

Item No. 5

Court No. 1

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

Original Application No. 776/2018

(With report dated 06.09.2019)

Ramchandra Chaurasia

Applicant(s)

Versus

State of Jharkhand

Respondent(s)

Date of hearing: 11.09.2019

**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): None

For Respondent(s): Mr. Anando Mukherjee, Mr. Nishant Piyush,
Advocates with Mr. Rajeev Lochan, Member
Secretary, PCB, State of Jharkhand.

ORDER

1. The issue for consideration is the remedial action against the damage to the hills of Raj Mahal, District Sahebganj, Jharkhand. According to the complainant, damage to the hills is being caused by illegal mining and operation of stone crushers.
2. The issue was earlier taken up in *O.A No. 23/2017 (EZ), Syed Arshad Nasar v. Union of India & Ors.* It was noted that according to the State PCB, there are 156 stone crushers, 110 stone mines. 74 units were identified as illegal against which closure notices had been issued. The Tribunal vide order dated 22.01.2019 directed that detailed study be undertaken to address the environmental concerns by a committee representing the CPCB, MoEF&CC, SEIAA and the State PCB. The Committee should undertake carrying capacity assessment, ambient air quality assessment and effectiveness of

pollution control devices of the stone mining and stone crushing units apart from any other relevant study. The said matter is reportedly listed for hearing on 16.09.2019.

3. O.A No. 373/2019, *Pradeep Kumar Singh v. State of Jharkhand* is also stated to be on the same issue wherein the State PCB acknowledged that consent to operate had expired in several cases and action is to be taken. The matter is now to come up on 08.11.2019 for further consideration.
4. In the present case, report dated 06.09.2019 has been filed along with inspection report by the Committee constituted in O.A. No. 23/2017 (EZ). Recommendations of the Committee are as follows:

“Recommendations of the Committee:

1. *All the Stone Crushing and stone Mines units in the area must take adequate Pollution Control Measures to comply with the environmental norms for protection of environment.*
2. *It was noticed that some Mines are left abandoned. Immediate mine closure plan may be implemented.*
3. *On regular basic, awareness program on Pollution Control Norms/ Systems shall be arranged near site by JSPCB.*
4. *Number of technical staff engineers in JSPCB, should be increased as number of stone crushing units & mines are in large numbers. JSPCB office at Dumka is approx 130 km away from Sahibgunj.*
5. *District mining officer should make efforts to develop at least one or two model mines (Where mining is done as per approved mine plan) and arrange workshops so that other mine owners know systematic and scientific mining Number of technical/ competent staff under District Mining officer should also be increased.*

6. *In the mines sump be constructed to store rainwater, approach roads should be black topped, water sprinkling must be done to minimize/eliminate dust pollution. At some places fixed water sprinklers can also be provided.*
7. *Catch drains & siltation ponds should be constructed around ore/mineral dump, O/B dump & top soil dump.*
8. *Illegal Stone Crushers should be stopped immediately to stop the antisocial crushing activities causing menace to the society and the extant ecosystem and other sensitive Flora and Fauna from the area nearby due to heavy dust pollution from the crushing cluster units.*
9. *Regular mass awareness programme must be designed on regular basis in the area.*
10. *Legal mines must adhere to the norms of the Mine-Safety.*
11. *Illegal Crushers need to be closed/ demolished immediately.*
12. *State Pollution Control Board should cancel the CTO of illegal crushing & mines if the conditions are not complied.*
13. *Inspected Crushing Units has no wind breaking walls. The walls of the individual Crushers may be erected immediately.*
14. *None of the Crushers has paved Roads for the movement of Vehicles leading to dust pollution. Immediate implementation of Paved Roads inside the Crushing clusters.*
15. *All the Crushers must implement the system of dust catchers in their running system.*
16. *Plantation in the periphery must be given immediate attention.*

17. *The Unit which are non complaint with environmental norms need to be closed, till they take pollution control measures.*

18. *Immediate steps for monitoring of Air Quality in big crusher Units with production capacity of more than 500TPD through online certified PM10 analyzers with onsite display and its connectivity with JSPCB server be implemented.*

19. *Installation by JSPCB PM10 analyzer at clusters of 10 or more than 10 small Stone Crusher Units in Cluster be implemented.*

20. *It appeared that stone mines & Crushing units are the major source of employment and income generation for local people in the district. However unsystematic & unscientific mining cannot be permitted and also crushing units that don't follow environment protection norms cannot be allowed to operate. Since the Rajmahal hills are a unique place for biodiversity, state Government could give only few mines lease in the hills (just as iron ore mining permission in Saranda forest of West Singhbhum districts) and district Mining officers should ensure that it is carried out as per approved mine plan with CTO condition implemented assured by JSPCB."*

5. During the hearing it is stated by the Member Secretary of the State PCB that there are 407 stone crushers and 300 mines. The Member Secretary also stated that as per his information, many stone crushers and mines are compliant with the environmental norms. There is however no data as to which are the stone crushers and mines which are non-compliant and what action has been taken. The joint Committee has also not given any specific particulars about the compliance of environmental norms by the individual stone crushers and mines which needs to be done.

6. Let the Committee furnish a further report with specific details of non-conforming stone crushers and mines. The State PCB may take action against such non-conforming stone crushers and mines which may include prohibiting of polluting activities, prosecuting the polluters, assessing and recovering of compensation for damage to the environment on 'Polluter Pays' principle. Let such report be furnished within one month.

7. The scheduled date of 16.09.2019 in *O.A No. 23/2017 (EZ), Syed Arshad Nasar v. Union of India & Ors* will stand deferred to 08.11.2019. The said matter may also be listed before the Principal Bench along with the present matter and *O.A No. 373/2019, Pradeep Kumar Singh v. State of Jharkhand*.

8. The Member Secretary State PCB may remain present on the next date for assistance of the Tribunal.

List for further consideration on 08.11.2019.

Adarsh Kumar Goel, CP

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

September 11, 2019
Original Application No. 776/2018
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