

**BEFORE THE NATIONAL ENVIRONMENT APPELLATE  
AUTHORITY**

**APPEAL No. 38 of 2009**

**IN THE MATTER OF**

PIRNA NARODA NAGRIK KRUTI SAMITI AND ANR

APPELLANT

VERSUS

UNION OF INDIA AND ORS

RESPONDENTS

**SUBMISSION ON BEHALF OF THE APPELLANT**

1. This Hon'ble Authority had directed that the EAC of the Ministry of Environment and Forest undertakes a Site Visit and examine the reasons for the large-scale public opposition to the Pirna Iron Ore Mining (T C No. 23/55).
2. The Respondent No. 1 ie the Ministry of Environment and Forest in its reply has stated that the Hon'ble Authority may pass any order as it may deem appropriate, keeping in view the observations made by the Sub Committee during the Site Visit and the observations/ recommendations of the EAC.

3. It is therefore imperative to examine the observation made during the Site Visit as well as the observations and recommendation of the EAC.

4. That Sub Committee had made the following observation and recommendations

**(Para 15 of the report of the Sub Committee)** The comments of the Appellants is highlighted within brackets :

- (i) There is discrepancy with respect to the mine lease boundaries in the maps submitted by the project proponent, the villagers, and the state mine and geology department.
- (ii) River Chapora located which is adjacent to the mine lease area is subjected to tidal influence and CRZ applicability may be there. This fact as also accepted by the project proponent.
- (iii) There was inconsistency in the ground water level in the ML area and the ultimate pit depth.
- (iv) There will be diversion of road and the details of the diversion plans were not provided.
- (v) The Mining lease area is covered with good vegetation comprising of Cashew, Kindal, Jamun, Kumyo, Teak, Moi, Ber, Aasan, Peepal, Mango, Jackfruit, breadfruit and coconut.
- (vi)** Buffer Zone comprises of forests such as Alorna Unclassified forests, ibrampur RF, Salem, Salme RF, Dhumase RF and Nanoda Reserve Forest.  
**[This is contrary to the Statement made in Para 1.1.2 of the EIA report prepared by Bhagavati Ana Labs Ltd that there are no**

**Forest (RF/PF/Unclassified) within a distance of 10 kms radius of the study area]**

- (vii) Fauna in the area includes many scheduled species including Indian Bison, Barking deer, Peacock and Panther. Recently elephants were also seen near Pira Nadora area also. **[The EIA Report of Bhagvati Ana Labs (pg 8) on the other hand mentions that the area has 'Rat, Indian Rat, Common Mouse, Jackal, Common Mongoose, Rhesus Macaque, India Hare]**
- (viii) The Status of private forest land falling in the ML area with respect to forest clearance could not be ascertained despite seeking clarification. **[In the EIA report of Bhagvati Ana Labs Table 6 and Para 1.3.4 there is no mention of any private forest land within the mining lease area as such there is concealment of information]**
- (ix) Since mining is not yet started the health effects cannot be spelt out at this moment which will be determined by the nature of pollutants, their concentration, intensity and the frequency of exposure. **[There is thus an admission that no study has taken place, no effort was made to draw inference from impacts at other mines which is in violation of the Precautionary Principle]**
- (x) A detailed Hydro geological study must be undertaken as stipulated in the EC. **[ This is also in violation of the Precautionary Principle as the**

**study should have preceded the grant of environmental clearance]**

**(xi)** The number of homesteads likely to be affected by the mining activities and the number of families to be displaced should be clearly identified. Details of displacement of Dhakti Channi Village must be provided **[This makes the process of public hearing invalid since the number of affected families is not known]**

**(xii)** Status of forest land falling within the mine lease area should be ascertained with respect to forest clearance. **[There clearly reveals that the proproject proponent as well as the EIA Consultant i.e Bhagvati Ana Labs had concealed information with respect to forest which is a ground for revocation of environment clearance]**

**(xiii)** A proper study of fauna and flora of the core and buffer area must be undertaken and impact on scheduled species and the critical wildlife habitat be studied **[The project proponent and the EIA Consultant deliberately did not mention the presence of schedule species in the EIA so as to undermine the ecological value of the area]**

**5.** That it is clear from the report of the Sub committee that no recommendation was given for approving the mining project. Rather, it recommended for studies to be done as well as approval under the provisions of the Forest (Conservation) Act, 1980 and the CRZ Notification.

6. It is significant to note the contents of the Directorate of Agriculture, Government of Goa dated 21-6-2010 [**Annexure VIII of the report of the Sub Committee**]. It is specifically stated that:

'The villagers get their drinking and irrigation water from the wells which are charged with the underground sources coming from the hills. Opening of mine on the hills shall cut off the water sources and shall render the wells dry depriving people of drinking water as well as water to their fields. The area of about 360 Ha consisting of 115 hectares shall be affected which is mainly under food crops like paddy and groundnut. The mining shall thus deprive to people of this area of their food availability'

'The proposed mining shall generate lot of silt, which will flow down in the monsoon blocking the available drainage nallah. This will create disaster due to flooding of the dwelling areas of the village by blocking the smooth flow of rainwater in monsoon'

..river Chapora is a major river of North Goa and the river will get silted due to washing of soil and other debris. The result will be disastrous floods that would affect North Goa..

Considering the major environmental damage that the mine shall cause to Pirna and Nadora Village, the damage that would be caused to available ground water availability and the major threat of floods to Chapora river that is posed by

excavation in mines in Pirna and Nadora village; It is suggested that the request for permission for mining in the area may not be considered.

- 7.** That it is EAC considered the Site Visit report during the meeting held on June 28-30 the of June 2010. It is clear from the minutes of the meeting and virtually none of the issues highlighted by the Sub Committee were discussed by the EAC. The EAC has chosen to not deal with the issue of concealment of information with respect to forest land, presence of reserve Forest in the buffer zone, presence of private forest in the leased area, applicability of the CRZ and the approval under the CRZ Notification as well as the report of the Directorate of Agriculture on the impact due to mining.
- 8.** With respect to the issue of Moratorium on mining, the EAC was to examine the issue in the light of moratorium imposed by the MoEF. This would imply that the EAC had to examine the issue of allowing mining in the context of reasons for imposing moratorium. It is submitted that the main reason was that the State of Goa was impacted by adverse impact of mining much beyond its carrying capacity and a decision was taken not to approve new mines till a mining policy is in place.
- 9.** The EAC therefore chose to undermine the sub committee report and chose to justify its earlier decision of recommending the project for approval. It is submitted that given the report of the Sub Committee as well as the interim order of the NEAA granting a stay in view of the EAC not considering the minutes

of the EAC, it can hardly be concluded that due diligence was carried out during the appraisal stage. It is submitted that even the last appraisal done wherein the Site Visit report was considered cannot be termed as 'detailed scrutiny' as required under the EIA Notification of 2006. The action of the EAC clearly suffers from non application of mind to the relevant consideration.

FILED BY

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