

No: WLP/32/B/ 16341-96 /2015-16

Office of the
Principal Chief Conservator of Forests
Block No.B/1, Aranya Bhavan,
Ch-3 Circle, Sector-10 A,
Gujarat State, Gandhinagar.
Date: 25/03/2016.

Sub: Permission under Section – 29 of Wildlife (Protection) Act, 1972 for use of 4.90 ha. of land in Marine Sanctuary, Gujarat for Tugs/Barges for Manufacturing, Repairing and Maintenance by Hind Marine Works.
The Proprietor, Hind Marine Works, Jamnagar.

Ref:

1. Chief Conservator of Forests, Marine National Park Jamnagar's letter No. A/LND/24/T-9/2191-92 dated 15-01-2014.
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/258-60 dated 21-05-2015 submitting proposal to Forest & Environment Department, Government of Gujarat.
4. Forest and Environment Department, Government of Gujarat's letter No. VPS/102015-845/W dated 18-06-2015 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. 6-147/2015/WL (36th Meeting) dated 19-11-2015.
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.

1. A proposal was received vide reference no. 1 above for permission under Section-29 of the Wildlife (Protection) Act, 1972, for use of 4.90 ha. land in Marine Sanctuary for Tugs/Barges for Manufacturing, Repairing and Maintenance by The Proprietor, Hind Marine Works, Jamnagar.
2. The proposal was placed before the State Board for Wildlife (SBWL) in its 9th meeting held on 25-02-2015 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 36th meeting of the Standing Committee of NBWL held on 04-11-2015 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, the Committee decided to recommend the proposal along with the conditions prescribed by the CWLW Gujarat and asked the user agency to obtain forest clearance and GRZ clearance afresh."

4. Hon'ble Supreme Court of India has passed an order dated 05-10-2015 in reference to different I.As 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 Proprietor, Hind Marine Works, Jamnagar under Section - 29 of Wildlife Protection Act, 1972 for the use of 4.90 ha. Land of Block No. 48 Rozi nar nu Jungle in Marine Sanctuary for Tugs/Barges for Manufacturing, Repairing and Maintenance subject to following Conditions:

Conditions:

1. Conditions mentioned by Standing Committee of NBWL should be strictly followed.
 2. No damage should be caused to flora and fauna of the said area by user agency and its establishment.
 3. The agency and or contractor will not use the area of sanctuary which is not included in this proposal for the movement, transportation and other purpose relating to construction and maintenance of the Tug Barge.
 4. The land will not be liable to sale or to transfer of the rights of the privileges to any other agency.
- The agency and or contractor will strictly follow Wildlife Protection Act, 1972.



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To,

- 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 Principal 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, Marine National Park, Jamnagar for information and necessary action.

sd/-
Chief Wildlife Warden
Gujarat State,
Gandhinagar.

મુ. વ. સં. શ્રીની કચેરી
 મનેપા, જામનગર.
 આવક નં. ૩૭
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