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# **Rural Litigation and Entitlement Kendra & Ors. Vs** **State of Uttar Pradesh & Ors 1985 AIR 652**

**Authored By- Ishita Maheshwari**

## **Introduction**

A petition of writ was received by Supreme Court over the unlicensed and operation of lime-stone with regard to quarries that is illegal in nature in India's Hill range of Mussoorie. The quarries, this was alleged, posed a threat to the environment's health and had an impact on perennial water springs. The Court constituted a committee to visit the quarries of the lime stone which were named in the Petitions of writ during the pendency of the Writ Petitions. A group working on the mining with regard to the quarries of lime stone in the Mussoorie-Dehradun area was also established by the Indian government. The order was received on March 12, 1985, offering several directions and noting that the requirements to be completed for this decision would be stated in the judgement to follow. In this paper there is an analysis done of this particular case.

## **Facts And Background**

The case that is being discussed in this paper is also called "Dehradun Valley Litigation". In this case in the Himalayan range on the Mussoorie hill station the activity that was being carried out was of quarrying. The extraction of the mineral was done by blaring the hills using dynamite. Because the dug was deep towards the hill side in the mines therefore a lot of slumping and cave-in were made as a result which comes under the ambit of illegal practice. As there was a lack of vegetation there were many landslides that occurred as a result of these landslides there were many deaths that happened in the village and many homes were destroyed as well as their lands of agriculture and their cattle was destroyed too. In the year of 1961, the minister of state of mines prohibited the activity of mining in the state. However, because of the start of quarry operations the operations of mining were also opened by a successful was of lobbying with the state chief minister. All of this led to illegal practices and corruption and still there was no installment as far as safety rules were concerned. 18 leases were given to be renewed in 1982, but faced the rejection of the state them due to environmental harm. The Allahabad High Court, on the other hand, granted an injunction allowing the mining to be in continuance by the applicants, claiming that is outweighed

by the benefits of economy and environmental concerns. RLEK filed a complaint against degradation of environment with the Supreme Court in 1983. The dispute became complicated when more than 100 mines joined in. The Supreme Court examined the need with regard to the operations of mining and established funds and monitoring administration for the region's reforestation. The mining companies argued that this action has to be disregarded by the court and that the matter must be handled by authorities of administration under the Act of Environment Protection. The statement that was cited by the attorney of minor was "It is for the government and the nation, not the court, to decide whether the deposits should be exploited at the expense of ecology and environmental considerations or whether the industrial requirement should be met in another way". The miners' arguments were dismissed by the court since the case already began and important orders were being given through the court prior to the passage of the Act of Environment Protection. There wasn't a disagreement among the members of the group. The Court banned blasting operations in 1983 while it investigated whether the mines were being operated in accordance with the mining rules<sup>1</sup>. The mines were assessed by an expert group<sup>2</sup> constituted by the Court. The leases were denied to the risky mines inside the city in March 1985, and they suspended mining operations. On the advice of the Bhargava Committee, this was done. The second committee<sup>3</sup> was given the authority to review proposals provided through the people who mine to protect and to hear the environmental claims from persons who had been harmed through the mining. The government of UP has been ordered to furnish the monies required. The report of the Bandyopadhyay committee was evaluated by the court in 1987. This report was created with environmental factors in mind. Mining in the Valley should be stopped, according to the court. The Court reaffirmed its previous decision that the permission of activity of mining should be given only to the degree that it is necessary for the country's defense and the protection of position of its foreign exchange. The initial affidavit from the Government which is submitted by the Environment and Forests ministry's Director of Wildlife, environment, and Forest, was dismissed by the Court. The affidavit outlined how limestone was used in operations of industry in UP, but satisfaction was not provided for the assessment of other limestone supplies in India. The continuation of activities of mining in any mine in the Region of Mussoorie or Dehradun was said to be unjustified on the criteria that it was a need of the industries with regard to defense, according to a second affidavit that contained all of the requisite evaluation. Except for three operations, the Court decided in 1988 that mines that were present in the valley were supposed to be closed. Despite the fact that the operations in the Valley did occupy about 800 hectares of the forest that was reserved, when there

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<sup>1</sup> Mines Act of 1952

<sup>2</sup> the Bhargava Committee

<sup>3</sup> the Bandyopadhyay Committee

were applications of the lessees to the Government for getting the operations of mining approved, this failure reflected a misunderstanding about whether the Act's obligation applied to lease renewals that had been authorized prior to the Act's enactment. The Supreme Court answered this question during the case of "Ambika Quarry Works v. State of Gujarat"<sup>4</sup>. According to the Court, the government present in the state is only authorized to leases of mining that were pre-existing with the agreement of the federal government, as required by the Act. It was found that mining in the Valley breached the act in the Valley case in 1988. The court even went above and beyond the Act's forest conservation duties, issuing orders to reforest the valley. It further stated that, despite having a reforestation program, Uttar Pradesh's reforestation record was not enough to be motivated. The court thereafter formed a committee that will monitor it. It was made up of officials from the federal, state, and local governments, as well as two civilians, to oversee mining, reforestation, and "all other aspects essential to restore normalcy in the Doon Valley."

### **Issues**

1. Whether there was a violation of Act of Forest conservation of 1980 due to operations of mining in Dehradun valley?
2. Whether the lease that were issued were in accordance with the law and were they followed?
3. If because of the operation of the mining there was an irreversible loss that was caused to ecology?

### **Judgement**

It was ruled that with regard to mining as far as Dehradun valley is concerned forests that are reserved violated the Forest Conservation Act. The Act, on the other hand, only outlaws' activities that are not be done on forest lands that are not approved by the Central Government. The Concern of the court was with regard to the welfare of operators of mine and laborer's who had been laid off as a result of the shutdown of the Dehradun Valley activities, also looking at integrity with regard ecology and interests of nation. The following instructions were issued by the Court:

1. Lessees' operations of whom were halted because of the decision would be granted first thing with regard to lease in a new opened limestone mining region, according to court orders.

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<sup>4</sup> 1987 AIR 1073, 1987 SCR (1) 562



2. Orders that the central department of Environment's Eco-Task Force, the damaged area of mine was supposed to be reforest and recovered and the workers who got displaced because of the closure of mine has to be given job preference in the task force.

### **Comment**

Right to an environment that is wholesome in nature is a fundamental right<sup>5</sup>. Development takes place when there is an industrialization that further ends up degrading the environment. And for resolving the same the doctrine of sustainable development came up. According to this doctrine there has to be maintained a balance between ecology and development. When national interest is at stake than the degradation of Environment is not justified. In accordance with the requirements that are socio-economic in nature where the country is concerned the strategies should be made both legislative and administrative which helps to harmonize environment and at the same time there should be formulation of values and strategies that are sustainable in nature when it comes to development. A very important role here is played by the court where the court has determined the scope of functions and powers of the agencies of administration to strike a balance when it comes to development and environment. The need that is essential right now is to make a balance so that the development that takes place can be free of pollution. There has to be a process through which we can see that development that takes place can also be sustainable for the upcoming generations which in turn also do not end up making the earth a place where the people cannot sustain because of the environment which becomes hazardous for them due to development but in turn to see how there can be improvement in the quality of a human life but only when the harmony of the nature can be maintained and the capacity to carry on life can also be maintained that in turn is supportive of the eco-system. The main focus is that there has to be an integration of environmental and developmental imperatives. Hence, we are left with only one answer that is sustainable development and the actions of administration are supposed to be processed according to it.

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<sup>5</sup>Article 21 of Indian Constitution

## **Conclusion**

Once again it is proved by the apex court that nothing will be done that costs one their fundamental rights. This petition that was filed in the apex court has resulted to be become a landmark judgement carrying on to a view to balance the ecology and the development that takes place. And it focuses on how there has to be a sustainable development that will be beneficial for humankind as well as eco-system. As the working of the nature is mysterious so if we don't keep us today in check it can result in a catastrophic tomorrow. If we have to make earth a safe place for the future generations then our way should be towards sustainable development which means to keep a balance between development in quality of life and at the same time to not let eco-system suffer.