

Date: Mon, 19 Dec 2011 12:57:39 +0530 (IST)

From: Ramachandra T.V. <cestvr@ces.iisc.ernet.in>

To: rejuempty@rediffmail.com, deo.udupi@gmail.com

Subject: Letter regarding UPCL EXPERT COMMITTEE MEETING ON 21.12.2011 AT 11.00 AM

Dr. T V Ramachandra

Member, Expert Committee

CES/TVR/UPCL/8458/2011

19th Dec 2011

Dear Dr.Reju

Thank you for the intimation regarding 21st December Expert committee meeting at your office regarding UPCL. Please note my email – cestvr@ces.iisc.ernet.in as I did not receive the meeting notices (due to typo error in email ID) and Dr. Y B Ramakrishna forwarded your mail to me.

It is not possible for me to take part in the meeting as I am preoccupied with the regular academic activities (19-21st Class), 22nd Dec – meeting at Delhi arranged by the Ministry of Science and Technology, GOI. However, I wish to place on record the following for discussion and appropriate action.

1. I learnt the company has been given CFO (Consent for Operation) by KSPCB (Annexure X, letter dated 9th Dec 2011), which is inappropriate, as the Government constituted Expert Committee is yet to submit the report. CFO should be kept in abeyance till the expert committee submit the report and the company fulfills all norms to maintain environment safeguard. As per the norm, regulatory agency can issue CFO, if and only company/ industry has fulfilled all environment criteria. The consent clearance committee (CCC) and TAC at regulatory agency has to ensure that. I do not understand how these members (CCC and TAC) have ignored the problems faced at local level despite media reports, etc. There is no point in the committee spending time while allowing the pollution of land, water, air and biotic elements. It appears a stringent action from the district administration is required to ensure UPCL respect the law of the land (by implementing environment safeguards)
2. As you are aware, the team (members of expert committee) visited the project site and also surrounding villages (19-20th Nov 2011). It is evident that company's act has led to the pollution/contamination of air, water, land including biotic elements. Samples collected by our team further substantiate these aspects. The regulatory agency should have initiated the stern action against UPCL as per Environment Policy, 2006, Air (Prevention and Control of Pollution) Act, The Water (Prevention and Control of Pollution) Act. The abatement of pollution, 1992 stresses the prevention of pollution at

the source based on the “polluter pays” principle. I have appended the relevant environment provisions applicable to all parts of India (including Udupi!)

3. Dr. Y B Ramakrishna, Member, Expert Committee had written a letter to all responsible authorities (including people elected representatives) highlighting the need for i) supplying drinking water to affected villages ii) medical support to villagers and livestock who have been affected due to irresponsible act of UPCL iii) repair of roads and iv) need to withdraw false cases against innocent villagers. It appears that neither regulatory agency (KSPCB) nor the district administration has taken any initiative in addressing local people’s genuine woes. Instead the regulatory agency has taken haste decision to issue CFO to reward the polluters. Despite having stringent norms, our country has failed in maintaining the desired environment levels due to lack of adequate and sensible capability at regulatory agencies or irresponsible behavior. I do not understand the purpose of constituting expert committee when the system wants to support the polluter against the interest of local people.
4. The State and District administration needs to intervene and address the local people problem than being considerate to UPCL. Please initiate action on priority to address the issues raised in YBR’s letter at the earliest. Also, regulatory agency needs to be advised/told to initiate action against the firm (while keeping in abeyance CFO).
5. We strongly feel the expert committee needs to prepare unbiased scientific report. In this regard constituting a sub-group (experts and regional MoEF representative) would help.

With best regards

Yours Sincerely

Dr. T.V. Ramachandra

Details regarding Air, Water legislation applicable to all part of India (<http://moef.nic.in/modules/rules-and-regulations/water-pollution/>)

The Air (Prevention and Control of Pollution) Act was enacted in 1981 and amended in 1987 to provide for the prevention, control and abatement of air pollution in India.

Water Pollution

- *The Water (Prevention and Control of Pollution) Act* was enacted in 1974 to provide for the prevention and control of water pollution, and for the maintaining or restoring of wholesomeness of water in the country. The Act was amended in 1988.
- *The Water (Prevention and Control of Pollution) Cess Act* was enacted in 1977, to provide for the levy and collection of a cess on water consumed by persons operating and carrying on certain types of industrial activities. This cess is collected with a view to augment the resources of the Central Board and the State Boards for the prevention and control of water pollution constituted under the Water (Prevention and Control of Pollution) Act, 1974. The Act was last amended in 2003.

PROHIBITION ON USE OF STREAM OR WELL FOR DISPOSAL OF POLLUTING MATTER, ETC.

(1) Subject to the provisions of this section --

(a) no person shall knowingly cause or permit any poisonous, noxious or polluting matter determined in accordance with such standards as may be laid down by the State Board to enter (whether directly or indirectly) into any ⁵[stream or well or sewer or on land]; or

(b) no person shall knowingly cause or permit to enter into any stream any other matter which may tend, either directly or in combination with similar matters, to impede the proper flow of the water of the stream in a manner leading or likely to lead to a substantial aggravation of pollution due to other causes or of its consequences.

RESTRICTIONS ON NEW OUTLETS AND NEW DISCHARGES

⁶[(1) Subject to the provisions of this section, no person shall, without the previous consent of the State Board,--

(a) establish or take any steps to establish any industry, operation or process, or any treatment and disposal system or an extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land (such discharge being hereafter in this section referred to as discharge of sewage); or

(b) bring into use any new or altered outlets for the discharge of sewage; or

(c) begin to make any new discharge of sewage;

Provided that a person in the process of taking any steps to establish any industry, operation or process immediately before the commencement of the Water (Prevention and Control of Pollution) Amendment Act, 1988, for which no consent was necessary prior to such commencement or, if he has made an application for such consent, within the said period of three months, till the disposal of such application.

41. Failure to comply with directions under sub-section (2) or sub-section (3) of section of 20, or orders issued under clause (c) of sub-section (1) of 32 or directions issued under sub-section (2) of section 33 or section 33A.

(1) Whoever fails to comply with any direction given under sub-section (2) or sub-section (3) of section 20 within such time as may be specified in the direction shall, on conviction, be punishable with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees or with both and in case the failure continues, with an additional fine which may extend to five thousand rupees for every day during which such failure continues after the conviction for the first such failure.

(2) Whoever fails to comply with any order issued under clause (c) of sub-section (1) of section 32 or any direction issued by a court under sub-section (2) of section 33 or any direction issued under section 33A shall, in respect of each such failure and on conviction, be punishable with imprisonment for a term which shall not be less than one year and six months but which may

extend to six years and with fine, and case the failure continues, with an additional fine which may extend to five thousand rupees for every day during which such failure continues after the conviction for the first such failure.

(3) If the failure referred to in sub-section (2) continues beyond a period of one year after the date of conviction, the offender shall, on conviction, be punishable with imprisonment for a term which shall not be less than two years but which may extend to seven years and with fine]

Date: Tue, 20 Dec 2011 20:53:54 +0530 (IST)
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21.12.2011 AT 11.00 AM

Dear Dr.Reju

In continuation to my y'day's mail, I wish to bring to your kind notice the following.

At the end of 19th meeting, when the committee left the venue of public consultation meeting, we were told that there were about 900+ representations. Now I understand that the number has reached 2000+. I strongly feel that the representations received after the meeting should not be included along with the ones received during the meeting.

Also, you may note that when we visited the field on 20th Nov, we were told that some of them got free lunch and also about Rs 250-300 cash from the company for signing the memorandum generated by a local contractor. It is inappropriate to include the bulk representations submitted by these contractors after the expert committee left the venue. Instead of such tactics, the company should have addressed drinking water, health and road problems in the region.

We should go strictly by the local conditions (state of the air, water, land and biotic elements) and the company has to take appropriate restoration measures to maintain the environment integrity on priority.

with best regards

TVR