

# The consequences of environment violations environmental sciences essay

[Environment](#), [Ecology](#)



The Environmental Impact Assessment ( EIA ) procedure was governed by the EIA Notification ( first issued in 1994 and later revised and issued afresh in 2006 ) which has statutory position under the Environment Protection Act, 1986, the chief statute law regulating EIAs. Thus any violation of the prescribed criterions sum to a statutory misdemeanor. Central to the EIA procedure was the quality of the informations and information collected, presented and analyzed in the EIA which are the indispensable substrate for the determination shapers to make up one's mind over whether to allow environmental clearance to the undertaking or non. Sing the graduated table of the undertaking ( 12 MTPY ) , there was a critical necessity of holding a comprehensive environment impact analysis ( EIA ) for both the steel works every bit good as the confined port. The Ministry of Environment and Forests ( MoEF ) should hold insisted on a comprehensive EIA by roll uping full twelvemonth informations which was besides pointed out by assorted province bureaus and the Regional Office of MoEF. MoEf granted environment clearance on footing of a study based on individual season, this should hold been avoided. Even in instance of the port, the information was collected during September to November 2005, which was the monsoon period. Collection of informations during monsoon period is prohibited by EIA presentment.

The POSCO undertaking was an incorporate undertaking embracing different constituents like the township, and other substructure development, which were left out of the range of rapid environment impact appraisal ( REIA ) and other baseline informations. As a consequence of partial EIA, the full environmental impact of the full undertaking was undermined.

The EIA both for steel works and confined port was completed by July, 2007. The Regional office of MoEF, Bhubaneswar every bit good as the Orissa Government informed that transcripts of the comprehensive EIA were delivered by manus merely in October 2010 after the elucidation from the member of the commission. Submitting such a basic and critical study three old ages after the clearances was merely an empty formality.

The MoEF granted clearance for a portion of the undertaking ( e MTPY ) , this should non hold been the instance, since all the other constituents and substructure of the undertaking, were aimed for the full undertaking. i. e. 12 million dozenss. This was particularly so when the enlargement programs are non sometime in the distant hereafter but contemplated at the rate of addition of 4 million metric tons every two old ages. POSCO should hold been asked to use for clearance of entire capacity. Otherwise, the logical measure would were to curtail the demand of land and the size of the port to the demands of a 4 MTPY capacity works. It inquiries the scientific and proficient prudence of the MoEF.

In a recent study the MoEF came out with an environmentalpollutionindex called as Comprehensive Environmental Pollution Index ( CEPI ) to assist in categorising the industrial bunchs in footings of precedence of be aftering demands for intercessions. Under this study Paradeep has a CEPI mark of 69. 26 which shows that it was a badly contaminated country, merely surrounding on the CEPI of a critically polluted industrial bunch. The concern that the Paradip country was already polluted from bing industries was

besides raised during the public hearing but unluckily it was ne'er addressed by any of the determination devising governments.

The Technical Committee of the Orissa State Pollution Control Board raised many issues of significant importance specially related to air pollution which were non followed up to its logical terminal. The records do non uncover that these issues were of all time addressed before the clearances were given. However, even before these questions were satisfactorily answered by the undertaking advocate, the company was recommended for clearances and issue of Consent to Establish. This was a serious stepping down of statutory duty by the Orissa State Pollution Control Board.

Concerns sing the impact of the POSCO confined port on the bing Paradip Port were repeatedly voiced by the governments every bit good as by the populace. The Ministry of Shipping, Road Transport and Highways, Government of India appears to hold a different position. A inquiry about inauspicious consequence of this confined private port was raised in the Lok Sabha to the Ministry of Shipping, Road Transport and Highways during December 2005. The so Minister in charge had replied `` the proposed child port for POSCO steel works may take to terrible eroding along the coastline presenting a menace to the port installations at Paradeep " . The Minister besides stated that the Orissa Government was urged to set about a elaborate survey sing eroding if they decide to develop a minor port for POSCO and should tie in Government of India and Paradeep port with such surveies. Unfortunately the EAC and MoEF did non name for the survey study before giving clearance in 2007.

The integrated steel works has a immense H<sub>2</sub>O demand. As per the Rapid EIA, the H<sub>2</sub>O demand will be met from Jobra Barrage over the Mahanadi River by putting an 86 kilometre long grapevine. POSCO has already taken an blessing from the Department of Water Resources, Government of Orissa, for backdown of 10 MGD H<sub>2</sub>O from the Jobra Barrage. The bing viing usage of the H<sub>2</sub>O resources from the Jobra Barrage are imbibing H<sub>2</sub>O for Cuttack and Bhubaneshwar metropoliss, irrigation H<sub>2</sub>O foragribusinessin four territories ( Cuttack, Jagatsinghpur, Khurda and Kendrapada ) and several industries, and these have non been taken into history. The Water Resources Department has allocated extra H<sub>2</sub>O from Hansua nalla for building intents which has non been disclosed in the EIA amounting to suppression of the information. The REIA has non addressed the widespread impact that will adversely impact a big population spread in a figure of large towns every bit good as territories. The Committee strongly felt that there were many serious oversights and illegalities in the EIA procedure. The EIA for such a megaproject was rapid, based on one-season informations without taking into history all the constituents of the undertaking like the township undertaking, H<sub>2</sub>O undertaking, railway and conveyance installations etc. Furthermore it was limited merely to Phase I of the undertaking. The infliction of extra conditions to the bing ECs ( conformity with the environment ) will non at all remedy the oversights and illegalities.

There were serious misdemeanors with regard to Compliance of Coastal Regulation Zone ( CRZ ) . Some portion of the steel works was expected to come up on CRZ I ( I ) & A ; CRZ III countries which sums to misdemeanor of

the CRZ ordinances. Dressing or changing of sand dunes, hills, natural characteristics including landscape alterations for beautification, recreational and other such intents are prohibited, except as permitted under the presentment. But the program was to widen the oral cavity of the brook to utilize it as an attack channel for vass.

As per the REIA study for the steel works, a common wastewater intervention works ( CETP ) will be set up to take attention of untreated wastewaters from the production procedure and treated works healthful effluent. After partial usage of the treated H<sub>2</sub>O, the remainder of the H<sub>2</sub>O will be let into the sea by a undersea grapevine at 18-20 metres depth by jet diffusion. POSCO-India has non applied for CRZ clearance for this grapevine which amounts to suppression of facts and was a serious misdemeanor. In position of the above observations the commission felt that POSCO-India Pvt. Ltd has non addressed all the issues associating to CRZ presentment. There were a figure of serious oversights and misdemeanors, including suppression of facts. The Committee hence strongly recommended that the Environmental Clearance given by the MoEF dated 15. 5. 2007 for minor port and 19. 7. 2007 for the steel works should be instantly revoked. It besides recommended that environment clearance given by the MoEF vide missive dated 15 May 2007 should hence be revoked forthwith.

#### Judgment or Verdict

On 31 January, 2011, India 's largest FDI was cleared what could be its last hurdle. Environment and Forests Minister Jairam Ramesh gave his concluding

finding of fact on South Korean giant POSCO 's Rs 52, 000 crore steel and excavation undertaking to be set up in Odisha 's Jagatsinghpur territory. The nod came with 60 conditions.

None of the conditions attached to this concluding blessing undo the sedate misdemeanors or right the concerns reported by three MoEF-appointed commissions. This determination besides fails to keep anyone accountable for the many anomalousnesss already documented, even though go againsting the Environment Protection Act ( EPA ) .

In his concluding order, MoEF has asked the steel giant to `` voluntarily forfeit " H2O should occupants fall abruptly of it, since it is Cuttack 's imbibing H2O beginning that will provide POSCO 's H2O. Another status asks POSCO to measure the impact of this undertaking on the fishing community and place donees, even though it was POSCO 's first appraisal that failed to include 1000s of fishermen as undertaking affected.

The most confusing status relates to the most controversial facet of this undertaking: POSCO 's private port, which is located 12 kilometer from an bing major Paradip port, even though authorities guidelines prohibit two ports within such propinquity. Uncovering inside informations that POSCO had suppressed, the MoEF commission revealed that the port will take to building and waste dumping in high eroding countries in blazing misdemeanor of the Coastal Regulation Zone ( CRZ ) presentment. The port besides endangers the universe 's largest nesting evidences for the Olive Ridley polo-necks.

In the concluding blessing, MoEF has asked POSCO to guarantee that `` there is no industrial activity in the CRZ zones " . For this to go on, POSCO will hold to wholly redesign its port. It is ill-defined whether this is a pre-condition for the port building. If non, it merely perpetuates the misdemeanors of the CRA Act.

## Mentions

Report of the Committee Constituted to Investigate into the proposal submitted by POSCO India Pvt. Limited for constitution of an Integrated Steel Plant and Captive Port in Jagatsinghpur District, Orissa Submitted to the MINISTRY OF ENVIRONMENT AND FORESTS, Government of India, New Delhi BY MS. MEENA GUPTA on October 18, 2010

hypertext transfer protocol: //www. tehelka. com/story\_main48. asp? filename= Ne120211Conditions. asp

hypertext transfer protocol: //www. merinews. com/article/supreme-court-allows-posco-to-go-ahead/139110. shtml

## **Maharashtra Government v/s Union Ministry of Environment**

Background of instance

The instance is about the permission for putting up a new airdrome in Navi Mumbai. This needed permission from the Ministry of Environment of India, since it had to acquire a clearance of around 400 hectares of forest land.

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There was a argument since major portion of the Rhizophora mangles would be destroyed taking to harm of the coastal country.

### Course of Action

In November 1997, there was a survey done for the demand of a 2nd Airport, a commission was appointed which suggested site as Rewas Mandwa.

In October 2000, State Government writes to Civil Aviation Ministry proposing Navi Mumbai as the site, because of better substructure.

Until February, 2010 many studies were submitted by City Industrial and Development Corporation ( CIDCO ) and Experts Appraisal Committee ( EAC ) about the feasibleness, environment impact and other inside informations.

During August October 2010 period, there were deliberations to salvage the Rhizophora mangles and to minimise recreation of H2O organic structures.

October: A EAC visits site once more, It requests for redesign to forestall hacking of Rhizophora mangles, and recreation of at least one of the two rivers on the site. CIDCO agrees for the same and shifts non-aeronautical zone to the South to salvage around 400 hectares of Rhizophora mangles, reduces distance between tracks to forestall recreation of Gadhi river and minimise impact on Ulwe river.

NOVEMBER 20: A Mr. Jai Ramesh, Union Environment Minister gets concluding recommendations from EAC allowing blessing on the status that 32 environmental precautions are met.

## Opinion

The hurdle was cleared for the 2nd airdrome of India 's Financial capital. The green nod has been given merely if CIDCO complies to 32 precaution criterions. Cidco will besides hold to seek the permission of the Bombay High Court and the cardinal forest ministry in order to cut down Rhizophora mangles on 98 hectares for the project. A

The prominent among the 32 conditions are as follows:

CIDCO shall obtain necessary permission from Hon'ble High Court of Bombay for cutting of Rhizophora mangles and clearance under Forest Conservation Act 1980 as per the orders in regard of notice of Motion no. 417 of 2006 in PIL no. 87/2006, as required.

CIDCO shall rehabilitate about 3000 households of 7 small towns falling within the part airdrome is traveling to be setup.

Plantation of 615 hectares of Rhizophora mangles as biodiversity Parkss as compensation.

CIDCO will carry on a study of the avian zoology before the start of the building of the airdrome and every 3 months thenceforth and the same should be uploaded on their web site.

## Mentions

hypertext transfer protocol: //envis. maharashtra. gov. in/envis\_data/ ? q=enmianws\_nov10

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hypertext transfer protocol: //www. washingtonbanglaradio.

com/content/111514110-navi-mumbai-airport-gets-environmental-clearance

## **Dahanu Taluka Environment Protection Group and Bittu Sehgal V/S Bombay Suburban Electricity Supply Company**

Background of instance

The instance includes one of the most environmentally endowed countries of Maharashtra ; the taluka of Dahanu situated 120 km North of Mumbai. The economic system of Dahanu is to a great extent agrarian with the support of most of its population linked to the natural resources of that country. Dahanu is an ecologically sensitive part which was classified under the Indian Coastal Regulation Zone ( CRZ ) by the Ministry of Environment and Forest ( MoEF ) .

In 1989 the State Government of Maharashtra approved a proposal of the Bombay Suburban Electricity Supply Company ( BSESC ) , to put up a coal-based thermic power works in the Dahanu Taluka. It was challenged by certain environmental groups and citizen organisations that filed a writ request foremost in the Bombay High tribunal under Article 226 of the fundamental law of India and so besides filed a request in the Supreme Court disputing the putting up of the power works in the Dahanu taluka which is classified as a ecological delicate part.

Course of action

With the blessing of the State Government of Maharashtra, Bombay Suburban Electricity Supply Company ( BSESC ) under the authorization of the Department of Power, Ministry of India started the putting up of a coal-

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based thermic power works in the Dahanu Taluka. Because of its propinquity to Mumbai ; it has been invariably a victim of environmental pollution and debasement on history of of all time turning belt of industries.

The major purpose of the power works undertaking was to provide to the demands of the of all time turning population of Mumbai.

Prior to the blessing of the State Government of Maharashtra in 1989, the Environment Department of Government of Maharashtra granted site clearance to the undertaking subjected to the status that company obtain all the needed clearances from the other concerned governments as good. In 1989, the Ministry of Environment and Forest granted project clearance on the environmental angle to the Department of Power, Ministry of India to travel in front with the undertaking.

Dahanu was besides declared 'eco-fragile ' by a authorities presentment. As per the presentment under the Environment Protection Act, 1986, the development of industries, mining operations and other development in such a part is restricted.

Dahanu was besides notified or classified, under the Indian Coastal Regulation Zone ( CRZ ) by the MoEF on 19 February, 1991. The CRZ bans any new building and development activities within 500 meters of the high tide line.

On 29 March 1989, two local environmental militants: Nergis Irani and Kityam Rustom ( Members of the Dahanu Taluka Environment Protection

Group ) along with Bombay on a higher Environmental Action Group filed writ requests foremost in the Bombay High Court and subsequently in the Supreme tribunal disputing the determination of the Cardinal Government to construct the power works in malice of the ecological menace confronting the part.

The rule expostulations of the suppliants in the request filed in the Bombay High tribunal were:

The undertaking violated the status no ( nine ) of the Memorandum of the Government of India necessitating a 500 meters to be kept between the high tide line grade and the construction of the undertaking.

The H<sub>2</sub>O discharged from the chilling works into the brook was adversely impacting the aquatic life in the creek H<sub>2</sub>O.

The misdemeanors of the presentment of conserving the Environment in an Eco delicate part.

The Bombay High tribunal rejected the requests on the evidences of several feasibility surveies and commission studies. Besides, the necessity of supplying power to the metropolis of Mumbai was precedence at that clip.

In 1994, environmentalist Bittu Sehgal along with same suppliants filed a writ request in the Supreme Court inquiring the Court to implement the eco-fragile presentment and the CRZ presentment of the Government of India in Dahanu Taluka.

The Supreme Court so appointed the National Environmental Engineering Research

Institute ( NEERI ) to look into the issues set Forth in the request. Based on the NEERI study, the Supreme Court upheld the Dahanu Notification forbidding any alteration of land-use in the part and ordered that a commission of experts be formed under Section 3 of

the Environmental Protection Act of 1986 which was empowered to guarantee the execution of Court waies every bit good as the eco-fragile presentment of 1991.

The Authority directed the company to put in an FGD ( Fuel Gas Desulphurisation ) works for the environmental safety and protection and for the well being of Dahanu.

The company was besides ordered to do attempts for obtaining gas and utilize it if available in penchant to coal.

The thermic power works was taken over from BSESC by Reliance Energy Ltd ( REL ) in 2002 and Dahanu power works continues to run as per the orders of the Indian Supreme Court.

### Judgment or Verdict

The request filed by the environmental groups and citizen organisations in the Bombay High tribunal in 1989 disputing the putting up of the power works in the Dahanu taluka was rejected by the Bombay High tribunal.

The suppliants so filled the request in the Supreme Court disputing the misdemeanors of the several environmental presentments. The Supreme Court so appointed an adept commission to look into the issues.

The commission directed the company to put in an FGD ( Fuel Gas Desulphurisation ) works and maintain all the emanation parametric quantities good below the criterions.

This instance highlights how the post-judgment judicial activism through the Supreme Court appointed supervising commission in the Dahanu Power Plant has ensured the effectual execution of Court orders.

Mentions

[hypertext transfer protocol: //moef. nic. in/index. php](http://moef.nic.in/index.php)

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[www. cpcb. nic. in](http://www.cpcb.nic.in)

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## **NIRMA CEMENT PLANT V/S Union ministry of environment and woods**

Background of instance

The instance includes one of the most environmentally endowed countries of Padhiarka small town in Bhavnagar territory of Gujarat. The economic

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system of this part is to a great extent agrarian with the support of most of its population dependent on three check-dams built in the country between 1998 and 2002 under a Gujarat authorities strategy to extenuate H<sub>2</sub>O deficits in this drought-prone part. These simple constructions stopped the saltwater and besides stored the rainwater during monsoons in reservoirs, reloading the groundwater.

The 1. 91-million-tonne-per-annum cement mill, with its coke oven and confined power works, is being built by the detergent major Nirma. The mill is being built over the Samadhiyala reservoir, a big H<sub>2</sub>O organic structure constructed by the authorities to supply irrigation. Local husbandmen and villagers have been resolutely opposing this undertaking

Course of action

On March 12, the Ministry of Environment had ordered a lasting suspension of work with respect to 1. 91 million metric ton per annum capacity cement works of Nirma Ltd, along with its confined power and coke oven works near Padhiarka small town in Mahuva taluka of Bhavnagar territory.

The determination was taken on the footing of a study by the Experts Appraisal Committee ( EAC ), which found misdemeanor of the Environment ( Protection ) Act 1986 by the undertakings being set up in a wetland in the territory.

Unfortunately, the province authorities has played along with the company in this blind. The land allocated to the mill by the province authorities has been



categorised as graze and barren in gross records. It is for this ground, when the Gujarat High Court was hearing the request of the husbandmans, the authorities argued that since the land was non listed as a H2O organic structure it had the right to apportion it to industry. No protection was needed because technically there was no H2O organic structure on this land!

The environmental impact appraisal, used to allow clearance to the undertaking, says the works is situated on waste land. It does non advert the rivers that surround the site, conveying H2O to the reservoir. It does non even acknowledge the cheque dike, which the company has vandalised.

Subsequently, when the truth of the H2O organic structure was established utilizing satellite imagination, the push was to happen a via media solution. In High Court, the husbandmans were told their H2O organic structure would stay but merely if they agreed to a divider - some 100 hour angle of the lake would be returned for irrigation. But they would hold to hold to give away the remainder, where the mill would be built.

### Judgment or Verdict

The request filed by the Ministry of Environment and Forests Gujrat High tribunal disputing the puting up of the cement works in Padhiarka small town in Bhavnagar territory of Gujarat was rejected by the Bombay High tribunal.

Terming it as `` illegal " the way by the Ministry of Environment and Forest ( MoEF ) to hold work on its cement works at Bhavnagar territory in Gujarat, Nirma has said the orders had no binding on the company.

The Ministry had on March 12 ordered `` lasting suspension of work " at the 1. 91 million metric ton per annum capacity cement works, along with its confined power and coke oven works near Padhiarka small town in Mahuva taluka of Bhavnagar territory.

It had besides directed the company to react to a notice as to " why the environmental clearance accorded to the undertaking should non be revoked and arrest of the work non be made lasting " .

On the same twenty-four hours, the company wrote a missive to the Environment Ministry saying the way under Section 5 of the Environment Protection Act 1986, to halt execution including building work of the undertaking, was `` wholly without legal power or authorization of jurisprudence including in misdemeanor of the rule of natural justness " .