

Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No. 2 of 2022

Date of order: 04.04.2022

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

A report dated April 1, 2022 has been filed by the Chief Secretary. Annexures A-11 and A-12 to such report indicate that extent of implementation of the divers directions issued by the Supreme Court and by the National Green Tribunal (NGT).

However, the details have not been indicated and it is submitted by learned Advocate-General that the details are too voluminous to be conveniently included in an affidavit. For instance, it is submitted on behalf of the State, more than 3500 trucks have been seized in terms of the NGT order of January 5, 2019 and it may not be possible to indicate the particulars pertaining to each of the seizures.

There appears to be some action taken, though it is not clear from the report as to whether all the directions in such regard issued by the Supreme Court and the NGT have been complied with. At any rate, it is obvious that the time-frame within which the previous illegally mined coal had been required to be disposed of under the aegis of Coal India

Limited, has not been adhered to. It is this which has primarily fuelled the illegal mining with the subsequently illegal mined coal being attempted to be passed off as the previously mined coal. This could not have happened without the active connivance of the local administration.

The Chief Secretary's report is singularly lacking in indicating what measures may have been taken against the local officials, who not only looked the other way while the illegal mining thrived, but may have actively aided therein. There has to be accountability and this aspect of the matter has to be immediately focussed so that a message is sent loud and clear that the watchdogs would be proceeded against if anything remiss is found under their watch.

The object of the present exercise is not to inquire afresh into the matters which have been covered by orders passed by the Supreme Court and the NGT. The present exercise is limited to ensuring that all the directions issued by the Supreme Court and the NGT in such regard are followed and implemented since, the failure on the part of the administration to abide by such directions may not have been brought to the notice of the Supreme Court or the NGT.

It may also do well for a committee to be set up, on the lines as formed by the NGT earlier, as some of the members of the previous committee already have the experience of dealing with the matter and may be able to ensure better compliance with the directions or more easily detect the failures on the part of the administration in such regard.

For such purpose, let the matter appear a fortnight hence. In the meantime, the State should make every endeavour to comply with the outstanding directions and get a grip over the entire process of mining in the State, if only to ensure that there is no further degradation of the

environment and, upon conducting appropriate environmental impact assessment studies, promote mining in accordance with law to augment State revenue and provide for employment opportunities.

List on April 19, 2022.

(W. Diengdoh)
Judge

(H. S. Thangkhiew)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
04.04.2022
"Sylvana PS"

