

PIL No. 2 of 2022

Date of order: 07.03.2022

In Re Suo Motu Illegal Mining of Coal in the State of Meghalaya Vs. State of Meghalaya

Coram:

Hon'ble Mr. Justice Sanjib Banerjee, Chief Justice
Hon'ble Mr. Justice H. S. Thangkhiew, Judge
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : -

For the Respondent(s) : Mr. A. Kumar, AG with
Ms. R. Colney, GA

The matter has been referred to the full complement of Judges of this Court in view of the gravity of the situation and the widespread nature of illegal coal mining in the State despite orders of the National Green Tribunal (NGT) and the Supreme Court.

At the request of the Court last week, the Chief Secretary accompanied all three judges to visit Khliehriat and its nearby areas. It was evident even while travelling along the highways that fresh coal had been deposited in mounds on both sides of the road spanning tens of kilometers. The coal looked to be obviously freshly mined as it was shiny black.

On the road from Khliehriat to Amlarem, about a kilometre or two from the Silchar - Shillong National Highway, there is a vantage point from where one can see the valley below. The lower ground is riddled with rigs and tell-tale signs of mining activities and recently constructed hutments. Even along the stretch, for tens of miles, freshly mined coal is dumped on both sides of the road in plain view.

The initial report published in the Shillong Times on February 23, 2022, pursuant to which suo motu notice was taken by this Court and the present public interest litigation initiated, spoke of rat-hole mining in the interior areas which may not be close to any road and which may be in areas not densely inhabited or even easily accessible. Going by the illegal activities only around the Khliehriat region, it appears that the practice is

rampant and may be even more intense in areas which are not easily accessible.

Reports have been filed by the Chief Secretary and the Director General of Police indicating some actions having been taken. However, it is evident that the directions issued by the Supreme Court have not been adhered to. The Chief Secretary to the State is responsible for implementing such directions and the Chief Secretary remains obliged to ensure that all illegal mining activities are stopped without further ado or delay.

It is necessary to monitor the activities and it is surprising that the State has not resorted to drone photography to monitor the activities in the less accessible areas. It is alarming that District Magistrates, Sub-Divisional Officers and even Block Level Officers are in place along with their counterparts from the police right up to the Superintendent of Police; but all of them turn a Nelson's eye to such illegal activities. It can safely be said that the scene in and around Khliehriat speaks of the vast stretches there being beyond the purview of the administration and it is impossible that the illegal mining activities and the deposit of freshly mined coal would be conducted with such impunity without the possible connivance of the local administration or even worse.

The directions issued by the Supreme Court have to be complied with. The orders passed by the NGT need to be followed and the recommendations made by the committee set up by the NGT, several of which have been expressly approved by the Supreme Court, have to be implemented. These directions and recommendations have been set out point by point and the Chief Secretary will deal specifically with each of the directions and recommendations and file a report, when the matter appears four weeks hence, as to the action taken. It also appears that the State has done precious little to ensure the transportation of the coal that had been previously mined and the auction thereof through Coal India Limited as per the directions of the Supreme Court and the NGT, which has resulted in the present unacceptable scenario.

It is more than likely that a committee may be set up to monitor the implementation of the directions and recommendations, which committee

must have the freedom and authority to function without any political interference.

List the matter on April 4, 2022.

(W. Diengdoh)
Judge

(H. S. Thangkhiew)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
07.03.2022
"Sylvana PS"

