

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No. 2 of 2022

Date of order: 14.02.2023

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 : -

For the Respondent : Mr A. Kumar, AG with
Mr K. Khan, Sr GA
Ms R. Colney, GA
Dr N. Mozika, DSGI with
Ms A. Pradhan, Adv.
Mr D. Dkhar, Adv.
Mr M.Z. Ahmed, Sr Adv. with
Ms B. Dutta, Sr. Adv.

The State is in receipt of the report dated February 6, 2023 filed by Justice B.P. Katakey (retired). The State has filed a report dated February 13, 2023 enclosing the post-mortem reports pertaining to the recent deaths due to rat-hole mining in Khliehriat. However, such post-mortem reports are not legible. Learned Advocate-General has legible copies in hand to file immediately. Let such legible copies be taken on record.

Pursuant to the Court's query on the last occasion, learned Deputy Solicitor-General submits that the mandate of the Central Industrial Security Force is to guard installations and buildings and not really do police work. However, he submits that the Central Reserve Police Force is available to augment the policing duty ordinarily undertaken by the State police. The Court is informed that there are companies and battalions available both in Shillong and in Guwahati if there be need therefor.

The State will indicate the ideal number of companies of personnel necessary to effectively monitor and check the prohibition on unscientific mining of coal, including rat-hole mining, and the transportation of the recently illegally mined coal. The modalities will also have to be worked out by Justice Katakey so that the State, which has thus far been ineffective in either implementing the ban or in checking illegal transportation, is given a less of a role in the further monitoring and CRPF can have a more aggressive role in such regard.

What needs to be appreciated is that in several areas, for want of alternative livelihood, common citizens have taken to dangerous mining methods. It is almost a social malaise. People who have been involved in such form of mining for a long period of time have to be weaned out and

for such purpose, the State has to devise schemes and provide alternative forms of livelihood. Awareness and education would also go a long way in arresting the menace. The entire saga of illegal mining cannot be seen to be the handiwork of a specific class of persons.

Though the contempt rule remains pending against the Superintendent of Police, Khliehriat, his personal presence is dispensed with since he is required to be on the ground, particularly during the election season. The Superintendent of Police will next be required to be in Court when specifically called for; or else, the reply sought for him will suffice for the moment.

The matter will now appear on February 28, 2023.

Let a further ad hoc remuneration of Rs. 2 lakh be paid to Justice Katakey.

(W. Diengdoh)
Judge

(H. S. Thangkhiew)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
14.02.2023
"Sylvana PS"