



Forest Peoples Programme

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Mr. Torsten Schackel,
Secretary
Committee on the Elimination of Racial Discrimination
Office of the UN High Commissioner for Human Rights
UNOG-OHCHR
1211 Geneva 10
Switzerland

01 February 2009

RE: Request for Consideration under the Urgent Action and Early Warning Procedure in Connection with Grave and Persistent Violations of Indigenous Peoples' Rights in Northeast India

Dear Mr. Schackel:

1. This short report is respectfully submitted to the Committee on the Elimination of Racial Discrimination ("the Committee") by the United NGOs Mission Manipur, a network of 235 indigenous peoples' organisations from northeast India, and the Forest Peoples Programme, an international NGO ("the submitting organisations").

2. The submitting organisations previously transmitted reports to the Committee concerning the situation of the indigenous peoples in northeast India on 31 October 2006, 10 January 2008 and 07 July 2008.¹ Those reports detailed systematic discrimination and other human rights violations against the indigenous peoples of northeast India, which are especially manifest in relation to the 1958 *Armed Forces (Special Powers) Act* ("AFSPA"); India's ongoing failure to recognize and secure indigenous peoples' property, political, and other rights; and its active violation of indigenous peoples' rights in connection with the extant and imminent construction of some 68 mega-dams throughout indigenous peoples' territories in that region.

3. This present report calls further attention to the dangerous and urgent situation that persists and has intensified in northeast India as a result of India's discriminatory acts and omissions. For instance, and as discussed below, India recently granted environmental permits for the construction of the Tipaimukh dam in Manipur without any meaningful attempt to consult with and obtain indigenous peoples' consent.

4. In March 2007, the Committee adopted concluding observations which address, *inter alia*, the racially discriminatory character of AFSPA and its implementation;² India's failure to recognise and protect indigenous peoples' property and other rights;³ and the imminent and severe threat to indigenous peoples' rights and integrity posed by the construction of dams in the northeast.⁴ The Committee stressed the serious nature of its concerns on these

¹ *Request for adoption of a Decision under the Urgent Action/ Early Warning Procedure in Connection with violation of Indigenous Peoples' Rights in Northeast India*, 31 October 2006. Available at: <http://www2.ohchr.org/english/bodies/cerd/docs/ngos/fpp.doc>. See also *Request for Consideration under the Urgent Action and Early Warning Procedure in Connection with Grave and Persistent Violations of Indigenous Peoples' Rights in Northeast India*, 07 July 2008. Available at: http://www.forestpeoples.org/documents/law_hr/india_cerd_follow_up_rep_jun08_eng.pdf.

² *Concluding Observations of the Committee on the Elimination of Racial Discrimination: India. 05/05/2007*. CERD/C/IND/CO/19, para. 12.

³ *Id.* para. 19 and 20.

⁴ *Id.* para. 19

points by requesting that India submit information about the implementation of the corresponding recommendations no later than the Committee's 72nd session.⁵ India failed to submit this information.

5. On 15 August 2008, the Committee adopted a letter under its early warning and urgent action procedure calling on India to provide further information no later than 31 December 2008.⁶ In particular, the Committee requested information on "the measures taken by the State party to safeguard the rights of indigenous communities whose territories and traditional lifestyles are threatened by projects such as the Tipaimukh and Lower Subasiri dams, as well as the continued application of the Armed Forces (Special Powers) Act."⁷ India again failed to submit any information.

6. India's disregard for its international obligations and the rights of indigenous peoples in the northeast goes beyond a failure to honour the Committee's requests for information. As discussed below, not only has India failed to adhere to the recommendations issued by the Committee in 2007 and reiterated in 2008, it is actively contravening those recommendations. Rather than comply with its international obligations, India has chosen to persist with its long-standing practice of systematic racial discrimination against the indigenous peoples of the northeast region.

7. Irreparable harm to indigenous peoples in the northeast is both extant and additionally threatened in new areas. In this light, the submitting organisations respectfully request that the Committee consider this situation under its early warning and urgent action procedure at its 74th session (see paragraph 18 below for the full request). The situation in northeast India is fully consistent with a number of the early warning and urgent action indicators identified by the Committee in August 2007.⁸

India recently issued permits for the construction of the Tipaimukh dam:

8. In 2007, the Committee recommended that India "seek the prior informed consent of communities affected by the construction of dams in the Northeast or similar projects on their traditional lands in any decision-making processes related to such projects and provide adequate compensation and alternative land and housing to those communities."⁹ This recommendation was reiterated in August 2008.¹⁰ The Committee on Economic, Social and Cultural Rights has also addressed this issue, observing in 2008 that indigenous peoples are disproportionately affected by forced evictions "in the context of land acquisition by private and state actors for the purposes of development projects, including constructions of dams and mining...."¹¹

9. Despite the Committee's clear recommendation, on 24 October 2008, the Indian government (the Ministry of Environment and Forests) issued an 'environmental clearance permit', thus allowing for the construction of the Tipaimukh dam to be completed.¹² This

⁵ *Id.* at para. 34.

⁶ *Letter of the Chairperson of the Committee on the Elimination of Racial Discrimination*, 15 August 2008, at p. 2. Available at: http://www2.ohchr.org/english/bodies/cerd/docs/India_letter150808.pdf

⁷ *Id.*

⁸ *Guidelines for the Use of the Early Warning and Urgent Action Procedure*. Adopted by the Committee on the Elimination of Racial Discrimination, August 2007, at p. 3, para. 12 (among others, "Encroachment on the traditional lands of indigenous peoples or forced removal of these peoples from their lands, in particular for the purpose of exploitation of natural resources").

⁹ *Concluding Observations of the Committee on the Elimination of Racial Discrimination: India. 05/05/2007*. CERD/C/IND/CO/19, at para. 19 (observing that "large scale projects such as the construction of several dams in Manipur and other north-eastern States ... are carried out without seeking their prior informed consent. These projects result in the forced resettlement or endanger the traditional lifestyles of the communities concerned").

¹⁰ *Letter of the Chairperson of the Committee on the Elimination of Racial Discrimination*, 15 August 2008.

¹¹ *Concluding observations of the Committee on Economic, Social and Cultural Rights. 05/2008*. E/C.12/IND/CO/5, at para. 31 and 71 (recommending that India takes "immediate measures to effectively enforce laws and regulations prohibiting displacement and forced evictions").

¹² Despite the fact that environmental and other permits were yet to be issued, a cornerstone for the dam was laid in December 2006 by central Government Minister for Power, Hon. S. Shinde, and a global tendering process for engineering, procurement and construction works was initiated and closed on 31 December 2007. This is in direct

permit states that “557 households consisting of 2027 persons likely to be affected due to this project in Manipur. In addition to that 77 villages will be affected due to land acquisition.... Only land of 13 villages will be affected in Mizoram.”¹³ Other estimates, however, paint a very different picture. For example, the Zeliangrong Naga tribe alone, expects that 40,000 of its members (approximately one-third of its total population) will be forcibly displaced by the dam.¹⁴ Their most sacred sites – the Zeihlat lake and the Barak waterfalls – will also be submerged and irreparably damaged.

10. The permit for Tipaimukh was issued in the face of massive public opposition¹⁵ and, most recently, was condemned by all but the ruling political parties.¹⁶ It was also approved without any meaningful attempt to obtain the consent of the affected indigenous peoples. The United Naga Council, for instance, a body representing all Naga indigenous organisations and tribal presidents, has unequivocally condemned the project.¹⁷ By failing to obtain indigenous peoples’ consent in relation to the Tipaimukh dam, India has disregarded the Committee’s 2007 recommendations as well as contravened Article 32(2) of the UN Declaration on the Rights of Indigenous Peoples.¹⁸ This Declaration contains rights that must be equally secured and protected pursuant to Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination (“the Convention”).¹⁹

11. The Indian and Manipur State governments have heavily militarised the dam site and surrounding area in an attempt to quell opposition to Tipaimukh. This was officially authorised in a resolution issued by the Manipur government on 28 July 2008. It authorises deploying Central and State security forces and the opening of security posts at seven kilometre intervals along a 99 kilometre-long stretch of the Mon Bahadur road.²⁰ This road is the main artery for the movement of materials needed for the construction of the dam. This is not the first time that the army has been sent to the dam site; troops were deployed in April 2008, among other times.²¹

contravention of Indian law. See ‘Public Hearing on Tipaimukh’, *The Telegraph India*, 16 December 2007. Available at: http://www.telegraphindia.com/1071217/asp/northeast/story_8674319.asp.

¹³ *Notice of Environmental Clearance, Tipaimukh Hydroelectric dam*, 15 October 2008, at p. 1. See Annex A hereto for the full text.

¹⁴ See ‘Divisive Dam’, *Down to Earth. Science and Environment Online*, 15 October 2007. Available at: http://www.downtoearth.org.in/cover.asp?foldername=20061015&filename=news&sec_id=9&sid=52. See also Dr. R. Ranjan Singh, Large Dams in North East India, *Manipur Online*, 6 February 2006. Available at: http://www.manipuronline.com/Manipur/February2006/tipaimukh06_2.htm and; S. Talukdar, Proposed Dam in Northeast India to Destroy Lives, Lands, *One World South Asia*, 30 June 2004. Available at: <http://southasia.oneworld.net/article/view/89074/1/>.

¹⁵ See ‘Public Hearing on Tipaimukh’, *The Telegraph India*, 16 December 2007; and ‘Tipaimukh hearing, Bodies foil Govt’s ploy’, *The Sangai Express*, 28 March 2008.

¹⁶ ‘BJP, MPP and others denounce Tipaimukh Project’, *The Sangai Express*, 15 January 2009. Available at: <http://www.e-pao.net/epRelatedNews.asp?heading=12&src=160107>.

¹⁷ ‘United Naga Council says “No” to Tipaimukh Dam: Demands cessation of public hearings and total scrapping of project’, *The Free Press, Imphal*, 23 October 2006. Available at: http://www.forestpeoples.org/documents/asia_pacific/india_megadam_rejection_23oct06_eng.shtml

¹⁸ The Declaration provides that “States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.”

¹⁹ *General Recommendation No. 20: Non-discriminatory implementation of rights and freedoms*: 15/03/96, para. 1. The Committee has further observed that the Declaration should be used as a guide to interpret states’ obligations under the Convention. See *Concluding Observations of the Committee on the Elimination of Racial Discrimination*: United States of America, CERD/C/USA/CO/6, 08 May 2008, at para. 29.

²⁰ See *inter alia* ‘Heavy security to be deployed on 99 km stretch of road to Tipaimukh dam’, *Imphal Free Press*, 28 July 2008. Available at: <http://www.siphro.org/2008/07/29/heavy-security-to-be-deployed-on-99-km-stretch-of-road-to-tipaimukh-dam/#more-359>.

²¹ See ‘Army launches Tipaimukh vigil’, *The Telegraph Calcutta*, 30 April 2008. Available at: http://www.telegraphindia.com/1080430/jsp/northeast/story_9205605.jsp.

12. The troops deployed to protect the Tipaimukh dam may exercise the extraordinary and sweeping powers granted by the AFSPA. Discussed further below, this law has essentially established an undeclared state of emergency in the northeast for some 50 years and, as found by numerous UN human rights bodies and others, including the Committee, has facilitated gross and systematic violations of human rights in the northeast for decades. This law is now being used as a means to control opposition to dams, such as Tipaimukh and other projects pursued by the Indian government, projects that have and will continue to cause irreparable harm to indigenous peoples.²² This harm is caused by India's flagrant disregard for its international obligations in relation to indigenous peoples, including as explicated in the Committee's most recent recommendations.

India has extended the application of the *Armed Forces (Special Powers) Act*:

13. In paragraph 12 of its 2007 concluding observations, the Committee observed that the AFSPA sanctions impunity for serious human rights violations perpetrated against the predominant indigenous population of Manipur and other northeast states. Citing Articles 2(1)(c), 5(b), 5(d) and 6 of the Convention, the Committee recommended that AFSPA be repealed and observed that India's own special commission on that law (the Reddy Commission) had made the same recommendation.

14. Four other United Nations human rights treaty bodies have also recommended that the AFSPA be repealed, as has the UN Special Rapporteur on extrajudicial, summary or arbitrary executions.²³ The latter observes that the Act "violates non-derogable provisions of international human rights law."²⁴

15. Despite widespread condemnation of the Act by international human rights bodies – and in direct contravention of their recommendations – India has refused to repeal AFSPA and again has extended 'disturbed area' declarations pursuant to that law throughout the northeast. In Manipur, for example, the disturbed area declaration was extended by government order on 26 November 2008 for one year with effect from 1st December 2008. As with the previous extension issued in November 2007, this appears to directly contradict the 1997 ruling of the Indian Supreme Court in *Naga People's Movement of Human Rights v. India* that 'disturbed area' declarations must be reviewed every six months.²⁵

16. While India refuses to repeal the AFSPA, violence, including killings and torture, against indigenous peoples in the northeast, and *de jure* impunity for the perpetrators, continues unabated.²⁶ This is confirmed and highlighted in an August 2008 report issued by Human Rights Watch, which states that

²² See 'CM reviewed security at project sites' *Hueiyen News Service*, 18 December 2008 (stating that "Among others, the meeting reviewed the deployment of security at the Maphou Dam, a component of the Thoubal Multi-purpose Project, Dolaithabi project, Tipaimukh Hydro-electricity Project where government considers the reasons behind slow progress as due to threats posed by anti-social elements"). Available at: <http://ne.icrindia.org/2008/12/20/cm-reviewed-security-at-project-sites/>.

²³ See *Concluding observations of the Human Rights Committee: India*, 04/08/97, para. 18, 19 & 21; *Concluding observations of the Committee on the Rights of the Child: India*, 26/02/2004, para. 63, 68-9; *Concluding observations of the Committee on the Elimination of Discrimination Against Women: India*, 02/02/2007, at para. 9; *Concluding observations of the Committee on Economic, Social and Cultural Rights*, 05/2008, E/C.12/IND/CO/5, at paras. 12 and 50; and *Concluding observations of the Committee on the Elimination of Racial Discrimination: India*, 17/09/96, para. 32.

²⁴ *Report of the Special Rapporteur on Extrajudicial Execution to the UN Human Rights Council, Philip Alston*. UN Doc. A/HRC/4/20/Add.1, at p. 139. See also *Report of the Special Rapporteur on Extrajudicial Execution to the UN Human Rights Council, Philip Alston*. UN Doc. E/CN.4/2006/53/Add.1, p. 75-82 (discussing AFSPA and detailing a series of allegations of killings in Manipur).

²⁵ *Naga People's Movement of Human Rights v Union of India* [1997] ICHRL 117, at para. 38.

²⁶ See *Submission of the Committee on Human Rights (COHR), Manipur on the Human Rights Situation in Manipur (India) to the OHCHR concerning the Universal Periodic Review of the Government of India at the UN Human Rights Council in April 2008*, Annex 15, 'Some Selected Case of Human Rights Violations perpetrated by the Indian Army under the Armed Forces (Special Powers) Act, 1958 Manipur from October 2003 – October 2007' (detailing a number of cases of serious human rights violations against indigenous peoples in northeast India). See also *Article 2 of the International*

The AFSPA gives the armed forces wide powers to shoot to kill, arrest on flimsy pretext, conduct warrantless searches, and demolish structures in the name of 'aiding civil power.' Equipped with these special powers, soldiers have raped, tortured, 'disappeared,' and killed Indian citizens for five decades without fear of being held accountable.²⁷

17. The Human Rights Watch report documents widespread and massive human rights violations perpetrated by the security forces in each of the northeast states. With regard to Manipur, for example, it explains that "Human rights violations by security forces engaged in counterinsurgency operations in Manipur have occurred with depressing regularity over the last five decades. Torture, which includes beatings, electric shocks, and simulated drowning, is common. Arbitrary arrests and extrajudicial executions continue."²⁸ The report also makes clear that the vast majority of the victims are indigenous persons and indigenous women and children suffer disproportionately.

Request:

18. In the light of the preceding, the submitting organizations respectfully request that the Committee consider the situation of the indigenous peoples in northeast India under its early warning and urgent action procedure so as to avoid further irreparable harm and to assist India to ensure that the rights guaranteed by the Convention are fully recognized and respected in law and practice. In particular, the submitting organizations request that the Committee adopts a decision under the urgent action and early warning procedure:

- a) expressing its profound concern over violations of indigenous peoples' rights in relation to the AFSPA and recommending again that India repeal the offending legislation without delay;
- b) consistent with the recommendations of the Human Rights Committee, recommending that India immediately begins a process of political dialogue with the armed groups, indigenous peoples' freely chosen representatives and civil society in the northeast in order to seek a peaceful and sustainable solution to the violence in a manner that fully respects the right to self-determination and the political and other rights of the indigenous peoples of the northeast;
- c) urging India to take immediate and effective measures to ensure the safety and security of indigenous peoples in the area and ensure that adequate resources are provided towards this end. These measures should be designed and implemented with the meaningful participation and informed consent of indigenous peoples; and,
- d) requesting that India refrains from and brings a halt to any activities that diminish indigenous peoples' traditional lands, territories and resources, and that it legally recognizes their ownership rights in and to their traditional territories and takes steps to return lands and territories where indigenous peoples have been deprived of them without their free, prior and informed consent. In this

Covenant on Civil and Political Rights. Special Edition: Militarisation and Impunity in Manipur. Vol 5, No. 6, December 2006, p. 13-26 (containing testimony of victims) & 38-47 (containing descriptions of recent violations). Available at: <http://www.article2.org/pdf/v05n06.pdf>.

²⁷ *Getting Away With Murder. 50 Years of the Armed Forces (Special Powers) Act.* Human Rights Watch, August 2008, at p. 5. Available at: <http://hrw.org/backgrounder/2008/india0808>.

²⁸ *Id.* at p. 10.

context, particular attention is required in relation to the construction of hydroelectric dams in indigenous peoples' territories where their free, prior and informed consent, including prior agreement to rehabilitation and compensation measures, has not been obtained; and,

- e) finally, and in line with the Committee's 2007 *Guidelines for the Use of the Early Warning and Urgent Action Procedure*,²⁹ the submitting organisations further request that the Committee recommends that:
- i) the World Bank and the Asian Development Bank refrain from supporting dams or related projects in northeast India at least until such time as indigenous peoples' rights to own and control their traditional lands, territories and resources and their right to free, prior and informed consent are enshrined in law and effectively protected in practice;
 - ii) the Permanent Forum on Indigenous Issues initiates a dialogue with the World Bank and Asian Development Bank with respect to implementation of the preceding recommendation; and,
 - iii) the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, the Special Rapporteur on the Right to Food, and the Special Rapporteur on the promotion and protection of human rights while countering terrorism communicate with India with regard to the situation in the northeast.

²⁹ *Guidelines for the Use of the Early Warning and Urgent Action Procedure. Advanced Unedited Version.* Adopted by the Committee on the Elimination of Racial Discrimination, August 2007, at p. 4-5, para. 14(c).

Annex A:

No. J-12011/63/2006-IA.I

Government of India
Ministry of Environment and Forests
Paryavaran Bhawan
CGO Complex, Lodhi Road
New Delhi - 110 003

Dated: 24.10.2008

Chairman & Managing Director
North Eastern Electric Power Corporation Ltd.
NEEPCO Bhawan
R.G.B. Road
Guwahati: 05

Sub: Tipaimukh Multipurpose HEP Project (1500 MW) in Manipur & Mizoram States
Environmental Clearance - regarding.

Sir,

This has reference to your letter No. NEEPCO/ND/F-64/2006/2147 dated 24.11.2006 and subsequent letters of 14.9.2007, 23.11.2007, 10.3.2008, 3.4.2008 and 27.8.2008 on the above mentioned subject.

2. The Tipaimukh Project envisages construction of 162.8 h high rockfill dam at about 500 m downstream of the confluence of river Barak with Tuivai. The main objective of the project is to generate 1500 MW hydropower and flood control on 2039 Sq. km. The total land requirement for the project is about 31,950 ha. Out of which 26237 ha. is forest land; private land is 5713 ha.; Total submergence is about 29150 ha (27550 ha in Manipur & 1600 ha in Mizoram). The submergence of forest land in Manipur is 21952.64 ha. & non-forest land is 5597.36 ha. The submergence of forest land in Mizoram is 1489 ha. 557 households consisting of 2027 persons likely to be affected due to this project in Manipur. In addition to that 77 villages will be affected due to land acquisition, No villages will be submerged in Mizoram. Only land of 13 villages will be affected in Mizoram. The total estimated cost is about Rs.6979.44 Crores and the project is to be completed in 87 months.

3. The above referred proposal was considered by the Expert Appraisal Committee for River Valley & Hydroelectric projects in its meeting held on 25.11.2006, 22.2.2007, 15.10.2007, 12.4.2008 and 18.9.2008.

4. The Ministry of Environment and Forests hereby accords environmental clearance as per the provisions of Environmental Impact Assessment Notification 1994 & 2006, subject to strict compliance of the terms and conditions as follows:

Part A: Specific Conditions

(i) (a). Catchment Area Treatment Plan (Manipur) as has been proposed should be completed in five years. The plan is given below:

[Table omitted]

(ii) The NRRP 2007 R&R package, as well as Governments of Manipur & Mizoram R&R Policy should be followed for R&R of project affected persons. Adequate publicity of the compensation package of NRRP-2007 should be circulated in the affected persons.

(iii) Any common property resources like grazing lands, cremation grounds, religious structures/ places etc. or any existing facilities such as irrigation, water supply, road,

electricity, communication system, path etc. be adversely affected due to execution of the project, remedial measures should be taken and incorporated in the project specific R&R Plan. The extent of such measures shall be decided in consultation with the stakeholders.

(iv) Activities would be undertaken for socio economic upliftment for the affected population. This may include special efforts for education like providing scholarships, special efforts and educational facilities for girl child, rural sports, medical camps, other medical benefits as applicable to the PAPs like subsidized treatment at project hospitals etc. depending upon the need and requirement. Such activities would be finalized in consultation and participation of the PAPs/.

(v) Educational activities in and around the project area shall be given special focus during the preparation of the PAP. The needs and requirements would be finalized in consultation with stakeholders and may include providing scholarships including those during higher/vocational educational courses like ITI etc organizing training programmes for developing special skills/modern trends in education like computer training, coaching for higher education etc, assistance for nutritional/midday meals etc in addition to infrastructural facilities.

(vi) Efforts would be made for improvement in health facilities to the PAPs. This may include conduction of health surveys, awareness campaigns, assistance to run dispensaries in villages, promotion of alternative and traditional systems of medicines, promotion of national programmes, organizing immunization programmes and other medical camps with focus on marginalised and special groups like SC/ST, women, physically challenged etc.

(vii) In addition to the subsidized treatment being provided to PAPs and their dependants at Project hospitals. Project Authority would also facilitate tying up with the local insurance companies to cover the PAPs through a rural health insurance scheme, for which 50% of the premium of such scheme would be borne by the Project Authority and the balance by the PAPs coming forward to enroll themselves under the scheme.

(viii) Project Authority may also explore adoption of village(s) in the vicinity of the project area to develop them as a Model Village. The facilities could also be developed on the Provision of Urban Amenities in Rural Area (PURA) concept as detailed by the GOI.

(ix) The commitment made during the public hearing should be fulfilled.

(x) Peak flood estimation by frequency method, utilising a short series of 16 years (1966-1981), when the observed peak is 9100 cumec will lead to a significant increase 1 in 100 year flood estimated as 4931 cumec only. Flood frequency study has to be carried out utilising the data from 1966 to 2007 and got vetted by CWC.

(xi) The inundation map consequent to dam break has to be given due importance in the disaster preparedness and management plan. The project is provided with a spillway capacity much lower than the design flood, because of routing effect. But the earth and rockfill dam has to be safe against over topping. The dam break flood has been estimated to submerge all densely populated villages and large towns like Silchar going under 3 to 10m deep water. Real time telemetry stations must be established in all important towns linked with the central control station at the dam to be alerted at least 6 to 12 hours prior to the apprehended dam breach. Further arrangement for evacuation be planned out with a flood zoning area and documents kept with district administration. Necessary provision for these activities must be made in the project estimate.

(xii) A special Monitoring Committee including a local NGO should be constituted by MoEF for monitoring the proper implementation of the environmental conditions.

(xiii) An Environmental Cell should be opened within the organisation of NEEPCO to look after the safeguards of Environment Protection of the project.

(xiv) Biodiversity & Wildlife Conservation Plan should be prepared for each RET species separately for rehabilitating them in similar ecological niches and the area should be protected at least for 5 years.

(xv) A detailed Wildlife Management Plan should be prepared in consultation with the State Forest Department considering the fact a large stretch of reservoir will be formed affecting the movement pattern/ corridors.

(xvi) A Monitoring Committee for R & R should be constituted which must include representatives of project-affected persons from SC/ST category and a woman beneficiary.

(xvii) Consolidation and compilation of the muck should be carried-out in the muck dumping sites and the dumping sites should be above high flood level. The proposed plan for 13.61 Mcumec of muck disposal i.e. about 2.88 M cum is proposed to be utilized for the construction material and other filling purposes (Rockfill/Coffer Dams, Diversion tunnels, Power House, HRT, Surge Shats, Tailrace, Switch Yard etc.) The remaining 10.73 M cum of muck will be dumped in the 3 designated dumping areas at Sipikawn Saddle Borrow Area, Ronglui Nala-II & Ronglui Nala-III should be strictly implemented.

(xviii) Compensatory afforestation should be done in double the degraded forest area i.e. 51644 ha. in Manipur (51644.28 ha) + Mizoram (3298.20 ha) at Souther Forest Division & Jiribam Forest Division, Churachandpur and Western Forest Division, Tamenglong should be strictly implemented. For compensatory afforestation plan appropriate multipurpose tree species suitably for the area should be selected in consultation with the Forest Department. Gap planting in the degraded area should be done after ascertaining the crown density (not arbitrary). The allocated amount of Rs.13915 lakhs should be utilized for the purpose.

(xix) The proposed green belt within project area along the approach roads, residential areas, Office complex, trench weir and power house site should be implemented and allocated amount of Rs. 842.4 adhered strictly for the purpose.

(xx) The proposed Tipaimukh reservoir fishery in about 22300 ha @ 500 fingerlings per hectare should be adopted and implemented. A nursery proposed to raise the spawns and development of fish farm near project R&R colonies should strictly taken-up in consultation with CIFRI, Barrackpore & State Government so as to improve the fish production from the reservoir and for conserving the project affected fish, including Mahaseer, in the main river as well as upstream & downstream. The proposed amount of Rs. 541 lakhs adhered strictly for the purpose.

(xxi) The proposed 2 Botanical Gardens at Lungthulien village in Manipur and Vanbawng in Mizoram should be taken-up in consultation with State Forest Departments for preserving and protecting unique plants, including RET tree species, herbs, shrubs should be raised and planted in scientific manner following a taxonomic clarification with documentation/ booklet brought out for scientific research and education, endangered and important species.

(xxii) All the equipment which are likely to generate high noise levels are to be fully mollified (noise reduction measures).

(xxiii) Due to construction of the dam, downstream impacts of the project in the State of Assam should be studied.

(xxiv) Reservoirs in tropical countries are a major source of green house emissions. Since the Tipaimukh project involves a large submergence, a comprehensive study of the possible green house emissions from the project should be carried out.

Part-B: General Conditions

(i) Adequate free fuel arrangement should be made for the labour force engaged in the construction work at project cost so that indiscriminate felling trees is prevented.

(ii) Fuel depot may be opened at the site to provide the fuel (Kerosene/wood/LPG). Medical facilities as well as recreational facilities should also be provided to the labourers.

(iii) All the labourers to be engaged for construction work should be thoroughly examined by health personnel and adequately treated before issuing them work permit.

(iv) Restoration of construction area including dumping site of excavated materials should be insured by leveling, filling up of burrow pits, landscaping etc. The area should be properly treated with suitable plantation.

(v) Financial provision should be made in the total budget of the project for implementation of the above suggested safeguard measures.

(vi) A multidisciplinary committee in consultation with the ministry should be constituted with Ecologist, Environmental Scientist, Conservationists and experienced administrators etc. to oversee the effective implementation of the suggested safeguard measures.

(vii) Six monthly monitoring reports should be submitted to the Ministry and its Regional Office, Chandigarh for review.

5. Officials from regional Office MOEF, Shillong who would be monitoring the implementation of environmental safeguards should be given full cooperation, facilities and documents / data by the project proponents during their inspection.
6. The responsibility of implementation of environmental safeguards rests fully with the M/S. NEEPCO & Governments of Manipur & Mizoram.
7. In case of change in the scope of the project, project would require a fresh appraisal.
8. The Ministry reserves the right to add additional safeguard measures subsequently, if found necessary and to take action including revoking of the clearance under the provisions of the Environment (Protection) Act, 1986, to ensure effective implementation of the suggested safeguard measures in a time-bound and satisfactory manner.
9. The total amount of Rs. 253.68 Crores kept in the budgetary provisions for implementation of environmental management plan should be strictly adhered and not to be diverted for any other purpose.
10. The clearance letter is valid for period of 10 years from the date of issue of this letter for commencement of construction work.
11. A copy of the clearance letter will be marked to concerned Panchayat / local NGO, if any, from whom any suggestion / representation has been received while processing the proposal.
12. State Pollution Control Board / Committees should display a copy of the clearance letter at the Regional office, district industries Center and Collector's office/ Tehsildar's office for 30 days.
13. The project proponent should advertise at least in two local newspapers widely circulated in the region around the project, one of which shall be in the vernacular language of the locality concerned informing that the project has been accorded environmental clearance and copies of letters are available with the State Pollution Control Board / Committee and may also be seen at website of the Ministry of Environment and Forests at <http://www.envfor.nic.in>

(Dr. S. Bhowmik)
Additional Director

Copy to:

1. The Secretary, Ministry of Power, Shram Shakti Bhavan, New Delhi-1
2. The Adviser (Energy) Planning Commission, Yojna Bhawan, New Delhi - 110001.
3. The Principal Secretary (Forests & Environment), Government of Manipur, Imphal 795
4. The Principal Secretary (Power), Government of Manipur, Imphal 795 001
5. The Secretary (Power & Electricity), Government of Mizoram, Aizwal -796 001
6. The Secretary (Environment & Forests), Government of Mizoram, Aizwal -796 001
7. The Member Secretary, Manipur Pollution Control Board, Lamphelpat, Near Imphal West D.C., Office Complex, Imphal 795 004
8. The Member Secretary, Mizoram Pollution Control Board, MG Road, Khatla, Aizwal - 796 001, Mizoram.
9. The Chief Engineer, Project Appraisal Directorate, Central Electricity Authority, Sewa Bhawan, R.K. Puram, New Delhi-110066.
10. The Regional Office, Ministry of Environment & Forests, Shillong, Meghalaya
11. EI- Division, Ministry of Environment & Forests, New Delhi-110003.
12. Guard file.