

REPORT OF THE ONE MAN COMMITTEE TO MONITOR ENVIRONMENTAL COMPLIANCE OF HYDEL PROJECTS IN CWP NO. 24/09.

The Hon' High Court vide its order dt. 23.12.2009 appointed the undersigned as a one man Committee to report on the hydel projects in the state with the following terms of reference:

- i) Whether the hydel projects while undertaking the construction of projects have followed in letter and spirit the mandatory conditions of environmental clearance and forest clearance granted by the central and state Agencies;
- ii) Whether precautionary/ necessary steps have been taken by the companies to restore environment and ecology in the project areas;
- iii) Whether it is advisable for the state government to sanction construction of hydel projects at the height of more than 7000 feet above sea level. The alpine forests grow at the height of 7000 feet

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above sea level;

2 / JUL 2010

- iv) The Committee shall visit all the projects to assess the damage already caused and the essential steps required to restore the same.

Reader to Registrar

An application was filed in the Hon'Court on 30.1.2010 pointing out that there are approximately 150 big and small hydel projects in the state and it would be extremely difficult for the Committee to inspect each and every hydel project. It was therefore prayed, inter-alia, that the Committee be allowed to inspect and report on only projects over 100 MW capacity, and that the time allowed to the Committee for submission of its report be extended to six months. It was intimated by the Id. Addl. Advocate General vide his letter no. CWPIL- 24/2009-11075 dt. 26.4.2010 that the case was listed before the Court on 23.4.2010 and time to file the report was extended to 31.7.2010 and the case has now been listed on 6.8.2010.

The committee has held a number of meetings from time to time in which officers and experts from the Departments of Forest, Environment, Pollution Control Board and Ministry of Environment and Forests have been associated. After detailed deliberation it was decided that since the concern of the Hon' High Court was to monitor the projects "while undertaking the construction of projects", and since damage to the environment is caused during the construction phase of the projects, projects whose construction phase is over and which have been commissioned, need not be taken up for monitoring, and the Committee should concentrate on an environmental audit of hydel projects under construction.

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The following hydel projects of 100 MW and above were identified for monitoring:

- 1] KARCHAM WANGTOO.
- 2] PARVATI- II
- 3] PARVATI-III
- 4] ALAIN DUHANGAN
- 5] UHL-III
- 6] KOL DAM
- 7] SAWRA KUDDU
- 8] SORANG
- 9] CHAMERA-III
- 10] TIDONG
- 11] RAMPUR



[MALANA-II (100MW) also falls into the category of on-going projects eligible for inspection by this Committee. However, since the Court has appointed a separate committee under the Chief Secretary in CWP no. 29/2009 to report on the environmental aspects of this project(and the undersigned is a member of that committee also), it was decided not to include this project in the list of projects to be inspected by this committee].

Hydel projects are required to obtain two sets of clearances relating to the environment: Forest clearance and Environment clearance. There is a lot of overlap between the two, but broadly the former clearance is monitored by the state Forest Dept., while the latter is monitored by the state Directorate of Environment(through primarily the State Pollution Control Board) as well as by the central Ministry of Environment and Forests(MOEF). The Committee, therefore, has obtained the latest status of compliance of conditions of various forest and environmental clearances by the above projects from all three agencies. These have formed the basis for the Committee's field inspections.

I would, however, like to begin with a caveat in order to place hydel projects in states like Himachal in their proper environmental context. All policy makers must understand, and accept, that hydel projects in mountainous terrains, constrained by the requirements of design, technology, geography and finances, shall inevitably cause damage to the environment during the construction phase. **There cannot be a totally environment friendly hydel project in the Himalayas.** The results of blasting, excavating, tunneling, cutting, dumping, tree-felling, diverting of rivers- all these are bound to have a severe and damaging effect on the environment and ecology of the area,

