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The National Green Tribunal (NGT) has given its nod to the Railways to approach the State government for the controversial Hubballi-Ankola railway line that cuts across the eco-sensitive Western Ghats in the State.

The order assumes significance as the Supreme Court-appointed Central Empowered Committee (CEC) last year had disapproved the 168-km rail link project conceived in 1998 primarily to transport iron ore from the Bellary-Hospet mines. The panel said that the link would have "huge and irreparable" ecological impact on the forests, wildlife and biodiversity of the Western Ghats.

The controversy in the present case relates to conversion of forest land for a non-forest activity (construction of broad gauge railway line) for which 965 hectares of land in Dharwad, Yellapur and Karwar forest divisions in Karnataka was required. The NGT said that to apply for conversion of forest land to a non-forest activity was a right available to the project proponent and the State government, which has to be dealt with in accordance with law.

"Under the provision of Section 2 of Forest (Conservation) Act, 1980, the State government has to issue an order permitting such conversion with prior approval of the Centre that is MoEF. We do not think that the CEC even intended to allow or deny such right to the Project Proponent (Railways) but has expressed its view for non grant of such permission in terms of Section 2 of the Forest (Conservation) Act, 1980.

"The principal apprehension was the environmental and ecological damage to the Western Ghats. In the circumstances, we dispose of this application with liberty to the project proponent to move the State government by submitting an appropriate proposal for diversion of land for this project," a bench headed by NGT Chairperson Justice Swatanter Kumar said.

In 2006, two Karnataka-based NGOs — Parisara Sanmrakshana Kendra and Wilderness Club — filed a petition in the Supreme Court against the diversion of forest land for this project. Later, the apex court halted the construction.

The apex court on October 5 last year transferred bunch of cases involving forest clearances and the CEC's views on it to the green panel while asking it to decide them expeditiously.

The environment ministry, represented by advocate Balendu Shekhar, had argued that challenge to the diversion of forest land for this project was premature at this stage as neither the ministry nor the State government had taken a final view on the issue.

The tribunal further said that if such an application is moved, the State government shall deal with it expeditiously and they would seek prior approval of the environment ministry in accordance with law. "They would seek prior approval of MoEF in accordance with law and then depending on the approval granted by MoEF the State government, in its own right, would issue an appropriate order under Section 2 of the Forest (Conservation) Act, 1980. The order so passed by the State government shall operate for period of four weeks and shall immediately be put on the website in accordance with the rules.

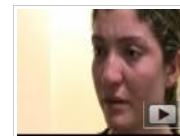
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It looks like the NGT is not preserving the eco-sensitive forests of India. If this goes through India will lose another major bio-diversity area in addition to the vast rain forest that we have lost over several decades. The Supreme Court should override any plan to destroy our forests in the name of development.

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