

Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No. 2/2022

Date of order: 19.04.2022

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

: -

For the Respondent

: Mr. A. Kumar, AG with
Ms. R. Colney, GA

It is submitted on behalf of the State that illegal coal-mining activities across the State have been brought to a halt. Learned Advocate-General submits that a Standard Operating Procedure (SOP) has been prepared by the State so that, upon obtaining the Centre's permission under the Mines and Minerals (Development and Regulation) Act, 1957, prospecting activities can be permitted to ascertain the possibilities of undertaking large-scale extraction upon complying with all the formalities, including the impact thereof on the environment and local inhabitants.

The object of the present exercise is not to altogether prohibit coal-mining in the State. Suo motu cognizance was taken of a newspaper article that referred to the dangerous process of rat-hole mining that may

lead to collapse and miners being trapped. Indeed, there have been several deaths in such manner.

The other purpose for taking up the matter was to ensure that the directions issued by the Supreme Court and by the National Green Tribunal were complied with. There was a committee constituted by the NGT which was headed by Justice B.P. Katakey (retired), a former Judge of the Gauhati High Court. Several recommendations were made and a number of the recommendations formed the basis for the directions issued by the Supreme Court in the order of July 3, 2019.

By the previous order of April 4, 2022, it was proposed that a committee would be set up on the lines as formed by the NGT earlier to ascertain whether the directions issued by the Supreme Court and the NGT had been complied with; and, to the extent that they had not been, how the same could be complied with at the earliest.

One of the key aspects of the matter is the sale of coal that had already been mined prior to the prohibition on mining by the orders of the NGT. Directions were issued by the Supreme Court for the sale of such coal. As a result of the sale of the previously mined coal not being completed, illegal coal-mining was, in a sense, facilitated with the illegal miners claiming that the freshly mined coal was actually the previously mined coal. It is imperative that the entire stock of coal be sold as expeditiously as possible.

Justice Katakey has agreed to look into the several aspects of the matter, particularly the extent to which the directions issued by the Supreme Court and the NGT have been complied with and what more needs to be done for such compliance. It will also be open to the State to

explore the possibilities of regulating coal-mining in accordance with law, upon ensuring that all illegal coal-mining activities are stopped and the machinery for the illegal mining activities are completely removed and dealt with in accordance with law. Appropriate action also needs to be taken against the persons involved, and it is a matter of regret that despite previous observations in such regard that illegal coal-mining activities could not have been continued without the local administration's connivance, the State has not taken any action against any official.

Justice Katakey is appointed for the purpose of ascertaining the extent to which the directions issued by the Supreme Court and the NGT have been complied with. Justice Katakey will also recommend the measures to be immediately taken to comply with the outstanding directions, including the sale of coal now available, under the aegis of Coal India Limited.

The State will extend all cooperation to Justice Katakey, including providing for his accommodation and travel for the purpose of completing the exercise in terms of this order as expeditiously as possible. An ad hoc remuneration of Rs.1 lakh will be paid by the State to Justice Katakey subject to further consideration on such aspect.

Justice Katakey should file a preliminary report dealing with the directions issued by the Supreme Court and the NGT that have been complied with and, more importantly, suggesting expeditious steps to comply with the outstanding directions, including the transportation and sale of the available coal. Such preliminary report should be filed within four weeks. Justice Katakey will also look into the measures adopted by

the State to ensure that there is no unregulated or illegal coal-mining or any instance of rat-hole mining anywhere.

List the matter on May 24, 2022.

(W. Diengdoh)
Judge

(H. S. Thangkhiew)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
19.04.2022
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