



SOUTH ASIA NETWORK ON DAMS, RIVERS AND PEOPLE

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To,

**Respected Chairperson and Members,
Forest Advisory Committee
Ministry of Environment and Forests
Government of India**

Subject: Submission against diverting 999.328 of forest land for construction of drinking and industrial water supply project on Kalu River in Thane district of Maharashtra and request for conducting EIA, SIA and cumulative impact assessment for all dams planned in eco sensitive Western Ghats for industrial and drinking water supply to Mumbai and surrounding areas

Respected Members,

SANDRP had written to the FAC on the 23rd January 2012 and 30 May 2011 about the various irregularities involved in the work of Shai and Kalu Dam projects. In response to a petition filed by Shramik Mukti Sangathana against the Kalu Dam in Bombay High Court, Irrigation Department of the State of Maharashtra admitted that they have not sought forest clearance before starting work and felling hundreds of trees at the Kalu dam site, which lies in the Tribal Sub Plan area of Murbad in Thane District.

As per the directions of MoEF, Chief Conservator of Forests (Central), Shri J.K. Tewari visited Kalu dam site and the surrounding area in January 2012 and gave his report about the sorry state of affairs and various irregularities in the dam construction.

Following this report, the **High Court of Bombay has ordered a stay on the on-going work of Kalu Dam**, till MoEF decides on the clearances. The fate of this eco sensitive region which falls under the tribal sub plan region, now rests largely with the decisions of this FAC.

Shri. Tewari has categorically recommended that all construction activities on the project should be stopped. This is not only due to absence of permissions (In his words, "project proponent (the Konkan Irrigation Development Corporation, Government of Maharashtra) had no respect for law of the land and getting permission from MoEF was taken for granted."), but also because:

- "the region falls under ecologically sensitive Western Ghats area with rich wildlife",
- "A large number of dams have already been constructed in the Mumbai Metropolitan Region (MMR) and reservoirs have been proposed in almost all the remaining important water courses. So far no EIA, EMP has been conducted in this regard. Therefore, it is essential that the regional EIA for cumulative impact of all existing resources is conducted for MMR, and for any new project, EIA is conducted for incremental pollution issue."
- "Social Impact Analysis (SIA) of the project has not been conducted till date, which is required as per provisions of National Rehabilitation Policy of 2007"

Shri. Tewari's report vindicates a number of points SANDRP and Shramik Mukti Sagathana have been making consistently with the FAC. Unfortunately, we, or the local organisation have not receive any response till date.

On the 27th March 2012, more than 1000 tribals marched to the MMRDA, protesting against the string of dam projects coming up in the eco sensitive, tribal area, without respecting the Forest Rights Act, Forest Act, PESA or taking heed of unanimous local opposition and crucial issues like SIA and EIA. In the neighbouring region, where Susari dam is coming up, a farmer has committed suicide, threatened by the aggressive land acquisition process. On the 17th March, 2012, in Shai Dam site, adjacent to Kalu, local villagers protested against the dam contractor illegally setting up a base camp, which was denied permission by the Gram Panchayat. At least 21 people have been arrested for this.

Public anger in the entire region against the blatant illegalities and high handedness of the administration is mounting and the situation is extremely volatile.



Left: Tribals from Kalu and surrounding dams protesting against the dams in front on the MMRDA

Right: Tribals dharna agitation in Murbad, against the Kalu Dam.

Below: Tribal protest against the Susari Dam, coming up in the adjoining block of Dahanu, also in Thane district



In these circumstances, we once again urge the FAC to reject granting clearance to Kalu Dam project. Such a clearance is likely to set a bad precedence for all the upcoming projects which will come up at the cost of eco sensitive Western Ghat forests and tribals. We request the FAC to order an urgent EIA, SIA and cumulative impact assessment of large number of dams being planned in close vicinity of each other which will together have an exponentially negative ecological and social impact.

In this specific instance of Kalu dam, we request the FAC to recommend an enquiry into the illegalities committed so far and ascertaining responsible persons and taking necessary action against such persons.

With reference to Shai, Shri Tewari's report states that the Executive Engineer, Thane Minor Irrigation Division has given a certificate while submitting Shai Project that "it is not necessary to construct any new sources for water supply upto the year 2013". Shai project has received Stage I approval involving 42000 trees to be clear felled. He says "*This deserves serious examination and explanation of state govt maybe called for in this regard. **This unethical way of getting approval is not desirable and should be seriously re examined before final approval***".

Hence, in the specific instance of Shai dam for which the FAC recommended clearance without any social and environment impact assessment, management plans or public consultations, we request the FAC to order suspension of work till these are completed and also till a credible R&R plan approved by all the concerned gram sabhas have been prepared, which should include full details of land to be allocated to the tribals families in a manner that they regain their standard of living post rehabilitation. And also ensuring that PESA and Forest Rights Act has been implemented before work resumes.

We also request FAC to recommend to the Union Environment Minister to amend EIA notification 2006 to include all drinking water and industrial water supply projects under the EIA purview when they involve a large dam.

Please do get back to us in case of any questions or further clarifications.

Yours Sincerely,

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