

Report
On
The proposal to divert forest land from the Kachchh Desert Wildlife Sanctuary
for the Kutch Branch Canal of the Sardar Sarovar Narmada Nigam Ltd, Gujarat

1. The undersigned was mandated in the 28th meeting of the Standing Committee(SC) of the NBWL on March 20th 2013, to carry out a site inspection for the above proposal and submit a report to the SC.
2. The SC only considers proposals which have received a prior approval of the concerned State Board for Wildlife. In the instant case, the proposal, perhaps due to some oversight, was considered in the SC meeting without it having received the mandatory approval of the State Board and the minutes of the meeting were not available even when the site inspection was carried out. They have reached the undersigned only yesterday, and hence the delay in the submission of this report. The perusal of the minutes of the meeting, however, show that the State Board approved the proposal at agenda item no. 2.1 and the meeting was held on 25.04.2013, before the site inspection was carried out(Annexure I).
3. The inspection was carried out in Kutch on the 24th and 25th July and meetings were also held with officers of the Sardar Sarovar Narmada Nigam Ltd(SSNNL) and of the Forest Department in Kutch, with Collector Kutch, and with the Managing Director of the SSNNL and the State Forest Secretary and others, in Gandhi Nagar, Gujarat. Representatives of the local village communities were met with on the site of the proposed canal in Rapar Tahsil, Kutch. The list of the officials met with is appended at Annexure II.
4. Work on the canal on this Kutch Branch Canal is in progress upto km 144.076, and also from km 167.400onwards. The portion between km 144.076 to km 167.400 has been held in abeyance as that is the length which passes through the Kacchh Desert Wildlife Sanctuary (KDWS). This therefore, is another example of a linear intrusion in a protected area(PA) which has become a *fait accompli*, with both ends of the intrusion already almost in place and only the segment passing through the PA being still kept in abeyance, in anticipation of what amounts to an ex-post facto approval. At the same time, however, it cannot be denied that canal water is of crucial importance to Kutch and since the canal has to follow certain contours, I was assured by the State officials that an alternative alignment was attempted but was found to be not feasible. Looking at the topography, this analysis does appear to be correct. The local communities met with also understandably want the water and the labour opportunities which would be provided by the canal construction.

5. The KDWS sanctuary is one of the largest in the country, extending over 7506.22 sq.km, of which only 109.00 sq. km is forest area and 1313.07 sq.km is revenue "wasteland". It encompasses on its southern flank, large portions which spill over outside of the precincts of the Great Rann and which comprise of revenue community and even private lands,. In fact, these southern fringes are honeycombed with private holdings.
6. The undersigned traversed the entire length of the portion of the proposed canal along its alignment through the portion of the KDWS, and beyond on both ends. The map of the portion of the KDWS that the canal passes through, is appended at Annexure III. The canal alignment is shown in a black line, segregating the southernmost flank of the Sanctuary encompassing the lands of villages Suvai, Bharudia, Kankhoi and Chobari. The portions shown in dark on the southern(left side) of the canal are lands of the Sanctuary and the rest are private holdings. Similarly, the portions shown in dark on the northern (right side) of the canal are areas of the KDWS and the portions in white are also private holdings. Further north of the village areas shown in the map is the actual Great Rann and the continuation of the KDWS.
7. It is my considered opinion that the branch canal when it comes about and segregates the southern (left side) portions of the Sanctuary shown in the map, this southern segregated part of the Sanctuary will have no ecological contiguity with the remainder of the KDWS and will in fact serve no conservation purpose. The canal itself would require periodic maintenance and perhaps even upgradation and the road on its flank will also become a thoroughfare. The segregated portion is not a geographical part of the Great Rann itself and has been now inundated with *prosopis juliflora*. As would be seen from the map, large portions of this portion are private holdings and are affected by the provisions of the Wildlife Act, which restricts transfer of property, etc, on the grounds of the area being a part of a designated sanctuary.
8. Taking all aspects into account, the undersigned recommends the exclusion of the canal itself and of the portion of the Sanctuary which it segregates on its southern and left side. I had requested the State Forest Dept. to prepare a map which would show the delineation of the canal and to work out the precise area of the Sanctuary that is being segregated, excluding the private holdings that are a part of the segregated portion. The Forest Dept. has not provided me with either the map nor the area affected. However, the SSNNL, with the help of Bhaskaracharya Institute for Space Application and Geoinformatics, has got a map prepared and has worked out the area that is being segregated. The map is appended as Annexure III and the area works out to 2587.07 ha, which is also shown in the map. We may take the map and the area to be excluded as adequate for the purpose of this report and as final, unless the State Govt. comes up with a map and figures which are contradictory to the ones given in this report.
9. The above mentioned 2587.07 ha are entirely revenue lands and if excluded from the Sanctuary as proposed, their control would revert back to the Revenue Department of the Kutch District. No mutation would perhaps be required in the revenue records, as

they apparently continue to be recorded as revenue lands even now when they are a part of the Sanctuary. In lieu, of this exclusion of this 2587.07 ha from the Sanctuary, the Revenue Dept. of the Kutch District should transfer 1424 ha of revenue land spread over 5 villages in Abadasa Taluka in Kutch, and 3770 ha vested with the Gujarat Energy Development Agency (GEDA) which is also revenue land situated in the same area, to the Forest Dept., the details of which are given below.

10. The Govt. of Gujarat has taken a very wise decision wherein if any forest land is diverted to non-forest purposes under the provisions of the Forest Conservation Act, 1980, the project proponent concerned would have to acquire non-forest land in lieu and hand it over to the Forest Dept., to be notified as forest under section 4 of the Indian Forest Act, 1927. The State Govt. has accorded priority to the conservation of the endangered great Indian bustard(GIB), locally called 'Ghorad', which is found now only in Abadasa Taluka of Kutch District, in Gujarat. In pursuance of this, the state authorities have already earmarked the following village-wise revenue lands, to be transferred to the Forest Dept. for the purposes of GIB conservation, and which would greatly assist the enhancement of the GIB habitat under the PA system, as presently there is only one miniscule PA, the Kutch Bustard Sanctuary, extending over 2.2 sq km ! The areas already earmarked by the State Govt. for this purpose are:

Kunathia : 339 ha

Bhachunda : 374 ha

Dhrufi Nani : 332 ha

Dhrufi Moti : 49 ha

Bitia : 330 ha

Total : 1424 ha

11. Furthermore, In the Forest Clearance of diversion of 2008.41 ha forest land of Mundra, Dist. Kachchh in favour of Mundra SEZ (Adani group), accorded by MoEF, Gol in 2009 ; there was a condition of transfer of 3770 ha. wasteland of Abdasa taluka, given to GEDA (Guj,. Energy Dev. Agency) to the Forest Department for the purpose of GIB conservation. This land has already been transferred to the State Govt. and vests with the Revenue Dept. in Kutch Dist., has been afforested by the Forest Dept. and is under the control of GEDA. Since the afforestation work is already over and the land was acquired with a stipulation that it would be ultimately used for GIB conservation, this land must also be transferred forthwith to the Forest Dept. in Kutch for GIB conservation.
12. Thus, if 2587.07 ha are to be excised from the KDWS, a compensatory transfer of 1424 + 3770 = 5194 ha need to be transferred to the Forest Dept. for GIB conservation in Kutch Dist., and for which they have already been earmarked.

Recommendations

- i. It is recommended that the portion of the KDWS comprising of the right bank and flank of the Kutch Branch Canal as it passes through the above mentioned Sanctuary and all the area of the Sanctuary south and southeast of it, extending over the villages of Suvai,

Bharudia, Kankhoi and Chobari, encompassing a total area of 2587 ha approximately, be excised from the KDWS and denotified. The exact area of this would have to be worked out by both the Forest Dept. and the Sardar Sarovar Narmada Nigam.

- ii. As a compensation for the above proposed denotification, a total of 5197 ha, the details of which are given in paragraphs 10 and 11 above, be handed over to the Forest Dept. for the purposes of Ghorad (GIB) conservation. Both areas, the total of which comes to the said 5197 ha, would be declared as forest land under the provisions of the Indian Forest Act. **Only thereafter would the permission be granted for the construction of the impugned canal on the precincts of the Kachchh Desert Wildlife Sanctuary and for the denotification of the 2587.07 ha mentioned above.**
- iii. If there are any private holdings that are 'islands' within the 1424 ha described in para 10 above, they should be acquired by the SSNNL prior to the handing over of these lands to the Forest Dept. In lieu, it is proposed that condition no. 7 suggested by Deputy Conservation of Forest, Kutch East Division (Annexure IV) that '5% of the cost of the canal which is passing through WLS should be spent for habitat improvement and wildlife conservation in the Kachchh Desert Wildlife Sanctuary area', be waived. When the undersigned asked the concerned DFO Kutch East as to what conservation purpose would he like to spend this very substantial amount on in the area in question, there was nothing of conservation significance that he had to offer. Such percentage amounts are routinely asked for without there being a need or a plan for them and once available, they are frequently misused or result in wastage and are even contrary to conservation interests. It is far more important to get land for habitat than funds for so called 'improvement' of habitats.
- iv. Remaining 8 recommendations contained in Annexure IV are endorsed.
- v. With the availability of 5194 ha mentioned above, together with the meagre lands already with the Forest Dept. in Abadasa Taluka for GIB conservation, the State Govt. may agree in principle to set aside a minimum of 2600 ha or 26 sq km, as a sanctuary in compensation of the almost equal area proposed to be denotified from the KDWS. The area of the proposed sanctuary could be identified and the process of notification could then commence.
- vi. The remainder of the area which would come under the control of the Forest Dept. as noted above, for the purpose of GIB conservation, could be earmarked as an eco-sensitive zone around the proposed GIB sanctuary, a process which the State Govt. has already started.