

EXPLOITATION OF NATURAL RESOURCES: WITH SPECIAL REFERENCE TO SAND MINING IN TAMIL NADU

Dr. P.R.L. Rajavenkatesan*

INTRODUCTION

The natural resources have been considered as valuable property for lives of human being. Exploitation if any would affect the day-to-day activities of the human kind. The globe was in perfect before 1850 but because of subsequent exploitation by way of increasing population around the world resulted in the exploitation of natural resources. Over exploitation of natural resources will definitely lead to problems of humanity in entirety. There is no doubt that India is full of rivers and it plays a major role in the lives of Indian People. It is pertinent to note here that rivers systems provide irrigation, potable water, electricity, cheap transportation and provide livelihoods for a large numbers of people all over the country.

In India, river, channels and its adjoining areas have long been exploited for construction grade aggregates like sand. It is crystal clear that indiscriminate sand mining from rivers and its basin areas imposes many harmful effects. The loss of sustainable livelihoods can have a major impact on the economy of the area. In addition to this, the riparian land owners are affected as the river banks are prone to erosion consequent to indiscriminate sand mining.

HISTORY OF PROTECTION OF NATURAL RESOURCES

Society interacts and attaches with the natural resources like river, forest, water, land and grassland for its economic and socio-cultural needs. For utilization and management of it, communities create different types of ownership regimes as well as institutions. The concept of environment protection is an age old idea imbibed in the Indian cultural ethos since time immemorial. 'Paryavaranam' is a Sanskrit word for environment that was prevalent in ancient India¹. It is an evident from history that awareness about environment can be said to have existed even in the pre-vedic Indian valley Civilization which flourished in northern India about 5,000 years ago for an example Harappa and Mohenjo-Daro. It was the best example of prominent cities of the civilization. Their awareness about hygiene and sanitation as evident from their constructions of ventilated houses, orderly streets, numerous wells, bathrooms, public baths and covered underground drains². Rigveda says that "Environment provides bliss to people loading their life perfectly". River bliss us with the sacred water, and medicines provides us health, might, morning, vegetation, sun bliss us with peaceful life. Our

* Assistant Professor (Senior) @ VIT School of Law, VIT University, Chennai Campus- 600127 (T.N.)

¹ Ms.RajaniRao U, "Environmental Awareness in Ancient India", International Journal of Life Sciences Research (2014), p.1.

² Jonathan Mark Kenoyer, "The Indus Valley tradition of Pakistan and Western India", Journal of World Prehistory, (1991), p.42

cows provide us sweet milk³.

ILLEGAL SAND MINING

The Tamil Nadu is witnessing for illegal sand mining and it is rampant in many areas (rivers) such as the Pennaiyar, Vaigai, Amaravati, Bhavani and Vellar. In these places, the riverbeds are full of pits and trenches, some even 20 meters deep. It is pertinent to mention here that people residing in villages on the banks of the rivers now have to struggle to get water, which was once available in plenty⁴. Further, the rivers in Tamil Nadu are fast turning into streams of despair because of exploitative and unscientific mining, leaving the traditional river-based irrigation system in a shambles, destroying drinking water sources and causing irreparable damage to the riverine ecosystem, besides leaving the main stakeholders, farmers, in distress. Unsustainable sand mining from riverbeds can have huge social, environmental, geomorphic and disastrous impacts for rivers. The Cauvery is one of the important rivers of India and Hindu People used to treat Cauvery as a God. It is interesting to note about the source of Cauvery. It is called as Talakaveri located in the Western Ghats about 5,000 feet (1,500m) above sea level⁵. The Cauvery is known as the lifeline of the State, supporting agriculture across nine districts and providing drinking water to many more but nowadays the river has been sustaining the booming construction industry too. It is true that rampant sand mining from the Cauvery's bed is harming the river itself, destroying its groundwater recharging itself.

The State Public Work Department in Tamil Nadu took direct control of sand quarrying in the State and decided to sell sand only through online booking. The measures were intended to control the amount of sand mined, as well as to do away with corruption and profiteering. The government created a Special Project Circle in the PWD, exclusively for sand mining and also appointed a Project Director to oversee sand mining operations in the State.

ROLE OF JUDICIARY FOR THE REGULATION OF SAND MINING

The historical behind the sand mining and role of the Indian Judiciary are as follows: The Madurai Bench of the Madras High Court in its order dated July 26, 2002, directed the State government to constitute an appropriate committee of experts to study the rivers and riverbeds so as to find out the damage caused on account of haphazard sand quarrying. This was the first-ever attempt by the higher court to solve the dispute in a speedy manner. The Government of Tamil Nadu brought an initiative to an amendment in Rule 38-A of the Tamil Nadu Minor Minerals Concession (TNMMC) Rules, 1959, by which it cancelled the existing quarrying leases given to private players through Government Order No.95 of the Industries

³ Rajib Sarmah, "Environmental awareness in the vedic literature: An assessment", International Journal of Sanskrit Research (2015), 3

⁴ Ilangoan Rajasekaran, The mother of all loot, Frontline, July 24, 2015

⁵ Available at <http://www.india-wris.nrsc.gov.in/wrpinfo/index.php?title=Major_River_System_in_India > Accessed on: 17 July 2017

Department, on October 1, 2003 by the Public Works Department with the job of quarrying by keeping in mind to eliminating indiscriminate mining and ensuring uninterrupted supply of sand for construction activities. Later this was upheld by the Supreme Court in 2006.

Subsequently, The Supreme Court of India in *Deepak Kumar, etc. v. State of Haryana and Others*⁶, held that the Public Work Department would identify the areas that could be mined and forward the list to the Department of Geology and Mining. Then after obtaining the necessary environmental clearances from agencies such as the State-level Environmental Impact Assessment Authority (SEIAA) under the Union Ministry of Forests and Environment (MOEF), the proposals would be sent to the respective District Collectors, who have all the powers and the authority to issue licenses for mining for competent persons.

The Madurai Bench of the Madras High Court on December 12, 2010, in *M. Periyasamy v. State of Tamil Nadu*⁷, had an opportunity to look in the issue of illegal sand mining known as the Tamiraparani river case and banned the mining for five years in the entire Tamiraparani river and then asked the State to form a State-Level Monitoring Committee under the guidance of former High Court judge as its chairman to supervise the quarrying operations across the State. It also passed severe guidelines against the State for using heavy machinery in quarries. Again in the year of August 3, 2012, the above mentioned court passed similar order in Cauvery Water Resources Protection Association and underscored its earlier directions with regard to river mining and its impact on the environment and ordered the closure of quarries that were more than five years old across the State. Twenty-seven of them were closed accordingly. It is pertinent to mention here that there are circumstances where government officials were not co-operated led to much-needed time to the sand mafia. Apart from this, there is inordinate delay in the National Green Tribunal to dispose the appeal as it takes eight to 10 weeks for every appeal to even get listed.

It is well settled principles as per the provisions of the Tamil Nadu Minor Minerals Concession Rules, 1959, mining activities should be avoided within 50 metres from rail tracks, reservoirs, canals and public works such as roads, and within a radical distance of 500 metres from bridges, buildings, waterworks, etc. and the pits also should not be more than one metre deep. Apart from this, no machinery should be used to quarry sand from riverbeds except with the permission of the Secretary to the Government, Industries Department and it has been monitored by the field level officers.

Again in the year of 2015, the bench, comprising Justices V. Ramasubramanian and V.M.Velumani, made the remark after the government failed to disclose the exact quantity of river sand mined from the quarries designated by it and it criticised the State government for using heavy machinery to quarry river sand, which is classified as a minor mineral using the Mines and Minerals (Development and Regulation) Act, 1957 but government submitted reply

⁶ Special Leave Petition (C) NO. 19628-19629 OF 2009

⁷ W.P.No.11562/2010, Before the Madurai Bench of Madras High Court

that mechanised mining is taking place with two Poclains (earth movers) and no in-stream mining taking place⁸. It is interesting to note here that a public interest litigation petition was filed on 06-08-2017 before the Madurai Bench of the Madras High Court by Mr. Srinivasan, who was the ex-Councillor, Musiri Municipality and highlighted the impact of sand mining on ground water levels in the region that was facing a shortage of water, both for drinking and irrigation purposes and further cited that water levels had gone down to 60-70 feet from 25-30 feet and it had turned saline. He vehemently argued that sand mining was being carried out by manipulating records and exceeding permissible levels. After hearing the arguments of the petitioner, a division bench of Justices K.K. Sasidharan and G.R. Swaminathan, granted an interim stay on sand mining in the region.

A similar writ petition was filed by the Cauvery Neervalu Aadhara Paathukappu Sangam, citing irregularities and corruption in mining activities. The same bench set up three member committee to inspect the areas of sand mining and directed the project director, sand quarrying operations to assist it. The committee in its findings said "Due to chaotic and indiscriminate sand mining, the entire river is riddled with pits and ponds". The monitoring mechanism had failed and this could not have happened without the knowledge of the authorities. It is also important to note here that the committee's inspection revealed flouting of rules and the use of unscientific methods of mining at all sites. In addition to this, the State Environment Impact Assessment Authority clearance was not complied with. There was disregard for environment disturbances and degradation. There was no mechanism to check and counter check details contained in the applications to obtain environment clearance. It is true that the State Environment Impact Assessment Authority is not having independent powers to inspect the quarries; it had to rely on information submitted to it. This was the major reason for the violations going unnoticed. Also, the officials lacked knowledge and expertise in the field of mining and needed training⁹. Till now, the High Court has not passed any order and directed the Public Work Department to file report. Because of interim stay there are demands for sand but able to operate only upto 4,000 loads a day against a demand of 25,000 loads across the State. Now people used to pay Rs.1, 800 a load but they have to wait 35 days to get a load.

At present, sand prices are going through the roof. A truckload comprising 300 cubic feet of sand costs up to Rs.35, 000 in the Chennai suburbs. The authorities from the PWD says that sand quarries on the Cauvery and Coleroon rivers in Karur and Tiruchi District of Tamil Nadu contributed nearly 80% of the State output. The quarries functioning in Thanjur, Nagapattinam and Cuddalore Districts together in Tamil Nadu account for an output of about 3,000 loads of 200 cubic feet each day. The normal average demand in the State is about 8,000-9,000 loads a day. In fact, other rivers, too, are on the verge of annihilation.

⁸ Available at <<http://www.frontline.in/cover-story/a-requiem-for-rivers/article7391540.ece> > Accessed on: 19 August 2017

⁹ L.Renganathan, Why Sand Mining needs a solution set in stone, TheHindu, Sunday, September 17, 2017.

CONCLUSION

The exploitation of the natural resources has been witnessed in many areas but it is the duty of the State to act as a guardian angel then only fragile ecology of the entire river system in the State would be restored and rejuvenated. There was an incident where the illegal sand mining in the southern Tamil Nadu gain considerable strength with the government transferring the officials including the Collector in the year of 2013 who ordered a crackdown on some mining units run by politically influential persons. The government as well as Judiciary repeatedly tried to stop the indiscriminate mining of sand from riverbeds in northern India. Even though many orders have been passed, the order remains in paper. The government should take initiatives that there should be no delay in tackling the task of solving the exploitation of natural resources particularly sand mining as these problems have a cumulative impact.