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ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provide dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

A CASE COMMENT ON RURAL LITIGATION ENTITLEMENT KENDRA (RELK) V. STATE OF UTTAR PRADESH

AUTHORED BY - DR. VAASAWA SHARMA

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 by Al Gore, the former US Vice President and Chairman of the Climate Reality Project.

With rapid industrialization and urbanization, the environmental deterioration is taking a huge lead day-by-day. Anthropogenic activities contribute largely towards the degradation of the environment. Many environmental activists have filed certain Public Interest Litigations (PIL) to bring the environmental issues into light. One of the landmark cases related to 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 the preventive steps to prohibit the 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 carrying out in Doon Valley. A considerable reduction in green belt was observed. The Supreme Court of India took an 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. The court further held that not only state is responsible to maintain 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.

I. Introduction and Background

The cause of action arose while the mining activities were taking place in the Mussoorie hills of Dehradun. In the year 1950s, it was observed that the extensive mining operations were practiced, irrespective of the fact that, it was leading to huge environmental pollution. The use of explosives, cutting of huge belt of trees and quarrying causing 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 discovered that there are several serious implications of mining activities taking place in Doon Valley on environment. The evidences 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.¹

Rural Litigation and Entitlement Kendra (RLEK) is an NGO in Dehradun played a significant role in the present case. It brought this issue in limelight by filing a Public Interest Litigation the Supreme Court. The court treated this PIL and a Writ Petition under Article 32 of the Constitution of India. It was laid down that it is the contravention of environmental laws as well as the fundamental rights of the people residing in that area.

II. Legislative Framework

Several Constitutional provisions such as Article 21, 32, 48 and 51 A (g). along with these provisions, Forest Conservation Act, 1980 was also considered. The court analysed the article 21 and held that right to healthy environment must also be included in this article. The activities which were carried out in Mussoorie-Dehradun area was held violate of fundamental right enshrined under the said provision. It is a significant aspect of environment that 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 as a write 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 the constitutional provisions, there are two other provisions which are contravened. 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 activities while the later discussed the provisions related to deforestation regulations.

¹ 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> accessed on 8 August, 2025).

III. 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 underlined the role of 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 preservation of the environment. In this regard, it was also contended that the role of judiciary must be prevalent to maintain the environment.

Arguments

The petitioners contended that the Forest Conservation Act, 1980 is violated as the activities resulted in severe environmental degradation. Also, the Fundamental Right to Healthy Environment of the local people is infringed. The water resources are depleted resulting in marine pollution. In addition to these, the major contention brought to the court was that the mining activities which were carried out were unauthorized.

On the other hand, the Respondents contended that there is a lack of merit on the part of the petitioners. They also contended that the administrative 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. In addition to this, the respondents highlighted the importance of mining activities to the economy of the nation. If the mining activities are prohibited then, it may amount to significant economic loss and unemployment. Also, proper care and caution is taken while performing mining activities. The concerned regulations were totally complied.

IV. 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, Bhargava Committee under the chairmanship of DN Bhargava was made to observe and analyse the credibility of the current issue raised. Based on 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 the non-forest

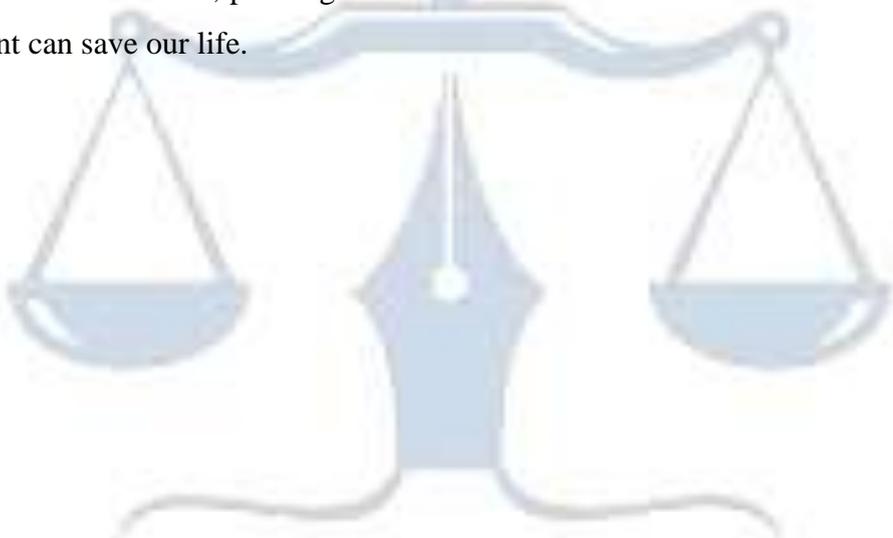
activities in the areas of forest that do not have prior authorization of the Central government.² Also, the court considered the issue of unemployment for the workers indulged in mining activities and further held that the government must give priority to displaced workers for new leases and provide employment. This judgment established the precedent in environmental jurisprudence and sustainability in India. The court also ordered to plant more vegetation and carry out soil protection programme in the closed lime-stone quarry areas. The quarrying units of lime stone were shut down. This is an appropriate judgment that was passed by the court in the favour of environment conservation. The role of judiciary is pivotal when it comes to any burning issue of the society. judiciary plays an important role in passing the landmark judgements to conserve the environment. In the present case, the illegality of mining operations was a matter of question. Prior consent and knowledge is 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 legislations formulated in India. Although, the provisions are present but is there proper implementation of 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 its principle. The awareness of laws is also very important to spread the awareness about the comprehensive legislation formulated to deal with environmental issues. Therefore, there is a need to protect the environment and spread the awareness regarding the same.

V. 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 which 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 establish the concept of sustainability. Article 21 of the Constitution of India provides the right to healthy environment. But with the rapid industrialization and urbanization, the environment is deteriorating. Therefore, it is a high time to establish the harmony between development and environment conservation only then,

²Indian Kanoon, <https://indiankanoon.org/doc/1949293/> accessed on 8 August, 2025).

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 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 which causes environmental deterioration. We must head towards afforestation instead of deforestation. Now-a-days, 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 the 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 a high time to focus on the environment and try to make the things better. Therefore, planting more trees and reduce the activities which damages the environment can save our life.



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