

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

**Original Application No. 111/2014
(M. A. No. 322/2014)**

And

Original Application No. 113/2014

Environics Trust V/s Union of India & Ors.

And

Amar Singh V/s Union of India & Ors.

**CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER**

Present:

Applicant / Appellant	:Mr. Rahul Choudhary, Ms. Neha Kurian, Adv.
Respondent No. 1 to 3	:Mr. Vikas Malhotra and Mr. M.P. Sahay, Adv.
Respondent No. 4	:Mr. S.S. Shamsery and Mr. Harsh Vardhan Singh Rathore, Adv.
Respondent No. 5	:Mr. Guntur Pramod Kumar, Adv., Mr. Guntur Prabhakar and Mr. Prashant Mathur, Adv.
Respondent No. 6	:Mr. Umakant Mishra and Mr. Shibashish Misra, Adv.
Respondent No. 8	: Mr. Dhananjay Baijal, Adv. for Mr. Nikhil Nayyar, Adv.
Respondent No. 9	: Mr. A.K. Panda, Sr. Adv. and Mr. S. Panda and Mr. M. Paikaray, Adv.,
Respondent No. 10	: Mr. B.V. Niren, Adv.
Respondent No. 11	: Mr. C.K. Sucharita, Adv.
State of Telangana	: Mr. Nikhil Nayyar, Adv.
Pollution Control Board	: Mr. Dhananjay Baijal, Adv.
Union Territory of Daman & Diu	:Mr. ALok Kumar, Adv., Mr. Senjul Khanna, Adv.

	Date and Remarks	Orders of the Tribunal
	Item No. 3 & 4 March 23rd, 2015	Heard. Perused. The applications express concerns about the asbestos mining in the country. However, the applicants have specifically referred to Rajasthan, Andhra Pradesh Orissa, Karnataka and Jharkhand in their applications as the states where the asbestos mining were/are being carried out. Even if the asbestos mining activity has been abandoned/closed, scientific closure of such mines remains in question. Learned Counsel appearing for Telangana which

was part of erstwhile Andhra Pradesh submits that there were no asbestos mining in the State of Telangana. On this backdrop, the MoEF and Indian Bureau of Mines shall file list of asbestos mines located in the entire country and their present status, particularly as regards scientific closure of such mines.

Learned Counsel appearing for respondent no. 6 – State of Orissa submits that at present there is no asbestos mining going on in the State of Orissa and in the last ten years asbestos mining operations have been stopped. However, he has no specific instructions as to the scientific closure of the abandoned/closed asbestos mining. State of Orissa is directed to answer whether the asbestos mines in the state have been scientifically closed or not, and further answer whether there have been cases of asbestosis in the State of Orissa and, if yes, furnish particulars.

Our attention is invited to the list of existing 38 asbestos mines listed at the page 174 - extract from lease directory in the State of Rajasthan. In response, the State of Rajasthan has filed a status report dated 23.02.2015 which is supported with the affidavit and the annexure giving the description of asbestos mines. According to this report, 32 asbestos mines listed at annexure page-3 are closed and as regards others it is revealed at paragraph-2 of the report that the same have asbestos in meager quantity and are intended to work with respect to some other minerals, namely, Abrasive granite, Quartz, Feldspar and as such no asbestos mining is going on in the State of Rajasthan. The status report speaks about the asbestos mining

having been stopped. However, there is nothing to suggest that the asbestos mines which were formerly being mined for asbestos have been scientifically closed or not. The Government of Rajasthan shall file a report regarding scientific closure of the asbestos mines and the instances of asbestosis in the State of Rajasthan till today.

Referring to the affidavits filed on behalf of respondent no. 5 – Director of Mines and Geology, Government of Andhra Pradesh dated 26.02.2015, 26.08.2014 and the reply of respondent no. 8 – Andhra Pradesh Pollution Control Board dated 15.10.2014, learned Counsel appearing for the State of Andhra Pradesh submits that there were only five asbestos mines operating in the State of Andhra Pradesh the operations of three of which have been suspended since January/February, 2014 and as regards other 2 closed long back prior to 2014 and there have been no cases of asbestos related cancer registered till April, 2012. Asbestos mining not only gives rise to asbestos related cancer but also to the asbestosis. The State of Andhra Pradesh to further elaborate as to the cases of asbestosis, if any, registered in the State of Andhra Pradesh till today.

Learned Counsel appearing for the Union Territories of Daman & Diu and Dadara & Nagar Haveli submits that consents for asbestos mining in their territories were not given and asbestos mining is not being carried on in any of the part of the territory.

Learned Counsel appearing for the MoEF points out that there have been 42 asbestos mines in the State

of Karnataka which are presently not functioning. However, it is not known that whether they have been scientifically closed or not.

Issue Notice to the State of Karnataka and State of Jharkhand by registered post/acknowledgment due and Dasti as well. Notice to be served on the Resident Commissioners of the respective states. Notice returnable by the next date of hearing.

States of Karnataka and Jharkhand shall also state whether the asbestos mines have been closed scientifically or not and whether there have been any instances of asbestosis in their states.

List the matter on 16th April, 2015.

.....,JM
(U.D. Salvi)

.....,EM
(Prof. A. R. Yousuf)

