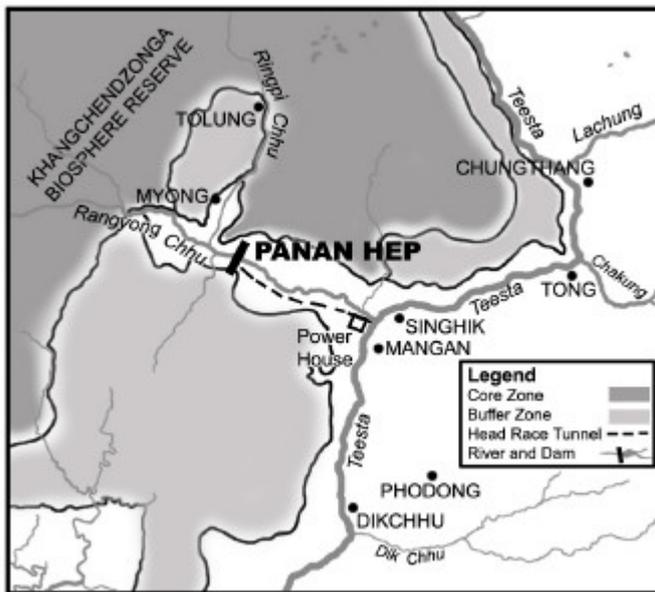


## Lepcha Protests against Panan HEP in Sikkim

The Sikkim govt has said that the 280 MW Panan HEP in the protected Lepcha reserve of Dzongu in North Sikkim did not pose a threat to the ecology and culture of the area and that the Union Ministry of Environment and Forest has barred the developers of the project from setting up any labour colony within the Dzongu region. However, the govt statements were ineffective and the protest fast by the affected people continued beyond 44 days. A number of organisations including Delhi Forum, Kalpavriksh, SANDRP and others wrote to the Prime Minister and the President of India, without any response, so far.



Meanwhile on July 18 the Supreme Court's Central Empowered Committee asked the Sikkim government to respond to the issues raised by the Lepcha community. The Affected Citizens of Teesta had approached the committee stating that part of the Panan project would affect the Khangchendzonga National Park.

The Sikkim Pollution Control Board listed the project as a 300 MW project for which public hearing was conducted on Sept 18, 2006. The project is to be developed by the Hyderabad based company Himagiri Hydro Energy Pvt. Ltd. However, in June 2007, the website said the project will have a capacity of 200 MW. The Report (Dec 2006) on the Carrying Capacity Study of the Teesta Basin in Sikkim, by the Centre for Inter-Disciplinary Studies of Mountain and Hill Environment, Delhi University also mentioned the project as a 200 MW one. It is not clear how the project installed capacity was increased to 280 MW and then to 300 MW.

The project was cleared by the Ministry of Environment and Forests on Jan 2, 2007 as a 280 MW project. The clearance letter stated that the project in the North Sikkim district involves a 56 m high concrete gravity dam about 1.75 km downstream of the confluence of the

Rangyong Chhu and Rimgpi Chhu, near Linigaza village in Mangan Subdivision on the Rangyong Chhu (also called Tolung Chhu), a tributary of Teesta. The project requires 56.835 ha of land, including 23.629 ha of forest land. The clearance letter says, "The surface power stations would be located on the right bank of the Tolung Chhu river", but this seems to be a mistake, for according to the CISMHE report, an underground power house is to be located on the right bank of the Teesta river at the confluence of Tolung Chhu and Teesta River, near Panan Town and that the project involves a 9 km long head race tunnel. The Rs 1375.66 crore project will displace 116 families, rendering 9 families landless. The clearance letter states, "The Dzongu region is provided with special status under Article 371 (F) of Indian Constitution for preserving the Lepcha culture. Labour colony as well as staff colony should not be set up within the Dzongu region." How this will be possible, considering that the project is coming up inside the Dzongu region is difficult to understand.

The clearance letter says, "Total 4005 ha of very severe & severe degraded catchment area has been identified and proposed for treatment in four years for checking the siltation." This includes carrying out Catchment Area Treatment works inside the Khangchendzonga Biosphere Reserve, 2442.5 ha in Core Zone- 1 (Khangchendzonga National Park) and 1562.5 ha in the Buffer Zones – III and IV of the KBR. The CAT works include activities such as construction of brush wood check dams, DRSM check dams, crate wire check dams, bench terracing and afforestation. These activities will involve considerable procurement of material (stone, brushwood, poles etc.) as well as alteration of landscape and wildlife habitat (terracing, contour trenching, fencing off areas for afforestation) inside the Biosphere Reserve, including the Core Zone – the KNP. The 2000 notification of the Khangchendzonga Biosphere Reserve by the MoEF clearly states that "the Core Zone of the Biosphere Reserve will be kept absolutely undisturbed".

The Hon'ble Supreme Court in its order dated 14-02-2000 in T.N. Godavarman v. Union of India WP (C) 202 of 1995 held, "*in the mean time, we restrain respondents No.2 to 32 from ordering the removal of dead, diseased, dying, or wind fallen trees, drift wood and grasses etc from any national park or game sanctuary or forest.*"

The ACT application highlighted that the proposed CAT activities inside the protected area is in complete violation of the above mentioned order and hence clearance to the HEP should be cancelled. The CEC has issued notice to the Sikkim government in this regard. (Assam Tribune 050707, DTE 150807, Forest Case Update 36)