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EDITORIAL ANALYSIS

A Decade of Death — Why Meghalaya's Rat-Hole Mining Ban Cannot Be Enforced

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MAINS RELEVANCE:

GS Paper 2

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INTERVIEW ANGLE

"The tension between tribal customary land rights and environmental regulation in Meghalaya's coal belt represents a classic governance dilemma. How should India resolve competing claims of ecological protection and tribal livelihood rights in Sixth Schedule areas?"

WHY IN NEWS

Twenty-seven workers died in a gas explosion at an illegal rat-hole mine in East Jaintia Hills, Meghalaya — the deadliest coal mining accident in the state since the December 2018 disaster — coming twelve years after the National Green Tribunal banned the practice, and exposing the persistent governance failure at the intersection of environmental law, tribal rights, and migrant labour.

THE ANATOMY OF A GOVERNANCE FAILURE

The Meghalaya rat-hole mining tragedy is not an accident — it is the predictable outcome of a governance architecture that is simultaneously over-regulated on paper and completely unenforced in practice. Consider the sequence:

2014: NGT bans rat-hole mining comprehensively

2015: Meghalaya government appeals to the Supreme Court

2015–2018: Mining continues despite the ban; the appeal creates legal ambiguity used to justify non-enforcement

December 2018: 15 miners trapped in flooded illegal mine; months of failed rescue; national outrage

2019–2024: Supreme Court upholds ban; allows controlled transportation of pre-mined coal; state government commits to enforcement; NGT monitoring committee constituted

February 2026: 27 workers die in gas explosion at another illegal mine in the same district

The lesson is not that the law was absent — it was present in abundance. The NGT order, the Mines Act, the MMDR Act, the Inter-State Migrant Workmen Act, the Employees’ Compensation Act — every relevant legal protection existed and every relevant legal protection failed.

WHY ENFORCEMENT FAILS — A STRUCTURAL ANALYSIS

The Sixth Schedule Paradox

Meghalaya’s tribal areas are **Sixth Schedule territories** under Article 244 of the Constitution. This constitutional status was designed to protect tribal communities from external exploitation — primarily from land alienation and resource extraction by outsiders. The Sixth Schedule creates **Autonomous District Councils (ADCs)** with legislative and judicial powers over specified subjects including land, forests, and non-major minerals.

The paradox: the same institutional structure designed to protect tribal rights has become a shield for illegal mining. When the state government attempts to enforce the NGT ban, landowners invoke their customary rights under the Sixth Schedule. When the Central government attempts to intervene, the state and ADCs cite their constitutional autonomy. The result is a jurisdictional vacuum.

The **MMDR Act, 1957** governs major minerals (coal, iron ore, petroleum) — these vest in the state, not private landowners. But Meghalaya’s coal has historically been treated as private property by communities, predating the MMDR framework. Courts have not definitively resolved whether Meghalaya’s coal falls entirely within the MMDR Act (state ownership) or has some residual private ownership component under customary law.

The Political Economy of Illegal Coal

The Jaintia Hills coal belt generates an informal economy worth hundreds of crores annually. This economy supports:

Landowners who lease mining rights for lump-sum payments

Contractors who manage mining operations and hire workers

Transporters who move coal to power plants and industries in Assam, Meghalaya, and Bangladesh

Local politicians who receive informal payments for non-enforcement

The coal’s buyers include industries that require cheap sub-bituminous coal. As long as there is demand, the supply chain will persist.

No enforcement authority has a strong incentive to shut this down completely:

District administration lacks the personnel to monitor remote hill mines continuously

State police face political pressure from local legislators

NGT can issue orders but has no enforcement arm; it relies on state governments to implement

Central agencies (DGMS, Ministry of Mines) have jurisdiction over formal mines, not illegal operations

The Migrant Labour Trap

The 27 workers who died in the February 2026 explosion were overwhelmingly **inter-state migrant labourers from Assam** — the most economically precarious workers in India’s informal economy. They came for Rs 300–500 per day (informal daily wage), higher than available in their home districts, with no contracts, no insurance, and no knowledge of the mine’s structural condition.

The **Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979** requires:

- Contractors to register with authorities in both the sending and receiving state

- Workers to receive an identity card, passbook, and minimum wages

- Employers to provide medical facilities, housing, and protective clothing

In practice, none of this applies to informal mining. Workers are engaged through informal networks, paid in cash, housed in makeshift camps, and entirely outside the law’s reach.

When they die, their families — in Assam, Bihar, Jharkhand — receive at most ex-gratia payments from state governments (the kind announced after this disaster: Rs 2 lakh from Centre, Rs 5 lakh from Assam for Assam-origin victims). These payments acknowledge the tragedy but do not address its systemic cause.

THE ENVIRONMENT COST — BEYOND HUMAN LIVES

The human toll is the most visible damage, but the environmental destruction is persistent and long-term:

Acid Mine Drainage (AMD): When coal and pyrite in mine waste are exposed to oxygen and water, they oxidise to produce sulphuric acid. This acid drains into rivers, dramatically lowering pH. The **Lukha River** in Jaintia Hills has turned a vivid blue — a visual marker of severe acid contamination. Fish populations have collapsed; downstream communities cannot use the water. This is not reversible on a human timescale.

Deforestation: Rat-hole mine sites require access roads, worker camps, and coal storage — all carved from forest. The Jaintia Hills’ forest cover has declined significantly in mining-affected areas.

Land subsidence: Unstructured underground tunnels create void networks that cause surface collapse, threatening the stability of hillside communities.

WHAT NEEDS TO CHANGE

Three structural reforms could break the enforcement paralysis:

1. Resolve the land ownership question legislatively. The ambiguity over whether Meghalaya's coal is state property (MMDR Act) or tribal private property must be resolved through a negotiated settlement — either compensation for extinguished customary rights or a regulated royalty-sharing arrangement for formal mining. The 2014 NGT ban without any accompanying compensation or alternative livelihood measure was legally sound but politically unsustainable.

2. Register and protect migrant workers. The e-Shram portal (launched 2021) for informal worker registration must be actively used to register workers entering Meghalaya's coal areas. Mandatory registration, micro-insurance, and emergency contact systems can be linked to the portal at minimal cost.

3. Empower the District Mineral Foundation. The DMF (District Mineral Foundation), created under the MMDR Amendment 2015, channels a percentage of mining royalties from formally licensed mines to affected communities for development. Extending this to regularised (formal) Meghalaya coal mining would give communities a financial stake in formal rather than illegal mining.

UPSC RELEVANCE

Rat-hole mining ban: NGT 2014; Sixth Schedule (Article 244); ADCs (Autonomous District Councils); Mines Act 1952 (DGMS regulator); MMDR Act 1957; DMF (2015 amendment); Inter-State Migrant Workmen Act 1979; Employees' Compensation Act 1923; East Jaintia Hills (coal belt; 2018 + 2026 tragedies); Acid Mine Drainage (AMD); e-Shram portal (2021); NDRF (Disaster Management Act 2005).

*Sixth Schedule governance gaps; tribal rights vs. environmental regulation; Centre-state enforcement dynamics in tribal areas; migrant labour policy; DMF as community development instrument. **GS-3:** Environmental degradation from coal mining; acid mine drainage; NGT powers and limitations; informal economy and regulatory arbitrage. **GS-1:** Tribal communities of Northeast India; customary land rights; migration patterns.*

★ FACTS CORNER — KNOWLEDGE PEDIA

MEGHALAYA RAT-HOLE MINING:

Mining method: Horizontal side-cutting or vertical box-cutting tunnels (~3-4 feet diameter)

NGT ban: **2014** (*All Dimasa Students Union* case)

Tragedies: December **2018** (15 miners, Ksan village, East Jaintia Hills; flooded); Feb **2026** (27 dead, Thangkso area, gas explosion)

Coal type: Sub-bituminous; private/community-owned land (unique in India)

CONSTITUTIONAL FRAMEWORK:

Sixth Schedule (Article 244): Tribal areas of Meghalaya (Khasi, Jaintia, Garo Hills) + Assam, Mizoram, Tripura

ADCs: Autonomous District Councils — legislative + judicial powers over local subjects

MMDR Act ownership: Coal vests in state; private ownership of land does NOT include subsurface minerals (in theory)

Contradiction: Meghalaya customary practice treated coal as landowner's property

MINING REGULATION:

Mines Act, 1952: Regulator = DGMS (Directorate General of Mines Safety, under Ministry of Labour)

MMDR Act, 1957: Ministry of Mines; licensing, royalties; 2015 amendment created DMF

DMF (District Mineral Foundation): Levy from mining royalties → community development fund

NGT Act, 2010: Environment protection; NGT has no enforcement arm; relies on state governments

MIGRANT LABOUR:

Inter-State Migrant Workmen Act, 1979: Registration + basic protections (housing, minimum wage, medical); largely unenforced for informal workers

Employees' Compensation Act, 1923: Compensation for death/injury; applies only to registered employment

e-Shram portal (2021): National database for informal workers; ~30 crore registered but sparse in mining sector

ENVIRONMENTAL IMPACT:

Acid Mine Drainage (AMD): Coal pyrite + oxygen + water → sulphuric acid → river acidification

River Lukha (East Jaintia Hills): Turned bright blue from AMD; fish population collapse

Remediation: Extremely difficult and expensive; takes decades

Sources: The Hindu, Down to Earth

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