

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA
ORIGINAL JURISDICTION
O.A. NO. 177 OF 2024**

IN THE MATTER OF:

News Item titled "Ri Bhoi village
troubled by stone quarries"

Appearing in Meghalaya dated 05.07.2024"

... Applicant

Versus

Central Pollution Control Board & Ors.

...Respondents

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Filed By:

Dated: 27.11.2024



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UP/01066/2009

X

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... Respondents

REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 3 & 4

I, Theophilus Wanniang, IFS, s/o Late Shri M. Lyngkhoi, aged about 59 years, Chief Conservator of Forests (Territorial), in the Forest & Environment Department, Government of Meghalaya, having office at Sylvan House, Lower Lachumiere, Shillong, Meghalaya – 793 001, do hereby solemnly affirm and state as under:

That I am presently posted as Chief Conservator of Forests (Territorial), in the Forest & Environment Department, Government

SI/Instrument No 60
Date 26.11.2024



~~X~~

of Meghalaya and as such I am conversant with the facts and records of the present case in my official capacity. I am competent and authorized to swear this affidavit on behalf of both Respondent No.3 (Principal Chief Conservator of Forest) and Respondent No.4 (Deputy Commissioner, Ri-Bhoi District).

2. That the Principal Bench of this Hon'ble Tribunal has taken suo-moto cognizance of a news report published in 'Meghalaya' on 05.07.2024 titled as "Ri-Bhoi village troubled by stone quarries", where it is alleged that the 'Nongthymmai-Garo' village of Ri-Bhoi District is troubled by stone quarrying which is causing pollution in the nearby area and transferred the case to this Hon'ble Bench.
3. That at the outset, it is most respectfully submitted that the allegations contained in the news article have not been found to be correct on a joint physical inspection of the site and the nearby areas conducted by the District Level Task Force constituted by the Government of Meghalaya vide notification No.FOR.CC/14/2019/2019/188 dated 12.01.2022 along with the officials of the Meghalaya State Pollution Control Board (MSPCB) from 11.09.2024 to 13.09.2024. A copy of the notification constituting the District Level Task Force by the State Government





vide notification No.FOR.CC/14/2019/2019/188 dated 12.01.2022 is annexed herewith and marked as **ANNEXURE R/1**.

4. That the report of the joint inspection team of District Level Task Force and MSPCB for inspection conducted from 11.09.2024 to 13.09.2024 of Nongthymmai Garo village and surrounding areas does not reveal any illegal quarrying activity. Rather, the villagers including the headman of the village were interviewed by the inspection committee and their statements revealed that there is no illegal quarrying as alleged in the news article.
5. That the main findings of the report of the joint inspection team are as follows:
 - a. Currently, there are no stone quarries operating in the Nongthymmai Garo village;
 - b. One illegal quarry was detected operating in that village few years ago which has already been closed and criminal complaint against the operator is pending before the Court of jurisdiction. Further, environmental compensation has also been imposed by MSPCB on that quarry owner.
 - c. Nearest stone quarry which was shown in the news article is a quarry which has a valid existing lease alongwith all requisite environmental clearances;





- d. There are no complaints made by the villagers against the Maikhuli Stone quarry ,which is operating at a distance from the village, and that too downhill from the Nongthymmai Garo village;
- e. River Childima is not located in the Nongthymmai Garo village. The aerial distance of river Childima from Nongthymmai Garo village where Maikhuli Stone quarry is located is about 4-5 km;
- f. Even an earlier committee constituted by this Hon'ble Tribunal in O.A. No.49/2019 (EZ) comprising members of CPCB, MSPCB and IIT Guwahati had inspected the Maikhuli Stone Quarry in the year 2021 and found no violation of environmental norms by that quarry.

A copy of the report of the joint inspection conducted by the District Level Task Force and MSPCB along with copy of statement of the Headman of the Nongthymmai Garo village are annexed herewith and marked as **ANNEXURE R/2** and **ANNEXURE R/3**.

6. That it is most respectfully submitted that this Hon'ble Tribunal on a similar complaint of alleged muck disposal by stone quarries in Ri-Bhoi District in case bearing O.A. No.48/2019 (EZ), has been pleased to constitute a committee consisting of Senior Scientists of





CPCB and MSPCB along with one Professor from IIT, Guwahati which conducted its study in the area, including the functioning of Maikhuli Stone Quarry which is the only operational stone quarry in the vicinity of Nongthymmai Garo village and found that the said quarry is not violating any pollution norms. A copy of report dated 18.10.2021 of the committee constituted by this Hon'ble Tribunal in O.A. No.48/2019(EZ) is annexed herewith and marked as **ANNEXURE R/4.**

7. That it is most respectfully submitted that the MSPCB in their affidavit in the present matter have enclosed their study reports pertaining to ambient air quality test, water quality test and noise standards test of the concerned area dated 15.06.2024 and 13.09.2024 and the test reports have not shown any anomaly.
8. That it is thus most respectfully prayed that the above information may kindly be taken on record and the application may kindly be disposed of with appropriate orders as deemed fit by this Hon'ble Tribunal.

It is prayed accordingly.




DEPONENT
T. Wanniang, IFS
Chief Conservator of Forest (Territorial)
Forest & Environment Department
Government of Meghalaya

**VERIFICATION:**

Verified at Shillong on this 26th day of November 2024 that the content of the above affidavit is true and correct to the best of my knowledge and belief based on official records of the Government of Meghalaya and that nothing is false and no material is concealed therefrom.


DEPONENT

T. Wanniang, IFS
Chief Conservator of Forest (Territorial)
Forest & Environment Department
Government of Meghalaya



**GOVERNMENT OF MEGHALAYA
FOREST AND ENVIRONMENT DEPARTMENT**



ANNEXURE R/1

ORDERS BY THE GOVERNOR
NOTIFICATION

Dated Shillong, the 12th January, 2022.

No. FOR.CC/14/2019/188 – In compliance of the order of Hon'ble NGT in O.A. No. 360/2015 dated 26.02.2021, District Level Task Force is hereby constitute in every district of the State of Meghalaya of the following composition to check illegal mining and transport of minor minerals:

1.	Deputy Commissioner/District Magistrate	Chairman
2.	Superintendent of Police	Member
3.	Divisional Forest Officer(Territorial)	Member Secretary
4.	District Transport Officer	Member
5.	Representative of Meghalaya State Pollution Control Board	Member
6.	Executive Engineer, Water Resources Department	Member
7.	Divisional Mining Officer	Member
8.	Two independent members who may be a retired Govt. official or teacher/ex-service man/ex-judiciary member to be nominated by the Chairman.	Members

Duties of the District Level Task Force:

- (i) The District Level Task Force shall keep regular watch over mining activities in relation to minor minerals and movement of minor minerals in the district and shall meet at least once in a month to take stock of the situation.
- (ii) Take steps to prevent illegal mining /quarrying and transport of minor minerals (sand, boulderstone, stones, gravel etc.)
- (iii) To collect/review information /cases/issues to illegal mining/ quarrying of minor minerals.
- (iv) Recommend revoking mining lease or environmental clearance in cases of minor minerals where the conditions of Mining Leases or Environmental Clearance has been violated.
- (v) The District Level Task Force shall be at a liberty to constitute independent committee of experts to assess environmental or ecological damage caused by illegal mining and recommend recovery of environmental compensation from the miners of such minor minerals. Such recommendation may also include action under the provisions of E (P) Act, 1986.

- (vi) Take necessary action under the Mines and minerals Development and Regulation) Act, 1957 and the Meghalaya Minor Mineral Concession Rule, 2016 in case of those indulging in illegal mining/ quarrying and transport of minor minerals.
- (vii) The District Level Task Force shall have regular meeting preferably every month.
- (viii) The location and number of check post requirement shall be reconciled by the District Level Task Force.

Sd/-
(Syed Md.A.Razi, I.R.T.S)
Commissioner & Secretary to the Govt. of Meghalaya,
Forests & Environment Department.

Memo No. FOR.CC/14/2019/188-A

Dated Shillong, the 12th January, 2022.

Copy to:-

1. The P.S. to the Minister, Forest & Environment Department, for kind information of the Hon'ble Minister.
2. The P.S. to the Speaker, Meghalaya Legislative Assembly, for kind information of the Hon'ble Speaker.
3. The P.S. to the Leader of Opposition, Meghalaya Legislative Assembly for kind information of the Hon'ble Leader of Opposition.
4. The P.S. to the Chief Secretary, Meghalaya, Shillong for information.
5. The Principal Chief Conservator of Forests & HoFF, Meghalaya, Shillong.
6. The Principal Secretary to the Govt. of Meghalaya, Water Resources Department for information.
7. The Director General of Police, Meghalaya, Shillong.
8. The Commissioner & Secretary to the Govt. of Meghalaya, Forest & Environment Department for information.
9. The Commissioner & Secretary to the Govt. of Meghalaya, Transport Department for information.
10. The Member Secretary, Meghalaya State Pollution Control Board, 'ARDEN' Lumpynggad -793014.
11. The Director of Mineral Resources, Risa Colony, Shillong, Meghalaya 793014.
12. All Deputy Commissioners for information.
13. All Superintendent of Police for information.
14. The Director, Printing and Stationery with a request to publish in the Meghalaya Gazette.
15. All Divisional Forest Officers(Territorial) for information.
16. All District Transport Officers for information.
17. Senior System Analyst, NIC, Meghalaya, Shillong.

By Order etc.,

Secretary to the Govt. of Meghalaya.
Forests & Environment Department.



19/9/24
GOVERNMENT OF MEGHALAYA
DEPARTMENT OF FORESTS & ENVIRONMENT
OFFICE OF THE DIVISIONAL FOREST OFFICER: EAST KHASI HILLS &
RIBHOI TERRITORIAL DIVISION: SHILLONG



NO.KH/1/235/Pt/ 2996

Dated Shillong, the 17th /Sept/2024

To,
The Divisional Forest Officer,
East Khasi Hills & Ri-Bhoi (T) Division,
Shillong.

Divisional Forest Officer,
East Khasi Hills & Ri-Bhoi (T) Division,
Shillong
Regd. No. 3203
Date of 19/9/24
File No.

Subj: Original Application No. 1008/2024 in the matter of News item titled "Ri-Bhoi Village troubled by stone quarries" appearing in the Meghalaya dated 05.07.2024.

Ref: No.KH/1/235/Pt-II/2736-744 dt. 05.09.2024.

Sir,

In compliance to the letter No. cited above, I am enclosing herewith the Inspection Report of District Level Task Force (DLTF) for checking of Illegal Stone Mining in Ri-Bhoi District which was conducted on the 11.09.2024, for favour of your kind information and necessary action.

Enclosed: As above.

Yours faithfully,

MH
Assistant Conservator of Forests (HQ),
O/o Divisional Forest Officer
East Khasi Hills & Ri-Bhoi (T) Division,
Shillong.

Memo NO.KH/1/235/Pt/

Dated Shillong, the ____/Sept/2024

Copy to:

1. Ms. Lalchandami Marak, Junior Rural Development Officer (JRDO) Umling C & RD Block, representing the O/o the Deputy Commissioner, Cum Chairman DLTF Ri-Bhoi District for favour of her kind information.
2. Shri. Y.F. Laloo, Environmental Engineer representing the O/o Meghalaya State Pollution Control Board, Shillong for favour of his information
3. Shri J. Myrom, MPS, Additional Superintendent of Police, O/o the Superintendent of Police Cum Member Secretary DLTF, Ri Bhoi District for favour of his information
4. Shri. L. Pahsyntiew, JE, O/o The Executive Engineer Water Resource, Ri Bhoi District for favour of his information
5. The Range Forest Officer i/c Byrnihat A/c Beat for favour of his information and necessary action.

Assistant Conservator of Forests (HQ),
O/o Divisional Forest Officer
East Khasi Hills & Ri-Bhoi (T) Division,
Shillong.

~~NO~~

**INSPECTION REPORT OF DISTRICT LEVEL TASK FORCE (DLTF) FOR
CHECKING OF ILLEGAL STONE MINING IN THE DISTRICT OF RI BHOI**

In pursuance to the order of the Hon'ble NGT Original Application No. 1008/2024 in the matter of News Titled "Ri Bhoi village troubled by Stone Quarries" appearing in the Meghalaya Monitor dated 05-07-2024, the District Level Task Force, Notified as per Government Notification No FOR.CC/14/2019/2019/188 dated 12.01.2022, has been directed to carry out the Joint inspection on the dates 11.09.2024 to 13.09.2024 to identify and combat illegal mining/quarrying in the District of Ri Bhoi vide No. KH/1/235/Pt-II/2736-744, dated the 5th of September 2024.

The Site inspection was carried out by a committee comprising the following officials:

1. Ms. Lalchandami Marak, Junior Rural Development Officer (JRDO) Umling C & RD Block, representing the O/o the Deputy Commissioner, Cum Chairman DLTF Ri-Bhoi District.
2. O/o the Divisional Forest Office, East Khasi Hills & Ri-Bhoi (T) Division, Shillong representing by Shri. S. Kharbudnah, Divisional Forest Officer, East Khasi Hills & Ri-Bhoi (T) Division accompanied by Shri Shri. S Majhong, Assistant Conservator of Forests and Shri S. Shullai Range Forest Officer, Byrnihat Range.
3. Shri. Y.F. Laloo, Environmental Engineer representing the O/o Meghalaya State Pollution Control Board, Shillong.
4. Shri J. Myrom, MPS, Additional Superintendent of Police, O/o the Superintendent of Police Cum Member Secretary DLTF, Ri Bhoi District.
5. Shri. L. Pahsyntiew, JE, O/o The Executive Engineer Water Resource, Ri Bhoi District

D) ISSUES COVERED IN THE MEDIA ARTICLE

As per the news article it was stated that Ri-Bhoi Village trouble by Stone Quarries stating "Several Quarries near Nongthymmai-Garo are destroying local ecology & Disturbing a peaceful life". Hence the inspection was carried out inside the Nongthymmai-Garo village.

In the News Article it was stated that:

- i) A large part of the community forest has been cut down to facilitate quarrying leading to destruction of the local ecology.

Name & Designation of the inspecting official:

Smti. L. Marak, MCS

Shri. S. Kharbudnah, IFS

Shri Shri. S Majhong, MFS

Shri S. Shullai, RFO

Shri. Y.F. Laloo, Environmental Engineer

Shri J. Myrom, MPS,

Shri L. Pahsyntiew, JE



Judge. The violator was subsequently penalised by MSPCB vide letter No MPCB/GEN-327(Vol-I)/2021/2021-2022/2 dated 20th October 2021.

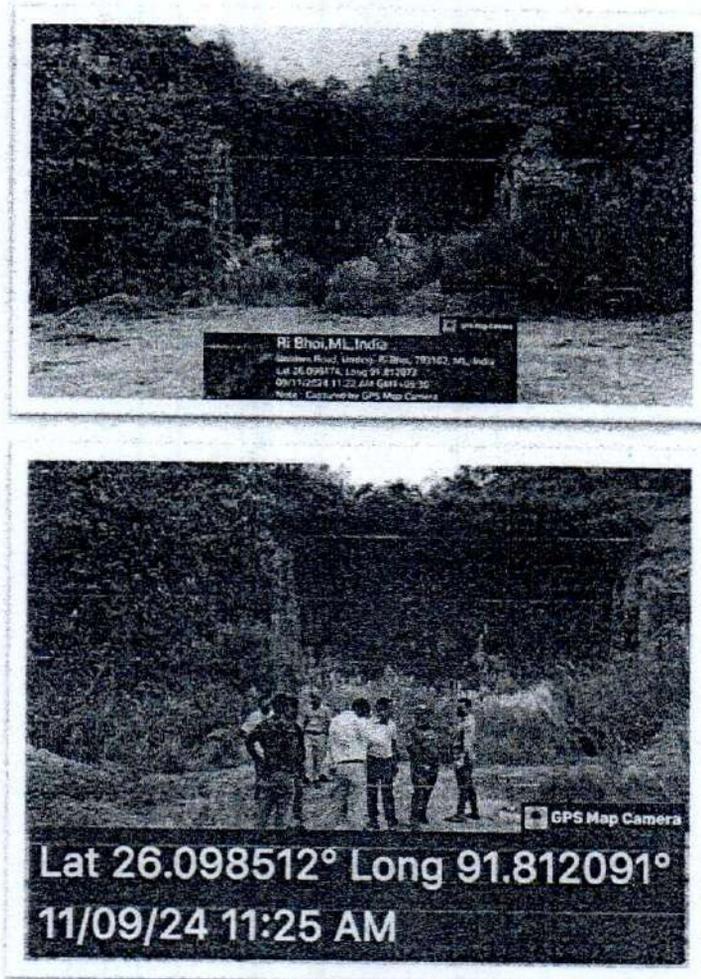


Photo: Abandoned Mine

Note: From the above Photo it was observed that the excavated mine has been covered with shrubs, grasses & other vegetative indicating that the mine has been abandoned

III) INTERACTION WITH THE VILLAGE AUTHORITIES

Further, the DLTF Team met the Village Headman of Nongthymmai-Garo, Shri Sengsal G Momin and during the course on interaction with him he stated as follows:

- i) Regarding stone quarries in the village, he stated that there are no stone quarries in the village.
- ii) Regarding community forest land in the village, he said that there are no forest land in the village and all lands are private agricultural land being used primarily for plantation of rubber and areca nuts.

Name & Designation of the inspecting official:

Smti. L. Marak, MCS

Shri. S. Kharbudnah, IFS

Shri Shri. S Majhong, MFS

Shri S. Shullai, RFO

Shri. Y.F. Laloo, Environmental Engineer

Shri J Myrom, MPS,

Shri L. Pahsyntiew, JE

Regarding Chidilma river, he said that Chidilma river doesn't flow through their village.

As for respiratory diseases in the village, he stated that he is not aware of any respiratory problems, however safe drinking water is a major concern.

With regard to land ownership of stone quarry, he said that he has not granted any NOC for stone quarry in his village.

Further, the Village headman was shown the photograph of the stone quarry which came in the news portal, he said that the photograph belongs to M/s Maikhuli Stone Quarry owned by Smti. Lumlant Shylla which is located at the adjoining village of Maikhuli Village and not under his village.

IV) INTERACTION WITH THE VILLAGERS:

The following villagers whose houses are at the northern side of the Nonthymmai Garo Village (i.e. closest habitation to the Stone Quarry) were asked to depose in front of the DLTF by the Village Headman.

- i) Smti Sainnal Sangma
- ii) Smti Seren Marak
- iii) Smti Butuli A Sangma
- iv) Shri Semel Marak

Copy of the Statement of the Headman which is recorded on site is attached at ANNEXURE -A

V) INSPECTION OF M/S MAIKLHULI STONE QUARRY OF SMTI LUMLANT SHYLLA.



Name & Designation of the inspecting official:

Smti I. Marak, MCS

Shri S. Kharbudnah, IFS

Shri Shri S. Majhong, MFS

Shri S. Shullai, RFO

Shri. Y.F. Laloo, Environmental Engineer

Shri J. Myrom, MPS,

Shri L. Palsyntiew, JE

Smti Yorika Shylla, daughter of Smti. Lumlang Shylla also stated and inform the followings: -

- i) In addition to all legal permissions, a copy of the shot firer license vide No. E/EG/MG/30/144(E89152) were produce which was issued by the Dy Chief Controller of Explosives to Shri Wanriskhem Kharmawlong who is a blaster, resident of Maikhuli Village, Meghalaya - 793101. He appears to be an experienced shot firer having shot firer license from 13.10.2015 and valid till 13.10.2025 after renewal.
- ii) Since the photograph appears in the News Portal belong to her quarry, she was asked whether there is any person with whom she may have resentment, she said that there are many people with whom they have had dispute since they own 345 acres of ancestral land in the village but numerous encroachers have occupied different parcels of their land over time as they don't have enough money to make walls around their vast land. They have also filed multiple cases on many people and several civil matters for their land dispute are pending in various civil courts of Meghalaya.
- iii) She stated that her mother is quite aged and they have hired a contractor named Abhinav Surekha for mining work as he is an engineer and can conduct mining operations safely in the multiple mining pits of their stone quarry.
- iv) The DLTF team inquired about the lack of big trees present in the safety zone of the stone quarry to which she replied that earlier they tried many times to grow different species of trees but due to lack of natural thick layer of soil no big trees species grew. Last year they had planted above 300 trees after putting thick layer of soil and some compost as fertilizers but most of the trees were eaten by the goats being farmed in nearby villages. This monsoon they have again planted above 300 trees and put fencing around the same which appears to be growing well at present. Also, along the haul road, hundreds of young trees planted with fencing and agronet were visible.

Name & Designation of the inspecting official:

Smti. L. Marak, MCS

Shri. S. Kharbudnah, IFS

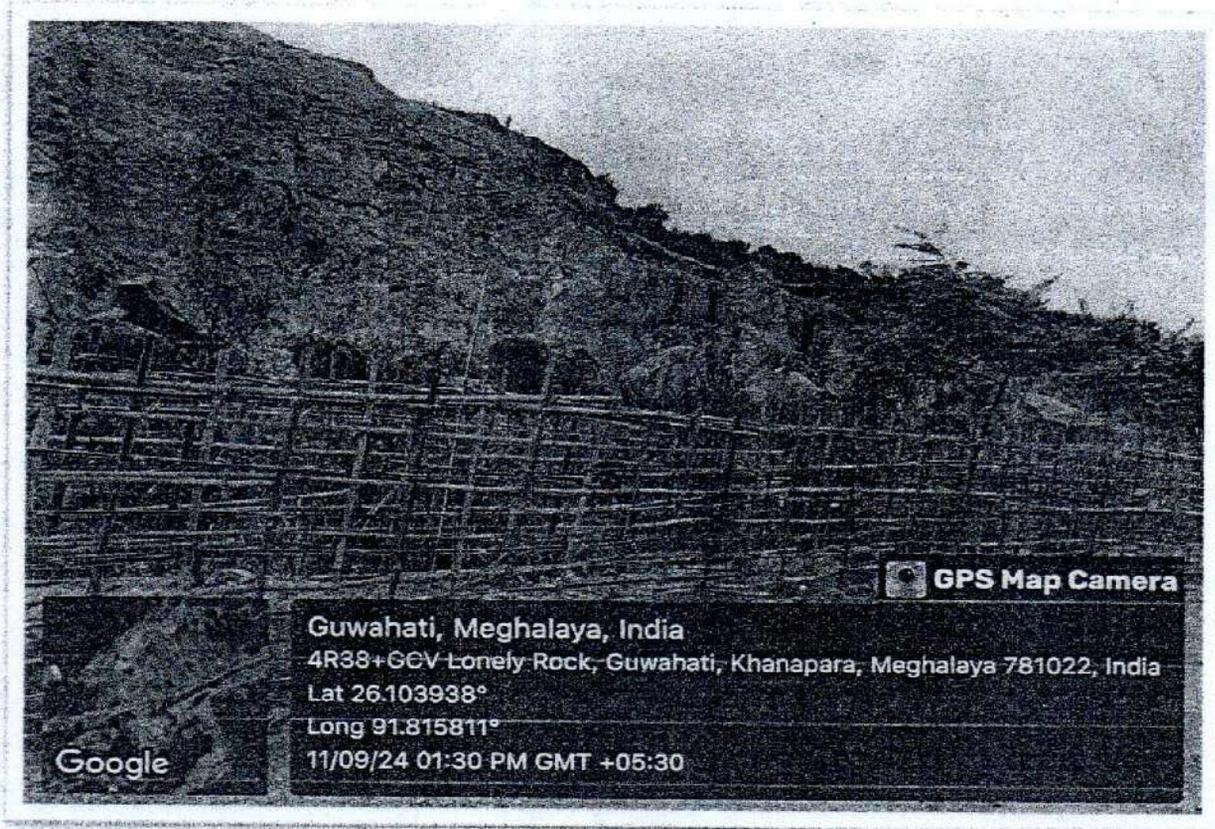
Shri Shri. S Majhong, MFS

Shri S. Shullai, RFO

Shri. Y.F. Laloo, Environmental Engineer

Shri J. Myrom, MPS,

Shri. L. Pahsyntiew, JE



Photograph of the Safety Zone plantation along the haul road of the stone quarry

- v) The inspection team also instructed to make multiple water sumps in the quarry for collection of rain water due to the width of the mining face, so that silt content in water can be controlled better during heavy rainfall.
- vi) She was also directed that removal of top soil should not be done during the monsoon season and she stated that they have never removed soil during monsoon and this direction will be strictly adhered to.
- vii) She was instructed to hire more people from Nongthymmai Garo, as per request of the headman of Nongthymmai Garo, to which she stated that during monsoon season their operations are already subdued and it is financially difficult to hire more people at this time. She however assured the team that more people will be hired post monsoon.

VI) THE FINDINGS OF THE DISTRICT LEVEL TASK FORCE IS AS FOLLOWS: -

1. There are no stone quarries operational in the village of Nongthymmai-Garo

Name & Designation of the inspecting official:

Smti. L. Marak, MCS

Shri. S. Kharbudnah, IFS

Shri Shri. S Majhong, MFS

Shri S. Shullai, RFO

Shri. Y.F. Laloo, Environmental Engineer

Shri J.Amyrom, MPS,

Shri.L.Pahsyntiew, JE

2. One illegal quarry which was detected in this village was from few years back and is owned by Shri. Stephen Basumaty and DFO had initiated legal proceedings against the same in the court of the District and Sessions Judge and the same the MSPCB has already imposed an Environmental Compensation.
3. The nearest stone quarry, which was pictured in the media article belongs to Smti Lumlang Shylla and is a legal stone quarry which is in Maikhuli Village and they have all requisite documents.
4. The photograph of the quarry which appear in the media belongs to Smti. Lumlang Shylla, M/s Maikhuli Stone Quarry and it appears that the photo might have been taken from top hill of Nongthymmai Garo Village which is at an approximate distance of about 300 meters from the blasting face of the stone quarry.
5. It appears that no complains in the village of Nongthymmai Garo against the operations of the stone quarry of Smti. Lumlang Shylla.
6. The stone quarry is far from any houses and the village of Maikhuli is at a lower altitude to Nongthymmai Garo. The possibility of fly rock or vibration or stone dust reaching the village of Nonthymmai Garo looks unlikely.
7. The inspection report of the Range Forest Officer dated 23.01.2015 comprehend that the neighbouring areas does not have any houses, village, streams, rivers and PWD roads.
8. The expert committee established by Hon'ble Tribunal in October 2021 comprising of Senior people from IIT Guwahati, MSPCB and CPCB had scrutinised this stone quarry regarding muck disposal and didn't give adverse remarks.
9. Also, the river Chidilma is not located in the village of Nongthymmai Garo and appears to be situated about 4-5 Km aerial distance from this stone quarry of Smti. Lumlang Shylla.
10. Attendance Sheet is enclosed as **Annexure- I**
11. Video recording of the Headman and the villagers are enclosed as **Annexure-II**
12. Questionnaire to the villagers is enclosed as **Annexure-III**
13. Report of the expert committee established by the Hon'ble Tribunal in October, 2021 comprising of Senior people from IIT Guwahati, MSPCB, CPCB are enclosed as **Annexure-IV**

Name & Designation of the inspecting official:

Smti. L. Marak, MCS

Shri. S. Kharbudnah, IFS

Shri Shri. S Majhong, MFS

Shri S. Shullai, RFO

Shri. Y.F. Laloo, Environmental Engineer

Shri J.Myrom, MPS,

Shri L. Pahemtiow, JE

Statement of the Nongthymai Garo village
District Ri-Bhoi Meghalaya ~~X~~

I, Shri Sungsat Inomin Headman of the Nongthymai village Statement here that Today 11th September 2024, Enquiry at Nongthymai Garo village has no running quarry since 12 years. That on the same date District task force had conducted site inspection on the Boundary of the Nongthymai Garo village and found no active stone quarry areas within the jurisdiction of the Nongthymai Garo village.

Signature of the
Headman

~~Headman~~
Nongthymai (Garo) Village Durbar
Hima Myliem-Raid Marwet
Ri-Bhoi Dist., Meghalaya

Signature of the
Secretary.

Xenobant Sangma

Secretary

Nongthymai (Garo) Village Durbar
Hima Myliem - Raid Marwet
Dist. Ri-Bhoi, Meghalaya

Witness

- 1 Francis Sangma
- 2 Lamrithum K. Marwet

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During the site inspection, the following questionnaire were asked to the villagers in the presence of the District Level Task Force Team

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Q1. How many stone quarries are there in the village?

Ans. There are no stone quarries in the Mungthymmai Garo village. One quarry was there earlier which had been closed down by the government few years back.

Q2. Are there any stone quarries nearby?

Ans. There are no stone quarry in the village area except only one stone quarry in the adjoining Maikhuli village belonging to Smti. Lumlang Shylla.

Q3. Is there any Community Forest in the village?

Ans. There are no Community Forest in the village and all lands in the village are privately agricultural land being used for plantation of rubber and cocoa nuts.

Q4. Where is the Chidilma River?

Ans. Chidilma River does not flow through the village. It is about 7-8 Km away from the village.

Q5. Are there people in the village contracted with respiratory diseases?

Ans. No respiratory diseases have been contracted in the village

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10X

Q6. Are there land in the village given on lease for Stone quarry?

Ans. There are no land in the village lease for Stone quarry.

Q7. The photograph of the Stone quarry that comes in the news paper belong to whom?

Ans. The photograph of the Stone quarry which comes in the newspaper is in Naikhuvi village and is owned by Smti. Lumlang Shylla.

Q8. Are there any Complaint of Stone quarry of Smti. Lumlang Shylla?

Ans. There are no Complaints related to the Stone quarry of Smti. Lumlang Shylla.

Q9. Is there blasting heard carried out at night?

Ans. No blasting is heard being carried out at night.

Q10. Are there any fly rock coming from blasting of the Stone Quarry of Smti. Lumlang Shylla?

Ans. There are no fly rock coming out from blasting of Stone quarry of Smti. Lumlang Shylla.

Q11. Are there damage houses due to vibration from blasting in the Stone quarry of Smti. Lumlang Shylla?

Ans. There are no house damages caused by vibration from blasting of Stone quarry of Smti. Lumlang Shylla.

1. Serun M. Marak

2. Semel R. Marak

3. Samnal Sengma

4. Butuli Sengma



Typed copy

STATEMENT OF THE NONGTHYMAI GARO VILLAGE

DISTRICT RI-BHOI MEGHALAYA

I, Shri Sengral Momin, Headman of the Nongthymmai village state here that Today 11th September 2024, Enquiry at Nongthymmai Garo village has no running quarry since 12 years that on the same date District task force had conducted site inspection on the boundary of the Nongthymmai Garo village and found no active stone Quarry was within the jurisdiction of the Nongthymmai Garo village.

Sd/-
Signature of the Headman
Seal
Headman
Nongthymmai (Garo) Village Durbar
Hima Myllem-Raid Marwet
Ri-Bhoi Dist., Meghalaya

Signature of the Secretary
Sd/-
Secretary
Seal
Secretary
Nongthymmai (Garo) Village Durbar
Hima Myllem-Raid Marwet
Ri-Bhoi Dist., Meghalaya

Witness

1. Sd/- Florencis Sangma
2. Sd/- Ioamri(illegible)



During the site inspection, the following questions were asked to the villagers in the presence of the district level task force team

Q.1 how many stone quarries are there in the village?

Ans. There are no stone quarries in the Nongthymmai Garo village. One Quarry was there earlier which had been closed down by the government few years back.

Q.2 Are there any stone quarries nearby?

Ans. Are no stone quarry in the village area except only one stone quarry in the adjoining Maikhuli village belonging to Smti. Lumlang Shylla.

Q.3 Is there any community forest in the village?

Ans. There are no community forest in the village and all the lands within village or privately agricultural land being used for plantation of rubber and areca nuts.

Q.4 where is the Chidilma river?

Ans. Chidilma River at does not flow through the village. It is about 7-8 kms. Away from the village.

Q.5 are there people in the village contracted with respiratory diseases?

Ans. No respiratory diseases have been contracted in the village.

Q.6 are there land in the village given on lease for stone quarry?

Ans. There are no land in the village lease for stone quarry.



Q.7 the photograph of the stone quarry that comes in the news portal belongs to whom?

Ans. The photograph of the stone quarry which come in the news portal is in maikhuli village and is owned by Smti. Lumlang Shylla.

Q.8 are there any complaint of stone quarry of Smti. Lumlang Shylla?

Ans. There are no complaints related to the stone quarry of Smti. Lumlang Shylla.

Q.9 Is there blasting heard carried out at night?

Ans. No blasting is heard being carried out at night.

Q.10 are there any fly rock coming from blasting of the stone quarry of Smti. Lumlang Shylla?

Ans. There are no fly rock coming out from blasting of stone quarry of Smti. Lumlang Shylla.

Q.11 there damaged houses due to vibration from blasting in the stone quarry of Smti. Lumlang Shylla?

Ans. There are no house damage caused by vibration from blasting of stone quarry of Smti. Lumlang Shylla.

1. Serum M. Marak
2. Semil R. Marak
3. Samual Sangma
4. Putuli Sangma

~~23~~

A REPORT OF THE COMMITTEE TO LOOK INTO THE ISSUE OF
MUCK DISPOSAL FROM THE STONE QUARRIES OF
MEGHALAYA INTO THE GUWAHATI CITY AND ITS
SURROUNDINGS.

IN COMPLIANCE
WITH THE ORDER OF THE HON'BLE NGT DATED 02-08-2021
IN THE MATTER OF ORIGINAL APPLICATION NO. 43/2019 (EZ)

JITUL DEKA
VS
UNION OF INDIA & ORS,

18th October, 2021



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Executive Summary

In pursuance of the NGT order dated 02-08-2021 in the matter of Original Application No. 48/2019 (EZ) - Jitul Deka Vs Union of India & Ors, the Governor of Meghalaya vide Notification No.FOR.CC.26/2019/Pt-III/6 dated Shillong, the 5th October, 2021 has constituted a committee to look into the issue of muck disposal from the stone quarries of Meghalaya into the Guwahati city and its surroundings with the following members:

- (i) A Senior Scientist from the Central Pollution Control Board, Regional Office, Shillong
- (ii) A Senior Scientist from the Meghalaya State Pollution Control Board
- (iii) A Professor from IIT Guwahati, Department of Civil Engineering

Terms of Reference for this Committee are as follows:

- (i) Amount of muck disposed due to illegal quarries;
- (ii) Loss caused to the environment on account of muck on land and water bodies;
- (iii) Calculate the Environmental Compensation due to degradation of the environment; and
- (iv) Suggest remedial measures for restitution of the environment caused due to muck disposal.

The Meghalaya State Pollution Control Board shall be the Nodal Officer for filing the report of the Committee and for all logistic purposes.

The Committee Members visited the sites on 9th October, 2021 close to the Assam-Meghalaya border for looking into the issue of muck disposal from the stone quarries of Meghalaya into the Guwahati city and its surroundings.

During its field visit/inspection of four locations viz. Dipor Bil, Moina Khurung and Garokhuli in Kamrup District, Assam, and Maikhuli, Khanapara in Ri Bhoi District, Meghalaya, it was observed that no physical changes taking place around the tributaries of the Deepor Bil Lake and to the Deepor Bil Lake in particular.

In view of the above, the Committee would like to seek the assistance of the petitioner or its authorised representative to lead the Committee to the locations in and around Guwahati city where muck from illegal stone quarry operations carried out in the state of Meghalaya is being disposed of through water streams or being dumped as solid wastes intentionally. For this purpose, the Meghalaya State Pollution Control Board is being requested to fix a convenient date and time for the petitioner or its authorised representative and the Committee members for making another round of site-cum-inspection visit. It will also be highly appreciated, if a representative of Pollution Control Board of Assam is invited during the next site visit.

1. **Mandate:** The NGT vide order dated 02-08-2021 in the matter of Original Application No. 48/2019 (EZ) – Jitul Deka Vs Union of India & Ors directed to constitute a committee comprising of (i) A Senior Scientist from the Central Pollution Control Board, Regional Office, Shillong (ii) A Senior Scientist from the Meghalaya State Pollution Control Board and (iii) A Professor from IIT Guwahati, Department of Civil Engineering for looking into the issue of muck disposal from the stone quarries of Meghalaya into the Guwahati city and its surroundings.

In pursuance of the NGT order dated 02-08-2021 in the matter of Original Application No. 48/2019 (EZ) – Jitul Deka Vs Union of India & Ors, the Governor of Meghalaya vide Notification No.FOR.CC.26/2019/Pt-III/6 dated Shillong, the 5th October, 2021 has constituted a committee to look into the issue of muck disposal from the stone quarries of Meghalaya into the Guwahati city and its surroundings with the following members:

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- (iv) Suggest remedial measures for restitution of the environment caused due to muck disposal.

The Meghalaya State Pollution Control Board shall be the Nodal Officer for filing the report of the Committee and for all logistic purposes.

2. **Inspection:** The Committee Members (i) Dr. Z. Changsan, Regional Director, Central Pollution Control Board, Regional Office, Shillong (ii) Professor M. Jawed, IIT Guwahati, Department of Civil Engineering (iii) Dr. B. Nongbri, Senior Scientist, Meghalaya State Pollution Control Board accompanied by Shri W. R. Kharkrang, Senior Environmental Engineer, MSPCB visited the sites on 9th October, 2021 close to the Assam-Meghalaya border for looking into the issue of muck disposal from the stone quarries of Meghalaya into the Guwahati city and its surroundings during 10.30 am till 1.45 pm. Map showing the inspection site is shown in Fig.1.

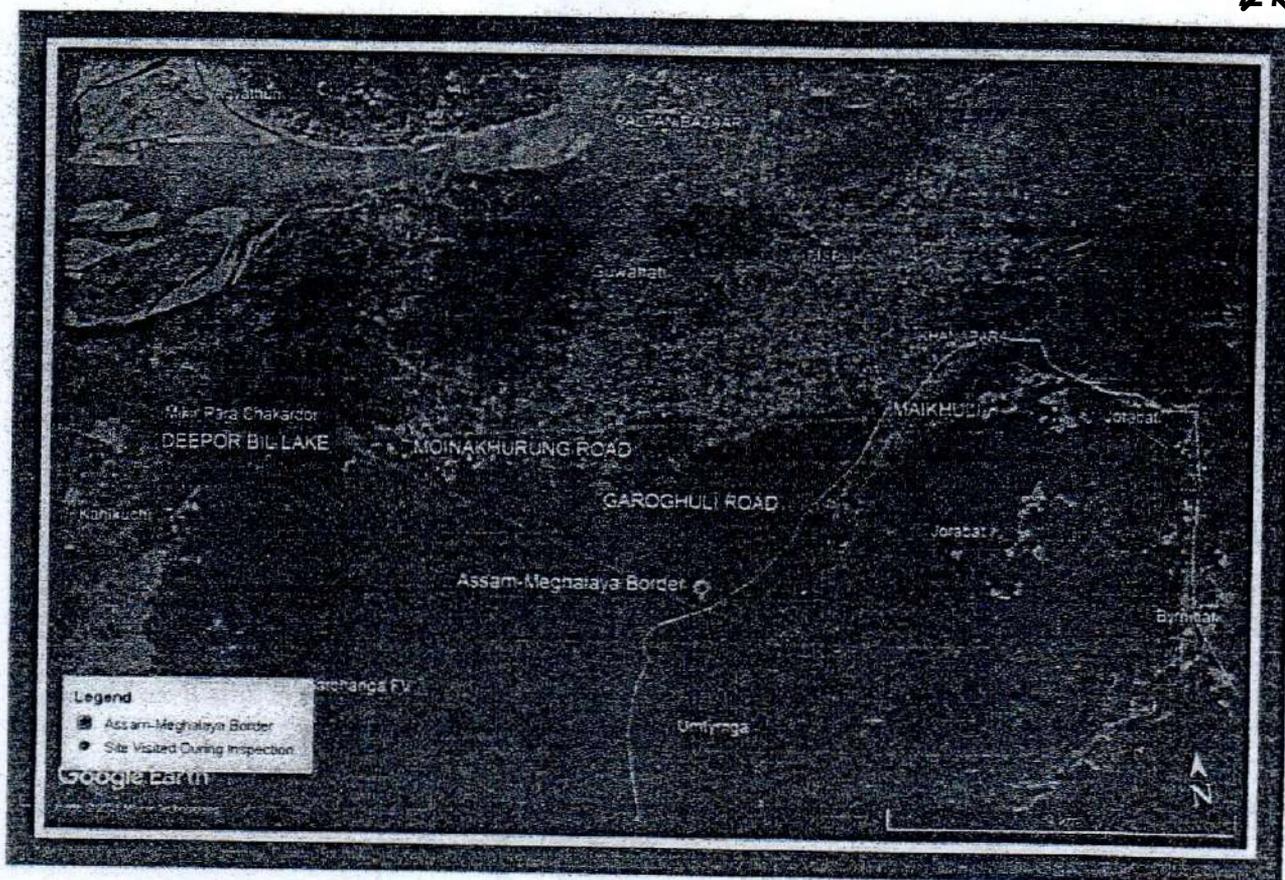


Figure 1: Map showing Inspection Sites Marked in Circles Close to Assam-Meghalaya Border

The details of the sites visited:

1) The first location visited was Deepor Bil Lake, Kamrup District, Assam near the Bhangra Temple which lies between latitude $N26^{\circ}06.7709'$ and longitude $E91^{\circ}39.5956'$ (marked as "1" in red circle on Figure 1). It is a permanent freshwater lake. The water body at the location was observed to be clear as could be seen from Photo 1A & 1B.

Deepor Bil Lake, Kamrup District, Assam

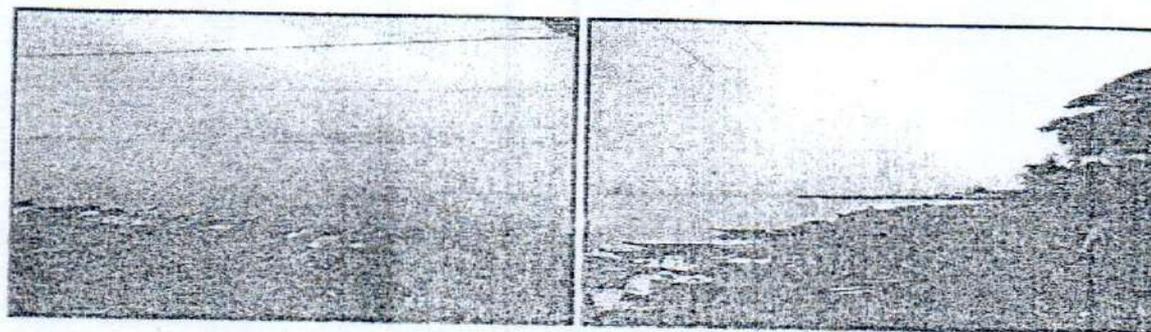


Photo 1A

Photo 1B

Observations:

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- Aquatic vegetation like Giant Water Lily, Water Hyacinth, Aquatic grasses, marshy lands, emergent and floating vegetation was found in the lake – more towards the periphery of the lake.
- Villagers living on the periphery of the Bil Lake use the Bil Lake for fishing, as well as waterway for transporting the villagers of the southern boundary to the NH 37, and to collect fodder for domestic cattle. However, the Committee could not find any fishing and transportation activities in the lake during their stay at the site
- Existence of broad-gauge railway line on the periphery of the Bil Lake.
- The water quality in Deepor Bil Lake is completely uniform/homogeneous and the water appeared as in natural conditions and no mud/siltation or unnatural sludge formation in the lake was observed from the site of observation.
- Since the periphery of lake was full of aquatic vegetal growth, and hence it was not possible to take a walk along the periphery to observe disposal of any muck or dumping of such materials close to periphery of the lake or inside the lake.
- Also, it was not feasible to identify any water streams/rivulets flowing in the lake as the periphery of the lake was not walkable and it was full of vegetal growth. Even a boat ride along the periphery may not yield much information due to high vegetal growth.

2) The team then visited Moyna Khurung, East Range Division, Kamrup District, where they inspected a small and narrow stream that served as one of the feeding streams of the Dipor Bil Lake. The location lies between latitude N26°06.2676' and longitude E91°42.4112' as marked "2" in red circle on Figure 1. The depth of water in the stream was around 5 to 12 cm with slow flow. The bottom of the stream bed was clearly visible from the culvert as shown in Photo 2A.

Moina Khurung Stream, Kamrup District, Assam

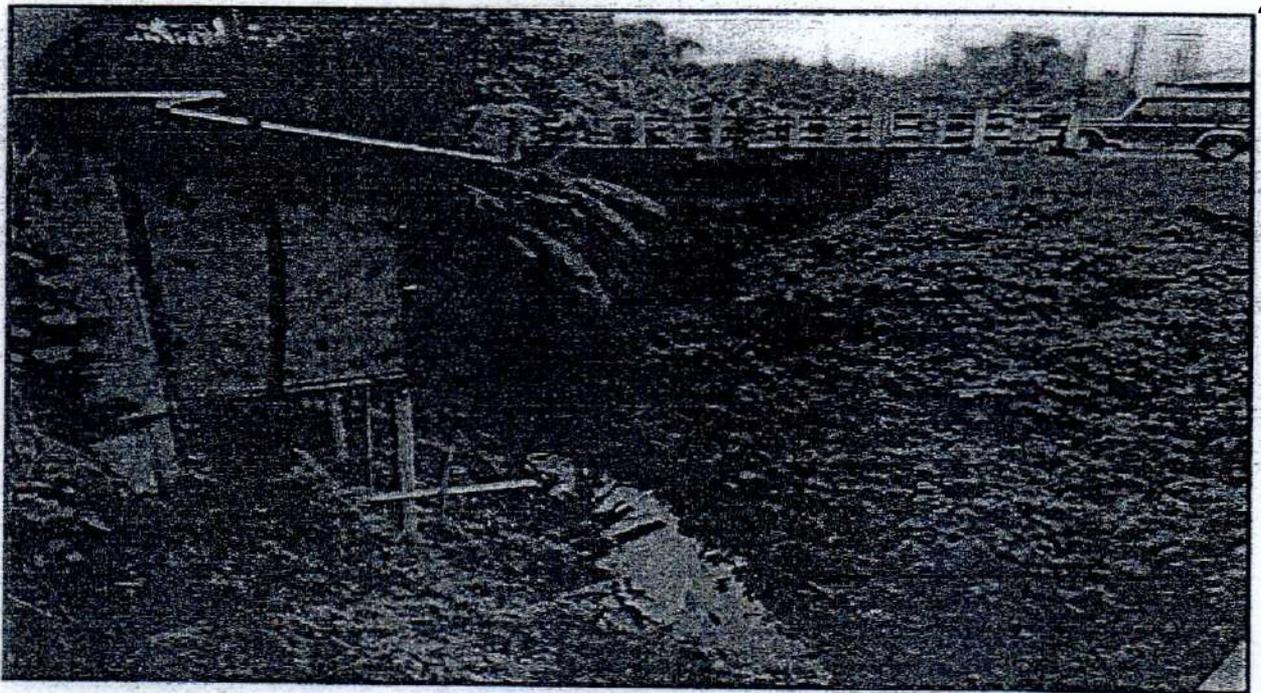


Photo 2A

Observations:

- Stream appeared to carry clean water. The bamboo-hut just on the side of the stream (seen in Photo 2A) draw water from the stream using a motor.
- Upon enquiry with local shop-keepers near the culvert, it was informed that this stream originates 12-14 km upstream from the culvert within the boundary of Assam. However, the Committee did not cross-check this information.
- The water in the stream was transparent which indicating no loose soil (red or brown colored soil), or so called muck has found its way through the stream to Deepor Bil Lake.

3) The team then visited Garokhuli, Kamrup District, where there is a stream that serves as another feeding streams of the Deepor Bil Lake. Location lies between latitude $N26^{\circ}06.6836'$ and longitude $E91^{\circ}43.4676'$ as marked "3" in red circle on Figure 1. The water depth in the stream appears to be around 7-15 cm and pretty clean and unpolluted as seen in Photo 3A. However, during rainy season, the water level rises up to the level of road is reported. Few ducks were wading in the stream as seen in Photo 3B. The water current was slow.

Garokhuli stream, Kamrup District, Assam

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Photo 3A

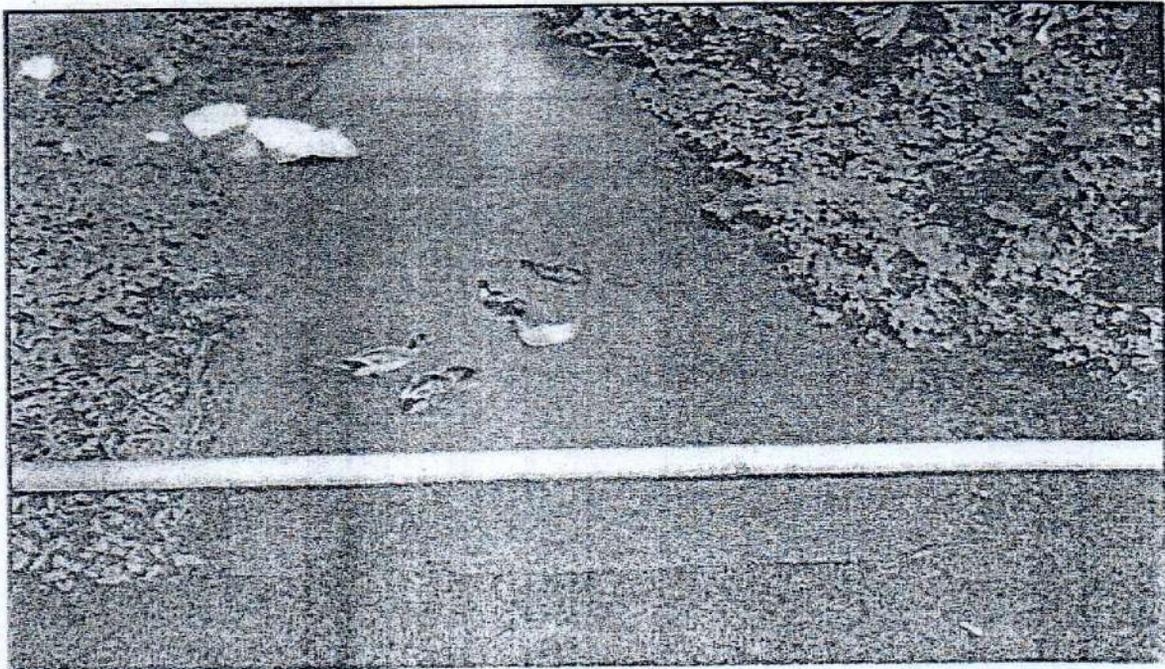


Photo 3B

Observations:

- The water flowing through this stream possibly another tributary of the Deepor Bil lake was clear and appeared natural, though there is a slight siltation possibly occurred naturally due to Geological sources and weathering under conditions of monsoon and steep slopes.
- As the stream water was clear which clearly rules out the possibility of presence of muck being carried out by the stream water.
- As per the observation, occasional manual collection of sand in low volumes from the stream appeared to have taken place in recent past.
- Also, it was informed by local people that there is no sand mining, sand and stone quarry present along the stream. However, the Committee did not cross-check this aspect during their site visit.
- However, the Committee could not obtain information regarding the origin of this stream and length it traverses before reaching to this location.

4) Lastly, the team inspected the Maikhuli Stone quarry located at Khanapara, Meghalaya, where only legal units are in operation (Photo 4A & 4B). Location lies between latitude N26°06.2069' and longitude E91°48.8686' marked as "4" in red circle in Figure 1.

Maikhuli Stone quarry, Khanapara, Meghalaya

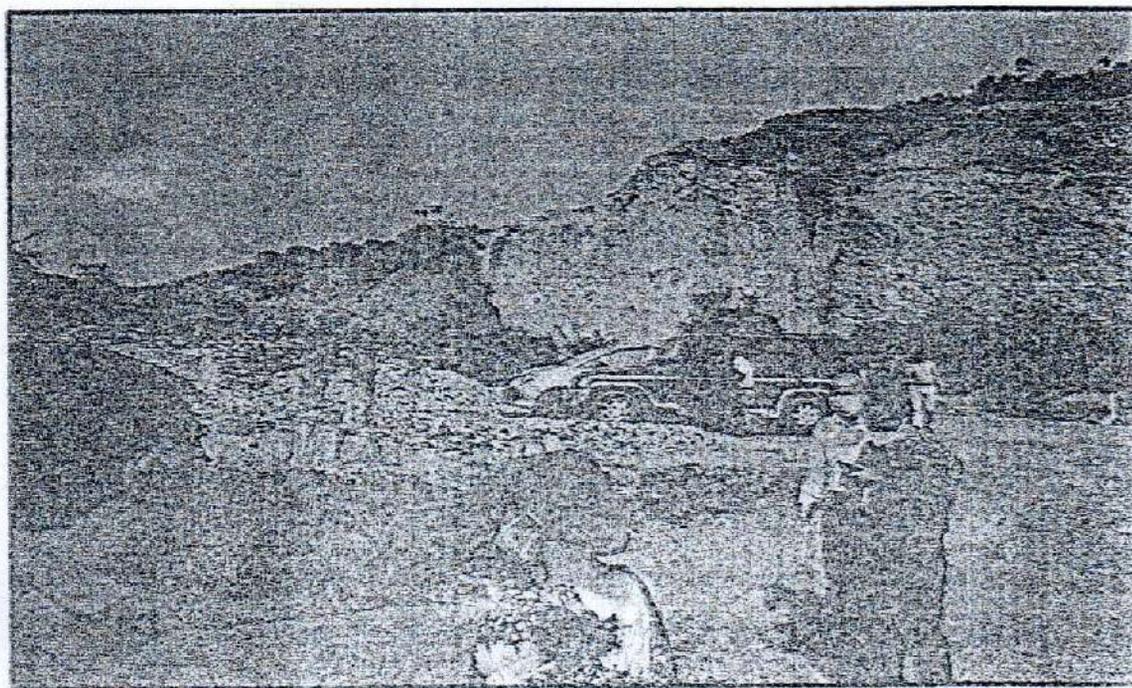


Photo 4A

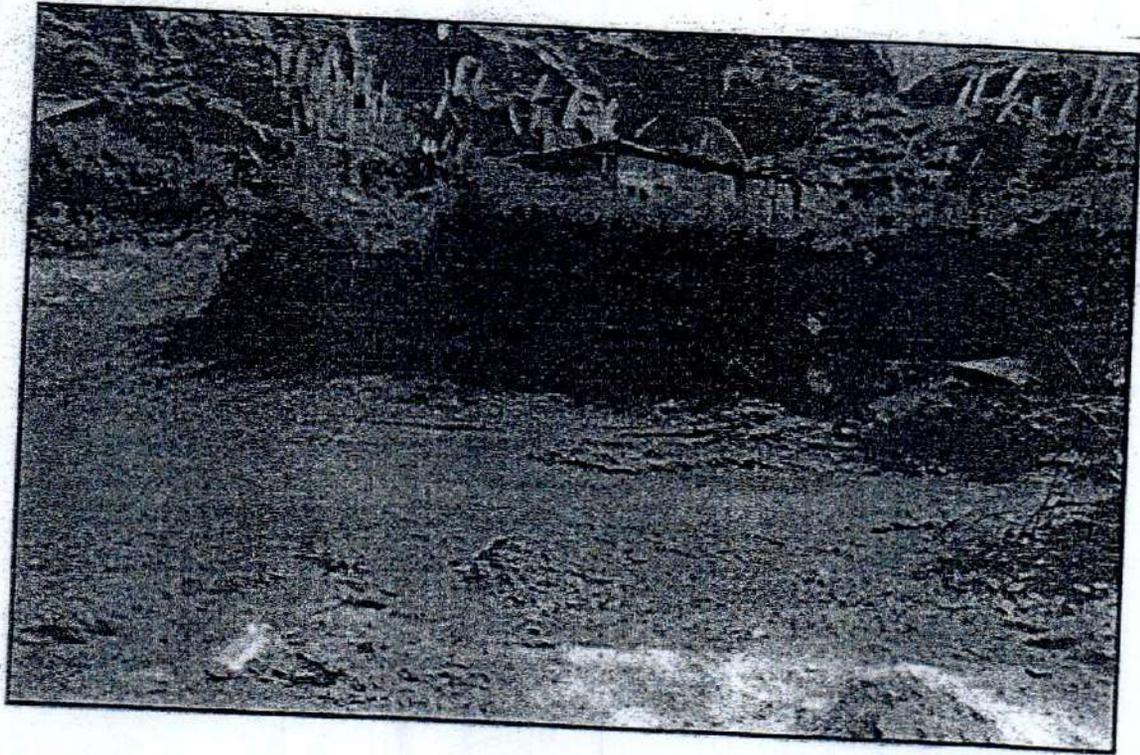
2
X

Photo 4B

Observations:

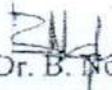
- Stone quarrying operation was in progress. Larger stones pieces were being broken into smaller ones using hammer with manual operation.
- No sign of any muck or dumping of such muck anywhere in the area or in the vicinity of the area was observed.
- A nearby small water stream appeared to carry reddish colored soil along with its flow as seen in Photo 4B. This is possibly coming from top soils due to stone quarry operation as could be seen in Photo 4A and finding its way to the water stream.
- However, the Committee could not get any information from where this stream originates and where it finally discharges.



Conclusion

The committee, during its field visit/inspection of four locations viz. Deepor Bil, Moina Khurung and Garokhuli in Kamrup District, Assam, and Khanapara in Ri Bhoi District, Meghalaya, on the 9th October, 2021, have tried to observe ingress of muck or dumping of muck, if any, in and around Guwahati city especially around Deepor Bil Lake. Unfortunately, the Committee did not observe any such activities around the Deepor Bil Lake and its two tributaries as indicated above.

In view of the above, the Committee would like to seek the assistance of the petitioner or its authorised representative to lead the Committee to the locations in and around Guwahati city where muck from illegal stone quarry operations carried out in the state of Meghalaya is being disposed of through water streams or being dumped as solid wastes intentionally. For this purpose, the Meghalaya State Pollution Control Board is being requested to fix a convenient date and time for the petitioner or its authorised representative and the Committee members for making another round of site-cum-inspection visit. It will also be highly appreciated, if a representative of Pollution Control Board of Assam is invited during the next site visit.


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O.A. NO. 177/2024 (EZ), NGT- Reply of Resp. State of Meghalaya

1 message

Avijit Mani Tripathi <avijitmani@gmail.com>

26 November 2024 at 23:45

To: enatoli sema <enatoli@gmail.com>, Surendra Kumar <surendra_kr15@rediffmail.com>, Anamika Pandey <legumjure@gmail.com>

Ma'am/Sir,

PFA the advance copy of reply affidavit being filed in the subject case on behalf of Resp. State of Meghalaya.

Regards,
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