



Letter no: Letter no- HIL/SEM/OSPCB/2023-24/40

11/07/2023

To,
Member Secretary - EAC (Non- Coal Mining),
Ministry of Environment, Forests and Climate Change,
Govt. of India, Indira Paryavaran Bhavan,
Jorbag Road, Aliganj, New Delhi – 110003

Subject: Maliparbat Bauxite Mine (ML Area: 268.110 ha) with Bauxite production capacity: 0.6 MTPA located at Villages: Aligaon, Kankaramba, Sorishpadar, Tehsil: Pottangi, District: Koraput, State: Odisha by M/s. Hindalco Industries Ltd.- Reg. _ Submission of Additional information.

Ref: 1. MoEF&CC File No.: J-11015/79/2020-IA.II (M) & Proposal No: IA/OR/MIN/250275/2020
2. ADS Raised by MoEF&CC Dated 28.06.2023

Dear Sir, With reference to the aforesaid subject, we would like to inform your good self that application submitted for Environmental Clearance for above cited project on 28.12.2020 and Terms of Reference was issued vide letter no. J-11015/79/2020-IA.II dated 08.02.2021. Proposal was recommended for Environment Clearance in 49th EAC meeting held during 19.04.2022 to 21.04.2022 under SOP dated 07.07.2021. The proposal was reconsidered in 53rd EAC meeting held during 28.06.2022 to 29.06.2022 for the submission of Rs. 24.03 Lakhs as per penalty provisions of SOP dated 07.07.2021. Subsequently, ADS was sought by MoEF&CC dated 13.07.2022 & reply of the same was submitted dated 24.09.2022.

As per the High Court Order dated 1.12.2022 Fresh Public hearing has been conducted on 07.01.2023 as per the EIA Notification 2006 & as amended from time to time. On 30.01.2023 Hon'ble High Court of Odisha passed an order stated as the writ petition is disposed as the public hearing has now been conducted afresh so the interim order passed earlier stands vacated. However, on 28.06.2023 an Additional Details Sought was raised "Please provide Chronology of the case, court orders and present lease status from DMG".

Therefore, we are herewith submitting the Public Hearing MoM & Updated EMP for addressing Public Hearing issues as per MoEF&CC, OM dated 30.09.2020 & 20.10.2020 along with Reply of Additional Details Sought.

We request your good self to kindly consider the case and grant us Environment Clearance for the above-mentioned project.

Yours faithfully

For, M/s. Hindalco Industries Limited

Authorized Signatory

Encl: As above

ADS Reply

Point No. 1 Chronology of the Case & Orders

Reply:

A. Court Case No.: WP(C) / 473/2022

Court Case: The grievance of Petioners, who are the residence of villages Maliguda, Kankadaambo and Kakriguda were prevented from participating in Public Hearing conducted by State Pollution Control Board (SPCB) held on 22.11.2021.

Case filed by: Residents of villages Maliguda, Kankadaambo and Kakriguda

Current Status of the Case: Disposed

S. No.	Date of Order/Hearings	Details
1.	07.01.2022	PIL registered against Public Hearing. Copy of the same is enclosed as Annexure I.
2.	08.02.2022	Order: Stay Order was imposed that EC will not be issued till the next date i.e.,10.03.2022. Copy of the Order is enclosed as Annexure II.
3.	19.02.2022	Notice received from Hon'ble High court to HIL. Copy of the same is enclosed as Annexure III.
4.	07.03.2022	The writ petition was submitted by HIL before Hon'ble high court against the PIL. Copy of the same is enclosed as Annexure IV.
5.	10.03.2022	The learned counsel for the Petitioner states that he will file rejoinder to all the counter affidavits before the next date. The interim order passed earlier in the present petition shall continue till the next date. Listed the case on 18 th April, 2022. Copy of same is enclosed as Annexure V.
6.	18.04.2022	The learned Assistant Solicitor General of India prays and is granted two weeks time to file reply on behalf of MoEF&CC. The interim order passed earlier in the present petition shall continue till the next date. Listed the case on 11 th July, 2022. Copy of same is enclosed as Annexure VI.
7.	11.07.2022	The learned counsel appearing for the Petitioner stated to be unwell and the case listed on 2 nd August, 2022. Copy of same is enclosed as Annexure VII.
8.	02.08.2022	The learned Assistant Solicitor General of India states that he will file the affidavit within four weeks as a last opportunity. The interim order passed earlier in the present petition shall continue till the next date and the case listed on 1 st November, 2022. Copy of same is enclosed as Annexure VIII.
9.	01.11.2022	Learned counsel appearing on behalf of petitioners was in difficulty so the case is listed on 10 th November, 2022. Copy of same is enclosed as Annexure IX.
10.	10.11.2022	The affidavit has been filed and the case was listed on 1 st December. The interim order passed earlier in the present petition shall continue till the next date. Copy of same is enclosed as Annexure X.
11.	01.12.2022	Order: Directions were given to conduct fresh Public Hearing. Copy of the Order is enclosed as Annexure XI.

12.	30.01.2023	Order: Stay Order was revoked for issuance of EC as the Fresh Public Hearing has been conducted dated 07.01.2023. Copy of the Order is enclosed as Annexure XII.
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B. Court Case Number: WP (C)/28704/2022

Court Case: Govt. of Odisha, Dept. of Steel & Mines, declared the lease lapse u/r 20 of MCR-2016 vide their letter no -9614/ S&M, Bhubaneswar, dated 12.10.2022. Copy of the Letter is enclosed as **Annexure XIII.**

Case filed by: M/s. Hindalco Industries Ltd. Vs Principal Secretary, Ministry of Steel & Mines, Govt. of Odisha in the High Court of Orissa; Cuttack

Current Status of the Case: Disposed

S. No.	Date of Order/Hearings	Details
1.	28.10.2022	Writ Petition was submitted by HIL to Hon'ble High Court to quash and set aside order dated 12.10.2022 passed by Additional Secretary Steel & Mines Department, Government of Odisha. Copy of same is enclosed as Annexure XIV.
2.	01.11.2022	Learned Counsel appearing for the petitioners, listed the matter to next week. Copy of the same is enclosed as Annexure XV.
3.	01.12.2022	Counter affidavit be filed by both the learned counsel within five weeks and listed the matter on 30.01.2023. Copy of the same is enclosed as Annexure XVI.
4.	30.01.2023	Order: Hon'ble High Court of Orissa ordered Govt. of Odisha to keep abeyance the status of Lease till issuance of EC. Copy of the Order is enclosed as Annexure XVII.

C. Court Case Number: -2 (c) C.C. 02/2022

Court Case: The Forest, Environment & Climate Change Department has requested SPCB, Odisha to initiate prosecution under section 19 of EP Act, 1986 in view of the direction of MoEF&CC for violation of EIA Notification, 2006.

Case filed by: State Pollution Control Board, Bhubaneswar in the Court of the JMFC, Semiliguda

Current Status of the Case: Sub Judice

S.N.	Date	Details
1.	24.09.2022	The Case was filed when the EAC observed that the operation of the Project was without Environment Clearance for the period 2012-2014 under the EIA Notification, 2006. Copy of the Same is enclosed as Annexure XVIII
2.	10.07.2023	An amount of Rs. 24.03 Lakhs deposited at OSPCB, Bhubaneswar as per penalty provisions of SOP dated 07.07.2021 and as per MoM of 53 rd EAC meeting. Copy of the MoM 53 rd EAC and Payment submission receipt from OSPCB are enclosed as Annexure XIX & XIX A.

Point No. 2 Present lease status from DMG

Reply: There is no any direct communication from DMG to Hindalco after receiving the proceeding of Lapse of Mines lease dated 12.10.2022 from Dept. of Steel & Mines Govt. of Odisha. Subsequently Hindalco filled a writ petition on dated 28.12.2022 to Hon'ble High Court to quash and set aside order bearing dated 12.10.2022 passed by Additional Secretary Steel & Mines Department, Government of Odisha. On 30.01.2023 Hon'ble High Court of Odisha passed an order, directed that the impugned order dated 12th October, 2022 will be treated as being kept in abeyance till such time, the pending process before the MoEF&CC and the Expert Appraisal Committee (EAC) regarding grant of environmental clearance is not complete. Detailed chronology of the lease is enclosed as **Annexure XX**.

PH MoM along with the updated EMP for addressing issues of Public Hearing as per MoEF&CC, OM dated 30.09.2020 & 20.10.2020 is enclosed as **Annexure XXI**.

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state

IN THE HIGH COURT OF ORISSA: CUTTACK**WP(C) (PIL) No. 473 OF 2022**

Niranjan Khillo & Others

.... Petitioners

-Vrs-

State Pollution Control Board Odisha & Others

.... Opp.Parties

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11. VAKALATNAMA

CUTTACK

DATE- 5.01.22.

(PRASANTA KUMAR JENA)

Advocate

BCE No.O-137/88

Mob.No.9437311581

IN THE HIGH COURT OF ORISSA: CUTTACK

WP(C) (PIL) No. 473 OF 2022

Code No. 219900

In the matter of

**An application under Article 226 & 227 of the
Constitution of India.**

A N D

In the matter of

A Public Interest Litigation.

A N D

In the matter of

**The Orissa High Court Public Interest
Litigation Rules, 2010.**

A N D

In the matter of

**The Environment (Protection) Act, 1986 r/w
The Environment Protection Rules, 1986**

A N D

In the matter of

EIA notification S.O. 1533 (E) dated 14.09.2006 as amended from time to time;

A N D

In the matter of

Illegal public hearing dated 22.11.2021 in respect of Mali Parbat Bauxite Mine conducted by Odisha State Pollution Control Board in the district of Koraput, Odisha by M/s Hindalco Industries Limited;

A N D

In the matter of

1. **Niranjan Khillo, aged about 28 years, Son of Debo Khillo, Village – Maliguda, PS – Semiliguda, District – Koraput.**
2. **Lakshmi Khillo, aged about 35 years, Wife of Boloram Khillo, Village – Maliguda, PS – Semiliguda, District – Koraput.**
3. **Abhi Sodapeli, aged about 32 years, Son of Amurui Sodapeli, Village – Kankadaambo, PS – Semiliguda, District – Koraput.**

4. Arjun Krishani, Aged about 28 years, S/o Naragi Krishani, Village- Kakriguda, P.S- Semiliguda, Dist- Koraput.
5. Prafulla Samantara, Aged about 70 years, S/o Dinabandhu Samantra, President, Lok Shakti Abhiyan A/3, Unit 9, Bhoinagar, Bhubneswar-751022. **Petitioners**

-Vrs-

1. State Pollution Control Board, Odisha, represented by its Member Secretary, having its office At- Paribesh Bhawan, A/118, Nilakntha Nagar, Unit-VIII, Bhubneswar-751012
2. Regional Officer, State Pollution Control Board, Koraput, At/PO- Koraput, Dist- Koraput-764020
3. District Magistrate cum Collector, Koraput, At/PO- Koraput, Dist- Koraput-764020
4. Additional District Magistrate Koraput, A/P.O- Koraput, Dist- Koraput-764020
5. Superintendent of Police, At/PO- Koraput, Dist- Koraput-764020
6. Ministry of Environment, Forest and Climate Change, Government of India, represented by

its secretary, 2nd floor, Prithvi Wing, Indira Paryavaran Bhavan, Jor Bagh Road, Aligani, New Delhi-110003

7. State of Odisha, represented by its Secretary to Government in the Department of Forest, Environment and Climate Change, At-Kharavel Bhavan, Bhubneswar-751001
8. M/S Hindalco Industries Limited, represented by its Assistant General Manager, Mines division, New Project-42/1041, Satya Nagar, College Road, Semiliguda, Koraput-764036, Odisha.

.... Opp. parties

The matter out of which this present application arises was not before this Hon'ble Court earlier as per the instruction of the petitioners.

To

Hon'ble Chief Justice of Odisha High Court and his companion Judges of the said Hon'ble Court.

Humble petition of the
petitioner named above

MOST RESPECTFULLY SHEWEATH:

1. The present petition under article 226 of the constitution of India is being filed by way of 'Public Interest Litigation' in the larger interest of the affected tribal people for mining operation of Bauxite on Mali Parbat in the District of Koraput, Odisha by M/s Hindalco Industries Limited (Opp. party NO. 8).

The petitioners seeks to challenge the legality and propriety of the so called public hearing dated 22.11.2021 in respect of Mali Parbat Bauxite Mines of M/S Hindalco Industries Limited in village Kankaramba under Semiliguda Tahasil of Koraput District, Odisha. The so called public hearing conveyed by the Odisha State Pollution Control Board (Opp. party No. 1) was held as an eye wash in presence of few henchmen and supporters of Opp. party No. 8 in tacit consent of the state government. The so called proceeding of public hearing was held by preventing the large affected tribal mass from reaching the spot and expressing their opinion opposing any such mines operation which will snatch away their source of livelihood. The barricades were made three k.m away from the spot with deployment of police force restricting the entry of the larger tribal mass to the spot who obviously were heading to oppose any such proposal for mining operation on Mali Parbat without their prior informed consent. Prior to the date fixed for such hearing, the local leaders and youths championing the cause of the affected people were

arrested, threatened by the police and they were illegally prevented from participating in the said public hearing. Such action of the Opp. parties No. 1 to 8 (except OP No. 6) defeats the very objective and purpose of 'Public Hearing' prior to getting the environmental clearance in favour of OP No. 8 Company.

2. That, the petitioners No. 1 to 4 belongs to the affected villages of such mining and petitioner No. 5 is a reputed Environmentalist and President of 'Lok Shakti Abhiyan', a people's forum working on Human Rights, Environment Protection and Rights of tribals over Natural Recourses. He is also recipient of 'International Green Award' named 'Goldman Environmental Prize (Green Nobel For Asia) 2017'. He is also a regular columnist in odia vernacular and editor of a fortnightly published magazine ' Manisara Bartabaha Swabhiman '.

3. The petitioners have earlier not filed any Public Interest Litigation challenging the issue of so called Public Hearing and the gross human rights violations of affected people caused in the process dated 22.11.2021 and no costs have been awarded against the petitioners for filing any other case. That the petitioners are filing the present petition on their own and not at the instance of some others. The litigation cost including the advocate's fee are borne by the petitioners themselves.

4. That the brief facts of the case is as follows:

4.1 That, on 07.09.2006 the Opp. party No. 8 Company managed to obtain environmental clearance from the OP No. 6 for Bauxite Mining Operation in Mali Parbat Koraput, Odisha for 5 years despite stiff opposition of the public. For the reason best known to OP No.8 during such 5 years no mining operation/ activity on Mali Parbat took place.

4.2 That, during 2012-2014, the OP No. 1 Company started some mining activity illegally without obtaining a valid environmental clearance for which vide letter dated 08.02.2021, OP No. 6 directed the OP No. 8 Company to submit EIA/ EMP report after incorporating the details of public hearing and to obtain environmental clearance, in accordance with the procedure prescribed under EIA notification.

True copy of letter dated 08.02.2021 of the OP No. 6 is annexed hereunto as **Annexure-1**.

4.3 That, as per EIA notification vide S.O No. 1533 (E) dated 14.09.2006, of OP No.6 prior to environmental clearance of a project, a public hearing relating to environmental aspect of the project was

required to be conducted and in the present case, OP No.1 State Pollution Control Board brought out a notice on 20.08,2021 in the newspaper ' The Times of India ' and ' The Samaj ' for conduct of Environmental Public Hearing on 22.09.2021 relating to project of 'Mali Parbat Bauxite Mines' concerning all the persons which include bonafide residents, environmental groups and others located likely to be affected. Though the timing for such Public Hearing was given at 11 A.M on 22.09.2021 at the venue Kankandamba but barricades were erected before three k.m from the spot with the oblique motive to prevent the villagers reaching the spot in time. On the same day when the villagers somehow rushed to the venue through alternate path and questioned about the public hearing, the authorities present there left the spot without answering the quires of the villagers and subsequently the public hearing was declared as postponed on the said day. Not only that the police - security forces and private militia of the OP No. 8 Company intimidated and threatened the concerned people-villagers on the said day who are to be affected by such project and who are expected to oppose the project on the date of hearing but also several persons were illegally arrested by the police force heavily deployed in and around the scheduled venue. It may kindly be noted that about 2000 villagers from 44 villages who are likely to be affected had arrived there on 22.09.2021 to express and protest against the bauxite mining operation on Mali Parbat by which they will loose their livelihood based on eco-friendly sustainable farming as perennial

streams originated from Mali Parbat would eventually dry up and there will be adverse impact on the environment because of deforestation. Thus, the protest was completely voluntary and spontaneous. Those protesters included sizeable number of tribal women from the nearby villages. It is pertinent to state that the Environment Impact Assessment report was not shared with the people likely to be affected by the Opp. parties.

True copy of the EIA notification dated 14.09.2006 of the OP No. 6 is annexed hereunto as Annexure-2.

4.4 That, on 22.09.2021 midnight the police started invading the houses of protesting villagers and took away 25 of them and sent them to Jail by implicating them in false charges.

4.5 That, the postponed Public Hearing of 22.09.2021 was rescheduled by OP No. 1 and another notice dated 18.10.2021 was published by OP No.1 in the daily newspaper fixing the new date of Public Hearing on 22.11.2021 at 10 A.M in village Kankaramba, under Semiliguda Tahasil of Koraput District, relating to Mali Parbat bauxite mining by OP No. 8. Unlike the earlier notice, the schedule time of public hearing was fixed to 10 AM by which it was difficult for the villagers to reach at the spot in time and the Opp. parties would take advantage of affected villagers. In the said notice suggestions, views, comments and objections on matters relating to environmental

aspect of the proposed project from all the persons including bonafide residents, environmental groups and others were invited.

True copy of the notice dated 18.10.2021 of the OP No. 1 is annexed hereunto as Annexure-3.

4.6 That, in response to such notice the villagers of the affected villages and the members and office bearers of 'Mali Parbat Surakhya Samiti' submitted their grievance/objection thereby requesting to cancel any such move for mining operation of bauxites on Mali Parbat on the ground that after the postponement of Public Hearing on 22.09.2021, the officers of Semiliguda and Patangi Police Stations along with the forces and Goons of OP No. 8 Company have been threatening and arresting the local people and the office bearers of 'Mali Parbat Surakhya Samiti'. They were also moving from village to village giving caution to the villagers not to oppose the mining operations of OP No. 8 at the public hearing. Though the matter has been informed to the SP and Collector, Koraput but no response was received. In such an atmosphere request was made that public hearing scheduled to be held on 22.11.2021 be cancelled as people are denied the free right of expression, a constitutional mandate.

True copies of representation dated 17.11.2021, 15.11.2021, 19.11.2021 of the petitioners and other villagers, office bearers of Mali Parbat Surakhya Samiti

given to the Opp. Parties No. 1, 3 & 5 are annexed hereunto as Annexure-4 (series).

4.7 That, Even the local residents, of affected villages who were arrested have submitted their representations from inside the Jail to the OP No. 2 through the senior superintended of Circle Jail to postpone the schedule Public Hearing on 22.11.2021 as atrocities on the villagers opposing the proposed mines operation on Mali Parbat are still continuing and people have been charged in false cases and put inside Jail.

True copy of the Joint Prisoners Petition of the UTP's to the Collector Koraput through the Senior Superintended of Circle Jail koraput is annexed hereunto as Annexure-5.

4.8 That, inspite of mass protest of the affected villagers and their organizations, the Opp. parties 1, 2, 3 and 6 went on holding the so called Public Hearing on 22.11.2021 and the same old tactics was followed to mislead the villagers. On the other hand the supporters of OP No. 6 were carried by police and company people in vehicle to the spot of Public Hearing. The so called Public Hearing in presence of handful supporters of mining started one hour before the scheduled time just to make sure that most villagers cannot reach the venue in time and the hearing will be concluded as desired by the Opp. parties at the earliest. The so called public hearing was closed within an hour

hastily. The EIA report was not shared and a fake hearing was conducted with help of police and no public hearing in its true sense was concluded on 22.11.2021. The so called public hearing was done without hearing the affected people and on the other hand the affected people suffer police atrocities in a most undemocratic and arbitrary manner with illegal detention and arrest of affected villagers.

4.9 That on 17.10.2021 more than 500 tribal women went in a rally to meet the District Magistrate and appealed him to conduct the public hearing in a free, fair and democratic atmosphere without unleashing repression on the dissenting voice but as appears the request of the people was totally ignored by the local administration who are bent upon to join hand in glove with OP No. 8 company for bauxite mining on Mali Parbat thereby ignoring the issue of life and livelihood of thousands of villagers of 44 villages under two Blocks of Semiliguda and Patangi in Koraput District.

4.10 That, on the very same day i.e on 22.11.2021 the petitioner No. 5 has also communicated by e-mail to the OP No. 3 about the undemocratic and illegal manner in which the public hearing was made, villagers were stopped by police on different ways and people were lifted on police vehicle and left in unknown places which in other words is murder of democracy and violation of rule of law by

the administrators against the rights of tribal communities for the interest of the corporate

A true copy of the e-mail communication on 22.11.2021 by petitioner No. 5 to the Op No. 3 is annexed hereunto as annexure-6.

4.11 That the illegal manner in which the so called public hearing was conducted on 22.11.2021 on environmental impact of the Mali Parbat bauxite mining has been reflected in many newspapers on the very next day and on subsequent dates.

True copies of the newspaper reports of the so called public hearing dated 22.11.2021 on Mali Parbat bauxite mains are annexed hereunto as Annexure-7 (series).

4.12 That ignoring all protest, dissenting voices of the affected people as well as the eminent environmentalist and social activists the Opp. parties more particularly Op No. 2 and 6 have jointly prepared a report on the proceeding of the 22.11.2021 public hearing on Mali Parbat mining which does not reflect the true state of affairs/voices of the affected people of the proposed bauxite mines operations on Mali Parbat.

A true copy of the proceeding of public hearing on Mali Parbat bauxite mining as prepared by OP No. 2 and OP No. 4 is annexed hereunto as Annexure-8.

4.13 That in the mean while several teams of media persons and activists visited the area and discovered that the grievances of the people-villagers who are going to be affected are genuine and sensitive.

True copy of one such report prepared by a voluntary organization GASS in annexed hereunto as **Annexure-9**.

4.14 That, in the above background of the case the extraordinary jurisdiction of the Hon'ble court invoked to save the life and livelihood of thousands of tribals who are going to be affected on the proposed bauxite mining operations on Mali Parbat by the OP No.8.

5. That the source of information of above fact pleaded is based on the personal knowledge and experience of the petitioners and the newspaper report as well as the documents available in the website.

6. That the petitioners have sent representations as has been indicated under annexure- 4 (series) of the preceeding paragraphs of the writ.

7. That, to the best of knowledge of the petitioners no Public Interest Petition on the issue of public hearing dated 22.11.2021 on the bauxite mining on Mali Parbat, Koraput has been filed.

8. That the present petition is filed on the following amongst other grounds.

GROUND

1) Denial of opportunity to large number of villagers in participating in the public hearing on 22.11.2021 is illegal and the so called public hearing on the said date and its proceeding is vitiated.

2) A proceeding culminated by public hearing of a handful of persons in support of approval of mining operation in Mali Parbat at the instance of Opp. party No. 8 company and the vested interest groups in collusion with local authorities cannot be termed as an impartial public hearing.

3) Ignoring the voice of affected people recording of the proceeding depicting the so called version of few people stage

managed in support of mining operation on Mali Parbat cannot be treated and accepted as public opinion in law.

4) Non-sharing of the Environmental Impact Assessment Report by the Opp. parties with the people prior to the Public Hearing renders the whole proceeding illegal.

5) Creating an atmosphere of threat and insecurity, foisting false cases implicating the local people, activist, group leaders and representatives of the affected people, making illegal detention, forcibly obstructing the path to reach the venue of Public Hearing, threatening for consequences of opposing mining operations prior to and on the date of Public Hearing thereby, denying the valuable right of the people to participate in an atmosphere free from fear renders the so called Public Hearing dated 22.11.2021 as a mockery of democracy and constitution.

6) Non-response of the administration and statutory authorities to the grievance letters, and representations of the people and other concerned organizations and individuals speaks about the arbitrariness of the authorities to somehow colour the Public Hearing in support of the company and thereby completely ignoring the issue of life and livelihood of the poor tribals is unsustainable in law.

7) Repression on the affected people is uncharacteristic in a welfare state which is undemocratic and violates the right of expression and right to life and liberty as guaranteed under the constitution.

9. That the petitioners most respectfully pray that the Hon'ble Court may be pleased to pass the following orders.

PRAYER

It is therefore prayed that the Hon'ble Court shall be pleased to admit the writ/Public Interest Litigation petition, issue RULE NISI calling upon the Opp. parties to show cause as to why the so called public hearing conducted on 22.11.2021 by the Opp. party No. 1 to 4 in pursuance of notice dated 18.10.2021 under annexure-3 shall not be declared as illegal and its proceeding so recorded on 22.11.2021 under annexure-8 shall not be quashed.

And as to why the Opp. parties more particularly the Opp. parties No. 1 and 2 shall not be directed to conduct a fresh public hearing on the issue of environment with regard to the proposed bauxite mining on Mali Parbat, Koraput in an impartial and peaceful manner making provisions for free access to villagers likely to be affected to reach the venue in time.

And if the Opp. parties or any of the Opp. party fail to show cause or show insufficient cause the said RULE NISI be made absolute and the writ be allowed accordingly.

And for the act of kindness, petitioners shall as in duty bound ever pray.

Cuttack
Dt.

By the petitioner through their
Advocate

(PRASANT KUMAR JENA)
ENRL. NO. O-137/1988
Mob- 832896576

AFFIDAVIT

I, Prafulla Samantara, Aged about 70 years, S/o Dinabandhu Samantra, President, Lok Shakti Abhiyan A/3, Unit 9, Bhoinagar, Bhubneswar-751022 do hereby solemnly affirm and state as follows.

1. That, I am the petitioner No 5 in the case and duly authorized by all other petitioners to swear this affidavit.

2. That, the facts stated above are true to my knowledge.

Identified by

Advocate

Deponent

CERTIFICATE

Due to non-availability of cartridge papers, this Writ Petition has been typed in thick white papers. and I under takes to give English Translation of Original document as and when in Hon'ble Court is Required.

Advocate

No. J-110105/79/2020-IA-II (M)

Government of India

Ministry of Environment, Forest and Climate Change
Impact Assessment Division

2nd Floor, Prithvi Wing,
Indira Paryavaran Bhavan,
Jor Bagh Road, Aliganj,
New Delhi-110 003Dated: 8th February, 2024.

To,

M/s Hindalco Industries Limited,
Maliparbat Bauxite Mine, Mines Division,
42/1041, Satya Nagar, College Road,
Semiliguda, Koraput-764036,
Odisha.

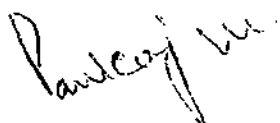
Subject: - Maliparbat Bauxite Mine of M/s Hindalco Industries Limited for a production capacity of 0.6 MTPA over an ML area of 268.110 Ha at Aligaon, Kankaramba, Sorishpadar Village, Pottangi Tehsil, Koraput District, Odisha - [Proposal no: IA/OR/MIN/189627/2020; File No. J-11015/ 79/2020-IA-II(M)] -Terms of Reference regarding.

Sir,

This has reference to online proposal no. IA/OR/MIN/189627/2020 for grant of Term of Reference for a production capacity of 0.9 MTPA over an ML area of 268.110 Ha at Aligaon, Kankaramba, Sorishpadar Village, Pottangi Tehsil, Koraput District, Odisha. The mine is located between latitude 18° 39' 32.810" to 18° 40' 28.384" N & longitude of 82° 53' 22.815" to 82° 55' 50.244" E, and within survey of India Topo-sheet Nos. 65 J/13, J/14 and 65 N/2 and falls in seismic zone-II. The PP presented the KML file during the presentation to indicate the location of mine lease on Google Earth/ DSS.

2. As per EIA Notification dated 14th Sept, 2006 and its subsequent amendments, the project falls under Project Activity 1 (a) "Mining of Minerals" and is Category "A" project.

3. The Project Proponent earlier applied online for grant of Terms of Reference (ToR) vide proposal no. IA/OR/MIN/162409/2020 dated 05 Aug 2020 and the proposal was considered in the 23rd EAC meeting held on 24th September, 2020 wherein the committee observed that the "PP has operated the mines till 2013-14 without obtaining Environment Clearance under EIA Notification, 2006 and the PP did not submit the application as per notification no. S.O. 1530(E) dated 06.04.2018. The committee observed that the proposal falls under violation case and opined that this Committee is not empowered to consider violation proposals. The EAC returned



the proposal in present form and suggested the PP to take further directions of the Ministry regarding consideration of the proposal".

4. The Project Proponent again applied online for grant of fresh Terms of Reference (ToR) vide proposal no. IA/OR/MIN/189627/2020 dated 28.12.2020 and submitted Form-1 & Pre-Feasibility Report and the proposal was considered in the 26th EAC meeting held during 11-13th January, 2021.

5. The Project Proponent has submitted that the mining lease of Maliparbat was issued to Hindalco from Department of Steel and Mines (Government of Odisha) on 19.06.2007 and the mining lease was executed on 08.11.2007. Maliparbat Bauxite mine was registered on 14.11.2007 in favour of M/s HINDALCO Industries Ltd for the term of 20 years. In view of section 8A (3) of Mines and Minerals (Development and Regulation) Amendment Act, 2015, the period of lease is deemed to have been extended for a period of 50 years from 14.11.2007 to 14.11.2057. The Maliparbat bauxite mine obtained Environment Clearance for 0.6 MTPA vide No. J-11015/411/2005-IA.II (M) dated 07.09.2006.

6. The Project Proponent submitted the approval of Review of Mining Plan along with Progressive Mine Closure Plan issued by Regional Controller of Mines, Indian Bureau of Mines vide letter no MS/OTFM/22-ORI/BHU/2017-18 Dated 14.11.2017.

7. The Project Proponent submitted that the Bauxite production will be achieved by opencast mechanized mining method. The main operation shall include removal and stacking of top soil and Overburden by excavator cum loaders, exposing the bauxite zone which will be followed by Bauxite excavation through controlled drilling & blasting and sizing through crusher. The total geological resource/reserves are estimated approx. to 15.06 MT. The total mineable resource/ reserves is estimated approx. to 14.74 MT. Based on total mineable reserves and average waste to ore ratio of 1: 0.05 Ton/m³, it is estimated that about 7,37,060m³ of waste will be generated throughout the life of mine. About 1, 39,700 m³ of OB will be generated within the plan period based on planned exploration as per mine plan review. Dumping of over burden will be carried out in an area of 1.397 ha during plan period. The total area occupied at the end of plan period will be about 2.8 Ha. At the end of mine life there will be no external dump and entire OB dump will be rehandled in backfilled area. At the end of mine life, entire mined out area over 109 hectares will be back-filled and reclaimed / rehabilitated through backfilling and plantation from the end of existing plan period.

8. The Project Proponent submitted that nearest villages are Tentuliguda village (0.7 km, WSW) and Kakriguda (1.0 km, W). Primary School in Semiliguda village and Nearest Highway is NH-43 at 1.0 km, West.

9. The Project Proponent submitted that total water requirement is 61 KLD. The kundli nala is the source of water after treatment. The water permission to extract the water from kundli nala was granted by Irrigation dept. vide letter No. Irr-II. WRC45/06-13366/WR dated 21.04.2006 for drawal of 61m³/day. Effort will be made to avoid use of water from natural sources by creating rain water harvesting ponds with in mining lease area.

10. The Project Proponent submitted that the entire mined out area over 109 hectares will be reclaimed by way of concurrent back-filling and plantation. Area of 8.350 ha will be under green belt plantation. 12500 trees will be planted in about 5 ha during plan period @ 2500 plants/ha.

11. The Project Proponent submitted that the entire lease area falls in hilly area under the revenue class of "Pahad and Parbat". There is no forest land in the M.L area and Pitagurha PF (8.9 km, WSW) and Dushura RF (9.7 km, WSW) is present in the 10km radius. The project proponent also submitted that there are no Ecological Sensitive Areas (wild life sanctuaries, tiger reserves, elephant reserves, national parks and biosphere reserves etc.) present within 10 km radius.

12. The Project Proponent submitted the order sheet dictating restraining orders from 500 meters of the Mining Lease boundary (of the said mine) promulgated u/r of Cr. P. C 144 issued by the District Magistrate of Koraput stating sufficient evidence of public disorder and order to be enforced by Semiliguda Police Station.

13. The Project Proponent submitted that the total project cost is Rs. 24 crores and the funds allocated for EMP is 0.50 crores. The employment generated by this project is around 180 persons.

14. The proposal was considered in the 26th EAC meeting held during 11-13th January, 2021. Based on the documents submitted and presentation made by the Project Proponent and the Consultant, the committee observed that the PP has obtained Environment Clearance on 07.09.2006 under the EIA Notification, 1994; validity of the EC was only for 5 years i.e. 06.09.2011 and the PP has operated the mines from 2012 to 2014 without obtaining Environment Clearance under EIA Notification, 2006, hence the proposal falls under violation case. The Committee also noted that PP did not submitted the application as per notification no. S.O. 1530(E) dated 06.04.2018. The committee also observed that the project proponent could not able to achieve the production capacity of 0.6 MTPA of Bauxite of earlier EC dated 07.09.2006. The Committee was of the view that the proposal cannot be considered for 0.9 MTPA of Bauxite and the production capacity will be restricted to 0.6 MTPA of Bauxite. Therefore, the committee recommended the proposal for grant of Standard Terms of Reference for undertaking detailed EIA/EMP study for a production capacity of 0.6 MTPA of Bauxite, over an ML area of 268.110 Ha of Maliparbat Bauxite Mine of M/s Hindalco Industries Limited located at Aligaon, Kankaramba, Sorishpadar Village, Pottangi Tehsil, Koraput District, Odisha State along with the specific conditions.

15. The matter was examined in the Ministry and the undersigned is directed to say that the Ministry of Environment Forest & Climate Change after accepting the recommendation of EAC during its 26th EAC meeting held during 11-13th January, 2021 and in pursuant to Ministry's O.M. No.3-50/2017-IA.III (Pt.) dated 30.05.2018 & Z-11013/49/2018-IA. II (M) dated 18.06.2018 hereby accord Specific, Additional and Standard Terms of Reference (ToR) for a production capacity of 0.6 MTPA of Bauxite, over an ML area of 268.110 Ha of Maliparbat Bauxite Mine of M/s Hindalco Industries Limited located at Aligaon, Kankaramba, Sorishpadar Village, Pottangi Tehsil, Koraput District, Odisha. Accordingly, the Project Proponent is requested to prepare and submit Final EIA/EMP report based on the prescribed ToR which is as under:

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SPECIFIC TERMS OF REFERENCE

- i. The State Government/SPCB to take action against the project proponent under the provisions of the Environment (Protection) Act, 1986.
- ii. The Project Proponent shall be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the SPCB prior to the grant of EC. The quantum shall be recommended by the EAC and finalized by the regulatory authority. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the EAC and approval of the regulatory authority.
- iii. Assessment of ecological damage with respect to air, water, land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL, or a laboratory of a Council of Scientific and Industrial Research (CSIR) institution working in the field of environment.
- iv. Preparation of EMP comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefits derived due to violation.
- v. The remediation plan and the natural and community resource augmentation plan to be prepared as an independent chapter in the EIA report by the accredited consultants.
- vi. The Project Proponent needs to carry out the Public Hearing as per provisions of EIA Notification, 2006.
- vii. Cost of the CER calculated shall be utilized for the concerns of the people in terms of health, education, and infrastructure and environment protection. PP also shall include the budget for the betterment of schools nearby and to facilitate the online education system by providing Wi-Fi connectivity and desktops/tablets.

ADDITIONAL TOR'S:

- i. PP should provide in the EIA Report details of all the statutory clearances, permissions, no objection certificates, consents etc. required for this project under various Acts, Rules and regulations and their status or estimated timeline after grant of EC.
- ii. PP should submit the revenue plan for mining lease, revenue plan should be superimposed on the satellite imagery clearly demarcate the Govt. land, private land, agricultural land etc.

- iii. PP should submit the real-time aerial footage & video of the mining lease area and of the transportation route. PP should submit the detailed plan in tabular format (year-wise for life of mine) for afforestation and green belt development in and around the mining lease. The PP should submit the number of saplings to be planted, area to be covered under afforestation & green belt, location of plantation, target for survival rate and budget earmarked for the afforestation & green belt development. In addition to this PP should show on a surface plan (5-year interval for life of mine) of suitable scale the area to be covered under afforestation & green belt clearly mentioning the latitude and longitude of the area to be covered during each 5 years. The capital and recurring expenditure to be incurred needs to be submitted. Presently in India there are many agencies which are developing forest in short interval of time. Thus, for the plantation activities details of the experts/agencies to be engaged needs to be provided with budgetary provisions.
- iv. PP should submit the quantity of surface or ground water to be used for this project. The complete water balance cycle need to be submitted. In addition to this PP should submit a detailed plan for rain water harvesting measures to be taken. PP should submit the year wise target for reduction in consumption of the ground/surface water by developing alternative source of water through rain water harvesting measures. The capital and recurring expenditure to be incurred needs to be submitted.
- v. PP should clearly bring out the details of the manpower to be engaged for this project with their roles /responsibilities/designations. In addition to this PP should mention the number and designation of person to be engaged for implementation of environmental management plan (EMP). The capital and recurring expenditure to be incurred needs to be submitted.
- vi. PP should submit the year-wise, activity wise and time bound budget earmarked for EMP, occupational health surveillance & Corporate Environmental Responsibility. The capital and recurring expenditure to be incurred needs to be submitted.
- vii. PP should submit the measures/technology to be adopted for prevention of illegal mining and pilferage of mineral. PP should submit the detailed mineralogical and chemical composition of the mineral and percentage of free silica from a NABL/MoEF&CC accredited laboratory.
- viii. PP should clearly show the transport route of the mineral and protection and mitigative measure to be adopted while transportation of the mineral. The impact from the center line of the road on either side should be clearly brought out supported with the line source modelling and isopleth. Further, frequency of testing of Poly Achromatic Hydrocarbon needs to be submitted along with budget. Based on the above study the compensation to be paid in the event of damage to the crop and land on the either side of the road needs to be mentioned. The PP should provide the source of equations used and complete calculations for computing the emission rate from the various sources.

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- ix. PP should clearly bring out that what is the specific diesel consumption and steps to be taken for reduction of the same. Year-wise target for reduction in the specific diesel consumption needs to be submitted.
- x. PP should bring out the awareness campaign to be carried out on various environmental issues, practical training facility to be provided to the environmental engineer/diploma holders, mining engineer/diploma holders, geologists, and other trades related to mining operations. Target for the same needs to be submitted.
- xi. The budget to be earmarked for the various activities shall be decided after perusal of the Standard EC Conditions published by the Ministry. After perusal of Standard EC conditions if agreed PP should also submit an undertaking by the way of affidavit for Compliance of Standard EC conditions already prescribed by the Ministry vide O.M. No and Specific condition if prescribed by the EAC/MoEF&CC.
- xii. The PP should ensure that only NABET accredited consultant shall be engaged for the preparation of EIA/EMP Reports. PP shall ensure that accreditation of consultant shall be valid during the collection of baseline data, preparation of EIA/EMP report and during the appraisal process. The PP and consultant should submit an undertaking the information and data provided in the EIA Report and submitted to the Ministry are factually correct and PP and consultant are fully accountable for the same.
- xiii. The PP should submit the photograph of monitoring stations & sampling locations. The photograph should bear the date, time, latitude & longitude of the monitoring station/sampling location. In addition to this PP should submit the original test reports and certificates of the labs which will analyze the samples.

STANDARD TOR FOR MINING PROJECT

- 1) Year-wise production details since 1994 should be given, clearly stating the highest production achieved in any one year prior to 1994. It may also be categorically informed whether there had been any increase in production after the EIA Notification 1994 came into force, w.r.t. the highest production achieved prior to 1994. The production details need to submit since inception of mine duly authenticated by Department of Mines & Geology, State Government.
- 2) A copy of the document in support of the fact that the Proponent is the rightful lessee of the mine should be given.
- 3) All documents including approved mine plan, EIA and Public Hearing should be compatible with one another in terms of the mine lease area, production levels, waste generation and its management, mining technology etc. and should be in the name of the lessee.
- 4) All corner coordinates of the mine lease area, superimposed on a High-Resolution Imagery/toposheet, topographic sheet, geomorphology and geology of the area should be provided. Such an Imagery of the proposed area should clearly show the land use

and other ecological features of the study area (core and buffer zone).

- 5) Information should be provided in Survey of India Toposheet in 1:50,000 scale indicating geological map of the area, geomorphology of land forms of the area, existing minerals and mining history of the area, important water bodies, streams and rivers and soil characteristics.
- 6) Details about the land proposed for mining activities should be given with information as to whether mining conforms to the land use policy of the State; land diversion for mining should have approval from State land use board or the concerned authority.
- 7) It should be clearly stated whether the proponent Company has a well laid down Environment Policy approved by its Board of Directors? If so, it may be spelt out in the EIA Report with description of the prescribed operating process/procedures to bring into focus any infringement/deviation/ violation of the environmental or forest norms/ conditions? The hierarchical system or administrative order of the Company to deal with the environmental issues and for ensuring compliance with the EC conditions may also be given. The system of reporting of non-compliances / violations of environmental norms to the Board of Directors of the Company and/or shareholders or stakeholders at large, may also be detailed in the proposed safeguard measures in each case should also be provided.
- 8) Issues relating to Mine Safety, including subsidence study in case of underground mining and slope study in case of open cast mining, blasting study etc. should be detailed. The proposed safeguard measures in each case should also be provided.
- 9) The study area will comprise of 10 km zone around the mine lease from lease periphery and the data contained in the EIA such as waste generation etc. should be for the life of the mine / lease period.
- 10) Land use of the study area delineating forest area, agricultural land, grazing land, wildlife sanctuary, national park, migratory routes of fauna, water bodies, human settlements and other ecological features should be indicated. Land use plan of the mine lease area should be prepared to encompass preoperational, operational and post operational phases and submitted. Impact, if any, of change of land use should be given.
- 11) Details of the land for any Over Burden Dumps outside the mine lease, such as extent of land area, distance from mine lease, its land use, R&R issues, if any, should be given.
- 12) A Certificate from the Competent Authority in the State Forest Department should be provided, confirming the involvement of forest land, if any, in the project area. In the event of any contrary claim by the Project Proponent regarding the status of forests, the site may be inspected by the State Forest Department along with the Regional Office of

the Ministry to ascertain the status of forests, based on which, the Certificate in this regard as mentioned above be issued. In all such cases, it would be desirable for representative of the State Forest Department to assist the Expert Appraisal Committees.

- 13) Status of forestry clearance for the broken-up area and virgin forestland involved in the Project including deposition of net present value (NPV) and compensatory afforestation (CA) should be indicated. A copy of the forestry clearance should also be furnished.
- 14) Implementation status of recognition of forest rights under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 should be indicated.
- 15) The vegetation in the RF / PF areas in the study area, with necessary details, should be given.
- 16) A study shall be got done to ascertain the impact of the Mining Project on wildlife of the study area and details furnished. Impact of the project on the wildlife in the surrounding and any other protected area and accordingly, detailed mitigative measures required, should be worked out with cost implications and submitted.
- 17) Location of National Parks, Sanctuaries, Biosphere Reserves, Wildlife Corridors, Ramsar site Tiger/Elephant Reserves/(existing as well as proposed), if any, within 10 km of the mine lease should be clearly indicated, supported by a location map duly authenticated by Chief Wildlife Warden. Necessary clearance, as may be applicable to such projects due to proximity of the ecologically sensitive areas as mentioned above, should be obtained from the Standing Committee of National Board of Wildlife and copy furnished.
- 18) A detailed biological study of the study area [core zone and buffer zone (10 km radius of the periphery of the mine lease)] shall be carried out. Details of flora and fauna, endangered, endemic and RET Species duly authenticated, separately for core and buffer zone should be furnished based on such primary field survey, clearly indicating the Schedule of the fauna present. In case of any scheduled-I fauna found in the study area, the necessary plan along with budgetary provisions for their conservation should be prepared in consultation with State Forest and Wildlife Department and details furnished. Necessary allocation of funds for implementing the same should be made as part of the project cost.
- 19) Proximity to Areas declared as 'Critically Polluted' or the Project areas likely to come under the 'Aravali Range', (attracting court restrictions for mining operations), should also be indicated and where so required, clearance certifications from the prescribed Authorities, such as the SPCB or State Mining Dept. Should be secured and furnished to the effect that the proposed mining activities could be considered.
- 20) Similarly, for coastal Projects, A CRZ map duly authenticated by one of the authorized

agencies demarcating LTL, HTL, CRZ area, location of the mine lease w.r.t CRZ, coastal features such as mangroves, if any, should be furnished. (Note: The Mining Projects falling under CRZ would also need to obtain approval of the concerned Coastal Zone Management Authority).

- 21) R&R Plan/compensation details for the Project Affected People (PAP) should be furnished. While preparing the R&R Plan, the relevant State/National Rehabilitation & Resettlement Policy should be kept in view. In respect of SCs /STs and other weaker sections of the society in the study area, a need-based sample survey, family-wise, should be undertaken to assess their requirements, and action programmes prepared and submitted accordingly, integrating the sectoral programmes of line departments of the State Government. It may be clearly brought out whether the village(s) located in the mine lease area will be shifted or not. The issues relating to shifting of village(s) including their R&R and socio-economic aspects should be discussed in the Report.
- 22) One season (non-monsoon) [i.e. March - May (Summer Season); October - December (post monsoon season); December - February (winter season)] primary baseline data on ambient air quality as per CPCB Notification of 2009, water quality, noise level, soil and flora and fauna shall be collected and the AAQ and other data so compiled presented date-wise in the EIA and EMP Report. Site-specific meteorological data should also be collected. The location of the monitoring stations should be such as to represent whole of the study area and justified keeping in view the pre-dominant downwind direction and location of sensitive receptors. There should be at least one monitoring station within 500 m of the mine lease in the pre-dominant downwind direction. The mineralogical composition of PM₁₀, particularly for free silica, should be given.
- 23) Air quality modelling should be carried out for prediction of impact of the project on the air quality of the area. It should also take into account the impact of movement of vehicles for transportation of mineral. The details of the model used and input parameters used for modelling should be provided. The air quality contours may be shown on a location map clearly indicating the location of the site, location of sensitive receptors, if any, and the habitation. The wind roses showing pre-dominant wind direction may also be indicated on the map.
- 24) The water requirement for the Project, its availability and source should be furnished. A detailed water balance should also be provided. Fresh water requirement for the Project should be indicated.
- 25) Necessary clearance from the Competent Authority for drawl of requisite quantity of water for the Project should be provided.
- 26) Description of water conservation measures proposed to be adopted in the Project should be given. Details of rainwater harvesting proposed in the Project, if any, should be provided.

- 27) Impact of the Project on the water quality, both surface and groundwater, should be assessed and necessary safeguard measures, if any required, should be provided.
- 28) Based on actual monitored data, it may clearly be shown whether working will intersect groundwater. Necessary data and documentation in this regard may be provided. In case the working will intersect groundwater table, a detailed Hydro Geological Study should be undertaken and Report furnished. The Report inter-alia, shall include details of the aquifers present and impact of mining activities on these aquifers. Necessary permission from Central Ground Water Authority for working below ground water and for pumping of ground water should also be obtained and copy furnished.
- 29) Details of any stream, seasonal or otherwise, passing through the lease area and modification / diversion proposed, if any, and the impact of the same on the hydrology should be.
- 30) Information on site elevation, working depth, groundwater table etc. Should be provided both in AMSL and BGL. A schematic diagram may also be provided for the same.
- 31) A time bound Progressive Greenbelt Development Plan shall be prepared in a tabular form (indicating the linear and quantitative coverage, plant species and time frame) and submitted, keeping in mind, the same will have to be executed up front on commencement of the Project. Phase-wise plan of plantation and compensatory afforestation should be charted clearly indicating the area to be covered under plantation and the species to be planted. The details of plantation already done should be given. The plant species selected for green belt should have greater ecological value and should be of good utility value to the local population with emphasis on local and native species and the species which are tolerant to pollution.
- 32) Impact on local transport infrastructure due to the Project should be indicated. Projected increase in truck traffic as a result of the Project in the present road network (including those outside the Project area) should be worked out, indicating whether it is capable of handling the incremental load. Arrangement for improving the infrastructure, if contemplated (including action to be taken by other agencies such as State Government) should be covered. Project Proponent shall conduct Impact of Transportation study as per Indian Road Congress Guidelines.
- 33) Details of the onsite shelter and facilities to be provided to the mine workers should be included in the EIA Report.
- 34) Conceptual post mining land use and Reclamation and Restoration of mined out areas

(with plans and with adequate number of sections) should be given in the EIA report.

- 35) Occupational Health impacts of the Project should be anticipated and the proposed preventive measures spelt out in detail. Details of pre-placement medical examination and periodical medical examination schedules should be incorporated in the EMP. The project specific occupational health mitigation measures with required facilities proposed in the mining area may be detailed.
- 36) Public health implications of the Project and related activities for the population in the impact zone should be systematically evaluated and the proposed remedial measures should be detailed along with budgetary allocations.
- 37) Measures of socio-economic significance and influence to the local community proposed to be provided by the Project Proponent should be indicated. As far as possible, quantitative dimensions may be given with time frames for implementation.
- 38) Detailed environmental management plan (EMP) to mitigate the environmental impacts which, should inter-alia include the impacts of change of land use, loss of agricultural and grazing land, if any, occupational health impacts besides other impacts specific to the proposed Project.
- 39) Public Hearing points raised and commitment of the Project Proponent on the same along with time bound Action Plan with budgetary provisions to implement the same should be provided and also incorporated in the final EIA/EMP Report of the Project.
- 40) Details of litigation pending against the project, if any, with direction /order passed by any Court of Law against the Project should be given.
- 41) The cost of the Project (capital cost and recurring cost) as well as the cost towards implementation of EMP should be clearly spelt out.
- 42) A Disaster Management Plan shall be prepared and included in the EIA/EMP Report.
- 43) Benefits of the Project if the Project is implemented should be spelt out. The benefits of the Project shall clearly indicate environmental, social, economic, employment potential, etc.
- 44) Activity-wise time-bound action plan on the issues raised and commitment made during public hearing to be submitted as part of the final EMP Report in compliance of the Ministry's OM F.No.22-65/2017-IA III dated 30th September, 2020.

16. Besides the above, the below mentioned general points are also to be followed: -

- a) All documents to be properly referenced with index and continuous page numbering.
- b) Where data are presented in the Report especially in Tables, the period in which the data were collected and the sources should be indicated.
- c) Project Proponent shall enclose all the analysis/testing reports of water, air, soil, noise etc. using the MoEF&CC/NABL accredited laboratories. All the original analysis/testing reports should be available during appraisal of the Project.
- d) Where the documents provided are in a language other than English, an English translation should be provided.
- e) The Questionnaire for environmental appraisal of mining projects as devised earlier by the Ministry shall also be filled and submitted.
- f) While preparing the EIA report, the instructions for the Proponents and instructions for the Consultants issued by MoEF vide O.M. No. J-11013/41/2006-IA.II (I) dated 4th August, 2009, which are available on the website of this Ministry, should be followed.
- g) Changes, if any made in the basic scope and project parameters (as submitted in Form-I and the PFR for securing the TOR) should be brought to the attention of MoEF&CC with reasons for such changes and permission should be sought, as the TOR may also have to be altered. Post Public Hearing changes in structure and content of the draft EIA/EMP (other than modifications arising out of the P.H. process) will entail conducting the PH again with the revised documentation.
- h) As per the circular no. J-11011/618/2010-IA.II (I) dated 30.5.2012, certified report of the status of compliance of the conditions stipulated in the environment clearance for the existing operations of the project, should be obtained from the Regional Office of Ministry of Environment, Forest and Climate Change, as may be applicable.
- i) The EIA report should also include (i) surface plan of the area indicating contours of main topographic features, drainage and mining area, (ii) geological maps and sections and (iii) sections of the mine pit and external dumps, if any, clearly showing the land features of the adjoining area.

17. The prescribed TOR would be valid for a period of three years for submission of the EIA/EMP report, as per the O.M. No. J-11013/41/2006-IA. II (I) (Part) dated 29.08.2017 and As

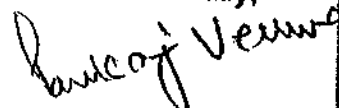
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per the notification S.O.751(E) 17th February,2020. The instant TOR is valid up to four years from the date of issuance of TOR.

18. The P should submit the EIA/EMP report as per the generic structure prescribed in Appendix- III of the EIA Notification, 2006, after incorporating the details of public hearing conducted and covering the above mentioned issues, to take further necessary action for obtaining environmental clearance in accordance with the procedure prescribed under the EIA Notification, 2006 and S.O. 804 (E) dated 14.03.2017.

19. The issues with the approval of the Competent Authority.

Yours faithfully,



(Pankaj Verma)
Scientist 'E'

Email- pankaj.verma@nic.in

Tel./Fax- 011- 24695264

Copy to:

- 1). The Secretary, Ministry of Mines, Government of India Shastri Bhawan, New Delhi.
- 2). The Chief Secretary, Government of Odisha, Secretariat, Bhubaneswar.
- 3). The Secretary, Department of Environment, Government of Odisha, Secretariat, Bhubaneswar.
- 4). The Secretary, Department of Mines and Geology, Government of Odisha, Secretariat, Bhubaneswar.
- 5). The Secretary, Department of Forests, Government of Odisha, Secretariat, Bhubaneswar.
- 6). The Secretary, Department of Steel and Mines, Government of Odisha, Secretariat, Bhubaneswar.
- 7). The Member Secretary, Odisha State Pollution Control Board, Parivesh Bhawan, A/118 Nilakantha Nagar, Unit-VIII, Bhubaneswar-751012.
- 8). The Additional Principal Chief Conservator of Forests (C), Ministry of Environment, Forest and Climate Change, Regional Office (EZ), A/3, Chandrasekharapur, Bhubaneswar -751023.
- 9). The Chief Wildlife Warden, Prakurti Bhawan, 5th floor, BDA Apartment, Nilakanthanagar, Nayapalli, Bhubaneswar-751012, Odisha.
- 10). The Chairman, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi-110032.
- 11). The Controller General, Indian Bureau of Mines, Indira Bhavan, Civil Lines, Nagpur-440001
- 12). The Member Secretary, Central Ground Water Board, Ministry of Agriculture and Irrigation, 12/1 Jam Nagar House, Shahjahan road, New Delhi 110011.
- 13). The District Collector, Koraput District, Govt. of Odisha.
- 14). Guard File.

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(Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii)
MINISTRY OF ENVIRONMENT AND FORESTS

New Delhi 14th September, 2006

Notification

S.O. 1533(E). - Whereas, a draft notification under sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986 for imposing certain restrictions and prohibitions on new projects or activities, or on the expansion or modernization of existing projects or activities based on their potential environmental impacts as indicated in the Schedule to the notification, being undertaken in any part of India, unless prior environmental clearance has been accorded in accordance with the objectives of National Environment Policy as approved by the Union Cabinet on 18th May, 2006 and the procedure specified in the notification, by the Central Government or the State or Union territory Level Environment Impact Assessment Authority (SEIAA), to be constituted by the Central Government in consultation with the State Government or the Union territory Administration concerned under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 for the purpose of this notification, was published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (ii) vide number S.O. 1324 (E) dated the 15th September, 2005 inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of Gazette containing the said notification were made available to the public;

And whereas, copies of the said notification were made available to the public on 15th September, 2005;

And whereas, all objections and suggestions received in response to the above mentioned draft notification have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 and in supersession of the notification number S.O. 60 (E) dated the 27th January, 1994, except in respect of things done or omitted to be done before such supersession, the Central Government hereby directs that on and from the date of its publication the required construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to this notification entailing capacity addition with change in process and or technology shall be

I: II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

undertaken in any part of India only after the prior environmental clearance from the Central Government or as the case may be, by the State Level Environment

Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the said Act, in accordance with the procedure specified hereinafter in this notification.

includes the territorial waters

2. Requirements of prior Environmental Clearance (EC):- The following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity:

- (i) All new projects or activities listed in the Schedule to this notification;
- (ii) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;
- (iii) Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range.

3. State Level Environment Impact Assessment Authority:- (1) A State Level Environment Impact Assessment Authority hereinafter referred to as the SEIAA shall be constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 comprising of three Members including a Chairman and a Member - Secretary to be nominated by the State Government or the Union territory Administration concerned.

- (2) The Member-Secretary shall be a serving officer of the concerned State Government or Union territory administration familiar with environmental laws.
- (3) The other two Members shall be either a professional or expert fulfilling the eligibility criteria given in Appendix VI to this notification.

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(F) dated 14.09.2006

- (4) One of the specified Members in sub-paragraph (3) above who is an expert in the Environmental Impact Assessment process shall be the Chairman of the SEIAA.
- (5) The State Government or Union territory Administration shall forward the names of the Members and the Chairman referred in sub-paragraph 3 to 4 above to the Central Government and the Central Government shall constitute the SEIAA as an authority for the purposes of this notification within thirty days of the date of receipt of the names.
- (6) The non-official Member and the Chairman shall have a fixed term of three years (from the date of the publication of the notification by the Central Government constituting the authority).
- “(7) All decisions of the SEIAA shall be taken in a meeting and shall ordinarily be unanimous:
Provided that, in case a decision is taken by majority, the details of views, for and against it, shall be clearly recorded in the minutes and copy thereof sent to MoEF.”

4. Categorization of projects and activities:-

- (i) All projects and activities are broadly categorized in to two categories - Category A and Category B, based on the spatial extent of potential impacts and potential impacts on human health and natural and man made resources.
- (ii) All projects or activities included as Category 'A' in the Schedule, including expansion and modernization of existing projects or activities and change in product mix, shall require prior environmental clearance from the Central Government in the Ministry of Environment and Forests (MoEF) on the recommendations of an Expert Appraisal Committee (EAC) to be constituted by the Central Government for the purposes of this notification;
- (iii) All projects or activities included as Category 'B' in the Schedule, including expansion and modernization of existing projects or activities as specified in sub paragraph (ii) of paragraph 2, or change in product mix as specified in sub paragraph (iii) of paragraph 2, but excluding those which fulfill the General Conditions (GC) stipulated in the Schedule, will require prior environmental clearance from the State/Union territory Environment Impact Assessment Authority (SEIAA). The SEIAA shall base its decision on the recommendations of a State or Union territory level Expert Appraisal Committee (SEAC) as to be constituted for in this notification. " "In the absence of a duly constituted SEIAA

I: II: III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi. Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

or SEAC, a Category 'B' project shall be considered at Central Level as a Category 'B' project;"

5. Screening, Scoping and Appraisal Committees:-

The same Expert Appraisal Committees (EACs) at the Central Government and SEACs (hereinafter referred to as the (EAC) and (SEAC) at the State or the Union territory level shall screen, scope and appraise projects or activities in Category 'A' and Category 'B' respectively. EAC and SEAC's shall meet at least once every month.

- (a) The composition of the EAC shall be as given in Appendix VI. The SEAC at the State or the Union territory level shall be constituted by the Central Government in consultation with the concerned State Government or the Union territory Administration with identical composition;
- (b) The Central Government may, with the prior concurrence of the concerned State Governments or the Union territory Administrations, constitute one SEAC for more than one State or Union territory for reasons of administrative convenience and cost;
- (c) The EAC and SEAC shall be reconstituted after every three years;
- (d) The authorised members of the EAC and SEAC, concerned, may inspect any site(s) connected with the project or activity in respect of which the prior environmental clearance is sought, for the purposes of screening or scoping or appraisal, with prior notice of at least seven days to the applicant, who shall provide necessary facilities for the inspection;
- (e) The EAC and SEACs shall function on the principle of collective responsibility. The Chairperson shall endeavour to reach a consensus in each case, and if consensus cannot be reached, the view of the majority shall prevail.

6. Application for Prior Environmental Clearance (EC):-

An application seeking prior environmental clearance in all cases shall be made in the prescribed Form 1 annexed herewith and Supplementary Form 1A, if applicable, as given in Appendix II, after the identification of prospective site(s) for the project and/or activities to which the application relates, before commencing any construction activity, or preparation of land, at the site by the applicant. The applicant shall furnish, along with the application, a copy

I; II; III (b), (d); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O. 1533(E) dated 14.09.2006

of the pre-feasibility project report except that, in case of construction projects or activities (item 8 of the Schedule) in addition to Form 1 and the Supplementary Form 1A, a copy of the conceptual plan shall be provided, instead of the pre-feasibility report.

7. Stages in the Prior Environmental Clearance (EC) Process for New Projects:-

7(i) The environmental clearance process for new projects will comprise of a maximum of four stages, all of which may not apply to particular cases as set forth below in this notification. These four stages in sequential order are:-

- Stage (1) Screening (Only for Category 'B' projects and activities)
- Stage (2) Scoping
- Stage (3) Public Consultation
- Stage (4) Appraisal

I. Stage (1) - Screening:

In case of Category 'B' projects or activities, this stage will entail the scrutiny of an application seeking prior environmental clearance made in Form 1 by the concerned State level Expert Appraisal Committee (SEAC) for determining whether or not the project or activity requires further environmental studies for preparation of an Environmental Impact Assessment (EIA) for its appraisal prior to the grant of environmental clearance depending up on the nature and location specificity of the project. The projects requiring an Environmental Impact Assessment report shall be termed Category 'B1' and remaining projects shall be termed Category 'B2' and will not require an Environment Impact Assessment report. For categorization of projects into B1 or B2 except item 8 (b), the Ministry of Environment and Forests shall issue appropriate guidelines from time to time.

II. Stage (2) - Scoping:

- (i) "Scoping": refers to the process by which the Expert Appraisal Committee in the case of Category 'A' projects or activities, and State level Expert Appraisal Committee in the case of Category 'B1' projects or activities, including applications for expansion and/or modernization and/or change in product mix of existing projects or activities, determine detailed and comprehensive Terms Of Reference (TOR) addressing all relevant environmental concerns for the preparation of an Environment Impact Assessment (EIA) Report in respect of the project or activity for which prior environmental clearance is sought. The Expert Appraisal Committee or State level Expert Appraisal Committee

i; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

concerned shall determine the Terms of Reference on the basis of the information furnished in the prescribed application Form 1/Form 1A including Terms of Reference proposed by the applicant, a site visit by a sub-group of Expert Appraisal Committee or State level Expert Appraisal Committee concerned only if considered necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, Terms of Reference suggested by the applicant if furnished and other information that may be available with the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. All projects and activities listed as Category 'B' in Item 8 of the Schedule (Construction/Township/Commercial Complexes /Housing) shall not require Scoping and will be appraised on the basis of Form 1/ Form 1A and the conceptual plan.

(ii) The Terms of Reference (TOR) shall be conveyed to the applicant by the Expert Appraisal Committee or State Level Expert Appraisal Committee as concerned within sixty days of the receipt of Form 1. In the case of Category A Hydroelectric projects Item 1(c) (i) of the Schedule the Terms of Reference shall be conveyed along with the clearance for pre-construction activities. If the Terms of Reference are not finalized and conveyed to the applicant within sixty days of the receipt of Form 1, the Terms of Reference suggested by the applicant shall be deemed as the final Terms of Reference approved for the EIA studies. The approved Terms of Reference shall be displayed on the website of the Ministry of Environment and Forests and the concerned State Level Environment Impact Assessment Authority.

(iii) Applications for prior environmental clearance may be rejected by the regulatory authority concerned on the recommendation of the EAC or SEAC concerned at this stage itself. In case of such rejection, the decision together with reasons for the same shall be communicated to the applicant in writing within sixty days of the receipt of the application.

III. Stage (3) - Public Consultation:

(i) "Public Consultation" refers to the process by which the concerns of local affected persons and others who have plausible stake in the environmental impacts of the project or activity are ascertained with a view to taking into account all the material concerns in the project or activity design as appropriate. All Category 'A' and Category B1 projects or activities shall undertake Public Consultation, except the following:-

(a) modernization of irrigation projects (item 1(c) (ii) of the Schedule).

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O. 1533(E) dated 14.09.2006

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- (b) all projects or activities located within industrial estates or parks (item 7(c) of the Schedule) approved by the concerned authorities, and which are not disallowed in such approvals.
- (c) expansion of Roads and Highways (item 7 (f) of the Schedule) which do not involve any further acquisition of land.
- “(cc) maintenance dredging provided the dredged material shall be disposed within port limits.”;
- “(d) All Building or Construction projects or Area Development projects (which do not contain any category ‘A’ projects and activities) and Townships (item 8(a) and 8(b) in the Schedule to the notification).”
- e) all Category ‘B2’ projects and activities.
- f) all projects or activities concerning national defence and security or involving other strategic considerations as determined by the Central Government.
- (ii) The Public Consultation shall ordinarily have two components comprising of:-
 - (a) a public hearing at the site or in its close proximity- district wise, to be carried out in the manner prescribed in Appendix IV, for ascertaining concerns of local affected persons;
 - (b) obtain responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity.
- (iii) the public hearing at, or in close proximity to, the site(s) in all cases shall be conducted by the State Pollution Control Board (SPCB) or the Union territory Pollution Control Committee (UTPCC) concerned in the specified manner and forward the proceedings to the regulatory authority concerned within 45(forty five) of a request to the effect from the applicant.
- (iv) in case the State Pollution Control Board or the Union territory Pollution Control Committee concerned does not undertake and complete the public hearing within the specified period, and/or does not convey the proceedings of the public hearing within the prescribed period directly to the regulatory authority concerned as above, the regulatory

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

authority shall engage another public agency or authority which is not subordinate to the regulatory authority, to complete the process within a further period of forty five days..

- (v) If the public agency or authority nominated under the sub paragraph (iii) above reports to the regulatory authority concerned that owing to the local situation, it is not possible to conduct the public hearing in a manner which will enable the views of the concerned local persons to be freely expressed, it shall report the facts in detail to the concerned regulatory authority, which may, after due consideration of the report and other reliable information that it may have, decide that the public consultation in the case need not include the public hearing.
- (vi) For obtaining responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity, the concerned regulatory authority and the State Pollution Control Board (SPCB) or the Union territory Pollution Control Committee (UTPCC) shall invite responses from such concerned persons by placing on their website the Summary EIA report prepared in the format given in Appendix IIIA by the applicant along with a copy of the application in the prescribed form, within seven days of the receipt of a written request for arranging the public hearing. Confidential information including non-disclosable or legally privileged information involving Intellectual Property Right, source specified in the application shall not be placed on the web site. The regulatory authority concerned may also use other appropriate media for ensuring wide publicity about the project or activity. The regulatory authority shall, however, make available on a written request from any concerned person the Draft EIA report for inspection at a notified place during normal office hours till the date of the public hearing. All the responses received as part of this public consultation process shall be forwarded to the applicant through the quickest available means.
- (vii) After completion of the public consultation, the applicant shall address all the material environmental concerns expressed during this process, and make appropriate changes in the draft EIA and EMP. The final EIA report, so prepared, shall be submitted by the applicant to the concerned regulatory authority for appraisal. The applicant may alternatively submit a supplementary report to draft EIA and EMP addressing all the concerns expressed during the public consultation.

IV. Stage (4) - Appraisal:

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii). No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

- (i) Appraisal means the detailed scrutiny by the Expert Appraisal Committee or State Level Expert Appraisal Committee of the application and other documents like the Final EIA report, outcome of the public consultations including public hearing proceedings, submitted by the applicant to the regulatory authority concerned for grant of environmental clearance. This appraisal shall be made by Expert Appraisal Committee or State Level Expert Appraisal Committee concerned in a transparent manner in a proceeding to which the applicant shall be invited for furnishing necessary clarifications in person or through an authorized representative. On conclusion of this proceeding, the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall make categorical recommendations to the regulatory authority concerned either for grant of prior environmental clearance on stipulated terms and conditions, or rejection of the application for prior environmental clearance, together with reasons for the same.
- (ii) The appraisal of all projects or activities which are not required to undergo public consultation, or submit an Environment Impact Assessment report, shall be carried out on the basis of the prescribed application Form 1 and Form 1A as applicable, any other relevant validated information available and the site visit wherever the same is considered as necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned.
- (iii) The appraisal of an application shall be completed by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned within sixty days of the receipt of the final Environment Impact Assessment report and other documents or the receipt of Form 1 and Form 1 A, where public consultation is not necessary and the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee shall be placed before the competent authority for a final decision within the next fifteen days. The prescribed procedure for appraisal is given in Appendix V ;

7(ii). Prior Environmental Clearance (EC) process for Expansion or Modernization or Change of product mix in existing projects:

All applications seeking prior environmental clearance for expansion with increase in the production capacity beyond the capacity for which prior environmental clearance has been granted under this notification or with increase in either lease area or production capacity in the case of mining projects or for the modernization of an existing unit with increase in

I; II; III (a), (b); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

the total production capacity beyond the threshold limit prescribed in the Schedule to this notification through change in process and or technology or involving a change in the product –mix shall be made in Form I and they shall be considered by the concerned Expert Appraisal Committee or State Level Expert Appraisal Committee within sixty days, who will decide on the due diligence necessary including preparation of EIA and public consultations and the application shall be appraised accordingly for grant of environmental clearance.

8. Grant or Rejection of Prior Environmental Clearance (EC):

- (i) The regulatory authority shall consider the recommendations of the EAC or SEAC concerned and convey its decision to the applicant within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned or in other words within one hundred and five days of the receipt of the final Environment Impact Assessment Report, and where Environment Impact Assessment is not required, within one hundred and five days of the receipt of the complete application with requisite documents, except as provided below.
- (ii) The regulatory authority shall normally accept the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. In cases where it disagrees with the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, the regulatory authority shall request reconsideration by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned while stating the reasons for the disagreement. An intimation of this decision shall be simultaneously conveyed to the applicant. The Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, in turn, shall consider the observations of the regulatory authority and furnish its views on the same within a further period of sixty days. The decision of the regulatory authority after considering the views of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall be final and conveyed to the applicant by the regulatory authority concerned within the next thirty days.
- (iii) In the event that the decision of the regulatory authority is not communicated to the applicant within the period specified in sub-paragraphs (i) or (ii) above, as applicable, the

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

applicant may proceed as if the environment clearance sought for has been granted or denied by the regulatory authority in terms of the final recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned.

- (iv) On expiry of the period specified for decision by the regulatory authority under paragraph (i) and (ii) above, as applicable, the decision of the regulatory authority, and the final recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall be public documents.
- (v) Clearances from other regulatory bodies or authorities shall not be required prior to receipt of applications for prior environmental clearance of projects or activities, or screening, or scoping, or appraisal, or decision by the regulatory authority concerned, unless any of these is sequentially dependent on such clearance either due to a requirement of law, or for necessary technical reasons.
- (vi) Deliberate concealment and/or submission of false or misleading information or data which is material to screening or scoping or appraisal or decision on the application shall make the application liable for rejection, and cancellation of prior environmental clearance granted on that basis. Rejection of an application or cancellation of a prior environmental clearance already granted, on such ground, shall be decided by the regulatory authority, after giving a personal hearing to the applicant, and following the principles of natural justice.

9. Validity of Environmental Clearance (EC):

The "Validity of Environmental Clearance" is meant the period from which a prior environmental clearance is granted by the regulatory authority, or may be presumed by the applicant to have been granted under sub paragraph (iv) of paragraph 7 above, to the start of production operations by the project or activity, or completion of all construction operations in case of construction projects (item 8 of the Schedule), to which the application for prior environmental clearance refers. The prior environmental clearance granted for a project or activity shall be valid for a period of ten years in the case of River Valley projects (item 1(c) of the Schedule), project life as estimated by Expert Appraisal Committee or State Level Expert Appraisal Committee subject to a maximum of thirty years for mining projects and five years in the case of all other projects and activities. However, in the case of Area Development projects and Townships [item 8(b)], the validity

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi. Tuesday, November 1, 2009; an amendment to EC notification S.O 1533(E) dated 14.09.2006

period shall be limited only to such activities as may be the responsibility of the applicant as a developer. This period of validity may be extended by the regulatory authority concerned by a maximum period of five years provided an application is made to the regulatory authority by the applicant within the validity period, together with an updated Form 1, and Supplementary Form 1A, for Construction projects or activities (item 8 of the Schedule). In this regard the regulatory authority may also consult the Expert Appraisal Committee or State Level Expert Appraisal Committee as the case may be.

10. Post Environmental Clearance Monitoring:

- ^{iv} (i)(a) In respect of Category 'A' project, it shall be mandatory for the project proponent to make public the environment clearance granted for their project along with the environmental conditions and safeguards at their cost by prominently advertising it at least in two local newspapers of the district or State where the project is located and in addition, this shall also be displayed in the project proponent's website permanently.
- (b) In respect of Category 'B' projects, irrespective of its clearance by MoEF / SEIAA, the project proponent shall prominently advertise in the newspapers indicating that the project has been accorded environment clearance and the details of the MoEF website where it is displayed.
- (c) The Ministry of Environment and Forests and the State/Union Territory Level Environmental Impact Assessment Authorities (SEIAAs), as the case may be, shall also place the environmental clearance in the public domain on Governmental portal.
- (d) The copies of the environmental clearance shall be submitted by the project proponents to the Heads of local bodies, Panchayats and Municipal Bodies in addition to the relevant offices of the Government who in turn has to display the same for 30 days from the date of receipt.”;
- ^{iv} (ii) It shall be mandatory for the project management to submit half-yearly compliance reports in respect of the stipulated prior environmental clearance terms and conditions in hard and soft copies to the regulatory authority concerned, on 1st June and 1st December of each calendar year.
- ^{iv} (iii) All such compliance reports submitted by the project management shall be public documents. Copies of the same shall be given to any person on application to the

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002} New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

concerned regulatory authority. The latest such compliance report shall also be displayed on the web site of the concerned regulatory authority.

11. Transferability of Environmental Clearance (EC):

A prior environmental clearance granted for a specific project or activity to an applicant may be transferred during its validity to another legal person entitled to undertake the project or activity on application by the transferor, or by the transferee with a written "no objection" by the transferor, to, and by the regulatory authority concerned, on the same terms and conditions under which the prior environmental clearance was initially granted, and for the same validity period. No reference to the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned is necessary in such cases.

12. Operation of EIA Notification, 1994, till disposal of pending cases:

From the date of final publication of this notification the Environment Impact Assessment (EIA) notification number S.O.60 (E) dated 27th January, 1994 is hereby superseded, except in suppression of the things done or omitted to be done before such suppression to the extent that in case of all or some types of applications made for prior environmental clearance and pending on the date of final publication of this notification, the Central Government may relax any one or all provisions of this notification except the list of the projects or activities requiring prior environmental clearance in Schedule I, or continue operation of some or all provisions of the said notification, for a period not exceeding one year from the date of issue of this notification.

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

47.

SCHEDULE

(See paragraph 2 and 7)

LIST OF PROJECTS OR ACTIVITIES REQUIRING PRIOR ENVIRONMENTAL CLEARANCE

Project or Activity		Category with threshold limit		Conditions if any
		A	B	
1		Mining, extraction of natural resources and power generation (for a specified production capacity)		
(1)	(2)	(3)	(4)	(5)
^v 1(a)	(i) Mining of minerals. (ii) Slurry pipelines (coal lignite and other ores) passing through national parks / sanctuaries / coral reefs, ecologically sensitive areas.	≥ 50 ha. of mining lease area in respect of non-coal mine lease. > 150 ha of mining lease area in respect of coal mine lease. Asbestos mining irrespective of mining area All projects.	<50 ha ≥ 5 ha .of mining lease area in respect of non-coal mine lease. ≤ 150 ha ≥ 5 ha of mining lease area in respect of coal mine lease.	General Condition shall apply Note: Mineral prospecting is exempted.”;
1(b)	Offshore and onshore oil and gas exploration, development & production	All projects		<u>Note</u> Exploration Surveys (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey
1(c)	River Valley projects	(i) ≥ 50 MW hydroelectric power generation; (ii) ≥ 10,000 ha. of culturable command area	(i) < 50 MW ≥ 25 MW hydroelectric power generation; (ii) < 10,000 ha. of culturable command area	^v “General Condition shall apply. Note: Irrigation projects not involving submergence or inter-state domain shall be appraised by the SEIAA as Category ‘B’ Projects.”;

I: II: III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002/ New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

(1)	(2)	(3)	(4)	(5)
1(d)	Thermal Power Plants	" ≥ 500 MW (coal / lignite / naphtha & gas based); ≥ 50 MW (Pet coke diesel and all other fuels including refinery residual oil waste except biomass); ≥ 20 MW (based on biomass or non hazardous municipal waste as fuel).";	" < 500 MW (coal / lignite / naphtha & gas based); < 50 MW ≥ 5 MW (Pet coke, diesel and all other fuels including refinery residual oil waste except biomass); ≥ 20 MW > 15 MW (based on biomass or non hazardous municipal waste as fuel).";	"General Condition shall apply. Note: (i) Power plant up to 15 MW, based on biomass and using auxiliary fuel such as coal / lignite / petroleum products up to 15% are exempt. (ii) Power plant up to 15 MW, based on non-hazardous municipal waste and using auxiliary fuel such as coal / lignite / petroleum products up to 15% are exempt. (iii) Power plants using waste heat boiler without any auxiliary fuel are exempt.";
1(e)	Nuclear power projects and processing of nuclear fuel	All projects		
2		Primary Processing		
2(a)	Coal washeries	≥ 1 million ton/annum throughput of coal	< 1 million ton/annum throughput of coal	General Condition shall apply (If located within mining area the proposal shall be appraised together with the mining proposal)
2 (b)	Mineral beneficiation	≥ 0.1 million ton/annum mineral throughput	< 0.1 million ton/annum mineral throughput	General Condition shall apply (Mining proposal with Mineral beneficiation shall be appraised together for grant of clearance)

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii) (a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O. 1533(E) dated 14.09.2006

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3				
(1)	(2)	(3)	(4)	(5)
3(a)	Metallurgical industries (ferrous & non ferrous)	a) Primary metallurgical industry All projects b) Sponge iron manufacturing ≥ 200 TPD c) Secondary metallurgical processing industry All toxic and heavy metal producing units $\geq 20,000$ tonnes / annum	Sponge iron manufacturing < 200 TPD Secondary metallurgical processing industry I.) All toxic and heavy metal producing units $< 20,000$ tonnes / annum II.) All other non-toxic secondary metallurgical processing industries > 5000 tonnes/annum	* "General condition shall apply. Note: (i) The recycling industrial units registered under the HSM Rules, are exempted. (ii) In case of secondary metallurgical processing industrial units, those projects involving operation of furnaces only such as induction and electrical arc furnace, submerged arc furnace, and cupola with capacity more than 30,000 tonnes per annum (TPA) would require environmental clearance. (iii) Plant / units other than power plants (given against entry no. 1(d) of the schedule), based on municipal solid waste (non-hazardous) are exempted."
3(b)	Cement plants	≥ 1.0 million tonnes/annum production capacity	< 1.0 million tonnes/annum production capacity. All Stand alone grinding units	General Condition shall apply
4				
(1)	(2)	(3)	(4)	(5)
4(a)	Petroleum refining industry	All projects	-	-
4(b)	Coke oven plants	$\geq 2,50,000$ tonnes/annum	$< 2,50,000$ & $\geq 25,000$ tonnes/annum	* "General Condition shall apply."
4(c)	Asbestos milling and asbestos based products	All projects	-	-

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

(1)	(2)	(3)	(4)	(5)
4(d)	Chlor-alkali industry	≥300 TPD production Capacity or a unit located out side the notified industrial area/ estate	√ "(i) All projects irrespective of the size, if located in a Notified Industrial Area/ Estate. (ii) <300 tonnes per day (TPD) and located outside a Notified Industrial Area/ Estate."	√ "General as well as specific condition shall apply. No new Mercury Cell based plants will be permitted and existing units converting to membrane cell technology are exempted from this notification."
4(e)	Soda ash Industry	All projects	-	-
4(f)	Leather/skin/hide processing industry	New projects outside the industrial area or expansion of existing units out side the industrial area	All new or expansion of projects located within a notified industrial area/ estate	√ "General as well as specific condition shall apply."
5	Manufacturing / Fabrication			
5(a)	Chemical fertilizers	√ "All projects except Single Super Phosphate."	√ "Single Super Phosphate."	-
5(b)	Pesticides industry and pesticide specific intermediates (excluding formulations)	All units producing technical grade pesticides	-	-
5(c)	Petro-chemical complexes (industries based on processing of petroleum fractions & natural gas and/or reforming to aromatics)	All projects	-	-
5(d)	Manmade fibers manufacturing	Rayon	Others	General Condition shall apply
5(e)	Petrochemical based processing (processes other than cracking & reformation and not covered under the complexes)	Located out side the notified industrial area/ estate	Located in a notified industrial area/ estate	√ "General as well as specific condition shall apply."

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii). No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O 1533(F) dated 14.09.2006

(1)	(2)	(3)	(4)	(5)
5(f)	Synthetic organic chemicals industry (dyes & dye intermediates; bulk drugs and intermediates excluding drug formulations; synthetic rubbers; basic organic chemicals, other synthetic organic chemicals and chemical intermediates)	Located out side the notified industrial area/ estate	Located in a notified industrial area/ estate	"General as well as specific condition shall apply."
5(g)	Distilleries	(i) All Molasses based distilleries (ii) All Cane juice/ non-molasses based distilleries ≥ 30 KLD	All Cane juice / non-molasses based distilleries - < 30 KLD	General Condition shall apply
5(h)	Integrated paint industry	-	All projects	General Condition shall apply
5(i)	Pulp & paper industry excluding manufacturing of paper from waste paper and manufacture of paper from ready pulp with out bleaching	Pulp manufacturing and Pulp & Paper manufacturing industry	Paper manufacturing industry without pulp manufacturing	General Condition shall apply
5(j)	Sugar Industry	-	≥ 5000 tcd cane crushing capacity	General Condition shall apply
5(k)	Omitted			
6	Service Sectors			
6(a)	Oil & gas transportation pipe line (crude and refinery/ petrochemical products), passing through national parks / sanctuaries / coral reefs / ecologically sensitive areas including LNG Terminal	All projects		

I; II: III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

(1)	(2)	(3)	(4)	(5)
6(b)	Isolated storage & handling of hazardous chemicals (As per threshold planning quantity indicated in column 3 of schedule 2 & 3 of MSIH Rules 1989 amended 2000)	-	All projects	General Condition shall apply
7		Physical Infrastructure including Environmental Services		
7(a)	Air ports	"All projects including airstrips, which are for commercial use."	-	"Note: Air strips, which do not involve bunkering/ refueling facility and or Air Traffic Control, are exempted."
7(b)	All ship breaking yards including ship breaking units	All projects	-	-
7(c)	Industrial estates/ parks/ complexes/ areas, export processing Zones (EPZs), Special Economic Zones (SEZs), Biotech Parks, Leather Complexes.	If at least one industry in the proposed industrial estate falls under the Category A, entire industrial area shall be treated as Category A, irrespective of the area. Industrial estates with area greater than 500 ha. and housing at least one Category B industry.	Industrial estates housing at least one Category B industry and area <500 ha. Industrial estates of area > 500 ha. and not housing any industry belonging to Category A or B.	"General as well as special conditions shall apply. Note: 1. Industrial Estate of area below 500 ha. and not housing any industry of Category 'A' or 'B' does not require clearance. 2. If the area is less than 500 ha. but contains building and construction projects > 20,000 Sq. mts. And or development area more than 50 ha it will be treated as activity listed at serial no. 8(a) or 8(b) in the Schedule, as the case may be."
7(d)	Common hazardous waste treatment, storage and disposal facilities (TSDFs)	All integrated facilities having incineration & landfill or incineration alone	All facilities having land fill only	General Condition shall apply

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O 1533(E) dated 14.09.2006

(1)	(2)	(3)	(4)	(5)
7(e)	✓ "Ports, harbours, break waters, dredging."	≥ 5 million TPA of cargo handling capacity (excluding fishing harbours)	< 5 million TPA of cargo handling capacity and/or ports/ harbours ≥10,000 TPA of fish handling capacity	✓ "General Condition shall apply. Note: 1. Capital dredging inside and outside the ports or harbors and channels are included; 2. Maintenance dredging is exempt provided it formed part of the original proposal for which Environment Management Plan (EMP) was prepared and environmental clearance obtained."
7(f)	Highways	i) New National High ways; and ii) Expansion of National High ways greater than 30 KM, involving additional right of way greater than 20m involving land acquisition and passing through more than one State.	✓ " i) All State Highway Project; and ii) State Highway expansion projects in hilly terrain (above 1,000 m AMSL) and or ecologically sensitive areas."	General Condition shall apply. Note: Highways include expressways."
7(g)	Aerial ropeways	^(viii) "(i) All projects located at altitude of 1,000 mtr. And above. (ii) All projects located in notified ecologically sensitive areas."	^(viii) "All projects except those covered in column (3)."	General Condition shall apply
7(h)	Common Effluent Treatment Plants (CETPs)		All projects	General Condition shall apply
7(i)	Common Municipal Solid Waste Management Facility (CMSWMF)		All projects	General Condition shall apply
8		Building /Construction projects/Area Development projects and Townships		
8(a)	Building and Construction projects		≥20000 sq.mtrs and <1,50,000 sq.mtrs. of built-up area#	#(built up area for covered construction; in the case of facilities open to the sky, it will be the activity area)
8(b)	Townships and Area Development projects.		Covering an area ≥ 50 ha and or built up area ≥1,50,000 sq .mtrs ++	++All projects under Item 8(b) shall be appraised as Category B1

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002} New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

54.

Note:-

V(xvii) "General Condition (GC):

Any project or activity specified in Category 'B' will be treated as Category A, if located in whole or in part within 10 km from the boundary of: (i) Protected Areas notified under the Wild Life (Protection) Act, 1972, (ii) Critically Polluted areas as identified by the Central Pollution Control Board from time to time, (iii) Eco-sensitive areas as notified under section 3 of the Environment (Protection) Act, 1986, such as, Mahabaleshwar Panchgani, Matheran, Pachmarhi, Dahanu, Doon Valley, and (iv) inter-State boundaries and international boundaries:

Provided that the requirement regarding distance of 10 km of the inter-State boundaries can be reduced or completely done away with by an agreement between the respective States or U.Ts sharing the common boundary in case the activity does not fall within 10 kilometres of the areas mentioned at item (i), (ii) and (iii) above."

Specific Condition (SC):

If any Industrial Estate/Complex / Export processing Zones /Special Economic Zones/Biotech Parks / Leather Complex with homogeneous type of industries such as Items 4(d), 4(f), 5(e), 5(f), or those Industrial estates with pre -defined set of activities (not necessarily homogeneous, obtains prior environmental clearance, individual industries including proposed industrial housing within such estates /complexes will not be required to take prior environmental clearance, so long as the Terms and Conditions for the industrial estate/complex are complied with (Such estates/complexes must have a clearly identified management with the legal responsibility of ensuring adherence to the Terms and Conditions of prior environmental clearance, who may be held responsible for violation of the same throughout the life of the complex/estate).

[No. J-11013/56/2004-IA-II (I)]

(R.CHANDRAMOHAN)

JOINT SECRETARY TO THE GOVERNMENT OF INDIA

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

STATE POLLUTION CONTROL BOARD, ODISHA

(Department of Forest & Environment, Govt. of Odisha)
Paribesh Bhawan, A/118, Nilakanthanagar, Unit-VIII, Bhubaneswar-751012

No. 15977/

IND-II-PH-908

Date . 18.10.2021

NOTICE

It is brought to the notice of all concerned that the State Pollution Control Board, Odisha issued an advertisement in the newspapers "The Times of India" and "Samaj" on 20.08.2021 to conduct the public hearing in respect of Maliparbat Bauxite Mine of M/s Hindalco Industries Ltd. on 22.09.2021 at 11.00 A.M at khata No. 27, Plot No. 40(P) in village Kankaramba under Semilliguda tehsil of Koraput District for production capacity of 0.6 MTPA over a Mining Lease area of 268.110 Ha. in Allgaon, Kankaramba, Sorishpadar villages under Pottangi tehsil of Koraput district. But due to Law and Order situation the public hearing scheduled above has been postponed. The same public hearing is now rescheduled to be held on 22.11.2021 at 10.00 A.M at khata No. 27, Plot No. 40 (P) in village Kankaramba under Semilliguda tehsil of Koraput District.

By virtue of Ministry of Environment, Forests & Climate Change, Government of India Notification No. S.O. 1533 (E) Dtd. 14.09.2006, the Board has been authorized to conduct environmental public hearing and as such invites suggestions, views, comments and objections on matters relating to environmental aspects of the proposed project from all the persons including bonafide residents, environmental groups and others located at the proposed site/sites of displacement/sites likely to be affected.

For the above purpose, a person will only mean:

- A Any person who is likely to be affected by the grant of Environmental Clearance.
- B Any person who owns his control over the project with respect to which an application has been submitted for environmental clearance.
- C Any association of persons whether incorporated or likely to be affected by the project and / or functioning in the field of environment.
- D Any local authority within any part of whose local limits is within the neighborhood wherein the project is proposed to be located.

Persons as above who desire to submit their views, comments, objections etc. relevant to the project, may do so in writing within 30 days from the date of publication of this notice addressing the same to the Member Secretary, State Pollution Control Board, Odisha through Registered Post. Besides this, persons interested to submit their views relevant to the proposed project in writing or orally may also do so during the public hearing to be conducted on 22.11.2021 at 10.00 A.M at Khata No. 27, Plot No. 40(P) in village Kankaramba under Semilliguda tehsil of Koraput District. Public hearing shall be conducted strictly observing guidelines contained in COVID - 19 pandemic restrictions issued by the MoEF&CC, Govt. of India vide OM No. 22-25-IA.III, dated 09.06.2021 as well as Govt. of Odisha.

Persons desirous of participating in the public hearing may go through the Environmental Impact Assessment (EIA)/Environmental Management Plan (EMP) of the said project which will be available at the following offices. Copy of the Executive Summary both in English & Odia is also available in the following offices & the same can also be downloaded from the website www.ospcboard.org free of cost

- 1 District Collector's Office, Koraput
 - 2 District Industries Center, Koraput.
 - 3 In the office of the Chief Executive Officer, Zilla Parishad, Koraput
 - 4 In the Head office of the State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakanthanagar, Unit-VIII, Bhubaneswar-12
 - 5 Regional Office, State Pollution Control Board, Odisha, Koraput/Rayagada.
 - 6 Department of Forest & Environment (Environment), Govt. of Odisha, Bhubaneswar
- For any further clarification in the matter, the Regional Officer, State Pollution Control Board, Koraput/Rayagada or the Member Secretary, State Pollution Control Board, Odisha at Bhubaneswar may be contacted. 57

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Annexure -4 series

Dated : 17th November 2021

To,

The District Collector
Collectorate Office
Koraput

Copy to : Member Secretary, Odisha State Pollution Control Board, Odisha

Subject : Appeal to cancel the Maliparbat bauxite mining environment public hearing of 22/11/2021

Dear Sir,

Ever since cancellation of the 22nd September 2021 environment public hearing for Maliparbat bauxite mines, several platoons of para military forces led by the Semiliguda and Porangi police personnel, allegedly accompanied by agents of Hindalco company, have been raiding villages in our Maliparbat region, threatening the leaders and members of Maliparbat Surakhya Samiti and general community members of Maliparbat and have already arrested 28 leaders from the region.

The company and police personnel as well as local district administration officials have also been going from village-to village warning women and men of Maliparbat region not to oppose the mining project at the upcoming second environment public hearing scheduled to be held on 22nd November 2021.


There is a fearful environment in all the 44 villages in and around Maliparbat region and the men are still not able to stay in their own homes for fear of being arrested or threatened by police, goons and officials. We have made several attempts to raise the issue with the local administration and police as well as with the SP and Collector at Koraput but all our pleas have fallen on deaf ears.

In such a situation of fear and repression, we seriously doubt that the upcoming public hearing will be a free and fair one because our members and community people will be afraid to openly express their opinions and views on the proposed bauxite mining at the public hearing. Besides that, our senior leaders and representatives are in jail and holding the public hearing in their absence is a gross violation of their constitutional rights to freedom of expression and speech as well as to their rights to life and livelihood since they are all dependent on Maliparbat for their life, livelihood, identity and dignity.

Therefore, we appeal to your honored self to use your conscience and order for the cancellation of the 22nd November 2021 environment public hearing in the interest of natural justice and rule of law.

With warm regards,


Dasa Khora
Vice President
Maliparbat Surakhya Samiti


Abhi Sadapelli
Secretary
Maliparbat Surakhya Samiti

and



Dated : 17th November 2021

To,

- 57 -

The Member Secretary
Odisha State Pollution Control Board
Deepak Road, Nilakantha Nagar
Unit VIII, Bhubaneswar
Odisha - 751012

Copy to : District Collector, Korapur

Subject : Appeal to cancel the Maliparbat bauxite mining environment public hearing of 22/11/2021

Dear Member Secretary,

Ever since cancellation of the 22nd September 2021 environment public hearing for Maliparbat bauxite mines, several platoons of para military forces led by the Semiliguda and Potangi police personnel, allegedly accompanied by agents of Hindalco company, have been raiding villages in our Maliparbat region, threatening the leaders and members of Maliparbat Surakhya Samiti and general community members of Maliparbat and have already arrested 28 leaders from the region.

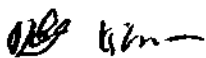
The company and police personnel as well as local district administration officials have also been going from village-to-village warning women and men of Maliparbat region not to oppose the mining project at the upcoming second environment public hearing scheduled to be held on 22nd November 2021.

There is a fearful environment in all the 44 villages in and around Maliparbat region and the men are still not able to stay in their own homes for fear of being arrested or threatened by police, goons and officials. We have made several attempts to raise the issue with the local administration and police as well as with the SP and Collector at Korapur but all our pleas have fallen on deaf ears.

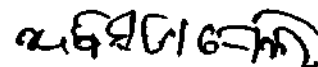
In such a situation of fear and repression, we seriously doubt that the upcoming public hearing will be a free and fair one because our members and community people will be afraid to openly express their opinions and views on the proposed bauxite mining at the public hearing. Besides that, our senior leaders and representatives are in jail and holding the public hearing in their absence is a gross violation of their constitutional rights to freedom of expression and speech as well as to their rights to life and livelihood since they are all dependent on Maliparbat for their life, livelihood, identity and dignity.

Therefore, we appeal to your honored self to use your conscience and order for the cancellation of the 22nd November 2021 environment public hearing in the interest of natural justice and rule of law.

With warm regards,



Dasa Khora
Vice President
Maliparbat Surakhya Samiti



Abhi Sadapelli
Secretary
Maliparbat Surakhya Samiti

and

Members of Maliparbat Surakhya Samiti


ପ୍ରତିନିଧି ମୂଳ


ସୁନିବେଶିତ
ପ୍ରତିନିଧି ମୂଳ

Lami Khora


Sunamoni Zani


ସନିବେଶିତ


 Suba Disari

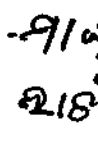
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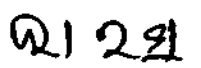
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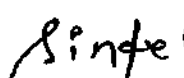
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ଶ୍ରୀ ସିଦ୍ଧାନ୍ତ ୨ - ୫୭.

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61 -

NOTICE U/S. 149 Cr.P.C.

Annexure - 4 Series

To

Abhi Sadapeli S/O-Amru Sadapeli Vill-Kankadamba PS- Semiliguda Dist- Koraput

Ref: Semiliguda PS SD Entry No....21.... Dtd..15.11.21...

Whereas, it is reported that you are planning to indulge yourself to design a cognizable offence on 22.11.2021 at the venue of public hearing by Pollution Control Board at Village Kankadamba on 22.11.2021.

And whereas, it is learnt that you along with your supporters are planning for the commission of a cognizable offence by indulging in rioting and to create law and order problem during the time of public hearing.

And whereas, in this connection, a station diary has been made and the matter has been enquired and is found to be true.

And whereas, if you are indulging yourself in such type of offence, you are hereby warned that appropriate legal action will be initiated against you.

Therefore by exercising the powers u/s 149 Cr.P.C. and the powers vested upon me u/s.149 Cr.P.C., so as to prevent commission of any cognizable offence, I Inpr P.K Mahapatra, I/C, IIC of Semiliguda PS, Dist: Koraput hereby direct you not to indulge in any cognizable offence, nor create any public disturbance to the public hearing and maintain public peace and tranquillity in the area.

In this regard, if you wish to represent before me, you are informed to appear before me on 19/11/2021 at 10 AM for further enquiry in this regard.


19.11.2021
IIC Semiliguda PS.
IIC, SEMILIGUDA, P.S.
DIST. KORAPUT ODISHA



.62.

NOTICE U/S. 149 Cr.P.C.

To

Jairam Jani S/o Taila Jani, of village Kokriguda, PS- Semiliguda Dist- Koraput

Ref: Semiliguda PS SD Entry No... 21... Dtd... 15.11.21...

Whereas, it is reported that you are planning to indulge yourself to design a cognizable offence on 22.11.2021 at the venue of public hearing by Pollution Control Board at Village Kankadamba on 22.11.2021.

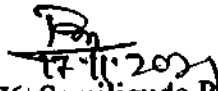
And whereas, it is learnt that you along with your supporters are planning for the commission of a cognizable offence by indulging in rioting and to create law and order problem during the time of public hearing.

And whereas, in this connection, a station diary has been made and the matter has been enquired and is found to be true.

And whereas, if you are indulging yourself in such type of offence, you are hereby warned that appropriate legal action will be initiated against you.

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In this regard, if you wish to represent before me, you are informed to appear before me on 19/11/2021 at 10 AM for further enquiry in this regard.


17.11.2021
IIC Semiliguda PS.
IIC, SEMILIGUDA, P.S.
DIST. KORAPUT ODISH



63.

NOTICE U/S. 149 Cr.P.C.

To

Uddahab Kirsani S/o Pratap Kirsani of village Kokriguda, PS- Semiliguda Dist- Koraput

Ref: Semiliguda PS SD Entry No. 21 Dtd. 15.11.21

Whereas, it is reported that you are planning to indulge yourself to design a cognizable offence on 22.11.2021 at the venue of public hearing by Pollution Control Board at Village Kankadamba on 22.11.2021.

And whereas, it is learnt that you along with your supporters are planning for the commission of a cognizable offence by indulging in rioting and to create law and order problem during the time of public hearing.

And whereas, in this connection, a station diary has been made and the matter has been enquired and is found to be true.

And whereas, if you are indulging yourself in such type of offence, you are hereby warned that appropriate legal action will be initiated against you.

Therefore by exercising the powers u/s 149 Cr.P.C. and the powers vested upon me u/s.149 Cr.P.C., so as to prevent commission of any cognizable offence, I Inpr P.K Mahapatra, I/C, IIC of Semiliguda PS, Dist: Koraput hereby direct you not to indulge in any cognizable offence, nor create any public disturbance to the public hearing and maintain public peace and tranquillity in the area.

In this regard, if you wish to represent before me, you are informed to appear before me on 19/11/2021 at 10 AM for further enquiry in this regard.

Pd
17/11/2021
IIC Semiliguda PS.
IIC, SEMILIGUDA, P.S
DIST. KORAPUT, ODISHA



-64-

NOTICE U/S. 149 Cr.P.C.

To

Arjun Kirsani S/o Niraji Kirsani, of village Kokriguda, PS- Semiliguda Dist- Koraput

Ref: Semiliguda PS SD Entry No....21... Dtd..15.11.21.....

Whereas, it is reported that you are planning to indulge yourself to design a cognizable offence on 22.11.2021 at the venue of public hearing by Pollution Control Board at Village Kankadamba on 22.11.2021.

And whereas, it is learnt that you along with your supporters are planning for the commission of a cognizable offence by indulging in rioting and to create law and order problem during the time of public hearing.

And whereas, in this connection, a station diary has been made and the matter has been enquired and is found to be true.

And whereas, if you are indulging yourself in such type of offence, you are hereby warned that appropriate legal action will be initiated against you.

Therefore by exercising the powers u/s 149 Cr.P.C. and the powers vested upon me u/s.149 Cr.P.C., so as to prevent commission of any cognizable offence, I Inpr P.K Mahapatra, I/C, IIC of Semiliguda PS, Dist: Koraput hereby direct you not to indulge in any cognizable offence, nor create any public disturbance to the public hearing and maintain public peace and tranquillity in the area.

In this regard, if you wish to represent before me, you are informed to appear before me on 19/11/2021 at 10 AM for further enquiry in this regard.


19/11/2021
IIC Semiliguda PS.



65.

NOTICE U/S. 149 Cr.P.C.

To

Kusa Disari S/o Balaram Disari, of village Kokriguda, PS- Semiliguda Dist- Koraput

Ref: Semiliguda PS SD Entry No....21... Dtd...15.11.21...

Whereas, it is reported that you are planning to indulge yourself to design a cognizable offence on 22.11.2021 at the venue of public hearing by Pollution Control Board at Village Kankadamba on 22.11.2021.


And whereas, it is learnt that you along with your supporters are planning for the commission of a cognizable offence by indulging in rioting and to create law and order problem during the time of public hearing.

And whereas, in this connection, a station diary has been made and the matter has been enquired and is found to be true.

And whereas, if you are indulging yourself in such type of offence, you are hereby warned that appropriate legal action will be initiated against you.

Therefore by exercising the powers u/s 149 Cr.P.C. and the powers vested upon me u/s.149 Cr.P.C., so as to prevent commission of any cognizable offence, I Inpr P.K Mahapatra, I/C, IIC of Semiliguda PS, Dist: Koraput hereby direct you not to indulge in any cognizable offence, nor create any public disturbance to the public hearing and maintain public peace and tranquillity in the area.

In this regard, if you wish to represent before me, you are informed to appear before me on 19/11/2021 at 10 AM for further enquiry in this regard.


17.11.2021
IIC Semiliguda PS.
IIC, SEMILIGUDA, P.S.
DIST. KORAPUT, ODISHA



.66.

NOTICE U/S. 149 Cr.P.C.

To

Durajani S/o Jagu Jani of village Kokriguda, PS- Semiliguda Dist- Koraput

Ref: Semiliguda PS SD Entry No...21.... Dtd...15.11.21....

Whereas, it is reported that you are planning to indulge yourself to design a cognizable offence on 22.11.2021 at the venue of public hearing by Pollution Control Board at Village Kankadamba on 22.11.2021.

And whereas, it is learnt that you along with your supporters are planning for the commission of a cognizable offence by indulging in rioting and to create law and order problem during the time of public hearing.

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And whereas, if you are indulging yourself in such type of offence, you are hereby warned that appropriate legal action will be initiated against you.

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In this regard, if you wish to represent before me, you are informed to appear before me on 19/11/2021 at 10 AM for further enquiry in this regard.



L. T. I. C.
Shasi
Jani

19.11.2021
IIC Semiliguda PS.
IIC, SEMILIGUDA, P.S.
DIST. KORAPUT, ODISHA



To

NOTICE u/s. 149 Cr.P.C

Debenra Khilla S/O-Padma Khilla Vill-Maliguda, PS- Semiliguda Dist- Koraput

Ref: Semiliguda PS SD Entry No.. 21..... Dtd. 17.11.2021

Whereas, it is reported that you are planning to indulge yourself to design a cognizable offence on 22.11.2021 at the venue of public hearing by Pollution Control Board at Village Kankadamba on 22.11.2021.

And whereas, it is learnt that you along with your supporters are planning for the commission of a cognizable offence by indulging in rioting and to create law and order problem during the time of public hearing.

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17.11.2021
IIC Semiliguda PS.
IIC, SEMILIGUDA, P.S
DIST. KORAPUT, ODISHA



68.

NOTICE U/S. 149 Cr.P.C.

To

Leku Hantal S/o Lebu Hantal, PS- Pottangi Dist- Koraput
Vill- Delcatan

Ref: Semiliguda PS SD Entry No...21..... Dtd...15.11.2021..

Whereas, it is reported that you are planning to indulge yourself to design a cognizable offence on 22.11.2021 at the venue of public hearing by Pollution Control Board at Village Kankadamba on 22.11.2021.

And whereas, it is learnt that you along with your supporters are planning for the commission of a cognizable offence by indulging in rioting and to create law and order problem during the time of public hearing.

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In this regard, if you wish to represent before me, you are informed to appear before me on 19/11/2021 at 10 AM for further enquiry in this regard.


IIC Semiliguda PS.
IIC, SEMILIGUDA, P.S.
DIST. KORAPUT, ODISHA



69 -
NOTICE U/S. 149 Cr.P.C.

To

Ramesh Pujari S/o Khemundu Pujari, PS- Pottangi Dist- Koraput

Vill- Dehapan

Ref: Semiliguda PS SD Entry No.. 21..... Dtd.. 15.11.21....

Whereas, it is reported that you are planning to indulge yourself to design a cognizable offence on 22.11.2021 at the venue of public hearing by Pollution Control Board at Village Kankadamba on 22.11.2021.

And whereas, it is learnt that you along with your supporters are planning for the commission of a cognizable offence by indulging in rioting and to create law and order problem during the time of public hearing.

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In this regard, if you wish to represent before me, you are informed to appear before me on 15/11/2021 at 10 AM for further enquiry in this regard.


15.11.2021
IIC Semiliguda PS.
IIC, SEMILIGUDA, P.S.
DIST. KORAPUT, ODISHA



70 -
NOTICE U/S. 149 Cr.P.C.

To

Sama Pangi S/o Jambri Pangi, PS- Pottangi Dist- Koraput
vill- Deba Pan

Ref: Semiliguda PS SD Entry No.. 21..... Dtd... 15.11.2021

Whereas, it is reported that you are planning to indulge yourself to design a cognizable offence on 22.11.2021 at the venue of public hearing by Pollution Control Board at Village Kankadamba on 22.11.2021.

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In this regard, if you wish to represent before me, you are informed to appear before me on 19/11/2021 at 10 AM for further enquiry in this regard.

Sama Pangi

P.K. Mahapatra
17/11/2021
IIC Semiliguda PS.
I/C, SEMILIGUDA, P.S.
DIST. KORAPUT, ODISHA



-7/-

NOTICE U/S. 149 Cr.P.C.

To

Ratan Khora S/O- Litu Khora Vill- Dekapar, PS- Pottangi Dist- Koraput, at/pr-working as School Teacher at Bijaghati, PS Narayanpatna, Dist Koraput (T) BEO, Narayanpatna

Ref: Semiliguda PS SD Entry No- 11 Dtd 18.11.2021

Whereas, it is reported that you are planning to indulge yourself to design a cognizable offence on 22.11.2021 at the venue of public hearing by Pollution Control Board at Village Kankadamba on 22.11.2021.

And whereas, it is learnt that you along with your supporters are planning for the commission of a cognizable offence by indulging in rioting and to create law and order problem during the time of public hearing.

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18.11.2021
IIC Semiliguda PS.
IIC, SEMILIGUDA, P.S.
DIST. KORAPUT ODISH



- 72 -

NOTICE U/S. 149 Cr.P.C.

To

Nabin Jani S/O-Sambru Jani Vill-Dekapar, PS- Pottangi Dist- Koraput

Ref: Semiliguda PS SD Entry No... 21 Dtd... 18.11.21

Whereas, it is reported that you are planning to indulge yourself to design a cognizable offence on 22.11.2021 at the venue of public hearing by Pollution Control Board at Village Kankadamba on 22.11.2021.

And whereas, it is learnt that you along with your supporters are planning for the commission of a cognizable offence by indulging in rioting and to create law and order problem during the time of public hearing.

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17/11/2021
IIC Semiliguda PS.
(IC, SEMILIGUDA, P.S.)
DIST. KORAPUT, ODISHA



-73 -

NOTICE U/S. 149 Cr.P.C.

To

Niranjani Khilla S/O-Deba Khilla Vill-Maliguda, PS- Semiliguda Dist- Koraput

Ref: Semiliguda PS SD Entry No.. 21..... Dtd.. 15.11.2021..

Whereas, it is reported that you are planning to indulge yourself to design a cognizable offence on 22.11.2021 at the venue of public hearing by Pollution Control Board at Village Kankadamba on 22.11.2021.


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17.11.2021
IIC Semiliguda PS.
IIC, SEMILIGUDA, P.S.
DIST. KORAPUT ODISHA



74 -

NOTICE U/S. 149 Cr.P.C.

To

Mana Takria S/o Dhana Takria, of village Mali Doliamba, PS- Semiliguda Dist- Koraput

Ref: Semiliguda PS SD Entry No...21..... Dtd...15.11.21.....

Whereas, it is reported that you are planning to indulge yourself to design a cognizable offence on 22.11.2021 at the venue of public hearing by Pollution Control Board at Village Kankadamba on 22.11.2021.

And whereas, it is learnt that you along with your supporters are planning for the commission of a cognizable offence by indulging in rioting and to create law and order problem during the time of public hearing.

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Don
17.11.2021
IIC Semiliguda PS,
IIC, SEMILIGUDA, P.S.
DIST. KORAPUT ODISH

ତାରିଖ : ୧୫ ନଭେମ୍ବର ୨୦୨୧

75

ପ୍ରାପ୍ତେଷୁ

ସଦସ୍ୟ ସମ୍ପାଦକ,

ଓଡ଼ିଶା ରାଜ୍ୟ ପ୍ରତ୍ୟୁଷଣ ନିୟନ୍ତ୍ରଣ ବୋର୍ଡ଼

ଦୀପକ ରୋଡ଼, ନୀଳକଣ୍ଠ ନଗର

ଭୁବନେଶ୍ୱର - ୮, ଭୁବନେଶ୍ୱର - ୭୫୧୦୨୧

ବିଷୟ: ଆସକ୍ତା ୨୨ ନଭେମ୍ବର ୨୦୨୧ ତାରିଖରେ ହେବାକୁ ଥିବା ମାଲିପର୍ବତ ବନ୍ତାଇଟ ଖଣି ଜନିତ ପରିବେଶ ଜନ ଶୁଣାଣୀକୁ ବାତିଲ କରିବା ଲାଗି ନିବେଦନ ସଂକ୍ରାନ୍ତରେ

ସଦସ୍ୟ ସମ୍ପାଦକ ମହୋଦୟ;

ଗଲା ୨୨ ସେପ୍ଟେମ୍ବର ୨୦୨୧ ତାରିଖରେ ମାଲି ପର୍ବତ ବନ୍ତାଇଟ ଖଣି ଖନନ ଲାଗି ଆବଶ୍ୟକ ପରିବେଶ ଅନୁମତି ପତ୍ର ପାଇଁ ହୋଇଥିବା ଜନ ଶୁଣାଣୀ ବାତିଲ ହେବା ପରଠାରୁ ସେମିଲିଗୁଡ଼ା ଓ ପଟାଙ୍ଗି ଆନା ଅଧିକାରୀଙ୍କ ନେତୃତ୍ୱରେ ଅର୍ଦ୍ଧ ସାମରିକ ବାହିନୀର ଯବାନମାନେ ଆମ ଅଞ୍ଚଳର ଗାଁଗୁଡ଼ିକୁ ଯାଇ ଚଢ଼ାଇ କରୁଛନ୍ତି । ଏଥିରେ ତାଙ୍କୁ ହିଣ୍ଡାଲକୋର ଗୁଣ୍ଡାମାନେ ମଧ୍ୟ ସହଯୋଗ କରୁଛନ୍ତି । ଉକ୍ତ ପୁଲିସ ଅଧିକାରୀ ଓ ଯବାନମାନେ 'ମାଲି ପର୍ବତ ସୁରକ୍ଷା ସମିତି'ର କର୍ମକର୍ତ୍ତା, ଅଞ୍ଚଳର ଗ୍ରାମବାସୀ ଓ ସ୍ଥାନୀୟ ପଞ୍ଚାୟତ ପ୍ରତିନିଧୀ ଇତ୍ୟାଦିଙ୍କୁ ଧମକ ଦେବା ଓ ଡରାଇବା ସହିତ ଗିରଫ ମଧ୍ୟ କରୁଛନ୍ତି । ଇତି ମଧ୍ୟରେ ୨୮ ଜଣ ଗ୍ରାମବାସୀଙ୍କୁ ସେମାନେ ଗିରଫ କରିସାରିଲେଣି ।

କମ୍ପାନୀ ଅଧିକାରୀ, ପୁଲିସ ଓ ଜିଲ୍ଲା ପ୍ରଶାସନର ଅଫିସରମାନେ ମାଲି ପର୍ବତର ବିଭିନ୍ନ ଗାଁକୁ ଯାଇ ଆସକ୍ତା ୨୨ ନଭେମ୍ବର ୨୦୨୧ ତାରିଖରେ ହେବାକୁ ଥିବା ଦ୍ୱିତୀୟ ଜନ ଶୁଣାଣୀକୁ ବିରୋଧ ନକରିବା ଲାଗି ଉଭୟ ପୁରୁଷ ଓ ମହିଳାଙ୍କୁ ଚେତାବନୀ ଦେଉଛନ୍ତି ।

ଏହି ସବୁ କାରଣ ହେତୁ ମାଲିପର୍ବତର ଚାରିପାଖରେ ଥିବା ୪୪ ଖଣ୍ଡ ଗାଁରେ ଭୟର ବାତାବରଣ ରହିଛି । ଲୋକେ ଏବେ ବି ଗିରଫ ଭୟରେ ନିଜ ଘରେ ରହିପାରୁନାହାନ୍ତି । ଆମେମାନେ ଅନେକ ଥର ଏହି ବିଷୟକୁ ଜିଲ୍ଲା ଆରକ୍ଷା ଅଧିକାରୀ ଓ ଜିଲ୍ଲାପାଳଙ୍କ ଦୃଷ୍ଟିରେ ଆଣିବାକୁ ଚେଷ୍ଟା କରିସାରିଲୁଣି । କିନ୍ତୁ ଜିଲ୍ଲା ପ୍ରଶାସନ ଓ ପୁଲିସ ଅଧିକାରୀଙ୍କ ଠାରୁ ଏ ସଂକ୍ରାନ୍ତରେ କୌଣସି ତତ୍ପରତା ଦେଖିବାକୁ ପାଉନାହୁଁ ।

ଏଭଳି ଏକ ଭୟ ଓ ଦମନର ପରିବେଶ ମଧ୍ୟରେ ଆସକ୍ତା ଜନ ଶୁଣାଣୀ ଯେ ସଂପୂର୍ଣ୍ଣ ମୁକ୍ତ ଓ ଚୂଚିହୀନ ହେବ ଏଥିରେ ଆମର ଶଙ୍କା ରହୁଛି । ବିଭିନ୍ନ ଗାଁର ଗ୍ରାମବାସୀମାନେ ଏଭଳି ଏକ ଭୟର ବାତାବରଣ ମଧ୍ୟରେ ପ୍ରସ୍ତାବିତ ବନ୍ତାଇଟ ଖଣି ଖନନ ସଙ୍କ୍ରାନ୍ତରେ ହେଉଥିବା ଜନ ଶୁଣାଣୀରେ ଭାଗ ନେଇ ମୁକ୍ତ ଭାବରେ ନିଜର ବକ୍ତବ୍ୟ ରଖିପାରିବେ ନାହିଁ । ପୁଣି ଆମର ଗ୍ରାମ ମୁଖ୍ୟ ଓ ପ୍ରତିନିଧିମାନେ ଜେଲର ଥିଲା ବେଳେ ସେମାନଙ୍କ ଅନୁପସ୍ଥିତିରେ ଏଭଳି ଜନ ଶୁଣାଣୀ କରାଯିବା ସେମାନଙ୍କ ସ୍ୱାଧୀନ ଭାବରେ ମତ ବ୍ୟକ୍ତ କରିବାର ସାମ୍ବିଧାନିକ ଅଧିକାରର ଖଲାପ କରୁଛି ।

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୭୭. ୨୩ ଉତ୍ତର

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ଜିଣେ ଖୁସିହୁଏଲୁ


ସେନା ମିତ୍ରଲୁ


ମଝୁ ମିତ୍ରଲୁ


ଝି


 ହତାୟତ ଉଦ୍ଧାର

 ସମାପ୍ତ ଉଦ୍ଧାର


 କୁଟା ଉଦ୍ଧାର


 ଅସ୍ଥିତ ଉଦ୍ଧାର


 ସାବନା ଉଦ୍ଧାର


 ଥାନ ଉଦ୍ଧାର


 ପଥ ଉଦ୍ଧାର


 ଶେଷ ଉଦ୍ଧାର


 ଶିଳ୍ପ - ଉଦ୍ଧାର

 କାଟିକ ଉଦ୍ଧାର

 ସାମ ଡାକି

 କାଟିକ ଡାକି

 ରାଜ୍ୟ ଡାକି

 ଆମ ଉଦ୍ଧାର

ସ୍ୱପ୍ନ ବାଣୀ

ଫୁଲର ଉନ୍ମାଦ

ମାଳିନୀ ଉନ୍ମାଦ

ହାନ୍ତ ଉନ୍ମାଦ

ଜେଉଁରୀ ଉନ୍ମାଦ

ଉଜ୍ଜ୍ୱଳ ଉନ୍ମାଦ

ଉନ୍ମାଦ ଉନ୍ମାଦ

ସୁବାସୀ ଉନ୍ମାଦ

ନୀରଜ ଉନ୍ମାଦ

ଝଙ୍କର ଉନ୍ମାଦ

ଓଜ୍ଜ୍ୱଳ ଉନ୍ମାଦ

ମେଘାଳ ଉନ୍ମାଦ

ମାଲି ପର୍ବତ ସୁରକ୍ଷା ସମିତି, ସେମିଲିଗୁଡା

ପତ୍ର ସଂଖ୍ୟା ୦୬/୧

ତାରିଖ 19-11-2021

ମାନ୍ୟବର,

ଜିଲ୍ଲାପାଳ ତଥା ଜିଲ୍ଲା ମାଜିଷ୍ଟ୍ରେଟ, କୋରାପୁଟ

ଜିଲ୍ଲା ଆରକ୍ଷି ଅଧିକ୍ଷକ, କୋରାପୁଟ

ମହାଶୟ,

ଆମେ ମାଲିପର୍ବତ ସୁରକ୍ଷା ସମିତି, ସେମିଲିଗୁଡା ଆପଣଙ୍କୁ ନିବେଦନ ସହକାରେ ଜଣାଇବାକୁ ଚାହୁଁ ଅଛୁ ଯେ ଆମ ଅଞ୍ଚଳର ମାଲି ପର୍ବତକୁ ବଢ଼ାଇତ ଖଣି ଖନନ ନିମନ୍ତେ ହୋଇଥିବା ପ୍ରସ୍ତାବ ଅନୁଯାୟୀ ଆସନ୍ତା 22 ତାରିଖରେ କଳତା ଆମ୍ବ ଗ୍ରାମରେ ପରିବେଶ ମନ୍ତ୍ରୀ ନିମନ୍ତେ ଏକ ଜନ ଶୁଣାଣି ପାଇଁ ତାରିଖ ଧାର୍ଯ୍ୟ ହୋଇଛି। ଉକ୍ତ ଜନ ଶୁଣାଣିରେ ଆମ ଆଦିବାସୀ ମାନେ ନିଜ ଜିଜ୍ଞାସ ଆଦିବାସୀ ପରମ୍ପରାରେ ଉପସ୍ଥିତ ରହିବା ସକାଶେ ସ୍ଥିର କରିଛନ୍ତି। ଉକ୍ତି ମଧ୍ୟରେ ଆମ ଅଞ୍ଚଳର ସମସ୍ତ ନାଗରିକ ଖଣି ଖନନ କୁ ବିରୋଧ କରି ଆସୁଛୁ। କିନ୍ତୁ ଦୁଃଖ ଓ ପରିତାପର ବିଷୟ ଏହିକି ଯେ ଆମ ଅଞ୍ଚଳର ଅଳ୍ପ କେତେଜଣ କମ୍ପାନୀର ଦଲାଲ ବାହାର ଅଞ୍ଚଳ ତଥା ସେମିଲିଗୁଡା ଉପର ସାହି, କୋରାପୁଟ ଓ ଜୟପୁରର କିଛି ଗୁଣ୍ଡା ମାନଙ୍କ ଜରିଆରେ ଆମ ଲୋକମାନଙ୍କୁ ଜଣ ଶୁଣାଣି ରେ ଅନୁପସ୍ଥିତ ରହିବା ପାଇଁ ଧମକ ଦେଉଛନ୍ତି। ଆମ ଅଞ୍ଚଳରେ ଅଧିକାଂଶ ନିରାହାର ଚରିତ ଆଦିବାସୀ ଅଟନ୍ତି। ସେମାନଙ୍କ ସରକାରୀ ସୁଯୋଗ ନେଇ ସେହି ଗୁଣ୍ଡା ଶ୍ରେଣୀର ଲୋକେ ତଥା ଜୟତ ସ୍ବପଣ ବାଦୀ କହି ଭୟଭୀତ କରାଉଛନ୍ତି। ଆମ ସମିତିର ସମ୍ପାଦକ ଶ୍ରୀ ଅଜି ସତ୍ୟପେଲି ଓ ତାଙ୍କ ପରିବାର ସଦସ୍ୟ କୁ ସେହି ଗ୍ରାମର ସିନା ସତ୍ୟପେଲି, ଗୋପା ସତ୍ୟପେଲି, ସୁନୀଲ ସତ୍ୟପେଲି ଓ ଅକ୍ଷୟ କୁମାର ସତ୍ୟପେଲି ଗ୍ରାମ ଛାଡ଼ି ଚାଲିଯିବା ପାଇଁ ଧମକ ଦେଉଛନ୍ତି। ସେମାନେ ଖୋଲା ଖୋଲି ଭାବେ କହୁଛନ୍ତି ଯେ ନିଆ ଓ କମ୍ପାନୀକୁ ସମର୍ଥନ କରି ନଚେତ ଭୟଙ୍କର ପରିସ୍ଥିତି ସାମନା କରିବା ଆସନ୍ତା 22 ତାରିଖରେ ଆମ ଅଞ୍ଚଳର ସମସ୍ତ ଆଦିବାସୀ ଉକ୍ତ ଜନ ଶୁଣାଣି ରେ ଯୋଗ ଦେବାପାଇଁ ସ୍ଥିର କରିଥିବାବେଳେ କେତେକ ଗୁଣ୍ଡା ଧମକ ଦେଇ କହିଛନ୍ତି ଜନ ଶୁଣାଣିକୁ ଗଲେ ଅସୁବିଧା ଭୋଗିବ। ତୁମେ ଗଲାବେଳେ ଆମ ଗୁଣ୍ଡା ମାନେ ତୁମକୁ ବାଟରେ ଅଟକାଇବେ। ଏଭଳି ବିଭିନ୍ନ ଭାବେ ଆମକୁ ଭୟଭୀତ କରିଚାଲିଛନ୍ତି। ସେମାନେ ଖୋଲା ଖୋଲି ଭାବେ କହୁଛନ୍ତି ଯେଉଁମାନେ ପରିବେଶକୁ ଓ କମ୍ପାନୀକୁ ବିରୋଧ କରିବ ସେମାନଙ୍କ ବିରୁଦ୍ଧରେ କେସ ହେବ ଏବଂ ମାତ ହେବ। ଆମ ସହିତ ପୋଲିସ ଅଛନ୍ତି ଆମକୁ ଭୟ ନାହିଁ। ଏଭଳି ପରିସ୍ଥିତିରେ ଆମ ଲୋକଙ୍କୁ ସୁରକ୍ଷା ପ୍ରଦାନ କରାଯାଇ ଆସନ୍ତା 22 ତାରିଖରେ ଜନ ଶୁଣାଣିରେ ଉପସ୍ଥିତ ହେବା ପାଇଁ ଉଚିତ ପଦକ୍ଷେପ ନିଆ ନ ଗଲେ ଆମକୁ ଉଚିତ ନ୍ୟାୟ ମିଳିବ ନାହିଁ ଏବଂ ମିଥ୍ୟା ତଥ୍ୟ ଅନୁଯାୟୀ ସେହି ଜନ ଶୁଣାଣି ଅନୁଷ୍ଠିତ ହେବା କଳତା ଆମ୍ବ ଗ୍ରାମର କେତେକ ଗୁଣ୍ଡା ଶ୍ରେଣୀର ଲୋକ K. ମାଲିଗୁଡା ଗ୍ରାମର ଲୋକଙ୍କୁ ତାଙ୍କ ଗ୍ରାମ ଦେଇ ନ ଯିବା ପାଇଁ ଧମକ ଦେଉଛନ୍ତି।

ଏହି ଆପଣଙ୍କୁ ଅନୁରୋଧ କରୁଛୁ ଏହାକୁ ଦେଖି କରି ଉପଯୁକ୍ତ ପଦକ୍ଷେପ ନେଇ ଆମକୁ ନ୍ୟାୟ ପ୍ରଦାନ କରାଯାଉ ।

ସଜ୍ଜାପକ

ସାହିତ୍ୟିକ

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Annexure-5

**OFFICE OF THE SENIOR SUPERINTENDENT, CIRCLE JAIL, KORAPUT
(WELFARE SERVICES)**

Letter No. 1167

//PWS//

Dated. 17/11/2021

To,

The District Magistrate & Collector, Koraput

Sub. -

Submission of joint Prisoner's petition of the under trial prisoners of Circle Jail, Koraput.


Sir,

I am to submit herewith the joint prisoner's petition of the U.T.Ps of Circle Jail, Koraput who have been implicated in G.R. Case No.56/2021, U/S- 147/148/427/323/332/326/307/379/294/506/149 of IPC/ 7 cr.LA Act / 3 PDPP Act, 25/27 Arms Act by the Hon'ble Court of J.M.F.C., Semiliguda. The contents of the petition are self explanatory.

This is for favour of kind information and perusal.

Enclosures: - One sheet.

Yours faithfully,


Senior Superintendent
Circle Jail, Koraput
(Welfare Services)
17/11/21

a/c

Sensencing/Romancing Court:- JMFC
Case No. 62-50-111 U.S. security

[illegible][illegible][illegible]

ଆପଣଙ୍କ ବିଷୟ

ମାଲି ପକ୍ଷେ ମୁହାଁ ଯାଏନି ବୁଝା

1. विज्ञान विज्ञान (अवधि)

2. Rahim (बख्शिश (दान)

3. Das Memeli Beil

4. ~~Re: Mr~~ *Re: Mr* *Frank*

5. Manganin

SIGNATURE ATTESTED

Prison Welfare Council
Circle Jail, Rochester

6. *Phyllanthus*
7. *Chenopodium*
8. *Mugil*
9. *Rubus*
10. *Alnus*
11. *Sambucus*
12. *Hamamelis*
13. *Linnaea*
14. *Rosa*
15. *Prunella*
16. *Rubus*
17. *Rubus*
18. *Rubus*
19. *Rubus*
20. *Rubus*
21. *Rubus*
22. *Rubus*
23. *Rubus*
24. *Rubus*
25. *Rubus*

10-10-1964

Ernest Weller Corp.
Chicago, Ill.

CONFIDENTIAL

Little Falls, N.Y. (WVLA-TV)
 Welfare Services)



85.

 Amecure-6
 Prafulla Samantara <swabhimam.samanlara@gmail.com>

Print out

3 messages

 Prafulla Samantara <swabhimam.samanlara@gmail.com>
 To: Prafulla Samantara <swabhimam.samanlara@gmail.com>

Mon, Dec 27, 2021 at 7:01 PM

----- Forwarded message -----

 From: Prafulla Samantara <swabhimam.samanlara@gmail.com>
 Date: Mon, Nov 22, 2021, 11:16
 Subject: Murder of democracy
 To: <dm-koraput@nic.in>, <spkpt.odpol@nic.in>
 Cc: <paribesh1@ospcboard.org>

 To
 The District Collector
 The Superintendent of Police
 Koraput

 Dear DC & SP,
 The way the public hearing is being conducted now 11.10AM today for mining in Matiparvata is undemocratic and illegal. Thousands villagers are being stopped by the police on the different ways and many are being lifted by police vehicles to unknown places or police station to prevent them to attend the public hearing. It is murder of democracy. Let you see your administrative violation of rule of law against rights of tribal community in the interest of corporate.

 Prafulla Samantara
 President, Lokshakti Abhiyan
 NAPM national adviser
 Bhubaneswar
 22-11-2021

2 attachments

 VID-20211122-WA0018.mp4
6992K

 VID-20211122-WA0021.mp4
18506K

 Prafulla Samantara <swabhimam.samanlara@gmail.com>
 To: Prafulla Samantara <swabhimam.samanlara@gmail.com>

Mon, Dec 27, 2021 at 11:02 PM

[Quoted text hidden]

2 attachments

 VID-20211122-WA0018.mp4
6992K

 VID-20211122-WA0021.mp4
18506K

 Prafulla Samantara <swabhimam.samanlara@gmail.com>
 To: Prafulla Samantara <swabhimam.samanlara@gmail.com>

Mon, Dec 27, 2021 at 11:07 PM

----- Forwarded message -----

 From: Prafulla Samantara <swabhimam.samanlara@gmail.com>
 Date: Mon, Dec 27, 2021, 19:01
 Subject: Print out
 To: Prafulla Samantara <swabhimam.samanlara@gmail.com>

THE HINDU
TUESDAY, NOVEMBER 23, 2021

Mining plant: villagers in Odisha not allowed to air views at public hearing

They said venue was cordoned off

SATYASUNDAR BARIK
BHIRANESWAR

A public hearing on Monday on grant of environmental clearance for a bauxite mining project in Odisha's Koraput district evoked sharp reactions from activists who alleged that many people who would be affected were barred from airing their views.

The State Pollution Control Board organised the hearing on the clearance to the Hindalco Industries Limited for the Maliparbat bauxite mine at Kankaramba under Potangi block of Koraput. The mining lease area is spread over 268.110 ha of Ali-gaon, Kankaramba and Sorishpadar village under Potangi tehsil.

Police deployed

Ahead of the hearing, the Koraput district administration had deployed 30 platoons of police and several officials with magisterial powers keeping in view the law and order issue.

Villagers alleged that the venue was cordoned off and only those people who supported the project were allowed. The hearing was hurriedly wound up within one hour without providing people opposed to the project an opportunity, they charged.

"The mining lease was granted to the Hindalco Industries in 2003. Environmental clearance was accorded to it despite the fact that the majority of the af-



People in 18 villages surrounding the Maliparbat are dependent on agriculture and are opposed to the project since 2003

PRAFULLA SAMANTRA
Winner of the Goldman Environmental Prize

ected people had spoken against the project. Subsequently, the clearance and the lease period ended in 2013 while the industry could not undertake any real mining activities due to local resistance," said Prafulla Samantra, winner of the Goldman Environmental Prize.

"Now, the industry has got a fresh lease for 50 years for which the hearing is being held. People in 18 villages surrounding the Maliparbat are dependent on agriculture and are opposed to the project since 2003," Mr. Samantra said.

He pointed out that though 36 perennial streams flow down from the Maliparbat, which is the source of water for villagers for their agricultural and drinking purposes, the mining was thrust on them. Niranjan Kilo, a resident of Maliguda, said, "Villagers wanted to participate in the hearing and communicate their views. However, the police took women in their vans to unknown places and obstructed them from attending the meet."

The New Indian Express 25 Oct 21

Public hearing for Maliparbat mining held amid tight security

EXPRESS NEWS SERVICE

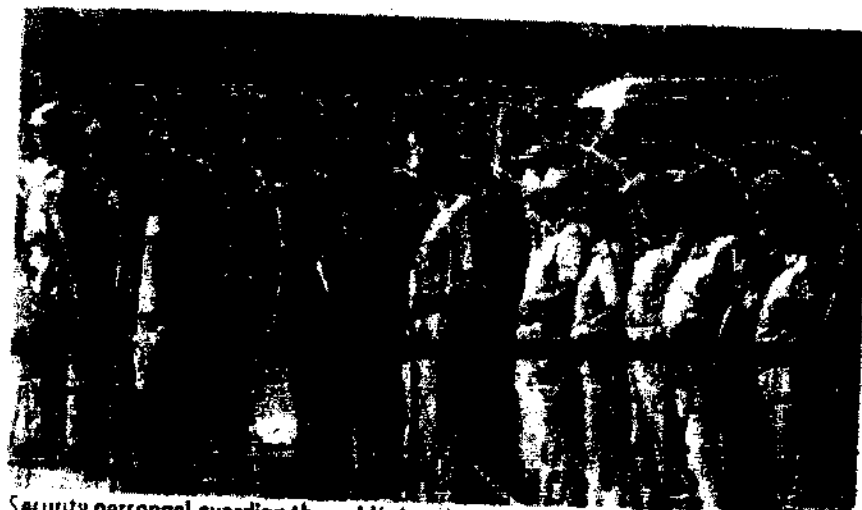
Koraput/Jeyapore

THE public hearing for Hindalco's Maliparbat bauxite mining in Koraput's Pottangl block was organised peacefully amid tight security at Kankadaamba village in Semiliguda on Monday.

The palli sabha venue turned into a fortress as 30 platoons of police force were deployed to maintain law and order situation. Besides, the venue was cordoned off with iron wire fencing across a three km radius from the nearby hills. A drone camera was also used to keep an eye on protestors trying to sneak into the meeting place.

Koraput ADM Rajendra Majhi said in adherence to Covid-19 guidelines, the number of participants in the public meeting was limited to 250 villagers. Sources said the participating villagers demanded basic amenities like healthcare, education, road, drinking water, development of peripheral areas, jobs for local youths and livelihood for all affected families. Hindalco vice-president Manoj Nayak agreed to the demands of villagers.

On the other hand, members of Maliparbat Surakhya Samiti accused police of preventing them from attending the public hearing. "Police created fear among local villagers. We were detained by police 3 km away from the meeting venue. Is this democracy or autocracy? It seems tribals have lost their



Security personnel guarding the public hearing venue at Kankadaamba | express



Police created fear among local villagers. We were detained by police 3 km away from the meeting venue. Is this democracy or autocracy? It seems tribals have lost their right to freedom of speech

Member of Maliparbat Surakhya Samiti

right to freedom of speech," claimed a member of the Samiti. He also alleged that outside people hired by the administration attended the public hearing.

Notably on September 22, tribals had opposed the palli sabha meeting at the same place and vandalised the meeting venue protesting the proposed bauxite mining.

Police had arrested 28 villagers from peripheral villages of Maliparbat in this connection. On Sunday, another six villagers were arrested by police to avert law and order situation

during the public hearing.

Vice-president of Maliparbat Surakhya Samiti Delim Basa Khora said the womenfolk of various villages had met Koraput Collector Md Abdaal Akhtar and urged him not to hold the public hearing as all male leaders of the Samiti were lodged in jail. But the Collector did not pay any heed to the request, she claimed.

Among others, State Pollution Control Board director PK Kar, senior revenue and police officials attended the palli sabha meeting.

Spread over 270 acre and 40 km from Koraput at Doliamba village, Maliparbat mine was leased to Hindalco in 2006 but it failed to carry out operations due to stiff resistance from the tribals, resulting in expiry of the lease terms. In April this year, the company got an extension of lease for 50 years and was allowed to apply for fresh environmental clearance.

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Tribal communities in Odisha's Koraput protest bauxite mining to save their Mali hill

Exactly two months after a public hearing was held on September 22 to grant permission for bauxite mining in the tribal dominated Semiliguda block, and which had led to the arrest of 28 tribal leaders, the district administration organised another hearing on November 22 amidst tight security. Protests continue.



Ashish Senapati
| Updated: November 30th, 2021



The Odisha State Pollution Control Board organised a public hearing on bauxite mining in Kankadaamba village which was met with stiff resistance from the local Adinasis. Photo by Ashish Senapati

-89-

Protests against bauxite mining in the forests of Koraput in Odisha are growing as the local tribal population is opposing mining operations in their Mali parbat (hill). Last week, on November 22, the Odisha State Pollution Control Board organised a public hearing on bauxite mining in Kankadaamba village, nearly 500 kilometres away from the state capital, Bhubaneswar, which was met with stiff resistance from the local Adivasis.

According to local inhabitants, the number of armed security forces and officials far outnumbered the local tribal people at the public hearing that took place. On the day of the hearing, members of the Mali Parbat Suraksha Samiti (Mali Hill Save Committee) staged a protest demanding that the officials cancel the mining project and protect the virgin hill and forest area.

"If the Odisha State Pollution Control Board gives a no objection certificate to the company [Hindalco Industries Limited], we will intensify our agitation," Prafulla Samantra, the president of Lok Shakti Abhiyan, one of the protesting groups, told *Gaon Connection*. "Mining disturbs groundwater, air and soil in the area. We will not allow this to happen," he added vehemently.

Also Read: Tribal villagers in Odisha's Sukinda eat chromite dust; govt builds stadiums and playgrounds with musical fountains using mining funds



The agitators protested against mining in and around the Mali hillock at Kankadaamba village in the tribal dominated Semiliguda block in Koraput district. Photo by Ashish Senapati

Two months ago, on September 22, the district administration had tried to hold a public hearing for the same project. However, no headway was made. The protestors had raised anti-government slogans. Between September 24 and 26, the police arrested 28 tribal leaders who are still in jail.

"The hearing process on September 22, could not be completed due to local resistance because of which we organised another public hearing on November 22," Rajendra Majhi, additional district magistrate, Koraput, told *Gaon Connection*.

There were allegations by the local public that the venue was cordoned off and only those people who supported the project were allowed in after being duly screened by the police, government officials and the employees of Hindalco. The hearing was also hurriedly concluded in an hour without providing people opposed to the project an opportunity to voice their objections, villagers complain.

Also Read: *Mine games in Sundargarh, Odisha where coal mines are on an expansion mode despite flouting several rules*

Bauxite mining in Koraput

The agitators protested against mining in and around the Mali hillock at Kankadaamba village in the tribal dominated Semiliguda block in Koraput district. The area around Mali Hill is home to Kondha, Paraja, and Gadaba tribal communities who live in 44 villages there. The area that falls under the mining lease is spread over 268.110 hectares.

The mining lease and an environmental clearance was granted to Hindalco Industries Limited in 2003, despite reservations about the project by the local inhabitants. The local resistance however prevented mining activity in the area and the lease and the environmental clearance ended in 2013.

Now, the industry is going in for a fresh lease of 50 years. But it has to get the nod from the local people for which a public hearing is necessary. The public hearing was organised on November 22, as the district administration postponed the public hearing on September 22 alleging large scale violence.

Also Read: *Tribal women from Koraput make a clean sweep with traditional brooms*

But according to many local inhabitants and Samantra, the authorities, taking advantage of the absence of the influential tribal leaders (arrested after the September 22 public hearing), organised another public hearing amid tight security.

The venue for the public hearing on November 22, three kilometres away from Mali hill, was cordoned off by a wired fence, claim the local villagers. There were allegations that hundreds of villagers were prevented from entering the area by the police force, reminiscent of the earlier public hearing on September 22. Some villagers were detained at the police station for the duration of the hearing, said Bharanya, an activist of Koraput.

Tribal people want their forests protected

- 91 -

The local Adivasi population vociferously expressed its concern over what would happen to the forests and people, flora and fauna who inhabited the Mali hillock area.

Thirty six perennial streams flow through the Mali hill and ultimately feed the Kolab river. The tribal communities use the river water for irrigation, and are worried that mining in the hills will dry out the river. The hill also has many valuable medicinal trees, besides being an important elephant corridor.

"Bauxite mining in the forested hills is also responsible for the drying up and siltation of several natural streams, waterfalls, and rivulets and that is why we are opposing it so vehemently," Samantra said.

Rampant mining in the forest is also one of the main reasons behind the destruction of elephant corridors in the state. On August 17, earlier this year, the National Green Tribunal (NGT) directed the Odisha government to notify 14 elephant corridors in two months time, amidst growing demand for conservation and protection of the jumbos, said Biswajit Mohanty the secretary of Wildlife Society of Odisha.

कैसे कम कर सकते हैं मानव-हाथी संघर्ष?



Meanwhile, as per the additional district magistrate Majhi, a large number of local inhabitants gave their consent to this proposed bauxite mining project on November 22 during the public hearing.

"The district administration deployed thirty platoons of security forces to check any untoward incident. The Odisha State Pollution Control Board will submit the public hearing report to the state government soon," the official added.

PROCEEDINGS OF THE PUBLIC HEARING FOR MALIPARBAT BAUXITE MINE OF M/S HINDALCO INDUSTRIES LTD. FOR PRODUCTION CAPACITY OF 0.6 MTPA OVER A MINING LEASE AREA OF 268.110 HA IN ALIGAON, KANKARAMBA AND SORISHPADAR VILLAGES UNDER POTTANGI TEHSIL OF KORAPUT DISTRICT CONDUCTED ON 22.11.2021 AT 10.00 AM AT KHATA NO. 27 PLOT NO. 40 (P), IN VILLAGE KANKARAMBA UNDER SEMILIGUDA TEHSIL DISTRICT KORAPUT.

The public hearing in respect of the above project was held on 22.11.2021 as per the schedule and at the venue in accordance with the EIA Notification S. O. 1533 (E) dt. 14.09.2006. The public hearing with regard to date, place and time was announced in Public Address System in nearby villages of proposed project site and also published in Daily News Paper. The process followed for public hearing was adequate.

Er P Kar, Regional Officer I/c, State Pollution Control Board, Koraput welcomed the public to the hearing and briefed about the objectives, process & procedures followed for conducting such public hearing.

Shri Rajendra Majhi, OAS(S), Additional District Magistrate, Koraput presided over and supervised the public hearing. He briefed about the importance and objectives of such hearing and invited the project proponent to highlight on proposed project.

Sri Pratap Kumar Patra, AGM (Mining) of M/s HINDALCO Industries Ltd explained about the proposed project and briefed about the Pollution Control measures to be adopted in the Project.

The following is the summary of the public hearing proceedings, reflecting all the views and concerns expressed by the assembled public at the venue. It was recorded by the officials of the Regional Office, State Pollution Control Board, Odisha, Koraput.

1. Sri S. Devaswami, Rajnaguda, Pakjholi G. P.

Sri Devaswami while welcoming the project he emphasised on protection of the environment & urged that the soil to be generated due to mining should not affect the land in down hills. Further he demanded that the local ITI & Technically qualified youth should be employed in the project & suggested to conduct survey in surrounding villages to identify the poor SC, ST & OBC qualified students for higher education. He also stressed on priority to be given for employment to local educated students in the project. He appealed for maintaining peace & to resolve issues by mutual discussion. He strongly welcomed the project with a hope that unemployment problems of the locality will be resolved.

2. Sri Ravi Sodapalli, Kankada amba, Khudi

Sri Sodapalli welcomed the project & hoped that the company will provide employment to the local educated youths & livelihoods to local poor people. He read over their demands on behalf of villagers of Maliparbat area. He demanded for permanent employment to the land losers of Maliparbat Road, Expenditure of 20% of profit for local development, employment to local educated youth, priority in employment of local people of 4 nos of Gram Panchayat, Pucca roads water, drinking water supply & street light provision to each village of Maliparbat area, provision for development of School & college building, Dress materials & supply of Books, construction of building for Library, community Hall, SHG & worship places, Bus provision for students, provision of Ambulance & Health facilities, Formation of artificial Forest with fruit bearing Trees, support for small & cottage Industries, Bonus for employees, Protection from air & water pollution due to transportation, Preservation of stream water for Agricultural purpose only, Supply of House for local inhabitants, Compensation for accidental death under Mining Act, opportunity for local people in transportation activities.

[Signature]

[Signature]
22.11.2021

He supported the project hoping for development of locality. Sri Sodapalli & representatives of local villages submitted their demand to the Chair.

3. **Smt Chanchala Takaria, Tentuliguda, Daleiguda**

Smt. Takaria expressed that company should provide all facilities to their village & to look after them. She supported the project.

4. **Smt. Chaiti Bosag, Tentuliguda, Daleiguda**

Smt. Bosag apprehended that there will be dust nuisance due to transportation; they will lose their land for road & their agriculture likely to be affected. She demanded to provide all facilities for them by the company.

5. **Sri Jagabandhu Sakia, Dollamba, Doleiguda**

Sri Sakia requested the Government to give Lease the Maliparbat Mines to HINDALCO & hoped that their children will get better education facilities, Bus for transportation & roads to be improved.

6. **Sri Laxman Padhi, Sarpanch, Pakjhol G. P., Semiliguda**

Sri Padhi informed that many local villagers supported the project with a hope that the unemployment issues of the area will be resolved. He emphasised on unemployment problems of local educated youth & urged that company should provide employment to those youths. He informed that the locality is agricultural rich area & there are vegetable productions round the year. He requested the Government to give special attention to the Farmers & Agriculture under different scheme. Further he informed that there is a confluence point of three streams in Pakjhol village & suggested to construct a check dam in that place to provide pipe water supply for benefit of 15 villages. He requested to provide agricultural equipment & advanced technology for benefit of farmers & agriculture. He stressed on the provision of vocational training to uneducated youths for their livelihoods. He requested to provide help to the physically challenged persons, Land less people & old age people of the locality by the Government & company. He suggested making provision of free Technical educations to the needy students in an institution by the company for their development. He urged that an ITI should be established in the locality for technical education for future generation & scope of job opportunity to them in the mines. He requested for Ambulance & free treatment facilities in outside Hospital for local people.

7. **Sri Sirama Khara, Tentuliguda, Daleiguda**

Sri Khara supported the project for overall development of the area. He informed that survey was conducted in 1971 for the mines & lease has already been given to the company. He further informed that the success of Pallisabha will lead to start of the Mines. He expressed that they have given 07 Acs of land for the road of the project for development. He committed that they will not create any disturbance & go officially for placing their demands. He appealed to have patience for getting benefits from the Mines.



8. Sri Ravi Kuldip, Kantaguda, Daleiguda

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Sri Kuldip informed that, there is public perception of depletion of Ground water & there will be scarcity of water for agriculture due to mines. He explained that there is no vegetation where Bauxite deposits are there but after mining there will be plantation over the mines area & that will recharge ground water. He explained the difficulties faced by them during lock down & expresses that they are going to outside for the job. He informed that, a big company has come to their locality & there will be no problem of employment for them.


9. Miss Sabita Khara, Pakuguda, Pakjhoia

Miss Khara demanded that provision should be made by the company for development of education, Health facilities, Irrigation facilities, Training for Apiculture, Mushroom Farming, ponds for Pisci culture, Training for stitching, Meeting rooms, Plantation of fruit bearing Trees like Tamarind, Mango & cashew etc, Poultry & Goat Farms, sarees & cultural equipment for their mothers, sisters & SHG people. She also requested to the company to extend help for their annual cultural programme of their village.

The Regional Officer I/C, SPCB, Koraput read over the issues raised by the public in the hearing. Sri Pratap Kumar Patra, AGM (Mining) of M/s HINDALCO Industries Ltd responded to the issues raised.

The issues raised by the public and corresponding comments of the applicant were prepared in Odia and English and it is annexed with the proceedings as Annexure I & II respectively, list of the oral deliberators and participants in the hearing is annexed as Annexure III & IV respectively. Two number of written representations received during public hearing is annexed as Annexure-V (a & b). The videography of proceedings are recorded and submitted as DVD (I).

Hearing ended with thanks to the chair.


22-11-2021

Er P Kar
Regional Officer I/C
State Pollution Control Board, Koraput



Shri Rajendra Mohi, OAS(S)
Additional District Magistrate, Koraput



95.

To

The Member Secretary,
State Pollution Control Board
Paribesh Bhawan,
A/118,
Nilakantha Nagar, Unit VIII,
Bhubaneswar - 751012
Odisha.

HIL/SEM/OSPCB/R021-22/98

04.12.2021

Sub: Statement of issue raised by the public and comments of the project proponent in the Public Hearing for Maliparbat Bauxite Mines of M/S Hindalco Industries Ltd. for Production capacity of 0.6 MTPA over a Mining lease area of 268.110 Ha in Aligaon, Kankramba and Sorishpadar villages under Pottangi Tehsil of Koraput District conducted on 22.11.2021 at 10.00 am at Khata no. 27 Plot no. 40 (P) in village Kankaramba under Semiliguda Tehsil, District Koraput.

Respected Sir,

With reference to above we are herewith attaching a copy of Issue raised by public and our comments as required for your reference and onward submission to MoEF&CC.

Thanking with regards,

Yours faithfully,

(Pratap Patra)

Agent- Maliparbat Bauxite Mines

Hindalco Industries Ltd

Enclosures: As above

Regional Officer, State Pollution Control Board, Koraput

Mrs. Animesh
04/12/20

STATEMENT OF ISSUES RAISED BY THE PUBLIC AND COMMENTS OF THE PROJECT PROPONENT IN THE PUBLIC HEARING FOR MALIPARBAT BAUXITE MINE OF M/S HINDALCO INDUSTRIES LTD. FOR PRODUCTION CAPACITY OF 0.6 MTPA OVER A MINING LEASE AREA OF 268.110 HA IN ALIGAON, KANKARAMBA AND SORISHPADAR VILLAGES UNDER POTTANGI TEHSIL OF KORAPUT DISTRICT CONDUCTED ON 22.11.2021 AT 10.00 AM AT KHATA NO. 27 PLOT NO. 40 (P) IN VILLAGE KANKARAMBA UNDER SEMILIGUDA TEHSIL, DISTRICT- KORAPUT.

Sl no	Issues raised by the public in Hearing	Response of the Project Proponent
Environmental Issues		
i	Protection of Air & water Environment	<p>Mitigation measures for Protection of Air & water Environment has been proposed as follows :</p> <ul style="list-style-type: none"> ➤ Air level will be monitored as per CPCB norms throughout the life of the mine to check the effectiveness of environmental management (pollution control measures) vs mining activities. we will follow the guideline of CPCB and OPCB too. The parameters like RPM, SPM, SO₂, NO_x and CO are proposed to be quantified in the air samples taken from core zone as well as buffer zone. Periodical monitoring is subjected to 8 hours per day per season (two days per week for one month) and four seasons per year throughout the life of the mine. ➤ Water sprinkling will be done at regular intervals on the dust prone areas such as haul roads and other possible dust generation areas to suppress emission and distribution of dust particles. ➤ Plantation will be undertaken along the plateau slopes as well as peripheral barrier around the mine to arrest the air borne dust from further spreading. Plantation will be done as per guideline given in Mining Plan approved by IBM. ➤ An area of 20,000 m² or 2 hectares is proposed for plantation with 5,000 saplings which will help in arresting dust particles and making the environment clean. ➤ Diesel machines will be subjected to proper maintenance to decrease the emission level of NO_x and SO_x.

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- Wet-drilling techniques / dust-collectors will be deployed to prevent generation of dust during drilling operations.

Samples collected from the nearby surface water sources and tube wells will be analyzed for their pollutant levels. Frequency of monitoring will be restricted to summer, monsoon, post monsoon and winter.

- Retaining wall, garland drain and settling tanks (As per requirement) will be constructed around the waste dump to arrest the wash-off materials to settle the sediments and release clean water.
- Rain water will be diverted to Mined out pit to control the run off water during monsoon.

ii Protection of downhill lands due to soil erosion from mines.

- Retaining wall, garland drain and settling tanks (as per requirement) will be constructed around the waste dump to arrest the wash-off materials to settle the sediments and release clean water.

iii Preservation of streams water for agricultural purposes.

It is a plateau top deposit. Measures proposed to arrest the wash-offs and prevent the possible siltation of surrounding area due to mining activity are as follows:

- Rain water accumulated in the quarries will not be allowed to flow down the valley.
- Surface run-off water will be canalized through the seasonal water course to accumulate at the lowermost level, percolate down through the strata and enrich the ground water table.
- Peripheral barrier (7.5 m wide) will be left around the mine to stop the flow of water to flow down the valley.
- Check dams will be constructed across the seasonal nalas to control wash-offs as

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well as soil erosion one after another depending upon the progress of mining and the water could be used for agricultural purpose.

- Retaining wall, garland drain and settling tanks will be constructed around the waste dump to arrest the wash-off materials to settle the sediments and release clean water

iv Control of fugitive dust emission during transportation of bauxite ore from the mine & protection of agricultural land.

- We will load the truck as per Govt norms to prevent spillage on the way.
- Trucks / tipper drivers will be instructed strictly to run the loaded vehicles at a permissible speed depending upon the climate to generate dust on the haul road as minimum as possible.
- All trucks will be covered with Tarpaulin which will be deployed for transportation of bauxite from the mine head to railway siding.

v Development of forest over barren hills & plantation of fruit bearing Trees in the locality.

- We will plan to develop forest over barren hill with the consultation with forest department. We will provide fruit bearing trees to the periphery villages with all type of technical support for the proper growth of trees.
- proposal is there for plantation in 7.5m wide safety zone along M.L boundary @2500 nos. saplings / hectare in each year.
- Plantation will be done as per guideline given in Mining Plan approved by IBM.

Peripheral developmental Issues

i Employment opportunity for local educated youths, Technically qualified youths, local people in the mines, Vocational Training for uneducated youths etc.

- Preference will be given to local youth who are skilled and experienced as per requirement during mines operation.
- Local employment will be generated by various sustainability project that would be undertaken during mining operations.
- We will facilitate for vocational training program for the unemployed youth of affected villages. We will impart training to qualified youth for obtaining various

		competency certificates like Blaster, Mining Mate and Foreman that will create job opportunity for them.
ii	Development of Education facilities, development of schools & college buildings Establishment of ITI, Survey for needy students to provide free Higher education, Bus provision for local students	<ul style="list-style-type: none"> ➤ We will plan to develop and support educational facilities / infrastructure to the existing schools in consultation with District Authority and School Committee. ➤ We will sponsor ITI training to interested local students in existing ITC-Damanjodi. ➤ We will facilitate the needy students for higher education after conducting survey in peripheral villages. ➤ We will explore possibility for providing school bus facility or a suitable alternative to local students.
iii	Development of Health facilities, Ambulance provision, Free treatment facilities for locals in outside Hospitals & mobile Health camp.	<ul style="list-style-type: none"> ➤ We will conduct health camp time to time within our periphery villages. ➤ We will facilitate Ambulance facilities for the peripheral villages by giving support to the local PHC. ➤ We will provide free treatment to local by distributing free medicine with prescription of authorized Doctor.
iv	Provision of Pucca Roads, Drinking water supply & street Light to each village of Maliparbat area.	We will supply Drinking Water, provide Street Light and make provision of pucca road in periphery villages in a phased manner.
v	Priority for local people in Transportation activities.	Priority will be given to the local people in Transportation activities.
vi	Provision of agricultural equipment, advance Technologies for cultivation, Development of farmers & agriculture.	In Consultation with authorities of Agriculture and Horticulture Department, our CSR Team will facilitate to give training and equipment for advance Technologies towards cultivation, Development of farmers & agriculture.
vii	Construction of Check dam at Pakjhola Village confluence points of three streams & supply of water to 15 villages.	We will explore the possibility of constructing a Check dam at Pakjhola Village with consultation with DRDA, Koraput.
viii	Expenditure of 20% of profit for local development, Help for Physically challenged persons, Landless people & old aged people.	<ul style="list-style-type: none"> ➤ A certain amount of fund is deposited in DMF (District Mineral Foundation) Fund for the Welfare and Development of near by community surrounding to the mine. We will mobilize this fund by pursuing the District Administration for the said purpose.

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		<ul style="list-style-type: none">➤ We will explore the possibility for extending support to the physically challenged person, landless people and old aged people as per case specific.
ix	Training for Apiculture, Mushroom Farming & stitching, Provision of ponds for Pisciculture, Meeting rooms, Poultry & Goat Farms etc for mothers & sisters.	<ul style="list-style-type: none">➤ Training will be provided for Apiculture, Mushroom Farming, stitching, Pisciculture, Poultry & Goat Farms etc➤ With proper survey and consultation with villagers /SSG group we will facilitate for the Provision of ponds for Pisciculture, Meeting rooms, Poultry & Goat Farms etc for mothers & sisters.
x.	Help for annual cultural Programme for villages.	We will be happy to extend our best possible support in sustaining the Traditional Culture during Annual Cultural Programme for villages.

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ଜନସାଧାରଣଙ୍କ ଦ୍ୱାରା ଉପାଧାରଣ କରାଯାଇଥିବା ପ୍ରସଙ୍ଗ ସ୍ୱତନ୍ତ୍ର ଭାବେ ଏବଂ ଏମିତି ହିସାବକୋ ଭାବରେ ଲିମିଟେଡ୍ ର ମାଲିପରବତ ବହୁଭାବେ ଖଣି ପାଇଁ ଜନଶ୍ରମିକରେ ପ୍ରୋଜେକ୍ଟ ପ୍ରସାରକଙ୍କ ମନ୍ତବ୍ୟ ୧୨୭୮. ୧୧୦ ହା ଖଣି ଲିମିଟେଡ୍ ଉପରେ ବର୍ଷକୁ ୦. ୨ ମେଟ୍ରିକ ଟନ୍ ଉତ୍ପାଦନ କ୍ଷମତା ପାଇଁ କୋରପୁଟ ଡିଜାଇନ ପୋଟାଶ ତହସିଲ ଅଧୀନରେ ଥିବା ଆଲିଗାଠରୁ, ବଳାଟାଆମ ଏବଂ ସୋରିଶପଦର ଗ୍ରାମଗୁଡ଼ିକ ୨୨. ୧୧. ୨୦୨୧ ରେ ୧୦.୦୦ ରେ ଖାଣ ଚମ୍ପର ୨୭ରେ ପୂର୍ବ ନଂ ୪୦ (ପି) ରେ ସେମିଲିଭୁଟା ତହସିଲ, ଜିଲ୍ଲା- କୋରପୁଟ ଅଧୀନରେ ଥିବା କାକାଧାଲ ଗ୍ରାମ ପରିଚାଳିତ ହୋଇଥିଲା ।

କ୍ରମିକ ନ.	ଜନସାଧାରଣଙ୍କ ଦ୍ୱାରା ଶ୍ରମିକରେ ଉପାଧାରଣ କରାଯାଇଥିବା ପ୍ରସଙ୍ଗ ।	ପ୍ରକଳ୍ପ ପ୍ରସାରକଙ୍କ ପ୍ରତିକ୍ରିୟା ।
ପରିବେଶ ସମସ୍ୟା ।		
୧	ବାୟୁ ଓ ଜଳ ପରିବେଶ ସୁରକ୍ଷା	<p>ବାୟୁ ଓ ଜଳ ପରିବେଶ ସୁରକ୍ଷା ପାଇଁ ପଦକ୍ଷେପ । ନିମ୍ନଲିଖିତ ଭାବରେ ପରିବେଶ ପ୍ରସାର ଦିଆଯାଇଛି:</p> <ul style="list-style-type: none"> > ପରିବେଶ ପରିଚାଳନା (ପ୍ରକୃତିର ନିୟନ୍ତ୍ରଣ ପଦକ୍ଷେପ) ବନାମ ଖଣି କାର୍ଯ୍ୟକଳାପର ପ୍ରଭାବକୁ ଯାଞ୍ଚ କରିବା ପାଇଁ ଖଣି ଜୀବନ ସାରା CPCB ନିୟମ ଅନୁଯାୟୀ ବାୟୁ ସ୍ତର ଉପରେ ନଜର ରଖାଯିବ । RPM, SPM, SO₂, NO_x ଏବଂ CO ପରି ପାରାମିଟରଗୁଡ଼ିକ ଗୋର ଗୋର ଏବଂ ବର୍ଷକୁ ଗୋର ଠାରୁ ଦିଆଯାଇଥିବା ବାୟୁ ନମୁନାରେ ପରିମାଣିତ କରିବାକୁ ପ୍ରସାର ଦିଆଯାଇଛି । Periodical ନିରୀକ୍ଷଣ ପ୍ରତି ଋତୁରେ ଦୈନିକ ୫ ପ୍ରସ୍ତା (ଏକ ମାସ ପାଇଁ ପ୍ରସ୍ତାବରେ ଦୁଇ ବିନ୍ଦୁ) ଏବଂ ଖଣିର ଜୀବନସାରା ପ୍ରତିବର୍ଷ ଚାରି ଟି ଋତୁ ଅଧୀନରେ ରହିଥାଏ । > Dust ଧୂଳି ପ୍ରକଳ୍ପ ଅଞ୍ଚଳରେ ଯେପରିକି ଧୂଳି ବଣିକା ନିର୍ଗତ ଏବଂ ବ୍ୟବହୃତ ବନାମ କରିବା ପାଇଁ ଧୂଳି ପ୍ରକଳ୍ପ ଅଞ୍ଚଳରେ ନିୟମିତ ବ୍ୟବଧାନରେ ଜଳ ଛିଞ୍ଚିବା କାର୍ଯ୍ୟ କରାଯିବ । > ବୃକ୍ଷରୋପଣ ମାନ୍ଦୁକି ଗାଁରେ ନିଆଯିବ ଏବଂ ଅଧିକ ବିଶାଳର ବାୟୁ ବାହିତ ଧୂଳିକୁ ରୋକିବା ପାଇଁ ଖଣିଗାରିପାଖରେ ଯେଉଁଠି ଗାଁର ପ୍ରତିବନ୍ଧକ ମଧ୍ୟ କରାଯିବ । ଆଇଡିଏମ ଦ୍ୱାରା ଅନୁମୋଦିତ ଖଣି ପୋକନରେ ଦିଆଯାଇଥିବା ନିର୍ଦ୍ଦେଶାବଳୀ ଅନୁଯାୟୀ ବୃକ୍ଷରୋପଣ କରାଯିବ । > ୫,୦୦୦ ଟାଣା ସହିତ ବୃକ୍ଷରୋପଣ ପାଇଁ ୨୦,୦୦୦ ମିଟର ଦିଆ ୨ ହେକ୍ଟର ଅଞ୍ଚଳ ପ୍ରସାର ହୋଇଛି ଯାହା ଧୂଳି ବଣିକାକୁ ରୋକିବା ପାଇଁ ଏବଂ ପରିବେଶକୁ ବୃଦ୍ଧ କରିବାରେ ସାହାଯ୍ୟ କରିବ । > ତିନେଇ ମେସିନ୍ NO_x and SO_x ନିର୍ଗମନ ସ୍ତର ହ୍ରାସ କରିବା ପାଇଁ ଉପଯୁକ୍ତ ଗନ୍ଧଣାବେକ୍ଷଣ ଅଧୀନରେ ରହିବ । > ଓଦା-ଡ୍ରାଇଂ ଗୋଷ୍ଠ / ଧୂଳି-ସଂପ୍ରସାରକୁ ଡ୍ରାଇଂ କାର୍ଯ୍ୟ ସମୟରେ ଧୂଳି ଉତ୍ପାଦନକୁ ରୋକିବା ପାଇଁ ନିୟୋଜିତ କରାଯିବ ।

[illegible]

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		ଧନାତ୍ମକ ଚାଲିମ ବ୍ୟବସ୍ଥା ପାଇଁ ସୁବିଧା କରିବୁ । ଆମେ ବ୍ୟସ୍ତ, ମାଲିକି ମେଟ୍ ଏବଂ ଫୋରମାଲ୍ ପରି ବିଭିନ୍ନ ଦକ୍ଷତା ପ୍ରମାଣପତ୍ର ପାଇବା ପାଇଁ ଯୋଗ୍ୟ ଯୁବକମାନଙ୍କୁ ଚାଲିମ ପ୍ରଦାନ କରିବୁ ଯାହା ସେମାନଙ୍କ ପାଇଁ ନିୟୁତ ସୁଯୋଗ ସୃଷ୍ଟି କରିବ ।
୨	ଶିକ୍ଷା ସୁବିଧାର ବିକାଶ, ବିଦ୍ୟାଳୟଗୁଡ଼ିକର ବିକାଶ ଏବଂ ନିର୍ମାଣ କୋଠା ଆଇଟିଆର ପ୍ରତିଷ୍ଠା, ଅଭାବୀ ଛାତ୍ରମାନଙ୍କୁ ମାରଣ ଭବନିକା, ସ୍ଥାନୀୟ ଛାତ୍ରମାନଙ୍କ ପାଇଁ ବସ୍ ବ୍ୟବସ୍ଥା ଯୋଗାଇବା ପାଇଁ ସର୍ବେକ୍ଷଣ	<ul style="list-style-type: none"> ➤ ଆମେ ଜିଲ୍ଲା ପ୍ରାଧିକରଣ ଏବଂ ବିଦ୍ୟାଳୟ କମିଟି ସହିତ ପରାମର୍ଶ କରି ବିଦ୍ୟାଳୟ ବିଦ୍ୟାଳୟଗୁଡ଼ିକୁ ଶିକ୍ଷାଗତ ସୁବିଧା / ଭିଡିଓମି ବିକାଶ ଏବଂ ସମର୍ଥନ କରିବାକୁ ଯୋଜନା କରିବୁ । ➤ ଆମେ ବନଯୋଗରେ ବିଦ୍ୟାଳୟ ଆଇଟିସିରେ ଆଗ୍ରହୀ ସ୍ଥାନୀୟ ଛାତ୍ରମାନଙ୍କୁ ଆଇଟିଆର ଚାଲିମ ପ୍ରାୟୋଗିତ କରିବୁ । ➤ ଆମେ ପେରିଫେରାଲ୍ ସ୍ଥାନରେ ପର୍ଯ୍ୟଟନ କରିବା ପରେ ଗତ ଶିକ୍ଷା ପାଇଁ ଅଭାବୀ ଛାତ୍ରମାନଙ୍କୁ ସୁବିଧା ଦେବୁ । ➤ ଆମେ ସ୍କୁଲ ବସ୍ ସୁବିଧା ବିଧି ସ୍ଥାନୀୟ ଛାତ୍ରମାନଙ୍କ ପାଇଁ ଏକ ଉପଯୁକ୍ତ ବିକଳ ଯୋଗାଇବା ପାଇଁ ସମ୍ଭାବନା ଅନୁସନ୍ଧାନ କରିବୁ ।
୩	ସ୍ୱାସ୍ଥ୍ୟ ସୁବିଧାର ବିକାଶ, ଆନୁରାଦ୍ ବ୍ୟବସ୍ଥା, ଡାକ୍ତରଖାନା ବାହାରେ ସ୍ଥାନୀୟ ଲୋକଙ୍କ ପାଇଁ ମାରଣା ଚିକିତ୍ସା ସୁବିଧା ଏବଂ ମୋବାଇଲ୍ ସ୍ୱାସ୍ଥ୍ୟ ଶିବିର ।	<ul style="list-style-type: none"> ➤ ଆମେ ସ୍ଥାନୀୟ ପିଏଚ୍‌ସିଡିଏସ୍‌ ସମର୍ଥନ ଦେଇ ପେରିଫେରାଲ୍ ସ୍ଥାନଗୁଡ଼ିକ ପାଇଁ ଆନୁରାଦ୍ ସୁବିଧା କୁ ସୁଗମ କରିବୁ । ➤ ଆମେ ଆମର ପରିସ୍ଥ ସ୍ଥାନ ମଧ୍ୟରେ ସମୟ ସମୟରେ ସ୍ୱାସ୍ଥ୍ୟ ଶିବିର ପରିଚାଳନା କରିବୁ । ➤ ଆମେ ଅଧିକତା ଡାକ୍ତରଙ୍କ ପ୍ରୋକ୍ସିପସନ୍ ସହିତ ମାରଣା ଶିକ୍ଷା ବ୍ୟବସ୍ଥା କରି ସ୍ଥାନୀୟ ମାରଣା ଚିକିତ୍ସା ପ୍ରଦାନ କରିବୁ ।
୪	ମାଲିପରବତ ଅଞ୍ଚଳର ପ୍ରତ୍ୟେକ ସ୍ଥାନକୁ ପହଞ୍ଚି ରାସ୍ତା, ପାଳୀୟ ରଜ ଯୋଗାଣ ଏବଂ ରାସ୍ତା ଆଲୋଚନା ବ୍ୟବସ୍ଥା ।	ଆମେ ପାଳୀୟ ରଜ ଯୋଗାଣକୁ, ଶୁଦ୍ଧ ଭାରତ ଯୋଗାଣକୁ ଏବଂ ପର୍ଯ୍ୟାୟକ୍ରମେ ପରିସ୍ଥ ସ୍ଥାନରେ ପହଞ୍ଚିବା ବ୍ୟବସ୍ଥା କରିବୁ ।
	ପରିବହନ କାର୍ଯ୍ୟକଳାପରେ ସ୍ଥାନୀୟ ଲୋକଙ୍କ ପାଇଁ ପ୍ରାଥମିକତା ।	ପରିବହନ କାର୍ଯ୍ୟକଳାପରେ ସ୍ଥାନୀୟ ଲୋକଙ୍କୁ ପ୍ରାଥମିକତା ଦିଆଯିବ
୫	ବୃକ୍ଷ ଉପକରଣର ବ୍ୟବସ୍ଥା, ଗଣ ପାଇଁ ଅସ୍ଥାୟୀ ପ୍ରଯୁକ୍ତିବିଦ୍ୟା, ବୃକ୍ଷକର ବିକାଶ ଏବଂ ବୃକ୍ଷ ।	ବୃକ୍ଷ ଏବଂ ଉଦ୍ୟାନ ବୃକ୍ଷ ବିକାଶର କର୍ତ୍ତୃପକ୍ଷଙ୍କ ପରାମର୍ଶ କ୍ରମେ ଆମର ପିଏସ୍‌ଆର ଟିମ୍ ଗଣ, ବୃକ୍ଷକର ବିକାଶ ଏବଂ ବୃକ୍ଷ ର ବିକାଶ ଦିଗରେ ଅସ୍ଥାୟୀ ପ୍ରଯୁକ୍ତି ବିଦ୍ୟା ପାଇଁ ଚାଲିମ ଏବଂ ଉପକରଣ ପ୍ରଦାନ କରିବାରେ ସୁବିଧା ପ୍ରଦାନ କରିବୁ ।

[Handwritten signature]

୨	ପାକିସ୍ତାନ ସ୍ଥାନରେ ଚେନ୍ଦ୍ର ଚ୍ୟାମ୍ ନିର୍ମାଣ ଚିନ୍ତାଟି ଛରଣାର ସମ୍ପଦ ପଦ୍ମ ଏବଂ ୧୫ ଟି ସ୍ଥାନକୁ ଜଳ ଯୋଗାଣ ।	ଆମେ ତିଆରିଟିଏ, କୋରାପୁଟ ସହିତ ପରାମର୍ଶ କରି ପାକିସ୍ତାନ ସ୍ଥାନରେ ଏକ ଚେନ୍ଦ୍ର ଚ୍ୟାମ୍ ନିର୍ମାଣ କରିବାର ସମ୍ଭାବନା ଅନୁସନ୍ଧାନ କରିବୁ ।
୨	ସ୍ଥାନୀୟ ବିକାଶ ପାଇଁ ଲାଭର ୨୦% ଖର୍ଚ୍ଚ, ଶାରୀରିକ ଭାବରେ ଚ୍ୟାଲେଞ୍ଜ ହୋଇଥିବା ବ୍ୟକ୍ତି, ଭୂମିହୀନ ଲୋକ ଏବଂ ବୃଦ୍ଧ ଲୋକଙ୍କ ପାଇଁ ସାହାଯ୍ୟ ।	<ul style="list-style-type: none"> > ଖଣିର ଆଖପାଖସମସ୍ତଙ୍କୁ ବ୍ରାଉ ନିକଟବର୍ତ୍ତୀ କଲ୍ୟାଣ ଏବଂ ବିକାଶ ପାଇଁ ଡିଏମଏଫ୍ (ଜିଲ୍ଲା ଖଣିର ପ୍ରାଧିକୃତ) ପାଣିରେ ଏକ ନିର୍ଦ୍ଦିଷ୍ଟ ପରିମାଣର ପାଣି ଜମା କରାଯାଏ । ଆମେ ଉଚ୍ଚ ଉଦ୍ଦେଶ୍ୟ ପାଇଁ ଜିଲ୍ଲା ପ୍ରଶାସନକୁ ଅନୁସରଣ କରି ଏହି ପାଣି ସଂଗ୍ରହ କରିବୁ । > ଆମେ ଶାରୀରିକ ଭାବରେ ଚ୍ୟାଲେଞ୍ଜ ହୋଇଥିବା ବ୍ୟକ୍ତି, ଭୂମିହୀନ ଲୋକ ଏବଂ ବୃଦ୍ଧ ଲୋକଙ୍କୁ ସମର୍ଥନ ଦେବାର କରିବାର ସମ୍ଭାବନା ଅନୁସନ୍ଧାନ କରିବୁ ।
୮	ଆପିବଳତର, ଛତୁ ଗାଈ, ଏବଂ ପିଲେଇ ପାଇଁ ଗାଈମ, ପିସି ସଂସ୍କୃତି ପାଇଁ ଯୋଗାଣର ବ୍ୟବସ୍ଥା, ପରା କଷ୍ଟ, ବୁକୁଡ଼ା ଏବଂ ଛେନି ପାଇଁ ଉଦ୍ୟୋଗି ମା' ଏବଂ ଉତ୍ତରାମାନଙ୍କ ପାଇଁ ।	<ul style="list-style-type: none"> > ଆପିବଳତର, ଛତୁ ଗାଈ, ପିଲେଇ, ପିସି ସଂସ୍କୃତି, ବୁକୁଡ଼ା ଏବଂ ଛେନି ପାଇଁ ଉଦ୍ୟୋଗି ପାଇଁ ଗାଈମ ପ୍ରଦାନ କରାଯିବ । > ସ୍ଥାନବାସୀ/ସମ୍ପ୍ରଦାୟ ଗୋଷ୍ଠୀ ସହିତ ଉପଯୁକ୍ତ ସର୍ବେକ୍ଷଣ ଏବଂ ପରାମର୍ଶ ସହିତ ଆମେ ପିସି ସଂସ୍କୃତି, ମିଟି, ରୁମ୍, ବୁକୁଡ଼ା ଏବଂ ଛେନି ପାଇଁ ଉଦ୍ୟୋଗି ମା' ଏବଂ ଉତ୍ତରାମାନଙ୍କ ପାଇଁ ଯୋଗାଣ ଉଦ୍ୟୋଗି ପାଇଁ ସୁବିଧା କରିବୁ ।
୯	ସ୍ଥାନବାସୀଙ୍କ ପାଇଁ ବାର୍ଷିକ ସଂସ୍କୃତିକ କାର୍ଯ୍ୟକ୍ରମ ପାଇଁ ସାହାଯ୍ୟ	ସ୍ଥାନବାସୀଙ୍କ ପାଇଁ ବାର୍ଷିକ ସଂସ୍କୃତିକ କାର୍ଯ୍ୟକ୍ରମ ସମୟରେ ପାରମ୍ପରିକ ସଂସ୍କୃତିକୁ ବଢ଼ାଇ ଉତ୍ସାହରେ ଆମର ସର୍ବୋତ୍ତମ ସମ୍ପଦ ସମର୍ଥନ ଦୃଷ୍ଟି କରି ଆମେ ଶୁଣି ହେବୁ ।

Fact-finding report of Mali Hill and Serubandh Bauxite hill in Koraput district

by Fact-Finding Report

A seven-member team of Ganatantrik Adhikar Surakhya Sangathan, Odisha had visited Semiliguda and Patangi block of Koraput district for two days on October 31 and November 01. The objective of this fact finding was to know about the reason of massive arrests happened after Public Hearing held on 22nd September for Mali Parbat bauxite mining of HINDALCO.

The team firstly went to six villages – Pakajhola, Rajanaguda, Ailgaon, Ranikana, K. Maliguda and Dekapara – situated on foothills of the Mali Hill in Semiliguda block. Then the team went to another two villages – Malakarabandh and Erasantaguda – situated around Serubandh Hill of Patangi block in same district. Later we met the Additional Collector and the District Collector at Koraput town.

This is to inform that the Government of Odisha signed MOU with HINDALCO in 2003 for mining bauxite from Mali Hill and with NALCO – a public sector unit – in 2010 for mining bauxite from Serubandh Hill. Both these hills are belong to one hill range, Deo Mali. People of the area, mainly the peasants, have been opposing the mining companies from the day of the MOUs.

We are here mentioning our finding report in brief.

A) Mali Hill area:

1. The local villagers told before the team that police in a vehicle had announced about the date, time and place of public hearing two days before the date of the public hearing. The public hearing on 22 September was scheduled to be started at 11am at Kankadamba village. What the villagers said that instead of 11am the public hearing was started at 9am. When our team met the Additional collector Mr. Sujit Mishra, we asked about it. But he became silent. When our team met the District Collector Mr. Abdaal M. Akhtar at his office at Koraput, we had asked same question to him. But he said it as "false allegation". As per his statement, the meeting started at 11am and villagers reached at 11.05am. He also denied allegation of villagers that police and company goons were blocking them on their way to the venue. But when our team asked him about the reason of cancellation of such public hearing he said, "some anti-socials reached the venue and interrupted the process" for which that public hearing was cancelled. Now the Pollution Control Board of Odisha is conducting another Public Hearing for same HINDALCO project on 22 November at same venue.

2. The procedure of the public hearing is that the people of proposed project would get project-details in local language much before the hearing. Then the informed villagers would attend the public hearing and would tell about their views. The police should look into the law and order situation. The team had asked about the villagers about any written report of mining project. Neither the village nor the district administration has produced any report about the project.

3. The police have arrested 28 people after the public hearing on charges of attempt to murder, defileation and damaging properties etc. Our team met family members of 13 arrested people. The police had broken the door of Bhakta Patnaik (Aligaon), Abhijit Jani and Ramesh Hantai (Dekapara village) and Raghu Nayak (Pakajhola village) and had broken school door of Dekapara village. As per the D K Basu Judgement, the police should inform the family member after the arrest. In this case, though the family members of the arrested person have asked to the local police station but they had denied of any knowledge. Sunamani, wife of Dashinandi Bari and Sabitri Khara, wife of Rabi Khara complained that police did not cooperate them when they were enquiring about their husband. Dashinandi and Rabi Khara including 28 people are still in Koraput jail.

4. The local villagers are still in fear. Women of some of the villages are guarding their own village in the night.

5. Our team found that all villagers of the area depend on perennial stream of Mali hill and Serubandh Hill. They grow paddy, ragi, several type of vegetables here. They also supply this to Koraput, Vishakhapatnam and also Bhubaneswar. The villagers of Dekapara, Aligaon and K Maliguda use stream water for drinking.

6. Many of the streams are meeting with Kolab river. It helps water reservoir to fill up. Also Kolab river is connected with Godavari river. So excess water from the reservoir goes to Godavari. People know that because of the bauxite their streams are perennial. This they got after observing perennial stream from the Panchaput Mali of NALCO. NALCO had its bauxite mining at Panchaput Mali since 80s. Now bauxite has been finished up from this hill. This mining has dried up all streams from the hill. Most of the villagers living around Panchaput mali are migrating to other places because of lack of stream water. Here, People feel that similar situation may happen in Mali and Serubandh hill if HINDALCO and NALCO mining happen. They have opposing the project since 2005.

B) Serubandh area:

Our team also visited Malakarabandh and Erasantaguda villages of Maliput panchayat of Patangi block in Koraput district.

1. On June 19, 2018, gramsabha was held in four gram panchayats, namely, Maliput, Patanti, Nuagaon and Kotia for conversion of forest land for non-forest purposes. This is essential for the NALCO to do its second bauxite mining project after Panchaput Mali. In all four gramsabhas the villagers had opposed such conversion. But the district collector has called on another panchayat/gramsabha for conversion of forest land on coming 9th November 2021. He is ignoring earlier decisions of the gramsabha. Our team asked him why such gramsabha was essential. The District collector has the views that earlier this gramsabha was conducted as per Forest Rights Act, 2006 (FRA). Koraput district is notified under the fifth scheduled area of the Forest Rights Act, 2006. It should be conducted as per Forest Rights Act, 2006. He said to the team.

2 The Gramsabha earlier was conducted at block head quarter of Patangi without following the voters list what the Collector had said to the team members. Later we found that it was held at gram panchayat head quarter with proper procedure. The people had opposed conversion of forest land on June 19, 2018 gram Sabha. Though this new Gramsabha is not essential but the government of Odisha is doing it again for benefitting the NALCO. The government is even ignoring earlier decision of the Gramsabha. So, this new process is illegal.

3 People around the Serubandh Hill have been opposing the proposed NALCO bauxite mining project since 2010. If mining happens then villagers of nearly 60 villages of six gram panchayats would be directly affected.

Our Demands:

We are keeping following demands before the government of Odisha.

1. The government should cancel the HINDALCO and NALCO bauxite mining lease.
2. Those have been arrested from both Mali Parbat and Serubandh hill area should be released soon.
3. The government should respect PESA and should work as per decisions of Gramasabha and Panchayat.
4. The farmers should get price fixed by the Regional Marketing Cooperatives.
5. We have already experienced number cyclones and droughts in last twenty years in the coast of Odisha, West Bengal and Andhra Pradesh. The intensity and frequency of those cyclones are increasing. The excess mining, pollution, destruction of forest etc are few reasons why we are experiencing such calamities. The poorer sections of our society, farmers, adivasis and dalits are the worst sufferers of those cyclones and droughts. But the government of Odisha has been giving new leases for mining and have been using police forces to cow down the local villagers. This is for smooth transfer of land to the industrial houses. Here, the government of Odisha should cancel the mining projects of HINDALCO and NALCO. It should give priority to protection of forest and development of indigenous agriculture.

Team members:

Deba Ranjan Gupteswar Panigrahi (Sr. Advocate/ Koraput), Rajib Sagaria (Sr. Journalist/Balangir), Debendra Nayak (Nabarangpur), Bideshi Gouda (Malkangiri), Debi Prasanna Rath (Puri) and Azad Swati.

Email: sasibhubaneswara@gmail.com

IN THE HIGH COURT OF ORISSA: CUTTACK

I.A No. 229 of 2022

(Arising out of WP(C)(PIL) No. 473 of 2022)

In the matter of

**An application under chapter VI, Rule 27-A
of the Orissa High Court Rules, 1948 as
amended from time to time for an Interim
relief.**

AND

In the matter of

**An application for restraining Opp. parties in
giving environmental clearance in favor of
OP no. 8 and stay further proceeding.**

AND

In the matter of

Niranjan Khillo and OthersPetitioners

-Vrs-

State Pollution Control Board Odisha and Others
.....Opp.parties

To

The Hon'ble Chief Justices of the Orissa High Court and
His Companion Justices of the said Hon'ble Court.

The humble petition of the
Petitioner named above

MOST RESPECTFULLY SHEWETH

1. That, the petitioners have filed a writ petition in the nature of Public Interest Litigation in this Hon'ble Court challenging the legality propriety of public hearing conducted on 22.11.2021 concerning the environmental impact of bauxite mines operation on Mali Parbat Koraput.

2. That, the main ground of challenge of such proceeding of public hearing is that the large number of villagers likely to be affected on the proposed mining operation were illegally prevented from reaching the venue in time by help of police force and goons

sponsored by the OP No. 8 company for which the real voice of the affected people could not be shared. Further pre-arrest, intimidation, threat by the police and goons obstructing through barricades the people with the motive not to allow them to reach the spot is illegal. The so called participation of few henchmen of OP No. 8 supporting the proposed mines operation cannot be considered as the opinion of the affected people. In such view of the matter the so called public hearing and recording of such proceeding is illegal and unsustainable in law.

3. That, the averment made in the writ petition may be treated as part and parcel of this application.

4. That, the petitioners have a good prima facie case and balance of convenience is in their favour.

5. That, unless the Opp. parties are restrained from giving environmental clearance in favor of the OP No. 8 for its bauxite mines operation on Mali Parbat during pendency of the writ petition, the writ will render infroctious.

P R A Y E R

It is therefore prayed that the Hon'ble Court shall be pleased to restrain the Opp. parties more particularly Opp. party No. 1 and 6 from giving environmental clearance in favour of OP No. 8 for bauxite mines operation on Mali Parbat Koraput and stay further proceeding in the above matter till disposal of the writ petition.

And for the act of kindness, petitioners shall as in duty bound ever pray.

Cuttack

By the petitioner through

Dt.

Advocate

(PRASANT KUMAR JENA)

ENRL. NO. O-137/1988

Mob- 832896576

A F F I D A V I T

I, Prafulla Samantara, Aged about 70 years, S/o Dinabandhu Samantra, President, Lok Shakti Abhiyan A/3, Unit 9, Bhoinagar, Bhubneswar-751022 do hereby solemnly affirm and state as follows.

1. That, I am the petitioner No 5 in the case and duly authorized by all other petitioners to swear this affidavit.
2. That, the facts stated above are true to my knowledge.

Identified by

Advocate

Deponent

C E R T I F I C A T E

Due to non-availability of cartridge papers, this Writ Petition has been typed in thick white papers.

Advocate

IN THE HIGH COURT OF ORISSA AT CUTTACK**W.P.(C) PIL No.473 of 2022*****Niranjan Khillo and others******Petitioners***
....
Mr. P. K. Jena, Advocate***-versus-******State Pollution Control Board, Odisha
and others******Opposite Parties***

Mr. Debakanta Mohanty, AGA

**CORAM:
THE CHIEF JUSTICE
JUSTICE R. K. PATTANAİK****ORDER
08.02.2022****Order No.**

01.

1. The grievance of the Petitioners, who are the residence of villages Maliguda, Kankadaambo and Kakriguda (Petitioners 1 to 4) in District Koraput, is that they were prevented from participating in the public hearing conducted by the State Pollution Control Board (SPCB) in connection with grant of environment clearance (EC) for the Bauxite Mining Project of Opposite Party No.8.

2. Issue notice.

3. Mr. Debakanta Mohanty, learned Additional Government Advocate for the State accepts notice for Opposite Parties 3, 4, 5 and 7. Since he accepts notice, let required number of copies of the memo of writ petition be served on him within three working days.

4. Notice to the remaining Opposite Parties be issued by registered/speed post with A.D., making it returnable before the next date, requisites for which shall be filed within three days. The tracking report be placed on record by the next date.

5. Mr. Mohanty to file an affidavit of the Additional District Magistrate, Koraput specific to the above grievance of the Petitioners at least one week prior to the next date with an advance copy to Mr. P. K. Jena, learned counsel for the Petitioners, who is permitted to file rejoinder thereto by the next date.

6. Mr. Jena states that to the best of the Petitioners' knowledge, the EC has not yet been issued.

7. List on 10th March, 2022.

I.A. No.229 of 2022

8. In the event that no EC has been issued as of date, it will not be issued till the next date.

9. Issue urgent certified copy of this order as per rules.

(Dr. S. Muralidhar)
Chief Justice

(R. K. Pattanaik)
Judge

M. Panda

Superintendent ^{DB-3}
Cust Branch ^{S-121}

Division - 3

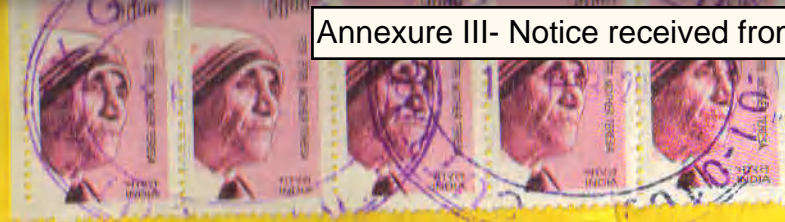
Orissa High Court,
Cuttack

Pin - 753002

BARABATI STADIUM: PO No-753001-0105

28
5702

Recd. on
19.02.2022



M/s Hindalco Industries Limited,
Assistant General Manager.

Mines Division,

New Project - 42/1041

Satya Nagar,

College Road,

Semiliguda, Koraput -

764036, Odisha

Notice in Administrative & IA matter
by Regd Out with AD

IN THE HIGH COURT OF ORISSA

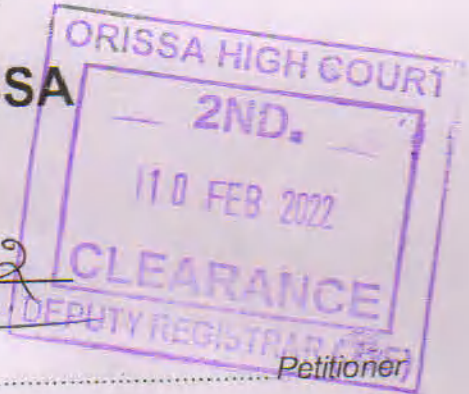
(Civil Appellate Jurisdiction)

W. P. (C) No. 473 of 20 22

14.02.22

Niranjan Khillu & others

Petitioner



Versus

State pollution control Board Odisha & others Opposite Party

In the matter of an application by the above named

Niranjan Khillu & others. Petitioner

OP. No. - 8 M/s Hindalco Industries Limited,
Assistant General Manager, Mines division
New Project - 42/1047, Satya Nagar,
College Road, Semiliguda, Koraput - 764036,
Odisha

Take notice that an application, a copy whereof is annexed herewith, has been made to this Court by the above named petitioner and you are hereby directed to appear before this

Court in person or by Advocate on 07.03.2022

and show cause why the application should not be granted or such other order be passed as this Hon'ble Court may deem fit. Counter affidavit filed beyond the date mentioned above shall not be accepted without the leave of the Hon'ble Court.

ତୁମଙ୍କୁ ଏତଦ୍ୱାରା ନୋଟିସ୍ ଦିଆଯାଇଅଛି ଯେ, ଉଲ୍ଲିଖିତ ଦରଖାସ୍ତକାରୀ ଏହି ଅଦାଲତରେ ଯେଉଁ ଦରଖାସ୍ତ କରିଅଛନ୍ତି, ତହିଁର ନକଲ ଏଥିସଙ୍ଗେ ସାମିଲ ଅଛି ।

କାର୍ଯ୍ୟକ୍ରିୟ ଦରଖାସ୍ତ ମଞ୍ଜୁର କରା ନ ଯିବ କିମ୍ବା ମହାମାନ୍ୟ ଅଦାଲତ ଯେପରି ଉପଯୁକ୍ତ ବିବେଚନା କରନ୍ତି ସେହିପରି ହୁକ୍ମ ଦିଆ ନ ଯିବ ତହିଁର କାରଣ ତା 07.03.2022ରେ ତୁମେ ନିଜେ କିମ୍ବା ତୁମର ଓକିଲଙ୍କ କବିଆରେ ଅନୁ ଅଦାଲତରେ ହାଜର ହୋଇ ଦର୍ଶାଇବେ । ଜବାବ ଉପରୋକ୍ତ ଆର୍ଯ୍ୟ ଡାକ୍ତିଲ ପରେ ଦାଖଲ କଲେ ମାହାମାନ୍ୟ ଅଦାଲତଙ୍କ ବିବା ଅନୁମତିରେ ଗ୍ରହଣ କରାଯିବ ନାହିଁ ।

The matter stands adjourned to 10.03.2022

High Court

By order of the Court

Superintendent

The

N. X. Khillu
11.02.2022



IN THE HIGH COURT OF ORISSA: CUTTACK

W.P. (CIVIL) (PIL) NO.473 OF 2022

Niranjan Khilo & others

.....Petitioners

Versus

State Pollution Control Board Odisha & othersOpp.parties

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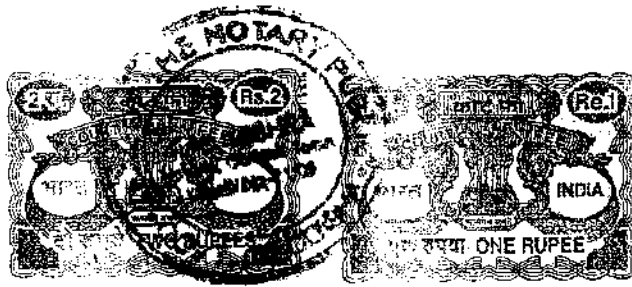
30	OSPCB addressed communication bearing no. 8848/IND-II-PH-908 dated 03.07.2021 to the District Magistrate cum Collector, Koraput District	Z3/8	301-302
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37	VAKALATNAMA		

Cuttack.

Date:- 6/3/2021

By the Opposite party through


Advocate



1

IN THE HIGH COURT OF ORISSA: CUTTACK

I.A. NO. 229 OF 2022

IN

W. P. (CIVIL) (PIL) NO. 473 OF 2022

In the matter between:

Niranjan Khillo & Ors.

...Petitioners

Versus

State Pollution Control Board,

Odisha & Ors.

...Respondents

AFFIDAVIT IN REPLY ON BEHALF OF M/S.
HINDALCO INDUSTRIES LIMITED (OPPOSITE
PARTY NO. 8)

Pratap Kumar Patra

I, Pratap Kumar Patra, S/o of Late Sasanka Sekhar patra, aged about 51 year, working as Agent at Maliparbat Bauxite Mines of M/s. Hindalco Industries Limited, having office at Satya Nagar, College Road, Semeliguda, Dist. Koraput, Odisha, do hereby solemnly affirm and state as under:

H. G. Gaur



1

1. That I am the authorized signatory of M/s. Hindalco Industries Limited i.e., the Opposite Party No. 8 herein and authorized *vide* Board Resolution dated 28.05.2015. I am fully conversant with the facts and circumstances relating to the aforesaid Writ Petition (Civil) (PIL) No. 473 of 2022 (hereinafter referred to as "**Writ Petition**") filed before this Hon'ble Court and the Order dated 08.02.2022 passed by this Hon'ble Court and I am competent to swear on the present Affidavit. A copy of the Board Resolution dated 28.05.2015 is hereto annexed and marked as **ANNEXURE-A/8**.

2. That, I am filing the present Affidavit to place on record relevant details/materials to substantiate that the Opposite Party No. 8 has followed and abided by the procedure laid down to secure prior Environmental Clearance ("**EC**") under the Notification bearing no. S.O. 1533(E) dated 14.09.2006 issued Ministry of Environment and Forests, Government of India and as amended from time to time ("**EIA Notification, 2006**") and any other laws/rules/regulations. The same are set-out in detail hereinafter. I reserve my right to file

Pratibha U. Chavhan

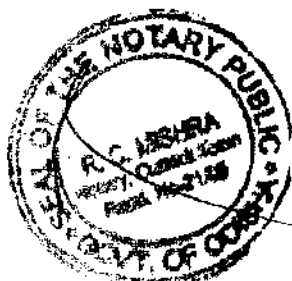


further/additional/supplementary Affidavits in response to the present Writ Petition or as and when directed by this Hon'ble Court. A copy of the Notification bearing no. S.O. 1533(E) dated 14.09.2006 along with Appendix, issued by the Ministry of Environment and Forests, Government of India is hereto annexed and marked as **ANNEXURE-B/8.**

3. It is submitted that the present Writ Petition has been filed before this Hon'ble Court on the ground that the Petitioner Nos. 1 to 4 herein were illegally prevented from participating in the Public Hearing dated 22.11.2021 (hereinafter referred to as "**Public Hearing held on 22.11.2021**") organised by the State Pollution Control Board, Odisha i.e., the Opposite Party No. 1 herein. Such allegation is wrong and baseless as the Public Hearing held on 22.11.2021 was held by the Opposite Party No. 1 in compliance of applicable procedure as demonstrated in this affidavit.

Pratap Kumar

4. At the outset, the contents of the present Writ Petition and the accompanying Interim Application



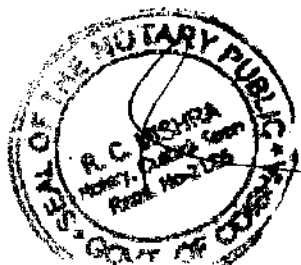
No. 229 of 2022 (hereinafter referred to as "**Interim Application**") are hereby denied *in-toto*, except where the same are expressly admitted hereunder. It is prayed that no averment contained in the present Writ Petition and the Interim Application should be deemed to be admitted merely because of specific non-traverse.

Brief about the Opposite Party No. 8:

5. That the Opposite Party No. 8 is a public limited company and a listed entity engaged in manufacturing of aluminium. Established in 1958, its operations include, but are not limited to bauxite mining, alumina refining, coal mining, captive power plants and aluminium smelting to downstream rolling, extrusions and foils etc. The Plaintiff is a pioneer of India's industrialization and is an industry leader in aluminium and copper as well as one of India's most reputed public limited companies.

Pratibha Cu. Labh

6. That the Opposite Party No. 8, through its refineries at Doraguda (Odisha), Renukoot (Uttar Pradesh), Muri (Jharkhand) and Belgaum (Karnataka) is engaged in the business of



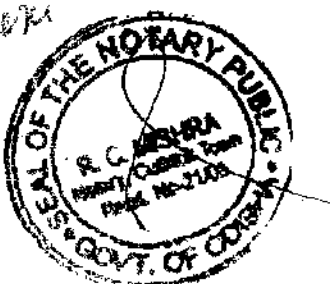
manufacturing alumina and for which bauxite is the primary input.

7. That the Opposite Party No. 8, with a *bona fide* intention of boosting the economy of the State of Odisha by way of industrialisation and employment generation and in complete adherence to applicable laws, is in the process of investing over Rs. 8000 Crores for the expansion and the modernisation of its alumina refineries in Odisha which in turn will create employment opportunities for over 4000 persons. The project proposals of the Opposite Party No. 8, in this regard have also been cleared by the State Government of Odisha in January 2020.

8. The project proposals submitted by the Opposite Party No. 8, includes the setting up of the Aditya Alumina refinery at Kansariguda, Rayagada District, Odisha.

9. The bauxite mined out from Maliparbat is proposed to be used in Hindalco's existing refineries at Renukoot (Uttar Pradesh), Muri (Jharkhand), and

Pratibha



Belgaum (Karnataka). The Opposite Party No. 8 has also submitted a proposal to the Government of Odisha to supply bauxite mined from Maliparbat to Utkal alumina refinery at Doraguda, Rayagada District, Odisha.

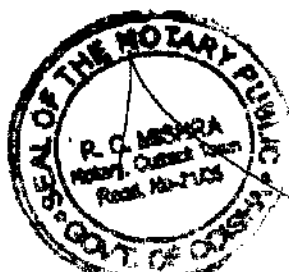
Brief about the Project:

10. Way back in January 2000, the Opposite Party No. 8 applied for Mining Lease for the mineral Bauxite over an area of 268.11 Ha at Maliparbat, Tahasil – Pottangi, Dist – Koraput ("**Maliparbat mines**"). The Maliparbat mines are spread across three revenue villages viz. Aligaon, Kankaramba and Sorishpadar, of Pottangi Tehsil, Koraput District, in the State of Odisha.

Part of W. P. No.

11. As per the plan for production, it was foreseen that 0.6 Million Tonnes Per Annum of bauxite will be mined and will be used in existing alumina refineries of Opposite Party Nos. 8, located at Renukoot (Uttar Pradesh), Muri (Jharkhand) and Belgaum (Karnataka) (hereinafter referred to as "**mining project**"). Proposal for supply of bauxite to Utkal

11/1/2000



alumina refinery at Doraguda, Rayagada District, Odisha is also under process.

12. The mining project will not only facilitate and improve the sourcing of bauxite for the alumina refineries of Opposite Party No. 8 but will also be a boost for the local economy as well as the economy of the State of Odisha. Apart from creating employment for the local inhabitants, the developmental activities that will be undertaken by the Opposite Party No. 8 in discharge of its corporate social responsibility will contribute to the socio-economic conditions of local inhabitants. The details of the mining project of the Maliparbat Mine along with its significance is set-out in the Executive Summary of the Environmental Impact Assessment for the Maliparbat Mine, a copy of the same is hereto annexed and marked as **ANNEXURE C/8**.

Noted as per

13. Despite the Opposite Party No. 8 having obtained requisite clearances and permissions as required under extant laws, operations in the Maliparbat mines were interrupted due to law and order problems created by miscreants since 2012



and in 2013, the Opposite Party No. 8 had to stop operations. Prohibitory Orders were also issued in the year 2014 by the Court of Sub-Divisional Magistrate, Koraput District under Section 144 of the Code of Criminal Procedure ("**Cr.P.C**") against persons disrupting the mining operations by illegal activities. The facts and circumstances in the following paragraphs demonstrate that despite the best efforts of the local administration, the illegal activities of miscreants have prevented operations in the Maliparbat mines. Such activities have not only brought to naught the investment made by the Opposite Party No. 8 but also deprived local persons who support the mining project of the benefits of development.

Pratibha Cu. Labr

14. Pursuant to the application filed by the Opposite Party No. 8 under the prevalent Environment Impact Assessment Notification, 1994 ("**EIA Notification, 1994**") for Environment Clearance for the Mining Project, the Government of India, Ministry of Environment & Forests, the Opposite Party No. 6 herein, accorded Environment Clearance on 07.09.2006 to the Maliparbat Bauxite

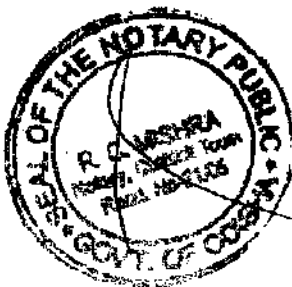


Mining Project of the Opposite Party No. 8, for production capacity of 0.6 million tonnes per annum of bauxite ore by opencast mechanized method involving total lease area of 268.11 Ha. (**"the Project"**) under the provisions of EIA Notification 1994. A copy of the Environment Clearance dated 07.09.2006 is hereto annexed and marked as **ANNEXURE D/8.**

15. Immediately after grant of Environment Clearance dated 07.09.2006, on 14.09.2006, EIA Notification 1994 was replaced by the EIA Notification, 2006. As per the EIA Notification, 2006, existing projects required fresh Environment Clearance under EIA Notification, 2006 when they underwent expansions and modernization.

Printed in India

16. On 08.11.2007, the Opposite Party No. 1 granted Consent to Operate the Project under the provisions of the Air Act, 1981 and Water Act, 1974 which was valid up to 31.03.2011. A copy of Consent to Operate dated 08.11.2007 is hereto annexed and marked as **ANNEXURE E/8.**



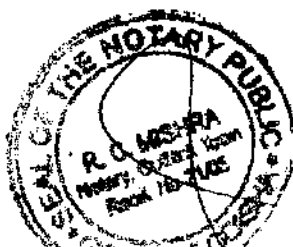
17. Thereafter a Mining Lease in respect of the Project was executed by the Collector & Dist. Magistrate, Koraput in favour of the Opposite party No. 8 and the same was registered on 14.11.2007 for 20 years. A copy of Mining Lease is hereto annexed and marked as **ANNEXURE F/8**.

18. On 25.04.2008, the Office of the Collector, Koraput (Mining Section) granted surface right over 662.50 Acres or 268.110 Ha. Of the mining lease area to the Opposite Party No. 8. Thereafter on 13.05.2008 the Deputy Director Mines of Circle Mining Office, Koraput, physically handed over possession of the aforementioned surface area to enable the Opposite Party No. 8 to commence mining operations at Maliparbat mines. A copy of order dated 25.04.2008 of the Collector is hereto annexed and marked as **ANNEXURE G/8**. A copy of order dated 13.05.2008 of the Deputy Director Mines of Circle Mining Office, Koraput District is hereto annexed and marked as **ANNEXURE H/8**

Noted U. P. S.

19. Accordingly, the Notice of opening of Maliparbat Bauxite Mines was issued by the Opposite

H. Chandra



Party No. 8 whereby, 15.06.2008 was notified as the date for opening the mine. A copy of the notice for mine opening is hereto annexed and marked as **ANNEXURE I/8.**

20. Thereafter *vide* letter dated 17.03.2012, the Opposite Party No. 8 submitted its proposal for enhancement of production of bauxite from 0.6 million TPA to 0.9 million TPA and sought for Environment Clearance under the provisions EIA Notification, 2006. The Opposite Party No. 6 issued the Terms of Reference for the aforesaid expansion on 23.07.2012. A copy of the Terms of Reference dated 23.07.2012 is hereto annexed and marked as **ANNEXURE J/8.**

Part of W. 100

21. In the year 2012-2013, the Opposite Party No. 8 was constrained to scale down its mining operations on account of disturbances created by insurgents and threat to its personnel. In November 2013, the Opposite party No. 8 was forced to shut down operations due to serious law and order problems created by miscreants in the mining area.

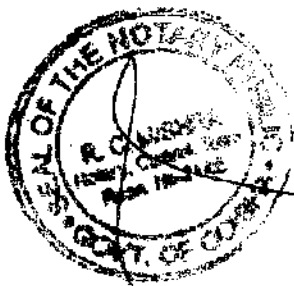


22. On account of law and order situation at the Mining Area, the Court of Sub-Divisional Magistrate, Koraput District *vide* its order dated 11.01.2014, issued prohibitory orders under Section 144 of Cr.P.C within 500 metres radius of Maliparbat Mining and dumping yard at Kankadamba Area. The same was issued to prevent imminent breach of peace in the locality. A Similar Prohibitory Order under Section 144 of Cr.P.C was yet again issued in the Mining Area on 20.08.2014. A copy of the Prohibitory Orders dated 11.01.2014 and 20.08.2014 are hereto annexed and marked as **ANNEXURE K/8** and **ANNEXURE L/8**.

Prohibitory Order

23. As two years since the stop of mining operations was about to be complete on 09.07.2015, the Opposite Party No. 8 filed an Application dated 09.07.2015, for extension of the mining lease to prevent it from lapsing. A copy of the application dated 09.07.2015 is hereto annexed and marked as **ANNEXURE M/8**.

24. Accordingly, *vide* order dated 19.05.2015, the State Government accepted the application of the



Opposite Party No. 8 and granted an extension of 6 months from the due date of lapse i.e., 31.10.2015, for restarting the mining operation. A copy of order dated 19.05.2015 of the State Government is hereto annexed and marked as **ANNEXURE N/8**.

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25. Thereafter on 18.03.2016, as the law and order situation remained unresolved, the Opposite Party No. 8 filed another application to the State Government requesting for further time of 1 year for restarting Maliparbat Mine beyond 31.04.2016. A copy of the application dated 18.03.2016 is hereto annexed and marked as **ANNEXURE O/8**.

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26. On 02.05.2016, due to lapse of time period for starting the mining operation in the Maliparbat mines, the Office of Deputy Director of Mines, Koraput District issued a letter to the Opposite Party No. 8 directing it not to start any kind of mining operation in the Maliparbat mines till receipt of any order from the Government of Orissa, Department of Steel & Mines, Bhubaneswar. A copy of order dated 02.05.2016 of the Government of Orissa, Department of Steel & Mines, Bhubaneswar is hereto annexed and marked as **ANNEXURE P/8**.



27. On 12.05.2016, the Government of Orissa, Department of Steel & Mines rejected the request of the Opposite Party No. 8 for grant of further time of 1 year to restart the mine. A copy of order dated 12.05.2016 of the Government of Orissa, Department of Steel & Mines is hereto annexed and marked as **ANNEXURE Q/8**.

28. Thereafter on 17.08.2016, the Government of Orissa, Department of Steel & Mines directed that the mining lease for the Maliparbat mines stood lapsed with effect from 30.04.2016, under Section 4A(4) of the Mines and Minerals (Development and Regulation) Act, 1957 ("**1957 Act**") read with Rule 20(6) of Mineral Concession Rules 2016. A copy of order dated 17.08.2016 of the Government of Orissa, Department of Steel & Mines is hereto annexed and marked as **ANNEXURE R/8**.

29. Thereafter on 29.08.2016 the Opposite Party No. 8 filed an application for revival of the Mining Lease on the ground that it had taken all the necessary steps to restart mining operations but was

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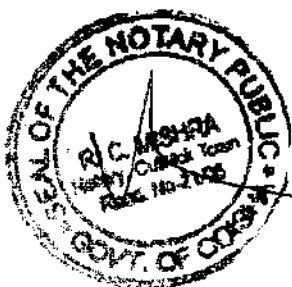


prevented due to law and order problems. Accordingly, on 17.11.2016, the Government of Orissa, Department of Steel & Mines issued a Notice for Hearing in relation to the Opposite Party No. 8's request for revival of the Mining Operations. A copy of the letter dated 29.08.2016 issued by the Opposite Party is hereto annexed and marked as **ANNEXURE S/8**. A copy of the notice of hearing dated 17.11.2016 is hereto annexed and marked as **ANNEXURE T/8**.

30. On 08.03.2019, the Government of Orissa, Department of Steel and Mines revived the Mining Lease *vide* its order dated 08.03.2019, directing as follows:

"And whereas, heard the parties, it is observed that due to acute Law & Order problem, mining operation could not be taken up by the lessee. Occurrence of Law & Order situation in and around the lease area is certainly beyond the control of the lessee and hence, the lessee is not found

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responsible for discontinuance of mining operation. Imposition of prohibitory orders u/s 144 Cr.P.C was a clear proof of that.

And whereas, during the course of hearing it was found that the application u/r 20(7) of MCR 2016 was filed in time and the submission made by the lessee were also found factual and justified as the reason of discontinuance of mining operation were beyond the control of the lessee company.

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And whereas, in the meantime, the lessee has obtained approved mining plan, Environment Clearance and consent to operate. Forest clearance is not required as the lease area does not fall in forest classification."

A copy of the order dated 08.03.2019 of the Government of Orissa, Department of Steel and

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Mines is hereto annexed and marked as **ANNEXURE U/8.**

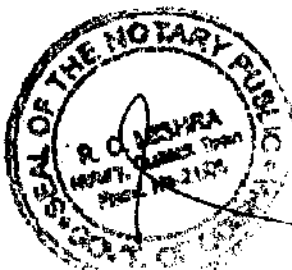
31. In view of Section 8A (3) of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, the period of mining lease in respect of Maliparbat Mine is deemed to have been extended for a period of 50 years i.e., from 14.11.2007 to 14.11.2057.

32. On 17.05.2019, the Opposite Party No. 1 issued Consent for discharge of sewage and/or trade effluent under the Air Act, 1981 and Water Act, 1974 which was valid up to 31.03.2020. A copy of the consent dated 17.05.2019 is hereto annexed and marked as **ANNEXURE V/8.**

33. Accordingly, on 05.09.2019, the Opposite Party No. 8 again issued a Mine Opening Notice. A copy of the mine opening notice dated 05.09.2019 is hereto annexed and marked as **ANNEXURE W/8.**

34. Since the previous application filed by the Opposite Party No. 8 in 2012 for enhancement of

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production from 0.6 MTPA to 0.9 MTPA could not be acted upon and had lapsed, the Opposite Party No. 8 filed an application dated 07.07.2020 before the Opposite Party No. 6 in Form I of EIA Notification, 2006 alongwith the Prefeasibility Report for obtaining fresh Terms of Reference for the proposed enhancement of production from the Maliparbat mine. A copy of the application dated 07.07.2020 filed by the Opposite Party No. 8 alongwith the Prefeasibility Report is hereto annexed and marked as **ANNEXURE X/8**.

35. Thereafter, the Opposite Party No. 6 reviewed the proposal enclosed along with application dated 07.07.2020 addressed by the Opposite Party No. 8 and sought certain documents from Opposite Party No. 8. The same were provided by the Opposite Party No. 8 *vide* Letter bearing no. HIL/SEM/MoEF/2020-21/61 dated 04.08.2020 with a request to the Opposite Party No. 6 to consider the application for the grant of TOR for the proposed enhancement in the production of the existing Maliparbat Mine from 0.6 MTPA to 0.9 MTPA. A copy

Pratibha W. Lohar



of the Letter dated 04.08.2020 is hereto annexed and marked as **ANNEXURE Y/8**.

36. The Opposite Party No. 8 also made an online application for grant of TOR *vide* its proposal bearing no. IA/OR/MIN/162409/2020 dated 05.08.2020. The said proposal dated 05.08.2020 was considered at the 23rd EAC Meeting dated 24.09.2020. It was observed during the said meeting that the Opposite Party No. 8 had operated the mines during 2013-2014 without obtaining EC and also had not filed any application in terms of Notification bearing no. S.O. 1530(E) dated 06.04.2018, issued by the Ministry of Environment, Forests and Climate Change, Government of India. In view of the said observation, the Proposal dated 05.08.2020 was returned back. It is submitted that such observations were incorrect since as demonstrated in the forgoing paragraphs to the present affidavit, mining operations had to be closed in the Maliparbat mines in 2013 due to law and order problems created by miscreants.

Party No. 8

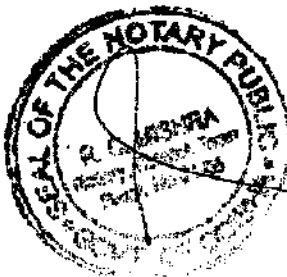


37. The Opposite Party No. 8, thereafter, *vide* proposal bearing no. IA/OR/MIN/189627/2020 dated 28.12.2020 applied for grant of fresh TOR to obtain EC in order to undertake mining operations at Maliparbat Mine. The Proposal dated 28.12.2020, addressed by the Opposite Party No. 8 was considered at the 26th EAC meeting held on 11.01.2021 and TOR were issued on 08.02.2021 after the proposal dated 28.12.2020 filed by the Opposite Party No. 8 was found to be complete in all respect. A copy of the fresh TOR for the Project granted by the Impact Assessment Division of the Ministry of Environment Forest and Climate Change, Government of India *vide* Letter bearing no. J-110105/79/2020-IA.II (M) dated 08.02.2021 is annexed as Annexure – 1 to the Writ Petition. A copy of the proposal dated 28.12.2020 is hereto annexed and marked as **ANNEXURE Z/8.**

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Procedure followed by the Opposite Parties for holding Public Hearing:

38. In the process for obtaining a prior EC as per Notification dated 14.09.2006, there are various



stages that are to be completed, one of which is "Public Consultation". In terms of the Notification dated 14.09.2006, "Public Consultation"; *"refers to the process by which the concerns of local affected persons and others who have plausible stake in the environmental impacts of the project or activity are ascertained with a view to taking into account all the material concerns in the project or activity design as appropriate"*. The Project Proponent i.e., the Opposite Party No. 8 in the present case was required to make a request through a simple letter to the Opposite Party No. 1, in whose jurisdiction the project is located to arrange the public hearing within the prescribed statutory period. In compliance of the aforesaid requirement under EIA Notification, 2006, the Opposite Party No. 8 addressed Letter dated 04.05.2021 to the Opposite Party No. 1 *inter alia* requesting that a public hearing be conducted in respect of the mining project of the Opposite Party No. 8 at Maliparbat Mine. 10 copies, each of the EIA/EMP Report (physical and digital forms) and Executive Summary in English and Odia were also enclosed with the Letter dated 04.05.2021. The said Letter dated 04.05.2021 was in accordance with

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Paragraph 2.0 of the procedure for conduct of public hearing as set-out under Appendix IV of the Notification dated 14.09.2006. A copy of the Letter dated 04.05.2021 is hereto annexed and marked as **ANNEXURE-Z1/8**.

39. Thereafter, the Opposite Party No. 8, also addressed Letter bearing no. HIL/SEM/OSPCB/2021-22/29 dated 11.05.2021 to the Opposite Party No. 1, enclosing therewith a demand draft towards the requisite fees for the arrangement of public hearing and with a request for necessary order/instruction to conduct public hearing in respect of the mining project of the Opposite Party No. 8 at Maliparbat Mine. A copy of the Letter dated 11.05.2021 is hereto annexed and marked as **ANNEXURE-Z2/8**.

Pratibha W. Lohar

40. In view of the aforesaid Proposal dated 28.12.2020 and Letters dated 04.05.2021 and 11.05.2021, both addressed by the Opposite Party No. 8, the Opposite Party No. 1 addressed communication bearing no. 8848/IND-II-PH-908 dated 03.07.2021 to the District Magistrate cum Collector, Koraput District, the Opposite Party No. 3



herein, *inter alia* requesting to suggest a date, time and venue at least 40 days in advance for conducting public hearing for the purpose of addressing concerns of the local affected persons on account of the mining project of the Opposite Party No. 8 and for grant of EC to the Opposite Party No. 8. A copy of the Letter dated 03.07.2021 was also forwarded to the Opposite Party No. 8 and is hereto annexed and marked as **ANNEXURE-Z3/8**.

41. Thereafter, *vide* letter bearing no. 2874/XIII-121/21 dated 12.08.2021 the Member Secretary of the Opposite Party No. 1 was intimated *qua* the date, time and venue of the public hearing and confirmed that the public hearing will be fixed on 22.09.2021 at 11.00 am at village Kankadamba in Tehsil Semilguda of Koraput District. A copy of the Letter dated 12.08.2021 was also forwarded to the Opposite Party No. 8 and is hereto annexed and marked as **ANNEXURE-Z4/8**.

Part of the letter

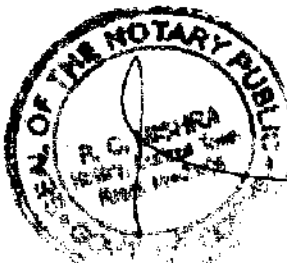
42. The Opposite Party No. 1, *vide* letter bearing no. 12411/IND-II-PH-908 dated 19.08.2021 finalized the date of public hearing as 22.09.2021 and



thereby also directed the Opposite Party No. 3 or his or her representative not below the rank of an Additional District Magistrate to supervise and preside over entire public hearing process scheduled on 22.09.2021. Subsequently, the Opposite Party No. 1 *vide* Notice bearing no. 12404/IND-II-PH-908 dated 19.08.2021 notified that the public hearing in respect of the mining project of the Opposite Party No. 8 at the Maliparbat Mine will be held on 22.09.2021 at the time and venue mentioned therein. A copy of the Letter and Notice dated 19.08.2021 was also forwarded to the Opposite Party No. 8 and is hereto annexed and marked as **ANNEXURE-Z5/8.**

Pratibha U. Patil

43. At this juncture it is pertinent to note that on 22.09.2021 the Opposite Party No. 4 along with the regional officers of Opposite Party No. 1 reached the venue of the Public Hearing for the public hearing. However, even before the public hearing could commence, members of "Mali Parbat Surakhya Samiti" (hereinafter "**Samiti**") – a local group opposing the mining project arrived at the venue armed with lathis, swords and other weapons. The



members of the Samiti not only vandalized the stage and other arrangements but also assaulted and inflicted injuries on the officials of the Opposite Party No. 8. This appears to be in continuation of the attempts made in the past to prevent resumption of operations in the Maliparbat mine.

44. The Opposite Party No. 3 *vide* letter bearing no. 3196/XIII-121/21 dated 11.10.2021 addressed to Member Secretary of the Opposite Party No. 1 informed that the public hearing for the Project as scheduled to be held on 22.09.2021 could not be conducted due to law and order problem. In that regard the Opposite Party No. 3 suggested that the public hearing be held on 22.11.2021 at the time and venue mentioned in the said Letter dated 11.10.2021. A copy of the Letter dated 11.10.2021 addressed by the Opposite Party No. 3 was also forwarded the Opposite Party No. 8 and is hereto annexed and marked as **ANNEXURE-Z6/8**.

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45. The Opposite Party No. 1, thereafter, *vide* letter bearing no. 16042/IND-II-PH-908 dated 18.10.2021 finalized the date of public hearing as

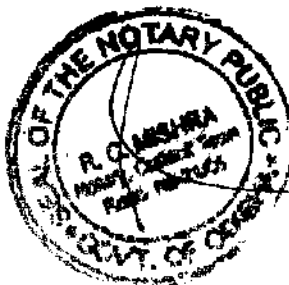


22.11.2021 along with the time and venue for the public hearing. The Opposite Party No. 1 *vide* the said Letter dated 18.10.2021 also requested the Opposite Party No. 3 and/or his or her representative not below the rank of Additional District Magistrate to supervise and preside over entire public hearing process of the Project scheduled to be conducted on 22.11.2021. The Opposite Party No. 1 once again *vide* Notice bearing no. 15977/IND-II-PH-908 dated 18.10.2021 notified that the public hearing will be held on 22.11.2021 at the time and venue mentioned therein. A copy of the Letter and Notice dated 18.10.2021 addressed by the Opposite Party No. 1 was also forwarded to the Opposite Party No. 8 and is hereto annexed and marked as **ANNEXURE-Z7/8**.

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46. In view of the aforesaid it is most respectfully submitted that the public hearing scheduled on 22.11.2021 was concluded. As per Paragraph III (vii) of the EIA Notification, 2006 and after the completion of the public hearing dated 22.11.2021, the Opposite Party No. 8 is mandated to address all the material environmental concerns expressed

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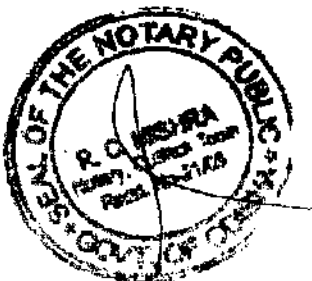


during the public hearing and make appropriate changes in the draft EIA and EMP. All issues/ concerns /objections raised by the local affected persons during the said public hearing were attended to by the Opposite Party No. 8 and requisite changes in this regard to the draft EIA and EMP were also undertaken by the Opposite Party No. 8 and accordingly final EIA report in Form-2 was submitted before MOEF on 24.01.2022. A copy of the EIA report in Form-2 is hereto annexed and marked as **ANNEXURE-Z8/8**.

47. It is pertinent to mention and for the sake of completion of facts that *vide* Demand Notice bearing no. 34 dated 03.01.2022 the Office of the Deputy Director of Mines, Koraput Circle, District Koraput raised a demand of Rs. 15,32,216/- upon the Opposite Party No. 8 for purportedly operating the Maliparbat Mine during 2013-2014 without obtaining prior EC. The aforesaid amount was paid by the Opposite Party No. 8 on 10.01.2022 without prejudice to its rights and contentions and a proof of the same was annexed to the Letter bearing no. HIL/SEM/DDM/2021-22/05 dated 10.01.2022

Party No. 8

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addressed by the Opposite Party No. 8 to Deputy Director of Mines, Koraput Circle, District Koraput. A copy of the Letter bearing no. HIL/SEM/DDM/2021-22/05 dated 10.01.2022 is hereto annexed and marked as **ANNEXURE-Z9/8**.

48. On a bare perusal of the aforesaid detailed facts, placed on record as and by way of the present Affidavit in Reply, it is abundantly clear that the Opposite Party No. 8 adhered to the mandate of the Notification dated 14.09.2006 in letter and spirit and at no point in time the regulatory authorities which are also a party to the present Writ Petition raised any issues regarding the non-compliances, if any, by the Opposite Party No. 8.

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49. On the contrary the Petitioners have levelled bald and baseless allegations, without any material to substantiate the same that the public hearing dated 22.11.2021, was conducted fraudulently and in collusion with the Opposite Party No. 8. Moreover, the aforementioned facts have not been placed before this Hon'ble Court by the Petitioners and therefore, the Petitioners are guilty of *suppresio veri*



and suggestio falsi. In this regard it is most respectfully submitted that the present Writ Petition *qua* Opposite Party No. 8 be rejected.

50. Moreover, this Hon'ble Court, *vide* Order dated 08.02.2022 has directed that the EC shall not be issued till the next date of hearing i.e., 10.03.2022. In view of the aforesaid it is further most respectfully submitted that the stay on the grant of EC in the favour of the Opposite Party No. 8 be revoked and Opposite Party No. 6 be directed to grant EC in favour of the Opposite Party No. 8.

51. It is respectfully submitted that the Petitioners by way of the present Writ Petition have not approached this Hon'ble Court with clean hands. Whereas it is a trite law and as held by Hon'ble Supreme Court, in *State of Madhya Pradesh v Narmada Bachao Andolan & Anr.*, (2011) 7 SCC 639, that a person seeking relief in public interest should approach the court of equity, not only with clean hands but also with a clean mind, clean heart and clean objective and that a person who seeks equity must also do equity. It was further held that petition

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Pratap U. Patil



containing misleading and inaccurate statements if filed to achieve an ulterior purpose, amounts to an abuse of the process of court and such a litigant is not required to dealt with lightly and that the person filing the petition is bound to make a full and true disclosure of the facts. The relevant extract of the aforesaid judgment is reproduced as under:

"161. A person seeking relief in public interest should approach the court of equity, not only with clean hands but also with a clean mind, clean heart and clean objective. Thus he who seeks equity must do equity. The legal maxim jure naturae aequum est neminem cum alterius detrimento et injuria fieri locupletiores, means that it is a law of nature that one should not be enriched by the loss or injury to another. The judicial process should never become an instrument of oppression or abuse or means to subvert justice.

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162. "The interest of justice and public interest coalesce. They are very often one and the same." Therefore, the courts have to

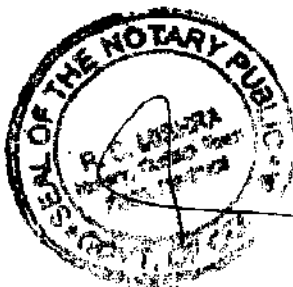


weigh the public interest vis-à-vis the private interest. A petition containing misleading and inaccurate statement(s), if filed, to achieve an ulterior purpose, amounts to an abuse of the process of the court and such a litigant is not required to be dealt with lightly. Thus, a litigant is bound to make "full and true disclosure of facts". The court is not a forum to achieve and oblique purpose."

52. It is further held by the Hon'ble Supreme Court in *Ashok Kumar Pandey v. State of W.B.*, (2004) 3 SCC 349, that the Court while dealing with a public interest litigation shall not allow anybody to indulge in wild and reckless allegations besmirching the character of others; and that mischievous petition seeking to assail for oblique motives, shall be avoided. Moreover, the Court has to be extremely careful to see that under the guise of redressing a public grievance it shall not encroach upon the sphere reserved by the Constitution to the executive and the legislature. The relevant extract of the aforesaid judgment is reproduced as under:

Pratibha W. Patil

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"14. The court has to be satisfied about: (a) the credentials of the applicant; (b) the prima facie correctness or nature of information given by him; and (c) the information being not vague and indefinite. The information should show gravity and seriousness involved. Court has to strike balance between two conflicting interests: (i) nobody should be allowed to indulge in wild and reckless allegations besmirching the character or others; and (ii) avoidance of public mischief and to avoid mischievous petitions seeking to assail, for oblique motives, justifiable executive actions. In such case, however, the court cannot afford to be liberal. It has to be extremely careful to see that under the guise of redressing a public grievance, it does not encroach upon the sphere reserved by the Constitution to the executive and the legislature. The court has to act ruthlessly while dealing with imposters and busybodies or meddlesome interloopers impersonating as public-spirited holy men. They masquerade as crusaders of justice. They pretend to act in the

Pratibha W. Patil

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name of pro bono publico, though they have no interest of public or even of their own to protect."

53. In any event and without prejudice to the aforesaid it is most respectfully submitted that from the facts stated hereinabove it is clear that the Opposite Party No. 8 has not done any improper act or improperly refrained from doing any act for dishonest purpose for the same to fall within the definition of collusion. The definition of "collusion" was elaborated by the Hon'ble Supreme Court in *Rupchand Gupta v. Raghuvanshi (Private) Ltd. & Anr., (1964) 7 SCR 760*. The relevant extract of the judgment is reproduced as under:

Pratap W. Lohar

"9. One of the simplest definitions of collusion was given by Mr. Justice Bucknill in Scott v. Scott. "Collusion may be defined", said the learned Judge, "as an improper act done or an improper refraining from doing an act, for a dishonest purpose"..."

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54. It is further pertinent to note that the allegation of collusion is not only required to be pleaded but is also required to be proved by placing on record certain material in support of such allegation. In the event an allegation of collusion is pleaded without any basis, then the Writ Petition cannot be entertained. The same was held by the Hon'ble Supreme Court in *Pundlik Jalam Pail (Dead) by LRS. V. Executive Engineer, Jalgaon Medium Project and Anr., (2008) 17 SCC 448*. The relevant extract of the judgment is reproduced as under:

"31. It is true that when the State and its instrumentalities are the applicants seeking condonation of delay they may be entitled to certain amount of latitude but the law of limitation is same for citizen and for governmental authorities. The Limitation Act does not provide for a different period to the Government in filing appeals or applications as such. It would be a different matter where the Government makes out a case where public interest was shown to have suffered owing to acts of fraud or collusion on the part of its

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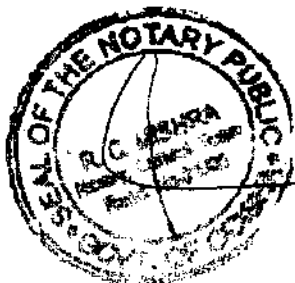


officers or agents and where the officers were clearly at cross purposes with it. In a given case if any such facts are pleaded or proved they cannot be excluded from consideration and those factors may go into the judicial verdict. In the present case, no such facts are pleaded and proved though a feeble attempt by the learned counsel for the respondent was made to suggest collusion and fraud but without any basis. We cannot entertain the submission made across the Bar without there being any proper foundation in the pleadings."

Paragraph-wise Reply on Merits:

55. That with respect to the contents of paragraph no. 1 of the Writ Petition it is submitted that not only the Opposite Party No. 8 followed the procedure as set-out under the Notification dated 14.09.2006 in requesting the Opposite Party No. 1 for arranging the public hearing but on the conclusion of the said public hearing dated 22.11.2021, all issues/ concerns /objections raised by the local affected persons during the said public hearing were attended to by the Opposite Party No. 8 and requisite changes in

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this regard to the draft EIA and EMP were also undertaken by the Opposite Party No. 8. The allegations raised by the Petitioners in the said paragraph under reply are denied as baseless.

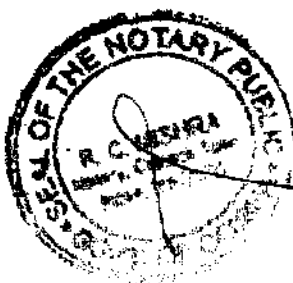
56. That the contents of paragraph nos. 2 and 3 of the Writ Petition do not require any response.

57. That the contents of paragraph no. 4.1 are a matter of record only to the extent that the Opposite Party No. 8 secured prior EC on 07.09.2006 from the Opposite Party No. 6 and the same to that extent do not merit any response. It is denied that the EC dated 07.09.2006 was granted despite stiff opposition of the public. The contents of the foregoing paragraphs of this affidavit are reiterated and allegations/averments contrary to the same are denied in *toto*.

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58. That the contents of paragraph no. 4.2 are a matter of record only to the extent that the Proposal dated 28.12.2020, addressed by the Opposite Party No. 8 was considered at the 26th EAC meeting held on 11.01.2021 and TOR were issued on 08.02.2021

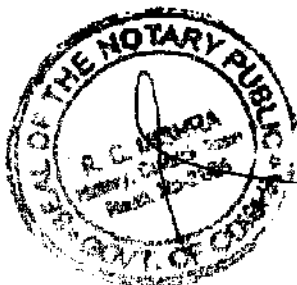
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by the Opposite Party No. 6 *vide* Letter dated 08.02.2021 after the Proposal dated 28.12.2020 was found to be complete in all respect and the same to that extent do not merit any response. It is further submitted that the Office of the Deputy Director of Mines, Koraput Circle, District Koraput *vide* Demand Notice dated 03.01.2022, raised a demand of Rs. 15,32,216/- upon the Opposite Party No. 8 for purportedly operating the Maliparbat Mine during 2013-2014 without obtaining prior EC. The aforesaid amount was duly paid by the Opposite Party No. 8 on 10.01.2022 under protest and a proof of the same was annexed to the Letter bearing no. HIL/SEM/DDM/2021-22/05 dated 10.01.2022 addressed by the Opposite Party No. 8 to Deputy Director of Mines, Koraput Circle, District Koraput. The contents of the foregoing paragraphs of this affidavit are reiterated and allegations/averments contrary to the same are denied in *toto*.

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59. That the allegations raised in paragraph nos. 4.3 to 4.14 of the Writ Petition are false, baseless and denied in *toto*. The contents of the foregoing paragraphs of this affidavit are reiterated and



allegations/averments contrary to the same are denied in *toto*.

60. The contents of paragraph nos. 5 to 7 of the Writ Petition do not require any response.

61. The grounds raised in paragraph no. 8 of the Writ Petition are devoid of any merit. The contents of the foregoing paragraphs of this affidavit are reiterated and allegations contrary to the same are denied in *toto*.

62. That all other allegations, which run contrary to and/or are inconsistent with submissions made above are hereby denied in *toto* as if the same were set out in seriatim and are specifically denied.

63. The answering deponent reserves its right to add, alter or amend the present affidavit if and so advised, and to respond to any further queries at the time of hearing, or by way of written submissions, if and so required.

Pratibha W. Patil

Pratibha W. Patil



64. That the facts stated herein above are true to the best of my knowledge based on official records.

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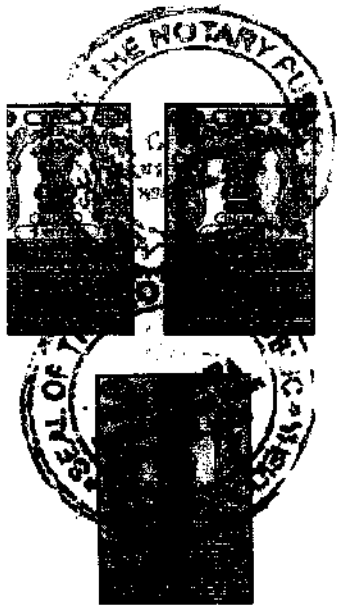
ADVOCATE

Pratibha M. Patil

DEPONENT

Certificate

Certified that due to non-availability of cartridge papers, plain papers are used.



Cuttack
DA 6/3/2022

Kousik Ananda Guru

ADVOCATE
KOUSIK ANANDA GURU
O-34 OF 1992

Solemnly affirm on oath by the Deponent
at Cuttack on *06/03/2022* being identified
by *R. C. Mishra*
Advocate/Adv's Clerk/Asst. AG'S office/Notary
personally, that the facts stated above are
true to the best of his/her knowledge.

R. C. Mishra
R. C. MISHRA, Notary, Cuttack, Odisha
Regd. No-21/05

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.473 of 2022

Niranjan Khillo and others *Petitioners*
 Mr. P.K. Jena, Advocate
 -versus-
State Pollution Control Board and others *Opposite Parties*

Mr. P.K. Muduli, AGA
 Ms. Mukta Dutta, Advocate for OP No.8

**CORAM:
 THE CHIEF JUSTICE
 JUSTICE R.K.PATTANAIAK**

ORDER

10.03.2022

Order No.

02.

1. Although replies have been filed on behalf of Opposite Parties 1, 2, 3, 4 and 8, no reply has been filed by Ministry of Environment, Forest and Climate Change, Government of India (Opposite Party No.6).

2. In the considered view, the Court the stand of Opposite Party No.6 is essential for the adjudication of the case and accordingly it is directed that Opposite Party No.6 will file its reply to the present petition positively on or before 11th April, 2022. Since none is appearing for the MOEF, the Registry is directed to hand over a downloaded copy of this order to Mr. P.K. Parhi, learned Assistant Solicitor General of India to enable him to ensure the compliance of the above direction. Learned counsel for the Petitioner states that he will file rejoinder to all the counter affidavits before the next date.

3. List on 18th April, 2022.
4. The interim order passed earlier in the present petition shall continue till the next date.
5. An urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge

KC Bisoi



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) PIL No.473 of 2022

Niranjan Khillo and others.... *Petitioners*

Mr. P. K. Jena, Advocate

-versus-

*State Pollution Control Board, Odisha
and others*.... *Opposite Parties*Mr. P. K. Muduli, AGA and
Mr. P. K. Parhi, ASGI along with CGCCORAM:
THE CHIEF JUSTICE
JUSTICE R. K. PATTANAIAKOrder No.ORDER
18.04.2022

03. 1. Mr. P. K. Jena, learned counsel for the Petitioners states that he is filing his rejoinder affidavit during course of the day with copy thereof having been served on other parties.
2. Mr. P. K. Parhi, learned Assistant Solicitor General of India (ASGI) prays for and is granted two weeks' time to file reply on behalf of Opposite Party No.6. Rejoinder thereto, if any, be filed before the next date.
3. The interim order passed earlier shall continue till the next date.
4. List on 11th July, 2022.

(Dr. S. Muralidhar)
Chief Justice(R. K. Pattanaik)
Judge

M. Panda

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.473 of 2022

Niranjan Khillo and others

.... Petitioners

Ms. P. Das, Advocate

-versus-

***State Pollution Control Board, Odisha
and others***

.... Opposite Parties

M/s. B.P. Das, Advocate and associates for O.P. Nos.1 and 2
Mr. Debakanta Mohanty, A.G.A. for the State
Mr. P.K. Parhi, ASG for Union of India
Mr. K.A. Guru, Advocate for O.P. No.8

**CORAM:
THE CHIEF JUSTICE
JUSTICE R.K. PATTANAIAK**

**ORDER
11.07.2022**

Order No.

04. 1. Mr. P.K. Jena, learned counsel appearing for the Petitioner is stated to be unwell today.
2. List on 2nd August, 2022.

***(Dr. S. Muralidhar)
Chief Justice***

***(R.K. Pattanaik)
Judge***

S.K. Guin

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 473 of 2022

Niranjan Khillo and others

.... Petitioners

Mr. P.K. Jena, Advocate

-versus-

***State Pollution Control Board, Odisha
and others***

.... Opposite Parties

Mr. P.K. Parhi, ASGI

Along with Mr. P.P. Behera, CGC

Mr. Debakanta Mohanty, AGA

Ms. Mukta Dutta, Advocate

**CORAM:
THE CHIEF JUSTICE
JUSTICE R. K. PATTANAİK**

**ORDER
02.08.2022**

Order No.

05. 1. Mr. P.K. Parhi, learned Assistant Solicitor General of India appearing for the Opposite Party No.6-Ministry of Environment, Forest and Climate Change, Government of India states that he will file his affidavit within four weeks as a last opportunity. Rejoinder thereto, if any, be filed by any of the parties before the next date.
2. List on 1st November, 2022.
3. The interim order passed earlier shall continue till then.

***(Dr. S. Muralidhar)
Chief Justice***

***(R. K. Pattanaik)
Judge***

S. Behera

IN THE HIGH COURT OF ORISSA AT CUTTACK**W.P.(C) PIL No.473 of 2022*****Niranjan Khillo and others* *Petitioners***

Prafulla Samantara in Person

-versus-***State Pollution Control Board,* *Opposite Parties*
Bhubaneswar and others**

Mr. S. P. Mishra, Senior Advocate assisted by Mr. Ashish Prasad, Ms. Mukta Dutta and Mr. Koushik A. Guru, Advocates for Opposite Party No.8 and Mr. Debakanta Mohanty, AGA

CORAM:**THE CHIEF JUSTICE****JUSTICE M. S. RAMAN****ORDER****01.11.2022****Order No.**

06. 1. Mr. Prafulla Samantara, who is Petitioner No.5, appears virtually and states that Mr. P. K. Jena, learned counsel appearing on behalf of Petitioners, is in some difficulty today.
2. At his request, list on 10th November, 2022.

(Dr. S. Muralidhar)
Chief Justice**(M. S. Raman)**
Judge

M. Panda

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) PIL No.473 of 2022

Niranjan Khillo and others *Petitioners*

Mr. P. K. Jena, Advocate

-versus-

State Pollution Control Board, *Opposite Parties*
Bhubaneswar and others

Mr. S. P. Mishra, Senior Advocate for Opposite Party No.8,

Mr. Debakanta Mohanty, AGA and

Mr. P. K. Parhi, DSGI for Opposite Party No.6

CORAM:
THE CHIEF JUSTICE
JUSTICE M. S. RAMAN

ORDER
10.11.2022

Order No.

07. 1. The affidavit stated to have been filed by Opposite Party No.6 be brought on record and a copy thereof be served on learned counsel for the Petitioner within three working days.
2. List on 1st December, 2022.
3. The interim order passed earlier shall continue till then.

(Dr. S. Muralidhar)
Chief Justice

(M. S. Raman)
Judge

M. Panda

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 473 of 2022

Niranjan Khillo and Others ***Petitioners***

Mr. Prasanta Kumar Jena, Advocate

-versus-

State Pollution Control Board, Odisha and Others ***Opposite Parties***

Mr. Bikram Pratap Das, Advocate (SPCB)

Mr. Debakanta Mohanty, Addl. Govt. Advocate (State)

Mr. P.K. Parhi, Deputy Solicitor General
along with Mr. P.P. Behera, CGC

Dr. Abhishek Manu Singhvi, Senior Advocate
along with Mr. K.A. Guru, Advocate (O.P. No.8)

CORAM:
THE CHIEF JUSTICE
JUSTICE M.S. RAMAN

ORDER

01.12.2022

Order No.

08. 1. On 8th February, 2022 the following order was passed in the present petition:

“1. The grievance of the Petitioners, who are the residence of villages Maliguda, Kankadaambo and Kakriguda (Petitioners 1 to 4) in District Koraput, is that they were prevented from participating in the public hearing conducted by the State Pollution Control Board (SPCB) in connection with grant of environment clearance (EC) for the Bauxite Mining Project of Opposite Party No.8.

2. Issue notice.

3. Mr. Debakanta Mohanty, learned Additional Government Advocate for the State accepts notice for Opposite Parties 3, 4, 5 and 7. Since he accepts

notice, let required number of copies of the memo of writ petition be served on him within three working days.

4. Notice to the remaining Opposite Parties be issued by registered/speed post with A.D., making it returnable before the next date, requisites for which shall be filed within three days. The tracking report be placed on record by the next date.

5. Mr. Mohanty to file an affidavit of the Additional District Magistrate, Koraput specific to the above grievance of the Petitioners at least one week prior to the next date with an advance copy to Mr. P. K. Jena, learned counsel for the Petitioners, who is permitted to file rejoinder thereto by the next date.

6. Mr. Jena states that to the best of the Petitioners' knowledge, the EC has not yet been issued.

7. List on 10th March, 2022.

I.A. No.229 of 2022

8. In the event that no EC has been issued as of date, it will not be issued till the next date.

9. Issue urgent certified copy of this order as per rules."

2. Thereafter affidavits have been exchanged by the parties. While it the stand of the State Government as well as Opposite Party No.8 Company that the public hearings conducted by the State Pollution Control Board (SPCB) were in due compliance with all the prescribed procedures, the Petitioners have along with a rejoinder placed both photographs and videographs in support of their contention that they were not.

3. Without entering into the exercise of determining which of these versions is correct and with a view to obviating any doubts on the requirement of the procedures having to be followed as prescribed by

law, all parties have agreed that the exercise of the conduct of public hearings by the SPCB can be repeated in a time-bound manner.

4. Mr. Debakanta Mohanty, learned Additional Government Advocate has pointed out that such an exercise would require a fresh public notice of the hearing to be issued with 30 days' time being given to the parties to file their objections and for a hearing to be scheduled after the expiry of those 30 days. He points out how the hearings have to be conducted by the SPCB with logistical support, including arrangements for law and order, being the responsibility of the State authorities.

5. Dr. Abhishek Manu Singhvi, learned Senior Counsel appearing for Opposite Party No.8, has clarified that their consent to this exercise is without prejudice to their rights and contentions. He has further suggested that there could be neutral observers for the entire exercise.

6. Accordingly, the following directions are issued by this Court:

(i) Fresh notice of public hearing for the purposes of grant of environment clearance (EC) for the Bauxite Mining Project of Opposite Party No.8 will be issued afresh by the SPCB preferably not later than 7th December, 2022 giving 30 days' clear time for objections to be filed.

(ii) There will be adequate publicity of the said notice both in the print and electronic media and all statutory requirements attendant on such public notice as well as the prescribed procedure for the purposes of EC will be complied with.

(iii) The public notice will indicate the time schedule i.e. the last date for receipt of objections; the date or dates, time and venue of the public hearing. Giving that this is the winter period in the area in

question, the commencement of the public hearing should not be earlier than 11 am.

(iv) The entire public hearing which will be presided over by the Collector, will be videographed. The District Judge, Koraput and the Secretary, District Legal Services Authority, Koraput will remain present as neutral observers for the event.

(v) The entire exercise shall be completed by 15th January, 2023. The SPCB will place its report, with the videographs and the minutes of the proceedings before this Court by way of an affidavit to be filed before the next date with advance copies to all the other parties.

(vi) It will be the responsibility of the State Authorities and in particular the District Administration to ensure smooth and safe passage for all persons who wish to participate in the public hearing and for maintenance of the law and order throughout the hearings.

7. It is clearly understood that all the parties have agreed to the above procedure.

8. List on 30th January, 2023 at 2 pm. Copies of this order be supplied to learned counsel for the parties. An urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

(M.S. Raman)
Judge

S.K. Jena/Secy.

IN THE HIGH COURT OF ORISSA AT CUTTACK**W.P.(C) No. 473 of 2022*****Niranjan Khillo and others* *Petitioners***

Mr. Prasanta Kumar Jena, Advocate

*-versus-****State Pollution Control Board, Odisha* *Opposite Parties and others***

Mr. Debakanta Mohanty, A.G.A. for State

Mr. Bikram Pratap Das, Advocate (OSPCB)

Mr. P.K. Parhi, Deputy Solicitor General

Along with Mr. P.P. Behera, CGC

Dr. Abhishek Manu Singhvi, Senior Advocate

Assisted by Mr. K.A. Guru, Advocate for OP No.8

**CORAM:
THE CHIEF JUSTICE
JUSTICE M.S. RAMAN****ORDER
30.01.2023****Order No.**

09. 1. Pursuant to the orders passed by this Court on 1st December, 2022 a comprehensive affidavit has been filed by the Odisha State Pollution Control Board, Odisha (OSPCB) placing on record the copies of the notices issued in Print Media, the copy of the proceedings held on 7th January, 2023 and the videography of the hearings held. It is stated that in all 2265 representations were received and these have already been sent to the Ministry of Environment, Forest and Climate Change (MoEF&CC) on 13th January, 2023. It is stated, without contradiction by learned counsel for the Petitioners, that the hearing was peaceful and all those who wanted to speak were able to do so. A total of 78 people orally expressed their views which were noted.

2. Dr. Abhishek Manu Singhvi, learned Senior Counsel appearing for the Opposite Party No.8, has placed before the Court a note which summarizes the contents of the affidavit of the OSPCB and also states that issues raised by the public and the corresponding comments of the officials of Hindalco were minuted in Odia and English and attached to the report of the OSPCB.

3. Mr. Prasanta Kumar Jena, learned counsel appearing for the Petitioners raises an objection that the report of the OSPCB perhaps does not reflect exactly the views of the Petitioners. In any event, since all the representations submitted at the hearing have already been sent to the Ministry of Environment, Forest and Climate Change, the Court sanguine that the Expert Appraisal Committee which will now consider the entire matter will take into account the contents of the said representations along with the report. Additionally, the Court permits the Petitioners to file a note with the MoEF&CC not later than 6th February, 2023 of anything that they wish to say in respect of the report submitted by the OSPCB. Likewise, Hindalco is also permitted to submit a note to the MoEF&CC within the same date.

4. Dr. Singhvi, learned Senior Counsel has pointed out that the process for grant of the environmental clearance (EC) shall now resume from the stage at which it was before the Expert Appraisal Committee (EAC).

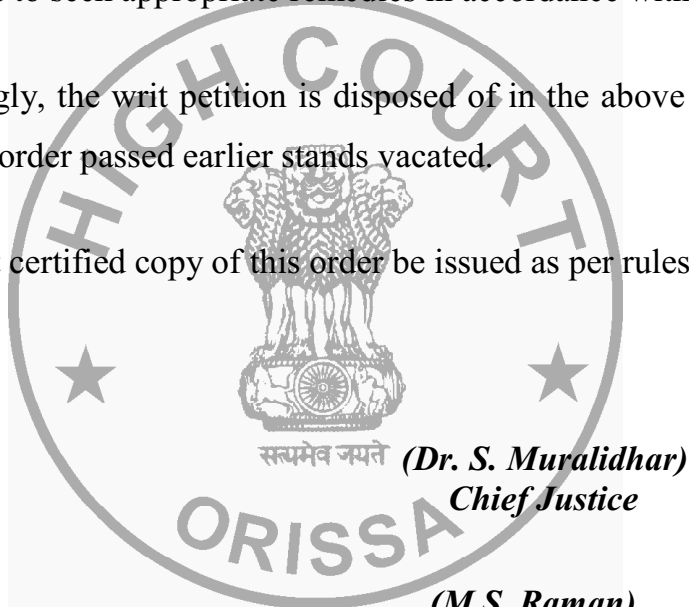
5. Without commenting in any event, on what the EAC should be doing hereafter, the Court only notes that the EAC will now proceed in accordance with law taking into account the report of the

OSPCB, the representations received at the hearing and the notes of both the Petitioners as well as Hindalco on the report of the OSPCB.

6. Since the primary concern expressed in the writ petition was about the fairness of the public hearing and since that has now been conducted afresh, the said issue no longer survives. The Court does not consider it necessary to keep the present petition pending. As regards all events that take place hereafter, it will obviously be open to the parties to seek appropriate remedies in accordance with law.

7. Accordingly, the writ petition is disposed of in the above terms. The interim order passed earlier stands vacated.

8. An urgent certified copy of this order be issued as per rules.



(Dr. S. Muralidhar)
Chief Justice

(M.S. Raman)
Judge

S. Behera

GOVERNMENT OF ODISHA
STEEL AND MINES DEPARTMENT

PROCEEDINGS

No. 9614 / S&M, Bhubaneswar dated the 12.10.2022
SM-MC2-MC-0060-2021

Sub: Lapsing of mining lease for Bauxite over an area of 268.11 Ha. in Village Aligaon, Kakaramba etc. under Pottangi Tahasil in Koraput district granted in favour of Hindalco Industries Limited.

ORDER

Whereas, original mining lease for Maliparbat Bauxite Mine over an area of 268.11 Ha. in Village Aligaon, Kakaramba etc. under Pottangi Tahsil in Koraput district was granted in favour of M/s Hindalco Industries Limited for a period 20 years vide Steel & Mines Department Proceeding No.5480 dated 19.06.2007. The lease deed was executed on 08.11.2007.

And whereas, mine operation was discontinued since 01.11.2013 and hence on 31.10.2015 it was eligible for lapsing as it was non-working for a period more than 2 years. But, considering the application of the lessee company, Government had granted time extension till 30.04.2016 vide Steel & Mines Department Letter No.9299 dated 19.09.2015 subject to the condition that if the lessee failed to restart mining operation within the extended time, the lease would be declared as lapsed without further notice. However, the lessee failed to resume mining operation and the lease was declared as lapsed w.e.f. 30.04.2016 vide Steel & Mines Department Letter No.6990/SM, dated 17.08.2016 u/s 4A (4) of the MMDR Act, 1957 read with Rule 20 (6) of MC Rules, 2016.

And whereas, the lessee company, on 29.08.2016, applied for revival of the lease u/r 20 (7) of MC Rules, 2016. Examining the details and after consideration the lease was declared as revived u/r 20 (7) of MC Rules, 2016 vide Steel & Mines Department Proceeding No.1777, dated 08.03.2019.

And whereas, the lessee company, though submitted mine opening notice on 05.09.2019, could not commence mining operation within the stipulated period. Again on 03.12.2020, the lessee company submitted an

Aut.

application to save the mining lease from lapsing u/r 20 of MC Rules, 2016. On non-commencement of mining operation, the lessee company submitted that due to local issues and violence of public at site, they were unable to carry out mining operation at Maliparbat Mines since 2014. However, they have taken steps for peripheral development of mine area.

And whereas, Director of Mines and Collector, Koraput had submitted their reports on 16.08.2021 and 16.07.2021 respectively on non-commencement of mining operation by the lessee company. As per the report of Collector, Koraput, the lessee could not be able to restart the mining operation due to want of E.C. under EIA Notification 2006. The lessee has applied for E.C. as per EIA Notification, 2006 on 07.07.2020 which is still under process.

And whereas, Director, Environment, Government of Odisha vide letter dated 28.07.2021, communicating the order dated 08.02.2021 of MoEF&CC, has requested to realise 100% cost/value of illegally mined mineral during the period 2012-2014 as per the provision of Section 19 of EP Act, 1986. Accordingly, Demand Notice was issued in favour of the lessee company for an amount of Rs.15,32,216/- and the amount was recovered from the lessee company on 11.01.2022.

And whereas, the lessee was accorded opportunity of replying to show cause notice for lapsing and the matter was heard through personal hearing and after due deliberation of the facts submitted it is concluded that the mining operation which has not been commenced because of wanting Environment Clearance from the date of revival i.e. 08.03.2019 is more than two years and liable for lapsing. The delayed action taken by the lessee company for obtaining Environment Clearance does not explain satisfactorily non-commencement of mining operation. Even the amended provision of 4A (4) of MMDR Act, 1957 which allows extension of one more year beyond two years will not save the lease from lapsing as the period of non-operation has exceeded three years. Even till date E.C. has not been granted.

Hence, considering these facts, Government have been pleased to reject the revival application dated 03.12.2020 u/r 20 of MC Rules, 2016 being devoid of merit and the mining lease for Bauxite over an area of 268.11 Ha. in Village Aligaon, Kakaramba etc. under Pottangi Tahsil in

Koraput district granted in favour of Hindalco Industries limited is declared as lapsed w.e.f. 28.03.2021 as per the provision u/s 4A (4) of MMDR (Amendment) Act, 2021 read with u/r 20 (6) (7) of MC(Amendment) Rules, 2021.

By order of the Governor

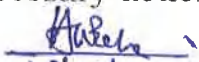

12/10/22
(A. K. Behera)

Additional Secretary to Government

By Registered Post with A/D.

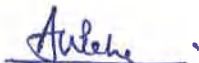
Memo No. 9615 /S&M, Bhubaneswar, dated the 12.10.2022

Copy forwarded to The Joint President - Corporate Affairs, Hindalco Industries Limited, Mines Division - New Project, 42/1041, Satya Nagar, College Road, Semiliguda, Koraput-764036 [Email - hil-maliparbat.mines@adityabirla.com] for information and necessary action.


12/10/22
Additional Secretary to Government

Memo No. 9616 /S&M, Bhubaneswar, dated the 12.10.2022

Copy forwarded to the Director of Mines & Geology, Odisha, Bhubaneswar for information and necessary action.


12/10/22
Additional Secretary to Government

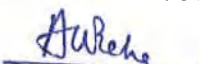
Memo No. 9617 /S&M, Bhubaneswar, dated the 12.10.2022

Copy forwarded to the Collector, Koraput for information and necessary action.


12/10/22
Additional Secretary to Government


Memo No. 9618 /S&M, Bhubaneswar, dated the 12.10.2022

Copy forwarded to the DDM, Koraput for information and necessary action.


12/10/22
Additional Secretary to Government

Memo No. 9619 /S&M, Bhubaneswar, dated the 12.10.2022

Copy forwarded to the Special Secretary to Government, Forest, Environment & CC Department/Special Secretary to Government Industries Department for information and necessary action.


12/10/22
Additional Secretary to Government

IN THE HIGH COURT OF ORISSA; CUTTACK
(ORIGINAL JURISDICTION CASE)

W.P.(C) NO. 28704 OF 2022
 CODE NO. 270000

M/s. Hindalco Industries Limited & another
 PETITIONERS

- V E R S U S -

Union of India & others OPP. PARTIES

I N D E X

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03.	<u>ANNEXURE - 2</u> Copy of Environment Clearance dated 07.09.2006.	63-68
04.	<u>ANNEXURE - 3</u> Copy of EIA Notification, 1994.	69-82
05.	<u>ANNEXURE - 4</u> Copy of EIA Notification, 2006.	83-127
06.	<u>ANNEXURE - 5</u> Copy of Mining Lease.	128-164

Atmule

07.	<u>ANNEXURE - 6</u> Copy of Terms of Reference dated 23.07.2012.	165-170
08.	<u>ANNEXURE - 7</u> Copy of Prohibitory Order dated 11.01.2014.	171-172
09.	<u>ANNEXURE - 8</u> Copy of Prohibitory Order dated 20.08.2014.	173
10.	<u>ANNEXURE - 9</u> Copy of application dated 09.07.2015.	174-176
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18.	<u>ANNEXURE - 16(A)</u> Copy of Notification dated 06.04.2018.	277-280

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|-----|--|---------|
| 19. | <u>ANNEXURE - 17</u>
Copy of Mine Opening Notice
dated 05.09.2019. | 281-283 |
| 20. | <u>ANNEXURE - 18</u>
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| 21. | <u>ANNEXURE - 19</u>
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| 22. | <u>ANNEXURE - 20</u>
Copy of letter dated 11.10.2021. | 367-368 |
| 23. | <u>ANNEXURE - 21</u>
Copy of Environment Impact
Assessment Report. | 369-776 |
| 24. | <u>ANNEXURE - 22</u>
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dated 08.02.2022. | 777-778 |
| 25. | <u>ANNEXURE - 23</u>
Copy of notification
on 28.03.2021. | 779-791 |
| 26. | <u>ANNEXURE - 24</u>
Copy of notification on 2.11.2021. | 792-804 |
| 27. | <u>ANNEXURE - 25</u>
Copy of letter dated 10.01.2022. | 805-809 |
| 28. | <u>ANNEXURE - 26</u>
Copy of Show Cause Notice
dated 25.03.2022. | 810-811 |
| 29. | <u>ANNEXURE - 27</u>
Copy of show notice
dated 19.04.2022. | 812-820 |
| 30. | <u>ANNEXURE - 28</u>
Copy of Written Submission. | 821-836 |

31. ANNEXURE - 22
Copy of Impugned Order
dated 12.10.2022.

837-839

32. VAKALATNAMA
-

Cuttack

By the petitioner through

Date :-

Bhutan Paltanik
Advocate
Bhutan Paltanik
O-366/2016
907857 4003



**IN THE HIGH COURT OF ORISSA; CUTTACK
(ORIGINAL JURISDICTION CASE)**

W.P.(C) NO. _____ OF 2022
CODE NO. 270000

IN THE MATTER OF:

An application under Article 226 of
the Constitution of India;

AND

IN THE MATTER OF:

Article 14 and 19(1)(g) of the
Constitution of India;

AND

IN THE MATTER OF:

Mines and Minerals (Development
and Regulation) Act, 1957 and
Rules framed thereunder;

AND

IN THE MATTER OF:

An application challenging the vires
of Para 8(v) of the Gazette
Notification GSR-775(E) dated
2.11.2021 of the Minerals (Other
than Atomic and Hydro Carbons



Energy Mineral) Concession (Fourth Amendment) Rules, 2021, which seeks to retrospectively take away the vested right to seek revival of mining lease.

AND

IN THE MATTER OF:

An application challenging the vires of Section 5 of the Act No. 16 of 2021 i.e. the Mines and Minerals (Development and Regulation) Amendment Act, 2021, which retrospectively substitutes the word "mining operations" with the words "production and dispatch".

AND

IN THE MATTER OF:

An application seeking quashing and setting aside of the order of lapsing dated 12.10.2022 bearing No. 9614/S&M passed by the State of Odisha rejecting the Petitioner's application dated 03.12.2020 under unamended Rule 20 of the Minerals (Other than Atomic and Hydro Carbons Energy Minerals) Concession Rules, 2016 *inter*

By Petitioner



*also seeking revival of the Mining
Lease dated 19.06.2007.*

AND

IN THE MATTER OF:

1. **M/s. Hindalco Industries Limited**, a company incorporated under the provisions of Companies Act, 1956 and having registered office at Ahura Centre, 1st Floor, B Wing, Mahakali Caves Road, Andheri (East), Mumbai- 400093 and Mines office at 42/1041, Satya Nagar, College Road, Semilguda, Koraput - 764 036, represented through its authorized representative, Mr. Pratap Kumar Patra aged about 51 years son of Late Shri. Shashank Shekhar Patra, now resident of Satya Nagar, College Road, Semilguda, Koraput - 764 036.

2. **Manoj Kumar Nayak**, aged about 57 years, son of Late Shri Biswakesan Nayak, shareholder of Petitioner No. 1, having office at Satya Nagar, College Road, Semilguda, Koraput - 764 036.

.....PETITIONERS

VERSUS

1. **Union of India**, represented through the Secretary, Ministry of Mines, Government of India, Shastri Bhawan, New Delhi - 110 001.

2. State of Odisha, represented through the Principal Secretary, Department of Steel and Mines, Government of Odisha, Secretariat Building, Bhubaneswar, Odisha - 751001.
3. District Magistrate cum Collector, District Koraput.
4. Ministry of Environment Forest and Climate Change, Government of India, represented through its Secretary, 2nd Floor, Prithvi Wing, Indira Paryavaran Bhavan, Jor Bagh Road, Aliganj, New Delhi - 110003.

.....OPPOSITE PARTIES

The matter out of which the present Writ Application arises was never before this Hon'ble Court in the present form as per instruction.

TO,

THE HON'BLE CHIEF JUSTICE OF ORISSA HIGH COURT AND HIS LORDSHIP COMPANION JUDGES OF THE SAID HIGH COURT

THE HUMBLE PETITION OF THE PETITIONERS NAMED ABOVE

By Advocate

MOST RESPECTFULLY SHEWETH:

I. Brief Synopsis

1. By way of the present writ petition under Articles 226 of the Constitution of India, your Petitioners seek quashing and setting aside of order dated 12.10.2022 bearing No. 9614/S&M passed by the Opposite Party No. 2 ("**Impugned Order**") (*Annexure -29*) rejecting application dated 3.12.2020 for revival of Mining Lease filed by the Petitioner No. 1 ("**Revival Application**") under the existing Third Proviso to Section 4A (4) of the Mines and Minerals (Development and Regulation) Act, 1957 ("**MMDR Act**") on the ground *inter-alia*, that "*the delayed action taken by the lessee company for obtaining Environment Clearance does not explain satisfactorily non commencement of mining operations*", despite being aware that the grant of Environment Clearance has been stayed by order dated 8.2.2022 passed by this Hon'ble Court in Public Interest Litigation bearing No. WP (Civil) (PIL) No. 473 of 2022 titled *Niranjan Khillo & Ors. vs. State Pollution Control Board, Odisha & Ors* (*Annexure -22*). The Opposite Party No. 2 has further, in a non-speaking order, applied the provisions of Section 4A (4) of the Mines and Minerals (Development and Regulation) (Amendment) Act, 2021 ("**MMDR Amendment Act**") read with Rule 20 (6) and (7) of the Minerals (Other than Atomic and

Annexure



Hydro Carbons Energy Minerals) Concession Rules, 2016 ("MCR, 2016") as amended by Minerals (Other than Atomic and Hydro Carbons Energy Mineral) Concession (Fourth Amendment) Rules, 2021 ("2021MCR Fourth Amendment Rules") retrospectively to such Revival Application.

2. It is submitted that the Opposite Party No. 2 has unfairly penalized the Petitioners for purported delay in grant of Environment Clearance even though the same is completely beyond its control. The Petitioner was granted Environment Clearance under Environment Impact Notification, 1994 ("EIA Notification, 1994") way back on 07.09.2006. The mining lease was registered thereafter on 14.11.2007. Ordinarily and as per various judgments passed by the Hon'ble Supreme Court deprecating the practice of post facto grant of Environment Clearance including in *Alembic Pharmaceuticals Ltd. vs Rohit Prajapati (2020) 17 SCC 157* an Environment Clearance is granted 'prior' to commencement of the activity for which the Environment Clearance is sought, in this case mining operations, and is therefore granted for the duration of the activity or mining lease. The concept of expiry of mining lease is inconsistent with the concept of 'prior EC' as well as the mandate of Section 4A of the MMDR Act and Rule 20 of the 2016 Rules which requires continuous production and dispatch.

By *Debmou*



3. On 2.08.2017 however, the Hon'ble Supreme Court in *Common Cause vs Union of India; (2017) 9 SCC 499* at *para 87* thereof held that an Environment Clearance granted under EIA Notification, 1994 was valid for a period of 5 years from commencement of operations thereby substituting the word 'for' with 'from' in paragraph 2 II read with paragraph 2 III (c) of EIA Notification, 1994. By supplying a new term into EIA Notification, 1994 that was not previously present, the Hon'ble Supreme Court set an expiry date on a validly granted Environment Clearance when previously there was none, thereby setting new law. Paragraph 2 II of EIA Notification, 1994 is reproduced below:

"II. In case of the following site specific projects:

- (a) mining;*
- (b) pit-head thermal power stations;*
- (c) hydro-power, major irrigation projects and/or their combination including flood control;*
- (d) ports and harbours (excluding minor ports);*
- (e) prospecting and exploration of major minerals in areas above 500 hectares;*
- (f) greenfield airports, petrochemical complexes and refineries. The project authorities will intimate the location of the project site to the Central Government in the Ministry of Environment and Forests while initiating any investigation and surveys. The Central*

Government in the Ministry of Environment and Forests will convey a decision regarding suitability or otherwise of the proposed site within a maximum period of thirty days. The said site clearance shall be granted for a sanctioned capacity and shall be valid for a period of five years for commencing the construction, operation or mining.

(emphasis added)

Paragraph 2 III (c) of EIA Notification, 1994 is reproduced below:

" (c) The Impact Assessment Agency shall prepare a set of recommendations based on technical assessment of documents and data, furnished by the project authorities, 2 supplemented by data collected during visits to sites or factories if undertaken, and details of public hearing.

The assessment shall be completed within a period of ninety days from receipt of the requisite documents and data from the project authorities and completion of public hearing and decision conveyed within thirty days thereafter.

The clearance granted shall be valid for a period of five years for commencement of the construction or operation of the project.

No construction work, preliminary or otherwise, relating to the setting up of the project may be

undertaken till the environmental and site clearance is obtained."

(emphasis added)

Atpara 87 in *Common Cause vs Union of India*; (2017) 9 SCC 499 the Hon'ble Supreme Court held as follows:

" 87. The notification provides, among other things, that in case of mining operations, site clearance shall be granted for a sanctioned capacity and shall be valid for a period of five years from commencing mining operations. What this means is that on receipt of an EC a mining lease holder can extract a mineral only from a specified site, upto the sanctioned capacity and only for a period of five years from the date of the grant of an EC. This is regardless of the quantum of extraction permissible in the mining plan or the mining lease and regardless of the duration of the mining lease. Consequently, a mining lease holder would necessarily have to obtain a fresh EC every five years and can also apply for an increase in the sanctioned capacity. There is no concept of a retrospective EC and its validity effectively starts only from the day it is granted. Thus, the EC takes precedence over the mining lease or to put it conversely, the mining operations under a mining lease are dependent on and 'subordinate' to the EC."

(Emphasis added)

By Handwritten



4. Therefore on 07.07.2020, after the first revival of the mining lease (the Petitioner No. 1 could not undertake production from the mine since 2013 due to disturbances created by insurgents, as explained hereinafter in this writ application, therefore the mining lease had lapsed and was revived on 8.3.2019), the Petitioner No. 1 applied for Environment Clearance under EIA Notification 2006. After following due procedure, a Public Hearing was duly conducted on 22.11.2021 under EIA Notification 2006 qua the Petitioner No. 1's proposal. In January-February 2022 however, certain persons purportedly representing the tribal population in the area of the Mining Lease filed a petition styled as Public Interest Litigation bearing No. WP (Civil) (PIL) No. 473 of 2022 titled Niranjana Khillo & Ors. vs State Pollution Control Board, Odisha & Ors; challenging the public hearing conducted on 22.11.2021. This Hon'ble Court was pleased to issue notice of the said petition on 08.02.2022 and also direct that in the event that the Environment Clearance had not been issued as of that date, the same should not be issued till the next date. It is a matter of record that the Public Hearing has taken place and the issues raised in the Public Hearing have been duly addressed and only the grant of Environment Clearance is pending final orders of this Hon'ble Court in WP (Civil) (PIL) No. 473 of 2022.

By Petitioner



5. Thus clearly, the grant of Environment Clearance having been stayed by orders of this Hon'ble Court, the Petitioner No. 1 could not have been held responsible for any purported delay.

6. That further, the Opposite Party No. 2 appears to have relied upon Section 4A (4) of the MMDR Amendment Act read with Rule 20 (6) and (7) of the 2021 MCR Fourth Amendment while passing the Impugned Order. It is submitted that Section 4A (4) of the MMDR Act was amended by the MMDR Amendment Act w.e.f. 28.03.2021, omitting the Third and Fourth Proviso to Section 4A (4) of the unamended MMDR Act. On account of such amendment and omission, the right to seek revival of a Mining Lease no longer exists. The MMDR Amendment Act is however silent on the fate of Revival Applications that were pending on the date of coming into effect of the MMDR Amendment Act. As such, by virtue of application of Section 6 (b) and (c) of the General Clauses Act, 1897, the MMDR Amendment Act does not alter or take away the right vested under the Third and Fourth Proviso to Section 4A (4) of the unamended MMDR Act to seek revival of a mining lease in case an application for revival of mining lease was pending on the date when the MMDR Amendment Act came into force.

Opinion



7. By the 2021 MCR Fourth Amendment Rules however, the existing Rule 20(7) of the MCR, 2016 has been entirely substituted, thereby causing the lapse of a pending application for revival of mining lease filed under the Third and Fourth Proviso to Section 4A (4) of the unamended MMDR Act. The newly substituted Rule 20(7) of the MCR, 2016 reads as follows:

"Any application for revival of the mining lease submitted under the third proviso to sub-section (4) of section 4A, as it stood prior to commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2021, namely, the 28th March 2021, which is not disposed of by the State Government prior to the said date, shall lapse on the said date."

8. Your Petitioners submit that by substitution of Rule 20(7) of the MCR, 2016 by the 2021 MCR Fourth Amendment Rules the MCR, 2016 has travelled beyond the scope of the parent statute in as much as the MMDR Act or the MMDR Amendment Act do not in any manner affect pending applications under the MMDR Act. The substituted Rule 20(7) of the MCR 2016, is therefore *ultra vires* the MMDR Act and the MMDR Amendment Act.



9. Further, it is settled law that a Rule cannot be given retrospective effect, unless such an intention is present in the principal statute.

10. Assuming *arguendo* that the Parliament, by omitting the Third and Fourth Proviso to Section 4A(4) intended to do away with the right of revival of mining lease, it is settled law that unless it is expressly provided or it is understood by necessary implication, a statute which takes away vested rights, is applicable prospectively and not retrospectively.

11. Further, Section 5 of the MMDR Amendment Act which substitutes the word "*mining operations*" with the words "*production and dispatch*" wherever they occur in Section 4A(4) of the MMDR Act is violative of the Environment Impact Assessment Notification, 2006 ("EIA Notification, 2006") notified under the Environment Protection Act, 1986 ("EPA, 1986") which prohibits mining activity without an Environment Clearance. The words "*mining operations*" is defined in Section 3(d) of the MMDR Act and it is settled law that the same has a much wider scope and includes within it all activities undertaken for the purpose of winning of minerals such as maintaining the safety of the mine, undertaking activities enlisted in corporate social responsibility plans and maintaining the mining lease by payment of

General

dead rent etc., which can be undertaken even without an Environment Clearance. The Petitioner No. 1 employs 16 persons directly and 7 persons through indirect employment in Maliparbat Mines office to conduct the aforesaid mining operations. The phrase "*production and dispatch*" however limits such operation to production and dispatch only which is prohibited without prior Environment Clearance. As a result, the 2021 MMDR Amendment which has the effect of forcing the lapsing of a mining lease without right to revival, for being unable to produce and dispatch from the mine due to pendency of application for Environment Clearance, is *ultra vires* the EPA 1986, EIA Notification, 2006 and Article 21 of the Constitution of India which enjoins mining lease holders to follow the principles of sustainable development and embodies the polluter pays principle.

12. The MMDR Amendment Act is also silent on the aspect as to whether the substitution of the words "mining operations" with "production and dispatch" shall apply retrospectively.

13. As such, in the absence of clear legislative intent, the amendments made to Section 4A(4) of the MMDR Act by the MMDR Amendment Act must be deemed to apply prospectively and not retrospectively. Thus, a holder of a Mining Lease who was carrying on

Of course

Mining Operations as defined under Section 3 (d) of the MMDR Act prior to amendment of Section 4A(4), is entitled to the benefit of such activity and its vested right to enjoy the mining lease cannot be taken away by retrospectively imposing the narrower concept or requirement for "production and dispatch" to a period when the holder of a mining lease was not subject to such conditions. This is especially in cases such as that of Petitioners' where the Petitioners are prohibited from commencing production due to reasons beyond their control including *inter alia* inability due to disturbances created by insurgents and serious law and order problems in the area, expiry of its Environment Clearance due to operation of judgment of the Hon'ble Supreme Court of India in the matter of *Common Cause vs Union of India*; (2017) 9 SCC 499, pendency of Petitioner No.1's application for grant of Environment Clearance and pendency of proceedings before this Hon'ble Court in Public Interest Litigation bearing No. WP (Civil) (PIL) No. 473 of 2022 titled *Niranjan Khillo & Ors. State Pollution Control Board, Odisha & Ors*; wherein by order dated 8.2.2022 this Hon'ble Court has been pleased to stay the grant of Environment Clearance for the Maliparbat Mines due to allegations raised by certain person that they were not allowed to participate in the Public Hearing.

27/1/2023



14. Thus alternatively, in view of the settled law that an Environment Clearance takes precedence over the mining lease and the mining operations under a mining lease are dependent on and 'subordinate' to the Environment Clearance, Section 4A(4) of the MMDR Act as amended by the MMDR Amendment Act must be read down to mean that the same is applicable only to those mining leases which have the requisite Environment Clearance and with respect to which it is permissible to produce and dispatch.

II. Description of Parties

15. Your Petitioner No. 1 is a company registered and incorporated under the Companies Act, 1956, having its registered office at having its office at Mines Division – New Project, 42/1041, Satya Nagar, College Road, Semilguda, Koraput – 764 036 and is the holder of a mining lease in respect of bauxite mines covering an area of 268.11 Hectares and situated at Village Aligaon, Kakaramba, Tahsil Pottangi, District Koraput, Odisha and is represented by Mr. Pratap Kumar Patra the authorized agent for the Petitioner No.1. A copy of the Board Resolution issued by the Petitioner No.1 in favour of its authorized representative is annexed hereto and marked as ANNEXURE-1. The Petitioner No. 2 is a shareholder of the Petitioner No. 1.

Pratap Kumar Patra



16. The Opposite Party No. 1 is the Union of India and has drafted the MMDR Amendment Act and the 2021 MCR Fourth Amendment Rules, which are subject matter of challenge in this writ petition. The Opposite Party No. 2 is the State of Odisha through the Department of Steel and Mines and has passed the Impugned Order. The Opposite Party No. 3 is the District Magistrate cum Collector, District Koraput and is responsible for preserving law and order in the Mining lease area. Opposite Party No. 4 is the Ministry of Environment Forest and Climate Change, Government of India, before whom the Petitioner No. 1's application for Environment Clearance is pending. The Opposite Parties are State within the meaning of Article 12 of the Constitution of India and therefore amenable to the writ jurisdiction of this Hon'ble Court.

17. The cause of action for filing the present writ petition arises within the territorial jurisdiction of this Hon'ble Court.

III. Factual Background

18. On 07.09.2006, the Petitioner No. 1 was granted Environment Clearance under the erstwhile EIA Notification 1994 for mining bauxite at Village Aligaon, Kakaramba, Tahsil Pottangi, District Koraput, Odisha ("Maliparbat bauxite mines") with a production capacity of 0.6 MTPA by opencast



mechanized method, by the Respondent No. 4. Copy of Environment Clearance dated 07.09.2006 is annexed hereto and marked as ANNEXURE-2.

19. Only 7 days after the grant of Environment Clearance, i.e. on 14.09.2006, the Respondent No. 4 notified the Environment Impact Notification, 2006 ("EIA, Notification 2006") in supersession of EIA Notification, 1994. Pertinently, the language of neither EIA Notification, 1994 nor EIA Notification, 2006 prescribe a time period for validity of Environment Clearance and a prior Environment Clearance once granted was/is applicable during the tenure of the project unless revoked earlier. Under paragraph 2 II read with paragraph 2 III (c) of EIA Notification, 1994, the Environment Clearance once granted would be valid for 5 years for commencement of operation of the project. Further, EIA Notification, 2006 requires that an existing project would require Environment Clearance under EIA Notification, 2006 only at the time of expansion and modernization. Copy of EIA Notification, 1994 and EIA Notification, 2006 are annexed hereto and marked as ANNEXURE-3 and ANNEXURE-4 respectively.

20. The Petitioner No. 1 was granted a mining lease in respect of the Maliparbatbauxite mines on 19.06.2007 (registered on 14.11.2007) "Mining

Lease") which is valid till 14.11.2027 and is entitled for extension till 14.11.2057 under the provisions of Section 8A(3) of the MMDR Act. Copy of the Mining Lease is annexed hereto and marked as ANNEXURE-5.

21. The Petitioner No. 1 commenced mining operations during June 2008 i.e., within 5 years of the grant of Environment Clearance, after obtaining requisite clearances, consents and permission from the competent authorities for mining bauxite from Maliparbat bauxite mines.

22. On 17.03.2012, the Petitioner No. 1 applied for Environment Clearance under EIA Notification, 2006 for enhancement in production of bauxite from 0.6 million TPA to 0.9 million TPA. The Opposite Party No. 4 issued Terms of Reference pursuant to the Petitioner No. 1's proposal. However on account of events thereafter, the proposal lapsed. Copy of Terms of Reference dated 23.07.2012 issued by Opposite Party No. 4 is annexed hereto and marked as ANNEXURE-6.

23. In November 2013, the Petitioner No. 1 was constrained to stop production while continuing to maintain the mining lease area, on account of disturbances created by insurgents and serious law and order problems in the area. Prohibitory Orders issued

By Petitioner



by the Sub-Divisional Magistrate under Section 144 of the Code of Criminal Procedure, 1973 ("CrPC") on 11.01.2014 and 20.08.2014 record that there is a long standing dispute between two factions in the area of the Mining Lease, i.e., those who support the mining project and those who are against the mining project and that the opposing faction resort to violence to ensure that the project cannot continue. Copy of the Prohibitory Orders under Section 144 CrPC dated 11.01.2014 and 20.08.2014 are annexed hereto and marked as ANNEXURE-7 and ANNEXURE-8 respectively.

24. Due to such unrest the Petitioner No. 1 could not resume production from the mine and was forced to seek extension of mining lease from time to time. On 09.07.2015, the Petitioner No. 1 applied for extension of the mining lease for the first time. Vide order dated 19.05.2015, the Opposite Party No. 2 granted extension for 6 months from the due date of lapse i.e., 31.10.2015, for restarting the mining operation. Thereafter on 18.03.2016, as the law and order situation remained unresolved, the Petitioner No. 1 filed another application to the State Government requesting for further time of 1 year for restarting the Maliparbat Mines. On 12.05.2016 however the Government of Orissa, Department of Steel & Mines rejected the request of the Petitioner No. 1 for grant of

By Petitioner

further time of 1 year to restart the mine. Copy of the application dated 09.07.2015 is annexed hereto and marked as ANNEXURE-9. Copy of order dated 19.05.2015 of the State Government is annexed hereto and marked as ANNEXURE-10. Copy of the application dated 18.03.2016 is annexed hereto and marked as ANNEXURE-11. Copy of order dated 12.05.2016 of the Government of Orissa, Department of Steel & Mines is hereto annexed and marked as ANNEXURE-12.

25. Thereafter on 17.08.2016, the Government of Orissa, Department of Steel & Mines directed that the mining lease for the Maliparbat Mines stood lapsed with effect from 30.04.2016, under Section 4A(4) of the 1957 Act read with Rule 20(6) of the 2016 Rules. Copy of order dated 17.08.2016 of the Government of Orissa, Department of Steel & Mines is annexed hereto and marked as ANNEXURE-13.

26. Subsequently pursuant to the Petitioner No. 1's application dated 29.08.2016 for revival of the Mining Lease, the Opposite Party No. 2 passed order dated 8.3.2019 reviving the Mining Lease, holding *inter-alia* that the Petitioner No. 1 could not operate the mine due to acute law and order problem and that the same was beyond its control. Copy of Petitioner No. 1's application dated 29.08.2016 for revival of the Mining

by full mark



Lease is annexed hereto and marked as ANNEXURE-14. Copy of order dated 8.3.2019 passed by the Opposite Party No. 2 reviving the Mining Lease is annexed hereto and marked as ANNEXURE-15.

27. Meanwhile on 2.08.2017, the Hon'ble Supreme Court in Common Cause vs Union of India; (2017) 9 SCC 499 ("Common Cause Judgment") at para 87 thereof held that an EC granted under EIA Notification, 1994 was valid for a period of 5 years from commencement of operations thereby substituting the word 'for' with 'from' in paragraph 2 II read with paragraph 2 III (c) of EIA Notification, 1994. Copy of the judgment rendered in common Cause vs Union of India; (2017) 9 SCC 499 is annexed hereto and marked as ANNEXURE-16. Further the Hon'ble Supreme Court vide judgment dated 7th February, 2018 in Special Leave to Appeal (Civil) No. 32138 of 2015 in the matter of Goa Foundation versus M/s Sesa Sterlite Ltd., &Ors. has reiterated that the validity of the environmental clearance for mining projects granted under the EIA Notification, 1994 shall be five Years. Pursuant to the said Judgements of Hon'ble Supreme Court, Opposite Party No. 4 issued Notification/ Guidelines dated 06.04.2018 mandating that lease holders who have Environment Clearance under EIA Notification 1994, shall be required to take Environment Clearance under EIA Notification 2006.

By perusal

Copy of the said Notification/ Guidelines issued by Opposite Party No. 4 dated 06.04.2018 is annexed herewith and marked as Annexure-16 A.

28. On 05.09.2019 the Petitioner No. 1 issued notice for opening the Maliparbat Mine however could not commence production due to the effect and operation of the Common Cause Judgment as a result of which the Environment Clearance for the Maliparbat Mine was deemed to have expired five years pursuant to its grant. Copy of Mine Opening Notice dated 05.09.2019 is annexed hereto and marked as ANNEXURE-17.

29. On 07.07.2020, the Petitioner No. 1 applied for Environment Clearance under EIA Notification 2006 along with the Pre-feasibility Report for obtaining Fresh Terms of Reference. Copy of the application filed by the Petitioner No. 1 along with the Pre-feasibility Report is annexed hereto and marked as ANNEXURE-18.

30. On 03.12.2020, the Petitioner No. 1 filed application before the Respondent No. 2 under unamended Rule 20 (3) of the 2016 Rules for extension of time for resumption of full mining operations even though it continued to do all acts necessary for maintaining the mine. No orders were passed on the said application within the time prescribed under unamended Rule 20 (3)(6) of the 2016 Rules.ewithin

three months of the receipt of the application. Copy of the application dated 03.12.2020 filed by the Petitioner No. 1 is annexed hereto and marked as ANNEXURE-19.

31. The Respondent No. 4 issued Terms of Reference qua the Petitioner No. 1's application on 8.02.2021. Thereafter, after fulfilment of all pre-conditions prescribed in EIA Notification, 2006, the first attempt at holding a Public Hearing qua the Petitioner No. 1's proposal for Environment Clearance was made on 22.09.2021 however the same could not be held due to law and order problems created by a local group of miscreants who came with lathis, swords and other weapons and vandalized the stage and other arrangements and assaulted the Petitioner No. 1's officials. Letter dated 11.10.2021 issued by the Opposite Party No. 3 informing the State Pollution Control Board that the public hearing could not be conducted on 22.09.2021 due to law and order problems is annexed hereto and marked as ANNEXURE-20.

32. The Public Hearing was duly conducted thereafter on 22.11.2021 and final Environment Impact Assessment Report was submitted before the Opposite Party No. 4 on 24.01.2022. Copy of the Environment

Impact Assessment Report is annexed hereto and marked as ANNEXURE-21.

33. In January-February 2022 however, certain persons purportedly representing the tribal population in the area of the Mining Lease filed a petition styled as Public Interest Litigation bearing No. WP (Civil) (PIL) No. 473 of 2022 titled Niranjana Khillo & Ors. State Pollution Control Board, Odisha & Ors; challenging public hearing conducted on 22.11.2021. This Hon'ble Court was pleased to issue order in the said petition on 08.02.2022 directing that in the event that the Environment Clearance had not been issued as of that date, the same should not be issued till the next date. The grant of EC therefore remains stayed by orders of this Hon'ble Court. Copy of the downloaded order dated 08.02.2022 in WP (Civil) (PIL) No. 473 of 2022 is annexed hereto and marked as ANNEXURE-22.

34. Meanwhile, Section 4A of the MMDR Act was amended w.e.f. 28.03.2021 by the MMDR Amendment Act whereby the First, Second, Third and Fourth Proviso of the Section 4A(4) of the MMDR Act were substituted by the following.

" Provided that the State Government may, on an application made by the holder of such lease before it lapses and on being satisfied that it shall not be

possible for the holder of the lease to undertake production and dispatch or to continue such production and dispatch for reasons beyond his control, make an order, within a period of three months from the date of receipt of such application, to extend the period of two years by a further period not exceeding one year and such extension shall not be granted for more than once during the entire period of lease:

Provided further that such lease shall lapse on failure to undertake production and dispatch or having commenced the production and dispatch fails to continue the same before the end of such extended period."

35. Section 5 of the MMDR Amendment Act further provided that the words "mining operations" wherever they occur in Section 4A of the MMDR Act, would be substituted with the words "production and dispatch". Section 5 A of the MMDR Amendment Act is reproduced below:

" 5. In section 4A of the principal Act, in sub-section (4),— (i) for the words "mining operations" wherever they occur, the words "production and dispatch" shall be substituted; "

Copy of the Mines and Minerals (Development and Regulation) Amendment Act, 2021 as notified on 28.03.2021 is annexed hereto and marked as ANNEXURE-23.

36. As a result of such amendments in Section 4A of the MMDR Act, the right to seek revival of a mining lease no longer exists. It is pertinent to note however, that the MMDR Amendment Act is silent on the aspect of fate of applications pending under the unamended MMDR Act and does not disclose any legislative intent of abrogating such applications.

37. Further, the MMDR Amendment Act is also silent on the aspect as to whether the substitution of the words "*mining operations*" with "*production and dispatch*" shall apply retrospectively.

38. As such, in the absence of clear legislative intent, the amendments made to Section 4A(4) of the MMDR Act by the MMDR Amendment Act are applicable prospectively and not retrospectively. Thus, a holder of a Mining Lease who was carrying on Mining Operations as defined under Section 3 (d) of the MMDR Act prior to amendment of Section 4A(4), is entitled to the benefit of such activity and its vested right to enjoy the mining lease cannot be taken away by retrospectively imposing the narrower concept or

requirement for "*production and dispatch*" to a period when the holder of a mining lease was not subject to such narrow conditions. Section 3 (d) of the MMDR Act which defines "*mining operations*" is reproduced below:

"3. In this Act unless the context otherwise requires-

...

(d) "mining operation" means any operation undertaken for the purpose of winning any mineral."

39. On 02.11.2021 the Central Government amended MCR, 2016 and notified the 2021 MCR Fourth Amendment Rules. By way of the said amendment, Rule 20 (7), (8) and (9) of the MCR 2016 were substituted by the following Rule:

" (7) Any application for revival of the mining lease submitted under the third proviso to sub-section (4) of section 4A, as it stood prior to commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2021, namely, the 28th March 2021, which is not disposed of by the State Government prior to the said date, shall lapse on the said date."

40. By way of the aforesaid amendment in the MCR, 2016, your Petitioner No. 1's accrued right to apply for extension or revival of the Mining Lease stood extinguished even though such application had remained pending. Copy of the 2021 MCR Fourth



Amendment Rules as notified on 2.11.2021 is annexed hereto and marked as ANNEXURE-24.

41. It is relevant to mention that on 3.01.2022 after such amendments had taken place, the Office of the Deputy Collector of Mines, Koraput Circle, District Koraput acting pursuant to the Common Cause Judgment, raised a demand of INR 15,32,216/- upon the Petitioner No. 1 for having purportedly produced from the Maliparbat Mine during 2013-2014 without obtaining prior Environment Clearance. The said amount was paid by the Petitioner No.1 on 10.1.2022 under protest. Such action illustrates that your Petitioner could not have produced and dispatched from the Maliparbat mine during this period without grant of Environment Clearance under EIA Notification, 2006 as the same was not permitted. Copy of letter dated 10.01.2022 evidencing payment of the said amount is annexed hereto and marked as ANNEXURE-25.

42. After the aforesaid amendments to the MMDR Act and the MCR, 2016, and more than a year after the Petitioner No.1's application dated 3.12.2020 for revival of the Mining Lease, on 25.03.2022 the Opposite Party No. 2 issued Show Cause Notice bearing reference no. 2639/S&M, Bhubaneswar calling upon the Petitioner No. 1 to show cause as to

By full mail



why its application dated 03.12.2020 shall not be rejected and the Mining Lease shall not be deemed to have lapsed under amended Section 4A (4) of the MMDR Act read with Rule 20 (6) of the amended MCR, 2016. Copy of Show Cause Notice dated 25.03.2022 is annexed hereto and marked as ANNEXURE-26.

43. Your Petitioner No. 1 responded to such Show Cause Notice vide response dated 19.04.2022 stating *inter-alia*, that the Petitioner No. 1 had continued to undertake 'mining operations' as defined in the 1957 Act and therefore the Mining Lease had not lapsed. Copy of Petitioner No. 1's response dated 19.04.2022 to Show Cause Notice is annexed hereto and marked as ANNEXURE-27.

44. Thereafter, the Petitioner No. 1 was heard by the Opposite Party No. 2 on 20.05.2022 after which your Petitioner No. 1 filed a detailed Written Submission before the Opposite Party No. 2. Copy of Written Submission filed by the Petitioner No. 1 is annexed hereto and marked as ANNEXURE-28.

45. Despite your Petitioner No. 1's case that (a) it had continued mining operations as defined under Section 3(d) of the MMDR Act; (b) the Mining Lease being subservient to Environment Clearance, stood in abeyance till Environment Clearance and therefore

As per minute

could not lapse during the period that production could not take place due to lack of Environment Clearance; (c) the amendments to MMDR Act and MCR, 2016 could not be retrospectively applied and (d) that by order dated 8.2.2022 in WP (Civil) (PIL) No. 473 of 2022 this Hon'ble Court had stayed the grant of Environment Clearance ; the Opposite Party No. 2 has passed the Impugned Order rejecting your Petitioner No. 1's application dated 3.12.2020 under the provisions of Section 4A of the amended MMDR Act read with Rule 20(6) and (7) of the amended MCR, 2016 and declared the Mining Lease to have lapsed w.e.f. 28.03.2021 i.e. from a period subsequent to such application. Pertinently, the Opposite Party No. 2 records in the Impugned Order that the mining operation could not be commenced because of lack of Environment Clearance from the date of revival that is 8.3.2019. The Opposite Party No. 2 has further held the Petitioner No. 1 responsible for delay in grant of environment clearance despite having been informed that the same had been stayed by order dated 8.2.2022 passed by this Hon'ble Court in WP (Civil) (PIL) No. 473 of 2022. Copy of the Impugned Order dated 12.10.2022 is annexed hereto and marked as **ANNEXURE-29.**

46. The Petitioners are therefore challenging the Impugned Order and amendments brought into the

MMDR Act and MCR, 2016 by way of the MMDR Amendment Act and 2021 MCR Fourth Amendment Rules respectively, on the following amongst other grounds which are being taken without prejudice to each other.

GROUND

I. Time taken for grant of Environment Clearance is 'beyond the control' of the Petitioners as per Section 4A(4) of the MMDR Act.

- A. BECAUSE the Impugned Order is perverse, unreasonable and has been passed without application of mind as the Opposite Party No. 2 has penalized the Petitioners for purported delay in grant of Environment Clearance. The Opposite Party No. 2 has held that *"the delayed action taken by the lessee company for obtaining Environment Clearance does not explain satisfactorily non commencement of mining operations"* even though the Opposite Party No. 2 was aware that the grant of Environment Clearance for the Maliparbat mines is currently stayed under Order dated 8.2.2022 passed by this Hon'ble Court in Public Interest Litigation bearing No. WP (Civil) (PIL) No. 473 of 2022 titled Niranjana

Palanichamy



Khillo & Ors. State Pollution Control Board, Odisha & Ors. wherein the conduct of Public Hearing for grant of Environment Clearance has been challenged. The Opposite Party No. 2 failed to appreciate that the time taken for grant of Environment Clearance was completely 'beyond the control' of the Petitioners and Section 4A(4) of the MMDR Act was squarely applicable to such reason for inability to mine.

- B. BECAUSE the Opposite Party No.2 failed to appreciate that ordinarily and as per various judgments passed by the Hon'ble Supreme Court deprecating the practice of post facto grant of Environment Clearance including in *Alembic Pharmaceuticals Ltd. vs Rohit Prajapati (2020) 17 SCC 157* an Environment Clearance is granted 'prior' to commencement of the activity for which the Environment Clearance is sought, in this case mining operations, and is therefore granted for the duration of the activity or mining lease and the concept of expiry of mining lease is inconsistent with the concept of 'prior EC' as well as the mandate of Section 4A of the MMDR Act and Rule 20 of the 2016 Rules which requires continuous

By Public Hearing



production and dispatch. However this is a peculiar case where the existing Environment Clearance is deemed to have expired pursuant to judgment dated 2.08.2017 of the Hon'ble Supreme Court in *Common Cause vs Union of India; (2017) 9 SCC 499* wherein the Hon'ble Supreme Court has held that an Environment Clearance granted under EIA Notification, 1994 was valid for a period of 5 years from commencement of operations thereby substituting the word 'for' with 'from' in paragraph 2 II read with paragraph 2 III (c) of EIA Notification, 1994. By supplying a new term into EIA Notification, 1994 that was not previously present, the Hon'ble Supreme Court set an expiry date on a validly granted Environment Clearance when previously there was none, thereby setting new law. Paragraph 2 II of EIA Notification, 1994 is reproduced below:

" II. In case of the following site specific projects:

- (g) mining;*
- (h) pit-head thermal power stations;*
- (i) hydro-power, major irrigation projects and/or their combination including flood control;*



- (j) ports and harbours (excluding minor ports);
- (k) prospecting and exploration of major minerals in areas above 500 hectares;
- (l) greenfield airports, petrochemical complexes and refineries. The project authorities will intimate the location of the project site to the Central Government in the Ministry of Environment and Forests while initiating any investigation and surveys. The Central Government in the Ministry of Environment and Forests will convey a decision regarding suitability or otherwise of the proposed site within a maximum period of thirty days. The said site clearance shall be granted for a sanctioned capacity and shall be valid for a period of five years for commencing the construction, operation or mining.

(emphasis added)

Paragraph 2 III (c) of EIA Notification, 1994 is reproduced below:

" (c) The Impact Assessment Agency shall prepare a set of recommendations based on technical

operations, site clearance shall be granted for a sanctioned capacity and shall be valid for a period of five years from commencing mining operations. What this means is that on receipt of an EC a mining lease holder can extract a mineral only from a specified site, upto the sanctioned capacity and only for a period of five years from the date of the grant of an EC. This is regardless of the quantum of extraction permissible in the mining plan or the mining lease and regardless of the duration of the mining lease. Consequently, a mining lease holder would necessarily have to obtain a fresh EC every five years and can also apply for an increase in the sanctioned capacity. There is no concept of a retrospective EC and its validity effectively starts only from the day it is granted. Thus, the EC takes precedence over the mining lease or to put it conversely, the mining operations under a mining lease are dependent on and 'subordinate' to the EC." (Emphasis added)

By *for main*

- C. BECAUSE the Opposite Party No. 2 was aware that the Petitioner was granted



Environment Clearance under EIA Notification, 1994 way back on 07.09.2006. The Mining Lease was registered thereafter on 14.11.2007. The Petitioner No. 1 commenced mining within 5 years of grant of Environment Clearance but had to stop in 2013 due to disturbances created by insurgents, resulting in the first lapse of the Mining Lease and subsequent revival vide order dated 8.3.2019 passed by the Opposite Party No. 2. Immediately thereafter on 07.07.2020 after undertaking requisite diligence, the Petitioner No. 1 applied for Environment Clearance under EIA Notification 2006. After following due procedure, a Public Hearing was duly conducted on 22.11.2021 under EIA Notification 2006 qua the Petitioner No. 1's proposal. In January-February 2022 however, certain persons purportedly representing the tribal population in the area of the Mining Lease filed a petition styled as Public Interest Litigation bearing No. WP (Civil) (PIL) No. 473 of 2022 titled Niranjana Khillo & Ors. State Pollution Control Board, Odisha & Ors; challenging the public hearing conducted on 22.11.2021. This Hon'ble Court was pleased to issue notice of the said

of petitioner



petition on 08.02.2022 and also direct that in the event that the Environment Clearance had not been issued as of that date, the same should not be issued till the next date. It is a matter of record that the Public Hearing has taken place and the issues raised in the Public Hearing have been duly addressed and only the grant of Environment Clearance is pending final orders of this Hon'ble Court in WP (Civil) (PIL) No. 473 of 2022. Thus clearly, the grant of Environment Clearance having been stayed by orders of this Hon'ble Court, the Petitioner No. 1 could not have been held responsible for any purported delay.

- D. BECAUSE the reason given in the Impugned Order for rejecting the Revival Application filed by the Petitioner No.1 is clearly arbitrary and unreasonable and violative of the Petitioners' rights guaranteed under Article 14 and 19(1)(g) especially when the Opposite Party No. 2 had been made aware that the grant of Environment Clearance has been stayed by order dated 8.2.2022 passed by this Hon'ble Court in WP (Civil) (PIL) No. 473 of 2022 titled Niranjan Khillo &

2/10/2022



Ors. State Pollution Control Board, Odisha
&Ors.

- E. BECAUSE the Opposite Party No. 2 failed to consider that the Petitioner No. 1 has continuously undertaken mining operations to maintain the mining area, continue activities enlisted in Corporate Social Responsibility Plans and maintain statutory clearances as well as deposit dead rent and as such the Mining Lease had not infact lapsed. The Petitioner No. 1 employs 16 persons directly and 7 persons through indirect employment to conduct the aforesaid mining operations.

II. Substituted Rule 20(7) of the MCR, 2016 is ultra vires the provisions of the MMDR Act.

- F. BECAUSE the substituted Rule 20(7) of the MCR, 2016 in as much as it declares that all pending applications for revival of mining lease filed under the unamended Third Proviso to Section 4A (4) of the MMDR Act would lapse on the date of coming into force of the MMDR Amendment Act i.e. 28.03.2021, is *ultra vires* the MMDR Act

which does not provide for lapse of pending revival applications. Consequently, substituted Rule 20(7) of the MCR, 2016 being arbitrary, is violative of Article 14 of the Constitution of India.

G. BECAUSE the MMDR Amendment Act being silent on the fate of pending applications for revival of mining lease, it is manifest that the Legislature did not intend to abrogate such pending applications. Therefore, substituted Rule 20(7) of the MCR, 2016 in so far as it travels beyond the scope of the parent statute, is also *ultra vires* the MMDR Act.

H. BECAUSE Section 13 of the MMDR Amendment Act by inserting a Proviso to Section 10A(2)(b), specifically provides for lapse of pending applications for prospecting license followed by a mining lease or a mining lease, as the case may be, on the date of commencement of the MMDR Amendment Act. To the contrary, no such provision for lapse has been introduced with respect to applications pending under the Third Proviso to the unamended Section 4A(4) of the MMDR Act. It is settled law

By *Putnam*



that when the legislature specifically provides for consequences in respect of a particular category of pending applications and not for the other, it indicates the legislative intent not to abrogate such pending applications for revival of mining leases under Section 4A(4).

1. BECAUSE Section 13(2) of the MMDR Act does not confer special powers to make rules qua Section 4A of the MMDR Act. Consequently, Rule 20(7) of the 2021 MCR Fourth Amendment Rules have been made under the general rule making power conferred under Section 13(1) of the MMDR Act. It is settled law that the rule making power "*for carrying out the purpose of the act*" is a general delegation and such general delegation does not lay down any guidelines. Thus the rule making power cannot be exercised under such general delegation so as to bring into existence substantive rights or obligations or disabilities which are not contemplated in terms of the provisions of the parent Act.



III. Accrued and vested rights are saved under Section 6 of the General Clauses Act, 1897 unless a different intention appear.

- I. BECAUSE as per Section 6 (b) and (c) of the General Clauses Act, 1897, when a Central Act repeals an existing enactment, such repeal shall not affect the previous operation of the enactment so repealed or anything done thereunder or affect any right, privilege, obligation or liability acquired, accrued or incurred under the enactment so repealed, unless a different intention appears in the repealing Act. Section 6 of the General Clauses Act, 1897 is reproduced below:

6. Effect of repeal.—Where this Act, or any Central Act or Regulation made after the commencement of this Act, repeals any enactment hitherto made or hereafter to be made, then, unless a different intention appears, the repeal shall not—

- (a) revive anything not in force or existing at the time at which the repeal takes effect; or*
(b) affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder; or

Of previous



(c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed; or

(d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or

(e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the repealing Act or Regulation had not been passed"
(emphasis added)

K. BECAUSE as the MMDR Amendment Act does not alter or take away the right vested under the Third and Fourth Proviso to Section 4A (4) of the unamended MMDR Act to seek revival of a mining lease in case an application for revival of mining lease was pending on the date when the MMDR Amendment Act came into force, such

of mine



vested right is saved under Section 6 of the General Clauses Act, 1897.

- L. BECAUSE even the Statement of Objects and Reasons of the MMDR Amendment Act do not disclose any intention to abridge, repeal or limit the rights accrued under the unamended Section 4A(4) of the MMDR Act or the fate of pending revival applications.
- M. BECAUSE assuming arguendo that the Parliament, by omitting the Third and Fourth Proviso to Section 4A(4) intended to do away with the right of revival of mining lease, it is settled law vide *Delhi Cloth Mills and General Company Ltd. vs CIT*; AIR 1927 PC 242, that provisions which affect a right in existence at the time of passing of the statute are not to be applied retrospectively in the absence of express enactment or necessary intendment.
- N. BECAUSE in so far as the amendment to Rule 20(7) of the MCR, 2016 by the 2021 MCR Fourth Amendment Rules takes away or abrogates the benefit of Section 6 (b) and (c) of the General Clause Act, 1897, the

2/10/2021



same is impermissible and *ultra vires* the General Clause Act.

IV. Section 5 of the MMDR Amendment Act is violative of the Environment Protection Act, 1986 and Article 21 of the Constitution of India.

O. BECAUSE Section 5 of the MMDR Amendment Act which substitutes the words "*mining operations*" with the words "*production and dispatch*" wherever they occur in Section 4A(4) of the MMDR Act and therefore requires the holder of a mining lease to produce and dispatch from the mine despite the absence of an Environment Clearance, is violative of the EIA Notification, 2006 notified under the Environment Protection Act, 1986 which prohibits mining activity without an Environment Clearance.

P. BECAUSE the words "*mining operations*" contained in the unamended Section 4A(4) of the MMDR Act as defined in Section 3(d) of the MMDR Act had a much wider scope and included within it all activities undertaken for the purpose of winning of minerals such as maintaining the safety of the mine,

of Parliament



undertaking activities enlisted in corporate social responsibility plans and maintaining the mining lease by payment of dead rent etc, which can be undertaken even without an Environment Clearance. Thus during the pendency of an application for grant of Environment Clearance, it was open to the holder of a mining lease to conduct mining operations while at the same time avoid production from the mine.

- Q. BECAUSE Section 5 of the MMDR Amendment Act, by substituting the words "*mining operations*" with the words "*production and dispatch*" wherever they occur in Section 4A(4) of the MMDR Act, penalizes the holder of a mining lease for delay in grant of Environment Clearance by causing the mining lease to lapse during the period that such application remains pending and the holder of mining lease is not able to produce and dispatch from the mine. Section 5 of the MMDR Amendment Act therefore, in so far as it penalizes the holder of a mining lease for complying with its obligations under the EIA Notification, 2006 and Environment Protection Act, 1986 is

By full mail

manifestly arbitrary and violative of Article 14 of the Constitution of India.

V. Section 5 of the MMDR Amendment Act cannot be made retrospectively applicable.

R. BECAUSE the MMDR Amendment Act is silent on the aspect as to whether the substitution of the words "*mining operations*" with "*production and dispatch*" shall apply retrospectively. As such, in the absence of clear legislative intent, the amendments made to Section 4A(4) of the MMDR Act by the MMDR Amendment Act must be deemed to apply prospectively and not retrospectively. Thus, Petitioner No.1 who was carrying on Mining Operations as defined under Section 3 (d) of the MMDR Act prior to amendment of Section 4A(4), is entitled to the benefit of such activity and its vested right to enjoy the mining lease cannot be taken away by retrospectively imposing the narrower concept or requirement for "*production and dispatch*" to a period when the Petitioner No. 1 was not subject to such narrow conditions.

VI. Alternatively, amended Section 4A(4) of the MMDR Act must be made applicable only to those mining lease which have a valid Environment Clearance

S. BECAUSE ordinarily and as per various judgments passed by the Hon'ble Supreme Court deprecating the practice of post facto grant of Environment Clearance including in *Alembic Pharmaceuticals Ltd. vs Rohit Prajapati (2020) 17 SCC 157* an Environment Clearance is granted 'prior' to commencement of the activity for which the Environment Clearance is sought, in this case mining operations, and is therefore granted for the duration of the activity or mining lease. As such, when the words "mining lease" is used in Section 4A(4) of the MMDR Act it ordinarily indicates a mining lease with a prior Environment Clearance.

T. Therefore, alternatively, in view of the law laid down by the Hon'ble Supreme Court in *Common Cause vs F of India; (2017) 9 SCC 499*, that an Environment Clearance takes precedence over a mining lease and that mining operations under a mining lease



are dependent on and 'subordinate' to the Environment Clearance, Section 4A(4) of the MMDR Act as amended by the MMDR Amendment Act must be read down to mean that the same is applicable only to those mining leases which have the requisite Environment Clearance and with respect to which it is permissible to produce and dispatch.

- U. BECAUSE unless Section 4A(4) of the MMDR Act as amended by the MMDR Amendment Act is read down to mean that the same is applicable only to those mining leases which have the requisite Environment Clearance, the effect of such amendment would be to penalize the Petitioners for no fault. The Petitioner has no control over the time taken for grant of Environment Clearance more so when such grant has been stayed by this Hon'ble Court vide order dated 8.2.2022 in WP (Civil) (PIL) No. 473 of 2022 titled Niranjana Khillo & Ors. State Pollution Control Board, Odisha & Ors. Had the Environment Clearance been granted and not stayed, the Petitioner No. 1 would be producing and dispatching from the mine.

Sp. Petitioner



VII. The Petitioner No. 1's application dated 3.12.2020 for revival of the Mining Lease was pending on the date when MMDR Amendment Act and 2021MCR Fourth Amendment Rules were notified and ought to be decided under the provisions of the unamended MMDR Act.

V. BECAUSE after the revival of the Mining Lease by the Opposite Party No. 2 for the first time on 8.03.2019, the Petitioner No. 1 had the right to seek two further revivals under the Third and Fourth Proviso of the unamended Section 4A(4) of the MMDR Act on the ground that non-commencement of mining operations was for reasons beyond its control. The Petitioner No. 1 duly filed application dated 3.12.2020 for second revival of mining lease under the Third Proviso to Section 4A(4) and the same ought to have been decided by the Opposite Party No. 2 within 3 months from the date of receiving such application. The Revival Application however remained pending when the MMDR Amendment Act and 2021 MCR Fourth Amendment Rules were notified. Despite such amendments, the Revival Application was saved by Section

full note



6(b) and (c) of the General Clause Act as the MMDR Amendment Act does not retrospectively repeal the right to file such application.

- W. BECAUSE the Opposite Party No. 2 ought to have decided the Revival Application on the basis of the law as it stood when such application was filed. To the contrary, the Opposite Party No. 2 has applied the provisions of the amended 4A(4) of the MMDR Act to such Revival Application and arbitrarily and unreasonably put to the Petitioner No. 1 conditions to which it was not subject at the time when the Mining Lease lapsed or the Petitioner No. 1 filed such Revival Application. The relevant portion of the Impugned Order is reproduced below to show the manifest arbitrariness which is writ large in the Impugned Order:

" And Whereas the lessee was accorded opportunity of replying to show cause notice for lapsing and the matter was heard through personal hearing and after due deliberation of the facts submitted it is concluded that the mining operation which has not been commenced because

Be genuine



of wanting Environment Clearance from the date of revival i.e. 08.03.2019 is more than two years and liable for lapsing. The delayed action taken by the lessee company for obtaining Environment Clearance does not explain satisfactorily non-commencement of mining operation. Even the amended provisions of 4A(4) of MMDR Act, 1957 which allows extension of one more year beyond two years will not save the lease from lapsing as the period of non operation has exceeded three years. Even till date EC has not been granted."

(Emphasis Added)

- X. BECAUSE the Petitioners' valuable vested right to enjoy the Mining Lease cannot be taken by arbitrary and whimsical exercise of powers by the State Government.
- Y. BECAUSE the Impugned Order and substituted Rule 20(7) of the MCR, 2016 are violative of the Petitioners' fundamental rights guaranteed under Article 14 and 19(1)(g) of the Constitution of India.

Be part of the



- Z. The Petitioners crave leave to raise supplemental and/or additional grounds in support of the relief sought in the present Writ Petition at a later stage of necessary.

47. That in view of the above, substituted rule 20(7) of the MCR 2016 and the Impugned Order being unsustainable in law are liable to be set aside/ quashed and there being no other speedier or efficacious remedy available the Petitioners seek to invoke the extraordinary and supervisory jurisdiction of this Hon'ble Court under Articles 226 and 227 of the Constitution of India.

48. That this petition is made *bona fide* and in the interest of justice.

PRAVER

It is, therefore prayed that, this Hon'ble Court be graciously please to

- As per rule* (a) **ISSUE RULE NISI** calling upon the Opposite Party to show cause as to why an appropriate writ in the nature of certiorari/mandamus and/or any other appropriate writ/writs or order/orders or direction shall not be passed to quash and set aside Order



bearing no. 9614/S&M dated 12.10.2022 passed by the Additional Secretary, Steel and Mines Department, Government of Odisha, rejecting the revival application dated 03.12.2020 filed by the Petitioner No.1;

AND

(b) **ISSUE FURTHER RULE NISI** calling upon the Opposite Party to show cause as to why an appropriate writ in the nature of certiorari/mandamus and/or any other appropriate writ/writs or order/orders or direction shall not be passed to Declare Rule 20(7) of the Minerals (Other than Atomic and Hydro Carbons Energy Mineral) Concession Rules, 2016 as substituted by para 8(v) of the Minerals (Other than Atomic and Hydro Carbons Energy Mineral) Concession (Fourth Amendment) Rules, 2021 notified vide Gazette Notification GSR 775(E) dated 2.11.2021 to be unconstitutional, being *ultra vires* Section 4A of the Mines and Minerals (Development and Regulation) Act, 1957 apart from being violative of Article 14 of the Constitution of India;

AND

(c) **ISSUE FURTHER RULE NISI** calling upon the Opposite Party to show cause as to why an appropriate writ in the nature of certiorari/mandamus

and/or any other appropriate writ/writs or order/orders or direction shall not be passed to Declare that the amendments made to Section 4A of the Mines and Minerals (Development and Regulation) Act, 1957 including substitution of the words "*mining operations*" with "*production and dispatch*" by way of the Mines and Minerals (Development and Regulation) (Amendment) Act, 2021 are prospectively applicable i.e. w.e.f. 28.03.2021.

AND

(d) **ISSUE FURTHER RULE NISI** calling upon the Opposite Party to show cause as to why an appropriate writ in the nature of certiorari/mandamus and/or any other appropriate writ/writs or order/orders or direction shall not be passed to Read down the provision of Section 4A(4) of the Mines and Minerals (Development and Regulation) Act, 1957 and declare that the same is applicable only to a mining lease with prior Environmental Clearance.

AND

(e) **ISSUE FURTHER RULE NISI** calling upon the Opposite Party to show cause as to why an appropriate writ in the nature of certiorari/mandamus and/or any other appropriate writ/writs or order/orders or direction shall not be passed to Direct the Opposite

Spurious



Party No. 2 to allow the Revival Application dated 3.12.2020 filed by the Petitioner No. 1 on the ground that the delay in grant of Environment Clearance is beyond the control of the Petitioner No. 1; and

If the opposite parties fail show cause or show insufficient cause, the above Rule Nisi may be made absolute.

And/or order/orders as this Hon'ble Court may deem just and proper in order to provide the Petitioners complete Relief.

And for which act of kindness, the petitioner shall remain ever duty bound.

Cuttack

Date 28/10/2022

By the Petitioners through

GAUTAM PATTANAYAK

Advocate O - 366/16

**AFFIDAVIT**

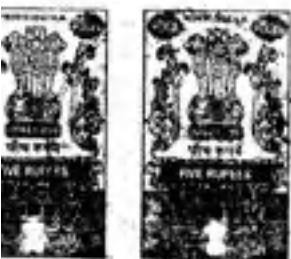
I, **Pratap Kumar Patra**, aged about 51 years son of Late Shri. Shashank Shekhar Patra, now resident of Satya Nagar, College Road, Semilguda, Koraput – 764 036, do hereby solemnly affirm and state as follows;

1. That, I am the authorized signatory of the Petitioner Company.
2. That, I have been authorized by the Petitioner No.2 to swear this affidavit.
3. That, facts stated above are true to my knowledge based on official records.

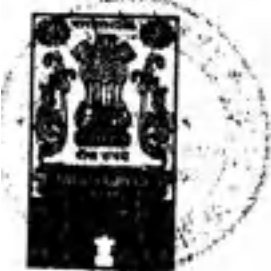
Identified by

Purnananda Nayak
Advocate *clark*

Pratap Kumar Patra
28/10/2022
DEPONENT



Certified that due to non availability cartridge paper, this paper is used for the purpose of typing.



Solemnly affirmed on oath by the Dependent
Cuttack on 28/10/22 by the Dependent
Dated 28/10/2022 by *P. Nayak*
true to the facts stated above are

Pratap Kumar Patra
Advocate 0-366/16

RAMACHANDRA
CUTTACK TOWN, ROAD NO-21/93

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 28704 of 2022

*M/s. Hindalco Industries Ltd.,
Mumbai & Another*

.....

Petitioners

Mr. S.P. Mishra, Sr. Advocate

Vs.

Union of India & Others

.....

Opposite Parties

*Mr. B.S. Rayaguru, CGC
(for Opp. Party Nos.1 & 4)*

*Mr. P.P. Mohanty, A.G.A
(for Opp. Party Nos.2 & 3)*

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
01.11.2022

Order No.

1.

This matter is taken up through hybrid mode.

2. Mr. Bhabanishankar Rayaguru, learned Central Government Counsel has entered appearance on behalf of Opp. party Nos.1 & 4 by filing memo of appearance in Court today. The same be kept on record.

3. As requested by learned counsel appearing for the petitioners, list this matter next week.

(DR. B.R. SARANGI)
JUDGE

(B. P. SATAPATHY)
JUDGE

sangita

High Court of Orissa

High Court of Orissa Case Details

Case Type	: WP(C)	
Filing Number	: 28704/2022	Filing Date: 28-10-2022
Registration Number	: 28704/2022	Registration Date: 29-10-2022
CNR Number	: ODH01-073475-2022	

Case Status

First Hearing Date	:
Next Hearing Date	: Next Date is not given
Stage of Case	: FRESH ADMISSION
Coram	: 3083DR. JUSTICE B.R.SARANGI , MR. JUSTICE BIRAJA PRASANNA SATAPATHY
Bench	: Division Bench
State	: ORISSA
Judicial	: Civil Section
Causelist Name	: Supplementary(Daily)
Short Order	: ADJOURNED
Last Page Number	: 839
Next Page Number	: 840

Petitioner and Advocate

1) M/S HINDALCO INDUSTRIES LTD., MUMBAI

Advocate- KOUSIK ANANDA GURU, G.PATNAIK, A.K.MOHANTY, R.MOHARANA
2) MANOJ KUMAR NAYAK

Respondent and Advocate

1) UNION OF INDIA

Advocate - SRI BHABANISHANAKR RAYGURU
2) PRINCIPAL SECRETARY, DEPT. OF STEEL AND MINES, GOVT. OF ODISHA
3) DISTRICT MAGISTRATE CUM COLLECTOR
4) MINISTRY OF ENVIRONMENT FOREST AND CLIMATE CHANGE, GOVT. OF INDIA

Acts

Under Act(s)	Under Section(s)
CONSTITUTION OF INDIA, 1950	226

IA Details

IA Number	Party	Date of Filing	Next Date	IA Status
IA/14755/2022	M/S HINDALCO INDUSTRIES LTD., MUMBAI UNION OF INDIA	28-10-2022	--	Pending

History of Case Hearing

Cause List Type	Judge	Business On Date	Hearing Date	Purpose of hearing
Supplementary(Daily)	DR. JUSTICE B.R.SARANGI , MR. JUSTICE BIRAJA PRASANNA SATAPATHY		01-11-2022	FRESH ADMISSION
Supplementary(Daily)	DR. JUSTICE B.R.SARANGI , MR. JUSTICE BIRAJA PRASANNA SATAPATHY			FRESH ADMISSION
Supplementary(Daily)	DR. JUSTICE B.R.SARANGI , MR. JUSTICE BIRAJA PRASANNA SATAPATHY			FRESH ADMISSION

Orders

Order Number	Judge	Order Date	Order Details
1	DR. JUSTICE B.R.SARANGI,MR. JUSTICE BIRAJA PRASANNA SATAPATHY	01-11-2022	

Category Details

Category	MINES, MINERALS AND MINING LEASES (27)
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OBJECTION

Sr.No.	Scrutiny Date	OBJECTION	Compliance Date	Receipt Date
1	29-10-2022	All Objections are Complied	29-10-2022	--

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 28704 of 2022

M/s. Hindalco Industries Ltd., Mumbai Petitioners
and Another

Dr. Abhishek Manu Singhvi, Senior Advocate
along with Mr. K.A. Guru, Advocate
-versus-

Union of India and Others Opposite Parties

Mr. Debakanta Mohanty, Addl. Govt. Advocate
Mr. P.K. Parhi, Deputy Solicitor General
along with Mr. B.S. Ray Guru, CGC

CORAM:
THE CHIEF JUSTICE
JUSTICE M.S. RAMAN

ORDER
01.12.2022

Order No.

03. 1. Notice. Mr. P.K. Parhi, learned Deputy Solicitor General accepts notice on behalf of Opposite Party Nos.1 and 4-Union of India. Mr. Debakanta Mohanty, learned Additional Government Advocate accepts notice on behalf of the State-Opposite Party Nos.2 and 3. Extra copies of the writ petition be served on them within three working days.
2. Counter affidavit be filed by both learned counsel appearing for the Opposite Parties within five weeks. Rejoinder affidavit thereto, if any, be filed before the next date.
3. List on 30th January, 2023 along with the connected case listed today.

(Dr. S. Muralidhar)
Chief Justice

(M.S. Raman)
Judge

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 28704 of 2022

***M/s. Hindalco Industries Ltd., Mumbai Petitioners
and another***

Dr. Abhishek Manu Singhvi, Senior Advocate
Assisted by Mr. K.A. Guru, Advocate
-versus-

Union of India and others Opposite Parties

Mr. P.K. Parhi, Deputy Solicitor General
Along with Mr. B.S. Rayguru, CGC
Mr. Debakanta Mohanty, A.G.A. for State

**CORAM:
THE CHIEF JUSTICE
JUSTICE M.S. RAMAN**

**ORDER
30.01.2023**

Order No.

04. 1. Hindalco has filed this writ Petition questioning an order dated 12th October, 2022 passed by the Department of Steel and Mines, Government of Odisha treating the mining lease granted to the Petitioner over an area of 268.11 hectares in village Aligaon, Kakaramba etc., under the Pottangi Tahsil of Koraput district as lapsed with effect from 28th March, 2021 by rejecting the revival application dated 3rd December, 2020.
2. One of the reasons for the impugned order was “the delayed action taken by the lessee company for obtaining environmental clearance”.

3. Today, by a separate order passed by this Court in W.P.(C) No.473 of 2022, the process regarding grant of environmental Clearance has been revived before the Environment Appraisal Committee of the Ministry of Environment, Forest and Climate Change (MoEF&CC). In that view of the matter, it is directed that the impugned order dated 12th October, 2022 will be treated as being kept in abeyance till such time, the pending process before the MoEF&CC and the Expert Appraisal Committee (EAC) regarding grant of environmental clearance is not complete. The effect of this will be that during the said process, no steps will be taken by the Department of Steel and Mines, Government of Odisha to grant the lease in question to any other third party.

4. The writ petition is disposed of with the above directions.

5. A copy of this order be communicated to the Department of Steel and Mines, Government of Odisha forthwith.

(Dr. S. Muralidhar)
Chief Justice

(M.S. Raman)
Judge

S. Behera

IN THE COURT OF JMFC, SEMILIGUDA

Case No. 2 (C) / CC / 02/22

Schedule XLIII – High Court (M) 28 (Old C.P.)

SUMMONS TO AN ACCUSED PERSON

(No. 1, Schedule – V, Act-V, 1898)

(Sections 63 of the Code of Criminal Procedure)

To,

Pratap Ku. Petra, Agent of Malliprabat
Bauxite Mines of M/s. Hindalco Industries Ltd. At.
At Aligaon, P.O.P.S. Semiliguda, Dist. Koraput
At P.O. Baryanagar Semiliguda, P.O.P.S. Semiliguda
Dist. Koraput

..... Accused

WHEREAS your attendance is necessary to answer to a charge of

(1) State the (1)

Offence Charged. *U/s 15 of the Environment Protection Act.*

(2) In person or you are hereby required to appear (2)

..... before the

By pleader as the

Case may be

On the 10th day of Oct 22 Positively

Dated the 23th day of Sept 2022

Civil Judge -cum- JMFC
SEMILIGUDA
MAGISTRATE

IN THE COURT OF THE JMFC, SEMILIGUDA

COMPLAINT CASE NO.2(c) /CC- 02/2022

1. Name of the Complainant	State Pollution control Board, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar-12, Dist - Khurda, Odisha represented through its Regional Officer, Koraput BSNL Bhawan, Koraput, Odisha
2. Name & other description of the Accused person	<p>1) Malliparbat Bauxite Mines of M/s. Hindalco Industries Ltd, At - Aligaon, Dist- Koraput represented by its Owner Mr. K.N. Bhandari, Satyanagar, College Road, Semiliguda, Dist - Koraput - 764036.</p> <p>2) Pratap Kumar Patra, Agent, Malliparbat Bauxite Mines of M/s. Hindalco Industries Ltd, At - Aligaon, Dist- Koraput Satyanagar,</p>

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			College Road, Semiliguda, Dist – Koraput - 764036.
3.	The date, time & place of Occurrence	:	24.09.2020 when the Environmental Appraisal Committee observed that the operation of the Project was without Environmental Clearance for the period 2012-2014 under the EIA Notification 2006.
4.	List of Witness and their Address	:	<p>1) Sri Deepesh Kumar Biswal, Regional Officer, Koraput, State Pollution Control Board, BSNL Bhawan, Koraput, Odisha.</p> <p>2) Sri Bijaya Kumar Sethi. Environmental Engineer, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Nayapalli, Unit- VIII, Bhubaneswar, Dist – Khurda, Odisha-751012.</p> <p>3) And any other witness if required</p>

		will be produced during Trial.
5.	Nature of offence with statute.	Under Section-15 of the Environment (Protection) Act, 1986 for contravention of the provisions of the Environment Impact Assessment Notification, 2006 amended thereafter notified under the provisions of Environment (Protection) Act, 1986.
6.	Whether any information was given to any Police Station & if so, action taken thereon.	: No.
7.	Whether any previous complaint regarding the same occurrence was filed and if so, the name of the Court and date & manner of disposal of the same	: No.

8. **FACTS IN BRIEF:-**

- (i) That, the complainant Board is a statutory organization constituted under Section-04 of the Water (Prevention & Control of Pollution) Act, 1974. The said Act has been adopted by the State Govt. in the erstwhile Department of Science Technology & Environment vide Notification No.1011, dtd. 02.06.1983 published in Orissa Gazette No.23, dtd.10.07.1983.
- (ii) That, Sri Deepesh Kumar Biswal in the capacity of Regional Officer, Koraput of the Complainant Board is a public servant under Section-21 of the Environment (Protection) Act, 1986 read with Section-21 of the Indian Penal Code and has been duly authorized by the Central Govt. in the Ministry of Environment & Forest vide S.O. No.394(E) published in the Gazette of India vide No. 185, dtd.16.04.1987 under Section-19(a) of the Environment (Protection) Act, 1986 to lodge the complaint relating to the offence committed under the Provision of Environment (Protection) Act, 1986 and rules framed thereunder. The complainant Board has also delegated the powers under Section-20, 21 & 23 of the Water (Prevention & Control of Pollution) Act,1974 and under Section-24 of the Air(Prevention & Control of Pollution) Act,1981 to all the Regional Officers vide Board's Office

Order No.10683, dtd.30.07.2021. The State Govt. in the Forest, Environment & Climate Change Department vide their letter No.396 dtd.06.01.2022 read with No.13003 dtd.28.07.2021 in pursuance to letter dtd.08.02.2021 of the MoEF&CC, Govt. of India instructed the Board to lodge this prosecution.

- (iii) The Accused No. 1 is a Company within the meaning of Section – 16 of the Environment (Protection) Act, 1986 and the Accused No. 2 is the Occupier within the meaning of Section – 2(f) read with Section – 16 of the Environment (Protection) Act, 1986.
- (iv) That, the Ministry of Environment & Forest, Govt. of India in exercise of power conferred under the provisions of Environment (Protection) Act, 1986 has notified the Environment Impact Assessment Notification on 14.09.2006. As per the EIA Notification 2006, the Mining of Mineral has been included in Item No. 1 of the Schedule of list of Project or Activities requiring prior environmental clearance. Further, it is stipulated that all the new projects or activities listed in the scheduled to the notification and/or expansion, modernization or any change in the product mix or raw material mix in existing projects or activities listed in the scheduled to the notification resulting in capacity beyond the threshold limit specified

KA

for the concerned sector in the said scheduled are required to obtain prior environmental clearance from the concerned Regulatory Authority i.e., MoEF&CC, Govt., of India and SEIAA, Odisha.

(v) That M/s. Hindalco Industries Ltd i.e. the Accused No.1 was granted lease for Maliparbat Bauxite Mine on 19.06.2007 by the State Government in Steel & Mines Department. Execution of lease deed was on dtd. 8.9.2007 for 20 years for a lease area of 268.11ha. It has obtained Environmental Clearance (EC) on dtd.7.11.2006 for production of 0.6 MTPA of bauxite by opencast mining over a lease area of 268.11 ha. The Environment Clearance was accorded by MoEF , Govt. of India under the provisions of EIA Notification, 1994 and amendments thereof on dtd. 07.09.2006.

(vi) That in the meantime, the lessee has applied for Terms of Reference (ToR) under the provisions of EIA Notification, 2006 to MoEF & CC for production capacity of 0.60 MTPA of Bauxite over the same lease area on dtd.5.8.2020. On appraisal of the case by Expert Appraisal Committee (EAC) in the 23rd meeting held on 24.09.2020, the committee observed that the operation of the project was without Environmental Clearance (EC) as the Project Proponent did not submit application as per the notification no. S.O. 1530(E) dated

6.4.2018 of MoEF & CC, Govt. of India. The notifications states that those mining projects who has obtained EC under the provisions of EIA Notification, 1994 only, they required to file application for Environmental Clearance (EC) within 06 months of the notification to obtain Environmental Clearance (EC) under the provisions of EIA Notification, 2006 as the validity of Environmental Clearance (EC) under EIA Notification, 1994 is 05 years. The Project Proponent has operated the mine till 2012-14 without obtaining Environmental Clearance (EC) under EIA Notification , 2006. The Committee observed that the proposal falls under violation category of the EIA Notification, 2006.

- (vii) The Project Proponent has again applied for grant of fresh Terms of Reference (TOR) under the provisions of EIA Notification, 2006 to MoEF & CC for production capacity of 0.90 MTPA of Bauxite over the same lease area on 28.12.2020. The proposal was examined in the 26th meeting held during 11-13th January 2021. It is clarified the Committee that the Environmental Clearance (EC) dated 7.9.2006 obtained by the mine was valid upto 6.9.2011. The Proponent Proponent has operated the mine without Environmental Clearance (EC) from 2012 to 2014. Further the Committee noted that as the Project Proponent has not attained the approved capacity of 0.6

KG

MTPA of bauxite , hence recommended the proposal for grant of standard ToR for 0.6 MTPA of bauxite instead of 0.9 MTPA of bauxite. The committee has also stipulated various conditions in the TOR which includes the State Govt./SPCB to take action against the PP under section 15 read with section 19 of the E(P) Act, 1986.

(viii) The proposal was last placed in 53rd EAC meeting held on 28-29th June 2022. The Committee agreed to the submission of Project Proponent with an Estimation of Rs. 24.03 Lakhs as per Penalty provision of Standard of Procedure (SOP) dated 07.07.2021 of MoEF & CC and asked the Project Proponent to deposit the same after the getting the modalities of payment by Ministry. The estimation of Penalty is done taking 900 tonne of bauxite produced during 2011 -14 without Environmental Clearance.

(ix) The Forest, Environment & Climate Change Department has requested SPCB, Odisha vide letter No. 28.07.2021 & 06.01.2022 to initiate prosecution under section 19 of E(P) Act, 1986 in view of the direction of MoEF & CC dated 8.2.2021 for violation of EIA Notification, 2006. It is also indicated in the letter dated 8.2.2021 of MoEF & CC that the Project Proponent has operated the mine from

2012 to 2014 without obtaining Environmental Clearance (EC) under EIA Notification, 2006.

P R A Y E R

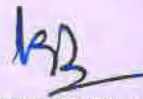
The complainant therefore prays that your honour may graciously be pleased to take cognizance of the offence and issue process to the accused persons to stand their trial and after conclusion of trial the accused be punished according to provision of law.

And for this act of kindness the complainant as in duty bound ever pray.

PLACE: _____

DATE: _____

BY THE COMPLAINANT



THROUGH THE ADVOCATE

Minutes of 53rd EAC (Non-Coal Mining) Meeting held during 28th – 29th June, 2022

**GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
(IMPACT ASSESSMENT DIVISION)
NON-COAL MINING SECTOR**

SUMMARY RECORD OF 53rd MEETING OF THE COMMITTEE OF THE EXPERT APPRAISAL COMMITTEE FOR ENVIRONMENTAL APPRAISAL OF NON-COAL MINING PROJECTS CONSTITUTED UNDER THE EIA NOTIFICATION, 2006.

The 53rd meeting of the Expert Appraisal Committee for Environmental Appraisal of Mining Projects (Non-Coal) of the Ministry of Environment, Forest and Climate Change was held on 28th – 29th June, 2022 through video conference. The list of participants is annexed herewith. After login of the Committee Members through video conference link provided by NIC, discussion on each of the Agenda Items was taken up ad-seriatim.

(1.0) Deliberation & Circulation on the Minutes of 52nd EAC meeting held during 14th to 15th June, 2022:

The minutes of 52nd EAC meeting held during 14th to 15th June, 2022 were placed before the members of the Committee. The Member Secretary informed the Committee regarding the following Corrigendum:

S. N o.	As per 52nd EAC meeting held during 14th to 15th June, 2022	Typographical error	EAC recommended in 53rd EAC meeting held during 28th – 29th June, 2022
1	Agenda 1.2, Para 14, 1 st line.	The proposal was considered in the 52 nd EAC meeting to be held during 14 th to 15 th June, 2022 the Committee after detailed deliberation and the presentation made by the Project Proponent the Committee recommended the proposal for Terms of Reference for Tadawas Limestone mine of M/s Hansdeep Industries and Trading Company Limited in the mine lease area of	The proposal was considered in the 52 nd EAC meeting held during 14 th to 15 th June, 2022. After the detailed deliberations and the presentation given by the Project Proponent and the consultant, the Committee recommended the proposal for Terms of Reference for Tadawas Limestone mine of M/s Hansdeep Industries and Trading Company Limited in the mine lease area of 423.97 ha with the production capacity of 2.0 MTPA of Limestone and 0.6 MTPA of Over Burden/waste and 1000 TPH of Crusher capacity located at

Validity of mine lease	Mining lease granted by T.N. Govt. on 28.09.1963 for a period of 20 Years. Subsequently renewed on 17.04.1998 for a period of 20 years ending on 12.02.2004. Second renewal of lease was done by GO No. 220 dated 12.05.2006 for a period of 20 years and valid up to 12.02.2024. Being a captive mine Lease is valid upto 31.03.2030 as per Mines and Minerals (Development and Regulation) Amendment Act, 2015.
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6. Mining plan details:

Mining Plan(approved by Indian Bureau of Mines/DMG)	Letter No.	TN/CBT/LST/ROMP-1522.MDS
	Date	12.11.2018
	Validity	2019-2020 to 2023-2024
Additional information	Copy of Approved Mining Plan is yet to be submitted	

7. Observation and Recommendation of the Committee:

The proposal was considered in the 53rd EAC meeting held during 28th – 29th June, 2022. After the detailed presentation given by the project proponent and the consultant, the Committee noted that earlier the proposal was considered in the 40th EAC Meeting held during 26th -27th October, 2021 wherein the Committee desired for the latest certified compliance report. The project proponent submitted the compliance report dated 22.02.2022 duly certified by IRO, Chennai. The Committee noted that the observations of IRO were as follows:

“During the site inspection, frequent movement of wild animals like Elephant, Porcupines are confirmed by the dung/fecal matter of Elephant and sharp spines of the Porcupines in the site area. As per the specific conditions of EC, wildlife action plan for the Walayar mining area was not mandated. However, the Ministry may consider insisting on wildlife action plan for the Walayar mining site during the process of revalidation of EC. Further, it was also observed that a part of railway line (Podanur to Walayar station) is within the mining area of Walayar, which is an Elephant Corridor. Also, the Greenbelt development/ Compensatory afforestation is not satisfactory around the mine lease area, OB dumps etc.” The committee also noted that IRO vide letter dated 22.02.2022, informed non-compliance to IA monitoring Cell in the Ministry. The Committee was of the view that IA NCM sector may take status report in the matter from IA Monitoring Cell in the Ministry.

In view of the above, the Committee **deferred** the proposal and asked the project proponent to fulfill and comply with the observations of the IRO, Chennai and submit the satisfactory compliance report/closure report for further consideration of the proposal.

1.6 Maliparbat Bauxite Mine of M/s Hindalco Industries Ltd for mining of Bauxite with total excavation of 11,62,400 Tonnes (Bauxite:1,100,000 Tonnes

(ROM) + Topsoil:18,540 Tonnes + OB/SB/IB:43,860 Tonnes) in the mine lease area of 268.110 ha, located at Aligaon, Kankaramba, Sorishpadar Village, Pottangi Tehsil, Koraput District, Odisha – [File No: J-11015/79/2020-IA.II(M), Proposal No: IA/OR/MIN/250275/2020; Consultant: Vimta Labs Ltd] – Environmental Clearance EC (Violation)

The instant proposal was considered in the 49th EAC (Non-Coal Mining) meeting held during 19th - 21st April, 2022. After detailed deliberations, the Committee recommended the proposal under SOP dated 7th July, 2021 for grant of Environmental Clearance for M/s Hindalco Industries Ltd is for mining of Bauxite in Maliparbat Bauxite mine with total excavation of 11,62,400 Tonnes (Bauxite:1,100,000 Tonnes (ROM) + Topsoil:18,540 Tonnes + OB/SB/IB:43,860 Tonnes) in the mine lease area of 268.110 ha, located at Aligaon, Kankaramba, Sorishpadar Village, Pottangi Tehsil, Koraput District, Odisha subject to the specific conditions therein in addition to the standard EC conditions applicable for non-coal mining projects.

2. Thereafter, while processing the proposal for grant of Environmental Clearance, it was found that the PP has not submitted the amount required for penalty as per SOP dated 07.07.2021 and hence, the Ministry sought Additional Details on 30.05.2022 to provide the step-wise compliance of the SOP dated 7th July,2021 for violation, along with the penalty amount. The Project Proponent vide letter dated 20.06.2022 submitted the information on 21.06.2022 in Parivesh Portal and accordingly the proposal was reconsidered in the 53rd EAC (Non-Coal Mining) meeting held during 28th – 29th June, 2022 for deliberation of penalty provisions as per SOP dated 07.07.2021.

3. Reply of the Project Proponent for the Additional Details sought by the Ministry on 30.05.2022 as follows: -

Step 1: Closure or Revision:

S. No	Status of EC	Actions	Compliance/Remarks
1	If no prior EC has been taken	Order to close its operation	<ul style="list-style-type: none"> i. EC (for production of 0.6 MTPA bauxite) issued on 07.09.2006 under EIA Notification, 1994. ii. Validity of the EC was for 5 years i.e., upto 06.09.2011. iii. Total production during the validity period was only 66,684 MT. iv. EC expired on 06.09.2011 v. Mining operation continued till 2014 without EC and total production during violation period (2011-2014)

			<p>was 900 MT.</p> <p>vi. No operations were carried out from 2014 till date</p>
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Step 2: Action under Environment (Protection) Act, 1986:

Compliance: PP submitted that the State Government & SPCB of Odisha have been informed to take action under the provision of Environment (Protection) Act, 1986 against the project proponent vide MoEF&CC letter No. J-110105/79/2020-IA.II(M) dated 08.02.2021. The State Government is in the process of initiating the necessary action under Section 15 read with Section 19 of Environment (Protection) Act, 1986.

Step: 3: Appraisal under EIA Notification, 2006:

B. If permissible:

- i. Project Proponent submitted that as per the existing regulations, the project is permissible and eligible for grant of prior EC under EIA Notification, 2006.
- ii. The EIA/EMP study for the project was carried out as per ToR and Public Hearing carried out on 22.11.2021 as per the provisions of EIA Notification 2006.
- iii. The project was initially appraised in the 46th EAC meeting held during 15th - 17th Feb 2022. The observations/queries raised by the EAC were complied with and response submitted on 13.03.2022 on PARIVESH portal.
- iv. Accordingly, the proposal was reconsidered in the 49th EAC meeting held during 19th - 21st Apr 2022 and Ecological Damage Assessment, Remedial Plan and Community Augmentation Plan was assessed.
- v. Total Budget Provision w.r.t Remediation Plan and Natural & Community Resource Augmentation Plan is Rs. 2,79,99,000/
 - a. Ecological restoration plan: Rs. 20,000,00/-.
 - b. Natural Resource Augmentation Plan (NRAP): Rs. 30,00,000/-.
 - c. Community Resource Augmentation Plan (CRAP): Rs. 2,29,90,000/
- vi. EAC recommended the proposal in meeting held on 19th - 21st Apr 2022 with the specific condition to submit Bank Guarantee (BG) of Rs. 2,79,99,000/- with Odisha State Pollution Control Board (OSPCB).
- vii. As per the recommendations of the EAC, PP submitted a Bank Guarantee of Rs. 2,79,99,000/- dated 11.05.2022 with Odisha State Pollution Control Board (OSPCB), Bhubaneswar towards budgetary provision with respect to Remediation Plan and Natural & Community Resource Augmentation Plan for Maliparbat Bauxite mine.

Para 12 - Penalty provisions for Violation cases and applications

a. For new projects

ii. Where operations have commenced without EC:

- The instant proposal was considered as a new project. Total project cost is Rs. 23.72 Cr. (Say Rs. 24 Cr.). Therefore, @ 1% of project cost, Rs. 24.0 Lakh will be applicable us and PP agreed to pay the same.
- It may be noted that during the violation period, there was no turnover as such. The 900 MT of bauxite which was mined during this period has not been evacuated to Aluminium Plant. It continues to lay at the mine site till date. However, Dy. Director of Mines, Koraput circle raised Demand Notice No. 34/Mines dated 3rd Jan 2022 for Rs. 15,32,216/- under MMDR Act, 1957 for production to 900 MT of bauxite without a valid EC.
- Accordingly, in compliance of the Demand Note, PP paid Rs. 15,32,216/- through SBI net banking on 10.01.2022
- PP committed to pay 0.25% of the above-mentioned total turnover of Rs. 15,32,216/- as per the SOP which works out to be Rs. 3831/-

4. The EAC after deliberations made by the Project Proponent noted that the instant proposal was recommended in the 49th EAC (Non-Coal Mining) meeting held during 19th - 21st April, 2022. The EAC also noted that the Ministry while processing the proposal for grant of Environmental Clearance, the Ministry observed that the PP has not submitted the penalty provisions as per SOP dated 07.07.2021 and hence, the Ministry sought Additional Details on 30.05.2022 to provide the step-wise compliance of the SOP dated 7th July, 2021 for violation, along with the penalty amount and accordingly the Project Proponent submitted the information on 21.06.2022 in PARIVESH and the proposal was placed before the EAC (Non-Coal Mining) for deliberation of penalty provisions as per SOP dated 07.07.2021.

The EAC noted that the PP informed that as per Ministry's SOP dated 07.07.2021, the instant proposal was considered as a new project, where operations have commenced without EC. Hence, 1% of the total project cost [Rs. 23.72 Cr. (Say Rs. 24 Cr.)] incurred up to the date of filing of application along with EIA/EMP report calculated as Rs. 24.0 Lakhs PLUS 0.25% of the total turnover [Rs. 15,32,216 for producing 900 MT of bauxite without EC] during the period of violation calculated as Rs 3,831 and thus, the total amounts to Rs 24.03 Lakhs as per penalty provisions of SOP dated 07.07.2021.

The EAC **agreed** with the submission of Project Proponent with an estimation of Rs 24.03 Lakhs as per penalty provisions of SOP dated 07.07.2021 and asked the Project Proponent to deposit the Rs 24.03 Lakhs. EAC desired that Ministry may

communicate to Project Proponent regarding modalities of payment of penalty as and when it is finalized by the Ministry and the Project Proponent during the EAC meeting also agreed to pay the penalty of Rs. 24.03 lakhs as per Ministry's SOP dated 07.07.2021.

Day 2: 29th June, 2022 (Wednesday)

2.1 Environmental Clearance of M/s RCCPL Private Limited for mining of Limestone in Bigodi Limestone mine with production capacity of 0.85 MTPA Limestone (ROM), 1.74 MTPA Waste/Reject, 0.44 MTPA of Top Soil/Alluvium (Total Excavation 3.03 MTPA) along with 300 TPH crusher within the mine lease area of 184.149 ha, located at Dithora, SannehiSingti and Karaundi Villages, Amarpatan Tehsil, Satna District, Madhya Pradesh – [[File No: IA-J-11015/34/2019-IA-II(M), Proposal No: IA/MP/MIN/100548/ 2019, Consultant: Vimta Labs Ltd] - Reconsideration of Environmental Clearance

The proposal of M/s RCCPL Private Limited is for mining of Limestone in Bigodi Limestone mine with production capacity of 0.85 MTPA Limestone (ROM), 1.74 MTPA Waste/Reject, 0.44 MTPA of Top Soil/Alluvium (Total Excavation 3.03 MTPA) along with 300 TPH crusher within the mine lease area of 184.149 ha located at Dithora, SannehiSingti and Karaundi Villages, Amarpatan Tehsil, Satna District, Madhya Pradesh. The mine lease area is located between Latitude 24°23'59.95"N to 24°24'46.54"N and Longitude - 81°10' 34.34"E to 81°12'06.20"E. The mine lease area falls under the Survey of India Toposheet No: G44V3 (63H/3), G44V2 (63H/2) and G44V7 (63H/7) and falls in Seismic Zone-II.

2. M/s RCCPL Private Limited has made an online application vide proposal no: IA/MP/MIN/100548/2019 dated 01.04.2022 and submitted Form 2 and EIA report under the provisions of the EIA Notification, 2006 and the proposed project activity is listed at schedule no. 1(a) Mining of Minerals.

3. The proposal was earlier considered in the 49th EAC (Non-Coal Mining) meeting held during 19th-21st April, 2022. After detailed deliberations made by the Project Proponent and the Consultant, the Committee noted that the Consultant could not able to bring out actual facts and also the performance of the Consultant is not satisfactory. The Committee also noted that in Form 2, S. No. 29, PP/Consultant has submitted that about 783 m length of nalah will be diverted in mined out portion and during the EAC meeting, the Consultant presented that there is no such proposal for diversion of nalah in the mine lease area which is contradictory. The Committee observed that the total mine lease area is 184.149 ha out of which Private Agricultural land is 169.740 ha [Double crop land: 134.111 ha + Single crop land: 16.428 ha + Not cultivated: 19.201 ha] and Govt land is 14.409 ha and there is a loss of livelihood due to diversion of Agriculture land for mining activity and the Consultant has not presented the cost benefit



Letter no- HIL/SEM/OSPCB/2023-24/33

Date: 10.07.2023

The Member Secretary
Orissa State Pollution Control Board,
Paribesh Bhawan, A/118
Nilakanha Nagar, unit -VIII
Bhubaneswar.

Sub: Deposit of Rs 24.03 Lakhs from Maliparbat Bauxite Mines of Hindalco Industries Limited as per penalty provisions of SoP dated 07.07.2021 of MoEF&CC.

Ref:- 1. SOP dated 07.07.2021 of MoEF&CC
2. 49th EAC (Non-Coal) meeting (MoM)
2. MoM of 53rd EAC (Non-coal) of MoEF&CC.

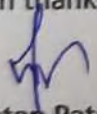
Dear Sir,

EC proposal of Maliparbat Bauxite Mines of Hindalco Industries Limited for a production capacity of 0.6 MTPA has been recommended by EAC on 49th EAC (Non-Coal) meeting (MoM) attached. In this connection in the MoM of 53rd EAC (Non Coal) meeting of MoEF&CC it has been mentioned to deposit Rs 24.03 Lakhs as per penalty provisions of SOP dated 07.07.2021.

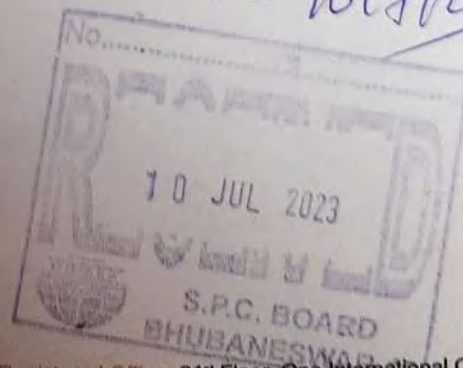
In this regard, we have deposited Rs.24.03 Lakhs through NEFT in your account no. 5010025777539 of HDFC bank Ltd, Jagamara Branch, Bhubaneswar on dated 10.07.2023 as per penalty provisions of SOP dated 07.07.2021 of MoEF&CC. Copy of the deposited slip ~~attached~~ for your reference.

Payment details:- 10-07-2023 NEFT/AXISP00405574182/10072023-02/State Pollution ₹ 24,03,000.00

With thanks and regards,


(Pratap Patra)
Hindalco Industries Limited
Agent-Maliparbat Bauxite Mines

End: 1. SOP dated 07.07.2021 of MoEF&CC
2. 49th EAC (Non-Coal) meeting (MoM)
3. MoM of 53rd EAC (Non-coal) of MoEF&CC.



Hindalco Industries Limited
Maliparbat Bauxite Mines
42/1041, Satya Nagar, College Road
Semiliguda, Koraput, Odisha
Telephone: +916853356166

Registered Office: 21st Floor, One International Center,
Tower-4, Prabhadevi. Near Prabhadevi Railway Station,
Senapati Bapat Marg, Mumbai- 400013
T: +91 22 6947 7000 / 6947 7150
IF: +91226947 7001 / 6947 7090 | W: www.hindalco.com
Corporate ID No: L27020MH1958PLCO11238.

Present Status of Maliparbat Bauxite Mining Lease

- The Mining Lease for Maliparbat Bauxite Mine (ML Area: 268.110 ha) was granted in favour of M/s. Hindalco Industries Ltd (HIL) for a period of 20 years. As per Amendment Act 2015, Mining lease is deemed to have been extended up to 14.11.2057. Mining operation commenced in June' 2008 after obtaining all requisite statutory clearances as per EC capacity of 0.6 MTPA.
- Since 1st November' 2013, we were unable to continue mining activities due to massive law & order situation for reasons which were beyond our control. Due to completion of discontinuance period of two years on 31.10.2015 and failure to resume the mining operation, the mining lease declared lapsed from 01.05.2016 vide Govt. proceeding no 6990 dated 17.08.2016.
- We received the revival letter on 19th March 2019 but could not commence production due to reasons beyond our control including disturbances created by insurgents and serious law and order problems in the area, expiry of its Environment Clearance due to operation of judgment of the Hon'ble Supreme Court of India in the matter of **Common Cause vs Union of India; (2017) 9 SCC 499** and Pending EC application for grant of Environment Clearance.
- So to save the mines from lapse we submitted an application u/r20 of MC rule 2016 on dated 03.12.2020 to Dept. of Steel & Mines, Govt. of Odisha with the reason that non-operation of the mine was beyond our control. Collector Koraput has given the report saying lessee could not able to restart of mines due to want of EC under EIA notification 2006.
- Meanwhile, one Niranjana Khilo and others purporting filed Public Interest Litigation bearing No. WP (Civil) (PIL) No. 473 of 2022 titled Niranjana Khillo & Ors. State Pollution Control Board, Odisha & Ors before the Hon'ble Court of Odisha wherein by order dated 8.2.2022 this Hon'ble Court has been pleased to stay the grant of Environment Clearance for the Maliparbat Mines due to allegations raised by certain person that they were not allowed to participate in the Public Hearing. **(It is worth mentioning here that The Hon'ble High Court of Odisha vacated the Stay Order for issuance of EC on 30-1-2023 – Annexure-XII).**
- Subsequently we received the proceeding from Dept. Steel & Mines, Govt. of Odisha vide Letter no.9614/S&M, Bhubaneswar, dated the 12.10.2022, they rejected our revival application dated 03.12.2020 and declared the mines as lapsed w.e.f 28.03.2021 as per the provision u/s 4A (4) of MMDR (Amendment) Act 2021, read with u/r 20 (6)(7) of MC (Amendment) Rule 2021.
- After mentioning the above reason for non-commencement of our mines which was beyond our control, we have placed our prayer before Hon'ble High Court of Odisha vide case no W.P(C) No.28704 of 2022 for quashing and setting aside of the order dated 12.10.2022 vide Letter no.9614/S&M, Bhubaneswar.
- Hon'ble High Court of Odisha disposed the case on 30.1.2023 and directed Dept. Steel & Mines, that ***the impugned order dated 12th October 2022 will be treated as being kept in abeyance till such time***, the pending process before the MoEF&CC and the Expert Appraisal Committee (EAC) regarding grant of Environment Clearance is not complete. The effect of this will be that during

the said process, **no steps will be taken by the Dept. of Steel & Mines, Govt. of Odisha to grant the lease in question to any other third party.**

- Since the Hon'ble High Court, Odisha has ordered to treat the order dated 12.10.2022 as “**kept in abeyance**” it means the Mining Lease of Maliparbat Mines is still in favor of HIL. (Copy of Order passed by Hon'ble Odisha High Court is attached as **Annexure-XVII**).



STATE POLLUTION CONTROL BOARD, ODISHA

[Department of Forest, Environment & Climate Change Govt. of Odisha]
Paribesh Bhawan, A/118, Nilakanthanagar, Unit-VIII, Bhubaneswar - 751012

Tel: 2564033/2563924
EPABX: 2561909/2562847
Email: paribesh1@ospcbboard.org
Website: www.ospcbboard.org

No. 264 (MNL)/ IND-II-PH-908

Date 13.01.2023

By Speed Post

To

The Secretary
Ministry of Environment, Forest & Climate Change
Govt of India, Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi-110003.

Sub: Proceedings of Public hearing for Maliparbat Bauxite Mine of M/s Hindalco Industries Ltd. for production capacity of 0.6 MTPA over a Mining Lease area of 268.110 Ha. in Aligaon, Kankaramba, Sorishpadar villages under Semiliguda tehsil of Koraput district. - regarding.

Sir,

Inviting a reference to the above, this is to inform that Public Hearing of the above mentioned project proposed by M/s Hindalco Industries Ltd. for Maliparbat Bauxite Mine was conducted 07-01-2023 at 11.30 A.M at khata No.27, Plot No.40(P) in village Kankaramba under Semiliguda tehsil of Koraput District in accordance with the Ministry of Environment, Forest & Climate Change, Govt. of India, EIA Notification No. SO-1533(E) dt.14.09.2006.

As per the above Notification, notice inviting comments, views, objection, and suggestions from the public in respect of the above project was published in newspapers namely "The Times of India" and "The Samaj" on 6-12-2022.

Further 111 nos. of representation received before Public hearing, 2445 nos. of representations was received during the Public Hearing and 109 Nos. of representations received from the Collectorate, Koraput and 1062 Nos. directly by the Board which is enclosed herewith for kind reference and further action during the consideration of Environmental Clearance.

A copy of the proceedings of the Public Hearing along with the following documents is enclosed for kind information and necessary action at your end.

1. Video CD of Public Hearing.
2. Statement of issues raised by Public Hearing meeting and comments of applicant prepared in local language and in English.
3. Copies of the newspaper advertisement.
4. List of persons who participated in the public hearing.
5. Views and suggestions from the public received by the Board during the Public Hearing.
6. 111 (One hundred and eleven) nos. of representation received before Public hearing, 2445 (Two thousand four hundred and forty-five) nos. of representations was received during the Public Hearing and 109 (One hundred and Nine) Nos. of representations received from the Collectorate, Koraput and 1062 (One Thousand Sixty Two) Nos. directly by the Board.

Encl: As above

Yours faithfully,

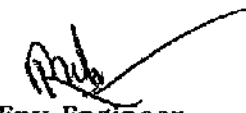
MEMBER SECRETARY



Memo No 265 (env)/dt. 13.01.23

Copy along with copy of the proceedings of Public Hearing forwarded to the Addl. Chief Secretary, Department of Forest, Env & Climate Change, Govt. of Odisha for kind information and necessary action.


Encl: As above


Chief Env. Engineer

Memo No 266 (env)/dt. 13.01.23

Copy forwarded to the Additional Director, Eastern Regional Office, MoEF & CC Govt. of India, A-3, Chandrasekharpur, Bhubaneswar for kind information and necessary action.


Encl: As above


Chief Env. Engineer

Memo No 267 (env)/dt. 13.01.23

Copy forwarded to the Sr. Law Officer- L-II, State Pollution Control Board, Bhubaneswar Odisha for information and necessary action.

• Encl: As above


Chief Env. Engineer

✓ Memo No 268 (env)/dt. 13.01.23 (By Speed Post)

Copy along with copy of proceedings of public hearing forwarded M/s Hindalco Industries Ltd., Maliparbat Bauxite Mine, Mines Division, 42/1041, Satya Nagar, College Road, semiliguda, Koraput - 764036 for information.

Encl: As above


Chief Env. Engineer

Master Copy

PROCEEDINGS OF THE PUBLIC HEARING OF MALI PARBAT BAUXITE MINES OF M/S HINDALCO INDUSTRIES LTD. FOR PRODUCTION CAPACITY OF 0.6MTPA OVER A MINING LEASE AREA OF 268.110 HIA IN ALIGAON, KANKARAMBA UNDER SEMILIGUDA TEHSIL OF KORAPUT DISTRICT HELD ON DATE 07.01.2023 AT 11:30A.M. AT KHATA NO. 27, PLOT NO. 40(P) IN VILLAGE KANKARAMBA UNDER SEMILIGUDA TEHSIL OF KORAPUT DISTRICT

The Hon'ble High Court of Odisha vide their order date 01.12.2022 passed in W.P.(C) No. 473 of 2022, Niranjana Khillo and Others vrs State Pollution Control Board, Odisha and Others had directed State Pollution Control Board to conduct fresh public hearing of Mali Parbat Bauxite Mines of M/s Hindalco Industries Ltd. The Hon'ble Court in its order had stated that free access should be provided to anybody who wished to attend the public hearing. To ensure the same, the District Collector of Koraput was ordered to preside over the hearing and the District Judge and Secretary, DLSA were directed to be present at the site as neutral observers.

As per the directions of Hon'ble High Court of Odisha, fresh public notice was issued by SPCB, Odisha on date 05.12.2022 both in Odia and English languages indicating Venue, date and time of Public Hearing and last date of receipt of views, comments, objections etc. from the public. The Public Hearing was scheduled on date 07.01.2023 at 11:30 AM At Khata No. 27, Plot No. 40(P) in village Kankaramba Under Semiliguda Tehsil of Koraput District.

The notices were advertised in 'The Times of India' and 'The Samaja' newspapers on date 05.12.2022. Details of the public hearing was announced through Public Address System on date 3rd and 4th January, 2023 in 19 number of villages coming under 4 Panchayats namely; Pakjholra, Sorishpodar, Daleiguda and Khudi which are located nearby the proposed project site. The public hearing was also publicized via All India Radio, Jeypore in Odia language from 30-12-2022 to 07-01-2023. In order to avoid any breach of peace and law and order problem, adequate deployment of police was made at the venue and all weapons or instruments that could be used as weapons were prohibited inside the hearing venue. The police personnel also carried out awareness building about the hearing and requested all to attend in a peaceful manner.

The public hearing in respect of the above project was held on 07.01.2023 as per the scheduled time and venue in accordance with the EIA Notification S. O. 1533 (E) dt. 14.09.2006. The public hearing was presided over by Sri Abdaal M. Akhtar, Collector-cum-District Magistrate, Koraput. Sri Satya Narayan Mishra, District Judge, Koraput and Sri Suman Jena, Secretary, District Legal Services Authority were present during the Public Hearing as neutral observers. All the people who wished to participate in the public hearing were allowed smooth and safe passage to the venue and law and order was maintained throughout the public hearing. Although a huge number of people were gathered at the venue, only 120 persons have signed the attendance sheet and the rest denied to give their attendance during the hearing.

Sri Deepesh Kumar Biswal, Regional Officer, State Pollution Control Board, Koraput welcomed the public to the hearing and briefed about the objectives, process & procedures followed for conducting such public hearing.

Sri Abdaal M. Akhtar, Collector-cum-District Magistrate, Koraput highlighted the importance of such hearing & presided over the public hearing. He also requested the public to give their views about the project in the form of written or oral submissions. He also requested them to confine their submissions to the instant project and the environmental threats that they perceived from the same.

Mr. Pratap Kumar Patra, Asst. General Manager of Mali Parbat Bauxite Mines of M/s Hindalco Industries Ltd. explained about the proposed project and briefed about the Pollution Control measures to be adopted in the Project. He assured the attendees that the project proponent would take all necessary steps to mitigate the environmental impact of the project and ensure the operation of the mines in a sustainable manner. He also briefly mentioned about the CSR activities that the company would take up in the area should the mine become operational. He further assured the attendees that no forests would be cleared for the project nor will anybody end up losing their home or livelihood.

This was followed by oral submissions made by all the attendees who wished to speak about the same. All others submitted their written petitions which were duly received at the venue. A total of 78 people spoke. Mr Sarbana Sadapeli of Kankadamba, Khudi and Mr. Biswanath Khara of Bhitarkhata, Sorishpodar registered their name in the oral attendance sheet but did not express their views. However, Sri Trilochan Muduli and Sri Ajit Kumar Giriha expressed their views without registering their names for oral deliberation on the day of public hearing.

The following is the summary of the public hearing proceedings, reflecting all the views and concerns expressed by the assembled public at the venue. The entire proceedings were video recorded by the officials of the Regional Office, State Pollution Control Board, Odisha, Koraput.

1. Sri Nandibali Chaitanya, Tentuliguda, Kunduli

Sri Chaitanya informed that he is native of Tentuliguda Gram Panchayat (GP). He said that the claims of the company i.e., the non-existence of flora & fauna on the mountains is false. He explained that due to mining, water flow will get disturbed which will decrease the water absorbing capacity of the soil and will cause problems in farming for four panchayats surrounding the mountain. He said that they are worshipping native gods and goddesses of Mali Parbat to whom they will lose access if the mines start operating. He said that it would have been better if the company had earlier discussed the project in better way with proper planning with the villagers and he concluded by requesting authorities to take decision keeping in view all the pros and cons of the project.

2. Smt. Laxmi Khillo, Maliguda, Khudi

Smt. Laxmi introduced herself as resident of Khudi GP. She informed that the villagers are self-sufficient by producing different kinds of vegetables and crops on their land

and if this project comes, they will lose their livelihood. She mentioned that there are rivers and springs flowing through Maliparbat which will get affected due to this project and that will exert influence on 44 villages around Maliparbat. She was afraid they won't be able to worship their gods and goddesses due to this project. She further added that, they get cured from diseases by using the various medicinal plants present on the mountains. She strongly opposed the project.

3. Sri Akshaya Kumar Sadapeli, Kankadamba, Khudi

Sri Akshaya introduced himself as resident of Khudi GP. He welcomed the project. He extended his support for the mines because they will be getting medical facilities, educational facilities and employment opportunities. He further added that the companies like HAL, NALCO provides many facilities to the people of affected area and they will be getting benefited in the same manner if M/s HINDALCO Mines comes into operation. He requested the company to provide adequate training for the respective jobs. He said that the quality of water will not get affected as the quality of water near Panchapatmali Bauxite mines of M/s NALCO have never degraded due to mining. He concluded by submitting a written representation to the chair.

4. Sri Pankaj Jani, Jhimkiguda, Pakjhola

Sri Pankaj Jani introduced himself as the resident of Pakjhola GP. He welcomed the project. He said that people of their Gram Panchayats will be benefitted as they will be provided with proper roads, stable jobs, solar light connections and medical facilities. He requested the project proponent to provide training to locals for various kinds of jobs and to provide sewing training to SHG women. He also requested to provide modern farming equipment and demanded proper compensation to affected persons who will be losing their land to the project.

5. Sri Rabi Sadapeli, Kankadamba, Khudi

He said that, it has been observed since the time of their forefathers that they couldn't generate any income from this mountain apart from getting some woods and medicines. So, he extended his full support and welcomed the mines which would provide them employment opportunities. He insisted company not to use water from the springs and rivers and asked to use water from external sources. He further insisted company to provide various training programmes to SHG women and unemployed persons. He concluded by saying that if their demands will not be fulfilled by the company in future they will protest against the company.

6. Smt. Ribika Hantal, Dekapar, Sorisapadar

Smt. Hantal introduced herself as native of Sorisapadar GP. She informed in Kuvi language that they are opposing this project since 2003 since they are dependent on Mali Parbat. She said that they cultivate different types of crops in the vicinity of the mountain and their cattle graze over these mountains.

7. Smt Ashmita Hantal, Dekapar, Sorisapadar

Smt. Ashmita introduced herself as a native of Sorisapadar GP. She spoke in Kuvi language and claimed that local inhabitants have their rights on these forests and they

will not let anyone takeover their land. She concluded that they won't allow the company to start its operation.

8. Sri Amit Khosla, Kantaguda, Dalaiguda

Sri Amit Khosla introduced himself as a resident of Dalaiguda GP. He said that, when people of his village are approaching to get a job in nearby companies like HAL, Sunabeda and NALCO, Damanjodi, they are observing that local people are much preferred for jobs in these companies over outsiders. Even there are no complaints against those companies regarding any issues over these years. So, he expressed his full support for the establishment of the project that will generate employment opportunities. He submitted a written representation with demands during the hearing.

9. Sri Bijay Khillo, Maliguda, Khudi

Sri Bijay Khillo introduced himself as the President of Maliparbata Surakshya Samiti. He said that their gods and goddesses are present on these mountains. There are many springs on which they rely completely for domestic and agricultural purposes. He mentioned that the villagers are reliant mostly on agriculture. Their cattle graze over the mountain. He expressed with gratitude that Maliparbata is like a mother to them. He said that they fought for this in the past and will continue to fight in the future. He requested Govt. to take decision over this matter by considering their requests and by no means Mali parbat shall be provided to the company for mining. He submitted written demands to the desk.

10. Sri Arjun Khara, Bhitarkata, Sorisapadar

Sri Arjun Khara introduced himself as resident of Sorisapadar GP. He welcomed the project and expected to get good education, water and solar light connections in the area.

11. Smt Purnima Mali, Mali-doliambo, Dalaiguda

Smt. Purnima Mali expressed herself as resident of Dalaiguda GP. She expressed that they are dependent on the water source of Mali parbat for their farming land. So, she strongly opposed the project.

12. Sri Niranjan Khillo, K. Maliguda, Khudi

Sri Khillo expressed himself as resident of Khudi GP. He said that the water, forest and soil are the identity of people of Koraput district and without these things they will lose their identity. He explained about the benefits that they are getting from the mountains i.e.; they are using Mali parbat water over the years for various purposes, using medicinal plants for medical treatment, using wood as fuel for feeding themselves. He requested authorities to make appropriate decisions accordingly.

13. Miss Sabita Khara, Kankadamba, Khudi

Miss Khara expressed herself as resident of Khudi GP. She expressed her support for establishment of the mines. She desired to get following benefits through this project; betterment of roads, water facilities, school bus for children, quality education, books and notebooks for studies, sewing machine for SHG women workers and advanced

agricultural facilities. She requested the project proponent for help and support in return of the lands they are willing to provide to HINDALCO.

14. Smt Pramila Jani, Kankadaamba, Khudi

Smt. Jani informed in Kuvi language that she is native of Khudi GP. She hoped for the development of village and showed her support to HINDALCO mines. She said that the company will provide better education to their children for a brighter future.

15. Smt Bharati Majhi, Alligaon, Pakjhola

Smt. Majhi informed that she is native of Pakjhola GP. She told that, if Maliparbata is taken over by the company they wouldn't be able to feed their cattle as they are reliant on that place. She expressed her dissatisfaction apprehending that water levels in the area might reduce in future due to the project that will affect their livelihood and she opposed the project.

16. Smt Nanu Pujari, Aligaon, Pakjhola

Smt. Pujari introduced herself as native of Pakjhola GP. She opposed the project by citing the reason that they are reliant over that place for getting water, wood, and leaves and for cultivating different types of crops and vegetables in the area.

17. Sri Sunil Sadapeli, Kankadaamba, Khudi

Mr. Sunil informed that he is a native of Khudi GP. He said that he is supporting the mines since 2007 for the job opportunity the company shall offer in future. He expressed that earlier they were hesitant to give their land to the mines but concluded by saying that he will support the company for the incoming opportunities.

18. Sri Jagabandhu Sakhya, Doliamba, Dalaiguda

Sri Jagabandhu Sakhya introduced himself as resident of Dalaiguda GP. He expressed his sadness over not getting job in M/s NALCO Ltd., whereas the resident of villages under the jurisdiction of M/s NALCO Ltd. are getting jobs because of their land agreements. So, he wished HINDALCO to cater employment to the local people and provide necessary educational facilities to their children.

19. Sri Mangulu Jani, Bhunguruguda, Dalaiguda

Sri Jani introduced himself as representative of Dalaiguda Sarpanch. He said that they expect judge to provide proper Justice. He added that the companies like M/s NALCO and M/s HAL, Sunabeda are not providing job opportunities to local people. He thanked Govt of Odisha for providing them various facilities and mentioned that they don't want the establishment of the mines and its facilities. He stressed on their self-sufficiency by farming on their own land. He expressed his love towards his motherland and said that they will not allow any kind of mining activities there. He said that they are happy with all the Govt. facilities provided to them. So, they don't want any additional developmental activities, facilities from HINDALCO Company. He hoped that they will get proper justice.

20. Sri Dasi Nandibali, Ranikana, Dalaiguda

Sri Nandibali introduced himself as native of Daliaguda GP. He mentioned that they come under fifth schedule area which protects the tribal interests in the State of Odisha. He questioned the implementation of Panchayats (Extension to the Scheduled Areas) Act, 1996 in their area. He wished that these issues should have been discussed in four grama sabhas and their decision must be given a priority. He mentioned that many villagers around the project will get affected due to this project. He requested media persons to come up with the correct information that would provide them justice.

21. Smt Muni Hantal, Dekapar, Sorispadar

Smt. Hantal informed that she is native of Sorispadar GP. She said in Kuvi language that she was concerned about their livelihood if they will lose their land. She said that they sell various crops for living. She mentioned that they will not be able to grow crops because of the dust that will be generated from mining operations. She mentioned that they cannot afford to sell their land from where they are getting water and wood. She also mentioned that they may repent in future by giving away the land to the mines if the company will provide them jobs initially and later remove them from their jobs.

22. Smt Pramila Pangi, Dekapar, Sorispadar

Smt. Pangi introduced herself as native of Sorispadar GP. She spoke in Kuvi language and questioned about the existence of people without Maliparbat. She said that there is no guarantee that HINDALCO will provide them job. She mentioned that, the dust that will be generated from mines may kill people with many diseases in a short span of time.

23. Sri Kabikarna Kirshyani, Malidoliamba, Daliaguda

Sri Krishyani introduced himself as resident of Dalaiguda GP. He welcomed and supported the project. He wished the project to be in operation as soon as possible so that their village will develop and people will get employment.

24. Smt Laxmi Hanjaria, Padmapur, Padmapur

Smt. Hanjaria introduced herself as resident of Padmapur GP. She said that, earlier when M/s HINDALCO Ltd. was in operation, they made some false promises to the locals. So, she mentioned that if Maliparbata is given to M/s HINDALCO Ltd. they will again find themselves in trouble. She stressed about the degradation of soil of their agricultural land because of mining and due to pollution. She concluded by saying that if ever govt. decides to give Maliparbata to M/s HINDALCO Ltd for mining operations, the project proponent has to fulfil all its promises and make developments in the area and provide employment to them.

25. Sri Apna Jani, Kokariguda, Dalaiguda

Sri Jani Introduced himself as a native of Dalaiguda GP. He mentioned that there are many persons in his village with various educational qualifications and are still unable to get jobs in companies like M/s NALCO Ltd & M/s HAL, Sunabeda. This is because those companies are giving preferences to their local persons, so he was hopeful that if people will support M/s HINDALCO Company, along with them their future generations will also be benefited. Sharing experience of working as contractual employee in NALCO

mines he said that villagers around the mines are not complaining about the water quality and soil quality. He concluded by showing support to the company.

26. Sri Rama Nayak, Magnaguda, Dalaiguda

Sri Nayak said that in Sindhiguda which is present in the top of mountain, there is no visible crop production since many years. Gods and goddess are also not present in upper portion of the mountain. So, he supported and welcomed the project over there. He insisted that the company should provide jobs to every affected family, and shall provide adequate training programmes to locals.

27. Smt Jema Pujari, Pakjhola, Pakjhola

Smt. Pujari introduced herself as native of Pakjhola GP. She spoke in Kuvi language and said that the people of M/s NALCO are facing various problems after giving their land to the company. They are facing water shortage, unavailability of space for cattle grazing, not getting jobs etc. She said that they grow variety of crops in their land and have adequate amount of food to eat. However, she added in the end that if company comes into operation, it shall give employment to every family.

28. Sri Ramil Kuldip, Charangul, Charangul

Mr. Kuldip said that if the biggest mine of Asia i.e., NALCO mines cannot provide employment opportunities to the persons of affected areas then how can M/s HINDALCO will fulfill its promises. He said that culture of locals, their gods and goddesses will vanish if the company will take over the mines. He said that there will be pollution everywhere due to which there will be difficulties in production of crops and vegetables. He also spoke about the rise in number of accidents in the area due to plying of a great number of vehicles. He concluded by saying that there are several schemes of govt. that are helping their villages to develop and they don't need any help from M/s HINDALCO Ltd.

29. Sri Dasa Khara, Bhitarkata, Sorisapadar

Sri Khara introduced himself as a native of Sorisapadar. He thanked his motherland for providing them water, woods and crops. He said that, the revenue they generate from farming is sufficient. So, they don't require any employment by the company. He strongly opposed the project.

30. Sri Lasu Hantal, Mugunaguda, Dalaiguda

Sri. Hantal introduced himself as native of Dalaiguda GP. He said that they are completely dependent on Maliparbata for their livelihood and there is no alternate source to it. He told that, providing mines to HINDALCO will create pollution which will affect their farming land. He concluded by saying that he is not supporting this project.

31. Sri Sirama Khara, Tentuliguda, Dalaiguda

Sri Khara introduced himself as a resident of Dalaiguda GP. He spoke in Kuvi language and focused on modernization and development of villages. He expressed his support for the company and said that if HINDALCO mines come into operation, it will provide

education to their children, and cater jobs to educated people. He hoped that he could work for the mines as a labourer.

32. Sri Singuru Jani, Kankadaamba, Khudi

Sri Singuru Jani introduced himself as a resident of Khudi GP. He said that the land provided by their forefathers and them is at stake due to inoperative status of HINDALCO mines. So, he wished that the mines shall come into operation so that their villages would see development and they will get employment. He denied the claims of other speakers who said that crops are growing in the upper portions of the mountains.

33. Sri Mohan Jani, Semiliguda

Sri Jani mentioned that the local inhabitants of four panchayats are dependent on Maliparbata. He said that, if maliparbata is given to HINDALCO for mining, it will affect livelihood of locals because the main occupation of these people is farming. He opposed this project and wished to get proper justice.

34. Sri Kaanra Khara, Bhitarkata, Sorisapadar

Sri. Khara introduced himself as native of Sorisapadara and spoke in Kuvi language. He said that, company shall provide employment to widows and villagers. He also demanded a playground for the local people. He welcomed the project.

35. Sri Rupa Khara, Bhitarkhata, Sorisapadar

Sri. Khara introduced himself as a resident of Sorisapadar GP. He extended his support to HINDALCO company. He wished to get compensation and want to work as a labourer in the mines.

36. Sri Trilochan Muduli, Social worker

Sri Muduli questioned about the guarantee of jobs to be provided by HINDALCO Company. He said that when mining was started back in 2003, HINDALCO provided jobs only to about hundreds of people, whereas affected people were thousands in numbers. He requested to consider their problems and provide proper justice to locals.

37. Sri Arjun Kirsani, Kokariguda. Dalaiguda

Mr Arjun introduced himself as resident of Dalaiguda GP. He said that they are dependent on the mountain for collection of various fruits and vegetables. He mentioned that there are many springs flowing over there and are responsible for the formation of Kolab river. He proudly said that these fresh springs will continue to serve them for coming years. He also mentioned that there are several trees around mountains which will be affected by this project. He hoped that they will get justice over this issue.

38. Sri Lima Khara, Tentuliguda, Dalaiguda

Sri. Khara introduced himself as native of Dalaiguda GP. He insisted that the company shall provide jobs to unemployed people of affected areas. He was hopeful that the company shall provide water, education, good roads and electricity for their development in future and so he supported the project.

39. Sri Santosh Sadapeli, Kankadaamba, Khudi

Sri. Santosh introduced himself as native of Khudi GP. In support of the company, he said that by the operation of HINDALCO Mines the people of 4 panchayats will get emergency medical facilities, employment, well designed schools and water facilities. He welcomed the project.

40. Sri Sanu Hantal, Dekapar, Sorisapadar

Mr. Hantal introduced himself as resident of Sorisapadar GP. He strongly condemned this project without citing any reason thereof.

41. Sri Padlam Nayak, Pakjhola, Pakjhola

Sri Nayak introduced himself as native of Pakjhola GP. He is Gaon Mukhia of his village. He just requested the authorities to understand their problems and provide proper judgement accordingly.

42. Sri Jisudan Disari, Barakutuni, Dudhari

Mr. Jisudan introduced himself as native of Dudhari GP. He mentioned that thousands of people of Kunduli, Damanjodi and Semiliguda are dependent on the springs that are flowing through Maliparbat and these springs are responsible for the storage of water in Kolab dam. He said that they are devotee of gods and goddesses living over those mountains. He claimed that in the name of development the company is destroying their motherland and so he opposed the project.

43. Smt Mahalaxmi Jani, Banguruguda, Sorisapadar

Smt. Jani introduced herself as the Sarapanch of Dalaiguda GP. She requested authorities present during public hearing to kindly understand the advantages and disadvantages of their issues. She hoped that Adivasi and local poor people should not be deprived of the forest, water, air and their regular lifestyle.

44. Sri Santosh Hantal, Dekapar, sorisapadar

Sri. Hantal introduced himself as resident of Sorisapadar GP. He wanted to create awareness among the people about the disadvantages of this project. He said that there will be a significant decrease in water level due to this project. He questioned about the guarantee of jobs to be provided by the company and their educational qualification to do a better job there. He concluded by saying that they will earn more by farming rather than getting employed in the company.

45. Sri Samba Pangi, Semiliguda

Sri. Pangi introduced himself as social worker. He questioned about the existence of the mines for longer period of time. So, he insisted people to save their land that will generate income for many generations to come. At the end he requested to furnish all the correct information presented by the people and uncut footages in front of high court.

46. Smt Phula Hantal, Dekapar, Sorisapadar

Smt. Hantalspoke in Kuvi language and said that the company will provide them job in the beginning but was cynical that later the company might remove them from their jobs. She strongly condemned the project. She said that they are dependent on the water for farming and other domestic purposes. She added that it will be difficult to feed their cattle if HINDALCO gets mining rights.

47. Smt Manima Khara, Tentuliguda, Daleiguda

Smt. Khara said that she needs modernization and wanted to leave the age old cultures and traditions behind. She told that by the establishment of the mines those people who are going far away from their home for work on daily basis can do their respective jobs by staying at their own place. She added that SHG workers will get additional advantage by the mines. She concluded by saying that they should give chance to the company to help the villagers develop their villages.

48. Sri Pradeep Kumar Khosala, Kantaguda, Daleiguda

Sri Khosla introduced himself as native of Dalaiguda. He made allegations against the company because when the mines were in operation in past, it didn't contribute much to their society in any way like providing medical facilities, education and employment opportunity. He also apprehends increase in pollution in the area due to the mining project. He strongly condemned the project.

49. Sri Rajendra Pangi, Matiaguda, Sorisapadar

Sri. Pangi introduced himself as native of Sorisapadar. He questioned about the guarantee for security of their gods and goddesses. He informed the people about the value of insects and fruits of Sindhi trees on mountains. He expressed about the existence of many springs which will never be dry because of the holding capacity of the bauxite mines. He was sceptical about the job opportunities to be provided by the mines. He insisted people to believe on their forest, land and water and asked them to employ themselves as farmers. At the end he requested people to oppose the mines.

50. Sri Ajit Kumar Giriha, Malikhudi

Mr. Ajit opposed mining activities on Maliparbata. He said that if Bauxite processing factory will sets up in the area, they will get employed and mining alone will not provide desired employment opportunities on larger scale.

51. Sri Laxman Kirsani, Lunguri, Pakjhola

Sri Kirsani introduced himself as the native of Pakjhola GP. He said that he is self-sufficient by selling the varieties of crops grown over his land. He requested people to do hard work and not to depend on mines for getting a job. He mentioned about the existence of their gods and goddesses and many medicinal plants over the mountain.

52. Smt Subhadra Majhi, Ranikana, Dalaiguda

Smt. Majhi said that they are self-sufficient and they can send their children to school and colleges provided by Government. They grow varieties of crops on their land. She

expressed that they don't desire to get employment from the mines. She strongly opposed the project.

53. Sri Binama Pujari, Bhandaguda, Khudi

Sri. Pujari informed that he is native of Khudi GP. He said that their primary job is farming and it will be affected because of unavailability of water and the dust that will be generated due to mining activities. So he expressed his unwillingness for the project.

54. Smt Damanti Singari, Ranikana, Dalaiguda

Smt. Damanti Singari introduced herself as resident of Dalaiguda GP. She expressed that they will not get employment as they are uneducated and company will consider only educated persons for job. She also said that they are happy by earning through farming and they don't want the mines to come.

55. Sri Dinesh Khara, Dekapar, Sorisapadar

Sri. Khara expressed that there will be imbalance in the ecosystem if mining comes in the operation. He expressed his unwillingness for the project and appealed people to work hard and earn money on their own. He added that the various schemes of Govt. are already in place for developing their areas and they don't want any additional development from the mines.

56. Sri Bhakta Charana Pattnaik, Aligaon, Pakjhola

Sri. Pattnaik said that the company should develop their area before they start mining operations.

57. Smt Sabita Khosla, Kantaguda, Dalaiguda

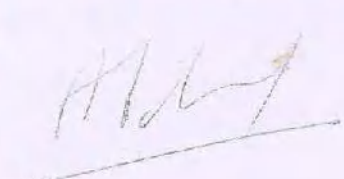
Smt. Khosla informed that she belongs to Dalaiguda GP. She supported the establishment of mines. She mentioned that most of the women are jobless and some women go to Semiliguda or outside for finding work. She wished that they will get employment near their village and wanted to have a school for education of their children. She said that development is necessary to cope up with modernization.

58. Smt Bhagabati Disari, Ranikana, Dalaiguda

Smt. Disari introduced herself as resident of Dalaiguda GP. She proudly said that agriculture is the identity of Adivasis. They grow different kinds of crops on that land for their survival by using the water of springs over the mountain. She said that they don't wish to beg for work in front of company since they have their own land for farming.

59. Smt. Binu Lamta, Beheraguda, Pakjhola

Smt Lamta opposed the project by saying they are dependent on the Mali Parbat for basic necessities of life and also for their livelihood. They are collecting fruits, log, leaves, plant roots, medicinal plants etc. from Mali Parbat and using the falling water streams from the Parbat for Agriculture.



60. Sri. Raghu Pujari, Pakjhola

Sri Pujari opposed the project and said they are dependent on the water of Mali Parbat for their agriculture. He also showed his doubtfulness regarding the job opportunities to be provided by the industry.

61. Sri. Ajay Kumar Khara, R. K. Maliguda, Daleiguda

Sri. Khara opposed the project by saying that the peripheral development activities committed by the M/s Hindalco Industries Ltd can be provided by State Govt itself. He indicated that for roads, electricity, solar lights, medical facilities etc. together they can appeal to Govt to provide such facilities. He also mentioned that all four Panchayats surrounding Mali Parbat are dependent on the water source from Mali parbat.

62. Smt Mani Kuldeep, Kankada Maliguda, Khudi

Smt Kuldeep opposed the project. She said that the villagers are completely dependent on the Mali Parbat as they are using the parbat as cattle grazing land. They are collecting plant roots, logs, leaves etc. and fulfilling their livelihood by selling such items. They are also dependent on the water source from Mali Parbat for agriculture surrounding the parbat.

63. Sri Somnath Kuldeep, R K Maliguda, Daleiguda

Sri Kuldeep opposed the project by saying that the environment of nearby areas of Mali parbat stays cool due to Mali Parbat and he is afraid that if mining operation starts the place will be polluted and the temperature of the area will rise.

64. Sri Balabhadra Nayak, Pakjhola

Sri Nayak opposed the project and started by saying that most of the villagers in the vicinity of Mali Parbat are farmers and solely depend upon the water coming out of Mali Parbat for their agriculture. He fears that there might be scarcity of water if the mine starts operating. He also expressed that, there is chance of increase in pollution if the mine starts operating. Also there is high of chance of accidents in the area due to plying of more number of vehicles.

65. Sri Chandra Nayak, Pakjhola

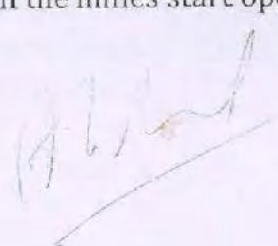
Sri Nayak simply opposed the project without citing any reasons.

66. Sri Bhimsen Nayak, Pakjhola

Sri Nayak emphasized on development of farmers and not the mine. He said that the water coming out of Mali parbat is the prime source of agriculture and he strongly opposed the project.

67. Sri Surei Khara, Nuaput, Pakjhola

Smt Khara opposed the project by saying that Mali Parbat is providing livelihood to the nearby people and all the people shall lose their livelihood if the mines start operating.



68. Smt. Manjula Khillo, Maliguda, Khudi

Smt Khillo opposed the project by saying that Mali Parbat is providing livelihood and there is high chance of losing their livelihood if the mines start operating.

69. Smt Audati Jyoti, Rajnaguda, Pakjhola

Smt Jyoti opposed the project by saying that it's their motherland and they will not give away the land to the mines.

70. Sri Harish Hantal, Talamania, Pakjhola

Mr Hantal emphasized that the local inhabitants living in the surrounding area of Mali Parbat have a rich culture and they are traditionally worshipping Goddess 'Pakulima' living on Mali Parbat. So, if the mines start operating the tribals will lose their opportunities of worshipping the Goddess. He also apprehends that accidents in the area might increase due to plying of heavy vehicles to and from the mines. Air Pollution was also an aspect he mentioned in his speech indicating spread of various diseases. He expressed that Koraput is famous for tourism and attracts many tourists across the country and tourism will be hampered if such projects comes.

71. Sri Sita Bhoi Saitan, Khorjakudi, Malikudi

Sri Saitan expressed that they are dependent on the Mali Parbat since long for their livelihood and so opposed the project.

72. Sri Uddhaba Mandal, Jhaliguda, Daleiguda

Sri Mandal opposed the project by saying that they are dependent on the Mali Parbat for their livelihood and can't afford to give away the parbat for mining.

73. Sri Abhi Sadapeli, Kankadaamba, Khudi

Sri Sadapeli was cynical about the project as he fears no development in the area even if the mine starts operating. So, he opposed the project.

74. Sri Abhijeet Jani, Dekapar, Sorisapadar

Sri Jani said that his income is good by doing agriculture due to maliparbat and he fears losing livelihood if the project comes. So, he opposed the project.

75. Sri Ramesh Hantal, Dekapar, Sorispadar

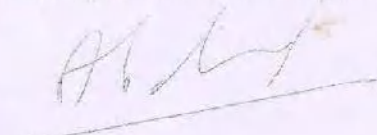
Sri Hantal also said that the people in the area are completely dependent on the water source of Mali Parbat. So, he opposed the project.

76. Sri Muguri Jani, Mugunaguda

Sri Jani was doubtful about the job opportunities committed by the project proponent. So, he opposed the project.

77. Sri Ramnath Sadapali

Sri Sadapali opposed the project citing the reason that most of the people in the area are illiterate and dependent on the Mali Parbat for agriculture. He expressed that if the



mine starts operating, due to pollution, their agricultural fields may be polluted due to dust deposits which will affect their agriculture and their livelihood.

78. Sri Mangaljan Chetty, Kankadamba, Khudi

Sri Chetty supported the project apprehending that the area will see development in the future due to mine operation. People will get jobs and the area will flourish.

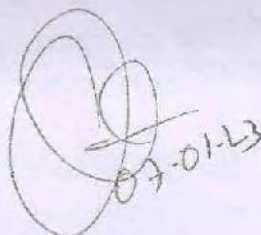
The Regional Officer, SPCB, Koraput read over all the issues raised by the public in the hearing. Mr. Pratap Kumar Patra, Asst. General Manager of Mali Parbat Bauxite Mines of M/s Hindalco Industries Ltd. responded to the issues raised and said that the mining will be done in a sustainable manner without causing any damage to the local environment and livelihoods.

The issues raised by the public and corresponding comments of the Mali Parbat Bauxite Mines of M/s Hindalco Industries Ltd. were prepared in Odia and English and are annexed with the proceedings as Annexure-I & II respectively. List of the oral deliberators and participants in the hearing is annexed as Annexure-III & IV respectively. About 111 nos. of written representations were received before the public hearing by Regional Office, State Pollution Control Board, Koraput. About 2445 nos. representations were received on the spot on the day of public hearing and about 109 nos. of representations were received from Collectorate, Koraput. So, in total 2665 nos. of representations are enclosed as Annexure V.

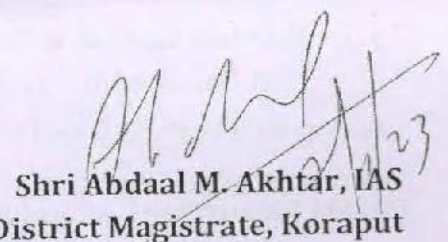
The entire exercise was conducted peacefully and no restrictions were placed on anybody who wished to attend the same. All those who wished to speak at the venue were allowed to, including all those who were not resident in the affected area, while the others submitted their written statements. All attempts were made to ensure a free and fair hearing.

The videography of proceedings is recorded and submitted as DVD (one number).

The hearing ended with thanks to the chair.



Er Deepesh Kumar Biswal
Regional Officer, SPCB Koraput



Shri Abdaal M. Akhtar, IAS
Collector-cum-District Magistrate, Koraput

ଜନସାଧାରଣଙ୍କ ଦ୍ୱାରା ଉପାଯୋଗିତ ପ୍ରସଙ୍ଗଗୁଡ଼ିକର ବିବୃତ୍ତି ଏବଂ ଏମ/ଏସ ହିସାବକୋ ଇଣ୍ଡଷ୍ଟ୍ରିଲ ଲିମିଟେଡ୍ ର ମାଲିପରବତ ବଜାରର ଖଣି ପାଇଁ ଜନଶୁଣାଣିରେ ପ୍ରୋଜେକ୍ଟ ପ୍ରସ୍ତାବକଙ୍କ ମତବ୍ୟ । ୨୬୮. ୧୧୦ ହା ଖଣି ଲିମ୍ ଷ୍ଟେଡୁ ଉପରେ ବର୍ଷକୁ ୦. ୬ ମେଟ୍ରିକ ଟନ୍ ଉତ୍ପାଦନ କ୍ଷମତା ପାଇଁ କୋରାପୁଟ ଜିଲ୍ଲାର ଯୋଗାଙ୍ଗୀ ତହସିଲ ଅଧୀନରେ ଥିବା ଆଲିଗାଓନ୍ , କଙ୍କାଡାଆନ୍ ଏବଂ ସୋରିଶପଦର ଗ୍ରାମଗୁଡ଼ିକ ୭. ୧. ୨୦୨୩ ରେ ୧୧. ୩୦ ରେ ଖାତା ନମ୍ବର ୨୭ରେ ପ୍ଲଟ ନଂ ୪୦ (ପି) ରେ ସେମିଲିଗୁଡା ତହସିଲ, ଜିଲ୍ଲା- କୋରାପୁଟ ଅଧୀନରେ ଥିବା କାଙ୍କାଡାଆ ଗ୍ରାମ ପରିଚାଳିତ ହୋଇଥିଲା ।

କ୍ରମିକ ନ.	ଜନସାଧାରଣଙ୍କ ଦ୍ୱାରା ଶୁଣାଣିରେ ଉପାଯୋଗିତ ପ୍ରସଙ୍ଗ ।	ପ୍ରକଳ୍ପ ପ୍ରସ୍ତାବକଙ୍କ ପ୍ରତିକ୍ରିୟା ।
ପରିବେଶ ସମସ୍ୟା ।		
୧	ବାୟୁ ଓ ଜଳ ପରିବେଶ ସୁରକ୍ଷା	<p>ବାୟୁ ଓ ଜଳ ପରିବେଶ ସୁରକ୍ଷା ପାଇଁ ପଦକ୍ଷେପ । ନିମ୍ନଲିଖିତ ଭାବରେ ପରିବେଶ ପ୍ରସ୍ତାବ ଦିଆଯାଇଛି:</p> <ul style="list-style-type: none"> ➤ ପରିବେଶ ପରିଚାଳନା (ପ୍ରତ୍ୟକ୍ଷ ନିୟନ୍ତ୍ରଣ ପଦକ୍ଷେପ) ବନାମ ଖଣି କାର୍ଯ୍ୟକଳାପର ପ୍ରଭାବକୁ ଯାଞ୍ଚ କରିବା ପାଇଁ ଖଣି ଜୀବନ ସାରା CPCB ନିୟମ ଅନୁଯାୟୀ ବାୟୁ ଓ ଜଳ ଉପରେ ନଜର ରଖାଯିବ । RPM, SPM, SO₂, NO_x ଏବଂ CO ପରି ପାରାମିଟରଗୁଡ଼ିକ ଜୋର ଜୋର୍ ଏବଂ ବର୍ଷକୁ ଜୋର୍ ଠାରୁ ନିଆଯାଇଥିବା ବାୟୁ ନମୁନାରେ ପରିମାଣିତ କରିବାକୁ ପ୍ରସ୍ତାବ ଦିଆଯାଇଛି । Periodical ନିରୀକ୍ଷଣ ପ୍ରତି ଋତୁରେ ଦୈନିକ ୫ ଘଣ୍ଟା (ଏକ ମାସ ପାଇଁ ସପ୍ତାହରେ ଦୁଇ ଦିନ) ଏବଂ ଖଣିର ଜୀବନସାରା ପ୍ରତିବର୍ଷ ଚାରି ଠି ଋତୁ ଅଧୀନରେ ରହିଥାଏ । ➤ ଧୂଳି କଣିକା ନିର୍ଗମନ ଏବଂ ବିତରଣକୁ ବନାନ କରିବା ପାଇଁ ହଲ୍ ରାସ୍ତା ଏବଂ ଅନ୍ୟାନ୍ୟ ପ୍ରାସଙ୍ଗିକ କାର୍ଯ୍ୟ କ୍ଷେତ୍ରରେ ନିୟମିତ ବ୍ୟବସାୟରେ ଜଳ ଛିଞ୍ଚିବା କରାଯିବ । ➤ ବୃକ୍ଷରୋପଣ ମାଳଭୂମି ଜାଲରେ ନିଆଯିବ ଏବଂ ଅଧିକ ବିକ୍ଷାରରୁ ବାୟୁ ବାହାରି ଧୂଳିକୁ ରୋକିବା ପାଇଁ ଖଣିବାରିପାଖରେ ପେରିଫେରାଲ୍ ପ୍ରତିବନ୍ଧକ ମଧ୍ୟ କରାଯିବ । ଆଲବିଏମ ଦ୍ୱାରା ଅନୁମୋଦିତ ଖଣି ଯୋଜନାରେ ଦିଆଯାଇଥିବା ନିର୍ଦ୍ଦେଶାବଳୀ ଅନୁଯାୟୀ ବୃକ୍ଷରୋପଣ କରାଯିବ । ➤ ୫,୦୦୦ ଟାଣା ସହିତ ବୃକ୍ଷରୋପଣ ପାଇଁ ୨୦,୦୦୦ ମିଟର କିମ୍ବା ୨ ହେକ୍ଟର ଅଞ୍ଚଳ ପ୍ରସ୍ତାବ ଦିଆଯାଇଛି ଯାହା ଧୂଳି କଣିକାକୁ ରୋକିବା ପାଇଁ ଏବଂ ପରିବେଶକୁ ସୁସ୍ଥ କରିବାରେ ସାହାଯ୍ୟ କରିବ । ➤ ଡିଜେଲ ମେସିନ୍ NO_x and SO_x ନିର୍ଗମନ ସ୍ତର ହ୍ରାସ

[Signature]
12/11/2023

		<p>କରିବା ପାଇଁ ଉପଯୁକ୍ତ ରକ୍ଷଣାବେକ୍ଷଣ ଅଧୀନରେ ରହିବ ।</p> <ul style="list-style-type: none"> ➤ ଓଦା-ଡ୍ରାଇଁ କୌଶଳ / ଧୂଳି ସଂଗ୍ରହକାରୀକୁ ଡ୍ରାଇଁ କାର୍ଯ୍ୟ ସମୟରେ ଧୂଳି ଉତ୍ପାଦନକୁ ରୋକିବା ପାଇଁ ନିୟୋଜିତ କରାଯିବ । ➤ ନିକଟସ୍ଥ ଭୂପୃଷ୍ଠ ଜଳ ଉପ ଏବଂ ନଳକୂପରୁ ସଂଗୃହିତ ନମୁନାଗୁଡ଼ିକ ସେମାନଙ୍କର ପ୍ରତ୍ୟେକ ଖର ପାଇଁ ବିଶ୍ଳେଷଣ କରାଯିବ । ମନିଟରିଂର ବାରମ୍ବାରତା ଗ୍ରାସ୍ତ, ମୌସୁମୀ, ମୌସୁମୀ ପରେ ଏବଂ ଶୀତରେ ସୀମିତ ରହିବ ➤ ଜାଈ, ମାଲା ଡ୍ରେନ୍ ଏବଂ ସେଟଲିଂ ଟ୍ୟାଙ୍କଗୁଡ଼ିକ ରକ୍ଷଣାବେକ୍ଷଣା ବେଷ୍ଟ ତମ୍ପ ଚାରିପାଖରେ ନିର୍ମାଣ କରାଯିବ ଯାହା ଦ୍ଵାରା ସେଟିମେଣ୍ଟର ସମାଧାନ ଏବଂ ବିଶୁଦ୍ଧ ଜଳ ମୁକ୍ତ କରିବା ପାଇଁ ଧୋଇବା ସାମଗ୍ରୀକୁ ରୋକା ଯିବ । ➤ ମୌସୁମୀ ସମୟରେ ଜଳ ଉଚ୍ଚତମ ପାଣିକୁ ଚିରନ୍ତଣ କରିବା ପାଇଁ ବର୍ଷା ଜଳକୁ ଖଣି ଖରଟ ହୋଇଥିବା ଆଉଟ୍ ପିପ୍ ବୁ ଚାର୍ଜରଟ କରାଯିବ ।
୨	ଖଣିରୁ ମୃତ୍ତିକା କ୍ଷୟ ହେତୁ ଚଳକୁ ଖସିଯିବା ଜମିର ସୁରକ୍ଷା ।	<p>ଜାଈ ରଖିବା, ମାଲା ଡ୍ରେନ୍ ଏବଂ ସେଟଲିଂ ଟ୍ୟାଙ୍କଗୁଡ଼ିକ ରକ୍ଷଣାବେକ୍ଷଣା ବର୍ଷାବସ୍ତୁ ତମ୍ପ ଚାରିପାଖରେ ନିର୍ମାଣ କରାଯିବ ଯାହା ଦ୍ଵାରା ସେଟିମେଣ୍ଟର ସମାଧାନ ଏବଂ ବିଶୁଦ୍ଧ ଜଳ ମୁକ୍ତ କରିବା ପାଇଁ ଧୋଇବା ସାମଗ୍ରୀକୁ ରୋକା ଯିବ ।</p>
୩	ଗ୍ରାଉଣ୍ଡ ୱାଟର ଏବଂ କୃତ୍ରି ଉଦ୍‌ବେଗ୍ୟରେ ଜଳ ସ୍ରୋତର ସଂରକ୍ଷଣ ।	<p>ଗ୍ରାଉଣ୍ଡ ୱାଟର : ମାଇନ୍ 1160 ରୁ 1403 ଏମଏସଏଲ ଉଚ୍ଚତାରେ ଅବସ୍ଥିତ । ଗ୍ରାଉଣ୍ଡ ୱାଟର ଟେବୁଲ୍ ଖଣି ଲିଭ୍ କ୍ଷେତ୍ରପୃଷ୍ଠରୁ ୨୭୩ ମିଟର ନିମ୍ନରେ । ସର୍ବାଧିକ ହାସଲ ଯୋଗ୍ୟ ଖଣି ଗଭୀରତା ଖଣି ଲିଭ୍ ଜୀବନ କାଳରେ ଖଣି ଲିଭ୍ କ୍ଷେତ୍ରର ଭୂପୃଷ୍ଠ ସ୍ତରରୁ 24.8m ହେବ । ତେଣୁ ଖଣି କାର୍ଯ୍ୟ ଭୂମି ଜଳ ଟେବୁଲ୍‌କୁ ପ୍ରଭାବିତ କରିବ ନାହିଁ ଜଳ ସ୍ରୋତର: ଏମଏଲ ଅଞ୍ଚଳ ମଧ୍ୟରେ କୌଣସି ଚିରସ୍ରାୟୀ ଜଳ ଉପ ନାହିଁ । ଏମଏଲ ଅଞ୍ଚଳରେ ଏବଂ ଏହାର ଆଖପାଖରେ ରେଡିଆଲ୍ ଡ୍ରେନେଜ୍ ଡାଆ ଦେଖାଯାଏ । ଏହା ଏକ ମାଳଭୂମି ଶୀର୍ଷ ଜମା । ଧୋଇବା ବନ୍ଦକୁ ରୋକିବା ଏବଂ ଖଣି କାର୍ଯ୍ୟକଳାପ ହେତୁ ଆଖପାଖ ଅଞ୍ଚଳର ସମ୍ଭାବ୍ୟ ପକ୍କୁ ରୋକିବା ପାଇଁ ପ୍ରତ୍ଯାବିତ ପଦକ୍ଷେପଗୁଡ଼ିକ ମଧ୍ୟ ଅନୁସରଣ</p>

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		<p>କରାଯାଏ:</p> <ul style="list-style-type: none"> ➤ ଖଣିରେ ଜମା ହୋଇଥିବା ବର୍ଷା ଜଳଉପତ୍ୟକାକୁ ପ୍ରବାହିତ ହେବାକୁ ଦିଆଯିବ ନାହିଁ । ➤ ଭୂପୃଷ୍ଠ ରନ-ଆର୍ଡ୍ ଜଳ କୁ ରତ୍ନକାଳୀନ ଜଳ ପାଠ୍ୟକ୍ରମ ମାଧ୍ୟମରେ କେନାଲ କରାଯିବ ଯାହା ନିମ୍ନ ସ୍ତରରେ ଜମା ହେବ, ପ୍ରଭୃତି ତଳକୁ ଖସିଯିବ ଏବଂ ଭୂତଳ ଜଳ ଟେବୁଲକୁ ସମୃଦ୍ଧ କରିବ । ➤ ଉପତ୍ୟକାକୁ ପ୍ରବାହିତ ହେବା ପାଇଁ ଜବ ପ୍ରବାହକୁ ରୋକିବା ପାଇଁ ପେରିଫେରାଲ ପ୍ରତିବନ୍ଧକ (7.5 ମିଟର ଚଉଡ଼ା) ଖଣି ଚାରିପାଖରେ ଛାଡି ଦିଆଯିବ । ➤ ଖଣିର ଅଗ୍ରଗତି ଉପରେ ନିର୍ଭର କରି ଖାସ୍ ଆର୍ଡ୍ ନିୟନ୍ତ୍ରଣ କରିବା ସହିତ ଗୋଟିଏ ପରେ ଗୋଟିଏ ମୃତ୍ତିକା କ୍ଷୟକୁ ନିୟନ୍ତ୍ରଣ କରିବା ପାଇଁ ରତ୍ନକାଳୀନ ନାଲରେ ତ୍ୟାମ୍ ନିର୍ମାଣ କରାଯିବ ଏବଂ ଜଳ କୃଷି ଉଦ୍ଦେଶ୍ୟରେ ବ୍ୟବହୃତ ହୋଇପାରିବ । ➤ କାଢ଼, ମାଳା ଡ୍ରେନ୍ ଏବଂ ସେଟଲିଂ ଟ୍ୟାଙ୍କଗୁଡ଼ିକ ରକ୍ଷଣାବେକ୍ଷଣ ବର୍ଦ୍ଧ୍ୟବସ୍ଥୁ ତମ୍ଭ ଚାରିପାଖରେ ନିର୍ମାଣ କରାଯିବ ଯାହା ଦ୍ଵାରା ସେଡିମେଣ୍ଟର ସମାଧାନ ଏବଂ ବିଶୁଦ୍ଧ ଜଳ ମୁକ୍ତ କରିବା ପାଇଁ ଧୋଇବା ସାମଗ୍ରୀକୁ ରୋକା ଯିବ । ➤ ଖଣି କାର୍ଯ୍ୟକଳାପ ଖଣି ଲିଭୁ ମଧ୍ୟରେ କିମ୍ବା ବାହାରେ କୌଣସି ଜଳାଶୟକୁ ବିଚଳିତ କରିବ ନାହିଁ, ଏହି ପାହାଡ଼ରୁ ବାହାରୁଥିବା ଝରଣାଗୁଡ଼ିକ ଯେପରି ପ୍ରବାହିତ ହେଉଛି ସେହିଭଳି ପ୍ରବାହିତ ହେବ । ତେଣୁ ନିକଟବର୍ତ୍ତୀ କୃଷକ ଚିନ୍ତିତ ହେବା ଆବଶ୍ୟକ ନୁହେଁ ଏବଂ ଏହି ଝରଣାଗୁଡ଼ିକର ଜନସାଧାରଣଙ୍କ ଆଶଙ୍କା ସମ୍ପୂର୍ଣ୍ଣ ଦୂରଅଟେ । ସେମାନଙ୍କର ପନିପରିବା ଚାଷ କିମ୍ବା ଅନ୍ୟ କୌଣସି ଚାଷ ପାଇଁ ପ୍ରତିକୂଳ ପ୍ରଭାବ ପଡ଼ିବ ନାହିଁ ।
୪	ଖଣିରୁ ବଞ୍ଚାଇବ ପଥର ପରିବହନ ସମୟରେ ଦୁର୍ଘଟଣା	<ul style="list-style-type: none"> ➤ ରାସ୍ତାରେ ଫିଲେଡ୍ ରୋକିବା ପାଇଁ ଆମେ ସରକାରୀ

Handwritten signature and date: 12/1/2023

<p>ପକାତକ ଧୂଳି ନିର୍ଗମନ ନିୟନ୍ତ୍ରଣ ଏବଂ କୃଷି ଜମିର ସୁରକ୍ଷା ।</p>	<p>ନିୟମ ଅନୁଯାୟୀ ଟ୍ରକ୍ ଲୋଡ୍ କରିବୁ ।</p> <ul style="list-style-type: none"> ➤ ଟ୍ରକ୍ / ଟିପର୍ ଡ୍ରାଇଭରମାନଙ୍କୁ ଯଥାସମ୍ଭବ ସର୍ବନିମ୍ନ ହଲ୍ ରାସ୍ତାରେ ଧୂଳି ସୃଷ୍ଟି କରିବା ପାଇଁ ଜଳବାୟୁ ଉପରେ ନିର୍ଭର କରି ଅନୁମୋଦିତ ବେଗରେ ଲୋଡ୍ ହୋଇଥିବା ଯାନଚଳାଇବାକୁ କଠୋର ଭାବରେ ନିର୍ଦ୍ଦେଶ ଦିଆଯିବ । କୌଣସି ଦୁର୍ଘଟଣାକୁ ରୋକିବା ପାଇଁ ଟ୍ରାଫିକ୍ ନିୟମ ଅନୁସରଣ କରେ । ➤ ସମସ୍ତ ଟ୍ରକ୍ ଡାହୋଲିନ୍ ସହିତ ଆହ୍ଲାବିତ ହେବ ଯାହା ଖଣି ମୁଣ୍ଡରୁ ରେଳ ସାଇଡିଂକୁ ବକ୍ସାଇଡ୍ ପରିବହନ ପାଇଁ ନିୟୋଜିତ ହେବ । ➤ କୃଷି ଜମିକୁ ଧୂଳିରୁ ରକ୍ଷା କରିବା ଆମର ମୁଖ୍ୟ ଉଦ୍ଦେଶ୍ୟ ହେବ । ସମସ୍ତ ଟ୍ରକ୍ ତମ୍ଭ ବଡିର ରିମ୍ ତଳେ ଲୋଡ୍ ହେବ ଏବଂ ଯାନବାହନ ବୁଲାଇବା ସମୟରେ ସିଲେଇ ରୋକିବା ପାଇଁ ଡାହୋଲିନ୍ ସହିତ ଆହ୍ଲାବିତ ହେବ । ଡାହୋଲିନ୍ ଆହ୍ଲାବିତ ଟ୍ରକ୍ ଖଣି ଠାରୁ ଚାନ୍ଦି ରାସ୍ତାରେ ରେଳ ସାଇଡିଂ ପର୍ଯ୍ୟନ୍ତ ଚଳାଚଳ କରିବ । ତେଣୁ ପରିବହନ ସମୟରେ କୌଣସି ପକାତକ ଧୂଳି ନିର୍ଗମନ ହେବ ନାହିଁ । ➤ ବୃକ୍ଷରୋପଣ ଜାତୀୟ ଉଦ୍ଦେଶ୍ୟରେ ଆପ୍ରେଡ୍ ରୋଡ୍ ର ଉଭୟ ପାର୍ଶ୍ୱରେ କରାଯିବ
<p>୫ ବନ୍ଧ୍ୟା ପାହାଡ ଉପରେ ଜଙ୍ଗଲର ବିକାଶ ଏବଂ ସ୍ଥାନୀୟ ଅଞ୍ଚଳରେ ଫଳ ଧାରଣ କରୁଥିବା ଗଛର ବୃକ୍ଷରୋପଣ ।</p>	<p>ଆମେ ଜଙ୍ଗଲ ବିଭାଗ ସହିତ ପରାମର୍ଶ ସହିତ ବନ୍ଧ୍ୟା ପାହାଡ ଉପରେ ଜଙ୍ଗଲ ବିକଶିତ କରିବାକୁ ଯୋଜନା କରିବୁ । ଗଛର ଉପଯୁକ୍ତ ଅଭିବୃଦ୍ଧି ପାଇଁ ଆମେ ସମସ୍ତ ପ୍ରକାରର ବୈଷୟିକ ସହାୟତା ସହିତ ପରିଧି ଗ୍ରାମଗୁଡ଼ିକୁ ଫଳ ଯୁକ୍ତ ଗଛ ଯୋଗାଇବୁ । ଆମେ ମଧ୍ୟ ଔଷଧୀୟ ଉଦ୍ଭିଦ, ଫଳ ବିଶେଷ ଉଦ୍ଭିଦ ବିକଶିତ କରିବା ପାଇଁ ଆମର ନିଜସ୍ବ ନିର୍ଦ୍ଦେଶ ଦିଆଯିବ ଯାହା ଦ୍ୱାରା ଆମେ ପରିଧି ଗ୍ରାମରେ ବଞ୍ଚନ କରିପାରିବା ଏବଂ ଆମେ ଖଣିଜ ବିଶେଷ ଲୋଡ୍ ରୁ ଲିଫ୍ ଅଞ୍ଚଳ ମଧ୍ୟରେ ରୋପଣ କରିବୁ ।</p> <ul style="list-style-type: none"> ➤ ଏମଏଲ୍ ସୀମା ସହିତ ୭.୫ ମିଟର ଚଉଡା ନିରାପରା ଜୋନରେ ପ୍ରତିବର୍ଷ ୨୫୦୦ ଚାନ୍ଦି / ହେକ୍ଟର ବୃକ୍ଷରୋପଣ ପାଇଁ ପ୍ରସ୍ତାବ ଅଛି ➤ ଆଇସିଏମ୍ ଦ୍ୱାରା ଅନୁମୋଦିତ ଖଣି ଯୋଜନାରେ ଦିଆଯାଇଥିବା ନିର୍ଦ୍ଦେଶାବଳୀ ଅନୁଯାୟୀ ବୃକ୍ଷରୋପଣ କରାଯିବ ।

12/11/2023

ପେରିଫେରାଲ୍ ବିକାଶମୂଳକ ସମସ୍ୟା

୧	<p>ଛାନୀୟ ଶିକ୍ଷିତ ଯୁବକ, ବୈଷୟିକ ଯୋଗ୍ୟ ଯୁବକ, ଖଣିରେ ଛାନୀୟ ଲୋକ, ଅଶିକ୍ଷିତ ଯୁବକମାନଙ୍କ ପାଇଁ ଧନ୍ୟମୂଳକ ତାଲିମ ଇତ୍ୟାଦି ପାଇଁ ନିଯୁକ୍ତି ସୁଯୋଗ ।</p>	<ul style="list-style-type: none"> ➤ ଛାନୀୟ ଯୁବକମାନଙ୍କୁ ଅଗ୍ରାଧିକାର ଦିଆଯିବ ଯେଉଁମାନେ ଖଣି କାର୍ଯ୍ୟ ସମୟରେ ଆବଶ୍ୟକତା ଅନୁଯାୟୀ ଦକ୍ଷ ଏବଂ ଅଭିଜ୍ଞ ଅଟନ୍ତି । ➤ ଖଣି କାର୍ଯ୍ୟ ସମୟରେ ନିଆଯିବାକୁ ଥିବା ବିଭିନ୍ନ ଛିରତା ପ୍ରକଳ୍ପ ଦ୍ୱାରା ଛାନୀୟ ନିଯୁକ୍ତି ସୃଷ୍ଟି ହେବ । ଆମେ ପ୍ରତ୍ୟାବର୍ତ୍ତ ଗାଁର ବେକାର ଯୁବକମାନଙ୍କ ପାଇଁ ଧନ୍ୟମୂଳକ ତାଲିମ କାର୍ଯ୍ୟକ୍ରମ ପାଇଁ ସୁବିଧା କରିବୁ । ଡ୍ରାଇଭିଂ ଲାଇସେନ୍ସ ପରି ବିଭିନ୍ନ ଦକ୍ଷତା ପ୍ରମାଣପତ୍ର ପାଇବା ପାଇଁ ଯୋଗ୍ୟ ଯୁବକମାନଙ୍କୁ ତାଲିମ ଦେଇ ଆମେ ଦକ୍ଷତା ରେ ଉନ୍ନତି ଆଣିବୁ ➤ ଆମେ ଗ୍ଲାଷର, ମାଇନିଂ ମେଟ୍ ଏବଂ ଫୋରମ୍ୟାଲ୍ ପରି ବିଭିନ୍ନ ଦକ୍ଷତା ପ୍ରମାଣପତ୍ର ପାଇବା ପାଇଁ ଯୋଗ୍ୟ ଯୁବକମାନଙ୍କୁ ତାଲିମ ପ୍ରଦାନ କରିବୁ ଯାହା ସେମାନଙ୍କ ପାଇଁ ନିଯୁକ୍ତି ସୁଯୋଗ ସୃଷ୍ଟି କରିବ ।
୨	<p>ଶିକ୍ଷା ସୁବିଧାର ବିକାଶ, ବିଦ୍ୟାଳୟଗୁଡ଼ିକର ବିକାଶ ଏବଂ କଲେଜ କୋଠା ଆଇଟିଆଇ ପ୍ରତିଷ୍ଠା, ଅଭାବୀ ଛାତ୍ରମାନଙ୍କୁ ମାଗଣା ଉଚ୍ଚଶିକ୍ଷା, ଛାନୀୟ ଛାତ୍ରମାନଙ୍କ ପାଇଁ ବସ୍ ବ୍ୟବସ୍ଥା ଯୋଗାଇବା ପାଇଁ ସର୍ବେକ୍ଷଣ</p>	<ul style="list-style-type: none"> ➤ ଆମେ ଜିଲ୍ଲା ପ୍ରାଧିକରଣ ଏବଂ ବିଦ୍ୟାଳୟ କମିଟି ସହିତ ପରାମର୍ଶ କରି ବିଦ୍ୟମାନ ବିଦ୍ୟାଳୟଗୁଡ଼ିକୁ ଶିକ୍ଷାଗତ ସୁବିଧା / ଭିଡିଓମି ବିକାଶ ଏବଂ ସମର୍ଥନ କରିବାକୁ ଯୋଜନା କରିବୁ । ➤ ଆମେ ଦାମନଯୋଡିରେ ବିଦ୍ୟମାନ ଆଇଟିଆଇରେ ଆଗ୍ରହୀ ଛାନୀୟ ଛାତ୍ରମାନଙ୍କୁ ଆଇଟିଆଇ ତାଲିମ ପ୍ରାୟୋଗିତ କରିବୁ । ➤ ଆମେ ପେରିଫେରାଲ୍ ଗ୍ରାମରେ ସର୍ବେକ୍ଷଣ କରିବା ପରେ ଉଚ୍ଚ ଶିକ୍ଷା ପାଇଁ ଅଭାବୀ ଛାତ୍ରମାନଙ୍କୁ ସୁବିଧା ଦେବୁ । ➤ ଆମେ ସ୍କୁଲ ବସ୍ ସୁବିଧା କିମ୍ବା ଛାନୀୟ ଛାତ୍ରମାନଙ୍କ ପାଇଁ ଏକ ଉପଯୁକ୍ତ ବିକଳ୍ପ ଯୋଗାଇବା ପାଇଁ ସନ୍ଧାନ ଅନୁସନ୍ଧାନ କରିବୁ ।
୩	<p>ସ୍ୱାସ୍ଥ୍ୟ ସୁବିଧାର ବିକାଶ, ଆୟୁର୍ଲାହୁ ବ୍ୟବସ୍ଥା, ତାତ୍ତ୍ୱରଖାତା ବାହାରେ ଛାନୀୟ ଲୋକଙ୍କ ପାଇଁ ମାଗଣା ଚିକିତ୍ସା ସୁବିଧା ଏବଂ ମୋବାଇଲ୍ ସ୍ୱାସ୍ଥ୍ୟ ଶିବିର ।</p>	<ul style="list-style-type: none"> ➤ ଆମେ ସ୍ଥାନୀୟ ପିଏଚସିକୁ ସମର୍ଥନ ଦେଇ ପେରିଫେରାଲ୍ ଗ୍ରାମଗୁଡ଼ିକ ପାଇଁ ଆୟୁର୍ଲାହୁ ସୁବିଧା କୁ ସୁରକ୍ଷିତ କରିବୁ ।

(Handwritten signature and date)
21/11/2023

		<ul style="list-style-type: none"> ➤ ଆମେ ଆମର ପରିଧି ଗ୍ରାମ ମଧ୍ୟରେ ସମୟ ସମୟରେ ସ୍ବାସ୍ଥ୍ୟ ଶିବିର ପରିଚାଳନା କରିବୁ । ➤ ଆମେ ଅଧିକୃତ ଡାକ୍ତରଙ୍କ ପ୍ରେସକ୍ରିପସନ୍ ସହିତ ମାଗଣା ଔଷଧ ବଣ୍ଟନ କରି ସ୍ଥାନୀୟକୁ ମାଗଣା ଚିକିତ୍ସା ପ୍ରଦାନ କରିବୁ ।
୪	ମାଲିପରବତ ଅଞ୍ଚଳର ପ୍ରତ୍ୟେକ ଗ୍ରାମକୁ ପକ୍ଷା ରାସ୍ତା, ପାନୀୟ ଜଳ ଯୋଗାଣ ଏବଂ ରାସ୍ତା ଆଲୋକର ବ୍ୟବସ୍ଥା ।	ଆମେ ପାନୀୟ ଜଳ ଯୋଗାଇବୁ, ଷ୍ଟିର୍ ଲାଇଟ୍ ଯୋଗାଇବୁ ଏବଂ ପର୍ଯ୍ୟାୟକ୍ରମେ ପରିଧି ଗ୍ରାମରେ ପକ୍ଷା ରାସ୍ତାର ବ୍ୟବସ୍ଥା କରିବୁ ।
	ପରିବହନ କାର୍ଯ୍ୟକଳାପରେ ସ୍ଥାନୀୟ ଲୋକଙ୍କ ପାଇଁ ପ୍ରାଥମିକତା ।	ପରିବହନ କାର୍ଯ୍ୟକଳାପରେ ସ୍ଥାନୀୟ ଲୋକଙ୍କୁ ପ୍ରାଥମିକତା ଦିଆଯିବ
୫	କୃଷି ଉପକରଣର ବ୍ୟବସ୍ଥା, ଚାଷ ପାଇଁ ଅଗ୍ରୀମ ପ୍ରଯୁକ୍ତିବିଦ୍ୟା, କୃଷକଙ୍କ ବିକାଶ ଏବଂ କୃଷି ।	କୃଷି ଏବଂ ଉଦ୍ୟାନ କୃଷି ବିଭାଗର କର୍ତ୍ତୃପକ୍ଷଙ୍କ ପରାମର୍ଶ କ୍ରମେ ଆମର ସିଏସଆର ଟିମ୍ ଚାଷ, କୃଷକଙ୍କ ବିକାଶ ଏବଂ କୃଷି ର ବିକାଶ ବିଶେଷରେ ଅଗ୍ରୀମ ପ୍ରଯୁକ୍ତି ବିଦ୍ୟା ପାଇଁ ତାଲିମ ଏବଂ ଉପକରଣ ପ୍ରଦାନ କରିବାରେ ସୁବିଧା ପ୍ରଦାନ କରିବୁ ।
୬	ପାକଝୋଲା ଗ୍ରାମରେ ଚେକ୍ ଡ୍ୟାମ୍ ନିର୍ମାଣ ତିନୋଟି ଝରଣାର ସଙ୍ଗମ ପଏଣ୍ଟ ଏବଂ ୧୫ ଟି ଗ୍ରାମକୁ ଜଳ ଯୋଗାଣ ।	ଆମେ ତିଆରିଟିଏ, କୋରାପୁଟ ସହିତ ପରାମର୍ଶ କରି ପାକଝୋଲା ଗ୍ରାମରେ ଏକ ଚେକ୍ ଡ୍ୟାମ୍ ନିର୍ମାଣ କରିବାର ସମ୍ଭାବନା ଅନୁସନ୍ଧାନ କରିବୁ ।
୭	ସ୍ଥାନୀୟ ବିକାଶ ପାଇଁ ଲାଭର ୨୦% ଖର୍ଚ୍ଚ, ଶାରୀରିକ ଭାବରେ ଟ୍ୟାଲେଣ୍ଟ ହୋଇଥିବା ବ୍ୟକ୍ତି, ଭୂମିହୀନ ଲୋକ ଏବଂ ବୃଦ୍ଧ ଲୋକଙ୍କ ପାଇଁ ସାହାଯ୍ୟ ।	<ul style="list-style-type: none"> ➤ ଖଣିର ଆଖପାଖସମ୍ପ୍ରଦାୟ ଦ୍ବାରା ନିକଟବର୍ତ୍ତୀ କଲ୍ୟାଣ ଏବଂ ବିକାଶ ପାଇଁ ଡିଏମଏଫ୍ (ଜିଲ୍ଲା ଖଣିଜ ଫାଉଣ୍ଡେସନ) ପାଣ୍ଠିରେ ଏକ ନିର୍ଦ୍ଦିଷ୍ଟ ପରିମାଣର ପାଣ୍ଠି ଜମା କରାଯାଏ । ଆମେ ଉକ୍ତ ଉଦ୍ଦେଶ୍ୟ ପାଇଁ ଜିଲ୍ଲା ପ୍ରଶାସନକୁ ଅନୁସରଣ କରି ଏହି ପାଣ୍ଠି ସଂଗ୍ରହ କରିବୁ । ➤ ଆମେ ଶାରୀରିକ ଭାବରେ ଟ୍ୟାଲେଣ୍ଟ ହୋଇଥିବା ବ୍ୟକ୍ତି, ଭୂମିହୀନ ଲୋକ ଏବଂ ବୃଦ୍ଧ ଲୋକଙ୍କୁ ସମର୍ଥନ ବିସ୍ତାର କରିବାର ସମ୍ଭାବନା ଅନୁସନ୍ଧାନ କରିବୁ ।
୮	ଆପିକଲଟର, ଛତୁ ଚାଷ, ଏବଂ ସିଲେଇ ପାଇଁ ତାଲିମ, ପିସି ସଂସ୍କୃତି ପାଇଁ ପୋଷାରୀର ବ୍ୟବସ୍ଥା, ସଭା କକ୍ଷ, କୁକୁଡ଼ା ଏବଂ ଛେଳି ଫାର୍ମ ଇତ୍ୟାଦି ମା' ଏବଂ ଉତ୍ତରୀନାମକ ପାଇଁ ।	<ul style="list-style-type: none"> ➤ ଆପିକଲଟର, ଛତୁ ଚାଷ, ସିଲେଇ, ପିସି ସଂସ୍କୃତି, କୁକୁଡ଼ା ଏବଂ ଛେଳି ଫାର୍ମ ଇତ୍ୟାଦି ପାଇଁ ତାଲିମ ପ୍ରଦାନ କରାଯିବ ➤ ଗ୍ରାମବାସୀ /ଏସଏସଜି ଗୋଷ୍ଠୀ ସହିତ ଉପଯୁକ୍ତ ସର୍ବେକ୍ଷଣ ଏବଂ ପରାମର୍ଶ ସହିତ ଆମେ ପିସି ସଂସ୍କୃତି,

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		<ul style="list-style-type: none"> ➤ ଆମେ ଆମର ପରିଧି ଗ୍ରାମ ମଧ୍ୟରେ ସମୟ ସମୟରେ ସ୍ବାସ୍ଥ୍ୟ ଶିବିର ପରିଚାଳନା କରିବୁ । ➤ ଆମେ ଅଧିକୃତ ଡାକ୍ତରଙ୍କ ପ୍ରେସକ୍ରିପ୍ଟସବୁ ସହିତ ମାଗଣା ଔଷଧ ବ୍ୟବହାର କରି ସ୍ଥାନୀୟଙ୍କୁ ମାଗଣା ଚିକିତ୍ସା ପ୍ରଦାନ କରିବୁ ।
୪	ମାଲିପରବତ ଅଞ୍ଚଳର ପ୍ରତ୍ୟେକ ଗ୍ରାମକୁ ପକ୍ଷୀ ରାସ୍ତା, ପାନୀୟ ଜଳ ଯୋଗାଣ ଏବଂ ରାସ୍ତା ଆଲୋଚନା ବ୍ୟବସ୍ଥା ।	ଆମେ ପାନୀୟ ଜଳ ଯୋଗାଇବୁ, ଷ୍ଟିର ଲାଇଟ୍ ଯୋଗାଇବୁ ଏବଂ ପର୍ଯ୍ୟାୟକ୍ରମେ ପରିଧି ଗ୍ରାମରେ ପକ୍ଷୀ ରାସ୍ତାର ବ୍ୟବସ୍ଥା କରିବୁ ।
	ପରିବହନ କାର୍ଯ୍ୟକଳାପରେ ସ୍ଥାନୀୟ ଲୋକଙ୍କ ପାଇଁ ପ୍ରାଥମିକତା ।	ପରିବହନ କାର୍ଯ୍ୟକଳାପରେ ସ୍ଥାନୀୟ ଲୋକଙ୍କୁ ପ୍ରାଥମିକତା ଦିଆଯିବ
୫	କୃଷି ଉପକରଣର ବ୍ୟବସ୍ଥା, ଚାଷ ପାଇଁ ଅଗ୍ରୀମ ପ୍ରଯୁକ୍ତିବିଦ୍ୟା, କୃଷକଙ୍କ ବିକାଶ ଏବଂ କୃଷି ।	କୃଷି ଏବଂ ଉଦ୍ୟାନ କୃଷି ବିଭାଗର କର୍ତ୍ତୃପକ୍ଷଙ୍କ ପରାମର୍ଶ କ୍ରମେ ଆମର ସିଏସଆର ଚିମ୍ ଚାଷ, କୃଷକଙ୍କ ବିକାଶ ଏବଂ କୃଷି ର ବିକାଶ ବିଶେଷରେ ଅଗ୍ରୀମ ପ୍ରଯୁକ୍ତି ବିଦ୍ୟା ପାଇଁ ତାଲିମ ଏବଂ ଉପକରଣ ପ୍ରଦାନ କରିବାରେ ସୁବିଧା ପ୍ରଦାନ କରିବୁ ।
୬	ପାକଝୋଲା ଗ୍ରାମରେ ଟେକ୍ ଡ୍ୟାମ୍ ନିର୍ମାଣ ତିନୋଟି ଝରଣାର ସଙ୍ଗମ ପଏଣ୍ଟ ଏବଂ ୧୫ ଟି ଗ୍ରାମକୁ ଜଳ ଯୋଗାଣ ।	ଆମେ ତିଆରିଟିଏ, କୋରାପୁଟ ସହିତ ପରାମର୍ଶ କରି ପାକଝୋଲା ଗ୍ରାମରେ ଏକ ଟେକ୍ ଡ୍ୟାମ୍ ନିର୍ମାଣ କରିବାର ସମ୍ଭାବନା ଅନୁସନ୍ଧାନ କରିବୁ ।
୭	ସ୍ଥାନୀୟ ବିକାଶ ପାଇଁ ଲାଭର ୨୦% ଖର୍ଚ୍ଚ, ଶାରୀରିକ ଭାବରେ ଟ୍ୟାଲେଣ୍ଟ ହୋଇଥିବା ବ୍ୟକ୍ତି, ଭୂମିହୀନ ଲୋକ ଏବଂ ବୃଦ୍ଧ ଲୋକଙ୍କ ପାଇଁ ସାହାଯ୍ୟ ।	<ul style="list-style-type: none"> ➤ ଖଣିର ଆଖପାଖସମସ୍ତଙ୍କୁ ଦ୍ବାରା ନିକଟବର୍ତ୍ତୀ କଲ୍ୟାଣ ଏବଂ ବିକାଶ ପାଇଁ ଡିଏମଏଫ୍ (ବିଲ୍ଡା ଖଣିଜ ପ୍ରାଉଡ଼େସନ) ପାଣ୍ଠିରେ ଏକ ନିର୍ଦ୍ଦିଷ୍ଟ ପରିମାଣର ପାଣ୍ଠି ଜମା କରାଯାଏ । ଆମେ ଉଚ୍ଚ ଉଦ୍ଦେଶ୍ୟ ପାଇଁ ଜିଲ୍ଲା ପ୍ରଶାସନକୁ ଅନୁସରଣ କରି ଏହି ପାଣ୍ଠି ସଂଗ୍ରହ କରିବୁ । ➤ ଆମେ ଶାରୀରିକ ଭାବରେ ଟ୍ୟାଲେଣ୍ଟ ହୋଇଥିବା ବ୍ୟକ୍ତି, ଭୂମିହୀନ ଲୋକ ଏବଂ ବୃଦ୍ଧ ଲୋକଙ୍କୁ ସମର୍ଥନ ବିସ୍ତାର କରିବାର ସମ୍ଭାବନା ଅନୁସନ୍ଧାନ କରିବୁ ।
୮	ଆପିକଲଟର, ଛତୁ ଚାଷ, ଏବଂ ସିଲେଇ ପାଇଁ ତାଲିମ, ପିସି ସଂସ୍କୃତି ପାଇଁ ପୋଷ୍ଟରର ବ୍ୟବସ୍ଥା, ସଭା କକ୍ଷ, କୁକୁଡ଼ା ଏବଂ ଛେଳି ଫାର୍ମ ଇତ୍ୟାଦି ମା' ଏବଂ ଉତ୍ତମାମାନଙ୍କ ପାଇଁ ।	<ul style="list-style-type: none"> ➤ ଆପିକଲଟର, ଛତୁ ଚାଷ, ସିଲେଇ, ପିସି ସଂସ୍କୃତି, କୁକୁଡ଼ା ଏବଂ ଛେଳି ଫାର୍ମ ଇତ୍ୟାଦି ପାଇଁ ତାଲିମ ପ୍ରଦାନ କରାଯିବ ➤ ଗ୍ରାମବାସୀ /ଏସଏସଜି ଗୋଷ୍ଠୀ ସହିତ ଉପଯୁକ୍ତ ସର୍ବେକ୍ଷଣ ଏବଂ ପରାମର୍ଶ ସହିତ ଆମେ ପିସି ସଂସ୍କୃତି,

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		ମିଟିଂ ରୁମ୍, କୁକୁଡ଼ା ଏବଂ ଛେଳି ପାର୍ମି ରତ୍ୟାଦି ମା' ଏବଂ ଭଉଣୀମାନଙ୍କ ପାଇଁ ପୋଖରୀ ର ବ୍ୟବସ୍ଥା ପାଇଁ ସୁବିଧା କରିବୁ ।
୯	ଗ୍ରାମଗୁଡ଼ିକ ପାଇଁ ବାର୍ଷିକ ସାଂସ୍କୃତିକ କାର୍ଯ୍ୟକ୍ରମ ପାଇଁ ସାହାଯ୍ୟ	ଆମେ ଆମର ସ୍ଥାନୀୟ ସମ୍ପ୍ରଦାୟର ସଂସ୍କୃତି ଏବଂ ପରମ୍ପରାକୁ ସମ୍ମାନ କରୁ । ଗ୍ରାମଗୁଡ଼ିକ ପାଇଁ ବାର୍ଷିକ ସାଂସ୍କୃତିକ କାର୍ଯ୍ୟକ୍ରମ ସମୟରେ ପାରମ୍ପାରିକ ସଂସ୍କୃତିକୁ ବଜାୟ ରଖିବାରେ ଆମେ ସମର୍ଥନ ଜଣାଇବୁ ।
୧୦	ଜମି କ୍ଷତିପୂରଣ	ଖଣି ଲିଜ୍ ମଧ୍ୟରେ କୌଣସି ଘରୋଇ ଜମି ନାହିଁ । ଆମେ IDCO ମାଧ୍ୟମରେ ଆପ୍ରେସ୍ ରୋଡ୍ ପାଇଁ କେବଳ ଘରୋଇ ଜମି ଅଧିଗ୍ରହଣ କରିଛୁ ଯାହା ପାଇଁ IDCO କୁ ମୋଟ ଜମି କ୍ଷତିପୂରଣ ରାଶି ଜମା କରାଯାଇଥିଲା ।
୧୧	ପାକୁଲି ଦେବୀ	ଖଣି ଲିଜ୍ ରେକର୍ଡ ଅନୁଯାୟୀ ଲିଜ୍ ହୋଲ୍ଡ ଅଞ୍ଚଳ ଭିତରେ କୌଣସି ଉପାସନା ସ୍ଥାନ ନାହିଁ । କେବଳ ଗୋଟିଏ ଛୋଟ ଗୁମ୍ଫା ଲିଜ୍ ସୀମା ନିକଟରେ ଉପସ୍ଥିତ । ଆମେ ସ୍ଥାନୀୟ ସମ୍ପ୍ରଦାୟର ସଂସ୍କୃତି ଏବଂ ପରମ୍ପରାକୁ ସମ୍ମାନ କରୁ । ଜନସାଧାରଣଙ୍କ ଭାବନାକୁ ସମ୍ମାନ ଜଣାଇ ଖଣି କାର୍ଯ୍ୟକଳାପ ସମୟରେ କୌଣସି କ୍ଷତି ନକରି ଆମେ ଗୁମ୍ଫାକୁ ସୁରକ୍ଷା ଦେବୁ ।

୩/୧୧/୨୦୨୩

STATEMENT OF ISSUES RAISED BY THE PUBLIC AND COMMENTS OF THE PROJECT PROPONENT IN THE PUBLIC HEARING FORMALIPARBAT BAUXITE MINE OF M/S HINDALCO INDUSTRIES LTD. FOR PRODUCTION CAPACITY OF 0.6 MTPA OVER A MINING LEASE AREA OF 268.110 HA IN ALIGAON, KANKARAMBA AND SORISHPADAR VILLAGES UNDER POTTANGI TEHSIL OF KORAPUT DISTRICT CONDUCTED ON 07.01.2023 AT 11.30 AM. AT KHATA NO. 27 PLOT NO. 40 (P) IN VILLAGE KANKARAMBA UNDER SEMILIGUDA TEHSIL, DISTRICT-KORAPUT.

Sl no	Issues raised by the public in Hearing	Response of the Project Proponent
Environmental Issues		
i	Protection of Ambient Air & Water Quality	<p>Mitigation measures for Protection of Ambient Air & Water Quality has been proposed as follows :</p> <ul style="list-style-type: none"> ➤ Ambient Air Quality level will be monitored as per CPCB norms throughout the life of the mine to check the effectiveness of environmental management (pollution control measures) vs mining activities. we will follow the guideline of CPCB and OPCB too. The parameters like RPM, SPM, SO₂, NO_x and CO are proposed to be quantified in the air samples taken from core zone as well as buffer zone. Periodical monitoring is subjected to 8 hours per day per season (two days per week for one month) and four seasons per year throughout the life of the mine. ➤ Water sprinkling will be done at regular intervals on haul roads and other relevant working areas to suppress emission and distribution of dust particles. ➤ Plantation will be undertaken along the plateau slopes as well as peripheral barrier around the mine to arrest the air borne dust from further spreading. Plantation will be done as per guideline given in Mining Plan approved by IBM. ➤ An area of 20,000 m² or 2 hectares is proposed for plantation with 5,000 saplings which will help in arresting dust particles and making the environment clean. ➤ Diesel operated machines will be properly maintained to keep the emission level (like NO_x and SO_x) below the permissible limit.

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		<p>➤ Wet-Drilling techniques / dust-collectors will be deployed to prevent generation of dust during drilling operations.</p> <p>Samples collected from the nearby surface water sources and tube wells will be analyzed for their pollutant levels. Frequency of monitoring will be restricted to summer, monsoon, post monsoon and winter.</p> <p>➤ Retaining Wall, Garland Drain and Settling tanks(As per requirement) will be constructed around the waste dump to arrest the wash-off materials to settle the sediments and release clean water.</p> <p>➤ Rain water will be accumulated in the lowest area of mined out pit to arrest the runoff water going outside of mine during monsoon.</p>
ii	Protection of downhill lands due to soil erosion from mines.	<p>➤ Retaining Wall, Garland Drain and Settling Tanks (as per requirement) will be constructed around the waste dump to arrest the wash-off materials to settle the sediments and release clean water.</p>
iii	Ground water & Preservation of streams water for agricultural purposes.	<p>Ground water:</p> <p>Mine is situated in an altitude of 1160 to 1403 MSL</p> <p>The ground water table is below 273 m from the surface of mining lease area. The maximum achievable mining depth will be 24.8m from surface level of mining lease area during the life of mine. So mining operation will not affect the ground water table</p> <p>Streams:</p> <p>There are no perennial water source within the ML area. Radial Drainage pattern is observed in and around the ML area. It is a plateau top deposit. Measures proposed to arrest the wash-offs and prevent the possible siltation of surrounding area due to mining activity are as</p>

		<p>follows:</p> <ul style="list-style-type: none"> ➤ Rain water accumulated in the quarries will not be allowed to flow down the valley. ➤ Surface run-off water will be canalized through the seasonal water course to accumulate at the lowermost level, percolate down through the strata and enrich the ground water table. ➤ Peripheral barrier (7.5 m wide) will be left around the mine to stop the flow of water to flow down the valley. ➤ Check dams will be constructed across the seasonal nalas to control wash-offs as well as soil erosion one after another depending upon the progress of mining and the water could be used for agricultural purpose as they are getting now for their agriculture. ➤ Retaining wall, garland drain and settling tanks will be constructed around the waste dump to arrest the wash-off materials to settle the sediments and release clean water. ➤ As mining activities will not disturb any water bodies within or outside mining lease, the streams coming out of this hill will flow as it is. Hence the nearby communities need not be worried and public apprehension of drying these streams is absolutely remote. There will be not any adverse impact in their vegetable cultivations or any other crops.
iv	Control of fugitive Dust Emission and Accidents during transportation of bauxite ore from the mine & protection of agricultural land.	<ul style="list-style-type: none"> ➤ We will load the trucks as per guideline given by Govt./ competent authority.. ➤ Trucks / Tippers drivers will be instructed strictly to run the loaded vehicles at a permissible speed limit and follow the Traffic Rules to prevent any accidents. ➤ Protecting the agricultural land from dust will be our prime objective. All trucks will

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		<p>beloaded below the rim of dump body and covered with Tarpaulin to prevent spillage while turning of vehicles. Tarpaulin covered trucks will ply from mine to railway siding in tar road. Hence there will be no fugitive dust emission during transportation.</p> <p>➤ Plantion job carried out along both side of mines approach road to national high way .</p>
v	Development of forest over barren hills & plantation of fruit bearing Trees in the locality.	<p>➤ We will plan to develop forest over barren hill with the consultation with forest department. We will provide fruit bearing trees to the periphery villages with all type of technical support for the proper growth of trees. Also we will develop our own nursery to develop medicinal plant , fruit bearing plant so that we can distribute in periphery villages and we will plant within the lease area out of mineral bearing zone</p> <p>➤ proposal is there for plantation in 7.5m wide safety zone along M.L boundary @2500 nos. saplings / hectare in each year.</p> <p>➤ Plantation will be done as per guideline given in Mining Plan approved by IBM.</p>
Peripheral developmental Issues		
i	Employment opportunity for local educated youths, Technically qualified youths, local people in the mines, Vocational Training for uneducated youths etc.	<p>➤ Preference will be given to local youth who are skilled and experienced as per requirement during mines operation.</p> <p>➤ Local employment will be generated by various sustainability project that would be undertaken during mining operations.</p> <p>➤ We will facilitate for vocational training program for the unemployed youth of affected villages. We will improve skill by imparting training to qualified youth for obtaining various competency certificates like Driving Licence, Blaster, Mining Mate and Foreman that will create job opportunity for them.</p>
ii	Development of Education facilities, development of schools & college buildings Establishment of ITI, Survey for needy students to provide free Higher education, Bus provision for local students	<p>➤ We will plan to develop and support educational facilities / infrastructure to the existing schools in consultation with District Authority and School Committee.</p> <p>➤ We will sponsor ITI training to interested local students in existing ITC-Damanjodi.</p> <p>➤ We will facilitate the needy students for</p>

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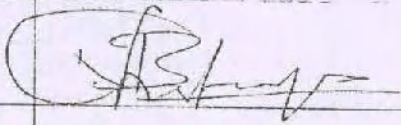
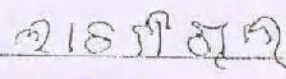
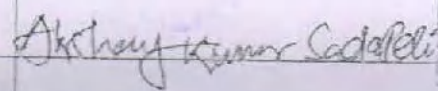

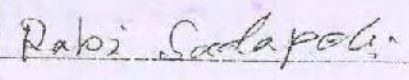
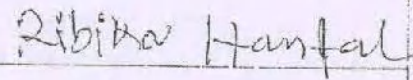
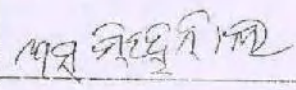
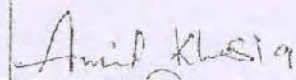

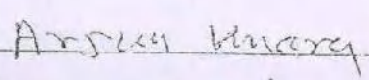
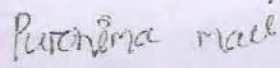


		<p>higher education after conducting survey in peripheral villages.</p> <p>➤ We will explore possibility for providing school bus facility or a suitable alternative to local students.</p>
iii	Development of Health facilities, Ambulance provision, Free treatment facilities for locals in outside Hospitals & mobile Health camp .	<p>➤ We will conduct health camp time to time within our periphery villages.</p> <p>➤ We will facilitate Ambulance facilities for the peripheral villages by giving support to the local PHC.</p> <p>➤ We will provide freetreatment to local by distributing free medicine with prescription of authorized Doctor.</p>
iv	Provision of Pucca Roads, Drinking water supply & street Light to each village of Maliparbat area.	We will supply Drinking Water, provide Solar Street Light and make provision of pucca road in periphery villages in a phased manner.
v	Priority for local people in Transportation activities.	Priority will be given to the local people in Transportation activities.
vi	Provision of agricultural equipment, advance Technologies for cultivation, Development of farmers & agriculture.	In Consultation with authorities of Agriculture and Horticulture Department, our CSR Team will facilitate to give training and equipment for advance Technologies towards cultivation, Development of farmers & agriculture.
vii	Expenditure of 20% of profit for local development, Help for Physically challenged persons, Landless people & old aged people.	<p>➤ A certain amount of fund is deposited in DMF (District Mineral Foundation) Fund for the Welfare and Development of near by community surrounding to the mine. We will mobilize this fund by pursuing the District Administration for the said purpose.</p> <p>➤ We will explore the possibility for extending support to the physically challenged person, landless people and old aged people as per case specific.</p>
viii	Training for Apiculture, Mushroom Farming, & stitching, Provision of ponds for Pisciculture, Meeting rooms, Poultry & Goat Farms etc for mothers & sisters.	<p>➤ Training will be provided for Apiculture, Mushroom Farming, stitching, Pisciculture, Poultry & Goat Farms etc</p> <p>➤ With proper survey and consultation with villagers /SSG group we will facilitate for the Provision of ponds for Pisciculture, Meeting rooms, Poultry & Goat Farms etc for mothers & sisters.</p>
ix.	Help for annual cultural Programme for villages.	We honour the Culture and Traditions of our local communities. We will extend our support in sustaining the Traditional Culture during

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		Annual Cultural Programme for villages.
X	Land compensation	There is no Private land within the mines lease area. We have acquired only private land for approach road through IDCO for which total land compensation amount was deposited to IDCO.
XI	Pakuli Devi	As per Mining Lease record there is no any worshiping place inside the lease hold area. Only one small cave is present very near to the lease boundary. We honour the culture and tradition of local communities. We will protect the cave without causing any damage during mining activities by honouring the Public Sentiments.

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12/01/2013

ATTENDANCE SHEET OF ORAL DELIBERATORS PARTICIPATED DURING PUBLIC HEARING OF M/S HINDALCO INDUSTRIES LTD. FOR MALIPARBAT BAUXITE MINES HELD ON 07.01.2023 AT 11.30 AM AT KHATA NO. 27, PLOT NO. 40 (P) IN VILLAGE KANKARAMBA UNDER SEMILIGUDA TEHSIL, DISTRICT-KORAPUT.

SL. No.	NAME AND ADDRESS	MOBILE NUMBER	SIGNATURE/THUMB
1	Nandibali Chaitanya vil- Tentuliguda Kunduli GP.	8144701844	
2	Laxmi Khillu vil- Maliguda Khudi GP.	6372028673	
3	Akshaya Kumar Sadapeli Kankadaambo GP. Khudi	8328803962	
4	Pankaj Jani Thimriguda GP. Pakhola	9078681112	
5	Rabi Sadapeli Kankadaambo GP. Khudi	9348516807	
6	Ribika Hantol Dekapar Soraisapadar		
7	Rashmita Hantol Dekapar Soraisapadar		
8	Amit Khosla Kantaguda Dolaguda	8908877175	
9	Bejay Khillu Maliguda Khudi	892616344	
10	Anjun Khara Bhetarkhata Soraisapadar	7735822699	
11	Purnima Mali Malidolamba Daleiguda	6371571900	
12	Nitkanta Khillu K. Maliguda Khudi	7735457518	
13	Sabita Khara Kankadaambo Khudi	8328803962	

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SL. No.	NAME AND ADDRESS	MOBILE NUMBER	SIGNATURE/THUMB
14	Pramila Jani Kankadaamba Khudi	8260640498	Pramila Jani
15	Bharati Majhi Aligaon. Paxjholi		ଭାରତୀ ମା. ୨୨
16	Nanu Pujari Aligaon Paxjholi		ନାନୁ ପୂଜାରୀ
17	Sunil Sadapali Kankadaamba Khudi	8895070588	ସୁନିଲ ସା. ୬୬/୬୦୧/୧୭
18	Jagabandhu Sakhya Doliamba Dalaiguda	8280897187	Jagabandhu Sakhya
19	Mangula Jani Bhangukusuda Dalaiguda (Sarpach pranidhi)	8917250746	Mangula Jani
20	Dasenanti Bali Ranikana Dalaiguda	9438136738	Dasenanti Bali
21	Munir Hantal Dakapat Sarkisapadar		ମୁନିର ହାନ୍ତା
22	Pramila Pangri Dekapar Sarkisapadar		Pramila Pangri
23	Kabikanta Kishhyani Meddoliamba Dalaiguda	9438046294	Kabikanta
24	Laxmi Nanjathia Padmapur Padmapur	9337653687	Laxmi Nanjathia
25	Apna Jani Kunduteek Kaktiguda Dalaiguda	9337480189	Apna Jani
26	Rama Nayak Mogmaguda Dalaiguda	8144808126	Rama Nayak
27	Jema Pujari Paxjholi Paxjholi		Jema Pujari
28	Ramil Kuldip Chakangul Chakangul.		Ramil Kuldip

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SL. No.	NAME AND ADDRESS	MOBILE NUMBER	SIGNATURE/THUMB
29	Sitarna Kharka Tentuliguda Dalaiguda	9438430532	સિટર્ના-પી ઓર્ડા
30	Dasa Kharka Bhitarkhata Sorisapadar	8480625481	પ્રદીપ
31	Lasa Hantal Mufunaguda Dalaiguda	9438769148	Lasa Hantal
32	Senburu Jani Kankadamba Khudi	7855022412	સેનબુરુ જાની
33	Sarbana Sattapeli Kankadamba Khudi	8144725716	સર્બના સત્તાપેલી
34	Mohan Jani Semeleguda xp.	8917446262	મોહન
35	Kaanta Kharka Bhitarkata Sorisapadar		કાંતા ખર્કા
36	Rupa Kharka Bhitarkata Sorisapadar		રૂપા ખર્કા
37	Biswanath Kharka Bhitarkhata Sorisapadar	9438833240	બિશ્વનાથ કાંતા
38	Lima Kharka Tentuliguda Dalaiguda	6370469577	Lima Kharka
39	Arjun Kirsani Kakariguda Dalaiguda	9692277316	ARJUN KIRSANI
40	Santosh Sadapeli Kankadamba Khudi	8328998341	Santosh Sadapeli
41	Sanu Hantal Dekapah Sorisapadar	8280360948	સાનુ હાંતો
42	Pacham Nayak Panjholi Panjholi	9438483920	પાચમ નાયક
43	Jesudan Desari Bakanutuni Dudhate	9348839071	Jesudan Desari

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SL. No.	NAME AND ADDRESS	MOBILE NUMBER	SIGNATURE/THUMB
44	Mahalakshmi Jani Bangru Guda Dalaiguda	7735697716	Mahalakshmi Jani
45	Santosh Hantel Dekapar Sorisapadar	9861353511	Santosh Hantel
46	Samba Pangri Semli Guda	9437433495	Samba Pangri
47	Phula Hantel Dekapar Sorisapadar		ଶ୍ରୀ ଲକ୍ଷ୍ମୀ ହାଣ୍ଡଲ
48	Manima Khata Tentuli Guda Dalaiguda	8144122195	Manimakhata
49	Pradep Kumar Khata Kanta Guda Dalaiguda	8895834975	P.K. Khosla
50	Bhanta Charega Pattnaik Ailgaon Paxjhol	9337696752	Bhanta Charega Pattnaik
51	Rajendra Pangri Mati Guda Sorisapadar	9438451133	ରାଜେନ୍ଦ୍ର ପାଂଗ୍ରି
52	Laxman Kirsiani Lunguri Paxjhol	9439134642	Laxman Kirsiani
53	Birmama Pujari Bhandaguda Khudi	9438158008	Birmama Pujari
54	Subhadra Majhi Ranikana Dalaiguda		ସୁଭଦ୍ରା ମାଝି
55	Damati Singatci Ranikana Dalaiguda		ଦାମତି ସିଂଗତ୍ତି
56	Dinesh Khata Dekapar Sorisapadar	9439964586	Dinesh Khata
57	Sabita Khosla Kanta Guda Dalaiguda	7735717811	ସବିତା ଖୋସା
58	Bhabhati Disati Ranikana Dalaiguda	6371003617	Bhabhati Disati

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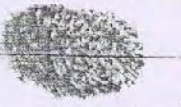









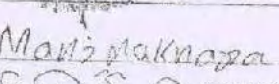


SL. No.	NAME AND ADDRESS	MOBILE NUMBER	SIGNATURE/THUMB
59	Benu Lamta Benekasuda Pakjholia	6370761232	ବିଶ୍ଵନାଥ
60	Raghu Pujari Pakjholia Pakjholia	7008345664	Raghu Pujari
61	Ajay Kumar Khara R.K. Maliguda Dalaiguda	7846975759	Ajay Kumar
62	Mani Kuldeep Kankada Mahiguda Khudi	6372028673	ମନି କୁଲଦିପ
63	Somnath Kuldeep R.K. Maliguda Dalaiguda	6371679867	ସମ୍ବନ୍ଧ କୁଲଦିପ
64	Balabhadra Nayak Pakjholia Pakjholia	9337589077	Balabhadra Nayak
65	Chandra Nayak Pakjholia Pakjholia	8249931178	ଚନ୍ଦ୍ର ନାୟକ
66	Bhimsan Nayak Pakjholia Pakjholia	7846819950	Bhimsan Nayak
67	Suree Khara Nuaput Pakjholia	8895988172	Suree Khara
68	Manjula Khillo Maliguda Khudi	6370382586	Manjula Khillo
69	Adati Spti Rajaguda Pakjholia	8248280835	ଅଦତି ସମ୍ପତି
70	Hamish Hantal Talamonia Pakjholia	7815039077	Hamish Hantal
71	Sittrabpi Saitan Khokjakhudi Malinudi		ସିତ୍ରାବ୍ପି ସାୟନ
72	Uddhaba Mandal Thalaguda Dalaiguda	6371120077	ଉଦ୍ଧବ ମଣ୍ଡାଳ
73	Abhi Sadapeli Kankadaamba Khudi	8349636104	Abhi Sadapeli

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SL. No.	NAME AND ADDRESS	MOBILE NUMBER	SIGNATURE/THUMB
74	Abhijeet Jani Dekapur Sorisapadar	8895441187	Abhijeet Jani
75	Ramesh Hantel Dekapur Sorisapadar	8144371144	Ramesh Hantel
76	Muburi Jani Mugunaguda Dalaiguda	8144975191	51.51.52.61.77
77	Ramnath Sadapeli Kankankadaamba Khudi	8260175077	Ramnath Sadapeli
78	Mangaljan Chety Kankadaamba Khudi	6071107621	Mangal Jan Chety

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ATTENDANCE SHEET OF PARTICIPANTS PRESENT DURING PUBLIC HEARING OF M/S HINDALCO INDUSTRIES LTD. FOR MALIPARBAT BAUXITE MINES HELD ON 07.01.2023 AT 11.30 AM AT KHATA NO. 27, PLOT NO. 40 (P) IN VILLAGE KANKARAMBA UNDER SEMILIGUDA TEHSIL, DISTRICT- KORAPUT.

SL. No.	NAME	VILLAGE	SIGNATURE/THUMB
1	Sanadimali	malidaliamba	
2	Kalabati mali	malidaliamba	
3	Onenamat: Nayak	malidaliamba	
4	Juendri kirsani	malidaliamba	
5	Chanchala Sodapendi	kankadamba	
6	Anjana kirsani	malidaliamba	
7	Uabati girsani	malidaliamba	
8	moira kirsani	malidaliamba	
9	Ghaya dingdia	malidaliamba	
10	Kasai korra	Vitarakata	
11	Piya sodapaul	kankadamba	
12	Rebati kharani	malidaliamba	
13	Sasai korra	Vitarakata	
14	Laxmi Nayak	malidaliamba	
15	Jama dengudia	malidaliamba	
16	Koruna guda	Gudaguda	
17	Lahu porri	Gudaguda	
18	Nendai korra	Gudaguda	
19	Jamba korra	Gudaguda	
20	Ratna basa	Tenduriguda	
21	Champa gurani	Tenduriguda	
22	Nai madi	Tenduriguda	
23	monima korra	Tenduriguda	
24	Chaidi basag	Tenduriguda	
25	Laxmi kaludia	Tenduriguda	

Contd...

SL. No.	NAME	VILLAGE	SIGNATURE/THUMB
26	Kohala gunda	Dumunguola	
27	Panaji Nain	Mukunagola	
28	Pesai Sahatha	Kuanbigola	
29	Dafe khara	Bitra Kofa	
30	Anitha khara	Bitra Kofa	
31	Eha Ethra	Kuanbigola	
32	Bendhu Kholer	Bitra Kofa	
33	Basanthi Khara	Bitra Kofa	
34	Binjo Khara.	Bitra Kofa	
35	Basanthi Koshula	Bitra Kofa	
36	Abli pangi	Bitra Kofa	
37	Radha khara	Bitra Kofa	
38	Kone Khara	Bitra Kofa	
39	Singara khara	Bitra Kofa	
40	Basanthi Sadapali	Konkadani	
41	Susmitha Sadapali	Konkadani	
42	Sopai Sadapali	Konkadani	
43	Mafe khara	Bitra Kofa	
44	Heta pangi	Bitra Kofa	
45	Tulasi khara	Bitra Kofa	
46	Santhi khara	Bitra Kofa	
47	Sufa khara	Bitra Kofa	
48	Binjo Khara	Bitra Kofa	
49	Pab khara	Bitra Kofa	
50	Radhana khara	Bitra Kofa	
51	Lasma pangi	Bitra Kofa	

Contd...

Sl. No.	NAME	VILLAGE	SIGNATURE/THUMB
52	Samali Sodalpali	Konkadani.	
53	Tane Killo.	Konkadani.	Tane Killo
54	Hare Kora.	Belavakkota	ହରେ କୋରା
55	Pramila Jani	Konkadani.	Pramila Jani
56	Sabitra Khara.	Konkadani.	Sabitra Khara
57	Sunitha Jani	Konkadani.	ସୁନିଥା ଜାନି
58	Sanetha Sodalpali	Konkadani.	
59	Rasaita Sodalpali	Konkadani.	
60	Keni Sodalpali	Konkadani.	କେନି ସୋଡାପାଲି
61	Deyata Sodalpali	Konkadani.	ଦେୟାତା ସୋଡାପାଲି
62	Mita Killo.	Bitro Kola.	ମିତା କିଲୋ
63	Bonoli Sodalpali	Konkadani.	
64	Raji Jani	Konkadani.	ରାଜି ଜାନି
65	Niraj Jani	Konkadani.	ନିରାଜ ଜାନି
66	Jireni Khara	Konkadani.	ଜିରେନି କହରା
67	Laxmi Sodalpali	Konkadani.	
68	Tulasi Sodalpali	Konkadani.	
69	Damai Naik.	Bansingwala	
70	Kirtan guda	Mungwala	
71	Mai Naik	Mungwala	
72	Muxli Naik	Mungwala	
73	Polgo Naik	Mungwala	
74	Soni Naik	Mungwala.	ସୋନି ନାୟକ
75	Chandhi Naik.	Mungwala	
76	Chandhi Guda	Mungwala	
77	Lali Naik	Mungwala.	ଲାଲି ନାୟକ

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SL. No.	NAME	VILLAGE	SIGNATURE/THUMB
78	Jogadon Khosla	Kantaguda	Jogadon Khosla
79	Sada Sadapeli	Kankada	Sada Sadapeli
80	ପ୍ରଫୁଲ୍ଲ କୁମାର	ନିମାଣ୍ଡା	ପ୍ରଫୁଲ୍ଲ କୁମାର
81	ଅନନ୍ତ କୁମାର	Dhimababa	ଅନନ୍ତ କୁମାର
82	ସନୁ କୁମାର	Kantaguda	Sonu Khosla
83	Bunay Mahanandia	Daliamba	Bunay Mahanandia
84	Semil Nayak	mugamajuda	Semil Nayak
85	Sahan Nayak	mugamajuda	Saha Nayak
86	Bishal Kaulip	Kantaguda	Bishal Kaulip
87	Mikhail Khosla	Kantaguda	Mikhail Khosla
88	Apanna Jaki	Kantaguda	Apanna Jaki
89	Rahul Kuldip	Kantaguda	Rahul Kuldip
90	Amil Khosla	Kantaguda	Amil
91	Rajesh Khosla	Mataguda	Rajesh Khosla
92	Agiti	Diliamba	Agiti
93	Raj Keshor Hunka	Daliamba	Raj Keshor Hunka
94	Niranjan Beniya	Kantaguda	Niranjan Beniya
95	Pratap Kulk	Kantaguda	Pratap Kulk
96	Gupta Khosla	K. mali Joda	Gupta
97	Habib Kulk	M. lit & Kulk	Habib
98	ଶ୍ରୀରାମ ଦାଶ	Dilimababa	ଶ୍ରୀରାମ ଦାଶ
99	Basanta Nayak	Maliguda	Basanta
100	Ana Sadapeli	Kantamaba	Ana Sadapeli
101	Agudaba	H. lit & Kulk	Agudaba
102	ନିମାଣ୍ଡା	Kantaguda	Nimi
103	ନିମାଣ୍ଡା	maliguda	ନିମାଣ୍ଡା

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SL. No.	NAME	VILLAGE	SIGNATURE/THUMB
104	Tura bazara	mauligaon	
105	Gonaguda	Gonaguda	
106	Sita kar	Gonaguda	
107	dundora kar	gonaguda	
108	Sanai anda	gonaguda	
109	Hiramani Nisani	maulidaria	
110	Pradima. Nisani	maulidaria	
111	Jambhu dengidia	maulidaria	
112	Purini basad	tenduliguda	
113	Saraswati dokaria	tenduliguda	
114	manji dokaria	tenduliguda	
115	Lokhman. Sarani	Kankhadamba	
116	Padma Nisani	maulidaria	
117	Dahi	Kankhadamba	
118	Udmani putari	maulidaria	
119	manina	maulidaria	
120	Sua khirani	maulidaria	
121	Para khira	Kankhadamba	
122	mum padika	Kankhadamba	
123	Siri Sadarai	Kankhadamba	
124	Sabitra kheti	Kankhadamba	
125	Sangita Behera	Kantaguda	Sangita behera
126	Ratani	Kankhadamba	
127	Sopari	Kankhadamba	
128	Rebika ghosia	Kankhadamba	
129	Sabita ghosia	Kankhadamba	

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SL. No.	NAME	VILLAGE	SIGNATURE/THUMB
130	pankoj jam	panthola	Pankojam
131	Singam Jami	Kankadamba	Singam Jami
132	ସିଂଗମ ଜାମି	Tutiguda	ସିଂଗମ ଜାମି
133	Kabikarna Kanni	Asliamur	Kabikarna
134	କାବିକର୍ନା କାନ୍ନି	ଅସଲିଆମୁର	କାବିକର୍ନା କାନ୍ନି
135	AKSHAYA KUMAR SADAPALI	Kankadamba	Akshaya Sadapali
136	RATH JAWI	"	୨୧/୧୧/୨୧
137	SUBASH SADAPALI	"	ସୁବାସ କୁମାର ସାଦାପେଲି
138	RAJU SADAPALI	"	Raju Sadapali
139	SANJAY SADAPALI	"	ସଞ୍ଜୟ କୁମାର ସାଦାପେଲି
140	SANTIB SADAPALI	"	Santib Sadapali
141	Raju kara	paguda	ରାଜୁ କାରା
142	Habin Nayak	Mughnaguda	Habin Nayak
143	Rupa kara	Bitaskata	ରୁପା କାରା
144	Dabu kara	galaguda	ଦାବୁ କାରା
145	Atga kara	Bitaskata	ଅଟ୍ଟା କାରା
146	Sandar Sadapeli	Kankadamba	Sandar Sadapeli
147	Bangara Gurtha	Kankadamba	Bangara Gurtha
148	Sunil Sadapeli	Kankadamba	Sunil Sadapeli
149	Arjun Sikun Nayak	mugunaguda	Arjun Sikun Nayak
150	ଅର୍ଜୁନ ସିକୁନ ନାୟକ	ସିଂଗମ ଜାମି	ଅର୍ଜୁନ ସିକୁନ ନାୟକ
151	Nirangan Sadapeli	Kankadamba	Nirangan Sadapeli
152	Karna Sadapeli	Kankadamba	Karna Sadapeli
153	Ramesh Sadapeli	Kankadamba	Ramesh Sadapeli
154	ହରି ପାଞ୍ଜି	ହରି ପାଞ୍ଜି	ହରି ପାଞ୍ଜି
155	ଜିସ୍ମିତ କୁମାର	ଜିସ୍ମିତ କୁମାର	ଜିସ୍ମିତ କୁମାର

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Sl. No.	NAME	VILLAGE	SIGNATURE/THUMB
182	Namati Nanyaki	mauldalamba	
183	Diyajeda beci	konkadoomba	
184	Dogu	mauldalamba	
185	madana kirsani	konkadoomba	
186	Lachi sadasa	konkadoomba	
187	mukta	konkadoomba	
188	Dani	konkadoomba	
189	Jyeshtha Rani Khora	mauldalamba	Jyeshtha Rani Khora
190	Benga khira	mugna guda	
191	mani pangri	konkadoomba	
192	Raimati person	mauldalamba	
193	Jamuna khora	mauldalamba	A. J. Khora
194	Dangari sadasa	konkadoomba	
195	Bansa Lengudra	mauldalamba	
196	mati kirsani	mauldalamba	
197	Sebaci dongira	Tenduliguda	
198	Jimbara khora	Tenduliguda	
199	Tuha khora	Tenduliguda	
200	Padmanabha khora	Tenduliguda	
201	Sobai khora	Tenduliguda	
202	Tara		
203	Tugara khora	Tenduliguda	
204	Tikma pangri	Tenduliguda	
205	Kunihon	Tenduliguda	
206	Sonal gundha	Tenduliguda	
207	Khuri khora	Vitorvohata	

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SL. No.	NAME	VILLAGE	SIGNATURE/THUMB
208	କା/ଜି/ପଦ୍ମ	Bhatarakata	କା/ଜି/ପଦ୍ମ
209	ଆରବି ସତୀ ଚଣ୍ଡିକା	Kankadamba	ଆରବି ସତୀ ଚଣ୍ଡିକା
210	ବିଜୁ କୁମାର	Bhatarakata	ବିଜୁ କୁମାର
211	Sankar Kumar	Kankadamba	Sankar Kumar
212	Kesava Senthil	Kankadamba	Kesava Senthil
213	Kiya Sarpipani	Kankadamba	Kiya Sarpipani
214	ନିଧି ନିଧିନୀ	Malidalam	ନିଧି ନିଧିନୀ
215	ରାମଚନ୍ଦ୍ର/ସି/ ଚଣ୍ଡିକା	Malidalam	ରାମଚନ୍ଦ୍ର/ସି/ ଚଣ୍ଡିକା
216	ନିଧି ନିଧିନୀ	Kankadamba	ନିଧି ନିଧିନୀ
217	Pandu	Kankadamba	ଠାକୁ ସୁସତୀ ଚଣ୍ଡିକା
218	Madan Karkudra	Malidalam	
219	Sarat Karkudra	Kantagoda	ଚରଣ ଚଣ୍ଡିକା
220	Ratan Karkudra	Malidalam	ରତନ ଚଣ୍ଡିକା
221	Asu Sada pati	Kankadamba	ASU Sada Pati
222	Kambaran	Malidalam	
223	Gopi Karkudra	Tentuliguda	Gopi Karkudra
224	Surya Karkudra	Malidalam	ସୂର୍ଯ୍ୟ କାର୍କ
225	Phanu Karkudra	Malidalam	
226	Maliguda Narasingh Tokse	Maliguda	Narasingh Tokse
227	Tilak Takarora	Malidalam	
228	Madhusudan Patra	Malidalam	
229	Raja Sada pati	Kankadamba	
230	Ramesh Sada pati	Kankadamba	
231	Babu	Malidalam	
232	Pada Karkudra	Malidalam	
233	Kambaran Karkudra	Malidalam	

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STATE POLLUTION CONTROL BOARD, ODISHA

(Department of Forest, Environment & Climate Change, Govt. of Odisha)
Paribesh Bhawan, A/118, Nilakanthanagar, Unit-VIII, Bhubaneswar-751012



No. 22587/IND-II-PH-908

Date : 05.12.2022

NOTICE

It is brought to the notice of all concerned that the State Pollution Control Board, Odisha had issued a public notice in the newspapers "The Times of India" and "Samaj" on 19-10-2021 to conduct the public hearing in respect of Mali Parbat Bauxite Mines of M/s Hindalco Industries Ltd on 22.11.2021 at 10 A.M. at Khata No-27, Plot No-40(P), in Village Kankaramba under Tehsil Semiliguda of Koraput district for production capacity of 0.6 MTPA over Mining Lease area of 268.110 Ha in Aligaon, Kankaramba, Sorishpadar village under Pottangi Tahsil of Koraput District. Accordingly Public hearing was conducted and proceeding of the same was forwarded to the Secretary MoEF& CC, Govt. of India vide Board's Letter no- 20051 dtd 15.12.2021 for consideration of grant of Environmental Clearance (EC) as per EIA Notification, 2006. Now, the Hon'ble High Court of Orissa vide their order dtd 01.12.2022 passed in W.P.(C) No- 473 of 2022, Nirajan Khillo and Others vrs State Pollution Control Board and Others directed the SPC Board to conduct the public hearing afresh. Now in compliance to the said direction, State Pollution Control Board, Odisha has fixed the date, time of the public hearing scheduled to be held on 07.01.2023 at 11.30 A.M at the same venue i.e. Khata No-27, Plot No-40(P), in Village Kankaramba under Tehsil Semiliguda of district Koraput.

Now suggestions, views, comments and objections on matters relating to environmental aspects of the proposed project from all the persons are invited including bonafide residents, environmental groups and others located at the proposed site / sites of displacement / sites likely to be affected.

For the above purpose, a person will only mean:

- Any person who is likely to be affected by the grant of Environmental Clearance.
- Any person who owns his control over the project with respect to which an application has been submitted for environmental clearance.
- Any association of persons whether incorporated or likely to be affected by the project and / or functioning in the field of environment.
- Any local authority within any part of whose limit is within the neighborhood, wherein the project is proposed to be located.

Persons as above who desire to submit their views, comments, objections etc. relevant to the project, may do so in writing within 30 days from the date of publication of this notice addressing the same to the Member Secretary, State Pollution Control Board, Odisha through Registered Post. Besides this, persons interested to submit their views relevant to the proposed mining project in writing or orally may also do so during the fresh public hearing to be conducted on 07.01.2023 at 11.30 A.M at Khata No- 27, Plot No-40(P), in Village Kankaramba under Tehsil Semiliguda of district Koraput.

Persons desirous of participating in the public hearing may go through the Environmental Impact Assessment (EIA) / Environmental Management Plan (EMP) of the said project which will be available at the following offices. Copy of the Executive Summary both in English & Odia also available in the following offices & the same can also be downloaded from the website www.ospcboard.org free of cost.

- District Collector's Office, Koraput.
- District Industries Center, Koraput.
- In the office of the Chief Executive Officer, Zilla Parishad, Koraput.
- In the Head office of the State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakanthanagar, Unit-VIII, Bhubaneswar-12.
- Regional Office, State Pollution Control Board, Odisha, Koraput.
- Department of Forest & Environment (Environment), Govt. of Odisha, Bhubaneswar.

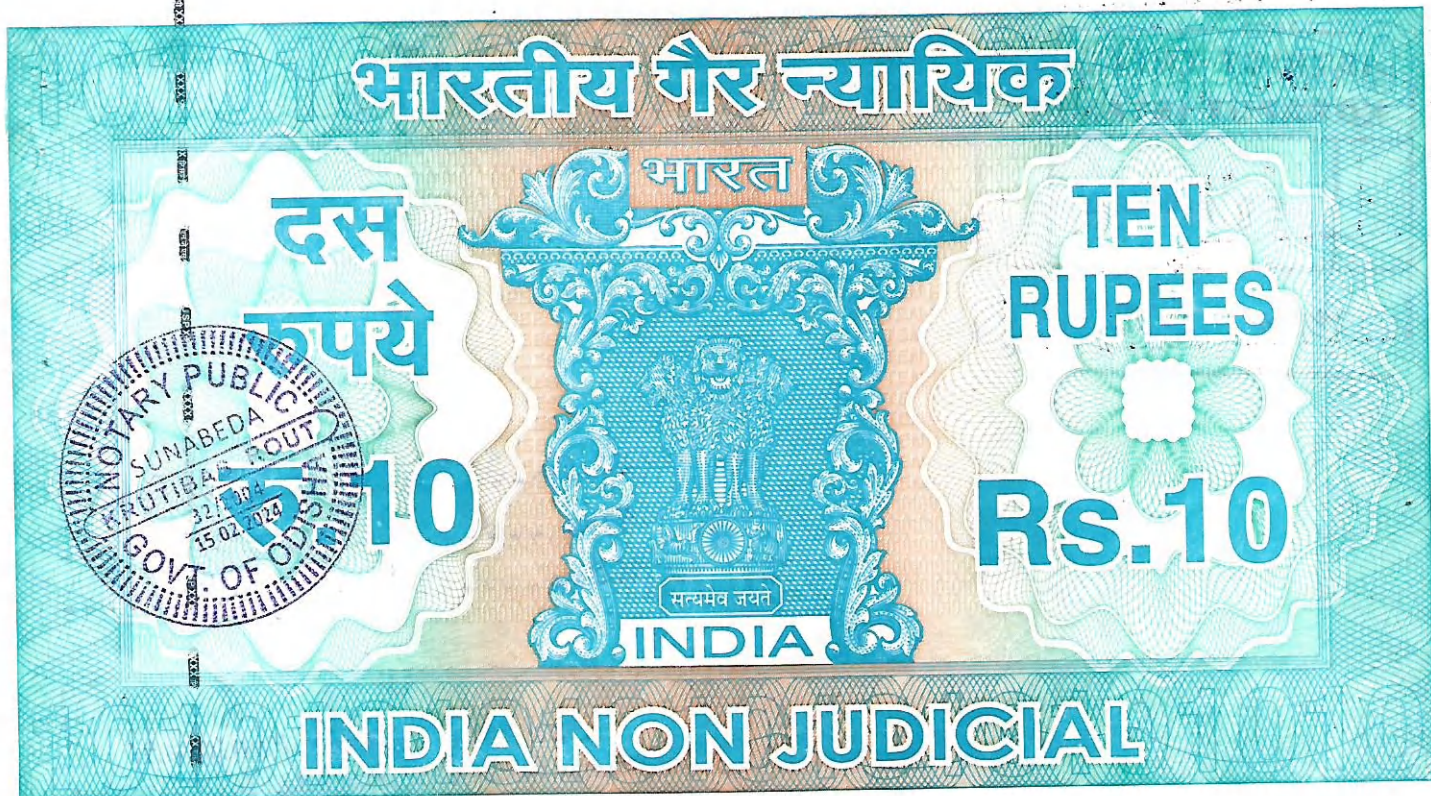
For any further clarification in the matter, the Regional Officer, State Pollution Control Board, Koraput or the Member Secretary, State Pollution Control Board, Odisha at Bhubaneswar may be contacted.

Sd/-

MEMBER SECRETARY

CIPR-08012/11/0374/22-23

The Times of India 4.6.12.22 P.5



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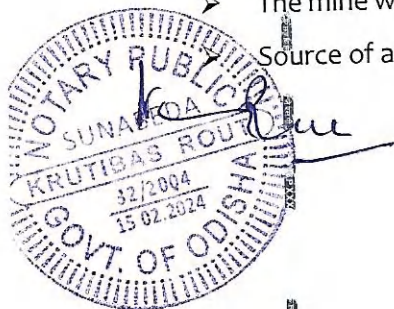
No. 3506
Dt. 13/05/23

SUMMARY OF WRITTEN REPRESENTATIONS

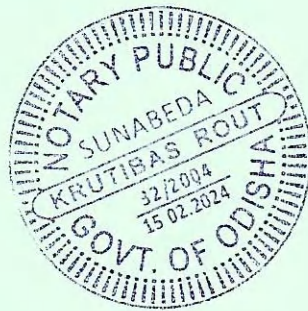
As per the Public Hearing Proceedings submitted to MoEF&CC, vide letter no. 264(Mail)/IND-II-PH-908, dated 13.01.2023. The 111 No. of representation were received before public hearing, 2445 No. of representations were received during the Public Hearing, 109 No. of representations received from the Collectorate, Koraput and 1062 No. directly by the Board. Out of the total letters approx. 70 % letters were replica of one letter, rest approx. 30 % copies of letter were of 5 to 7 types.

The Summary of Issues raised in written representations are given below:

- Improvement in Health and medical facility which should include health check-ups of the local people.
- Provision of education facility for the students of periphery villages.
- Vocational training to the unemployed youth for self-employment.
- The facilities such as supply of drinking water in the periphery villages, street lights in the villages, Construction of village road.
- The mine will generate employment opportunities for the local people.
- Source of alternate livelihood will be developed.



Patil M. Pahi
Agent
Mallparbat Bauxite Mines
Hindalco Industries Limited
Semiliguda, Koraput - 764036



- Income enhancement provision for the people.
- SHG members training and income generation facility.
- Overall development of the village which should include Improvement of Church, club room etc.
- Provide financial help for the three major festivals like Chaiti, Christmas and PusaParba.
- Our tribal culture and tradition will destroy.
- Air, water and Noise pollution will increase severely.
- Streams will dry off completely.

All the NTFP, including the forest will be destroyed.

The area will become environmentally imbalance and there will be chances of land slide and earthquake.

Release of pending compensation to the affected families.

Pakuli Devi is on Maliparbat, if the mining will start tribals will lose their opportunities for worshipping the Goddess.

Pratap Kumar Patra

Pratap Kumar Patra

AGENT – MALIPARBAT BAUXITE MINES

Agent

Mallparbat Bauxite Mines

Hindalco Industries Limited

Semiliguda, Koraput - 764036

Krutibas Rout

Krutibas Rout

Notary Public

1st, Sunabeda, Koraput

9437163525

During EIA/EMP report submission EMP cost for addressing the issues raised during PH was Rs. 4.53 Crore. Now, EMP Cost is Rs. 5.06 Crore considering the EAC recommendations and Issues raised during the Public Hearing conducted on 07.01.2023 is as per table given below.

Updated EMP for addressing issues of Public Hearing as per MoEF&CC, OM dated 30.09.2020 & 20.10.2020

Sr. No	Sector wise Activities	Budget for PH concerns (in Rs. Lakhs)			
		I Year	II Year	III Year	Total
A. Health & Family Welfare Activities					
1	<div><div>➤</div>HIL will conduct health camp time to time within our periphery villages. HIL will facilitate Ambulance facilities for the peripheral villages by giving support to the local PHC. HIL will provide free treatment to local by distributing free medicine with prescription of authorized Doctor.</div> <div><div>➤</div>Increase the awareness programme and counselling service to the community with focus on health & wellness.</div> <div><div>➤</div>Capture health data of villagers and establish a foundation for a population health management system.</div> <div><div>➤</div>Strengthening infrastructure catering to long-term illness.</div> <div><div>➤</div>Establishing Model PHC (Public Health Care) Centre.</div>	63.90	25.00	25.00	113.90
	Sub-total (A)	63.90	25.00	25.00	113.90
B. Vocational Skills & Employment					
1	HIL will facilitate for vocational training program for the unemployed youth of affected villages. HIL will impart training to qualified youth for obtaining various competency certificates like Blaster, Mining Mate and Foreman that will create job opportunity for them. Preference will be given to local youth who are skilled and experienced as per requirement during mines operation. Local employment will be generated by various sustainability projects that would be undertaken during mining operations.	20.00	20.00	20.00	60.00
	Sub-total (B)	20.00	20.00	20.00	60.00
C. Agriculture Practices & Animal Husbandry					

1	Training will be provided for Apiculture, Mushroom Farming, stitching, Pisciculture, Poultry & Goat Farms etc. with proper survey and consultation with villagers/SHG group. We will facilitate for the Provision of ponds for Pisciculture, Meeting rooms, Poultry & Goat Farms etc. for mothers & sisters.	13.40	13.40	13.40	40.20
2	Provisions has been made for training & technical support in terms of technical knowhow & best agriculture practices to Local farmers for upgradation of agriculture & irrigation facilities in consultation of local gram panchayat.	6.00	6.00	6.00	18.00
	Sub-total (C)	19.40	19.40	19.40	58.20
D. Education and Sports Promotion					
1	HIL will plan to develop and support educational facilities / infrastructure to the existing schools in consultation with District Authority and School Committee. We will sponsor ITI training to interested local students in existing ITC- Damanjodi.	15.00	15.00	15.00	45.00
2	Scholarships for poor students for higher education after conducting survey in peripheral Villages of the nearby area.	5.00	5.00	5.00	15.00
3	HIL will give training to the local sports youth for participating state level competition.	2.50	2.50	2.50	7.50
4	Playground Development in Sorishpadar Village & Sport Kit Distribution	20.0	-	-	20.0
	Sub-total (D)	42.50	22.50	22.50	87.50
E. Community Welfare & Infrastructure Development Projects					
1	HIL will supply drinking water, provide Street Light and make provision of pucca road in periphery Villages in a phased manner.	50.60	50.60	50.60	151.80
2	HIL will explore the possibility of constructing a Check dam at Pakjholra Village with consultation with DRDA, Koraput.	20.00	-	-	20.00
3	HIL will be happy to extend our best possible support in sustaining the traditional culture during annual cultural programme for Villages.	5.00	5.00	5.00	15.00
	Sub-total (E)	75.60	55.60	55.60	186.80
	Grand total (A + B + C + D + E)	221.40	142.50	142.50	506.40