

December 14, 2013

Mr. V. Kishore Chandra Deo

Minister of Tribal Affairs,

New Delhi.

Sub: Strict FRA compliance necessary as part of forest clearance process for Thoubal Multipurpose project, Manipur

Dear Mr. Deo,

The Thoubal Multipurpose project (Mapithel dam) is under construction in the Ukhrul and Senapati districts of Manipur. A downstream irrigation barrage which is part of the project was started in the 1980s, while construction on the main 66 metre high dam started in the 1990s. The project has been under construction illegally for many years despite no clearance under the Forest (Conservation) Act, 1980. Other than being in violation of the law of the land, this is especially shocking as the area concerned is ecologically, culturally and politically sensitive. It is absolutely necessary that ecologically and socio-cultural-livelihood concerns, including those related to forest rights, are properly addressed as part of forest clearance process.

After working illegally for many years, the Manipur government obtained in-principle (Stage-I) forest clearance in January 2010 subject to compliance with a number of conditions, including the FRA 2006 (which includes the necessity of seeking consent of the communities as per the MoEF circular dated 3-8-2009). For over three years the Manipur government took no action regarding this compliance. It was only after the local villagers approached the National Green Tribunal in August 2013 seeking a stay on project since it was in violation of FCA, 1980, that Manipur government has hurriedly filed its compliance report with MoEF.

The Manipur government is now arguing that FRA compliance should not be required for them as they have already acquired all lands in 1993 after agreements with the village headmen and as such the rights vest with them.

We understand that MoEF has sought opinion of MoTA on FRA compliance (including compliance with the 3-8-2009 circular) in light of exemption sought by Manipur government.

We strongly urge MoTA to insist on FRA compliance to respect the letter and spirit of FRA 2006. We are also given to believe that the villagers have themselves written to MoTA asking for full compliance with FRA.

An agreement made 20 years ago with village headmen cannot be a substitute for FRA compliance today. Moreover, there is no evidence that only 595 ha of forest land is being directly impacted. **The MoEF has not carried out its mandatory site inspection (through its Shillong regional office) required as per FC guidelines.** Unless this is done, one cannot gauge the extent of impact on forest land and rights.

In addition to that rights and resource use will be impacted over a much larger area of forest land directly being submerged. The project involves submergence of large tracts of paddy fields, as well as impact on jhum landscapes. This will result in the need to access other forest areas, thereby upsetting the existing resource use and rights regime in these areas. Further ameliorative measures such as Catchment Area Treatment etc. will further restrict existing landuse and impact rights over a larger forest landscape. Keeping this in mind, it is absolutely imp. that the MoEF and MoTA ask for consent processes to be carried out with the local communities in this case as per the 3-8-2009 directive.

Irrespective of status of construction of the project, it is crucial the consent process under FRA (as 3-8-2009 circular) is carried out as per the existing condition of Stage-I forest clearance. Any departure from this will make a mockery of the letter and spirit of FRA.

Thanking you,

Sincerely,

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On behalf of

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