of the Action Plan, which relates to prevention of human and animal deaths by accidental falling in coal mine shafts, comprises various sub-components: With respect to clause A.1 - identification and delineation of coal fields as well as each coal mine, coal shaft, coal dump etc- in continuation with the earlier similar exercise initiated by NESAC they were requested to furnish a detailed cost estimate for preparation of such maps for the remaining districts viz., West Khasi Hills, South Garo Hills and South West Khasi Hills and submit a report to this Committee.

The North Eastern Space Application Centre have presently submitted detailed cost estimate for preparation of maps for the

remaining three coal mine bearing districts viz. West Khasi Hills, South Garo Hills and South West Khasi Hills totalling Rs. 60 lakhs covering all the three districts. The detailed estimate would be forwarded to the Mining & Geology Department who will meet the said expenditure from MEPR Fund after obtaining approval from the Committee.

2. A2 of the action plan relates to creation of awareness about ill effects of illegal coal mining: Education Department was requested in the previous sitting of the Committee to furnish a status report on the progress of implementation of A2 of the action plan.

None represented the Education Department during the current proceedings nor any status report has been furnished by them to the Committee prior to the date of the current sitting of the Committee.

In this regard the Secretary Mining & Geology Department informed that a sum of Rs 25,000/- per training session will be released by them to Education department from MEPR Fund for taking further necessary action relating to this component of the Action Plan after the MEPR Fund guidelines are notified by the State Government.

3. A3 of the action plan relates to installation of signboards etc:

The Secretary, Mining and Geology Department apprised the Committee that they have so far installed 45 signboards in East Jaintia Hills District in areas having presence of coal mines. He also submitted that the remaining districts will be covered after APO is submitted in this regard by the Director, DMR after the MEPR Fund guidelines ('guidelines' for short) are notified. He further stated that on receipt of the APO from the Director requisite fund will be released by the Department from MEPR Fund to undertake the said activity.

The Committee is of the view that it is desirable to place sign boards along the road leading to the coal mine, covering all possible approach paths. The sign boards should be painted with fluorescent paint, so that it is visible at night considering that chances of accident are more during night time than during day time.

4. A4 of the action plan relates to erection of physical barriers at periphery of shafts of mines where coal reserve has not been exhausted: The Deputy Commissioners of all coal mine bearing districts were directed in the previous sitting of the Committee to submit a report on progress in erection of physical barriers at periphery of shafts of mines where coal reserves have not been exhausted by the mine owners, and steps taken by the District Administration to obtain such proposals from the mine owners who have not embarked on any such activity.

The Deputy Commissioners of West Khasi Hills, East Jaintia Hills & East Garo Hills stated that they have issued notices to the mine owners and feedback is yet to be received from the miners. The DC West Khasi Hills submitted that directions in this regard have been issued by him under Section 144 CrPC but report of compliance is yet to be received from the coal mine owners.

The Deputy Commissioners of all coal mine bearing districts are again requested to take needful action in this regard and submit report of progress to the Committee within four weeks.

5. A5 of the Action Plan relates to Closure of shafts of mines where coal reserves have already been exhausted: Mining & Geology Department during the previous sitting of the Committee were requested to submit through an appropriate APO further fund requirement for the purpose of installation of sign boards in areas having presence of coal mines where the coal reserves are exhausted and the Deputy Commissioners were requested to take steps to create awareness on erection of physical barriers by coal mine owners around such coal shafts.

The Secretary, Mining & Geology Department apprised the Committee that they have so far installed 45 (forty five) signboards in East Jaintia Hills District in areas having presence of coal mines. The Committee is however not sure whether these coal mines correspond to those where the coal reserves are exhausted. The Secretary, Mining & Geology Department is requested to clarify in this regard.

The Secretary, Mining & Geology Department submitted that installation of similar sign boards would be done after APO in this regard is submitted by the Director, DMR after guidelines are notified. On receipt of the APO funds would be released from MEPR Fund.

The Deputy Commissioners during the previous sitting of the Committee were requested to take steps to create awareness on erection of physical barriers by coal mine owners around such coal shafts. However, no report of concrete action has been received from any of the DCs. The Deputy Commissioners of coal mining affected districts are again requested to take concrete steps in this regard to create awareness on erection of physical barriers by coal mine owners around such coal shafts and submit report of progress in this regard within four weeks.

Further, the mine owners should be made aware of the circulars issued by the Director General, Mines Safety in relation to closure or sealing of mine shafts and fencing/erecting barriers for mines which need to be followed by them.

6. A.5.1 of the Action Plan relates to controlled blasting to secure closure of shafts where coal reserve has already been exhausted:

During the earlier sitting of the Committee the CIMFR-CSIR were requested to make a power point presentation on the matter before the Committee but due to the prevailing situation the personal presence of the officials of CIMFR-CSIR could not be secured.

The Member Secretary, MSPCB is requested to liase with CIMFR-CSIR in this regard and obtain a power point presentation from them through email and present the same to the Committee on their behalf on the next date of sitting of the Committee. The presentation of the CIMFR- CSIR shall cover the techniques which could be applied in Meghalaya to secure controlled blasting.

The Director DMR during the previous sitting of the Committee was requested to identify at least one abandoned coal mine where a pilot project can be undertaken by CIMFR-CSIR in respect of the safe and cost effective technique of control blasting and intimate the Committee on its next date of sitting. No report in this regard has been received from the Director DMR till date.

The Director DMR is requested to submit a report in this regard within two weeks to the Committee.

7. Component B of the Action Plan relates to prevention of Acid Mine Drainage (AMD) through various devices. B.1 refers to coal dumps of cement factories and their captive power plants. The components B.1.1 to B.1.3 are as follows:

- a. Covering of dumps by permanent sheds/ water proof tarpaulin.
- b. Construction of garland drains along with acid mine drain storage tanks.
- c. Treatment of acid mine drains collected in storage tanks.

The Deputy Commissioners of East Jaintia Hills District and Ri Bhoi Districts where cement factories and captive power plants are set up were requested during the previous sitting of the Committee to direct the cement factories and captive power plant owners to develop such devices and obtain a road map from each of them in this regard and submit the same to the Committee within two months.

No report of compliance in this regard has been received from any of the Deputy Commissioners.

The Deputy Commissioner of East Jaintia Hills informed that orders have been issued to cement factories and captive power plants owners

to develop such devices but the roads map from each of them in this regard is yet to be received.

The Deputy Commissioners of East Jaintia Hills District and Ri Bhoi Districts are requested to obtain such road maps from the concerned companies through adopting strict measures if required and submit the same to the Committee within four weeks.

The Committee requests the Deputy Commissioners of Garo Hills districts in whose bordering areas in Assam such plants exist to tie up with their counterparts in Assam to secure aforesaid compliance from the cement factories and captive power plants operating therein since the ill effects of their neglect are felt in Meghalaya as well.

- 8. Item B.1.4 of the Action Plan relates to amendment of environmental clearance (EC) already granted to the above mentioned cement plants and captive power plants to stipulate additional conditions in such ECs to provide for above measures in case such measures have not been stipulated:**

During the previous sitting of the Committee a status report on the implementation in this regard was directed to be furnished by the the Regional Office for North East region of MoEF & CC, Shillong.

The Deputy Director General, MoEF & CC, Regional Office for NE Region, Shillong informed that the Secretary, MOEF has been formally intimated to amend the environmental clearance along the above lines. However, no reply has been received from them in this regard.

The Deputy Director General, MoEF & CC, Regional Office for NE Region, Shillong is requested to issue a reminder to MoEF & CC, GOI in this regard to do the needful within four weeks and report progress to the Committee thereafter.

- 9. Item B.1.5 of the Action Plan relates to revocation/ withdrawal of EC and launch of prosecution in case of non-implementation of aforementioned measures:**

MoEF & CC shall take steps in this regard after concluding action as requested at SI No. 8 above.

- 10. Item B 1.6 of the Action Plan relates to revocation/withdrawal of CTE and launch of prosecution in case of non-implementation of aforementioned measures:**

It was submitted by the Member Secretary MSPCB that there has been no instance of withdrawal of CTE since all units which were directed by the MSPCB for compliance have complied.

The Member Secretary MSPCB shall furnish details of compliance by the Industries in this regard within four weeks with reference to

letters issued by the MSPCB and photographic evidence of compliance of the same by the industries in Meghalaya. The Secretary MSPCB shall also specifically report whether the industries covered under item at SI 8 above have also complied.

11. Item B.2 of the Action Plan relates to dumps of assessed coal. The sub-items are as follows:

- a. Covering of dumps by water-proof tarpaulin/ permanent sheds.
- b. Construction of garland drains along with acid mine drain storage tanks.
- c. Treatment of acid mine drain collected in storage tanks.
- d. Promulgation of order under section 144 or any other relevant section(s) of IPC to prohibit open/uncovered dumping of assessed coal.

Sub items (a) to (d) are to be implemented by the plant owners. The Deputy Commissioners of West Khasi Hills, South West Khasi Hills, West Jaintia Hills & East Garo Hills Districts have furnished status report on the implementation of item B.2. Further instructions in this regard will be issued to them in due course.

12. Item B.3 of the Action Plan relates to dumps of seized coal. The sub-items of B.3 are as follows:

- a. Construction of permanent depots for seized coal.
- b. Covering of dumps by tarpaulin/ permanent sheds.
- c. Construction of garland drains along with acid mine drain storage tanks.
- d. Treatment of acid mine drain collected in storage tanks.

The Director of Mineral Resources shall submit APOs to the relevant Committee detailing the fund requirement to secure implementation of the sub-items listed under this item within a week after the MEPR Fund guidelines are notified by the State Government and submit a report of compliance in this regard to the Committee within a week thereafter.

The Mining & Geology Department has identified land for constructing depots for seized coal. The construction will commence after the funds from MEPRF are released in this regard after the guidelines are notified.

13. Item B.5 of the Action Plan relates to insulating coal while in transit. The sub-items are:

- a. Covering of coal by waterproof tarpaulin while its transportation by road.

- b. Seizure of trucks carrying coal without covering it with waterproof tarpaulin.
- c. Promulgation of order under section 144 or any other relevant section(s) of CrPC to prohibit open/uncovered dumping of assessed coal.

The Deputy Commissioners of South West Khasi Hills, East Khasi Hills, West Jaintia Hills & East Garo Hills have furnished status reports on implementation of item B.5 . Further instructions in this regard will be issued to them in due course.

14. Item B.6 the Action Plan relates to Rat hole coal mine openings-:

Deliberation is postponed till CIMFR-CSIR make presentation in this regard to the Committee.

15. Item B.7 of the Action Plan relates to coal mine shafts located in river/ stream bed:

Deliberation is postponed till CIMFR-CSIR gives a presentation in this regard to the Committee.

16. Item C1 of the Action Plan relates to restoration of water quality in rivers/streams affected by Acid Mine Drains (AMD):

During the previous sitting of the Committee the Chief Engineer, PHE was requested to submit status report on implementation of item C.1- Identification and prioritisation of rivers/streams to be restored- and a road map for full implementation of the same to the Committee before its next date of sitting.

The Chief Engineer, PHE has submitted the requisite status report on implementation of item C.1. Further instructions in this regard will be issued to him in due course.

17. Item C.2 of the Action Plan relates to development, refinement and transfer of AMD treatment technology:

Professor O.P.Singh, NEHU made a presentation through MBDA to the Committee along with a report on the pilot project run by his team in this regard. The Committee appreciated the efforts of Prof. Singh and his team from MBDA this regard.

The Mining & Geology Department suggested that an independent monitoring agency, in respect of which MSPCB is currently suitable, be requested to monitor the progress and success of the three pilot projects currently underway in respect of item C.2 and submit report on the same to the Committee within four weeks. The suggestion of the

Mining & Geology Department is accepted. The MSPCB is requested to submit a report in this regard within four weeks.

18. Item C.3 of the Action Plan relates to restoration of prioritised stretches of rivers/streams:

The MSPCB and the PHE Department are requested to jointly formulate action plan in this regard and submit the same to the Committee within eight weeks.

Agenda II

II. Status of compliance of the directions of the Hon'ble NGT in their order dated 17.01.2020 in O.A No 110(THC)/2012.

1. Sub-item (i) Report from District Magistrates (Deputy Commissioners) regarding sale of seized equipments and trucks involved in illegal mining and transportation of coal:

In response to a letter from NGT Committee in this regard report of compliance has been received only from the Deputy Commissioners of East Khasi Hills and West Jaintia Hills districts respectively. Further instructions in this regard would be issued to them in due course.

The remaining DCs are requested to submit report of compliance in the aforesaid matter within two weeks.

2. Sub-item (ii) Progress by Mining & Geology Dept in the matter of installation and making fully functional, within a month, 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 EIA Notification, 2016:

In the matter of installation and making fully functional a system involving establishment of a centralised server, uploading of permits/ challans and tracking of coal laden trucks, the Secretary, Mining & Geology Department submitted that in collaboration with NIC, a server will be set up shortly to upload transport permits/ challans and for introduction of QR coded challan system to enable better tracking of coal through GPS and RFID. He also submitted that the Mining & Geology Department are also instructing the coal transporters to install GPS and RFID system in the trucks used by them for transporting coal and that only after installation of these systems the coal owners would be permitted to transport coal through their trucks. It was also submitted by the Secretary, Mining & Geology that a project has been conceptualised to set up computerised check gates for monitoring mineral laden trucks exiting the State.

3. Sub-item (iii) Furnishing to the NGT Committee, Meghalaya, the details of the exporters by Mining & Geology Department for each consignment of coal originating from Meghalaya which was allowed by the Mining and Geology Department, Meghalaya for export to Bangladesh from each of the seven LCS in Meghalaya since the ban on rat hole coal mining in Meghalaya imposed by the Hon'ble NGT in April, 2014:

The Secretary, Mining & Geology Department with respect to the above submitted that they are in the process of compiling data and they would be in a position to submit the same to the Committee within a month.

4. Sub-item (iv) Action by Mining & Geology Department against aforesaid defaulters in accordance with provisions of Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957 in addition to action under sub-section (5) of Section 21 of the said Act to recover price of such illegally raised coal along with rent, royalty or tax:

The Secretary, Mining & Geology Department submitted that in relation to illegal mining and transportation of coal they have registered 10 cases from January 2020 to June 2020 under Section 21 of MMDR Act, 1957. The Secretary, Mining & Geology Department shall initiate action under sub-section (5) of Section 21 of the said Act also to recover price of such illegally raised coal along with rent, royalty or tax and submit a report in this regard to the Committee within two months.

5. Sub-item (v) – Preparation of Disaster Management Plan in relation to coal mining related tragedies or disaster by concerned authorities (Revenue & Disaster Management Department):

The Revenue & Disaster Management Department submitted that they would be submitting the aforesaid plan, which has already been prepared by them and approved by NEHU and submit the same to the Committee within two weeks.

The Committee directs that Revenue & Disaster Management Department shall comply with the same accordingly.

6. Sub-item (vi) Progress of the Pilot Project for treatment of acidic water:

The Secretary Mining & Geology Department stated that a pilot project has been undertaken by Trinity Impex International and the Environmental Science Department, NEHU. In this regard, Prof. O. P. Singh of NEHU has made his presentation before the Committee today. Trinity Impex International shall give their presentation in the next sitting of the

Committee. The Secretary, Mining & Geology Department shall coordinate action in this regard.

The Mining & geology Department have communicated with the MSPCB to send an official to the site to record the PH value of the streams to enable them to record the success of the project. The MSPCB assured the Committee that they would dispatch an official in this regard.

7. Sub-item (vii) – Progress of the Pilot project for reclamation and afforestation of coal mine affected land:

In respect of progress of the Pilot Project for reclamation and afforestation of coal mine affected land the Addl PCCF (Research & Training) submitted that the proposal for pilot project for restoration of coal mine affected areas in Jaintia Hills has been duly prepared and accepted by the Committee. The amount proposed for expenditure for the first year would be submitted by him to the Mining & Geology Department for releasing under MEPR fund. The Secretary, Mining & Geology Department assured the Committee that the required sum would be released immediately after the proposal is received by them to enable the Forest Department to undertake the project. The APCCF (R&T) is requested to submit the aforesaid APO within two weeks to the Mining and Geology Department following which the Mining & Geology Department would release the requisite sum to the APCCF (R&T) within two weeks thereafter as directed by the Hon'ble NGT in their order dated 17.01.2020.

Regarding afforestation of coal mine affected land, the CCF (Social Forestry) submitted that APO in this regard has been submitted to the Mining & Geology Department for raising 300 nursery beds (during 2020-21) for afforestation purpose in four Districts viz., East Jaintia Hills, East Khasi Hills, South West Khasi Hills & West Garo Hills which will be implemented only after completion of the pilot project by the Research & Training Wing of the Meghalaya Forest Department. In each district, 75 nursery beds will be raised. The APO for an amount of Rs. 28,73,000 has been submitted in this regard by the CCF (SF & Env) to the Mining & Geology Department for raising the 300 bed nurseries. The Secretary, Mining & Geology Department confirmed that they have received the proposal and shall release the required sum to the CCF (SF & Env) only after successful completion of the pilot project in this regard. It is to be noted that afforestation program of Social Forestry Wing is directly linked to the success of the pilot project which will finally determine the species which could be taken up for afforestation and the protocol to be followed for undertaking such afforestation in coal mine affected land.

8. Sub-item (viii) – Progress in preparation of guidelines by CPCB and Govt of Meghalaya for utilization of Rs100 Crores deposited with CPCB by Govt of Meghalaya:

The Regional Director CPCB submitted to the Committee that an application has been filed by the CPCB before the NGT on 26.11.2019 requesting permission of the NGT for transferring Rs. 100 crores to the Govt. of Meghalaya for the purpose of implementation of the Action Plan prepared by the Committee for restoration of environment in coal affected Districts in Meghalaya. The application is still pending before the Hon'ble NGT. The Committee in this regard suggested to the Regional Director, CPCB that since the case (O.A. 110(THC)/2012) is listed on 26th July, 2020 before the NGT, Principal Bench, the same could be intimated to the Counsel of the CPCB and request him to draw the kind attention of the Hon'ble NGT on the said date regarding their pending application before the NGT.

9. Sub-items (ix) & (xv) were taken up together being interlinked –

Sub-item (ix) Statistics and status of cases registered U/s 21 of the MMDR Act for the year 2018-19 and 2019-20 – Information to be provided by the Police Department;

Sub-item (xv) Progress by the Police Department in ensuring that all the persons and vehicles, equipment, tools and machineries involved in raising and transportation of about 80,000 MT seized by the Meghalaya Police are identified, and necessary action as per the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 and all other relevant Statutes are initiated;

Smt Ida Nongrang, IPS Additional Director General of Police (Law & Order), Government of Meghalaya, briefed the Committee on the progress made by the Police department in ensuring that persons involved in raising and transporting 80,000 MT (approximately) of coal which has been seized by the Meghalaya Police are identified and action is taken against them as admissible under law: It was stated by the ADG that till date 215 cases have been registered under Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act, 1957), of which 154 are still under investigation, 56 are charge-sheeted and 5 have ended in Closure Report (CR). Insofar as seizure of materials, tools and equipments are concerned action too has been taken under law. Between January 2019 till date the Police have registered 138 cases of illegal mining and transportation of coal. The ADG also undertook to furnish the information with regard to illegal mining and transportation of coal from January to June 2020 within fifteen days. In this regard, the Office of the NGT Committee, Meghalaya shall furnish to the ADG the format (as designed

by the Chairman of the NGT Committee) in which the aforesaid information needs to be furnished by the said Officer.

The ADG shall also furnish information on seizure of materials, tools and equipments involved in the crime within four weeks.

10. Sub-item (x) - Progress to be reported by Mining and Geology Department in the matter of developing coal mine surveillance system in Meghalaya by NESAC:

The Secretary Mining & Geology Department submitted that they have requested the NESAC for submitting a proposal for surveillance system and NESAC is already working on it and that they would submit a report to the Mining & Geology Department on the matter. The Mining & Geology Department will follow up with NESAC for expediting submission of the proposal.

11. Sub-item (xi) – Progress by the State of Meghalaya in the matter of realization of royalty, GST/VAT, contribution to the MEPR Fund and any other statutory tax and/levy payable on the illegally mined coal utilised by the Cement Manufacturing Plants and the Thermal Power Plants in the State of Meghalaya (listed in the order of the Hon'ble NGT dated 17.01.2020) after the ban on illegal rat-hole mining was imposed by the Tribunal in April 2014 in the State of Meghalaya:

The Secretary Mining & Geology Department submitted that they have issued notices to the Cement and Thermal Power Plants who have used illegally mined coal but no reply has been received from them. The Secretary Mining & Geology Department submitted that the State Government would further examine the matter to explore avenues as to how to realize the sums due from them in this regard and submit a report before the Committee within four weeks.

12. Sub-item (xii) – Progress by the State of Meghalaya in the matter of realization from each of the aforementioned Cement Manufacturing Plants and Thermal Power Plants who have used illegally mined local coal after the ban on illegal rat-hole coal mining since April 2014, at the rate of Rs. 400 per tonne of coal which is being utilised by each such plant as per the order of the Hon'ble Tribunal (17.01.2020) and deposit the same in the MEPR Fund:

The Secretary, Mining & Geology with respect to the above suggested that as per the order of the Hon'ble NGT, this particular fine should be imposed on the Cement Plants and Thermal Power Plants who have used illegally mined coal after 17th January 2020 being the date of

the order under discussion in OA No. 110(THC)/2012 since the same seems to be the intent of the relevant para in the judgment of the Hon'ble NGT.

However, the Committee disagreed with the interpretation placed by the Secretary, Mining & Geology Department. It is made clear that before submitting the 5th Interim Report to the Hon'ble NGT this Committee had made an elaborate exercise to ascertain the requirement of coal by the cement and thermal plants in Meghalaya and the source of procurement of coal by them. After thorough audit this Committee prepared an exhaustive chart of utilisation of coal by the cement and thermal plants and recommended to the NGT to direct realisation of Royalty, GST/VAT and contribution of MEPR Fund etc. The relevant recommendation is extracted below:

“3.2.3- The State of Meghalaya shall realise royalty, GST/VAT, contribution to the MEPR Fund and any other statutory tax and/levy payable on the illegally mined coal utilised by these Cement Manufacturing Plants and the Thermal Power Plants in the State of Meghalaya after the ban on illegal rat-hole mining in the State of Meghalaya was imposed by this tribunal in April, 2014.”

The aforesaid recommendation, amongst others, was approved by the Hon'ble NGT vide it's Order dated 17.01.2020. In the opinion of the Committee realisation of MEPR Fund amount and penalty of Rs. 400/- per MT stands on the same footing and the recommendation/order to realise royalty etc will apply *mutatis-mutandis* to realise penalty @ Rs. 400/- per MT of coal retrospectively. Thus, there is no justification for the Mining & Geology Department not to issue demand notices for the aforesaid penalty similar to the ones issued earlier to the Cement Manufacturing Plants and Thermal Power Plants for other dues. Accordingly, the Secretary, Mining & Geology Department stated that on the basis of the decision of the Committee they will issue notices for collecting Rs. 400/- per ton of coal as well from the defaulting industries. The Mining & geology Department is directed to pursue to realise the royalty etc at the earliest possible and update this Committee in the next sitting.

13. Sub-item (xiii) – Progress by the State Government regarding establishment of integrated check post and tamper proof weigh in motion way bridges in the 7 LCSH:

The Secretary, Mining & Geology Department submitted that in each of the 7LCSH there is a proposal for setting up integrated check post which has been sent to the Transport Department and action will be further pursued in the matter after the computerized check gate project takes off which would be part of that.

The Committee directs the Transport Department to intimate the progress made in this regard during the next sitting of the Committee.

14. Sub-item (xiv) – Progress by the State of Meghalaya (Revenue and Disaster Management Department) in the matter of disbursing an amount of Rs Five lakhs to next of kin of each of the labourers who were killed while working in any illegal rat-hole coal mining in the State of Meghalaya including the labourers which were killed in a tragic accident in an illegal rat-hole mine in Ksan village in East Jaintia Hill district in December 2018:

The Joint Secretary, Revenue & Disaster management Department submitted that compensation at the rate of 5 lakhs to the identified labourers who lost their lives in Ksan Village in East Jaintia Hills District in the illegal coal mining activity has been released to the Deputy Commissioner for a total amount of Rs 90 lakhs and the Deputy Commissioner has been instructed to disburse the amount as soon as possible to the next of kin of the labourers who have died. He also submitted that the Deputy Commissioner will release the amount to the affected families within two weeks. The Committee directs the Deputy Commissioner to release the amount to the affected families within two weeks.

15. Sub-item (xvi) – Progress by the Police Department in ensuring that all the persons and vehicles, equipment, tools and machineries involved in raising and transportation of about 80,000 MT seized by the Meghalaya Police are identified, and necessary action as per the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 and all other relevant Statutes are initiated:

With regard to providing the MSPCB the details of persons involved in illegal mining and transportation of coal, the ADG (L&O) stated that they have submitted information to the MSPCB in respect of the following districts viz. East Jaintia Hills, North Garo Hills, East Garo Hills, West Garo Hills, and South West Khasi Hills districts.

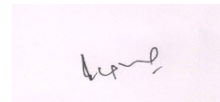
The Chairman Meghalaya State Pollution Control Board submitted that they have received the information pertaining to accused persons from the aforesaid Districts and they are taking up the matter with their Counsel for taking further legal action as admissible under law.

Agenda IV

Strategies and action taken by the Police Department to prevent illegal coal mining and transport of illegal coal.

The Additional Director General of Police (L&O) submitted that a dedicated helpline to prevent illegal mining and transportation of coal has been set up which has been functional since March 2020 and that a system for rewarding informers is also in place. The Officer stated that the police are also undertaking surveillance in remote areas in coordination with the Mining & Geology Department and that she would instruct the Superintendents of Police to take further necessary steps towards prevention of illegal coal mining. The ADG also briefed the Committee on the efforts taken so far towards controlling illegal coal mining. It was submitted that 75% of the 215 cases registered by police with respect to illegal coal mining, have been done *suo motu* by them. From among these 215 cases registered since January 2019 to June 2020, 154 are still pending investigation, 56 have been charge-sheeted, and 5 have ended in CR. The Committee appreciated the efforts of the Police in this regard.

The Chairman thanked all present in the venue of the meeting and also all those who participated in the deliberations of the Committee through video conference and concluded the meeting.



(Retd) B.D. Agarwal)

(Justice

Chairman, NGT Committee, Meghalaya