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Comply with directions or pay penalty, Ministry of Environment and Forests told by National Green Tribunal (Southern Bench)

Directions issued in petitions filed by Environment Support Group and anr. challenging illegal diversion of Amrit Mahal Kavals to defence, nuclear, industrial, institutional and commercial projects in Challakere

The Hon'ble National Green Tribunal (South Zone), Chennai, comprising of Justice Shri. M. Chockalingam and Expert Member Prof. R. Nagendran today directed the Union Ministry of Environment and Forests to file their response to Applications challenging the diversion of 10,000 acres of Amrit Mahal Kavals grassland ecosystems (designated District Forests) to a variety of public sector and commercial projects by 30th October 2013 or face serious consequences. The Tribunal warned the Ministry that failure to comply, by filing appropriate response, would attract a fine of Rs. 1 lakh in each of the two pending applications filed, i.e. by Environment Support Group and Leo F. Saldanha.

The Tribunal said failure on the part of the Ministry to file its response, seven months after being directed to do so, is "indicative of the careless attitude on the part of the officials of the 1st Respondent", i.e. Indian Ministry of Environment and Forests (MoEF). The Tribunal directed that "(a)fter looking into the averments made, in the considered opinion of the Tribunal, the reply of the 1st Respondent is a must to take an effective decision in the matter. Hence, as a last chance the matter is posted to 30th October 2013. If not filed on that day, 1st Respondent has to pay a cost of Rs. 1 lakh in each case." The Tribunal also ordered that the "responsible officer not below the rank of Director (Forest Clearance) may be present" when the matter is next heard.

It may be recalled that the Tribunal by its decision dated 21st August 2013 has ordered *status quo* on all project activities proposed in the Amrit Mahal Kaval grassland ecosystems of Challakere Taluk, Chitradurga, Karnataka. The directions were issued on the interim prayers of the Applications which complained that Defence Research Development Organisation, Indian Institute of Science, Indian Space Research Organisation, Bhabha Atomic Research Centre, Karnataka Small Scale Industries Development Corporation, Karnataka Housing Board, Sagitaur Pvt. Ltd. have commenced project activities in these ecologically sensitive areas in comprehensive violations of laws protecting the environment, wildlife, forests, people's rights, etc. The Tribunal had also directed the Karnataka State Pollution Control Board to review any pending applications for clearances sought from project proponents in due accordance with law over the following fortnight. The Board in that period considered two pending applications for consent that were pending before it, from Aeronautical Development Establishment (DRDO) and Sagitaur, and



accorded them Consent for Establishment, *but conditional to securing necessary Forests Clearances as applicable*. The Tribunal in its order of 17th September 2013 had recorded this aspect.

In the backdrop of these developments, Counsel Mr. T. Mohan appearing for Environment Support Group contended in the hearing today that the Ministry of Environment and Forests had written to the Karnataka Forest Secretary in June 2013 directing that a detailed report must be filed in response to the specific cases of violations as made out in the February 2013 representation of ESG, including illegal diversion of forest land to non-forest purposes, in the Challakere case. Mr. Mohan argued that both the Ministry and the Karnataka Government have suppressed this fact before the Tribunal, and also the Fact Finding Committee constituted by the Tribunal. Consequently, any action on the matter would be subject to this issue being resolved first and foremost. Responding to this submission, the Tribunal deemed it fit to issue the aforesaid direction to the Ministry today.

Leo F. Saldanha
Applicant in Application No. 6/2013
(Party in person)

Bhargavi S. Rao
Trustee/Coordinator (Education)
Environment Support Group
Applicant in Application 12/2013

PS: Detailed documentation of this case is accessible at:

<http://esgindia.org/resources/resources/esg-application-ngt-challenging-illegal-.html>

All orders of the Hon'ble National Green Tribunal on these connected matters may be accessed at:

<http://greentribunal.gov.in/e-orders.php?eid=4435>