

Report

Illegal private Coal Mines around Balpakram National Park, Meghalaya

Submitted to the Standing Committee of the National Board for Wildlife, Government of
India

Background: The issue of illegal coal mining in Meghalaya is quite well-known due to media reports and opposition by many local people. These private mines are in violation of the Forest Conservation Act, 1980, and the Environment Protection Act, 1986 as no clearances have been applied for, or given. Interestingly, these mines do not even have clearances under relevant mining related legislation such as the Mines and Minerals (Development and Regulation) Act, Coal Nationalisation Act, Mines Act 1952 and many others. This issue was brought by me up in the 15th meeting of the Standing Committee held on 17 July 2009. In the 16th meeting of the Standing Committee, held on 16 September 2009, the Member-Secretary informed the Committee that a report has been received from the CWLW of Meghalaya which claims that the State Government has taken appropriate action ensuring that no violation of the Forest (Conservation) Act or destruction of forest takes place in the area which is also kept under watch. However, after discussion, it was decided that Chief Conservator of Forests, North-East Region, Shillong may be requested to inspect the area with Dr Asad Rahmani, Director, BNHS and submit a status report at the earliest.

Owing to various factors, this survey could not be done for some months, and finally it was conducted between 28 April and 1 May 2010.

Acknowledgement: I want to acknowledge the help and cooperation of the following people before and during my field trip:

Mr. V. K. Nautiyal, IFS, PCCF, Meghalaya; Mr. P. R. Marak, MFS, DFO, Balpakram National Park Division, Baghmara; Mr. B.K. Lyngwa, IFS, Conservator of Forests, Garo Hill Territorial Division, Shillong; Mr. Pawan Kumar Agrahari, IFS, DFO, Balpakram National Park Division, Baghmara, South Garo Hills, Baghmara; Mr. Raja Ram Singh, IFS, ACF, Balpakram National Park Division, Baghmara; Mr Prosper S. Marak, President Garo Student's Union, Southern Zone, Baghmara; Mr. Ginseng Sangma, General Secretary, Garo Hills Anti-Mining Forum; Mr. Asith Sangma, President, Garo Hills Anti-Mining Forum; Mr. Arpan Sharma and Mr Kamal Medhi of Samrakshan and many others.

Itinerary:

28 April 2010: Mumbai-Guwahati-Tura

29 April: Tura-Baghmara. Meeting with the DFO and ACF, Baghmara and field trip to Halwa Atong Aking near Halwa-Bilda Community Conserved Reserved Forest.

30 April: Full day field visit to see the mines and mine dumps enroute Siju Bird Sanctuary and Balpakram NP.

1 May: Baghmara to Guwahati

2 May: Guwahati- Mumbai

Notes were prepared and photographs taken during travel from Tura to Baghmara and around Baghmara (Halwa Atong Aking, Siju and Balpakram).

General Situation pertaining to mining in Meghalaya:

1. Private coal mining is rampant in the areas where I did the survey (it is happening in other parts of Meghalaya also). Nearly all of it is illegal as no permission has been taken from MPSCB which is a pre-requisite for the establishments of industries such as mining, no lease or permission has been sought under various mining related laws such as the Mines and Minerals (Development and Regulations) Act, 1957, and Coal Mines (Nationalization) Act 1973.
2. As most of the area and forest comes under the Garo Hills Autonomous District Council, the State Forest Department has no role in this matter. Nonetheless, the areas under the control of Forest Department (Reserved Forest, Sanctuary and National Park), no mining activity was seen or reported to me.
3. The Chief Executive Council of Garo Hills Autonomous District Council has all the powers to stop these illegal mines. Similarly, the District Magistrate of Baghmara can also take action to stop illegal mines. **However, in effect neither of these agencies appears to have any control on the ground situation.** After visiting the area, I found that it gives the appearance of an untamed wild frontier where anyone can occupy the land and loot the natural resources.
4. Mining is mostly done by untrained labourers in a rat-hole fashion where a hole is excavated on the hillside, sometimes up to 60-100 m deep, and coal extracted manually and brought out as headload and dumped on the nearest open area (or opening made by cutting forest), mostly beside the road.
5. These rat-holes are dug up mostly on private lands, with or without the consent of owner or community.
6. Children are used as labourer, thus violating India's laws.
7. Coal is dumped beside the road. In a 6 km stretch between Baghmara and Siju, I counted 41 coal heaps beside the road, only one inside Rewak Reserve Forest, and 11 coal heaps between Rewak and Siju. In total 53 coal heaps in a stretch of 45 km. During heavy rainfall, particles of coal mix with water and spread out, thus impacting the surrounding vegetation. Most of these coal particles finally land up in the streams and rivers.
8. Shockingly many coal-heaps were within 5 m of streams, thus polluting the water source.
9. In Goka area (see pictures), coal heaps are present on paddy fields!
10. One large coal heap near Goka Aking is present besides a bamboo plantation of the Social Forestry Division (Picture).

11. The coal is finally uploaded on trucks and taken to Bangladesh border. I saw a constant stream of trucks with or without coal, in the whole Garo Hills.
12. Many trucks do not have number plates, thus creating a real atmosphere of a wild frontier where no law applies!
13. Most of the local people whom I talked complained that due to plying of these coal-loaded trucks, the roads have been spoiled.
14. However, the most shocking fact was that all this illegally extracted coal is being exported 'legally' to Bangladesh through a border outpost at Gasuapara. Interestingly the office of Department of Mines and Minerals is located at Gasuapara. The whole area around Gasuapara village is spoiled due to coal dumps (on any open space), movement of trucks, pollution of water bodies, noise, and black exhaust by rickety old trucks.
15. Timber felling is mostly illegal in India so a culprit can be prosecuted at the time of actual felling of trees, transport, trade or use of timber product. This simple rule does not apply in the case of coal mined in Garo Hills. Once coal is extracted out, it becomes legal and can be exported outside the country through government channels!

Specific instances of mining in the Balpakram Baghmara Landscape:

(Please see accompanying map for clarity on the location of these mining sites)

The Balpakram National Park, Siju Wildlife sanctuary and Baghmara Reserve forest together constitute the Balpakram Baghmara Landscape. Within this landscape there are 4 sites at which illegal coal mining is either ongoing or in the process of being initiated:

1. Chitmang Gongrot and Halwa Atong Aking:

This site is about 12 km from Baghmara and on the southern boundary of the Balpakram National Park. Two years ago, some people started constructing a new road to reach potential coal mining sites on the community land called Gongrot and Halwa Atong Akings (*aking* is community land in local language). The Nokma of Chitmang Gongrot Aking Mr Tobonsingh Marak requested the DFO-Balpakram National Park Division to grant NOC for prospecting minerals in the proposed site which was refused by the Forest Department (vide letter Memo No/B/BNP/NPS/17667, dated 3 October 2008). He was also warned by the DFO not to carry out mining near the boundary of Balpakram NP which is under dispute (the exact area and hence boundary of the NP is under dispute and the case is in court). The Deputy Commissioner wrote to Mr. Tobonsing Marak (vide letter dated 6 November 2008) to discontinue and stop all mining activities in the area on the disputed boundary near the Balpakram National Park, until the dispute is settled. Despite these warning, in July 2009, the Nokma of Gongrot Aking started to construct the project road which was obstructed by the Garo Student's Union.

Through the timely action taken by the DFO, DC and Garo Students Union, Chitmang Hills Anti Mining Forum the road construction activity has been stopped. However the miners are putting political pressure to allow mining very close the National Park. Despite the fact that the State Forest

Department does not have direct responsibility to intervene in private land, the forest authorities have reminded the District Council to exercise caution to ensure that no construction of roads and clearing of forests for the purpose of coal mining in the Chitmang Gongrot area should be allowed under any circumstances.

2. Siju Wildlife Sanctuary and Siju caves: Siju Wildlife Sanctuary adjoining Balpakram National Park is only 6 sq km but it is considered as an Important Bird Area, and is also famous for its caves, the third largest in Asia. These caves are venerated by the local people and visited by thousands of them. Siju Caves also have a potential to become a major tourist attraction of Meghalaya.

Siju forest is also an important elephant corridor (see *Right of Passage: Elephant Corridors of India*, by Vivek Menon, Sandeep Kumar Tiwari, P.S. Esa and R. Sukumar, pages 188-201).

As extract of the book: "*This narrow corridor connecting Siju Wildlife Sanctuary with Rewak Reserve Forest is very important passage for elephants and helps in maintaining habitat continuity between Balpakram-Siju-Rewak and Nokrek National Park.*" (page 188).

Siju is the biggest mining operation in the Balpakram Baghmara Landscape and something that is causing irreparable damage to an Important Bird Area, to elephant corridors and habitats as well as to the water sources of local people. I was informed by local community leaders that 20-30 illegal private mines are present within 1 km of Siju Wildlife Sanctuary and the Siju Cave, and some mines are as close as 100 m.

3. RangtangSORA

This *aking* is on the south eastern periphery of the Balpakram National park. An area called Wakso Abri on the immediate boundary of the Park is under mining (please see map). This mining operation has been temporarily halted following action by the Garo Students' Union and the Garo Hills Anti Mining Forum.

4. Rongsu Agal

Rongsu Agal is an *aking* on the northern periphery of the Balpakram National Park. The situation in Rongsu is similar to Gongrot. The miners are currently constructing a road linking the proposed mining site to the existing PWD road. Already a large part of the forest in Rongsu Agal *aking* has been felled in order to construct the road. According to the last information I had the work on the road was continuing and mining is imminent at this site.

Recommendations

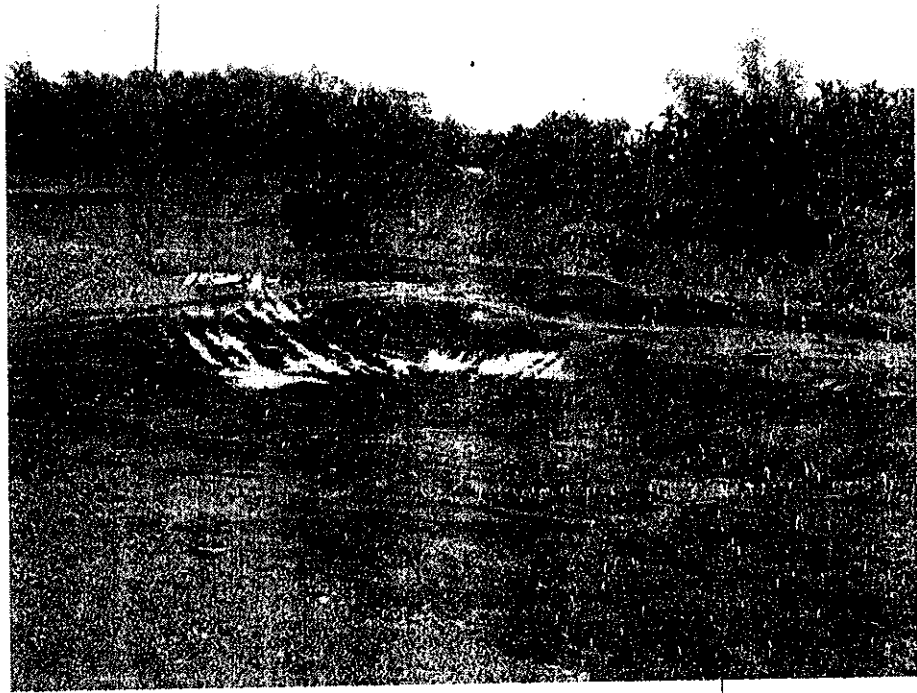
- 1) Mining has to be brought to a stop at all the 4 sites in the Balpakram Baghmara Landscape (described above) to preserve the ecological integrity of the landscape. The state government must ensure that no illegal road construction or mining takes place at these sites. It is a matter of great concern that the state seems to have lost control over this region. Despite written notices from the DC, illegal road construction and mining work goes on. It is only vigilante action on part of civil society groups that has prevented complete take over of the site by private miners.

- 2) The Central Government must take up the issue of private mining (both coal and limestone is currently being mined in this manner) with the state government. Such mining is ongoing at a massive scale throughout the state and has severe implications for the social fabric of the state, health of its people, immigration, apart from environmental damage.
- 3) The state government and the district council must strictly ensure that no new illegal mines are opened up anywhere.
- 4) All coal mines in Garo Hills (and other parts of the state), whether private or government should be strictly regulated under the various mining acts. Illegal mines should be at once stopped till a proper scientific study is done.
- 5) An exercise needs to be undertaken to identify environmentally sensitive areas in the state. Since the state is exceptionally gifted in ecological wealth, the existing PAs do not necessarily cover all environmentally sensitive sites.
- 6) No mining should be permitted at such sites under any circumstances.
- 7) Children should not be allowed to work in these mines.
- 8) At all other sites, proper mining plans need to be developed keeping the following concerns in mind:
 - a. The local people must be able to avail the greatest benefit from mining unlike the case currently where the largest spoils are cornered by the financiers, contractors and middlemen. An appropriate institutional mechanism will need to be developed for this purpose. Financers, contractors and middlemen who currently rule the roost must not be allowed to exploit local people with the lure of quick money that hides behind its long term deprivation and misery.
 - b. All these mines must conform to existing legislation – environmental, mining related as well as labour and safety related.
 - c. The state government will have a strong role to play in order to capacitate and equip local communities to operate mines within this framework.

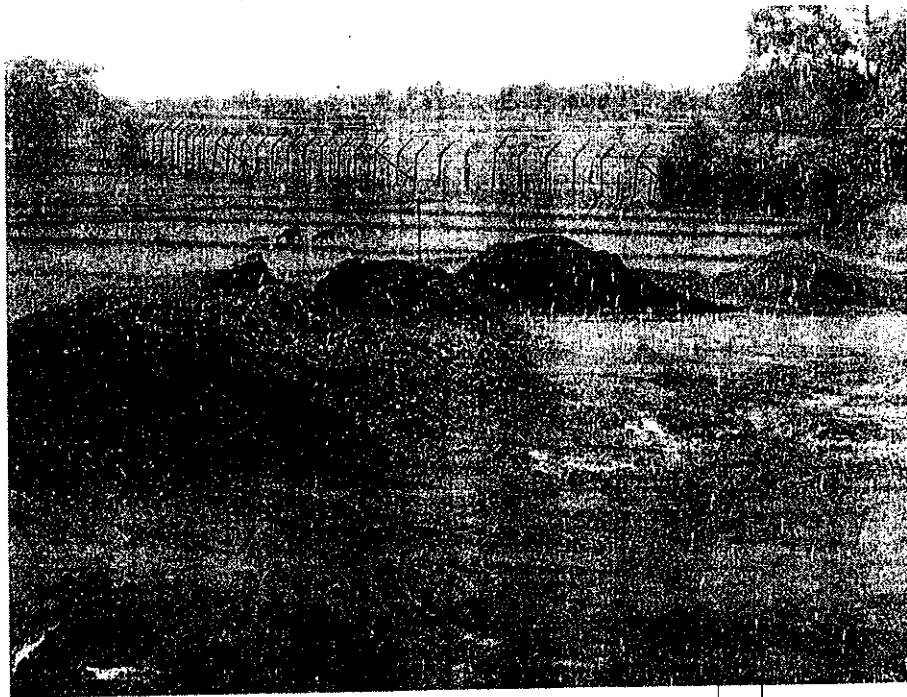
Asad R. Rahmani

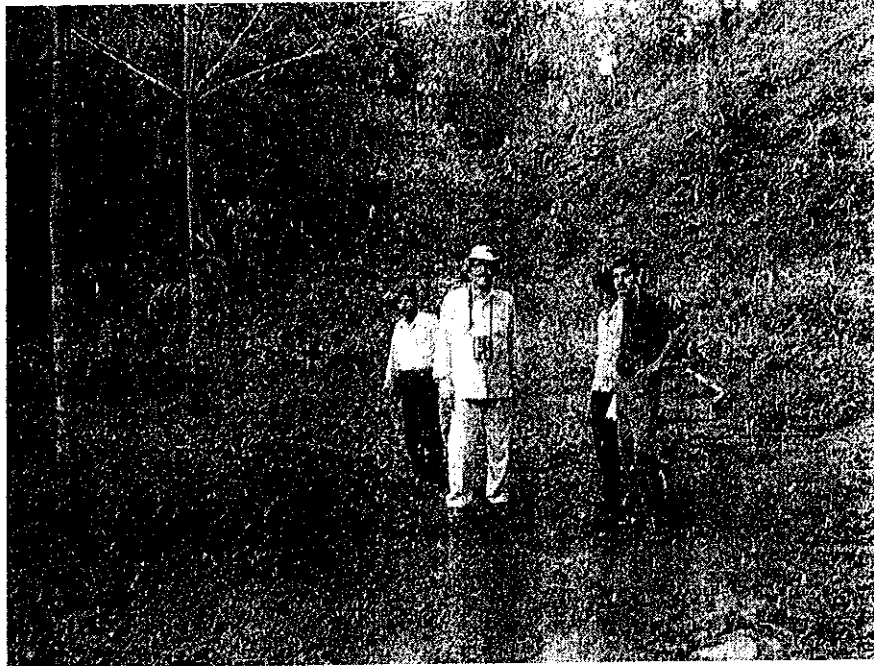
Director, Bombay Natural History Society

7 May 2010



Coal mine dumps near the Bangladesh border through which they are exported out





A view of the road which was illegally being constructed but stopped by the Forest Department and the district administration of Baghmara



Numerous coal dumps are present besides the road and during rainfall small particles pollute the waterbodies below

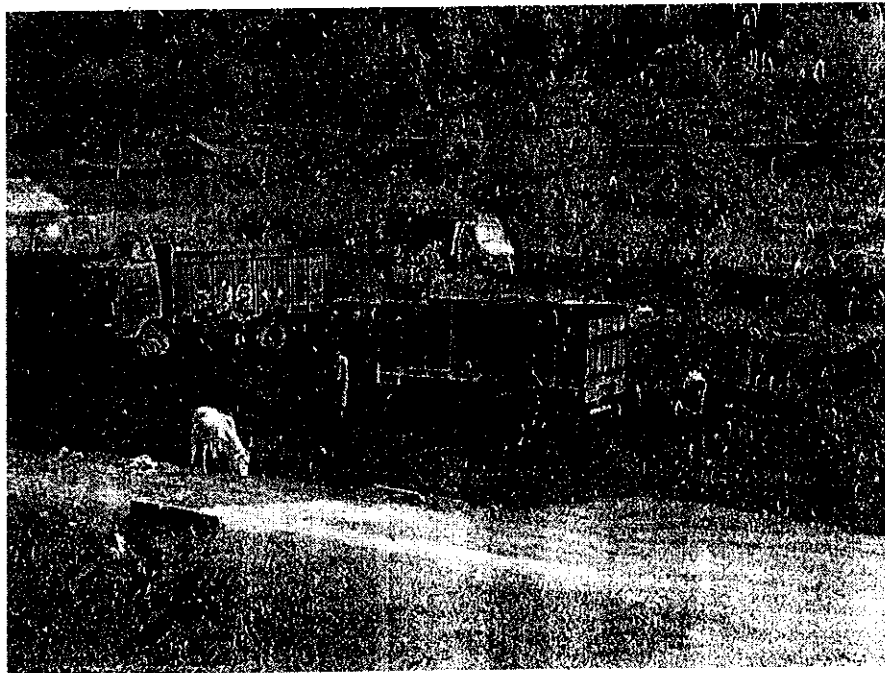


Some coal dumps are now present on paddy fields as seen above and below





Coal dump very close to perennial stream which is used by locals





Children as young as 12 years are used in these illegal mines





A view of the rat-hole mine near Siju Wildlife Sanctuary

