

7122

SÁVIO J F CORREIA

SS-1, Newton Apartments-II, Mangor Hill,
Vasco da Gama Goa 403802.
(Tel: 9822161000 / 2531111)

July 11, 2016.

To:
The Hon'ble District Magistrate (South Goa) &
Presiding Officer of Environmental Public Hearing.

Hand delivered during Environmental Public Hearing on 11th July 2016
at Jai Kissan Club Hall, Near Airway School, Zuarinagar Goa.

Sub: Proposed 30 TPH Fertilizer Blending Unit for Customized
NPK Production . . . at Zuarinagar Goa by Zuari Agro Chemicals
(ZACL): Synopsis of point of order raised at public hearing.

Sir,

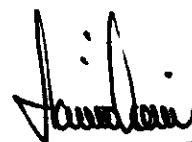
I am a resident of Mangor Hill, Vasco da Gama Goa, and am actively involved in environmental protection causes in/around Mormugao Taluka in particular and Goa in general. I am Member of Goa State Environment Protection Council (GEPC) and Director of Goa Forest Development Corporation Ltd. (GFDC). I reside within 5 km of the project site. I have for reference soft copies of: (1) Public Hearing Notice in 'O Heraldo' (2) Executive Summary containing salient features of the project in English (3) Draft EIA Report and, (4) Form-I submitted by project proponent; downloaded from your website <http://goaspcb.gov.in/upcoming> (last visited on July 5, 2016).

PRELIMINARY OBJECTIONS:

1. Inadequate compliance with EPH publicity requirements under EIA Notification, 2006.

Public consultation is the corner stone of the EIA process 'giving a voice to the voiceless (particularly those who have no immediate access to Courts) and a place an occasion to them to express their views with regard to a project'¹. It is therefore incumbent upon the project proponent and the State Pollution Control Board to ensure strict compliance with the requirements of the EIA Notification 2006 in letter and spirit.

¹ Samarth Trust v. Union of India, 2010 Indlaw Del 1755 (Delhi High Court).



In *Utkarsh Mandal vs. Union of India*², the Hon'ble Delhi High Court equated the environmental public hearing process with the fundamental right of expression. I may highlight paragraphs 30 and 34 of the said judgment wherein the Court has stressed on compliance of clause 2.4 of Appendix IV of the MoEF Notification 2006.

Publicity in accordance with clause 2.4 of Appendix IV:

Clause 2.4 reads as follows:

2.4 The SPCB or UTPCC concerned shall also make similar arrangements for giving publicity about the project within the State/Union Territory and make available the summary of the draft Environmental Impact Assessment report (Appendix III A) for inspection in select offices or public libraries or Panchayats etc. They shall also additionally make available a copy of the draft Environment Impact Assessment report to the above five authorities/offices viz. Ministry of Environment and Forests, District Magistrate etc. (underlining is mine)

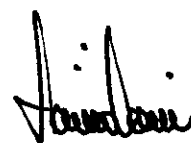
Keeping the letter and spirit of the foregoing in mind, I submit that draft EIA report ought to have been to be made available at all public libraries and Panchayats within 10km of the project site. The Map 3-1: Study Area Map at page 70 of Draft EIA Report indicates the area within 10 km radius of the proposed site³. The Draft EIA Report has claimed to conduct study of environmental impact on the towns and villages situated within 10km radius.

The notice of EPH published in local newspaper '*O Heraldo*' does not indicate that the said documents were made available at any public library or Panchayat (other than Sancoale Panchayat). The project proponent and GSPCB have admitted today that draft EIA report etc have not been made available at any public library or Panchayat.

I submit that the following villages/Panchayats (other than Sancoale) come within immediate 5km radius of the project site:

Mormugao Taluka:

- Chicalim
- Chicolna Bogmalo
- Cansaulim Arossim Cuelim
- Cortalim Quelossim
- Nagoa
- Velsão Issorcim Pale



² Utkarsh Mandal v. Union of India, WP (Civil) no. 9340/2009, November 26, 2009, (Hon'ble the Chief Justice and S Muralidhar JJ) (Delhi High Court).

The following public libraries⁴ fall within 5 km radius of the project site:

- Shri Shantadurga Edu. Society's Shankhawal Vachnalaya, Sancoale, Mormugao Goa.
- Shri Shantadurga Edu. Society's Cortalim Village Library. Cortalim, Mormugao Goa.
- Village Panchayat Library, Chicalim, Mormugao Goa.
- Janata Vachanalaya, Municipal Building, Vasco da Gama Goa.

Failure to give adequate information of the draft EIA reports as above is evident from the sparse turnout at today's EPH. Although the population residing within 10km radius of the project site is 415802⁵, only a handful has turned out today.

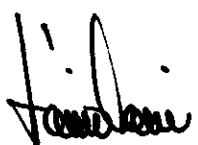
I submit that failure and neglect to make available copies of draft EIA report and summary EIA report at the above locations 30 days prior to the hearing constitutes procedural impropriety, vitiates the environmental public hearing and goes contrary to the settled law expressed in *Utkarsh Mandal's* case supra; consequently any proceedings would be illegal and a nullity *ab-initio*.

I would bring to your notice that a similar environmental public hearing was held on 25.10.2012 at Tourist Hostel at Vasco da Gama on proposed MPT expansion project. It was presided by then Addl Collector South Shri N S Navti. I raised a point of order on exactly similar issue i.e. failure to ensure adequate publicity by making available copy of EIA at public libraries and village Panchayats. **The presiding officer adjourned that hearing to a further date and directed the concerned authorities to complete all formalities and then decide the next date.**

Enclosed is newspaper cutting of 'O Heraldo' dated 26.10.2012 page 3 and another similar story on e-magazine 'Down to Earth' dated 01.12.2012.

I submit that there is no reason for your goodself to pass an order different than that made by your predecessor Shri N S Navti in an identical situation.

I therefore call upon your goodself to call off today's EPH and fix it on any other day after compliance with statutory requirements in letter and spirit.


(Sávio J F Correia)

⁴ List of village libraries available at <http://centrallibrary.goa.gov.in/index.php/list-of-libraries/village-libraries-taluka-wise/> (Last visited on July 7, 2016).

⁵ See Table 3.41 at page 135 of Draft EIA Report prepared by project proponent.