

BY FAX/ Speed Post.

GOVERNMENT OF ORISSA
FOREST & ENVIRONMENT DEPARTMENT

No.10F(Cons)-50/2009- 18802/F&E. Date: 17.08.2010

From: Sri U.N.Behera,IAS
Principal Secretary to Government

To

The Secretary to Government of India
Ministry of Environment and Forests
Paryavaran Bhawan
CCO Complex, Lodhi Road, New Delhi - 110003

Subj: Diversion of 660.749 ha of forest land for mining of Bauxite in Lanjigarh in favour of Orissa Mining Corporation Limited in Kalahandi and Rayagada Districts in Orissa - Report of Saxena Committee - regarding.

Sir,

Kindly refer to the report dated 16.8.2010 of the four member committee headed by Dr. N.C.Saxena on the subject. Though the said report has not yet been communicated to the State Government by GoI, MoEF, the same has been observed in the website of MoEF. A preliminary study of the above report shows that the committee has raised serious allegations against the State Government. It has cast aspersions on the intention of the State Government about implementing the F.R. Act in a fair and impartial manner. Amongst others, the report has asked the MoEF to reject the application of the State Government for diversion of forest land for the above project. It has pointed out that mining on the said forest land would destroy the wildlife habitat of Niyamgiri Hill Range. It will cause a hydrological disaster in the area. Felling of large numbers of trees will have adverse impact on the ecology. The mining will destroy the cultural, religious and economic habitat of the Dongoria Kondhs who reside in the forest area proposed for diversion. It would endanger the self-sufficient forest-based livelihood of the tribals. Mining will expedite construction of roads in the area making the forest accessible to poachers of wildlife and the smugglers. The report has gone to the extent of saying that mining if allowed in the applied area would shake the faith of tribal people in the laws of the land which would have serious consequence for the security and well being of the entire country.

It is, of course, understood that the Ministry of Environment & Forests has not taken a view on the recommendation of the Committee. However, it is pertinent to bring to your kind notice that all the above issues raised by the Saxena Committee were the subject matter of different PILs filed by various activists before the Central

Empowered Committee which were ultimately the subject matter of IA No.1324 and 1-74 in W.P.(C) No.202/1995 before the Hon'ble Supreme Court of India. In view of the technical issues raised in the applications, Hon'ble Supreme Court had directed MoEF to appoint expert bodies for examining various issues as discussed above. The Wildlife Institute of India, Dehradun had conducted studies on the impact of the mining project on biodiversity and wildlife including its habitat. The Central Mine Planning & Design Institute (CMPDI), Ranchi had conducted studies on the impact of the project on soil erosion, impact of ground vibration on hydrological regime including ground porosity and permeability, etc. All these issues were also discussed by the Forest Advisory Committee on 30.8.2006 when this project was placed before the FAC for scrutiny.

Similarly, this project was also challenged in the Hon'ble Supreme Court on the grounds of violating different provisions of the Forest Rights Act in IA No.2081-2082 in W.P.(C) No.549 of 2007.

After elaborate discussion of the reports of the expert bodies, views of the State Government and those of GoI, MoEF covering all issues relating to ecology, wildlife, hydrogeology, soil erosion, tribal life and implementation of different environmental laws, Hon'ble Supreme Court vide their order dated 23.11.2007 had cleared the project with certain directions. On compliance of all the directions of the Hon'ble Apex court by the User Agency / State Government, the project was finally cleared by Hon'ble Supreme Court vide their order dated 8.8.2008.

It needs to be pointed out here that Orissa is the second best performing state in the country in implementation of Forest Rights Act finalizing claims of more than two lakh tribals.

In this background, it is shocking to note that the Saxena Committee has preferred to discuss in a derogatory manner the issues which have already been considered and adjudicated by the Hon'ble Supreme Court. The State Government believe that if a judicious view is taken by the Ministry of Environment & Forests, most of the findings of the Committee will not hold water. State Government will submit a detailed response on receiving necessary communication from MoEF in this matter.

It is, further requested that before taking a final decision in the matter, State Government be given an opportunity to present its views.

Yours faithfully,
Sd/-
Principal Secretary to Government

BY FAX/ Speed Post.

MemoNo.18803/F&E. Date: 17.08.2010

Copy forwarded to the Director General of Forests-cum- Special Secretary to Government of India, Ministry of Environment and Forests, Paryavaran Bhawan, CCO Complex, Lodhi Road, New Delhi - 110003 for information and necessary action.

17.08.2010
Special Secretary to Government

BY FAX/ Speed Post.

MemoNo.18804/F&E. Date: 17.08.2010

Copy forwarded to the Resident Commissioner, Government of Orissa, 4-Bordeloi Marg, Chanakyapuri, New Delhi 110021 for information and necessary action.

17.08.2010
Special Secretary to Government