



WESTERN GHATS ECOLOGY PANEL

The Western Ghats Ecology Expert Panel, constituted by the Ministry of Environment & Forests in February 2010 under the chairmanship of noted environmental expert Prof. Madhav Gadgil identified several eco-sensitive zones in the region and recommended that they be declared no-go areas. Among its recommendations, the panel had recommended an indefinite moratorium on new environmental clearances for mining in Ecologically Sensitive Zones 1 and 2 in Goa and a phasing out of mining to 2016 in Ecologically Sensitive Zone 1 as defined by the Western Ghats Panel. The Panel also recommended reduction of the environmental and social impacts of mining in Goa and in other regions as well as setting up of a Western Ghats Ecology Authority (WGEA), as a statutory authority appointed by the Ministry of Environment and Forests, with the powers under Section 3 of the Environment (Protection) Act, 1986.

The recommendation to phase out mining activities arose from discussions between the Western Ghats Expert Ecology Panel (WGEEP), Civil Society, Industry and Goa Government held in September 2010 and site visits to iron ore mines, Mhadei and Bhagwan Mahavir Wildlife Sanctuary.

The mandate of the WGEEP was to identify areas which are ecologically sensitive in the Western Ghats; to identify criteria for their identification and determine how ecologically sensitive areas should be managed.

At the consultation, Prof Madhav Gadgil, chairperson of the WGEEP said that ecologically sensitive areas cannot be managed by a rigid set of regulations but by graduated regulations fine-tuned to the local context with positive development initiatives. He stressed on the need for making a development strategy for the Western Ghats which mainstreams environmental concerns into the development process. He also emphasized the making of a road map for development of such a strategy.

Various organisations and individuals from Goa met the panel, among them Dr Claude Alvares, representing Goa Foundation and on behalf of the Goa Team brought to the attention of WGEEP the proposal of the Shayadri Ecological Sensitive Area (SESA) pending with the Centre. Interventions at the meeting showed that the area to be notified in that proposal encompassed four wildlife sanctuaries of Goa, but proposed that a bigger area be brought under SESA, based upon actual delimitation of the



Western Ghats further based upon geomorphology and vegetation type. They even came with a draft notification and the modified SESA proposal was in agreement with the Zoning Atlas developed by the Goa Pollution

Control Board and draft Regional Plan of Goa 2021. It was pointed out that Goa has 58 percent forest cover and a number of mining leases operate in and around forest areas, that mining is incompatible with the ecology of the Western Ghats, having serious adverse effects on its ecology. Proposals came from the Goa Team that mining leases within Wildlife Sanctuaries be permanently cancelled, mining around the Selaulim Dam be stopped, and no fresh forest clearances for mining activity be issued as no land is available in Goa for compensatory afforestation programmes. Since there already existed a Supreme Court order barring mining activity within 10 kilometres of a Wildlife Sanctuary, Alvares pointed out that while there should be a 10 km buffer zone around a Wildlife Sanctuary, but the Goa Government had proposed a Zero km buffer in the case of Mhadei and Netravali Wildlife Sanctuaries, as a result most of the overburden dumps exist outside the mining area.

A number of other people made suggestions, some of them being that the wildlife sanctuaries and adjacent areas in Goa be declared a tiger reserve that would include areas of Bhagwan Mahavir Wildlife Sanctuary/National Park, Cotigao Wildlife Sanctuary, Mha-

dei Wildlife sanctuary and Netravali Wildlife Sanctuary. Others highlighted the importance of the Western Ghats as a catchment area and the adverse effects mining has on the Western Ghats with specific reference to fresh

water resources. The ill effects of mining were a theme that was discussed by a large number of the participants at the consultation.

SUPREME COURT ON ILLEGAL MINING

There is evidence that mining has played a major role in the devastation of the forests. Not only are the Swaminathan and Gadgil panel reports a clear indication of this, but even the Supreme Court of India has come down heavily on the mining industry, and what that judgement says should put us to shame. In Special Leave Appeal (Civil) No. 32138 of 2015, where Goa Foundation was the petitioner and Sesa Sterlite Ltd the respondent, the Supreme Court began its judgement stating: 'Rapacious and rampant exploitation of our natural resources is the hallmark of our iron ore mining sector - coupled with a total lack of concern for the environment and the health and well-being of the denizens on the vicinity of mines. The sole motive of mining lease holders seems to be to make profits (no matter how) and the attitude seems to be that if the rule of law is required to be put on the backburner, so be it. Unfortunately, the State is unable to firmly stop vi-

olations of the law and other illegalities, perhaps with a view to maximize revenue, but without appreciating the long term impact of this indifference. Another excuse generally put forth by the State is that of development, conveniently forgetting that development must be sustainable and equitable development and not otherwise.

'Effective implementation and in some instances circumvention of the mining and environment related laws is a tragedy in itself. Laxity and sheer apathy to the rule of law gives mining lease holders a field day, being the primary beneficiaries with the State being left with some crumbs in the form of royalty. For the State to generate adequate revenue through the mining sector and yet have sustainable and equitable development, the implementation machinery needs tremendous amount of strengthening while the law enforcement machinery needs strict vigilance. Unless the two marry, we will continue to be mute witnesses to the plunder of our natural resources and left wondering how to retrieve an irretrievable situation.'

Further, the same judgement said, 'On a combined reading of the material before it, the Court took a broad view that large-scale mining of iron ore led to several adverse impacts including those related to the environment, ecology and health of the people of Goa and that these illegalities and irregularities were committed by almost all (if not all) mining lease holders as reported by the EAC. The Court also accepted the view of the Expert Committee that the ecology of Goa was being degraded through indiscriminate mining and place a cap on the annual excavation of iron ore. It was noted that mining operations were suspended by the State of Goa on 10th September 2012 and environmental clearances granted to the mines were kept in abeyance by the MoEF on 14th September, 2012. Considering all this, as well as the law laid down in Goa Foundation to the effect that there is no automatic renewal of a mining lease but that a second renewal must be granted in accordance with the provisions of Section 8(3) of the MMDR Act, the court used the expression "grant fresh environmental clearances for mining projects" in the passage referred to above.'

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