

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

Original Application No.76/2019

News item published in "Indian Express" Authored by Vishnu Varma

Titled

"17-year-old's video gets Kerala talking of impact of sand mining"

Date of hearing: 19.07.2019

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): NONE

For Respondent (s): Mr. Nishe Rajen Shonker, Advocate for Kerala
 Mr. Jogy Scaria, Advocate for KSPCB

ORDER

1. The issue for consideration is the alleged unscientific mining by Centre Rare Earths Limited and Kerala Minerals and Metal Limited along the coastal area of Kollam in Kerala. Vide order dated 29.03.2019, a report was directed to be furnished on the factual aspects by the District Magistrate, Kollam and the State Pollution Control Board (SPCB).
2. Accordingly, such a report has been furnished vide e-mail dated 17.07.2019, though the report is of April 2019. Findings in the report are as follows:

“7. Conclusions and Recommendations:

A preliminary study on the erosion along the Neendakara-Kayamkulam coastal stretch and the contribution of beach sand extraction on the extent of vulnerability was carried out during February-March 2019. The present study, even though carried out within a short period has utilised all the relevant data needed for assessing the present status / stability of the coast. The field data collected as part of this study along with the archived data with CESSAICESS and other secondary data collected from various sources have been synthesized and integrated to have a comprehensive understanding of the present state. The salient conclusions are as below:

The long-term shoreline changes computed from the aerial photograph/satellite imageries for the period 1968-2019 shows severe erosion of the mining sites of IREL and KMML. The shoreline retreats are to the extent of 425 m, 382 m and 142 m respectively at Vellanathuruthu (IREL mining site), Ponmana (KMML mining site) and Kovilthottam (IREL mining site). During the period of 2000-2019 the shoreline has receded by 243 m, 227 m and 57 m respectively at Vellanathuruthu, Ponmana and Kovilthottam mining sites.

Critical examination of the shift in nearshore depth contours during the 19 year period of 2000 to 2019 utilising bathymetric charts prepared by CESSAICESS in 2000, 2010 and 2019 has revealed that there has been a shoreward shift in isobaths particularly the shallow water isobaths of 2-10 m. The extent of deepening of the nearshore areas is more pronounced off Ponmana and Vellanathuruthu indicating severe erosion in the nearshore areas.

perusal of the mining data provided by the two public sector companies M/s. IREL and KMML conclusively show that the mining volumes during the last two decades viz-2000 -2010 and 2010 -2019 have been considerably higher than the sustainable mining quantity recommended by CESS/NCESS. The severe erosion is attributed to the unsustainable mining practices that have been going on along this coast.”

(emphasis added)

3. Thus, the report shows that mining volumes have far exceeded the sustainable mining quantity proposed. The excess quantity is noted as follows:

“Table 11 Excess quantity mined by IREL and KMML during the period of 2001-2010 and 2010-2019

PSUs	Mining quantities for 9 years (m ³)	Average mining quantity (m ³ /year)	Permissible quantity (m ³ /year)	Excess quantity mined for 9 years (m ³)
2001-2010				
KMML	*8,73,997	*1,09,250	1,50,000 m ³ (2,69,998 MT)	5,46,573 m ³ (9,83,824 MT)
IREL	9,13,326	1,01,481		
Total	17,87,323	1,98,591		
2010-2019				
KMML	9,98,297	1,09,811	# 74,500 m ³ (1,34,099 MT)	3,17,797 m ³ (5,72,030 MT)
IREL	6,53,219	7,25,80	## 48,600 m ³ (87,479 MT)	2,15,819 m ³ (3,88,471 MT)
Total	16,41,516	1,82,391	1,23,100 m ³ (2,21,578 MT)	5,33,616 m ³ (9,60,501 MT)
Note:				
1. Lengths of mining sites of KMML and IREL are 1060 m and 1500 m respectively with a total mining length of 2560 m				
2. *KMML has not given the mining quantity for 2001-2002				
3. # Recommended volume as per NCESS report submitted to KMML (Hameed et al., 2013)				
4. ## Recommended volume as per NCESS report submitted to IREL (Kurian et al., 2012)				

4. In view of above, we constitute a joint Committee with representatives from the Central Pollution Control Board (CPCB) and the State Pollution Control Board (SPCB) to determine the amount of compensation to be recovered for damage to the environment by unsustainable illegal mining. Such a report may be furnished within two months by e-mail at judicial-ngt@gov.in. It is open to the concerned regulatory authorities to recover the compensation by following due procedure of law.

A copy of this order be sent to the CPCB and the SPCB by e-mail for compliance.

List for further consideration on 16.12.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

July 19, 2019
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