

BEFORE THE NATIONAL GREEN TRIBUNAL**SOUTHERN ZONE BENCH AT CHENNAI**

(Application under Sections 14,15 read with Sections 17,18 of the
National Green Tribunal Act, 2010)

ORIGINAL APPLICATION NO: 46 OF 2022

IN THE MATTER OF:-

PERALA SHEKHAR RAO

...Applicant

Versus

UNION OF INDIA & ORS

.. .Respondents

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PLACE: CHENNAI

DATE:31/07/2024

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE BENCH AT CHENNAI

ORIGINAL APPLICATION NO: 46 OF 2022

SUBMISSIONS ON BEHALF OF THE APPLICANT

1. That the applicant would like to place some brief facts of this respective case, that is to raise the substantial question leading to environment arising out of illegal mining activity, massive blasting and stone crushing activity in granite mines at the various villages of Karimnagar district of Telangana state.
2. That there are about **400 granite mines, 200 Stone cutting units and 50 Stone quarries functioning in 95 villages** of the old Karimnagar District of Telangana State.
3. The Applicant submits that the activities by Mine leaseholders/Private Respondents are in gross violation of the provisions of the Air (Prevention and control of Pollution) Act, 1981, Environment (Protection) Act, 1986, EIA Notification 2006, Siting Guidelines issued for Stone Crushers by CPCB/TSPCB. That large number of mines permitted by the undivided State of Andhra Pradesh without conducting cumulative environmental, and social impact and they are continuing after the formation of Telangana State as well. More than a lakh population are affected in about 447 villages in the district.
4. But the Mine leaseholders are conducting mining beyond the boundaries of allotted areas and they are completely removing the natural hills formed from lakhs of years. That the mine lease holders are ignoring the precautionary measures mandated by the Mines and Pollution Control Board authorities and undertakings given in EC applications.
5. That the Private Respondents and their sister concerns/mine lease holders have been conducting illegal quarry mining and exporting large quantity of minerals to foreign countries without paying seignorage and District Mineral Fund. This fact was pointed out by the Mines Department which imposed Rs. 749.66 Crores against the Private Respondents before

the formation of Telangana State. Thereafter after the Mine Leaseholders have represented to the new Government of Telangana for exemption of the penalty. This shows the magnitude of illegal mining in the region by the mine lease holders/Private Respondents.

6. That large number of hills have been blasted/mined by the Mine leaseholders. A large number of hills have been blasted/mined by the Mine leaseholders. That the dust arising from quarry activities causes loss to agriculture, health, groundwater/water bodies, ecosystems, environment in the surrounding areas. That wildlife animals such as bears, deer, and Cheetas are coming to nearby habitats due to noise pollution and changes in the integrity of the hills/natural environment. That the wild animals have entered into Superintendent of Police and other government offices in Karimnagar town. This shows that that the adverse impact of mining in the district. That the wildlife and forest officials of Karimnagar have proposed to set up a wildlife sanctuary in the Saidapur area of Karimnagar District. They have identified about 300 hectares for that purpose. But that was not implemented.
7. That the Private Respondents and mine leaseholders are very influential and their relatives and family members are part of the government. Besides that, the corruption in the system is also helping the mine leaseholders to continue their illegal activities at the cost of the environment and common people.
8. Illegal mining is the extraction of minerals, ores, or other valuable resources from land or water **bodies without the necessary permits, licenses, or regulatory approvals from government authorities**. It can also involve the violation of environmental, labour, and safety standards. Illegal mining often involves the **use of hazardous chemicals such as mercury and cyanide**, which can pose serious **health risks to miners** and nearby communities. It can lead to a **loss of revenue for governments** as miners may not pay appropriate taxes and royalties. This can have significant economic impacts, particularly in countries where natural resources are a major source of revenue. Illegal mining can also result in **human rights violations**, including forced labour, child labour, and exploitation of vulnerable populations
9. The **entry at serial No. 23 of List II (State List) to the Constitution of India** mandates the state government to own the minerals located within their boundaries. It is reproduced here as:

“23. Regulation of mines and mineral development subject to the provisions of List I with respect to regulation and development under the control of the Union.”

10. The Supreme Court has also been very active in protecting forests from illegal mining and limestone quarry activities. In several cases, it has directed the state not to follow any indiscriminate policy towards using forest resources for industrial activities or for generating revenue for the state by allowing industrial activities in forested areas. On the whole, it has generally treated environmental litigation for forest conservation and wildlife protection as an open and shut case where petitioners seeking better conservation and wildlife protection efforts receive favourable verdicts, regardless of concerns of social justice or development.
11. As per Section 23C of Mines & Minerals (Development and Regulation) (MMDR) Act, State Governments are empowered to make rules for preventing illegal mining, transportation and storage of minerals. The following section has been reproduced here:

“23C. Power of State Government to make rules for preventing illegal mining, transportation and storage of minerals.—*(1) The State Government may, by notification in the Official Gazette, make rules for preventing illegal mining, transportation and storage of minerals and for the purposes connected therewith.*

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) establishment of check-posts for checking of minerals under transit;
(b) establishment of weigh-bridges to measure the quantity of mineral being transported;

(c) regulation of mineral being transported from the area granted under a prospecting licence or a mining lease or a quarrying licence or a permit, in whatever name the permission to excavate minerals, has been given;

(d) inspection, checking and search of minerals at the place of excavation or storage or during transit;

(e) maintenance of registers and forms for the purposes of these rules;

(f) the period within which and the authority to which applications for revision of any order passed by any authority be preferred under any rule made under this section and the fees to be paid therefor and powers of such authority for disposing of such applications; and

(g) any other matter which is required to be, or may be, prescribed for the purpose of prevention of illegal mining, transportation and storage of minerals.

(3) Notwithstanding anything contained in section 30, the Central Government shall have no power to revise any order passed by a State Government or any of its authorised officers or any authority under the rules made under sub-sections (1) and (2).]”

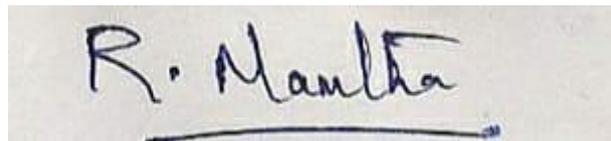
12. In the Hon’ble Supreme Court judgement of “**Orissa Mining Corporation vs Ministry of Environment and Forest and Ors**” (2013) 6 SCC 476, it was a case concerning the grant of Forest clearance for bauxite-ore mining in a tribal area of the state of Orissa, the court held that the gram Sabha has to consider whether or not schedule tribes (STs) like Dongaria Kondh, Kutia Kandha and others have any religious rights, that is, rights of worship over the Niyamgiri Hills. This decision followed from a combined reading of the provisions of the Schedule tribes, and other traditional forest dwellers, (recognition of Forest Rights) Act, 2006 and the Panchayats (extension of the Scheduled Areas) Act 1996, which led the court to conclude that the gram Sabha has an obligation to safeguard and preserve the traditions and customs, cultural identity, community, resources, etc., of the right holders. After the court’s judgement, gram Sabha unanimously rejected the proposed diversion of forestland for the mining project, and based on this rejection, the MOEF declined forest clearance under the FC Act.

13. In this landmark judgement of the honourable Supreme Court, while considering a ban on mining in the Aravalli Hills, the Court appointed a monitoring committee to inspect the mines and determine whether the ban or to be lifted on a case-to-case basis. The following paragraph is being reproduced here describes the hazardous nature of mining in **M.C. Mehta v. Union of India, (2004) 12 SCC 118** :

“The mining operation is hazardous in nature. It impairs ecology and people's right to natural resources. The entire process of setting up and functioning of mining operation requires utmost good faith and honesty on the part of the intending entrepreneur. For carrying on any mining activity close to township which has tendency to degrade environment and is likely to affect air, water and soil and impair the quality of life of inhabitants of the area, there would be greater responsibility on the part of the entrepreneur. The fullest disclosures including the potential for increased burdens on

*the environment consequent upon possible increase in the quantum and degree of pollution, has to be made at the outset so that the public and all those concerned including authorities may decide whether the permission can at all be granted for carrying on mining activity. The regulatory authorities have to act with utmost care in ensuring compliance of safeguards, norms and standards to be observed by such entrepreneurs. When questioned, the regulatory authorities have to show that the said authorities acted in the manner enjoined upon them. **Where the regulatory authorities, either connive or act negligently by not taking prompt action to prevent, avoid or control the damage to environment, natural resources and people's life, health and property, the principles of accountability for restoration and compensation have to be applied.**"*

14. It is also prayed that this Hon'ble Tribunal may take appropriate action according to the law against the Officials of the State of Telangana and MoEF for NOT implementing an Environment Management Plan in all the mines including the closed mines according to the EC/CFE.
15. Direct the Official Respondents to take action on environmental violations in the mining, stone polishing and stone crushing Units including imposing penalties and recovery of environmental compensation.

A rectangular box containing a handwritten signature in black ink. The signature appears to be 'R. Mantha' written in a cursive style.

Advocate for the Applicant.