

MoEF REJECTS FOREST CLEARANCE TO KALU DAM MMRDA, KIDC and Mah Govt has a lot to answer for

In a significant decision, on the 2nd April 2012, the Forest Advisory Committee (FAC) of the Ministry of Environment and Forests rejected granting Forest Clearance to Kalu Dam, coming up in the Western Ghats of Murbad Taluka in Thane District. Kalu is just one of the 10+ large dams coming up around Mumbai, which are all showing blatant disregard for any environmental, social or procedural laws.

Kalu Dam would have submerged nearly 1000 hectares (2200 acres) of forest in the global biodiversity hotspot of Western Ghats, just 7 kilometres from the Kalsubai Sanctuary. Apart from forest land submergence, the dam was set to submerge 18 villages and affect 18000 inhabitants, mostly Tribals who have been entirely dependent on their forests and river for survival.

The Konkan Irrigation Development Corporation (KIDC), who was building this dam, being financed by the Mumbai Metropolitan Region Development Authority (MMRDA) has shown utter 'lack of respect to the laws of the land', as per the report from the Regional Chief Conservator of Forests. The work started on the dam site more than a year back and hundreds of trees were cut, without a Forest Clearance, blatantly violating the Forest Conservation Act (1980) and the Forest Rights Act (2006). When Shramik Mukti Sangathana and SANDRP approached the officials about this, they were told by KIDC engineers that 'in order to reach a destination fast, we have to jump signals!' These broken signals include No Forest Clearance, No Environmental Impact Assessment or the Environment Management Plan for the project, No Social Impact Assessment, No Rehabilitation and Resettlement plan in Place, No Wildlife Management plan, No options assessment, No Public consultations amongst many more.

The dam construction had already started in full swing in the last year itself, breaking multiple laws like PESA (Panchayat Extension to Scheduled Areas) Act, Forest Rights Act and Forest Conservation Act.

Shramik Mukti Sangathana had filed a PIL in the Bombay High Court against the dam in June 2011. When the Regional Chief Conservator of Forests, Central zone made a visit to the dam site in October 2011, he was taken aback at the extent of destruction taking place in the absence of any clearances and in his strong-worded report submitted to the MoEF, pointed out the proponent had no respect for the laws of the land and **took permission from MoEF for granted**. Significantly, KIDC gave work order to contractor in May 2011, but submitted the proposal to MoEF only in August 2011. KIDC also grossly underestimated the number of trees to be felled and villages which will be affected. It did not even consider those villages which were to be cut off by the dam.

According to MMRDA, of the approximately 850 crore budget of Kalu, more than 112 crores have been already given to KIDC. It is shocking that MMRDA and our Irrigation Department allocated, released and spent such a huge amount of public money on a dam illegally, destroyed land, forests, river and the villages without taking any requisite permission or without any respect to multiple gramsabha resolutions against the project, violating the PESA.

The Forest Advisory Committee, while “recommending to close this case” has said that “it has taken note of the complaints received about this dam and also that State Government has not submitted any of the reports requested by the MoEF”.

Shramik Mukti Sangathana and SANDRP have been following this matter for over a year and we had sent representations to the MoEF and Forest Advisory Committee since May 2011, providing them with photographic and documentary evidences of the illegal work going on at Kalu. While we welcome FAC’s decision to reject Forest clearance to Kalu, we urge the MoEF to take punitive action against those responsible for violating the FRA, PESA and Forest Act, from the proponent as well as the contractor. There are multiple dams coming up in the ecologically sensitive Western Ghats around Mumbai and a punitive measure will set an example for the other dams coming up too. Most of these dams have no EIA, EMP, Env Clearance, public consultations, options assessment, Social Impact Assessment, or independent monitoring and scrutiny. They all displace tribals without their consent or without just R&R plans. And most of them are not even necessary as better options exist. We also urge MoEF to change the EIA notification to ensure that the dams are not allowed without EIA, public hearings and environment clearance. The Union Environment Minister in any should not even consider giving forest clearance to the project, over ruling the FAC decision, as she did in case of the 300 MW Alaknanda hydro project of GMR in Uttarakhand, which now the National Green Tribunal has stayed.

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