

Mongabay Series: Hewing The Regulatory Tree

Bullet train on track with coastal and wildlife clearance

by Mayank Aggarwal on 15 February 2019

- *Ahead of India's 2019 parliamentary elections, Prime Minister Narendra Modi's dream project, the 'bullet train', has secured coastal regulation zone and wildlife clearance from two separate committees of the union environment ministry.*
- *The project aims to connect Mumbai in Maharashtra with Ahmedabad in Gujarat and potentially reduce travel time from seven hours to less than three hours.*
- *The clearances would lead to diversion of over 200 hectares from two wildlife sanctuaries and a national park in Maharashtra. The approvals have come in even as the contentious issue of the land acquisition remains unresolved.*
- *Activists and farmers, who are opposing the project, stated they would legally challenge the CRZ clearance.*

Land acquisition for Prime Minister Narendra Modi's dream project, the bullet train, is far from over, but just ahead of India's parliamentary elections the project has now received (<http://environmentclearance.nic.in/writereaddata/Form-1A/Minutes/01022019LEMK1QX7FINALMINUTES207MEETINGJANUARY252019.pdf>) the Coastal Regulation Zone (CRZ) clearance from an expert panel of the union environment ministry.

The CRZ clearance comes within a month of the Mumbai-Ahmedabad High-Speed Rail (MAHSR) project securing the wildlife clearance (http://forestsclearance.nic.in/writereaddata/Order_and_Release/52.pdf) from India's environment minister Harsh Vardhan-led standing committee of the national board for wildlife (NBWL) during its meeting on January 10, 2019.

The wildlife clearance gives a go ahead to diversion of over 100 hectares from in and around the Thane Creek Flamingo Wildlife Sanctuary, over 110 hectares (forest land and non-forest land) from the Sanjay Gandhi National Park and over five hectares from the Tungreshwar Wildlife Sanctuary. The Thane Creek Flamingo Wildlife Sanctuary is known for being a preferred place for migratory birds like flamingos while the Sanjay Gandhi National Park is known for its leopard population and with its position right within the city, it is often called as Mumbai's 'green lung'.

The project will connect Maharashtra's capital city, Mumbai, with Ahmedabad, which is a major city of Gujarat. The project involves a dedicated track of about 508 kilometres including 155.6 kms in Maharashtra, 348.2 kms in Gujarat and 4.3 kms in Dadra and Nagar Haveli.

The estimated cost of the project is Rs. 1.08 trillion (Rs. 108,000 crore) and about 81 percent of the project cost (Rs. 880 billion/Rs. 88,000 crore) is being provided by Japan through the Japan International Cooperation Agency (JICA) (<https://www.jica.go.jp/english/index.html>) as a soft loan at 0.1 percent per annum with repayment period of 50 years, including a grace period of 15 years.

In December 2015 (https://www.mea.gov.in/bilateral-documents.htm?dtl/26176/Joint_Statement_on_India_and_Japan_Vision_2025_Special_Strategic_and_Global_Partnership_Working_Together),

PM Modi and his Japanese counterpart issued a joint statement agreeing to introduce the high-speed railway system on the Mumbai-Ahmedabad project. In August 2017 (<http://pib.nic.in/newsite/PrintRelease.aspx?relid=170771>), Modi and his Japanese counterpart Shinzo Abe laid the foundation

Both wildlife and CRZ clearances secured

While recommending the wildlife clearance to the project, the standing committee had observed that a wide variety of avi-faunal diversity is found in the area and called for measures for conservation of their habitat. It also stated that "site and funds (should be provided) for penal plantation of at least five times the number of mangroves plants anticipated to be lost in this project."

The projects that come to NBWL's standing committee are made public in an agenda well in advance. But the proposals regarding the bullet train project were not mentioned in the agenda (http://forestsclearance.nic.in/writereaddata/Order_and_Release/Agenda/52.pdf) and were only taken up in the January 10, 2019 meeting with the permission of the Environment Minister Harsh Vardhan. In other words, the public had no idea that the bullet train project would be considered for wildlife clearance during that meeting.



The bullet train project has got clearance for diversion of over 200 hectares from wildlife sanctuaries in Maharashtra. Photo by Ranjan Ghosal/Wikimedia Commons.

Meanwhile, the CRZ clearance for the bullet train project came during the January 25, 2019 meeting of the Union Ministry of Environment, Forest and Climate Change's (MoEFCC (<http://www.moef.gov.in/>)) expert appraisal committee (EAC) for projects related to CRZ.

During the meeting, the National High-Speed Rail Corporation Limited (NHSRCL (<https://www.nhsrcl.in/>)), which is leading the project from planning to execution, construction, operation and maintenance of the bullet train, made a presentation where it informed that there are no ecologically sensitive areas in the proposed project in CRZ area of Bharuch district in Gujarat and that the "nearest bridge is located at 5.75 kms (aerial distance) downstream of the project side in Narmada river".

"More than 90 percent of the alignment has been changed to viaduct structures although the feasibility report had proposed more than 60 percent on the embankment. This reduces the requirement of land (17.5 metre width against 36 metre) and ensures no obstruction to humans, wildlife and natural flow of waters. It will also provide seamless crossing at all places and provide sufficient clearance of 5.5 metre (highest for roads) over an existing road network, thus, greatly improves safety and security perception against external interference," NHSRCL told the EAC as per the minutes of the committee's meeting (<http://environmentclearance.nic.in/writereaddata/Form-1A/Minutes/01022019LEMK1QX7FINALMINUTES207MEETINGJANUARY252019.pdf>).

It also stated that the bullet train project "falls within the CRZ, at Bharuch, where a bridge is to be constructed across Narmada river."

The expert committee observed that "though the project in itself may not entail any serious CRZ consequences on the Gujarat side of the alignment, the project proponent need to ensure that the flow regime of Narmada river is not affected or altered due to the civil construction associated with the proposed project."

EAC also noted that a representation from an NGO was received and the "contents of the representation were perused and deliberated and it was decided that the project proponent shall submit a written response for records."

"Based on the deliberations held and submissions made, the Committee decided that in the larger public interest the instant proposal can be recommended for CRZ clearance for project areas falling in CRZ areas of Gujarat," noted the minutes of the EAC's meeting.

However, EAC recommended clearance on the condition that the project activity "shall not create any alteration to the flow regime of Narmada river and construction material including debris shall be disposed (of) safely in the designated areas."

It also stipulated that no groundwater shall be extracted to meet with the water requirements during the construction and operation phases, construction camps, if any, shall be located outside the CRZ areas and that an external agency of repute shall be appointed for supervision and monitoring of proposed activities in the CRZ areas.

But the farmers of Gujarat, who have been vehemently opposing the project and have challenged the land acquisition process in the state, are ready to legally challenge the CRZ as well.

"They have taken the CRZ clearance in violation of the law. We have already started the work to legally challenge it," Gujarat Khedut Samaj's (GKS (<http://www.khedutsamaj.org/>)) President Jayesh Patel told Mongabay-India. GKS claims to have a total membership of over 500,000 farmers in Gujarat.

Patel said that their arguments in the case in the Gujarat High Court regarding the land acquisition process for the bullet train project have ended and they expect a judgement by the end of February 2019. "We are fully confident that we will get justice," said Patel.

Land acquisition issue remains unresolved

According to Union Minister of State, Ministry of Railways, Rajen Gohain, "there have been a few agitations limited to some localised areas."



Farmers in Gujarat are already fighting a court case against the land acquisition process for the bullet train project. Photo by Mayank Aggarwal/Mongabay-India.

"All efforts have been made to clarify the doubts regarding the compensation and other entitlements so that the project affected persons are persuaded to give their consent for land acquisition. Land acquisition has been taken up on a consent-based approach by offering additional monetary benefit over and above the land compensation prescribed as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. There has been no dilution of Land Acquisition and Rehabilitation and Resettlement extant Policy," said Gohain while replying to a query (<http://164.100.47.194/Loksabha/Questions/QResult15.aspx?qref=77042&lsno=16>) in parliament on January 2, 2019.

The total land required for the bullet train project is 1,434.4 hectares.

"Application/requisition for the acquisition of the entire requirement has been given to respective state governments of Gujarat, Maharashtra and union territory of Dadar and Nagar Haveli (DNH). Relevant notifications under Section-11 (in the state of Gujarat and DNH) and Namuna-1 (in the state of Maharashtra) have been published for approximately 140 hectares. Joint Measurement Survey (JMS) has been completed for 1,064 hectares. 37 hectares of private land has been acquired till date for the project," Gohain told the parliament while replying to another query on January 4, 2019. The numbers imply that till that date, less than three percent of the required land has been acquired by the NHRCL, even as the deadline for completing the land acquisition process was December 2018. The government aims to start the bullet train by 2022 when India will be celebrating the 75th anniversary of its independence.

Queries sent to the NHRCL regarding the status of the land acquisition remained unanswered till the time of publishing this story.

Tribal communities from Palghar area in Maharashtra as well as the farmers from Gujarat have sent a letter to JICA informing them about their opposition to the project.

Shashi Sonawane of the Bhumi Putra Bachav Andolan, who is working with tribal communities in Palghar, Maharashtra, said that "none of the issues raised by tribal people in this area have been resolved as yet."

"We will not allow the government to acquire the land of the tribal people in Palghar. When JICA representatives visited us and the farmers in Gujarat, we told them that their investment in bullet train project is a dead investment. We told them we need railways and that the amount they are giving to the Indian government on loan can be used upgrading and modernising the crumbling railway system of the country," Sonawane told Mongabay-India.

He said they also informed JICA representatives that the process adopted by the government of India for the bullet train project is against JICA's guidelines.

"We require JICA's guidelines for environmental and social considerations be complied with in all our funded projects. With regard to high speed rail project, we did meet with affected farmers, and the concerns raised then have been briefed to the relevant authorities of the government of India. The relevant authority agreed to take due process of

land acquisition by following our guideline," said JICA in reply to Mongabay-India's queries.

Read more: Will resettlement issues cause a bumpy ride for the bullet train project?

(<https://india.mongabay.com/2018/09/28/will-resettlement-issues-cause-a-bumpy-ride-for-the-bullet-train-project/>)

Read more: The bullet train may trigger social conflict and have significant environmental cost

(<https://india.mongabay.com/2018/10/05/the-bullet-train-may-trigger-social-conflict-and-have-significant-environmental-cost/>)

Banner Image: A representational image of a bullet train. Photo

(https://commons.wikimedia.org/wiki/File:JR_Central_Shinkansen_700.jpg) by Sui-setz/Wikimedia Commons.

[**Editor's Note:** a response from JICA has been added later, since we received it after we published the story.]

Article published by mayank