

THE ANTI-SEZ MOVEMENT IN INDIA

An Account of the Struggle in Maharashtra

Dr. Sampat Kale

SEZ



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NATIONAL CENTRE FOR ADVOCACY STUDIES (NCAS)

National Centre for Advocacy Studies, Serenity Complex, Ramnagar Colony, Pashan, Pune – 411 021, Maharashtra.
Tel.: (91-20) 2295 2003/ 2295 2004; Fax:(+91 20) 2295 1857, Email: ncas@vsnl.com ; Website: www.ncasindia.org

Credit

Author:

Dr. Sampat Kale is working in Campaign Support and Networking Unit with National Centre for Advocacy Studies (NCAS), Pune. He is involved with the Anti SEZ campaigns in Maharashtra in the context of livelihood of farmers and other marginalized sections. He works on issues of livelihood such as Land, Water, Forest and Employment.

Series Editor:

Shirish N. Kavadi

Editorial Team:

Nicola Macnaughton
Jamie P. Gordon

Cover & Layout:

Ashok Nirgulkar
9881231865

Printed at:**Published on:**

February 2010

**Published by:**

NATIONAL CENTRE FOR ADVOCACY STUDIES
(NCAS)

Serenity Complex, Ramnagar Colony, Pashan,
Pune – 411 021, Maharashtra.

Tel.: (91-20) 2295 2003/ 2295 2004;

Fax: (+91 20) 22951857,

Email: ncas@vsnl.com ; Website: www.ncasindia.org

for Private Circulation Only

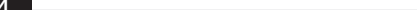
Preface	3
Acnowledgements	5
Introduction	7
Special Economic Zones in Maharashtra	8
Anti-SEZ Struggle and the referendum against Maha Mumbai SEZ, Raigad	11
<i>Testimonies of Raigad</i>	16
Farmer's Struggle against Land Grab, Pune District	20
<i>Testimonies of Pune</i>	23
People's Struggle against SEZ and MIDC, Sinnar, Nashik District	25
Dharavi Bet Bachao Sangharsh Samiti, Gorai, Mumbai	27
Summing up	29
Annexure	30
<i>List of In-Principle Approved SEZs in Maharashtra, 2009</i>	31
<i>List of Formally Approved SEZs in Maharashtra, 2009</i>	33
<i>List of Notified SEZs in Maharashtra, April 2009</i>	39
<i>SEZs : Sectorwise Distribution</i>	43
<i>SEZs : Statewise Distribution</i>	44
The Maharashtra State Sez Act, 2002	45



Nearly a decade ago the Government of India introduced a Special Economic Zone (SEZ) Policy. The aim of the Policy is to promote export oriented industrial and economic development. For the proponents of rapid development of India SEZs are engines of high economic growth. Tax concessions and other incentives have, however, resulted in a large scale land acquisition process most of which is forced and not necessarily through very legitimate means. With the state resorting to the principle of 'Eminent Domain' the meaning of the term 'public purpose' has not just been distorted but subverted. More than a thousand SEZs all over the country have been sanctioned in the last ten years. The land required for these is estimated at 1, 60,000 hectares. As private developers and the governments set about acquiring this land it has caused great discontent in rural areas. For the other side of the story is that the common people in the affected areas are being alienated from land on which their traditional habitats have been located and on which their traditional livelihoods depend. It is often not realized and recognized that while land ownership in rural areas may be limited to a few families the fact is that the lives of several more families depend upon that same land although they may not own it.

The owners of large tracts of land may receive what may appear as large monetary compensation for the land acquired but as experience shows the ability of most to put it to gainful and long term sustenance is doubtful. Thus, while the socially marginalised and economically deprived are the worst affected by this process of land acquisition even those who apparently gain in the immediate context may actually be losers in the longer term. Both, as a result of the morally and legally questionable and insensitive manner in which the land is being bought up by corporate companies, developers and government and the realization that this form of development is but nothing but a chimera as far as the rural population and especially the marginalised are concerned has raised feelings of resentment against the companies and government. These feelings have led to opposition and resistance which has organised itself into struggles and movements against SEZs in different parts of the country. Maharashtra where some of the largest number of SEZs have been proposed and even sanctioned has witnessed since 2006 the emergence of a strong people's campaign against SEZs. This publication is an account of this struggle. It has been written from the vantage point of an insider for NCAS has actively extended its support to this movement. It is hoped that this narrative of the anti-SEZ struggle in Maharashtra will be found useful by not only those engaged in similar struggles elsewhere in the country but all who are committed to the cause of the rights of the marginalised and for a socially just society.

Shirish N. Kavadi



The present study focuses on the Anti-SEZ movement in Maharashtra within the framework of people centred advocacy for social justice to the marginalized sections of the society. This study is an account of the people's struggle for their livelihood rights especially land, water, forest and employment rights. It also describes the opposition of the affected people to the concept of Special Economic Zone, which is anti- poor, anti- labour, anti-farmers, and anti-people in general.. I hope this paper will help all activists, researchers, students, journalists and decision makers to debate and discuss the various issues and challenges arising from SEZs in Maharashtra and across the country.

This paper is based on my experience and deep involvement in the people's movements in Maharashtra. It is a documentation of four years of the anti-SEZ campaigns in Maharashtra. My deep gratitude to the President of Jagtikikaran Virodhi Kruti Samiti, Maharashtra and leader of Peasants and Workers Party Prof. N.D. Patil, senior environmentalist and leader of National Alliance of People's Movement Ms. Medha Patkar, senior Right to Information activist and President of NCAS Ms. Aruna Roy, leader of Sarvahara Jana Andolan, Ms. Ulka Mahajan, leader of Sharamik Kranti Sanghatana Ms. Surekha Dalvi, leader of Nagari Hakka Suraksha Samiti, Mr. Manav Kamble and Maruti Bhapkar.

My sincere thanks to Mr. Uttanrao Bodke, Mr. Sunil Pote, Vilas Patil, Mr. Peter Gudino, Mr. Neville D'souza, Ms. Vaishali Patil, Mr. Arun Shivkar, Mr. Ganesh Thakur, Mr. Prasad Bagve, Ms. Suniti S. R, Mr. Dadasaheb Rode, Mr. Balasaheb Warkhede, and Mr. Vitthal Tambe and all other activists, journalist and academic friends for their help in providing information and a better understanding of issues..

My sincere thanks also to Mr. Shirish N. Kavadi, for motivating me, reading the manuscript and making valuable suggestions in the writing of this paper. It is my privilege to thank Mr. Amitabh Behar for guiding me in several ways in people's struggles for their livelihood rights. I sincerely thank Ms. Jamie Gorden, Ms. Rifat Mumtaz, Ms. Nicola Macnaughton, Preeti Sampat and Sumanya for their immense help in discussion and editorial support. The numerous activists and friends, not all of whom can be named here, I thank them all for their immense help.

It would not have been possible for me to complete this study without the support and cooperation of my colleagues from NCAS. My special thanks to NCAS family members who are committed to rights based development and people centred advocacy. And finally, I would like to thank Ashok Nirgulkar for designing the cover and the layout.

Dr. Sampat Kale



In recent years, the debate over government land acquisition for industrial projects and development through Special Economic Zones (SEZ) has grown increasingly contentious. Throughout India, people have been resisting forced land acquisition for development projects and related issues of displacement, loss of livelihood, employment insecurity, disrespect for local self-governance, and exclusion of marginalized communities. Opposition to SEZs by affected communities has primarily taken two forms; whilst some have used violent methods to express resistance, others have employed non-violent tactics of political activism to express their needs.

Whilst protests against land acquisition have occurred throughout India, resistance has been particularly strong in the regions of Nandigram and Singur in West Bengal, Kakinada and Anantpur in Andhra Pradesh, Mangalore and Bangalore in Karnataka, Kancheepuram and Chennai in Tamil Nadu, Delhi, Goa and Maharashtra. The strong and well mobilized peoples' movement in Maharashtra has slowed the process of land acquisition and recently seen denotification to the cancellation of SEZ projects. This account focuses on several instances of grassroots resistance to SEZs in Maharashtra and the extended support role of the National Centre for Advocacy Studies (NCAS) in these struggles, particularly in networking and alliance building, strategic planning and knowledge building. NCAS has been providing support to civil society movements as they struggle to obtain recognition for their livelihoods, human rights and justice.

Farmers in morcha, Sinnar



Special Economic Zones in Maharashtra

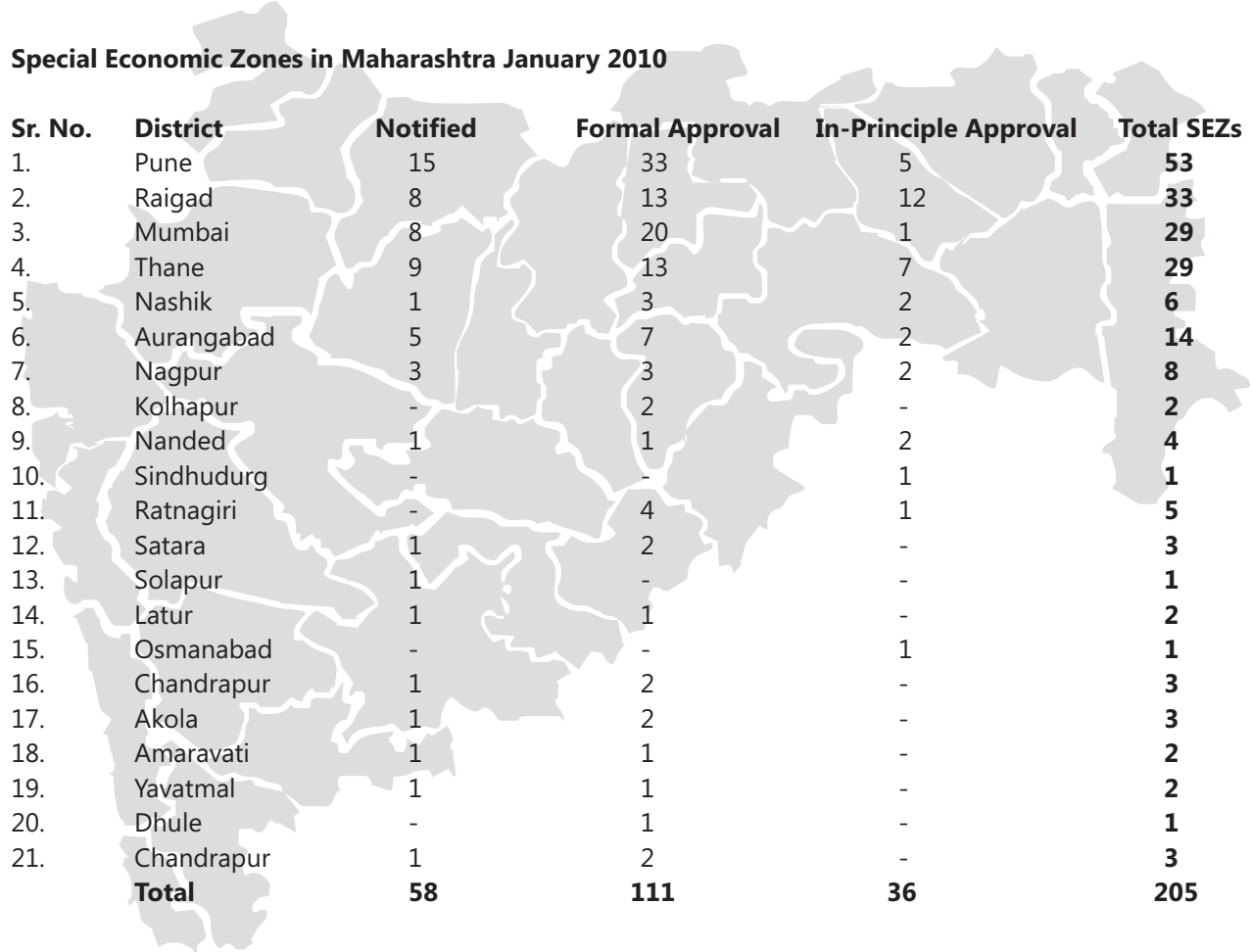
With 205 SEZs sanctioned in August 2009, the state of Maharashtra has the most number of approved SEZs of all the states in India¹. This figure has grown considerably since 2006, when the state had sanctioned only 48 SEZs. Of Maharashtra's approved SEZs, 111 have received formal approval, 36 have received in-principle approval, and 58 have been notified under the SEZ Act.

Maharashtra's SEZs are being developed principally by private companies, though some have come up through public-private partnerships. The Maharashtra Industrial Development Corporation (MIDC), for example, is developing 22 SEZs in the region, primarily in the districts of Raigad, Thane, Pune, Nashik, Aurangabad and Amaravati².

Opposition to SEZs in Maharashtra is widespread and centers on three issues.

1. The government's provision of special benefits to developers at the cost of Indian citizens;
2. Forced acquisition of privately owned land;
3. Government failure to include affected citizens in the development process.

Special Economic Zones in Maharashtra January 2010



Sr. No.	District	Notified	Formal Approval	In-Principle Approval	Total SEZs
1.	Pune	15	33	5	53
2.	Raigad	8	13	12	33
3.	Mumbai	8	20	1	29
4.	Thane	9	13	7	29
5.	Nashik	1	3	2	6
6.	Aurangabad	5	7	2	14
7.	Nagpur	3	3	2	8
8.	Kolhapur	-	2	-	2
9.	Nanded	1	1	2	4
10.	Sindhudurg	-	-	1	1
11.	Ratnagiri	-	4	1	5
12.	Satara	1	2	-	3
13.	Solapur	1	-	-	1
14.	Latur	1	1	-	2
15.	Osmanabad	-	-	1	1
16.	Chandrapur	1	2	-	3
17.	Akola	1	2	-	3
18.	Amaravati	1	1	-	2
19.	Yavatmal	1	1	-	2
20.	Dhule	-	1	-	1
21.	Chandrapur	1	2	-	3
	Total	58	111	36	205

1: www.sezindia.nic.in

2: Manecksha, Freny (2007): Innovative Projects, Frontline, November 16, P.108.

According to a statement made in October 2001, the SEZ policy of the Maharashtra Government is intended to "promote the establishment of large, self contained areas supported by a world class infrastructure oriented towards export promotion". Any private, public or joint company (Indian or foreign) can set up SEZ, consisting of industrial operations, service and/or trade components. Both National and State SEZ policies emphasise a 'hassle-free environment' for the zones, offering developers exemptions on taxes such as stamp duty and registration fees. The SEZ foreign territory status allows businesses to import or procure materials- including capital goods, raw materials and office equipment- duty-free and without license or specific approval³.

SEZs are permitted 100% foreign direct investment (FDI) in manufacturing activity and individual investments in SEZ are exempt from income tax. Offshore banking units are permitted in SEZs with 100% income tax exemption on profit for the first 3 years and 50% exemption for the following two years. SEZ developers are also exempt from income tax on capital for any block of 10 years in 15 years and from electricity duty for 15 years in certain demarcated zones.

The 2005 SEZ Act further benefits corporations by allowing companies within the zones to operate outside of India's labour laws. Such businesses may legally violate the Panchayat Raj Act 1996, the Coastal Regulation Zone and other significant pieces of legislation which protect citizens and promote socioeconomic rights. The Act permits SEZs to function as foreign territory without regard to national law. While these policies were ostensibly enacted to promote growth, the Union Finance Ministry estimates that the SEZ tax policy will cause the government to lose at least Rs. 70,000 crore⁴. In a 1998 report on early SEZs, the Comptroller and Auditor-General stated that "customs duty amounting to Rs.7, 500 crore was forgone for achieving net foreign exchange earnings of Rs. 4,700 crore." According to the CAG Report, "the government did not seem to have made any cost benefit analysis." The Planning Commission of Maharashtra also questioned the logic of SEZ policy, claiming that "it will create regional imbalances and revenue loss."

Livelihood Resources Diverted

WATER While the official water policy of the Maharashtra Government claims to place industrial use of water as a second priority after drinking water, the state offers SEZs 'adequate water supply' and has been willing to do so at the cost of common citizens⁵. During a time of great water shortage, the government has diverted drinking and agricultural waters to SEZ projects. For example, drinking water from the Hetwane dam has been diverted to the Maha Mumbai SEZ in Raigad district. In Pune and Nashik districts, water from various dams has been allocated for future SEZ projects. Farmers in need of water for irrigation face loss of livelihood due to this resource diversion.

3: Government of Maharashtra (2001): 'Special Economic Zones in Maharashtra', Resolution No. (152)/IND-2 Industries, Energy & Labour Department Mantralaya, Mumbai.

4: Vaidyanathan R (2006): www.thehindubusinessline.com/2006/09/07/stories/2006090702151000.htm

5: Government of Maharashtra (2003): Department of Irrigation, "Maharashtra State Water Policy", Mumbai.

LAND

Proposed SEZs in Maharashtra require approximately 1,59,123 acres of land. The government plans to acquire this land using the Land Acquisition Act 1894 (LAA) and the Maharashtra Industrial Development Act 1961 (MIDA). By forcibly acquiring large tracts of land and then transferring them to developers for high rates, the Maharashtra State Government is grossly misrepresenting the concept of “public purpose” written in the MIDA and LAA. A government organization, the MIDC has failed to represent the interests of the people and instead functions more as an agent between SEZ developers and farmers.

The predominant role of the MIDC in the SEZ process is a cause for concern due to the organization's record of complicity in fraudulent practices. Several MIDC plants have fully utilized government tax benefits, shut down, and re-opened with new names in order to further exploit government benefits.. Such practices have occurred in MIDC plants in Aurangabad and Thane leading to a colossal loss of revenue for the government. A Government of Maharashtra Public Accounts Committee Report, notes that, “industrial units obtained all kinds of subsidies for [a] period of ten years and then closed their units, losing the government Rs.70,000 crores revenue⁶”. That something similar may be repeated with regard to SEZs cannot be discounted given that the MIDC has been given the authority to earn huge tax-exempt profits on acquired lands.

The process of compulsory land acquisition for SEZ projects also presents serious concerns. Authorities often do not distinguish between non-fertile and non-productive land and land used for agriculture. Without consulting local populations, the MIDC has identified for procurement high quality arable lands which produce single or multiple crops. Such land acquisitions, estimated at one lakh hectares, have caused widespread discontent. These predominantly agricultural, multi-cropped lands produce millions of tonnes of food grains and will cause a significant loss of food security if replaced with SEZ projects.

Furthermore, SEZ units have the option to utilize as little as 35% of total land area for industrial activities and to utilize the remaining 65% of area for commercial real estate. Commercial real estate activities proposed and planned as SEZs take advantage of tax, water, and legal benefits in order to maximize profits. A focus on real estate development within SEZs may lead to extensive speculation in the land market causing an array of national economic problems.

Local Self-Governance Denied

The SEZ policy of the Maharashtra Government has excluded citizens from the development process and shown a lack of respect for local self-governance. Throughout the state, villagers have come together to express concern over development projects, but the government has not been responsive.



6: Government of Maharashtra (2006): *A Report of Public Accounts Committee*, Report No.5, 18 July, Mumbai

The State Government has also refused to consult farmers in the land acquisition process. Land has been forcibly acquired in many cases without proper investigation, survey, or compensation. While former Maharashtra Finance Minister Mr. Jayantrao Patil has voiced concern over the process of coercive land acquisition for SEZs, Mr. Patil had raised the issues of tax concessions to SEZs but still the government has not taken action on the matter.

Against this background, affected people have begun to organize in opposition to land acquisition and development projects throughout Maharashtra. These people view SEZs as engines of globalization that increase monopolization of power, unequal development and marginalization of the poor. Farmers in Raigad, Nashik, Mumbai, Pune, Aurangabad, Amaravati and Nagpur district have come together to take a stand against SEZs.

Anti-SEZ Struggle and the referendum against Maha Mumbai SEZ, RAIGAD

Raigad, Maharashtra has over the last few years seen a flood of companies interested in setting up SEZs move into the district. The district currently has 29 SEZ proposals spread over almost 50,000 acres of land. While the government estimates that only 50,000 people will be affected by SEZs in Raigad, more than 2 lakh people are directly or indirectly dependent on local economies and would thereby be impacted by such projects.

Reliance Industries Limited (RIL) is one company which has proposed setting up a multi-service SEZ in Raigad. RIL has sought to acquire approximately 14,000 hectares of land for its Maha Mumbai SEZ. Local residents, who largely belong to the adivasi Katkari tribe, the Koli (fisher) community and the OBC Aagri community, currently use this land for agriculture, salt production, and grazing.

Villagers in 22 villages in Pen and Uran talukas in Raigad began opposing RIL's Maha Mumbai project as soon as land acquisition notices were served in 2006. Protests against the SEZ were led by local farmers, workers' unions, civil society groups, and organizations such as the *24 Gaon SEZ Virodhi Sangarsh Samiti*, *Jagtikikaran Virodhi Kruti Samiti*, Peasants and Workers Party, National Alliance for People's Movement, *Janata Dal*, *Samajwadi Jan Parishad*, and *Rashtra Seva Dal*.

The first agitation of farmers was organised by the local *Pen Panchkroshi Sheti Bachao Samiti* (Committee to Save the Farmland) and National Centre for Advocacy Studies (NCAS) 24-25 June 2006 at Bardawadi near Pen. This initial meeting was attended by various organizations in the Konkan region, including representatives of National Alliance of People's Movement (NAPM), People's Political Front (PPF) and *Shoshit Jan Andolan*. Those present at the meeting began planning a detailed campaign against RIL, intended to widen the struggle against Maha Mumbai SEZ by involving affected people throughout Maharashtra and India⁷.

7: Sangvai, Sanjay (2006): 'This Time, Land-Grab by Rich: The Politics of SEZs in India', The Battle Most Hard in Advocacy Internet, National Centre for Advocacy Studies, Vol. VIII, No.3, May-June (published in November) Pune.

Local activist Arun Shivkar expressed the spirit behind the meeting: "There is no question of increased compensation for the land – we just do not want to give our land to Reliance." Ganesh Thakur reiterated this sentiment, noting "*we have given our land for development for public purposes, especially roads, harbours, airports, railways, dams, [and] schools...we will do that even now, but we will not give our land to private companies.*"

The Government of Maharashtra was initially responsive to these protests against the RIL SEZ. On 12 December 2006, a people's delegation led by the *Jagtikarn Virodhi Kruti Samiti* met the then CM Mr. Vilasrao Deshmukh and Rehabilitation Minister Mr. Patangrao Kadam in Nagpur during the winter session of the Maharashtra Assembly. Government officials assured the anti-SEZ delegation that irrigated and agricultural lands connected with the Hetwane Dam would not be acquired for development projects. They also gave their word that the government would not acquire land without prior consultation with landowners. Despite these announcements, no action was taken to withdraw the project acquisition notices.

Following this failure on the part of the Maharashtra Government, the *Jagtikaran Virodhi Kruti Samiti* organized a state level *Jagar Yatra* from 3-12 January 2007 to create and build public awareness on the issues relating to Maha Mumbai and other SEZs in the region. The *Yatra* covered Raigad, Mumbai, Pune, Aurangabad, Parbhani, Nanded, Chandrapur, Amaravati and Nagpur districts. Leading activists, farmers, labourers, and others participated in the *Yatra*, chanting slogans like 'Repeal the SEZ Act' and 'Save our sovereignty'.

On 14 February 2007, the *24 Gaon SEZ Virodhi Sangarsh Samiti* organized a relay hunger strike to further protest government inaction on unjust land acquisition for RIL's Maha Mumbai SEZ. The strike lasted until 5 March and helped persuade the state government to again promise action on the issue. On 23 March 2007 in a *Rasta roko* in Raigad, government officials told leaders of the Peasants Workers' Party and the *Jagtikaran Virodhi Kruti Samiti* that the matter of forced land acquisition would be discussed in a Cabinet Meeting. Whilst activists expected a hearing on the issue, the government avoided any public discussion and instead issued a notification under the LAA stating that the land at Pen and other areas would be acquired for Maha Mumbai.



Prof. N. D. Patil addressing to farmers

In addition to failing to respond to protests about land acquisition, the Maharashtra State government also failed to follow its own procedural policies. After having issued initial land acquisition notice section 4 (1) to farmers of Raigad on 9 June 2006, the state government was supposed to have issued a second notice within the year. The farmers were glad that their opposition to government policy had stalled the land acquisition process but there were also apprehensions that the government's delayed response could as well mean that the government was up to some tricks against the farmers. On 21 June 2007, approximately one thousand farmers gathered to express their continued opposition to RIL's SEZ to force a response from the government and to set at rest the exact government position on the issue. Protestors, who were part of the Anti-Land Acquisition and Anti-SEZ Committee (ALAASC), demonstrated against the government by burning land acquisition notifications in front of the Special Land Acquisition Office at Pen. The protest was organized under the leadership of Prof. N.D Patil, Mr. Mohan Patil, Mr. Manav Kamble, Ms. Ulka Mahajan, Ms. Vaishali Patil, Ms. Surekha Dalvi, Mr. Ganesh Thakur, and Mr. Dharyasheel Patil.

At the protest, ALAASC member and senior lawyer Surekha Dalvi explained that the Maha Mumbai SEZ "is a government sponsored land grab by the rich and powerful. Already we are engaged in a struggle against such serious land related issues as implementation of Land Reforms and the restoration of *dali*, or *eksali* lands in Konkan or on *adivasi* lands in other forest-land area. And here the government has been allotting large tracts of lands, mostly by acquiring through Land Acquisition Act and passing it on to the private parties". Ulka Mahajan, the national convener of NAPM, furthered argued, "When the government has been cutting subsidies for farmers, workers and middle classes, then when it cannot assign a fraction of funds for rural employment guarantee scheme, the public distribution system is being dismantled. The people will not take it lying down".

Some farmers protesting with ALAASC expressed more intense frustration and anger over the SEZ issue. Mr. Ganesh Thakur claimed, 'the government is supporting SEZ companies ... and using government as an instruments to oppress farmers'. According to Thakur, opposition to SEZs would 'show our **Aagri Bheja** [anger]', and force the government to be accountable. Ms. Ulka Mahajan shared Thakur's sentiments and listed many promises broken by the government. She noted that the government had promised farmers water from the Hetwane Dam, but subsequently refused to build canals. The government began canceling local irrigation projects in order to maintain water supply for the SEZ and to ensure easy land acquisition. Although the government was refusing people their land and water rights, Mahajan emphasized that villagers '*will not give our mother land to any private company, whatever may happen*'. Mahajan was joined by other farmers in chanting slogans, like: "*Aamacha bhat aamacha masa reliance gal ghaltoch kasa! Denar nahi denar nahi aamchi kali aai denar nahi! Aamacha ladha nayayasathi manoos mahnhun jagnyasathi*" (roughly translated as: Our rice and our fish. How dare Reliance throw a bait! We will not give our land which is like our mother. Our struggle is for justice and life with dignity.)

Protests against RIL Maha Mumbai SEZ continued until 18 July 2007 at Pen, with almost 17 farmers and activists joining Professor Patil in an indefinite fast. The activists demanded that their 22 villages be excluded from the SEZ; that section 6 (1) of the land acquisition notification be scrapped; and that canals immediately be built on the Hetwane dam. On 24 July, Deputy Chief Minister Mr. R. R. Patil and Mr. Patangrao Kadam, on behalf of Chief Minister Vilasrao Deshmukh, promised that the government would exclude the 22 villages from Maha Mumbai. The protesters called off their hunger strike on the evening of 24 July in the presence of Medha Patkar, Prof. N.D. Patil and hundreds of farmers from Pen.

One year later, the government again failed to uphold its promises and the *Jagtikikaran Virodhi Kruti Samiti* organized another *Rasta roko* at Vashi Naka on 17 June 2008. During the *Rasta roko*, hundreds of farmers were arrested. Officials also arrested Prof. Patil, who declared that he would begin another indefinite fast in Mumbai against the apathy and broken promises of the Government of Maharashtra. Prof. Patil - an 82 year old with serious kidney related health problems - began his indefinite fast on 24 July 2008 at Aazad Maidan Mumbai. As his health deteriorated, he was admitted to J. J. Hospital, where he continued his fast.

To support Prof. Patil, farmers from Raigad, Pune, Gorai, Aurangabad, Dhule, Nandurbar, Beed, Nanded, Kolhapur and Nashik joined the fast. Amongst those who undertook the fast were Mr. Pannalal Surana, Mr. Dada Samant, Mr. Manav Kamble, Mr. Maruti Bhapkar, Mr. Janardhan Patil, President of the 24 Gaon SEZ Virodhi Sangharsh Samiti, Mr. Ganpatrao Patil MLA from Sangola, Mr. Vivek Patil MLA from Panvel and Uran, Mr. Gajanan Khatu leader of Lokrajniti Manch, Mrunaltao Gore, Medha Patkar leader of the Narmada Bachao Andolan, Mrs. Neelima Patil the Zilla Parishad President of Raigad and more than 2000 anti-SEZ activists. For three days, activists and others chanted slogans, sang songs and made speeches against Maha Mumbai and other proposed SEZs.

On 24 July, Chief Minister Mr. Vilasrao Deshmukh met a delegation of farmers to discuss the RIL SEZ. The hour long discussion revealed that the CM had been misled by his Revenue and Water Resources Secretary. They had told Mr. Deshmukh that irrigated land from the Hetwane Dam did not overlap with land being acquired for Maha Mumbai. Farmers explained that 22 villages in Pen actually received water from the dam and the government should not take their land. Upon learning this, the CM offered to bring the issue to the Legislative Assembly.



Raigad farmers protest against MMSEZ

On 25 July, the issue of land acquisition for RIL's Maha Mumbai SEZ was finally raised in the Legislative Assembly. Pressured by activists and farmers, several MLAs insisted that the 22 villages in question be excluded from SEZ immediately. Questions were raised in the Assembly by the legislators of the Peasants and Workers Party, Communist Party of India, Shiv Sena, and Bhartiya Janta Party. Both the Revenue and Water Resources Ministers participated in the discussion, which concerned their Ministries. However, in the absence of the CM the Ministers were unwilling to make a definite announcement and the opposition stalled the work and led a walk out of the Assembly.

Twenty sixth July 2008 marked the concluding day of the monsoon session and the third day of the indefinite fast. The Maharashtra State Government, under pressure to end the Assembly session, announced a decision on the Maha Mumbai SEZ. After the Revenue, Rehabilitation and Water Resources Ministers consulted, the Assembly announced that they would exclude the 22 villages from RIL's SEZ. Pressure from opposition parties in both the lower and upper houses of the legislature and the protesting farmers had persuaded the Government to respond to farmers and activists.

Legislators proposed a referendum to determine whether farmers wanted to sell their land to RIL. The government notified the Forest and Revenue Departments to prepare the referendum and provided one month notice to the 30,000 land holders in the Pen Block. On 21 September 2008, the government held the referendum and 6,199 of 30,000 farmers filed their opposition to the Maha Mumbai SEZ. Since each of these voters held an average of three plots of land, approximately 2/3 of all land owners actually opposed selling land to the SEZ.



Farmers participated in peoples audit of SEZ

While citizens clearly voiced their opposition to RIL's Maha Mumbai SEZ at Pen, the government has not yet declared the result of the referendum. However, the referendum itself has provided hope for many across India who are demanding similar votes before the establishment of development projects in their communities.



Testimonies of Raigad

**Name: Dilip Mukund Patil,
Taluka:Pen,
District: Raigad, MSEZ**

"I have a land holding of 4 acres, all of which was slated for acquisition by the government. There are 12 members in my family and all of them depend on agriculture for their basic income. I grow paddy, vegetables like cucumber and okra. My income is supplemented by fishing that I carry out on a pond constructed in my farm.

There has been a lot of false propaganda from the side of the government and also the company. An agent of the company went around telling the people that there is no use of agriculture. In fact, an organization organized an eye camp in the village and the agent went around taking down information regarding details of land holdings, types of crops, annual income etc. This was later made available to both the land acquisition office and the company office.

When a Parliament Committee came to Maharashtra, the District Collector (to show his loyalty to the company) refused to tell us about the Committee's programme and whereabouts. However, we found out the venue and when we reached there, the Collector was already present in the hall with the company's local agents who pretended to be farmers from Raigad. The real farmers were not invited while the Collector himself accompanied the agents. We exposed this fact before the Committee. The next day again we were fooled. The Committee was supposed to come to Raigad the next day. We were waiting for them in Khalapur, where the meeting was to take place. But the Committee was deliberately misguided and taken to some other place. When we called up the Chairperson of the Committee and insisted that they should come to Khalapur, we were threatened

Around 50-60% of the people in my village have already sold their land. Those who sold haven't got any compensation as yet. What about the intervening period of time between the sale of the land and the proposed development?"



**Name: Rajan Zemse,
Taluka: Pen,
District: Raigad, MSEZ**

"I have a total land holding of 3 acres. Of this 6 *gunthas* of land fall under the SEZ and are slated for acquisition. I earn an annual income of Rs. 2.5 Lakhs. Apart from cultivating land, I also engage in fishing and TV repairing. In the beginning assurances of employment were given by the government and this made all of us happy. However, as the implications of the SEZ dawned on us, we are convinced that this is not going to benefit us. Government is spreading propoganda saying that the SEZ is for development purposes. There are 99 cases opposing SEZs in the courts. The government's role in land acquisition has been that of mediator for the company and it has been deceptive.

SEZ is not good for the environment. The company will be emitting water, air and other pollutants and polluting the environment. The life forms in the sea will be destroyed by the pollution emitted into the sea. The water for cultivation will be diverted to the company. The government has lost the trust of its people. They should have taken the people into confidence. Instead, they function as puppets in the hands of the company. They no longer remain people's representatives.

If a similar amount of investment was given to the farmers, they would take care of their own development and make an SEZ of their own. Farmers can determine what their development would entail. If the government can give conclusive proof that the development they have planned will benefit the country and also us, then we would happily part with our land. The livelihoods of not only the landowners but also other communities living in the villages like the Adivasis are under threat."



**Name: Thakubai Thakur ,
Taluka: Pen,
District: Raigad, MSEZ**

"I am 72 years old. And I grow paddy on my land. A 100 people get employment in my land throughout the year. All these people will be rendered unemployed if the SEZ were to come up. The role of women in the struggle against SEZs is very important and has been amply shown by their persistence through several protests and even during the hunger strikes. This particular land is created and protected by our forefathers for generations. The agricultural community is known for this contribution. One acre of land provides 28 quintals of rice. Raigad is the rice bowl of Maharashtra and it is already an SEZ, an SEZ of rice. The livelihood of the farmers is under threat and a secure alternative has not been provided. 95% of the people have voted against the SEZs in the referendum conducted by the government."

Name: Arun Shivkar,
Taluka: Pen,
District: Raigad, MSEZ

He is an activist working with farmer's organization. His presentation was on the ways in which the people's right over water from the Hethavne Irrigation project was violated.



"The dam was built in 1981. The canals have been dug and about 75% of the work is over. People have been waiting for the last 27 years to get water for irrigation. Due to lack of funds the work could not be completed in time. After the announcement of the SEZ, the district officials received orders in writing to stop the work.

After several protests and especially after the 6 day protest fast by the farmers, the Maharashtra government assured to exclude the irrigated area from the SEZ. (As per central government's policy on SEZ) 22 villages from the SEZ area come under the command area of the Hetavane project. However, the assurance was not implemented. The second assurance was given by Chief Minister after Mr. N.D. Patil went on indefinite fast. But the Chief Minister announced that the opinions of the farmers will be sought. The referendum or opinion poll was declared and conducted.

Meanwhile, the High Power Commission by the Government of Maharashtra, changed the water distribution plan on 18th December 2007. This was not disclosed to the media or to the public. The decision includes giving more water to industries and Navi Mumbai and reduces the original water allocation meant for irrigation. The original allocation was 88 million cubic meters which was reduced to 30 million cubic metres. This was deceiving the farmers. If this decision was taken in 2007, why did the government announce the referendum process at all?

Name: Kusumtai,
Taluka: Pen,
District: Raigad, MSEZ



"There are 9 members in my family. All of my 4 acres of land is being acquired for the SEZ. We receive about 65 quintals of rice per year and use 21 quintals for our own consumption and sell the rest. Even in the barren land some vegetables are grown. The market price for one guntha is 4 lakhs. Money compensation and employment have been verbally promised and claimed but there are no written assurances. Compensation is a onetime income and is not comparable to the land that is being acquired considering that land is a perennial resource. And this land is the true wealth of the farmers. The onetime money compensation, however, does not stay and will be used immediately and then we will be left with nothing. When the agent came to tell me about the SEZ and to sell the idea to me telling me about the compensation package, I told him "you give me your land and I will give you mine". He was rendered speechless.

This land has been handed to us from generations of farmers who have worshipped this land and tended to it well. We are also blessed in being near the sea and having well developed road and railways. We do not need an SEZ in this area for our development.

Since there is no employment that has been guaranteed, the compensation money will be invested and we will, not only be rendered homeless and destitute, but also, we will be begging in the streets."



**Name: Ganesh Thakur, Village Vadhav,
Taluka: Pen,
District: Raighad, MSEZ**

"I am a farmer, a fishworker and a small time entrepreneur. I was myself employed in the MSEZ Company as an agent. After getting acquainted with the company's plan and intention, I decided to quit and join the struggle.

Every farmer was forced to transfer their power of attorney to the name of the company representative, Mr. Satish Vaidya. The agreement states that the farmer is selling the land because it is not good even for cattle grazing. This was done deliberately and the farmers were forced to withdraw their objections filed under Section 5A of Land Acquisition Act. These agreements were not explained or read out before the farmers. The farmers were compelled to sell the land because of the compulsory acquisition process, since 2006. No other transaction was allowed. Hence the needy farmers could not raise money through banks or cooperatives, but they could make transactions only with the company.

However, these farmers who have sold lands to MSEZ, don't want SEZ to come up, they have also expressed their opinion through the opinion poll. But the results of the opinion poll have not been taken into consideration and the final awards have been declared by the present collector. The collector who had refused to conduct this process in such a hasty manner was immediately transferred and a new officer was brought in the district."



Farmers Struggle against Land Grab in PUNE DISTRICT

In Pune district, the government has approved 54 SEZs for private sector industries such as Syntel International, Serum Institute, Mahindra Realty, Bharat Forge, City Parks, InfoTech Parks, Raheja Coroporation, Videocon and Xansa India. All SEZs are located around Pune, in areas like Pune Nashik National Highway, Pune-Bangalore National Highway, Pune Hyderabad National Highway and Pune Mumbai Highway. The MIDC has identified 7,500 hectares of agricultural land for procurement in the name of SEZ creation in Pune.

Opposition to SEZs has become apparent in many areas, including Karla near Lonavala, Khed-Rajgurunagar, Wagholi at Pune-Aurangabd highway and Karegaon near the Ranjangaon MIDC. It is particularly strong in the Khed taluka district of Pune, where farmers from Gulani, Wafgaon, Wakalwadi, Warude, Gadakwadi, Chaudharwadi, Chinchbaigaon, Jaulake Budruk, Jarewadi, Kanesar, Pur, Gosasi, Nimgaon, Retwadi, Jaulake Khurd, Dhore Bhamburwadi and Pabal face loss of their only source of livelihood from the creation of the Bharat Forge SEZ. These communities, primarily Maratha, OBC and *adivasi*, are chiefly engaged in agricultural activities. Their major crops are potato, onion, sorghum, jowar, rice, flowers and pulses. Many village youth have also initiated small-scale businesses like poultry, milk collection and pig raring.

Although these villages are near the Bhima River basin and surrounded by a small watershed, the government's lack of investment in infrastructure has left local farmers dependent on unreliable tanker water. Instead of meeting demands for sustainable irrigation schemes to improve the conditions of local farmers, the government seeks to reduce the land of local citizens in order to create an SEZ.

One farmer from the village of Gulani explained why the local population opposes the Bharat Forge SEZ: "We have cultivated enough to nourish the entire country and this needs to be continued for future generations. Land is our Mother, self-reliance, self-esteem, our livelihood, our identity and way of life so the government must not snatch it." Other farmers in Gulani furthered these claims by saying 'we will die, but will not give a single bigha [half acre] land to the MIDC or SEZ'.

While seventeen villages in the Khed taluka district oppose land acquisition for the Bharat Forge SEZ, four villages in the region have acquiesced to the project and given up almost 3,000 hectares of barren land. Land owners in these villages were provided compensation of 17 lakh per hectare and an employment guarantee for one family member.



Farmer Ploughing

However, those who sold land have yet to develop alternate sources of livelihood and many spent their compensation on unsustainable purchases. Women were excluded from the compensation process.

Because of the experiences of their neighbours, most farmers from the Khed taluka district are wary of government compensation schemes and determined to keep control of their lands. They first learned about SEZ land acquisition in April and May 2006 during an MIDC survey. Villagers from Gulani demanded information about the project under the Right to Information Act, but the government refused to comply, claiming that they lacked access to complete information. Villagers forcibly stopped the survey work and refused to allow officials to take any land. The struggle over acquisition continues today.

After the initial confrontation between villagers and the MIDC, concerned citizens formed a *Khed Taluka Purva Vibhag MIDC Virodhi Kruti Samiti* (Anti-Land Acquisition Committee from East Khed-Wafgaon and Gulani Village) to cancel the Bharat Forge SEZ and end land acquisition for the project. The committee organized a one-day mass protest at the Rajgurunagar-Khed Tahsil office on 11 July 2006. More than four thousand people participated in the protest, submitting a memorandum demanding that the government cancel land acquisition and allow villagers to retain control of their land. In addition, protestors demanded government provision of drinking and irrigation water, support for agriculture-allied activities and support to small businesses.

Farmers from Khed taluka warned the government that the fight against SEZs would continue until the Bharat Forge project was cancelled. According to one Gulani villager, 'we have faced displacement in the name of national interests like Chakan International Airport, [and] we will not tolerate further displacement.'

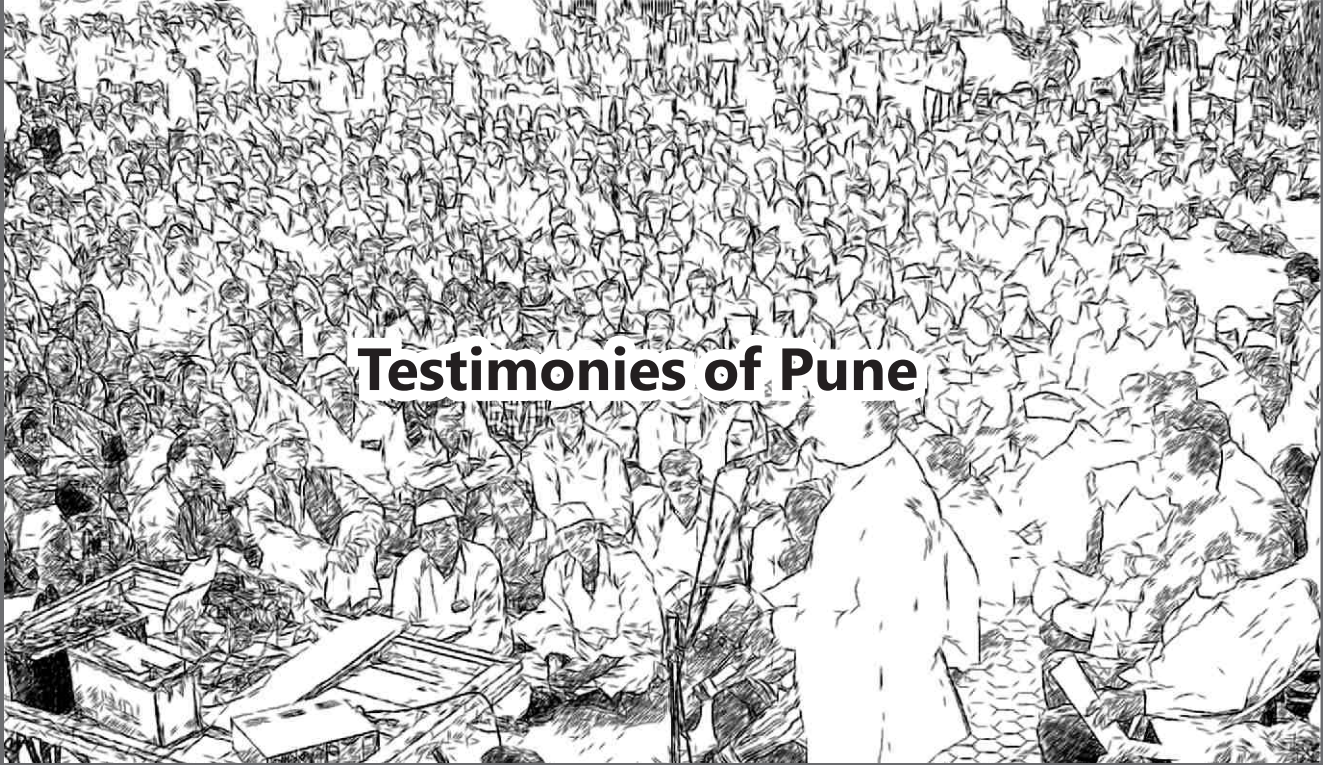
Rather than giving up land for SEZ development, villagers from the region seek improved infrastructure to participate in sustainable agricultural development. Many youth in the Khed block aspire to initiate their own agro business, such as floriculture, horticulture, dairy, poultry and vegetables. They have sought jobs in urban industrial companies but lack appropriate technical knowledge. These villagers claim that if the government provides adequate infrastructure, they can develop the region without SEZs and help provide food security for the nation.

The Maharashtra Industrial Development Corporation has reserved land from the four villages for industrial purposes and it was transferred to the Videocon SEZ project in Pune district. The government responded to the strong farmer opposition by canceling a large SEZ covering 5,000 acre of land in Wagholi village of the Haveli block had been earmarked by the MIDC in 2007 for several SEZs, including one for Videocon. In the four villages involved, about 3,000 acres of land was being used for two crops and irrigated by lift irrigation schemes, wells and bore wells. About 4,500 farmers were dependent on these lands, which produce wheat, millet, onion, sugarcane, seasonal vegetables and fruit.

Farmers, who formed a large part of the constituency of the Nationalist Congress Party, protested against the project. The farmers used their political bargaining power to get Mr. Sharad Pawar, Union Agriculture Minister to intervene and cancel the project. The farmers opposed the SEZ from the outset. They gathered at the District Collector's office in April 2007 and attacked Videocon employees who visited Wagholi for measuring land the next month. The protest forced the government to stay the proposed SEZ in November 2007. Eventually, the government cancelled the Videocon SEZ in Wagholi and removed MIDC stamps from the land records of farmers. On August 25, 2009 Mr. Ashok Chavan, who had replaced Deshmukh as Chief Minister of Maharashtra announced the scrapping of the SEZ in Pune and said that the identified land would be returned to the farmers. Violent protests by the villagers and fear of losing a seat in the forthcoming Assembly elections that were due in October 2009 allowed this SEZ to be scrapped. Now, the district administration is withdrawing the stamps from land records. This struggle demonstrates the strength of the farmers struggle against big corporates and their eventual victory.



Anti SEZ struggle Pune



Testimonies of Pune



Name: Maruti Bapkar
Village: Maan, Taluka: Haveli, Pune
SEZ: Rajiv Gandhi Infotech Park

"The process of land acquisition for the Hinjewadu Infotech Park development started around 2004-05. 2200 Ha of land was given to MIDC. The first two phases of acquisition happened smoothly. But by the third stage, people realized that they were given a raw deal. A Gramsabha was not held to discuss this issue. Constitutionally, this would be correct procedure, to meet as a village and decide the fate of the village."



Name: Balasaheb Narayan Varkade
Village: Pabal, Taluka: Shirur, Pune
SEZ: Bharat Forge Ltd.

"I have 11 members in his family. And all of them are dependent on agriculture. I have a land holding of 9 acres and I grow a variety of crops including bajra, ground nut, onions and vegetables. I discovered that my land is reserved for industrial purposes when I applied to the *talathi* for my *saat-baaraa*. Apart from the 10 people in my family who live on the produce of the land, I also employ 20 labourers who depend on the land for their livelihood. The land has many uses in serving the farmers. Apart from growing crops, the land is used to grow chara or fodder for the animals that in turn provide milk and gives the farmer an income from dairy."

Name: Vithal Sadashiv Tambe
Village: Pabal, Taluka: Shirur, Pune
SEZ: Bharat Forge Ltd.

"I have a land holding of 14 acres. My son is a doctor and my daughter has also studied until the 10th standard. I had sold 6 acres of my land about 6-7 years ago to fund my son's education. Other than agriculture, I also get an income from animal husbandry and also use fire wood as fuel for my own consumption. Farmers live a holistic life through cultivation. Even though farmers may be poor, there is very little that ails them because of the fresh and pure water that they receive to drink and the air that they breathe. Also working on the fields keep them fit and healthy. There is no reason, then, for farmers to sell this land to be used for industrial purposes."

Name: Kailash Bhagate
Village: Pabal, Taluka: Shirur
SEZ: Mahindra Realty Developers

"I am a retired soldier. And I have a land holding of 6 acres. The family members living on the land number 30. The crops grown on his land include potatoes, onions, rice and ground nuts. My brothers are engaged in activities like goat rearing and animal husbandry that are allied to agriculture. One or two members of each family are employed in the big cities of Mumbai and Pune. Therefore, they are not in need of the money that they will receive in compensation if land is acquired. Although objections were made to the initial notices, government officials arrived to measure the land. The unity of the struggle was so intact that they locked the officials in a room and did not let them out until they were assured that measurement of land will not take place. People would like some tangible evidence that SEZ and related development would mean a better lifestyle for them. And unless such evidence is provided, we are not willing to part with their land."

Name: Prasad Bhagve
Village: Karla Gaon, Taluka: Maval
District: Pune

"I do not have my own land. But I am an autorikshaw driver and my family depends on my income. In Karla region 1179 hectares of land is proposed to be acquired. Officially this has recently been raised to 1330 hectares. The farmers in this region did not get any notice from government on this issue. But when we asked for our land entitlement documents/certificate, they found a column marked as "Reserved for industrial development". In this area one dam has been built by the TATA company and the water of that dam is not allowed for use of farmers. There is possibility of such a situation again with the establishment of the SEZ and this will be against the development of farmers".

People's Struggle against SEZ and MIDC in Sinnar, NASHIK DISTRICT

Sinnar is located near the Dev-River tributary of Godavari river basin, 180 km from Pune and 175 km from Mumbai, on the Sinnar- Shirdi highway. The Maharashtra State Government has been developing industrial infrastructure facilities in the region for the last 15 years, including the Ghoti-Sinnar highway, the Sinnar-Shirdi-Aurangabad express highway, and an airport. However, the government has not developed infrastructure for farmers and villagers, who lack regular electricity, storage facilities, and access to low interest loans. Citizens in the region do not oppose development, but seek an agro-based development in which the state government would provide appropriate support to farmers and those involved in agricultural-based livelihoods.

A few decades ago, the Sinnar block was declared a drought affected area and village leaders attempted watershed development to provide water to local land. Today, villages situated at the bank of Dev River basin have a rich water source. Almost 32 medium dams and canals have been built for the purpose of irrigation. Most of the irrigation is dependent on water from wells, connected through long pipelines which farmers installed. The main crops produced in the region are sugarcane, onion, potato, tomato, soybeans, wheat, sorghum, oil seeds, vegetables, flowers, fruits and pulses. In addition, the region supports a dairy and poultry business, as well as animal husbandry.

Developers for the proposed India Bulls SEZ seek to acquire about 7,500 hectares of land from the fourteen villages of Sinnar block. Government land acquisition for the SEZ does not exclude agricultural or irrigated land, which has prompted farmer opposition to the project. The farmers feel that they have been cheated by government compensation and rehabilitation packages.

Farmers organized a convention on 21 October 2007 at Kedarpur village to oppose forced land acquisition for the India Bulls SEZ. A large number of farmers came together and decided not to give up their land and livelihoods. Prof. N. D. Patil, Prof. Subhash Ware, Vaishali Patil, D.L. Karad, Kishor Dhamale and Prakashbhou Waje extended their support to the struggle.

Later that month, farmers formed an Anti-SEZ Committee and the Gram Sabha passed resolutions stating that they would not permit government acquisition of their land for the India Bulls SEZ. The Anti-SEZ Committee asserted the villagers' rights to livelihood and cultural identity through farming. Landless community members also asserted their dependence on local lands, due to lack of alternative employment.

In December 2007, farmers organised a rally in Sinnar to oppose the SEZ. During the rally, protestors submitted a demand letter to the circle officer and Tahsildar, demanding an end to the land acquisition process and government provision of water. More than 2000 people from seven villages participated in this protest against land acquisition and displacement.

The Maharashtra State Government ignored the opposition of local citizens and forcibly acquired 1,468 acres of land from Sinnar villages in 2008. The government recently sought to extend this acquisition by issuing section 6 notifications for 1,500 hectares of land in Kedarpur, Khopadi, Shahapur, Gulvanch and Musalgaon. Almost 80% of the villagers on these lands are engaged in agricultural activities and the majority of farmers affected by this land acquisition are women.

Farmers of Khopadi village are particularly distraught over government acquisition of land which citizens have struggled to make fertile over the last 20 years. While villagers in Khopadi were once unable to irrigate a single *biga* (1/2 acre), they have dug more than 250 wells and now cultivate cash crops. Their wells are 80 to 110 feet deep and the water table is high. Having done ground water recharge work, villagers can now take three crops in a year and earn more than 10-12 lakh per annum. Many villagers in the region are angry with this unjust government action.

Seventy year-old Thakubai Mahadu Gurule dug an 80 feet well during a time of water scarcity, creating her own irrigation facility. Today, she sells crops in Nashik, Pune and Mumbai. Gurule shared her anguish over land acquisition for the India Bulls SEZ: "We don't want more money, we want to preserve our land for future generations. We are happy with our present condition. We don't want to stay in a bungalow, our farmhouse is best. Please do not disturb our life cycle. Only money cannot sustain our life. We must have our sustainable livelihood sources." Ramnath Pandhrinath Gurule added: "The government and their senior ministers had promised not to touch our irrigated land. Why they are not keeping promises? Forced land acquisition] will create only displacement and social disturbance and is not going to sustain our livelihood. The government proposed lands for our resettlement, then the government should give those lands to SEZ, not ours."

Villagers in the Sinnar block continue to bring their struggle against land acquisition to various levels of government. While they currently receive little response from officials, protestors hope for a change in leadership after the next elections. Legislation should help farmers restrict land acquisition, but the current government seems to promote corporate development over the needs of citizens. Due to the strong opposition to the SEZ developers government has slowed down the process of land acquisition in Sinnar Block.



Farmers and workers protest at Sinnar

Dharavi Bet Bachao Sangharsh Samiti, GORAI - MUMBAI

Dharavi Bet is an island surrounded by the Arabian Sea and creeks of Mumbai and Thane. The region is rich in natural resources and local culture. The area has a dense population of about 1,25,000 people, primarily Christians, Koli, Aagri, Kunbi, Bhandari and Adivasis. More than 60% of the population of the coastal area earns their livelihood through fishing. Other villagers are engaged in farming, salt making and small scale businesses. Rich mangrove forests contribute to bio-diversity in the region. More than half of the land is irrigated by a well system and grows vegetables and fruits throughout the year.

The coastal regulation zone has recently been threatened because developers are seeking to acquire the entire coast of the region, including approximately 2 km of the deep sea, for the Pan India Paryatan Limited (ESSEL) SEZ. According to government documents, the approved-in-principle ESSEL SEZ seeks to acquire 2500 acres of land. However, local activist Peter Gudino claims that the SEZ is actually planning to acquire about 5743 hectares of land for the SEZ.

Ten villages in the region are actively opposing the SEZ. Villagers from Manori, Gorai, Uttan, Pali, Chowk, Gongri, Tarodi, Rai, Morva and Murdhe formed the *Dharavi Bet Bachao Sangharsh Samiti* to protest land acquisition, displacement, and loss of livelihood stemming from the project. Many fisherman lack skills other than fishing and fear they will not find alternate sources of livelihood if they lose their jobs. One woman shared: "we will die here only, we will not go any where. [Past] generations have protected the land for us [and] now it's our duty to protect [this land for the] next generations."

Citizens of the ten villages of Dharavi Bet mobilized more than 25,000 people at Azad Maidan Mumbai to demand an end to the ESSEL SEZ. In the last two years, local citizens have passed resolutions against land acquisition for SEZs and have organized to fight against development projects. As a result of these actions, the government has recently decided to end the process of land acquisition. However, the government has decreased the acquisition of land area from 5743 to 110 hectares only, but still people are demanding the scraping of the SEZ in Gorai.

Koli Women protest at Gorai



Name: Neville D'Souza
Village: Gorai
District: Thane



"The population of the affected 10 villages is approximately 1,50,000. Around 60% of these are fisherfolk. Approximately 4000 small and big fishing boats are owned by these people. They make a living of fishing and also are able to export fish worth 25 crore rupees annually. Moreover, there are 7 fishworkers government organisations that have worked for the progress and development of the community. This community is under threat of being displaced.

About 25% of the people from the 10 villages are occupied in agriculture. Along with rice, the farmers grow a variety of crops including vegetables and pulses. In addition, the area is famous for its mango and coconut plantations. Vegetables and fruits are consumed by the neighbouring Mumbai city. The livelihood derived from agriculture is sufficient. These farmers are neither indebted nor do they commit suicide because of failure of crops. What is to become of them? Moreover, the people of some villages like the Rai, Morva and Murdha also harvest salt from salt water pans. This salt pan industry is responsible for providing employment to thousands of workers.

The Dharavi Bhet is an area with a lot of resources and also aesthetically appealing. The mango and coconut plantations, the sea, the green fields, the forest resources, the hills are all major attractions to tourists, both rich and poor alike.

Of the total area being acquired for the SEZ, around 160.78 Ha land is our village settlement area. With increase in population, people have also settled on their farm lands and some fisherfolk have also moved into land owned by Port Trust. Because earlier generations were uneducated, they did not feel the need to transfer the land ownership to their names. So they do not have land and title documents to claim ownership of the land in which they have been living for generations together. Many villages also have resource rich hills of the western ghats. These hills have provided livelihood for a lot of the adivasi populations that live on them. All this will be acquired, rendering the adivasis homeless and destitute. About 95 Ha of land around the Dharavi Bhet area is a bay and is the mainstay of the fisherfolk, agadi and the adivasi community. This falls under the Coastal Regulation Zone.

About 2557 Ha of the total land in the Dharavi Bhet is under forests. This is a treasure of heavy mangrove forests. The mangrove ecosystem is important to sustain an environmental balance and acquiring mangrove land to create a cement and concrete jungle will harm the environment considerably. There is a case of alleged corrupt transaction in this regard. 700 acres of mangrove land has already been given by Narayan Rane, Minister of Revenue to the Essel world Developers. This mangrove forest was to be destroyed and urbanization was planned. The struggle against the SEZ has been for the protection of the environment and has fought against this corrupt transaction at the law courts. The struggle has been successful in getting the transaction nullified at the High Court.

The Pan India limited company has had a bad history when it comes to keeping to promises. Twenty years ago they set up the Essel World Park on the lines of Disney World in the USA. Even there they had promised employment, schools, roads and colleges to the villagers who gave up their land for entertainment purposes."

People in different parts of Maharashtra have opposed SEZ projects, which provide unwarranted benefits to industry, threaten privately owned land and livelihoods, exclude marginalized communities, and disrespect rights of local self-governance. Citizens demand that the government engage them in dialogue before accepting such projects, but the government has been largely unresponsive. Many officials promise that the government will engage in a just SEZ policy; that the MIDC will not acquire irrigated farmlands, that the government will seek consent before acquisition of land, and that the government will provide adequate compensation. However, citizens have seen such promises broken again and again.

Citizens are responding to unaccountable government policies with protest and non-compliance. Having been excluded from the development process, landowners are refusing to transfer their land to SEZ companies. Those who are dependent on land but lack entitlement documents protest in various other ways. Marginalized and excluded citizens are taking action to make their voice heard.

While economic growth and advancement are important goals for the nation, SEZ policy raises many questions about the development path which India has chosen. Rather than empowering Indian citizens through growth and development, SEZs develop only small segments of society while further marginalizing Dalits, adivasis, nomadic tribes, the poor, and women. Can sustainable development be achieved through policies of exclusion, displacement, human rights violation and increased polarization of the country?

India must put an end to market driven development processes which divide the country and fail to move society forward. The nation must seek a new path for development, focused on inclusive policies, respect for human rights, and accountable governance. Only then will India be able to effectively address economic growth, food security, inequality, social exclusion and regional imbalances.



*Medha Patkar with youth at
Anti SEZ Struggle*

a) List of In-Principle Approved SEZs in Maharashtra 2009

b) List of Formally Approved SEZs in Maharashtra 2009

c) List of Notified SEZs in Maharashtra, April 2009

d) SEZs : Sectorwise Distribution

e) SEZs : Statewise Distribution

f) Maharashtra SEZ policy

List of In-Principle Approved SEZs in Maharashtra 2009

Sr. No.	Name of SEZ	Type of SEZ	Required Land in HA
1.	M/s. Mahindra Realty Developers Ltd.Lonavala, Maharashtra	Multi-product	1000
2.	Mumbai SEZ Limited Gujarat Positra Port Infra. Ltd.	Multi-product	5000
3.	M/s. Arihant Techno Economic Park Pvt. Ltd. Bhiwandi, Mumbai, Maharashtra	Textiles	107
4.	M/s. Xansa (India)Limited Talwade Software Park	IT/ ITES	10
5.	Parsvnath Developers Limited Pune, Maharashtra	Automotive & Auto Component Industry	100
6.	Marathon Realty Ltd Panvel, District Raigad, Maharashtra	Multi-Product	1100
7.	Supreme Petrochem Ltd Taluk Roha, Raigad,Maharashtra	Plastic processing	100
8.	Pune Hightech Infra SEZ private Limited Village Taje, Taluka Maval, District Pune, Maharashtra	Engineering	109.89
9.	Videocon Realty and Infrastructure Limited Wagholi and Loni Khurd Near Pune, Maharashtra	Multi Product	1000
10.	Videocon Realty and Infrastructure Limited Gandoli, Adgaon, Devlai, Balapur, Jhalta, Chincholi, Parvari and Brindon in Aurangabad, Maharashtra	Multi Product	2763
11.	Nirmal Realty Private Limited Village Bhokari, Dohole and Koshimbi Bhiwandi Taluka, Thane District, Maharashtra	Textile and Garment Sector	162
12.	Indiabulls Infrastructure Development Limited Raigarh, Maharashtra	Multi product	2429
13.	Housing Development Infrastructure Limited Thane, Maharashtra	Multi services	180
14.	Quipo Infrastructure, Raigarh. Maharashtra	Engineering	180
15.	Urban Infrastructure Holdings Private Limited Sawantwadi Taluka, District Sindhudurg, Maharashtra	Multi product	1250
16.	Austral Coke and Projects Limited Nardana, Maharashtra	Textile	100
17.	Gitanjali Gems Limited Nanded, Maharashtra	Gems and Jewellery	50
18.	Maharashtra Industrial Development Corporation (MIDC) Yedshi, District Osmanabad, Maharashtra	Leather Industry	100

List of In-Principle Approved SEZs in Maharashtra 2009

Sr. No.	Name of SEZ	Type of SEZ	Required Land in HA
19.	Gitanjali Gems Limited Nashik, Maharashtra	Multi services	100
20.	Rewas Ports Limited Rewas, District Raigarh, Maharashtra	Multi product	2850
21.	Indiabulls Builders Limited Thane, Maharashtra	Multi-product	2429
22.	Uttam Galva Group through Uttam Galva Steels Limited (UGSL) & Uttam Power & Steel Private Ltd. (UPSPL) Khopoli, Taluka Khalapur, District Raigad, Maharashtra	Integrated Steel SEZ	100
23.	ISPAT Industries Limited Raigad District, Maharashtra	Multi Product	1012
24.	Veritas Infrastructure Development Limited Village Shahbaez, Taluka Alibaug, District Raigad, Maharashtra	Biotech	50
25.	Gitanjali Gems Limited Aurangabad, Maharashtra	Gems and Jewellery	102
26.	Gitanjali Gems Limited Nagpur, Maharashtra	Multi product	1000
27.	Privilege Power and Infrastructure Pvt. Limited Villages Shirgaon, Koshimbe, Gaskopari, Dahisar, Chandansar, Khardi, Kopari, Bhatpada, Doliv, Kasarali, Thane	Multi Product	2245
28.	Vibrant Realtors Private Limited Naigaon, Maharashtra	Multi Services	104.65
29.	Vibrant IL&FS Consortium Naigaon, Maharashtra	FTWZ	46.94
30.	Sigrun Megaprojects Pvt. Ltd. Raigadh, Maharashtra	Multi services	100
31.	Sigrun Megastructure Private Limited. District Ratnagiri, Maharashtra	Multi services	100
32.	Jafza Pvt. Ltd. Raigad, Maharashtra	FTWZ	85.503
33.	Modern India Free Trade Warehousing Pvt. Ltd. Raigad, Maharashtra	FTWZ	40.47
34.	Rameshwar Vaibhav Development Pvt. Ltd. Raigad, Maharashtra	Multi product	2047.71
35.	Maharashtra Airport Development Company Limited. Nagpur, Maharashtra	Power	109.54
36.	Maharaja Multitrade Pvt. Ltd. Village Taloshi, Taluka Igatpuri, District Nashik, Maharashtra	Multi services	106.755

List of Formally Approved SEZs in Maharashtra 2009

Sr. No.	Name of SEZ	Type of SEZ	Required Land in HA
1.	Maharashtra Industrial Development Corporation Ltd. Rajiv Gandhi Infotech Park, Phase III, Hinjawadi, Pune	IT/ITES	229.3
2.	M/s. Syntel International Pvt.Ltd. Talawade Software Park, Pune, Maharashtra	IT/ITES	16
3.	Serum Institute of India Limited, Pune, Maharashtra	Pharma & Biotech	23.1793
4.	MIDC Nandgaon Peth, Distt., Amravati, Maharashtra	Multi-Product	1010
5.	MIDC Jalna, Dist. Jalna, Maharashtra	Bio-technology	40.33
6.	M/s. Maharashtra Industrial Dev. Corp. Kagal, Maharashtra	Textile	104
7.	MIDC Krushnoor, Dist. Nanded, Maharashtra	Pharmaceuticals	150
8.	MIDC Latur, Maharashtra	Agro	200
9.	MIDC Shendre, Dist. Aurangabad, Maharashtra	Aluminum and Aluminum related industries	118.13
10.	MIDC Butibori, Dist. Nagpur, Maharashtra	Textile	383
11.	Wockhardt Infrastructure Development Limited Shendre, Aurangabad Distt, Maharashtra	Pharmaceutical	107
12.	M/s. Bajaj Auto Limited Waluj, Aurangabad	Automobile and Automobile components	100
13.	M/s. Hiranandani Builders Powai, Mumbai	IT/ITES	12.57
14.	Zeus Infrastructure Pvt. Ltd. Village Kopri, Taluka Thane, District Thane, Maharashtra	IT/ITES	54.22
15.	MIDC Distt Solapur, Maharashtra	Textile Industry	195
16.	MIDC District Yavatymal, Maharashtra	Textile Industry	208
17.	Sinima Meadows Limited(formely Claridges Hotels Pvt. Ltd.) Chawk in Khalapur Taluka of Raigad Distt.	Multi-Services	242
18.	New Found Properties and Leasing Private Limited Juinagar, Thane, Maharashtra	IT/IT ES	21.41
19.	Magarpatta Township Development & Construction Co. Ltd. Magarpatta City, Hadapsar, Pune	Electronics hardware and software including ITES	11.98
20.	M/s.EON Kharadi Infrastructure Pvt Ltd Kharadi, Pune, Maharashtra	IT/ITES	18

List of Formally Approved SEZs in Maharashtra 2009

Sr. No.	Name of SEZ	Type of SEZ	Required Land in HA
21.	Wipro Ltd Pune	IT/ ITES	20.23
22.	Viraj Profiles Ltd Village Aam Wada Tehsil, Distt Thane, Maharashtra	Stainless Steel Engineering Products	235
23.	Mahindra Gesco Developers Ltd. Village Owale, Ghodbunder Road, Thane, Maharashtra	Bio-technology	28
24.	Infosys Ltd Pune, Maharashtra	IT/ ITES	79.8
25.	Kumar Builders Township Ventures Pvt Ltd. Hinjawadi and Mann, Pune, Maharashtra	Electronics Hardware and Software including IT/ ITES	49.1
26.	Flagship Infrastructure Pvt Ltd. Hinjawadi, Pune	IT	28
27.	Serene Properties Private Limited. Airoli, District Thane, Maharashtra	IT/ITES	14.07
28.	Maharashtra Airport Development Company Limited (MADC) Mihan, Nagpur, Maharashtra	Multi product	1511.51
29.	Balaji Infra Projects Limited Dighi Port, District Raigadh, Maharashtra	Port based SEZ for multi product inclusive of FTWZ	100
30.	International Biotech Park Ltd. Hinjawadi, Pune	Biotech	13
31.	Gitanjali Gems Limited Panvel Village, Chiravat, District Raigad, Maharashtra	Gems and Jewellery	10.2
32.	MIDC Ambernath, Distt Thane, Maharashtra	IT / ITES	16.5
33.	Royal Palms India Private Limited, 169, Aarey Milk Colony, Goregaon (E), Mumbai	IT/ITES	218
34.	Maharashtra Industrial Development Corporation (MIDC) Lote, Parshuram, District Ratnagiri, Maharashtra	Pharma	200
35.	MIDC Bhadravati Chandrapur District, Maharashtra	Power generation	1100
36.	MIDC Usar, Raigarh Dist., Maharashtra	Power generation	103
37.	Chiplun Infrastructure Private Limited (formerly M/s FTWZ Ltd.) Mumbai	FTWZ	40
38.	City Parks Pvt. Ltd. Gahunje, Taluka Haveli, District Pune	Electronics, IT/ITES	30
39.	Broadway Integrated Park Pvt. Ltd. Village Tathawade, Taluka Mulshi, District Pune, Maharashtra	IT/ITES	10.55

List of Formally Approved SEZs in Maharashtra 2009

Sr. No.	Name of SEZ	Type of SEZ	Required Land in HA
40.	Muttha Realty Private Limited Village Lohagaon, Taluka Haveli, District Pune, Maharashtra	IT/ITES	10.27
41.	Cornell Housing and Infrastructure Private Limited. Khari Village, Thane District, Maharashtra	IT/ITES	41
42.	Lodha Developers Pvt. Ltd. Thane, Maharashtra	IT/ITES	32
43.	Manjari Stud Farm Private Limited, Pune. Maharashtra	IT/ITES	15.79
44.	K. Raheja Universal Navi Mumbai	IT/ITES	20.64
45.	K. Raheja Universal (Infocity II) Navi Mumbai	IT/ITES	13
46.	Marathon Pachin Infrastructure Raigad, Maharashtra	Multi services	400
47.	DLF Akruti Infopark (Pune) Ltd. Pune (Maharashtra)	IT/ITES	24
48.	Bombay Industrial Corporation Mahul, Mumbai	IT/ITES	12
49.	Siddhivinayak Knowledge City Developers Private Limited Village Bhosari (Bhojapur), Taluka Haveli, District Pune	Electronic Hardware and Software including Information Technology Enabled Services	12.14
50.	Dosti Enterprises Thane, Maharashtra	IT	45
51.	Bilcare Limited Maujhe Pimpri Budruk, Taluka Khed, Rajgurunagar, District Pune, Maharashtra	IT/ITES	10
52.	Shirpur Gold Refinery Limited Shirpur, District Dhulia, Maharashtra	Gems and Jewellery	12.98
53.	Maharashtra Industrial Development Corporation (MIDC) MIDC Industrial area at Akola District, Akola, Maharashtra	Agro processing sector	100
54.	Maharashtra Industrial Development Corporation (MIDC) Airoli Software Park, District Thane, Maharashtra	IT/ITES	60.7
55.	Royal Palms India Private Limited, Survey No. 169, Aarey Milk Colony Goregaon (East), Mumbai	Gems and Jewellery	10
56.	Dynasty Developers Private Limited, Rajiv Gandhi Infotech Park, Hinjewadi, Phase II, Village Marunji, Taluka Mulashi, District Pune, Maharashtra	IT/ITES	20
57.	Sanvo Resorts Private Limited Near Panvel - Palaspephata Junction, Maharashtra	IT/ITES	10
58.	Indiabulls Industrial Infra Ltd, Nashik, Maharashtra	Multi product	1023.43

List of Formally Approved SEZs in Maharashtra 2009

Sr. No.	Name of SEZ	Type of SEZ	Required Land in HA
59.	Jindal Photo Limited Igatpuri, Maharashtra	IT/ITES	12.23
60.	Maharashtra Industrial Development Corporation, (MIDC) Ranjangaon, District Pune, Maharashtra	Biotech and Relatedactivities	30
61.	Maharashtra Industrial Development Corporation, (MIDC) Chakan, District Pune, Maharashtra	Research andDevelopment	100
62.	Ajanta Pharma Limited Aurangabad	Pharma	100.43
63.	Ajanta Pharma Limited Aurangabad	Biotechnology	10
64.	Uttam Galva Steels Limited (UGSL), Khopoli, Taluka Khalapur, District Raigad, Maharashtra	Biotechnology	10.66
65.	Uttam Galva Steels Limited (UGSL), Khopoli, Taluka Khalapur, District Raigad, Maharashtra	IT/ITES	11.63
66.	Navi Mumbai SEZ Private Limited (Kalamboli - Bio-Technology Division) Kalamboli - Navi Mumbai, Maharashtra	Bio Technology	63.74
67.	Navi Mumbai SEZ Private Limited (Kalamboli - Ligh Engineering Division) Kalamboli - Navi Mumbai, Maharashtra	Light Engineering	179
68.	Navi Mumbai SEZ Private Limited (Kalamboli - Pharmaceutical Division) Kalamboli - Navi Mumbai, Maharashtra	Pharmaceuticals	103.25
69.	Reliance Infocom Infrastructure Private Limited, Dhirubhai Ambani Knowledge City, Koper Khairne, Navi Mumbai, Maharashtra	IT/ITES	18.26
70.	RNA Builders Village Ghodbunder, Mira Road, Taluka and District Thane, Maharashtra	IT/ITES	13.5
71.	Suyog Realtors Private Limited, Plot No. PL-23, IT Park, Butibori, District Nagpur, Maharashtra	IT/ITES	17.4
72.	Ferrani Hotels Private Limited/ Ozone Developers Mumbai, Maharashtra	IT/ITES	27.73
73.	Base Realty Private Limited Village Hinjawadi, Taluka Mulshi, Pune, Maharashtra	IT/ITES	10
74.	NMSEZ Dronagiri, Maharashtra	Multi product	1250

List of Formally Approved SEZs in Maharashtra 2009

Sr. No.	Name of SEZ	Type of SEZ	Required Land in HA
75.	GERA Developments Private Limited, Pune, Maharashtra	IT/ITES	10.44
76.	Sunny Vista Realtors Private Ltd Village Bhokarpada, Panvel, District Raigarh, Maharashtra	Services	135.12
77.	Pride Infrastructure & SEZ Private Limited, Taluka Haveli, Zilla Pune, Maharashtra	Electronics Hadrware and Software including ITES	12.34
78.	RNA Builders Village Tivri and Rajawali, Taluka Vasai, District Thane, Maharashtra	IT/ITES	50
79.	Navi Mumbai SEZ Private Limited, Ulwe, Navi Mumbai, Maharashtra	IT/ITES SEZ - A	21.13
80.	Navi Mumbai SEZ Private Limited, Ulwe, Navi Mumbai, Maharashtra	IT/ITES SEZ - B	38.28
81.	Navi Mumbai SEZ Private Limited, Ulwe, Navi Mumbai, Maharashtra	IT/ITES SEZ -C	13.53
82.	Saloni Business Park Private Limited, Village Kharivli Taluka Wada, District Thane, Maharashtra	Biotechnology Park	27.24
83.	Modern India Property Developers Limited, Village Khalapur, Taluka Khopoli District Raigad, Maharashtra	Electronic Hardware Software Incl. IT/ITES	14.77
84.	Juventus Builders and Developers Private Limited Village Savroli and Dhamni, Taluka Khalapur, District Raigarh, Maharashtra	IT/ITES	10.12
85.	Fama Estate Private Limited Village Shivkar and Chikale, Taluka Panvel, District Raigarh, Maharashtra	IT/ITES	10.12
86.	Rajiv Gandhi IT Park Cooperative Society Ltd. Aurangabad Survey No. 27, Girner, Paithan Road, Tal Aurangabad, Maharashtra	IT/ITES	10.21
87.	Glenmark Pharmaceuticals Ltd. Plot No. B-25, Shendra Five Star Industrial Area, Maharashtra	Biotechnology	11.89
88.	Wardha Power Company Private Limited, Chandrapur District, Mahabrashtra	Power	102.1592
89.	DLF Akruiti Info Parks (Pune) Ltd. Pune Maharashtra	IT/ITES	11.83
90.	Rameshwar Vaibhav Development Pvt. Ltd. Taluka Sudhagad, Raigad	IT/ITES	17.227

List of Formally Approved SEZs in Maharashtra 2009

Sr. No.	Name of SEZ	Type of SEZ	Required Land in HA
91.	Gremach Infrastrucure Equipments & Projects Kolhapur, Maharashtra	Metal	100
92.	Maharashtra Industrial Deve. Corp., Statara, Maharashtra	Engineering	200
93.	Indo Global Infotech City Private Limited, Village Hinjawadi, Taluka Mulshi, Pune, Maharashtra	IT/ITES	13.35
94.	Benchmarrk Realty Private Limited, Survey No. 17-19 (Part), Mouje Punawale, Mulshi, Pune, Maharashtra	Electronic Hardware and Software including IT/ITES	10
95.	Township Developers India Private Lintied, Pune,	Engineering	126.6
96.	M/s. Cavalcade Properties Pvt. Ltd. Pune, Maharashtra	IT/ITES	10.8
97.	Sun Infrastructure Pvt. Ltd Nashik, Maharashtra	IT/ITES	10
98.	Bharat Forge Limited, Khed, Pune, Maharashtra	Multi product	1085.92
99.	Essel Infraprojects Ltd.(Formerly Pan India Paryatan Ltd.) Gorai-Manori-Uttan Region, Mumbai	Multi Services	110
100.	Maharashtra Industrial Development Corporation MIDC, Phaltan, District Satara, Maharashtra	Engineering	101.25
101.	Vibhu Developers Pvt. Ltd. Village Ghotawade, Tal. Mulshi, Dist. Pune, Maharashtra	IT/ITES	28.34
102.	JSW Jaigarh Port Limited Kunbiwadi, Ratnagiri, Maha.	Port Based SEZ	226.03
103.	D.S. Kulkarni Developers Limited, Fursungi, Haveli, Pune	Multi services	101.2
104.	Arshiya Technologies International Ltd Sai, Panvel, Maha.	FTWZ	68
105.	Wakad Realty Pvt. Ltd. Wakad, Mulshi, Pune, Maharashtra	IT/ITES	10
106.	Navi Mumbai SEZ Pvt. Ltd., Ulwe, Navi Mumbai, Maha.	Multi Services	128.4292
107.	Kirti Infrastrcuture Pune, Maharashtra	IT/ITES	19.57
108.	Navi Mumbai SEZ Pvt. Ltd.,Ulwe, Navi Mumbai, Maha	Gems and Jewellery	33.5403
109.	Helios Constructions Pvt. Ltd. Village Badalwadi	IT/ITES	14.06
110.	Yashprabha Enterprises A.P. Pathardi, Chiplun, Ratnagiri, Maharashtra	Biotechnology	10.36
111.	Larsen & Toubro Ltd. Powai, Mumbai, Maharashtra	IT/ITES	10

List of Notified SEZs in Maharashtra, April 2009

Sr. No.	Name of SEZ Developer	Type of SEZ	Required Land in HA	Notification Number & date
1.	Serum Bio-pharma Park Pune, Maharashtra	Pharmaceuticals	23.1793	1126(E), dt. 19th Jul'06
2.	EON Kharadi Infrastructure Private Limited Taluka Haveli, District Pune, Maharashtra	IT/ITES	18	1631(E) dt. 28th Sept.'06
3.	MIDC- Shendre Industrial Area, Aurangabad, Maharashtra	Aluminum & aluminum related industry	118.13	2145(E), dt. 22nd Dec.'06
4.	WIPRO Limited Hindawadi Pune, Maharashtra	MH IT/ITES	20	2162(E), dt. 28th Dec.06
5.	MIDC, Village Krushnoor, Taluka Naigaon, District Nanded, Maharashtra	Pharmaceuticals	150	34(E) dt. 11th Jan.'07
6.	Royal Palms (India) private Limited, 169, Arrey Milk Colony, Goregaon (East), Mumbai, Maha	IT/ITES	218	36(E) dt. 11th Jan. '07 & 27 June
7.	MIDC 2007, Latur Industrial Area, District Latur, Maharashtra	Agro processing	200	39(E) dt. 15th Jan.'07
8.	Syntel International Pvt. Ltd. Talwade Software Park, District Pune, Maharashtra	IT/ITES	16	540(E) dt. 10th April'07
9.	The Manjri Stud Farm Private Ltd Pune, Maha.	IT/ITES	15.79	566(E) dt. 11th April'07
10.	M/s Hiranandani Builders Powai, Maharashtra	IT/ITES	12.5891	579(E) dt.13th
11.	Bajaj Auto Limited Waluj Industrial Area I Arungabad, Maharashtra	Engineering Sector	100.26	591(E) dt. 17th April'07
12.	Wokhardt Infrastructure Development Ltd Shendre five star Industrial area, Maharashtra	Pharmaceuticals	107.26	592(E) dt. 17th April'07
13.	Infosys Technologies Limited Rajiv Gandhi Infotech Park, Ph. II, Vill. Mann, Tal. Mulshi, Dist. Pune, Maharashtra	IT/ITES	31.49	670(E) dt. 26th April'07
14.	Maharashtra Airport Development Company Limited (MADC) Mihan, Nagpur, Maharashtra	Multi product	1511.51	845(E) dt. 29th May'07
15.	MIDC Ltd. Rajiv Gandhi Infotech Park, Phase III, Hinjawadi, Pune	IT/ITES	223.56	934(E), dt.7th June'07
16.	K Raheja Universal Privated Limited, Raheja Infocity, Thane, Navi Mumbai	IT/ITES	20.654	965(E), dt. 13th June 07
17.	Magarpatta Township Development and Construction Company Ltd. Magarpatta City, Hadapsar, Haveli, Pune, Maharashtra	Electronics Hardware & Software / Information technology enabled	11.98	1186(E), dt. 20th July 07

List of Notified SEZs in Maharashtra, April 2009

Sr. No.	Name of SEZ Developer	Type of SEZ	Required Land in HA	Notification Number & date
18.	K. Raheja Universal Private Limited Raheja Infocity-II, Plot No.2/1/C, Block-D, Trans-Thane Creek Industrial Area, MIDC, Village Bonsari, Kukshet and Shirvane Opp. Juinagar Railway Station Taluka-Thane, Maharashtra	IT/ITES	13.07	1437(E), Dt. 21st August 07
19.	MIDC Additional Yavatmal Industrial Area, District Yavatmal, Maharashtra	Textile	208	1438(E), Dt. 21st August 07
20.	DLF Akruti Info Park (Pune) Limited Plot No.28, MIDC, Rajiv Gandhi Infotech Park, Hinjewadi, Phase-II, District Pune, Maharashtra	IT/ITES	10.33	1548(E) Dt. 14th September, 07
21.	Flagship Infrastructure Private Limited Village-Hinjawadi, Taluka-Mulshi, District-Pune, Maharashtra	IT/ITES	11.7943	1697(E), Dt. 3rd October 2007
22.	Serene Properties Private Limited Kalwa Trans Thane Creek Industrial Area, MIDC, District Thane, Maharashtra	IT/ITES	19.34	1876(E), Dt. 2nd November, 07
23.	Dynasty Developers 07 Pvt. Ltd. Plot No.3, Rajiv Gandhi Infotech Park, Hinjewadi, Phase II, Village Marunji, Taluka Muslhi, District Pune Maharashtra	IT/ITES	17.12	1962(E), Dt. 19th November 07
24.	Navi Mumbai SEZ Pvt. Ltd. Dronagiri, Navi Mumbai, Maharashtra	Multi Product	1223.677	1973(E), Dt. 21st
25.	Zeus Infrastrucure B Private Limited Village Mulund, Taluka Kurla District Mumbai Suburban and Village Kopri, taluka thane, District Thane Maharashtra	IT/ITES	57.0979	922(E), Dt. 23rd April, 2008
26.	Navi Mumbai SEZ Pvt. Ltd. Village Ulwe, Taluka Panvelo, District Raigad, Maharashtra	IT/ITES	38.28	1116(E), Dt. 5th May 2008
27.	Base Realty Private Limited Hinjawadi, Taluka-Mulshi, District, Pune, Maharashtra	IT/ITES	10.56.15	1153(E), Dt. 15th May, 08
28.	Navi Mumbai SEZ Pvt. Ltd. Village Ulwe, Taluka, Panvelo, District Raigad, Maharashtra	IT/ITES-A	21.13	1236(E), Dt. 27th May, 2008
29.	Gitanjali Gems Limited Village Chirvat and Sangurli, Taluka Panvel, District Raigad, Maharashtra	Gems & Jewellery	10.035	1409(E), Dt. 9th June, 2008

List of Notified SEZs in Maharashtra, April 2009

Sr. No.	Name of SEZ Developer	Type of SEZ	Required Land in HA	Notification Number & date
30.	MIDC- Akola Industrial Area, Village Mouje Yevata and Shivapur, Taluka & District-Akola	Agro processing	100	1480(E), Dt.17th June 08
31.	Mahindra and Mahindra Limited Owale, Ghodbunder Road, Thane, Maharashtra	Bio-technology	22.32.7	1606(E), Dt.2nd July2008
32.	Sanvo Resorts(P) Limited Village Kolkhe, Taluka, Panvel, District Raigad, Maharashtra	IT/ITES	10.69.20	1655(E), Dt.10th July, 08
33.	Saloni Business Park Private Limited Villages Kharivali and Bhopivali, Taluka- Wada, District Thane, Maharashtra	Bio-technology	34.46.40	1905(E),Dt.31st July, 08
34.	Ajanta Projects(India) Ltd. Plot No.C-22, MIDC, Shendre Five Star Industrial Area, District-Aurangabad Maharashtra	Bio-technology	10	1951(E), Dt.5th August, 08
35.	Navi Mumbai SEZ Pvt. Ltd. Kalamboli, Navi Mumbai, Maharashtra	IT/ITES	103.0727	2018(E), Dt.11th 08
36.	New Found Properties and Leasing Pvt. Ltd. Trans Thane Creek Industrial Area, MIDC, thane District, Maharashtra	IT/ITES	21.26	2094(E), Dt. 22nd August, 08
37.	Navi Mumbai SEZ Pvt. Ltd. Kalamboli, Navi Mumbai, Maharashtra	Multi-services	176.708	2132(E),Dt.28th 08
38.	Wardha Power Company Pvt. Ltd. Plot No.B-2, MIDC Warora Growth Centre, Warora, District-Chandrapur, Maharashtra	Power Sector	101.47	2156(E), Dt.3rd September 08
39.	Ajanta Projects(India) Ltd Plot No.C-21, MIDC, Shendre Five Star Industrial Area, Aurangabad District, Maharashtra	Pharmaceuticals	100	2503(E), Dt.22nd October 08
40.	Suyog Realtors Pvt. Ltd.MIDC Industrial Area, Butibori, Village- Rengapur, District Nagpur Maharashtra	IT/ITES	17.189	2533(E), Dt.27th October 08
41.	Maharashtra Industrial Development Corporation Five Star Industrial Area, Nandgaon Peth, Amaravati, Maharashtra	Multi product	1008.36	2582(E), Dt. 31st October08
42.	Maharashtra Industrial Development Corporation Kesurde village, Satara District, Maharashtra	Engineering	111.12	2653(E), Dt.12th November,08

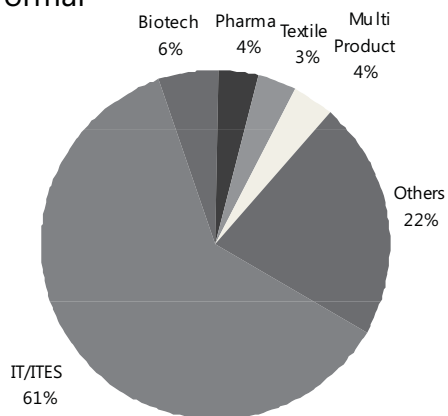
List of Notified SEZs in Maharashtra, April 2009

Sr. No.	Name of SEZ Developer	Type of SEZ	Required Land in HA	Notification Number & date
43.	Kumar Biuilders Township Ventures Pvt. Ltd. Hindawadi Pune, Maharashtra	Electronics Hardware and Software, IT/ITES	10.968	2874(E),Dt.12th December 08
44.	MIDC, Village Pohi, Taluka Hingna, Butibori Industrial Area, Dzone, Nagpur, Maharashtra	Textile	147.04	2975(E),Dt.24th December 08
45.	Sunny Vista Realtors Pvt. Ltd, Talegaon and Panshil, Talukahalapur and village bhokarpada,Panwal, Raigad, Maharashtra	Services Sector	139.83	514(E), Dt.19th February 09
46.	Lodha Dwellers Pvt. Ltd.Village Narivali, Taluka Thane, District Thane, Maharashtra	IT/ITES	32.67	667(E), Dt.12th March 09
47.	Navi Mumbai SEZ Pvt. Ltd. Village Ulwe, Taluka Panvelo, District Raigad, Maharashtra	IT/ITES	10.77	663(E), Dt. 12th March 09
48.	Uttam Galva Steels Ltd Village Dahiwali, Taluka Khalapur, District Raigad, Maharashtra	IT/ITES	14.43.20	658(E), Dt.12th March 09
49.	Gera Developments Pvt. Ltd. Village Kharadi, Taluka Haveli, District Pune, Maharashtra	IT/ITES	10.14	1013(E), Dt.23rd April 09
50.	MIDC District Ratnagiri, Maharashtra	Pharmaceuticals	141.69.20	1034(E), Dt.23rd
51.	Arshiya International I Limited Village Sai, Taluka Panvel, District Raigad, Maharashtra	FTWZ	45.76	1158(E), Dt. 4th May 09
52.	MIDC, Chinchili-Kati, Mohal, Solapur, Maha.	Textile	103	Dt. 19th May 09
53.	International Biotech Park Limited. Village Mann, Taluka Mulshi-Hinjewadi, Pune,	Biotechnology	12.87	1279(E), Dt.22nd May 09
54.	Uttam Galva Steels Limited Village Devnhave, Taluka Khalapur, District Raigad, Maharashtra	Biotechnology	10-71-9 1	520(E), Dt.19th June,09
55.	Karanja Infrastructure Private Limited Village Chanje, Uran, Raigad, Maharashtra	FTWZ	40-02-8	2135(E), Dt.18th August09
56.	Navi Mumbai SEZ Pvt. Ltd. Village Ulwe, Navi Mumbai, Maharashtra	Multiservices	128.429	2254(E), Dt.3rd
57.	Navi Mumbai SEZ b Pvt. Ltd. Village Ulwe Node, Navi Mumbai, Maharashtra	Gems and Jewellery	33.5403	2254(E), Dt.3rd
58.	Indiabulls Industrial b Infrastructure Limited Villages Musalgaon and Gulvanch, Taluka Sinnar, District Nasik, Maharashtra	Multiproduct	1006.96	27th October,09

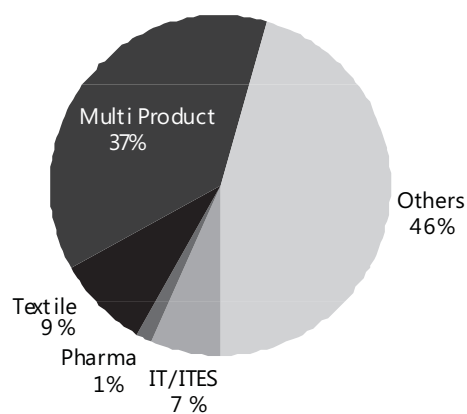
SEZs : Sectorwise Distribution

Sectors	Formal approvals	In-principle approvals	Notified SEZs
Aviation/Aerospace	1	2	2
IT/ITES/Electronic Hardware/Semiconductor	351	10	214
Textiles/Apparel/Wool	19	13	12
Pharma/chemicals	22	2	20
Petrochemicals & petro.	4	0	1
Multi-Product	23	55	13
Building product/material	1	2	1
Beach & mineral/metals	2	0	2
Bio-tech	30	1	17
Engineering	23	9	16
Multi-Services/Services	17	13	8
Metallurgical Engineering	1	0	0
Electronic prod/ind	3	4	3
Auto and related	3	5	1
Footwear/Leather	7	2	5
Gems and Jewellery	11	4	5
Power/alternate energy/Solar	4	3	2
FTWZ	8	8	4
Metal/Stain. Steel/Alum/Foundary	9	4	5
Food Processing	5	2	4
Non-Conventional Energy	5	0	3
Plasting processing	0	1	0
Handicrafts	4	1	2
Agro	5	4	4
Port based Multi Product	7	0	2
Airport based multi-product	2	2	0
Writing and printing paper mills	2	0	1
GRAND TOTAL	570	147	347

Formal



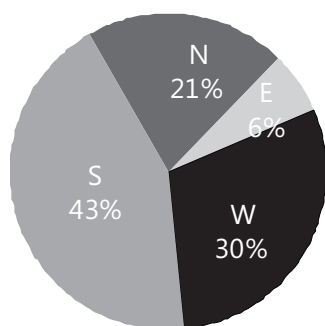
In-principle



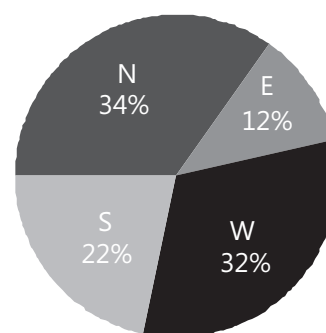
SEZs : Statewise Distribution

State	Formal approvals	In-principle approvals	Notified SEZs
Andhra Pradesh	103	4	73
Chandigarh	2	0	2
Chattisgarh	1	2	0
Delhi	1	0	0
Dadra & Nagar Haveli	4	0	2
Goa	7	0	3
Gujarat	50	11	30
Haryana	45	17	31
Himachal Pradesh	0	3	0
Jharkhand	1	0	1
Karnataka	52	9	29
Kerala	24	0	15
Madhya Pradesh	14	6	6
Maharashtra	109	36	58
Nagaland	2	0	1
Orissa	9	4	5
Pondicherry	1	1	0
Punjab	8	7	2
Rajasthan	8	11	7
Tamil Nadu	68	18	53
Uttar Pradesh	34	5	16
Uttarakhand	3	0	2
West Bengal	24	13	11
GRAND TOTAL	570	147	347

Formal



In-principle



THE MAHARASHTRA STATE SEZ ACT, 2002

**State Government's Policy regarding setting
up of Special Economic Zones in Maharashtra**

GOVERNMENT OF MAHARASHTRA

Resolution No. SEZ 2001/(152)/IND-2

Industries, Energy & Labour Department

Mantralaya, Mumbai - 400 032. Dated the

12th October, 2001

PREAMBLE:

Government of India has introduced the concept of Special Economic Zones (SEZs) in the year 2000 through a revision in the Export-Import Policy 1997-2002. SEZs are specifically delineated duty-free enclaves treated as a foreign territory for the purpose of Industrial, service and trade operations, with exemption from customs duties and a more liberal regime in respect of other levies, foreign investment and other transactions. Domestic regulations, restrictions and infrastructure inadequacies are sought to be eliminated in the SEZs for creating a hassle-free environment. The State of Maharashtra has been in the forefront in attracting foreign direct investment for accelerating the pace of economic growth. The SEZ scheme seeks to create a simple and transparent system and procedures for enhancing productivity and the ease of doing business in Maharashtra.

According to Government of India guidelines, SEZs can be developed in the public, private or joint sectors or by the State Governments. They are expected to promote the establishment of large, self-contained areas supported by world-class infrastructure oriented towards export production. Exploiting the full potential of the concept of SEZs Would bring large dividends to Maharashtra in terms of economic and industrial development and the generation of new employment opportunities. The Santacruz Electronics & Export Processing Zone (SEEPZ) has already been converted into a SEZ.

State agencies have taken the lead to develop SEZs near Navi Mumbai and other parts of the State. In the context of Government of India guidelines for the establishment of SEZs, the matter of formulating a policy regarding the development of SEZs has been under the Consideration of the State Government. It has now been decided that the following policy will apply to proposed SEZs at New Mumbai(Dronagiri), Aurangabad, Nagpur, Sinnar (Dist. Nasik), Kagal (Dist. Kolhapur), Guhagar (Dist. Ratnagiri) and at any other SEZ in Maharashtra, subject to the framework for SEZs determined by Government of India from time to time.

RESOLUTION:

Environment

1) NOCs, consents and other clearances required from the Maharashtra Pollution Control Board for units and activities within the SEZs would be granted by the empowered officer of the Board working under the administrative supervision and control of the designated Development Commissioner of the SEZs. The activities / projects noted in Annexure I, which fall within the ambit of the Environmental Impact Assessment Notification, 1994 (as amended on 4.5.1994) will have to obtain environment clearance from Ministry of Environment and Forest, Government of India. In the event Government of India delegates the powers to the designated Development Commissioner or other authority within the SEZ, the clearances may be sought accordingly 2) The State Government's powers to accord environmental clearance to the projects and activities mentioned in Annexure II and III in accordance with the Government Resolution, Environment Department, No.ENV-1094/SEAC/CR-170/Desk-1, dated 7th August, 1997 will vest with the designated Development Commissioner of the SEZ.

Water Supply

3) The SEZ authority shall ensure the provision of adequate water supply within the SEZs.

Power

4) The SEZ authority will ensure continuous and good quality power supply to SEZs. Public sector enterprise(s) or joint ventures promoted by them can establish 'Independent Power Producers' (IPPs) which will be permitted to establish dedicated provision of power to the SEZ, including generation, transmission and distribution besides fixing tariffs for the zone. The SEZ authority should ensure standby arrangements. These IPPs will also be permitted to establish grid connectivity so as to draw power from the grid in case of stand by arrangements subject to their entering into a separate agreement with Maharashtra State Electricity Board (MSEB) on mutually acceptable terms. Industrial units and other establishments in the SEZ for which no 'Independent Power Producer' has been established will be permitted to generate their own power for captive use. 5) Under Energy Department Notification, No.IELD-1002/CR-140/NRG-1, dated 6th July, 2001, the new industries setting up in C, D, and D+ areas and Non- Industry District(s) of the State, under the Package Scheme of Incentive 2001 have been exempted from payment of full electricity duty for the period of 15 years. This would apply to new industries in SEZs situated in such areas. Units setting up in SEZs and other locations on the remaining areas of the State have been exempted from payment of electricity duty for a period of 10 years. This exemption is applicable to the units in the SEZs from the date of commencement of production or rendering of services.

State Taxes, Duties, local taxes and levies

6) Developers of SEZs, and industrial units and other establishments within the SEZs will be exempted from all State and local taxes and levies, including Sales Tax, Purchase Tax, Octroi, Cess, etc. in respect of all transactions made between units/establishments within the SEZ, and in respect of the supply of goods and services from the Domestic Tariff area to SEZ units/establishments. If due to tax system constraints, it is not advisable to grant direct exemption to the transactions, the State taxes paid would be fully reimbursed.

7) All industrial units and their expansions located in the SEZs, irrespective of their location within the state shall be exempted from Stamp Duty and Registration fee till 31st March, 2006, on the same basis as the dispensation for industrial units in C, D, D+ and No-Industry Districts contained in Revenue Department's Order No. Mudrank 2000/4229/CR-1064/M-1, dated 5th May 2001.

Labour Regulations

8) The powers of the Labour Commissioner, Government of Maharashtra shall be delegated to the designated Development Commissioner or other authority in respect of the area within the SEZ. Modalities will be devised for the grant of various permissions required from the Directorate of Industrial Safety & Health and the Directorate of Steam Boilers within the SEZ themselves through the stationing of exclusive personnel for the purpose or through other means so that clearances relating to various labour laws can be provided at a single point at the SEZ itself. Except in emergent circumstances, the prior permission of the Development Commissioner or other designated authority of the SEZ would be required for the conduct of inspections by these agencies of industrial units and other establishments within the SEZ.

9) All industrial units and other establishments in the SEZs will be declared as 'Public Utility Service' under the provisions of the Industrial Disputes Act. 10) In pursuance of the Maharashtra Industrial Policy, 2001 and subject to Legislature approval and Government of India's assent, amendments are proposed to the Industrial Disputes Act. The proposed amendments include, inter-alia, limiting the applicability of Chapter-V-B to industries employing 300 or more workmen, etc. Similarly, the Contract Labour (Regulation and Abolition) Act is proposed to be amended to exclude certain peripheral service activities. In case it is not found feasible to amend these statutes as proposed, similar amendments will be proposed only for units and establishments within the SEZs.

SSI and IT Registration

11) The power to grant provisional and permanent Small- Scale Industry Registration, and Letter of Intent and Registration to Information Technology units, will be delegated to the Development Commissioner or other designated authority in respect of units in the SEZ's.

SEZs as Industrial Townships

12) The State Government will take appropriate steps to declare the SEZs as Industrial Townships to enable the SEZs to function as self-governing, autonomous municipal bodies.

Law & order

13) The State Government shall make appropriate and exclusive arrangements within the SEZ for the maintenance of law and order.

Committee for review & development of SEZ.

14) The State Government shall constitute a Committee of Secretaries and other concerned officials, including representatives of the SEZ authorities/promoters, under the Chairmanship of the Chief Secretary to resolve various issues pertaining to the promotion, development and functioning of SEZs in the State. This GR issues with the concurrence of the Finance Department vide its UR No. 1581, dated 6th October, 2001 (Tax) By order and in the name of Governor of Maharashtra,

(V. S. DHUMAL)**Secretary to Government**

To

- The Secretary, Department of Commerce, Ministry of Commerce & Industry, Government of India, New Delhi.
- The Secretary to the Governor of Maharashtra
- The Principal Secretary to Chief Minister, Mantralaya, Mumbai.
- The Principal Secretary to Deputy Chief Minister, Mantralaya, Mumbai.
- The Chief Secretary, Mantralaya, Mumbai.
- The Additional Chief Secretary (Home), Mantralaya, Mumbai.
- The Principal Secretary (Planning), Mantralaya, Mumbai.
- The Principal Secretary (Finance), Mantralaya, Mumbai.
- The Principal Secretary (Reforms), Finance Department, Mantralaya, Mumbai.
- The Principal Secretary (Urban Development), Mantralaya, Mumbai.
- The Principal Secretary (Energy), Mantralaya, Mumbai.
- The Principal Secretary (Environment), Mantralaya, Mumbai.
- The Principal Secretary (Revenue), Mantralaya, Mumbai.
- The Principal Secretary (Labour), Mantralaya, Mumbai.
- The Principal Secretary (Textiles), Mantralaya, Mumbai.
- The Secretary (Industries), Mantralaya, Mumbai.
- The Secretary (Trade, Commerce & Mining), Mantralaya, Mumbai.
- The Secretary (Information Technology), Mantralaya, Mumbai.
- The Metropolitan Commissioner, MMRDA, Mumbai.
- The Chairman, MSEB, Mumbai.
- The Development Commissioner (Industries), Mumbai.
- The Development Commissioner (Industries), Nagpur.
- The Development Commissioner (SEEPZ), Mumbai.
- The Managing Director, CIDCO, Mumbai.
- The Chief Executive Officer, MIDC, Mumbai.
- The Chief Executive Officer, Maharashtra Maritime Board, Mumbai.
- All Divisional Commissioners
- All Municipal Commissioners in Maharashtra
- All Collectors in Maharashtra
- The Commissioner, Labour.
- The Director, Steam Boilers.
- The Director, Industrial Safety and Health
- All Mantralaya Departments
- Private Secretary to all Ministers
- Private Secretary to all Ministers of State
-

ANNEXURE I**LIST OF PROJECTS REQUIRING ENVIRONMENTAL CLEARANCE FROM THE CENTRAL GOVERNMENT**

1. Nuclear Power and related projects such as Heavy Water Plants, nuclear fuel complex, rare earths
2. River Valley projects including hydel power, major irrigation and their combination including flood control.
3. Ports, Harbours, Airports (except minor ports and harbours)
4. Petroleum Refineries including crude and product pipelines.
5. Chemicals Fertilizers (Nitrogenous and Phosphatic other than single super phosphate)
6. Pesticides (Technical)
7. Petrochemical complexes (Both Olefinic and Aromatic) and Petro-chemical intermediates such as DMT, caprolactam, LAB etc. and production of basic plastics such as LDPE; HDPE, PP, PVC.
8. Bulk drugs and pharmaceuticals.
9. Exploration for oil and gas and their production, transportation and storage.
10. Synthetic Rubber.
11. Asbestos and Asbestos products
12. Hydrocyanic acid and its derivatives.

13. a) Primary metallurgical industries (such as production of Iron and Steel, Aluminum, Copper, Zinc, Lead and Ferro Alloys).
b) Electric arc furnaces (Mini Steel Plants)
14. Chlor-alkali industry.
15. Integrated paint complex including manufacture of resins and basic raw materials required in the manufacture of paints.
16. Viscose Staple fibre and filament yarn.
17. Storage batteries integrated with manufacture of oxides of lead and lead antimony alloy.
18. All tourism projects between 200m-500 meters of High Tide Line or at locations with an elevation of more than 1000 meters with investment of more than Rs.5 crores.
19. Thermal Power plants.
20. Mining projects (major minerals) with leases more than 5 hectares.
21. Highway Projects.
22. Tarred Roads in Himalayas and/or Forest areas.
23. Distilleries
24. Raw Skins and Hides
25. Pulp, paper and newsprint.
26. Dyes.
27. Cement
28. Foundries (individual).
29. Electroplating.

ANNEXURE II

Projects requiring environment clearance from Government of India if investment is more than Rs. 50 crores and from Government of Maharashtra if the investment is less than Rs. 50 crores and more than 3 crores.

1. Nuclear Power and related projects such as Heavy Water Plants, Nuclear Fuel Complex, Rare Earths.
 2. River valley projects including hydel power, major irrigation and their combination, including flood control.
 3. Ports Harbours, Airports (except minor ports and harbours)
 4. Petroleum Refineries including crude and product pipelines.
 5. Chemical Fertilizers (Nitrogenous and Phosphatic other than single super phosphate)
 6. Petrochemical complexes (Both Olefinic and Aromatic) and petrochemical intermediates such as DMT, Caprolactam, LAB etc. and production of basic plastics such as LDPE, HDPE, PP, PVC.
 7. Exploration for oil and gas and their production, transportation and storage.
 8. Synthetic Rubber.
 9. Hydrocyanic acid and its derivatives.
 10. a) Primary metallurgical industries (such as production of Iron and Steel, Aluminium, Copper, Zinc, Lead and Ferro Alloys)
b) Electric arc furnaces (Mini Steel Plants)
 11. Chlor alkali industry.
 12. Viscose staple fibre and filament yarn.
 13. Storage batteries integrated with manufacture of oxides of lead and lead antimony alloy.
 14. High way projects.
 15. Pulp, paper and newsprint.
 16. Cement.
 17. THERMAL POWER PLANTS, excluding the following for which powers have been delegated to State Government even if investment exceeds Rs. 50 crores vide Government of India Notification No.SO-19(E) dated 10.04.1997.
- I) CO-GENERATION CAPTIVE PLANTS:-
- i) Co-generation plants – All Co-Generation plants irrespective of installed capacities.
 - ii) Captive power Plants – Upto 250 MW (both coal and gas/naptha based) coming up separately and not along the main industry.
- II) UTILITY PROJECTS
- i) Coal based plants upto 500 MW using fluidized bed technology subject to sensitive areas restrictions.
 - ii) Coal based power plants upto 250 MW using conventional technologies.
 - iii) Gas / Naptha based plants upto 500 MW.

Any project proposed to be located within the radius of twenty-five kms. Boundary of reserved forests, ecologically sensitive area which may include National Parks, Sanctuaries, Biosphere Reserves, critically polluted area and within fifty kms of inter-state boundary shall require environmental clearance from Central Government.

The environment clearance to the above Thermal Power Projects will be governed by the procedure laid down in the Government of India amended Notification No. SO 319(E) dated 10.04.1997.

ANNEXURE III

EXCLUDING SMALL SCALE INDUSTRIAL UNITS AND PROJECTS ABOVE RS. 3 CRORE

1. Chrome tanning.
2. Glue and gelatin.
3. Detergent.
4. Smelting of zinc, copper and lead.
5. Manufacture of sugar (excluding Khandsari)
6. Tyre and tubes (excluding vulcanization, retreading and molding).
7. Lubricating oils, greases or petroleum products (processing of waste materials).
8. Manufacture of acids, such as Sulfuric acid, Nitric acid, Phosphoric acid.
9. Manufacture of Single Super Phosphate.
10. Coke making, coal liquefaction or fuel, gas making.
11. Manufacturing of phosphorous and its compound and calcium carbides.
12. Carbon Black.
13. Slaughter house, meat processing and Bone mills.
14. Tobacco processing / Tobacco products including Cigarettes.
15. Lime kilns.

THE MAHARASHTRA STATE SEZ ACT, 2002

An Act to facilitate the development, financing, operation, maintenance, management and administration and regulation of Special Economic Zones in the State of Maharashtra.

The Act is enacted as follows:

PRELIMINARY

1. *Short Title, Extent and Commencement*

- (1) This Act may be called the Maharashtra State SEZ Act, 2002.
- (2) It extends to the whole of the State of Maharashtra.
- (3) It shall come into force on such date as the State Government may by notification in the Official Gazette, appoint.

2. *Definitions*

- (1) In this Act, unless the context otherwise requires
 - (a) "Act" means the Maharashtra State Special Economic Zone Act, 2002;
 - (b) "Developer" means a Person who develops, builds, designs, organizes, promotes, finances, operates and/or maintains a part and/or whole of the infrastructure(s) and other facilities of the Zone and who has been selected as per section 4 and 5 of this Act.
 - (c) "Chief Secretary" shall mean the Chief Secretary of the State of Maharashtra.
 - (d) "Co-developer" shall mean a Person who has entered into firm, written and binding contractual agreement with the Developer to develop, build, design, organize, promote, finance, operate and/or maintain a part or whole of the infrastructure and other facilities of the Zone in association with Developer;
 - (e) "Development Commissioner" means the officer appointed by Department of Commerce, Ministry of Commerce and Industries, Government of India, to perform the functions/ and vested with the power and authority of Development Commissioner in relation to this Act;
 - (f) "Empowered Committee" means the committee set up by the Government of Maharashtra under sub-section (2) of section 5 of this Act for providing single window clearance for the Developer of the Zone;
 - (g) "Government of India" or "GOI" means Government of India;
 - (h) "Government" or "GoM" means the Government of Maharashtra;
 - (i) "Infrastructure services" includes the following services and projects in the Zone:
 - Electricity generation, transmission and distribution;
 - Water, drainage and sewerage;
 - Gas, steam, LPG transmission and distribution;
 - Communication (Telecom, internet etc);
 - Information Technology and infrastructure;
 - Roads and highways;
 - Port;
 - Airport;
 - Industrial park
 - Hospitals and healthcare facilities;
 - Education facilities;
 - Entertainment and leisure facilities;
 - Public health and sanitation projects and services
 - Any other such services as notified by the government;
 - (j) "Off-Zone supplier" means a unit located outside the Zone, providing goods or services or both to Developer/Co-developer, Operator, Tenant or Resident or any or all of them;
 - (k) "Operator" means a person engaged by the Developer or the SEZ Authority in providing Infrastructure Services in whole or in part in the Zone;
 - (l) "Person" shall include any individual, firm, company or association or body of individuals whether incorporated or not;
 - (m) "Regulations" shall mean any regulations made under this Act.
 - (n) "Resident" means a person residing in the Zone for an aggregate period of not less than 180 days in a year;
 - (o) "Secretary" means Secretary, Ministry of Industries, Energy and Labour to the Government of Maharashtra;

(p) "Special Economic Zones (SEZ)" means a zone which has received approval as a Special Economic Zone by the Inter Ministerial Committee of the Government of India and the geographical area declared and notified in the Official Gazette as Special Economic Zone by the Government of Maharashtra.

(q) "SEZ Authority" means the authority established for the Zone under section 10 of the Act.

(r) "Tenant" means a unit/enterprise in whole or part, which occupies space within the Zone for carrying out its approved business;

(s) "Zone" means the Special Economic Zone.

3. Establishment of the Zone

(1) Any person, subject to section 4 & 5 can develop, finance, operate, maintain, manage and administer a Special Economic Zone in the State of Maharashtra.

4. Selection of the Developer and Procedure for Approval

(1) The Government shall identify and notify the area to be developed as a Zone and invite proposals for the development of the same by the public, private, joint sector or by any instrumentality of the Government. The Government shall select a Developer for the purpose of development of the Zone. The scheme for selection of the Developer shall be such as prescribed by the Government.

(2) The proposal for establishing the Zone shall be forwarded to the Chief Secretary indicating the name and address of the Developer along with a project report containing the following particulars:

- a) Location of the proposed Zone with details of the existing infrastructure and that which is proposed to be established;
- b) Distance of the Zone from the nearest airport/seaport/road/rail head.
- c) Financial details including the investment proposed, mode of financing the project and viability of the projects;
- d) Details of foreign equity and repatriation of dividends;
- e) Industries that will be permitted to operate in the Zone.

(3) Proposals for establishing the Zone shall be forwarded by the Government to the Department of Commerce, Government of India for its permission along with the following commitment from the Government;

- a) The area incorporated in the Zone is free from any environmental restrictions;
- b) Water, electricity and other services would be provided as required;
- c) Full exemption on electricity duty and tax on sale of electricity for self generated and purchased power;
- c) To allow, generation, transmission and distribution of power within the Zone;
- d) Exemption from sales tax, octroi, mandi tax, turnover tax and taxes, duties, cess, levies on supply of goods from Domestic Tax Areas to the Tenants established in the Zone;
- e) For Tenants inside the Zone, the power under the Industrial Disputes Act and other related acts would be delegated to the Development Commissioner or to an officer posted exclusively for the Zone and the Zone will be declared as a public utility service under the Industrial Disputes Act;
- f) Single point clearances system and minimum inspections requirement under the applicable laws promulgated by the Government.
- g) Such other commitments/requirements as may be specified by the Government of India or by any other regulatory authority from time to time.

(4) The proposal of the Developer incorporating the commitments of the Government shall be forwarded to the Inter Ministerial Committee of the Government of India constituted for purpose of approving the setting up of SEZ and upon acceptance of the proposal a letter of permission shall be issued to the applicant.

(5) Within 30 days of the receipt of the letter of permission from the Government of India, the Government shall approve the proposal and shall notify the area as a Special Economic Zone.

5. Empowered Committee

(1) The Government shall constitute an Empowered Committee for granting a single window clearance for the development of the Zone on receipt of such approval from the Inter Ministerial Committee of the Government of India.

(2) The Empowered Committee shall be headed by an officer of the rank of Secretary or above.

(3) The constitution of the Empowered Committee shall be such as may be decided by the Government from time to time.

6. Extent

(1) For the purpose of this Act, the area within the limits specified by the Government by notification in the Official Gazette under section 4(5) shall constitute the Zone. Such area shall be deemed to be a foreign territory for the purposes of trade operations, duties and tariffs.

(2) The Government may from time to time after consultation with the Developer and by notification in the Official Gazette alter the limits specified for any Zone under sub-section (1) so as to include therein, or to exclude therefrom, such area as specified in the notification.

(3) (a) Where by a notification under sub-section (2) of this section any area is included within the limits of the Zone, all appointments, notifications, notices, taxes, orders, schemes, licenses, permissions, rules, bye-laws or forms made, issued, imposed or granted under this Act to the Zone, and in force within the Zone immediately before the area is included in the Zone shall, notwithstanding anything contained in this Act or any other law for the time being in force, extend to and be in force in the area so included from the date on which the area is included in the Zone.

(b) Where there are in force in the area included in the Zone, any appointments, notifications, notices, taxes, orders, schemes, licenses, permissions, rules, bye-laws or forms immediately before such area is included in the Zone either corresponding or inconsistent with the appointments, notifications, notices, taxes, orders, schemes, licenses, permissions, rules, bye-laws or forms extended and brought into force by sub-section (3)(a), such appointments, notifications, notices, taxes, orders, schemes, licenses, permissions, rules, bye-laws or forms shall stand superseded.

(c) Where by notification under sub-section (2) of this section, any area is excluded from the limits of the Zone, all appointments, notifications, notices, taxes, orders, schemes, licenses, permissions, rules, bye-laws or forms made, issued, imposed or granted under this Act in respect of the Zone and in force within its area immediately before the area is excluded from the Zone shall, notwithstanding anything contained in this Act or any other law for the time being in force, continue to be in force in the area so excluded until they are superseded or modified.

Provided that the Government shall not issue any notification to supersede or modify any prior notification mentioned in clause© above without giving the Developer and the SEZ Authority written notice 90 days prior to such supersession or modification.

(4) With effect from the date on which this Act comes into force, Chapter III, Chapter IV and Section 31 of the Urban Land (Ceiling and Regulation) Act, 1976 shall be inapplicable to all land held by a Tenant or Developer for promoting or developing an SEZ or for the purpose of carrying on any commercial activity within the SEZ.

7. Zone Administration

The following two authorities shall be constituted in each Zone to perform the various management and administration functions in the Zone, namely

- (a) Zone Board;
- (b) Special Economic Zone Authority ("SEZ Authority").

8. Zone Board

Composition of the Zone Board

1) The Zone Board shall comprise of:

- a) The Development Commissioner of the Zone appointed by the Government of India;
- b) A nominee of the Central Board of Excise and Customs, Ministry of Finance, Government of India;
- c) One official appointed by the Government;
- d) A nominee of the Developer.

2) The Development Commissioner shall be the ex-officio Chairman of the Zone Board.

3) The Zone Board shall meet at such places as may be decided by the Chairman.

Meetings of Zone Board

- a) The meetings of the Zone Board shall be held at least once every three months and at least four such meetings shall be held in a year.
- b) The quorum necessary at any such meeting of the Zone Board shall be three.
- c) Decisions, regarding any business transacted, at such meeting shall be taken by a simple majority. In the case of an equality of votes the Chairperson shall have the casting vote.

- d) No act or proceeding of the Zone Board shall be questioned or shall be invalid on the ground merely of the existence of any vacancy in or defect in the constitution of the Zone Board or any defect in the nomination of a person as the Chairperson or a Member or any irregularity in the procedure of the Zone Board including issuing of notice for holding of meeting, not affecting merits of the matter.

Functions of the Zone Board

- 1) The Zone Board shall provide an interface between the Government of India and the Government, and the Developer, the Tenants, Residents of the Zone from time to time. 2) The functions of the Zone Board shall include: a) Maintenance of land records; b) Setting town planning and urban development standards, as per the Regulations; c) Registering of births, marriages and deaths; d) Maintenance of law and order. 3) The Zone Board shall have the power to frame Regulations, rules and byelaws in relation to the above functions.

9. Powers of Development Commissioner

- (1) The Development Commissioner shall have the following powers namely:
- (a) Acting as the registering authority for Tenants in the Zone.
 - (b) Allotting the Importer-Exporter code number for Tenants in the Zone.
 - (c) Granting approvals for all matters relating to post approval operation of an establishment in the Zone, including import/ procurement of additional capital goods, increase in value of capital goods on account of foreign exchange rate fluctuations, enhancement of production capacity, broad banding/ diversification, change in name of the company or the implementing agency and change from a company to another provided the new implementing agency/ company undertakes to take over the assets and abilities of the existing unit and merger of two or more Zone units and extension of validity of LOP/LOI.
 - (d) Exercising the powers of adjudication under Section 13 read with Section 11 of Foreign Trade (Development & Regulation) Act, 1992 for Tenants.
 - (e) Valuation of exports declared on SOFTEX form by Tenants in the Zone.
 - (f) Issuing eligibility certificates for grant of employment visa to low level foreign technicians to be engaged by Tenants in the Zone.
 - (g) Approving applications for setting up of enterprises in the Zone, other than proposals for setting up of enterprises in the services sector (except software and IT enabled services, trading or any other service activity as may be delegated by the BOA), provided that the item of manufacture does not require an industrial license under the Industries (Development & Regulation) Act, 1951.
 - (h) The Power to grant provisional and permanent small scale industry registration, letter of intent and registration for units engaged in information technology.
 - (i) Issuing Green Card to the Tenants automatically after execution of Legal Undertaking.
 - (j) Performing the functions of the Labour Commissioner, as laid down in Section 25 of this Act.
 - (k) Performing the functions of the State Pollution Control Board, as laid down in Section 34(2) of this Act.

10. Special Economic Zones as Industrial Township

- (1) Specification of Special Economic Zone as Industrial Township

The State Government shall declare the Zone to be an industrial township under the proviso to clause (1) of Article 243-Q of the Constitution of India The Zone shall be governed subject to the provisions of this chapter.

- (2) Incorporation of SEZ Authority

For every Zone there shall be a SEZ Authority. Every such SEZ Authority shall be a body corporate by the name of "the _____ SEZ Authority" and shall have perpetual succession and a common seal, and shall have power to acquire, hold and dispose of property and to enter into contracts and may by that name sue and be sued.

- (3) Constitution of SEZ Authority in Special Economic Zone The SEZ Authority in the Zone shall consist of: a) Chairperson - to be nominated by the Developer; b) Two members to be nominated by the Developers; c) One member to be nominated by the Tenants; d) One member to be nominated by the Development Commissioner.

- (4) Term of Office of Members

- a) The term of office of the Chairperson and the Members nominated shall be five years. On the completion of the term, fresh nomination is to be made as specified in Section 10(3) above.
- b) Any casual vacancy arising for any reason, such as death or disablement of the Chairperson or a member, shall be filled in by nomination in such manner that the Constitution of the SEZ Authority as provided in sub-section (3) is unaltered.

- c) Any member so nominated under clause (b) sub-section (4) above shall hold office only for the remainder of the term for which the member, in whose place he is nominated would have held such office.

(5) Meetings of SEZ Authority e) The SEZ Authority shall meet at least once in a month. f) The quorum necessary at any such meeting of the SEZ Authority shall be three. g) Decisions, regarding any business transacted, at such meeting shall be taken by a simple majority. In the case of an equality of votes the Chairperson shall have the casting vote.

h) No act or proceeding of the SEZ Authority shall be questioned or shall be invalid on the ground merely of the existence of any vacancy in or defect in the constitution of the SEZ Authority or any defect in the nomination of a person action as the Chairperson or a Member or any irregularity in the procedure of the SEZ Authority including issuing of notice for holding of meeting, not affecting merits of the matter.

(6) Authentication of orders and documents of SEZ Authority

All documents of the SEZ Authority shall be authenticated by the signature of the Chairperson of the SEZ Authority or any other officer authorised by the SEZ Authority in this behalf.

(7) Functions and duties of SEZ Authority

- a) It shall be incumbent on the SEZ Authority to make adequate provision, by any means or measures which it is lawfully competent for them to use or to take, for each of the following matters, namely:

- (i) lighting public streets, places and buildings;
- (ii) cleaning public streets, places and sewers, removing noxious vegetation and abating all public nuisances;
- (iii) extinguishing fires and protecting life and property when fires occur;
- (iv) securing and removal of dangerous buildings and places;
- (v) removal of obstructions and projections in or upon streets, bridges and other public places;
- (vi) constructing, altering and maintaining public streets, culverts, boundary marks, markets, slaughter-houses, latrines, privies, urinals, drains, sewers, drainage works, sewerage works, baths, washing places, drinking fountains, tanks, wells, and the like;
- (vii) enforcing town planning and urban development standards, granting approvals and approving changes within the norms prescribed by the Zone Board;
- (viii) supply of protected drinking water to the inhabitants of the Special Economic Zone and obtaining a supply of an additional supply of water, proper and sufficient for preventing danger to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply;
- (ix) granting leases to the Tenants as per the provisions of this Act;
- (x) removal of unauthorized constructions.
- (xi) Such other functions that may be delegated to the SEZ Authority by the Government.

- b) In the event that the Developer also provides residential facilities in the Zone, the SEZ Authority shall also provide the following facilities to the Residents;

- (i) Acquiring and maintaining places for the disposal of the dead;
- (ii) Establishing and maintaining public dispensaries, and providing public medical relief and organizing Family Planning Centres;
- (iii) Establishing and maintaining educational facilities;10

(8) Powers of SEZ Authority in the Zone

a) The SEZ Authority in the Zone shall have the powers to do anything which may be necessary or expedient for the purposes of carrying out its functions under this Act. The SEZ Authority may, for its purpose, by an order delegate such powers as it may deem fit.

b) Without prejudice to the generality of the foregoing powers, it shall levy fees or services charges for the maintenance of roads, drainage, water supply, lighting and such other services and amenities as may be provided by it, including provision of street lighting. Such fees or charges may be levied on the Tenants or any other Person receiving the benefit of such services or amenities.

(9) Power to make rules

The SEZ Authority may make rules for conducting activities and carrying out its functions under this Chapter. No previous sanction of the State Government or the Development Commissioner or the Zone Board shall be required for these rules to be effective.

(10) Powers to suspend execution of orders and resolutions of SEZ Authority in Zone, on certain grounds

If, in the opinion of the Development Commissioner, the execution of any Regulations order or resolution of the SEZ Authority in the Zone or the doing of anything which is about to be done or is being done by or on behalf of the SEZ Authority is causing or is likely to cause injury or annoyance to the public or is against public interest or to lead to a breach of the peace or is unlawful, he may by order in writing under his signature suspend the execution or prohibit the doing thereof.

Provided that before such an order is passed, a showcause notice be issued by the Development Commissioner to the SEZ Authority and the SEZ Authority may, if it so desires, forward a statement in response to the showcause notice, to the Development Commissioner, within twenty days from the receipt of such showcause notice, after which period it shall be presumed that the SEZ Authority has no objection if the order of the Development Commissioner is passed.

Provided further that the Development Commissioner shall take into account the statement of the SEZ Authority if received, before such an order is passed.

(11) Power to appoint Administrator in certain circumstances

If, in the opinion of the State Government, the SEZ Authority is unable to or has failed to perform its duties or to carry out its functions, properly and satisfactorily, the State Government may, after giving the SEZ Authority a reasonable opportunity of being heard, by an order in writing published in the Official Gazette, appoint a Government Officer as an Administrator of the said Special Economic Zone, for a period specified in the order.

(12) Non-Application of Regional and Town Planning Act

(a) The Government shall by notification in the Official Gazette declare the SEZ Authority to be a New Town Development Authority under section 113-A of the Maharashtra Regional and Town Planning Act, 1966.

(b) Upon the publication of such a notification in the Official Gazette, the provisions of the Maharashtra Regional and Town Planning Act, 1966, and any regulations, notifications or rules framed thereunder, shall have no application in the area of a Special Economic Zone.11

11. Fiscal Benefits

(1) Notwithstanding anything contained in any other Act, including the Maharashtra State Sales Tax Act, the Bombay Sales of Motor Spirit Taxation Act, the Maharashtra Entertainment Tax Act, the Maharashtra Tax on Luxuries (Hotels and Lodging Houses) Act and the Bombay Stamp Act, the Government shall provide the fiscal benefits as enumerated in the following sections to the Developers/ Co-developers, Operators, Tenants, Residents and Off-Zone Suppliers of the Zone.

(2) Any Developer/Co-developer, Operator, Tenant, Resident or Off-Zone Supplier of the Zone who avails of the fiscal benefits offered under this Act shall not be eligible for any other fiscal benefits offered to establishments in the State under any other Act, including the Maharashtra State Sales Tax Act, the Maharashtra Tax on Luxuries (Hotels and Lodging Houses) Act and the Bombay Stamp Act.

(3) All land notified by the Government as area to be demarcated as a Zone, whether in the possession of the Developer/Co-Developer, Operator, Tenant, Resident or Off Zone Supplier shall be exempted from any liability for the payment of land revenue under the provisions of the Maharashtra Land Revenue Code, 1966.

(4) The incentives available to the Developer/Co-developer, Operator, Tenant, Resident or Off-Zone Supplier of the Zone shall be as follows, namely

12. Fiscal Benefits to the Developer/Co-developer

(1) The Developer/Co-developer of the Zone shall be exempt from the payment of Purchase Tax on purchases made from unregistered dealers, of goods required and used for the establishment and development of Infrastructure services.

(2) The Developer/Co-developer of the Zone shall be eligible for the refund of Central Sales Tax (CST) paid on the purchase of goods required and used for the establishment and development of Infrastructure services.

(3) The Developer/Co-developer of the Zone shall be exempt from the payment of tax on specified sales (Lease Tax) in respect of lease of goods required and used for the establishment and development of Infrastructure services.

(4) The Developer/Co-developer of the Zone shall be exempt from the payment of tax in respect of Works Contracts executed for the establishment and development of Infrastructure services.

- (5) The Developer/Co-developer of the Zone shall be exempt from the payment of Stamp Duty on any instrument executed in relation to transactions for establishment and development of the Zone.
- (6) The Developer/Co-developer of the Zone shall be exempt from the payment of tax on the purchase of motor spirit required and used for establishment and development of Infrastructure services.
- (7) The Developer/Co-developer shall be exempt from the payment of all cess and duties levied by the State Government and Local Authorities.

13. Fiscal Benefits to the Operator

- (1) The Operator of the Zone shall be exempt from the payment of Purchase Tax on purchases made from unregistered dealers, of goods required and used for the operation and maintenance of Infrastructure services.
- (2) The Operator of the Zone shall be eligible for the refund of CST paid on the purchase of goods required and used for the operation and maintenance of Infrastructure services.
- (3) The Operator of the Zone shall be exempt from the payment of tax on specified sales (Lease Tax) in respect of lease of goods required and used for the operation and maintenance of Infrastructure services.
- (4) The Operator of the Zone shall be exempt from the payment of tax in respect of Works Contracts executed for the operation and maintenance of Infrastructure services.
- (5) The Operator of the Zone shall be exempt from the payment of Stamp Duty on any instrument executed in relation to transactions for operation and maintenance of the Zone.
- (6) The Operator of the Zone shall be exempt from the payment of tax on the purchase of motor spirit required and used for operation and maintenance of Infrastructure services.
- (7) The Operator shall be exempt from the payment of all cess and duties levied by the State Government and Local Authorities.

14. Fiscal Benefits to the Tenant

- (1) The Tenant shall be exempt from the payment of Purchase Tax on purchases made from unregistered dealers of goods required and used in establishments within the Zone.
- (2) The Tenant shall be exempt from the payment of Sales Tax on the sale of goods to the Developer/ Co-developer, Operator, Tenant or Resident within the Zone for use in the Zone.
- (3) The Tenant shall be eligible for the refund of Central Sales Tax paid on the purchase of goods required and used in establishments within the Zone.
- (4) The Tenant shall be exempt from the payment of tax on specified sales (Lease Tax) in respect of lease of goods required and used in establishments within the Zone.
- (5) The Tenant shall be exempt from the payment of tax in respect of Works Contracts executed for the construction and maintenance of factories, buildings or other facilities within the Zone.
- (6) The Tenant shall be exempt from the payment of Stamp Duty on any instrument executed within the Zone to the extent and for such period as may be specified by the Government by notification hereunder
- (7) The Tenant shall be exempt from the payment of tax on the sale and purchase of motor spirit to and in establishments within the Zone.
- (8) The Tenant shall be exempt from the payment of entertainment tax on services provided within the Zone.
- (9) The Tenant shall be exempt from the payment of luxury tax on services provided within the Zone.
- (10) The Tenant shall be exempt from the payment of all cess and duties levied by the State Government and Local Authorities.

15. Fiscal Benefits to the Resident

- (1) The Resident be exempt from the payment of Stamp Duty on any instrument executed within the Zone to the extent and for such period as may be specified by the Government by notification hereunder.
- (2) The Resident shall be exempt from the payment of all cess and duties levied by the State Government and Local Authorities.

16. Fiscal Benefits to Off-zone Supplier

The Off-Zone Supplier shall be exempt from the payment of Sales tax on sale of goods and services to the Developer/Co-developer, Operator or Tenant of the Zone.

17. Provision of Infrastructure Services

Notwithstanding anything contained in any other Act, the Developer, Co-Developer/Operator/agent of the Developer/Off Zone Supplier/Tenant shall be free to develop, construct, install, operate, manage, and maintain all or any of the Infrastructure Services without requiring any licence or approval from any authority provided that the provision of such infrastructure services is in accordance with the proposal of the Developer that has been approved by the Government.

18. Freedom to Provide Services and Charge Tariff

(1) Notwithstanding anything in any other Act/Agreement/License, the Developer/Co-developer/ Operator/Agent of the Developer of the Zone shall be free to develop, construct, install, operate, manage, and maintain any or all of the following services for the purpose of providing services to Tenants and Residents, without any license, namely

- (a) Generation, transmission & distribution of electricity
- (b) Water extraction, treatment, transmission and distribution
- (c) Waste water treatment
- (d) Provision of ports, airports & related services
- (e) Provision of roads & highways
- (f) Any other services as may be prescribed by Regulation

(2) Notwithstanding anything contained in any other Act, the provider of the facility/services under sub-section (1) to the Zone shall be free to set charge/levy fee for providing such services.

19. Generation, Transmission & Distribution of Electricity

(1) The following provisions shall apply to the generation, transmission & distribution of electricity in the Zones, namely

- (a) Any person shall be free to generate & supply electricity within the geographical area of the Zone, under the terms & conditions of power supply and sale agreed to between the power generator and the distributor.
- (b) The distribution and supply of electricity in the Zone shall be outside the purview of the Maharashtra Electricity Regulatory Commission.
- (c) Any person generating electricity in the Zone shall be allowed to supply electricity to the State Electricity Boards as per government approvals and terms and conditions agreed by the generator and the SEB.

(2) The power provider including utilities for generation, transmission, distribution or supply of electricity shall be entitled to all the tax exemption enjoyed by other industrial/commercial units located in SEZ. These tax exemptions will inter alia include customs, octroi, sales, excise duty, etc.

(3) If the power producer is located outside the SEZ and lays transmission lines to feed the SEZ requirements:

- (a) It will be permitted similar tax exemption as stated in para 2 to correspond to quantity of power supplied to SEZ. This will apply to all Fixed Costs incurred for the purpose of power supply and to all variable input costs like fuel, oil, water, etc.
- (b) The tariff charged shall be outside the purview of the MERC.
- (c) The power provided shall not require additional license to set up transmission lines/distribution network to facilitate power supply to SEZ. Such transmission/distribution lines can be laid in the area of State Electricity Board for which no additional authorization would be needed one SEZ has consented to take power from the said power provider.

(4) For the provision of products/services of infrastructure as defined in this Act, relevant Acts, guidelines, rules and regulations prevalent in India shall be applicable for quality or product/service and safety requirements.

(5) The supply and distribution of power from the Zone to consumers, transmission companies or distribution companies outside the Zone shall be subject to the provisions of the ERC Act 1998.

(6) Any sale of electricity to the Zone shall be exempted from payment of tax on the sale of Electricity to a Developer/Co-developer, Operator, Tenant or Resident of the Zone.

20. Water Extraction, Treatment, Transmission and Distribution

(1) The Developer/Co-developer or Operator shall be permitted to set up systems and facilities for Water extraction, treatment, transmission and distribution within the Zone, provided the minimum service standards are met.

(2) The Developer/Co-developer or Operator shall be permitted to set and collect tariffs for the supply of water within the Zone.

21. Wastewater and Solid Waste Management and Treatment

(1) The Developer/Co-developer or Operator shall be permitted to set up systems and facilities for wastewater and solid waste management and treatment in the Zone, provided the minimum service standards are met.

(2) The Developer/Co-developer or Operator shall be permitted to set and collect tariffs for the management and treatment of wastewater and solid waste in the Zone.

22. Ports and Airports

(1) The Developer/; or Operator shall be permitted to develop, operate and maintain a port and/or an airport for the conveying goods and Persons for the purpose of carrying out the activities of the Zone.

(2) The Developer/Co-developer or Operator shall be permitted to handle/ landing of goods and persons (not meant for the Zone) as per the terms and conditions prescribed by Maharashtra Maritime Board and, the Airports Authority of India and Directorate General of Civil Aviation.

(3) The Developer/Co-developer or Operator shall be permitted to set and collect tariffs from the vessels/aircrafts using the facilities of the port/airport and on the goods landed and shipped at the port, subject to the port/airport meeting all the minimum performance standards set up the relevant central and state, maritime and aviation regulatory authorities and the payment of all the relevant dues to such authorities.

23. Roads

The Developer/Co-developer or Operator, or any of his agents shall be permitted to develop, operate and maintain the road network within the Zone and to charge and retain fee/toll for the same.

24. Labour1

25. Development Commissioner as Labour Commissioner

(1) The Development Commissioner of the Zone shall be vested with all the powers of the Labour Commissioner under the Industrial Disputes Act-1947 and such other acts and the rules and regulations thereunder specified in Schedule B hereto.

(2) The Development Commissioner shall be empowered to resolve disputes under Section 11-A of the Industrial Disputes Act, 1946.

(3) The Development Commissioner shall have the power to accept and scrutinize the Annual Statements of Compliance submitted under section 26(1) of the Act, and to carry out such inspections and in such manner as may be prescribed by Regulation.

(4) The Development Commissioner shall be vested with the powers of dispute-resolution for setting labour related disputes, and such dispute-resolution mechanism shall be as prescribed by Regulation.

26. Inspection and Compliance

(1) The Tenants shall submit one single Annual Statement of Compliance (hereinafter referred to as "AsoC") with the Development Commissioner, as per the format specified in the Regulations, in lieu of all registers/forms/returns under the following enactments;

- (i) Factories Act, 1948;
- (ii) Payment of Wages Act, 1936;
- (iii) Employees State Insurance Act, 1948;
- (iv) Workmen's Compensation Act, 1923;
- (v) Maternity Benefit Act, 1961;
- (vi) Contract Labour (Regulation and Abolition) Act, 1970;
- (vii) Payment of Bonus Act, 1965;
- (viii) Minimum Wages Act, 1948;
- (ix) Child Labour (Prohibition and Regulation) Act, 1986.

(2) The Tenant shall, as a part of the AsoC, certify that the unit has complied with all applicable law and shall also confirm that "the unit has generated all required information regarding the workmen that is required for complying with the labor regulations and if called upon, will be in position to deliver the same within 15 days from receiving a notice for production of information from the Development Commissioner".

(3) The Development Commissioner shall be the competent authority for carrying out inspections and ensuring compliance with respect to the Acts stipulated in sub-section (1).

(4) In case of default/non-compliance of the provisions of any of the Acts stipulated in sub-section (1), the penalties as per the relevant sections of the said Acts shall be levied on the Tenant.

27. Industrial Disputes Act, 1947

28. Declaration of the Zone as a Public Utility

(1) Chapter V-B of the Industrial Disputes Act 1947, shall be applicable to all Tenants employing 300 workmen or more.

(2) The compensation payable upon retrenchment/closure of any establishment/industry/undertaking shall be equivalent to the salary of a minimum of 45 days for every completed year of service.

(3) Section 9A of the Industrial Disputes Act 1947 shall not apply to the Zone.

Industries and establishments in the Zone shall be declared as "Public Utility Services" under Section 40 read with the First Schedule of the Industrial Disputes Act 1947, under Sub Clause (VI) of Clause (N) of Section 2.

29. Engaging Contract Labour

The Contract Labour (Regulation and Abolition) Act, 1970 shall not apply to the enterprises in the Zone.

30. Establishment of Trade Unions

(1) The Trade Unions Act, 1956, the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1947, the Bombay Industrial Relations Act and any other law relating to trade unions shall be inapplicable to the Zone from the date of commencement of this Act and the employees of the Tenants in the Zone shall be permitted to form Trade Unions, subject to the following conditions:

- (a) Not more than one trade union can be set up for each unit in the Zone.
- (b) Such union shall have not less than 50% of the workmen employed by such Tenant as its members.
- (c) All the members and office bearers of a trade union shall be employees of the unit for which the trade union shall be set up.

(2) The Development Commissioner shall register trade unions that satisfy the criteria mentioned in sub-section(1) and the process of registration shall be as prescribed by the Regulations.

31. Composite and Single Window Environmental Clearance for the Zone

(1) At the time of seeking approvals for the Zone, the Developer shall also seek all clearances, no objection certificates and consents from the empowered officer of the Maharashtra Pollution Control Board working under the supervision of the Development Commissioner.

(2) The empowered officer shall, if required under the Environmental Protection Act, 1986, the Environmental Impact Assessment Regulations, 1994 or any other law for the time being in force promulgated by the Government of India, forward the application of the Developer to Ministry Environment & Forest or to such other authority as may be established by the Government of India for its approval with a request for single and composite environmental clearance, which will cover the development of both the Zone and the proposed enterprises in the Zone.

(3) In the event that approval of the Government of India is not required for the Zone, the empowered officer of the Maharashtra Pollution Control Board shall grant approval for the development of the Zone

(4) No objection certificates consents and other clearances required from the Maharashtra Pollution Control Board for units and activities within the zone would be granted by the empowered officer of the Maharashtra Pollution Control Board under the administrative supervision and control of the Development Commissioner.

(5) The activities and projects noted in Annexure-1 hereto which falls within the ambit of the Environmental Impact Assessment Notification 1994 (as amended on May 4, 1994) will have to obtain Environment Clearance from the Ministry of Environment and Forest, Government of India. In the event, the Government of India delegates the power to the Development Commissioner the clearance shall be sought accordingly.

(6) The Government shall accord Environment Clearance to the projects and activities mentioned in Annexure 2 and 3 hereto in accordance with the Government resolution, Environment Department, No. ENV-1094/SEAC/Copyright-170/Desk-1, dated August 7, 1997 will vest with the Development Commissioner of the SEZ.

(7) From the date of commencement of the Act, the powers to accord environmental clearance to the projects, enterprises and activities in the Zone will vest in the Development Commissioner.

(8) In the event that any enterprise or proposed enterprise does not comply with environmental parameters prescribed in the approval granted by the Development Commissioner, the Development Commissioner shall deny the benefits available to such Tenant under the EXIM Policy.

32. Self Certification by the Enterprises in the Zone

(1) The Enterprises shall submit a Quarterly Certificate of Compliance (hereinafter referred to as "QsoC") to the Development commissioner in the format prescribed by Regulations confirming that the Enterprise has complied with all the regulations relating to the environment and pollution control.

(2) The official deputed by the Maharashtra State Pollution Control Department may, with the approval of the Development Commissioner, conduct inspections on the Tenants in the Zone to verify compliance with the applicable law.

33. Waiver of Water Pollution Cess

(1) Notwithstanding anything contained in the Water Pollution Cess Act, 1977, neither the Zone nor the Establishment in the Zone shall be required to pay water pollution cess provided the Zone and the Establishments in the Zone comply with the environmental norms that have been laid down for the Zone.

(2) Powers of the Maharashtra Pollution Control Board delegated to the Development Commissioner.

The following powers of the Maharashtra State Pollution Control Board shall be delegated to the Development Commissioner, namely-

- a) Power to grant approvals to Tenants proposing to set up enterprises in the Zone on the advise of the official deputed by the Maharashtra State Pollution Control Board to the Zone, as laid down in Section 9(1)(k) of the Act.
- b) Power to accept and scrutinize the Quarterly Certificate of Self Compliance submitted by the Tenants, and to grant permission to the official deputed by the Maharashtra State Pollution Control Board to the Zone to conduct surprise inspections within the Zone, as laid down in Section 33(2) of the Act.

34. Leases of Land and Buildings

(1) Term of Lease -The SEZ Authority may lease land to the Tenants for such term and in consideration of premium or rent or both premium and rent as it may determine in the rules;

(2) Recovery of premium or rent - Whenever any part of the premium or rent or service charges or any other sum due to the SEZ Authority under the lease shall be in arrears it may be recovered:

- I) by summarily attaching the property with the permission of the Development Commissioner and disposing the same through an auction;
- ii) by setting off the arrears against the premium paid by the Tenant; or

(3) User land – Every lease shall specify user of the demised land which shall be applied only to the specified user and to no other user.

(4) To build according to the building rules of the Development Commissioner/SEZ Authority– The lessee shall not at any time during the lease erect any building erection or structure on any portion of the demised land except in accordance with the building rules framed by the Development Commissioner/SEZ Authority from time to time.

(5) Restrictions against Assignment – The lessee shall not sell, assign, mortgage, underlet or otherwise transfer wholly or partly the demised land or his interest therein or part wholly or partly with the possession of the demised land or permit any person to use wholly or partly the demised land (hereinafter referred to as 'transfer of the demised land').

PROVIDED THAT nothing contained herein shall apply if the lessee shall perform to the satisfaction of the SEZ Authority the following conditions:

(A) Before transferring the demised land the lessee shall pay to the SEZ Authority one half of the difference between the declared premium and the premium paid by the lessee to the Corporation, for obtaining the lease of the demised land, subject to a minimum of Rs.[.].

(B) In the instrument by which the lessee shall transfer the demised land the lessee shall impose upon the person to whom the demised land is so transferred to perform and observe to the SEZ Authority all the conditions and covenants of the lease granted to him, the lessee.

(6) Delivery of possession, determination of lease – The lessee shall on determination of the lease for any reason deliver possession of demised land to the SEZ Authority in as good condition as, it was in when he obtained possession subject only to change caused by reasonable wear and tear or irresistible force.

(7) Payment of cost of lease deeds – The lease shall pay all costs and expenses incidental to preparation execution and registration of all deeds or instruments of lease.

(8) Notice and demands – Any demand for payment or notice requiring to be made upon or given to the lessee shall be sufficiently made or given if sent by the SEZ Authority through the post by the registered letter addressed to the lessee at the demised land and any demand or notice by the post shall be deemed to have been delivered in the course of post.

35. Power of Entry

It shall be lawful for the any person authorized by the SEZ Authority through a general or special order to enter into any premise in the Zone with or without assistants or workmen in order to make an inquiry, inspection, measurement, valuation or surveyor to execute any work which is necessary under this Act, the Regulations or the rules.

36. Power of Inspection

(1) The SEZ Authority may by general or special order authorize any person:

- (a) To inspect any drain, pipe, sewer, channel or any other structure in any other building or land in the Zone and in his discretion cause the ground to be opened for the purpose of preventing or removing any nuisance arising therefrom;
- (b) To examine works under construction in the Zone;

(c) For such other purpose as may be necessary and expedient for the purpose of maintenance of the Zone.

(2) If such inspection or the opening of the ground is found to be necessary for the purpose of prevention or removal of a nuisance, the expenses thereby incurred shall be borne by the Tenant /Resident or person in possession of the premise. However, if it is found that no nuisance exists, all costs to repair the same shall be borne by the SEZ Authority.

37. Eviction from Premises

(1) If the Development Commissioner, acting suo motu or an application made by the Developer, is of the opinion that a Tenant/ Resident or Off Zone Supplier is unauthorisedly occupying or wrongfully in possession of any land or premises or is not entitled or has ceased to be entitled to be to continue the use, occupation or possession of any such premises, or has violated the terms on which such land or premises have been made available, then it shall be lawful for the Development Commissioner to evict such Person.

(2) Before evicting such Person, the development Commissioner shall give the Person a reasonable opportunity of being heard and the Collector shall make a summary inquiry if necessary. The Development Commissioner shall record his reasons in brief for arriving at an opinion.

(3) After summary eviction of any person any construction or development on the land or in the premises if not removed by such person within three days of receipt of a notice of eviction shall be liable for forfeiture and summary removal.

(4) A person who is liable to be summarily evicted may also be liable, at the discretion of the Development Commissioner to pay a penalty to the Developer not exceeding twice the value of the prevailing annual rent.

38. Recovery of Money

(1) Notwithstanding anything contained in this Act or any other law for the time being in force, the SEZ Authority may recover any money recoverable from the Tenants/Residents or any other person who owes any money to the SEZ Authority, including rent on lands or buildings under the leases/ sub-leases executed by the SEZ Authority to the Tenants/Residents, may be recovered either by distress and sale of the movable and immovable property located within the Zone of such Person, or by the attachment and sale of such property .

(3) The SEZ Authority shall make an application in this regard to the Development Commissioner. The Development Commissioner shall have the power to take such action and to issue such orders as may be required to seize, attach and auction such property.

(4) Notwithstanding anything contained in this Act, if the amount recovered by the SEZ Authority by an order of the Development Commissioner is insufficient to satisfy the arrears owed to the SEZ Authority, the SEZ Authority shall not be precluded in any manner from initiating such proceedings as the SEZ Authority deems fit for the recovery of money from any property of such Tenant/ Resident located outside the Zone.

(5) Notwithstanding anything contained in this Act or any other law for the time being in force, no appeal shall lie from the order of the Development Commissioner made under this section.

39. Termination of Business

Tenants who desire to terminate business or operations shall comply with such requirements and procedures which the Developer shall set, particularly, those relating to the clearing of debts. The assets of the closed enterprise can be transferred and the funds can be remitted out of the Zone subject to the rules, guidelines and procedure prescribed by the Government of India in consultation with the Reserve Bank of India.

40. Dispute Resolution

In the event of a dispute amongst any/ all of the following: the Developer/ the SEZ Authority and the Development Commissioner, the matter may be referred for resolution to the State Government by any of the concerned parties and the decision of the State Government on such dispute shall be final and binding on the parties to the dispute.

In the event of dispute between Tenant(s)/Resident(s) and any/ all of the following: the Developer, the Development Commissioner and the SEZ Authority, the matter will be decided by a designated subcommittee consisting of two members who shall be drawn from amongst the members of the Zone Board.

41. Penalty

Any person who fails to comply with any provision of this Act, any Regulation, rule made by the SEZ Authority or any notification issued by the Government or the Development Commissioner shall be punishable with a fine which may extend to Rs. [] and, in the case of continuing failure, with an additional fine that may extend to Rs. [] for every day after the first after which such person has persisted in such failure or contravention.

42. Cancellation or Suspension of Licences, Approvals, Consents Etc.

Where any person to whom a licence approval, consent or written permission has been granted under this Act or any agent or employee of such person commits a breach of any of the conditions thereof, or any condition imposed under this Act, the Regulations or the Rules, or the Development Commissioner is satisfied that the such license, permission or approval has been obtained by the holder through fraud or misrepresentation then the Development Commissioner may, without prejudice to the any other penalty which may have been incurred under this Act, by an order in writing cancel such licence or written permission or suspend it for such period as it thinks fit.

MISCELLANEOUS

43. Power of the Government to Issue Directions

(1) Without prejudice to the other provisions of this Act, the Board shall, in the discharge of its functions and duties under this Act, be bound by such directions in questions of policy, other than those relating to administrative matters, as the Government may give to it in writing from time to time.

Provided that the Board shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Government whether a question is a question of policy or not, shall be final.

44. Power of the Government to Issue Notice, Order or Direction

Notwithstanding the provisions of any other law for the time being in force, the Government may, respectively, for the purposes of performing its functions under this Act, issue such notice, order, direction or instruction in writing as they may deem fit, to any person within the Zone. Reasons for issuance of such notice, order or direction shall be recorded in writing within 30 days of issuance of such notice, order or direction.

45. Power of the Government to Supersede Board and the Sez Authority

(1) If, at any time, the Government is satisfied that the Board and/or the SEZ Authority has defaulted in the performance of any duty or obligation imposed or cast on it by or under this Act, the Government may fix a period for the performance of that duty or obligation and give notice to the Board and/or the SEZ Authority, as the case may be, accordingly.

(2) If, in the opinion of the State Government, the Authority fails or neglects to perform such duty or obligation within the period so fixed for its performance, it shall be lawful for the State Government to supersede and re-constitute the Board and/or the SEZ Authority as it deems fit.

(3) After the supersession of the Authority and until it is reconstituted hereof, the powers, duties and functions of the Authority under this Act shall be carried on by the Government or by such officer or officers or body of officers as the Government may appoint for this purpose from time to time.

(4) All assets and liabilities vested in the SEZ Authority shall, during the period of supersession, vest in the Government.

46. Protection of Action Taken in Good Faith

No suit, prosecution or other legal proceeding shall lie against the SEZ Authority or any member, officer, or employee of the SEZ Authority for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or any rule or Regulation made thereunder.

47. Delegation of Powers

(1) The Development Commissioner may, by general or special order in writing, delegate to the SEZ Authority or any other member or officer of the SEZ Authority or any other person subject to such conditions, if any, as may be specified in the order such of its powers and functions under this Act as it may deem necessary.

48. Power to Make Rules

(1) The State Government may, by notification, make the rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the provisions of the foregoing sub-section, such rules may provide for all or any of the following matters, namely

(a) the form and manner in which the accounts of the Authority shall be prepared and maintained under section ___;

(b) form in which and the time within which the annual report of the Chief Executive Officer shall be prepared under section ___;

49. Rules to be Laid Before Legislature

Every rule made by the Government under this Act shall be laid, as soon as may be, after it is made, before the State Legislature and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.

50. Power to Remove Difficulties

(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty.

(2) Every order made under this section shall be laid, as soon as may be, after it is made, before the State Legislature.

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THE ANTI-SEZ MOVEMENT IN INDIA

An Account of the Struggle in Maharashtra

In 2000, the Government of India enacted its Special Economic Zone Policy. The Act promotes export oriented industrial economic development by granting tax concessions and incentives to industries to set up in India. To date, 1064 SEZs have been approved across the country. Whilst SEZ are a recognized means of promoting economic growth, they are also causing widespread discontent amongst farmers, workers and common people throughout India, many of whom are being displaced from their homes as a direct result of government approved schemes. The enactment of the SEZ Policy is raising fundamental questions about whose interests the Government of India is working in .

This study seeks to highlight the adverse impact of the SEZ Act with special focus on the state of Maharashtra, where 205 SEZ have been sanctioned to date. Farmers in the districts of Raigad in Pen, Pune in Khed- Rajgurunagar and Wagholi, Nashik in Sinnar and Maubai in Gorai have protested against SEZs and issues of displacement, loss of livelihood, and exclusion related to these zones. The account seeks to highlight the human rights violations being committed by the state and developers during the land acquisition process, the methods used by communities to assert their rights and the general failure of government to heed their protests.



NATIONAL CENTRE FOR ADVOCACY STUDIES (NCAS)

National Centre for Advocacy Studies, Serenity Complex,
Ramnagar Colony, Pashan, Pune – 411 021, Maharashtra.
Tel.: (91-20) 2295 2003/ 2295 2004; Fax:(+91 20) 2295 1857,
Email: ncas@vsnl.com ; Website: www.ncasindia.org