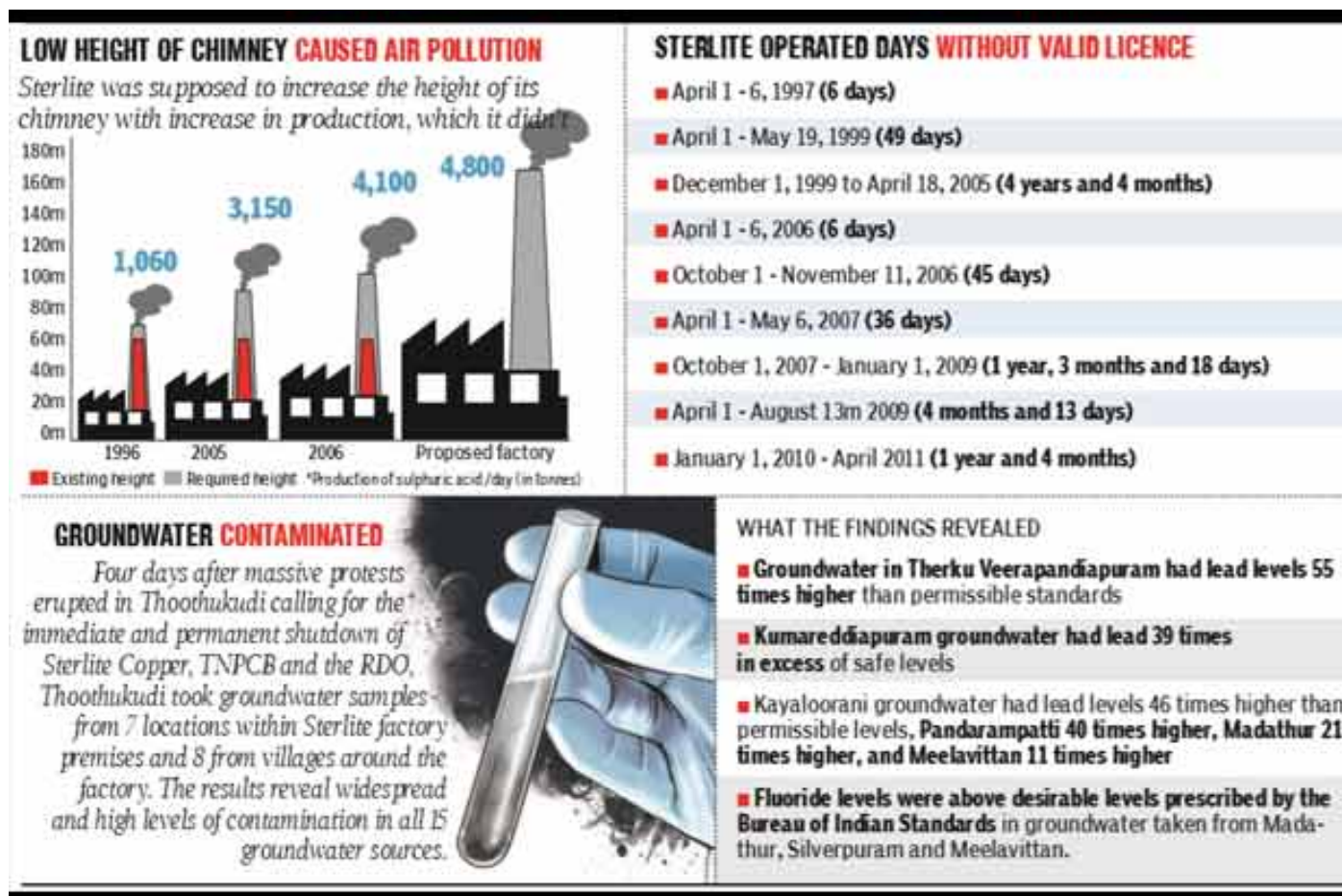


'Government aided Sterlite violations'

The Tamil Nadu Pollution Control Board's directive to close Vedanta Sterlite's copper smelting plant in Thoothukudi has failed to convince the residents and activists, who had witnessed the rampant flouting of similar orders in the past.



Fact File

Chennai:

"This is a lame order, a kneejerk reaction to the fact that people were killed. The TNPCB is required to make a strong legal case, but this order had absolutely no arguments. In fact, the board is intentionally withholding crucial information it has on violations because it may be party to it," charged Nityanand Jayaraman, a key member of the Chennai Solidarity Group that has been fighting for the closure of the copper smelter.

The results of the analysis of 15 groundwater samples collected by TNPCB and Thoothukudi district administration on March 28 had revealed that all water sources were polluted with high levels of lead.

"Given the high levels of contaminants in the groundwater taken from Madathur, Kayalloorani, Therku Veerapandiapuram, Kumareddiapuram, Silverpuram, Pandarampatti and Meelavittan, the administration ought to have published the results and warned villagers against using the water. Instead, it was kept secret until they were unearthed using RTI in late April," he said. In the past, TNPCB ordered the smelter's closure thrice – March 23, 2013, April 9, 2018 and May 23, 2018. But the company found ways to restart production within a few days. The modus operandi is clear – if one agency pulls up the plant, another grants permission to operate.

"Every time there is a gas leak, the government authorities had either rescued the company or had done so by preparing a weak case. For instance, the rejection of Consent to Operate in April this year was done on weak grounds that can be taken up in the court, which will eventually rescind the order and allow the plant to operate," alleged Nityanand.

An oft-cited example of collusion was the massive gas leak on March 23, 2013 that choked the residents of Thoothukudi. The TNPCB issued a closure order citing the Air (Prevention and Control of Pollution) Act. Activist Fatima Babu, a resident of Thoothukudi who filed a case at the Southern Bench of the National Green Tribunal (NGT), was sure of winning the legal battle. However, NGT gave it a clean chit.

"We had all the evidence, but we couldn't win the case," she rued. This came as a surprise to activists, because barely a few months before that, the Supreme Court had slapped a fine of Rs 100 crores on Sterlite for land and water pollution.



Tuticorin collector visits injured at a hospital

“The SC judgement was one of the biggest environmental charges in the country – a landmark case which confirmed the violations. NGT’s clean chit to Sterlite was surprising,” said Srestha Banerjee, programme manager, Environmental Governance Unit of the New Delhi-based Centre for Science and Environment (CSE).

“The officials and regulatory authorities are toothless. Sterlite’s history of violations is shocking,” added Srestha.

When Sterlite increased its production tenfold – from 40,000 tonnes per annum (TPA) to 4,00,000 TPA – the chimney stack, which should have also increased from 60m to 103m, remained at the initial height – a violation that was unchecked by TNPCB. Fatima had also filed a petition with the Madras High Court, stating that the environmental clearance (EC) granted to Sterlite’s 1,200 tonnes per day (TPD) smelter complex was based on false representation.

“Sterlite showed that the construction of the additional unit is happening in Phase I of the SIPCOT Industrial Complex to get away without holding a public hearing. However, we proved that the work was going on in an area that didn’t fall within the SIPCOT premises, mandating a public hearing. This time, we had water-tight documentation of the violations,” said the activist.

Now, their hopes are pinned on the public hearing before taking up work on the second unit – which was mandated by the interim order of the HC’s Madurai bench a day after the police firing. “The public hearing will see vociferous opposition to the plant that has poisoned our people in 22 years,” said Fatima.



Vehicles torched during protests

NOT THE FIRST TIME

- OCTOBER 14, 1996: TNPCB issued licence to operate the plant, ignoring violations to its conditions
- NOVEMBER 1998: the NEERI tabled a report on Sterlite’s activities and its effects following a direction from the Madras HC which was hearing a petition filed in 1996 by National Trust for Clean Environment
- NOVEMBER 23, 1998: the factory was closed for a brief following a HC order
- SEPTEMBER 21, 2004: a Supreme Court monitoring committee after an inspection recommended not to give clearance for the company’s proposed expansion from 391 to 900 tonnes per day. Within a day, the MoEF gave approval for the expansion
- MARCH 25, 1981: Govt of Tamil Nadu, Industries Department, issued a gO (G.O. 383) sanctioning SIPCOT to acquire lands to establish a “growth centre” in Thoothukudi
- MARCH 23, 2013: Gas leak allegedly from Sterlite’s plant chokes Thoothukudi, as residents complain of suffocation and respiratory problems; TNPCB orders closure of unit
- APRIL 2, 2013: In another case, Supreme Court slaps a Rs 100 crore fine on Sterlite for polluting land, water and air, while operating for a considerable time without approval
- JUNE 7, 2013: NGT reverses closure order of TNPCB allowing the plant to operate again
- DECEMBER 18, 1996: Govt of TN, Industries Department, issued GO 233 for industrial complex Phase II scheme on 1,616 acres in Therku Veerapandiapuram and Meelavittan villages (lands measuring 324 acres were allocated by SIPCOT to Sterlite through three lease deeds. These lands fell outside the SIPCOT industrial complex and were a part of the 1,616 acre parcel acquired through GO 233 of 1996)

- JANUARY 1, 2009: Sterlite industries was issued Environmental Clearance (EC) for 1,200 tpd (tonnes per day) copper smelter on 228.57 acres. Public hearing exemption given since it was located within SIPCOT Industrial Complex
- OCTOBER 27, 2014: SIPCOT submitted an application to MoEF seeking Terms of Reference (ToR) for preparation of an Environmental Impact Assessment (EIA) to establish the Tuticorin Industrial Park
- JULY 16, 2015: SIPCOT submitted a request to amend the ToR
- MAY 23, 2016: MoEF issued revised ToRs to SIPCOT for preparation of EIA
- DECEMBER 15, 2017: Notice for public hearing for the proposed SIPCOT Tuticorin Industrial Park published in local dailies
- APRIL 9, 2018: TNPCB orders closure of plant, after rejecting Sterlite's application for renewal of license to operate the copper unit
- JANUARY 25, 2018: Public hearing held but cancelled due to public opposition
- FEBRUARY 14, 2018: Sterlite Copper submits an application to the MoEF seeking ToRs for 1,200 tpd copper smelter since the earlier EC dated 01.01.2009 will expire in December 2018
- MAY 23: Madurai Bench of the Madras High Court passed interim orders, directing Vedanta to cease construction of the Unit II immediately, until the company's EC was processed after conducting a public hearing



Kin of the deceased mourn outside a hospital