

IN THE SUPREME COURT OF INDIA
(CIVIL ORIGINAL JURISDICTION)

WRIT PETITION (CIVIL) NO.435 OF 2012

IN THE MATTER OF:

GOA FOUNDATION

...PETITIONER

VERSUS

UNION OF INDIA & ORS.

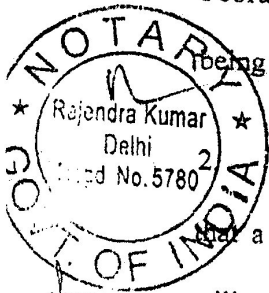
...RESPONDENTS

ADDITIONAL AFFIDAVIT ON BEHALF OF THE
MINISTRY OF ENVIRONMENT & FORESTS
(RESPONDENT NO.1)

MOST RESPECTFULLY SHOWETH:

I, Dr. Saroj, working as Director, Ministry of Environment and Forests, Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi – 110003, do hereby solemnly affirm and declare as under:

1. That the Ministry of Environment & Forests (MoEF) had submitted Counter Affidavit in this Hon'ble Court on 14th February, 2013 in this Writ Petition. This Additional Affidavit is being filed in continuation of the earlier Affidavit.

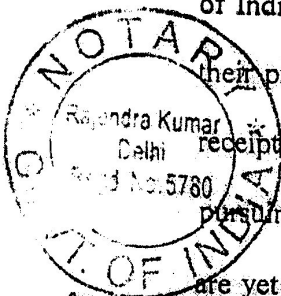


That vide para 22 of aforesaid Affidavit, it was submitted that a separately constituted Expert Appraisal Committee (EAC) will examine the documents submitted by the project proponents,

whose environment clearances have been kept in abeyance vide directions dated 14.9.2012 issued by the Ministry u/s 5 of the Environment (Protection) Act, 1986, and that the Committee will make appropriate case by case recommendations to the Ministry. MoEF has since constituted the EAC on 21.3.2013. A copy of the Office Order constituting the EAC is at Annexure R-1. The first meeting of the Committee was held on 5th April, 2013.

3. That one of the terms of reference of the EAC is to evaluate status of compliance with respect to conditions stipulated as part of the environment clearance of these mining projects. Vide reference dated 26.3.2012, the Regional Office of this Ministry at Bangalore has been requested to formulate multiple teams of officers to visit these mines in Goa for this evaluation and send case-wise report to the Ministry within a fortnight.

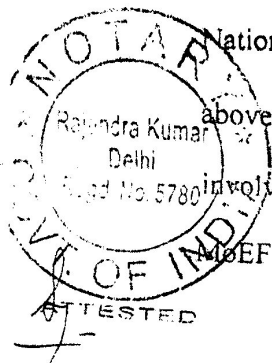
4. That MoEF has been seeking from the State Government site specific proposals in respect of the National Parks / Wildlife Sanctuaries in the State of Goa for consideration of notification of Ecologically Sensitive Zones (ESZs) around them. In fact, this Hon'ble Court vide order dated 4th December, 2006 in Writ Petition (Civil) No. 460 of 2004 titled "Goa Foundation Vs. Union of India" had directed the MoEF to ask the States / UTs to send their proposals to the Ministry within a period of four weeks on receipt of the communication from the Ministry. Despite pursuing the matter with the Goa State Government, the proposals are yet to be received by us. It is only when the proposals are



received by MoEF that the same could be further examined for taking a view in the matter. Pending that, MoEF has no other option but to consider the area located within 10 km of all the National Parks / Wildlife Sanctuaries in the State as ESZs in terms of aforesaid order dated 4.12.2006 of this Hon'ble Court.

5. That MoEF has also requested the Goa State Government to work out to the best possible accuracy, the distances of the periphery of all iron ore mines in the State from the periphery of different National Parks / Wildlife Sanctuaries in the State, with the help of high resolution NRSA satellite images / maps, followed by ground truthing. Despite pursuing the matter, we haven't received any response from the State Government in this regard too. This information is required to verify whether any particular mining project is located in the ESZ or not. In case the project is located within a ESZ, it would require approval of the Standing Committee of NBWL.

6. That the sending of appropriate proposals to MoEF by the State Government of Goa for notifying the ESZs around the National Parks / Wildlife Sanctuaries in the State, as brought out in Para 4 above, and working out of the distances of the periphery of all iron ore mines in the State from the periphery of different National Parks / Wildlife Sanctuaries, as brought out in para 5 above, are crucial so that the EAC could examine the issues involved in each and every mine lease case. Considering that MoEF has not been able to elicit response from the State



Government in the matter despite actively pursuing the same, it is submitted that this Hon'ble Court may consider directing the State Government of Goa to do the needful in this regard at the earliest in a time-bound manner.

[Signature]
Deponent

VERIFICATION

I, the abovenamed deponent do hereby verify that the contents of the above paras are true and correct to the best of my knowledge and belief and information derived from the records and no part of it is false and nothing material has been concealed therefrom.

Verified at New Delhi on 25th April, 2013.

[Signature]
Deponent



CERTIFIED THAT THE CONTENTS EXPLAINED TO THE DEPONENT EXECUTANT WHO IS DEEMED PERFECT TO UNDERSTAND & AFFIRMED DEPOSED BEFORE ME AT DELHI ON..... IDENTIFIED BY
25.04.2013 R. K. Sharma
IDENTIFY THE EXECUTANT/DEPONENT WHO HAS SIGNED IN MY PRESENCE

ATTESTED *[Signature]*

RAJENDRA KUMAR
NOTARY, DELHI-R-5780
GOVERNMENT OF INDIA
SUPREME COURT OF INDIA
GROUND, NEW DELHI
Regd. No.

Ph. 9212481882
9899446209

25.04.2013