

**QUORUM**

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

**SHRI S. C. BHOWMIK, PROFESSOR  
REPRESENTATIVE OF INDIAN SCHOOL OF MINES,  
(IIT – ISM), DHANBAD  
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**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**

- :** **Shri D. P. Wahlang, IAS**  
Additional Chief Secretary to the Government of  
Meghalaya, Forests & Environment Department  
Email id: dwahlang@yahoo.com
- :** **Prof Shri S.C. Bhowmik,**  
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- :** **Dr. Shantanu Kumar Dutta,**  
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- : **Deputy Commissioner, (through VC)**  
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- : **Shri B. Mawlong, MCS**  
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Counsel of Shri Khaimon Challam & Others.

## PROCEEDINGS OF 29<sup>TH</sup> GENERAL SITTING

MINUTES OF TWENTY NINTH SITTING OF THE NGT COMMITTEE CONSTITUTED BY THE HON'BLE NGT UNDER CHAIRMANSHIP OF HON'BLE MR. JUSTICE B.D. AGARWAL, FORMER JUDGE, GAUHATI HIGH COURT HELD ON 02<sup>ND</sup> FEBRUARY, 2021 AT 11:00 A.M. AT THE CONFERENCE HALL IN THE OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS & HOFF, SYLVAN HOUSE, LOWER LACHUMIERE, MEGHALAYA, SHILLONG-793001.

### AGENDA

1. Review the progress in implementation of items A, B and C of the Action Plan prepared by the NGT Committee for restoration of environment in areas affected by coal mining in Meghalaya.
2. Consider the reports submitted by the concerned Deputy Commissioners and Meghalaya State Pollution Control Board in relation to functioning of illegal coke oven units in Meghalaya.
3. Consider the report filed by the Principal Chief Conservator of Forests & HoFF, Meghalaya, Shillong in relation to alleged illegal stone and boulder mining at Pringan.
4. Discuss the letter of Central Pollution Control Board, New Delhi dated 28.12.2020 in relation to the utilization of Environmental Compensation sum of Rs. 100 crores levied on Government of Meghalaya currently deposited with Central Pollution Control Board.
5. Application titled *Shri Khaimon Challam & others Vrs. State of Meghalaya* filed by Shri Vivek Singh, Counsel for the applicants.
6. Illegal Rat-Hole Coal Mining in Rymbai Elaka, East Jaintia Hills and death of six labourers in the coal pit therein.
7. Any other item with permission of the Chairman.



## PROCEEDINGS

### AGENDA NO. 1

Review the progress in implementation of items A, B and C of the Action Plan prepared by the NGT Committee for restoration of environment in areas affected by coal mining in Meghalaya.

#### **A. PREVENTION OF HUMAN AND ANIMAL DEATHS BY ACCIDENTAL FALLING IN COAL MINE SHAFTS**

##### *A.1 Identification and delineation of coal fields as well as each coal mine, coal shaft, coal dump etc-*

In relation to identification and delineation of coal fields as well as each coal mine, coal shaft, coal dump etc. the North Eastern Space Application Centre (NESAC), which was entrusted with the exercise, submitted that they are in need of certain sum of advance for procurement of satellite data for securing progress in the current projects. A recommendation in this regard has been submitted to the NGT for approving release of the sum of Rs. 90,80,445 lakhs to enable NESAC to undertake this exercise. However, in view of urgency in the matter, the Committee directs the Mining & Geology Department to release a sum of Rs. 15 lakhs in anticipation of the approval of the NGT in the next hearing to enable NESAC to commence implementation of this project within a week.

##### *A.2 Creation of awareness about ill – effects of unregulated coal mining*

In respect of A.2 of the Action Plan with relation to creation of awareness about ill – effects of unregulated coal mining, the Secretary to the Government of Meghalaya, Mining & Geology Department submitted that he has not yet received the requisite estimate from the Education Department for conducting training session. The Committee expressed its concern that in spite of a long lapse of time, considering that the earlier sitting of the Committee in respect of this component of the Action Plan was held way back on 01.10.2020, the Education Department has neither submitted the requisite estimate for holding awareness campaign. The Joint Secretary to the Government of Meghalaya, Education Department submitted that in view of the COVID -19 pandemic requisite action could not be taken in a timely manner. He furnished an undertaking that the Department would have the required estimates submitted to the Mining & Geology Department within four weeks. It was also impressed upon by the Committee that the Education Department before

undertaking awareness activities in this regard, wherever applicable, would need to prepare awareness materials on some topics of following type: hazards of illegal coal mining, hazards of Acid Mine Drainage (AMD), hazards on account of pollution of rivers due to AMD and the hazards of not erecting barriers around the abandoned coal mines etc., prior to undertaking the actual awareness activity. The Committee is of the view that the Director of School Education shall interact with various agencies and Schools which are competent to prepare such awareness material, collate them, compile them suitably and prepare a module for the purpose of awareness campaign and submit the same to the NGT Committee within a period of 1 (one) month without fail. It was also noted that the Education Department has been involved in such activities under the supervision of the NGT Committee for a very long period ever since the inception of the Committee. A report of compliance in this regard shall be submitted by the Director of School Education to the Committee within a month.

*A.3 Installation of sign boards in areas having presence of coal mines*

A,3 of the Action Plan relates to installation of sign boards in the coal bearing areas. In the last proceeding in this regard i.e., the 26<sup>th</sup> sitting of the Committee, the Secretary to the Government of Meghalaya, Mining & Geology Department had assured the Committee that within a month the Department would complete installation of the sign boards. However, as per the Secretary, this could not be done due to audit objection relating to lack of tender in this regard raised by the Audit Department. Consequent thereto the Mining & Geology Department has floated tender for installation of the sign boards and report of progress in the matter would be submitted by the Mining and Geology Department to the Committee in the next sitting.

It is made clear that the Committee would consider sanctioning of the fund only after receiving the estimate in this regard, proposed dimensions of the sign board and the locations where the sign boards would be installed.

*A.4 Erection of physical barriers at periphery of shafts of mines where coal reserve has not been exhausted*

In respect of A.4 of the Action Plan in the matter of erection of physical barriers at periphery of shafts of mines, where coal reserve has not been exhausted, the Committee perused the reports submitted by the Deputy Commissioner, West Khasi Hills District vide his letter dated 28<sup>th</sup> October, 2020. The Deputy Commissioner has stated in his report that some coal mine owners have come forward to seal the new coal pits and erect barriers around the periphery of shafts of

mines to prevent accidental fall of humans and animals into the pits and mine shafts respectively. On being questioned by the Committee the Deputy Commissioner replied that so far only 19 mine owners have erected physical barriers around the coal mines by putting boulders as against approximately 200 coal mines in the District. It is noticed by the Committee that the barriers comprise of only a few boulders.

The Committee is of the view that such a method of erecting barriers is highly unreliable and ineffective. Apart from that, it could pose severe hazards later on. Therefore, the Committee directs that the Mining & Geology Department in consultation with the Chief Engineer, Public Works Department (Building) shall develop appropriate designs for the following purpose: sealing the unused coal pits and erecting barriers around the coal fields whose reserves have not been exhausted. The Secretary, Mining and Geology shall also consult the circular issued in this regard by the Director of Mine Safety. Further, the Chief Engineer, PWD (Buildings) is directed to provide assistance to the Secretary, Mining & Geology Department in preparation of both the designs as well as estimates. This exercise shall be completed within one month.

The Deputy Commissioners of the districts where coal mining is being undertaken in Meghalaya shall submit a report to the Secretary, Mining & Geology Department under intimation to the Committee in the matter of following: The number of coal mine shaft openings in their respective districts along with GPS coordinates of the location of such pits. Accordingly, the total estimate of sum required to undertake the survey exercise shall be submitted by the Secretary, Mining & Geology Department to the Committee within two months. While submitting the aforesaid report, the Deputy Commissioner of East Jaintia Hills District shall also utilize the data relating to mine pits prepared by NESAC (submitted to Meghalaya State Pollution Control Board) wherein it has been estimated by the NESAC that there are approximately 24,000 mines within this district.

The Deputy Commissioners of the Districts where coal mining is found shall submit reports to the Secretary, Mining & Geology Department under intimation to the Committee specifying the total number of coal mines where coal reserves have not exhausted along with GPS coordinates and photographs of such mines wherein the GPS coordinates shall be geo-tagged to the respective photographs.

A.5 *Closure of shafts of mines where coal reserve has already been exhausted by :*

A.5.1 *Controlled blasting*



- A.5.1.1 *Development of safe and cost – effective controlled blasting techniques*
- A.5.1.2 *Closure of coal mine shafts by controlled blasting*
- A.5.2 *Refilling of debris/ overburden*

In respect of A.5 of the Agenda relating to closure of shafts of mines, where coal reserve has already been exhausted, the Committee is of the opinion that the designs of the structure that could be used for erection of physical barriers around the coal mines where coal has not been exhausted would apply *mutatis mutandis* to those coal shafts where coal reserve is reportedly exhausted dealt under the current item of the Action Plan.

Insofar as the creation of the designs and methodology of closing the exhausted mines by taking recourse to controlled blasting the Director of Mineral Resources is directed to identify one abandoned coal mine and intimate to the Secretary to the Government of Meghalaya, Mining & Geology Department, who in turn will liaise with CIMFR – CSIR, Dhanbad through Video Conference to enable them to develop the requisite design and methodology for undertaking the pilot project. Further, the Secretary, Mining & Geology Department would also find out the name of the Scientist or Scientists and their contact numbers, who would be responsible for undertaking the exercise of developing the appropriate design and methodology of controlled blasting and communicate the same to Prof. S. C. Bhowmik, Member of NGT Committee so that he can talk to them as to the appropriateness of the designs that they intend to develop in Meghalaya.

The Deputy Commissioners of the Districts where coal mining is found shall submit report to the Secretary, Mining & Geology Department under intimation to the Committee specifying the total number of coal mines where coal reserves have already been exhausted along with GPS coordinates and photographs of such mines. It shall be ensured that the GPS coordinates are geo-tagged to the respective photographs.

**B. PREVENTION OF ACID MINE DRAIN (AMD) GENERATION BY:**

- B.1 *Coal dumps of cement factories and their captive power plants*
  - B.1.1 *Covering of dumps by permanent sheds/ water proof tarpaulin*
  - B.1.2 *Construction of garland drains along with acid mine drain (AMD) storage tanks.*
  - B.1.3 *Treatment of acid mine drain collected in storage tanks*



In relation to the portion of the Action Plan B.1.1 till B.1.3, the implementing agencies viz., Meghalaya State Pollution Control Board (MSPCB), Central Pollution Control (CPCB) and Regional Office of Ministry of Environment & Forests & Climate Change, North Eastern Region, shall submit a report to the Committee after undertaking physical inspection of the cement plants which have captive power plants in the matter of covering the coal dumps by appropriate structure, construction of garland drain along with AMD storage tanks and treatment of AMD collected in storage tanks and submit a report in this regard to the Committee within 4 (four) weeks. It is pertinent to note that the Ministry of Environment & CC, GOI in compliance of the directives issued by the Committee have suitably amended the conditions of Environmental Clearance granted to aforesaid industries stipulating the above listed conditions.

*B.1.4 Amendment of Environmental Clearance (EC) to stipulate additional conditions to provide for above measures, in case same have not been stipulated*

This item of the Action Plan stands closed in view of compliance by the MoEF, & CC, Government of India as communicated by the North Eastern Regional Office, MoEF & CC, GOI, Shillong.

*B.1.5 Amendment of Consent to Establish (CTE) to stipulate additional conditions to provide for above measures in case same have not been stipulated*

The MSPCB vide the Action Taken Report dated 30<sup>th</sup> September, 2020 and the latest Report submitted by them dated 1<sup>st</sup> February, 2021 have submitted that a Consent to Establish in respect of the aforesaid industries have been suitably amended to stipulate additional conditions to provide for above measures. In view of the matter, this item of the Action Plan also stands disposed of and closed.

*B.1.6 Revocation/ withdrawal of CTE and launch of prosecution in case of non – implementation of afore – mentioned measures*

In respect of B.1.6 of the Action Plan, the MSPCB is requested to submit a status report in relation to implementation of the amendment of terms of CTE in the matter of B.1.1 to B.1.3 of the Action Plan which provides for prevention of AMD by coal dumps of cement factories and captive power plant.

## **B.2 DUMPS OF ASSESSED COAL**

- B.2.1 Covering of dumps by water – proof tarpaulin/ permanent sheds*
- B.2.2 Construction of garland drains along with acid mine drain storage tanks*
- B.2.3 Treatment of acid mine drain collected in storage tanks*
- B.2.4 Promulgation of order under Section 144 or any other relevant section (s) of IPC to prohibit open/ uncovered dumping of assessed coal*

In respect of item B.2 of the Action Plan which relates to dumps of assessed coal (from sub-item B.2.1 till B.2.4) relating to covering of dumps by water proof tarpaulin, construction of garland drains along with acid mine drain storage tanks etc., the Deputy Commissioners are directed to promulgate orders under Section 144 CrPC to ensure covering of dumps of assessed coal by water proof tarpaulin and/ or construction of permanent sheds, in case such orders have not been issued earlier. Further, the Deputy Commissioners of the districts having coal mines are also directed to ensure wide publicity of the orders issued by them under Section 144 CrPC to enlighten the public. A report in the matter of issuance of orders under Section 144 CrPC by the respective Deputy Commissioners and having granted wide publicity in respect of such orders issued by them shall be submitted to the Committee within two weeks. It is also impressed upon the Deputy Commissioners that in the event that the owners of the coal dumps do not cover the coal dumps by water proof tarpaulin or undertake construction of permanent sheds within a period of one month and thus act in non-compliance of the directions of the Deputy Commissioners strict action should be taken against such non-compliant coal owners in respect of those dumps of coal which have not been covered by waterproof tarpaulin or permanent sheds.

The Deputy Commissioners while issuing orders under Section 144 of CrPC shall also issue orders covering the other two provisions viz., construction of garland drain around the coal dumps of assessed coal along with AMD storage tanks and undertaking treatment of AMD collected in such storage tanks.

## **B.3 DUMPS OF SEIZED COAL**

- B.3.1 Construction of permanent depots for seized coal*
- B.3.2 Covering of dumps by tarpaulin/ permanent sheds*
- B.3.3 Construction of garland drains along with acid mine drain storage tanks*
- B.3.4 Treatment of acid mine drain collected in storage tanks*

In respect of item B.3 of the Action Plan ( B.3.1. till B.3.4) relating to construction of permanent depots for seized coal, covering of dumps by tarpaulin/ permanent sheds etc., the Secretary, Mining & Geology Department submitted before the Committee that the permanent depots which have been created for securing the assessed coal for conducting auction of the assessed coal will be used as permanent depots for seized coal as well and that these conditions have already been complied with in respect of the five depots, which have been created by the Department for auction of assessed coal. The Secretary, Mining & Geology Department requested that in view of aforesaid compliance by them the Committee may kindly treat these conditions to have been complied with in respect of dumps of seized coal. However, the Committee is of the opinion that the Director of Mineral Resources shall submit a specific report of compliance in this matter stating as aforesaid within a period of two weeks.

#### **B.4 DUMPS OF ILLEGALLY EXTRACTED COAL**

##### *B.4.1 Immediate seizure of illegally extracted coal and transfer of the same to permanent depots*

In respect of item B.4 of the Action Plan which relates to dumps of illegally extracted coal, the Secretary, Mining & Geology Department submitted that five permanent depots have been constructed so far with environmental compliance measures and that these depots would take care of the existing requirement. He stated that further new depots would be created if any necessity arises in future for either securing the seized coal or assessed coal for auction.

#### **B.5 COAL IN TRANSIT**

##### *B.5.1 Covering of coal by waterproof tarpaulin while its transportation by road*

##### *B.5.2 Seizure of trucks carrying coal without covering it with waterproof tarpaulin*

##### *B.5.3 Promulgation of order under section 144 or any other relevant section(s) of IPC to prohibit open/ uncovered dumping of assessed coal*

The Superintendent of Police, Shri. S. Thamar appeared before the Committee on behalf of the Additional Deputy General of Police (Law & Order) and submitted a presentation by the Meghalaya Police in hard copy reflecting district wise information pertaining to illegal transportation of coal in Meghalaya from 2014 till 31<sup>st</sup> January, 2021. However, information furnished in the report as contained in the presentation covers only four items viz., cases registered, number of cases charge

sheeted, number of cases where final report has been furnished and those cases which are pending investigation.

The report of the Police does not indicate anywhere the quantity of coal and the number of vehicles which have been seized in respect of those cases stated to have been charge sheeted. Further since these natural resources are liable for loss/damages under *in-situ* conditions the Police Department is again directed to abide by the directives issued by this Committee in the matter relating to the application filed by Shri Pawan Sharrma before the Committee, which was disposed of by the Committee in its sitting held on 10.12.2020. The Police shall submit a report of compliance to the Committee on the aforesaid matter within the period stipulated in the case relating to Shri Pawan Sharma. Besides this, the Police Department is not submitting statistics as per the format given to them in the 23<sup>rd</sup> sitting held on 01.07.2020. The Police Department is directed to furnish the details as per the decision taken on 01.07.2020.

## **B.6 RAT HOLE COAL MINE OPENINGS**

*B.6.1 Closure of opening of mines where coal reserve has already been exhausted by:*

*B.6.1.1 Controlled blasting or*

*B.6.1.2 Refilling of debris/overburden*

*B.6.2 Treatment of AMD originating from openings of rat hole mines where coal reserve has not been fully extracted*

*B.6.2.1 Development of cost effective models for treatment of AMD originating from openings of such rat hole mines*

*B.6.2.2 Treatment of AMD originating from openings of such rat hole mines*

In respect of item B.6.1 till B.6.2.2 of the Action Plan, the Chairman, MSPCB stated that they are pursuing the matter with the local community in respect of the stream which has been identified by them at Waikhyrwi river and that they would communicate with the enquiring authorities (CIMFR – CSIR) as soon as they receive permission from the Community. The Committee perused the report of MSPCB in the matter of permission from the local authorities in respect of Waikhyrmi River to enable to conduct a pilot exercise. In view of the express submission of the Secretary, Mining & Geology Department that the water resources in the State are common property and ownership cannot reside with any exclusive individual or community the MSPCB is advised to communicate with CIMFR – CSIR on an early date to commence the pilot project which has been conceived by them in the matter

of AMD treatment technology without waiting any further for consent from the concerned village community.

**B.7 COAL MINE SHAFTS LOCATED IN RIVER/ STREAM BED**

*B.7.1 Closure of such mine shafts by:*

*B.7.1.1 Controlled blasting or*

*B.7.1.2 Refilling of debris/ overburden*

In respect of item B.7 of the Action Plan, the Committee has approved the suggestion of the Secretary to the Government of Meghalaya, Mining & Geology Department that an agency or an organisation could be engaged to conduct survey and delineation, geotagging of the coal mine shafts which are opening into the rivers and stream beds. A rough estimate in this regard shall be submitted by the Secretary, Mining & Geology Department within two weeks and it was also made clear that the area of survey shall extend upto a width of 50 meters from the river stream beds. Mine openings, including lateral mine openings, which open into the stream beds shall be mapped and geo-tagged. An estimate for aforesaid survey shall be submitted by the Secretary, Mining & Geology Department to the Committee within two weeks to enable the Committee to deliberate further on the matter.

**C. RESTORATION OF WATER QUALITY IN RIVERS/ STREAMS AFFECTED BY ACID MINE DRAIN (AMD)**

*C.1 Identification and prioritisation of rivers/ streams to be restored*

*C.2 Development, refinement and transfer of AMD treatment technology*

*C.3 Restoration of prioritised stretches of rivers/ streams*

Item C of the Action Plan is deferred for discussion till the next Sitting of the Committee.

**AGENDA NO.2**

**Consider the reports submitted by the concerned Deputy Commissioners and Meghalaya State Pollution Control Board in relation to functioning of illegal coke oven units in Meghalaya.**

Based on a Newspaper report that 30 labourers had been trapped of which 15 of them have died inside a coal mine in South Garo Hills district, Meghalaya in the year 2012, the Shillong Bench of Hon'ble Gauhati High Court initiated a suo moto proceeding in the

nature of PIL. In due course, the said proceeding was transferred to the Hon'ble NGT where upon a case being Original Application No 110(THc) of 2012 was registered. On 17.04.2014 the Hon'ble NGT passed an interim order stopping rat hole mining in the state of Meghalaya. To monitor various issues relating to restoration of environment the Hon'ble NGT constituted this Committee vide order dated 31.08.2018.

With a view to ascertain as to whether illegal coal mining activities are continuing in violation of the order of the Hon'ble NGT the Chairman and Members of the Committee had visited coal bearing areas as well as few cement and power plants. Subsequently, the Committee had directed CPCB to submit a report regarding the source of coal being procured by the cement and power plants. On the recommendations of the Committee the Hon'ble NGT also directed this Committee to carry out audit of cement and power plants vide order dated 04.01.2019 and 11.04.2019. Accordingly, audit of source of coal was carried out and the Committee recommended that Royalty, VAT/GST, contribution to Meghalaya Environment Protection and Restoration Fund (MEPRF) and Cess shall be realized from cement and power plants for the quantity of coal illegally procured by them and ascertained by the Committee. This recommendation was also approved by the Hon'ble NGT vide its order dated 17.01.2020. In the course of various proceedings the Committee in its 18<sup>th</sup> sitting held on 15.09.2019 also decided to cause audit of sources of coal being procured and utilized by coke oven industries of Meghalaya. Accordingly the committee constituted a three member team of officials from CPCB for this purpose. Finally, the CPCB team submitted a report to the committee on 15.07.2020 (subsequently corrected on 31.07.2020) with a conclusion that nearly 20 coke oven units have been installed and operating in the State of Meghalaya and majority of them are operating without obtaining approval from Meghalaya State Pollution Control Board (MSPCB). The CPCB team also observed that the State of Meghalaya is losing a minimum of Rs 50 crores per annum as the coke oven units are mostly procuring illegally mined coal from Meghalaya.

On the basis of the aforesaid report, all the coke oven units/industries named in the CPCB reports were issued notices to show-cause as to why they shall not be directed to pay Royalty, MEPR Fund contribution, GST/VAT, GST Compensation etc and additional penalty for purchasing and using illegally mined coal in Meghalaya in violation of the Hon'ble Supreme Court and NGT orders.

Pursuant to the notices issued to the coke oven units on the basis of decision taken on the 24<sup>th</sup> sitting, held on 03.08.2020, only 12 industries have responded to the notices. Out of them only the following 6 industries have admitted holding proper Licenses/approvals and also about manufacturing coke :-

1. M/S Rilangam Coke Industries
2. M/S MD Coke Industries
3. M/S Abhi Coke Pvt Ltd
4. M/S Jaintia Coke Pvt Ltd
5. M/S Carbochem India
6. M/S Shemphang Riangshaing

The MSPCB in their reply dated 16.11.2020 has also confirmed that the aforesaid 6 (six) units were granted Consent To Operate (CTO) approvals, 4 units in West Khasi Hills and 2 units in East Jaintia Hills District. The MSPCB has also intimated the committee that illegally installed 16 Coke Units had been issued notices to close their units. The Joint Director of Commerce and Industries has also confirmed that only the aforesaid 6 nos of LAM Coke plants are in operation in the State of Meghalaya and notices have been issued to the remaining 16 coke industries to close their operation. In yet another report Dated 20.01.2021 the Deputy Commissioner, West Khasi Hills has also confirmed that only 4 (four) coke units are operating and the remaining coke factories have been closed. This letter has been issued on the basis of a Joint Inspection conducted on 15.01.2021 by one ADC and the Assistant Environmental Engineer of MSPCB.

In the 26<sup>th</sup> sitting held on 01.10.2020 the committee decided to give one more opportunity to all the coke oven industries to submit their documents and invoices of coal purchase. Except 12 coke units, the remaining coke unit owners did not respond to our notices. Out of the 12 coke units only 6 industries have admitted operation of their units. Again, out of these 6 (six) units only 4 (four) units namely, Rilangam Coke Industries, MD Coke Industries, Carbochem India and Shemphang Riangshaing have submitted documents of their coal purchase. Strangely, the biggest two coke oven industries, namely, Abhi Coke Pvt Ltd and Jaintia Coke Pvt Ltd did not furnish any supporting document/vouchers of coal purchase. It may be stated here that when the officers from CPCB visited their units then also they did not cooperate with the team and despite several reminders they did not furnish any document of coal procurement to prove that they had purchased coal for the production LAM coke from genuine sources.

M/s Abhi Coke has admitted that they have purchased 39,557.22 MT of coal during the FYs 2018-2021. Similarly, Jaintia Coke has also admitted that they have purchased 18,002.69 MT quantity of coal during FYs 2018-2021. In the absence of any supporting vouchers the committee draws adverse inference and takes a view that the aforesaid 2 coke industries have purchased coal from illegal sources since there is ban on rat hole coal mining in the state of Meghalaya from April, 2014.

As per the CPCB team report the installed capacity of M/s Abhi Coke is 24,500 MT and that of M/s Jaintia Coke is 18,000 MT per annum. These figures are based on the initial CTEs, issued by MSPCB to the units. As per MSPCB, present installed capacity is higher than the figure mentioned by CPCB. This might have occurred because of subsequent capacity expansion by the units. CPCB has also taken a view that recovery of low ash metallurgical coal (LAMC) from Meghalaya coal is @ 50-60 % of the feed i.e. coal. At the rate of 50% recovery of LAMC, the coal requirement of M/s Abhi Coke would be 49,000 MT per annum. In this way M/s Abhi Coke Pvt Ltd is liable to pay Royalty @ of Rs 675.00 per MT, contribution to MEPRF Fund @ of 485.00 per MT, Cess @ of Rs 300.00, GST Compensation @ of Rs 400.00 per MT, GST @ of 5%, 1% TCS on the above charges as per IT Act for the quantity of coal procured by them till date.

Similarly, M/s Jaintia Coke is producing 18,000 MT of LAMC per annum and their total coal requirement would be 36,000 MT per annum. In this way, M/s Jaintia Coke Pvt Ltd is liable to pay Royalty @ of Rs 675.00 per MT, contribution to MEPRF Fund @ of 485.00 per MT, Cess @ of Rs 300.00, GST Compensation @ of Rs 400.00 per MT, GST @ of 5%, 1% TCS on the above charges as per IT Act for the quantity of coal procured by them till date.

The Committee, accordingly, recommends to the Hon'ble NGT to approve imposing the aforesaid statutory levies upon M/s Abhi Coke Pvt Ltd and M/s Jaintia Coke Pvt Ltd.

So far as the audit of the remaining four coke units are concerned the Committee resolves to constitute a team of the following officers to vouch the authenticity and genuineness of the documents relating to procurement of coal for production of LAM coke:-

1. Shri Nababrata Bhattacharjee, Chairman, SEAC, (as Senior Commissioner).
2. Shri Peter J. Sawian, Chief Financial & Accounts Officer (Retd) (as Commissioner).
3. Shri Sandrew Syiem, Environmental Engineer, MSPCB (as Commissioner).

The aforesaid team shall act as Commissioners of the NGT Committee, Meghalaya. The Terms of Reference of the aforesaid team shall be as below:-

1. To ascertain the quantity of production of coke by M/s (1) Rilangam Coke Industries, (2) MD Coke Industries, (3) Carbochem India and (4) Shemphang Riangshaing coke unit since their commissioning.
2. To ascertain the quantity of coal required for manufacturing coke per ton.
3. To ascertain the quantity of coal purchased from Meghalaya and from out-side; whether coal were purchased with/without valid Mineral challans, transport challans and status of payment of statutory levies.
4. To verify the vouchers of Meghalaya coal purchased, to ascertain their genuineness.



5. Give their findings as to what quantity of coal was purchased by the coke industries illegally.
6. Any other issue may be taken up that is intrinsically connected with the aforesaid objective.

The Committee directs the District Administration to render all necessary help to the aforesaid team to carry out the inspection of coke units.

The Committee also resolves to pay remuneration of Rs 5,000.00 to the Senior Member per day of inspection and Rs 2,500.00 to other Members of the team. The Commissioners team shall also be entitled to get reimbursement of hire charges of one taxi per day of inspection. The Commissioners are directed to submit their report within 3 (three) months.

### AGENDA NO.3

**Consider the report filed by the Principal Chief Conservator of Forests & HoFF, Meghalaya, Shillong in relation to alleged illegal stone and boulder mining at Pringan @ Rngain.**

Regarding Agenda 3, the Principal Chief Conservator of Forests & HoFF, Meghalaya, Shillong submitted the report of the Divisional Forest Officer, East Khasi Hills in respect of the alleged illegal mining of stone boulder at Pringan in East Khasi Hills District along Shillong- Dawki road. It is found by the Divisional Forest Officer that the reference to Pringan is mistaken reference to Rngain under Pynursla Sub- division. The Secretary is directed to circulate a copy of the report to the Chairman and the Members of the Committee for consideration of the same in the next sitting of the Committee.

### AGENDA NO.4

**Discuss the letter of Central Pollution Control Board, New Delhi dated 28.12.2020 in relation to the utilization of Environmental Compensation sum of Rs. 100 crores levied on Government of Meghalaya currently deposited with Central Pollution Control Board.**

The letter of Central Pollution Control Board, New Delhi dated 28.12.2020 was placed before the Committee. The Committee perused the same and agrees to the suggestion of the CPCB that the sum of Rs. 100 crores would be utilized in the manner suggested by the Committee in their earlier recommendation vide the minutes of sitting dated 12<sup>th</sup> July, 2019 (First special sitting).

Accordingly, the executing agencies identified in the Action Plan for restoration of environment in areas affected by coal mining are at liberty to submit scheme proposals to the Committee for its consideration and approval. Thereafter the CPCB would be advised by the

Committee to release such sum the Committee decides in favour of the implementing Departments or Agencies.

#### AGENDA NO.5

#### **Application titled *Shri Khaimon Challam & others Vrs. State of Meghalaya* filed by Shri Vivek Singh, Counsel for the applicants.**

This matter relates to an application by five individuals requesting this Committee to direct the Government to include the quantity of coal lying deposited in East Jaintia Hills pertaining to the applicants' coal dumps which were not included in the Government Affidavit submitted before the Hon'ble Supreme Court on 06.04.2019.

On the last occasion, the Mining & Geology Department was directed to submit their reply. However, the Secretary to the Government of Meghalaya Mining & Geology Department is seeking another four weeks time to submit the Government's reply to the Application. The prayer is allowed.

In the previous order dated 08.01.2021, this Committee had also directed the Mining & Geology Department to collect 3 samples of 1 kg each from the dumps as well as from the coal mines. The samples have already been collected and the same has been deposited with the Secretary of this Committee.

Now, the Committee desires to know whether the coal of the applicants were excavated/ mined before the NGT ban that came into operation in the month of April, 2014 or subsequently. Similarly, it has to be ascertained whether the coal of the applicants in different depots are from their own coal mines. Hence, the Committee directs the Secretary to send the samples to the following Government testing laboratories:

1. IIT (ISM), Dhanbad,
2. CIMFR – CSIR, Dhanbad
3. National Test House, Kalapahar, Guwahati, Assam

#### **Queries to laboratories:**

- (i) **Whether coal samples drawn from mines matches with the samples of coal from dumps.**
- (ii) **When the coal was tentatively mined. This has to be determined from samples of coal drawn from coal dumps.**

The laboratories may raise their testing charges bills and submit the same to the Committee for payment.

In continuation to the previous decision, the Deputy Commissioner of East Jaintia Hills District is directed to obtain a declaration/ certificate from the concerned Additional

Deputy Commissioner who had issued Certificates to the Applicants viz., Shri. Khaimon Challam on 12.11.2018, Shri; Wallam Shylla on 07.11.2018; Shri Wandap Shynrang Shylla on 12.11.2018; Shri. Natrehi Phira on 07.11.2018 & 01.11.2018 and Shri. F. Rieng Challam on 01.11.2018.

The matter will be considered further on receipt of the laboratory reports from IIT (ISM), Dhanbad, CIMFR – CSIR, Dhanbad, National Test House, Kalapahar, Guwahati, Assam within two weeks thereafter.

#### AGENDA NO.6

#### **Illegal Rat-Hole Coal Mining in Rymbai Elaka, East Jaintia Hills and death of six labourers in the coal pit therein.**

The Committee has taken cognizance of the sad incident that took place at Village Sorkari near Deinshalu and Rymbui in East Jaintia Hills District on 21.01.2021, wherein six miners lost their lives through media reports. Pursuant to that the Chairman and both Members of the Committee visited the site of mine collapse on 01.02.2021 to ascertain the actual facts. After meeting the government officers at the site, the Committee has come to a conclusion that the incident took place due to attempted rat-hole mining without safety measures.

The Committee has taken serious note of the incident in view of the fact that despite ban on the rat-hole coal mining since April, 2014 illegal coal mining is still taking place in Meghalaya.

The Committee reminds the Government about their commitment given in the 23<sup>rd</sup> sitting on 01.07.2020, wherein the Addl.DGP had given an undertaking that surveillance in remote areas will be intensified and steps would be taken to prevent illegal coal mining. Similarly, in the Order dated 10.12.2020 (Complaint of Shri. Pawan Sharma) several directions were given by this Committee to check illegal mining and transportation of illegally raised coal. One of the directions was also to take punitive action against the officials who fail to detect coal mining and movement of coal laden trucks. Despite regular warnings the fact is that the district administration has failed to stop illegal coal mining with impunity of Hon'ble NGT Order dated 17.04.2014, banning rat-hole mining.

In view of the earlier directions and orders the Committee expects that the Government through the Chief Secretary to the Government of Meghalaya will fix the

accountability of the officers for the unfortunate incident of 21st January 2021 at Village Sorkari in East Jaintia Hills District, besides taking legal action against the owner of the land and owner of coal mine under Indian penal Code and MMDR Act, 1957 at the earliest.

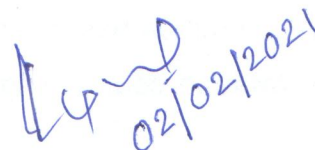
The Committee also resolves to direct the government to pay ex-gratia monetary relief of Rs. 5 (Five) Lakhs to the family members of the deceased as per the earlier decision of this committee.

The Secretary to the Committee is directed to forward a copy of this resolution to the Chief Secretary and DGP, Meghalaya for necessary action.

The Committee further directs the Government to instruct all the Deputy Commissioners of coal bearing areas to seize the mining equipments from the areas. The seized equipments and mining machineries should be auctioned in accordance with law. This step would eliminate the possibility of illegal mining.

The Committee decides to hold the next sitting of the Committee on 2<sup>nd</sup> March, 2021 at 11:00 a.m. at the Conference Hall in the office of the Principal Chief Conservator of Forests & HoFF, Sylvan House, Lower Lachumiere, Meghalaya, Shillong-793001.

The Chairman thanked all present and concluded the meeting.



**(Justice B.D. Agarwal)**  
Former Judge, Gauhati High Court  
And Chairman, NGT Committee, Meghalaya