

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE, CHENNAI
Original Application No. 92 of 2021 (SZ)
(Through Video Conference)

IN THE MATTER OF:

Tribunal on its own motion
Suo Motu based on the news item in
The New Indian Express newspaper, Chennai Edition
Dt.10.03.2021, "TN proposes 3 Km canal in eco-sensitive zone"

... Applicant(s)

Versus

1. Union of India, Ministry of Environment, Forest and Climate change,
Rep. by its Secretary,
Indira Paryavaran Bhavan, Jorbagh Road,
New Delhi - 110 003.
2. The Secretary to Govt. of Tamil Nadu,
Department of Environment & Forests, Govt.
Secretariat, Fort St. George Chennai,
Tamil Nadu - 600 009.
3. National Board for Wildlife,
Rep. by its Member Secretary,
6th Floor, Vayu Wing,
Indira Paryavaran Bhavan, Jorbagh Road,
Aliganj, New Delhi - 110 003.
4. State Board for Wildlife Tamil Nadu,
Rep. by its Member Secretary,
Panagal Maligai, No. 1, Jeenis Road,
Saidapet, Chennai - 600 015.
5. The Principal Secretary to Government,
Public Works Department,
Govt. Secretariat, Fort St. George,
Chennai - 600 009.
6. Principal Chief Conservator of Forests
(Head of Forest Force),
Department of Forests, Govt. of Tamil Nadu,
Panagal Maligai, No. 1, Jeenis Road, Saidapet,
Chennai - 600 015.
7. The District Collector, Tirunelveli District,
District Collectorate Office, Kokkirakulam
Tirunelveli - 627 009.

8. Additional Principal Chief Conservator of Forests & Field Director,
Kalakad Mundanthurai Tiger Reserve,
NGO "A" Colony Tirunelveli - 627 007.
9. The Executive Engineer,
PWD, WRO, Tirunelveli Division,
Tirunelveli - 627 006.

...Respondent(s)

**REPORT ON THE RAMANADHI -JAMBHUNADHI LINK CANAL SCHEME IS
FORMULATED AND THE IMPLEMENTATION OF THE SCHEME IN KALAKKAD
MUNDANTHURAI TIGER RESERVE, TIRUNELVELI**

INDEX

Annexure	Particulars
1	The New Indian Express Newspaper article, Chennai edition, Dated 10-03-2021 under the caption "TN proposes 3-km canal in Eco Sensitive Zone"
2	Copy of the National Green Tribunal order dated 08.04.2021
3	Guidance document for taking up non-forestry activities in wildlife habitats' issued by the Ministry of Environment and Forests, New Delhi vide letter F. No. 6-10/2011 WL dated 19-12-2012
4	Procedure for Consideration of Developmental Projects located within 10 Kms of National Parks / Wildlife Sanctuary by Standing Committee of National Board for Wildlife seeking environmental clearance under the provisions of the Environmental Impact Assessment (EIA) Notification 2006 F. No. 6-60/2020 WL Part (I) dated 16-07-2020
5	Government of India, Ministry of Environment Forests and Climate Change (Wildlife Division) letter No. 6-137/2017 WL (pt.I) dated 22-11-2018
6	Show cause notice issued by the Forest Ranger Officer, Kadayam vide Ref. No. 455/2020 dated 07-12-2020
7	Reply to the show cause notice from the Executive Engineer, Public Works Department, Jambunathi-Ramanathi Project, Tirunelveli

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE, CHENNAI
ORIGINAL APPLICATION NO 92 OF 2021 (SZ)

**REPORT ON THE RAMANADHI -JAMBHUNADHI LINK CANAL SCHEME IS
FORMULATED AND THE IMPLEMENTATION OF THE SCHEME, KALAKAD
MUNDANTHURAI TIGER RESERVE, TIRUNELVELI**

Background of the issue:-

National Green Tribunal, Southern Zone, Chennai initiated the proceedings on its own motion Suo Motu based on the news item published in 'The New Indian Express' Chennai edition dated 10-03-2021 under the caption "TN proposes 3-km canal in Eco Sensitive Zone" (copy enclosed as Annexure - 1). The report alleged that the State Government has applied for wildlife clearance from the Standing Committee of National Board for Wildlife (NBWL) to build an over 3-km long canal inside the notified eco-sensitive zone of Kalakad Mundanthurai Tiger Reserve (KMTR). The canal will link Ramanadhi and Jamabhunadhi rivers, the two tributaries of Jambhunadhi to irrigate over 1,639 hectares. Based on representations received from the ayacutdhars under Jambhunadhi system of tanks and the MLA of Tenkasi constituency, the Ramanadhi-Jambhunadhi link canal scheme was formulated and the implementation of the scheme was announced by the Chief Minister on the floor of Assembly during the budget session 2015 under Tamil Nadu Legislative Assembly Rule 110.

As per the wildlife clearance application filed by the Public Works Department's Executive Engineer of Tirunelveli district, accessed TNIE, the canal excavation work requires 9.398 hectares of land and the application claimed that the area identified was not located inside an ecologically-sensitive zone. However, when the application was taken for review by the State Board for Wildlife (SBWL) earlier this month, the office of the Chief Wildlife Warden observed that although the proposed canal project was not crossing the wildlife sanctuary, it was passing within the buffer zone of KMTR. "Almost the total area of the project falls in the ecologically -sensitive zone of KMTR," said the wildlife warden, who asked the PWD to make necessary corrections in the application and also upload geo-referenced map.

PWD officials said a new head sluice has been proposed at the water spread area of Ramanadhi reservoir and a link canal is proposed to connect Jambunadhi river for a

length of 3,215 meters and a branch canal is proposed for a length of 125 meters to supply water to 14 irrigation tanks. "The scheme will fulfil the decades-long irrigation needs of people of Mathalamparai, Thippanampatti, Avudaiyanoor, Keelakadayam and Pottalputhur areas. Hon'ble Tribunal in their order dated 08.04.2021 (Copy enclosed as Annexure - 2) have directed the Principal Chief Conservator of Forests & Chief Wildlife Warden to submit a report regarding the status of the project that has been submitted the State Government through the Public Works Department (PWD) for this project.

In compliance of the direction, the status report by the Principal Chief Conservator of Forests and Chief Wildlife Warden, Tamil Nadu, Chennai is as follows:-

The proposed project site falls within the Buffer Zone of Kalakad Mundanthurai Tiger Reserve and also within the default Eco Sensitive Zone of Kalakad Mundanthurai Tiger Reserve and also falls within the Tiger Corridor as per the National Tiger Conservation Authority Decision Support System (DSS) mapping.

As per the 'Guidance document for taking up non-forestry activities in wildlife habitats' issued by the Ministry of Environment and Forests, New Delhi vide letter F. No. 6-10/2011 WL dated 19-12-2012 (copy enclosed as Annexure - 3) it is stated that as per **para No. 3.5.1. is as follows:-**

Activities within 10 Kms from boundaries of National Parks and Sanctuaries:-

In pursuance to the order of Hon'ble Supreme Court dated 4th December 2006 in Writ Petition (Civil) No. 460 /2004, in case any project requiring Environmental Clearance, is located within the Eco Sensitive Zone around a Wildlife Sanctuary or National Park or in absence of delineation of such a zone, within a distance of 10 Kms from its boundaries the User Agency / Project Proponent is required to obtain recommendations of the Standing Committee of National Board for Wildlife.

As per EIA Notification S.O. No. 1533 dated 14-09-2006 Section 1(c) which states as follows:-

SL. No	Project Activity	Category with threshold limit		Conditions if any
		A	B	
1(c)	River Valley Projects	(i) \geq 50 MW hydroelectric power general; (ii) \geq 10,000 ha of culturable command area	(i) $<$ 50 MW \geq 25 MW hydroelectric power general; (ii) $<$ 10,000 ha of culturable command area	General Condition shall apply

General Condition (GC):-

Any project or activity specified in Category 'B' will be treated as Category A, if located in whole or in part within 10 km from the boundary of: (i) Protected Areas notified under the Wild Life (Protection) Act, 1972, (ii) Critically Polluted areas as notified by the Central Pollution Control Board from time to time, (iii) Notified Eco-Sensitive areas, (iv) inter-State boundaries and international boundaries.

Further the Government of India, Ministry of Environment Forests and Climate Change, New Delhi has stated that 'Procedure for Consideration of Developmental Projects located within 10 Kms of National Parks / Wildlife Sanctuary by Standing Committee of National Board for Wildlife seeking environmental clearance under the provisions of the Environmental Impact Assessment (EIA) Notification 2006' vide letter F. No. 6-60/2020 WL Part (I) dated 16-07-2020 (copy enclosed as Annexure - 4) states in Para No. 3 (ii) as follows:-

Para No. 3 (ii):- Proposals involving activity / project located within 10 Km of National Park / Wildlife Sanctuary wherein Eco Sensitive Zone has not been finally notified and listed in the Schedule of the EIA Notification 2006 and requiring Environmental Clearance, prior clearance from Standing Committee of the National Board for Wildlife will be required.

Mandatory online submission of proposals through PARIVESH seeking wildlife Clearance from the Standing Committee of National Board for Wildlife:-

As per the Government of India, Ministry of Environment Forests and Climate Change (Wildlife Division) letter No. 6-137/2017 WL (pt.I) dated 22-11-2018 (copy enclosed as Annexure - 5) states that the PARIVESH automates the entire process of submitting the proposals for non-forestry activities inside the Protected Area / Within 10 Km from the boundary of Protected Area and tracking the status of proposals at every stage of processing and no proposal in the physical form for seeking wildlife clearance submitted to the State Government / the Standing Committee of National Board for Wildlife by the project proponent after 1st December 2018 should be permitted.

Based on the above, the User Agency (Public Works Department) has submitted the online proposal (Part I & II) for clearance of Standing Committee of National Board of Wildlife on 03-03-2021 and the Deputy Director, Project Tiger, Ambasamudram has

uploaded the Part III along with specific recommendation on 17-03-2021 and 29-06-2021.

Now the proposal is under process at Principal Chief Conservator of Forests and Chief Wildlife Warden to be uploaded in Part IV along with specific recommendations.

The following works have been commenced by the Public Works Department without getting any prior permission from the Forest Department:-

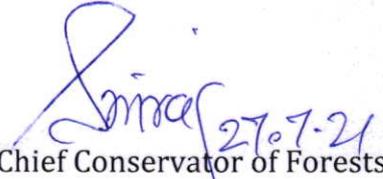
- 1) Formation of new Road in 0.39 Ha.
- 2) Felling of 57 Nos. of trees.

Action taken by Forest Department:-

A show cause notice was issued to the Executive Engineer, Public Works Department, Jambunathi-Ramanathi Project, Tirunelveli by the Forest Ranger Officer, Kadayam vide Ref. No. 455/2020 dated 07-12-2020 (copy enclosed as Annexure - 6) for the above irregularities against the Forest (Conservation) Act, 1980 and the guidelines for National Tiger Conservation Authority.

The Executive Engineer, Public Works Department, Jambunathi-Ramanathi Project, Tirunelveli has submitted his reply to the show cause notice vide letter No. 14M/வா/கோ.31/2021 dated 02-02-2021 (copy enclosed as Annexure - 7) and stated that the works (road formation and tree felling) have been stopped and permission has been sought for obtaining clearance from the Forest Department.

In light of the above, the above said facts are submitted before the Hon'ble Tribunal for consideration.


Principal Chief Conservator of Forests
And Chief Wildlife Warden


27/7/2021