

File No: 3-63/2018-IA-III
Government of India
Ministry of Environment, Forest & Climate Change
(IA-III Division-Infrastructure)

Indira Paryavaran Bhawan,
Jor Bagh Road,
New Delhi-110003

21st February, 2022

To,
Shri G.S.Makkar,
Additional Government Advocate
Central Law Agency
Supreme Court of India


Subject: Civil Appeal No. 2025 of 2019 titled as "G. Sundarrajan Vs. Union of India & Ors., Before the Hon'ble Supreme Court of India- reg.

Sir,

I am directed to refer the matter mentioned above. In this regard, please enclosed find herewith the short note duly settled by the Ld. ~~AGG~~ and approved by the competent authority . **AG.**

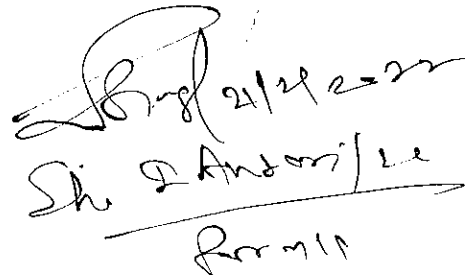
2. In this context, it is requested to arrange the filing of the short note before the Hon'ble Supreme Court of India. The next date of hearing is 22.02.2022.
3. This Ministry may please be intimated about future developments in the matter.

Yours faithfully,



(Dr. Dharmendra Kumar Gupta)
Director(s)/Scientist 'F'

Encl: as above


Sh. S. Anand
Per 11

IN THE SUPREME COURT OF INDIA
CIVIL APPELLANT JURISDICTION
CIVIL APPEAL No. 2025 OF 2019

IN THE MATTER OF:

G.SUNDRRJAN

.....APPELLANT

VS

UNION OF INDIA

.....RESPONDENTS

INDEX

S.NO.	PARTICULAR	PAGE NO.
1	SHORT NOTE ON BEHALF OF THE UNION OF INDIA	1-4

DATE : 21.02.2022

PLACE: NEW DELHI

FILED THROUGH COUNSEL

G.S. MAKKER

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 2025/2019

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IN THE MATTER OF:

G. SUNDARRAJAN

...APPELLANT

VERSUS

UNION OF INDIA AND ORS.

...RESPONDENTS

SHORT NOTE ON BEHALF OF THE UNION OF INDIA

1. The India-based Neutrino Observatory (“INO”) is envisioned as a world-class underground laboratory to study fundamental issues in science. It is a mega-science project under the XIIth five-year plan of the Government of India with an investment of about Rs. 1538 crores. It is a project of national importance, and once completed, will be the largest basic sciences project in India. It has been considered as one of the 4 most important neutrino projects worldwide (Nature magazine, 13th August 2014 issue, p. 148).
2. In a first of its kind collaboration in India, nearly 26 institutions and about 100 scientists are involved in the INO, with Tata Institute of Fundamental Research (Respondent No. 5) as the host institution.
3. It will be of interest to note that the core project is the creation of a tunnel of about 2 kms in length, cut through the rock formation, at a depth of 1 km from the peak. A project of this nature is not even contemplated in the schedule to the EIA Notification of 2006 . As ancillary to the tunnel, a housing facility for the scientists who would be manning the laboratory is planned. The advantage of having the tunnel one kilometer under the Earth is that it would not have any effect whatsoever on the ecosystem or wildlife.

4. In this case, the main objection raised by the Appellant is that the Environmental Clearance should have been granted by the State Environment Appraisal Committee (SEAC), but, has been granted by the Central Authority. What is significant is that on three occasions, separately, when the SEAC was approached, the SEAC stated that for a project of this nature, it did not have the requisite expertise to assess the project and hence it was only the Central Authority which could assess the environmental impact of the project.^[1] The Central Authority has granted the requisite clearance. Against the aforesaid background , the present objection deserves to be dismissed .

5. The primary goal of INO is to study the properties and interactions of weakly interacting, naturally occurring particles, called *neutrinos*, using an iron calorimeter (“ICAL”) detector. There is world-wide interest in this field due to its implications for several diverse and allied fields such as particle physics, cosmology and the origin of the Universe, energy production mechanisms in the Sun and other stars, etc.

6. There are only four or five neutrino laboratories in the world, in places such as Japan, Italy, USA and Canada.

7. The current location for the INO has been chosen, *inter-alia*, as:
- 7.1. the steep slopes of the western ghats provide ideal and stable rock conditions for building a large underground cavern, safely, for long-term use.
 - 7.2. The site chosen offers stable dense rocks with maximum safety for locating such a laboratory.
 - 7.3. It has low rainfall, and therefore sparse vegetation with very little wildlife, and no tree cutting is required.

7.4. There will be no displacement of people, with the closest village being more than 2 km away.

7.5. The proximity to the equator provides a unique advantage for scientific reasons.

8. It is also essential to note that:

8.1. The project does not fall within the ecologically sensitive area or the national park.

8.2. The project will not cause any pollution, or radioactivity release, or any toxic emissions.

8.3. The lab will only have about 30 staff while operating, and therefore have minimal impact.

8.4. The current site does not have any large trees, and therefore no tree cutting is necessary.

8.5. The Chief Wildlife Warden has stated that the project does not require wildlife clearance.

8.6. The National Tiger Conservation Authority has stated that it has no objection to the project because it is underground.

8.7. The Environment Clearance granted makes the clearance subject to all other statutory clearances, including the consent to establish/operate under the Water/Air Acts, clearances under the Wildlife Act, the Forest Conservation Act, all firefighting and building clearances, etc.

9. The Appellant has also raised other subsidiary grounds stating that the Appraisal Committee did not apply their mind to the Eco-sensitive nature of the project site, or the issue of rock blasting. All the grounds raised are redundant, since the EC was granted after following an elaborate procedure including an EIA and public hearings, after which the grounds mentioned by the appellant are not justifiable and cannot form the basis for stopping a project of national

④

importance which would place India in the forefront of scientific research along with only a selected few other countries in the world.

[1] The 3 occasions on which the SEAC had stated that it does not have the expertise to assess this project and grant or refuse clearance is set out in the list of dates.

Settled by:

K.K. Venugopal
Ld. Attorney general

Filed by :


G.S. Makker

AOR

2357

Place: New Delhi

Date: 21.02.2022