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**MINUTES OF THE TWELVE MEMBERS OVERSIGHT COMMITTEE
CONSTITUTED BY THE HON'BLE NGT 1ST SITTING IN THE MATTER OF OA NO.
110/2012 (THREAT TO LIFE ARISING OUT OF COAL MINING IN SOUTH GARO
HILLS DISTRICT VS STATE OF MEGHALAYA & ORS) UNDER THE
CHAIRMANSHIP OF SHRI RAVI AGRAWAL, IAS, ADDL. SECRETARY, GOI,
MOEF&CC, NEW DELHI HELD ON THE 9TH SEPTEMBER, 2021 THROUGH VIDEO
CONFERENCING.**

QUORUM

Shri Ravi Agrawal,
Additional Secretary, Ministry of Environment, Forest & Climate Change, New Delhi and
Chairman of Oversight Committee

Chairman of the EAC, Mr. G.P. Kundargi

Joint Secretary, Ministry of Mines, Government of India

Shri Shakil P. Ahammed Principal Secretary to the Government of Meghalaya, Mining and
Geology Department

Shri B. K. Lyngwa, PCCF and HoFF, Department of Forest & Environment, Government of
Meghalaya

Shri B. K. Lyngwa, Chairman, Meghalaya Pollution Control Board

Smt. Imtienla Ao, DDGF (C) & Regional Officer & Member Secretary, MoEF&CC, IRO
Shillong

Smt. Idashisha Nongrang, Addl., DGP (L&O), Govt., of Meghalaya

Shri S. C. Bhowmik, Professor, Indian School of Mines/IIT, Dhanbad

Shri Ashok Kumar, Director, Directorate General of Mines Safety

Shri Binay Dayal, Director, Coal India Ltd., Kolkata

Dr. Z. Changsan, Regional Director Central Pollution Control Board,
Regional Directorate North East, Shillong

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

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PRESENT:

1. Shri Ravi Agrawal, IAS
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8. Dr. Z. Changsan, Regional Director,
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- 11. Shri S.C Shankar, General Manager,
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AGENDA

- 1. Background briefing by The Member Secretary on the constitution and mandate of the Oversight Committee.
- 2. Presentation on 'action plan for restoration of environment in areas affected by coal mining in Meghalaya-activities and action taken' by Mining and Geology Department, Government of Meghalaya.
- 3. Action taken of salient actionable points in the interim report and decisions of the Hon'ble Supreme Court & NGT.
- 4. Transportation of Coal-environment aspects-plan of action (extent thereof).
- 5. Discussion on proposals submitted by Government of Meghalaya for utilization of Meghalaya Environment Protection and Restoration.
- 6. Overview of affected areas due to coal mining-proposed to be restored.
- 7. Status of nursery-location, plants & road map for development.

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8. Status of pre-planting operations & afforestation works-plan for next six months and way forward.
 9. Any other issues with permission of the Chair.

PROCEEDINGS

The meeting was chaired by Shri Ravi Agrawal, Additional Secretary, Ministry of Environment, Forest and Climate Change, New Delhi and Chairman of The Twelve Members' Oversight Committee, who greeted and welcomed everyone to the meeting.

1. Agenda No. 1. Background briefing by Member Secretary on the constitution and mandate of the Oversight Committee.

At the outset, the Chairman requested The Member Secretary of The Oversight Committee to present a brief regarding the genesis of the case and mandate of the Committee.

1. I. Ms. Imtiena Ao, DDGF (C) and Member Secretary, gave a detailed presentation on the case's genesis, as well as the Oversight Committee's constitution, power, and overall responsibilities. She outlined the Committee's key responsibilities, which include the following:

- i. taking forward the compliance of the judgment of Hon'ble Supreme Court and further Orders of the Hon'ble NGT for preventing unscientific and unregulated mining;
- ii. handling the already mined material and all other incidental issues;
- iii. ensuring that no illegal/unauthorized mining takes place, keeping combat plan and mining mishap management plan ready to avoid eventualities;
- iv. taking necessary measures for rejuvenating contaminated streams and rivers;
- v. looking into the compliance reports dated 24.07.2020 and 30.09.2020 (pertaining to MEPRF and auction of coal) and
- vi. examining and taking necessary action on the latest report submitted by the Meghalaya Police with regard to crime statistics and other surviving issues which may emerge from the report or otherwise.

1. II. She also pointed out that the Hon'ble NGT in its Order dated 15.03.2020, The Oversight Committee has to submit periodical reports to the Secretaries of Mines, Coal and MoEF & CC,

GoI and also place the same on the websites of the State of Meghalaya and the MoEF&CC. She further talked on the setting up of Meghalaya Environment Protection and Restoration Fund (MEPRF) for which the Hon'ble NGT in its order dated 25th March 2015 in OA No. 73 of 2014 directed the State Government to collect 10% of the market value of the coal/ton in addition to the royalty and deposit the amount in the account known as Meghalaya Environment Protection and Restoration Fund (MEPRF). The fund collected under MEPRF is Rs. 445 crores.

1. III. She concluded by informing that there were 8 (eight) grievances filed before the Hon'ble NGT as well as the Original Applications relating to illegal coal mining in Meghalaya for which the Oversight Committee has to examine and settle the same.

2. Agenda No. 2. Presentation on 'action plan for restoration of environment in areas affected by coal mining in Meghalaya-activities and action taken' Mining and Geology Department, Government of Meghalaya.

The Chairman then invited the Govt. of Meghalaya, Mining and Geology Department to present the action taken by the State Govt. pertaining to directions by Hon'ble Supreme Court, Hon'ble NGT and outgoing NGT's Committee.

2. I. Dr. Manjunatha C, Secretary, Mining and Geology Department, Govt. of Meghalaya gave a descriptive presentation on the measures taken by the Government of Meghalaya to prevent the unscientific coal mining and illegal coal transportation which include the following:

- (i) The State Government of Meghalaya are enforcing the Provisions of the Mines and Minerals (Development & Regulation) Act, 1957 to control illegal coal mining and illegal transportation.
- (ii) Cases are being registered under Section-21 of Mines and Minerals (Development & Regulation) Act, 1957 against illegal coal mining and illegal transportation whenever detected.
- (iii) The Authorised officers have been notified by the Government under Section 21(4) of the MMDR Act, 1957 for seizing any mineral which has been mined or transported unlawfully along with vehicles, tools and equipment
- (iv) The Chief Secretary of Meghalaya has passed strict directions to Deputy Commissioners and Superintendent of Police to control illegal coal mining and enforce ban imposed by Hon'ble National Green Tribunal.

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- (v) A joint operation teams consisting of Police, Mining Department and Transport at the District level under supervision of respective Deputy Commissioner/Superintendent of Police have been formed with a mandate to seize and confiscate any illegal mines including machineries/equipment in all Districts where coal mining exist.
 - (vi) Regular raids and surprise inspection of mines are being conducted by Joint Patrolling Teams and District Special Task Forces.
 - (vii) The Deputy Commissioners have been issuing prohibitory orders to stop illegal coal mining/illegal transportation from time to time.
 - (viii) The Chief Secretary has issued directions to Police and DMR to increase patrolling in coal bearing areas, to register cases under Section 21 of MMDR Act, 1957 and to confiscate and sell seized coal, vehicles and equipment.
 - (ix) Directions have been issued to all the Deputy Commissioners and Superintendent of Police in coal bearing Districts to confiscate and sell the seized coal and trucks, dumpers, equipment. Patrolling and vigilance has been enhanced in coal bearing areas.
 - (x) A Monitoring Committee under chairmanship of Chief Secretary has been constituted for monthly monitoring and reviewing the actions taken and cases booked against illegal coal mining and transportation by Police and DMR.
 - (xi) Regular meetings of Monitoring Committee have been held to review the action taken and cases booked.

2. II. Regarding the E-auction of extracted coal by Coal India Limited (CIL), Dr. Manjunath informed that a comprehensive plan for handing of extracted coal to CIL for disposal by e-auction has been jointly prepared by the State Govt., and CIL and already approved by The NGT Committee and thereafter by the Hon'ble NGT. E-auction of coal will be conducted through online portal Meghalaya Coal Auction-MSTC E-Commerce. He further stated that earlier the NGT Committee have already approved auction of 2.00 lakh MT of coal in the pilot phase, and two auction events were successfully conducted and 78,000 MT coal has already been sold.

2. III. Dr. Manjunath informed the Committee about the Action Plan for restoration of environment in areas affected by coal mining in Meghalaya approved by The Hon'ble NGT which involves (i) restoration of rivers/streams, (ii) reclamation of degraded land, (iii) provisions of safe drinking water and (iv) rehabilitation of persons affected by coal mining.

2. IV. Dr. Manjunath also highlighted the permitted works under the MEPRF approved by Hon'ble NGT as per guidelines which include:

- i. Pilot projects on reclamation of abandoned coal mines by involving reputed institutes;
- ii. Engaging consultant to prepare master plan and provide consultancy service in the field of restoration of coal mining affected areas;
- iii. Sealing of entry of mines, which is not in use but has the potential of becoming productive mine in future;
- iv. Providing safe drinking water supply to coal mine affected villages;
- v. Providing compensation for loss of life or property due to coal mining; rrehabilitation of persons affected by coal mining activities in the State of Meghalaya and
- vi. Expenses towards strengthening regulatory framework to prevent illegal mining and illegal transportation of coal.

2. V. Responding to the report and actions taken by the State Govt., the Chairman of the Committee wanted to know why illegal mining is still prevalent in the State of Meghalaya in spite such measure/actions put in place by the state Government. Dr. Manjunath responded that the State Govt., is very serious and actions are being taken against defaulters in which already 301 cases were filed since March, 2019. He also informed that there is no active coal mining activities in the state at present. The Chairman then wanted that the State Government should submit month-wise statistics to the Oversight Committee on number of illegal coal mining reported, number of trucks seized, number of cases filed /prosecution etc. He also emphasized upon a comprehensive monitoring portal, centralized server where e-auction of coal should be linked to online portal of the Meghalaya State Pollution Control Board. The Chairman then requested Dr. Manjunath to share his presentations to all members for comments etc. He, further, requested the members present to offer comments and share their views on the presentations given so far.

2. VI. Shri B. K. Lyngwa, PCCF & HoFF, Govt. of Meghalaya informed the committee that the State Govt. has identified areas for afforestation and plantation for reclamation of coal affected areas to be taken up in the first phase. He also informed that a total area of 224.26 hectares spread over 9 districts of the state at a total cost amounting to Rs. 7.09 crores have already identified and submitted to the Committee for approval.

The Chairman requested the Govt. of Meghalaya, Forest Department to prepare a detail Plan detailing the total targeted areas to be reclaimed, phase-wise activity to be implemented

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along with timeline in the next 10 years and funds required for carrying out the plantation and reclamation works. The Chairman, stressed on the convergence of MEPRF with other States/Central Schemes such as funds from NAEB seeking clarity that items of work that can be done entirely/ partly by other Scheme/agencies can be combined for greater reach to reclaim/treat as much of the affected area as possible.

2. VII. Dr. Z. Changsan, Regional Director, CPCB, responding to Chairman's request to give his view on the action taken by the State Govt., stated that CPCB's duty is mainly to monitor water quality. He opined that there is a need for increasing the number of water monitoring stations. When asked if there has been any improvement in the quality of water so far, Dr. Changsan informed that there is not much improvement. When enquired about any suggestions that can be made, he stated that in Meghalaya, the main sources of water pollution are from abandoned coal mines, over-burdened and coal dumping sites. The Chairman requested the State Govt. to take necessary action in collaboration with CPCB to address the issues highlighted by Dr. Changsan.

2. VIII. The Chairman discussed regarding transportation of coal in Meghalaya, to which Shri S. Dutta, NEC, CIL informed that for transportation of coal, challans have to be issued first, however, issuing of challans has not yet started. The Chairman stated that issuing of challans it has to commence from the 1st October, 2021. Dr. P. Shakil Ahammed, Principal Secretary, Mining and Geology, Government of Meghalaya, requested for allowing more time for the launch. The Chairman agreed for the try run from 1st October 2021. The Chairman stressed the need for coming up with a user manual for the coal auction portal in generating the challans for easy use by the public. He also requested the State Govt. to sensitize the public on how to generate the challan. The SOPs should also be prepared. He further emphasized that the portal should be fully functional and go live by 15th of October, 2021.

2. IX. Prof S. C. Bhowmik, Deptt., of Mining Engineering, IIT informed that his department is involved mostly in academics and will contribute in the preparation of coal mining methods. The Chairman suggested that Prof. Bhowmik should co-ordinate with the Mining Deptt., of Meghalaya and CSIR-CIMFR and come up with a common approach regarding mining method so that the process gains momentum.

2. X. Shri S.C. Shankar, GM, Coal India Limited (CIL) informed that since CIL was given a mandate by the Hon'ble NGT for the initial process of the already mined coal, the involvement

of CIL would be a temporary one. He stated that the role of CIL is limited till the mined stock is marketed.

When Chairman enquired regarding the amount of stock left to be transported, the State Govt. informed that approximately 32 Lakh tones of coal is left to be transported. The Chairman stated that till such time the extracted coal will be exhausted, CIL will have to be associated with the committee.

2. X. Shri Ashok Kumar, Director of Mines Safety informed that before coal mining starts, a notice has to be issued for operating the mine. But so far no application has been received for operating the mine in the State of Meghalaya. As such, no notice has been issued by his Department. Dr. Manjunatha C informed that, as far as legal coal mining is concerned, only when mining lease is applied, intimation will be given to the Directorate of Mines Safety. The Chairman suggested that the State should sensitize the land owners/public regarding requirement of obtaining all necessary clearances such as Mining Lease whereby application has to be made to the Directorate of Mines Safety. He also pointed out that since the basic function of Oversight Committee is to see whether things are moving in the right direction on ground or as mandated by the Court, he emphasized that primary functions have to be carried out by respective Departments. He also suggested to draw action points of each of the issues, to have road maps and set time lines of each of the issues mentioned in the presentation. So far as utilization of the funds is concerned, he enquired whether MEPRF is a static figure. Responding to the same, Dr. Manjunath informed that some fund will be collected from the auction of extracted coal.

2. XI. Further discussions were made on road map for environment protection and mine restoration with estimated cost and time frame which shall be prepared by the State Government. Dr. Manjunatha C informed that the Hon'ble NGT has already approved the Action Plan along with fund allocation. He also mentioned that funds need to be recast. The activities under the action plan include:

- i. Prevention of human and animal deaths by accidental falling in coal mine shafts,
- ii. Prevention of Acid Mine Drain (AMD) generation,
- iii. Restoration of water quality in rivers/streams affected by AMD,

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- iv. Provision of safe drinking water in areas affected by AMD and
 - v. Biological reclamation of areas affected by coal mining.

The financial targets under the Action Plan include that which has to be borne by respective mine owners amounting to Rs. 16,190.00 lakhs, State Government Rs.76.78 Lakhs and MEPRF Funds Rs. 41,896.44 lakhs. Hence, the total funds allocated for implementation of Action Plan is Rs. 58,163.22 lakhs.

The Chairman has requested that the same should be revisited.

2. XII. It was also discussed in the meeting regarding the preparation of land-use and land cover map by the North Eastern Space Application Centre (NESAC) for which an amount of Rs. 90 lakhs was approved by NGT and sanctioned to NESAC. The Chairman directed the Member Secretary to take up the matter with NESAC for submission of these reports along with timeline for completion as many proposals including the preparation of road map for restoration is dependent on the completion of this exercise.

3. Agenda No. 3. Discussion on proposals submitted by Government of Meghalaya for utilization of Meghalaya Environment Protection and Restoration Fund.

3. I. The Member Secretary put forward two proposals for consideration and accord approval by the Committee, one submitted by the State Forest Department, Government of Meghalaya on afforestation of coal mining affected areas by conventional method; and the other submitted by Rain Forest Research Institute, Jorhat on the restoration of degraded coal mined land of Meghalaya through soil amendment and microbial technology. A brief presentation on the latter was given by the Member Secretary citing success stories of similar projects of RFRI in coal mined areas of Coal India Limited in Assam. Shri S. Dutta, GM, NEC Coal India Limited vouched the successful implementation of the restoration projects of RFRI implemented for their abandoned mine in Margherita, Assam.

3. II. The Chairman stated that the proposal submitted by the State Forest Department (SFD) will be considered in the subsequent meeting. However, considering the importance, necessity and feasibility of the work, and the proposal already recommended by the Technical Committee, the Oversight Committee granted approval of the project submitted by RFRI amounting to Rs. 58.92 lakhs.

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4. Other Issues.

4. I. Request was made by the Geology and Mining Department, Government of Meghalaya for recruitment of 4 (four) contractual staff to process file pertaining to coal mining in the state. Dr. Manjunatha C, Secretary, Mining and Geology Department, Govt. of Meghalaya informed that the Department is under staff and as per the revised guidelines for utilization of MEPRF Para 7 (3) recruitment of contractual staff are permissible. The Member Secretary, also requested the Committee to provide 2 (two) contractual staff to handle the files pertaining to the Oversight Committee, as MoEF & CC, IRO, Shillong is running without any technical supporting staff such as Research Assistant, Research Investigator and Research Officer.

4. II. The Oversight Committee, with agreement of all members, gave approval for appointment of 2 (two) Project Assistants, one each for the Geology and Mining Secretariat, Government of Meghalaya and Member Secretary of the Oversight Committee i.e. in the Integrated Regional Office, GoI, MoEF & CC Shillong, initially for a period of 6 (six) months. The qualifications and remunerations are to be fixed in line with existing norms of Government of India/Institutions like CSIR, DBT etc.

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

Sd/-
(Ravi Agrawal)
Additional Secretary, MoEF & CC and Chairman of Oversight Committee