

**BEFORE THE OF HON'BLE NATIONAL GREEN TRIBUNAL,**

**EASTERN ZONE BENCH AT KOLKATA**

O.A<sup>44</sup> NO. OF 2020/EZ

**IN THE MATTER OF**

Wild life and Environment Conservation Organisation ... Applicant

Versus

Union of India and Ors. ... Respondent

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**Applicant**

**Through**

**Ranu Purohit, Sant Rakshit Manu  
and Priyadarshi Chaitanyashil  
Advocates for the Applicant**

**Dated:  
Place: New Delhi**

**C-6/50Block-C6,Safdarjung Development Area,  
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**MEMO OF PARTIES**

Wild life and Environment Conservation Organisation ...Applicant

Through its Director

Dambaru Chutia

Having its office at:-

Maguri Tourist Resort,

Purani MotaPung Village

P.O.- Bor Gaon, District Tinsukia Assam-786170

Versus

1. Union of India

Through Secretary,

Ministry of Petroleum and Natural Gas,

Shastri Bhawan, New Delhi-110001

E-mail : sec.png@nic.in

2. State of Assam,

Through its Principal Secretary,

Block "CM", Third Floor, Janata Bhawan,

Dispur, Guwahti-6

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3. Oil India Limited  
Having its office at  
Oil India Limited, Industrial Area  
Duliajan Assam,  
Pin-786602  
E-mail : oilindia@oilindia.in
4. Assam Pollution Control Board  
Milanpur, West Jyoti Nagar, Bamunimaidan  
Guwahati-Assam-781004  
E-mail : ro\_gwahati@pcbassam.org
5. Central Pollution Control Board  
Parivesh Bhawan, Maharishi Valmiki Marg,  
East Arjun Nagar, Vishwas Nagar Extension,  
Vishwas Nagar, Shahdara, Delhi-110032  
E-mail : ccb.cpcb@nic.in
6. Ministry of Environment and Forest  
Indira Paryavarhan Bhawan, Aliganj, Jor Bagh Road,  
New Delhi-110003  
E-mail : secy-moef@nic.in

...Respondent(s)

**Applicant**

**Through**

**Dated:**  
**Place: New Delhi**

Ranu Purohit, Sant Rakshit Manu  
and Priyadarshi Chaitanyashil  
**Advocates for the Applicant**  
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**SYNOPSIS**

This Hon'ble Tribunal has consistently acknowledged in its judgments that the environment is priceless. Right to clean and healthy environment has been recognized as a fundamental aspect of Right to life under Article 21 of the Constitution of India. In addition to this, the Environmental Rule of Law principle recognizes the right of environment and right to environment. The Hon'ble Supreme Court in *Vellore Citizens Welfare Forum* has recognized the principles of Sustainable Development, the Polluter Pays Principle and the Principle of Intergenerational Equity to be of constitutional significance, forming a part of the law of land. Recently, the Hon'ble Court in *Hanuman Laxman Aroskar v. Union of*

*India & Ors.* held that environmental governance, that is founded on the rule of law emerges from the values of our Constitution.

In this light, the Applicant has been constrained to approach this Hon'ble Tribunal on account of escape of deadly of gases and fumes and resulting flash fires from the Gas well of Oil India Limited ("OIL") (Respondent No. 3 herein) on 27.05.2020 at Bagjan village, Tinsukia district Assam which has caused enormous destruction and damage of serious magnitude to the ecology in addition to the loss of human life and wildlife. It may be pertinent to note that the Respondents have been unable to completely control the fire till date, and which is rising exponentially posing a severe threat to the local population and the flora and fauna of the ecologically fragile region.

Despite repeated assurances the Authorities have failed to provide any substantial relief measure to ensure the safety of the local population. This may be viewed in context of the present circumstances when the entire world is grappling with COVID-19 pandemic and the local population of Tinsukia has been rendered homeless due to the negligence and inaction of Respondent No.3, only to be kept in shelter homes without any sanitation and hygiene facilities.

The brief facts of the matter are that on 27.05.2020, at around 10:30 a.m., a major blowout of natural gas broke out at (BGR No 5) of Oil India Limited (OIL).

Almost 1785 people of Baghjan village under Hapjan Block of Tinsukia district heard a series of booming metallic sounds from the drilling oil well site. Soon spilling of substances thrown with great force became visible to the surrounding local population in the air. The gas was a mix of propane, methane, propylene and other gases which are highly toxic and fatal. By 30.05.2020, 800 families had to be evacuated from the site and nearby region. As no concrete efforts were taken to control the spread of the oil and gas leak, an enormous fire broke out in the area on 09.06.2020 which is still uncontrollable resulting in displacement of more than 1600 families. As per reports, two employees were dead, some seriously injured and several have been missing since the outbreak. The Baghjan oil spill further poses a serious threat to the rich biodiversity of **Dibru-Saikhowa National Park**. Dibru-Saikhowa and the satellite areas are known for rich diversity of orchids and endangered animals including all the big cats, white winged wood duck (Deo Hanh), the Feral Horse and Hollock Gibbons. The impact of the oil spill will lead to the extinction of many endangered species of flora and fauna and the environmental damage will be near irreversible. There has also been large scale destruction of crops in the nearby villages and tea estates. Photographs annexed with this application reveal the deplorable condition of human existence in the region subsequent to the blast and the apathy of the Respondents in providing any timely relief. Despite assertions of providing relief and money to those affected,

even after lapse of more than 2 weeks, no concrete steps have been taken on the pretext that the Respondents are unable to identify the beneficiaries which is nothing but abuse of process and authority. Several people have been put to dingy and unkempt relief homes, which are local schools converted to shelter where the affected people are taken care of by the Applicants and NGOs without any support from Respondent No. 1 to 3.

It is thus submitted that the Respondents be held accountable for destruction to ecology, violation of fundamental right to clean environment, loss of property of the local population and loss of wildlife for the *inter alia* the following reasons:

- a) For the acts of the Respondents are in violation of the constitutional principles of Sustainable Development, the Precautionary Principle the and the Principle of Intergenerational Equity and accordingly liability be fastened on the Respondents under the Polluter Pays Principle.
- b) For while carrying out inherently hazardous activity, the Respondents have grossly failed in compliance with the mandate of law.
- c) For the continued inaction of the Respondents subsequent to the blast on 27.05.2020 (with lapse of more than two weeks) caused enormous flash fires in the region adding to the severe destruction and damage already caused.

Significantly, the fire has still not been put out. It will take a minimum of four weeks atleast to douse off the fire as per the authorities

- d) For the Respondent No. 3 being instrumentality of Respondent No.1, being one of the Navratanas of Respondent No.1, the Respondents are absolutely liable for the failure of their duty to care.

Hence, the present Application.

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**LIST OF DATES**

1991            The Baghjan structure was identified in 1991 based on limited seismic data and later re-defined based on additional 2D seismic of 1999-2000. The presence of commercial hydrocarbon in the area was first established in the first well (Baghjan-1) in 2003. Two sands within the Lakadong+Therria formation (Early Eocene) produced gas with a minor amount of light oil/condensate.

1994 Environment Impact Assessment Notification, 1994 as per which prior environmental clearance was required from Central Government for exploration of oil and gas production.

2006 Oil India Limited, obtained land on lease near the Maguri Beel Motapung Wetlands in clandestine manner and started operations in the year 2006, without any clearances from the MoEF as per the EIA Notification 1994 requiring prior environmental clearance oil and gas exploration.

The Baghjan 5 well, is located next to maguri beel, a wet land and eco-sensitive zone, which is home of lakhs of migratory birds every winter, the Bhaghjan 5 well where the gas leak and subsequent fire took place is a purely gas-producing well in Tinsukia district, and is also at an aerial distance of 900 metres from the Dibru-Saikhowa National Park. It was drilled by Respondent No.3 Oil India Limited (OIL) in 2006. It produces around 80,000 standard cubic metres per day (SCMD) of gas from a depth of 3,870 metres. The current discharge is at 90,000 SCMD at a pressure of 4,200 PSI, far higher than the

normal producing pressure of around 2,700 PSI.

27.02.2007 The Ministry of Environment and Forest vide its circular dated 27.02.2007, made it clear that all applications seeking environmental clearance under the EIA Notifications 2006, for various developmental activities within 10 Km radius of National park and Wildlife Sanctuaries, which have been recommended for environmental clearance shall be accorded clearances subject to the Project Proponents obtaining clearance under the Wildlife (Protection) Act, 1972.

26.08.2011 Vide letter dated 26.08.2011, the Applicant submitted objections to the incomplete clearance sought by Respondent No.3 in light of the adverse impact of exploration on the eco-sensitive area.

- 2013 Standing Committee of National Board of Wildlife submitted its Site Inspection Report regarding Oil and Gas Pipeline in Upper Assam which clearly stated that the work was executed by Respondent No. 2 without prior approval and only post facto clearance was sought. The report further pointed out the adverse impact on wildlife ecology as a result of the project.
- 2017 The latest exploration discovery in the block was South Baghjan-2 well which encountered 15 m of pay in multiple sands in the Narpuh and Lakadong-Therria formations at a depth of 4,154 m. The well, completed in May 2017, produced 100 cu m/day of oil.
- 30.09.2019 37<sup>th</sup> Meeting of Expert Committee for declaration of Eco-Sensitive Zone around protected zones (Wildlife Sanctuaries/National Parks) wherein it was submitted that the oil drilling sites were already existing 0km from Dibru Saikhowa National Park, as a result of despite proposing ESZ for demarcating area of 658.251 sq.km as ESZ, as per request

of Respondent No.2 the area was significantly reduced to less than half.

27.05.2020 At around 10:30 a.m., a major blowout/gas leak outbreak at the well. Almost 1785 people of Baghjan village under Hapjan Block of Tinsukia district heard a series of booming metallic sounds from the drilling oil well site (BGR No 5) of Oil India Limited (OIL). Soon spilling of substances thrown with great force became visible to the victims in the air. The gas is a mix of propane, methane, propylene and other gases and is highly toxic.

30.05.2020 By 30.05.2020, approximately 800 families have taken sheltered in the nearby school, which has been turned into a relief camp. It may be pertinent to note that the condition of these relief camp is pitiable with poor sanitation and hygiene conditions, especially in the present times, when the entire world is at the threat of COVID-19 which would spread more in unkempt and unhygienic surroundings, posing a greater risk

to the lives of these people.

09.06.2020 Enormous fire broke out in the affected area. The authorities have not been able to put out the fire till date and the fire is uncontrollable at the moment. Due to the blast seismic activity was observed leading to cracks in the walls of the houses in the vicinity of the Leaking and burning Gas Well. The authorities have estimated 4 weeks time to control the fire

10.06.2020 On 10.06.2020, Earthquake tremors were felt by the locals and houses in NatunGaon, Motapung village in the vicinity of the Gas Wells

For more than two weeks now, the people living in Baghjan and nearby villages and the wildlife in the region have been facing the impacts of the blowout and uncontrolled release of gas from a gas-producing well under Baghjan oilfield. Despite assurances from Respondent No. 1 and , the blowout is continuing till date and has reached enormous proportions

causing rampant destruction by the hour putting the life of local population to standstill and left at the mercy of the so called relief camps. More than 2500 people from 1610 families have been evacuated from the affected areas and stationed at relief camps set up at various local schools till date.

\_\_\_.06.2020 Hence, the present Application.

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**APPLICATION U/S 14, 15 AND 18 OF THE NATIONAL GREEN**  
**TRIBUNAL ACT, 2010**

**TO,**  
**THE HON'BLE CHAIRPERSON AND HIS COMPANION MEMBERS,**  
**OF THE NATIONAL GREEN TRIBUNAL,**

**THE HUMBLE APPLICATION OF THE APPLICANTS ABOVE-NAMED**

**MOST REPECTFULLY SHEWETH-**

1. The Addresses of the Applicants are as given above for the service of notice of this Application and that of their representative.
2. The addresses of the Respondents are as given above for the service of notices of this Application.

3. The Applicant organization is an NGO dedicated to community awareness and conversation in the Upper Assam region. The Applicant above-named begs to present this Memorandum of Application under section 14, 15 and 18 of the National Green Tribunal Act, 2010 raising substantial questions relating to the environment. True copy of the Registration certificate of the Applicant Organization, under the Registration of Societies, Act, 1860 is annexed herewith and marked as **Annexure A1**
4. Respondent no. 1 is Union of India through Ministry of Petroleum and Natural Gas. Respondent No. 2 is the State of Assam. Respondent No. 3, Oil India Limited is a "Navratna" Category, Government of India Enterprise, a premier company engaged in exploration, production, transportation of oil and natural gas with its headquarters at Duliajan, Assam.

**BRIEF FACTS:**

- I. Oil India Limited, obtained land on lease near the MaguriBeel Motapung Wetlands in clandestine manner and started operations in the year 2006. The Gas well is situated at a distance of 980 Mtrs. from the Dibru Saikhowa National Park and is located inside the Motapung Wetlands which is a part of the Dibru Saikhowa National Park's eco-system.

II. The oilfield had been established in 2003 as a petroleum mining lease. There was no compliance of EIA Notification, 1994 at the time of commencement of work. Respondent No.3 obtained land on lease near the Maguri Beel Motapung Wetlands in clandestine manner and started operations in the year 2006, without any clearances from the MoEF as per the EIA Notification 1994 requiring prior environmental clearance oil and gas exploration. The Baghjan 5 well, is located next to maguri beel, a wet land and eco-sensitive zone, which is home of lakhs of migratory birds every winter, the Bhaghjan 5 well where the gas leak and subsequent fire took place is a purely gas-producing well in Tinsukia district, and is also at an aerial distance of 900 metres from the Dibru-Saikhowa National Park. It was drilled by Respondent No.3 Oil India Limited (OIL) in 2006. It produces around 80,000 standard cubic metres per day (SCMD) of gas from a depth of 3,870 metres. The current discharge is at 90,000 SCMD at a pressure of 4,200 PSI, far higher than the normal producing pressure of around 2,700 PSI.

True Copy of the EIA Notification, 1994 is annexed herewith and marked as **Annexure A2.**

III. The Ministry of Environment and Forest vide its circular dated 27.02.2007, made it clear that all applications seeking environmental clearance under the

EIA Notifications 2006, for various developmental activities within 10 Km radius of National park and Wildlife Sanctuaries, which have been recommended for environmental clearance shall be accorded clearances subject to the Project Proponents obtaining clearance under the Wildlife (Protection) Act, 1972. True copy of the circular dated 27.02.2007 is annexed herewith and marked as **Annexure A3**

- IV. Vide letter dated 26.08.2011, the Applicant submitted objections to the incomplete clearance sought by Respondent No.3 in light of the adverse impact of exploration on the eco-sensitive area. It is further submitted that, for the "Baghjan Oil Gas well Pipeline extension plan", as per the statutory requirement and guidelines, public hearings were conducted wherein strong objections were raised by the Applicant NGO, regarding the findings of the Environment Impact Assessment study prepared by EN-Geo Consultation. Such study was on behalf of Pollution Control Board of Assam and stated that the environment study for the project was incomplete and defective. The assessment even failed to mention the existence of a wetland in its report, amongst other biotic factors near the Baghjab-5 gas well. The Objections made by the Applicant gave an elaborate detail about the fish production capacity of the Maguri-Motapong lake as well as the hazards faced by the local farming, and the bio-diversity due to two incidents of

chemical effluence in Joigokhowa of Barekuri as well as depletion of fishes in the Dangori river, which is directly affected by the chemical effluence from the Baghjan 5 Gas well. True copy of the letter dated 26.08.2011 by the Applicant is annexed herewith and marked as **Annexure A4**.

- V. In 2011, blow-out in drilling sites of Respondent No. 2 was also recorded in Deohal Tea State located between Tinsukia and Duliajan, leading to the complete destruction of the well in 2011. Deohal reserves were identified in 1975 (drilled in 1976) but the well was kept in abeyance for future market. During the first decade of the 21st century, when the gas well was opened up again for exploitation, there was a blow-out due to unmanageable high pressure. The well was destroyed in December 2011. Reports of gas leakage started coming from different localities at different distances from the well since the beginning of 2012. True copy of the report made by Oil Industries Safety Directorate on the incident of Deohal Blowout, and the true copy of map showing the proximity between the current blow-out site from the events of 2011 that took place in Deohal are annexed herewith and marked as **Annexure A5** and **Annexure A6** respectively.
- VI. The Standing Committee of National Board of Wildlife submitted its Site Inspection Report regarding Oil and Gas Pipeline in Upper Assam which

clearly stated that the work was executed by Respondent No. 2 without prior approval and only post facto clearance was sought. The report further pointed out the adverse impact on wildlife ecology as a result of the project. It is submitted that as per reports, MD Madhusudan and Prerna Singh Bindra, the erstwhile members of the standing committee for NBWL visited the area in 2013 for the Baghjan Pipeline Extension Plan, in Baghjan 5 gas well and the team made serious observations regarding activities of Respondent No.3 near the park. As per the news report, following observations were made:

*"We strongly disapprove of the current trend of presenting the standing committee of NBWL with fait accompli situations and seeking post-facto clearances for projects on which work has already been undertaken without the requisite prior permissions. The expenditure thus incurred, in this case, from the public exchequer puts undue and unfair pressure on the standing committee of NBWL to ratify violations of wildlife and environmental norms," Madhusudan and Bindra wrote in a report submitted to the Standing Committee of the NBWL.*

True copy of the Site Inspection Report of the Standing Committee is annexed herewith and marked as **Annexure A7**. True copy of the news report is annexed herewith and marked as **Annexure A8**.

- VII. It is humbly submitted by the Applicant, that Maguri Beel, in spite of its rich ecological attributes and being home to many endangered migratory birds

and aquatic species, was left out in the ESZ status granted to Dibru - Saikhowa NP Assam. Without considering the same, to further their commercial interests, Respondent No.2 and Respondent No.3 to ensure that operations of Baghjan 5 Oil are not affected for the ESZ area reduced for the Dibru Saikhowa National Park. The state representative apprised the ESZ committee that the protected area covered 340 sq. km and the proposed ESZ area covered 658 sq. km. As Respondent No.3's extraction activity was underway, the Assam government considered Respondent No.3's request and revised the extent of the eco-sensitive zone. Subsequently, the expert committee recommended the final draft's re-notification. The Baghjan blowout happened near the proposed region. True copy 37<sup>th</sup> Meeting of Expert Committee for declaration of Eco-Sensitive Zone around protected zones (Wildlife Sanctuaries/National Parks) wherein it was submitted that the oil drilling sites were already existing 0km from Dibru Saikhowa National Park is annexed herewith and marked as **Annexure A9**.

- VIII. In spite of all the objections and the reluctance of the NBWL, and a blowout at the Deohal facility, the respondent no.2 went out of its way to safeguard Baghjan gas well operations from being restricted under the ESZ notification by revising the extent of DSNP, further all clearances were granted to the Baghjan-5 gas well extension plans as well in a very scurried manner, in spite

of glaring loopholes in the assessment carried out by a third party, and serious allegations made in the NBWL report filed to the standing committee mentioned above.

- IX. As matters stood thus, to make situation worse, as per reports last month, Respondent No.2 received environment clearance from the Ministry of Environment, Forest and Climate Change (MoEF&CC), to carry out drilling and testing of hydrocarbons in seven locations under the national park which was published by OIL in various newspapers and reported on May 20, 2020 (source outlook). True copy of the news report dated .20.05.2020 to the said effect is annexed herewith and marked as **Annexure A10**.
- X. Just a few days after Respondent claimed to obtain required clearances from the MoEF&CC, to drill seven wells around Dibru Saikhowa National park, making several claims about how their new technology of ERD wells will not harm the national park in any way, on 27.05.2020, the village of Baghjan in Assam suffered a blowout in the form of an uncontrolled oil and gas spill that occurred due to failing pressure systems in an oil well run by state-owned Oil India Limited (OIL), Respondent No.3 herein. The gas is a mix of propane, methane, propylene and other gases and is highly toxic and fatal.

XI. By 30.05.2020, approximately 800 families had to take shelter in the nearby school which has been turned into a relief camp. It may be pertinent to note that the condition of these relief camp is pitiable with poor sanitation and hygiene conditions, especially in the present times, when the entire world is at the threat of COVID-19 which would spread more in unkempt and unhygienic surroundings, posing a greater risk to the lives of these people. Due to the rising number of Covid-19 cases in the state, the district administration tried to shift some groups to different camps in order to maintain social-distancing. Oil and Natural Gas Corporation's technical team was summoned for help to help install a blow-out prevention system. It was assured by the Respondent No. 1 and Respondent No.2 that the prevention system will work, but the blow out still continues. The effects of this blowout has left an irreparable damage to all kinds of life in and around the well. True copy of the new reports pertaining to the incident dated 27.05.2020 are collectively annexed herewith and marked as **Annexure A11**.

XII. Even after more than two weeks of the gas leaking, which has not been dealt with by the authorities, on 09.06.2020, enormous fire broke out in the affected area and all villagers in the vicinity were evacuated. The authorities and Respondent No.2 have not been able to put out the fire till date and

estimate that the fire will take atleast 4 weeks to subside. Due to the blast seismic activity was observed leading to cracks in the walls of the houses in the vicinity of the Leaking and burning Oil Well. The victims in the relief camps had to move to safer camps further from the leaking Baghjan 5 well, after the shock waves were observed. True copy of the reports pertaining to the incident of 09.06.2020 is annexed herewith and marked as **Annexure A12**. Photographs showing the destruction to ecology, loss of human life and property, loss of wildlife and deplorable condition of shelter homes and damage to crops are annexed herewith and marked as **Annexure A13**.

- XIII. On 10.06.2020, again earthquake tremors were felt by the locals and houses in NatunGaon, Motapung village in the vicinity of the Oil Wells. As per reports collected by the local administration with the help of the villagers, on 12.06.2020, 2000 Nos of families have been affected, summing up to over 11,020 number of people including adults and children (approximately). Agricultural crop area affected stood at 1210 Hectares of land and small tea garden affected stood at 470 Hectares, 14 houses completely burned down in the vicinity of the well and several others were heavily damaged. The number of villages affected also increased in number and the same are Dighal Tarang Revenue Villahe, Baghjan N.C. Village, Baghjan Karua Basti area, Kochuwani of Baghjan Village & part of Korua Ward No. 2 & 3 of

Baghjan Village, part of Nagbanshi and Karua Basti, and Bejoli Basti Gaon. Of Rongagora Natun Gaon and Gotong Locality. The total number of people in camps also stood at around 9000 people on the night of 12.06.2020. It is also pertinent to mention here that the area is pre-dominantly resided by the Tea tribes and Motak Moran Community of Assam as well as the Mishing Tribes. And the current spillage has severely threatened their way of life and culture.

- XIV. It is humbly submitted that the Baghjan oil spill further poses a serious threat to the rich biodiversity of **Dibru-Saikhowa National Park**. Dibru-Saikhowa and the satellite areas are known for rich diversity of orchids and endangered animals, white winged wood duck (Deo Hanh), the **Feral Horse** and Hoolock Gibbons. The impact of the oil spill will lead to the extinction of many endangered species of flora and fauna and the environmental damage will be near irreversible.
- XV. In addition to the above, the oil-spill also poses a threat to *Maguri-Motapung Beel*, a world-famous wetland. This wetland is a major source of livelihood for the villagers in the near vicinity and home to numerous species of local and migratory birds. The contamination of this wetland will spell doom for the livelihood of people living off fishing from the wetland

and greatly affect the migratory patterns and density of bird species that live or visit the area. By estimates of early 2011, the Maguri- Motapung lake alone had a production of 200 metric tonnes of fish annually. Due to its unique ecosystem and rich variety of aquatic and bird species, this wetland is a paradise for bird-watchers and research scholars around the world. Due to this unique ecosystem a promising industry of eco-tourism and environmental learning with its rich diversity is already thriving in the area which is suffering gravely on account of the oil spill.

- XVI. The magnitude of the incident has adversely impacted crops in the region as the land is parched with spillage and several toxic chemicals, effects of which cannot be undone anytime soon in the future. Human beings too have been affected are showing signs of deteriorating health and mental illnesses due to the incident. Even the immediate impact of the incident in Baghjan has been enormous. Only a deeper search into the chemical compositions of the spillage will reveal the nature and longevity of the effects.
- XVII. The Pipeline has also had many instances of crude oil spilling in the past, In September, 2018, there was a crude oil spill at Chotta Hapjan Tea Estate, which is located in the estuary region of Dibru River and Maguri Beel and had severely contaminated Maguribeel, greatly affecting the aquatic life and

fishery capacity of Maguribeel, in that particular year. The Applicant had submitted a memorandum for cleaning of the Oil Spill to the Resident Chief Executive of Oil India Limited, Duliajan, but no action was taken.

XVIII. In this light, the substantial question of environment that arise for consideration of this Hon'ble Tribunal are:

- (a) Whether the acts of Respondent No. 2 caused severe and irreparable damage, destruction and displacement to human life, ecology and wildlife of the region alongwith destruction of property?
- (b) Whether the Respondents are absolutely liable for their acts/negligence resulting in the blast and flash fires?
- (c) Amount of compensation to be provided to the victims for loss of health and loss of property?
- (d) Environmental compensation to be paid by the Respondents for restitution of environment?
- (e) Exemplary damages to be imposed on Respondent No.3 for the incident?

#### GROUNDS

A. Because the Hon'ble Tribunal has laid down in *In re: Gas Leak at LG Polymers Chemical Plant in RR Venkatapuram Village, Visakhapatnam in*

*Andhra Pradesh, Original Application No. 73/2020, that "NGT has the purpose and power to provide relief and compensation to victims of environment damage, restitution of property, and restoration of environment."*

- B. Because the Respondent No. 3 had failed in complying with the mandate of Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 ("the 1989 Rules").
- C. Because Respondent No. 4 to 5 being statutory authorities and have failed in regulating such activities of Respondent No. 3 as per mandate of law.
- D. Because negligence and inaction of Respondents has resulted in enormous loss of human life alongwith loss of wildlife and ecologically fragile biodiversity of the affected area and surrounding villages.
- E. Because this Hon'ble Tribunal has held in *Threat to life arising out of coal mining in south garo hills district v. State of Meghalaya & Ors., Original Application No.110(THC)/2012*, that to uphold the Rule of Law and accountability of those who are trustees of environment, it is necessary that the state machinery is required to compensate for their negligence and failure which may act as deterrent against the officers who neglected their basic duty of protecting the environment or colluded with the polluters and

law violators. This is required not only as a part of principle of 'polluter pays' which applies not only to actual polluters but also to those who collude with polluters or enable pollution to be caused and also for the negligence of public duties, adversely affecting the citizens.

- F. Because the Hon'ble Supreme Court has in *Sterlite Industries (India) Ltd. v. Union of India (2013) 4 SCC 575* held that compensation must be deterrent having regard to paying capacity and magnitude of the polluter.
- G. Because the Hon'ble Supreme Court in *T.N. Godavarman Thirumulpad v. UOI & Ors. (2006) 1 SCC 1* has reiterated that environment is the responsibility of the state.
- H. Because the Hon'ble Supreme Court has in *Indian Council for Enviro-Legal Action & Ors. v. Union of India & Ors. (1996) 3 SCC 212* and *Vellore Citizens Welfare Forum v. UOI, (1996) 5 SCC 647* Polluter Pays Principle extends not only to compensate harm to the victim but also to the environment.
- I. Because the Hon'ble Supreme Court in *M. C. Mehta & Anr. v. Union of India (1987) 1 SCC 395* has laid down that measure of compensation to be co-related to magnitude and capacity of enterprise, compensation must have deterrent effect. Further in *M.C. Mehta v. Kamal Nath (1997) 1 SCC 388*,

the Hon'ble Court has upheld the imposition of exemplary damages to be paid by polluter as a measure of deterrence.

- J. Because the Villagers residing in and around the leakage site have received no compensation till date and the settlement camps provided for by the Respondent No. 3 lack basic necessities, making the villagers prone to diseases and are further threatened by the spread of COVID-19 as social distancing protocols in these camps cannot be followed.
- K. Because the villagers are already showing symptoms of skin infections and allergies as well as mental stress and anxiety and medical facilities are lacking or unavailable.
- L. Because Maguri Beel, located near the leak site and the surrounding green zone has deteriorated beyond repair and will take years to recover completely. It is submitted that the affected site was recognized as the potential site for Rhino relocation as per Rhino Vision 2020. In addition to this, Baghjan is situated in bank of Danghari River and the incident has seriously affected the water quality and deteriorated the same.
- M. Because the Acts of Respondent No.3 have severely deteriorated the air quality of the region and are also violative of the Wetland (Conservation and Management) Rules, 2010

N. Because the life and livelihoods of the villagers and adjoining fishing communities have been completely destroyed leading to long lasting ramifications both socially and economically.

### **PRAYER**

In the facts and circumstances it is most humbly prayed that this Hon'ble Tribunal may:

- (a) Pass an order directing Respondent No. 1 to 3 to provide compensation to the victims for the loss of health, loss of livelihood and damage of their property,
- (b) Pass an order imposing environmental compensation on Respondent No. 3 for restitution of environment,
- (c) Pass an order imposing exemplary damages on Respondent No. 2 as a measure of deterrence for large scale destruction of ecology and biodiversity in ecologically fragile region,
- (d) Pass such other/further order as this Hon'ble Tribunal may deem fit in the facts and circumstances of the case.

### **INTERIM PRAYER**

- (a) Pass an order directing Respondent No. 1 to 3 to provide suitable safety homes to victims immediately in light of COVID-19 threat;
- (b) Pass an order directing Respondent No. 1 to 3 to provide interim compensation to victims and displaced persons in time bound manner
- (c) Pass an order directing Respondent No. 1 to 3 to take swift and prompt measures for putting out fire to prevent further damage to property and threat to human and animal life;
- (d) Pass an order directing Respondent No. 3 to close the unit immediately for cessation of fire and prevention of further leakage;
- (e) Pass an order directing Respondent No. 1 to 3 to take immediate steps for restoration of displaced and affected wildlife of the region;
- (f) Pass an order directing appointment of an independent committee by this Hon'ble Tribunal for assessing the cause of damage and the long term impact caused by the spill.

AND FOR THIS ACT OF KINDNESS THE HUMBLE APPLICANT AS  
IN DUTY BOUND SHALL EVER PRAY.

Place:

Filed by:  
Ranu Purohit, Sant Rakshit Manu  
and Priyadarshi Chaitanyashil

**Dated:**  
**Place: New Delhi**

**Advocates for the Applicant**  
C-6/50Block-C6,Safdarjung Development Area,  
HauzKhas, New Delhi, Delhi 110016  
Mobile Number: 8377950090  
E-mail: [chaitanya@mimansalaw.in](mailto:chaitanya@mimansalaw.in)



Serial No. 309  
Date... 12/06/2020

**BEFORE THE NOTARY PUBLIC, AT TINSUKIA**

**AFFIDAVIT**

I, SRI DAMBARU CHUTIA, Son of Sibanath Chutia, aged about 48 years, resident of Purani Matapung Village, Post office Boragaon, PS- barekuri, District Tinsukia, Assam, Director of WECO (Wildlife and Environment Conservation Organization), an N.G.O. dedicated on community awareness and conservation (in Upper Assam), Office Address- Maguri Tourist Resort, Purani Matapung Village, P.O.- Bargaon, Dist.- Tinsukia, Assam- 786170, do hereby solemnly affirm and state as follows:-

1. That I am the Applicant and authorized signatory/Director of the said registered society and as such I am acquainted with the facts of the present case and competent to swear this Affidavit.
2. That I have read and understood the contents of the application mention therein are true and correct to the best of my knowledge and belief.
3. That the annexure annexed to the Application are true copies of its respective originals.

On Oath: I swear that this my declaration is true, that it conceals nothing, and that no part of it is false, so help me god, And I sign this Affidavit on this the 12<sup>th</sup> day of June, 2020

Identified by Me

*[Signature]*

Advocate, Tinsukia, Assam (Enrollment No 399 of 2015)

*[Signature]*

DEPONENT  
Director  
WECO

**VERIFICATION**

I, Sri Dambaru Chutia, the deponent above named, do hereby solemnly affirm and verify that what is stated in the foregoing Affidavit is true to my knowledge based on records of the case and I believe the same to be true.

Verified at TINSUKIA on this 12<sup>th</sup> day of JUNE, 2020.

*[Signature]*

DEPONENT  
Director  
WECO

*[Signature]*  
AN. GOGOI  
NOTARY  
TINSUKIA DISTRICT  
No. TSX 03

Dated: 13/12/2011

সমাজিক ন্যায়বিচার আন্দোলন, অসম  
সমাজিক ন্যায়বিচার আন্দোলন, অসম  
সমাজিক ন্যায়বিচার আন্দোলন, অসম  
সমাজিক ন্যায়বিচার আন্দোলন, অসম



# CERTIFICATE OF REGISTRATION OF SOCIETIES ACT XXI OF 1860

No. RS/ 244/B/57 of 3008

I hereby certify that WECO Wildlife & Environment Conservation Organisation  
Via. Na Motapung, P.O. Borgaon, P.S. Maloni,  
Dist. Tinsukia, Assam, Pin-786170

has been duly registered under the Societies Registration Act XXI of 1860  
Assam

Given under my hand at \_\_\_\_\_  
Sd/- \_\_\_\_\_ December

Day of \_\_\_\_\_  
Two thousand and \_\_\_\_\_

At \_\_\_\_\_  
Date 13/12/2011

At \_\_\_\_\_  
Date 01/12/10

*(Handwritten signature and stamp)*

REGISTERAR OF SOCIETIES ASSAM  
GUWAHATI



INDIA

**THE ENVIRONMENTAL IMPACT  
ASSESSMENT NOTIFICATION, 1994**  
(As amended on 4-5-94)

Government of India  
Ministry of Environment & Forests  
New Delhi

40

# MINISTRY OF ENVIRONMENT & FORESTS

## NOTIFICATION

ON

### Environmental Impact Assessment of Development Projects

New Delhi, the 27th January, 1994.

( as amended on 04/05/1994 )

1. S.O.60(E) Whereas a notification under clause (a) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 inviting objections from the public within sixty days from the date of publication of the said notification, against the intention of the Central Government to impose restrictions and prohibitions on the expansion and modernization of any activity or new projects being undertaken in any part of India unless environmental clearance has been accorded by the Central Government or the State Government in accordance with the procedure specified in that notification was published as S.O. No. 80(E) dated 28th January, 1993;

And whereas all objections received have been duly considered;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby directs that on

and from the date of publication of this notification in the Official Gazette expansion or modernization of any activity (if pollution load is to exceed the existing one) or a new project listed in Schedule I of this notification shall not be undertaken in any part of India unless it has been accorded environmental clearance by the Central Government in accordance with the procedure hereinafter specified in this notification.

2. Requirements and procedure for seeking environmental clearance of projects:

- I.(a) Any person who desires to undertake any new project or the expansion or modernisation of any existing industry or project listed in Schedule I shall submit an application to the Secretary, Ministry of Environment and Forests, New Delhi.

The application shall be made in the proforma specified in Schedule II of this notification and shall be accompanied by a project report which shall, inter alia, include an Environmental Impact Assessment Report/Environment Management Plan prepared in accordance with the guidelines issued by the Central Government in the Ministry of Environment and Forests from time to time.

- (b) Cases rejected due to submission of insufficient or inadequate data and plans may be reviewed as and when submitted with complete data and plans. Submission of incomplete data or plans for the second time would itself be a sufficient reason for the Impact Assessment Agency to reject the case summarily.

II. In case of the following site specific projects:

- (a) mining;
- (b) pit-head thermal power stations;
- (c) hydro-power, major irrigation projects and/or their combination.

including flood control;

- (d) ports and harbours (excluding minor ports);
- (e) prospecting and exploration of major minerals in areas above 500 ha.,

The project authorities will intimate the location of the project site to the Central Government in the Ministry of Environment and Forests while initiating any investigation and surveys. The Central Government in the Ministry of Environment and Forests will convey a decision regarding suitability or otherwise of the proposed site within a maximum period of thirty days. The said site clearance shall be granted for a sanctioned capacity and shall be valid for a period of five years for commencing the construction, operation or mining.

- III.(a) The reports submitted with the application shall be evaluated and assessed by the Impact Assessment Agency, and if deemed necessary it may consult a Committee of Experts, having a composition as specified in Schedule-III of this Notification. The Impact Assessment Agency (IAA) would be the Union Ministry of Environment and Forests. The Committee of Experts mentioned above shall be constituted by the IAA or such other body under the Central Government authorised by the IAA in this regard.
- (b) The said Committee of Experts shall have full right of entry and inspection of the site or, as the case may be, factory premises at any time prior to, during or after the commencement of the operations relating to the project.
- (c) The Impact Assessment Agency shall prepare a set of recommendations based on technical assessment of documents and data, furnished by the project authorities, supplemented by data collected during visits to sites or factories, if undertaken, and interaction with affected population and

environmental groups, if necessary. Summary of the reports, the recommendation and the conditions, subject to which environmental clearance is given, shall be made available subject to the public interest to the concerned parties or environmental groups on request. Comments of the public may be solicited, if so decided by Impact Assessment Agency, within thirty days of receipt of proposal, in public hearings arranged for the purpose after giving thirty days notice of such hearings in at least two newspapers. Public shall be provided access, subject to the public interest, to the summary of the reports/ Environmental Management Plans at the Headquarters of the Impact Assessment Agency.

The assessment shall be completed within a period of ninety days from receipt of the requisite documents and data from the project authorities and completion of public hearing, where required, and decision conveyed within thirty days thereafter.

The clearance granted shall be valid for a period of five years for commencement of the construction or operation.

No construction work, preliminary or otherwise, relating to the setting up of the project may be undertaken till the environmental and/or site clearance is obtained.

- IV. In order to enable the Impact Assessment Agency to monitor effectively the implementation of the recommendations and conditions subject to which the environmental clearance has been given, the project authorities concerned shall submit a half-yearly report to the Impact Assessment Agency. Subject to the public interest, the Impact Assessment Agency, shall make compliance reports publicly available.
- V. If no comments from the Impact Assessment Agency are received within the time limit, the project would be deemed to have been approved as proposed by project authorities.

3. Nothing contained in this Notification shall apply to:
- (a) any item falling under entry nos. 3, 18 and 20 of the Schedule-I to be located or proposed to be located in the areas covered by the Notifications S.O. No. 102(E) dated 1st February, 1989; S.O. 114(E) dated 20th February, 1991 S.O. No. 416(E) dated 20th June, 1991 and S.O. No. 319(E) dated 7th May, 1992.
  - (b) any item falling under entry Nos. 1, 2, 3, 4, 5, 7, 9, 10, 12, 13, 14, 16, 17, 19, 21, 25 and 27 of Schedule-I if the investment is less than Rs. 50 crores.
  - (c) any item reserved for Small Scale Industrial sector with investments less than Rs. 1 crore.

4. Concealing factual data or submission of false, misleading data/reports, decisions or recommendations would lead to the project being rejected. Approval, if granted earlier on the basis of false data would also be to be revoked. Misleading and wrong information will cover the following:

- False information.
- False data.
- Engineered reports.
- Concealing of factual data.
- False recommendations or decisions.

( No. Z-12013/4/89-IA-I)

R. RAJAMANI, Secy.

**SCHEDULE -I**  
(See paras 1 and 2)

**LIST OF PROJECTS REQUIRING ENVIRONMENTAL  
CLEARANCE  
FROM THE CENTRAL GOVERNMENT**

1. Nuclear Power and related projects such as Heavy Water Plants, nuclear fuel complex, rare earths.
2. River Valley projects including hydel power, major irrigation and their combination including flood control.
3. Ports, Harbours, Airports (except minor ports and harbours).
4. Petroleum Refineries including crude and product pipelines.
5. Chemical Fertilizers (Nitrogenous and Phosphatic other than single superphosphate).
6. Pesticides (Technical).
7. Petrochemical complexes (Both Olefinic and Aromatic) and Petro-chemical intermediates such as DMT, Caprolactam, LAB etc. and production of basic plastics such as LDPE, HDPE, PP, PVC.
8. Bulk drugs and pharmaceuticals.
9. Exploration for oil and gas and their production, transportation and storage.

10. Synthetic Rubber.
11. Asbestos and Asbestos products.
12. Hydrocyanic acid and its derivatives.
- 13.(a) Primary metallurgical industries (such as production of Iron and Steel, Aluminium, Copper, Zinc, Lead and Ferro Alloys).  
  
(b) Electric arc furnaces (Mini Steel Plants).
14. Chlor-alkali industry.
15. Integrated paint complex including manufacture of resins and basic raw materials required in the manufacture of paints.
16. Viscose Staple fibre and filament yarn.
17. Storage batteries integrated with manufacture of oxides of lead and lead antimony alloy.
18. All tourism projects between 200m--500 meters of High Tide Line or at locations with an elevation of more than 1000 meters with investment of more than Rs. 5 crores.
19. Thermal Power plants.
20. Mining projects (major minerals) with leases more than 5 hectares.
21. Highway Projects.
22. Tarred Roads in Himalayas and/or Forest areas.
23. Distilleries.
24. Raw Skins and Hides.

25. Pulp, paper and newsprint.
26. Dyes.
27. Cement.
28. Foundries (individual).
29. Electroplating.

## SCHEDULE -II

(See Sub-para I(a) of Para 2)

### APPLICATION FORM

1. (a) Name and Address of the project proposed:
  - (b) Location of the project:  
Name of the place:  
District, Tehsil:  
Latitude/Longitude:  
Nearest Airport/Railway Station:
  - (c) Alternate sites examined and the reasons for selecting the proposed site:
  - (d) Does the site conform to stipulated land use as per local land use plan:
2. Objectives of the project:
3. (a) Land Requirement:  
Agriculture Land:  
Forest land and Density of vegetation:  
Other (specify):
  - (b) (i) Land use in the Catchment/within 10 kms. radius of the proposed site:
  - (ii) Topography of the area indicating gradient, aspects and altitude:
  - (iii) Erodability classification of the proposed land;
- (c) Pollution sources existing in 10 km. radius and their impact on quality of air, water & land:
- (d) Distance of the nearest National Park/Sanctuary Biosphere

Reserve/Monuments/heritage site/Reserve Forest:

(e) Rehabilitation plan for quarries/borrow areas:

(f) Green belt plan:

(g) Compensatory afforestation plan:

4. Climate and Air Quality:

(a) Windrose at site;

(b) Max./Min./Mean annual temperature

(c) Frequency of inversion:

(d) Frequency of cyclones/tornadoes/cloud burst:

(e) Ambient air quality data:

(f) Nature & concentration of emission of SPM, Gas (CO, CO<sub>2</sub>, NO<sub>x</sub>, CH<sub>n</sub> etc.) from the project.

5. Water balance:

(a) Water balance at site:

(b) Lean season water availability:

(c) Source to be tapped with competing users (River, Lake, Ground, Public supply):

(d) Water quality:

(e) Changes observed in quality and quantity of ground water in the last 15 years and present charging and extraction details:

(f) (i) Quantum of waste water to be released with treatment details:

(ii) Quantum of quality of water in the receiving body before and after disposal of solid waste:

(iii) Quantum of waste water to be released on land and type of land:

(g) (I) Details of reservoir water quality with necessary Catchment Treatment Plan;

(ii) Command Area Development Plan;

6. Solid wastes :

(a) Nature and quantity of solid wastes generated.

(b) Solid waste disposal method:

7. Noise and Vibrations:

(a) Sources of noise and vibrations;

(b) Ambient noise level;

(c) Noise and Vibration control measures proposed;

(d) Subsidence problem if any with control measures:

8. Power requirement indicating source of supply: Complete environmental details to be furnished separately, if captive power unit proposed:

9. Peak labour force to be deployed giving details of:

-- Endemic health problems in the area due to waste water/air/soil borne diseases:

-- Health care system existing and proposed:

10. (a) Number of village and population to be displaced:

(b) Rehabilitation Master Plan:

11. Risk Assessment Report and Disaster Management Plan:

12. (a) Environmental Impact Assessment } Report prepared as per  
(b) Environment Management Plan: } guidelines of MOEF  
(c) Detailed Feasibility Report: } issued from time to time  
(d) Duly filled in questionnaire }

**13. Details of Environmental Management Cell:**

I hereby give an undertaking that the data and information given above are true to the best of my knowledge and belief and I am aware that if any part of the data/information submitted is found to be false or misleading at any stage, the project be rejected and the clearance given, if any, to the project is likely to be revoked at our risk and cost.

Signature of the applicant  
with name and full address

Date:

Place:

Given under the seal of  
organisation on behalf of  
whom the applicant is signing

In respect to item for which data are not required or is not available as per the declaration of project proponent, the project would be considered on that basis.

**SCHEDULE III**  
( See sub-para III(a) of Para 2)

**COMPOSITION OF THE EXPERT COMMITTEES FOR  
ENVIRONMENTAL IMPACT ASSESSMENT**

1. The Committees will consist of experts in the following disciplines:
  - (i) Eco-System Management
  - (ii) Air/Water Pollution Control
  - (iii) Water Resource Management
  - (iv) Flora/Fauna Conservation and Management
  - (v) Land Use Planning
  - (vi) Social Sciences/Rehabilitation
  - (vii) Project Appraisal
  - (viii) Ecology
  - (ix) Environmental Health
  - (x) Subject Area Specialists.
  - (xi) Representatives of NGOs/Persons Concerned With Environmental Issues.
  
2. The Chairman will be an outstanding and experienced ecologist or environmentalist or technical professional with wide

managerial experience.

3. The representative of IAA will act as Member - Secretary.
4. Chairman and members will serve in their individual capacities except those specifically nominated as representatives.
5. The membership of a Committee shall not exceed 15.

**EXPLANATORY NOTE REGARDING THE IMPACT  
ASSESSMENT NOTIFICATION  
DATED 27TH JANUARY, 1994**

**1. Expansion and modernisation of existing projects**

A project proponent is required to seek environmental clearance for a proposed expansion/modernisation activity if the resultant pollution load is to exceed the existing levels. The words "pollution Load" will in this context cover emissions, liquid effluents and solid or semi-solid wastes generated. A project proponent may approach the concerned State Pollution Control Board (SPCB) for certifying whether the proposed modernisation/expansion activity as listed in Schedule-I to the notification is likely to exceed the existing pollution load or not. If it is certified that no increase is likely to occur in the existing pollution load due to the proposed expansion or modernisation, the project proponent will not be required to seek environmental clearance, but a copy of such certificate issued by the SPCB will have to be submitted to the Impact Assessment Agency (IAA) for information. The IAA will however, reserve the right to review such cases in the public interest if material facts justifying the need for such review come to light.

**2. Availability of Summary Feasibility Report, EIA/EMP Report etc. to concerned parties or groups**

The project proponent will have to submit an executive summary incorporating in brief the essence of project details and findings of environmental impact assessment study which could be made available to concerned parties or environmental groups on request.

**3. Clarification about concerned parties or environmental groups**

The concerned parties or environmental groups will be the bonafide residents located at or around the project site or

site of displacement or site of alleged adverse environmental impact.

4. **Public Hearing**

Public hearings could be called for in case of projects involving large displacement or having severe environmental ramifications.

5. **Requisite information required for site clearance/project clearance.**

(a) **Site Clearance:**

Site clearance will be given for site specific projects as mentioned in para-2(ii) of the notification. Project proponents will be required to furnish information according to the environmental appraisal questionnaires for site clearance, as may be prescribed by the IAA from time to time. Additional information whenever required by the IAA will be communicated immediately to the project proponents who will then be required to furnish the same within the time frame specified:

(b) **Project clearance:**

In addition to the application form as mentioned in Schedule II to the notification, project proponents are required to furnish the following information for environmental appraisal:

(i) **EIA/EMP report (20 copies);**

(ii) **Risk Analysis report (20 copies):** however, such reports if normally not required for a particular category of project, project proponents can state so accordingly, but the IAA's decision in this regard will be final;

(iii) **NOC from the State Pollution Control Board;**

- (iv) Commitment regarding availability of water and electricity from the competent authority;
- (v) Summary of Project report/feasibility report (one copy);
- (vi) Filled in questionnaire (as prescribed by the IAA from time to time) for environmental appraisal of the project;
- (vii) Comprehensive rehabilitation plan, if more than 1000 people are likely to be displaced, otherwise a summary plan would be adequate.

As a Comprehensive EIA report will normally take at least one year for its preparation, project proponents may furnish Rapid EIA report to the IAA based on one season data (other than monsoon), for examination of the project. Comprehensive EIA report may be submitted later, if so asked for by the IAA.

The requirement of EIA can be dispensed with by the IAA, in case of project which are unlikely to cause significant impacts on the environment. In such cases, project proponent will have to furnish full justification for such exemption, for submission of EIA. Where such exemption is granted, project proponents may be asked to furnish such additional information as may be required.

#### 6. Submission of insufficient or inadequate data

Regarding cases liable to be rejected due to inadequacy of data, it is clarified that the IAA will make such rejection within 30 days from the date of submission of the proposal. While rejecting a proposal due to insufficient or inadequate data after the first evaluation, the IAA may also stipulate additional requirement of information/clarification for impact assessment purposes if deemed essential due to the specific nature of location of the proposed project whose data as prescribed is

not available, the IAA can examine the project on the basis of available data.

## 7. Application Form

(i) In order to remove any hardship to the project proponent in providing any information, the project proponent may, where some information is not available or would cause inordinate delay, mention this in their application form. The IAA may consider the project proposal based on the information available.

### (ii) Quality and quantity of ground water

If 15 years data on the quantity and quality variation of ground water is not available with the concerned Department or Authorities, the project proponent may mention this accordingly in the application form prescribed in Schedule-II to the notification. Further, in case of projects, where ground water is not to be used, and effluents are not to be discharged on the land, the requirement of ground water variation data for the previous 15 years will be dispensed with.

(iii) A project proponent may write the words "Not Applicable" while filling the application form as mentioned in Schedule-II to the notification in respect of items which are not relevant for the purposes of the proposed project.

## 8. Exemption for projects already initiated

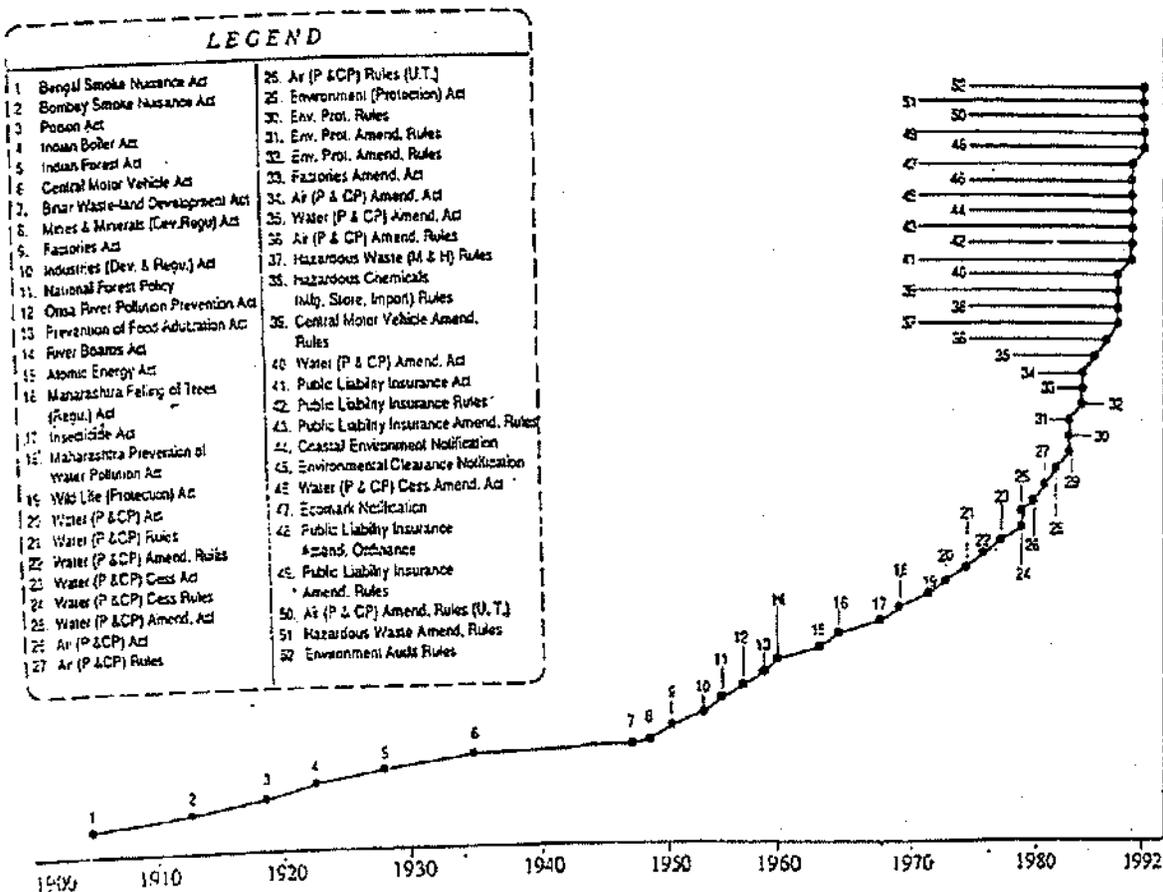
For projects listed in Schedule-I to the notification in respect of which the required land has been acquired and all relevant clearances of the State Government including NOC from the respective State Pollution Control Boards have been obtained before 27th January, 1994, a project proponent will not be required to seek environmental clearance from the IAA. However those units who have not as yet commenced production will inform the IAA.

- 2 -

50. Air (P & CP) Amend. Rules (U.T).
51. Hazardous Waste Amend. Rules.
52. Environment Audit Rules.

**Note:** 'P' and 'C.P' - 'Prevention and Control of Pollution'.

**Reference:** The above listing is adapted  
from:  
    'Environmental Audit' (An overview) (page 12)  
    by 'Ashok Keshav Mhaskar',  
    M/s. 'MEDIA ENVIRO',  
    Pune.



No. L-11011/7/2004-IA II(I) (Part)  
 Ministry of Environment & Forests  
 IA Division

Tele no. 24364087  
 Parvathan Bhevan, C.G.O. Complex,  
 Lodi Road, New Delhi-110003.

Dated the February 27, 2007

CIRCULAR

Subject Consideration of development projects located within 10km of National Park and sanctuaries seeking environmental clearance under the EIA Notification dated 14<sup>th</sup> September, 2006- regarding.

The Ministry is receiving a number of applications seeking environmental clearance under the EIA Notification 2006 for various developmental activities located within 10 km radius of National Park and Wildlife Sanctuaries. In this context, reference is invited to the Honble Supreme Court Order dated 04.12.2006 in the matter of Goo Foundation Vs. Union of India in Writ Petition No.(C) No.460 of 2004. The Honble Supreme Court had inter alia directed as under:

"The MOEF would also refer to the Standing Committee of the National Board for Wildlife under Section 5(b) and 5(c)(ii) of the Wildlife(Protection) Act, the cases where environmental clearance has already been granted where activities are within 10 km radius."

Pursuant to the above Directions, it has been decided that all the developmental projects, as are falling within 10 km radius of the Wildlife Sanctuary and / or National Parks and which have been recommended for environmental clearance by the respective Expert Appraisal Committee, shall be accorded environmental clearance subject to their project proponents obtaining clearance under the Wildlife (Protection) Act, 1972, a condition to this effect being stipulated explicitly in the clearance letter.

  
 (J. M. Manskar)

Joint Secretary to the Govt of India

To: All Officers of IA Division

Copy to:

- (i) PS to MEF
- (ii) SPPS to Secretary(E&F)
- (iii) PPS to Spl Secretary
- (iv) PPS to DGF & SS



# WECO

(WILDLIFE AND ENVIRONMENT CONSERVATION ORGANIZATION)

AN N.G.O. DEDICATED ON COMMUNITY AWARENESS AND CONSERVATION (IN UPPER ASSAM)

REGD. OFFICE : NA-MOTAPUNG VILLAGE, P.O. - BORGAON, PIN - 786170

DIST. : TINSUKIA, ASSAM, INDIA, Regn. No. - RS/TSK/244/B/57, 2008

e-mail [weco.assam@yahoo.in](mailto:weco.assam@yahoo.in)

Mobile : 9954555432, 9864700144

Correspondence Office : Opposite Makum Police Station, P.O. - Makum, Dist. - Tinsukia (Assam)

Ref. No. 17/50/08/11

Date 26-08-11

To

The president, Public hearing of Pollution Control board of Assam, on the proposed projects of Oil India Ltd for gas field development In Tinsukia-Dhola .venue:- Barhapan High School, Tinsukia Assam.

Sub: - An appeal on the incomplete and defective EIA for the proposed project of Oil India Ltd.

Respected sir,

With due respect and humble submission we beg to draw your kind attention regarding the EIA prepared by En-Geo consultation and recharge centre on behalf of the Pollution Control Board of Assam for the Gas Field Development project of Oil India Ltd, Dulajan that the study is incomplete and defective. To point out among the studies in the head of Baseline Environmental Study important topographical features like the wetlands, biotic factors are omitted. So I would like to place before you in the following few lines.

That sir,

- The Berekuri area where Oil India has installation already is an eco-sensitive and important biotic spot which is under 10 km. distance from the Dibru-Saikhowa NP and Bherjan-padumani-borajan WLS. Northern boarder of it is attached to the Dibru-Saikhowa NP and south-western boarder is attached to the Bherjan-Padumani-Borajan WLS. There are 30 individuals of schedule -I species only Indian ape Hoolock gibbon in 9 families and residing successfully in anthropogenic co-habitation. Moreover slow loris is found commonly. Several species snakes python, king cobra, red necked keel back, tree snake, banded crate, copper prinket etc reptiles, amphibians monitor lizards, bull frogs, 5 species of tree frogs, woodland birds like oriental pied hornbill, vulture sparrows and many others resident birds, among rodent flying squirrel, small carnivores, Malyan civet cat, palm civet cat, leopard cat, mongoose, etc. and many arthropods and more than 15 species of butterfly are commonly sighted. In floral diversity also this area represents an important scenario with varieties species of medicinal and fruit yielding plants including orange and 5 species of bamboos, other lianas and most of the feeding and shelter giving trees of Hoolock gibbon.
  - On the other hand the IBA (Important Bird Area) Maguri-Motapung lake (bil) is an important wetland and catchment area of Gujjan, hapjan and Dibru rivers which conjoins Dangari river, another course of Brahmaputra. This lake is situated in the midst of Baghjan-Dighaltarang another oil operation area and Berekuri and attached to the Dibru-Saikhowa NP which is famous for Migratory birds with endemic resident birds where tourists flourish in the winter. Another important wildlife National aquatic animal river dolphin is finding safe habitat there.
- Maguri-motapung Lake produces more than 200mt fishes yearly and it gives livelihood to



Received at P/H  
26/8/11



# WECO

62

(WILDLIFE AND ENVIRONMENT CONSERVATION ORGANIZATION)

AN N.G.O. DEDICATED ON COMMUNITY AWARENESS AND CONSERVATION (IN UPPER ASSAM)

REGD. OFFICE : NA-MOTAPUNG VILLAGE, P.O. - BORGAON, PIN - 786170

DIST. : TINSUKIA, ASSAM, INDIA, Regn. No. - RS/TSK/244/B/57, 2008

e-mail [weco.assam@yahoo.in](mailto:weco.assam@yahoo.in)

Mobile : 9954555432, 9864700144

Correspondence Office : Opposite Makum Police Station, P.O. - Makum, Dist. - Tinsukia (Assam)

Ref. No. 15/50/08/11

Date 26-05-11

the several thousands of flood affected people of the Barekuri, Hiliika, Diyamoli, Baghjan-Dighaltarang, and Natun Rangarah. Fine grassland provides grazing for the livestock of the local people.

- Baghjan-Dighaltarang is a fringe village under Dibru-Saikowa NP where Oil India Ltd. has been installing their projects. Baghjan-Dighaltarang is situated in the bank of Dangari river another course of the Mighty Brahmaputra hence it causes severe erosion. Till today several villages have been eroded by this river and the course of the river is declined to south-east down flow. One day the said village may be evacuated by erosion. In the confluence of the Dangari and Dibru River Gangatic River dolphin has a quite comfortable habitat. The Dangari River provides the habitat of wild fauna including resident and migratory birds and fishes. This river keeps the core zone boarder of Dibru-Saikhowa NP.
- Dumduma-Pengeri is under highly eco-sensitive zone it is included of Dihing -Patkal elephant wildlife sanctuary. The entire area is the habitat of several important fauna species especially schedule-I species Hoolock gibbon, Bengal tiger, macaques, langurs, wild gaurs etc and a good number of butterfly species, and Hog Deer, Slow Loris etc.
- In consequence of oil operation in those areas the environmental hazards affect the biodiversity and the ecosystem there. The air and noise pollution by QPS in Barekuri carrying infection of lung and heart diseases and T.B. to the Hoolock gibbon, two cases of the same are found on P.M. in 2009 and 2011. Waste materials and chemicals coming out from the digging well created havoc to the wetland grass field and biodiversity twice in Joigokhowa of Barekuri.
- High intensity noise and illuminating flare from the Baghjan EPS is an environmental hazards and disturbing in movement of the wild fauna of the Dibru-Saikhowa NP and the IBA Maguri-Motapung Lake especially the nocturnal migratory birds. Also affecting in hearing of human. The waste materials and chemicals percolated to the Dangari River declining fish product availability, local people allege. It is direct threat to the Gangatic River Dolphin of the dangari River.

Therefore we would like to appeal before you to rectify the defective EIA with sufficient care and protective measure to the ecosystem and the rich biodiversity of forest resources as well as totally ban of oil operation in Barekuri and Baghjan area for the greater interest of the biodiversity protection and the human civilization considering the reference of null and void on any previous installment of the project according to 2006 notification of MOEF.

Hope that your sympathetic action would do a favour for the safer environment in the perspective of global warming and oblige us.

Thanking you.

Yours faithfully

Sri Dambaru Chetia, Director  
WECO

Director  
WECO

Sri Diplob Chetia, Secretary  
WECO

PROTECT ENVIRONMENT, KEEP THE EARTH, SAFE HABITAT OF LIVING BEINGS

Received at P.H. Ven  
26/5/11

H. P. Phulean  
P.H. Ven

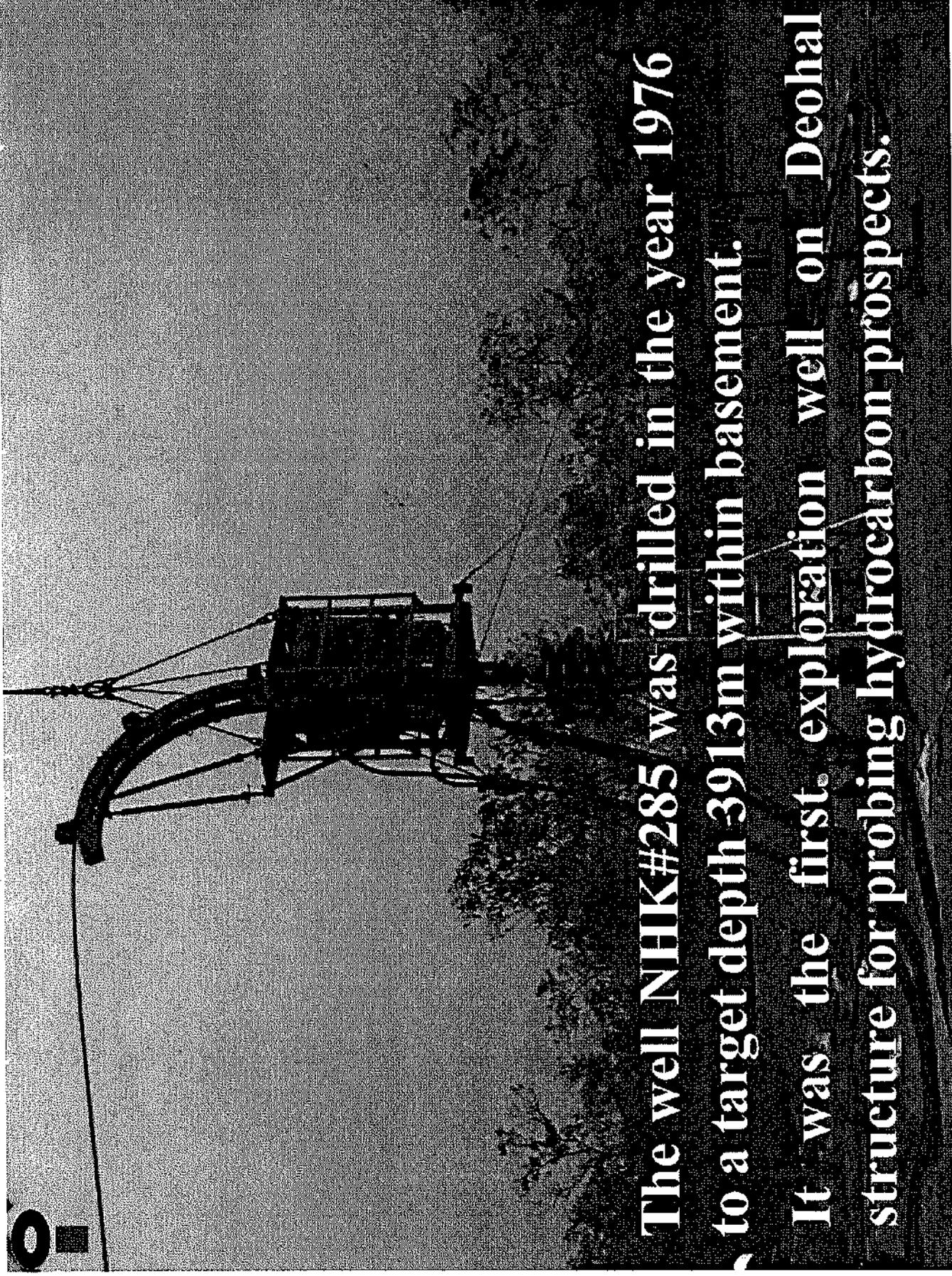
ANNEXURE A5

ANNEXURE A5

# WELCOME

Underground Blowout Control  
at Well NHK# 285  
OIL, Assam.



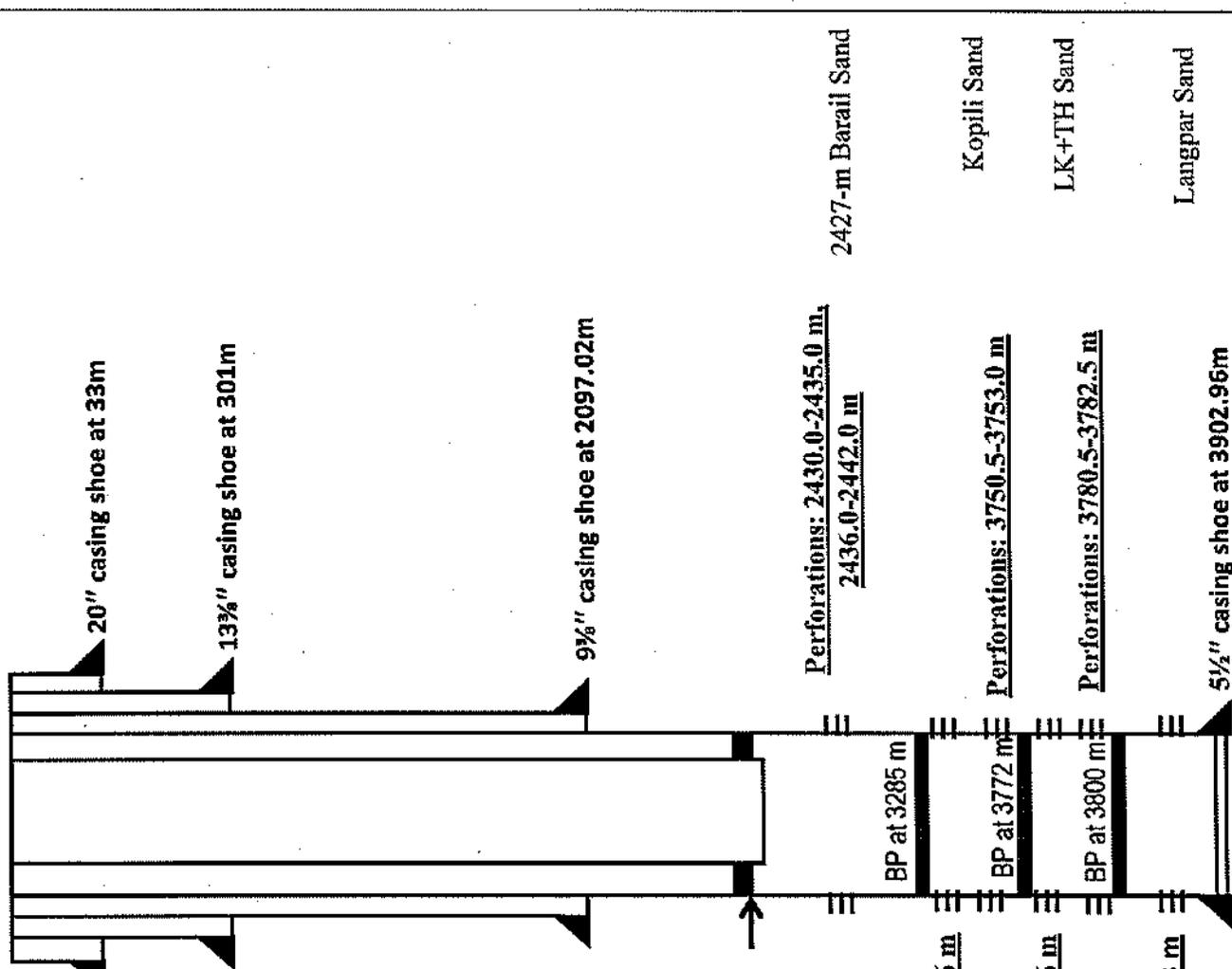


The well NHK#285 was drilled in the year 1976 to a target depth 3913m within basement.

It was the first exploration well on Deohal structure for probing hydrocarbon prospects.



**2427-m Barail Sand**  
 was tested through  
 perforations in the range  
 2436m -2442 m  
 on 21<sup>st</sup> Aug, 1976.



2.78" OD N-80 EUE tubing with SSD  
FB HW Baker R-3 packer set at: 2346.0 m

Perforations: 2430.0-2435.0 m,  
2436.0-2442.0 m  
 2427-m Barail Sand

Perforations: 3304-3308.6 m  
 BP at 3285 m  
 Kopili Sand

Perforations: 3750.5-3753.0 m  
 BP at 3772 m  
 Kopili Sand

Perforations: 3774-3776 m  
 BP at 3800 m  
 LK+TH Sand

Perforations: 3780.5-3782.5 m  
 LK+TH Sand

Perforations: 3850.2-3853.3 m  
 5 1/2" casing shoe at 3902.96m  
 Langpar Sand

The well started flowing and produced gas @ 0.0312 MMSCMD through 4 mm bean with flowing tubing pressure of 2950 psi.

However, the well could not be brought into production due to lack of market demand of gas at that time.

With increase in market demand for natural gas, the well was put on production on 17<sup>th</sup> June, 2005 and was producing @ maximum 0.076 MMSCMD with flowing tubing head pressure of 2600 psi through 7mm bean.

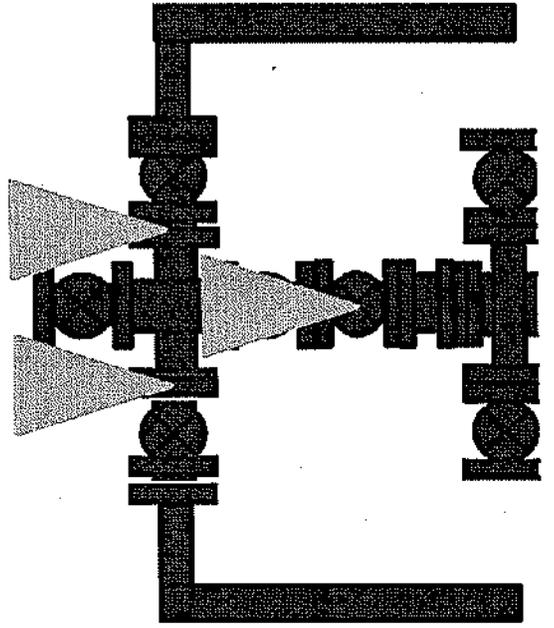
In July, 2010 sand production was observed at the surface and hence production was reduced to @60,000 SCMD with 5.0 mm bean.

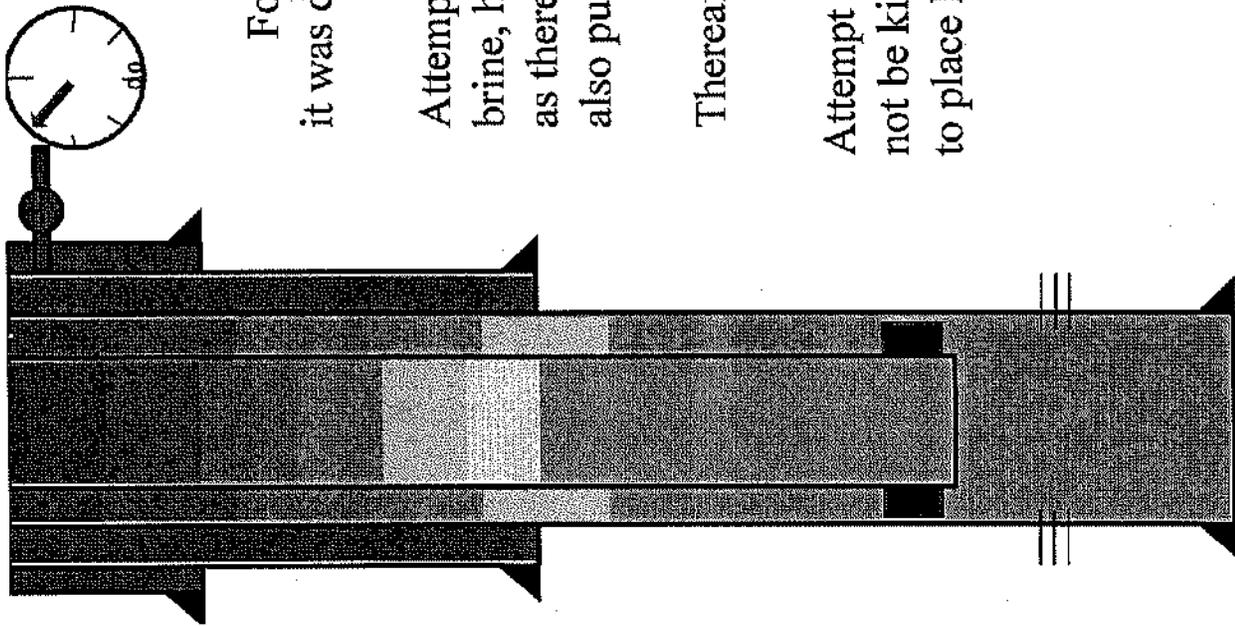
However sand production continued at reduced production rate also. Hence, production was further reduced to @20,000- 30,000 SCMD by reducing bean size to 3.0 mm on 30<sup>th</sup> Oct. 2010 to arrest sand production at surface.



On 14<sup>th</sup> July, 2011 at around 1 A.M, it was reported about a high intensity sound from the well NHK 285.

It was found that there was leakage from the wellhead fittings above the master valve. Subsequently the master valve of the wellhead was closed.





## WELL KILLING OPERATIONS

Following the gas leakage at several places of the wellhead it was decided to kill the well and repair the wellhead.

Attempt was made to kill the well with water and then with weighted brine, however, the well could not be killed. During the killing process, as there was fluid loss, viscous fluid & loss circulating material was also pumped, but no result could be achieved.

Thereafter, it was decided to kill the well with drilling mud.

Attempt was made to kill the well with drilling mud, but the well could not be killed as there was heavy fluid loss. Accordingly, it was decided to place LCM to arrest lost circulation.

On 17<sup>th</sup> Oct, 2011 during the process of placing loss circulating material, gushing out of gas/well fluid was observed around the cellar and well plinth.

Considering the gravity of the situation, well control experts from **Crisis Management Team, ONGCL** were called and attempt was made to kill the well dynamically with water, but the same gushing out of gas with water was observed again and it subsided of its own after one day.

## UNDERGROUND BLOWOUT CONTROL OPERATION

After the incident, on confirmation of underground blowout at the well, the well killing plan was reviewed in consultation with CMT, ONGCL, and decided to go for bottom kill.

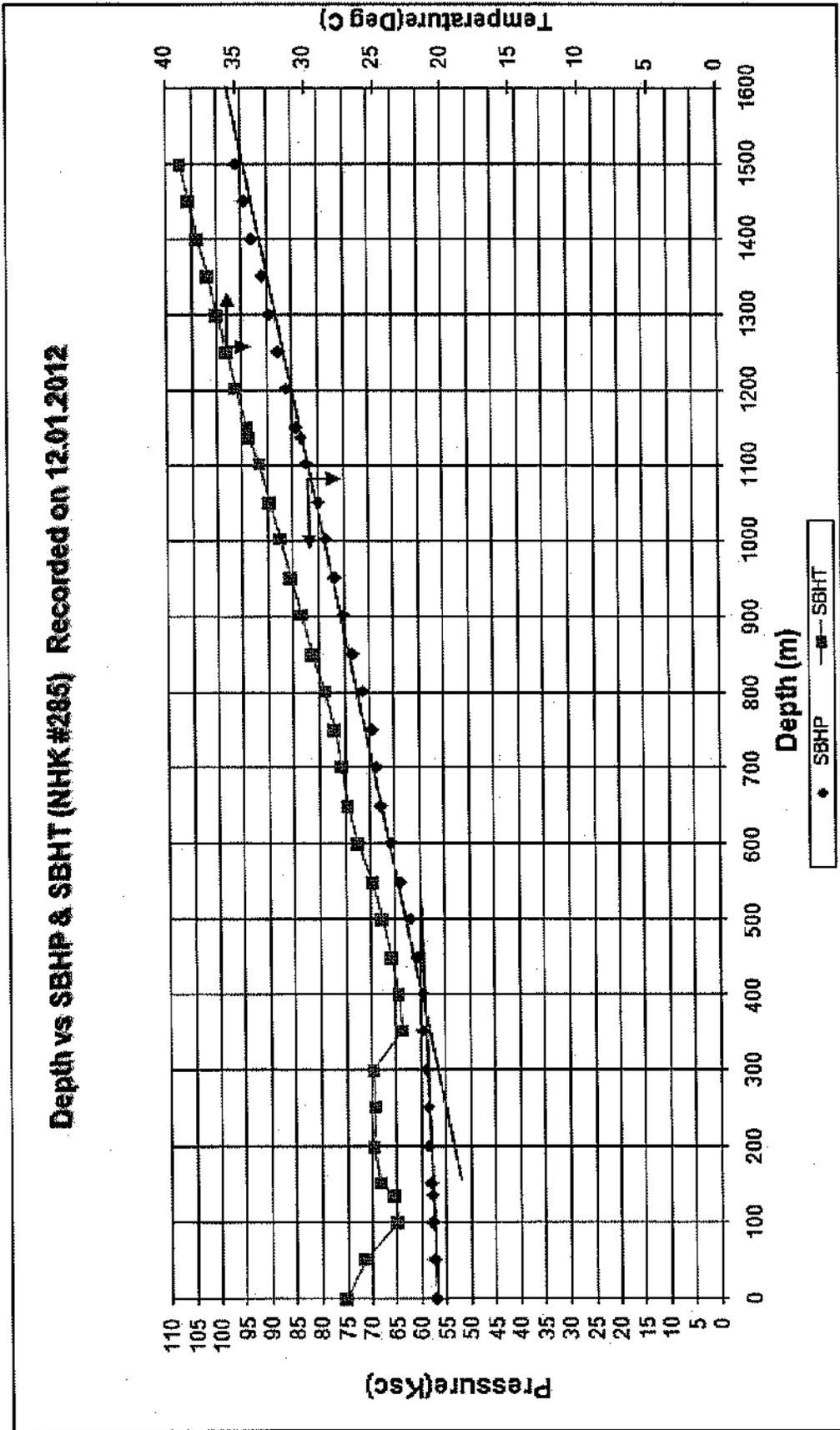
**Prior to bottom kill, the X-mass tree was changed with new one by setting two numbers of retrievable tubing plug at 26 & 27m and the plugs were retrieved after replacement of the X-mass tree.**

After installation of X-mass tree, tried to lower coiled tubing, but got held up at 323 m. Subsequently, the 2 $\frac{7}{8}$ " tubing could be cleared after several attempts and lower down CT to 1672 m using special tool (sharp edge) provided by ONGCL.

Tried to kill with water and 75 pcf brine at this depth, but observed no change in pressure.

Thereafter, lowered BHP tool with slick line which got held-up at 1513m. Took BHP & Temperature measurement survey from 1500m upward and the results indicates that there is outward flow from the well at depth @ 400m.

Depth vs SBHP & SBHT (NHK #285) Recorded on 12.01.2012

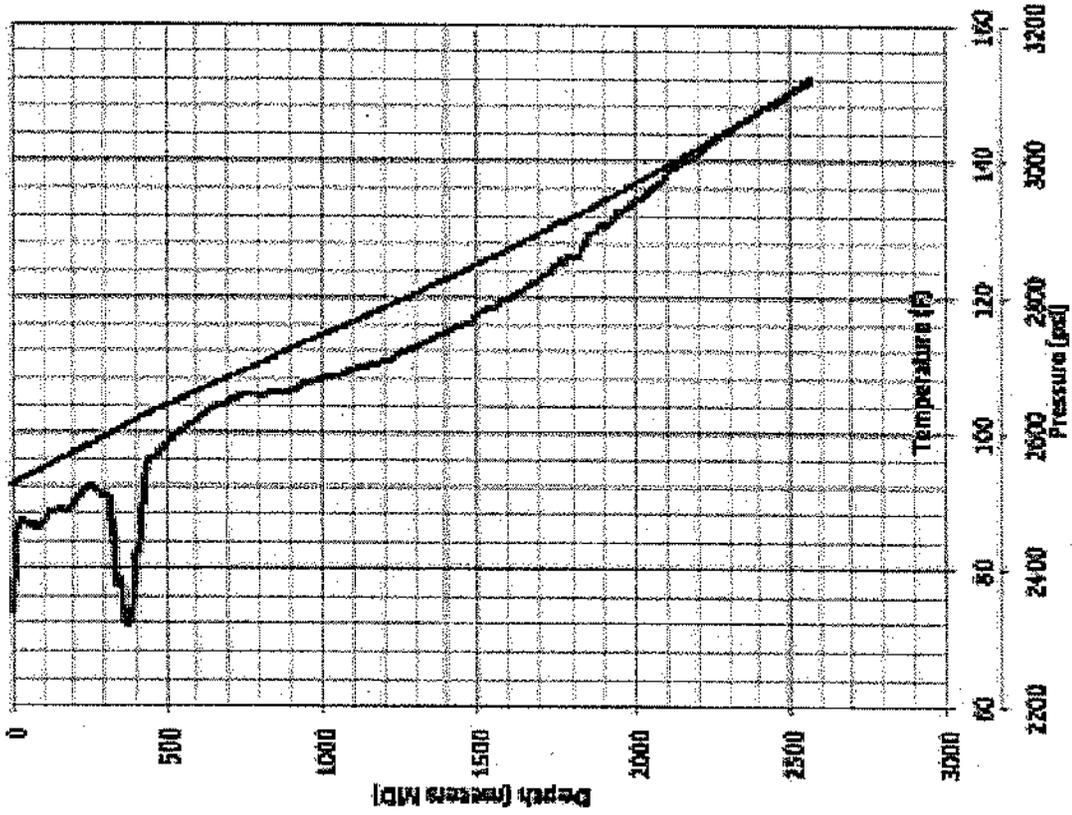


After getting anomalies in bottom hole pressure and temperature from BHP survey, a temperature log was recorded to reconfirm the results from a depth of 1500m (as logging tool could not be lowered beyond this point). Spinner log was also recorded along with temperature log.

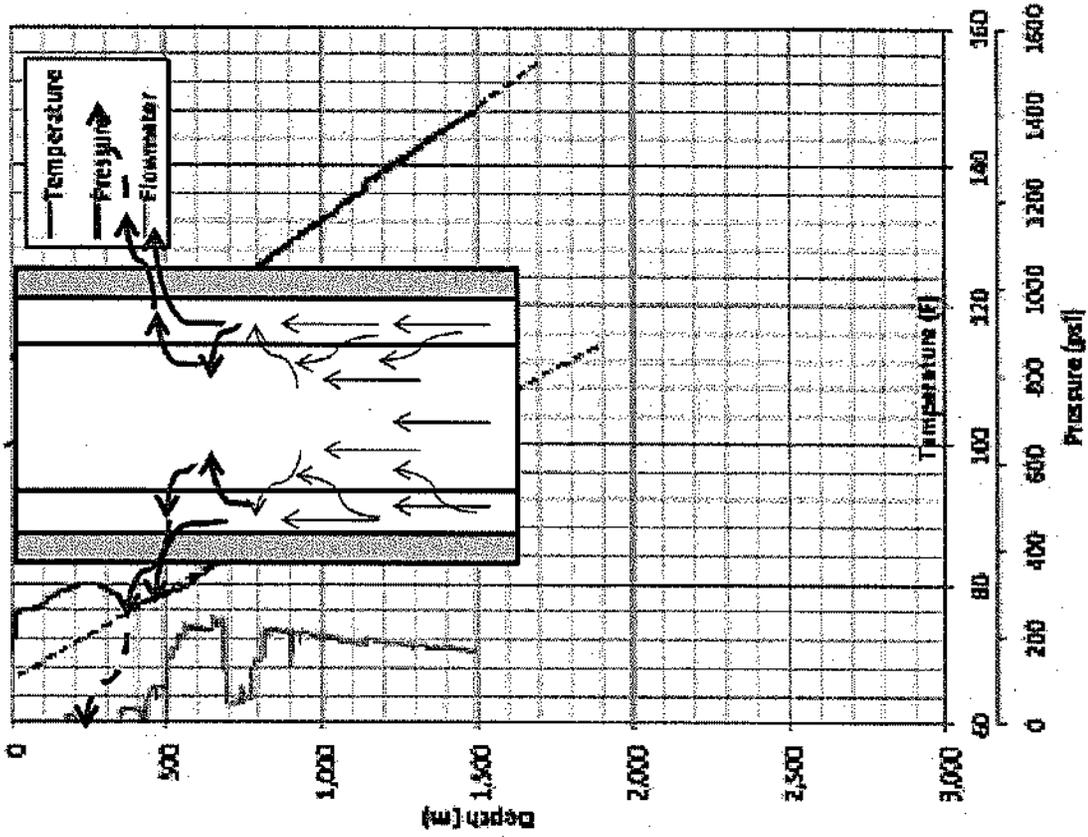
Another temperature log was taken at the adjacent well NHK#558 from the reservoir depth for comparison. Next Fig. shows the summarized logs at well NHK#285 and NHK#558.

The BHP survey and logs indicate that there is outflow from the well at around 400m.

NHK 558 Temp Log  
19 Jan 2012



Temperature Log  
NHK 285 05 Jan 2012

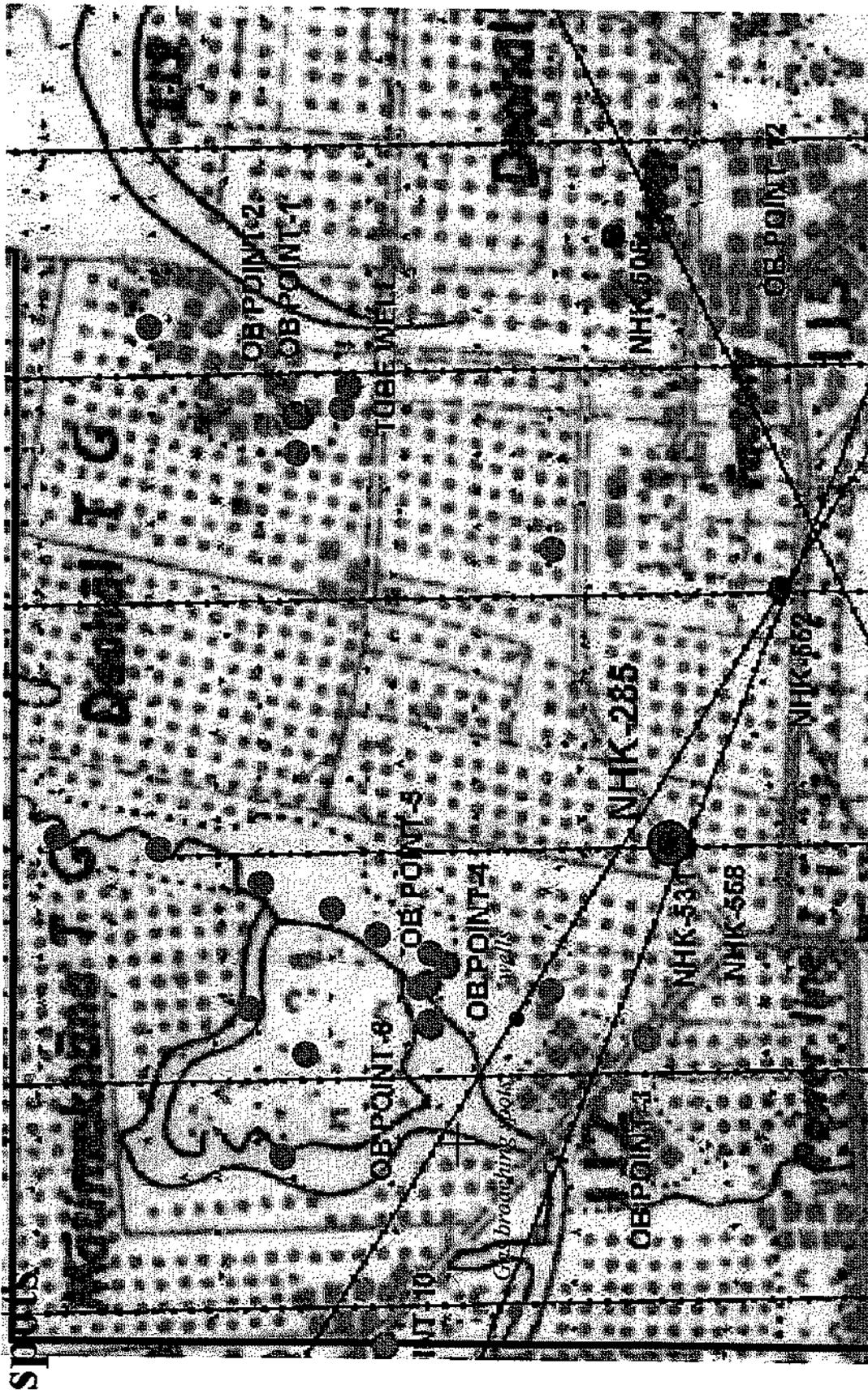


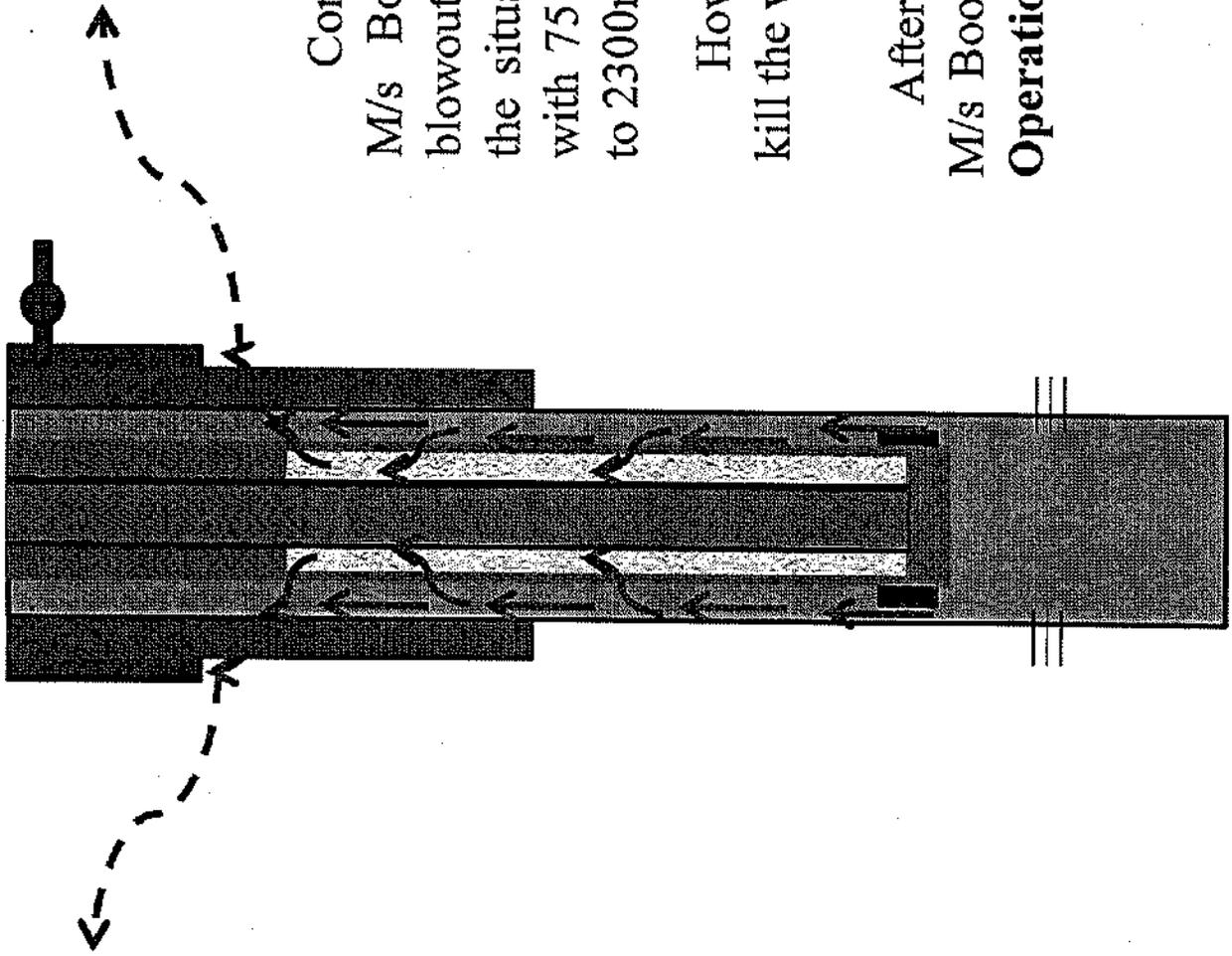
During the 2<sup>nd</sup> week of December, 2011, surface broaching of gas at around 1.5 km away from the well NHK#285 in N-E direction was reported and there was a fire incident in night hours on 31<sup>st</sup> Dec, 2011.

Subsequently, in the first week of January, 2012, surface broaching of gas was noticed at an area about 1 km away from the well in N-W direction .

Gas sample was collected from these spots and it was found to be of similar composition as of NHK#285 gases.

5 : Map showing wells and gas broaching



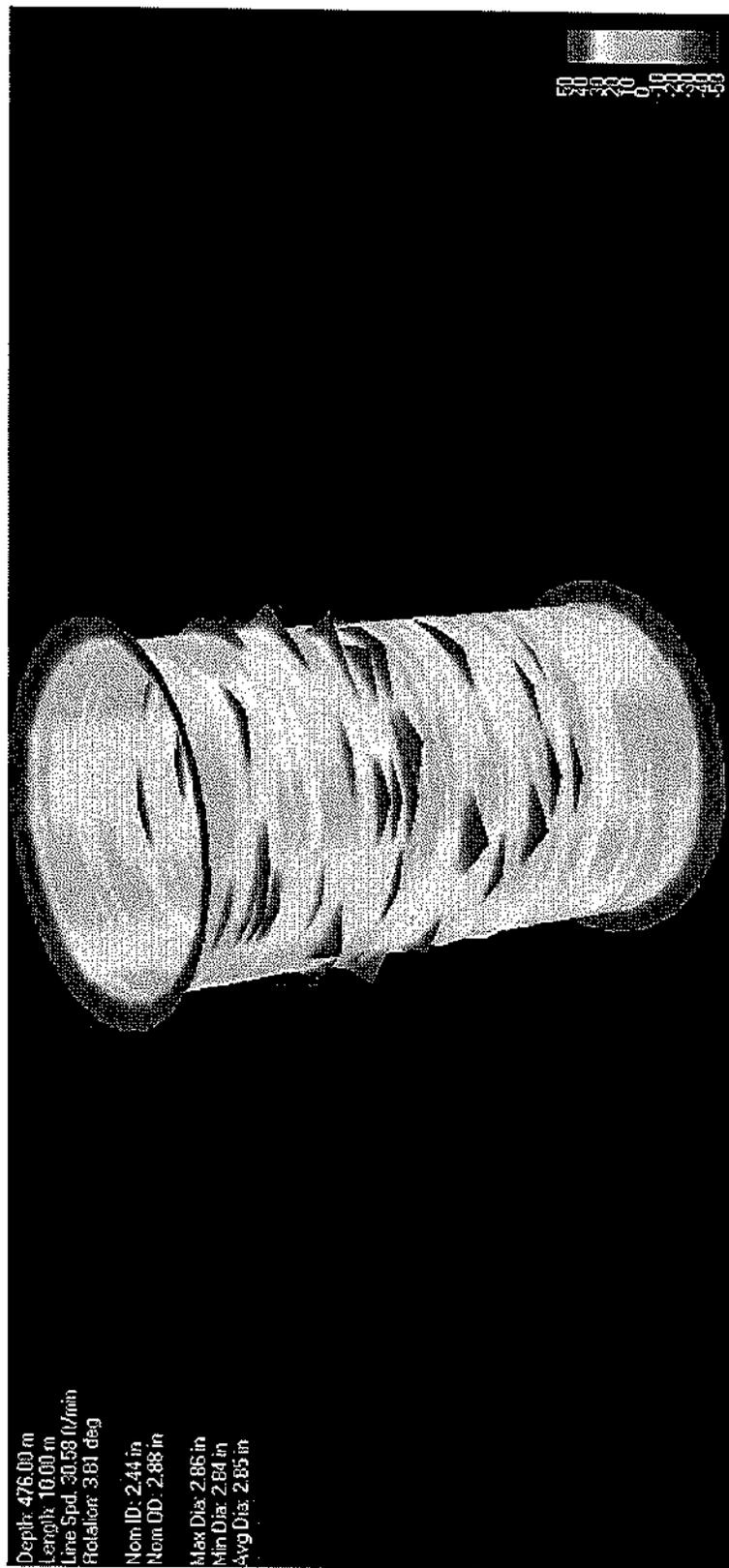


Considering the gravity of the situation, M/s Boots & Coots, a world renowned blowout control agency, were called to tackle the situation and they tried to kill the well with 75 pcf brine, lowering coiled tubing up to 2300m.

However, M/s Boots & Coots could not kill the well by this process .

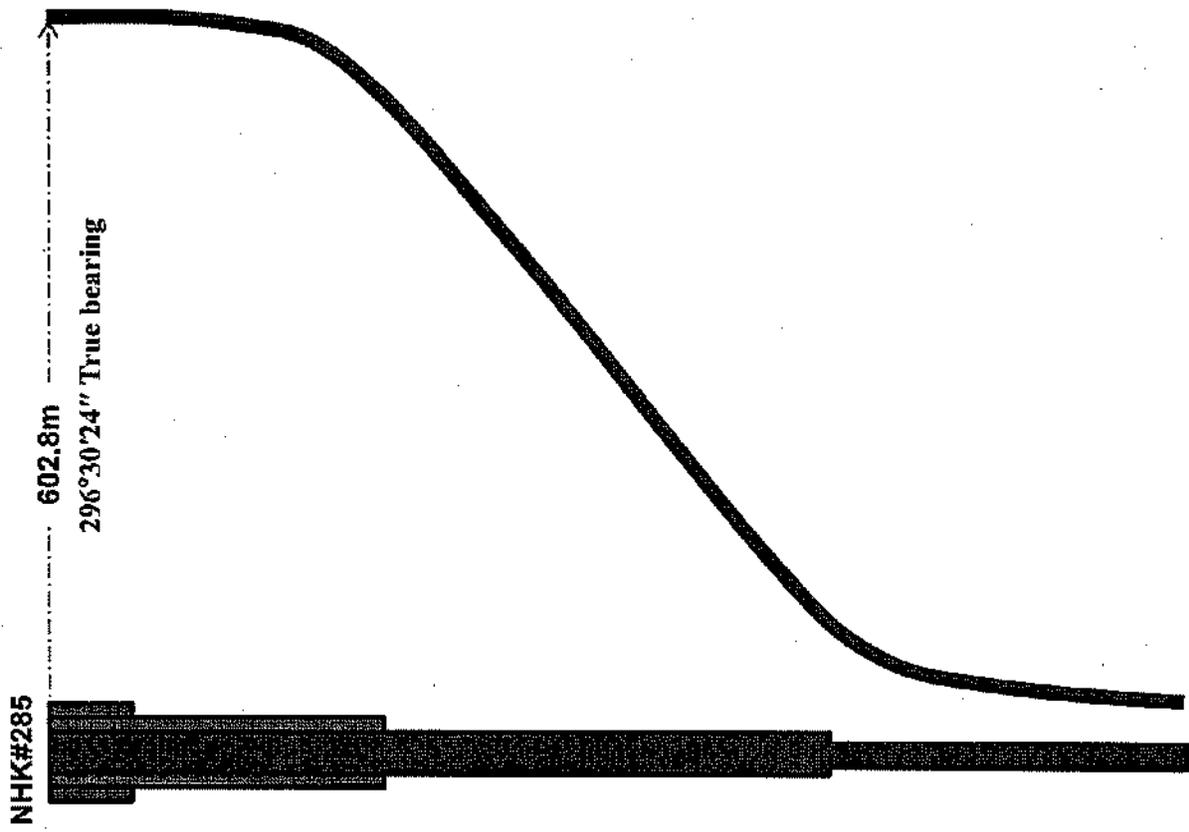
After assessment of the well condition M/s Boots & Coots proposed for **Snubbing Operation (HWO)** to control the well.

While working on M/s Boots & Coots HWO (Hydraulic Workover Operation) proposal, a tubing inspection log was recorded using "Multifinger Imaging Tool" from 19.01m to 1513.26m (Logging tool could not be lowered beyond this depth) and it indicate that there are possible holes in 19 numbers of tubing at various depths. Fig. shows the 3D view of 49<sup>th</sup> joint.



*(Red spots indicates total metal loss, Yellow indicates partial metal loss & Green indicates no metal loss)*

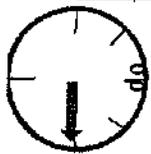
Meanwhile, it was planned to drill a replacement well from the nearby well plinth of NHK#552. It was aimed to use this replacement well for killing the NHK#285 if required.



## How the underground blowout was controlled

*Mud parameter consideration:* Mud weight was designed to balance the reservoir pressure at 600m below the surface (2430m – 600m = 1830m) and Viscosity of mud was kept optimal to minimize friction loss inside CT as well as to arrest gas percolation rate.

$$\begin{aligned} \text{Mud Weight (MW)} &= \text{Pressure (psi)} \div \{\text{Depth (ft.)} \times \text{const. (.0069)}\} \text{ pcf} \\ &= [(239.4 \times 14.23) \div \{(2430-600)(3.28) \times 0.0069\}] \text{ pcf} \\ &= [3406 \div (6002.4 \times 0.0069)] \text{ pcf} \\ &= (3406 \div 41.42) \text{ pcf} \\ &= 82.23 \text{ pcf} \\ &\approx \mathbf{85 \text{ pcf}} \text{ (considering safety margin)} \end{aligned}$$

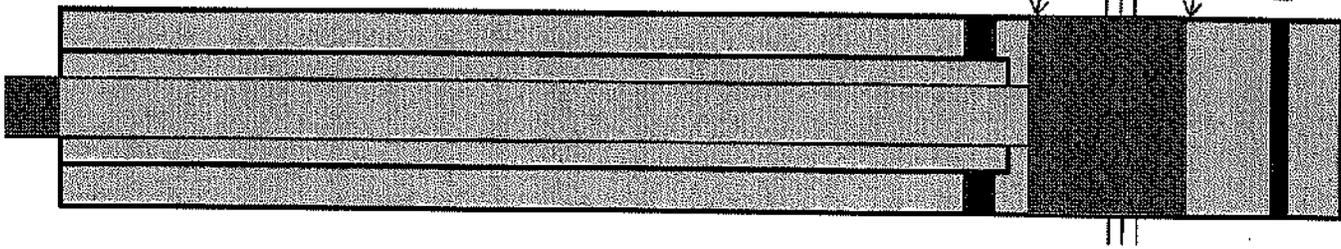


As planned, on 29<sup>th</sup> Mar, 2012, coiled tubing was lowered slowly pumping high viscous fluid (XC-polymer + CMC-HVG of 75 sec/quart) using high pressure kill pump. By this process any debris inside the tubing was cleaned and finally the CT could be lowered beyond 27/8" tubing shoe.

After lowering CT to 2200m, started pumping mud and finally the CT was lowered near to the perforations. Thereafter, increased the pumping rate up to the 80% of CTU pressure limit and could pump up to 1.2 to 1.3 bbls/min. During the process, kept tubing, casing and annulus open through single choke to balance pressures and also avoid further charging of the loss zone at After pumping 30 bbls of mud observed entire annuli pressure trend to decrease and gradually pressure decreased proportionate to the volume pumped. Continued pumping at high rate, controlling the choke, till all three pressure (27/8" Tubing, 5 1/2" Casing & 5 1/2" x 9 5/8" Annulus) came to zero.

All three pressure came to zero after pumping 170 bbls of mud. Pumped another 30 bbls of mud and shut the well after pulling out the CT.

After half an hour of observation, the wellhead pressure became stable at 250 psi which was expected back pressure from the charged formation. However, the well kept shut-in overnight for further observation. It was decided not to pump mud further which may push back charged gas away from the well and contaminate nearby water bearing zone.



On 30<sup>th</sup> Mar, 2012, the wellhead pressure was found to be stable at 250 psi after 12 hours of observation and decided to place a cement plug against perforation to isolate the producing zone.

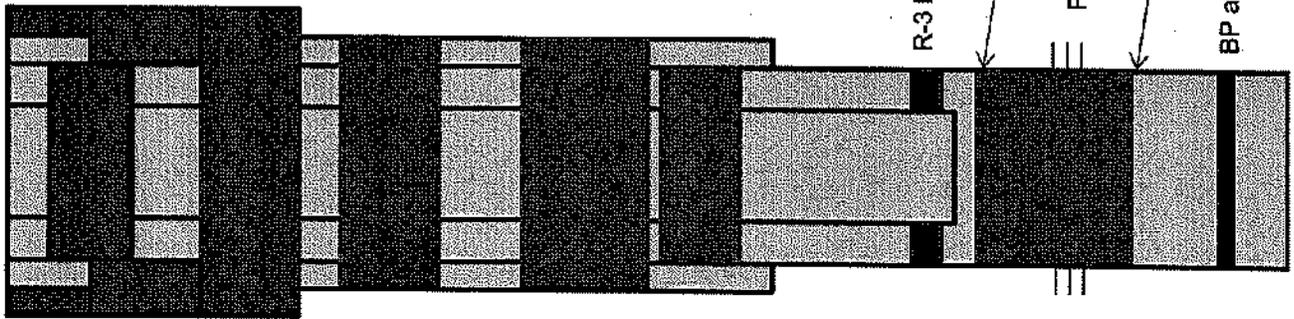
Lowered CT with mud circulation and got held up at 2458m, 16m below the perforation bottom (perforations: 2430m – 2442m). Pumped 270 gallons of 114 pcf cement slurry and placed a plug from 2458m to 2358m (100m length). Pulled out CT and kept the well shut-in for 48 hours to set the cement.

**After cement setting, bled off charged gas from the well during daylight and after 3 days there was no pressure at wellhead.**

Observed the well further and found no pressure at wellhead after 15 days. The phenomenon implies that there are no flow behind the casing and finally it was decided to abandon the well as per policy made in consultation with ONGCL.

# WELL ABANDONMENT

- Recover production tubing from 1381m.
- Recorded USIT log from 1379m.
- Placed 2<sup>nd</sup> cement plug from 1380m-1290m.
- Perforated 5.1/2" casing 1242m-1243m.
- Placed 3<sup>rd</sup> cement plug from 1290m-1075m. Cement slurry squeezed to 9.5/8" annulus.
- Placed 4<sup>th</sup> cement plug from 667m-617m. Cement slurry squeezed to 9.5/8" annulus.
- Placed 5<sup>th</sup> cement plug from 617m-451m. Cement slurry squeezed to 9.5/8" annulus.
- Placed 6<sup>th</sup> cement plug from 188m-88m. Cement slurry squeezed to 9.5/8" annulus.



## CONCLUSION

**Underground blowouts** are a growing problem because of aging wells. Tubular corrosion/erosion is the single largest cause of underground blowout in producing wells.

Operators many times fail to respond immediately and correctly when an underground blowout occurs. That makes control more difficult as flow paths erode, downhole tubular degrade (erosion added to corrosion) and supercharging occurs.

**In this particular well**, recognition of underground blowout was little late because of inexperience as this is the first well having such problem in the history of OIL and due to the restriction inside the tubing to lower inspection tools.

Initially, it was thought to be a loss circulation problem only and utmost attempts were made to arrest lost circulation. On recognition of the problem, detailed control plan was made for bottom kill and accordingly the well was controlled as described.

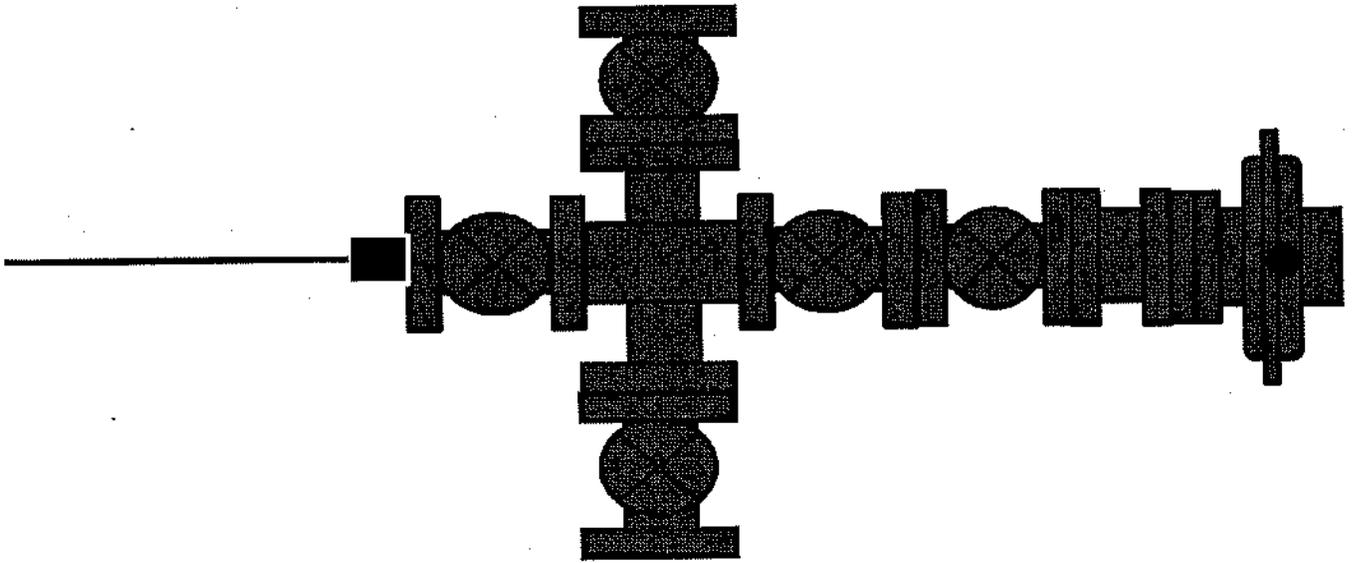
## **Key Learning:**

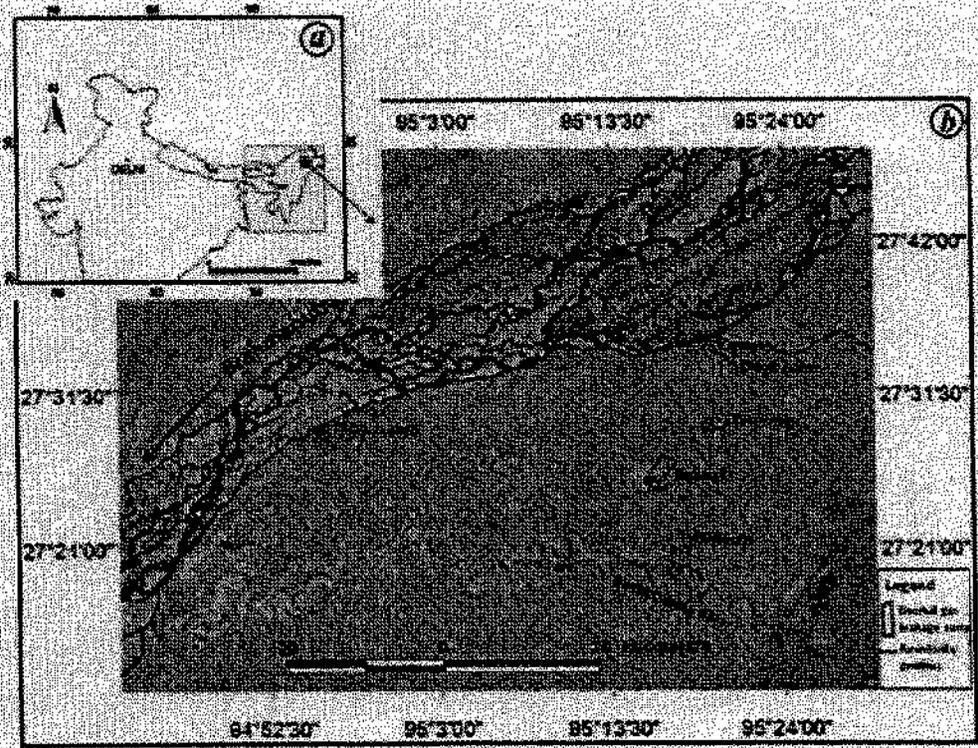
- ▶ Sand control measures must be taken immediately after observation of sand problem / unconsolidated sand stone reservoirs.
- ▶ Gas tight (premium threaded) casing and tubing should be used in all gas wells & HGOR well completion.
- ▶ Packer fluid should be suitably selected and designed based on reservoir fluid considering long life of the well.
- ▶ Annular pressure build-up must be addressed immediately once it is noticed.
- ▶ Well control operation must be executed by trained & experienced person and well control problems must be studied properly.
- ▶ Recompletion of the existing wells in higher up prospects is to be done only after assessing the integrity of production casing.
- ▶ Production packers to be used in wells are to be procured from the reputed and proven manufacturers only for reliable performance.

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## **Probable causes for this incident may be drawn as-**

- Aging of the well (35 years) and /or production of gas with sand content for a long duration (July 2010 to 14.07.2011) might have caused erosion added to corrosion leading to loss of tubing and casing integrity.
- As per recommended practice, gas tight (premium threaded) casing and tubing should be used in gas wells completion. But, this well was completed with round threaded casings and tubing. This could have led to leakage in the thread connections of the tubing and production casing string.
- 78 pcf Salt Solution ( $\text{CaCl}_2$ ) was the packer fluid since October, 2005, which might have accelerated tubular corrosion leading to loss of tubular integrity.
- Annular pressure build-up was not addressed in time –  $5\frac{1}{2}$ " pressure was recorded as 2700 psi ( $190 \text{ kg/cm}^2$ ) on 9<sup>th</sup> September, 2009 and  $9\frac{5}{8}$ " casing pressure was recorded as 1160 psi ( $82 \text{ kg/cm}^2$ ) on 1<sup>st</sup> May, 2010. But, proper action was not taken to address these unwanted pressures.
- Prolong attempt to arrest loss circulation and inexperience in pumping heavy mud & cement slurry through Coiled tubing led to delay in operation and aggravated the situation.





The site of the Deohal blowout from of 2011 |  
Source: <https://www.jstor.org/stable/24909134?seq=1>

SITE INSPECTION REPORT REGARDING OIL AND GAS PIPELINES IN UPPER ASSAM  
Submitted to the the Standing Committee of the National Board for Wildlife

**M. D. Madhusudan**  
*Nature Conservation Foundation*  
*Member, Standing Committee-National Board for Wildlife*

**Prerna Singh Bindra**  
*Member, Member, Standing Committee-National Board for Wildlife*



DIBRU SAIKHOWA NATIONAL PARK (Pic: MD Madhusudan)

**Specific proposals under consideration**

1. Proposal for use of 114.267 ha of non-forest land falling with 10 km of Dibru-Saikhowa National Park and Borajan-Bherjan-Podumoni Wildlife Sanctuary for laying crude oil pipeline by OIL
2. Proposal for use of 304.15 ha of non-forest land for expansion of gas field development in Tengakhat-Naharkotia-Jorajan area, Tinsukia-Dhola area and Doom-Dooma-Pengeri area



## BACKGROUND

The first proposal i.e., pertaining to transfer of 114.267 ha of non-forest land falling within 10 km of Dibru-Saikhowa NP and Borajan-Bherjan-Podumoni WLS for laying of crude oil pipeline etc by Oil India Ltd., Assam was first put before the Standing Committee-National Board for Wildlife (SC, NBWL) in its 27th meeting on 12th December 2012. The detailed minutes of the meeting can be seen here: <http://www.moef.nic.in/assets/mom-nbwl-28012013.pdf>.

To summarise, the permission for this pipeline was given with due conditions. Members had, at the time, also mentioned the importance of the Dibru- Saikhowa NP, and expressed concern on various threats to the park, that needed urgent attention.

Subsequently, there were interventions from the local people and NGOs who raised ecological and livelihood concerns about the pipelines and also brought to attention some ambiguity regarding facts presented to the SC, NBWL (Annexure 1a & 1b). Following this, the matter was brought up in the 28th meeting of the SC, NBWL held on 20th March 2013, along with a discussion on a proposal for expansion of gas field development in the same region. The minutes can be accessed here: <http://moef.nic.in/assets/wl-nbwl-200313.pdf>. A brief of the relevant portion is given below:

**“Proposal for Oil India Ltd. for use of 304.15 ha non-forest land falling within 10 km from the boundary of Dibru-Saikhowa National Park and Bherjan-Borajan-Padumoni Wildlife Sanctuary for expansion of gas field development in Tengakhat-Naharkotia-Jorajan area, Tinsukia-Dhola area and Doom Dooma-Pengeri area in Assam.**

The Committee after discussion decided that Ms. Prerna Bindra and Dr M.D. Madhusudan shall undertake site inspection with respect to this proposal as well as with respect to the following proposal that were recommended in the 27th meeting held on 12.12.2012 and submit a combined report to the committee for its consideration:

*“Proposal for use of 114.267 ha of non-forestland falling within 10 km from the boundary of Dibru-Saikhowa National Park and Borjan-Bherjan-Padumani Wildlife Sanctuary for laying of crude oil pipeline etc. by Oil India Ltd., Assam”*

## SITE INSPECTION DETAILS

We carried out our site-inspection between 31st August, 2013 and 2nd September, 2013.

We arrived on 31st August, 2013 and met Dr Vaibhav Mathur, DCF, Tinsukia Wildlife Division, in whose administrative jurisdiction the proposed projects were located. Shri Mathur explained to us the location of key wildlife habitats in the area, the proposed alignment of the oil and gas pipelines, and broader conservation issues facing the Dibru-Saikhowa National Park and Borajan-Bherjan-Podumoni WLS. That afternoon and evening, we visited the Maguri-Motapung Beel, a vast wetland area under which the

pipeline in Proposal 1 was proposed to be laid, and met local people, including fishermen at Bhebejia, who were dependent on this wetland for their livelihoods. We also visited the oil well at Baghjan, the origin of the pipeline in Proposal 1. We traversed various points along the alignment of this pipeline, including through the Baghjan Tea Estate, as well points where it intersected the Assam Trunk Road near Makum, and near Borajan WLS. We also subsequently visited locations along which some of the feeder pipelines for Proposal 2 passed, and also visited the main Madhuban Central Gas Gathering Station and Off take Point, which was the termination point for these pipelines.

On 1st September, 2013, we visited Dibru Saikhowa National Park to understand its ecological setting and conservation challenges. We met with officials of Oil India Limited at the Circuit House in the evening, and they made a presentation detailing the alignment and drilling technology, specifically to be used to lay the pipeline beneath Maguri-Motapung Beel besides providing other details pertaining to Proposal 1 and 2. Subsequently, we met with representatives of many local NGOs and citizens who were there to put forward their wildlife, environment and livelihood related concerns about the project. We also met the Deputy Commissioner and Assistant Commissioner Tinsukia that evening. We concluded our site inspection on 2nd September, 2013 with a visit to Borajan WLS.

#### **PEOPLE MET BY SITE INSPECTION COMMITTEE**

*Assam Forest Department:* Dr Vaibhav Mathur, DCF Tinsukia Wildlife Division; Shri Suresh Chand, Chief Wildlife Warden, Assam, Rangers and staff at the Dibru-Saikhowa NP

*Government of Assam:* Shri Puru Gupta, District Collector, Tinsukia; Shri Ajay Singh Tomar, Assistant Commissioner, Tinsukia

*Oil India Limited:* Shri Chitrabhanu Bose, GM Production Project; Shri Agadh Medhi, Chief Engineer (Production Gas); Dr BN Shahoo, Chief Engineer (S&E); Shri Ajit Kumar Barua, Chief Engineer (Production Project); Shri Bhaskar Deori, Deputy Superintending Engineer, Production Project

*Local NGOs and Community Representatives:* Met Shri Sunil Orang and two others, fishermen at Bhebejia on 31 August 2013. Met the following persons at the Circuit House in Tinsukia on 1 September 2013: Mr. Gunadhar Konwar, Honorary Wild Life Warden, Tinsukia; Mr. Bimal Gogoi; Mr. Mridu Paban Phukan; Mr. Nirantar Gohain, Director, WAVE Eco Tourism, Guijan; Mr. Dambaru Chutia, Director, WECO, Barekuri; Mr. Diplab Chutia, WECO, Barekuri; Mr. Jainal Abedin, Banashree Eco Camp, Guijan; Mr. Binanda Hatibaruah, Secretary 'BOBOSA', Natun Gaon; Mr. Biren Chutia, Barekuri; Mr. Binod Chutia, Barekuri; Mr. Bitu Gohain, President Barekuri Anchalik Yuvak Sangha; Mr. Rupam Borgohain, Barekuri Anchalik Yuvak Sangha; Mr. Rakesh Saud.; Mr. Hiren Senapati, Natun Gaon; Mr. Jibon Dutta, Natun Gaon; Mr. Pramod Neog, Natun Gaon; and Mr. Umakanta Hazarika, 'Natun Rangagorah Milan Sangha'.

## ISSUES CONSIDERED

### I. Proposal for use of 114.267 ha of non-forest land falling within 10 km of Dibru-Saikhowa NP and Borajan-Bherjan-Podumoni WLS for laying crude oil pipeline by Oil India Ltd (OIL)

1. Two specific issues circumscribe this project: First is that the project proponent had carried out construction/pipeline laying in a possible violation of the 2006 Supreme Court order in the Goa Foundation case, and the second, was a range of ecological and livelihood concerns associated with the laying of a particular stretch of pipeline beneath the Maguri-Motapung wetland. There were also more generic concerns regarding environmental safety that were relevant.
2. First, as a project that falls within the Supreme Court mandated 10-km Ecologically Sensitive Zone (ESZ) around protected areas (till such time that the PA-specific ESZs are notified), this project, located within the 10-km ESZ of Dibru-Saikhowa NP and Borajan-Bherjan-Podumoni WLS, required mandatory clearance from the Standing Committee of the National Board for Wildlife before being implemented.
  - 2.1. This proposal, to the best of our knowledge, was first brought before the SC-NBWL first at the 27th SC-NBWL meeting on 12/12/2012, at which point, the representative of OIL informed the Standing Committee that "the pipeline was being laid" and has been recorded as such in the minutes of this meeting.
  - 2.2. Although this fact was recorded, in what appears to be an oversight, permission was granted by the SC-NBWL for this project. Following this, local stakeholders pointed out this oversight and raised related issues in a letter to the Chairperson and Members of SC-NBWL (Annexure 1a & 1b), requesting a reconsideration of this decision of the Standing Committee. Thereafter, SC-NBWL member Ms. Prerna Bindra wrote to the Member Secretary, SC-NBWL (Annexure 2) drawing attention to these concerns. Non-official members raised this issue in the subsequent SC-NBWL 28th meeting held on 20th March, 2013. Hence, in this meeting, the earlier permission, granted in the 27th Meeting of the SC-NBWL, was held in abeyance and a site-visit was proposed as the basis for the SC-NBWL to arrive at an informed decision on this project.
  - 2.3. The import of one of the issues raised by local stakeholders about this project was to verify whether this project had commenced implementation in violation of the above Supreme Court order of 2006.
  - 2.4. In our meeting with the DCF, Tinsukia Wildlife Division, we enquired if any construction (even along OIL's existing Right of Way [ROW]) had taken place before the proposal was placed before the Standing Committee of the NBWL, and it was indicated that this was indeed the case.
  - 2.5. In our meeting with officials of OIL, we raised this issue, but were unable to obtain a clear enough picture. Therefore, in our email to them dated 2nd September, 2013 (Annexure 3), we enquired if indeed any construction had

- already taken place on this project, as it appeared to us during the site inspection, and as was stated to us by local officials and local stakeholders.
- 2.6. In a response that was handed to us in person by GM (Production Projects), OIL on 4th September, 2013 during the 30th SC-NBWL meeting in Delhi, OIL confirmed to us that such construction had indeed taken place. (Annexure 4).
  - 2.7. In a subsequent email dated 9th October, 2013 (and a reminder on 20th October 2013), we sought a more specific clarification from OIL on whether the construction/ pipeline laying that they had confirmed had already taken place, in their note of 4th September, 2013, was in violation of the Supreme Court's 2006 order. (Annexure 5)
  - 2.8. In their email response, dated 22nd October, 2013, OIL reiterated that they had not acted in violation of the Supreme Court's order, and stressed (in Paras 7 and 8 of their response) that they had carried out these constructions only *after* the initial recommendation of the NBWL in its 27th meeting. (Annexure 6)
  - 2.9. However, this was at variance with what was indicated to us by the DCF, Tinsukia Wildlife Division. Further, in our meeting with them, local stakeholders too had claimed that OIL had carried out constructions/ pipeline laying *before* the proposal was even placed before the SC-NBWL. We had requested them to provide us documents substantiating their claim.
  - 2.10. Accordingly, in their submission to us (Annexure 7), local stakeholders provided letter dated 18th February, 2010 (Annexure 8) written by the DCF, Tinsukia Wildlife Division, to the Deputy Commissioner, Tinsukia, stating that, "*a major portion of the pipeline from Baghjan to Makum has been constructed except a small stretch spanning about 1 km across the Dibru river and adjacent low-lying marshy area near Bebejia.*" This letter further stated, "*Therefore, it is obvious that OIL had gone ahead with implementation of Baghjan-Makum pipeline without obtaining mandatory environmental clearance...*" This letter also raises concerns on the unsatisfactory manner in which some of the pipeline laying was being implemented across some of the agricultural fields it intersects.
  - 2.11. Based on the above, it would seem that OIL's application for an environment clearance followed this letter, and was therefore, already a *fait accompli*.
  - 2.12. Therefore, based on information available to us, we must conclude, *prima facie*, that OIL did indeed carry out construction/ pipeline laying *much before* approaching the SC-NBWL, and perhaps, even before obtaining their environmental clearance, in January 2012. And when provided the opportunity to clarify, OIL averred that that these constructions had taken place *after* the initial SC-NBWL recommendation of 12/12/2012, a contention that, regrettably, appears incorrect and false.
3. The second issue of relevance to this project concerns the only stretch of the 45 km pipeline that has not yet been laid: that across the Maguri-Motapung wetland. We were concerned that the EIA for this project is very generic and does not consider the specific ecological values of the Maguri-Motapung Beel, a wetland of nearly 1,000 ha,

and the specific risks involved in aligning a crude oil and gas pipeline beneath this wetland, which is clearly very rich ecologically, and sustains the livelihoods of a very large number of people. From our site-visit, it was clear to us that any risk of leakage/spillage in this stretch could have far-reaching impacts. It is critical that any drilling that would be done across this stretch will need to employ significantly greater caution than elsewhere. In the presentation made to us the officials of OIL, we felt that adequate thought had been given to the risks and an appropriate technology with adequate safeguards was being considered.

4. We also noted that currently the oil is transported in trucks—and the immense truck traffic causes its share of disturbance and has environmental and conservation implications in this landscape.

II. Proposal for use of 304.15 ha of non-forest land for expansion of gas field development in Tengakhat-Naharkotia-Jorajan area, Tinsukia-Dhola area and Doom-Dooma-Pengeri area

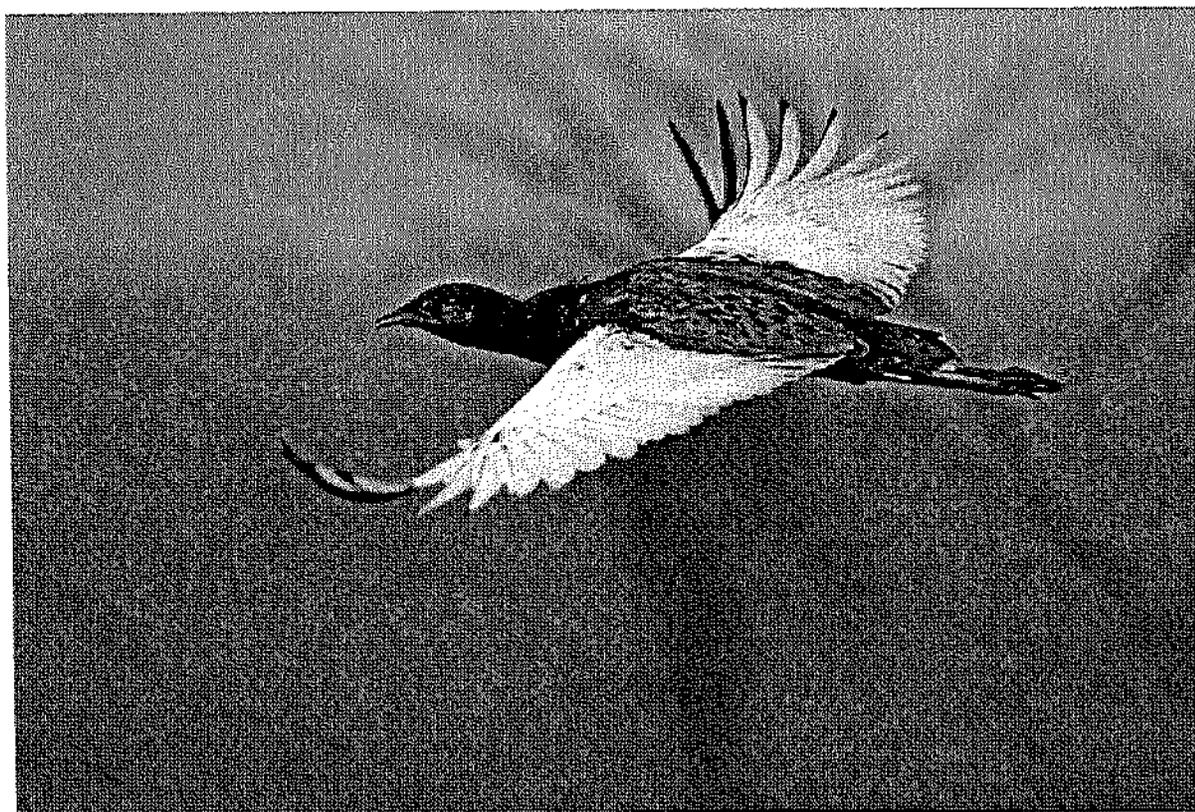
1. This project involves expansion of OIL's single integrated gas supply, production and distribution network in three oil areas: the Tengakhat-Naharkotia-Jorajan, Tinsukia-Dhola and Doom-Dooma-Pengeri.
2. The proposed expansion of gas pipelines are within the Supreme Court mandated 10 km Ecologically Sensitive Zone of Borajan-Bherjan-Podumoni WLS and Dehing-Patkai WLS. Besides these PAs, the pipelines pass, field gathering stations, gas compressor stations and off take points are located in close proximity to many important rainforest fragments such as Upper Dihing West Block RF, Telpani RF, Jokai RF and other adjoining forests, which are well-known for their wildlife values, especially their ability to support small but resilient complements of the region's very high richness of primates, that includes eight species, as well as seven cat species.
3. Given the sheer length of pipeline network in this gas field, we were unable to visit all areas, but visited some proposed new alignments around the Madhuban CGGS and OTP, where most existing and proposed pipelines converge. Also given that much of the proposed pipelines in the above-mentioned ESZ was along the alignments of existing pipelines, we were unable to physically verify if any work on proposed pipelines had already been carried out prior to the obtaining of NBWL permission.

**DIBRU SAIKHOWA NATIONAL PARK (DSNP) & BIOSPHERE RESERVE**

The Dibru-Saikhowa National Park and Biosphere Reserve meet at the confluence of the Brahmaputra with three of India's easternmost rivers—the Siang, Dibang and Lohit rivers. The park shaped by the these rivers is spread over 765 sq. km., of which 340 sq. km. form the core and is a complex of wetlands, alluvial grasslands, riverine forests, swamps and semi-evergreen forests, including the largest willow swamp forest in Northeast India.

Dibru-Saikhowa has recorded over 40 mammals, 500 species of birds, 104 fish species, 105 butterfly species and 680 types of plants. It harbours the tiger, elephant, wild buffalo, leopard, hoolock gibbon, capped langur, slow loris, Gangetic dolphin, besides critically endangered bird species such as the Bengal Florican, White Winged Duck, Greater

Adjutant stork, White rumped vulture, slender-billed vulture as well as the very rare and endemic Black-breasted parrotbill.



AMONG THE KEY SPECIES OF DIBRU SAIKHOWA NATIONAL PARK ARE THE BENGAL FLORICAN (TOP), HOOLOCK GIBBON (BOTTOM RIGHT) AND THE BLACK BREASTED PARROTBILL (BOTTOM LEFT). (Pictures courtesy of Dhritiman Mukherjee)

### Conservation Challenges to Dibru Saikhowa

Dibru-Saikhowa suffers from a variety of threats and problems which are worth mentioning here. Important among them are...

**Severe staff shortage:** The sanctioned strength of the park is only 33 which in itself is insufficient for the park of this size and the challenges to securing it. Additionally, at any

given time, effective staff strength on the field is no more than 25. The staff are currently doing a commendable job not only under very difficult logistical conditions, but also at considerable risk to life and limb, considering this region is insurgency impacted. In fact, in 2011 two forest *chowkis*, Miripathar and Kolia, were attacked by suspected left wing extremists, and four guns were taken away.



STAFF PATROLLING THE DIBRU SAIKHOWA NATIONAL PARK. (Pic: Prerna Singh Bindra)

**Insufficient and delayed funding:** The funding provision for the park is abysmal, ranging from Rs. 30-80L per annum (which is largely a planned fund, and does not allow day-to-day expenses and meeting contingencies under it). Worse, the annual funding disbursement to the field is very delayed making crucial timely protection interventions difficult. In fact, when we visited the funds for this particular year had not yet reached. A particularly limiting impact of fund shortage is that there is simply no fuel to run patrolling boats—and the boats lie pretty much stationary after three-four months—making protection ineffectual. In fact, the park has just one speed boat for the entire area, and that for most part of the year lies unused, even during contingencies, for want of fuel.

**Severe anthropogenic pressures:** There are two villages, Laikha and Dadhia, inside the park spread over 50 sq km, with a population of 2,132 families (as per 2005 census) and a livestock population reported to be over one lakh, exerting tremendous pressure on the park. The status of these two villages is also an issue—while these villages were included

as forest villages when Dibru-Saikhowa was declared a Wildlife Sanctuary in 1986 but not when notified as a National Park in 1999. This serious historical oversight on the part of the Assam Forest Department today renders management efforts, including negotiations into the possibility of voluntary relocations, very challenging.

*Other issues:* Deforestation is also a serious concern as is illegal smuggling of timber, and poaching. Dhemaji District, to the northwest of the park, is considered to be a wildlife crime hub.

## RECOMMENDATIONS TO STANDING COMMITTEE OF THE NBWL

### I. Proposal for use of 114.267 ha of non-forest land falling within 10 km of Dibru-Saikhowa NP and Borajan-Bherjan-Podumoni WLS for laying crude oil pipeline by OIL

1. We are deeply distressed that OIL, as a leading public sector company, instead of serving as a beacon for environmental compliance to others in the industry, appears to have evaded environmental norms.
2. We strongly disapprove of the current trend of presenting the SC-NBWL with *fait accompli* situations and seeking *post-facto* clearances for projects on which work has already been undertaken without the requisite prior permissions. The expenditure thus incurred, in this case, from the public exchequer puts undue and unfair pressure on the SC-NBWL to ratify violations of wildlife and environmental norms. Imposing penalties against such violations, we feel, conveys a completely wrong message, signaling that violations are acceptable and can be condoned at a price. This seriously undermines regulatory processes and the rule of law intended to safeguard environment and conservation concerns, and strike a balance between environmental and economic/developmental concerns.
3. We therefore recommend that the SC-NBWL indicate its strong disapproval of this practice, and if necessary, under affidavit to the Supreme Court in the Goa Foundation case, seeking a further notice to states to ensure better compliance with the spirit of this order.
4. In the present case, we are also deeply mindful that considerable public investment has already been made into OIL's project of national importance, but in a manner that gravely undermines environmental concerns that are of equal national importance. We, therefore, strongly recommend that, rather than levy a one-time penalty for this violation, OIL be enlisted to provide financial and in-kind support on a rolling basis to the Assam Forest Department for a specific long term (say, for at least 10 years) plan to further conservation of Dibru-Saikhowa NP and Borajan-Bherjan-Podumoni WLS. This plan must be prepared by the DCF, Tinsukia Wildlife Division, in consultation with the State's Chief Wildlife Warden, as well as OIL, and reviewed periodically. Financial assistance, decided upon in consultation with the state forest department must be earmarked for protection purposes. Additionally, it is recommended that a scheme be worked out with OIL to make provision for fuel for the Dibru-Saikhowa NP, the details of which can be worked out between AFD and OIL. This plan may be placed before the

SC-NBWL, and only following this, may a formal permission be accorded to this project.

5. Further, we recommend that OIL provide a legal undertaking to the DCF, Tinsukia Wildlife Division, about their environmental safeguards and specify the nature and extent of their liability in case of accidents involving oil spillage/ gas leakage into the Maguri-Motapung wetland. The DCF must share this undertaking widely with the public.
6. Finally, we recommend that any remaining pipeline laying for this project, including across the Maguri Motapung wetland, is to be carried out under the supervision of a committee to be constituted by the DC Tinsukia, with the DCF Tinsukia WL Division as its member secretary, and comprising two representatives of local citizens' groups and environmental NGOs, besides a representative of OIL.

II. Proposal for use of 304.15 ha of non-forest land for expansion of gas field development in Tengakhat-Naharkotia-Jorajan area, Tinsukia-Dhola area and Doom-Dooma-Pengeri area

1. Given that the alignment of most proposed new pipelines within the ESZ of Borajan-Bherjan-Podumoni WLS and Dehing-Patkai WLS is along the alignment of existing pipelines, they may be permitted so long as all necessary environmental safeguards (specified in the EIA) are implemented.
2. We recommend that OIL pay particular attention, especially in establishing pipelines and other facilities on the extreme east of the Tengakhat-Nahorkhatiya-Jorajan area and on the southwest of the Doom Dooma-Pengeri area that these structures do not obstruct movement of elephants. We recommend that in undertaking these constructions, they seek assistance of the Assam Forest Department and wildlife NGOs/conservationists/wildlife biologists who may be familiar with elephant movement patterns in the region.

III. Recommendations on strengthening conservation in DSNP

Dibru-Saikhowa is one of the PAs identified as a potential site for rhino relocation under the India Rhino Vision 2020, and to secure the park to realise this vision is crucial. Dibru Saikhowa is an important habitat for endangered species such as the Gangetic dolphin, tiger, elephant, wild buffaloes and the Bengal florican, among others, as well as the endemic Black-breasted Parrotbill, and it is imperative that we secure and protect this natural heritage, and ensure that Dibru Saikhowa and its wildlife is well cared for.

In support of this, we strongly recommend the following, mainly to the Assam FD:

1. We understand that the villages of Laikha and Dadhia are keen to move out of the park as they are living under extreme hardship currently with constant threats of flooding and human-wildlife conflict among others. After the huge flood of 2012, which devastated the villages, we understand that all families have expressed in writing, their willingness to move out of the park, following which the park officials have started the process of identifying land for relocation. However, the process is not going to be easy,

since such a relocation exercise will require considerable land, besides funds for the process itself. Revenue land to this extent is reportedly unavailable—and other options and avenues need to be explored, including allocation of degraded forest land, acquisition of defunct tea estates, etc., in accordance with existing laws. We strongly suggest that the Assam Forest Department and the Tinsukia District civil administration, in consultation with the villagers of Laikha and Dadhia, develop a relocation plan, and urge the state and central governments to provide all support possible to implement it.

2. The state must undertake to take a review of the current sanctioned strength, which is insufficient as well as provision of additional—and trained—staff. Provision for staff welfare in terms of basic facilities, such as provision of rations as well insurance, capacity-building is a must. While the exploration of possibilities and consent for voluntary resettlement is underway, additional staff strength can also be drawn from Laikha and Dadhia to contribute to local livelihoods there, and to secure their support and goodwill for conservation during the time they continue to reside within DSNP.
3. Release of funds for the park on a timely basis.
4. Improving protection infrastructure: There is dire need for more protection *chowkis* (currently there are just 10 for the park), and speed boats, and importantly the means to man, and run these effectively for protection.
5. Encouraging research: Research is a gap that is strongly felt, even by the management, and it is felt that this must be encouraged.

#### LIST OF ANNEXURES

- Annexure 1.* (a) Letter of Mr Bimal Gogoi and Mr Mridu Paban Phukan dated 12/02/2013 addressed to Chairperson, SC-NBWL and MEF & (b) Letter of Dambaru Chutia and others dated 9/03/2013 addressed to Chairperson, SC-NBWL
- Annexure 2.* Letter of Ms Prerna Bindra to MS, SC-NBWL dated 18/03/2013
- Annexure 3.* Email from MD Madhusudan to Mr C. Bose dated 02/09/2013 with queries for OIL
- Annexure 4.* Undated printed response from OIL to above email (Annexure 3) received in person from Mr C Bose on 04/09/2013
- Annexure 5.* Email from MD Madhusudan to Mr C. Bose dated 09/10/2013 with follow up queries for OIL, based on response in Annexure 4 above.
- Annexure 6.* Final responses of OIL to queries in Annexure 5 above.
- Annexure 7.* Email received from local stakeholders on 05/09/2013 as a follow up to the site inspection
- Annexure 8.* Letter dated 18/02/2010 from DCF, Tinsukia Wildlife Division to DC, Tinsukia reporting pipeline laying and construction in violation of environmental norms by OIL

To,

Date: 12.02.2013

**Ms. Jayanthi Natarajan,**  
 Minister of State for Environment and Forests (Independent Charge) &  
 Chairperson, Standing Committee of National Board for Wildlife,  
 Paryavaran Bhavan, CGO Complex  
 Lodhi Road, New Delhi -3.

**Subject: 27<sup>th</sup> Meeting of Standing Committee of NBWL held on 12<sup>th</sup> Dec 2012.**  
**Ref: Minutes of meeting available on website of MoEF**

Respected Madam,

We want to bring to your kind notice the following for your information and necessary action please

1. on 8<sup>th</sup> July, 2011 a Public Hearing took place at Baghjan Tea Estate Lower Primary School, Baghjan, Dist – Tinisukia, Assam for the following three new pipeline projects as proposed by Oil India Ltd, Duliajan, Assam –
  - **37 km long 400 mm diameter Gas Transmission Pipeline from Baghjan to Central Gas Gathering Station & Off Take Point (CGGS & OTP) near W/50 (Madhuban near Duliajan)**
  - **45 km long 200 mm diameter Crude Oil Pipeline from Baghjan to Secondary Tank Farm (STF) at Naoholia (near Duliajan) &**
  - **23 km long 100 mm diameter Crude Oil Pipeline from Baghjan to Makum Oil Collecting Station (OCS) at Makum**

The proposed route of all 3 (three) pipelines passes under Maguri-Motapung Beel (Wetland), which are part of the Important Bird Area (IBA) Dibru-Saikhowa Complex. The area borders the Dibru-Saikhowa National Park and is a part of the Dibru-Saikhowa Biosphere Reserve. It is important to note that the IBA Dibru-Saikhowa Complex has also been identified as a potential Ramsar Site by Bombay Natural History Society (BNHS) and meets the criteria to be declared a wetland of international importance. The local people of the region are also dependent on the Maguri-Motapung Beel (Wetland) and their immediately surrounding areas for their livelihoods, including fishing, agriculture and eco-tourism.

2. During the Public Hearing, there was strong public opposition from the local people about the fault EIA report and the route of the pipeline under or side of the Maguri-Motapung Beel (Wetland). It is important to note that the local people presented in the Public Hearing are not opposed to the transportation of OIL & Gas from Baghjan Area, but only the proposed alignment of the pipelines through this ecologically sensitive area.
3. The proposed project needed clearance from the Standing Committee of NBWL since the project starting point (Baghjan OCS) is within 2.5 km aerial distance of the Dibru-Saikhowa National Park, 6.4 km from Bherjan Wildlife Sanctuary and 9.8 km from Podumoni Wildlife Sanctuary. While Secondary Tank Farm (STF) (end point of 200 mm crude oil pipeline) is within 3.8 km aerial distance from Borajan Wildlife Sanctuary, Makum OCS (end point of 100 mm crude oil pipeline) is 7.5 km from

Bherjan Wild life Sanctuary, 6.6 km from Borajan Wildlife Sanctuary and 4.5 km from Dibru- Saikhowa National Park and W/50 (end point of 400 mm natural gas pipeline) is 2.6 km from Borajan Wildlife Sanctuary and 9 km from Bherjan Wildlife Sanctuary.

Madam, you were informed regarding the above for your information and appropriate action vide our earlier letter to you dated 9<sup>th</sup> March 2012 (copy enclosed).

Madam, verifying the minutes of 27<sup>th</sup> Meeting of Standing Committee of NBWL held on 12<sup>th</sup> Dec 2012, we are shocked to find that the above issues were not precisely discussed and verified in the 27<sup>th</sup> Meeting of Standing Committee of NBWL. We find in the minutes of meeting – That

- In the minutes of 27<sup>th</sup> Meeting of Standing Committee of NBWL stated as *agenda 2.2.1(2)*. – *proposal for use of 114.267 ha of non-forestland falling within 10 km from the boundary of Dibru-Saikhowa National Park and Borjan-Bherjan –Podumoni Wildlife Sanctuary for laying of crude oil pipeline etc by Oil India Ltd. Assam*. So far, there is no public hearing or EIA Study was done on the above-mentioned subject by Oil India Ltd.
- It is not clear what are the projects for which discussion were made in the 27<sup>th</sup> Meeting of Standing Committee of NBWL. There were 3 (three) pipeline projects of different diameter and different length for which Public Hearing took place (8<sup>th</sup> July, 2011). These projects were not precisely mentioned in the minutes of meeting (Ref: Page-5) of 27<sup>th</sup> Meeting of Standing Committee of NBWL. Therefore, it is not clear whether all the above pipelines were taken for discussion or a single pipeline was discussed.
- If the proposed project discussed on the 27<sup>th</sup> Meeting of Standing Committee of NBWL and the proposed projects for which public hearing took place are the same, then it is important to note that - the proposed route of all 3 (three) pipelines passes under Maguri-Motapung Beel (Wetland), which are part of the Important Bird Area (IBA) Dibru-Saikhowa Complex. The area borders the Dibru-Saikhowa National Park and is a part of the Dibru-Saikhowa Biosphere Reserve. The local people of the region are also dependent on the Maguri-Motapung Beel (Wetland) and their immediately surrounding areas for their livelihoods. The issue raised in the Public Hearing about the threats from these pipelines on the Maguri-Motapung Beel (Wetland) & on Dibru-Saikhowa National Park. Oil India Ltd failed to explain on this issue in the Public Hearing.
- Even though Dr. Asad R Rahmani, an Hon'ble member of Standing Committee of NBWL raised an issue related to Amarpur Grassland only. However, for this pipeline project issue related to Maguri-Motapung Beel (Wetland) is more important than the Amarpur grassland.
- We are surprised to note that the representative of Oil India Ltd. was successful to convince the member of the Standing Committee about safety

and environment issues but same Oil India Ltd. has failed to explain the above issues in the public hearing.

- After discussion the Standing Committee put some conditions as mentioned in the minutes of meeting – ***IOC shall put valve at the entry and exit points of the eco-sensitive zone of the Wildlife Sanctuary.....***  
In a project proposed by Oil India Ltd.(OIL), how IOC (Indian Oil Corporation) could put valve?

Looking forward to your favourable action in this regard.

Thanking you,

Sincerely,

*Bimal Gogoi*

Bimal Gogoi  
Chandmari Majar Ali  
Golaghat, 785621  
Assam

*Mridu Paban Phukon*  
Mridu Paban Phukon  
Milan Nagar, Naharkatia  
Dist. Dibrugarh, 786610  
Assam

Copy to – 1. Member Secretary Standing Committee of National Board for Wildlife,  
2. Hon'ble Members, Standing Committee of National Board for Wildlife,

March 9, 2012

Ms. Jayanthi Natarajan,  
Minister of State for Environment and Forests (Independent Charge) &  
Chairperson, Standing Committee of National Board for Wildlife,  
New Delhi.

**Sub: Proposed Three Pipeline Projects in Tinsukia-Dhola Area of Oil India Ltd. Duliajan, Assam, India.**

Dear Ms. Natarajan,

We write to you on behalf of concerned citizens of Tinsukia and Dibrugarh district of Assam. On August 8, 2011, a public hearing took place at Baghjan Tea Estate, Lower Primary School, in Tinsukia district of Assam for a proposal for three new pipelines by Oil India Ltd. The proposal involves –

- **37 km long gas 400mm diameter gas transmission pipeline from Baghjan to Central Gas Gathering Station & Off Take Point (CGGS&OTP) near W/50 (Madhuban near Duliajan),**
- **45 km long 200mm diameter) crude oil pipeline from Baghjan to Secondary Tank Farm (STF) at Naoholia(near Duliajan) and**
- **23 km long 100mm diameter crude oil pipeline from Baghjan to Makum Oil collecting station (OCS.) in Assam by M/s Oil India Ltd. (OIL).**

The proposed route of all three pipelines passes under Maguri – Motapung (wetland) beel, which are part of the Important Bird Area (IBA) Dibru-Saikhowa Complex. The area borders the Dibru-Saikhowa National Park and is a part of the Dibru-Saikhowa Biosphere Reserve. It is important to note that the IBA Dibru-Saikhowa Complex has also been identified as a potential Ramsar site by the Bombay Natural History Society (BNHS) and meets the criteria to be declared a wetland of international importance. The local people of the region are also dependent on the Maguri-Motapung (wetland) beel and their immediately surrounding areas for their livelihoods, including fishing, agriculture and eco-tourism.

During the public hearing, there was strong opposition from the local people about the faulty EIA report and the route of the pipeline under the Maguri – Motapung (wetland) beel. **Please note that the people are not opposed to the transportation of oil and gas from Baghjan area, but only the current alignment of the pipeline through this ecologically sensitive area.**

The project would also require clearance from the Standing Committee of the National Board for Wildlife (NBWL) since the project starting point (**Baghjan OCS**) is within 2.5 km aerial distance of the Dibru-Saikhowa National Park, 6.4 km from Bherjan Wildlife Sanctuary and 9.8 km from Padumani Wildlife Sanctuary. While **Secondary Tank Farm (STF) (end point of 200 mm crude oil pipeline)** is within 3.8 km aerial distance from Borajan Wildlife Sanctuary, **Makum OCS (end point of 100 mm crude oil pipeline)** is 7.5 km from Bherjan Wildlife Sanctuary, 6.6 km from Borajan Wildlife Sanctuary and 4.5 km from Dibru-Saikhowa National Park and **W/50 (end point of 400mm natural gas pipeline)** is 2.6 km from Borajan wildlife Sanctuary and 9 km from Bherjan Wildlife Sanctuary. **We urge the MoEF and the NBWL Standing Committee to take up this issue proactively and ensure that the route of the pipeline is changed so as to not go through the ecologically sensitive Maguri-Motapung (wetland) beel area.**

Looking forward to your favourable action in this regard.

Thanking you,

Sincerely,

*Dambaru Chutia*  
 W.E.C.O  
**(Dambaru Chutia)**  
**Director, WECO**

*Chutia*  
 W.E.C.O  
**(Niranj Chutia)**  
**Asstg. President**  
**Purani Notalung Kamabir Sangha,**

*A. Chutia*  
 W.E.C.O  
**(Amit Chutia)**  
**General Secretary**  
**Purani Notalung Kamabir Sangha,**

*Chutia*  
 W.E.C.O  
**(Bijayan Chutia)**  
**General Secretary**  
**Purani Notalung AASBU Branch**

*Chutia*  
 W.E.C.O  
**(Dipra K. Chutia)**  
**President**  
**Purani Notalung AASBU Branch**

*Chutia*  
 W.E.C.O  
**(Ganesh Chutia, President)**  
**Sarabot Anchalik Yuba Sangha**  
 W.E.C.O  
**(Ghendra Chutia, President)**  
**Barhali Branch Committee, AASBU**

*Chutia*  
 W.E.C.O  
**(Bimal Gogoi, Secretary)**  
**AJTCB, Maham Branch**

*Mridu Paban Phukan*

**Mridu Paban Phukan**  
**Programme Co-ordinator**  
**Wildlife Conservation And Study Centre**  
**Naharkatia, Assam**

*Bimal Gogoi*

**Bimal Gogoi, Bhadol Pachell, Assam**

To,

Shri SS Garbyal,  
Member Secretary, Standing Committee, National Board for Wildlife  
ADG (Wildlife), Ministry of Environment & Forests.  
Paryavaran Bhavan  
CGO complex  
New Delhi

18th March, 2013

Dear Shri Garbyal,

Certain matters have been brought to the notice of the members of the SC, NBWL, regarding the following proposal discussed in the 27th meeting of the SC, NBWL on December 12, 2013.

*'Use of 114.267 ha of non-forestland falling within 10 kms from the boundary of Dibru-Saikhowa National Park and Borjan-Bherjan Padumani Wildlife Sanctuary for laying of crude oil pipeline etc by Oil India Ltd., Assam.'*

There are reports in the media, one of which link is give here, <http://htsyndication.com/htsportal/article?arid=%221065004%22&pub=%22Assam+Tribune%22> ), and also as per the letter dated 12.02.2013 by Bimal Gogoi Mridu and Paban Phukon, to the Hon'ble Chair, cc'd to the members, NBWL, from which it appears that:

1. 1) No EIA or public hearing or has been done of the above project
2. 2) It appears that public hearings were held for the following three pipeline projects:
  - Gas Transmission Pipeline from Baghjan to Central Gas Gathering Station & Off Take Point (CGGS & OTP) near W/50 (Madhuban near Duliajan)
  - Crude Oil Pipeline from Baghjan to Secondary Tank Farm (STF) at Naoholia (near Duliajan) &
  - Crude Oil Pipeline from Baghjan to Makum Oil Collecting Station (OCS) at Makum

The proposed route of the three pipelines is under Maguri-Motapung Beel (Wetland), which are part of the Important Bird Area (IBA) Dibru-Saikhowa Complex. The area borders the Dibru-Saikhowa National Park.

As far as one recalls, the fact of three pipelines was not discussed.

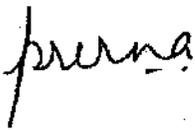
It is heartening to note that these facts have been brought to our notice by concerned members of the public. There is strong local opposition in the public hearing of the pipelines cited above as, as is evident by the minutes of the public hearing. It is indeed very encouraging to see such public support to wildlife conservation. Significantly, the people are not opposed to the transportation of oil and gas from Baghjan area, but only to the current alignment of the pipeline through this ecologically sensitive area. It is important to note that the livelihoods of local people are dependent on these wetlands.

I have also attached the letter to the Hon'ble Chair by concerned citizens for your kind consideration.

In view of the above-and the confusion, may I request that there be an urgent clarification be sought from the concerned state and agency on the above matter, to ensure that facts placed before the SC, NBWL were correct.

Looking forward to your kind consideration.

Best regards,



Prerna Singh Bindra  
Member, Standing Committee, National Board for Wildlife

cc: Hon'ble Chairperson & MEF, Smt Jayanthi Natarajan

2. September 2013

Mr Chitrabhanu Bose  
GM - Production Projects  
Oil India Limited, Duliajan  
Assam

Dear Mr Bose (cc: Ms Purna Bindra, ADG Forests (Wildlife), DIG Forests (Wildlife))

Thank you and your team for meeting us yesterday at the Circuit House at Tinsukia, to provide us details on the two proposed projects of OIL within the Supreme Court mandated ESZ of Dibru Saikhowa National Park and the Borajan-Bherjan-Podumani WLS complex.

In addition to the presentation made before us last evening, and clarifications we sought from you yesterday, I wanted to request you to provide us clarification on the following points as well.

1. Given that the proposed pipeline lies in a highly seismically active zone and intersects the greater Maguri beel ecosystem, we are also keen to know what disaster management plans you have in place to ensure that no spillage occurs into this area in the event of an earthquake, and accompanying structural damage to the buried pipeline.
2. What is the status of construction / pipeline laying on both proposed projects? More specifically, has any construction/pipeline laying been carried out on the Baghjan-Madhuban pipeline project already? We noticed stretches where we were informed that the pipeline had already been laid, and local officials and people also confirmed that such construction had in fact taken place. Please provide us all relevant details in this regard.
3. Local people raised the concern that the SCADA system implemented may not be able to detect very small levels of oil removal / leakage (e.g. the example given was that there was a lot of small time undetected pilferage that does not appear to significantly reduce pressure so as to exceed the threshold values you may employ in the SCADA to activate alarms). More specifically, what is the threshold "hole size" in the pipeline that the SCADA you propose to deploy will "detect". Please tell us how you are proposing to address these concerns.
4. Concern was also raised about the current methods of disposal of water that comes along with the crude in your oil wells. Please tell us how that is dealt with.

An early response would be greatly appreciated!

With many thanks and warm regards

Madhusudhan

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**Questions and Answers raised during the discussion held on 01/09/2013****at Circuit House, Tinsukia**

1. Question: Given that the proposed pipeline lies in a highly seismically active zone and intersects the greater Maguri beel ecosystem, we are also keen to know what disaster management plans you have in place to ensure that no spillage occurs into this area in the event of an earthquake, and accompanying structural damage to the buried pipeline.

Ans: In the HDD portion the pipeline is buried at a minimum depth of 7.5 mtr from the river bed and it is not anchored to any structural blocks. Such pipe has got high flexure/tensile strength. In the event of earthquake of very high Richter scale, this pipe string can sway to a great extent along with the earth where it is embedded in both ways. We do not envisage any damage will occur to these pipelines in the event of earthquake of magnitude of zone -V area.

2. Question: What is the status of construction / pipeline laying on both proposed projects? More specifically, has any construction/pipeline laying been carried out on the Baghjan-Madhuban pipeline project already? We noticed stretches where we were informed that the pipeline had already been laid, and local officials and people also confirmed that such construction had in fact taken place. Please provide us all relevant details in this regard.

Ans : The Baghjan-Madhuban pipeline project comprising of 2 pipelines 200 MM (crude oil) and 400 MM (natural gas) are in same ROW and out of 37 km already 27 km has been laid in normal terrain in different stretches.

3. Question: Local people raised the concern that the SCADA system implemented may not be able to detect very small levels of oil removal / leakage (e.g. the example given was that there was a lot of small time undetected pilferage that does not appear to significantly reduce pressure so as to exceed the threshold values you may employ in the SCADA to activate alarms). More specifically, what is the threshold "hole size" in the pipeline that the SCADA you propose to deploy will "detect". Please tell us how you are proposing to address these concerns.

Ans: OIL's existing supervisory Data Acquisition System (SCADA) is covering gas network for collection and distribution of gas. Expansion project of this SCADA system to cover all the oil pipelines and oil producing installations in and around Duliajan are in progress. But OIL's trunk pipeline supplying crude oil to the 4 refineries has a SCADA system since 1964. In fact we are pioneer

bringing such system in Asia. From our experience of operation of this pipeline, we know that a leakage of 4% of the throughput is detectable by SCADA system. With modern automatic leak detection system it can be detected as low as upto 2%. Size of the hole for the threshold limit will depend on the throughput and pressure at that point.

Any leakage of even small quantity in a pipeline which is cathodically protected, there will be substantial drop of impressed current and this is an indirect indication of leakage. Besides above, through district administration VDP (Village Defence Party) are already in place for reporting such incidents promptly.

4. Question: Concern was also raised about the current methods of disposal of water that comes along with the crude in your oil wells. Please tell us how that is dealt with.

Ans: The associated water produced along with crude oil is separated in OCS and the same is re-injected back into reservoir at a depth below 1000 mtr as per the norms. However, we are in the process of installing ETP (Effluent Treatment Plant) of magnitude of 5000 KLPD for processing and same will be disposed to the reservoir for maintenance.

9. October. 2013

Mr Chitrabhanu Bose  
GM - Production Projects  
Oil India Limited, Duliajan  
Assam

Dear Mr Bose (cc: Ms Prerna Bindra, ADG Forests (Wildlife), DIG Forests (Wildlife))

This email is to follow up on the clarifications (see attachment) which you handed over to me in person during the 30th meeting of the Standing Committee of the NBWL on 4th September 2013 at the MoEF in New Delhi.

You may recall that I had, at that point, requested you orally to provide some additional clarification to us on Point No. 2, wherein you have stated in connection with the Baghjan-Madhuban pipeline that, "out of 37 km already 27 km has been laid in normal terrain in different stretches". As I am sure you are aware, the Supreme Court, in the Goa Foundation order of December 2006 has required projects needing environmental clearances and located within 10 km of a national park or wildlife sanctuary to also obtain clearance from the Standing Committee of the NBWL before any work is taken up. Therefore, we would be grateful if you could clarify to us if OIL has acted in violation of the SC order when you say (and we have ourselves seen) that 27 km of pipelines for this project have already been laid, most of which, I understand falls within the 10 km zone of Dibru Saikhowa NP, as well as Podumoni-Bherjan-Borajan Wildlife Sanctuary, even before the Standing Committee of the NBWL has granted clearance to your proposal.

Your early response would help us expedite our site inspection report.  
Looking forward to your cooperation.

With warm wishes

Madhu

—

M D Madhusudan

Nature Conservation Foundation  
[www.conservation.in](http://www.conservation.in)

**M D Madhusudan**  
**Nature Conservation Foundation**

Dear Dr Madhu,

This is in reference to your e-mail dated 20<sup>th</sup> October, 2013.

- 1.0 We applied for Environmental Clearances vide letter nos. PDN:O2/10/1.00-15 dated 20<sup>th</sup> March, 2010, PDN:O2/10/1.00-81 dated 1<sup>st</sup> February, 2010 and PDN:O2/10/1.00-534 dated 10<sup>th</sup> September, 2011 for the following projects:
  - I) Oil Collecting Station, Baghjan
  - II) Oil Collecting Station, Barekuri
  - III) Baghjan-Secondary Tank Farm Crude Oil Pipeline (length 45 km)
  - IV) Baghjan-CGGS & OTP near W/50 Gas Pipeline (length 37 km)
  - V) Baghjan-Makum OCS Crude Oil Pipeline (length 23 km)
  - VI) Secondary Tank Farm (STF).
  - VII) Bowser Unloading Station at Makum.
  
- 2.0 Environmental Clearances for the above mentioned projects were obtained vide letter nos. J-11011/463/2008 – IA II (I) dated 12.01.2011, J-11011/413/2008 – IA II (I) dated 24.01.2011 and J-11011/463/2008 – IA II (I) dated 16.01.2012.
  
- 3.0 With reference to the specific conditions mentioned in the ECs received by us, the initial application for NBWL clearance was put up to DFO, Tinsukia vide letter dated 27.10.2011 which was forwarded by the DFO, Tinsukia to Principal Chief Conservator of Forest , Wildlife, Govt of Assam with comments and recommendations on 05.12.2011.
  
- 4.0 The matter was put up and cleared in the State Board of Wild Life on 18.04.2012. The same was then forwarded from Govt of Assam to National Board of Wild life for final clearance on 24.05.2012. The NBWL clearance was received for the all the above mentioned projects were received on 12.12.12.
  
- 5.0 In this regard, you will appreciate that no physical construction was made in the major projects viz. construction of Barekuri OCS, construction of Baghjan OCS, Makum Browser Unloading Station and awaited till NBWL clearance. Rather the contractual formalities for creating the above infrastructures were initiated after the projects were cleared by NBWL.

6.0 Regarding 200 MM (8") Crude Oil Delivery pipeline and 400 MM (16") Gas distribution pipeline, we obtained Environmental Clearance (EC) after complying with necessary formalities on 16.01.2012. The 37 KM length of the pipeline is divided into four sections viz.

Section A- linear length 6.3 KM

Section B- linear length 10.6KM

Section C- linear length 10.6KM

Section D- linear length 9.5 KM

7.0 Out of these 4 Segments, Section – A is considered as the most crucial section as it is in logistically difficult area and falls within a range of 10 KM from the Dibru – Saikhowa National Park. The work for this section commenced in July, 2013 i.e. only after obtaining NBWL clearance on 12.12.12 i.e. after a gap of 8 months.

8.0 The remaining sections viz. B, C & D fall mostly in Tea Garden and paddy field areas. The laying of these lines was planned once the State Board has recommended the proposal to NBWL in last week of May 2012. Accordingly, the laying of lines was carried out in the next dry spell to avoid the harvesting season so as to facilitate the village farmers and the Tea Garden authorities for timely cultivation and plucking of tea leaves respectively.

9.0 Though we have procured the land for our Right Of Way (ROW) of the pipelines, the pipeline activities were planned not to disturb the cultivation in those areas where the people were solely dependent on the rice cultivation from the fields. As a part of our commitment, the entire activity was planned so that the ROW can be used for cultivation as well as growing of tea bushes once the pipeline laying is done.

10.0 It is pertinent to mention here that though these lines were laid in some select segments to facilitate cultivation in the season, these are neither connected nor hydro-tested / charged with any fluid till the final NBWL clearance was obtained. Though we have obtained all clearances now, the commissioning activities will start once the entire pipeline sections are complete in all respect.

11.0 As a part of Assam Accord, OIL has to supply 6.0 MMSCMD natural gas, containing at least 7% C2+ components, which is the main feedstock to M/S Brahmaputra Cracker and Polymer Limited (BCPL) coming up at Lepatkata, Dibrugarh. In order to fulfill our commitment to M/S BCPL, the 400 MM (16") Gas distribution pipeline and 200 MM (8") Crude Oil Delivery pipeline are being laid from Baghjan area to Duliajan so that committed supply of feed stock can be done for BCPL in a time bound manner. BCPL being a Project of National Importance is being monitored by Prime Minister's Office. The

Project (BCPL) is a fallout of Assam Accord and has sentimental attachment to the people of the State who are having high expectation of both direct and indirect employment.

- 12.0 You would appreciate that Oil India Limited being a pioneer PSU having more than 6 decades of E&P experience is committed for conservation of environment in and around the operational areas. We have followed the path of sustainable development throughout our entire journey for symbiotic existence and growth of Industry along with its neighboring community and environment at large.
- 13.0 We have noted your recommendations and we ensure that we will keep our commitment for the environment in all our future project construction jobs also. No deviations from EC & NBWL conditions will be allowed in all our projects.
- 14.0 Hope the above clarifies your doubt on the issue.

C Bose

General Manager (Production Project)

To,

Dated: 05.09.2013

Ms Prema Bindra & Dr. M D Madhusudan  
Member of Standing Committee of National Board for Wildlife  
MoEF, Govt of India  
New Delhi.

Sub: Your visit to DNSP and the discussion on 1<sup>st</sup> Sept. 2013

Ref: Minutes of 28<sup>th</sup> meeting of SC of NBWL held on 20/03/2013

Dear Ms.Bindra & Dr. Madhusudan

With reference to the discussion held with you on 1<sup>st</sup> Sept, 2013 at the Circuit House, Tinsukia, Assam we would like to submit a written submission in addition to our earlier submission dated 12/03/2013.

In the discussion you have come to Tinsukia/Dibrugarh District for the 2 (two) pipeline projects as proposed by Oil India Ltd.

- 1) 3 (three) pipeline project in Tinsukia - Dhola area of OIL.
- 2) Tengakhat-Nahorkatiya-Jorajan, Tinsukia-Dhola & Dumduma-Pengri Integrated Gas Field Development Project.

**Part A: 3 (three) pipeline project in Tinsukia - Dhola area of OIL.**

- 1) OIL has already laid the pipelines. (Source Minutes of 27<sup>th</sup> meeting of SC of NBWL held on 12/12/2012. *"The representative of OIL indicated that the pipeline is being laid underground and he also assured the committee..."* and the letter No. B-TWL/G-66/2010/280 dated 18.02.2010 written by DFO Tinsukia Wildlife Division to Deputy Commissioner, Tinsukia). It is not clear how without Environmental Clearance they have laid the pipelines. Is not it a clear violation done by OIL?
- 2) OIL tried to lay these 3 (three) pipelines without doing any EIA or public consultation. Source (letter No. TPL.114/2009 dated 2<sup>nd</sup> Oct.2009) written by the DC Tinsukia to OIL authority). The DFO Wildlife, Tinsukia asked Deputy Commissioner, Tinsukia about the irregularities by OIL regarding the pipelines vide his letter no. B-TWL/G-66/2010/280 dated 18.02.2010 and

**B-TWL/G-66/2010/356** dated **25.02.2010** and informed the concerned authority.

- 3) Of the 3 (three) pipelines as stated in the EIA Report the 100 mm or 4" crude pipeline is a temporary one it would be removed after the 200 mm or 8" pipeline is ready (*please refer letter Ref. No. ADMN/12 (B)-168 dated 19.02.2010 written by Resident Chief Executive OIL to DC, Tinsukia*) which was not mentioned in the EIA Report. Also it is clear from their letter that laying this pipeline Oil India Ltd. would not use HDD method.
- 4) From the EIA Report it is understood that only 400 mm diameter gas transmission pipeline from Baghjan to CGGS & OTP near W/50, would be crossed using HDD. OIL have not cited any example to the public at the Public Hearing and have not answered why only one portion is selected for HDD? (*Please refer the EIA report for 3 (three) pipeline project in Tinsukia - Dhola area of OIL, chapter 3, Project Description, 3.4 to 3.6*)
- 5) The quality of OIL's work is well explained by former DFO Tinsukia Wildlife Division vide letter no. **B-TWL/G-66/2010/280** dated **18.02.2010**.
- 6) OIL mentioned about 'SCADA' in their EIA Report which was also OIL's representative explained in 27<sup>th</sup> SC meeting of NBWL. For your information please note: this 'SCADA' system is not 100% proof. Since it detects leakage / hole in the pipelines from a certain diameter of hole/leakage. Below that diameter it can not work or detect the leakage. This point was also raised in the Public Hearing and asked project proponent's comment in this regard.
- 7) Baghjan open Flare :  
In Baghjan OCS/EPS, which is situated just 2.5 km from the boundary of Dibru-Saikhowa National Park, where OIL has been burning an open flare of their unwanted gases. When the Gas Pipeline will be ready they will produce more gas to meet the demand and the unwanted gas will be also high and the flare will get a new height. On the other hand MoEF forced the Numaligarh Refinery Ltd. (NRL) at Numaligarh, Assam in 1991, which is 22.7 km away from Kaziranga National Park, to establish an underground flare system instead of a regular flare system. Kaziranga National Park is situated in the west of NRL. This point is to be viewed carefully.
- 8) Maguri-Motapung wetland, Part of Lohit River and part Dibru Saikhowa National Park and Biosphere Reserve are in the down stream of these pipelines. If any leak occurs in these pipelines crude oil will be spread over

immediately in the whole area. Lohit River has one of the best habitats of Ganges River dolphins (*Platanista gangetica gangetica*). Any Oil Spill will bring threat to the species. EIA Report has no mention about the species? Why? It was asked by the public at Public Hearing.

- 9) The pipeline project passes through Barekuri Gram Panchayat, it housed Hoolock Gibbon Their no are reducing gradually after OIL starts works here. EIA has no place about these Hoolock Gibbons. (News clipping: 'Asomiya Pratidin' widely circulated vernacular daily).

**Part B: Tengakhat-Nahorkatiya-Jorajan, Tinsukia-Dhola & Dumduma-Pengri**

*Integrated Gas Field Development Project*

- 1) Both the projects area were falling in Dehing-Patkai Elephant Reserve (Notification No.FRW.44/2002/67, dated 17th April, 2003), but both the EIA are silent about elephant and the corridors in the whole area.
- 2) This Gas Field Project is within 10 KM of the boundary of Dihing Patkai Wildlife Sanctuary, which is among the last remaining lowland rain forests in Brahmaputra Valley. The forest is dominated by tall Dipterocarps, especially Hoolong (*Dipterocarpus macrocarpus*), which grow up to 50 m. The other important tree species are Mekai(*Shorea assamica*), Nahar(*Mesua ferrea*), Hollock(*Terminalia myriocarpa*), Cham (*Artocarpus chaplasha*), Morsal (*Vatica lanceaefolia*)(Critically Endangered), Outenga(*Dillenia indica*), Kadam(*Anthocephalus cadamba*), Simalu(*Bombax ceiba*) and *Ficus* spp. So far, 107 species of orchids have been recorded from this forest. Out of these 85 spp. are epiphytic and 21spp. are terrestrial and one species is saprophytic. 46 species of mammals, including 19 species of carnivore. Seven species of Primates (Western Hoolock Gibbon, Capped Langur, Slow Loris, Rhesus Macaque, Assamese Macaque, Pigtailed Macaque and Stump-tailed Macaque). Seven species of cats (Tiger, Leopard, Clouded Leopard, Asiatic Golden Cat, Marbled Cat, Leopard Cat and Jungle Cat) residing within its boundaries. The area is also an Important Bird Area (IBA), recognized by BNHS and Birdlife International for its birddiversity. More than 380 species of bird have been recorded so far from Dehing- Patkai Wildlife Sanctuary. The area has five species of hornbills and is home to several species of rare wren babblers, laughingthrushes, fulvettas, shrike babblers, scimitar

babblers and warblers. Birds include threatened species such as the Whitewinged Duck *Cairina scutulata*, White-bellied Heron *Ardea insignis*, Beautiful Nuthatch *Sitta Formosa*, Rufous-necked Hornbill *Aceros nipalensis*, and Purple Wood Pigeon *Columba punicea*. So far, 277 species of butterflies have been recorded from this area. EIA report is silent on that.

- 3) Though the executive summary stated that No Endangered species are recorded in the study area as per IUCN. As per records of Dept. of Environment and Forests, Govt. of Assam, the following endangered species of birds and mammals are found in the area are White-rumped Vulture (*Gyps bengalensis*)CR, Slender-billed Vulture (*Gyps tenuirostris*)CR White-winged Duck (*Cairina scutulata*)En(one of the largest known concentration in the world is in this sanctuary), Rufous-necked Hornbill (*Aceros nipalensis*)EN, Beautiful Nuthatch (*Sitta Formosa*)EN, Tiger *Panthera tigris*,En/Sch.I, Asian Elephant *Elephas maximus*,En/Sch.I, Western Hoolock Gibbon *Hoolock hoolock*,En/Sch.I, Capped Langur *Trachypithecus pileatus*, En/Sch.I, Asiatic Brush-tailed Porcupine *Atherurus macrourus*,En/Sch.II
- 4) Western Hoolock Gibbon's (*Hoolock hoolock*) population is under pressure from habitat fragmentation due to the Oil installation in this area.
- 5) In Charaipung (near Jorajan OCS), one of the starting point of the Gas Field Project (proposed Jorajan FGS), which is adjacent to the Dihing Patkai Wild life Sanctuary, there is an explosive store house which housed normal explosive as well as Radio Active element , which are used by OIL in their oil field activity. The EIA has no mention about the Explosive Store. It is also not known whether the store is complied with the EIA Notification 2006 or not?
- 6) As per *Tengakhat-Nahorkatiya-Jorajan, Tinsukia-Dhola & Dumduma-Pengri Integrated Gas Field Development Project* EIA Report, this region (Tinsukia and Dibrugarh) District is under high seismic zone – Zone-V (refer *EIA Report Chapter III Baseline Environment, pg no. 58-60*). In the public hearing question was raised whether these pipelines are seismic proof or earthquake proof? And if yes, what is the maximum intensity of earthquake these pipelines could resist? Oil India Ltd and the agency that did the EIA, is silent in this regard. You should look into this point carefully.
- 7) The quality of the EIA study can be easily assessed from ***“To know the present environmental condition of the study area, field studies have been***

**conducted for 5(five) weeks to determine existing conditions...."Page no.ii of executive summary of Integrated Gas Field Development Project. "Field studies have been conducted for three months from 1st October 2009 to 31<sup>st</sup> December 2009 to determine existing conditions of various environmental attributes" Page no. 3 of the main EIA.**

- 8) Effluent Treatment Plant: Though in EIA report mention about ETP, at present OIL have no ETP in any of their installation. For Example OIL Township Duliajan, Assam.

Finally for your information, on 3<sup>rd</sup> Sept, 2013 night the Director, WECO Mr Domboru Chutia whom you met on 1<sup>st</sup> Sept, 2013 at Circuit House Tinsukia, was threatened at his home by some miscreants and warned him not to oppose the existing pipeline project and the news was appeared on 5<sup>th</sup> Sept, 2013 which carries OIL's hand behind the incident.

We submit the above points as you asked on 1<sup>st</sup> Sept, 2013 for your necessary action. Further, if any clarification needed please contact.

Thanking you

With warm regards

Yours Sincerely

Mridu Paban Phukon

Bimal Gogoi

Enclosure : As mentioned above

GOVERNMENT OF ASSAM  
 ENVIRONMENT AND FOREST DEPARTMENT  
 OFFICE OF THE DIVISIONAL FOREST OFFICER  
TINSUKIA WILD LIFE DIVISION, TINSUKIA

No. B-TW/L/G-86/2010/280

DATE: 18/02/2010

To,  
 The District Magistrate  
 & Deputy Commissioner  
 Tinsukia

Sub: Site visit of co-ordination committee constituted to resolve disputes regarding alignment of proposed Baghjan - Makum pipeline for transportation of crude oil & gas.

Ref: Decision adopted in the meeting of stakeholders in the Conference hall of Deputy Commissioner's office on 15/2/10.

Sir,

With reference to the subject cited above, this is to inform you that in pursuance of decision adopted in the meeting of stakeholders held in Conference hall of Deputy Commissioner's office on 15/2/10, a co-ordination committee comprising of officials from Oil India Limited (OIL), representative from Pollution Control Board of Assam (PCBA) based at Dibrugarh, representatives of Wildlife, Environment & Conservation Organization (WECO), Barekuni (NGO) and myself visited the planned as well as alternative site near Doom dooma for laying Baghjan-Makum pipeline on 17/2/10. The details of officials/ persons in the committee are mentioned in the annexure.

It emerged from discussion with OIL officials that major portion of work on pipeline from Baghjan to Makum has been constructed except a small stretch spanning about 1Km across Dibru river and adjacent low lying marshy area near Bebeja. During site inspection, trenches dug by contractors for further extension of the pipeline across agricultural land on the southern side were found to be 45 - 60 cm deep. A crowd from the nearby locality had gathered at the site during inspection and their opinion on construction of the pipeline was divided. The pipeline was also sunk in the depression area across the wetland upto depth of 30 cm and exposed on the river bed.

Thereafter, the committee visited the alternative site proposed by representatives of WECO situated on the southern side of bridge near Doom dooma town. The proposed site has relatively higher elevation with a much shorter span across the river but requires alignment of pipeline to be shifted by about 10 Km from original position with resultant escalation in project cost.

The officials of OIL then proposed to go ahead with the works at the present site near Bebeja with additional mitigation measures to minimize possibility of contamination of wetland near Bebeja and consequential spill over effect in the ecologically sensitive natural system arising out of sabotage by miscreants. The planned measure includes a casing for the 10 cm pipeline, installation of isolation valves at both end of wetland to regulate flow in emergency situation, construction of two watch towers at both end for round the clock surveillance, posting of security guards with

power to open fire to prevent pilferage, subject to approval by competent authority. Besides, feasibility of construction of iron footbridge along the pipeline is also under consideration.

The OIL officials also assured that the pipeline would be dug across the wetland upto minimum prescribed depth of 1.5 mt under strict supervision of a monitoring committee comprising of stakeholders in the project. The OIL had also agreed to provide support for specific project based environmental conservation initiatives of WECO in future. However, representatives of WECO had sought two days time to come up with a response. The OIL officials indicated that the 10 cm pipeline is precursor to two bigger pipelines of 20 cm & 40 cm diameter for transportation of crude oil and natural gas to Duliajan that will render the original pipeline redundant. The smallest pipeline is likely to become superfluous by December 2012 with commissioning of Brahmaputra Cracker and Polymer Limited at Lepetkata.

In retrospect, the parleys inclusive of the present initiative that were held at different points of time to resolve the conflict between OIL and environmental activists on the proposed Baghjan-Makum are futile in light of the Environmental Impact Assessment Notification No. S.O. 1533 dt 14th September, 2006 issued by the Government of India which imposes certain restrictions and prohibitions on new projects or activities or on the expansion or modernization of existing projects or activities based on their potential environmental impacts as indicated in the Schedule to the notification, being undertaken in any part of India including territorial water, unless prior environmental clearance has been accorded in accordance with the objectives of National Environment Policy.

The Baghjan-Makum pipeline project ancillary to inland oil and gas exploration, development & production being located within 10 km from the boundary of Dibru-Saikhowa National Park notified under the Wild Life (Protection) Act, 1972, is within ambit of Category A venture and therefore require prior environmental clearance from the Central Government in the Ministry of Environment and Forests. The mandate of implementing the provisions of the above-mentioned Notification is vested with the Pollution Control Board of Assam under provisions of the Environmental Protection Act, 1986 and significantly there had been no representation from the regulatory authority in previous meetings on the contentious issue up to 15/2/10. During the site visit yesterday, Sri HK Sharma, Asst Engineer informed that the PCB, Dibrugarh do not have any document on Makum-Baghjan pipeline project executed by OIL authority.

Therefore, it is obvious that OIL had gone ahead with implementation of Baghjan-Makum pipeline without obtaining mandatory environmental clearance as provided in the EIA notification since there was no public consultation on the issue. Consequently, there is also a misguided notion among section of local villagers that the Baghjan - Makum pipeline project had been implemented with approval from this office, while in reality neither the project area is within its administrative jurisdiction and nor any assigned role in the environmental clearance process.

Since there are several of development project of OIL and other Public Sector Units located within 10 Km of Protected Areas in Tinsukia district i.e. Dibru-Saikhowa NP, Bherjan-Borajan-Padumoni WLS and Dehing-Patkai WLS notified under Wildlife Protection Act, 1972 the Environmental Impact Assessment Report - if any - relevant to each venture may kindly be evaluated on a case by case basis to ascertain whether the stipulated EIA norms were complied with by the user agency for effective implementation of Environmental Protection Act, 1986.

A hard copy of the Environmental Impact Assessment Notification No S.O. 1533 dt 14th September, 2006 issued by the Government of India, downloaded from the official website of Pollution Control Board, Assam is enclosed for favour of your ready reference and needful.

Enclosed: As stated above (42 pages)

Yours faithfully

  
Divisional Forest Officer  
Tinsukia Wildlife Division  
Tinsukia

Memo No.A-TWL/G-66/2010/50

DATE. 18/02/2010

Copy to the Principal Chief Conservator of Forests, Wildlife, Assam, Basistha Guwahati-29 for favour of information and needful.

  
Divisional Forest Officer  
Tinsukia Wildlife Division  
Tinsukia

(<https://www.downtoearth.org.in/>)

ANNEXURE A8

ENVIRONMENT

(<https://www.downtoearth.org.in/environment>)

# Leaking Oil India well that caught fire yesterday should have been flagged earlier

Serious observations were made about Oil India project near Dibru-Saikhowa national park

🐦 f in

📄 (<https://api.whatsapp.com/send?text=Leaking Oil India well that caught fire yesterday should have been flagged earlier>)

<https://www.downtoearth.org.in/news/environment/leaking-oil-india-well-that-caught-fire-yesterday-should-have-been-flagged-earlier-71662>

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<https://www.downtoearth.org.in/news/environment/leaking-oil-india-well-that-caught-fire-yesterday-should-have-been-flagged-earlier-71662>

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NEXT NEWS >

By Anupam Chakravarty (<https://www.downtoearth.org.in/author/anupam-chakravarty-1586>)  
Last Updated: Tuesday 09 June 2020



☛ The Baghjan 5 oil well caught fire at 2 pm on June 9, 2020. Photo: Vivek Menon / Twitter

The oil and gas well in Upper Assam's Baghjan that has been leaking for about a fortnight

(<https://www.downtoearth.org.in/news/pollution/blowout-at-oil-india-well-threatens-national-park-in-upper-assam-71464>) caught fire on June 9, 2020 afternoon even as experts were trying to seal in the discharge. At least four persons were injured and 50 houses were burnt.

State-owned Oil India Ltd (OIL), which owns the property, said on microblogging site Twitter that no casualties were reported.

While the clearing operations were on at the well site, the well caught fire. There is no casualty reported. Fire tenders are at the site controlling the spread of fire. There r violent protests around the well site. Once the situation is normal, the experts will move to the site. [pic.twitter.com/HaCgLGeQtr](https://t.co/HaCgLGeQtr)  
(<https://t.co/HaCgLGeQtr>)

— Oil India Limited (@OilIndiaLimited) June 9, 2020  
([https://twitter.com/OilIndiaLimited/status/1270357665747619840?ref\\_src=twsrc%5Etfw](https://twitter.com/OilIndiaLimited/status/1270357665747619840?ref_src=twsrc%5Etfw))

Three experts from Singapore-based Alert Disaster Services reached the site earlier in the day, the company had tweeted.

OIL spokesperson Tridib Hazarika told a local channel that such fires were to be expected during a 'well-killing' (sealing) operation: "We had evacuated people from the site and disaster control experts were satisfied with our preparedness."

Locals, however, alleged that the fire has spread. "People living five kilometres away from the Dibru Saikhowa National Park (DSNP) are fleeing their villages, fearing the fire will engulf their homes."

As an umbrella of water protects the gas discharge from exploding, gas oozing out of the well becomes a mist of condensate. Even in villages five kilometres away from the site, residents have been scraping mud inside their recently-flooded houses.

Residents in the area are feeling cornered. After facing five stages of lockdown due to COVID-19 in which farmers could not sell their spring and summer produce in the area, flood waters have inundated their crops.

"If floods and coronavirus were not enough, this blast of gas has now thrown us out of our houses, damaged our crops, killed our livestock and now, no new crops will grow for a very long time," Labanya Saikia, a resident of Baghjan village, who was housed in Dighol Tarang High School along with five hundred families, said.

Riju Chandra Moran, whose family of six depends on a small tea garden, betel nuts and paddy, has completely lost his farm.

#### Flouting of norms

Kamal Baruah, a resident of Baghjan, alleged that no environmental clearance or public consent was sought by OIL authorities while setting up the oil wells.

"They bought the land in a clandestine manner and set up the oil wells in the close proximity of the DSNP, which will now kill both people and animals," Baruah said.

The previous visit of the National Board of Wildlife (NBWL) team to inspect oil pipelines near DSNP echoed Baruah's assertion. MD Madhusudan and Prema Singh Bindra, the then members of the standing committee for NBWL visited the area in 2013.

The team made serious observations regarding OIL's activity near the park.

"We strongly disapprove of the current trend of presenting the standing committee of NBWL with *fait accompli* situations and seeking post-facto clearances for projects on which work has already been undertaken without the requisite prior permissions. The expenditure thus incurred, in this case, from the public exchequer puts undue and unfair pressure on the standing committee of NBWL to ratify violations of wildlife and environmental norms," Madhusudan and Bindra wrote in a report submitted to the Standing Committee of the NBWL.

The 340 sq km national park and biosphere is the world's only riverine island wildlife reserve. The park lies at the confluence of the Brahmaputra with three of India's easternmost rivers — the Siang, Dibang and Lohit and smaller rivers such as Dihing, Dibru, Disang and others.

According to NBWL experts, the park shaped by these rivers, is spread over 765 sq km, of which 340 sq km form the core zone and is a maze of wetlands, alluvial grasslands, riverine forests, swamps and semi-evergreen forests, including the largest willow swamp forest in Northeast India.

Home to wild horses, DSNP has recorded over 40 mammals, 500 species of birds, 104 fish species including the critically endangered Gangetic dolphin, 105 butterfly species and 680 types of plants.

It harbours the tiger, elephant, wild buffalo, leopard, hoolock gibbon, capped langur, slow loris, besides critically endangered bird species such as the Bengal Florican, White Winged Duck, Greater Adjutant stork, White rumped vulture, slender-billed vulture as well as the very rare and endemic Black-breasted parrotbill.

Historically, the unmitigated Dibru Saikhowa was connected to the Dehing Patkai rainforest which extends till Namdapha National Park on the Indo-Myanmar border in Arunachal Pradesh. Ecologists consider the park to be a part of the Indo-Myanmar Biodiversity hotspot.

In January this year, the eco sensitive zone (ESZ) for the reserve was finally notified in an extraordinary gazette. The notification states that for the ESZ, the radial distance from the park varies from zero to 8.7 km.

Assam's forest department made two drafts over the last four years to finalise the ESZ.

In the final draft, Additional Principal Chief Conservator of Forests (APCCF) MK Yadav made a presentation where he explained that the state board of wildlife was deferring its decision on finalising the ESZ because of concerns raised by OIL due to presence of the oil drilling wells in the vicinity of the park.

This is according to the minutes of the 31st meeting of ESZ held in September 2018 available on the Union Ministry of Environment, Forest and Climate Change's (MOEF&CC) website.

Yadav informed the ministry that the zero extent of ESZ (where the ESZ is non-existent) towards the southern boundary is the existing crude oil drilling site.

"Since the oil drilling sites were already existing wherein extraction was an ongoing activity, the state government considered the request of OIL and revised the extent," the minutes of the meeting stated.

The new map published by MoEF&CC shows several existing oil drilling wells owned by OIL right next to DSNP. Gohain said he had counted about 25 such wells in the vicinity of the park.

Baghjan 5, the oil well that continues to spew gas and crude is less than a kilometre away from Maguri Motapung *Beel*, a wetland on the southern end of the park, that is an ecological attraction for birders.

Jintu Dutta, a local birder from Notun Rongagora said most endangered and migratory bird species come to the wetland. According to forest ranger, Jagannath Agarwal, Maguri Motapung is a part of the ESZ.

Recently, angry villagers surrounded the District Forest Officer, RS Bharti, demanding to know how the oil wells were permitted next to a wetland where the ESZ did not exist. The official has now demanded OIL to furnish the environmental clearance.

Hazarika, however said that all requisite clearances had been taken by OIL. "From the seismic survey stage, we had all requisite clearances for the oil wells in the Baghjan area," he said.

Gohain, however said that oil wells were considered as Category A projects under the Environment Impact Assessment (EIA) notification.

"The wells came up in 2003 as a petroleum mining lease. However, under EIA rules of 2006, offshore and onshore drilling projects require public hearing and EIA should be in a public domain. But there was no public hearing and nobody has seen the EIA," Gohain said.

Incidentally, OIL has managed to secure environmental clearance for seven new drills in the area that will bring oil from a reservoir presumed to be under the DSNP.

OIL officials said it would be the first time that Extended Reach Drilling (ERD) would be used to drill oil in India. "We plan to start the operations within one and a half years," Hazarika said.

According to the official justification for the project by OIL, the well plinth of the Baghjan 5 will be one of the wells where the ERD technology will be used from a depth of 3,950 metres.

The press release by OIL said:

"Although the surface position of these proposed drilling locations falls in Baghjan area, that is, outside the boundary of Dibru Saikhowa National Park (DSNP) area, the subsurface position shall fall beneath the protected area of Dibru Saikhowa National Park (DSNP)."

ERD is a means to tap into hydrocarbon bearing sands (reserves) in the areas that are not easily accessible. By placing shallow and horizontal pipelines, oil companies have been tapping into larger reservoirs.

Activists have been alarmed by OIL's plans. "We think that OIL had already started the work on ERD from Baghjan 5. We hold Oil India responsible for the blowout because they have started the work on the drilling underneath the park," Gohain, who has been waging a battle to conserve the biodiversity in the area through eco-tourism, said.

OIL officials have already earmarked Rs 400 crore for the project that is now facing stiff resistance from people after the blowout. The area is dominated by the Moran-Motok community, that is threatening to launch an agitation while there is a social media campaign across the state to save the riverine habitat of endangered species.

The total reserve is 10 million metric tonnes (MMT) while OIL claims that it will be able to tap three million metric tonnes from under the DSNP. It is believed that the automotive sector majorly switching to gas-based vehicles would require 8-9 MMT of liquified natural gas annually in India.

In areas around the production wells in Assam, the hydrocarbon industry has brought a lot of prosperity but has immensely impacted many communities now facing pollution for more than 150 years since the first oil well was dug up in this region.

In areas around the production wells in Assam, the hydrocarbon industry has brought a lot of prosperity but has immensely impacted many communities now facing pollution for more than 150 years since the first oil well was dug up in this region.

OIL officials said the pipelines transporting oil and gas were often violated by gangs in some of the areas where OIL operated. The condensate from the pipes is tapped and sold.

Gohain said after the initial promise of profit from the economy revolving around hydrocarbons, people had now turned to sabotaging oil pipelines.

*Anupam Chakravarty is reporting with StoriesAsia*

[baghjan \(https://www.downtoearth.org.in/tag/baghjan\)](https://www.downtoearth.org.in/tag/baghjan)

[upper assam \(https://www.downtoearth.org.in/tag/upper-assam\)](https://www.downtoearth.org.in/tag/upper-assam)

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[Dehing Patkal ... \(https://www.downtoearth.org.in/tag/dehing-patkal-wildlife-sanctuary\)](https://www.downtoearth.org.in/tag/dehing-patkal-wildlife-sanctuary)

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## Lessons from Baghjan: India's Environmental Regulatory Processes Are Broken - The Wire Science

15/06/2020

12-15 minutes

*Photo: M.D. Madhusudan.*

In the floodplain of the Brahmaputra, hemmed by its tributaries Dangori and Dibru, a stone's throw from the Dibru Saikhowa National Park and the Maguri Motapung beel, is the village of Baghjan in Assam's Tinsukia district. On May 27, an oil well belonging to Oil India Limited (OIL) blew out in this small village, uncontrollably spewing a mix of oil and gas, shrouding homes, farms, ponds, lake and river alike in a toxic condensate for nearly a full fortnight. Oil sheathed the wetland, seeped into soil; vile condensates coated grasslands and trees, slowly choking all life. Birds began dying, as did fish and frogs. A burnt carcass of a young Gangetic dolphin – our endangered national aquatic animal – floated up on the murky waters.

Then, on June 9, a fire started at the blowout site, and soon, nearby grasslands, fields, orchards, homes and even waterbodies were on fire. Two persons, Durlov Gogoi and Tikeshwar Gohain, died in the fire while four more were injured. Grasslands, even wetlands, burnt, and in these fires, countless creatures perished.

This ill-fated oil well is just one among many in the region belonging to OIL, a public-sector company owned by the Government of India.

As with every such catastrophe, we must ask if this was not foreseeable or preventable. Contemplating this question takes us back to September 2013, when we were serving on the National Board for Wildlife (NBWL). A statutory body created under the Wildlife (Protection) Act, the NBWL is chaired by the prime minister, and delegates its functions to a smaller standing committee comprising a selection of members and chaired by the environment minister. It is tasked with regulating human activities carried out in the pursuit of development or economic growth, which can pose risks to wildlife and their habitat in or around nearly 700 protected areas that cover about 5% of India.

Given its precarious location – cheek-by-jowl to a national park, a large waterbody and two rivers, besides scores of homesteads –

the Baghjan oil well is precisely the kind of project the NBWL is mandated to regulate.

This now-infamous oil well was already in operation well before our tenure on the NBWL, between 2010 and 2013. We were however involved in inspecting the area around Baghjan in 2013 to assess the risks of laying a crude oil pipeline from this well via Makum to a gathering station in Madhuban, some 40 km south. As per a Supreme Court order, all projects proposed within a 10-km ecologically sensitive zone (ESZ) around protected areas (PAs) require a clearance from the NBWL, in addition to all other required regulatory permissions, unless the PA had an already demarcated ESZ. The latter had not been done in this case.

Although it lay within the Dibru Saikhowa National Park's ESZ, OIL's pipeline had been granted clearance by the NBWL in 2012, on the plea that most of the pipeline would run within tea estates and other non-forest lands where OIL had purchased right-of-way. This was opposed by local citizens and NGOs, who pointed out that the pipeline would actually pass through the sensitive wetland ecosystem of Maguri Motapung *beel* located within Dibru Saikhowa's ESZ, and on which local fishermen and many unique species depended. They also recalled widespread local opposition to the pipeline's alignment during public hearings for grant of the project's environmental clearance and asked the NBWL to review its decision. Subsequently, the clearance was withheld, and as members of the standing committee, we were asked to undertake a site-inspection and file a report.

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Photo: Authors provided

PIN IT

The Dibru Saikhowa landscape simply took our breath away. A mosaic of wetlands, swamp forests and grasslands, it is home to

endangered fauna such as clouded leopards, Chinese pangolins, slow lorises, pig-tailed macaques, Bengal floricans, hoolock gibbons and Asian elephants, among others. Dibru Saikhowa is one of the last haunts of the *deo hans*, or 'spirit duck', as the critically endangered white-winged wood duck is known here, and a stronghold of the black-breasted parrotbill, one of India's rarest birds. In its waterways that encompass a myriad wetlands like the Maguri Motapung *beel*, there are over 300 bird species and 80 species of fish, including the 'tiger of the river', the endangered golden mahseer.

What we uncovered during our site inspection shocked us. Although OIL had approached the NBWL ostensibly seeking permission to lay their crude oil pipeline, they had already completed most of the pipeline-laying work, leaving only a small unfinished stretch across the Dibru river and Maguri *beel*. We were horrified that a public sector corporation of the Government of India had blatantly flouted the country's environmental regulations.

What was worse was that at no point when the NBWL was considering this project, nor during our field inspection when we were seeing the installed pipeline, did OIL disclose this violation, let alone attempt to put it right. Even when specifically questioned, OIL reiterated that the construction had been done only after the initial 2012 NBWL recommendation. However, a letter by the district forest officer to the district collector, both of Tinsukia, written three years prior to our site inspection recorded how OIL had laid their Baghjan-Makum pipeline without obtaining environmental clearance, and effectively in violation of the law.

Here was our quandary: how does one either allow or disallow the laying of a pipeline that had mostly already been laid years before the permission for it was being sought? Unfortunately, the NBWL and other regulatory bodies are routinely presented with such fait accompli. Often, large sums of money – sometimes running into thousands of crores – are already sunk into a project without all regulatory approvals being in place, and used to put undue and unfair pressure on regulatory committees like ours.

For instance, we had before us the example of the 800-MW Koldam hydroelectric project that would submerge 125 hectares of Himachal Pradesh's Majathal Wildlife Sanctuary, which came to the committee for approval when over half of the construction was done and over Rs 2,100 crore already spent. The NBWL denied permission, but undeterred, construction continued and the proponents came back to the table for clearance, this time with over 80% of the project complete. Our rejection – the decision of a statutory body under the Union government – clearly was of little

relevance or consequence.

In the report we filed about the crude-oil pipeline to the NBWL, we documented and highlighted foremost the violation by OIL. We urged the NBWL to inform the Supreme Court of the trend of absurd *fait accompli* situations, where the NBWL was being tasked to consider projects that had commenced work without receiving permissions, and to direct states to prevent such lapses.

Given the *fait accompli* presented to us, how were we to approach the present case? Our strong instinct was to simply refuse permission, and for good reason. The mandate of the NBWL is, above all, to safeguard and conserve wildlife, and this area, with its unique mosaic of habitats that hosted rare and endemic wildlife, faced significant threats from oil pipelines criss-crossing it. Besides, we were also concerned for the livelihoods of the people, directly or indirectly dependent on the *beef*, and mindful of their continued efforts to protect this landscape.

But most of the work on the Baghjan-Makum pipeline had already been completed, albeit in violation, and the public exchequer had underwritten this huge expense. Therefore, we strived for balance. First, we urged the NBWL that OIL be asked to work with the management of Dibru Saikhowa to develop a long-term and detailed conservation plan for the park, and to fund it. Only on the presentation of such a plan to the NBWL, we said, could they be permitted to complete the last stretch of pipeline through the fragile Maguri *beef*.

Significantly, we recorded our apprehension of serious ecological and human risk in the event of leakage/spillage from the pipeline, and sought that OIL be required to publicly disclose their environmental safeguards as well as declare the nature and extent of their liability in the event of accidents. Finally, we recommended that the work be undertaken by OIL under the supervision of a committee that included local community members and environmental organisations.

However, no meeting of the standing committee was called after the submission of our report in late 2013. In its next meeting on August 14-15, 2014, a new NBWL constituted by the newly-elected government summarily cleared – among 133 other proposals – the pipeline project of OIL, recording in its minutes that “as the site inspection team had recommended the [OIL] proposals, the Standing Committee decided to recommend the proposal.”

Neither our documentation of OIL’s violations, nor a single one of the caveats and conditions we had urged seemed to have been considered. Effectively, OIL not only got away with barefaced

violation but also seemed to receive validation via the unquestioning clearance granted.

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**Also read: India's National Board for Wildlife Is a Big Threat to India's Wildlife**

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Dibru Saikhowa forest staff. Photo: Purna Singh Bindra

PIN IT

Our experience with the OIL pipeline is a classic and all-too-common case of environmental misgovernance. As we saw repeatedly, 'conditions' stipulated in various environmental clearances are not worth the paper they are written on, their enforcement or compliance being extremely rare, and audits being virtually non-existent.

Looking back now, we deeply regret and are ashamed that we allowed OIL's status as a public sector company to matter, instead of regarding them more narrowly in light of their track record of environmental violations. Our decision to conditionally recommend OIL's project was not intended to condone their violation, but attempted to take into account the vast amounts of public money that would go waste, and in the knowledge that an already laid pipeline would almost certainly not be dismantled. So our report tried to reconcile the country's need for fuel while also imposing essential environmental safeguards, and compelling OIL to become a stakeholder in the conservation of ecological values in their neighbourhood.

In hindsight, we might have laughed at our naivety – were it not for the massive ecological devastation currently taking place, leaving us horrified and regretful.

Here we were, trying to be mindful of the public money spent, but failing to adequately defend the real wealth – of myriad ecosystems, their biodiversity, the wildlife it nurtured and the people it sustained – that was at stake here. This wealth is both priceless and perpetual, and its loss utterly irrevocable.

Environmentalists are often seen as taking extreme positions, as unreasonably opposed to projects that are purported to have great economic potential. But these extreme positions are almost invariably a result of experiences like ours, where reasonable middle ground as well as essential safeguards are entirely disregarded, paving the way for disasters like Baghjan.

The blowout clearly shows why the government's new plan to allow "a self-regulation mechanism" of environmental safeguards for industry is a cruel joke, and is likely to lead to more such disasters.

There is worse to come. OIL has recently been granted environment clearance to drill in seven locations inside Dibru Saikhowa National Park. Such clearances, which aid environmental destruction rather than avert it, undermine the very spirit of environmental regulation. And if we, as a people, do not speak up against such state-led disdain for the rule of law, our silence will fuel many more fires, far more destructive than the one that burned Baghjan.

*M.D. Madhusudan has worked on ecological research and wildlife conservation projects for nearly three decades, and has served on the National Board for Wildlife and the Karnataka State Board for Wildlife. He co-founded the Nature Conservation Foundation and worked there for 23 years.*

*Prema Singh Bindra has worked in wildlife conservation for about two decades focusing on protection of wildlife habitats, policy and communication. She has served on the National Board for Wildlife and Uttarakhand's State Board for Wildlife. She is a widely published author and her books include The Vanishing: India's Wildlife Crisis.*

**MINUTES OF 37<sup>th</sup> ESZ EXPERT COMMITTEE MEETING FOR THE DECLARATION OF ECO-SENSITIVE ZONE (ESZ) AROUND PROTECTED AREAS (WILDLIFE SANCTUARIES/NATIONAL PARKS/TIGER RESERVES) HELD ON 30<sup>th</sup> SEPTEMBER 2019 IN THE MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE**

The 37<sup>th</sup> meeting of Expert Committee on Eco-Sensitive Zone (ESZ) was held under the Chairmanship of Shri Ravi Agrawal, Additional Secretary on 30<sup>th</sup> September, 2019 in the Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, New Delhi. List of participants is annexed as Annexure A.

2. At the outset, the Chairman welcomed the members and the participants from the States of Assam, Jammu and Kashmir, Mizoram, Maharashtra, Odisha, Rajasthan, Uttar Pradesh, Madhya Pradesh, Tamil Nadu and West Bengal. Discussions on each of agenda item were taken up ad-seriatim.

3. Following 22 proposals for Eco-Sensitive Zones listed in the agenda were taken up for consideration. The representatives of respective State Government presented their proposals for the consideration of the Expert Committee:

| S. No. | State           | Protected Area   | Status  |
|--------|-----------------|--|---|
| 1.     | Jammu & Kashmir | Jasrota Wildlife Sanctuary<br>Jammu & Kashmir                  | Pending information<br>after draft Notification                     |
| 2.     | Jammu & Kashmir | Ramnagar Wildlife Sanctuary<br>Jammu & Kashmir                 | Pending information<br>after republication of<br>draft Notification |
| 3.     | Madhya Pradesh  | National Chambal Sanctuary,<br>Madhya Pradesh                  | Published draft<br>Notification                                     |
| 4.     | Madhya Pradesh  | Pench Tiger Reserve, Madhya<br>Pradesh                         | Published draft<br>Notification                                     |
| 5.     | Maharashtra     | Great Indian Bustard, Wildlife<br>Sanctuary Maharashtra        | Published draft<br>Notification                                     |
| 6.     | Odisha          | Simlipal Tiger Reserve &<br>Hadagarh Sanctuary Odisha          | Pending information<br>after draft Notification                     |
| 7.     | Odisha          | Nandankanan Sanctuary,<br>Odisha                               | Pending information<br>after draft Notification                     |
| 8.     | Tamil Nadu      | Sathyamangalam Tiger<br>Reserve, Tamil Nadu                    | Published draft<br>Notification                                     |
| 9.     | Tamil Nadu      | Cauvery North Wildlife<br>Sanctuary, Tamil Nadu                | Published draft<br>Notification                                     |
| 10.    | Tamil Nadu      | Point Calimere Wildlife<br>Sanctuary (Block – A) Tamil<br>Nadu | Published draft<br>Notification                                     |

| S. No. | State             | Protected Area                              | Status   |
|--------|-------------------|---|--|
| 11.    | Maharashtra       | Radhanagari Wildlife Sanctuary, Maharashtra | Published draft Notification                                   |
| 12.    | West Bengal       | Buxa Tiger Reserve, West Bengal             | Published draft Notification                                   |
| 13.    | Rajasthan         | Mount Abu Wildlife Sanctuary Rajasthan      | Republished draft Notification                                 |
| 14.    | Rajasthan         | Jaisamand Wildlife Sanctuary Rajasthan      | Republished draft Notification                                 |
| 15.    | Mizoram           | Khawanglung Wildlife Sanctuary Mizoram      | Pending information after draft Notification                   |
| 16.    | Assam             | Dehing Patkai Wildlife Sanctuary Assam      | Published draft Notification                                   |
| 17.    | Assam             | Dibru -Saikhowa National Park Assam         | Discussion on the issue requested by the earlier Committee     |
| 18.    | Assam             | Bherjan Borajan Wildlife Sanctuary Assam    | Request made by the State Government for the view of Committee |
| 19.    | Arunachal Pradesh | Kamlang WLS Arunachal Pradesh               | Pending information after draft Notification                   |
| 20.    | Meghalaya         | Nokrek National Park Meghalaya              | Pending information after draft Notification                   |
| 21.    | Uttar Pradesh     | Mahavir Swami Sanctuary Uttar Pradesh       | Published draft Notification                                   |
| 22.    | Uttar Pradesh     | National Chambal Sanctuary, Uttar Pradesh   | Published draft Notification                                   |

#### 4. Discussion on the ESZ Proposals

##### 4.1 Jasrota Wildlife Sanctuary, Jammu & Kashmir

The chronology and status of the ESZ notification for Jasrota Wildlife Sanctuary, Jammu & Kashmir was briefed to the committee by the concerned Additional Director, ESZ Division of the Ministry. The draft notification was published on 06.11.2017 and was considered previously during 30<sup>th</sup> meeting of Expert Committee held on 26.06.2018, wherein the committee recommended that (i) as informed by the State the mistakes in the number of villages in the published draft notification need to be amended to four instead of five; and (ii) to include the list of additional plant species found in the PA. Amended draft has not been yet received from the State Government and the draft is expiring on 05.11.2019.

The State Government representative, Shri Tahir Shawl, Regional Wildlife Warden, Department of Wildlife Protection, Govt. of Jammu & Kashmir made a brief

presentation on the proposal sharing the salient features of the draft Eco-Sensitive Zone (ESZ) as elucidated follows:

Area of PA : 10.04 sq km  
Proposed ESZ area : Not mentioned  
Proposed Extent : zero (0) to 2.022 km

He stated that the required information sought during the 30<sup>th</sup> ECM has been forwarded to the Ministry through PCCF, J&K. However, since there is no record of submission of such proposal in the Ministry, he agreed to resubmit it again to the Ministry within a week.

The Chairman of the committee raised the issue of zero (0) minimum extent of the ESZ and asked for its justification. The State Government representative justified that the adjoining boundary area of the PA with 0 extent is under permanent habitation since past many generations and inclusion of said area in the ESZ may hinder the routine agriculture and other allied activities, thereby affecting the livelihood of the local people. It was also informed that no comments/objections were received from the stakeholders/public and Wildlife Institute of India (WII) has also recommended the proposal with 0 extent. The matter was deliberated in detail and it was observed that as per the extant guidelines for ESZ, habitations and the associated activities viz agriculture, horticulture doesn't fall under the prohibited activities and accordingly, cannot be accepted as valid justification for zero (0) extent.

The State Govt representative agreed to revise the proposal by extending the extent further from zero (0) and submit the revise proposal by 10<sup>th</sup> October 2019 to ensure its notification before its expiry.

The Committee recommended for the finalization of draft Notification by the Ministry subject to submission of revised draft by the State Govt incorporating the amendment in the number of villages, additional plant species and revision of the zero (0) extent.

#### ***4.2. Ramnagar Wildlife Sanctuary Jammu & Kashmir***

The status of the proposal was briefed by the concerned Additional Director who informed that the draft notification was published on 21.03.2016. The proposal was deliberated during two meetings of Expert Committee held on 4<sup>th</sup> July 2019 (19<sup>th</sup> meeting) and 11<sup>th</sup> Oct 2019 (27<sup>th</sup> meeting). During 19<sup>th</sup> meeting State was asked to revise the proposal by incorporating river Tawi as part of ESZ and during 27<sup>th</sup> meeting, it was recommended for finalization subject to submission of revised map by including two green patches and response of State on public consultation along with the dates of consultation process. The draft expired on 26.04.2018 due to non-submission of additional information by State.

The new draft proposal is received from the state on 29.5.2019. The new proposal indicates inclusion of river Tawi in the ESZ. However, the recommendation of 27<sup>th</sup> ECM did not find mention in either the response or the draft notification.

State Government was asked to clarify on the issues during the meeting to take decision regarding the re-notification of the draft.

Shri Tahir Shawl, Regional Wildlife Warden, Department of Wildlife Protection, Govt. Jammu & Kashmir apprised the committee about the status of the proposal. It was informed that the River Tawi in the East now form part of ESZ area. Two green patches have been incorporated in the NW and SE side of Protected Area. With reference to Public Consultation, it was informed that with the prevailing situation in J&K it is not feasible to conduct public consultation.

The salient features of the draft Eco-Sensitive Zone (ESZ) are as follows:

|                   |   |                 |
|-------------------|---|-----------------|
| Area of PA        | : | 12.75 sq Km     |
| Proposed ESZ area | : | 10.73 sq Km     |
| Proposed Extent   | : | 0 Km to 1.85 km |

The State representative informed that the revised map has been submitted to the Ministry as part of the new draft proposal and no comments/objections were received from the stakeholders/public during the consultation period of the previous draft. The extent of ESZ ranges from minimum of zero (0) kilometers at South, South-West and West side to the maximum of 1.850 km at Northern side. The zero (0) extent is due to the existing Jammu city municipal area existing since generation at S, SW and W side. It was also informed that the total area of ESZ comprised of two parts viz, Part I having area of 5.73 sq. km towards northern boundary; while Part-II comprising of 5.00 sq. km in the southeastern boundary. He further emphasized that the draft notification shows inclusion of Western side in the ESZ area, which is not feasible due to existing Jammu city on that side.

After detailed discussion, the Committee recommended for re-notification of the Draft proposal on the above line.

#### **4.3 National Chambal Sanctuary, Madhya Pradesh**

Shri P.D. Gabriel, D.F.O, Forest Department Madhya Pradesh, Government of Madhya Pradesh apprised the Committee about the proposal. It was informed that the draft ESZ Notification of National Chambal Sanctuary was published on 11<sup>th</sup> June, 2019. The salient features of the draft Eco-Sensitive Zone (ESZ) are as follows:

|                   |   |                  |
|-------------------|---|------------------|
| Area of PA        | : | 435.00 sq km     |
| Proposed ESZ area | : | 870 .00 sq km    |
| Proposed Extent   | : | 0 (zero) to 2 km |

It was mentioned that National Chambal Sanctuary is the first and only tri-state riverine protected area in India for breeding population of Gharial. Zero extent of ESZ was proposed towards interstate boundary with Uttar Pradesh.

The Committee suggested adding justification of zero ESZ extent while processing the final Notification. After detailed discussions, the Committee recommended for the finalization of the draft Notification.

#### **4.4 Pench Tiger Reserve, Madhya Pradesh**

Shri Vikram Singh Parihar, CCF&FD Pench Tiger Reserve, Forest Department Government of Madhya Pradesh made a presentation and apprised the Committee about the proposal. He deliberated the history and chronology of Pench Tiger Reserve. Pench Tiger Reserve was declared as Pench Wildlife Sanctuary during 1977 and subsequently include in the Tiger Project during 1992. Draft Notification for Eco-Sensitive Zone around Pench Tiger Reserve was declared in 21.05.2018. The salient features of the draft Eco-Sensitive Zone (ESZ) are as follows:

Area of PA : 1179.63 sq km  
Proposed ESZ area : 1180.63 sq km  
Proposed Extent : 0 (zero) to 27 km

Member of the Committee explained that the proposal was previously considered during the 31<sup>st</sup> meeting of the Expert Committee on ESZ held on 13.09.2018. During that meeting, Committee recommended for the finalization of draft Notification subject to submission of map demarcating the core and buffer area and updating the ESZ area along with the list of villages. The additional information was received in the Ministry on 18.09.2019. While considering the submitted information, it was found that the previous map is again submitted. Therefore, the proposal was included in the agenda for further consideration.

The representative of the State informed that some mistake has been appeared in the ESZ draft Notification. He elucidated that total area of the Tiger Reserve is 1179.632 sq. km. of which 411.330 sq. km. as core area and 768.302 sq. km. buffer area. The total proposed ESZ area for the protected area is 771.537 sq km including the buffer zone of the Tiger Reserve. Zero extent of ESZ was proposed towards southern boundary of the Tiger Reserve where another protected area for Madhya Pradesh is adjoined.

The Chairman of the Committee enquired any incident of man-wildlife conflict in the surrounding of Tiger Reserve and their causes as well as possible solution. He also urged to provide a write-up on human wildlife conflict. The CCF&FD informed that numerous factors are responsible for the occurrence of man-wildlife conflict. One of the major factors is increasing tiger population and connecting among the Reserved Forest or existing protected area through corridor could be one of the

effective measures of it. For Pench Tiger Reserved an efficient corridor of Kanha – Pench – Satpuda has been proposed.

After detailed discussions, the Committee recommended for the finalization of the draft Notification.

#### **4.5 Great Indian Bustard Sanctuary Maharashtra**

Shri Aadarsh Reddy, IFS, Dy. Conservator of forests, Ahmednagar, Government of Maharashtra apprised about the proposal. Draft ESZ Notification for Great Indian Bustard (GIB) Sanctuary was published on 21.01.2019. The proposal was considered previously on the 35<sup>th</sup> meeting of Expert Committee on ESZ held on 3<sup>rd</sup> June, 2019. State had placed the Notification in local newspapers few days ago before the said meeting apart from website of the Ministry. Therefore, the then Committee urged the state to consider public consultation and also suggested to re-check the area of the ESZ mentioned in the draft Notification. The details of the draft Eco-Sensitive Zone (ESZ) Notification are as follows:

|                   |   |                    |
|-------------------|---|--------------------|
| Area of PA        | : | 366.72 sq km       |
| Proposed ESZ area | : | 548.79 sq km       |
| Proposed Extent   | : | zero to 400 metres |

The objection and suggestions received on the draft Notification were discussed and duly considered. While enquiring the reason of zero ESZ extent, the representative of the State justified that out of the 100 patches proposed in the Eco-Sensitive Zone, only two patches have zero ESZ extent. This is due to Municipal Corporation limits of Nehru nagar and Pratap nagar in North Solapur taluka. Upon enquiring the status of mining and possible error in calculation of ESZ area by the Committee, the representative of the State informed that cancellation of mining lease has already been processed by them an official communication in this regard from the District Collector will be submitted. He also mentioned that the correct area of ESZ is 548.79 sq km.

After detailed discussion, the Committee recommended the proposal for finalization of the draft Notification subject to submission of official communication from District Collector on mining lease cancelation and patch-wise area of proposed ESZ around GIB Wildlife Sanctuary.

#### **4.6 Simlipal Tiger Reserve & Hadagarh Sanctuary Odisha**

Dr. JD Pati, IFS, Deputy Director of Similipal Tiger Reserve, Odisha made a presentation and apprised the Committee about the proposal. It was mentioned that draft ESZ Notification for Simlipal Tiger Reserve and Hadagarh Sanctuary was published on 10.07.2018. The salient features of the draft Eco-Sensitive Zone (ESZ) are as follows:

|            |   |                |
|------------|---|----------------|
| Area of PA | : | 5246.6 sq. km. |
|------------|---|----------------|

Proposed ESZ area : 1765.29 sq. kms.  
Proposed Extent : zero to 5 km

The members of the Expert Committee reminded that the proposal was previously considered in 35<sup>th</sup> meeting of Expert Committee on ESZ held on 03.06.2019 and the Committee deferred, the consideration of the proposal and asked the State Government to submit additional information including the exact area of core, buffer and proposed ESZ, proper maps demarcating the same and public hearing reports etc.

The representative of the State explained that there were mistakes in area calculation of the protected area as well as ESZ due to overlapping of the areas of PA's. The correct figure for the protected area should be 2907.61 sq km; while that of Eco-Sensitive Zone is 1765.29 sq km. The extent for the proposed ESZ ranges from 5.0 km to 23.0 km around the boundary of the Similipal Wildlife Sanctuary and zero to 2.0 km around the boundary of Hadagarh Wildlife Sanctuary.

While enquiring about the reason for zero ESZ extent, the representative of the State justified that zero extent in the Eastern and South-Eastern side of the Hadagarh Wildlife Sanctuary is due to dense habitation and 100-year-old potential mines of Mining Department adjoining boundary of WLS. Regarding public consultation, it was informed that the comments and suggestions received from the public and stakeholders were duly considered. Dr. Pati also mentioned that Hadgarh WLS and Kuldhia WLS are part of an existing Wildlife corridor. He further mentioned that the maximum buffer zone of Simlipal Tiger Reserve extends up to 21.0 Km in Northern side. Though the same is not reflected in the draft ESZ notification, however, the State mentioned that the final ESZ notification may include the area for which the State was of the view that further public consultation is not required.

Furthermore, the representative of the State explained that the State Government has proposed zonation of Eco-Sensitive Zone, wherein the State Government want restriction of mining activities up to 1.0 km as imperative; while in the ESZ extent beyond 1.0 km it has proposed that mining should be designated as regulated activities. However, this proposal was not agreed by the Committee and Chairman clarified that rules and guidelines for declaring ESZ is uniform across the protected areas. Zonation of ESZ or any relaxation in the existing rule may cause discrepancies.

After detailed deliberation, the Committee recommended for finalization of the draft Notification after incorporation of justification of zero ESZ and maximum extent of 21 km of northern side and correction of ESZ area and maximum extent of buffer zone as mentioned above.

#### **4.7 Nandankanan Wildlife Sanctuary, Odisha**

Shri Jayant Kumar Das, Nandankanan Zoological Park, Odisha, Government of Odisha made a presentation and apprised the Committee about the proposal. It

was mentioned that draft ESZ Notification for Nandankanan Wildlife Sanctuary was published on 10.07.2018. The salient features of the draft Eco-Sensitive Zone (ESZ) are as follows:

|                   |   |                    |
|-------------------|---|--------------------|
| Area of PA        | : | 4.37 sq. km        |
| Proposed ESZ area | : | 1.31 sq. km.       |
| Proposed Extent   | : | zero to 340 metres |

The Committee was appraised that the draft Notification was previously recommended during the 33<sup>rd</sup> Expert Committee Meeting held on 28.02.2019, subject to submission of report of the public hearing. However, such report was not yet received in the Ministry.

The representative of the State informed that there is no human habitations or infrastructure owned by any person within the limits of Sanctuary or within the proposed eco-sensitive zone. Also, there is no dependency of people on the area proposed. Still, objections on draft Notification were invited through notice to the nearby three Gram Panchayats namely Dadha, Raghunathpur and Darutheng, but no comments were received within the timeline from any of the person/institutions. He further requested following changes in composition of the Monitoring Committee:

- I. RDC Central Division Cuttack- To be omitted
- II. Collector, Khordha – Chairman
- III. Collector, Cuttack/Representative of Collector, CTC- Member
- IV. Dy. Commissioner of Police/Representative of Dy. Comm. of Police – Member.

After detailed discussions, the Committee agreed for above changes and recommended for the finalization of the draft Notification.

#### **4.8 Sathyamangalam Tiger Reserve, Tamil Nadu**

Shri Sanjay K Srivastava, IFS, Principal Chief Conservator of Forests & Chief Wildlife Warden, Govt of Tamil Nadu made a presentation and apprised the Committee about the proposal. It was mentioned that draft ESZ Notification for Sathyamangalam Tiger Reserve was published on 31<sup>st</sup> May, 2019. The salient features of the draft Eco-Sensitive Zone (ESZ) are as follows:

|                   |   |                         |
|-------------------|---|-------------------------|
| Area of PA        | : | 1411.61 sq km           |
| Proposed ESZ area | : | 187.60 sq. km.          |
| Proposed Extent   | : | 0 (zero) to 1 kilometre |

It was mentioned that Sathyamangalam Tiger Reserve forms an integral part of Nilgiris Biosphere Reserve and is located at junction point of two States viz, Tamil Nadu and Karnataka. The representative of the State mentioned that zero ESZ extent at the northern and part of north-eastern side of the Tiger Reserved is due to interstate boundary with Karnataka; while south-west side is connecting with the buffer zone of Mudumalai Tiger Reserve and western boundary is adjoining with Bandipur National Park in Karnataka. The south-east side Sathyamangalam Tiger

Reserve is due to availability of minor mineral leases. It was also explained that numerous opposition was faced at the time of declaration of Sathyamangalam Tiger Reserve. Subsequently, it was accomplished with the support of local communities and now the Tiger Reserve is well managed.

The Committee asked to explore further extension of Eco-Sensitive Zone area towards south-western boundary of the protected area and recommended to revise and resubmit the proposal accordingly.

#### **4.9 Cauvery North Wildlife Sanctuary Tamil Nadu**

Shri Sanjay K Srivastava, IFS, Principal Chief Conservator of Forests & Chief Wildlife Warden, Govt of Tamil Nadu made a presentation and apprised the Committee about the proposal. It was mentioned that draft ESZ Notification for Cauvery North Wildlife Sanctuary was published on 11<sup>th</sup> June, 2019. The important features of the draft Eco-Sensitive Zone (ESZ) Notification are as follows:

|                   |   |                 |
|-------------------|---|-----------------|
| Area of PA        | : | 504.33 sq km    |
| Proposed ESZ area | : | 301.934 sq km   |
| Proposed Extent   | : | Zero to 1.75 km |

It was mentioned that the proposed ESZ extent for Cauvery North Wildlife is usually uniform 1 kilometre except towards the boundaries of north, north-west and parts of western side is zero due to Bhannerghatta National Park and Cauvery Wildlife Sanctuary of Karnataka State is connected with the PA and at Chennamalam revenue village ESZ is 1.75 km.

The representative of the State also informed that no enclave villages exist inside the protected area. Further, comments or suggestion received from the public and stakeholders were duly considered.

After detailed discussions, the Committee recommended for the finalization of the draft Notification.

#### **4.10 Point Calimere Wildlife Sanctuary (Block – A), Tamil Nadu**

Shri Sanjay K Srivastava, IFS, Principal Chief Conservator of Forests & Chief Wildlife Warden, Govt of Tamil Nadu made a presentation and apprised the Committee about the proposal. It was mentioned that draft ESZ Notification for Point Calimere Wildlife Sanctuary (Block – A), was published on 3<sup>rd</sup> July, 2019. The salient features of the draft Eco-Sensitive Zone (ESZ) Notification are as follows:

|                   |   |                     |
|-------------------|---|---------------------|
| Area of PA        | : | 118.85 sq km        |
| Proposed ESZ area | : | 374.92 sq km        |
| Proposed Extent   | : | 0 (zero) to 0.50 km |

Representative of the State Government explained that Point Calimere Wetland in the Sanctuary was declared as Ramsar site (Ramsar site No. 1210 on

August 19<sup>th</sup> of 2002). The Sanctuary is the unique forest with large population of birds including both resident and migratory birds inhabits. Zero extent of ESZ is proposed towards the sea side of the protected area.

After detailed discussions, the Committee recommended for the finalization of the draft Notification.

#### **4.11. Radhanagari Wildlife Sanctuary, Maharashtra**

Dr. V. Clement Ben, CCF Kolhapur, Government of Maharashtra made a presentation and apprised the Committee about the proposal. It was mentioned that the draft ESZ Notification for Radhanagari Wildlife Sanctuary, was published on 15.07.2019. The salient features of the draft Eco-Sensitive Zone (ESZ) Notification are as follows:

|                   |   |                      |
|-------------------|---|----------------------|
| Area of PA        | : | 351.16 sq km         |
| Proposed ESZ area | : | 230.61sq km          |
| Proposed Extent   | : | 32 metres to 6.01 km |

It was mentioned that Radhanagari Wildlife Sanctuary is important habitat for numerous flora and fauna. The area between Sahyadri Tiger Reserve and Radhanagari Wildlife Sanctuary is the important wildlife corridor. Public hearing was done in consultation with local MLA. Villagers of the proposed Eco-Sensitive Zone were sensitized and quite acquiescent in enforcement of the activities mentioned in the draft Notification.

Further, representative of the State Government proposed to make few changes on the composition of Monitoring Committee. The Division Forest Officer (Wildlife) Kolhapur was proposed as the member of Committee instead of Chief Conservator of Forests and Field Director, Sahyadri Tiger Project, Kolhapur. The Expert Committee agreed to the proposed changes.

The Committee however asked the rationale for proposing 32 metres Eco-Sensitive Zone in the proposal. The representative of the state mentioned that agriculture particularly sugarcane fields prevails adjoining the boundary of the Wildlife Sanctuary and hence, the extent of ESZ was proposed as 32 metres. Committee illustrated that declaration of ESZ wouldn't prohibit agricultural practices and thus the Committee urged the State to explore the possibility of extending the Eco-Sensitive Zone upto 1.0 Km.

After detail discussion, the Committee suggested the State Government to revise and re-submit the proposal based on above suggestion.

#### **4.12. Mount Abu Wildlife Sanctuary Rajasthan**

Shri Balaji Kari, DCF, Mt. Abu, Government of Rajasthan made a presentation and apprised the Committee about the proposal. It was mentioned that the draft

Notification for Mount Abu Wildlife Sanctuary was re-published on 10.06.2019. The salient features of the draft Eco-Sensitive Zone (ESZ) Notification are as follows:

Area of PA : 326.09 sq km  
 Proposed ESZ area : 125.15 sq km  
 Proposed Extent : 0.1 km to 6.08 km

It was stated that Mount Abu Wildlife Sanctuary is situated in Sirohi district in South-East Rajasthan. While enquiring the 100 metres as minimum ESZ extent, the representative of the State Government elucidated that towards a small stretch in the South-Eastern boundary of the protected area, the ESZ is proposed as 100 meters due to presence of an industry and some establishment of the Bramha Kumari Group. The Committee elaborated that all new establishments and expansion of polluting industries will be prohibited within the ESZ and the industries will be adhered as per the recent classification of Central Pollution Control Board.

The Committee also solicited details regarding the comments/objections received on the Draft Notification as well as pending case before the Hon'ble High Court of Rajasthan regarding the ESZ of Mount Abu Wildlife Sanctuary.

After detailed deliberations, the Committee suggested the State Government to explore the possibility of extending the Eco-Sensitive Zone up to 1.0 Km towards South-Eastern boundary and accordingly submit a revised proposal.

#### 4.13 Jaisamand Wildlife Sanctuary Rajasthan

Shri S.S. Deora, DCF (Wildlife), Udaipur, Government of Rajasthan made a presentation and apprised the Committee about the proposal. It was mentioned that draft Notification for Jaisamand Wildlife Sanctuary was re-published on 10.06.2019. The salient features of the draft Eco-Sensitive Zone (ESZ) Notification are as follows:

Area of PA : 52.342 sq. km.  
 Proposed ESZ area : 220.118 sq km  
 Proposed Extent : 1.60 km to 10.597 km

It was mentioned that Jaisamand Wildlife Sanctuary has rich biodiversity and it is the catchment area of largest freshwater Lake Jaisamand. The Sanctuary is located in close vicinity of Udaipur city and attracts numerous visitors.

The representative of the State sought few rectifications in the draft Notification. He mentioned that the correct figure of the maximum ESZ extent is 8.90 km instead of 10.597 km without any changes in boundaries or area of ESZ. He also revealed that boundary description of ESZ in the proposal submitted by the State Government was wrongly mentioned and therefore a correction was sought in the same. He also mentioned that the Survey of India (SOI) Toposheet needs to be replaced by google map in the draft Notification. He further mentioned that few village

names were typed wrongly in Hindi version of the Draft Notification due to translation from English.

After detailed discussions, the Committee recommended for the finalization of the draft Notification subject to submission of an official communication from the State Government on above modifications.

#### **4.14 Buxa Tiger Reserve, West Bengal**

Shri N.V. Rajashekhar, APCCF, Wildlife, Department of Forest, Government of West Bengal made a presentation and apprised the Committee about the proposal. It was mentioned that draft ESZ Notification for Buxa Tiger Reserve, was published on 11<sup>th</sup> June, 2019. The salient features of the draft Eco-Sensitive Zone (ESZ) Notification are as follows:

|                   |   |                  |
|-------------------|---|------------------|
| Area of PA        | : | 760.87 sq km     |
| Proposed ESZ area | : | 583.15 sq km     |
| Proposed Extent   | : | 0 (zero) to 5 km |

It was mentioned that the area between Rydak and Panbari forest was included in the ESZ for creating important corridor for elephants. It was also informed that the maximum extent of Eco-Sensitive Zone for Buxa Tiger Reserve is 5 km towards the western boundary; while it was 1.0 km extent in the southern periphery due to townships like Alipurduar and railway junction establishments, etc. Zero extent of ESZ is due to international boundary with Bhutan towards the northern boundary and Inter-state boundary with Assam in the eastern side of the Protected Area. The ESZ area in the present proposal includes the buffer of non Protected Area as per guidelines of NTCA.

After detailed discussions, the Committee recommended for the finalization of the draft Notification.

#### **4.15. Khawanglung Wildlife Sanctuary Mizoram**

The status of the proposal was apprised to the Committee by the Ministry representative. Draft notification was published on 14.12.2017. The proposal was considered during the 30<sup>th</sup> meeting of the Expert Committee of ESZ held on 25.06.2018, wherein the Chairman emphasized that BSI & ZSI visit and verify the ESZ area along with flora and fauna of the Khawanglung WLS before considering it further.

Shri Liandawla, PCCF (CWLV), Govt. of Mizoram made a presentation and apprised the Committee about the proposal. The salient features of the draft Eco-Sensitive Zone (ESZ) notification are as follows:

|                   |   |             |
|-------------------|---|-------------|
| Area of PA        | : | 35.0 sq km  |
| Proposed ESZ area | : | 16.19 sq km |

Proposed Extent : 0.1 km to 0.6 km

The representative of the State mentioned that State has no details on updation of the flora and fauna since BSI and ZSI haven't yet surveyed the site.

During the course of deliberations, it was observed that the draft notification hasn't still expired and will be expiring on 13.12.2019. It's already long since the ZSI and BSI report for additional flora and fauna is being awaited. A list of flora and fauna is already there in the extant notification and there is no strong reason to await expiry of the notification. Accordingly, after detailed deliberations, the Committee recommended for the finalization of the draft Notification.

#### **4.16 Dehing Patkai Wildlife Sanctuary Assam**

The Committee was apprised of the Status of the notification. It's a new notification and the draft Notification was published on 10<sup>th</sup> June 2019. During the stakeholder consultation period of 60 days, received objections from Oil India Limited requesting to change the ESZ boundary citing the oil drilling sites around the area. The same was communicated to the state government for taking into consideration while finalizing the notification.

Shri M.K. Yadav, IFS, APCCF, Assam Forest, Govt. of Assam made a presentation on the proposal. The salient features of the draft Eco-Sensitive Zone (ESZ) are as follows:

|                   |   |                |
|-------------------|---|----------------|
| Area of PA        | : | 111.19 sq. km  |
| Proposed ESZ area | : | 215.82 sq. km  |
| Proposed Extent   | : | Zero to 7.5 km |

The representative of the State mentioned that Dehing Patkai Wildlife Sanctuary is a part of Assam Valley Tropical Wet Evergreen forest composed mainly by *Dipterocarpus Mesua* and *Sorea robusta*. Zero ESZ extent was proposed toward the northern boundary due to interstate border with Arunachal Pradesh.

Shri M.K. Yadav clarified that new oil drilling sites have been identified recently in the vicinity of the wildlife sanctuary and thus the objection from Oil India Ltd was for amending the ESZ boundary taking into account the oil drilling sites in the vicinity for which the lease agreement has been finalized. He stated that the State Govt is in discussion with OIL and proposed ESZ boundary for the PA is expected to be modified in such a way that the extent is upto 1km beyond the southern boundary of PA and there is restriction of drilling activities within that 1 km.

During the deliberations, the Committee observed that OIL is a PSU and require permission from Competent Authority for drilling. Accordingly, the proposal of State Government is justifiable. The Committee recommended for revision of the proposal on above line by the State Government and timely submission to the Ministry for its finalization.

#### **4.17. Dibru -Saikhowa NP Assam, Assam**

The status of the proposal was appraised by the Ministry. Draft notification was published on 08.02.2016 and was considered in 24<sup>th</sup> ESZ Meeting held on 28.02.2017. The consideration of draft proposal was deferred on the request of the State Government and subsequently it expired on 06.08.2017. Revised proposal was submitted by the State Government and the draft was published on 21<sup>st</sup> May, 2018. It was considered during the 31<sup>st</sup> meeting of Eco-sensitive Zone held on 14<sup>th</sup> Sept. 2018. The again Committee deferred the proposal seeking details of the oil drilling sites and impact of drilling on water quality since OIL had raised the issue of oil drilling sites in the vicinity. State Govt has submitted the information.

Shri M.K. Yadav, IFS, APCCF, Govt. of Assam made a presentation on the proposal. The salient features of the draft Eco-Sensitive Zone (ESZ) are as follows:

|                   |   |                |
|-------------------|---|----------------|
| Area of PA        | : | 340.0 sq km    |
| Proposed ESZ area | : | 658.251 sq km  |
| Proposed Extent   | : | Zero to 8.7 km |

The representative of the State informed that the extent of ESZ now ranges from zero to 8.7 km. Zero extent towards southern boundary is the existing crude oil drilling site. Since the oil drilling sites were already existing wherein extraction was an ongoing activity, State Govt considered the request of OIL and revised the extent. Comments received on the draft re-notification were duly considered while revising it.

After detailed deliberation, the Committee felt satisfied with the submission of the State Government and recommended for the finalization of draft re-notification.

#### **4.18. Bherjan Borajan Wildlife Sanctuary Assam**

The status of the proposal was appraised. The draft notification was published on 10.12.2015. It was considered during the 24<sup>th</sup> meeting of the Expert Committee held on 28.02.2017 and the Expert Committee observed Oil drilling sites in the vicinity. Accordingly, the Committee asked the State Govt. to have a careful review of the proposal and deferred the consideration of the proposal in its present form. Draft expired on 07.06.2017 and the fresh draft proposal is awaited from the State Government.

Shri M.K. Yadav, IFS, APCCF, Govt. of Assam made a presentation on the proposal. The salient features of the draft Eco-Sensitive Zone (ESZ) are as follows:

|                   |   |                     |
|-------------------|---|---------------------|
| Area of PA        | : | 7.21 sq km          |
| Proposed ESZ area | : | 37.89 sq km.        |
| Proposed Extent   | : | 0.52 km to 1.571 km |

The State Government representative stated that the proposal consists of three separate patches of Protected Areas viz. Bherjan, Borajan, and Padumoni Wildlife Sanctuary having total area of 7.21 sq km in Tinsukia District of Assam. These three protected areas are separated by Tinsukhia city in the centre and can't be adjoined. Oil drilling sites including horizontal bores exists in the surrounding.

On the basis of detailed deliberations, the Committee recommended that the three patches can be notified as one ESZ and asked State Govt to immediately **submit the draft proposal** accordingly, also taking into account the oil drilling sites in the vicinity.

#### **4.19. Nokrek National Park Meghalaya**

The consideration of the proposal was deferred as the representative of the State Govt. was not present.

#### **4.20. Kamlang Wildlife Sanctuary Arunachal Pradesh**

Representative of the Govt of Arunachal Pradesh could not attend the meeting. However, Dr. Shruti Rai Bhardwaj, Additional Director, MoEF&CC shared a communication from Dr M. Surya Prakash, PCCF (WL&BD), Arunachal Pradesh on the issue providing the clarification on the issues raised during the previous ECM meetings.

She apprised the Committee about the status of the proposal. The Draft Notification was re-notified on 23.05.2018. It was considered during the 31<sup>st</sup> meeting of the Expert Committee on ESZ held on 13.09.2018 and the Committee asked the State Govt to submit the revised proposal including reserve forest within the ESZ and giving proper justification on the ESZ extent.

She shared the content of the letter which basically states that around the *Kamlang* Wildlife Sanctuary lies notified Kamlang Reserve Forests and Namdapha Tiger Reserve which ensures better protection to the forests under the Forest (Conservation) Act, 1980 and Wildlife (Protection) Act, 1972. Hence the ESZ area on those side have been deliberately kept at zero (0) extent and cannot be amended for ensuring better protection to the reserve forests in the surroundings.

The matter was deliberated in detail. The expert members were of the view that by including reserve forest within the ESZ area better protection can be ensured since forests are amendable to diversions through forests clearance under FC Act and WLP, whereas similar activities are not permissible in ESZ. Some important activities which were cited included mining for which forests can be diverted, however the same is prohibited within ESZ. Experts cited example of the State of Assam wherein many such forest areas have been included under ESZ for better protection.

After detailed deliberation it was concluded to forward the views of the Committee to the State Government for reconsideration and submission of the revised proposal incorporating the reserve forests.

#### 4.21. Mahavir Swami Sanctuary Uttar Pradesh

Shri Ashutosh Jaiswal, DFO, Kaimoor, Government of Uttar Pradesh made a presentation and apprised the Committee about the proposal. It was mentioned that draft ESZ Notification for Mahavir Swami Sanctuary was published on 10.06.2019. The salient features of the draft Eco-Sensitive Zone (ESZ) are as follows:

Area of PA : 5.4108 sq km  
 Proposed ESZ area : 6.8592 sq km.  
 Proposed Extent : 1.0 Km. uniform

It was mentioned that Mahavir Swami Sanctuary is situated in Lalitpur District of Uttar Pradesh and was declared as Sanctuary on 25<sup>th</sup> March, 1977. The proposed extent of ESZ is 1.0 Km uniform all around the Sanctuary. No objections or suggestions were received from the stakeholders in response to the draft Notification;

After detailed discussion, the Committee recommended for finalization of the draft Notification.

#### 4.22. National Chambal Sanctuary, Uttar Pradesh

Shri Anand Kumar, DCF, National Chambal Sanctuary Project, Forest Department, Government of Uttar Pradesh made a presentation and apprised the Committee about the proposal. It was mentioned that draft ESZ Notification for National Chambal Sanctuary, Uttar Pradesh was published on 16.04.2018. The salient features of the draft Eco-Sensitive Zone (ESZ) are as follows:

Area of PA : 635.00 sq. km  
 Proposed ESZ area: 178.98 sq km  
 Proposed Extent : Zero - 1.0 Km (Zero is due to interstate boundary with Madhya Pradesh, while it is 1.0 Km. uniform towards UP)

It was informed that the National Chambal Wildlife Sanctuary is the first and only tri-state riverine protected area of India that crosses the states of Uttar Pradesh, Rajasthan and Madhya Pradesh. The sanctuary is important habitat of crocodiles and few species of turtles which are critically endangered, Gangetic dolphins and Skimmers etc.

The proposal was earlier listed for discussion in the ESZ Expert Committee in its meetings held on 14.09.2018 and 18.07.2019 wherein the Committee advised the Government of Uttar Pradesh to have a meeting with Government of Rajasthan and Madhya Pradesh, for preparing an integrated ESZ proposal. Based on the

suggestions of the Committee a tri-state consultation for preparation of an integrated ESZ proposal was initiated by Government of Uttar Pradesh, but the consultations could not take place. Therefore, a review meeting was called in the Ministry with all the three States on 18.09.2019.

After detailed deliberations with three States it was decided that all the States will explore the possibility of an Integrated ESA proposal of National Chambal Sanctuary in consultation with Tri-State Committee to provide better protection to the Unique Wildlife found in the Sanctuary. In the meantime, individual proposals submitted by States for ESZ may be finalized keeping in view their timeline for finalization. It was also decided that the respective States has to ensure that the proposed ESZ boundaries are contiguous with other States so as to provide consistency and continuity.

After detailed discussions, the Committee recommended for the finalization of draft Notification of National Chambal Sanctuary falling in the state of Uttar Pradesh. The Committee also suggested that all the three States involved may prepare a combined and comprehensive management plan of Chambal Sanctuary in future.

5. Based on the draft ESZ Notifications (fresh and republished), comments received from stakeholder/public, presentations made on the proposals and detailed discussions on each proposal the Expert Committee recommended the following:

| Sl. No. | Protected Area                                     | State           | Recommendation of Expert Committee  |
|---------|--|-----------------|---|
| 1.      | Jasrota WLS Jammu & Kashmir                        | Jammu & Kashmir | Recommended for finalization of the draft Notification                                |
| 2.      | Ramnagar WLS Jammu & Kashmir                       | Jammu & Kashmir | Recommended for re-publication of draft Notification                                  |
| 3.      | National Chambal Sanctuary, Madhya Pradesh         | Madhya Pradesh  | Recommended for finalization of the draft Notification                                |
| 4.      | Pench Tiger Reserve, Madhya Pradesh                | Madhya Pradesh  | Recommended for finalization of the draft Notification                                |
| 5.      | Great Indian Bustard, WLS Maharashtra              | Maharashtra     | Recommended for finalization of draft subject to submission of additional information |
| 6.      | Simlipal Tiger Reserve & Hadagarh Sanctuary Odisha | Odisha          | Recommended for finalization of the draft   |
| 7.      | Nandankanan Sanctuary, Odisha                      | Odisha          | Recommended for finalization of the draft Notification                                |
| 8.      | Sathyamangalam Tiger                               | Tamil Nadu      | Recommended for submission of   |

| Sl. No. | Protected Area  | State             | Recommendation of Expert Committee   |
|---------|---|-------------------|--|
|         | Reserve, Tamil Nadu                                       |                   | revised proposal   |
| 9.      | Cauvery North Wildlife Sanctuary, Tamil Nadu              | Tamil Nadu        | Recommended for finalization of the draft Notification   |
| 10.     | Point Calimere Wildlife Sanctuary (Block – A), Tamil Nadu | Tamil Nadu        | Recommended for finalization of the draft Notification   |
| 11.     | Radhanagari Wildlife Sanctuary Maharashtra                | Maharashtra       | Recommended for submission of revised proposal   |
| 12.     | Mount Abu WLS Rajasthan                                   | Rajasthan         | Recommended for submission of revised proposal   |
| 13.     | Jaisamand WLS Rajasthan                                   | Rajasthan         | Recommended for finalization of draft Notification subject to submission of additional information |
| 14.     | Buxa Tiger Reserve, West Bengal                           | West Bengal       | Recommended for finalization of the draft Notification   |
| 15.     | Khawanglung WLS Mizoram                                   | Mizoram           | Recommended for finalization of the draft Notification   |
| 16.     | Dehing Patkai WLS Assam                                   | Assam             | Recommended for submission of revised the proposal   |
| 17.     | Dibru -Saikhowa NP Assam                                  | Assam             | Recommended for finalization of draft Notification   |
| 18.     | Bherjan Borajan WLS Assam                                 | Assam             | Recommended for submission of fresh proposal   |
| 19.     | Nokrek National Park Meghalaya                            | Meghalaya         | Deferred due to absent of State Government representative  |
| 20.     | Kamlang WLS Arunachal Pradesh                             | Arunachal Pradesh | Recommended for submission of revised proposal   |
| 21.     | Mahavir Swami Sanctuary Uttar Pradesh                     | Uttar Pradesh     | Recommended for finalization of the draft Notification   |
| 22.     | National Chambal Sanctuary Uttar Pradesh                  | Uttar Pradesh     | Recommended for finalization of the draft Notification   |

6. Meeting ended with vote of thanks to and from the Chair.

**Annexure-A****37<sup>th</sup> Expert Committee Meeting on ESZ held on 30<sup>th</sup> September, 2019****List of Participants****Members of Expert Committee**

1. Shri Ravi Agrawal, Additional Secretary, Chairperson.
2. Dr. S. C. Garkoti, Adviser, MoEF&CC.
3. DR. C. Raghunathan, Scientist 'E', Z.S.I., Kolkata.
4. Shri G. S. Negi, Scientist, GB Pant Institute of Himalayan Environment & Development, Almora.
5. Ms. Vishaish Uppal, Director, WWF India.
6. Dr. Sarita Jain, RD, ICFRE, Dehradun.
7. Shri Sanjay K. Aggarwal, DD, Forest Survey of India, Dehradun.
8. Dr. Sandeep Kumar Raut, Associate Town & Country Planner, TCPO, Ministry of Housing & Urban Affairs.
9. Shri Gautam, Scientist, WII, Dehradun.

**Ministry of Environment, Forest and Climate Change, GOI**

10. Shri Subrata Bose, Director (SC- 'F'), MoEF & CC.
11. Dr. Shruti Rai Bhardwaj, Additional Director (SC- 'E'), MoEF&CC.
12. Shri Pankaj Verma, Additional Director (SC- 'E'), MoEF & CC.
13. Dr. Veenu Joon, Deputy Director (SC- 'C'), MoEF & CC.
14. Dr. Shaikhom Inaotombi Singh (Consultant), MoEF & CC.

**Officials of Government of Uttar Pradesh**

15. Shri Ashutosh Jaiswal, DFO, Kaimoor, Government of Uttar Pradesh.
16. Shri Anand Kumar, DCF, National Chambal Sanctuary Project, Forest Department, Government of Uttar Pradesh.

**Officials of Government of Maharashtra**

17. Shri M. Adarsh Reddy, Dy. Conservator of Forests, Ahmednagar, Forest Department, Government of Maharashtra.
18. Dr. V. Clement Ben, CCF Kolhapur, Maharashtra.
19. Shri Girish A. Kulkarni, University Engineer, Solapur University, Government of Maharashtra.
20. Shri Raukal H., University Engineer, Solapur University, Government of Maharashtra.

**Officials of Government of Assam**

21. Shri M.K. Yadav, IFS, APCCF, Assam, Assam Forest, Government of Assam.

**Officials of Government of Jammu & Kashmir**

22. Shri Tahir Shawl, Regional Wildlife Warden, Jammu Region, J&K,  
Department of Wildlife Protection, Government Jammu & Kashmir.

**Officials of Government Madhya Pradesh**

23. Shri P.D. Gabriel, D.F.O, Forest Department Madhya Pradesh, Government of Madhya Pradesh.  
24. Shri Faizan Raheed, Project Manager, EPCO, Bhopal, Madhya Pradesh Government of Madhya Pradesh  
25. Shri Vikram Singh Parihar, CCF&FD Pench Tiger Reserve, Forest Department Madhya Pradesh, Government of Madhya Pradesh.  
26. Shri K.K. Bhardwaj, Computer Operator, Pench Tiger Reserve, Madhya Pradesh, Government of Madhya Pradesh.  
27. Shri Neeraj Chauhan, Draftsman, Pench Tiger Reservoir, Government of Madhya Pradesh.  
28. Shri Anubhav Mishra, Draftsman, Divisional Forest Office, Morena Madhya Pradesh, Government of Madhya Pradesh.

**Officials of Government Mizoram**

29. Shri Liandawla, PCCF (CWLW), Mizoram, EF&CC Department Mizoram, Government of Mizoram.

**Officials of Government of Odisha**

30. Dr. J.D. Peti IFS, Odisha Deputy Director Simplipal TR Odisha, Government of Odisha.  
31. Shri Jayant Kumar Das, Nandankanan Zoological Park, Odisha, Government of Odisha.  
32. Shri H.S. Upadhyay, PCCF & CWLW Odisha, Government of Odisha.  
33. Shri Kumar Anand, L.O., Odisha Niwas Government of Odisha

**Officials of Government of Rajasthan**

34. Shri S.S. Deora, DCF, Wildlife Udaipur, Forest Department, Wildlife, Udaipur, Rajasthan, Government of Rajasthan.  
35. Shri Balaji Kari, DCF, Wildlife, Mt. Abu, Forest Department, Government of Rajasthan.

**Officials of Government of Tamil Nadu**

36. Shri Sanjay K. Srivastava, PCCF&CWLW Tamil Nadu, Tamil Nadu Forest Department, Government of Tamil Nadu.  
37. Shri Udhayan A., APCCF (Wildlife), Tamil Nadu Forest Department, Government of Tamil Nadu.

**Officials of Government of West Bengal**

38. Shri N.V. Rajashekhar, APCCF, Wildlife, Department of Forest, Government of West Bengal.

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# Outlook

THE NEWS SCROLL

ANNEXURE A10

28 MAY 2020 Last Updated at 11:49 PM | SOURCE: PTI

## Oil India to drill in Dibru-Saikhowa National Park from outside



Gurwahati, May 20 (PTI) PSU major Oil India Ltd (OIL) on Wednesday claimed it will drill seven wells inside the Dibru-Saikhowa National Park from about 1.5 km distance outside the boundary of the forest with the help of advanced technology.

After the company published an advertisement in a leading newspaper on Tuesday about the development, netizens protested on social media and demanded protection of the National Park.

"This is a state of the art technology, where drilling will take place around at an average more than 1.5 kilometres outside the demarcated area of the national park where OIL already is carrying out hydrocarbon exploration since last 15 years (Baghjan area)," OIL said in a statement.

The company will be able to accomplish this task of exploring hydrocarbon reserves under the Dibru-Saikhowa National Park by use of the Extended Reach Drilling (ERD) technology, it added.

"ERD techniques are extensively used to intersect hydrocarbon targets far from the surface or areas of the reservoir which otherwise are difficult to access. By using this technology, wells can be drilled up to a depth of approximately four km from the existing well plinth without entering the protected area.

"Through ERD technology, OIL will reach the target depth of around 3.5 km beneath the surface of the National Park without carrying out any drilling activity inside the National Park," the statement said.

OIL asserted that no disturbance to the environment and Dibru-Saikhowa National Park is envisaged due to use of ERD technology.

The company informed that in order to tap the hydrocarbon resources underneath the Park, it had approached statutory bodies for obtaining necessary permissions in 2016 on the basis of the ERD technology.

"OIL went through an elaborate process for obtaining the necessary approvals from statutory bodies like MoEF&CC after fulfilling the stringent guidelines and adhering to various compliances and establishing the fact that OIL will not enter the Dibru-Saikhowa National Park area," it added.

The Ministry of Environment, Forest and Climate Change (MoEF&CC) accorded environmental clearance for extension drilling and testing of hydrocarbons at seven locations under Dibru-Saikhowa National Park, north west of Baghjan in Tinsukia district. This development as per statutory requirement was published as a newspaper advertisement for information of all stakeholders concerned, the company said.

"It has been observed that post publication of the advertisement, certain section of the stakeholders have expressed their concern assuming that OIL will be operating inside the National Park...they can be reassured that OIL's operations will have no impact on the Dibru-Saikhowa National Park area," it added.

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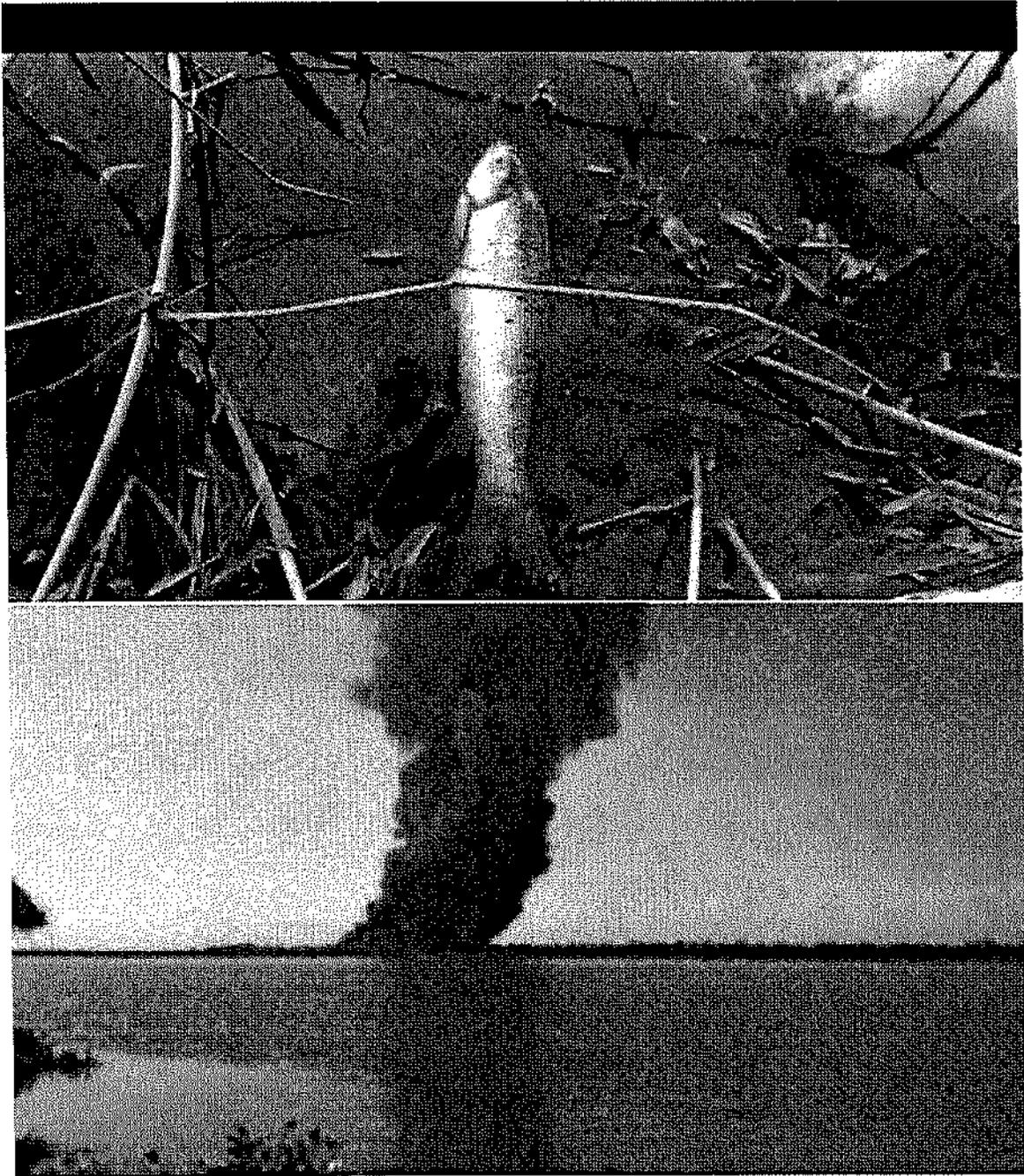










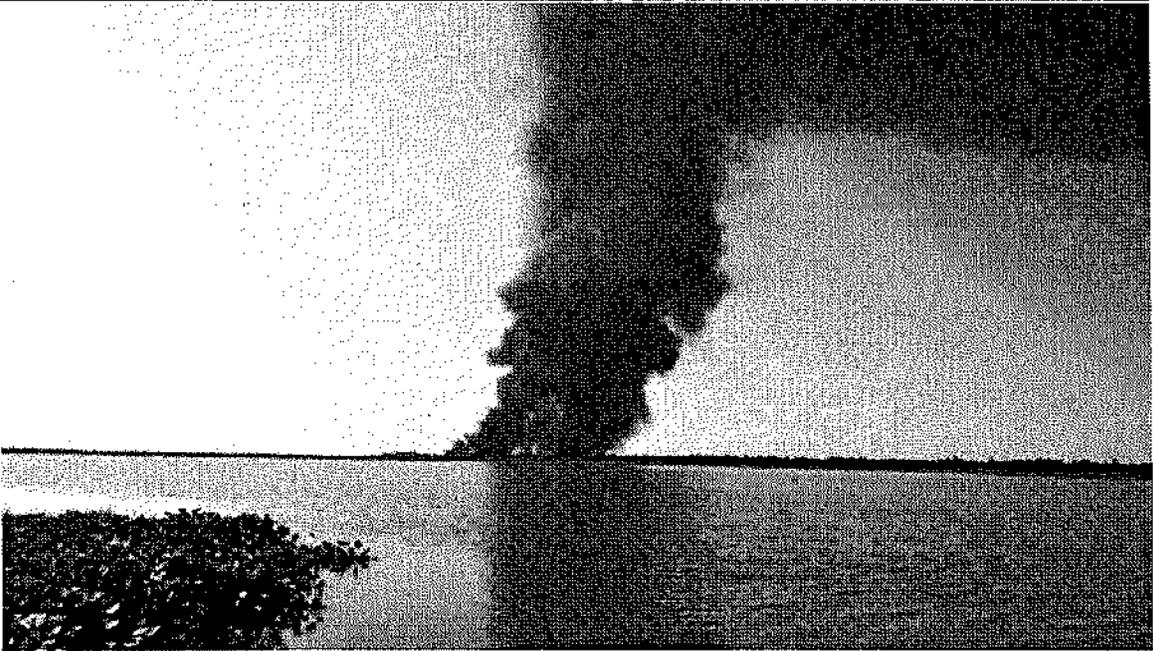






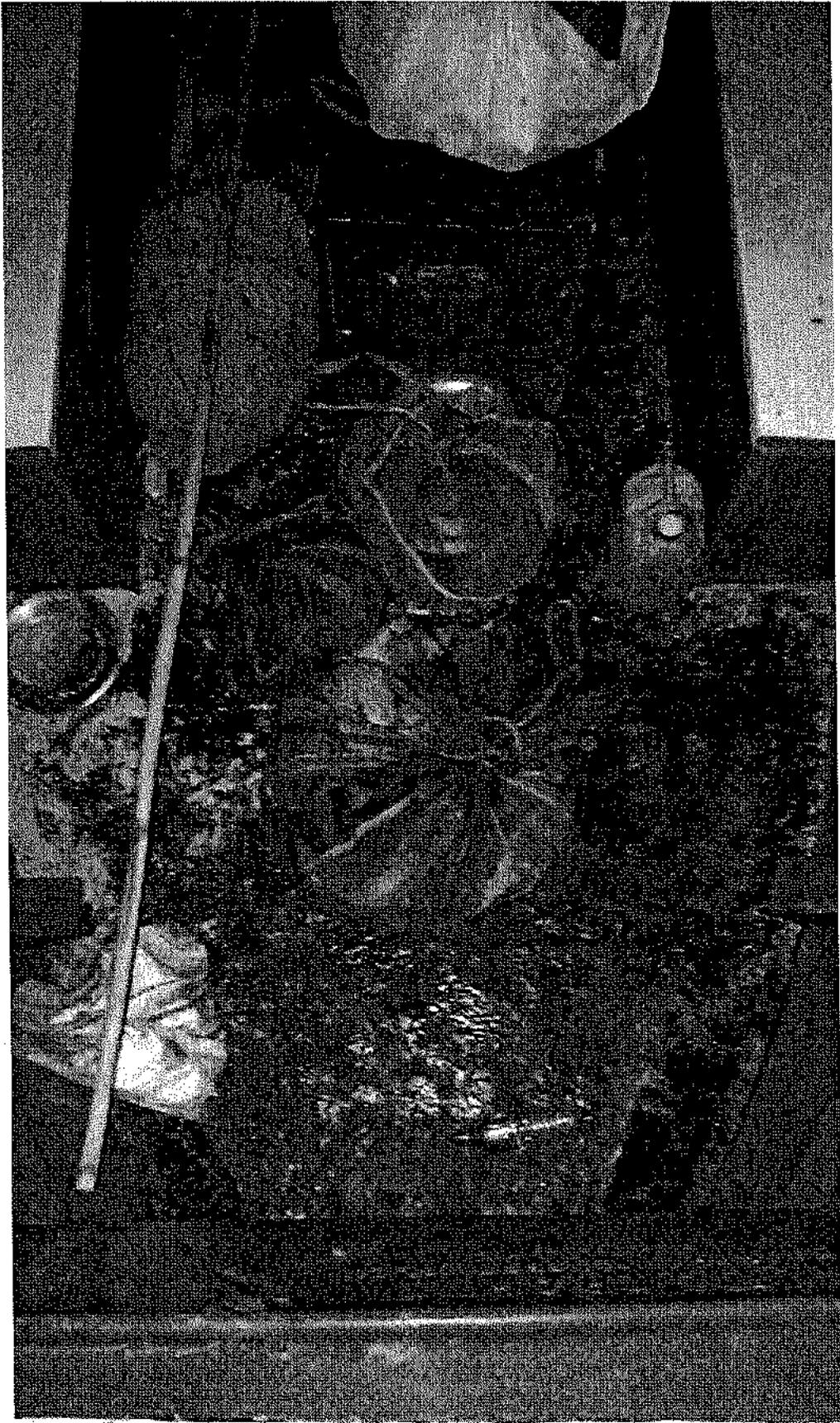








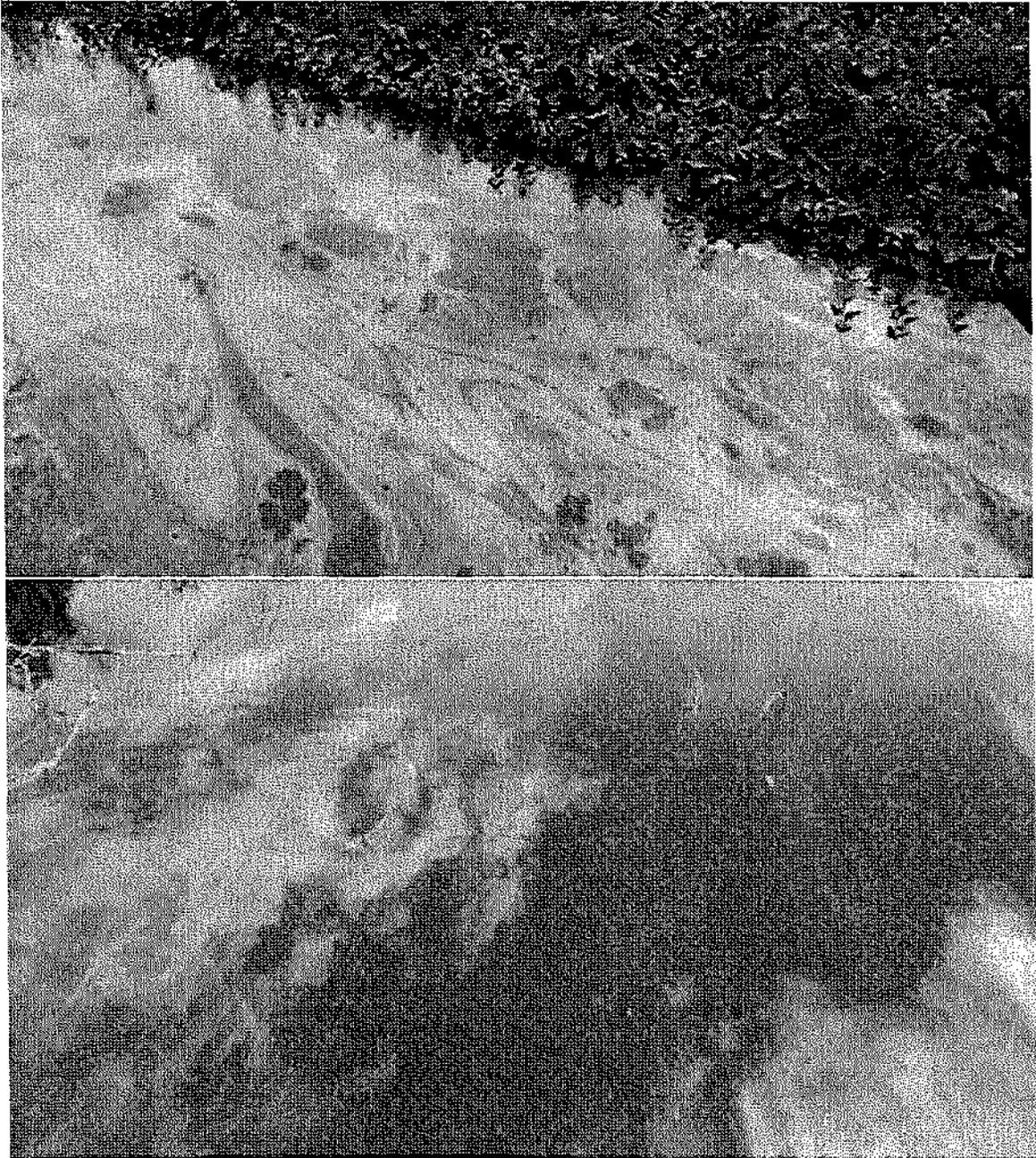


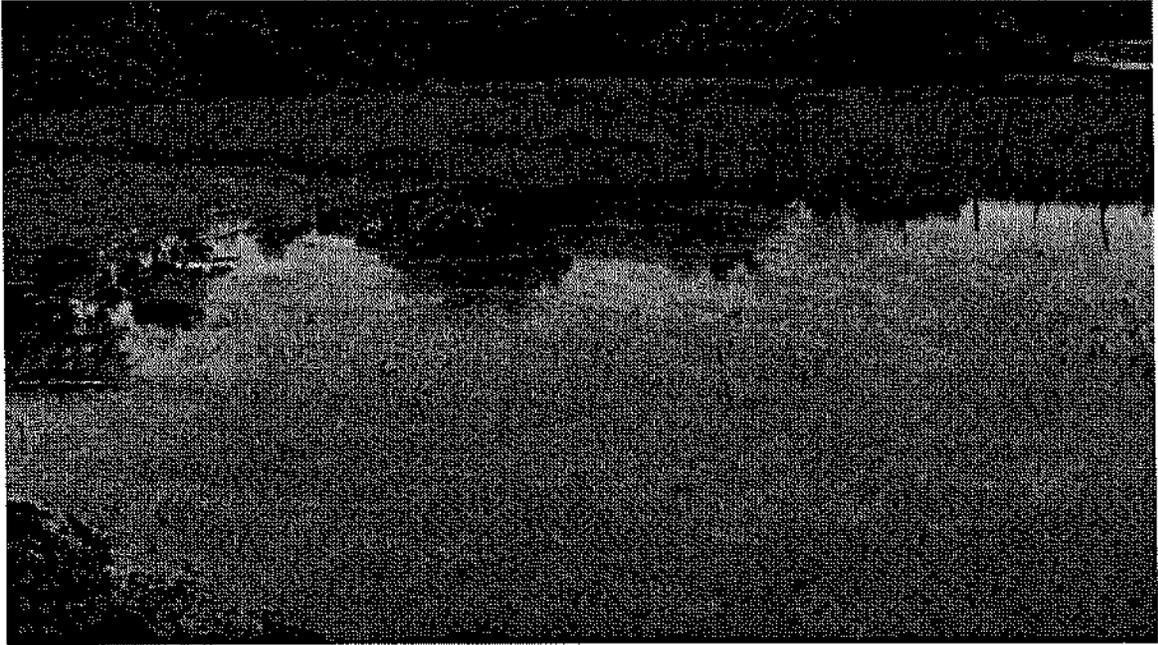






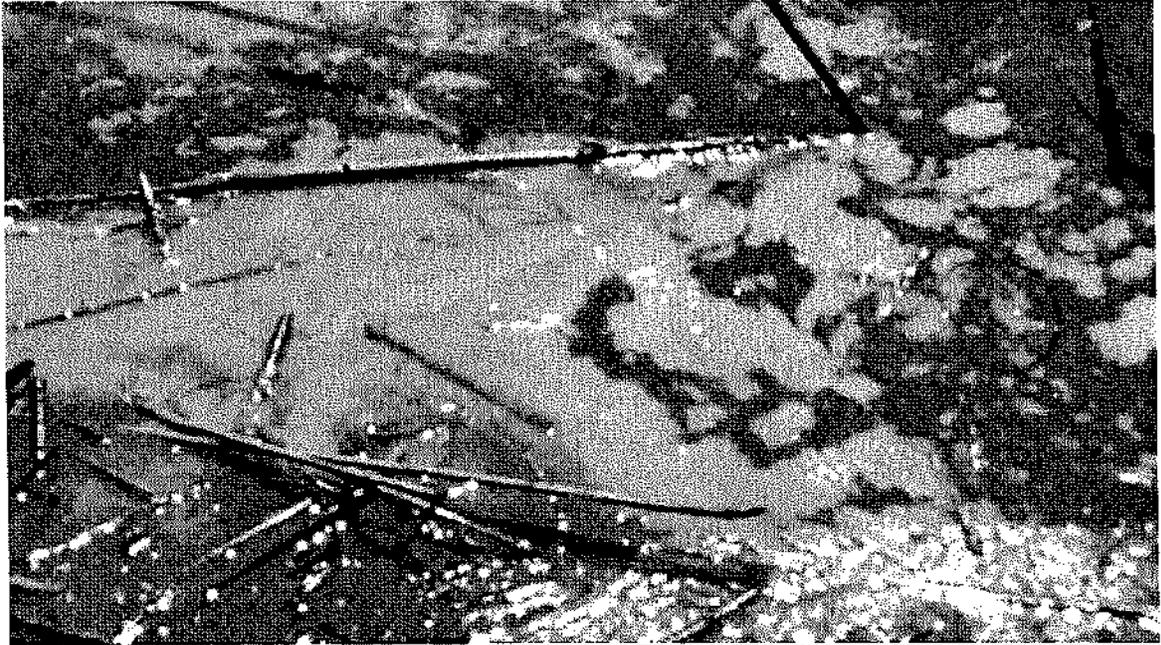






















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