

LAY NOTE BEFORE THE HON'BLE MEMBER
NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

Date: 03.10.2023

Original Application No. 110(THC)/2012/PB
Threat to life arising out of coal mining in South Garo Hills District
Vs.
State of Meghalaya & Ors.

Received by post on 26.09.2023 the case record of Original Application no. 110(THC)/2012/PB, Threat to life arising out of coal mining in South Garo Hills District vs. State of Meghalaya & Ors. from NGT, PB, New Delhi.

It appears that the case has originally been taken *suo motu* cognizance by the Hon'ble High Court of Meghalaya in 2012 on the basis of new report regarding incidents in Nongalbibra in the District of South Garo Hills where thirty coal labourers were trapped inside 130 sq feet deep coal mines, fifteen of them managed to escape while the rest fifteen of them were reported to have died inside the coal mine. Thereafter, vide order dated 10.12.2021, the case has been transferred to NGT.

The case was disposed off vide order dated 15.03.2021 of NGT, PB, New Delhi with certain directions. Subsequently vide order dated 17.07.2023 of NGT, PB, New Delhi the case has been restored to its original number which appears to have been passed pursuant to order dated 02.05.2023 in Civil Appeal No. 3280/2020 of Hon'ble Supreme Court of India.

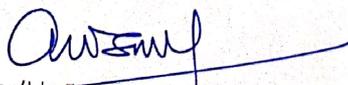
Vide order dated 22.08.2023, the case has been transferred to NGT, EZB, Kolkata for further proceedings and directed to be listed on 19.10.2023.

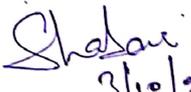
Submitted for kind perusal and appropriate direction to re-number this case at this Bench.

Submitted please.


Ld. Deputy Registrar 03.10.23


Ld. Registrar 3/10/23


Hon'ble Expert Member


3/10/2023
Section Officer

DA be renumbered

Hon'ble Judicial Member 04.10.23

"By Speed Post"

**National Green Tribunal
Faridkot House, Copernicus Marg,
New Delhi-110001**

No. NGT(PB)/Judicial/2023/1264

Dated: 20.09.2023

To

The Registrar,
National Green Tribunal, Eastern Zone Bench,
Block-Iii B, 3rd Floor Of Finance Centre,
Central Business District Action Area-Ii,
Po & Ps : New Town, Kolkata-700157, West Bengal

Sub: Transfer of original files to Eastern Zone Bench, Kolkata-reg.

Respected Sir,

In compliance of orders passed by Hon'ble National Green Tribunal (PB), New Delhi, the entire original records (File A & E) of the following matters are hereby transferred to National Green Tribunal (Eastern Zone Bench), Kolkata for further proceeding/disposal in accordance with law.

S. No.	Case Number	Case Title	Date of Order
1	OA NO. 110/2012	THREAT TO LIFE ARISING OUT OF COAL MINING IN SOUTH GARO HILLS DISTRICT VS STATE OF MEGHALAYA & ORS	22.08.2023
2	OA NO. 542/2023	NEWS ARTICLE PUBLISHED IN THE HINDU DATED 28.08.2023 TITLED "EIGHT KILLED IN BLAST AT ILLEGAL FIREWORKS UNIT IN WEST BENGAL	05.09.2023

Kindly acknowledge receipt.


20/9/2023
Consultant (Judicial)
National Green Tribunal
(Principal Bench)

Encl. (Original A & E files)



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O.A. No. 110/2012

Threat To Life Arising Out of Coal Mining in South Garo Hills Vs State Of Meghalaya

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राष्ट्रीय हरित अधिकरण
प्रधान न्यायपीठ, नई दिल्ली
NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

“By Speed Post”
Dated: 06.04.2021

No. NGT (PB)/110 (THC)/2021/Judicial/ 605
To

Hon'ble Mr. Justice B. D. Aggarwal,
Former Judge of Gauhati High Court,
6th Mile, VIP Road, House No. 90,
Radhanagar, Guwahati, Assam-781022
Mob. No. 94351-36573

Sub: Sending of copy of Order dated 15.03.2021 passed in OA No. 110 (THC)/2012 titled
“Threat to life arising out of coal mining in south garo hills district Vs State of
Meghalaya & Ors.”-reg.

Hon'ble Sir,

I am directed to forward a copy of order dated 15.03.2021, passed by Hon'ble Tribunal in
OA No. 110 (THC)/2012 titled “Threat to life arising out of coal mining in south garo hills
district Vs State of Meghalaya & Ors” for your lordship's kind perusal.

Warm regards


06/04/21
(Manisha Tripathy)

Deputy Registrar
National Green Tribunal

Encl: As stated above.

All Communications Should be
Addressed to Registrar by
Designation and not by Name.
Pin Code - 110001

Delivery Mode: Registered

D. No. 15528/2020 /SEC-XVII
SUPREME COURT OF INDIA
NEW DELHI
12th May, 2023

From:

The Assistant Registrar,
Supreme Court of India, New Delhi.

To,

THE REGISTRAR,
NATIONAL GREEN TRIBUNAL,
FARIDKOT HOUSE, COPERNICUS
MARG,
NEAR INDIA GATE, NEW DELHI,
DELHI 110001,
DISTRICT- NEW DELHI, DELHI
(PROCESS ID:95696/2023)
(C.A. NO.3280 / 2020 / XVII)



CIVIL APPEAL No. 3280, 4144 OF 2020

IN

OA 110 OF 2012

AND

CIVIL APPEAL Nos. 2302, 2355, 2726-2727, 4991-4992 OF 2021

IN

OA 110 OF 2012

AND

CIVIL APPEAL Nos. 781, 3528, 4962, OF 2022

IN

OA 110 OF 2012

STAR CEMENT LIMITED
AND OTHERS

... Petitioner(s)/Appellant(s)

VERSUS

THE STATE OF MEGHALAYA
AND OTHERS

... Respondent(s)

Sir,

In pursuance of Order XII Rule 6, S.C.R. 2013, I am directed to transmit herewith certified copy of Signed Order dated **02nd May, 2023** in the appeal above mentioned. The certified copy of the decree made in the said appeal will be sent later on if any.

Please acknowledge receipt.

[Handwritten signature]

Yours faithfully

[Handwritten signature]
for ASSISTANT REGISTRAR

J.P.M.
Certified to be true COPY
12/12/2021
Assistant Registrar (Jurisdiction)
Supreme Court of India

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No 3280 of 2020

153800

Star Cement Limited & Ors

.... Appellant(s)

Versus

State of Meghalaya & Ors

.... Respondent(s)

WITH

Civil Appeal No 4144 of 2020

Civil Appeal No 2302 of 2021

Civil Appeal No 2355 of 2021

Civil Appeal Nos 2726-2727 of 2021

Civil Appeal Nos 4991-4992 of 2021

Civil Appeal No 781 of 2022

Civil Appeal No 3528 of 2022

Civil Appeal No 4962 of 2022



ORDER

- 1 This batch of appeals arises from a judgment of the National Green Tribunal¹ dated 17 January 2020.
- 2 In 2012, the Gauhati High Court registered a public interest litigation *suo motu* on the basis of a news item in the month of July, stating that several labourers were trapped inside a coal mine resulting in large scale deaths. The proceedings before the Gauhati High Court were transferred to the NGT and were numbered as Original Application No 110 (THC)/2012.
- 3 In the meantime, in 2014, All Dimasa Students Union Dima Hasao District Committee instituted Original Application No 73 of 2014 before the Principal Bench of the NGT making serious allegations against 'rat-hole' mining operations which were being carried out in Jaintia Hills of the State of Meghalaya without regulation under the law.
- 4 The NGT issued an order on 17 April 2014 directing the State of Meghalaya to ensure the cessation of rat-hole mining forthwith and of the illegal transportation of coal.
- 5 During the pendency of the proceedings, a Committee was constituted on 9 June 2014 to quantify the coal that had already been extracted before the ban and to assess its location and value. The Committee was also to prescribe the mode of transportation. This was followed by subsequent orders of the NGT. On 31 August 2018, the NGT constituted a Committee chaired by a former Judge of the Gauhati High

1 "NGT"

Court to look into the restoration of the environment and rehabilitation of the victims. The Committee was also to supervise issues pertaining to receivership / custodianship of the already extracted coal, including environmental issues arising out of storage and remedial steps. The Committee furnished a report on 2 January 2019, which was considered by the NGT in an order dated 4 January 2019.

6 The order also took note of another tragic incident which had taken place on 13 December 2018, despite the earlier ban by the NGT.

7 From the impugned order of the NGT, it emerges that the Committee had submitted three reports on 2 January 2019, 31 March 2019 and 2 August 2019, which were dealt with by the NGT in its orders dated 4 January 2019, 11 April 2019 and 22 August 2019. The Committee thereafter submitted reports dated 31 August 2019, 2 December 2019 and 3 December 2019. The gist of these reports was set out by the NGT. The Committee, in the course of its fifth interim report dated 2 December 2019, arrived at the conclusion that there was a huge gap in the quantity of coal required to produce the reported quantity of clinker and/or power and the coal reported to have been purchased from legal sources by the cement manufacturing plants and thermal power plants in the State of Meghalaya for which an audit was completed by the Committee. The Committee estimated the year-wise quantity of the coal required to produce the reported quantities of clinker and/or power, the coal actually purchased from legal sources and the gap between them for 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19. Having carried out this exercise, the Committee estimated in the case of nine industrial units:

- (i) The quantity of illegal coal used in metric tonnes;

- (ii) The royalty payable;
- (iii) The contribution required to be made to the Environmental Protection and Restoration Fund; and
- (iv) GST/VAT payable.

The Committee submitted its sixth interim report dated 3 December 2019 to deal with the objections raised by the State of Meghalaya.

8 From the impugned order of the NGT, it emerges that the proceedings before the NGT came up for hearing on 9 January 2020 and the impugned order was uploaded on the website on 17 January 2020. After setting out the gist of the reports, the NGT dealt with the objections which were filed by the State of Meghalaya to the reports submitted by the Committee on 31 August 2019 and 3 December 2019. After rejecting the objections of the State of Meghalaya, the NGT proceeded to issue its directions, accepting all the recommendations of the Committee in the fourth interim report dated 31 August 2019, fifth interim report dated 2 December 2019 and sixth interim report dated 3 December 2019. The directions which have been issued by the NGT are summarized thereafter in paragraph 23, which is extracted below:

"23. Without in any manner meaning to dilute the exhaustive recommendations of the Committee, the substance of the recommendations of the Committee can be summed up to include monitoring of illegal raising and transportation of coal by the Chief Secretary of the State; steps for punitive measures for illegal mining — filling up gaps in the regulatory regime; action for preventing minimizing and mitigating environment pollution by acidic water from coal depots; electronic recording of movement of coal including by way of GPS and RFID Tags and having a central server for the

purpose; inspection of wings of BSF and vigilance department; establishing and supervising check posts and weigh bridges; utilization of the compensation amount for legitimate purposes in terms of the recommendations in the report; continuing Prof. A.K. Singh, nominee, IIT-ISM, Dhanbad as member of the Committee; monitoring of sourcing of illegally mined coal by cement manufacturing/thermal power plants for enforcement of mining law, including punitive and remedial actions for sourcing of illegally mined material, as found by the Committee; conducting necessary audit; study of land use and land cover analysis; drilling of bore holes in Khlihirt-Sutnga area in East Jaintia Hill District; preparation of geological report and feasibility report for scientific coal mining; compiling information about location of dumps of coal; finalizing mode and manner of handling of coal and its disposal including e-auction; transfer of coal to Coal India Limited; monitoring of illegal export of coal to Bangladesh by an independent agency; adopting satellite surveillance systems; action by the State PCB for enforcement of environmental norms; verification of claims of victims and disbursement of payments to them in the manner suggested by the Committee; implementing action plan prepared by the Committee by the State PCB etc. Compliance of all the recommendations may need to be closely monitored by the Committee."

- 9 None of the appellants were parties to the proceedings before the NGT. It is common ground that the appellants were called upon to submit information to the Committee appointed by the NGT. According to the appellants, the fifth interim report dated 2 December 2019 was uploaded on 8 January 2020 at 1655 hours, following which a hearing took place on 9 January 2020. Neither were the appellants impleaded as parties to the proceedings nor was any notice issued to them to submit objections to the interim reports which were filed before the NGT. Eventually, the NGT, as noted earlier, accepted the recommendations of the Committee.
- 10 Section 19(1) of the National Green Tribunal Act 2010 provides that the NGT shall not be bound by the procedure laid down by the Code of Civil Procedure 1908, but shall

be guided by the principles of natural justice. The National Green Tribunal (Practices and Procedures) Rules 2011 provide in Rule 15 for service of notice and processes and in Rule 16 for the filing of replies and other documents by respondents.

- 11 The appellants were not parties before the NGT and did not have the opportunity to deal with the contents of the reports of the Committee appointed by it. The NGT had assigned a fact finding and recommendatory role to the Committee. The ultimate decision on the reports of the Committee had to be taken by the NGT, which could only be arrived at after considering the submissions of the parties, who would be directly affected by the findings of the Committee if they were to be accepted by the NGT.
- 12 Reading the impugned order of the NGT, we do not find any independent application of mind. The Committee, which was chaired by a former Judge of the High Court, had in the view of the NGT, carried out a copious exercise. But that would not obviate the need for the NGT to arrive at its own independent findings after furnishing the parties, who would be directly affected, an opportunity of being heard. The NGT having not done so, we would have to restore the proceedings in relation to the appellants back to the file of the NGT, at the stage, at which they stood prior to the passing of the impugned judgment dated 17 January 2020. Consequently, and to facilitate the above exercise, we set aside the impugned judgment dated 17 January 2020 in relation to its applicability to the appellants before this Court and direct that:
- (i) The appellants shall submit their responses to the interim reports of the Committee appointed by NGT within a period of four weeks;

- (ii) NGT shall furnish to the appellants an opportunity of being heard, after which it shall proceed to pass orders after dealing with the suggestions and objections of the appellants in accordance with law;
- (iii) NGT shall take a final decision in three months; and
- (iv) The appellants would be at liberty to apply to the NGT for inspection of records, including the underlying documents which were submitted by the Committee.
- 13 The appeals shall accordingly stand disposed of.
- 14 Pending application, if any, stands disposed of.

.....CJI.
[Dr Dhananjaya Y Chandrachud]

.....J.
[J B Pardiwala]

New Delhi;
May 02, 2023
-S-

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SUPREME COURT OF INDIA
R & I BRANCH
19 MAY 2023
REGD. A.D. LETTER No.....

Supreme Court of India
New Delhi-110001

R
RD 28047851 2IN

200
THE REGISTRAR,
NATIONAL GREEN TRIBUNAL,
FARIDKOT HOUSE, COPERNICUS
MARG,
NEAR INDIA GATE, NEW DELHI,
DELHI 110001,
DISTRICT- NEW DELHI, DELHI
(PROCESS ID:95695/2023)
(C.A. NO.3280 / 2020 / XVII)

NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 110/2012 (THC)

Threat to life arising out of coal mining in south garo hills district
Vs.
State of Meghalaya & Ors.

It is submitted that the matter abovementioned was listed before Hon'ble Tribunal on 15.03.2021 when the Court while disposing of the Application, inter-alia passed the following Order :-

"We further direct that compliance reports dated 24.07.2020 and 30.09.2020 and latest report submitted by Meghalaya Police with regard to crime statistics (Annexures -14, 15 and 16) may now be looked into by the Oversight Committee. All other surviving issues which may emerge from the report or otherwise will be finally looked into by the Oversight Committee. The Oversight Committee will give its periodical reports to the Secretaries, Mines, Coal and MoEF&CC, Gol and also place the same on the website of the State of Meghalaya and the MoEF&CC. The said Secretaries may issue such directions as may be necessary in relation to their respective subjects, subject to any unresolved issue being raised before this Tribunal. The Regional Officer, MoEF&CC may take over the records from the Committee for further proceedings as per decisions of the newly constituted Committee."

It is further submitted that Goldstone Cements Limited has preferred an Appeal before the Hon'ble Supreme Court against the Orders dated 17.01.2020 and 15.03.2021 passed by the Hon'ble Tribunal, in which NGT has been arrayed as Respondent No. 5. Accordingly, the matter was listed before Hon'ble Supreme Court on 14.07.2021 when the Court passed the following order :

"Permission to file appeal is granted.

Issue Notice.

Tag with C.A. No. 3280 of 2020."

In pursuance of the order of the Hon'ble Supreme Court, the Registry of the Hon'ble Supreme Court has sent a notice to NGT for hearing the matter in due course.

No action is called for on the part of NGT for the time being and we may await further orders of the Hon'ble Supreme Court.


Consultant (Judicial)


Ld. Dy. Registrar 11.08.2021

Justice B. P. Katakey,
Former Judge, Gauhati High Court

By courier service
RESIDENCE
30/30A, Kharghuli (Hillock Side)
Bye Lane No.2, Guwahati-781004
E-mail – katakeybp@gmail.com
Mobile No. 94355-49977

Dated, the 03rd December, 2019

To

The Hon'ble Chairperson
National Green Tribunal
Faridkot House
Copernicus Marg,
New Delhi -110 001

Ref.:- Order dated 31.08.2018 passed in OA No. 110(THC)/2012 by the Hon'ble National Green Tribunal.

Hon'ble Chairperson,

At the outset, I express my sincere gratitude to the Hon'ble National Green Tribunal in reposing faith on me to head a committee constituted vide the aforesaid order dated 31.08.2018 passed in OA No. 110(THC)/2012, in the matter of rat-hole mining in the State of Meghalaya. The Committee consisting of myself, representative of Indian School of Mines, Dhanbad and representative of Central Pollution Control Board till 02.12.2019 held 20 sittings for implementation of various orders passed from time to time and 4 special sittings in relation to the formulation of plan for handing over of identified coal to the Coal India Limited and its auction, including transportation, in compliance of the order dated 03.07.2019 passed by the Hon'ble Supreme Court in Civil Appeal No. 10720/2018. The Committee had submitted altogether 6 reports, the last being on 03.12.2019, to the Hon'ble Tribunal for its consideration.

With utmost respect to the Hon'ble Tribunal, I beg my sincere apology for expressing my inability to continue as the Chairperson of the Committee constituted by this Hon'ble Tribunal, due to my personal inconvenience and personal problems, about which mention has also been made in the Sixth report dated 03.12.2019.

I, therefore, earnestly request your lordship to relieve me from the said responsibility, for which I shall ever be grateful to the Hon'ble National Green Tribunal.

With warm regards,

Yours sincerely,

(Justice (Retd) B. P. Katakey)

879/PPS/KCP
11.12.19

10/12 letter may
be recd

[Judicial]

Dus
06/12
Commitment (Judicial)



... r atakey



Handwritten text: **AMT**
A line with the handwritten number **11553210** written along it.

To

The Hon'ble Chairperson
National Green Tribunal
Faridkot House
Copernicus Marg
New Delhi - 110 001

Signature: **AMT**
Dairy No: **9648**
06 DEC 2019
NATIONAL GREEN TRIBUNAL
Principal Bench, New Delhi
Receipt & Issue Branch
Received

By Courier Service



Justice
30/30A
Bye Lan



OFFICE OF THE NATIONAL GREEN TRIBUNAL COMMITTEE,
MEGHALAYA, SHILLONG

Dated Shillong the 04th February 2020

To

The Chairman
National Green Tribunal
Faridkot House, Copernicus Marg
New Delhi – 110 001

Sub : **Intimation of joining**

Sir,

Pursuant to the direction of the Principal Bench of National Green Tribunal dated 17.01.2020 in O.A. No. 110 (THC)/2012 in the matter of *Threat to life arising out of coal mining in south garo hills district Vs State of Meghalaya* I furnish herewith my intimation of joining the assignment in the forenoon today i.e., 04/02/2020 as Chairman of the Committee appointed by the Hon'ble Tribunal.

It is further informed that I have submitted my resignation letter from the post of Manipur Lokayukta.

Yours faithfully

[Signature]
04.02.2020

(Justice B.D. Aggarwal)
Former Judge, Gauhati High Court

Copy to:

Chief Secretary, Government of Meghalaya.

1145/HCP
07/02/2020

Des
07/2/2020
Consultant (Genl)

OA 110/12
RQ per-puh
2
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JD

SPEED

O.I.C

101

The chairman
National Green Tribunal
Faridkot House, Copernicus
New Delhi - 110001



Despatcher
Via the P. C. C. F & HOFF
Meghalaya, Shillong.

(A)

Original Application No. 110(THC)/2012

Threat of life Arising out of Coal Mining in south Garo Hills district Vs. State of Meghalaya

Statement of Mr. Saurabh Sharma, Adv, Counsel for respondent no. 4.

Without oath.

On instructions, I close the evidence on behalf of respondent no. 4.

swast
3/8/14
RO&AC

2/12/14

[Signature]
Commissioner
Registrar General
03.08.2016

NGT

Threat to life Arising out of Coal Mining in South Garo Hills District Vs. State of Meghalaya

Examination in chief of RW5/A Sh. Gurdeep Singh aged about 28 years, S/o Malkhit Singh R/o GMK, PO-Lohia Khash Jalandhar Punjab, presently at Delhi.

ON SA

I tender my affidavit by way of evidence Exhibit RW5/A bearing my signature at points "A" thereon.

I also rely upon document Exhibit RW5/1.

XXXXXX by Sh. Raj Panjwani, Adv. (Amicus Curie)

I am 10th Pass. I have taken the mine land under an agreement from the Lokma of the village under an agreement in 2011. It was an oral agreement. I t is wrong to suggest that it was a written agreement. It cannot say whether document Exhibit RW5/AC1 is bearing my signatures at point "A" or not. It was my first venture in coal mining. I have not carried out mining prior to this. I had identified the land myself as I used to visit that area often. I had taken the possession of the land in the year 2011. I cannot recollect the month. I had commenced digging on the land in the year 2011. I had not engaged any Engineering consultant prior to digging nor had prepared any mining plan. I had also not taken permission from the Pollution Control Board as also from the State Mining Department before commencing digging. In the month of May 2012, the depth of the mining shaft was about 70-80 ft. I cannot tell the amount of soil which had come out of the shaft. In the month of May, 2012, I was able to extract coal in the beginning at about half ton per day which later on increased to 2 ton and finally at the closure of the mine I was extracting 8 tonnes per day. Digging and mining was being done manually by the workers. There were about 20-25 workers working in order to extract coal. They were working in single shift from 4:00 a.m. to 10:30 a.m. In the month of July 2012, the depth of the mine shaft was 70-80 ft. I am not maintaining register in respect of payment of wages to the workers. The workers were not permanent. I am not filing income tax return. I am also not filing any return/details with the concerned Labour Department. At that time I was paying an amount of about Rs. 200/- per day to each worker. I cannot tell the rate at which one ton of coal was being sold in the open market at that time. The workers used to descend the mine shaft both by lift and stair provided inside. I cannot recollect the exact number of workers working on 6th July, 2012 the date of the incident, however, there could be approximately 25 workers. I came to know about this figure of 25 workers on my inquiry from the workers working at the site on that day. I have been once or twice down the shaft but not till the end of the shaft. I cannot say whether any horizontal tunnel was there in the shaft. The sketch of the mine at Page No. 710 Exhibit SW1/7 colly is not the correct sketch of the shaft upto 60-70 ft. only I cannot say about the rest of the sketch. I cannot say whether the sketch at Page No. 711 (Exhibit SW 1/7 colly) is bearing my signature at point "A" or not. It is wrong to suggest that the sketches at Page No. 710 and 711 (Exhibit SW1/7 colly) are the correct sketches of the mine in question. I cannot say whether the documents Exhibit RW5/AC2 and Exhibit RW5/AC3 are bearing my signatures at points "A" thereon or not. It is correct

Gurdeep Singh

that the name of the Lokma of the mine is Kudon A Sangma. I cannot tell the name of the wife of the Lokma. There were quarries nearby my quarry. There is a small stream (Jharna) near the quarry . It is correct that the meeting of the villagers is known as Mahari. It is correct that there was a Mahari meeting in June, 2012 and a resolution was passed asking me to close the quarry on account of heavy rains/monsoon. It is wrong to suggest that on 14th June, 2012 I was told by the wife of the Lokma to shut down the quarry completely and immediately as it was dangerous to work in on account of incessant rain. Counter Affidavit along with its Annexures (Page Nos. 135 to 162) is Exhibit RW5/AC4 and bears my signatures at points "A" thereon. I cannot say whether the Annexures enclosed with the said Counter Affidavit are correct or not.

On 6th July, 2012 the water level in the mine shaft had risen. I cannot say the exact reason for the same, it could be due to rain or from the breach of the shaft. I cannot say whether workers namely Mohammad Jallad Shaik, Sh. Helaluddin, Mohammad Shahbuddin and Mohammad Johirul Islam were working in my mine on 6th July, 2012 or not. It is wrong to suggest that I have paid any amount of money to the relatives of the above said workers after 6th July, 2012. It is incorrect to suggest that on 6th July, 2012 ,6 -10 workers had died in my mine due to rising water level. I cannot say anything about the report of the NDRF, Deputy Labour Commissioner and Superintendent of Police, South Garo Hills. I had not gone inside the mine shaft along with the NDRF team. It is wrong to suggest that I am deposing falsely.

XXXXXX by Ms. Aprajita Mukherjee, Adv. along with Sh. Upendra Misra, Adv. for State of Meghalaya

I was informed about the filling of water in my quarry by the local people on the date of the incident. I cannot say whether water had come in the mine shaft from any nearby quarry or not. It is wrong to suggest that working of mine in the month of July, 2012 was dangerous due to heavy rain on account of monsoon. Volunteer my mine was new having started only in the month of June, 2012. I had shown the residence of the workers who were residing nearby. I cannot say the name of the worker engaged by me for supervision of the mine work. I had not called the NDRF nor I can say as to who had called NDRF. I had informed the local Maharis about the rising of water level in the mine shaft. There was nobody inside the mine at the time of the incident, all the workers had come out of it. This I had come to know upon inquiry from the local as also other workers when I visited the site after the incident. I was present at the time of rescue and search operation by the NDRF. I had not heard about filing of water in any other mine at that time. It is wrong to suggest that any dead bodies had been recovered from my mine in my presence after the incident.

XXXXXX by Sh. Tayenjam Momo Singh, Adv. for Respondent No. 7

Nil, opportunity granted.

Aradeef Singh
ROAC

Commissioner
Chandranath
Registrar General
17/5/16

Original Application No. 110(T_{HC})/2012

Threat to life Arising out of Coal Mining in south Garo Hills district Vs. State of Meghalaya

Examination in chief of CW 5 Sh. Muktar Ali Talukadar, Son of Sh. Nur Mohanmd Ali, Aged about 35 years, resident of village/Town Barakalija, Sherasho, P.S- Fakirganj, Sub-Divn. South Salsmara, Mankachar Dist. Dhubri, (Assam)

ON SA

I have brought my identify card today . Self attested photocopy of my identity card is exhibit CW-5 / A (OSR).

I have never worked in a Coal Mine in Meghalaya. I know Ms. Mumtaz Bibi as she belongs to the same village to which I belong. I have no knowledge of death of any relation of Ms. Mumtaz Bibi in any incident in a coal mine. I do not know of any person whose death has occurred in any coal mine tragedy in Meghalaya. Nobody from my village has suffered any mishap in coal mine tragedy.

XXXXXX by Sh. Saurbh Sharma Counsel for respondent no. 5.

--- Nil --- Opportunity granted.

XXXXXX by Sh. Ranjan Mukharjee along with Sh. Upender Mishra, Counsel for respondent no. 1

I do not know anything about any incident dated 6th July 2012, in respect of Coal mine tragedy.

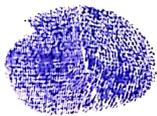
XXXXXX by Sh. T. M Singh, Counsel for respondent no. 7

---Nil. --- Opportunity granted.

XXXX by MS. P.B Singh respondent no R1/A

---Nil-- opportunity granted.

ROAC



LT) 704Kto #4

Commissioner
Chandrupi
Registrar General
16.02.2016

Threat to life Arising out of Coal Mining in south Garo Hills district Vs. State of Meghalaya

Examination in Chief of RW 1/7 Statement of Shri Anil Shekhawat, Assistant Commandant, NDRF, 1st Battalion, Guwahati presently at New Delhi.

On SA

I tender my preliminary report on search and rescue operations dated 12th July, 2012, copy of which is ex- RW 1/7-A, which bears my signature at point A. I also tender a copy of the detailed report dated 13th July, 2012, ex- RW1/7-B. The originals of the above documents have been sent to the Government of Meghalaya.

XXXXXX by Shri Raj Panjwani, Amicus Curiae.

I cannot say whether the sketches of mine in question at page no 710 and 711 (ex-SW 1/7 colly) depict the mine in question. I cannot say whether the photographs which are ex – SW 5/2 colly are the photographs of the mine in question. The total depth of the mine was about 80 ft. I cannot say as to how many rat hole mines were there which were running horizontally inside the mine, since they were flooded with water. It is correct we had reached the vertical base of the mine as also had gone inside the rat hole mine. 80 ft is the vertical depth of the mine. I cannot give the diameter of the rat hole mines. I cannot draw a sketch of the mine in question. I cannot say whether the sketches at page no 710 and 711 (ex-SW 1/7 colly) are of the mine in question. It was not possible to judge the actual length of the horizontal rat hole mines since they were flooded with water and it was dark. I cannot say whether 15 workers were trapped and drowned in the mine on 6th July, 2012 or not.

XXXXXX by Shri Saurabh Sharma, Adv. for Respondent No. 4 & 5.

It is correct that our reports ex- SW 1/7-A and ex- SW 1/7-B are true and correct reports.

XXXXXX by Ms. P. B. Singh, Adv. for MoEF & CC

– Nil – Opportunity Granted.

XXXXXX by T. M. Singh, Adv. for Respondent No. 7

– Nil – Opportunity Granted.

ROAC


4/04/2016

(Anil Shekhawat, Ac) NDRF

Commissioner



Registrar General
03.01.2016

(6)

भारत सरकार
गृह मंत्रालय

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

वैध तिथि
VALID UPTO

APR 2016

नाम
Name

अनिल शेखावत
ANIL SHEKHAWAT

पद
Designation

सहायक कमांडेंट
ASST. COMMANDANT

मंत्रालय/कार्यालय
Ministry/office

एन.डी.आर.एफ.
N.D.R.F.

Blood group : O+

No. Y 150210000950

मुख्य सुरक्षा अधिकारी (CSO)

Tel. No. O: 26105912
Tel. No. R: 9868442776

अनुदेश/ INSTRUCTIONS

वैध तिथि समाप्त होने पर कार्ड वापिस करो। इसके खो जाने की रिपोर्ट पुलिस तथा मुख्य सुरक्षा अधिकारी को तत्काल दी जानी चाहिए। इसके खो जाने पर ५० रु० दंड है।

Please surrender this card on expiry. Its loss should be reported immediately to the police and the Chief Security Officer. Penalty for loss is Rs. 50/-

Date of issue : 17/04/2015

(1)

Original Application No. 110(T_{HC})/2012

Threat to life Arising out of Coal Mining in south Garo Hills district Vs. State of Meghalaya

Examination in chief of RW 1/1 Statement on SA of Mr. R.P. Marak, S/o Shri I.K. Sangma, aged about 46 years, R/o New Kenches Trace, Shillong, Meghalaya, presently holding a post of Director, Directorate of Mineral Resources, Shillong, Meghalaya

I tender my affidavit by way of evidence Exhibit RW 1/1-A bearing my signatures at points "A" thereon. I also rely upon photocopies of documents Exhibits SW-1/1 to SW-1/16 along with the affidavit.

Cross-Examination by Shri Raj Panjwani, Amicus Curiae

I cannot say anything about any circular or guidelines that have been issued in respect of Safety of operations of Coal Mines in question. The contents of para no. 15 of my affidavit by way of evidence are correct. Except for Exhibit SW-1/2 and Exhibit SW-1/4, none of the other Exhibits have been authored by me.

Cross-Examination by Shri Saurabh Sharma, Adv. for Respondent Nos. 4 & 5.

I do not remember that Meghalaya Mines and Mineral Policy, 2012 came after the incident of 06th July, 2012 or not. I cannot say that Govt. of Meghalaya used to collect only Royalty on the extracted coal from the Coal Miners before the passing of Meghalaya Mines and Mineral Policy, 2012 or not. It is correct that there is a NDRF report regarding the incident in question, but I cannot say about its contents.

Cross Examination on behalf of remaining Respondents.

– Nil – Opportunity Granted.

ROAC

[Signature]
20/9/15

NGT

[Signature]
Commissioner

Registrar General
30/09/2015

15
W 1/1

(1)

	
GOVERNMENT OF MEGHALAYA DIRECTORATE OF MINERAL RESOURCES SHILLONG	
IDENTITY CARD	
	Name SHRI RAKESH P. MARAK
	Designation DIRECTOR OF MINERAL RESOURCES
	Signature <i>[Handwritten Signature]</i>
Sl. No. 446	Issuing Authority <i>[Handwritten Signature]</i> Principal Secretary Mining and Geology Deptt. Meghalaya, Shillong



ROAC

[Handwritten Signature]
30/9/15

[Handwritten Signature]
Commissioner

Registrar General
30/09/2015

Examination in chief of RW 1/2 Statement on SA of Mr. Davis Nestell R. Marak, S/o Shri Donald N. Sangma, aged about 37 years, R/o. Superintendent of Police, East Garo Hills, Williamnagar-794111, presently holding a post of Superintendent of Police, East Garo Hills, Williamnagar, Meghalaya-794111.

I tender my affidavit by way of evidence Exhibit RW 1/2-A bearing my signatures at points "A" thereon.

Cross-Examination by Shri Raj Panjwani, Amicus Curiae

The sentence starting with the word "Initially the local villagers reported to be trapped" as mentioned in para no. 2 of my affidavit by way of evidence was made by the local villagers in my presence on 10th July, 2012 as deposed by me. I do not exactly recall the number of days the rescue operation had continued. I had visited the spot, but had not entered the mine in question. The statements of the local villagers were recorded by the investigating officer. I cannot state as to number of statements recorded by him. The investigating officer was working under me at that time. Despite the best efforts from the date of the incident i.e. 6th July, 2012 till I demitted my office as Superintendent of Police, South Garo Hills on 3rd March, 2014 the water level had not receded nor any person was rescued or any dead body recovered in the mine in question. I had sent my I.O. to the families of the victims who had also been provided with travelling expenses to come to Baghmara, Head Quarters, South Garo Hills for recording of their statements u/s 164 CrPC at that time. The travelling expenses were paid officially with the record being with the I.O. It is incorrect to suggest that the families of the victims had not come to get their statements recorded since no travelling expenses were provided to them.

Cross-Examination by Shri Saurabh Sharma, Adv. for Respondent Nos. 4 & 5.

It is correct that no dead body was found or recovered from the mine in question. It is correct that the mine in question is at Rongsa Awe Village as deposed by me. It is correct that during my tenure no person filed any missing complaint, lost complaint or any other Police complaint against the accused persons by the relatives of the suspected trapped labourers. It is incorrect to suggest that FIR no. 16(7)/2012 was registered on the basis of Newspaper articles and on the basis hear say by the public. It is incorrect to suggest that there is no death occurred in the incident of 06th July, 2015 at Rongsa Awe Village.

Cross Examination on behalf of remaining Respondents.

- Nil - Opportunity Granted.

ROAC

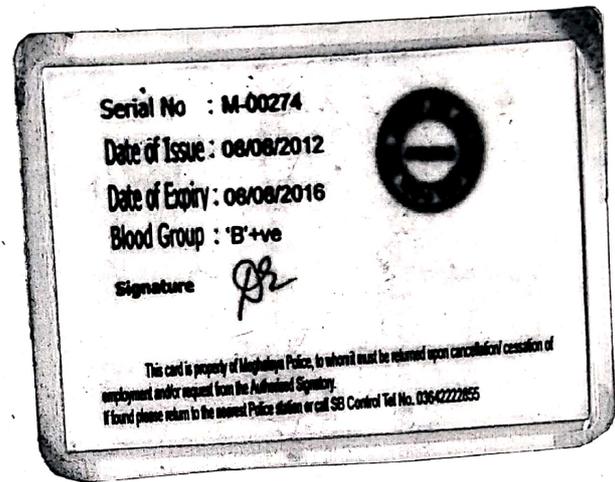
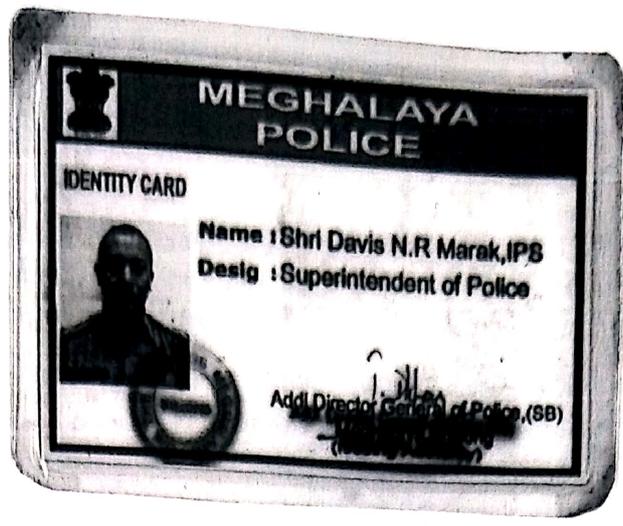
[Handwritten Signature]
30/9/15

[Handwritten Signature]
Commissioner

Registrar General
30/09/2015

7.15
Court
11/2

(K)



Threat to life Arising out of Coal Mining in south Garo Hills district Vs. State of Meghalaya

Examination in chief of RW 1/3 Statement on SA of Ms. Florina Boro, MCS, D/o Shri B.B. Boro, aged about 35 years, R/o. Araimile, New Tura, Meghalaya, presently holding a post of Extra Assistant Commissioner, South West Garo Hills, Ampati, Meghalaya.

I tender my affidavit by way of evidence Exhibit RW 1/3-A bearing my signatures at points "A" thereon. I also rely upon photocopies of documents Exhibits SW-3/1 and SW-3/2 along with the affidavit.

Cross-Examination by Shri Raj Panjwani, Amicus Curiae

I have not brought today the documents as mentioned at Serial Nos. 2 to 11 of the list of enclosures in Exhibit 3/2 (page No. 755) to my affidavit by way of evidence. I had submitted the said documents to the then Dy. Commissioner, Shri R.P. Marak which may be in the office.

Cross-Examination by Shri Saurabh Sharma, Adv. for Respondent Nos. 4 & 5.

I had visited the place of incident twice on 10th July, 2012 and 10th August, 2012. It is correct that during my enquiry no person filed any missing complaint, lost complaint or any other Police complaint against the accused persons by the relatives of the suspected trapped labourers with me. It is incorrect to suggest that no death occurred in the mine in question.

Cross Examination on behalf of remaining Respondents.

- Nil - Opportunity Granted.

ROAC

[Signature]
30/9/15

NGT

[Signature]
Commissioner

Registrar General
30/09/2015

Threat to life Arising out of Coal Mining in south Garo Hills district Vs. State of Meghalaya

Examination in chief of RW 1/4 Statement on SA of Smti Mirza Hann N. Marak, D/o Shri C.K. Sangma, aged about 42 years, R/o. Sunny Hill, Tura, Meghalaya, presently holding a post of Deputy Labour Commissioner, South Garo Hills, Baghmara, Meghalaya.

I tender my affidavit by way of evidence Exhibit RW 1/4-A bearing my signatures at points "A" thereon. I also rely upon photocopy of document Exhibit SW-4/1 along with the affidavit.

Cross-Examination by Shri Raj Panjwani, Amicus Curiae

It is correct that the Manager/Owner/Contractor of the mine is required to maintain a register giving the details of the workers working at the mine. No such register was found in respect of the mine in question during the enquiry. It is denied that the contents of my report Exhibit SW-4/1 that "The villagers were of the opinion that no one might be trapped inside and no victim, either dead or alive or any piece of a person's belongings was recovered even after thorough double checking of all the accessible suspected areas using specialized techniques and equipments in the mine during search and rescue operation conducted by the NDRF" is incorrect. I cannot say whether the NDRF has conducted the search of the entire mine or not. I cannot say whether that on 14th July, 2012 the Dy. Director Mine Safety Department, Guwahati advised against the continuing the search as there was a danger of the mine caving in due to incessant rainfall and rising water level inside or not. I had enquired about the age of workers working in the mine from the villagers as there was no Manager/Contractor/Owner of the mine there.

Cross-Examination by Shri Saurabh Sharma, Adv. for Respondent Nos. 4 & 5.

I had visited the mine in question on 27th July, 2012. I cannot state the number of villagers I had made enquiries from during my visit. The report dated 30th July, 2012 Exhibit SW-4/1 given by me is a true and correct report.

Cross Examination on behalf of remaining Respondents.

- Nil - Opportunity Granted.

ROAC

[Signature]
30/9/15

[Signature]
Commissioner

Registrar General
30/09/2015

W/2/3
So. 9.15
RC (Court)
RK/2/3.

(14)


IDENTITY CARD
ID No. SWGHA/ Estt.39/2014/69,
Smt. Florina Boro, MCS,
Extra Assistant Commissioner/
Executive Magistrate,
DC Office, South West Garo Hills


Florina
Card holder's Signature

Deputy Commissioner
Issuing Authority's Signature
South West Garo Hills, Ampati

Date of Issue : 5-November-2014
Valid Upto : 4-November-2018
D.O.B. : 21-02-1979
Blood Group : O (+)
Contact No. : 9402507220
Address : O/o Deputy Commissioner Complex,
South West Garo Hills, Ampati.



ROAC

Sargama
(S.R.T. Sargama)

Registrar General
30/09/2015

0.9.15
(count)
WZ/4.

3

GOVERNMENT OF MEGHALAYA
OFFICE OF THE DEPUTY LABOUR COMMISSIONER
SOUTH GARO HILLS, BAGHMARA
IDENTITY CARD

Name : Ms. Mirza Hann N. Marak
 Designation : Deputy Labour Commissioner

[Signature]
 Issuing Authority

[Signature]
 Sig. of Card Holder

L.D.Card.No: **Date of Issue:**

Date of Birth : 23-05-1972

Father's Name : Shri Chamberline K. Sangma

Home address: : Sunny Hill, Tura
 P.O: Araimile
 P.S: Tura
 Dist: West Garo Hills, Meghalaya

**In case of loss please inform the Issuing Authority/
 Nearest Police Station**

Commissioner

ROAC

[Signature]
(J.R.T. Sangma)

Registrar General
30/09/2015



Threat to life Arising out of Coal Mining in south Garo Hills district Vs. State of Meghalaya

Examination in chief of RW 1/5 Statement on SA of Shri Jude Rangku T. Sangma, MCS, S/o Shri Tenjing R. Marak, aged about 33 years, R/o. Baghmara D.C. Office Complex, South Garo Hills District, Meghalaya, presently holding a post of Extra Assistant Commissioner, South Garo Hills, Baghmara, Meghalaya.

I tender my affidavit by way of evidence Exhibit RW 1/5-A bearing my signatures at points "A" thereon. I also rely upon photocopy of document Exhibit SW-5/1 and Photographs Exhibits SW-5/2 Colly along with the affidavit.

Cross-Examination by Shri Raj Panjwani, Amicus Curiae

I had personally gone inside the mine in question on 12th July, 2012. It is correct that the sketch of the mine in question at page no. 710 (Exhibit SW-1/7 Colly) is having shaft which is about 100 to 120 feet deep. The water level as shown in the same is uptill 96 feet. However, the water was pumped out and I had gone into the tunnel upto 60 to 70 feet. The rest of the tunnel I could not reach as it was filled with water. I had gone along with the NDRF team. The sketch of the mine in question at page no. 711 (Exhibit SW-1/7 Colly) is also a correct sketch. I cannot say of which mine the wall had breached which led to the flooding of the mine in question.

Cross-Examination by Shri Saurabh Sharma, Adv. for Respondent Nos. 4 & 5.

On 11th July, 2012 evening around 80 to 90 NDRF personnel were present in search and rescue operation in the mine in question and on 12th July, 2012 about 100 to 120 persons of the NDRF were present in the mine in question. It is correct that the NDRF personnel had thoroughly double checked all the suspected area of the mine in question. The contents of para no. 3 of my affidavit by way of evidence are correct and had been done in my presence. It is correct that after the thorough check by the NDRF team inside the mine and also all the suspected area the NDRF was of the opinion that there was nobody trapped inside the mine as deposed in para no. 4 of my affidavit by way of evidence. The sketch of the mine in question at page nos. 710 and 711 (Exhibit SW-1/7 Colly) do not bear my signatures on them and nor have been prepared by me.

Cross Examination on behalf of remaining Respondents.

- Nil - Opportunity Granted.

ROAC

Jude Rangku T. Sangma
(J.R.T. Sangma)

Chandrasekhar
Commissioner

Registrar General
30/09/2015

11/15.
09.15
24 (Bscvt)

(2)

Government of Meghalaya
OFFICE OF THE DEPUTY COMMISSIONER
South Garo Hills, Meghalaya, Baghmara

IDENTITY CARD

ID No: 21061001111
Shri. Jude Rangku T. Sangma, MCS
Extra Assistant Commissioner
DC Office, South Garo Hills

J. Sangma
Card Holder's Signature

J. Sangma
Deputy Commissioner
Issuing Authority Signature

Date of Issue : 17-May-2011
Valid Upto : 01-Mar-2015
D.O.B. : 03-Jan-1981
Blood Group : B (+)
Contact No. : 9402506399
Address : O/o Deputy Commissioner Complex,
South Garo Hills, Baghmara.

Report to the Nearest Police Station in case of loss

Threat to life Arising out of Coal Mining in south Garo Hills district Vs. State of Meghalaya

Examination in chief of RW 1/6 Statement on SA of Shri Lakador Syiem, MPS, S/o Shri P.S. Kharkongor, aged about 38 years, R/o. S.P. Bunglow, Baghmara, South Garo Hills District, Meghalaya, presently holding a post of Superintendent of Police, South Garo Hills, Baghmara, Meghalaya.

I tender my affidavit by way of evidence Exhibit RW 1/6-A bearing my signatures at points "A" thereon.

Cross-Examination by Shri Raj Panjwani, Amicus Curiae

The contents of para No. 5 are based upon documents which are in the file in possession of the Dy. Commissioner, South Garo Hills, Baghmara, Meghalaya. The Statements of all the relatives of the victims have yet not been recorded which are mentioned in paragraph no. 6 of my affidavit by way of evidence. As of now statements of 11 of the relatives of the victims have been recorded. Another six more statements of the relatives of the victims are to be recorded. The status report supported by my affidavit dated 20th July, 2015 is Exhibit RW-1/6 - AC-1 Colly.

Cross-Examination by Shri Saurabh Sharma, Adv. for Respondent Nos. 4 & 5.

I cannot say that there was no death in the mine in question in the subject incident.

Cross Examination on behalf of remaining Respondents.

- Nil - Opportunity Granted.

ROAC


30/9/15

NGT


Commissioner

Registrar General
30/09/2015

J. A. No. 110/2012 (THC)
29.9.15

9.15
W 4/6
RA (lower)

(T)
(S)

MEGHALAYA POLICE

IDENTITY CARD



Name : Shri Lakador Sylem, MPS
Desig : Superintendent of Police



Adm. Director, Meghalaya Police, (SB)
Shillong
(Reading Authority)

Serial No : S - 00305
Date of Issue : 22.07.2013
Date of Expiry : 22.07.2017
Blood Group : 'A' +(ve)



Signature

This card is property of Meghalaya Police, to whom it must be returned upon cancellation/cessation of employment and/or request from the Authorized Signatory.
If found please return to the nearest Police station or call SB Control Tel No. 0364222855

O. A. No. 110/2012 (THC)
29.9.15

Respt. No-1

(T)

Ranjana Mukherjee - Adv.
Upendra Mishra - Adv.
Aprajita Mukherjee - Adv.

For R-7 (MSPCB)

MU. Taryenjam Monno Singh.
Adv.

For R-4 & R-5.

Sauvabh Sharma (adv).

Threat to life Arising out of Coal Mining in south Garo Hills district Vs. State of Meghalaya

Examination in chief of RW 7/1 Statement on SA of Mr. Jerold Hollis Nengnong, S/o Late Shri H.R. Lyngdoh aged about 52 years, R/o Mawnianglah, Upper Shillong-793009, Meghalaya.

I tender my affidavit by way of evidence ex RW 7/1-A bearing my signatures at points A thereon. I also rely upon photocopies of documents Exts E1 to E9 along with the affidavit.

XXXXXXby Shri Raj Panjwani, Amicus Curiae

I am Bachelor in Chemical Engineering and also have done a short course on Environmental Management. The Meghalaya State Pollution Control Board was established on November, 1983. It is correct that the Coal Mines in Meghalaya require consent to establish and consent to operate under the Water Prevention & Control of Pollution Act, 1974 and Air Pollution Prevention & Control of Pollution Act, 1981 of the State Pollution Control Board. I cannot say as to whether after 1991 the coal mines could operate only after obtaining the Environmental Clearance under the Environmental Protection Act, 1986. No coal mine owner/operator has applied before the order of Hon'ble NGT or been granted consent to establish or consent to operate a coal mine in the State of Meghalaya. Contents of Exhibit E-9 filed along with the affidavit are accepted to be correct. Exhibits RW 7/AC-1 and RW 7/AC-2 are the reports (I) Environmental Impact of Coal Mining in Jayantiya Hill District, September, 1997 and (II) Study and evaluation of Environmental and Socio Economic Impacts of coal mining, October, 2003 in Jayantiya Hill District respectively. The reports, Exhibits RW 7/AC-1 and RW 7/AC-2 have been prepared by the State Pollution Control Board, contents of which are correct. I cannot say that there is any other method of coal mining in the State of Meghalaya other than Rat Hole mining.

Cross Examination by Shri Ranjan Mukherjee, Adv. for the State of Meghalaya

- Nil - Opportunity Granted.

Cross Examination by Shri Saurabh Sharma, Adv. for Respondent No. 4 & 5

- Nil - Opportunity Granted.

Cross Examination on behalf of remaining Respondents.

- Nil - Opportunity Granted.


29/9/15

ROAC


Commissioner

Registrar General
29/09/2015

File -
EX to C-9

(3)

MEGHALAYA STATE POLLUTION CONTROL BOARD
"ARDEN", Lumphung, Shillong - 793014

mspcb

Name: SHRI J.H. NENGNOIS
Designation: MEMBER SECRETARY
Signature: *[Signature]*

ISSUING AUTHORITY
CHAIRMAN
Meghalaya State Pollution Control Board
Shillong

NUMBER: 005



1. Under the provisions of Section 21(i) and 24(i) of the Water (Prevention and Control of Pollution) Act, 1974 and Section 24(i) and 26 (i) of the Air (Prevention and Control of Pollution) Act, 1986, the bearer of this Identity Card is empowered to enter any industry to inspect/analyze sample.
2. To be produced on demand by Security Staff.
3. Not to be missed, altered, destroyed or transferred.

Email: www.megspcb@rediffmail.com

[Signature] 29/9/2015

(X)

Original Application No. 110(T_{HC})/2012

Threat to life Arising out of Coal Mining in south Garo Hills district Vs. State of Meghalaya

Statement of Shri Tayenjam Momo Singh, Adv. for Respondent No. 7, Meghalaya State
Pollution Control Board

Without Oath

I close evidence on behalf of Respondent No. 7, Meghalaya State Pollution Control Board.

Tayenjam Momo Singh
29/09/2015


Commissioner

Registrar General
29/09/2015

ROAC

NGT



())

Original Application No. 110(T_{HC})/2012
Threat to life Arising out of Coal Mining in south Garo Hills district Vs. State of Meghalaya

Examination in Chief of RW 7/3 Statement on SA of Shri Shaidornell Swer, S/o Late Shri Ableman Swer, aged about 41 years, R/o Dong Madan (Opposite Lapalang Headman's House), Lapalang, Shillong-793006, East Khasi Hills District, Meghalaya.

I tender my affidavit by way of evidence ex RW 7/3-A bearing my signatures at points "A & B" thereon.

XXXXXX by Shri Raj Panjwani, Amicus Curiae

- Nil - Opportunity Granted.

Cross Examination by Shri Ranjan Mukherjee, Adv. for the State of Meghalaya

- Nil - Opportunity Granted.

Cross Examination by Shri Saurabh Sharma, Adv. for Respondent No. 4 & 5

- Nil - Opportunity Granted.

Cross Examination on behalf of remaining Respondents.

- Nil - Opportunity Granted.

[Signature]
29/9/2015

ROAC

[Signature]
Commissioner

Registrar General
29/09/2015

NGT

(2)

Original Application No. 110(T_{HC})/2012

Threat to life Arising out of Coal Mining in south Garo Hills district Vs. State of Meghalaya

Examination in Chief of RW 7/2 Statement on SA of Ms. Jenifer Sawian, D/o Shri P.P. Dohling aged about 47 years, R/o Dong Sharum, Umpling, Shillong, East Khasi Hills District, Meghalaya.

I tender my affidavit by way of evidence ex RW 7/2-A bearing my signatures at points "A & B" thereon.

XXXXXX by Shri Raj Panjwani, Amicus Curiae

I am M.Sc. in Bio-Chemistry. In Exhibit E-9, page 968 in Para 4 it is mentioned that "all the surface water bodies in the area have become highly acidic". Although no studies have been conducted, however, the said happening would have an effect on the Mucous-Membrane of all the living creatures as per the Bureau of Indian Standards.

Cross Examination by Shri Ranjan Mukherjee, Adv. for the State of Meghalaya

- Nil - Opportunity Granted.

Cross Examination by Shri Saurabh Sharma, Adv. for Respondent No. 4 & 5

- Nil - Opportunity Granted.

Cross Examination on behalf of remaining Respondents.

- Nil - Opportunity Granted.

Haw 29/09/15

ROAC

Chandrupr
Commissioner

Registrar General
29/09/2015

NGT



RW 7/5

(AA)

Don't

(A)

MECHALAYA STATE POLLUTION CONTROL BOARD
 "ARDEEN", Lumphing Road, Shillong - 793014

MSPCB

Name : **BARU SHAWDORNELL SWEI**
 Designation : **SCIENTIST 'B'**
 Signature : *[Signature]*

Number : **037** Issuing Authority : *[Signature]*
 Shillong

Mechalaya State Pollution Control Board,
 Shillong.

1. Under the provisions of Section 21(i) and 33 (i) of the Water (Prevention and Control of Pollution) Act, 1974 and Section 24(i) and 26 (i) of the Air (Prevention and Control of Pollution) Act, 1981, the bearer of this Identity Card is empowered to enter any industry to inspect/take sample.
2. To be produced on demand by Security Staff.
3. Not to be misused, altered, destroyed or transferred.

Email : mspcb@sancharnet.in

[Signature]
29/9/2015

(AB)

MEGHALAYA STATE POLLUTION CONTROL BOARD
 "ARDEN", Lumphyrang, Shillong - 793014

mspcb

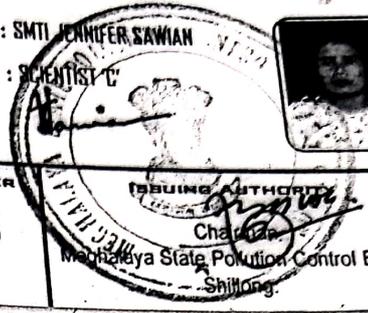
Name : SMTI JENNIFER SAWIAN

Designation : SCIENTIST 'C'

Signature

NUMBER
028

ISSUING AUTHORITY
 Chairman
 Meghalaya State Pollution Control Board,
 Shillong.

- Under the provisions of Section 24(I) and 33 (I) of the Water (Prevention and Control of Pollution) Act, 1974 and Section 24(I) and 26 (I) of the Air (Prevention and Control of Pollution) Act, 1986, the bearer of this Identity Card is empowered to enter any industry to inspect/take sample.
- To be produced on demand by Security Staff.
- Not to be missed, altered, destroyed or transferred.

Email: mspcb.gov.in



Haw 29/09/15

(AC)

Original Application No. 110(THC)/2012
Threat of life Arising out of Coal Mining in south Garo Hills district Vs. State of Meghalaya

Examination in chief of CW 1 Statement of Shri Md. Rohim uddin Alas Rahim Uddin, S/o Late Nalu Sheikh, Age- 74 years, Profession- No work. R/o Village Chale sersow, P.S: Fakirganj, District Dhubri, Assam

On SA

I have filed affidavit dated 24th March, 2014, in support of my statement I have signed the affidavit at point A, B, C & D (affidavit is in vol.2 pg no. 337 to 340). I have identified my thumb impression. The affidavit is EX CW 1/A.

XXXXXX by Ld. Counsel Shri Saurab Sharma on behalf of Respondent No. 4 & 5.

On 6th July, 2012, I was at my home. MY home is situated at Village Chale Sersow. The incident took place at Nongolbibra. The place of incidence is at a distance of more than 20 km from my residence. It is wrong to suggest that the place of incident is situated more than 100 km. from my residence. Vol.- I have never been to that place and I cannot tell the distance. It is correct that deceased Mohd. Jamal Sheikh and Mohd. Haider Ali are my sons. I have birth certificate. I can produce in Court. I came to know death of my sons on the same day. Somebody called me on my telephone. The person who called me on telephone and informed death of my sons is Mr. Mukhtar Ali, R/o my village. I did not contact Mr. Mukhtar Ali. I did not inform Police on the same day because I was not in proper state of my mind. I made complaint to the police. I do not remember the date. Today I'm not having the copy of complaint. It was 2013. I do not remember the month. I am illiterate. I informed to police that my sons Haider Ali and Shah Jamal Sheikh died. It is wrong to suggest that I had lodged complaint with police station Nongolbibra, Meghalaya. The name of police station was Fakir Ganj. I did not give written complaint at police station Fakir Ganj. I have not seen dead bodies of my both sons. I can produce death certificate in Court. Today I have not brought. I do not remember the date but it was 2013. Prior to 6th July, 2012 I have never visited to Nongolbibra, Meghalaya (South Garo Hills). I do not remember the name of the person with whom my sons were working in a Coal Mine. I never met the owner of the Coal Mine. Again said I had met. I know that on 6th July, 2012 there were 29 to 35 workers were working at the mine because only 10 persons returned home and they informed me. I do not know the name of the owner of the Mine. My son Haider Ali was working about 4 days and the Jamal Sheikh was working for 14 days, prior to the incident. I'm not in a position to tell the name of the reporter and the newspaper as I was unwell at the time of their visit. I was bed ridden I do not know whether news reporters told me that if I visit police station then I would get compensation.

Question- How do you know that during the incident 15 workers were died?

Answer- After the incident 10 people came back and 10 workers drown.

I sent Mojiba Rehman to see my sons after the incident as I have received the information of their death. He is my Uncle's son. He had reached next day at the place of the incident. He returned after 5-6 days. My cousin informed me that bodies were not extricated from the mine pit. I did not inquire police officials regarding dead bodies of my sons. I do not remember the date when lastly I had seen my both sons, prior to incident. It is correct that I was given Rs. 80,000 each as compensation. The compensation was handed over to me by Mojiba Rehman. Mojiba Rehman informed me that money was given by the owner of the Coal Mine. I do not know the name of the owner. I do not have any residence in Bangladesh. It is correct that police

(A.D.)

officials came to my residence to inform that my sons had died. I remember the name as Ali, out of 10-12 police officers who visited. They were from Meghalaya. Police Station Nongolbibra. I do not remember the date and the year. I do not remember when was the last time I talked with my sons. My sons used to telephone me every Sunday. My sons were not residing separately from my home. They also went for Mine work once, prior to the incident. I do not know the name of the owner of the Coal Mine.

It is incorrect to suggest that I had made any complaint to any police authority prior to filing of affidavit Ex. CW 1/A. It is incorrect to suggest that I do not possess death certificates of my sons. It is incorrect to suggest that there is no death of any worker took place in the Coal Mine on 6th July, 2012. It is incorrect to suggest that I have received Rs. 80,000 each as compensation from the Mine Owner/Contractor. It is wrong to suggest that I had threat from any authority/Contractor/Coal Mine Owner. It is wrong to suggest that I have filed the wrong affidavit and deposing falsely.

XXXXXX by Ld. Counsel Shri Ranjan Mukherjee, State of Meghalaya

Deferred after Lunch



Commissioner

Registrar General
08/07/2015

ROAC

(AE)

Cross Examination of CW 1 Shri Md. Rohim uddin Alas Rahim Uddin
After lunch

On SA

Cross by Shri Ranjan Mukherjee, Ld. Counsel for Respondent No. 1, State of Meghalaya
I am residing at Assam. I do not know where my sons were working. I do not know where my
sons were residing. At this stage witness is not feeling well, therefore, further cross
examination is deferred till next date of Court.

ROAC
[Handwritten signature]
21/7/15

Commissioner
Registrar General
08/07/2015

(CW1)
Cross Examination of CW 1 Shri Md. Rohim uddin Alas Rahim Uddin

(AF)
After One and a half hours as he is now feeling well. Therefore, taken up today.

On SA

XXXXXXXXX by Shri Ranjan Mukherjee, Ld. Counsel for Respondent No. 1, State of Meghalaya

The name of my Village is Chalasersow. My village is situated in district Dhubri. I put my thumb impression on affidavit CW 1/A at my residence. I do not know at the time of putting up of thumb impression whether the document was blank or something was written on it. I put my thumb impression on the instruction of police officials. I have lost my two sons. I do not remember since when my both sons were working in the Coal Mine. I do not know their monthly salary. I know through telephonic message that my both sons died. I do not know whereabouts of the dead bodies of my two sons. I do not perform last rites of my both sons.

It is incorrect to suggest that both my sons are alive. It is incorrect to suggest that I am deposing falsely.

XXXXXX by Respondent No. 1A MoEF & CC

Opportunity given. Nil

XXXXXX by Respondent No. 2, Ministry of Labour & Employment, Jharkhand

Opportunity given. Nil

XXXXXX by Respondent No. 3, Ministry of Coal, New Delhi

Opportunity given. Nil

XXXXXX by Respondent No. 6, CPCB

Opportunity given. Nil

XXXXXX by Respondent No. 7, Meghalaya Pollution Control Board

Opportunity given. Nil

XXXXXX by Respondent No. 8, National Disaster Response Force

Opportunity given. Nil

XXXXXX by Amicus Curiae Mr. Raj Panjawani

Witness has shown affidavit Ex CW 1/A and shown his thumb impressions. I do not remember whether I had put thumb impression at the police station or office of Oath Commissioner.

ROAC

Commissioner

Registrar General

08/07/2015



5
Elect (29)
July 15

CW1

Id Proof.

(Ah)

ভাৰতীয় নিৰ্বাচন আয়োগ
ELECTION COMMISSION OF INDIA
ভোটাৰ ফটো পৰিচয় পত্ৰ
ELECTOR PHOTO IDENTITY CARD

GCL1074697



ভোটাৰ নাম / Elector's Name

ৰহিমুদ্দিন সেখ
RAHIMUDDIN SHEIKH

সম্পৰ্কিত ব্যক্তিৰ নাম / Relation Name

নালু সেখ
NALU SHEIKH

লিংগ / Sex : পুৰুষ / Male
Date of Birth / Age : 73 Yrs
ঠিকনা : গাওঁ/চহৰ-- 181 বৰকলিয়া শেৰণো,
খানা-ভক্তিৰসজ, মহকুমা- দক্ষিণ সালমাৰা- মানকচৰ,
জিলা-ধুবুৰী, (অসম)
Address : Vill./Town-BARAKALJA
SHERASHO, P.S.-Fakirganj, Sub-Divn.-South
Salmara Mankachar,
Dist.- DHUBRI, (Assam)

Rahimuddin

Date: 01/10/13 Electoral Registration Officer

বিধানসভা সমষ্টিৰ নং ও নাম : 22, দঃ সালমাৰা
Assembly Constituency : 22, SALMARA
No. and Name SOUTH

খণ্ড নং ও নাম : 107, চলাকুৰা এম.ই.স্কুল
(মৌজা)

Part No. and : 107, Chalakura M.E.School
Name (R)

টোকা: (ক) কেৱল এই ফটো পৰিচয় পত্ৰ প্ৰতি ব্যক্তিয়েই মালিকিত্ব জটিল
ভাৰতীয় নিৰ্বাচন আয়োগৰ দ্বাৰা কৰা হৈছে। ইয়াক নিৰ্বাচন
আয়োগৰ মালিকিত্ব জটিল তালিকাৰ অধীনত মান কৰা হৈছে।
টোকা: (খ) এই পৰিচয় পত্ৰ কেৱল মাত্ৰ ভাৰতীয় নিৰ্বাচন
আয়োগৰ ব্যৱহাৰৰ বাবেহে ব্যৱহাৰ কৰা হৈছে। ইয়াক
কোনো অন্য উদ্দেশ্যৰ বাবে ব্যৱহাৰ কৰা হৈছে
হিচাপে ল'ব কৰা হৈছে।

Note: (a) Mere possession of this card is no guarantee that you
are elector in the current electoral roll. Please check your name
in the current electoral roll before every Election. (b) Date of birth
mentioned in this card shall not be treated as proof of age/
D.O.B. for any purpose other than registration in electoral roll.

Book No.

37

AI

Sl. No. 2645



GOVT OF ASSAM
OFFICE OF THE
SALKATA GAON PANCHE
UNDER SOUTH SALMARA ANCHALIK PANC
P.O. BARKOLIA SERSOW, P. S. SOUTH SALMA
DIST. DHUBRI (ASSAM)



Certified that Shri/Smti Refina uddin
S.O./ D.O./W.O. Shri//Smti/Late Naku SK
is an inhabitant of village ekaherson
P.O. - Barkolia Sersow, P.S. - South Salmara, Dist. - Dhubri (Assam).

His/Her father's name is enlisted in E/Roll of 2008
against Sl. No. 12

House No. 6 Part No. 78 village No. &
name 181 Barwala Sersow under 2.
South Salmara L.A.C.

Date 10/10/2009

Secretary
SALKATA GAON PANCH
P.O. BARKOLIA SERSOW
DIST. DHUBRI (ASSAM)

Examination in chief of CW 2 Statement of Shri Kuddus Ali, S/o Late Ababuddin Sheikh, Age- 65 years, Profession- Agriculturist. R/o Village Dokhin Sham Badda, P.S: Fakirganj, District Goalpara, Assam

On SA

I have filed affidavit dated 24th March, 2014, in support of my statement. I have signed the affidavit at point A, B & C (affidavit is in vol.2 pg no. 341 to 343). I have identified my thumb impressions. The affidavit is EX CW 2/A.

XXXXXX by Ld. Counsel Shri Saurab Sharma on behalf of Respondent No. 4 & 5.

I know only Bangla language. I do not know Jayanti Das from Dhubri. The affidavit was not read over to me. I am illiterate, therefore, I cannot say that Ex CW 2/A is my Affidavit. However, the affidavit contains my thumb impression. On 6th July, 2012 I was at my home. My residence is situated at Shimoltola. The Coal Mine where my son was working is situated at Nongolbibra. Nongolbibra is situated at far distance from my residence. I cannot tell the distance in kilometers. My son died during the season of monsoon (Baisakh). I never visited Nongolbibra. One Mr. Mojiba informed me about the death of my son on Friday, before 12 p.m. I did not lodge the report to the police. I tried to reach at Nongolbibra. However, I did not succeed. I have not seen the dead body of my son. On receiving the information on telephone that my son has died, I fainted. I do not know in which Coal Mine my son was working. I heard the news about death of 15 persons in a Coal Mine incident. I heard the name of the owner Dass. One Mr. Das, he is one of the 2 persons sitting in the Court. Again said the person who is sitting in red t-shirt, this person did not inform me about the death. (On inquiring by the Commissioner, the person disclose the name Gurdeep Singh s/o Malkit Singh). Vol.- The person in red t-shirt came to me and offered me to stay with them but I rejected the offer (voluntary). I have no death certificate of my son. I did not inform to police with regard to death of my son.

My son was working about one or two months prior to incident for the first time and again went at the time of incident. I do not exactly in whose Mine my son was working but I heard the name some Dass.

Question- Who offered you compensation of Rs. 80,000?

Answer- Witness pointed out at person sitting in room wearing red t-shirt (earlier name disclosed Gurdeep Singh s/o Malkit Singh) in July, 2012

Mr. Gurdeep Singh did not come himself to pay Rs. 80,000. My son Johirul and Shajamal and Haidur went to receive the money. These persons told me that Mr. Gurdeep Singh paid the money. I do not know whether it was Mr. Dass or Mr. Gurdeep Singh. For the first time I met Mr. Gurdeep Singh after the death of my son. It was Baisakh month in 2014. I do not remember when I had seen my son for the last time. I had spoken to my son about 14-15 days prior to the incident. I did not see dead body of my son. I did not perform last rites. I have not met Mine Owner/Contractor prior to 2014. I did not know the media persons came to my residence after the incident. I had sworned in an affidavit on 24th March, 2014 at Phoolwadi, West Garo Hills, Meghalaya. I heard from the persons who went for Mining work that my son was working at 200-300 ft. below the surface.

9/7/14

(AK)

It is incorrect to suggest that my son did not die in alleged incident dated 6th July, 2012. It is incorrect to suggest that as pointed out by me today in room paid me compensation of Rs. 80,000. It is incorrect to suggest that I had threat from any authority/ Contractor/ Coal Mine Owner. It is incorrect to suggest that I have filed wrong affidavit and deposing falsely. I had signed affidavit Ex CW 2/A at Dhubri.

XXXXXX by Ld. Counsel Shri Ranjan Mukherjee, State of Meghalaya, Respondent No. 1

At present I live in Assam at village Shimoltola. My village is outside district Dhubri. My thumb impression on affidavit was taken at my residence. Police officials came from Nongolbibra to take my thumb impression. I do not remember whether I had put thumb impression on blank paper. I do not know since when my son was working in Coal Mine. I do not know about his monthly salary. I do not remember the exact number of persons who died in the incident may be 6 or 7. I cannot admit or deny the suggestion that my son is alive but missing. It is wrong to suggest that I am deposing falsely.

XXXXXX by Respondent No. 1A MoEF & CC

Opportunity given. Nil

XXXXXX by Respondent No. 2, Ministry of Labour & Employment, Jharkhand

Opportunity given. Nil

XXXXXX by Respondent No. 3, Ministry of Coal, New Delhi

Opportunity given. Nil

XXXXXX by Respondent No. 6, CPCB

Opportunity given. Nil

XXXXXX by Respondent No. 7, Meghalaya Pollution Control Board

Opportunity given. Nil

XXXXXX by Respondent No. 8, National Disaster Response Force

Opportunity given. Nil

ROAC



Admitted
[Signature]
8/7/15

Commissioner

Registrar General

08/07/2015



CW-3

(AM)
(AL)

Consent (R4)
8 July, 2015

Zel Phung.

CV-12

ভাৰতীয় নিৰ্বাচন আয়োগ
ELECTION COMMISSION OF INDIA
ভোটাৰ ফটো পৰিচয় পত্ৰ
ELECTOR PHOTO IDENTITY CARD
GCL1018877



ভোটাৰৰ নাম / Elector's Name
আঃ কুদ্দুছ সেখ
A. KUDDUS SHEIKH
সম্পৰ্কিত ব্যক্তিৰ নাম / Relation Name
আফাজউদ্দিন
AFAJUDDIN

লিংগ / Sex : পুৰুষ / Male
Date of Birth / Age : 66 Yrs
ঠিকনা : গাওঁ/চহৰ-- 180 বৰ কনীয়া নহুৰা,
খালসা-ফকিৰগঞ্জ, মহকুমা- দক্ষিণ সালমাৰা- মালকাচাৰ,
জিলা-ধুবুৰী, (অসম)
Address : VIII, Town-BAR KALJIA NASKARA,
P.S.-Fakirganj, Sub-Divn.-South Salmara
Mankachar,
Dist.- DHUBRI, (Assam)

(Signature)

Date: 01/10/13 Electoral Registration Officer
বিধানসভা সমষ্টিৰ নং ও নাম : 22, দঃ সালমাৰা
Assembly Constituency : 22, SALMARA
No. and Name : SOUTH
খণ্ড নং ও নাম : 101, এ.কে.মণ্ডল এল.পি.স্কুল
(বাওঁজাল)
Part No. and Name : 101, A.K.Mondal L.P. School
(L)

টোকা: (ক) কেৱল এই ফটা পত্ৰৰেহে ব্যক্তিৰ নামভুক্ত হোৱাৰ নিশ্চয়তা প্ৰদান কৰিব পাৰিব। ইয়াক ভোটাৰৰ
ভাৱেহে ব্যৱহাৰ কৰিবলৈ অনুমতি দিয়া হৈছে। ইয়াক ভোটাৰৰ নামভুক্ত হোৱাৰ নিশ্চয়তা প্ৰদান কৰিবলৈ
ব্যৱহাৰ কৰিবলৈ অনুমতি দিয়া হৈছে। ইয়াক ভোটাৰৰ নামভুক্ত হোৱাৰ নিশ্চয়তা প্ৰদান কৰিবলৈ
ব্যৱহাৰ কৰিবলৈ অনুমতি দিয়া হৈছে।
Note: (a) Mere possession of this card is no guarantee that you
are elector in the current electoral roll. Please check your name
in the current electoral roll before every Election. (b) Date of birth
mentioned in this card shall not be treated as proof of age/
D.O.B. for any purpose other than registration in electoral roll.

09.07.2015

CW-3

(AM)

Original Application No. 110(T_{HC})/2012

Threat of life Arising out of Coal Mining in south Garo Hills district Vs. State of Meghalaya

Examination in chief of CW 3 Statement of Momotaz Bibi, w/o Late Mohd. Shahab Uddin, Age- 31 years, Profession- Domestic servant. R/o Village Chale sersow, P.S: Fakirganj, District Dhubri, Assam (Witness does not understand English and Hindi language, therefore, as translator Ms. Uppama Bhattacharjee has been assisting the Commissioner and all Ld. Counsels have no objection).

On SA

I tendered my affidavit in examination in chief. I identified my thumb impression at point A, B, C & D. The affidavit is taken on 24th March, 2014. The affidavit is Ex CW 3/A.

XXXXXX by Ld. Counsel Shri Saurab Sharma on behalf of Respondent No. 4 & 5.

I do not know Jayanti Das. I know that I have submitted affidavit in NGT. I am illiterate. I do not know the contents of the affidavit. The contents of the affidavit were read over to me in Bengali. One reporter whose name I do not know read over to me. I do not remember date, month, year when contents of the affidavit read over to me. I cannot guess whether it was 2009, 2012, 2013, 2014 & 2015. I do not remember the date, month & year of death of my husband. But it was Friday. My husband died at Nongol. I do not know where Nongol is situated. I never visited Nongol. I came to know about death of my husband through mobile phone. The phone call was made by my nephew. His name is Mukhtar Ali. He had telephoned from the mountain top sitting on tree top. I do not know the name of the place. I did not lodge police complaint on receiving the information of death of my husband. Vol- Police officials came to my residence. I had tried to go to the place where my husband died. I had sent somebody from my neighbourhood. He was my elder brother-in-law Mojiba Rehman. He went on the day of incident. At 3 p.m. I do not have death certificate of my husband. My husband died due to drowning at Coal Mine. I do not know the name of owner and contractor of Coal Mine. I know that he was working only at one Coal Mine. Vol- Two months prior also he worked at the same Coal Mine. There were 30 persons working at that Coal Mine. Vol- 15 persons were came out from the Coal Mine but remaining 15 could not came out. My nephew, Mukhtar Ali told me the facts about that 30 persons were working there and 15 drowned and 15 came out from the

[Handwritten signature]
9/7/15



(BN)

Coal Mine. On Friday, at around 2-2:30 p.m. these facts were disclosed to me by Mukhtar Ali on the same day.

I do not remember the date and year when police officials visited my residence. The police officials came from Nongol. I do not know the State as well. I do not know the distance between my residence and Nongol. I never saw dead body of my husband. I have been paid compensation by one Nongol Mahajan. I do not know the name of Mahajan. The compensation was given to Mojiba Rehman when he had gone on receiving the information regarding the death of my husband at Nongol. I never met Nongol Mahajan. I do not know the date, month & year when reporter had visited my residence. I do not know the name of the reporter and the newspaper/ media house. The reporter informed me that my husband died. I had told the place of death of my husband to reporter. I did not say anything else to reporter. My husband was earning 8,000-10,000. My husband was working 15 days prior to the incident in this Mine. I never resided with my husband at the place of working. I had seen my husband 15 days prior to his death at my residence. I had lastly talked to my husband on Thursday. I do not know the month and year of that Thursday. He had telephoned me from Nongol. I did not lodge report with the police after the visit of reporter at my residence. The police officials were not writing my complaint. Mahajan told the police officials not to write complaint. Those were the police officials of Nongol. I did not go to Nongol Police Station to lodge the report. The person who was sent to Nongol after the incident told that Mahajan is paying compensation, therefore, I need not file the police complaint. I had no direct talked with the Mahajan. The Coal Mine where my husband was working is 100 ft. deep. My husband told this fact about 15 days prior to his death. It is correct that I have not mentioned mobile No. of my husband in the affidavit Ex CW 3/A. I do not know the mobile No. of my husband. I do not know how many Coal Mines are situated at Nongol area. My husband carried with him mobile phone and the tools needed for Coal Mine work. I never saw any Coal Mine in any area. My nephew told about the structure of the Coal Mine where my husband was working.

I do not remember the date, month and year when I was paid compensation.


9/7/15

(AD)
It is incorrect to suggest that there is no death of any worker took place in the Coal Mine on 6th July, 2012. It is incorrect to suggest that I have received Rs. 80,000 as compensation from Mine Owner/Contractor. It is incorrect to suggest that I had any threat from any authority/ Coal Mine Owner/ Contractor. It is incorrect to suggest that I have filed the wrong affidavit and deposing falsely. It is incorrect to suggest that I am tutored by two witnesses namely Rahim Uddin and Kudus Ali examined yesterday.

XXXXXX by Ld. Counsel Shri Ranjan Mukherjee, State of Meghalaya, Respondent No. 1

I had put my thumb impressions on affidavit Ex CW 3/A as advised by my advocate. My advocated explained to me the contents of the affidavit in vernacular language (Bangla). I had put my thumb impressions at office at Baghmara. Today I do not recollect the name and identity of the person before whom I put my thumb impression on the affidavit. I put thumb impression on the written affidavit. I do not have any documentary proof of death of my husband. I did not perform the last rites of my husband as he has been buried/died in the Coal Mine. It is wrong to suggest that I have filed false affidavit with a view to claim compensation on pretending death of my husband. It is wrong to suggest that I am deposing falsely.

XXXXX by Mr. Raj Panjawani, Sr. Advocate, Amicus Curiae

I have 3 children, one son aged 6 and half years and two daughters aged 9 and 11 respectively.

It is correct that my husband was/is the sole bread earner for my family. It is correct that my nephew Mukhtar Ali was also working in the Coal Mine where my husband died. It is correct to suggest that Mukhtar Ali was working in the Mine when the accident took place. Mukhtar Ali resides at village Chalesersow. It is correct to suggest that son of Kudus Ali was also working in the same Coal Mine.

XXXXXX by Respondent No. 1A MoEF & CC

Opportunity given. Nil

XXXXXX by Respondent No. 2, Ministry of Labour & Employment, Jharkhand

Opportunity given. Nil

XXXXXX by Respondent No. 3, Ministry of Coal, New Delhi

Opportunity given. Nil

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7/12/12

XXXXXX by Respondent No. 6, CPCB

Opportunity given. Nil

XXXXXX by Respondent No. 7, Meghalaya Pollution Control Board

Opportunity given. Nil

XXXXXX by Respondent No. 8, National Disaster Response Force

Opportunity given. Nil

(AA)



Anti-Feed Jeep
LTI
20/15

Commissioner
Registrar General
09/07/2015



CW-3

(A2)

CW-3
out (RH)
7-7-15.
- P.M.O.

ভাৰতীয় নিৰ্বাচন আয়োগ
ELECTION COMMISSION OF INDIA
ভোটাৰ ফটো চহনিত্ত পত্ৰ
ELECTOR PHOTO IDENTITY CARD
OCL1074608



ভোটাৰৰ নাম / Elector's Name
মমতাজ বেগম
MANTAJ BEGUM

সম্পৰ্কিত ব্যক্তিৰ নাম / Relation Name
সাহাবুদ্দিন
SAHABUDDIN

পিন / Sex : মহিলা / Female
Date of Birth / Age : 31 Yrs
ঠিকনা : গাওঁ/চহৰ - - 181 বৰকাৰিয়া শেৰাশো,
খালা-ভক্তিৰাম, মহকুমা- দক্ষিণ সালমাৰা- মানকাচৰ,
জিলা-ধুবুৰী, (অসম)

Address : VIII.Town-BARAKALLJA
SHERASHO, P.S.-Fakirganj, Sub-Divn.-South
Salmara Mankachar,
Dist.-DHUBRI, (Assam)

[Signature]
Date: 01/10/13 Electoral Registration Officer

বিধানসভা সমষ্টিৰ নং ও নাম : 22, দক্ষিণ সালমাৰা
Assembly Constituency : 22, SALMARA
No. and Name : SOUTH

খণ্ড নং ও নাম : 107, চেলকুৰা এম.ই.স্কুল
(সৌমলী)

Part No. and Name : 107, Chelakura M.E. School
(R)

টোকা: (ক) কেৱল এই ফটো চহনিত্ত পত্ৰে মাত্ৰ ভোটাৰৰ নামটোকে ভোটাৰ
অধিকাৰ জ্ঞাপনৰ বাবে ব্যৱহাৰ কৰিবলৈ অনুমতি দিয়া হৈছে। ইয়াৰে কোনো
অন্যৰে ব্যৱহাৰ কৰিবলৈ অনুমতি দিয়া হৈছে নাই। (খ) এই ফটো চহনিত্ত পত্ৰ
মাত্ৰ ভোটাৰৰ নামটোকে ভোটাৰ অধিকাৰ জ্ঞাপনৰ বাবে ব্যৱহাৰ কৰিবলৈ
অনুমতি দিয়া হৈছে।

Note: (a) Mere possession of this card is no guarantee that you
are elector in the current electoral roll. Please check your name
in the current electoral roll before every Election. (b) Data of birth
mentioned in this card shall not be treated as proof of age.
D.O.B. for any purpose other than registration in electoral roll.

09.07.2015

Original Application No. 110(T_{HC})/2012

Threat of life Arising out of Coal Mining in south Garo Hills district Vs. State of Meghalaya

Examination in chief of CW 4 Statement of Md. Rezzak Ali, s/o Late Mohd. Rukhsan Ali Sheikh, Age- 49 years, Profession- Agriculturist. R/o Village Chale sersow, P.S: Fakirganj, District Dhubri, Assam (Witness does not understand English and Hindi language, therefore, as translator Ms. Uppama Bhattacharjee has been assisting the Commissioner and all Ld. Counsels have no objection).

On SA

I tended my affidavit in examination in chief. I identified my thumb impression at point A, B, However failed to identify at point C & D. The affidavit is taken on 24th March, 2014. The affidavit is Ex CW 4/A. (Vol.1A pg No. 349-352)

XXXXXX by Ld. Counsel Shri Saurab Sharma on behalf of Respondent No. 4 & 5.

I do not know Jayanti Das.

Question- Did you submit affidavit in NGT?

Answer- I have been told by police that I have issued a notice to come to NGT. I cannot answer.

Vol- I know only that my son has died and I received notice.

My sons died in 2012. I do not recollect the date. I am blessed with 4 children, two have died and two are alive. My 2 children were died at Nongol, Meghalaya. I do not know the exact name of place but it was in Meghalaya. One Mr. Mukhtar Ali told me about the death of my 2 sons. He is my nephew and resides in the same area. He told me at about 3p.m. on the day of incident. On knowing the fact of the death of my 2 sons, I fainted. I did not go to police station to lodge the report when I had become normal. I did not visit place of incident at Meghalaya. During my lifetime I have not visited the place of incident. I tried to visit. I did not go because other people stopped me. Today, I do not recall their names but they were my co-villagers. I do not have death certificates of my both deceased sons. Police officials have not given document with regard to death of my sons. I did not lodge complaint with the police officials of Meghalaya in respect of death of my 2 sons. Even till today I have not lodged report to the police. Vol- However, reporters had come to my house in this regard. I do not recollect the day, month and year of the visit of reporters. I cannot tell who were they and where they were employed. Reporters told me that both my sons have died. Reporters asked me whether I would file a case but I told them I will not file any case.

Question- How your sons were died?

(AS)

Answer- My sons were died in Coal Mine accident.

I never visited the place of incident. I have never seen dead bodies of my sons. I did not perform last rites of the bodies of my sons since the bodies are inside the Mine pit. (At this stage the witness started crying).

I do not know how many workers were working at that Coal Mine. I do not know the depth of the Coal Mine since I never visited that place. It is wrong to suggest that I stated wrongly in the affidavit that 29-35 workers were working at the Coal Mine. It is further wrong to suggest that I stated wrongly in the affidavit that the depth of the Mine was 200-300 ft. My sons worked for a month and came back and stayed for 15 days. Thereafter, again gone back to Coal Mine. I had seen both my sons 15 days prior to the incident. I know the Contractor of the Coal Mine where my both sons were working. His name is Dibar.

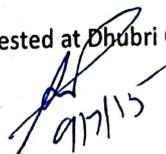
I do not remember the date, month and year when for the first time police officials visited my residence. Vol- Police officials had written something. I do not know what they had written. Police officials came from Police Station William Nagar. I do not know how many Coal Mines are situated in the area of Nongol. I have received Rs. 1,60,000 as compensation through my younger brother, Mojiba Rehman. I had received this amount after 7 days of the incident. It is wrong to suggest that Contractor/ Mine Owner never paid any compensation to my younger brother, Mojiba Rehman. My sons never disclosed to me their earning.

XXXXXX by Ld. Counsel Shri Ranjan Mukherjee, State of Meghalaya, Respondent No. 1

The witness has shown his affidavit Ex. CW 4/A Pg. No. 351 and 352 bearing a thumb impression at point C & D.

Question- I put it to you kindly see thumb impressions at point C&D and tell whose thumb impression is it?

Answer- The thumb impressions at point C & D are mine. The police official asked me to put thumb impressions on Ex CW 4/A. I cannot say whether contents of the affidavit were read over to me in Bengali. The affidavit was attested at Dhubri Court. I put my thumb impressions on the


9/7/15

(AT)
written papers. It is incorrect to suggest that just to claim compensation I have filed false affidavit. It is wrong to suggest that I am deposing falsely.

XXXXX by Mr. Raj Panjawani, Sr. Advocate, Amicus Curiae

On 6th of July, 2012, the date of incident, my son Md. Jalal sheikh was aged 27 years and my other son Hailal Sheikh was aged 22 years. Md. Jalal was married having wife and 3 year old daughter. Hailal Sheikh was unmarried. It is correct that my both sons were working at the same Coal Mine where sons of Md. Kudus Ali were also working on 6th July, 2012. I am not sure that Mr. Gurdeep Singh is the name of the Contractor of the Coal Mine again said that it is correct that name of the Contractor of the Coal Mine is Gurdeep Singh.

Question- I put it to you kindly tell whether Contractor of the Coal Mine is sitting in the room?

Answer- Yes, I can tell. Witness has seen all the persons present in the room. He pointed out to a person who is wearing yellow t-shirt. Who according to me is the Contractor of the Mine. (On inquired from the Commissioner, the person sitting in the room disclosed his name Gurdeep Singh s/o Malkit Singh).

XXXXXX by Respondent No. 1A MoEF & CC

Opportunity given. Nil

XXXXXX by Respondent No. 2, Ministry of Labour & Employment, Jharkhand

Opportunity given. Nil

XXXXXX by Respondent No. 3, Ministry of Coal, New Delhi

Opportunity given. Nil

XXXXXX by Respondent No. 6, CPCB

Opportunity given. Nil

XXXXXX by Respondent No. 7, Meghalaya Pollution Control Board

Opportunity given. Nil

XXXXXX by Respondent No. 8, National Disaster Response Force

Opportunity given. Nil

ROAC


Commissioner
Registrar General
09/07/2015



O.A. No. 110/2012 (THC)

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

Vs.

State of Meghalaya & Ors.

List of Witnesses to be present on 08.07.2015

WITNESSES		
1.	Affidavit by way of Evidence of Md. Rohim Uddin @ Rabim Uddin, S/o Late Nalu Sheikh, Village Chalasersow, P.O. Borkalia Sersow, P.S. Fakirganj, District Dhubri, Assam	At page No. 337 in Volume 1-A
2.	Affidavit by way of Evidence of Md. Kuddus Ali, S/o Late Afaz Ali, Village pachim Shimoltola, P.O. Borkalia Sersow, P.S. Fakirganj, District Dhubri, Assam	At page No. 341 in Volume 1-A
3.	Affidavit by way of Evidence of Momotaz Bibi W/o Late Md. Sahabuddin (S/o Late Md. Rupchand Sheikh), Village Chalasersow, P.O. Borkalia Sersow, P.S. Fakirganj, District Dhubri, Assam	At page No. 345 in Volume 1-A
4.	Affidavit by way of Evidence of Md. Rezzak Ali, S/o Late Md. rupchand Sheikh, Village Chalasersow, P.O. Borkalia Sersow, P.S. Fakirganj, District Dhubri, Assam	At page No. 349 in Volume 1-A
5.	Affidavit by way of Evidence of Sh. Davis Nestell R. Marak, IPS, Superintendent of Police, East Garo Hills, Williamnagar	At page No. 747 in Volume 1-C
6.	Affidavit by way of Evidence of Smt. F. Boro, MCS, Extra Assistant Commissioner, South West Garo Hills, Ampati	At page No. 750 in Volume 1-C
7.	Affidavit by way of Evidence of Smti M.N. Marak, Deputy Labour Commissioner, South Garo Hills, Baghmara	At page No. 766 in Volume 1-C
8.	Affidavit by way of Evidence of Shri Jude Rangku T. Sangma, MCS, Extra Assistant Commissioner, South Garo Hills, Baghmara	At page No. 772 in Volume 1-C

Resome

Sh. R. P. Marak / Witness No. 1

Smt. F. Boru / Witness No. 3

Smt. M. N. Marak / Witness No. 6

Sh. Jude Rangku T. Sangma

~~Sh. Lakados Syiem~~

Sh. Lakados Syiem, presently SP, Baghmara.

(Aw)

(A1)



MEMO OF PARTIES

1. State of Meghalaya ✓
Through the Chief Secretary
Shillong
- 1A. Ministry of Environment And Forests ✓
Through the Secretary
Paryavaran Bhawan, CGO Complex
Lodhi Road, New Delhi- 110003
2. Director General of Mines Safety ✓
Ministry of Labour & Employment ✓
Dhanbad
Jharkhand- 826001
3. Ministry of Coal ✓
Through the Secretary ✓
Room No. 321, A Wing,
Shastri Bhawan
Delhi
4. Rongsa Awe Coal Mine ✓
Through Sh. Kodan A. Sangma ✓
Nokma- Head of Village
Village Rongsa Awe ✓
Police Station & PO Nangalbibra ✓
District Baghmara
South Garo Hills
Meghalaya
5. Mr. Gurdeep Singh ✓
GMK, PO Lohia Khash ✓
Tehsil Shahkot, Dist. Jalandhar ✓
Punjab

6. CPCB ✓

7. Meghalaya PCB ✓

8. National Disaster Management Response Force +

Impkaded
vide order
dt. 4/4/14

9. Dalmier Cement (Bharat) Limited

impleaded w/o order dated. 17/07/2023
passed in m.A. no. 43/2023/PB

10. Star Cement Limited

11. Star Cement Meghalaya Limited

12. Meghalaya Power Limited

13.

R. 10 to 12 impleaded w/o order
dated 9/08/2023 in m.A. no. 52/2023/PB



*2 Plans
1 copy for 6*



*Why not
Complaint
Prosecution
0-12*

Form No. 20 A (Civil)
Rule - 1 Chapter - XV H.C. Rules

THE GAUHATI HIGH COURT

(High Court of Assam, Nagaland, Meghalaya, Manipur,
Tripura, Mizoram & Arunachal Pradesh)
(CIVIL EXTRAORDINARY JURISDICTION)

TITLE PAGE

PART - 1

NBT Applⁿ 110/2012 (THC)

(This file must be preserved for ever)

The above period shall be calculated from the date of the final decree or order which in cases appealed to the Supreme Court will be that of the decree or order of the Supreme Court.

Pk Suo Motu No. *(114) & 2012* of _____

<i>Shred to be removed out of Coal Mining</i>	APPELLAN
<i>in Souk Garo Hills District</i>	PETITIONE
VERSUS	
<i>State of Meghalaya & ors</i>	RESPONDEN
	OPPOSITE-PART

Date of Decision of the High Court _____

Date of Decision of the Supreme Court _____

Meghalaya launches rescue bid

15 trapped in coal mine

OUR CORRESPONDENT

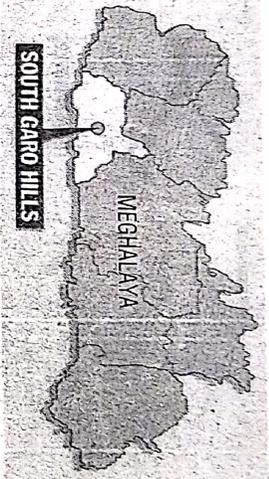
Shillong, July 10: Meghalaya police, along with the South Garo Hills district administration, have mounted rescue operations to try and save 15 labourers trapped inside a coal mine close to Nangalbhira since last week.

According to information received from South Garo Hills, 15 labourers are still trapped inside the mine at Nangkol in the Rongga Awe area of Nangalbhira region since Friday afternoon. The chances of their survival appear grim.

Baghinara, the district headquarters of South Garo Hills, is around 480km from this capital city. It takes nearly three hours to drive to Nangalbhira from Baghinara. The coal mines are located about 10km from Nangalbhira.

"On Friday, around 12:30pm, 30 labourers were engaged in excavation in a coal mine belonging to the *Moknu* of Rongga Awe. The manager, Kuldeep Singh, was advised by the local people to refrain from engaging his labourers in the excavation work in view of the monsoon." R.P. Marak, additional district magistrate of South Garo Hills, told this correspondent.

Singh, however, asked the labourers to undertake the excavation, Marak said. In the process, the labourers accidentally hit into a wall of an abandoned mine that was



filled with gallons of water. They were unable to cap the hole as water gushed out, submerging them inside the mine, he added.

Of the 30 labourers, 15 managed to escape while the other 15 are still trapped inside. Most of these labourers are believed to be hailing from Assam's Dibrugar district.

"Rescue operations are still on and we are trying to pump the water out of the mine. In the meantime, we have registered a case against Singh," Marak said. Asked whether there were any chances of survival for those trapped inside, the official said, "The situation is very grim. We are trying our best to rescue them."

Ten years ago, a similar incident had occurred in Garo hills when 50 people had died after water surged in from an abandoned mine, drowning the labourers inside the mine. In another accident, a coal labourer lost his life while several others were injured while mining coal in a mine in Nangalbhira on Sunday.

The heavy machinery that was engaged to draw the extracted coal buckled after its cables snapped, plunging the machine's crane into the deep pit where the labourers were operating. While one of the labourers died, another eight sustained grievous injuries.

Like in Jaintia Hills and West Khasi Hills, coal is being unscientifically mined in the Garo hills region.

The present system of mining of coal is popularly known as "rat-hole mining", as the labourers go underground to extract the mineral with locally available equipment.

Moreover, after abandoning their mines following exhaustion of the mineral, owners do not cover the pits. This in turn, poses a grave danger to the uninformed. Friday's incident is a case in point.

Meghalaya is still awaiting the implementation of the mining policy which, among others, seeks to address issues related to such unscientific methods of mining the "black gold".

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GOVERNMENT OF MEGHALAYA
OFFICE OF THE DEPUTY COMMISSIONER :::SOUTH GARO HILLS :::
:::BAGHMARA :::

No. SGH/DC/DM/15/2012/23,

Dated, Baghmara the 13th July, 2012.

From : Shri R.P. Marak, MCS,
Deputy Commissioner,
South Garo Hills, Baghmara.

To : The Chief Secretary,
Government of Meghalaya,
Shillong.

Sub : Submission of Preliminary report on Search & Rescue Operations by NDRF.

Sir,

With reference to the above, I have the honour to forward herewith a copy of preliminary enquiry report submitted by Shri Anil Shekhawat, Assistant Commandant, Officer-in-Charge NDRF Team, for favour of your kind information. As per their report, there is nobody trapped inside the mine either living or dead. However, magisterial inquiry is still going on and final report shall be submitted in due course of time.

Yours faithfully,

Deputy Commissioner,
South Garo Hills, Baghmara.

Dated, Baghmara the 13th July, 2012.

No. SGH/DC/DM/15/2012/23-A,

Copy to :

1. The Principal Secretary to the govt. of Meghalaya, Mining & Geology Department, Shillong for favour of kind information.
2. The Commissioner of Division for East, West and South Garo Hills for favour of kind information.
3. The Registrar, Guwahati High Court, Shillong Bench for favour of information.

Deputy Commissioner,
South Garo Hills, Baghmara.

%%%



To

The Deputy Commissioner,
South Garo Hills district,
Baghmara, Meghalaya.

13/7/12

Subject:- Preliminary Report on Search and Rescue Ops.

Sir,

With reference to the above, I would like to inform you that a team of National Disaster Response Force (NDRF), under my supervision conducted search and rescue operation inside a coal mine located at Mengkolgittim, Rongsa Awe village on 12th July 2012. It was reported that 15 (fifteen) coal labourers were suspected to be trapped inside since 6th July 2012 due to flooding of the coal mine as mentioned in the print media.

2. The search and rescue operation commenced at about 120600 hrs and was called off on 122000 hrs at the request of the magistrate on duty. During the search and rescue ops my team used the following techniques and equipments by adopting Standard Operating Procedures (SOP).

- a) Physical search of the suspected areas by the NDRF rescuers.
- b) Sniffer dogs were used to ascertain whether any dead or living person is in the vicinity.
- c) Deep under water divers were engaged inside the water logged channels in the mine.
- d) Specialized equipments like Life detector was used to detect any living being in the mine.
- e) Thorough double check of all the accessible suspected areas in the mine was carried out.

3. The vertical depth of the mine from ground level is about 80 ft. and from there horizontal length of the mine is approximately 180 fts and further divided into sub- channels. The width of the entrance is about 30x40 ft. The water level in the mine starts from 100 ft onward which was gradually increasing.

4. During the search and rescue ops we did not find any victim alive or dead inside the mine during the entire period of 14 hrs of intensive search of all the probable areas and is of the opinion that there is nobody trapped inside the mine either living or dead. The technical apparatus and techniques used also gave negative result. The detail report regarding will be submitted in due course of time.

(Anil Shekhawat)
Asst. Commandant
Officer -in- Charge NDRF Team



GOVERNMENT OF MEGHALAYA
OFFICE OF THE DEPUTY COMMISSIONER :::SOUTH GARO HILLS :::
:::BAGHMARA :::

Dated, Baghmara the 11th July, 2012.

No. SGH/DC/RDM/15/2012/16,

To

The Registrar,
Guwahati High Court,
Shillong Bench, Shillong.

Sub : Report on Incident which occurred on 6th July, 2012 at Rongsa Awe .

Sir,

In continuation of this letter No. SGH/DC/RDM/1/2008/124 dated 11.7.12, I am to state that following action/strategic intervention has already been taken as Strategic Intervention and the concerned departments have been alerted to mitigate the situation :-

1. Ensuring immediate help by Governmental and Non-Governmental Agencies to the victims : One Magistrate and one Deputy Superintendent of Police is present at the site with other Govt. Officials
2. Coordinating the activities of different departments of the Government and the NGOs for bringing immediate relief : Concerned departments are alerted and present at the site.
3. Supervising the distribution of relief materials : Officials & supply staff have been alerted and ready with materials.
4. Supervising the construction of temporary shelter or transporting the victims to a safer place : Officials are on the job and Vehicles are kept in place
5. Supervising the reunion of families : All the victims who managed to escape have left for their respective homes which is outside the district.
6. Supervising the Health care and sanitation of the victims and preventing the spread of epidemics : DM & HO, south Garo Hills alerted
7. Supervising the needs of women and children : DSWO alerted
8. Ensuring the availability of food, medicine and drinking water : Concerned departments i.e. Supply, Health, PHE alerted
9. Supervising the reconstruction of damaged dwelling houses : Reconstruction is not necessary as no dwelling house is affected.
10. Supervising the restoration of cattle and chattel : NIL
11. Legal Awareness Programmes in the relief camps on the legal rights of the victims : Legal Awareness programme will be conducted after entire rescue process is completed
12. Organising Legal Aid Clinics in the affected areas for assisting in reconstruction of valuable documents : Officials are ready at the site to assist if required.
13. Assisting the victims to get the benefits of the promises and assurances announced by the Government and Ministers : Officials are at the site to assist.
14. Assisting in the rehabilitation, care and future education of orphaned children : Officials are at the site to assist, if any
15. Taking steps for appropriate debt relief measures for the victims : Officials are at the site to assist, if any
16. Assisting in the rehabilitation of the old and disabled who lost their supporting families: Inquiry still on
17. Assisting in the problems relating to Insurance Policies : Inquiry still on. Will assist as and when required.
18. Arranging Bank Loans for restarting the lost business and avocations: This shall be done after enquiry if required.
19. Arranging for phyciatrist's help/counselling to the victims who are subjected to physiological shock depression on account of the disaster : DM & HO already alerted to take necessary action.
- 20.

Yours faithfully,


Deputy Commissioner,
South Garo Hills, Baghmara.

To

The Registrar,
Guwahati High Court,
Shillong Bench, Shillong.

Sub : Report on incident which occurred on 6th July, 2012 at Rongsa Awe .

Sir,

With reference to the above, as per your directive, I am to inform that on 6th July, 2012 around 12:30 pm, some 30 (thirty) labourers were supposedly inside a coal mine when the mine collapsed. The quarry belonged to the Nokma and was looked after by one Shri Gurdip Singh. 15 (fifteen) of them somehow managed to escape, however 15 (fifteen) labourers are feared to be still trapped inside. A Magistrate and the Police Department is supervising the rescue work. The water is being drained out using water pump machine numbering about 9/10 numbers. In this regard, a case has been registered against Shri Gurdip Singh, the Manager and others u/s 304-A IPC. Investigation is simultaneously taken place and the Magisterial enquiry is also going on. Further, the National Disaster Response Force has been requested to assist in the rescue works and is expected to arrive anytime today.

This is for favour of kind information.

Yours faithfully,

Deputy Commissioner,
South Garo Hills, Baghmara.

No. SGH/DC/RDM/1/2008/124-A,

Dated, Baghmara the 11th July, 2012

Copy to : The Commissioner of Division for East, West and South Garo Hills for favour of information and necessary action.

Deputy Commissioner,
South Garo Hills, Baghmara.

DISTRICT: EAST KHASI HILLS

IN THE GAUHATI HIGH COURT

(THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA,
MANIPUR, MIZORAM, TRIPURA, & ARUNACHAL PRADESH)

SHILLONG BENCH

CIVIL APPELATE SIDE

PIL No. (SH) 3/212 (SUO MOTTO)

Threat to life arising out of Coal mining in
South Garo Hills District.

VRS

State of Meghalaya and others.

AFFIDAVIT STAMP



DISTRICT: EAST KHASI HILLS.

IN THE GAUHATI HIGH COURT.

(THE HIGH COURT OF ASSAM, NAGALAND,
MEGHALAYA, MANIPUR, MIZORAM, TRIPURA & ARUNACHAL PRADESH)
SHILLONG BENCH.

CIVIL APPELLATE SIDE.

PIL NO. (SH) 3 / 2012 (SUO MOTTO)

Threat to life arising out of Coal mining in
South Garo Hills District.

.....Petitioner.

-Versus-

State of Meghalaya and others.

.....Respondents.



IN THE MATTER OF:-

Report by way of an Affidavit
filed in pursuance to Order dated
27.07.2012 passed by this
Hon'ble Court in the above
mentioned case.

I Shri. W.M.S. Pariat, son of (L) Dr. I.M. Simon, aged about 58 years, resident of
Bivar Road, Shillong, East Khasi Hills District, Meghalaya, do hereby solemnly affirm
and declare as under:-

1. That I am the Chief Secretary to the Government of Meghalaya and a copy
of the Order dated 27.07.2012 has been served upon me.

Contd to pg.2



2. That I beg to state that this instant Public Interest Litigation(Suo Motto) is not maintainable in fact and in law.
3. That in compliance to the aforesaid Order dated 27.07.2012,I am pleased to file the report in the form of an Affidavit herein below.
4. That on 10.07.2012 the Shillong Times reported about the Coal Mine tragedy at Nengkol in Rongsa Awe of Nangalbibra,South Garo Hills District, stating that the labourers believed to be numbering around 16 were trapped in a coal mine.It may be mentioned herein that the 10th July,2012 was a holiday.

That on 11.07.2012, a meeting was convened by the Deputy Chief Minister-In-charge,Mining and Geology Department and the matter was discussed.A detailed report on the accident was called for from the Deputy Commissioner,South Garo Hills,District,the Director of Mineral Resources and the Divisional Mining Officer,Williamnagar vide letter No.MG/64/2011/33,dated 11.07.2012.Instructions over phone was also conveyed to them.

(True and correct copy of the letter No.MG/64/2011/33,dated 11.07.2012 is annexed hereto and marked as Annexure-I)

Contd to pg.3



5. That the Deputy Commissioner, South Garo Hills District has submitted his report on the accident, vide letter No, SGH/DC/RDM/1/2008/125, dated 11.07.2012. From his report it appears that on 6th July, 2012 at about 12:30 p.m. some labourers were supposedly inside a coal mine when the coal mine collapsed. About 15 labourers managed to escape and about 15 were feared to be trapped inside. No report of the incident was received till the 9th July, 2012 by the District administration. On receipt of the information about the incident, an enquiry by a Magistrate was ordered, a Police team with Magistrate was sent to the reported accident site for rescue work. The National Disaster Response Force (NDRF) was requisitioned for assistance in the rescue work. A case was registered under Sections 304 A/201 of the IPC, against the manager Shri Gurdip Singh and Nokma Shri Kudon A. Sangma as it was stated that the quarry belonged to Shri Kudon A. Sangma, the Nokma and was looked after by one Shri Gurdip Singh, the Manager.

(True and correct copy of the report, vide letter No, SGH/DC/RDM/1/2008/125, dated 11.07.2012 is annexed hereto and marked as Annexure-II)

6. That according to the investigation and report of the Magistrate First Class, vide preliminary report No. SGH / FB / EAC-1 / 2012 / 19, dated

Contd to pg.4


COMMISSIONER OF AFFIDAVIT.

12.07.2012, which was forwarded by the Deputy Commissioner, South Garo Hills District to the deponent vide letter No.SGH/DC/DM/15/2012/21, dated 12th July 2012, most of the people present on the site during the enquiry on 09.07.2012, could not tell exactly the number of labourers who might have been trapped. According to 3 labourers who were questioned, the water gushed in suddenly and quickly behind them but they could manage to escape narrowly and 15 labourers were feared to be trapped. However, according to the statement of Muhuri-in-charge, 12 to 15 workers had escaped safely out of the mine and he was not certain of the number of trapped labourers inside the mine. He further stated that the Sardar fled from the accident site as the workers attempted to assault him.

(True and correct copy of the preliminary report No.SGH/FB/EAC-1/2012/19, dated 12.07.2012 and letter No. SGH/DC/DM/15/2012/21, dated 12th July 2012 are annexed hereto and marked as Annexure-III and Annexure-IV respectively)

7. That the NDRF which was requested to mount a rescue mission arrived on the evening of 11th July, 2012 and undertook a thorough search and rescue operation from the early hours of 12th July, 2012 and that the preliminary report on its search and rescue operation was submitted by Shri. Anil

Contd to pg.5

Anil

COMMISSIONER OF AFFIDAVIT.



Shekhawat, Assistant Commandant, Officer-in-Charge, NDRF Team to the Deputy Commissioner, South Garo Hills District. According to his report a team of NDRF had conducted search and rescue operations inside a coal mine located at Mengkolgittim, Rongsa Awe village on 12.07.2012, where 15 coal mine labourers were reported to be trapped. The search and rescue operations were conducted on 12th July from 0600 hours to 2000 hours. During the search and rescue operations the following techniques and equipments were used by adopting Standard Operating Procedures(SOP):-

- a) Physical search of the suspected areas by the NDRF rescuerers.
- b) Sniffer dogs were used to ascertain whether any dead or living persons were in the vicinity.
- c) Deep under water divers were engaged inside the water logged channels in the mine.
- d) Specialized equipments like detector was used to detect any living being in the mine.
- e) Through double check of all the accessible suspected areas in the mine was carried out.

Further, during the period of 14 hours of intensive search and rescue operations, no body, live or dead, was found inside the mine and therefore, the NDRF team was of the opinion that there was no body trapped inside the mine either living or dead. The technical apparatus and

techniques used also, gave negative results.

(True and correct copy of preliminary report of NDRF, dated 12.07.2012 is annexed hereto and marked as Annexure-V)

8. That under the Mines Act, 1952, the DGMS which is the agency of the Ministry of Labour, is the authority to look after and ensure the safety of labourers in mines. On 13.07.2012, Shri. D.K. Sahu, Deputy Director of Mines Safety, DGMS, Dhanbad, in-charge Guwahati Region were contacted directly over phone with a request to undertake an investigation and rescue. The DGMS official inspected the site on 14th July, 2012. According to the report of the DGMS, in view of the mine still being full of water, it could not be conclusively ascertain whether any life was lost or not. However, the DGMS' report has pointed out that no records, registers or plan and section of mine was available, no safety arrangement were found for going underground, no additional ventilation was provided and the mine was working on natural ventilation alone and therefore, the working conditions were not safe.

(True and correct copy of Inspection report of DGMS is annexed hereto and marked as Annexure-VI)

9. That the State Labour Department was also asked to submit a report

Contd to pg.7


COMMISSIONER OF AFFAIRS

According to report of Deputy Labour Commissioner, District Labour Office, South Garo Hills District as submitted vide letter No.DLB/MISC/131/93/251, dated 30.07.2012, no specific information regarding the labourers reported to be trapped inside the flooded coal mine could be given by anyone. On 6th July, 2012, on receiving reports from some labourers, the Manager informed the Nokma about the coal mine accident, but they did not inform the Police as they were not certain whether any labourers was trapped inside the mine. Majority of the labourers were from outside the State and they were always in touch with their family members at home over mobile phones. However, no one had come forward claiming his or her relative working in the coal mine was missing. On 14th July, 2012, the Deputy Director of Mines Safety, DGMS Guwahati along with the Mining Engineer, Coal India Limited inspected the mine and advised against continuing the search as there was a danger of the mine caving due to incessant rain fall and rising of water level inside the mine.

(True and correct copy of Inquiry report vide letter No.DLB/MISC/131/93/251, dated 30.07.2012 is annexed hereto and marked as Annexure-VII)

10. That Mining Engineer Shri.S.Sohtun vide letter No.DMR/MM/52/93/1233, dated 24.07.2012 has submitted report on his visit to the accident site on

Contd to pg.8


COMMISSIONER OF AFFAIRS

of Mineral Resources, Meghalaya, Shillong vide letters No. DMR/MM/746/2012/161, No. DMR/MM/746/2012/162, and No. DMR/MM/746/2012/163, dated 11.04.2012.

(True and correct copies of letter No. DMR/MM/746/2012/161, No. DMR/MM/746/2012/162, and No. DMR/MM/746/2012/163, dated 11.04.2012 are annexed hereto and marked as Annexure-X collectively.)

12. That besides, as a precautionary measure, the State Government vide letter No. MG.58/2012/5, dated 24th July, 2012 has ordered that the Labour Department, Deputy Commissioner, Superintendents of Police and Director of Mineral Resources should ensure that the mine owners/mine developers maintain basic safety measures in the mine.

(True and correct copy of the letter No. MG.58/2012/5, dated 24th July, 2012 is annexed hereto and marked as Annexure-XI)

13. That earlier the Director General Mines safety on instruction from Ministry of Labour, Government of India had visited Meghalaya and had meetings on 4th and 5th July, 2012 with all the Departmental Officers concerned on mines safety. The DGMS team has been provided a list of mines with basic

Contd to pg.10


COMMISSIONER OF AFFIDAVIT.

information by which the mines can be identified on ground to facilitate educative, preventive and punitive measures to ensure safe mining practices. First list of coal mines have been furnished to the to the DGMS and Central Commissioner vide letter No.MG.73/2010/2010/374-A dated 24.07.2012.

(True and correct copy of the letter No.MG.73/2010/2010/374-A dated 24.07.2012 is annexed hereto and marked as Annexure-XII)

14. That this is an Affidavit filed on behalf of the State of Meghalaya and prays that the same be placed on record of this Hon'ble Court and also prays that the Hon'ble Court may pass any order or orders as may deem fit and proper for the ends of justice.

15. It is prayed accordingly.

16. That the statements made in paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 are true and correct to the best of my knowledge, belief and information and those made in paragraphs _____ are true and correct to the best of my knowledge and belief which are derived from the records which I believe to be true and the rest are my humble submissions before this Hon'ble Court.


COMMISSIONER OF AFFIDAVIT

Contd to pg.11

And I sign this instant Affidavit on the 21st day of
September, 2012 at Shillong.

Identified by:



(Shri N.D. Chullai,
Sr. Govt. Advocate,
Meghalaya, Shillong)



DEPONENT

Solemnly Affirmed Before Me this day
The of 21st September 2012 The
Declaration is Identified by Mr. N.D. Chullai, Sr CA
Is Personally known to me. I certified
that I read over and explained the content
to The declarant and that the Declarant
seemed perfectly as understand them



Commissioner of Affidavit
Gawhati High Court
Shillong Bench.

-12-

ANNEXURE-I

GOVERNMENT OF MEGHALAYA
MINING AND GEOLOGY DEPARTMENT

NO.MG.64/2011/33,

Dated Shillong, the 11th July, 2012.

From : Shri.C.K.Marak,
Under Secretary to the Govt. of Meghalaya,
Mining and Geology Department.

To : The Deputy Commissioner, South Garo Hills District,
Baghmara.

Sub : Coal mine Tragedy in South Garo Hills.

Sir,

I am directed to request you to submit report on Coal mine tragedy at Nengkol in Rongsa Awe of Nongalbibra and regarding Police case registered against mine owner/mine manager indicating the section of provision under which case is registered.

This has the approval of the Competent Authority.

Yours Faithfully,



(C.K.Marak)

Under Secretary to the Govt. of Meghalaya,
Mining and Geology Department

Memo.NO.MG. 64/2011/33,- A

Dated Shillong, the 11th July, 2012.

Copy to:-

1. The Director of Mineral Resources Meghalaya, Shillong.
2. The Divisional Mining Officer, Williamnagar.

For submission of
detailed report on Coal
mine tragedy as stated
above.

Verified to be true copy

By Order etc.,



(C.K. Marak)

Under Secretary to the Govt. of Meghalaya,
Mining and Geology Department

13

ANNEXURE-II

GOVERNMENT OF MEGHALAYA
OFFICE OF THE DEPUTY COMMISSIONER ::SOUTH GARO HILLS::
::BAGHMARA ::

MS 4
Pr. Secy
Pr. Secy

No. SGH/DC/RDM/1/2008/125,

Dated, Baghmara the 11th July, 2012.

From : Shri R.P. Marak, MCS,
Deputy Commissioner,
South Garo Hills, Baghmara.

To : The Chief Secretary,
Government of Meghalaya,
Shillong.



Sub : Report on incident which occurred on 6th July, 2012 at Rongsa Awe .

Sir,

With reference to the above, I have the honour to inform that on 6th July, 2012 around 12:30 pm, some 30 (thirty) labourers were supposedly inside a coal mine when the mine collapsed. The quarry belonged to the Nokma and was looked after by one Shri Gurdip Singh. 15 (fifteen) of them somehow managed to escape, however 15 (fifteen) labourers are feared to be still trapped inside. A Magistrate and the Police Department is supervising the rescue work. The water is being drained out using water pump machine numbering about 9/10 numbers. In this regard, a case has been registered against Shri Gurdip Singh, the Manager and others U/S 304-A IPC. Investigation is simultaneously taking place and the Magisterial enquiry is also going on. Further, the National Disaster Response Force has been requested to assist in the rescue works and is expected to arrive anytime today.

In this regard, the undersigned has not received any report on this incident till 9th July/12 and until a magistrate and police headed by the Superintendent of Police, visited the place.

This is for favour of kind information.

Yours faithfully,

Deputy Commissioner,
South Garo Hills, Baghmara.

No. SGH/DC/RDM/1/2008/125-A,

Dated, Baghmara the 11th July, 2012.

Copy to : The Commissioner of Division for East, West and South Garo Hills for favour of information and necessary action.

Handwritten signature and date 2012.

Handwritten signature and blue stamp: "Certified to be true Copy"

Deputy Commissioner,
South Garo Hills, Baghmara.

%%%

ANNEXURE-III

No. SGH/FB/EAC-1/2012.119

Dated: Baghmara the 12th July 2012

To

The Deputy Commissioner,
South Garohills, Baghmara.

HS
f
m

Subject:- Preliminary enquiry report on the collapse of coal mine at Nenkul in Rongsa Awe.

Sir,

With reference to the subject above and in pursuance to your verbal direction, I have the honour to submit the preliminary report on the collapse of a coal mine at Nenkul in Rongsa Awe area as follows:-

In regard to the above mentioned mishap, Self along with SP and DSP's team visited the mine site in the morning hours of 9th July 2012. On reaching we witnessed the ongoing work of water being drained out of the water logged mine by the pumping motors. It has been learned that the water is being pumped out without stop day and night.

Most of the people present there could not exactly tell us about the number of labourers who might have been trapped. However we picked up five persons, the manager of the mine, the Nokma who is the owner of the mine and three of the labourers. According to their Statements the mishap occurred due to the accidental hitting of the adjoining wall of a closed down mine which was filled with water and into which water from another abandoned mine has gushed in due to the water pressure.

The Nokma is ignorant of the trapped labourers, the manager also is not sure of it, as both of them were not present when the incident occurred, but according to the three labourers whom we questioned 15 persons could be inside the mine. As witnessed by one of the labourer, the water gushed in behind him, it was very sudden and in few minutes the mine was flooded. Himself and other two workers had a narrow escape.

On being asked why they did not inform the police immediately, the manager reasoned by saying that he was busy in the rescue operation and felt the Nokma would do the necessary act. On the same question the Nokma told us that he reached the spot in the same evening from Tura, but, due to shock and confusion he failed to take any action, but he do admit his mistake of not informing the police or to the administration even when four days have lapsed. The Nokma further informed, that in accordance to a resolution of a meeting held with all the villagers on 12th June 2012 to stop all the mining work immediately in view of the rains, his wife had instructed the manager to close down the mine. Despite the warning the manager engaged the workers.

On 11th July 2012, I summoned the Nokma's wife to my chamber, She informed that She along with her husband and the Mahari reached the spot on Sunday morning but none of them thought of reporting to the police. They stood there as onlookers. She however strongly confirmed about instructing the manager to stop the mining work on 14th June 2012. She also submitted the resolution of the meeting held on 12th June 2012.


Certified to be true Copy

15

(20) (5)

The same day along with the Nokma's wife. Recorded the statement of the Muhuri in charge according to him 12-15 workers safely came out of the mine, but he is not sure of how many could be trapped inside. On enquiring about the Sardar, he informed, that the later fled form the site as the workers wanted to assault him in regard to the incident.

The Police has registered a case against three persons ie., the the manager, the Sardar and Sub-Sardar under section 304(A) IPC for negligence.

Further the enquiry is still on the process.

Submitting for favour of your kind information and necessary action

Yours faithfully



Smt. F. Boro, MCS, EAC.
(Enquiry Officer)
Baghmara.

16

ANNEXURE-IV

GOVERNMENT OF MEGHALAYA

OFFICE OF THE DEPUTY COMMISSIONER :: SOUTH GARO HILLS ::

:: BAGHMARA ::

✓ P. Secy
① P. Secy
② P. Secy

No. SGH/DC/DM/15/2012/21,

Dated, Baghmara the 12th July, 2012.

From : Shri R.P. Marak, MCS,
Deputy Commissioner,
South Garo Hills, Baghmara.



To : ✓ The Chief Secretary,
Government of Meghalaya,
Shillong.

Sub : Submission of preliminary report on coal mine tragedy at Nengkul (Rongwa Awe).

Sir,

With reference to the above, I have the honour to forward herewith a copy of preliminary enquiry report submitted by Smt. F. Boro, Enquiry Officer & Magistrate 1st Class, South Garo Hills, Baghmara for favour of your kind information. Further, the National Disaster Response Force (NDRF) has arrived and search operations are in full swing inspite of inclement weather. The detail report shall be submitted after completion of enquiry.

Yours faithfully,

Deputy Commissioner,
South Garo Hills, Baghmara.

No. SGH/DC/DM/15/2012/21-A,

Dated, Baghmara the 12th July, 2012.

Copy to :

1. The Commissioner of Division for East, West and South Garo Hills for favour of kind information.
2. The Registrar, Guwahati High Court, Shillong Bench for favour of information.
3. The Under Secretary to the Govt. of Meghalaya, Mining & Geology Department, Shillong.

*File carefully.
Give a copy to
labour dept too.*

Deputy Commissioner,
South Garo Hills, Baghmara.

US (M/BG)

%%%

Certified to be true Copy



17 ANNEXURE-V

To

The Deputy Commissioner,
South Garo Hills district,
Baghmara, Meghalaya.

Subject:- Preliminary Report on Search and Rescue Ops.

Sir,

With reference to the above, I would like to inform you that a team of National Disaster Response Force (NDRF), under my supervision conducted search and rescue operation inside a coal mine located at Mengkolgtlim, Rongsa Awe village on 12th July 2012. It was reported that 15 (fifteen) coal labourers were suspected to be trapped inside since 6th July 2012 due to flooding of the coal mine as mentioned in the print media.

2. The search and rescue operation commenced at about 120600 hrs and was called off on 122000 hrs at the request of the magistrate on duty. During the search and rescue ops my team used the following techniques and equipments by adopting Standard Operating Procedures (SOP).

- a) Physical search of the suspected areas by the NDRF rescuers.
- b) Sniffer dogs were used to ascertain whether any dead or living person is in the vicinity.
- c) Deep under water divers were engaged inside the water logged channels in the mine.
- d) Specialized equipments like Life detector was used to detect any living being in the mine.
- e) Thorough double check of all the accessible suspected areas in the mine was carried out.

3. The vertical depth of the mine from ground level is about 80 ft. and from there horizontal length of the mine is approximately 180 fts and further divided into sub- channels. The width of the entrance is about 30x40 ft. The water level in the mine starts from 100 ft onward which was gradually increasing.

4. During the search and rescue ops we did not find any victim alive or dead inside the mine during the entire period of 14 hrs of intensive search of all the probable areas and is of the opinion that there is nobody trapped inside the mine either living or dead. The technical apparatus and techniques used also gave negative result. The detail report regarding will be submitted in due course of time.

13/7/12
Chauhan
12/11/12

POINT A

(Anil Shekhawat)
Asst. Commandant
Officer-in-Charge NDRF Team

Print

18

ANNEXURE-VI

Subject: Accident Report of Meghalaya Coal Mine by DK Sahu & Minutes of the Meeting on Child Labour

From: B P SINGH (bpsinghbp@yahoo.co.in)

To: jaipriye@yahoo.com;

Cc: bdrtiwari2006@gmail.com;

Date: Tuesday, August 14, 2012 1:40 PM

Dear Sir,

As discussed pl find enclosed herewith the report of accident and the minutes of the meeting held in Shillong on illegal mining and child labour in coal mines of Meghalaya for information and necessary action pl. Sorry for the delay and inconvenience.

With Regards,

B.P SINGH
Director of Mines Safety(CMC)
GMS, Dhanbad

<http://us.mg5.mail.yahoo.com/neo/launch?.rand=dfkng0ss2badp>

8/16/2012



19

Inspection Report.

DIR/DG(FZ)/DG to see/record Pl.

No. GhyR/Megh-South Garo Hills-Illegal Coal-/PI(12)/ 735 dated 16th. July 2012.

NOTE FOR FILE

Name of Mine/Location: Rongsa Awe Coal Mine (U/G) of South Garo Hills Distt. (Meghalaya)

Name of Owner : Shri Kodan A. Sangma. S/o Late Hemrat Marak, (Nokma- Head of Village. R/o village- Rongsa Awe, Police Station & PO - Nangalbibra. District - Baghmara (South Garo Hills)

Name of Contractor : Shri Gurdeep Singh. S/o Sri Malkit Singh. R/o GMK. PO - Lohia Khash. Tesh -Shahkot. Dist. - Jalandhar (Punjab)

Name of Manager/Supervisor: Shri Sarbar Singh. S/o Shri Karm Singh. R/o GMK. PO - Lohia Khash. Tesh -Shahkot. Dist. - Jalandhar (Punjab)- not qualified.

Name of Sirdar (Mohri or Minshi) : Shri Ansur Rahman R/o Dhubri Distt. Assam.- Not qualified.

Name of I. O. : Shri D.K. Sahu. Dy. DMS. Guwahati Region (Assam).

Date of Inspection : 14.07.2012

Subject: Inquiry into an incidence of water inrush into underground working of Rongsa Awe Coal Mine on 06.07.2012

1.0 First Information

On 12th July 2012, I was informed by an officer of NEC, Guwahati that there is some news in local news papers regarding accident in some coal mine in South Garo Hills District. I got a copy of News paper from him. It was appearing in Local News Paper- Telegraph dated 11.07.12, Guwahati Edition that 15 persons are still trapped inside a coal mine at Nengkol in the Rongsa Awe area of Nangalbibra Region of South Garo Hills District since last Friday dated 06.07.2012.

In the news, it was also reported that on Friday dated 6th July around 12.30 PM. 30 labourers were engaged in excavation in a coal mine belonging to the Nokma (Headman of village) of Rongsa Awe. The Manager Shri Gurdeep Singh was advised by the local people not to engage labourers in the excavation work in view of the monsoon. But he allegedly asked the labourers to go inside the mine for work. Around 12.30 pm on the day, the labourers accidentally hit into a wall of an abandoned mine which was waterlogged. The workers were unable to cap the hole as water gushed out and submerged the mine they were working in. 15 labourers managed to escape safely from the mine whereas the remaining 15 got trapped inside and are suspected to have drowned.

1.1 On 12th July 2012 evening, the Dy. DGMS, EZ, Sitarampur was informed by an officer of this Directorate about the same incidence, who asked me about the same. Next day, DDG, EZ

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Sitarampur, asked me to collect paper cuttings relating to the incidence for sending to EZ, Sitarampur. On 13.07.2012, I had sent copies of the news paper cuttings through fax to Sitarampur. In the afternoon on 13th July 2012, DGMS, Dhanbad, also asked me about the incidence in coal mines of Meghalaya. I also gave him same information which was reported to the Dy. DGMS Sitarampur. Later I was instructed by the DGMS, Dhanbad to send news papers cuttings stating incidence to the office of the Joint Secretary, Ministry of Labour and Employment, which I had sent through fax as well as mailed also to the authorities told to me.

2.0 Location & Detail of Mine/Incident Site

This mine was situated at Nengkol in the Rongsa Awe area of Nangalbibra Region in South Garo Hills District (Meghalaya State), about 110 kms from Tura, 54 kms from Baghmara district head quarter, about 6 kms from west of NH-62 from Jagi Gittin village, 220 kms from Guwahati, 480 kms from Shillong, in hilly terrains in remote locality. Mine was being worked in the own land of mine owner (Nokma) without obtaining mining lease from the state Govt.

2.1 Method of work

As per information from Sri Gurdeep Singh, Contractor, it was revealed that a coal seam about 2m thick dipping at 1 in 20 (approx.), occurring at a depth of 80m to 100m. A vertical shaft of rectangular cross-section 6m X 7m and 30m depth was sunk and thereafter an incline of 100m length dipping at 1 in 2 to 3 had been driven towards East direction to touch the coal seam. The coal seam was being developed by manual cutting of coal using picks, on Board & Pillar pattern forming coal pillars of size 20m X 20m with galleries 1.5m wide and 2m in height. The development was at present towards North & Eastern side. Six gangs of workers each comprising of one coal cutter, four lifter and loaders, were engaged at six working faces. There were three working faces each in East & South side of the mine as shown on rough hand sketch plan drawn at the surface enclosed (two plans). The mine was producing about 15 Tones of coal daily with an average daily employment of 35 persons.

3.0 Inspection, Enquiry & Observations

As per instructions of the DGMS, Dhanbad, Ministry of Labour & Employment, I along with Sri Momin, Mining Engineer, North Eastern Coalfields, Nangalbibra, Dist. South Garo Hills, called at above mine on 14.07.2012, to help to the NDRF team from Guwahati already engaged in rescue operation since 12th July 2012, in rescue and recovery operations & also give technical support, if required by them. Later, when I reached the Ninghkra, Police station, S. Sri Abraham, Sangma, Dy. Superintendent of Police, Jude-Ranglu T. Sangma, Extra Assistant Commissioner, South Garo Hills District, A. K. Marak, Sub Inspector, Nangalbibra, and some constables, accompanied us up to

the mine site. We reached the mine site at about 15.30 hrs. At the mine site, Shri Gurdeep Singh, Contractor, Rongsa Awe Coal Mine, was present along with some police force. No other person, mine workers or eyewitnesses were present at the site.

3.1 Later on, I was shown a rectangular shaft by Sri Gurdeep Singh, (measuring about 6m X 7m, and about 30 m deep, sunk in stone from the foot of hill), where incidence of water inrush reportedly took place inside the mine on 6th July 2012 at about 12.30 hrs.. A Perennial River was seen flowing south to North direction about 20m west of the rectangular shaft. I could not go down the shaft/mine, as no safe mechanical lowering/ raising arrangements were found installed at the top of mine. The entry of mine was unsafe for going down the mine. No mechanical ventilator was installed for ventilating the mine workings. The mine was being worked on natural ventilation. No Mine Manager, Overman, Mining Sirdar, holding requisite qualification/statutory certificates, have been appointed at this mine. The mine was being worked in 8 hourly one shift commencing at 04.00am to 12.00 noon, mainly for coal cutting and raising. It was also reported that no coal mines of Meghalaya State comes under the purview of the Mines Act, 1952. I then recorded statements of Sri Gurdeep Singh, Contractor at the site. Two hand sketch plans were drawn at the site (enclosed).

3.2 On the surface of the mine, I saw the following:

- (i) Two diesel operated rope cranes were seen erected on ground near the shaft, one on north side and the other on south side, as shown on rough hand sketch plan drawn on the spot and also shown on photos taken at the site.
- (ii) One DG Set was found installed in a shed near the shaft, mainly used to generate electricity for operating pumps in underground.
- (iii) Three centrifugal water pumps (two Nos. – 10HP, one – 5 HP) with two nos. of 5 cm dia. PVC delivery pipeline with head of 50m were found running inside the shaft to pump out water from the mine.
- (iv) There were four coal mines openings seen towards North side of this mine, which were about 50m apart. Photographs taken also show these mines.
- (v) One abandoned incline of another coal mine was also seen towards south side of this mine, about 60m away.
- (vi) One manila rope ladder was seen anchored at the top of shaft, hanging up to bottom of the shaft, being used for lowering and raising of persons from the mine.
- (vii) Some bamboo made huts were seen nearby the shaft reportedly used by the miners for rest, cooking of food and night stay.
- (viii) A Perennial River was seen flowing south to North direction about 20 m west of the rectangular shaft of the above mine.

2
16/7/12

In the evening I met with the villagers who had gathered near the Nokma house. Next day I met Sri A. P. Marak, DC, South Garo Hills, Baghmara, when he was also narrated the things which I saw at the site.

Water Level & Pumping Arrangements: I then measured water level inside the shaft by means of a rope. The water was found maintaining at a level of 28m from the surface (i.e. there was 1.2m water at the shaft level). Reportedly, ten electric pumps each 10HP, 5 HP. Motors had been submerged in water after the incident. At present only three pumps with total 25 HP Motors capacity, were running to pump out mine water. The pumps installed were insufficient to cope with the make of water of mine, which might had been inadvertently joined with another adjoining abandoned water logged mine. All the three pumps had been running round the clock, since the incidence date 6th July, 2012, but unable to pump out the mine water. The state authorities had not arranged extra pumps from outside. Whatever resources the contractor was having at the site, was being used for pumping the water. The rate of pumping was thus found insufficient to pump out mine water. It was also reported that some adjoining mines might have also connection with the river flowing nearby. This is also the reason for heavy make of water in the mine. The rate of seepage of water is much more in rainy season in the locality. Unless heavy capacity pumps are installed in the mine, mine water can not be pumped out fully.

4.0 Conclusion: NDRF two teams (comprising of 80 persons, including electrical & civil engineers, paramedics, deep divers and water rescue specialists, canines) had been reportedly left the site yesterday evening on 13th July 2012, without any recovery of persons from inside the mine. A detail report on NDRF team work had been appeared on Telegraph News Paper, dated 14th July is also enclosed herewith. It may also be obtained from the NDRF team incharge, Guwahati.

The actual cause of incidence of water inrush could not be ascertained. It can only be ascertained from the eyewitnesses who were present at the site at the time of incidence. But no eyewitnesses were available at the site on the day as such actual cause of incidence and persons trapped inside the mine, if any, could not be found out and finally ascertained. However state authority had deputed some police force in the mine.

No records, registers or plan and section of the mine was found or provided by the contractor. The mine owner operating the mine. No mechanical arrangement for lowering or raising the persons in the mine was provided. For safe and secure arrangements were found to be underground. Mine was reported to be working without any system of ventilation and it was

being operated on natural ventilation. No mechanical ventilator was found in the mine. It was unsafe to enter into such workings due to risk of noxious gases.

Only pumping was being done for dewatering of the inundated mine and no dead body was found till date. Unless complete dewatering of the mine is done, actual workings inside the mine area are inspected and the dead bodies are recovered from the mine; it would not be possible to conclude as to how many persons have been killed in the accident as apprehended or else it is merely news on here say.

Under the existing conditions as stated above, it would also not be possible to inspect and investigate the cause and circumstances that led to this accident.

This is for your information please.

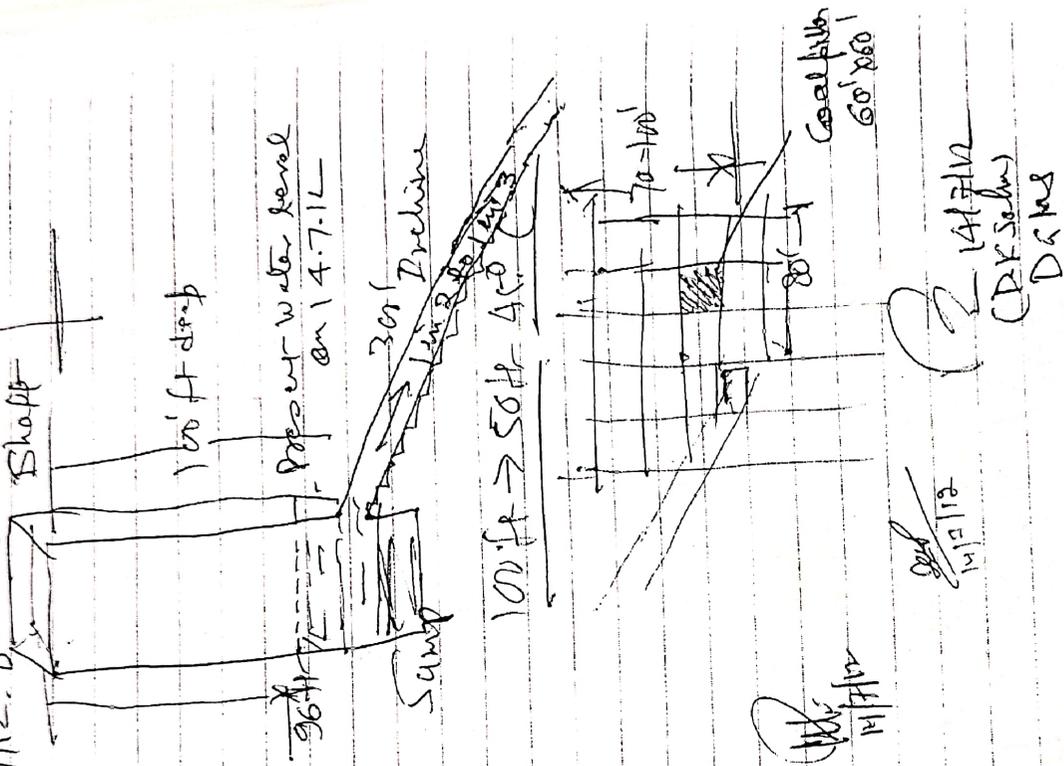
Enclosed: AA

(Signature)
(D. K. Sahu)

Dy. Director of Mines Safety,
Guwahati Region, Guwahati.

Dy. DG, E.Z. Sitarampur/DG, please.

Hand sketch plan Drawing of Shaft
 as per Stationing of the Ground in
 of Range AWE Coal mines - N. 147/12
 147/12. to widening work in main



ANNEXURE-VII

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GOVERNMENT OF MEGHALAYA

DEPARTMENT OF LABOUR, SOUTH GARO HILLS, BAGHMARA

No DLB/MISC/131/03/251

Dated Baghmara the 10th July, 2012

26

From : The Deputy Labour Commissioner,
South Garo Hills, Baghmara

To : The Labour Commissioner,
Meghalaya, Shillong

Subject : Inquiry Report on reported Coal Mine Tragedy at Rongsa Awe.

Madam,

With reference to the subject cited above, I have the honour to inform you that in response to your verbal instructions, I, along with security personnel provided by the District Police went to Nengkul, Rongsa Awe village on 27th July, 2012, to inquire into the missing of 16 labourers inside a flooded coal mine, which was reported in print media.

The undersigned met the Nokma of Rongsa Awe along with some villagers from there and upon inquiry regarding the reported tragedy, they could not provide any specific information to confirm the drowning of labourers inside the flooded coal mine. The Nokma was only able to tell me that on 6th July, 2012, the Manager of the quarry reported about the flooding of the mine due to accidental cutting of the wall of old mine and the probable drowning of the labourers working there. It was learnt that the Manager was informed by some of the labourers working in the mine who fled the place after reporting the incident. The manager was then asked to arrange for more pumping machines from other quarries in order to drain out water from the mine. The Nokma further said that the matter was not reported to the police because it could not be ascertained then that there were deaths inside the mine.

The villagers were of the opinion that no one might be trapped inside as no victim either dead or alive or any piece of a person's belongings was recovered even after thorough double checking of all the accessible suspected areas using specialised techniques and equipments in the mine during search and rescue operation conducted by the NDRF. Moreover, they reasoned out that if they were really trapped inside the mine, their personal belongings in their makeshift shelters would have remained untouched but simply disappeared and that no one had come forward claiming that his/her relative working in the coal mine was missing. They maintained that a majority of the labourers are from outside the state and they are always in touch with the family members back home through mobile phone. They opined that it could be the trick of the labourers to abandon the work due to some disagreement with the manager or the supervisor.

However a case was registered against the coal mine Manager and the Nokma vide Nongalibra P.S. Case No.16(7)2012.304(A)/201 U/S IPC and the Nokma of Rongsa Awe, Shin Kudon A. Sangena, Manager of the coal quarry, Shin Kuldeep Singh and the supervisor, Shin Sore Bashiit were arrested and subsequently released on bail since the registered sections are bailable.

(Contd.)

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(7)

The search and rescue operations were conducted by the National Disaster Response Force (NDRF) on 12th July with the help of sniffer dogs, deep under water divers and Life Detector for 14 hours, but the efforts had to be discontinued after being unsuccessful in locating any body, dead or alive. On 14th July, 2012, the Deputy Director of Mining and Safety Department, Guwahati along with the Mining Engineer, Coal India, arrived at the place of occurrence and inspected the mine and advised against continuing the search as there was a danger of the mine caving in due to incessant rainfall and rising water level inside.

I also visited the quarry but no labourer was to be found there. Only their abandoned makeshift shelters made of bamboo and plastic sheets and a small hotel nearby selling tea and rice could be seen. The Nagma had no idea about the exact number of labourers working in his quarry because once the deal was done, the responsibility of hiring labourers and paying them is handled by the manager. He informed me that the labourers are paid on weekly basis and the rate of payment is fixed per tonne, taking into account the distance they cover in carrying the coal. It was learnt that only adult labourers work in the coal mines, who normally start working from 2 a.m. till 10 a.m. and the second shift is from 2 p.m. to 9 a.m. They don't work on Saturdays and Sundays.

Finally, the villagers also informed me that keeping in view of the fact that labourers are mostly from outside the state, the process of registration of the labourers has been started by the clans who own the quarries, but without much success. They are of the view that the registration of the migrant labourers in coal mines should be made mandatory by the government, which, they said, would not only help in verifying the number and identity of casualties in case of accidents, but could also prevent criminal elements coming to this region.

Submitted for your kind information and necessary action.

Yours faithfully,

(Smt. M.N. Marak)

Deputy Labour Commissioner,
District Labour Office,
South Garo Hills, Baghmara.

ANNEXURE-VIII

28

39/7/2012

GOVERNMENT OF MEGHALAYA
DIRECTORATE OF MINERAL RESOURCES
SHILLONG

Dated Shillong, the 24th July 2012

NO.DMR/MM/52/93/1233

To

The Under Secretary to the Government of Meghalaya,
Mining and Geology Department,
Shillong.

Sub :

Coal mine tragedy at Nengkol in Rongsa Awe of Nongalbibra, South Garo Hills District

Sir,

In inviting a reference to your letter No. MG 64/2011/38 dated 18th July 2012, I have the honour enclose herewith a report on the visit to Nengkol in Rongsa Awe of Nongalbibra, South Garo Hills District along with enclosures.

yours faithfully

Encls: as above

Mining Engineer
Directorate of Mineral Resources
Meghalaya, Shillong.

[Signature]
Certified to be true Copy

[Handwritten notes and signatures]

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25/7/12

— 129 (S) 470

**REPORT ON THE VISIT TO NENKOL, RONGSA A'WE, SOUTH GARO HILLS
DISTRICT IN CONNECTION WITH THE INUNDATION OF A COAL MINE.**

The undersigned accompanied by Shri. M.Marak, Photogeologist and Shri. P.C.Marak, Divisional Mining Officer visited Nengkol, Rongsa A'we, South Garo Hills District on the 20th July 2012 the site where one coal mine was inundated with water on 6th July 2012. On the day of visit, the Nokma of the area was out of station, the mine developer/financier and the mining Sirdar had already left the place including the labourers working in the said mine and as such neither of them could be contacted for obtaining information about the incident.

Then the undersigned and the accompanying officials proceeded to Baghmara for contacting the Deputy Commissioner and Superintendent of Police of South Garo Hills District. The Deputy Commissioner could not be contacted as he was out of station. Shri. J.R.T Sangma, Extra Asst. Commissioner was then contacted. According to the versions of Superintendent of Police and Extra Asst. Commissioner it could not be confirmed whether there is any loss of life because of the incident in the mine. A report of the Superintendent of Police is appended as **Annexure-I** and a report of the Divisional Mining Officer, Williamnagar is appended as **Annexure-II**.

In the above inspection, it was observed that about 4 or 5 coal mines including the above coal mine are located at a distance of about 20 to 30 metres from each other. All coal mines are in the vicinity of a stream flowing through the area. On top of the coal seam is a sandstone band which formed the immediate roof of the coal mine. Since the coal mines are in close proximity from each other and in the vicinity of a stream with permeable sandstone as the immediate roof, inundation of the coal mine cannot be ruled out especially during rainy season.

It may be mentioned here that the number of labourers engaged in the coal mine could not be ascertained since the attendance register may not have been maintained as is normally done in case of registered mines. Moreover, till the day of the visit no missing report of any labourer was filed with the Police. In absence of any such missing report of any labourer and in absence of the attendance register that throws light on the number of labourers working

30 (54) 44
below ground and above ground, it cannot be established that there is any loss of life in the said coal mine.

In view of the above, it is suggested that certain measures should be maintained and furnished by the mine owners:

1. Minimum safety measures
2. Registration of labourers
3. Maintenance of attendance register
4. Filing of report in case of any accident
5. Location of the mines
6. Monthly production
7. Date of commencement of mining operation


Mining Engineer
Directorate of Mineral Resources
Meghalaya, Shillong

ANNEXURE-IX

GOVERNMENT OF MEGHALAYA
OFFICE OF THE SUPERINTENDENT OF POLICE::SOUTH GARO HILLS::
::::BAGHMARA::::

31

Letter No. CRB/IV-10/3-2012/ 2261

Dated Baghmara, the 7th Sept. 2012.

From : The Superintendent of Police,
South Garo Hills, Baghmara.

To : The Principal Secretary,
Mining and Geology Department,
Meghalaya, Shillong.

Subject :- **Detail Report in search and Rescue Ops. in the Coal mine at Rongsa Awe.**

Sir,

With reference to the above, I would like to inform you that based on the source information and report in print media about the laborers' trapped in the flooded coal mine at Rongsa Awe on 10th July' 2012. I personally along with Dy. S.P. (HQ) and a Magistrate went to Rongsa Awe and located the said coal mine at Mengkolgittim, Rongsa Awe at around 11:00 A.M. On enquiry the villagers and labourer reluctantly admitted that particular coal mine was flooded due to accidental breaking of the nearby old coal quarry which was filled with water on 6th July' 2012 in between 12:30 P.M. to 3:30 P.M. and at that time none was inside the quarry. However, some laborers' gave contradictory statement that around 15 laborers' are still trapped inside the ill-fated coal mine.

In this regard, case was registered against the coal mine Manager and the Nokma vide Nongalbibra PS Case No. 16(7)2012 U/S 304(A)/201 IPC and search and rescue operation was conducted along with the local people by trying to pump out the water from the coal mine. Further the statements of the witnesses and the labourers were recorded by the Magistrate. The Nokma of Rongsa Awe Shri Kredan A. Sangma, Manager of the coal quarry Shri Gurdeep Singh and the Mohari Shri Soni Bashit were arrested and subsequently released on bail since the registered sections are bailable.

The D.C. was also informed with a request to requisition the expert assistance and in this regard National Disaster Response Force (NDRF) Teams was requisition which arrived at the P.O. on 11th July' 2012 evening. Immediately on the 1st light on 12th July' 2012 @ 6:00 A.M. search and rescue operation was conducted by the NDRF Team in the presence of Dy. S.P.(HQ) Shri A.T.Sangma, MPS and Shri J.R.T.Sangma, MCS, Magistrate and the Ops. continued for 14 hrs. till 8:00 P.M. in the evening. The search team utilised various techniques like the service of the sniffer dogs, deep under water diving, life detector etc. but could not locate anybody inside the mine.

Due to incessant rainfall and rising water level inside the mine which could lead to the caving in of the mine, the rescuers decided to call off the operation. However, effort to pump out water continued with the help of local people.


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32

On 14th July' 2012, Dy. Director of Mining and Safety Department Guwahati arrived at the P.O. along with the Mining Engineer from Coal India and inspected the mine and conveyed that it would be risky to continue the search inside the mine.

However on 16th July' 2012, the Deputy Commissioner, South Garo Hills, Baghmara called all the mine Owners, Managers and Nokmas of the areas falling under Nongalbibra P.S. for a meeting at Pathargittim and emphasis the need to sensitize the mine Owner, Managers, Nokmas and Headmen to register their labours and worker. In this regard he would be delegating Officers from Labour Department to conduct awareness programme and provide proforma for labour registration within 10 days.

Further till date none of the relative or family member of any of the victim has come forward to file missing report at any P.S within South Garo Hills jurisdiction nor any report in this regard has been received at this office. Moreover till date there is no claimant to any kind compensation from the government or from the Mine Owner/ Manager as per record.

Submitted for favour of your kind information and perusal.

Yours faithfully,


Superintendent of Police.
South Garo Hills, Baghmara.

Dated Baghmara, the 7th Sept.' 2012.

Memo No. CRB/IV-10/3-2012/ 2262 - 65
Copy to :-

1. The Addl. Director General of Police, (L&O) Meghalaya, Shillong for favour of kind information.
2. The Addl. Director General of Police, (SB) Meghalaya, Shillong for favour of kind information.
3. The Inspector General of Police, (W/R) Meghalaya, Tura for favour of kind information.
4. The Deputy Commissioner, South Garo Hills, Baghmara for favour of kind information.


Superintendent of Police.
South Garo Hills, Baghmara.

OK

ANNEXURE-X

33

GOVERNMENT OF MEGHALAYA
DIRECTORATE OF MINERAL RESOURCES

NO.DMR/MM/746/2012/161

Dated Shillong, the 11th April, 2012.

The Divisional Mining Officer,
Jowai.

Sub : **Inspection of Mines.**

Sir,

With reference to the subject cited above, You are hereby instructed to conduct inspection of mines in respect of Jaintia Hills at least once a month and to submit a report of such inspection in the point as indicated herein below:

1. **Name of the mine owner and address :**
2. **Location of the mine :**
3. **Details of mining activity including area outside mining lease :**
4. **Approximate area under mining :**
5. **Production per day/month :**
6. **Labour employed :**
 - (a) Men :
 - (b) Women :
 - (c) Children :
7. **Whether labour was registered or un registered :**
8. **Labour contractor name and address :**
9. **Facilities for labour :**
10. **Method of mining :**
11. **Any hazard noticed :**
12. **Public complaint if any :**

Sd/-
(P.S.Dkhar)



34

GOVERNMENT OF MEGHALAYA
DIRECTORATE OF MINERAL RESOURCES
SHILLONG

NO. DMIR/Min/16/2012/1162

Dated Shillong, the // 4/2012

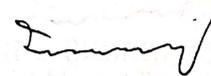
To,

The Divisional Mining Officer,
Williamnagar

Sub: Inspection of Mines.

With reference to the subject cited above, You are hereby instructed to conduct inspection of mines in respect of Garo Hills at least once a month and to submit a report of such inspection on the points as indicated herein below:-

1. Name of the mines Owner and address
2. Location of the mines
3. Details of mining activity including area outside mining lease
4. Approximate area under mining
5. Production per day/month
6. Labour employed :-
 - iv) Men
 - v) Women
 - vi) Children
7. Whether labour was registered or un-registered
8. Labour contractor's name and address
9. Facilities for labour
10. Method of mining
11. Any hazard noticed
12. Public complaint if any



(P. S. DKHAR)
Director of Mineral Resources
& Meghalaya : Shillong.

etc

35

GOVERNMENT OF MEGHALAYA
DIRECTORATE OF MINERAL RESOURCES
SHILLONG

NO. DMIR/IM/40/2012 //63
To,

Dated Shillong the 11-4-2012.

The Mining Officer,
Directorate of Mineral Resources
Shillong

Sub: Inspection of Mines.

With reference to the subject cited above, You are hereby instructed to conduct inspection of mines in respect of Khasi Hills at least once a month and to submit a report of such inspection on the points as indicated herein below:

1. Name of the mines Owner and address
2. Location of the mines
3. Details of mining activity including area outside mining lease
4. Approximate area under mining
5. Production per day-month
6. Labour employed:
 - vii) Men
 - viii) Women
 - ix) Children
7. Whether labour was registered or un-registered
8. Labour contractor's name and address
9. Facilities for labour
10. Method of mining
11. Any hazard noticed
12. Public complaint if any


(P.S. DKHAR)

Director of Mineral Resources
Meghalaya :: Shillong.

etc

ANNEXURE-XI

GOVERNMENT OF MEGHALAYA
MINING AND GEOLOGY DEPARTMENT

36

NO.MG.58/2012/5

Dated Shillong, the 24th July, 2012.

From : Shri.J.P.Prakash, IAS.,
Principal Secretary to the Govt. of Meghalaya,
Mining and Geology Department.

To : 1. The Principal Secretary to the Govt. of Meghalaya,
Labour Department.
2. All Deputy Commissioners.
3. All Superintendent of Police.
4. The Director of Mineral Resources
Meghalaya, Shillong.

Sub : Labour Safety in the mines.

Sir,

Incident of accident in the mines have been reported in the Press which has drawn the attention of the Government. In order to mitigate the hazardous condition faced by labour force engaged in mining activity, it is requested that the following measures should be strictly enforced:-

- (1) Every District shall set up a quick report and response system in case of any accident in mine. A Nodal Officer, for the purpose, preferably, Labour Inspector shall be nominated. Wide publication of name and address of Nodal Officer with his telephone/mobile phone numbers should be made and circulated to all mine owners/mine operators for immediate accessibility in case of any need. The basic role of a Nodal Officer shall be to facilitate alerting the Police, Hospitals and Emergency and Fire Services besides the labour Department's agencies like Directorate General of Mines Safety & Central Labour Commissioner in case of any accident in mine;
- (2) Labour Department, the Director of Mineral Resources and the Deputy Commissioner shall maintain list of mines in their respective jurisdiction with their areas/locations/name of mine owners/mine operators which shall be communicated to the Director General of Mines Safety with a copy to Director of Mineral Resources, Meghalaya with a request to inspect the mines frequently from points of view of labourer's safety;

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ANNEXURE-XI

GOVERNMENT OF MEGHALAYA
MINING AND GEOLOGY DEPARTMENT

36

NO.MG.58/2012/5

Dated Shillong, the 24th July, 2012.

From : Shri.J.P.Prakash, IAS.,
Principal Secretary to the Govt. of Meghalaya,
Mining and Geology Department.

To : 1. The Principal Secretary to the Govt. of Meghalaya,
Labour Department.
2. All Deputy Commissioners.
3. All Superintendent of Police.
4. The Director of Mineral Resources
Meghalaya, Shillong.

Sub : Labour Safety in the mines.

Sir,

Incident of accident in the mines have been reported in the Press which has drawn the attention of the Government. In order to mitigate the hazardous condition faced by labour force engaged in mining activity, it is requested that the following measures should be strictly enforced:-

- (1) Every District shall set up a quick report and response system in case of any accident in mine. A Nodal Officer, for the purpose, preferably, Labour Inspector shall be nominated. Wide publication of name and address of Nodal Officer with his telephone/mobile phone numbers should be made and circulated to all mine owners/mine operators for immediate accessibility in case of any need. The basic role of a Nodal Officer shall be to facilitate alerting the Police, Hospitals and Emergency and Fire Services besides the labour Department's agencies like Directorate General of Mines Safety & Central Labour Commissioner in case of any accident in mine;
- (2) Labour Department, the Director of Mineral Resources and the Deputy Commissioner shall maintain list of mines in their respective jurisdiction with their areas/locations/name of mine owners/mine operators which shall be communicated to the Director General of Mines Safety with a copy to Director of Mineral Resources, Meghalaya with a request to inspect the mines frequently from points of view of labourer's safety.


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- (3) It shall be ensured that every mine owner/developer shall maintains a register of all persons employed in the mine showing the name of the employee, with the name of his father or of her husband as the case may be, age and permanent address;
- (4) It shall be ensured that every mine owner/developer maintains an attendance register of Labours with the nature of their engagement, whether above ground or below ground and the date and time of their engagement;
- (5) The mine developer/owner must ensure that the labourers are provided with safety helmet and every labourer working below ground are provided with battery operated hands-free torchlight;
- (6) At every mine there shall be First-Aid-Stations, equipment, where injured persons may receive first aid treatment;
- (7) Mines should be inspected frequently and any aberrations brought to the notice of Government immediately. In cases where conditions are eminently unsafe, strict and on the spot preventive measures, including stoppage of mining activity should be taken.

Please ensure that the above guidelines are followed strictly.

Yours faithfully,

Jai P. Prakash
(J.P.Prakash)
Principal Secretary to the Govt. of Meghalaya,
Mining and Geology Department

ANNEXURE-XII

GOVERNMENT OF MEGHALAYA
MINING & GEOLOGY DEPARTMENT

Dated Shillong, the 24th July 2012

From : Shri C.K. Marak,
Under Secretary to the Govt. of Meghalaya
Mining & Geology Department.

To
The Director General of Mines Safety,
Govt. of India, Ministry of Labour and Employment,
Dhanbad,
PIN - 826001,
Jharkhand.

Subject Forwarding of First List of Coal Mines.

I am directed to invite the attention of Directorate General of Mines Safety (DGMS) on the meeting of DGMS team with the officials of Meghalaya in Shillong during their visit on 4th and 5th of July 2012 and to enclose a list of Mines and Mine Owners in Jaintia Hills District for directing the mine owners to notify themselves under The Mines Act 1952 for bringing them under the surveillance of DGMS in so far as labour safety issues of mine-workers is concerned.

In the meeting the officials of Meghalaya were sensitized by the DGMS team from Government of India that DGMS under the Ministry of Labour & Employment is the implementing agency for The Mines Act 1952. They undertake inspections of mines (for labour safety issues) based on knowledge and information gathered about a mining activity through either of the following three channels:

- a. knowledge acquired about mines through the grant of mining lease by the state governments, a copy of which is received by them;
- b. through the notification/notice of opening of a mine sent to the DGMS by mine owners in Form I under the Coal Mines Regulations, 1957 under regulation 3 under Section 16 of The Mines Act 1952;
- c. or through public complaints about any particular mining activity involving safety hazard for the labor^s employed therein (including media reporting and press clippings);

The DGMS team had sought a list of mines from state officials with basic information by which the mines can be identified on ground to take cognizance of the mining practices in Meghalaya in so far as labour

Certified to be true Copy

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safety issues are concerned. Based on this list, the DGMS would issue letters seeking details from the mine owners/operators and if the mine owners fail to submit the details to DGMS and notify the particulars in the prescribed Form, the DGMS might make field visits and take educative, preventive as well as punitive measures that may be warranted including stoppage of activities and prosecution of mine owners/operators or their accomplices under The Mines Act 1952.

During the meeting with DGMS, the Department of Mines in the government of Meghalaya were advised to provide a 'list of mines' with basic particulars to the DGMS as well as the Chief Labour Commissioner for further necessary action on this issue of labour safety and child labour. In accordance with the advice the first set of lists gathered from the field is submitted herewith for further necessary action from your end. The State Government of Meghalaya will render all necessary logistic and other administrative assistance to the DGMS as well as the CLC in this endeavor. Please keep the government of Meghalaya informed of any further information/assistance required.

This has the approval of the Competent Authority

Yours faithfully,


Shri C.K. Marak,
Under Secretary to the Govt. of Meghalaya
Mining & Geology Department.

Dated Shillong, the 24th July, 2012

Memo No.MG.73/2010/374-A

Copy to :-

1. The Chief Labour Commissioner (Central),
Govt. of India Ministry of Labour and Employment,
SHRAM SHAKTI BHAWAN, RAFI MARG, NEW DELHI
2. The Principal Secretary to the Govt. of Meghalaya
Labour Department for favour of information and necessary action.
3. The Director of Mineral Resources,
Meghalaya, Shillong for favour of information and necessary action.

By Order etc.,

Shri C.K. Marak,
Under Secretary to the Govt. of Meghalaya
Mining & Geology Department.

Lpp
LIST OF COAL MINES OWNERS AND LOCATION OF MINES IN JAINTIA HILLS

S.no	NAME OF OWNER	ADDRESS			LOCATION OF COAL MINE		
		Village	District	Village	Locality	District	
1.	SHRI NEHLANG LYNGDOH	RYMBAI	EAST JAINTIA HILLS	RYMBAI	NOHKHLIEH	EAST JAINTIA HILLS	
2.	SHRI KITBOK	RYMBAI	EAST JAINTIA HILLS	RYMBAI	KULAI	EAST JAINTIA HILLS	
3.	SHRI KITBOK	RYMBAI	EAST JAINTIA HILLS	RYMBAI	NOHKHLIEH	EAST JAINTIA HILLS	
4.	SHRI BHUM	MOOLAMANOH	EAST JAINTIA HILLS	RYMBAI	NOHKHLIEH	EAST JAINTIA HILLS	
5.	SHRI STAN	RYMBAI	EAST JAINTIA HILLS	RYMBAI	NOHKHLIEH	EAST JAINTIA HILLS	
6.	SHRI LAM	RYMBAI	EAST JAINTIA HILLS	RYMBAI	NOHKHLIEH	EAST JAINTIA HILLS	
7.	SHRI NEHLANG LYNGDOH	RYMBAI	EAST JAINTIA HILLS	RYMBAI	NOHKHLIEH	EAST JAINTIA HILLS	
8.	SHRI ROIBOK LYNGDOH	KHLIEHRIAT	EAST JAINTIA HILLS	DEINSHYNRUM	DEINSHYNRUM	EAST JAINTIA HILLS	
9.	SHRI KANASAMALAK	KHLIEHRIAT	EAST JAINTIA HILLS	DEINSHYNRUM	DEINSHYNRUM	EAST JAINTIA HILLS	
10.	SMTI BELL	KHLIEHRIAT	EAST JAINTIA HILLS	DEINSHYNRUM	DEINSHYNRUM	EAST JAINTIA HILLS	
11.	SHRI SHE	LAD RYMBAI	EAST JAINTIA HILLS	DEINSHYNRUM	DEINSHYNRUM	EAST JAINTIA HILLS	
12.	SHRI KMEN	KHLIEHRIAT	EAST JAINTIA HILLS	DEINSHYNRUM	DEINSHYNRUM	EAST JAINTIA HILLS	
13.	UNKNOWN			DEINSHYNRUM	DEINSHYNRUM	EAST JAINTIA HILLS	

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14.	SHRI KILOMETER				DEINSHYNRUM	DEINSHYNRUM	EAST JAINTIA HILLS	DEINSHYNRUM	EAST JAINTIA HILLS
15.	SHRI NEHLANG LYNGDOH				RYMBAI	RYMBAI	EAST JAINTIA HILLS	NOHKHLIEH	EAST JAINTIA HILLS
16.	SHRI KITBOK				RYMBAI	RYMBAI	EAST JAINTIA HILLS	KULAI	EAST JAINTIA HILLS
17.	SHRI KITBOK				RYMBAI	RYMBAI	EAST JAINTIA HILLS	KULAI	EAST JAINTIA HILLS
18.	SHRI BHUM				MOOLAMANOH	RYMBAI	EAST JAINTIA HILLS	NOHKHLIEH	EAST JAINTIA HILLS
19.	SHRI STAN				RYMBAI	RYMBAI	EAST JAINTIA HILLS	KULAI	EAST JAINTIA HILLS
20.	SHRI LAM				RYMBAI	RYMBAI	EAST JAINTIA HILLS	NOHKHLIEH	EAST JAINTIA HILLS
21.	SHRI NEHLANG				RYMBAI	RYMBAI	EAST JAINTIA HILLS	NOHKHLIEH	EAST JAINTIA HILLS
22.	SHRI ROIBOK LYNGDOH				KHLIEHRIAT	RYMBAI	EAST JAINTIA HILLS	NOHKHLIEH	EAST JAINTIA HILLS
23.	SHRI KANASAMAKA				KHLIEHRIAT	DEINSHYNRUM	EAST JAINTIA HILLS	DEINSHYNRUM	EAST JAINTIA HILLS
24.	SMTI BELL				KHLIEHRIAT	DEINSHYNRUM	EAST JAINTIA HILLS	DEINSHYNRUM	EAST JAINTIA HILLS
25.	SHRI SHE,				LAD RYMBAI	DEINSHYNRUM	EAST JAINTIA HILLS	DEINSHYNRUM	EAST JAINTIA HILLS
26.	SHRI KMEN				KHLIEHRIAT	DEINSHYNRUM	EAST JAINTIA HILLS	DEINSHYNRUM	EAST JAINTIA HILLS
27.	UNKNOWN					DEINSHYNRUM	EAST JAINTIA HILLS	DEINSHYNRUM	EAST JAINTIA HILLS
28.	SHRI KILOMETER LYTTAN				SHANGPUNG	DEINSHYNRUM	WEST JAINTIA HILLS	DEINSHYNRUM	EAST JAINTIA HILLS

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29.	SMTI MARIA PALA	LAMYRSIANG	EAST JAINTIA HILLS	ELAKA SUTNGA	UMPLENG	EAST JAINTIA HILLS
30.	SHRI DIWIS SHIANGSHAI	LAD RYMBAI	EAST JAINTIA HILLS	ELAKA SUTNGA	UMPLENG	EAST JAINTIA HILLS
31.	SHRI RO	SUTNGA	EAST JAINTIA HILLS	ELAKA SUTNGA	UMPLENG	EAST JAINTIA HILLS
32.	SHRI THOMAS NONGTUDU	BYNDIHATI	EAST JAINTIA HILLS	ELAKA SUTNGA	UMPLENG	EAST JAINTIA HILLS
33.	SHRI PUBLIC PDANG	SUTNGA	EAST JAINTIA HILLS	ELAKA SUTNGA	UMPLENG	EAST JAINTIA HILLS
34.	SHRI SHIBOR MALANG	SUTNGA	EAST JAINTIA HILLS	ELAKA SUTNGA	UMPLENG	EAST JAINTIA HILLS



N O T I C E

To,

Miss. A. Paul
Advocate, Shillong.

Sub:

PIL No. (SH) 3/2012 (SUO MOTTO)
Threat to life arising out coal mining in S
South Garo Hills District.
-vrs-
The State of Meghalaya and Ors.

Sir,

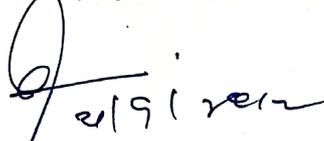
Enclosed please find herewith a copy of an Affidavit-in- Opposition
which is being filed today before the Hon'ble Gauhati High Court, Shillong
Bench, Shillong.

Kindly acknowledge receipt of the same.

Received Copy:

I Shali Seno
in copy


Yours faithfully,


Shri N. D. Chullai,
Senior Govt. Advocate,
Gauhati High Court,
Shillong Bench,
Shillong.

19/2/13 A/W

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH NEW DELHI.
APPLICATION NO. 110 OF 2012 (THC)

IN THE MATTE OF:

THREAT TO LIFE ARISING OUT OF COAL MINING IN SOUTH GARO HILLS
DISTRICT.

VERSUS

STATE OF MEGHALAYA & ORS.

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2.	ANNEXURE A-1 (Colly)	
	(i) True copy of the letter no. MG./7/2013/6 dated 6 th February, 2013.	4
	(ii) True copy of letter no. MG./7/2013/5 dated 4 th February, 2013.	5
	(iii) True copy of the Post Office receipt for delivery of speed post/Regd.A/D.	6 - 7
3.	ANNEXURE A-2 (Colly)	
	(i) True copy of the letter no. MG./7/2013/4 dated 4 th February, 2013.	8
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	(i) True copy of the memo No. MG.7/2013/6-A dated 6 th February, 2013.	14
	(ii) True copy of the acknowledge receipt.	15

New Delhi

Filed on: 20.02.2013


MR. RANJAN MUKHERJEE

ADVOCATE FOR THE RESPONDENT NO.1