

EAC COMMITTEE RECOMMENDS REVOCATION OF SEVERAL MINING ENVIRONMENT CLEARANCES FOR GOA MINES

The Solicitor General, Mr Mohan Parasaran, today (30.10.2013) handed over to the Supreme Court in sealed cover the report of the Expert Appraisal Committee appointed by the MoEF to re-examine the ECs issued for Goa mines. The copy was therefore not circulated. However, Mr Parasaran submitted the gist of the report to the Court as well. Following is the relevant extract:

EAC report on Issues relating to Illegal Mining in the State of Goa:

- a. MOEF constituted an Environmental Appraisal Committee (EAC) on 21.03.2013 to specifically look into issues related to illegal mining in the State of Goa under the chairmanship of Shri Vishwanath Anand (former Secretary MOEF) and a case by case basis of the Environment Clearances that were granted or had been applied for by the Project Proponents.
- b. The terms of reference of the EAC are broadly as follows:
 - i. Examine information/document submitted by each of the 139 project proponents in response to direction dated 14.09.2012 keeping the environment clearance in abeyance;
 - ii. Evaluate status compliance wrt conditions stipulated as part of EC;
 - iii. Examine information/documents submitted by each of the 39 project proponents in response to direction dt. 11.09.2012 wrt dump mining;
 - iv. To examine observations relating to MOEF in Justice Shah Commission report as regards illegal mining in Goa. **(This aspect is being dealt in Part II of the Report.)**
- c. The EAC has submitted its report to the MOEF. However, the same is confidential at the since the matter is being considered by the Ministry as to the steps that are to be taken pursuant thereto. The report deals with a case by case review of the reported violations in 137 mine leases including 49 dump mining cases.
- d. The committee has classified the mines based on their distance from the nearest Protected Area (PA) as follows:
 - i. **CATEGORY A (<1KM):**
 - (i) Consists of 41 ECs (9 working + 32 non-working)
 - (ii) 19 mining leases within/partly inside PA and remaining 22 within 1 km;
 - (iii) 30/41 (30 out of 41) granted in violation of order dt. 04.08.2006;
 - (iv) Dump mining in 6/9;
 - (v) Excess production in 5/9;
 - (vi) Encroachment in respect of 5/9, etc.

EAC recommends revocation of all. In respect of one which is inconsistent (TC No.17/49), distance needs to be reconfirmed.

- ii. **CATEGORY B (1KM<MINE<10KM):**
 - (i) Consists of 32 ECs (18 working+14 non-working);
 - (ii) False information by project proponents in 29 ECs that not <10km of Ecologically sensitive areas;
 - (iii) None of them have taken steps for approval from NBWL;
 - (iv) All 18 working are non-compliant of conditions mentioned in EC.

EAC recommends revoking 29/32 ECs since they were misleading. Initiate punitive action against Project Proponents and colluder. TC No.6/49 should obtain approval of

NBWL.

iii. CATEGORY C (1KM<MINE<10KM) AND CONDITION OF APPROVAL OF CWLW/CA/NBWL STIPULATED:

- (i) Consists of 54 ECS (37 working+17 non-working);
- (ii) Excess production in 35 cases;
- (iii) Unauthorised Dump Mining in 14 cases;
- (iv) FC only in 15 out of 19
- (v) 29 cases mining beyond area permissible.

ECs to be kept in abeyance till approval of NBWL and/or FC is obtained. MOEF may initiate action for closure. Benchmark on allowable excess production may be introduced. Non-working mines beyond 5 years ECs to be revoked.

iv. CATEGORY D (BEYOND 10KM):

- (i) 10 ECs (7 working+3 non-working);
- (ii) Excess production in 2 cases;
- (iii) Dump mining in 4 cases;
- (iv) Approval from CGWB (Central Ground Water Board) absent in 3/10;
- (v) Complete FC for 2 cases not taken;
- (vi) Encroachment in 3 cases;
- (vii) Some inconsistencies need to be checked;

ECs should continue to remain in abeyance till mandatory permissions are granted from CGWB and FC. MOEF may initiate action for closure. Benchmark on allowable excess production may be introduced.

e. Conclusion & Recommendations:

- i. 123/137 ECs are without NBWL approval, ***to be kept in abeyance till such approval is obtained and if closed for >5 years then must remain so;***
- ii. 41 < 1 km and in violation of order dt.04.08.2006 ***must be revoked;***
- iii. 20 cases mining leases renewed without prior grant of FCs, ***to be kept in abeyance till such approval is obtained and if closed for >5 years then must remain so;***
- iv. 29 Misrepresentation/ Furnishing of false information, punitive
- v. Unless provided specifically in the EC, ***Dump mining should be construed as a violation;***
- vi. Excess mining, ***20% may be permitted provided 5 year avg. is maintained.***

c. Broad overview:

a. The recommendations of both Dr Rajesh Gopal Committee which looked into the recommendation of declaring ESZ around the 6 Pas as well as the EAC Report commonly agree on the following:

No mining can be carried within 1 km of any PA (with the exception of the phase out plan as proposed and as approved by the MOEF with regard to two of such areas).

b. The EAC report further states as follows:

- i. That, no mining activity is to be carried out beyond 1km and within 10kms of such Pas without the approval of the necessary authorities i.e. Standing Committee of NBWL and/or FCs and/or CGWB, etc;

- ii. ECs must specifically include clearance for Dump Mining failing which, it will be construed as a violation of the same;
- c. The suggestions and recommendations made in the EAC report shall be implemented immediately and where before initiating action, as noted in the report itself, the Ministry shall provide an opportunity to the concerned project proponent to reply to the same.
- d. In the meantime, the final notification of the ESZ can also be drawn after completing the due formalities.
- e. Further the Report of the Indian School of Mines, Dhanbad, is to be received by 30th October, 2013 which would inter-alia, address carrying capacity of the region in terms of permissible mining, etc.
- f. After determination of ESZ, receiving encroachment details and taking into account the very detailed report of ISM, MOEF would be in a position to take mine-wise decision. Since this process is a complex exercise requiring examination of report with respect of each mining lease and/or EC, MOEF would require another period of 3 weeks to file a detailed affidavit in this regard.

Handed over in the Supreme Court today by Solicitor General today (30 October 2013)