

REPORT FILED BY DIRECTOR OF MINES & GEOLOGY , ANDHRA PRADESH
DIRECT BY THE HON'BLE NATIONAL TRIBUNAL SOUTH ZONE CHENNAI IN
O.A. No. 115 /2021(SZ) ORDER DATED 09-07-2021

It is to submit that an explosion was occurred in the Quarry Lease held by Smt. C. Kasturi Bai for Barytes over an extent of 30.696 Hectares in Sy.Nos.1 & 133 of Mamillapalli Village, Kalasapadu Mandal, Y.S.R. Kadapa District on 08.05.2021 around 9.00 to 10.30 AM causing death to 10 members of labour.

In this connection, the above case has been Suo Motu registered by the Hon'ble National Green Tribunal, Chennai on the basis of the newspaper report published in the Times of India e-paper dated 08.05.2021.

Accordingly, the Hon'ble National Green Tribunal, Chennai has passed an order dated 21.05.2021 to appoint a Joint Committee consisting of (1) Senior Officer from Andhra Pradesh State Environment Impact Assessment Authority, (2) A senior officer from the Integrated Regional Office, MoEF & CC, Chennai, (3) A Senior Officer from Pollution Control Board as deputed by the Chairman, (4) the District Collector, Kadapa District and (5) the Assistant Director of Mines and Geology of the respective area where the incident occurred to inspect the area in question to submit a factual as well as action report, if there is any violation found. In this connection, the Joint Committee inspected the incident site on 29.05.2021 and submitted interim report to the Hon'ble National Green Tribunal, Chennai.

Subsequently, the case has come for hearing before the Hon'ble National Green Tribunal, Chennai on 09.07.2021. After hearing, the Hon'ble National Green Tribunal, Chennai has passed the interim order on 09.07.2021 **PARA 10 AND 11** in Original Application No.115 of 2021 (SZ) wherein it was directed the Mines and Geology Department:

10. The Mining and Geology Department is also directed to file detailed report as to how that Department is allowing such illegal activities to perpetuate by merely receiving the royalty amount even though the mining operations are being carried out without complying with the environmental laws and that too without obtaining necessary permissions by the concerned quarry owners.

11. The Mining Department is also directed to ascertain as to whether all the mines situated within that area are strictly complying with the environmental laws by getting necessary clearance and permission under EIA Notification and the pollution laws. If not, what is the nature of action proposed by them in this regard.

Report in Para No.10 of the Hon'ble NGT Order dated 09.07.2021:

- i. An application was received from Smt. C. Kasturi Bai on 11.09.2021 which was received by the Director of Mines and Geology, Hyderabad for grant of Mining Lease for Barytes over an extent of 39.497 Hectares in Sy. Nos.1 & 133 of Mamillapalli Village, Kalasapadu Mandal, YSR Kadapa District for a period of 20 years.
- ii. The Mandal Revenue Officer, Kalasapadu Mandal, Y.S.R. Kadapa District has issued No Objection Certificate for grant of mining lease vide Letter Dis.173/2000, dated 14.06.2000.
- iii. The Government vide G.O. Ms. No.224 of Industries and Commerce (M.II) Department, dated 11.04.2001 has granted a Mining Lease in favour of Smt. C. Kasturi Bai for Barytes an expert of 30.696 Hectares in Sy. Nos. 1 and 133 of Mamillapalli Village, Kalasapadu Mandal, Y.S.R. Kadapa District for a period of (20) twenty years after obtaining the Mining Plan approved by the Indian Bureau of Mines as per rules in force then.
- iv. The lease deed was executed by the Assistant Director of Mines and Geology, Kadapa vide proceedings No.1527/M3/2001, dated 24.11.2001 for a period of 20 years w.e.f. 02.11.2001 to 01.11.2021.
- v. According to EIA notification S.O.60(E), dated 27.01.1994 of Ministry of Environment and Forest, all mining projects (Major Minerals) with lease area more than 5 Hact. required to obtain prior Environmental clearance from the competent authority. But, this statutory provision has not seen light till 2006, when S.O.1533, dated 14.09.2006 has been made for implementation by MoFF, GoI. As such, the State Government has not imposed any condition for submission of EC, CFE and CFO in the grant of order while granting the mining lease in favour of Smt. C. Kasturi Bai. Thus, the then Assistant Director of Mines and Geology, Kadapa has executed the Mining lease deed and issued work order in obedience to the grant order of the Government of Andhra Pradesh. After obtaining work order, the Mining lease holder has started mining operations in accordance with MM&DR Act, 1957 and Mineral Concession Rules, 1960.

- vi. The Government of India, Ministry of Environment and Forest has issued EIA notification S.O. No.1533, dated 14.09.2006 wherein it was stated that the Mining leases (Major Minerals) with extent of more than 5 Hectares shall be undertaken only after obtaining the prior Environmental Clearance from the competent authority.
- vii. After EIA notification S.O. No.1533, dated 14.09.2006 came into force, the Government of Andhra Pradesh has granted Mining leases duly insisting the grantees to submit the prior Environmental Clearance, CFE & CFO obtained from the competent authority before execution of Mining lease deed.
- viii. Barytes mineral was under the category of Major Mineral till 09.02.2015, when MoM, GoI vide GSR(E) No.423, dated 10.02.2015 declared 31 Major Minerals, including Barytes, as minor minerals. Thus, the Government of A.P. granted ML in the year 20012 an extent of 30.696 Hectares in favour of Smt. C. Kasturi Bai as Major Mineral.
- ix. Indian Bureau of Mines, MoM, and the Government of India is one of the Regulatory Authorities for Major Minerals along with the State Government and the Mining Plans in respect of Major Minerals are being approved by IBI only.
- x. The Government of Andhra Pradesh vide G.O. Ms. No.34, Industries and Commerce (M.II) Department, dated 14.03.2016 and G.O.Ms. No.56, Industries and Commerce (M.II) Department, dated 30.04.2016 issued amendments to the Andhra Pradesh Minor Mineral Concession Rules, 1966 and delegated the powers to the Director of Mines and Geology for grant of regulation of Mineral concession for 31 Minerals and conduct of Quarry operations of the all minor minerals in accordance with the Approved Mining Plan. The Government incorporated the mandatory provision for submission of Approved Mining Plan/Scheme, EC, CFE & CFO prior to grant of leases for all minerals including 31 minerals in the Andhra Pradesh Minor Mineral Concession Rules, 1966.
- xi. The lease holder has submitted draft mining scheme to the Deputy Director of Mines and Geology, Kadapa vide Letter dated 13.10.2016 and the same was approved by the Deputy Director of Mines and Geology, Kadapa vide Lr. No.4312/MS/KDP/2017, dated 21.07.2018 for the period from 2018-10 to 2020-21.

- xii. MoF, GOI, vide Notification No.S.o.804(E), dated 14.03.2017 has given a six months window period of six months from 14.03.2017 to 13.09.2017 to submit proposals to obtain prior environmental clearance by the projects, who were not having the same hitherto. But, the leaseholder has filed an application through the online to SEIAA, AP under violation (category-B) for consideration of TOR and accordingly acknowledgement slip for having filed the application (Proposal No.IA/AP/MIN/69892/2017) from SEIAA on 26.09.2017. Thus, she has filed the application beyond the time allowed in S.O. No.804(E), dated 14.03.2017. However, the Hon'ble High Court of Madras vide orders dated: 14.03.2018 in W.P. Nos.3361, 3362 and 3721 of 2018 in W.P. No.11189 of 2017 provided one month additional window period from 14.03.2018 to 13.04.2018 for submission of such proposals. Thus, EC is not made prerequisite to conduct mining operations till 14.03.2018 by virtue of S.O. No.804(E), dated 14.03.2017 and the Judgment dated 14.03.2018 in WPMP Nos.3361, 3362 and 3721 of 2018 in W.P. No.11189 of 2017 of the Hon'ble High Court of Madras.
- xiii. Accordingly, Smt. C. Kasturi Bai, the lease holder filed fresh online application to SEIAA, AP under violation (Category-B) for consideration of TOR on 11.04.2018 (Proposal No.SIA/AP/MIN/24174/2018). Thus, she has filed the application with the time allowed by the Hon'ble High Court of Madras.
- xiv. In consideration to the application filed by the lessee, the SEIAA, AP, vide letter dated 03.08.2018, asked the leaseholder to submit notarized sworn in affidavit as per the prescribed format in original for further processing of project proposal for consideration of environmental clearance/terms of reference. But, the proponent has not submitted the said information to SEIAA, AP so for further processing of application. However, the SEIAA, AP neither rejected the said application for non-submission of required documents nor communicated to ADM&G, Kadapa for stoppage of mining operations till the date of incident.
- xv. After the incident, Zonal Office APPCB, Kurnool issued closure order vide 692/Mines/APPCB/ZO-KNL, dated 29.05.2021 and requested the ADMG, Kadaapa not to issue work permit to 30.696 Ha. Barytes mine of Smt. C. Kasturi Bai, Sy. No.1 and 133 of

Mamillapalli (V), Kalasapadu (M), YSR Kadapa District while communicating closure order dated 29.05.2021.

- xvi. As the Ministry of Environment & Forests, Government of India and SEIAA, AP have changed the method of procedure and process of Environmental Clearance for violation cases from time to time, the officials as well as lease holders are not clear about the procedures changed from time to time.
- xvii. The APPCB vide letter No.KMG-01/PCB/RO/KDP/2021-168, dated 02.08.2021 from the Environmental Engineer, APPCB, Regional Office, Kadapa requested the Assistant Director of Mines and Geology, Kadapa & Yerraguntla while monitoring the details of certain leases requested to ensure that, permits are not issued to the units till the mine operator obtain the Environmental Clearance, CFE & CFO, from the Board.
- xviii. Accordingly, notices have been issued to the lease holders to stop all the mining operations immediately and also issued strict instructions to the Technical Staff of the department for regular monitoring and vigil over the said lease for not to conduct any quarrying operations and mineral transportation and also addressed letters to the Tahsildar and the Station House Officer, concerned to arrange strict vigil and watch and ward over the subject area and to conduct regular monitoring for not to conduct any quarrying operations and transportation of mineral until further intimation by the ADM&G, Kadapa.
- xix. As the lessee failed to submit EC even after intimation from the APPCB, Show case Notice No.3890189/D12-1/2020, dated: 03.12.2020 has been issued to the leaseholder for other violations also. The lease was subsequently cancelled on 02.06.2021 vide DM&G Proceedings No.3890189/D12-1/2020, dated 02.06.2021 after following the due procedure prescribed in Law. In the meantime, the untoward incident has been occurred.
- xx. Mines & Geology Department is considered by the State Government as one of the revenue earning departments to the State exchequer since its share is 15% to the State GDP. The main objective/motto of the Department is to augment the optimum Mineral Revenue to the State Exchequer. In order to augment more mineral revenue and in absence of specific instructions from

the MoEF, SEIAA & APPCB with regard to stoppage of the mining operations because of the confusion in understanding/interpretation of the Environment Laws and Rules, the Department has issued mineral dispatch permits to the leaseholder as per the terms and conditions of lease deed.

- xxi. It is interpreted that EC is not a prerequisite to conduct mining operations till 14.03.2018 by virtue of S.O.804(E), dated 14.03.2017 and the judgment dated 14.03.2018 in WPMP Nos.3361, 3362 & 3721 of 2018 in W.P. No.11189 of 2017 of the Hon'ble High Court of Madras.
- xxii. Non-issuance of dispatch permits to the working mining lease holders all of a sudden not only affects the State Exchequer but also affect the mineral based industry and the persons/families who are directly or indirectly dependent on this activity.

Report in Para No.11 of the Hon'ble NGT Order dated 09.07.2021:

- i. Five (5) leases are in existence near by the mining lease of Smt. C. Kasturi Bai (all leases are below 5 Hectares only).
- ii. According to EIA notification S.O.60(E), dated 27.01.1994 of Ministry of Environmental and Forest, all mining projects (Major Minerals) with lease area more than 5 Hectares required to obtain prior Environmental clearance from the competent authority.
- iii. The MoEF, GoI vide Circular No.J-15012/35/2007-IA.II(M)-Part, dated 02.06.2007 has clarified regarding applicability of EIA Notification 2006 on mining lease of 5 Hectares (Major Minerals) and Mining Lease of minor minerals which have been operated before 14.09.2006 that it is clarified that all such mining projects which did not require environmental clearance under the EIA Notification, 1994 would continue to operate without obtaining Environmental Clearance till the mining lease falls due for renewal, if there is no increase in the lease area and/or there is no enhancement of production. As such, the status of 5 leases that are in existence near by the lease area is given below:

Sl. No.	Name of the Lessee	Location & Extent	Name of the Mineral	Period	Show Cause Notice	Remarks
1.	Sri D.V. Subbaiah Yadav.	Sy.No.2553/2 of Muddireddipalli Village, H/o.of Sankavaram Village, Kalasapadu Mandal, YSR District, Ex.0.607 Hectares	Barytes	29.05.2003 To 28.05.2023	No.239 93/R5-2/2015 , dt. 17.10.2017 of the DMG, Ibrahi mpatna m.	Not working since inception. EC is not required till renewal of the lease since the area held under lease is below (5) Hect.However, lease cancellation proposal submitted vide letter No.1223/M1/2004, dt.30.10.2018 & 29.07.2020 & 13.07.2021.
2.	Sri M. Nageswara Rao	Sy.No.101 & 102 of Mamilla-palli Village, Kalasapadu Mandal, YSR District. Ext. 0.713	Barytes	07.06.2002 To 06.06.2022	--	Not working since 6 years. EC is not required till renewal of lease since the area held under lease is below 5 Hact. However, lease cancellation proposal submitted vide Lr. No.2280/M2/2002, dated 13.07.2021.
3.	Sri. B. Malla Reddy, Successor lessee B. Sambasiva Reddy.	Sy No.105/2 of Mamillapalli (V),Kalasapadu (M),YSR Kadapa Dist. Ext.0.243 Hect.	Barytes	06.01.2005 To 05.01.2025	No.239 29/R5-2/2015 dated 17.01.2019 of DMG, Ibrahim patnam .	Not working since 14 years. EC is not required till renewal of the lease since the area held under lease is below 5 Hect. However, Lease cancellation proposals submitted vide Lr. No.102/M1/2005 & 13.7.21 for other violations.
4.	Sri N. Viswanath Reddy.	2707 (New Sy. No.2817) of Sankavaram (V), Kalasapadu (M), YSR Kadapa Dist. Ext.5,000 Hec.	RM&BS	07.05.2021 To 06.05.2031	--	The lease holder is having valid EC, CFE & CFO.
5.	Sri. M. Siva	Sy Nos.130/2,	Barytes	14.07.2021	--	The lease

	Reddy	132/1A, & 1B, 131/P of Mamillapalli (V), Kalasapadu (M), YSR Kadapa Dist. Ext.0/675 Hects.	& Dolomite	To 13.07.2041		holder is having valid EC & CFE.
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iv. As the Ministry of Environment and Forests, Government of India and SEIAA, AP have changed the method of procedure and process of Environmental Clearance for violation cases from time to time, the officials as well as lease holders are not clear about the procedures changed from time to time.

v. The APPCB vide Lr. No.KMG-01/PCB/RO/KDP/2021-168, dated 02.08.2021 from the Environmental Engineer, APPCB, Regional Office, Kadapa addressed a letter to the Asst. Director of Mines and Geology, Kadapa and Yerraguntla while monitoring the details of certain leases required to ensure that, permits are not issued to the units till the mine operator obtain the Environmental clearance, CFE&CFO from the Board.

vi. In view of the above clear instructions received from the Environmental Engineer, APPCB, Regional Office, Kadapa, notices have been issued to the leaseholders to stop all the mining operations immediately and also issued strict instructions to the Technical staff of the department for regular monitoring and vigil over the said leases to see that quarrying operations and mineral transportation are stopped from these areas.

vii. The Tahsildar and the Station House Officer concerned are also requested to arrange strict vigil, watch and ward over the subject areas and to conduct regular monitoring for not to conduct any quarrying operations and transportation of mineral until further intimation by the ADM&G, Kadapa.

In view of the above circumstances, keeping in view of the orders dated 09.07.2021 issued by the Hon'ble NGT, Southern Zone, Chennai, the further detailed report are submitted for information and necessary action.

This is submitted for kind information.

Dated at Nellore on this the 18th day of October 2021.

**DIRECTOR OF MINES & GEOLOGY.
ANDHRA PRADESH**