

Centre bypasses rules to restart work on Polavaram project

Chhattisgarh and Odisha kept in dark, statutory public hearings not held and clearances never sought in 2 states

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Without completing the statutory public hearings in Odisha and Chhattisgarh, Environment, Forests and Climate Change Minister Prakash Javadekar has done away with a stop-work order against the Polavaram dam, allowing construction work to resume.

He did so at the personal request of Andhra Pradesh Chief Minister Chandrababu Naidu, an ally of the Bharatiya Janata Party (BJP), and without informing Odisha and Chhattisgarh. Also, the orders of the environment ministry have not been put in the public domain.

The project is expected to displace about 200,000 and affect 300 villages, according to the 2010 environmental clearance order which uses data of 2001 population of these villages. The population over the decade and a half has risen considerably. It is to irrigate about 300,000 ha of agricultural land, store 550 million cubic metres of water and generate 960 Mw of power.

The project is to be built on the Godavari in Andhra Pradesh. But the water is expected to inundate many tribal villages in Odisha and Chhattisgarh, too. Construction has to be carried out for the project in these states, too.

A July 3 letter by Javadekar to Naidu, reviewed by Business Standard, reads: "I have your letter dated April 25 regarding continuation of works of the Indira Sagar Polavaram project in Andhra Pradesh. I have got the matter examined in my ministry... with the anticipation that the pending public hearing will be resolved through discussions and persistent engagement with Odisha and Chhattisgarh, my ministry has taken the decision to keep the 'stop-work order' in abeyance for a period of a year. A copy of the office memorandum in this regard is enclosed for your information."

The letter attaches executive orders from joint secretary Biswanath Sinha, dated June 23. It says, "This ministry has decided to keep the stop-work order in abeyance for a period of a year." It conceded public hearings hadn't been carried out in the two states and that both had approached the Supreme Court against the project and the verdicts were pending. The order is marked to principal secretary (irrigation) in the Andhra Pradesh government.

Bajendra Kumar, principal secretary to the Chhattisgarh chief minister, told Business Standard, "We have not been informed of this order. We have filed a plea in the Supreme Court against the project. Mandatory public hearings have not been conducted in the state. Sometimes, they say four villages in our state will be submerged and sometimes they say 40. How can we know the exact situation till studies are done and public hearings are carried out in our state as well? We are surprised how the Centre keeps permitting work be carried out like this. The project has been almost completed like this, illegally."

Pradeep Kumar Jena, Odisha's water resources secretary, confirmed the state hadn't been informed of the decision, though the Centre was aware the state had taken strong objections to the project.

While Chhattisgarh has a BJP government, headed by Chief Minister Raman Singh, Odisha has a Biju Janata Dal government, under Chief Minister Naveen Patnaik.

A detailed questionnaire sent to Javadekar did not elicit a response till the time of going to print.

Oddly, the executive order from his ministry reads, "During the first three-six months of this period of one year, the government of Andhra Pradesh shall ensure public hearings are conducted in the states of Chhattisgarh and Odisha and submit the outcome of the public hearings to the environment ministry." This is despite the fact that public hearings in the two states cannot be organised by the Andhra Pradesh government; these have to be carried out by the respective state government, through the state pollution control board concerned.

The Environment Protection Act makes it mandatory for public hearings to be held for all areas impacted by a project. Only after the hearings can an environment-impact assessment be conducted. A positive appraisal of the assessment permits the Centre to give a nod. Construction on the project can take place only after this and other clearances.

In 2005, the Andhra Pradesh government secured a clearance for the project component falling within its territory. In 2010, the state sought clearance for the parts of the project in the two other states. The Union environment ministry gave its approval that year. However, in 2011, it issued a stop-work order when Chhattisgarh and Odisha protested that their areas would also be impacted, adding no studies or hearings had been conducted. Subsequently, the two approached the Supreme Court separately against the project.

The executive order of the environment ministry says, "The government of Andhra Pradesh has assured it will bring about changes in the design and operating parameters of the project in case warranted as a result of public hearings in Chhattisgarh and Odisha and such changes would be carried out in consultation with the CWC (Central Water Commission) and the consent of all states. In that case, change in design or/and operating parameters might be required to ensure the area falling in the states of Chhattisgarh and Odisha does not come under submergence due to impounding of the project reservoir."

It wasn't explained how the project could be retrofitted once near completion.

An executive order of the ministry has to operate within the legal provisions of the environmental laws governing clearances. The law provides only for a prior-informed consent for the project. The ministry order says a similar order to let work on the Polavaram project continue had been issued on January 1, 2014, for six months.

Business Standard had asked the environment minister under what provisions and on what legal grounds the stop-work order for the Polavaram project had been withdrawn, and whether Chhattisgarh and Odisha had been consulted on the matter before the decision or informed of it after the decision was taken.