

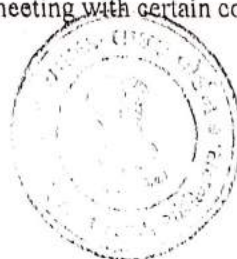
No: WLP/32/B/ 4666-21 /2016-17

Office of the
Principal Chief Conservator of Forests
Block No.B/1, Aranya Bhavan,
Ch-3 Circle, Sector-10 A,
Gujarat State, Gandhinagar.
Date: 23/02/2017.

Sub: Permission under Section - 29 of Wildlife (Protection) Act, 1972 for use of 3.25 ha. of land in Shoolpaneshwar Sanctuary, Gujarat for laying of Karjan Right Bank High Level canal, Head Regulator, & its Approach Channel.

Ref:

1. Chief Conservator of Forests, Surat Circle Surat's letter No. A/LND/T.16/2792-93 dated 22-02-2013.
 2. Recommendation of the State Board for Wildlife, Gujarat circulated vide this office's letter no. WLP/28/A/185 dated 14-05-2015.
 3. This Office's letter No: WLP/32/A/1670-72 dated 21-12-2015 submitting proposal to Forest & Environment Department, Government of Gujarat. (
 4. Forest and Environment Department, Government of Gujarat's letter No. VPS/102015/2433/W dated 08-01-2016 to the Secretary MoEF&CC.
 5. Recommendation of Standing Committee of National Board for Wildlife, circulated vide MoEF&CC, GoI's letter no. F.No. 6-159/2016/WL (40th Meeting) dated 13-02-2017.
 6. Hon'ble Supreme Court of India's Order dated 05-10-2015 in I.As filed in reference to Writ Petition (Civil) 202/95.
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1. A proposal was received vide reference no. 1 above for permission under Section-29 of the Wildlife (Protection) Act, 1972, for use of 3.25 ha. land in Shoolpaneshwar Sanctuary for laying of Karjan Right Bank High Level canal, Head Regulator & its Approach Channel by The Executive Engineer Irrigation Project Division No. 4, Rajpipala.
 2. The proposal was placed before the State Board for Wildlife (SBWL) in its 9th meeting held 25/02/2015 on for consultation. The SBWL has approved and recommended the proposal in its meeting vide reference no. 2 above with certain conditions.
 3. The proposal was sent to Forest and Environment Department, Government of Gujarat vide reference no. 3 above for onward submission to MoEF&CC, GoI. The said proposal was submitted to MoEF&CC, GoI for consideration of Standing Committee of National Board for Wildlife (NBWL) vide reference no. 4 above. The proposal was discussed in 40th meeting of the Standing Committee of NBWL held on 03-01-2017 and the Standing Committee of NBWL recommended the proposal vide reference no. 5 above in its meeting with certain conditions as under:



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"After discussions, considering the public utility of the project for irrigation, the Standing Committee decided to recommend the proposal along with the conditions prescribed by State CWLW and State Board for Wildlife".

- 4 Hon'ble Supreme Court of India has passed an order dated 05-10-2015 in reference to different IAs in Writ Petition (Civil) 202/95 vide reference no. 6 above. The order of the Hon'ble Supreme Court of India is reproduced as under:

"All matters for grant of permissions for implementation of projects in areas falling in National parks/sanctuaries, including rationalization of boundaries etc. will be considered by the Standing Committee of the National Board for Wildlife ("NBWL") on its own merits and in conformity with the orders and directions passed by this Court from time to time, i.e. on 14.02.2000, 13.11.2000, 9.5.2002, 16.12.2002, 25.11.2005 and 14.09.2007 and other subsequent clarificatory orders/judgment(s) passed by this Court including the Goa Foundation Judgment, i.e. Goa Foundation Vs. Union of India & Ors. reported in (2014) 6 SCC 590. We request the NBWL to furnish a copy of the orders passed by it within 30 days' time to the C.E.C. The C.E.C. is at liberty, if, for any reason, they are aggrieved by the decision of the Standing Committee of NBWL to approach this Court by filing an appropriate petition/application.

In all those matters where there is already decision of the Standing Committee of the NBWL shall abide the parties with all the conditions imposed therein. If any party is aggrieved by the decision of the Standing Committee of the NBWL, they are at liberty to approach an appropriate forum for appropriate relief(s). With the aforesaid observations and directions, we dispose of the Interlocutory Applications/matters specified in Annexure-II to the note supplied by Shri Harish Salve, learned amicus curiae."


5. Therefore in view of the references mentioned and explained above, the permission is hereby granted to the The Karjan Right Bank High Level canal, Head Regulator, & its Approach Channel under Section - 29 of Wildlife Protection Act, 1972 for the use of 3.25 ha. of land in Shoolpaneshwar Sanctuary (Ajitgad village Ta. Nandod Survey No. 182) for laying of Karjan Right Bank High Level canal, Head Regulator, & its Approach Channel for following conditions:

Conditions:

1. The User Agency shall not violate any regulatory provisions under Section - 9, 17 A, 27, 29, 30, 31 & 32 of Wildlife (Protection) Act, 1972.
2. The User agency shall not destroy wildlife habitat including fauna and flora of the

Shoolpaneshwar Wildlife Sanctuary.

3. The User Agency will have to get permission for authorized persons or labours from the local Deputy Conservator of Forests, Narmada Division, Rajpipla at the time of the execution of the works.
4. The User Agency shall not establish any temporary or permanent labour camp in the Shoolpaneshwar Wildlife Sanctuary.
5. Approval under Forest Conservation Act, 1980, if required will be obtained separately for use of Forest land.
6. Any other conditions that may be imposed by the Chief Wildlife Warden / Government and or the Standing Committee of the National Board for Wildlife will be strictly complied with.


 (G.K. Sinha)
 Chief Wildlife Warden
 Gujarat State, Gandhinagar.

- To,
1. The Conservator of Forests,
Wildlife Circle Vadodara,
 - ✓ 2. The Executive Engineer
Irrigation Project Division No. 4,
Rajpipala.

Copy Submitted to: The Additional Director General of Forests (WL), Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhavan, Jor Baug Rad, Ali Ganj, New Delhi for information.

Copy Submitted to: The Additional Chief Secretary, Forest and Environment Department, Sachivalaya, Gandhinagar for information.

Copy to: The Additional Principal Chief Conservator of Forests, Land, Gujarat State Gandhinagar for information and necessary action.


Copy to: The Deputy Conservator of Forests, Narmada Division Rajpipala, for information and necessary action.

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 For info.

Copy to the Deputy Executive Engineer
 I.P. Division No. 27/29 Rajpipala for information.


 Executive Engineer,
 Irrigation Project Div. No. 4.