

# The Goa Foundation

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## **PRESS RELEASE**

### **BOMBAY HIGH COURT CHECKMATES SESA MINING AT ADVALPAL**

A division bench of the Bombay High Court comprising Justice S.B. Deshmukh and U.D. Salvi today passed a brief order restraining Sesa Goa from mining Face 1 & Face 2 of the company's iron ore mining lease at Advalpal village, near Assonora, Bardez.

The Court found the company had been mining in violation of its mining plan. After the restraint order, the Court posted the matter to October 8 to take on board the company's proposal to remove within a specific time-frame the huge illegal mining dumps it had created along the Advalpal nallah.

The public interest writ petition was filed by Akash Naik, a 9-year old child of Advalpal village through his mother Sharmila Naik together with the Goa Foundation.

The petitioners had alleged that Sesa Goa was indulging in unsafe mining in violation of its approved mining plan. The petitioners filed complaints first in March 2009 with the Indian Bureau of Mines that illegal dumps were being created by the company along the steep slopes bounding the nullah adjoining their settlement. The IBM did not take any action except for writing letters.

On the night of June 6<sup>th</sup>, the fears of the villagers were realized as the dumps collapsed in pouring rain and tonnes of mining silt and sediment overflowed into the nullah, destroyed a concrete embankment and entered people's homes and paddy fields.

The police, the petition alleged, did not file any FIR nor were the management arrested for irresponsible mining.

The IBM finally visited the site ten days after the disaster. It found the company had indeed violated the mining plan. Notice was issued.

When a mining plan is violated, the Regional Controller of Mines is duty bound to suspend operations. However since no action was taken against the company by the IBM since March and even after the disaster, the petitioners approached the Court for relief.

The High Court relied on the affidavit of the Deputy Controller of Mines which stated “that the mining company had violated the provision of the approved mining plan by not dumping the waste in the designated places.”

The affidavit stated that a site visit carried out by Dr A.N. Murthy, Senior Mining Geologist, “has also found that the environment protection measures required to control the waste from going out of the dump was not adequate.”

An expert committee appointed by the Goa Government, pursuant to High Court’s intervention, to examine the situation created by the disaster on June 6<sup>th</sup>, also reported to the High Court that “the nullah has choked up and overflowed into the houses, which suggests that the drains and other related protective works could not cater to the requirement of the heavy rains.”

The writ petition filed by 9-year old Akash raises interesting questions of sustainability. The child has stated that he faces a future in which his village will have neither water nor paddy fields since the mining companies have destroyed all the nullahs, and the sediment from their mining activities has already damaged their paddy fields.

The petition also claims that the kind of damage that mining will do to the high grounds of Advalpal cannot be restored or rehabilitated after the ore is excavated. The very removal of the ore will destroy the water bodies that have their source in the plateau. None of these issues has been considered by the Ministry of Environment and Forests which granted environment clearance despite public opposition.

The incidents of mining violations on Sesa Goa mining leases are a result of the take-over of the company by Vedanta, a company with one of the poorest environment records in the whole world. Vedanta is pushing iron ore extraction in its Sesa Goa mines beyond the capacity of the environment to absorb destructive damage. Allowing expansion of this company's operations in Goa can only spell doom for Goa's natural environment.



(Dr Claude Alvares)  
Director

Writ petition No.330/2009 was filed in the first week of June 2009.