

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

Original Application No. 1159/2024

News Item titled "4228 acres of forest diverted for mining in Karnataka in 15 years" appearing in the Deccan Herald dated 21.08.2024

Date of hearing: 12.09.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Mr. Rajat Jonathan Shaw & Mr. Darpan K.M, Advs. for R - 4 & 5
(Through VC)

ORDER

1. This original application is registered *suo-motu* on the basis of the news item titled "4228 acres of forest diverted for mining in Karnataka in 15 years" appearing in the Deccan Herald dated 21.08.2024

2. The matter relates to the loss of forest cover due to mining activities in Karnataka. As per the article, in the last 14 years, four districts in Karnataka, including the undivided Ballari district, have lost 4,228.81 acres of forest due to mining activities. Ballari alone accounted for 80% of this loss, with 3,338.13 acres affected. Between 2010 and March 2024, 60 mining projects were approved in these districts, with Ballari leading with 39 projects. Additionally, mining leases for at least 5,000 acres of forest were extended or renewed during this period.

3. The news item highlights that following a Supreme Court order, the Indian Council of Forestry Research and Education (ICFRE) found that 8.9 sq km (2,199.24 acres) of forest were destroyed between 2000 and 2011 due to mining activities, which affected a total of 43.4 sq km (10,724 acres) of land. In 2013, the Supreme Court noted that species

like the Egyptian vulture, yellow-throated bulbul, white-backed vulture, and four-horned antelopes had vanished due to forest depletion from mining, leading to the implementation of stringent norms.

4. Furthermore, the article alleges that legalized mining has caused twice the forest destruction compared to illegal mining, significantly impacting wildlife and local communities in Sandur. It also states that a four-fold increase in asthma cases was found due to mining-related air pollution and estimated annual agricultural income losses at Rs 200 crore. Moreover, iron ore production emits 25 kg of CO₂ per tonne, requiring plantations on 400 sq km to offset 2011 emissions, costing Rs 120 crore. The article asserts the need for intergenerational equity, noting that otherwise, Ballari's mineral deposits may last only 25-30 years.

5. The above matter indicates violation of the provisions of the Environment Protection Act, 1986; Forest Conservation Act, 1980 and Mines and Minerals (Development and Regulation) Act, 1957.

6. The news item raises substantial issues relating to compliance with the environmental norms and implementation of the provisions of scheduled enactment.

7. The power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha &Ors.*" reported in 2021 SCC Online SC 897.

8. Hence, we implead the following as respondents:

- i. Central Pollution Control Board, Through its Member Secretary
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

- ii. Department of Mines and Geology Karnataka, Through its
Director
Department of Mines and Geology # 49, Khanija Bhava Race
Course Road Bangalore-560001.
- iii. Karnataka State Pollution Control Board, Through its Member
Secretary
"ParisaraBhavan", No.49, 4th & 5th Floor,
Church Street, Bangalore - 560001.
- iv. Ministry of Environment and Forest, Through its Regional Office
KendriyaSadan, 4th Floor, E&F Wings,
17th Main Road, Koramangala II Block,
Bangalore – 560034.
- v. District Magistrate, Ballari
DC Office, Station Road,
Ballari, Karnataka - 583101

9. Mr. Rajat Jonathan Shaw accepts notice for R - 4 & 5 and seeks four weeks time to file reply by way of affidavit.

10. Issue notice to the Respondent No. 1 to 3 for filing their response/reply by way of affidavit before the Southern Zonal Bench, of the Tribunal at least one week before the next date of hearing. If any respondent directly files the reply without routing it through his advocate then the said respondent will remain virtually present to assist the Tribunal.

11. Since the matter relates to the Southern Zonal Bench, Chennai, therefore, OA is transferred to the Southern Zonal Bench. Therefore, the original record of this OA is transferred to the Southern Zonal Bench, Chennai for further action.

12. List before Southern Zonal Bench at Chennai on 05.11.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

September 12, 2024..
O.A. No. 1159/2024
HB