

Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No. 2 of 2022

Date of Order: 24.02.2026

In Re: (Sou Motu): Illegal Mining of Vs. State of Meghalaya & Ors.
coal in the State of Meghalaya

Coram:

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

Appearance:

For the Petitioner(s) :

For the Respondent(s) : Mr. A. Kumar, AG
Ms. R. Colney, GA (For R 1)
Dr. N. Mozika, DSGI with
Ms. C. Jala, Adv.

Per. H.S. Thangkhiew, Judge:

1. This matter is being taken up today for passing of further orders in connection with the incident at Mynsngat-Thangsko, wherein 34(Thirty-four) workers lost their lives and 5(Five) were grievously injured. The Status Report filed by the State respondents on 19.02.2026 in compliance to the order dated 09.02.2026, has been examined by this Court.

2. By way of the Status Report, the State respondents have shown the steps or measures that have been taken by them to address the situation and to afford relief to the affected families of the deceased, the injured, apart from other actions taken with regard to the process for investigation and enquiry, amongst others. Briefly put they have been categorized under the following heads: -

- i) Interim financial relief/compensation, wherein it is stated Rs. 2,40,000/- has since been disbursed to the next of kin of 8 deceased persons.
- ii) Judicial Enquiry Commission to conduct an enquiry into the circumstances leading to the incident dated 05.02.2026, and submission of fact-finding report and a Special Investigation Team to conduct a comprehensive investigation leading to the incident and to identify violation of Court's orders or NGT directions etc.,
- iii) FIRs registered, arrest of persons, recovery/seizure of illegal coal, recovery of explosives, wherein it is reported 77 FIRs have been registered and 14 persons have been arrested including 3 mine owners, seizure of 16,260.5 MT illegal coal and explosives (74 detonators, 25.5 Kg of Gelatine sticks)
- iv) Seizure of allied equipment and dismantling of cranes etc.,
- v) Action against erring officers; suspension of 2 officers in charge of concerned Police Outpost and transfer of Superintendent of Police, East Jaintia Hills.

Apart from the above, the Report also contains the steps taken on the earlier incident reported on 14.01.2026 and action taken on the

observation made by the Hon'ble Justice B.P. Katakey (Retd.) Committee in its Thirty-Sixth Report, wherein it has been stated that 5 Enforcement Team have been mobilized on a daily basis in East Jaintia Hills District comprising of a Magistrate, Police personnel and officials from DMR, the registration of FIRs at Khliehriat Police Station and the utilization of Drones through which FIRs have also been registered.

3. This Court while examining the Status Report finds that the measures taken for compensation and other actions with regard to investigation and enquiry are not adequate to address the situation effectively. It is of absolute necessity for the State respondents at this stage, to show credibility and to instill confidence in the minds of the public, that an incident that has shaken the collective consciousness of the citizens, is dealt with in a deserving manner to demonstrate that the Rule of Law prevails.

Firstly, with regard to the grant of interim compensation, it is noted that only the next of kin of 8(Eight) deceased persons have been given interim relief, whereas with regard to 15(Fifteen) deceased persons, who are residents of Nepal and 13(Thirteen) from Assam, no information has been provided as to what steps have been taken to disburse the same. The learned Advocate General on this aspect has expressed difficulties due to the authorities' inability to identify and secure the next of kin to whom the compensation could be paid. This Court fails to understand as to how this should be an

impediment. Steps in this regard can be taken immediately through the Nepalese Embassy with regard to the deceased persons from Nepal to intimate and identify their legal heirs to whom the compensation can be disbursed after due verification. Similarly, immediate steps should be taken for the compensation to be released to the heirs of the deceased persons from Assam.

Insofar as the constitution of the Judicial Enquiry Commission, the Terms of Reference that have been listed, though appearing to be exhaustive, calling for the submission of a comprehensive fact finding report on the acts and or omissions of the persons and/or authorities concerned, there is however, no mention as to the accountability and liability of such persons, or authority on whom responsibility can be fixed to enable action to be taken against them in accordance with law.

Another crucial aspect that has not been considered is the necessity of investigation and enquiry into the nexus between the supply and demand of illegal coal, inasmuch as, no illegal extraction would occur if the same was not fueled by demand which makes this dangerous activity highly profitable. This point is of extreme relevance as considerable investment is required for mining and extracting coal even in the manner that is being practiced. As such, it is necessary that the State respondents include this in the Terms of Reference for due enquiry.

4. The constitution of a Special Investigation Team and its constituents thereof, has also been examined and its Terms of Reference include the conduct of a comprehensive investigation into the mining accident at Thangsko to identify violations of this Court's order as well as orders of the NGT relating to illegal mining activities and for investigation to be carried out in a time bound manner. The learned Advocate General on the concern expressed as to the SIT being headed only by a Deputy Inspector General has assured the Court that a more senior official shall be tasked to head the Team. It is expected that the investigation and action taken thereon, is to be incisive and effective, which will discourage any future illegal mining activity.

5. The Status Report also contains as noted earlier, the FIRs registered, arrest of persons, recovery/seizure of illegal coal, explosives, equipment etc., apart from action taken against erring officers. This Court, however is of the firm view that sustained efforts need to be continued to not only check illegal mining but also in the process, action be taken against persons, officials in the District, as well as officials of the Directorate of Mining and other Police officials under whose watch the Thangsko incident happened. Added to this, what is deemed necessary by this Court is also the examination of the manner of the transport of illegally extracted coal and the role of transport officials, Police, non-State players, such as NGOs, which is part of the whole chain in the facilitation of illegal mining operations.

6. As the learned Advocate General has undertaken to apprise the Court on further steps that will or have been taken, post this matter on 05.03.2026, for further orders.

7. Mr. Pankaj Rasgania, Superintendent of Police, East Jaintia Hills District and Mr. Vikash Kumar, the former Superintendent of Police, East Jaintia Hills District to remain present, on the next date of hearing.

(W. Diengdoh)
Judge

(H.S. Thangkhiew)
Judge

Meghalaya
24.02.2026
"V. Lyndem PS"