

**N.D.H:03/01/2024**

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

**Original Application No. 304/2019**M. HARIDASAN

Petitioner(s)

VERSUS

STATE OF KERALA & ORS

Respondent (s)

**INDEX**

<b>SR. NO.</b>	<b>DESCRIPTION</b>	<b>Page Nos.</b>
1.	Reply with regard to the report of the Joint Committee filed by Secretary, Environment Department for State of Kerala.	<b>1-5</b>
2.	Proof of service	<b>6</b>



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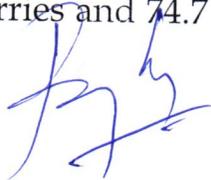
**Statement of Facts / Counter with regard to the report of the Joint Committee filed by Secretary, Environment Department for State of Kerala before the Hon'ble National Green Tribunal (PB) in OA No.304/2019**

At the outset of all, it is most humbly submitted the background scenario of this case. Section 15 of the Mines and Minerals (Development and Regulation) Act authorizes State Government to formulate the Rules. The Kerala Minor Mineral Concession Rules, 2015 (KMMCR) came into existence in supersession of the then prevailed Kerala Minor Mineral Concession Rules, 1967. The 2015 Rules were framed in consideration of the sustainable mining frame work suggested by the Hon'ble Supreme Court in Deepak kumar's case. Para 11 of the judgment emphasized that the Union Ministry of Mines along with Indian Bureau of Mines and respective State Governments should therefore make necessary provisions in this regard (sustainability) under the Mines and Minerals (Development and Regulation) Act, 1957, Mineral Concession Rules, 1960 and adopt model guidelines to be followed by all States. Accordingly there have been amendments in MM (D&R) Act, redrafting in Mineral Concession Rules and supersession in KMMCR. The Hon'ble Supreme Court arrived into a conclusion by interacting with the proceedings of the Ministry Mines, Indian Bureau of Mines and Ministry of Environment, Forest and Climate change. As stated above, there have been modifications in the Central Act and Rules. In 2016, the Government of India enacted Minerals (*Other than Atomic and Hydro Carbons Energy Minerals*) Concession Rules and Atomic Mineral Concession Rules. Even then the stipulations regarding distance

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criteria remained the same in the Central Rules. Rule 12 (1)(d) of the Minerals (*Other than Atomic and Hydro Carbons Energy Minerals*) Concession Rules and Rule 10 (1)(j) of the Atomic Mineral Concession Rules stipulate that "the lessee shall not carry on, or allow to be carried on, any mining operations at any point within a distance of **fifty metres** from any railway line, except under and in accordance with the written permission of the Railway Administration concerned, or under or beneath any ropeway or ropeway trestle or station, except under and in accordance with the written permission of the Authority owning the ropeway, or from any reservoir, canal or other public works, or buildings, except under and in accordance with the prior permission of the State Government". Hence it is humbly prayed that the Hon'ble Tribunal may kindly interact with all the statutory authorities of India, including the States, by forming a Joint Committee similar to one formed in this case which composed of Experts, before arriving to a conclusion to impose any restrictions other than the prevailing norms.

2. It is most humbly submitted that the report of the Joint Committee (of Experts) has many misappropriations and lack of standard scientific methodology, which reflected in the result of these experiments. It is humbly submitted that unreasonable result might lead to an illogical interpretation. The report of the Joint Committee is composed of two parts. (1) the first part, which deals with physical hearing and online survey and (2) the second part consisted of the result of the experiments undertaken. The interpretation of the observation made under the first part - physical hearing and online survey - clearly indicates that there is no need to impose more stringent regulations including the extension of existing distance criteria. The online survey clearly indicates that out of the 6734 responses received by the Joint Committee, 65.3% are living near to the stone quarries and 74.7% have no grievances related to stone

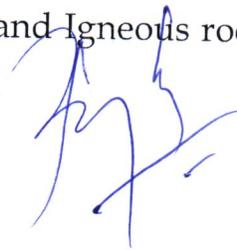


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quarry.

3. It is most humbly submitted that the second part - the result of the live experiments conducted by the Joint Committee has many anomalies which reflects lacking of proper methodology as well as design. There were 497 granite (building stone) quarries functioning in Kerala during the year 2022 - 2023. The sample set was composed of only 9 quarries (1.8%) to interpret the whole scenario. Standard sampling with an acceptable margin of error of  $\pm 20\%$  requires a minimum of 23 samples (<https://www.researchgate.net/publication/324571619>) to represent the data set of 497 quarries. Besides, the reason for site selection was not given. Only criterion used is dividing the State into 3 zones with 3 quarries in each zone. No geographical attributes is given, whether located in midland, highland or high ranges of Western Ghats. The lithology of the quarries selected clearly shows (Figure 2, Page No. 16) that 4 quarries are with Charnockite of Granulite facies of metamorphism and 5 are with Gneissic rocks representing Amphibolite facies of metamorphism. Rocks of igneous origin, intrusives and prominent metamorphic rock types of southern Kerala like Khondalite and Leptinite are omitted. From the above, it is vivid that the representation of the sampling locations did not justify the whole scenario of Kerala.

4. It is most respectfully submitted the disagreement of the State regarding the vibration study conducted by the Joint Committee. There is no structural interpretation of the quarries kept for vibration studies. There is no mention whether the rock strata is massif or jointed. And there is no observation regarding the propagation of waves through massif Charnockite and fractured Charnockite. And it is failed to interpret whether there is any propagation distinction exists between Metamorphic rocks and Igneous rocks due to lack of sampling. Besides,



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the records attached to the report pertaining to the nature and timing of blasting conducted in quarries (Eg. Page No. 1037 with respect to M/s. Parackal Granites) show that the blasting is carried out every day in 2 prefixed timings with maximum 60 holes. It is rarely that quarry in Kerala functions with blasting of 60 holes at a time. The Committee has erroneously created a circumstance to project maximum ground vibration in each case, which is unfair and unjust.

5. It is humbly submitted regarding the suggestions and recommendation of the Joint Committee (Page No.41, Item 8.0. Suggestions and Recommendation) with respect to blasting experiment that as per the assessment study, the influence zone of ground vibration is 50-100 m from the blasting zone and the fly rock ejections were noticed in two instances and it were less than 25 m from the blast zone. The result which obtained when the blasting is carried out every day in 2 prefixed timings with maximum 60 holes. Hence the result is not the outcome of normal practice of blasting. It is most humbly requested to refer Table 5 of the Page 33 of the Report. It has been reported that the maximum value of Peak Particle Velocity (PPV) recorded at a Distance of 50m from the blasting face is 8.21mm/s (Thiruvananthapuram District), which is below the permissible level of 10mm/s as stipulated by the DGMS. Hence there is no reason to enhance the distance limit from 50m.

6. It is most humbly submitted that the result of the propagation of Suspended Particulate Matter (SPM) and Respiratory Particulate Matter (RPM)(in report it is mentioned as Particulate Matter) has no unique interpretation. Sampling/ monitoring of particulates (PM 10 & 2.5) was planned at 50, 100, 200 and 500 m distances in three directions from the blasting zone. There are huge misappropriations in result. In some cases, the result shows the level of particulate matter is higher during non-



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blasting days rather than the blasting days (Page 994, 1011, 1026, 1043, 1057 etc). Similarly concentration of particulate matter is higher at far away locations than the locations nearby to blasting face ((Page 994, 1011, 1026, 1043 etc). No specific reason is pointed out by the Joint Committee for this anomaly. Rather they have suggested to have enhanced distance criteria, which is illogical and unjustifiable.

7. It is most respectfully submitted that the report of the Joint Committee has flaws in many aspects. There are extrapolations in different aspects to draw a conclusion that there is necessity to enhance the safe distance of quarrying. But the results are self explanatory to remind us that there is no need to enhance the distance of quarrying. It is evident from the report that there are two sets of impacts, either by Peak Particle Velocity or by Particulate Matter. In the first case, there is possibility of reduce the PPV by reducing the quantity of explosives used for blasting and also reducing number of holes. In the second case, there are well advanced modern equipments to reduce the level of pollutants. The report never attempted to find a possible solution to reduce the level of pollutants and vibration. Hence it is prayed that the report of the Joint Committee may be rejected and regulatory distance from the quarrying / mining area may kindly be restored as 50m.

Dated this the 28<sup>th</sup> Day of December, 2023.

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**Reply**

1 message

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Sat, Dec 30, 2023 at 1:45 PM

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Reply to regard to the report of the Joint Committee filed by Secretary, Environment  
Department for State of Kerala

Sir.

Please find attachment reply filed by the Respondent State of Kerala

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 **Reply.pdf**  
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