

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 111/2014  
(M. A. No.322/2014)**

**And**

**Original Application No. 113/2014**

**Environics Trust V/s Union of India & Ors.**

**And**

**Amar Singh V/s Union of India & Ors.**

**CORAM: HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE U.D. SALVI, JUCIDIAL MEMBER  
HON'BLE DR. G. K. PANDEY, EXPERT MEMBER  
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER  
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

**Present:**

<b>Applicant / Appellant</b>	<b>: Ms. Neha Miriam, Adv.</b>
<b>Respondent No. 1to3</b>	<b>: Mr. Vikas Malhotra and Mr. M.P. Sahay, Adv.</b>
<b>Respondent No. 4</b>	<b>:Mr. S.S. Shamsherry and Mr. Varun Punia, Adv.</b>
<b>Respondent No. 5</b>	<b>: Mr. Prashant Mathur and Mr. Guwtur Pramod, Adv.</b>
<b>Respondent No. 6</b>	<b>: Mr. Shibashish Misra, Adv.</b>
<b>Respondent No. 7</b>	<b>: Mr. Abhishek Paruthi, Adv. for Ms. Alpana Poddar,</b>
<b>Respondent No. 8</b>	<b>: Mr. Dhananjay Baijal, Adv. and Mr. Nikhil Nayyar, Adv.</b>
<b>Respondent No. 9</b>	<b>: Mr. A.K. Panda, Sr. Adv. and Mr. S. Panda and Mr. M. Paikaray, Adv.</b>
<b>Respondent No. 10</b>	<b>: Mr. B.V. Niren, Adv. and Mr. T.K. Barman</b>

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item Nos. 3 &amp; 4 November 21, 2014</b>	<p>In these two Applications the Applicant has prayed that the Tribunal should direct the appropriate authorities to immediately stop all asbestos mining operations in the country and ensure their scientific closure.</p> <p>Further, it is prayed that the Respondents should be directed to carry out soil and air testing. The Respondents should also state to the workers to medical check up and prepare a data showing the extent of degradation of environment and harm to human health resulting from the asbestos mining. Then, Tribunal should issue appropriate directions.</p>

In the other Application the prayer is to direct the Indian Bureau of Mines, Department of Mines and Geology and State Pollution Control Boards of the respective States to restore and reclaim abandoned mining in the State of Rajasthan, State of Andhra Pradesh and State of Odisha.

These prayers have been made on the premise that illegally and unscientific asbestos mining causing serious environmental and health hazard is being carried on in these States.

The Learned Counsel appearing for the respective Respondents including the MoEF submit that they have not granted any Environmental Clearance and or consent for carrying on such mining activity and no such mining activity is being carried on. The stand taken by the Respondents is belied by the report and data filed by the Applicant on record as well as Affidavit, it appears from the record that the Central Government has banned the asbestos mining activity in the country, but despite that the said activity is being carried on which is prejudicial to the environment and health of the workers in the said mines.

It is also evident that similar activity is being carried on in State of Jharkhand and State of Karnataka as well. The Learned Counsel appearing for the Pollution Control Board of State of Andhra Pradesh submits that they had granted consents up to the year 2007 thereafter they had not granted any consent.

According to the Learned Counsel appearing for the State PCB Odisha, they had granted consent up to year 2004. The Learned Counsel appearing for the State of Rajasthan submits that earlier consents were granted but

in the recent past no consent had been granted. Similar stand is being taken on behalf of the other States.

As already noticed the Applicant has brought on record all the facts of carrying on of asbestos mining in these States even in the recent times.

None of the Affidavit is specific as to what steps have been taken by the Ministry of Environment and Forests or any other authority of the State to answer a question as to whether any asbestos mining was being carried on in any part of the State or not. An Affidavit filed by the MoEF is vague and uncertain. No use noticing at this stage that the MoEF is under Statutory obligation to ensure that there is no environmental pollution particularly resulting from such hazardous activity. The powers vested in them are not only limited to issuing the directions to the respective States but they have full power and wide authority in terms of the Section 5 of the Environmental (Protection) Act, 1986 and under the Air (Prevention and Control of Pollution) Act, 1981 and The Water (Prevention and Control of Pollution) Act, 1974 respectively to pass appropriate directions or guidelines to effectively control the pollution, including even directing the activity be entirely prohibited in the interest of the environment and human health. Violation of which invites penal consequences under Section 15 of the Environment (Protection) Act, 1986.

It is undisputable that asbestos mining activity is considered hazardous and causes serious environmental and health hazard including dangerous diseases like cancer etc. We are constrained to observe that concerned Ministry and appropriate Authorities of the State are expected to

exercise their power so as to prevent and control degradation of environment and harm to public health. If a decision has been taken to ban asbestos mining the Authority should have ensured complete prohibition.

In the circumstance aforesaid, we direct Mr. C. S. Thakur, Under Secretary, MoEF, who is dealing with the affairs of the NGT, to be present and produce complete records in relation to the matter afore indicated hereinafter.

In the meanwhile, he is also directed to obtain complete data on physical inspection from all the States i.e. Andhra Pradesh, Rajasthan, Odisha, Telengana, Jharkhand and Karnataka. This data should be collected from the concerned State Governments, Mining Departments and respective Pollution Control Boards and Pollution Control Committees.

1. It will state whether any Asbestos Mining is being carried out in any part of the State and whether any consent has been granted by any of the State Pollution Control Board for operation of such mining activities, and whether the Mines to which consent was granted have ceased to operate in accordance with law in all respects and what steps have been taken for restoration of mines.

2. Health survey shall be conducted of erstwhile workers who are working in the mines. It will be stated if they suffer from any disease directly or indirectly attributable to asbestos mining This direction is necessitated in view of the fact that the Affidavit filed by the Respondent No. 9 does not give adequate data or information and is vague.

3. If the mining activity is carried out in any part of the State they shall collect data in regard to Ambient Air Quality and place Analysis Report before the Tribunal.
4. The list of industries where asbestos mining is being processed also filed on record in all these States.

The above concerned Officer shall be personally responsible for implementing of this order of the Tribunal without default and delay.

The reports with his personal Affidavit should be filed before the Tribunal within a week in advance of the date fixed. He shall produce the complete records before the Tribunal.

List this matter for further directions on 23<sup>rd</sup> December, 2014.

We grant liberty to all the Respondents in these cases to file comprehensive Affidavits stating if the mines have been closed, have they been closed in accordance with law and what steps have been taken for restoration of the area in question.

Let these Affidavits be filed within three weeks from today.

Notice be issued to the State of Jharkhand, State of Karnataka and the CPCB for the next date of hearing.

Liberty to the Applicant to file Rejoinder before the next date of hearing.

List these matters on 23<sup>rd</sup> December, 2014.

....., CP  
(Swatanter Kumar)

....., JM  
(U.D. Salvi)

....., EM  
(Dr. G.K. Pandey)

....., EM  
(B.S. Sajwan)

....., EM  
(Ranjan Chatterjee)

