



Environmental Social
Justice
&
Governance Initiatives

*Organization in Special Consultative Status with
the Economic and Social Council since 2011*

Environment Support Group® – Trust

1572, 36th Cross, 100 Feet Ring Road,
Banashankari II Stage,
Bangalore 560070. INDIA
Tel: 91-80-26713559-3561
Voice / Fax: 91-80-26713316
Email: esg@esgindia.org
Web: www.esgindia.org

Fax/Email/By hand

Chairman,
Member Secretary
&
Senior Environmental Officer
Karnataka State Pollution Control Board
Church Street
Bangalore 560001

24th February 2014

Reg.: Representation demanding withdrawal of Consent for Establishments extended in favour of

- a) M/s Aeronautical Development Establishment, a division of Defence Research Development Organisation on 4th September 2013 towards establishing a weaponised drone testing and manufacture facility, and
- b) M/s Sagitaur Ventures India Pvt. Ltd. on 13th September 2013 towards establishing Solar Energy Project.

Sir/Madam,

Pursuant to the 21st August 2013 direction of the Hon'ble National Green Tribunal (Southern Zone) in Application 6/2013 c/w Application 12/2013, this Board has extended the aforesaid Consent for Establishments in favour of M/s Aeronautical Development Establishment, a division of Defence Research Development Organisation and M/s Sagitaur Ventures India Pvt. Ltd. as per the Consent orders cited above. These Consents are conditional to the fact that if the land in question constituted forest areas, appropriate clearance for diversion of forest land for non-forest purposes would be secured first and foremost before commencement of any project activity.

In its 28th October 2013 response to the aforesaid Applications before the Hon'ble Tribunal, the Union Ministry of Environment and Forests has stated that Amrit Mahal Kavals, where the aforesaid projects are proposed, constitute forest areas as per the Karnataka Forest Act, 1961, Forest Conservation Act, 1980 and the orders of the Hon'ble Supreme Court in the Godavarman case (WP Civil 202/1995). The Ministry has further stated that "the status of 9,473 acres of land as "forest" or "non-forest" is to be decided through joint inspection by the State Forest Department and Regional Office of the Ministry, as per guidelines issued by the Supreme Court in Lafarge Judgment and interpretation of the Karnataka Forest Act and Rules framed thereunder." Consequently, it would be expected that the aforesaid project proponents would suspend any ongoing activity pursuant to the grant of Consent for Establishment pending settling of .

However, it was observed by the undersigned that the aforesaid project proponents did not secure any clearance for diversion of forests to non-forest purposes and continued extension construction and project activity in violation of the Consent condition, and the directions of the Hon'ble Supreme Court and National Green Tribunal.

These blatant violations of judicial orders were brought to the attention of the Hon'ble Tribunal by the undersigned on 14th February 2014 by way of written submissions, copies of which have been served on your counsel, which included copies of police complaints filed against the violations on 8th January 2014 before the Chitradurga police.

On the basis of these submissions, the Hon'ble Tribunal very much displeased by non-conformance with judicial orders issued a direction on 14th February 2014 directing as follows:

"The applicant in Application No.6 of 2013 (SZ) and the counsel for the Applicant in Application No.12 of 2013 (SZ) would submit that even in the consent granted to DRDO by the Karnataka State Pollution Control Board, it has been specifically stated by way of a condition that the construction activities by DRDO should not be done in the reserve forest.

After hearing the counsel on both sides, it is quite clear that though the consent was issued by the Karnataka State Pollution Control Board under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 in favour of DRDO, a condition was imposed inter alia as follows and a perusal of the condition No.4 in the said consent order makes it evident:

"4. In case the area proposed for the purpose of the project is found to be forest area, necessary forest clearance shall have to be obtained".

The counsel for the DRDO on instructions from the official, who is present, would submit that the construction activities are continuing. It is pertinent to point out that whether the construction activities now being carried out by DRDO lies in the reserve forest or not is the subject matter to be decided by the Tribunal. In view of the factual position and circumstances, it would be fit and proper to issue a direction to DRDO to stop further construction until further orders of the Tribunal and accordingly a direction is issued to DRDO to stop construction activities in the subject matter land until further orders."

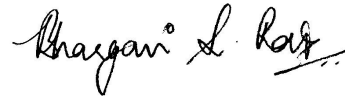
It appears that such violations are not limited to activities by DRDO alone, but is also being pursued by other agencies, including M/s Sagitaur, M/s Indian Institute of Science, M/s Karnataka Housing Board, etc.

It is evident from the ruling of the Hon'ble Tribunal that the Consent conditions have admittedly been violated. Therefore, we demand that the Consent for Establishment granted in the aforesaid cases be withdrawn with immediate effect and such cases where Consent Applications is under consideration, the same may be deferred pending adjudication of this matter.

Yours truly,



Leo F. Saldanha
Coordinator/Trustee
Environment Support Group
Applicant 6/2013 before the Hon'ble National Green
Tribunal
(Party-in-person)



Bhargavi S. Rao
Coordinator (Education)/Trustee
Environment Support Group
On behalf of Applicant 12/2013 before the Hon'ble
National Green Tribunal

Cc.:

1. Secretary, Union Ministry of Environment and Forests
2. Principal Secretary, Karnataka Department of Forests, Ecology and Environment
3. Addl. Principal Chief Conservator of Forests, Regional Office (South), Union Ministry of Environment and Forests
4. Principal Chief Conservator of Forests, Karnataka State Forest Department, Bangalore
5. Deputy Conservator of Forests, Chitradurga
6. District Environment Officer, Chitradurga
7. Deputy Commissioner, Chitradurga District
8. Superintendent of Police, Chitradurga District