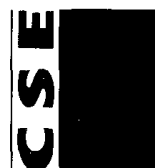


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Ref no. LF/L.51.6/EIA/2
Date: July 07, 2010

Shri J M Mauskar
Additional Secretary
Ministry of Environment and Forests
Paryavaran Bhavan
CGO Complex, Lodhi Road
New Delhi - 110 003

LEAVES
OF
IMPORTANT
SURVIVAL
TREES
IN
INDIA
MAHUA,
KHEIDI,
ALER,
PALMYRA
AND
GAK

Subject: Public hearing of Asbestos Fibre Cement Roofing Sheet factory owned by M/s Balmukund Cement & Roofing Ltd.

Dear Shri Mauskar,

This is in continuation to the communication regarding M/s Balmukund Cement & Roofing Ltd. (please refer to my previous letter dated May 13, 2010, Ref no. LF/L.51.6/EIA/1). My colleague, Nivit Kumar Yadav, attended the public hearing of proposed Asbestos Fibre Cement Roofing Sheet factory of M/s Balmukund Cement & Roofing Ltd. in Muzaffarpur on June 28, 2010. He found serious flaws in the proceeding of the public hearing, especially not providing proper opportunity to the local representatives who had adverse opinion about the project. The functioning of Bihar State Pollution Control Board (BSPCB) is also questionable. From the proceeding, it was clear that they were biased and working with project proponent to get the support of the local community for the project.

- 1) According to EIA Notification 2006, the attendance of all those who are present at the venue shall be noted. However, no such entry was done prior or during the public hearing process.
- 2) According to EIA Notification 2006, the public hearing proceedings need to be read over to the audience at the end of the proceedings explaining the contents in the vernacular language and the agreed minutes shall be signed by the District Magistrate or his or her representative on the same day. My colleague, however, who was present there, found there was no such reading of the public hearing proceedings at the end. There was only formal announcement of completion of public hearing and all panel members left immediately. **This is again clear violation of EIA notification.**

Founder Director
ANIL AGARWAL

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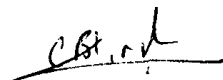
- 3) According to EIA Notification 2006, the proceedings of the public hearing shall be conspicuously displayed at the office of the Panchyats within whose jurisdiction the project is located, office of the concerned Zila Parishad, District Magistrate and the SPCB. As of now, the proceedings are not conspicuously displayed nor the local community has any knowledge of it.
- 4) Lastly, as per EIA notification 2006, no construction activity can start at the site without obtaining prior environment clearance. The locals have been raising this issue since last six months. They have also written to Ministry of Environment and Forests and BSPCB. But nothing was done from both sides to stop the construction. In spite of repeated protest by villagers, the BSPCB went ahead with the public hearing. This is completely illegal and in violation of the EIA notification 2006.

In addition to the above, there is big question mark on the credibility of the EIA report. EIA report intentionally hides the density of the population in the vicinity of the project site. River Baya is mentioned in the EIA report, while villagers's claims no such river exists in the region. Similarly, distance of Roksa village is reported as 3 km from the project site, but it is just 600 to 700 meters from the site. For your reference, I am herewith enclosing the issue of Down to earth magazine that covered the article on the same. I also forwarding you two videos, one on illegal construction under the proposed project and other of public hearing conducted on June 28, 2010.

Recently Ministry of Environment and Forest have taken stringent action again 2400 MW plant of Jindal Power Limited at Tamnar in Raigarh district for starting construction before obtaining prior environmental clearance. In this reference, I request you look into this matter seriously and take stern action against project proponent for illegal construction before obtaining prior environmental clearance and influencing public hearing using improper ways.

Thanking you.

Yours sincerely,


Chandra Bhushan
Associate Director

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