

Item No.02-03

Court No. 1

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

Original Application No. 200/2018  
(M.A. No. 615/2018)  
(Earlier O.A. No. 319/2014)(CZ)  
With  
Execution Application No. 04/2019  
In  
O.A. No. 200/2018

Dukalu Ram & Ors.

Versus

Applicant(s)

Union of India Ors.

Respondent(s)

With

Dukalu Ram & Ors.

Versus

Applicant(s)

Union of India Ors.

Respondent(s)

Date of hearing: 14.02.2019

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

For Applicant(s): Mr. Saurabh Sharma and Ms. Meera Gopal,  
Advocates

For Respondents (s): Mr. Krishna Kumar Singh, Advocate

**ORDER**

1. The issue for consideration is illegal mining in Coal Blocks of Gare Palma IV/2 and Gare Palma IV/3 in Distt. Raigarh, Chhattisgarh by diverting forest land for mining. The mining resulted in pollution affecting the crops of the farmers. Chemical and coal water was dumped into the fields. There was increase in production capacity of the open-caste mine without clearance from the Ministry of Environment, Forest and Climate Change (MoEF&CC). No green belt was built around the mining area. No sprinkling of water was done on

the roads. The coal was being transported in open trucks causing air pollution. The receding ground water level had adverse effect on the bio-diversity of the region. There is illegal diversion of the forest land.

2. The application was filed before the Tribunal on 22.09.2014. The Tribunal directed inspection of ambient air quality. On 31.07.2018, after considering the inspection report dated 18.12.2017 submitted by Ministry of Environment, Forest and Climate Change (MoEF&CC) by a two member Committee comprising of Joint Secretary of MoEF&CC and representative of Ministry of Mine, the Tribunal examined the responsibility of the M/s Jindal Steel and Power Limited and M/s South Eastern Coalfields Limited.

3. As regards the M/s Jindal Steel and Power Limited, following shortcomings were noticed by the Committee:-

*“(a) No clearance obtained from MoEF for capacity enhancement, including underground mining.*

*“(b) Mining activities being conducted at a distance of 10 meters from the settlements, leading to vibration and flying rock causing destruction to house and property.*

*“(c) No green belt developed between mine and the village & Coal being transported in open trucks.*

*“(d) NOC of Gram Sabha of the affected village not obtained before diversion of Forest land.”*

4. As regards M/s South Eastern Coalfields Limited following recommendations were made by the Committee:-

*“(i) The environment clearance granted to the earlier allottee required it to develop a green belt. This, however, was not visible to the Committee Members. As the mine is not longer being operated by the earlier allottee, it is suggested that the present custodian should develop this green belt as per the estimate to be prepared by the Chhattisgarh Forest Development Corporation and as per*

specifications laid down in the EC. The expenditure of the same shall be borne by the earlier allottee.

(ii) While the EC condition mandated that there should be a distance of 150 mtrs between the mine boundary and the habitation, this distance is ineffective in protecting the habitation from the ill-effects of mining. The reason being that habitation is at much higher elevation than the mine and, therefore, the pollutants impact the villagers by being transmitted through the air. Due to mine fires, a significant quantity of CO and Sulphur was discernible in the air. It is, therefore, recommended that there should be a distance of atleast 500 mtrs between the mine boundary and the villages. In addition, the present custodian should be directed to create a barrier, whether artificial or natural of sufficient height to minimize the impact of transmission of this pollution through the air. It may be mentioned that the Committee Members did not see any encroachment by the villagers in the mine nor it seems possible due to the differences in elevation.

In order to provide effective health facilities to the villagers affected by coal mining, the present custodian should be required to depute a Doctor on a permanent basis to all the villages in the vicinity. Medicines to a certain limit, say Rupees one lakh per month, should be provided free of cost to the villagers. The Doctor should also be provided with a vehicle. The present custodian should install and maintain Air Quality Monitoring Stations at the habitation site which should be monitored quarterly by Regional officer, Nagpur of MOEFCC. The cost for the same shall be borne by the present custodian.

(iii) The lack of black - topped roads is a significant source of respiratory problems in the area and or air pollution. The State PWD should prepare an estimate for the black - topping of approach roads and internal roads which should be executed by the present custodian and cost borne by the earlier allottee. As the layout of internal roads shall keep changing as per the Mining Plan, the future needs should also be accounted for. In view of the non-implementation of the EC conditions by the earlier allottee, NGT may like to impose a suitable fine which could become part of the District Mineral Fund. This amount should be spent only on the villages affected by mining activities and be spent on civic amenities in these habitations, for example, recharging of wells, provision of drinking water,

*repair of house which have cracked due to mining activities like blasting, restoration of ponds and hand pumps and also of places sacred to the tribals, Community Centre etc.*

*(iv) The present custodian shall ensure complete quenching of mine fires within a limited timeframe and also ensure that no fly-ash is deposited by it or by any other agency or organization.*

*(v) The Committee also strongly feels that the State Government should review the cases against the villagers for redressal of their grievances.”*

5. The report was accepted and directions to take remedial action were issued. An Oversight Committee was also constituted comprising of representatives from Indian Institute of Forest Management, Bhopal and Indian School of Mines, Dhanbad. The Committee was to involve the District Administration or any other person considered necessary and was to furnish a report by 01<sup>st</sup> week of February, 2019. The present application has been filed to the effect that order of this Tribunal was not being complied.

6. However, before taking further action, it is necessary to clarify that remedial actions are to be taken in light of the deficiencies found which will include restoration of the environment and recovering the cost thereof from the polluters/persons responsible for the damage. Such assessment should be made by the Regional Director of the MoEF&CC, Nagpur and Central Pollution Control Board (CPCB) and District Collector. The nodal agency will be the CPCB for compliance and coordination. The representatives of the Indian Institute of Forest Management, Bhopal and Indian School of Mines, Dhanbad, may provide necessary technical inputs for assessment of cost of damage and cost of restoration of the environment and any further improvement

to prevent in such deficiencies in future. The cost is to be recovered from M/s Jindal Steel and Power Limited and M/s South Eastern Coalfields Limited. Let these steps be now completed within three months.

7. The Joint Committee may also determine as to how the amount so assessed is to be spent, including giving compensation to the victims, if any.

8. Copies of this order, along with the copy of the order dated 31.07.2018, be sent to Regional Director of the MoEF&CC, Nagpur and Central Pollution Control Board (CPCB), District Collector, Indian Institute of Forest Management, Bhopal and Indian School of Mines, Dhanbad by e-mail.

List for consideration of report on 09.07.2019.

Adarsh Kumar Goel, CP

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

February 14, 2019

Original Application No. 200/2018 and connected matters

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