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Attorneys for climate and environmental justice



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Mining Capabilities for Self-Reliance

Jindal's "Melmoth Iron Ore Project", KwaZulu-Natal, South Africa

Our clients:

- South Durban Community Environmental Alliance, Durban office ("SDCEA")
- Nkwaleni Water User Association ("NWUA")
- Nkwalini and Surrounds Supporting Sustainable Rural Development community organisation ("NSSSRD")
- Felixton Canegrowers Association

Second application for Mining Right, Environmental Authorisation & Waste Management Licence (Ref. KZN 30/5/1/2/2/10108MR)

After abandoning its first mining application and Environmental Impact Assessment (EIA) in 2016, Jindal submitted a new application for its Melmoth Iron Ore Project (MIOP) in early 2021 for a mining right area of approximately 20,000 hectares (ha) to develop an open pit iron ore mine and processing facility to extract 32 million tonnes of iron ore per annum.

All Rise submitted comments on the draft EIA Report on behalf of its clients in September 2023, listing numerous deficiencies in the EIA process, including public participation, the specialist studies and EIA report. The main grounds of objection were:

- the failure to show need and desirability for the MIOP;
- the inadequate public participation process;
- the significant gaps in information making it impossible to properly assess the impacts of the MIOP, including cumulative impacts;
- aspects integral to the mining operation (such as the tailings storage facility and transport infrastructure) were excluded from the EIA (a.k.a. project splitting), thus preventing the proper consideration of cumulative impacts;
- the lack of objectivity and competence of the Environmental Assessment Practitioner (EAP);
- the Mhlathuze catchment is already overallocated, and there is no prospect of supply for the MIOP without severely impacting current water users;
- vast areas of agricultural land (commercial and small-scale farming) will be destroyed impacting on food security, jobs and the local and regional economy (formal and informal);
- vast areas of ecological importance and several red data species will be destroyed.

On 29 January 2024, the Department of Mineral Resources and Energy (DMRE) refused Jindal's application for environmental authorisation on the basis that there were significant gaps in the specialist studies, not all alternatives had been assessed, the mitigation hierarchy had not been applied and public participation was inadequate.

Third application for Mining Right, Environmental Authorisation & Waste Management Licence (Ref. KZN 30/5/1/2/2/10130MR)

Soon after being refused environmental authorisation in early 2024, Jindal withdrew its pending mining rights application and submitted it anew, this time for a larger area of approximately 25,800 ha, together with a new application for environmental authorisation and waste management licence. The EIA focuses only on the first phase of the MIOP - the "South-East Pit" and associated infrastructure, including the processing plant and tailings dams, with an estimated life of mine of 80 years (although the application is for 30 years with the intention of extending it in future).

All Rise submitted comments in August 2024 on behalf of its clients on the draft Scoping Report that was circulated for public comment mid-July. These comments centred on the:

- inadequate public participation;
- misleading, omitted and inconsistent information;

- flawed draft Scoping Report and plan of study for EIA; and
- resubmission of issues raised previously in the second EIA (but which had not been carried forward in the third EIA).

All Rise also lodged a complaint with the DMRE in October 2024 that Jindal and its consultants had not consulted all Interested and Affected Parties (I&APs), including those who had participated in the previous (second) EIA process. In response, the DMRE directed Jindal to redo its public participation for Scoping.

In January 2025, the draft Scoping Report was once again made available for public comment. Eventually, but only after repeated requests, Jindal agreed to a public meeting in the town of Eshowe but with less than a week's notice and two days before the comments were due for submission on 28 February 2025.

All Rise again submitted comments on the Scoping process and the draft Scoping Report report on behalf of its clients, much along the lines of its previous submissions given the prevailing defects in the EIA process and reports. These included:

- inadequate public participation:
 - o failure to identify and notify all I&APs;
 - o failure to provide meaningful, effective and equitable opportunity for I&AP participation;
 - o failure to disclose all material information;
 - o misleading and inconsistent information in the DSR;
- flawed draft Scoping Report (including failure to record all; issues raised by I&APs);
- inadequate plan of study for EIA (missing specialist studies; gaps in terms of reference for specialists; inadequate provision for meaningful public participation);
- the MIOP constitutes unsustainable development.

Several days after the deadline, I&APs were informed that the comment period had been extended to 13 March 2025. All Rise took the opportunity to submit a number of complaints about the numerous shortcomings of the public meeting held on 26 February, which the EAP predictably denied.

As of 17 June 2025, notwithstanding repeated requests, Jindal's EAP has not provided a response to All Rise's comments submitted on 28 February 2025 and has not provided an update on whether the final Scoping Report has been submitted and/or accepted by the DMRE, with or without conditions.

If and when the DMRE accepts the Scoping Report, the EIA process will proceed to the more detailed EIA phase during which the draft EIA Report, specialist studies and Environmental Management Programme will be distributed for public comment.

Updated 17 June 2025