



Him Dhara Environment Research and Action Collective,
Village Kandwari, P.O. Kamlehar,
Tehsil Palampur, District Kangra,
Himachal Pradesh. 176061
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email: info@himdhara.org

To
Smt. Jayanti Natarajan
November, 2012
Union Minister of Environment and Forests
Paryavaran Bhavan
CGO Complex
New Delhi.

12th

**SUB: REGARDING VIOLATION OF FRA IN GRANT OF FOREST CLEARANCE TO 180 MW
BAJOLI- HOLI HYDRO-ELECTRICITY PROJECT IN HIMACHAL PRADESH**

Dear Madam

We, the members of Himdhara Environment Research and Action Collective, would like to register our serious objections to the gross violation of Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA, 2006) and MoEF's own circular of 3rd August, 2009 by grant of Stage II Forest Clearance for the 180 MW Bajoli-Holi Hydroelectricity Project in the Bharmour sub-division of the Chamba District, Himachal Pradesh. The people of this mountainous area are heavily dependent upon local forests, agriculture and natural water springs for survival in the harsh terrain. The residents of the Nayagram Gram Panchayat have been opposing the project due to the shifting of the alignment of the head race tunnel (HRT) and the power house for the project from the uninhabited right bank of the Ravi river to the left bank of the river. People belonging to five gram Panchayats live on the left bank in the project affected area. All their agricultural and horticultural lands, natural water sources and dense forests are situated along this left bank of the river while right bank mostly comprises of barren rocks and grasslands. In this context we would like to submit the following:

1. GMR, the project proponent, decided to shift the alignment of the HRT and the power house for the project from the right bank of the river to the left bank without any geological or scientific basis. It cited the reason that project design along the right bank was geologically unviable and presented distorted facts before the public during the Environment public hearing and also while obtaining no objections of some of the Gram Sabhas to be affected by the project.
2. The claims of the company regarding unviability of the right bank alignment of the HRT and the power house are invalidated in the light of a letter issued by Himachal Pradesh State Electricity Board Limited (HPSEBL) to the Deputy Commissioner, Chamba District (appended herewith as Annexure 1). HPSEBL is the agency of the state government that had conducted the original pre-feasibility study and survey for the project, on the basis of which the bids for the project had been finalised. The letter clearly states that the right bank design for the HRT and the Power House has been finalised on the basis of surveys conducted by The Survey of India. Thus, there is no substance to the contention of the project proponent that the right bank design is technically unviable. HPSEBL has cited many reasons for

preferring the alignment of the project along the right bank of the river:

- i. Much lesser need for rehabilitation and minimum disturbance to local people living in area surrounding the project
 - ii. Drying up of subsurface water sources, lakes and ponds especially since most of the population and their cultivated lands are on the left bank
 - iii. Risk to Sara Dal, a religious lake esteemed by the local people
 - iv. The left bank of the river is geologically more disturbed with several ancient landslide scars being visible
3. The Environment Clearance for the project was granted by the MoEF on 24th January, 2011. This clearance was granted despite the fact that there is almost no free flow of the river between the project in question and the Kuthar HEP downstream, in contravention to the norms generally applied by the EAC while clearing projects.
 4. The Stage I Forest Clearance for the project was granted on 8th July, 2011. Among the conditions that were to be fulfilled before the grant of Stage II Forest Clearance were:
 - i. Carrying out of Cumulative Environment Impact Assessment of all the hydroelectricity projects on the Ravi river basin by the state government.
 - ii. The user agency to obtain clearance under FRA, 2006 before the final approval and all certificates to be submitted as per the MoEF Advisory of 3rd August, 2009.
 5. Some of the residents of the area moved the High Court of Himachal Pradesh challenging the Environment Clearance and the Stage I Forest Clearance to the project. The matter is under consideration at the High Court of Himachal Pradesh (CWP 2083/2012, Mangni Ram and ors. vs. Union of India and ors.) and the MoEF is a party therein.
 6. MoEF has meanwhile granted stage II clearance to the project on 20th October, 2012 despite the Gram Sabha of the Nayagram Gram Panchayat having passed a resolution in opposition to the project (appended herewith as Annexure 2). The process of settlement for rights under the provisions of FRA has also not been completed in the area. The grant of Stage II Clearance for the said project is in contravention of the conditions a,c,e and f mentioned in the circular issued by the MoEF for the compliance of FRA on 3rd August, 2009.
 7. The grant of Stage II clearance is also violative of the condition No. 5 of the Stage I Clearance regarding the Cumulative Environment Impact Assessment for the Ravi river to be conducted before the final clearance. It is rather surprising that while the FAC has rightly stalled several other projects for non-compliance of the August 2009 circular as well as for the want of the CEIA studies (in case of Himachal Pradesh), why was this project recommended for Stage 2 clearance?

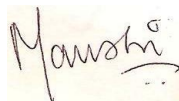
We urge you to look into this matter on priority and revoke the Stage II clearance for the Bajoli-Holi Hydroelectricity Project. We would be thankful to you if you direct the officials within the MoEF to institute systems for confirming whether all the necessary conditions have been fulfilled before the grant of all clearances.

We are looking forward to point wise response from you on the above issues.

Yours sincerely,

- Prakash Bhandari

Prakash Bhandari
Manshi Asher



Rahul Saxena



Annexure 1

**HIMACHAL PRADESH STATE ELECTRICITY BOARD
"A STATE GOVT. UNDERTAKING"**

No. HPSEBL-CE(I&P)DB-9-67/2011- 4896-99
To

Dated:- 22-2-11

The Deputy Commissioner,
Distt. Chamba (H.P.).

Sub:- Assessment Note on location of Project Component of Right Bank and left Bank.

Ref:- Your office letter No.RRO/CBA/Bajoli Holi HEP/2010-3975 dated 18.8.2010.

Sir,

Please refer to your office letter under reference addressed to the Chief Engineer. (Projects-Cum-Arbitrator). HPSEBL, Shimla vide which comments on the assessment note submitted by M/S GMR has been sought for. The requisite point wise reply is as under:-

1. 0 Introduction
2. 0 Background
3. 1 Dam

Agreed
-do-

The Dam site has been finalized by HPSEB about ± 800 m D/S of confluence of Channi Nallah with river Ravi after series of visits by the Planning Engineers & Geologist from Geological Survey of India as well as after conducting detailed field Investigations of the site.

3.2 POWER HOUSE

The location of Power House was finalized after numerous Joint visit of Project sites conducted by the team of Planning, Design & Field units alongwith Geologist from Geological Survey of India. A pit type Power House was recommended on the right bank by the Geological Survey of India as per their inspection note attached Annex-I

HPSEB has carried out exploratory drilling by driving 3 Nos drill holes at the prosed Power House site and the results of which has been appended in the DPR's (chapter No-VII Page 42 to 47). The log sheets of which clearly shows the presence of hard and compact Moderately Jointed Phyllite with low permeability value, from EL. ± 1712.559 m to 1700.559 m. Also the L-section developed through the Power House, as per the Survey supplied by the field units reveals a cut of 62.20m i.e. from EL. 1758 m to EL. 1695.80 m instead of 205 m as pointed out by the IPP. There is no need of shifting of Power House towards the hill side as pointed out by the IPP.

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3.3 HEAD RACE TUNNEL

The HRT of the project has been proposed on the right bank to carry 77.80 cumess of water through a 5.6 mtr dia, 14.10 KM long modified horse shoe type tunnel.

The rock cover was also taken care while finalising the tunnel alignment in consultation with design Engineers & Geologist from G.S.I. The rock cover is not based on the version of the IPP. Based on the Drg of HRT Plan & section (Drg. No. PR-10) annexed in DPR Vol-I the rock cover is as under:-

| RD | COVER ADD. |
|-------|------------|
| 0 | 224 mtr. |
| 970 | 224 mtr. |
| 1140 | 324 mtr. |
| 1710 | 524 mtr. |
| 2290 | 924 mtr. |
| 2720 | 624 mtr. |
| 3140 | 324 mtr. |
| 4000 | 624 mtr. |
| 4710 | 474 mtr. |
| 5460 | 174 mtr. |
| 5940 | 724 mtr. |
| 6342 | 724 mtr. |
| 6742 | 824 mtr. |
| 7028 | 624 mtr. |
| 7285 | 424 mtr. |
| 7628 | 624 mtr. |
| 8056 | 824 mtr. |
| 8542 | 1074 mtr. |
| 8970 | 1024 mtr. |
| 9342 | 1224 mtr. |
| 9713 | 1224 mtr. |
| 9999 | 1024 mtr. |
| 10342 | 724 mtr. |
| 10570 | 424 mtr. |
| 10828 | 324 mtr. |
| 10998 | 324 mtr. |
| 11428 | 224 mtr. |
| 11827 | 324 mtr. |
| 12113 | 524 mtr. |
| 12513 | 574 mtr. |
| 12913 | 324 mtr. |
| 13142 | 174 mtr. |
| 13427 | 124 mtr. |
| 14100 | 74 mtr. |

However in case of HRT having very high covers, the tunnel alignment may be shifted as per the suitability in Technical Design consideration.

3.2 WORKING FACILITIES.

Like all the working facilities Crushing Plants, Batching Plants, storages, Muck dumping area etc are proposed to be located on left bank by HPSEB Ltd.

4.00 DETAILED STUDIES OF THE PROJECT LAYOUT ON BOTH THE BANK

The HPSEB has conceived the Project on the right bank due to the following reasons

- Minimum disturbance to the local people living in the surrounding areas of the project.
- To minimize the risk of drying of subsurface face water sources, local lakes and Ponds etc. by driving HRT on the left bank, as most of the population and their cultivated land is on the left bank.
- Sara Dal(Lake) is the religious places like Mani Mahesh. Dal is attached deeply with the religious sentiments of the people of surrounding areas and thus no risk can be taken to harm the Dal.
- The left bank of the river appears more disturbed. During 1998, heavy lands slide occurred in Andhrala and Dayothal villages due to flood's caressed by glacial melting. Also as per GSI inspection Note submitted during may 2004, the Andhrala village is situated on an ancient land slide zone.

The G.S.I. reports quoted under reference described the presence of several ancient land slide scars in this area.

It is also pertinent to mention here that the project was allotted to the IPP through international competitive bidding by the H.P. Govt. with the project proposal on the right bank, as per the pre-feasibility report of the project.

5 DETAILED ASSESSMENT OF THE PROJECT LAYOUT ON BOTH BANKS

The version of the IPP regarding Major draw bank for keeping the Power House & HRT on Right bank as briefed is their letter and as per supplied layout plan is not correct as the location of Power House and HRT on Right bank has been finalised by the HPSEB after detailed studies by the Planning & design Engineers in consultation with Geologist from G.S.I. Further it is pertinent to mention here that although the length of Roads and nos of bridges on the right bank proposal are more but simultaneously the

Cont.-4.

length of HRT and const. adits is comparatively less which is added advantage since const. of HRT and adits is higher being underground and hazardous Job as compare to that of road and bridges. Besides, the involvement of cultivated land required on right bank is very less as compared to left bank. Moreover, re-habitation on the left bank is much more than that on the right bank which it self is problematic during const. stage as various problems like drying up of water sources etc. will crop-up which will be very difficult to mitigate.

6.0 CONCERN OF VILLAGERS

The proposal of Right bank has been finalised by the HPSEBL keeping in view the concern of villagers as briefed in Para-4 above.

7.00 CONCLUSION

In view of above stated facts HPSEBL has considered right bank of the river Ravi best suited for construction of the project taking into consideration of all the aspects necessitated for economical and social consideration. As such there seems *that* no aspects substantiated to shift the project to left bank as proposed by the IPP by quoting various self vested reasons/grounds please.

Yours faithfully,

[Signature]
Chief Engineer(I&P)
HPSEBL, Sundernagar.

Copy forwarded for information please:-

1. The Sr. P.S. to Director (Projects), HPSEBL, Shimla-4 for kind appraisal of worthy Director (Projects).
2. The Chief Engineer(PCA), HPSEBL, Shimla-4 w.r.to his office letter No. HPSEB/CE(PCA) PSP-Misc/10-3435-36 dated 24.8.2010.
3. The Superintending Engineer, Planning Circle No.-I, HPSEBL, Sundernagar.

[Signature]
Chief Engineer(I&P)
HPSEBL, Sundernagar.

Annexure 2

कार्यवाही रजिस्टर

ग्राम पंचायत का नाम मन्हाडा विकास खण्ड का नाम मन्हाडा जिला का नाम हिंगोली

| तारीख, मास और वर्ष | उपस्थित सदस्यों का नाम | निष्पादित कार्य का विवरण | हस्ताक्षर |
|--------------------|------------------------|--|---|
| | | <p>आज दिनांक 15-7-2012 को</p> <p>ग्राम सभा सभा की बैठक की</p> <p>कार्यालय ग्राम पंचायत में प्रचलित</p> <p>को मांगणी राय की की जाहगिरिया</p> <p>में हो कर निम्न कार्यवाही कर</p> <p>में लाई गई।</p> <p>ग्राम सभा में उपस्थित सदस्यों के</p> <p>नाम व हस्ताक्षर निम्न हैं।</p> | |
| क्र.सं. | नाम | पिता व पति का नाम | हस्ताक्षर |
| 1. | मांगणी राय | प्रधान G.P. मन्हाडा | ग्राम पंचायत व्यापक विकास खण्ड मन्हाडा जिला मन्हाडा (हिंगोली) |
| 2. | सर्वशुभा | उपप्रधान G.P. | Sure Kumar |
| 3. | एस राय | मांगणी राय | एस राय |
| 4. | हरिभार राय | खोखरे हरिभार राय | खोखरे राय |
| 5. | गु-बीर राय | गु-बीर राय | गु-बीर राय |
| 6. | श्रीधर राय | श्रीधर राय | श्रीधर राय |
| 7. | जगदीश राय | जगदीश राय | जगदीश राय |
| 8. | अमर सिंह | अमर सिंह | अमर सिंह |
| 9. | लाला देवी | लाला देवी | लाला देवी |
| 10. | लाला देवी | लाला देवी | लाला देवी |
| 11. | लाला देवी | लाला देवी | लाला देवी |
| 12. | लाला देवी | लाला देवी | लाला देवी |
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| तारीख, मास और वर्ष | उपस्थित सदस्यों का नाम | निष्पादित कार्य का विवरण | हस्ताक्षर |
|--------------------|--------------------------------------|--------------------------|-----------|
| 20 सप्टे | नाम | पिता व पति का नाम | हस्ताक्षर |
| 10 | श्रीमती श्री मन्डारी | | |
| 11 | मोहन लाल श्री पुष्प भाग्य | | Mohd |
| 12 | धर्मचर श्री का 38 | विवाह | |
| 13 | ध्याजक रामश्री | विवाह | जोगर |
| 14 | जटार श्री गुलामराम | | जटार |
| 15 | सकपल श्री वाला राम | | |
| 16 | अमरवीर श्री मुरलीराम | | अमरवीर |
| 17 | बिराजीराम श्री प्रो. राम | | बिराजी |
| 18 | हर्षीराम श्री लाल राम | | |
| 19 | मोदीराम श्री खान्डीराम | | मोदी |
| 20 | मणीराम श्री लाल राम | | मणीराम |
| 21 | खुशी लाल श्री बांवर राम | | खुशी |
| 22 | हाकिमराम श्री खोदी लाल | | हाकिम |
| 23 | कली लाल श्री देवि राम | | कली |
| 24 | पुष्प श्री चोली राम | | पुष्प |
| 25 | पुष्प श्री लाल | | पुष्प |

कायवाहा राजस्तर

ग्राम पंचायत का नाम

विकास खण्ड भरमौर तहसील भरमौर जिला बथान

| तारीख, मास और वर्ष | उपस्थित सदस्यों का नाम | निष्पादित कार्य का विवरण | हस्ताक्षर |
|--------------------|------------------------|--------------------------|-----------|
| 2018 | नाम | पिता व पति की नाम | हस्ताक्षर |

ग्राम पंचायत का नाम

विकास खण्ड भरमौर तहसील भरमौर जिला बथान (हि.प्र.)

| तारीख, मास और वर्ष | उपस्थित सदस्यों का नाम | निष्पादित कार्य का विवरण | हस्ताक्षर |
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| क्र. सं. | नाम | पिता व पति का नाम | हस्ताक्षर |
| 46 | श्री. सिद्ध | श्री. राम | श्री. राम |
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| 64 | श्री. राम | श्री. राम | श्री. राम |
| 65 | श्री. राम | श्री. राम | श्री. राम |
| 66 | श्री. राम | श्री. राम | श्री. राम |
| 67 | श्री. राम | श्री. राम | श्री. राम |
| 68 | श्री. राम | श्री. राम | श्री. राम |

कायदा राजस्तर

ग्राम पंचायत का नाम नरगाँवा विकास खण्ड भरमौर तहसील भरमौर जिला चम्पा (हि.प्र.)

| तारीख, मास और वर्ष | उपस्थित सदस्यों का नाम | निष्पादित कार्य का विवरण | हस्ताक्षर |
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| २००६ ई० | नाम | पिता व पति का नाम | इलाहाबाद प्रदीप |

ग्राम पंचायत का नाम नरगाँवा विकास खण्ड भरमौर तहसील भरमौर जिला चम्पा (हि.प्र.)

| तारीख, मास और वर्ष | उपस्थित सदस्यों का नाम | निष्पादित कार्य का विवरण | हस्ताक्षर |
|--------------------|---------------------------|--------------------------|------------|
| 89) | गोवर्धनाभि 890 | इलाहाबाद | इलाहाबाद |
| 90) | पताप चन्द झा. गुलाबराज | | |
| 91) | भीमराज झा देविना राम | | भीमराज |
| 92) | गलपौराज झा श्यामा राम | | |
| 93) | सीमा देवी मा. मोहन शर्मा | | सीमा देवी |
| 94) | रुको देवी मा. गुलाबराज | | रुको |
| 95) | लाहरी देवी मा. सादा राम | | लाहरी देवी |
| 96) | चुआरी देवी मा. जौकार चन्द | | चुआरी देवी |
| 97) | सोहणी देवी मा. रूप चन्द | | सोहणी देवी |
| 98) | रमेश चन्द 810 जसिया राम | | रमेश |
| 99) | प्रकाश चन्द 810 सीमा राम | | प्रकाश |
| 100) | गोधम राम 810 हाथियार | | गोधम राम |
| 101) | रुम सिंह / प्रतवारी | | रुम सिंह |
| 102) | जमरा देवी मा. बदरी राम | | जमरा देवी |
| | नता देवी मा. राजेश कुमार | | नता देवी |
| 103) | सूरज ठाकुर झा शूरे राम | | सूरज ठाकुर |
| 104) | सीमा देवी मा. जगत चन्द | | सीमा देवी |
| 105) | सुनील चन्द मा. मन्त राम | | सुनील चन्द |
| | जगदीप चन्द मा. हरिनाथ | | जगदीप चन्द |
| 106) | पताप चन्द झा. प्रदीपराज | | पताप चन्द |

1.) ग्राम पंचायत का नाम विकास खण्ड भग्मौर नरमोल भग्मौर जिला चम्पा (हि.प्र.)

| तारीख, मास और वर्ष | उपस्थित सदस्यों का नाम | निष्पादित कार्य का विवरण | हस्ताक्षर |
|--------------------|--|--|-----------|
| 107 | पुनी लाल 8% | 15/07/2012 | Bh... |
| 108 | भादो राम 8% रुईलाराम श्री मान निमादण्डाचिकारी नरमौर | 15/7/12 15-7-12 15/7/12 | महेश्वरी |
| | श्री मान नायक वरदविन्दार होली | | |
| | | उपाध्यक्ष 108 3.54 | |
| | | प्रस्ताव नं० 108 नैक की पुष्टि कारे विचार :- यह कि अद्यक्ष महेश्वरी के द्वारा नैक के उपाध्यक्ष सदस्यों के समक्ष गत नैक की पुष्टि की गई कर सुभाभा जमा किए नैक में विचार विमर्श के पश्चात् सर्वसम्मति से पारित न अतिउत्तरीत | |

| तारीख, मास और वर्ष | उपस्थित सदस्यों का नाम | निष्पादित कार्य का विवरण | हस्ताक्षर |
|--------------------|------------------------|---|-----------|
| | | <p>आतिथ्यागत कर दिया गया।</p> <p><u>प्रस्ताव नं० 6</u> - F.R.A. के अन्तर्गत दौली नमोली विद्युत परियोजना का अनायास पुनर्गठन करने की चर्चा -</p> <p>यह कि अद्यतन मेहोरा द्वारा बैंक में उपस्थित सदस्यों के सामने (समक्ष) प्रस्ताव दिया कि F.R.A. कम्पनी द्वारा उक्त विद्युत के अन्तर्गत अनायास पुनर्गठन पर भी आवश्यकता है जिसकी बैंक में उपस्थित सभी सदस्यों व लोगों ने विचारपूर्वक चर्चा के पश्चात् पारित हुआ कि इसका जीवन जंगलों के ऊपर निर्भर है। जिसमें हमारे प्रत्यक्ष फायदा लक्ष्मी वही बुरी फलदार पेड़ों की वजह से भी इलाक़े है। उपस्थित सदस्यों द्वारा बैंक में चर्चा हुई कि जी० एम० आर० कम्पनी शून्य० आई० डी० द्वारा प्रस्तावित परियोजना पर निर्माण कार्य क्यों नहीं कर रही। बैंक में उपस्थित सदस्यों व लोगों ने उक्त विषय के ऊपर बार-बार चर्चा करते पर कड़ा शेष व विशेष-प्रस्ताव। तथा बैंक में उपस्थित लोगों व सदस्यों ने पारित किया कि अब तक कम्पनी शून्य०</p> | |

| तारीख, मास और वर्ष | उपस्थित सदस्यों का नाम | निष्पादित कार्य का विवरण | समाप्ति |
|--------------------|------------------------|---|---------|
| | | <p>बैठे से निर्वाह कार्य आरम्भ करने का शपथ पत्र ग्राम पंचायत न्यायाधीश को नहीं देनी वरन् ग्राम पंचायत में उम्मेद निष्पन्न को दृष्टि में न रहना चाहिए और न ही उम्मेद निष्पन्न के ऊपर कोई चर्चा की जाए।</p> <p>अतः बैठक में प्रस्ताव को विचार विमर्श के पश्चात् सर्वसम्मति से पारित करके प्रस्ताव की प्रतिलिपि अधिकांश :-</p> <ol style="list-style-type: none"> i) ग्राम एवं परिवहन मन्त्री भारत सरकार । ii) श्री ज्ञान अतिरिक्त प्रिला दंडा - आधिकारी गलौर । iii) श्री ज्ञान स्वयं विकास आधिकारी गलौर की योजना में उन्नित कार्य नहीं देव प्रेषित की वरन्, <p><u>प्रस्ताव नं० १७</u> -> दिनांक १७ पर परिवहन निगम की बैठक अपने शांतवश वरन् न पुंछने को-सन्ती</p> <hr/> <p>यह कि अध्यक्ष प्रोफेसर के सचिव ने १६ म में प्रस्ताव श्रवण गता कि निगम की बैठक आता आदिवासी लोके वाली आता वरन् नही जाती है। वरन् हर रोज न्यायाधीश से वापस आ</p> | |