

SA/12/00123

Directorate of Mineral Resources

Diary No. 4770

Date 12.01.2023



GOVERNMENT OF MEGHALAYA
MINING AND GEOLOGY DEPARTMENT

**REVISED STANDARD OPERATING PROCEDURE FOR CHECKING
ILLEGAL MINING AND LLEGAL TRANSPORTATION OF COAL IN THE
STATE**

NOTIFICATION

No. MG.94/2011/Pt.I/180,

Dated Shillong; the 30th November, 2022.

In order to ensure that no further illegal mining and illegal transportation of coal take place in the State, it is imperative that a laid down guidelines be followed to systematically and uniformly take action so that all involved will be able to efficiently implement the instructions of various orders of the Hon'ble Supreme Court, NGT and the High Court of Meghalaya, the Governor of Meghalaya is pleased to notify a Standard Operating Procedures (SOP) for checking illegal transportation and illegal mining of Coal in the State effectively as indicated below:—

1. Empowering officers under appropriate sections of Law:

In order that illegal mining and transportation of minerals are arrested, there are appropriate actions that can be initiated and taken under the appropriate section of law under the Mines and Mineral (Development and Regulations) Act, 1957.

1.1 Whenever the officers on duty detect cases relating to illegal mining and transportation of minerals, the State Government has been enforcing provisions of the Mines and Minerals (Development and Regulation) Act, 1957 to control illegal coal mining and illegal coal transportation of coal. The State Government has notified officers to file complaints before the appropriate courts of law to register cases against defaulters as laid down in section 22 of the Mines and Mineral (Development and Regulations) Act, 1957 vide Notification No.MG94/2011/41 dated Shillong the 13th March, 2019. The Authorized officers are as under:-

- a) Director of Mineral Resources.
- b) Divisional Mining Officer.
- c) Police Officers of and above the rank of Sub-Inspector.
- d) Divisional Forest Officer in-charge of Territorial Division.

(Copy of the Notification is at Annexure-I)

1.2 The State Government has also authorized various Officers to file complaints before concerned Courts of Law under Section 21 of the MMDR Act against the persons involved in illegal raising and transportation of coal, vide Notification No.MG.94/2011/683, dated Shillong the 13th June, 2022.

(Copy of the Notification is at Annexure-II)

1.3 The State Government has also constituted various Committees headed by various officials of State Government under various Sections of the Mines and Minerals (Development and Regulation) Act, 1957, to contain/prevent such illegal activities in the State.

(Copies of the Notifications are at Annexure-III).

2. Review and Monitoring Committee:

The State Government has also constituted a Monitoring Committee under Chairmanship of the Chief Secretary to undertake monthly review of actions taken by various 'Authorized Officers' to file complaints before concerned Courts of Law under Section 21 of the MMDR Act against the persons involved in illegal raising and transportation of coal, vide Notification No.MG.34/2019/Pt/283 dated 13th March, 2020.

(Copy of the Notification is at Annexure-IV)

The Joint teams constituted by the District Administration shall submit daily reports which shall be reviewed initially weekly and thereafter once in a month in the prescribed format that will be prepared by the Mining & Geology Department. The

Monitoring Committee will review the action taken by various Districts at the State level.

3. Setting up of Special Courts:

It is seen from experience that cases relating to violations of the Mines & Minerals (Development & Regulation) Act, 1957 are not disposed of as expeditiously as required and seized coal continue to lie in the State without being auctioned. It has been contemplated to take up with the Law Department to notify Special Courts to deal with cases exclusively dealing with MMDR Act, 1957 to speed up disposal of coal related cases and to deter illegal mining in the State.

3.1. The State Government has therefore set up by notifications a Special Courts in each district for the purpose of providing speedy trial of offences for contravention of the provisions of sub-section (1) or sub-section (1A) of Section 4 of the MMDR Act, 1957, with the concurrence of Hon'ble High Court of Meghalaya. (*Copy of the Notification is at Annexure-V.*). Therefore all cases relating to violations of the MMDR Act, 1957 should be filed before the Special Courts as notified in every district.

4. Institutionalisation:

To better implement and enforce the detection and prevention of illegal mining, it is imperative for the District Administration to set up Flying Squads in various sectors under the leadership of Sector Magistrates in the same line as done for Election Duty since the same teams that perform election related duty can also be utilised to monitor illegal transportation and illegal mining of coal. The teams shall include police personnel as well.

4.1 The District Administration shall constitute teams/Flying Squads in various sectors covering all the coal bearing areas of the district to conduct regular inspection and raids in coal mines and to detect illegal transportation of minerals especially coal. The team shall be headed by the Sector magistrate empowered under provision of law or headed by the authorised officers empowered under section of 21 of MMDR Act, 1957.

4.2 The teams shall submit daily reports in prescribed format and compile them at the district level before it is submitted weekly to the Mining & Geology Department.

4.3 Whenever the teams detect any illegality, it shall file a complaint to the appropriate court by the authorised officers or by the Magistrates as notified.

4.4 The District Administration shall identify District heads for appointing them as Sector magistrates and the Deputy Commissioner shall seek Law Department's approval for empowering such officers to act as magistrates, if not done earlier.

4.5 The Transport Department, the Mining & Geology Department manning the various check gates in the State shall be vigilant in ensuring that no vehicles carrying illegal coal are allowed to pass and strict action are to be taken as per provisions of law. The Police shall also check all loaded vehicles in their check points to detect illegal transportation of coal.

4.6 Additional check points should be identified by the District Administration for checking of coal laden trucks entering the Coke plants and Cement plants. This can be located in areas where there are a high number of plants located. As decided in the meeting of the Oversight Committee, the State Pollution Control Board shall ensure that all Coke Plants should set up CCTV cameras in their premises for monitoring of coal trucks entering the plants which should be regularly monitored and that no CTE/CTO can be issued if the plants do not indicate the source of coal to be used in their plants.

4.7 The State Government will also appoint a Vigilance Commissioner/Vigilant Commissioners at the State Level to undertake random checking to detect illegal mining and transportation and also to monitor the actions taken by the Joint Teams, the check gates, and the police Nakas in their efforts to curb illegal mining and illegal transportation of coal.

5. Implementation of the Revised Comprehensive Plan for handing over of extracted coal to Coal India Limited for auction prepared jointly by the Mining and Geology Department in Government of Meghalaya and Coal India Limited (Amended)-2022.

5.1 The State Government, in consultation with the Coal India Limited and in pursuance of the recommendations of Justice (Retired) B.P. Katakey, appointed by the Hon'ble High Court, has notified the Revised Comprehensive Plan (Amended)-2022 and the same was also placed before the Oversight Committee during its meeting held on 20th October, 2022 at Sylvan House chaired by the Chairman of the Oversight Committee. The comprehensive plan contains various steps to be followed in order to dispose of the re-assessed /re-inventoried coal carried out recently in a manner that no illegal coal passed off under the garb of legal coal. The Police and the District Administration shall ensure that the said RCP-Amended-2022 is implemented in strict compliance with the provisions contained therein.

(Copy of the Notification is at Annexure-VI)

6. Drone Control Room.

Due to the shortage of manpower and the presence of coal pits in far flung areas where physical access is not feasible, the State Government has also set up a Drone Control Rooms funded through the Meghalaya Environmental and Protection Restoration Fund (MEPRF) to be used by the Police Department in various coal bearing Districts to prevent/monitor illegal mining and transportation activities through technology. The drones as and when they are in place should be utilized and a monthly report should be submitted on the detection or non-detection of such activities and action to be taken as per the law should be followed.

7. IEC activities.

In order to spread messages to the general public on the provisions of illegal mining and danger posed by unscientific mining, the Mining and Geology Department is setting up Information Boards funded under MEPRF in various parts of the coal bearing districts. The Mining & Geology department shall in consultation with the District Administration and local durbars, identify suitable locations for erections of these boards. In order that there is a sense of ownership by the community, the task of erecting these boards can be done by the community themselves. The District Administration can also send proposal for

awareness programs for the public to seek alternate livelihoods activities and on illegal mining and the need to go for scientific and legal mining as laid down by the Act, to the Mining & Geology Department for availing fund from the MEPRF.

8. Centralized Toll Free Number:- The Police have set up centralized Toll free number 1800-345-3846 to receive complaints round the clock relating to illegal mining and illegal transportation of coal in the State. The Police will keep the identity of informer confidential (Letter No.MG/Court-334/2022/47, dated 24th March, 2022)

9. Issuance of Prohibitory order u/s 144 of Code of Criminal Procedure (CrPC):-

The District Magistrate shall issue order under Section 144 of CrPC as deem fit and proper prohibiting illegal mining and illegal transportation of coal in the District. Action taken under this Code shall be over and above actions to be taken under various provisions of MMDR Act, 1957.

- 10. Involvement of Rangbah Shnongs/ Dollois/ Nokmas or village headmen as Informers:-**

As recommended by the Hon'ble Justice (Retd) B P Katakey at Para 2(d)(ii) of the Eight Interim Report submitted to the Hon'ble High Court of Meghalaya in connection with PIL No.2 of 2022, the District Administration shall involve traditional grass root institutions headed by Rangbah Shnong in Khasi Hills, Dolloi in Jaintia Hills and Nokma in Garo Hills or any village headman in the process of identification of illegal mining and illegal transportation of coal. The District Administration shall issue suitable notification/ orders to give effect to this instruction.

- 11. Constitution of District Level Grievance Committee in each District:-**

Immediately after the notification of these Revised SoP, the District Administration shall notify District Level Grievance Committee in each district comprising of the following members to take cognizance of the complaints relating to illegal mining and illegal transportation of coal in the District:-

- (i) Deputy Commissioner/ District Magistrate.. Chairman
- (ii) Superintendent of Police/ Representative.... Member
- (iii) Senior most ADC or Senior most EAC ... Member

- (iv) District Transport Officer Member
- (v) Divisional Mining Officer/ Representative of DMR Member
- (vi) Representative of one NGO

To be nominated by Deputy Commissioner Member

On receipt of complaint from any individual/ Group/ Association/ organisation or Department, the notified Committee shall disposed of such complaint as expeditiously as possible within 15(fifteen) days. Action Taken Report on such complaint(s) should be submitted to the Government in Mining & Geology Department every month.

Sd/-

(D.P. Wahlang, IAS)

Chief Secretary,

Government of Meghalaya

Memo No. MG.94/2011/Pt.I/ 180-A,

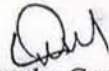
Dated Shillong; the 30th November, 2022.

Copy forwarded to:-

1. P.S. to the Hon'ble Chief Minister of Meghalaya, for kind information of the Hon'ble Chief Minister.
2. P.S. to the Chief Secretary to the Government of Meghalaya for kind information of the Chief Secretary.
3. P.S. to the Director General of Police, Meghalaya for kind information of the Director General of Police.
4. The Principal Chief Conservator of Forests & HoFF, Meghalaya for kind information.
5. The Commissioner and Secretary, Transport Department for kind information.
6. The Secretary, Home (Political) Department for kind information.
7. The Secretary, Home (Police) Department for kind information.
8. The Secretary to the Government of Meghalaya, Mining and Geology Department for kind information and necessary action.
9. The Secretary to the Government of Meghalaya, Forest, Environment, and Climate Change Department for kind information and necessary action.
10. All the Deputy Commissioners/All the Sub-Divisional Officers (C), Meghalaya for information and necessary action.
11. Director of Mineral Resources, Meghalaya, Shillong for information and necessary action.

12. All the Superintendents of Police, Meghalaya for information and necessary action.
13. The Director of Printing and Stationery, Meghalaya, Shillong for favour of publication in the Meghalaya Gazette.
14. The State Informatics Officer, NIC, Shillong for uploading in the Government website.

By Order.,


Secretary to the Govt. of Meghalaya
Mining and Geology Department