

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 73/2014
And
M.A. No. 174/2014**

**All Dimasa Students Union Dima Hasao Dist. Committee
Vs.
State of Meghalaya & Ors.**

**CORAM: HON'BLE MR. JUSTICE DR. P. JYOTHIMANI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE DR. G.K. PANDEY, EXPERT MEMBER
HON'BLE PROF. (DR.) P.C. MISHRA, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

**Present: Applicant / Appellant : Mr. Arunabh Chowdhury, Mr. Parthiv Goswami and
Mr. Karma Dorjee, Advs.**

Date and Remarks	Orders of the Tribunal
Item No. 1 April 17, 2014	<p>We have heard learned Counsel appearing for the applicant.</p> <p>Considering the seriousness of the issue involved in this case, we are of the view that the Department of Mining represented through the Secretary of the State Government of Meghalaya as well as Ministry of Coal, Government of India, New Delhi to be impleaded as party respondent no. 7 to 8. Accordingly, the said parties are impleaded as party respondent no. 7 to 8. Registry to make necessary amendment in this regard. The applicant to file amended copy of the memo of parties.</p> <p>Admit. Issue Notice to the respondents including newly impleaded parties by registered post/acknowledgment due and Dasti as well. Notice returnable by the next date of hearing.</p> <p>Learned Counsel appearing for the applicant who is representing the All Dimasa Students Union and the Dima Hazao Dist. Committee has contended that this sort of rat-hole mining operations have been in practice in the Jaintia Hills of the State of Meghalaya many years without being regulated by any law and</p>

extraction of coal has been made by unscrupulous elements in a most illegal and unscientific manner. It is also informed that there are umpteen number of cases where by virtue of rat-hole mining, during the rainy season, water flooded into the mining areas resulting in death of many number of individuals including employees/workers.

One cannot say that an illegal act having been done for many years must be directed and such act is to be perpetuated and illegality cannot give any cause of action or any right to individual. Learned Counsel for the applicant has also brought to the notice of this Tribunal about the detailed report of Dr. O.P. Singh, Professor, Department Environment Studies, North-Eastern Hills University, Shillong, Meghalaya wherein he has discussed about the entire aspect of the coal mining in the State of Meghalaya. The learned Professor has stated while explaining about the coal mining in Jaintia Hills as follows:

“4.2.3. Coal Mining in Jaintia Hills

Extraction of coal has been taking place in all three regions, however major production occurs in Jaintia Hills. The mining activity in Jaintia Hills. The mining activity in Jaintia Hill is a small scale venture controlled by individuals who own the land Primitive mining method commonly known as ‘rat-hole’ mining is in practice in Meghalaya. In this method the land is first cleared by cutting and removing the ground vegetation and then digging pits ranging from 5 to 100 m² into the ground to reach the coal seam. Thereafter, tunnels are made into the seam sideways to extract he coal which is brought into the pit by using a conical basket or a wheel barrow manually. Coal seams are reached by excavating the side edge of the hill slopes and then coal is extracted through a horizontal tunnel. The coal from the tunnel or pit is taken out and dumped on nearby un-mined area, from where it is carried to the larger dumping places near highways for its trade and transportation.

Finally, the coal is carried by trucks to the larger dumping places near highways for its trade and transportation. Entire road sides in and around mining areas are used for piling of coal which is a major source of air, water and soil pollution. Off road movement of trucks and other vehicles in the area causes further damage to the ecology of the area.

Every year new areas are brought under mining and area under coal mining in Jaintia Hills is increasing day-by-day as shown in figure 4.5.”

A reading of the said scientific study made by learned Professor on the subject shows an alarming situation existing in the State of Meghalaya especially in the Jaintia Hills wherein the rat-hole mining has been in practice for a long time. We are of the considered view that such illegal and unscientific method can never be allowed in the interest of maintaining ecological balance of the country and safety of the employees. It is also brought to the notice this Tribunal that by such illegal mining of coal neither the Government nor the people of the country are benefitted. It is only the coal mafias who are getting benefit by following this sort of illegal activities.

We are of the considered view that this act should be condemned and in any event such illegal activities are to be put to an end and the State of Meghalaya should come forward with an appropriate scheme and the statutory rules. Even though, in this application the applicant has restricted himself in respect of rat-hole mining operations in Jaintia Hills of the State of Meghalaya, we are of the view that if in the entire State of Meghalaya such illegal and unscientific operations of rat-hole mining are taking place, the same shall also be put to an end in the interest of people of the area and also people working in the mines for their safety as also for the protection of environment.

Accordingly, while admitting the application, we direct the Chief Secretary, Government of Meghalaya and the Director General of Police, State of Meghalaya to ensure that rat-hole mining/illegal mining is stopped forthwith throughout the State of Meghalaya and any illegal transport of coal shall not take place until further orders passed by this Tribunal. The Director General of Police, State of Meghalaya is also directed to report to this Tribunal about the compliance of the order by the next date of hearing.

Stand over to 19th May, 2014.

Registry to issue copy of this order by Dasti.

....., JM
(Dr. P. Jyothimani)

....., JM
(M.S. Nambiar)

....., EM
(Dr. G.K. Pandey)

....., EM
(Prof. (Dr.) P.C. Mishra)

....., EM
(Ranjan Chatterjee)

