

# **BEFORE THE NATIONAL GREEN TRIBUNAL**

APPEAL No. 6 of 2011

IN THE MATTER OF

DURGA RAM SHARMA

APPELLANT

V/S

UNION OF INDIA AND ORS

RESPONDENT

## Additional Submission on behalf of Appellant

1. That the Appellant is in receipt of the Final EIA Report prepared by ICFRE for the Renuka Dam project of HPPCL. A perusal of the same reveals that there the figures with respect to land required for the Dam project greatly varies in the final EIA report which further adds to the confusion with respect to the actual area required for the project. A perusal of the various documents with respect to the proposed project reveals that there is great difference as well as

internal contradiction with respect to the area actually required for the project which includes both area under submergence as well as for other ancillary activities. It is submitted that having a true and precise information with respect to the area required for the project is a critical input in the EIA process and is material for Scoping, Public Consultation, Appraisal and decision with respect to the project.

2. Para 8 (vi) of the Environment Impact Assessment Notification, 2006 states ` Deliberate concealment and/ or submission of false or misleading information or data which is material to screening or scoping or appraisal or decision on the application shall make the application liable for rejection, and cancellation of prior environmental clearance granted on that basis`.
3. The following information/ document is relevant to show that misleading information has been provided by the Project proponent with respect to the land and forest land required for the project.

**(i) Site Inspection by National Board for Wildlife (NBWL) team of Ravi Singh and S.C Sharma:** The site inspection was done on 24-9-2004 in view of the proposal for diversion of 49

ha of forest land for the project. As per the inspection report total land required for the project is 1648 ha. Out of this 485 is forest land. The team noted the contradictions in the figures for forest land diverted . A copy of the site inspection is annexed as **Annexure A**

**(ii) Memorandum of Joint Inspection of Renukaji Dam Project**

**across river Giri Tributary of River Yamuna.** A joint inspection was done by officials of the Himachal Pradesh government on 27-9-2008 including officials of HPPCL. It is stated that the total area under submergence will be 1612 Ha. The private land is 1051 and the forest land is 790 ha. However if one adds the figures given above it adds up to 1841 ha as opposed to 1612 ha. A copy of the same is annexed and marked as **Annexure B.**

**(iii) Application for Terms of Reference for EIA studies.** Total

land required is 1240 ha. The area under submergence will be 1197.60 ha. The forest land involved is 436 ha and private land is 436 ha. A copy of the same is Annexed as **Annexure C**

(iv) **Draft Environment Impact Assessment Report, 2008.**

As per the Draft EIA report as seen at the Website of HPPCB, the total land requirement is 1532.60 ha. Out of this 955.82 is forest land and 576.78 is private land. The total submergence area is 1197.60 (761.60 is forest land and 436 is private land). The Relevant page of the EIA report is page 52.

(v) **Minutes of the Expert Appraisal Committee of the MoEF.**

The Minutes of the meeting of the EAC for River Valley Project held on 16-12-08 states that the total land requirement is 1532.60 ha. Out of this 955.82 is forest land and 576.78 is private land. The total submergence area is 1197.60. The total submergence area is 1197.60 ha (761.60 ha is forest land and 436 ha is private land) This figure is same as given in the draft EIA Report. A copy of the same is marked as **Annexure D.**

(vi) **Final EIA Report of Renuka Dam.** The final EIA Report reveals glaring contradiction which makes it difficult to comprehend the total area involved in the project. It is

pertinent to point out that the Appellant has been able to get a copy of the final EIA only after this Hon'ble Tribunal directed HPPCL to provide a copy to the parties. Even today the website of the State Pollution Control Board has only the copy of the draft EIA. The public at large has no access. It is surprising that the EAC did not notice such glaring variation within the same report which only proves that no appraisal was done by the EAC which is statutorily required to undertake 'detailed scrutiny of the EIA report' during the appraisal stage in the EIA process. Some of the examples with respect to land requirement are as follows:

**(i) Variation in total land requirement:**

- Final EIA Report Page 60, Section 3.12 states that the total land requirement is 2239 Ha
- However, Page 64 of the EIA report, section 8.2.2: states that the land requirement is 1532.6 Ha (the figure used in Draft EIA)
- The Environment Management Plan however states at page 225 that the total land requirement is 475 ha

- The EMP at the very same page states that the total land requirement is 1630 Ha

**(ii) Variation in Area to be submerged by the reservoir**

- Final EIA at page 14 states that Reservoir water will be spread over 1210 ha at FRL 766 m.
- Final EIA at page 60 states that submergence area will be 1685 ha
- EIA at page 60 & page 164 and the EMP at page 96 states that the total area under submergence will 1197.6 ha.
- EIA at page 121 states that the area will be 1240 ha

**(iii) Variation in Forest land to be submerged.**

- Final EIA Report at page 60 states that 559 ha
- Final EIA at page 36 states that total requirement is 485 ha

[Final Environmental Clearance granted on 23-10-2009 states that: 761.6 ha]

- (vii) **Environment Clearance letter issued by Ministry of Environment and Forest.** The Environment Clearance letter of 23-10-2009 states that the total land area is 1477.78 ha. Forest land is 901 ha and 576.78 is private land. Submergence area is 1197.60 ha which includes 761.60 forest land and 436 ha as private land.
- (viii) **Revenue records of Private lands proposed to be acquired for Renuka Dam.** As per information obtained under the Right to Information from the Village Revenue Officer on the private land being acquired for the project, the figures for land as on 15-2-2010 is 1306.64 ha. Out of which 1047.64 is submergence area and 259 ha is for ancillary activities. A copy of the information obtained under RTI is annexed and marked as **Annexure E.**
- (ix) **Scheme for land allotment to MPAF's.** As per the scheme for allotment of land to main project affected families dated 13-

8-2010, the total private land to be acquired is 1059 ha. A copy of the same is annexed and marked as **Annexure F.**

**(x) Certificate of Undertaking by HPPCL as submitted to Forest Department of H.P dated 9-3-2011.** As per proposal submitted by the State forest department for diversion of forest land for review of the decision of the MoEF, a certificate and undertaking has been given by the Deputy General Manager of Renukaji Dam Project. As per the undertaking the total private land to be acquired is 1323 ha. A copy of the same is hereto annexed and marked as **Annexure G**

A tabular chart showing the variation and discrepancies in the various figures is hereto annexed and marked as **Annexure H**

4. That in addition to the glaring variation and misleading information with respect to land including private, forest and land to be submerged, there is discrepancy with respect to the number of families to be affected by the proposed project. The information with respect to actual number of affected families is a essential prerequisite for effective public



participation as well as appraisal with respect to the project. The following documents are relevant for the purpose.

(i) Form 1 for Terms of reference

(ii) **Draft EIA Report** : According to draft EIA report the total number of affected families are 337 (page 115).

(iii) **Environment Clearance** letter of 23-10-2009 states that the number of affected families will be 308.

(iv) Tentative list of MPAF prepared by HPPCL on 26-03-2010 states that the total number of project affected families are 985. A copy of the same obtained under the Right to Information Act is hereto annexed and marked as **Annexure I**.

5. That the above facts are only illustrative of the callous manner in which the Environment Impact Assessment Report has been prepared by ICFRE and approved by MoEF. The misleading data in the various reports only highlight the casual approach of the project proponent and the Ministry of Environment and Forest in dealing with

the lives and livelihood of the people together with the fragile biodiversity of the region. The entire approach towards granting environmental clearance has been clouded by the need to meet the unsustainable requirement of people of Delhi and undermining the rights of people not only within the project area but also the catchment area and downstream impacted area.

FILED BY

Ritwick Dutta

Rahul Choudhary

Advocate for the Appellant