

Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No. 2/2022

Date of order: 13.03.2023

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 Respondents : Mr. A. Kumar, Advocate-General with
Mr. K. Khan, Sr.GA
Ms. R. Colney, GA
Dr. N. Mozika, DSGI with
Ms. A. Pradhan, Adv

The State has prepared what is called a blueprint for the deployment of the Central Reserve Police Force in the State to check the illegal mining of coal and its transportation.

The State's plan is rather grandiose as it seeks deployment of 100 companies in the eastern range and 60 companies in the western range where one company consists of 135 personnel.

Though the State has indicated in great detail the number of companies to be deployed in the 12 districts, including bifurcating the companies which would be involved in checking vehicles and others which would check the mining activities, the cost implication, even on a short-term, temporary basis, may make it unfeasible. Indeed, only on account of construction of quarters and barracks, the State has indicated

a sum of Rs.316 crore and for requisitioning vehicles an annual expenditure in excess of Rs. 58 crore.

At any rate, even if the infrastructure constructed may be put to use by the State upon the CRPF no longer being required, it would take a considerable period to complete the construction and it would be a Herculean task to house 160 companies on a temporary basis. Indeed, the State's coal reserves may be exhausted by the time the State's grand design is put in place.

Instead, it appears to be fair and reasonable to this Court to deploy 10 companies, not of CRPF but of Central Industrial Security Force. That is because, as the Central government duly points out, the CRPF functions under the command of the State police whereas CISF can function independently. On a query from the Court, it is submitted on behalf of the Central government that CISF would be able to handle the aspect of checking goods vehicles.

Considering the total area in the State and that some of the remote pockets do not have roads or even the menace of illegal coal mining and its transportation, 10 companies of CISF should be enough to check the vehicles and completely arrest the illegal transportation of coal. While CISF is engaged in checking the vehicles, there is no doubt that it would also check for contraband and ensure that the goods vehicles conform to the weight limits for plying on the State and national highways in Meghalaya.

Dr. Mozika will ascertain the logistics and formalities for 10 companies of CISF to be deployed for the purpose of checking the illegal transportation of coal in the State. The process may not last several years

as the State proposes to open up scientific mining and grant licenses therefor in accordance with law which may make illegal coal mining an unattractive proposition thereafter.

Justice Katakey has filed an 11th interim report which the State and the Central government should consider. Copies of such report may be obtained from the officer assigned to this Court, if not already forwarded.

It is also proposed that upon the 10 CISF companies being made available for the indicated purpose, the key areas which need to be manned and guarded would be decided in consultation with Justice Katakey. It is made clear that the deployment of CISF will be on payment basis, subject to negotiation between the State and the Centre.

The matter will appear a week hence.

List on March 20, 2023.

(W. Diengdoh)
Judge

(H. S. Thangkhiew)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
13.03.2023
"Lam DR-PS"