



PURC Journal of Law,
Vol. 1, Issue I, January-June, 2025, pp. 107-112

CASE COMMENT 2

A CASE COMMENT ON RURAL LITIGATION ENTITLEMENT KENDRA (RELK)

v.
STATE OF UTTAR PRADESH

Vaasawa Sharma¹

ABSTRACT

“Solutions to the climate crisis are within reach, but in order to capture them, we must take urgent action today across every level of society.” *very rightly said Al Gore, the Former US Vice President and Chairman of the Climate Reality Project.*

With rapid industrialization and urbanization, environmental deterioration is taking a huge lead day by day. Anthropogenic activities contribute largely to environmental concerns. Many environmental activists have filed certain Public Interest Litigations (PIL) to bring environmental issues to light. One of the landmark cases related to the environment is Rural Litigation Entitlement Kendra (RLEK) v. UOI, in which the first PIL was filed against the illegal mining activities in Doon Valley. An application was written to the Hon'ble Supreme Court of India to take preventive steps to prohibit illegal mining activities. The judgment contributed significantly to the issues pertaining to the environment. This case has unveiled several aspects related to illegal mining activities carried out in Doon Valley. A considerable reduction in the Green Belt was observed. The court took immediate action and constituted the Bhargava Committee to assess and analyse the impact of mining activities in that area on the environment. The committee recommended to stop the mining activities to curb the environmental deterioration. Only the state is not responsible for maintaining the environment, but it is the fundamental duty enshrined in Article 51 (A) (g) of the Constitution. This case has highlighted the conflict between Industrialization and Environmental Conservation. It is a very important judgment, which is why it set up a precedent in Environmental Laws.

1. Assistant Professor, School of Law, IILM University, Gurugram, Haryana

1. INTRODUCTION AND BACKGROUND

The cause of action arose while the mining operations were being carried out in the Mussoorie Hills of Dehradun. In the year 1950s, it was observed that extensive mining operations were carried out, irrespective of the fact that it was leading to huge environmental pollution. The use of explosives, cutting of huge belts of trees, and quarry cause considerable damage to the ecosystem. Then, from 1955 to 1965, it was further observed that the scale of limestone extraction increased massively, resulting in damage to vegetation. Later on, it was observed that several serious implications are the result of mining activities taking place in Doon Valley on the environment. The evidence shows that the area suffered massive floods, landslides, rise in temperature, severe scarcity of water, and damage to fertile farms. So, agriculture was also affected by those mining activities that caused serious effects on the people at large. The consequences were dangerous.²

Rural Litigation and Entitlement Kendra (RLEK) is an NGO in Dehradun played a significant role in the present case. It brought this issue to the limelight by filing a Public Interest Litigation with the Supreme Court. The court treated this PIL as a *Writ* Petition under Article 32 of the Constitution of India. It was laid down that it is a contravention of environmental laws as well as the Fundamental Rights of the people residing in that area. Further, many PILs have been filed to recognize other environmental issues. In the case of *Riddhima Pandey v. Union of India*, a petition was filed to curb the activities that deteriorate the environment.³ In another case, *Ashok Kumar Sinha v. Union of India*⁴, the Supreme Court directed the Union and Bihar governments to highlight the issue of dumping of plastic waste in the river Ganga.

The Supreme Court of India in the year 2024 cited the lack of consistency in environmental jurisprudence. Some of the landmark judgments marked their relevance in the constitutional framework on the rights of the citizens with respect to a clean environment. The court held that the “Right to Clean Environment” comes under Article 21 of the Constitution of India. Another change that is observed

2. Legal Bites, *available at*: <https://www.legalbites.in/environment-law/case-analysis-rural-litigation-and-entitlement-kendra-ors-v-state-of-uttar-pradesh-ors-1985-dehradun-valley-litigation-979570> (last visited on November 8, 2024).

3. Climate Change Database, *available at*: <https://climaterightsdatabase.com/2019/01/15/riddhima-pandey-v-unionof-india-and-others/> (last visited on January 10, 2024).

4. Indian Kanoon, *available at*: <https://indiankanoon.org/doc/133130063/> (last visited on January 10, 2024).

in the realm of environmental jurisprudence is that the Environment (Protection) Act 1956 is regularly monitored, which increases the scope of transparency in government policies on the environment.

The present case has its relevance with regard to environment and climate change as it established the concept of “Environment Protection” in India. The mining and limestone quarrying activities are taken into consideration by the Supreme Court of India in the present case for the first time. The issue is relevant in the context of the present scenario as these activities largely contribute towards environmental degradation and, therefore, need to be curbed.

2. LEGISLATIVE FRAMEWORK

Several Constitutional provisions, such as Articles 21, 32, 48, and 51 A (g). Along with these provisions, the Forest Conservation Act of 1980 was also considered. The court analysed Article 21 and held that the right to a healthy environment must also be there in this article. The activities that were carried out in the Mussoorie-Dehradun area were held to violate Fundamental Rights enshrined under the said provision. It is a significant aspect of the environment that a clean and safe environment must be ensured in order to sustain the resources for the future. Also, the petition filed by the NGO in the present case was considered a written petition under Article 32. This provision allows the petitioners to access the court directly regarding the matter related to the environment. It was further added by the court that it is the failure on the part of the government of U.P. who has not performed its duty properly. Article 48 A is infringed in this regard. Similarly, Article 51 A (g) is also violated. In addition to these significant provisions, two other provisions of the acts are contravened, namely, The Mines Act 1952 and the Forest Conservation Act 1980. The former discussed the provisions related to the safety measures to be adopted while doing any sort of mining activity, while the latter discussed the provisions related to deforestation regulations. So, there exist certain sections which are unduly infringed by the illegal acts of mining.

3. ISSUES RAISED

The case analysed the importance of environment conservation and also laid down the concept of sustainability. This case is relevant in environmental jurisprudence and underlines the importance of the Indian Judiciary in environmental issues. The case is a landmark judgment and is recognized as a precedent. The major issue

raised was to find out the way to maintain the harmony between mining operations and the preservation of the environment. It was also contended that the role of the judiciary must be prevalent to maintain the environment.

Arguments

The petitioners contended that the Forest Conservation Act 1980 was violated as the activities resulted in severe environmental degradation. Also, the “Fundamental Right to Healthy Environment” of the people residing in that area is infringed. The water resources are deleted, resulting in marine pollution. In addition to these, the major contention brought to the court was that the mining being done was not legal.

On the other side of the coin, the Respondents contended that there was a lack of merit on the part of the petitioners. They also contended that the administrated authorities, as mentioned in the Environmental Protection Act, must have the authority to deal with the issue in question. Also, respondents contended that it is the responsibility of the government to ascertain that the activities are detrimental to the environment. Furthermore, the respondents told the significance of mining activities to the economy of the nation. If mining activities are prohibited, then it may amount to significant economic loss and unemployment. Also, proper care and caution are taken while performing mining activities. The regulations concerned were totally complied with.⁵

4. JUDGMENT

The Supreme Court held that a committee must be formulated to assess the various allegations made by the petitioners and also to analyse the relevance of the same. So, the Bhargava Committee, under the chairmanship of DN Bhargava, was made to observe and analyse the credibility of the current issue raised. On the basis of the recommendations given by the committee, the Supreme Court of India has held that “*there is a breach of Forest Conservation Act, 1980 due to quarrying activities done in Dehradun valley forests*”. The act specifically prohibits nonforest activities in the areas of forest that do not have prior authorization from the Central Government.⁶ Also, the court considered the issue of unemployment for the workers

5. Law Foyer, *available at*: <https://lawfoyer.in/rural-litigation-and-entitlement-kendra-vs-state-of-u-p/> (last visited on November 8, 2024).

6. Indian Kanoon, *available at*: <https://indiankanoon.org/doc/1949293/> (last visited on November 8, 2024).

indulged in mining activities and further held that the government must give priority to displaced workers for new leases and provide employment. This judgment established the precedent in Environmental Jurisprudence and Sustainability in India. The court also ordered planting more vegetation and carrying out a soil protection programme in the closed lime-stone quarry areas. The quarrying units of limestone were shut down. This is an appropriate judgment that was passed by the court in favour of environmental conservation. The role of the judiciary is pivotal when it comes to any burning issue of society. The judiciary plays an important role in passing landmark judgements to conserve the environment. In the present case, the illegality of mining operations was a matter of question. Prior consent and knowledge are necessary before carrying out these unlawful activities. Another notable point is that it is obvious that the mining activities are hazardous to the environment then, how can mining be done in Doon Valley openly? Also, it has affected the environment badly. The penal as well as punitive punishments must be given to the accused. It is pertinent to note that the provision of punishments and compensation must be envisaged in the legislation formulated in India. Although the provisions are present, is their proper implementation the same? The society itself is not aware of the laws in India. People do not know the legal consequences of polluting the environment. They are now aware of the environmental laws and their principles. The awareness of laws is also very important to spread awareness about the comprehensive legislation formulated to deal with environmental issues. Therefore, there is a need to protect the environment and spread awareness regarding the same.

5. CONCLUSION

The case is a significant precedent in environmental jurisprudence. The PIL was filed on a relevant ground. Environmental protection is one of the emerging issues in today's world of urbanization and industrialization. In the present case, the mining operations that were done in Mussoorie-Dehradun areas affected the environment badly. It is the duty of every citizen of India to conserve and protect the environment and make environmental sustainability more popular. Article 21 of the Constitution provides Indians "*the right to a healthy environment.*" But with the rapid industrialization and urbanization, the environment is deteriorating. Therefore, it is high time to establish the harmony between Development and Environment Conservation only then our future generation will be able to utilize the natural resources. The court played a vital and significant role in this case and proved the 'Judicial Activism' in the current judgment. The protection and

conservation of the environment is not only the role of the state, but it is the duty of every citizen of India not to do any such activity that causes environmental deterioration. We must head towards afforestation instead of deforestation. Nowadays, with increasing human activities, there is a rapid increase in various anti-environmental impacts. We must be sensible enough to curb the activities which directly or indirectly are detrimental to the environment. When we talk about the Air Quality Index (AQI) in Delhi-NCR, it is almost 300-400, which causes various respiratory problems and allergies to people. If things carry on like this, the AQI will cross the limits. The air will be full of toxins, and we will be inhaling CO and CO₂ gases instead of oxygen. It is high time to focus on the environment and try to make things better. Recently, for the first time, the Supreme Court of India has recognized the “*Right to be Free from the Adverse Effects of Climate Change as a Distinct Right*.”

Therefore, planting more trees and reducing the activities that damage the environment can save our lives.