

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

Original Application No. 453/2013
WITH
Original Application No. 111/2014
WITH
Original Application No. 113/2014

Sh. Kalyan Bansingh & Ors. Applicant(s)

Versus

HIL Ltd. & Ors. Respondent(s)

WITH

Environics Trust Applicant(s)

Versus

Union of India & Ors. Respondent(s)

WITH

Amar Singh Applicant(s)

Versus

Union of India & Ors. Respondent(s)

(Compliance Report in O.A. Nos. 453/2013, 111/2014 and
113/2014)

Date of hearing: 22.07.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s): Mr. Rahul Choudhary and Mr. Sang Antony,
Advocates

ORDER

1. The issue for consideration is the steps for restitution of the area which was earlier under the asbestos mines. Lease for such mines

was given in favour of Hyderabad Asbestos Cement Product Limited (HACPL). The mines stopped working in the year 1983. However, safety measures for restitution of the mines to mitigate adverse environmental and health impact in the area were not taken. Asbestos dust based pollution continued to be emitted resulting in health hazards and contamination of ponds and streams.

2. An application was moved in this Tribunal on 20.11.2013 (In respect of State of Jharkhand) with this grievance. O.A No. 111 of 2014 was filed before this Tribunal on 21.05.2014 (in respect of Rajasthan, Orissa and Andhra Pradesh, subsequently added Karnataka) and another similar application, O.A No. 113 of 2014 was filed on 23.05.2014 with regard to closure of asbestos mines Rajasthan, Orissa and Andhra Pradesh. The Tribunal heard the matter in O.A 111/2014 and 113/2014 on 29.10.2015 and directed the States of Rajasthan, Karnataka, Jharkhand and Andhra Pradesh to prepare lists of all abandoned asbestos mines or the mines from where the associated minerals were extracted, furnish such lists to the Indian Bureau of Mines (IBM), and in consultation with the IBM formulate a programme of visit and inspection of each mine. Joint teams were to be constituted by each state and required a submission of Joint Inspection Report by each of these States.
3. The State of Andhra Pradesh filed its affidavits on 20.10.2014 and 06.01.2015 and the State of Rajasthan filed an affidavit on 24.02.2015 in response to the order of this Tribunal dated 23.12.2014 requiring status of asbestos mine being indicated.

4. In pursuance of order of this Tribunal, the State of Jharkhand also constituted a Committee headed by Additional Director Mines. The joint Committee gave its report dated 15.01.2016 recommending fencing with barbed wire, retaining wall, Coir matting, check dams, plantation and other measures such as regular medical surveillance of local community, hydro-seeding of Asbestos mixed dump and restoration of the Protected Forest of the Roro hill.
5. The Tribunal heard the applications on 14.08.2018, and in respect of States of Rajasthan, Karnataka and Andhra Pradesh, no specific direction was issued in the absence of any study of claim. The report for the State of Jharkhand was considered on 14.08.2018 and was accepted by this Tribunal after hearing the concerned parties. Further execution was directed to be overseen by a Committee headed by the Director General of Mines and Safety, Govt. of India with the representatives from the Department of Mines and Geology, State of Jharkhand, Central Pollution Control Board (CPCB), District Magistrate, Chaibasa, Indian School of Mines, Dhanbad, Forest Department, Jharkhand and National Institute of Occupational Health, Ahmedabad. The Chief Secretary, Jharkhand was to facilitate its functioning. The Committee was to lay down a mechanism for assessment and recovery of damages, remedial action to restore health of the inhabitants, forum for compensation.

Report of the Director of Mines, Jharkhand

1. The matter has been listed today only to consider the report received from the State of Jharkhand. In other respects, the matter already

stands disposed of and may not be listed unless specifically directed. The report dated 30.04.2019 has been received from the Director of Mines, Jharkhand stating that certain steps have been taken and a detailed project report on the rehabilitation of the abandoned mines has been prepared with the cost of Rs. 13.45 crores.

2. The Chief Secretary, Jharkhand met residents from the area near Roro hill, and their representatives. Then, a meeting was convened by the Chief Secretary, Jharkhand on 08.02.2019 and decision was taken to take further steps in the matter for preparation and implementation of the action plan in terms of the order of this Tribunal. The Department of Forest, Environment and Climate Change, on 29.04.2019 issued a notification for constitution of a committee for preparation and implementation of the action plan.
3. Since almost one year has passed after the directions issued by this Tribunal, we now expect that the Chief Secretary of the State to oversee and particularly ensure setting up of fencing with barbed wires, retaining wall and other steps, including those mentioned in Para 3 of the report as follows:

“3. works like coir matting in dump area, barbed wire and trench fencing, construction of check dams, erection of display boards, retaining wall, plantation and medical check-ups. The total financial outlay of all works that were provided for was Rupees 13.45 crore (Annexure-III). The Detailed Project Report was sent by the Department of Forest to Department of Mines on 01.01.2019.”

The Chief Secretary may send a compliance report on or before 31.10.2019 by e-mail at judicial-ngt@gov.in.

List for consideration of the report on 14.11.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

July 22, 2019

Original Application No. 453/2013 and connected matters
DV

