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Eco-logic

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WHAT do the following irrigation and hydro-electricity projects have in common: Sardar Sarovar, Narmada, Srisailem, Telugu Ganga, Upper Krishna, Chamera, Baspa, Dulhasti, Dantiwada, Koyna, Subarnarekha, Upper Indravati and Teesta? All of these, and 200 others, have been or are being built in violation of government rules. And yet no action has been taken against the erring project authorities or State governments.

Shocking information on the callousness with which both States and the Centre treat environmental rules was recently unearthed by the Environmental Appraisal Committee (EAC) for River Valley and Hydro-electricity Projects. This committee, set up by the Union Ministry of Environment and Forests (MoEF), screens project proposals and recommends them for clearance or rejection. If cleared, MoEF usually imposes some terms and conditions which have to be fulfilled by project authorities. The implication if these conditions are not fulfilled is that the clearance itself stands invalidated. Construction under such circumstances should then be construed as being improper and illegal.

Unfortunately, that is not the case. *Not once or twice, but in an overwhelming 90 per cent of the dams, which MoEF has cleared in the last decade and a half, violations have taken place, and yet MoEF has allowed construction to continue.*

Since the late 1970s, State governments are required to clear proposals for irrigation and hydro-electricity projects from the environmental standpoint. The idea is to assess the environmental impact of a project before it is built, so that a decision can be made whether it should be built, and if so, with what safeguards. In 1985, detailed guidelines for environmental impact assessment (EIA) were issued by MoEF. Until very recently, the clearance was required to obtain a green signal from the Central Investment Board and the Planning Commission; in January 1994, MoEF issued a notification under the Environment Protection Act, making clearances legally mandatory.

Very few projects which come to MoEF are rejected outright; however, in most cases, clearances are given subject to the fulfillment of specified conditions. The most common of these conditions are: compensatory afforestation of an equivalent area of forest land as is being submerged; resettlement and rehabilitation (R&R) of people being displaced; treatment of catchment areas to minimise silt inflow; provision of fuel to

construction laborers so that they do not cut adjacent forests; relocation of threatened species if possible; and command area treatment to avoid waterlogging and salinisation.

As members of MoEF's EAC, we recently asked for information on the monitoring of projects cleared by MoEF in the past. Scientists from the six regional offices of MoEF, which monitor cleared projects, personally testified that in almost no case were conditions being fully or adequately fulfilled. Available data (see table) show that nearly 90 per cent have not fulfilled their conditions of clearance. The situation in some regions is especially bad. In Uttar Pradesh, Rajasthan, Haryana, Andhra Pradesh, Goa, Karnataka, Tamil Nadu and Kerala, none of the 84 cleared projects had completely complied with conditions.

The Telugu Ganga Project in Andhra Pradesh, cleared in 1988, has not implemented its resettlement and command area development plans. It has also illegally changed its construction parameters without referring back to MoEF. In the case of the Sharavathi Tail Race Project in Karnataka, the project authorities unilaterally declared several conditions to be irrelevant, including the building of a fish ladder (for migratory fish), securing a corridor for elephants, and ensuring the nistar rights of local people. The Man Project authorities (Madhya Pradesh) reduced the resettlement package on their own, after obtaining clearance, stating that the chief engineer was empowered to do so. Numerous other examples show an utter lack of respect for environmental safeguards.

Further enquiries by our

Environmental Impact Committee revealed that, though the regional offices had been sending in regular reports on the status of fulfillment of conditions, MoEF had not once revoked clearance or prosecuted the concerned officials, though the Environment Protection Act of 1986 empowers it to do so. In such a situation, conditional clearance is a farce; in effect, it is mere rubber stamp for devel-

opment projects.

The entire process of clearance and monitoring is riddled with inadequacies. Most project impact assessment reports received at MoEF are poorly researched and incomplete, partly because MoEF's guidelines are not fully clear and precise, and partly because project authorities treat the process as just a formality to be short-circuited as far as possible.

Erring Project Authorities Need Shock Treatment

Shocking facts on the callousness with which both States and the Centre treat environmental rules was recently unearthed by the Environmental Appraisal Committee (EAC) for River Valley and Hydro-electricity Projects, writes *Ashish Kothari*



STEPPING OUT OF LINE

River valley and hydel projects

Status	North	North-East	West	Central	East	South	TOTAL
Not started	21	4	23	11	13	30	102
Completed	10	4	12	15	8	21	70
On-going	19	14	41	21	20	27	142
Non-compliance	85%	75%	80%	100%	80%	100%	90%

Inadequate data from project authorities prompt MoEF to seek more information; this can take months in coming, and is usually still unsatisfactory. Letters sometimes go back and forth for years, until finally the State government takes up the matter at the political level, prompting a politically motivated decision. This was how Sardar Sarovar was cleared, despite very incomplete data, and this is how dozens of other dams in the past have been cleared.

At the ministry itself, there is a skeletal staff to handle project proposals, and EAC finds it difficult to occasionally undertake field visits, but these are necessarily cursory. The conditional clearance letters themselves are often vague, not specifying time schedules or operational guidelines. In the past, detailed impact assessments and management plans have been sought as construction often carries on without environmental studies or workplans. In many dams, submergence has taken place and no assessment of the forests and flora-fauna lost is available; irrigation has started but no command area development plan has been prepared; displacement of people has taken place but no rehabilitation plan has been finalised. More recently, MoEF

is putting the *pari passu* condition, requiring that environmental measures be taken simultaneous to construction. But there is lack of clarity on what measures, in what amount, are to go simultaneous to what phase of construction.

Regional officers of the MoEF are also hamstrung in their monitoring exercises. A small staff has to monitor not just dams but also mines, thermal

power stations, industries, and other development projects! Visits to each project site to verify fulfillment of conditions are therefore few and far between, at best once in six months. Project authorities too face serious difficulties in implementing environmental measures, including lack of expertise, and poor coordination with other agencies which have to carry out measures, e.g., the forest department for compensatory afforestation.

MoEF's inaction in the face of such blatant violations has sent a clear signal to State governments, that they can continue to act with impunity. Such is their disregard for environmental rules that there are even cases of project construction being started and carried on without any clearance whatsoever (Srisailem and Sriramsagar in Andhra Pradesh, Bisalpur in Rajasthan). Some other States have taken advantage of an anomaly in the clearance procedure MoEF: under the Forest Conservation Act, clearance to a project for diverting forest and is given by a separate committee, which has no links to EAC. Projects have at times been started on the basis of forest clearance, without waiting for the environmental clearance.

What is desperately needed now is some shock treatment: withdrawing clearance, halting construction, and prosecuting concerned officials in at least the most serious cases of violation. EAC has short-listed the following for such action: Chamera in Himachal; Sipu in Gujarat; Koyna in Maharashtra; Man, Jobat, and Hasdeo Bango in Madhya Pradesh; North Koel in Bihar; Upper Indravati in Orissa; Singur and Telugu Ganga in Andhra; and Sharavathi Tail Race in Karnataka. In the long run, the process of clearance and monitoring needs to be greatly improved. This would include new guidelines for EIA (already drafted by our committee), sharper and time-bound conditions, strengthening of the regional offices and the impact assessment division of MoEF, and the merging of the clearance processes under the Forest Conservation Act and the Environment Protection Act.

There is little evidence that large dams are cost-effective or socially desirable. But even if one accepts the arguments of our planners that they are necessary, it is obvious that all talk of incorporating environmental safeguards into planning has remained empty rhetoric. Unless MoEF takes urgent action, it will increasingly lose its very reason for existence.

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