

**Polavaram Project: Erroneous statements by Jairam Ramesh**

## **When Environment Minister (regulator) acts like a promoter And misinforms the Parliament**

In response to a Short Notice Question in Rajya Sabha on the controversial Polavaram Project of Andhra Pradesh on March 4, 2011, the Union Environment & Forests Minister for State Shri Jairam Ramesh, whose basic statutory role is that of a regulator, acted like a promoter and promised that he will call a meeting of the Chief Ministers of Orissa, Chhattisgarh and Andhra Pradesh to clear the path for environment clearance to the project. This promise of Mr Ramesh was more in line to promote the project, but this is in complete conflict with his statutory role as a regulator. Role of the Environment ministry is to ensure that statutory and legal procedures are followed before a project is considered for environment clearance. The Ministry cannot go around resolving issues so that the projects are accorded environment clearances. The Minister thus clearly acted against his statutory role and should refrain from doing that.

The Minister should in stead be concerned that the Polavaram project authorities have not submitted a single six monthly compliance report since the project was given clearance in October 2005 and yet his ministry has taken no action. He should also be concerned that the embankment proposal was not part of the original project proposal that the ministry cleared and that there has been no assessment of the impacts or viability of the embankment proposal, on which basis his ministry gave the forest clearance in July 2010.

**Minister misleads Parliament on outstanding issues about Forest Clearance** During the debate on March 4, 2011 the minister also informed the Parliament that “The final stage-II forest clearance for the Polavaram Project was given way back in July, 2010” and did not mention that there are serious outstanding issues concerning the Forest Clearance given without settling the Forest Rights as per the FR Act. The minister was clearly misleading the Parliament here.

**FRA Violations** It has been brought to the attention of the Minister by SANDRP and others that the forest clearance was given by the MEF in July 2010 without ensuring that the Forests Rights of the affected villages have been settled as required under the Forest Rights Act. Gram Sabha resolutions to that effect from seven villages to be affected by proposed forest diversion for the Polavaram project have been sent to the Minister and also to the members of the statutory Forest Advisory Committee (FAC) constituted under the Forest Conservation Act 1980, which has been tasked with ensuring the implementation of the FRA before forest clearances are given. Similar resolutions from additional fifteen villages have been sent by colleagues from Andhra Pradesh. Following SANDRP letter to the Minister, Minister had responded that he will get the issue examined. The following day, on Nov 22, 2010 Mr Ramesh himself wrote to the then AP CM Shri K Rosaiah, saying, “The matter that has been made available to me clearly seem to indicate that the claims of local tribal communities do not seem to have been settled. This is a very serious matter.”

The Minister, however, having received no response from the AP Chief Minister, wrote again a letter to the new AP CM Kiran Kumar Reddy on Jan 25, 2011, attaching the earlier letter and adding, “I am awaiting a response from the state government.” (Copies of both the letters are available with SANDRP.)

**FAC Decision on Oct 25, 2010** In the meantime, following a detailed SANDRP’s representation including gram sabha resolutions to all the FAC members, the statutory committee, in its meeting on Oct 25, 2010 (minutes are available on MEF website) decided, “The FAC recommended that these complaints may be sent to the Ministry of Environment & Forests to take appropriate action at the Ministry level. The Ministry may give special consideration to the following:

- Examine the alleged FRA violations and request the State Government to provide details on FRA compliance as per the law and circular of Aug. 2009.

- Examine the issue of forest land diversion for the embankments which are planned to prevent the submergence in adjoining States (the existing project report makes no mention of forest diversion for this purpose, which may be on large scale and needs to be included in the Project proposal)
- Examine the discrepancies between the facts submitted when seeking clearance from the FAC and EAC respectively and take action if necessary.”

FAC being a statutory body, the state government has to satisfy the committee about these issues. This is yet to happen.

Under the circumstances, the forest clearance given to the project cannot be considered final and the minister should have brought this issue to the attention of the Rajyasabha. Not bringing these issues to the attention while mentioning the Forest clearance is tantamount to misleading the house, this needs to be corrected.

**Polavaram cannot be considered for National Project Category: All clearances under cloud** Here it may also be added that the Central Electricity Authority is yet to give concurrence to the power component of the Polavaram project. Such a concurrence is a statutory requirement under section 8 of Electricity Act 2003. The CEA, in response to an RTI query has informed SANDRP that the application of concurrence from Polavaram was returned to the developer without concurrence due to issues related to hydrology and proposed installed capacity of 960 MW is unviable. The proposal to increase the cost of the project to Rs 16010.45 crores from Rs 10151.04 crores was also not accepted by the advisory Committee on Irrigation, Flood Control and Multi Purpose Projects in its meeting on Oct 27 2010 following intervention by Joint Secretary (Exp), Dept of Expenditure. A number of petitions are also pending in courts against the project. The Project was earlier given funding under the Accelerated Irrigation Benefits Programme (AIBP) under erroneous claims. The Command area of the Polavaram project also significantly coincides with the command areas of Pushkara and Tadipudi Lift Irrigation Schemes, both of which are also getting funding under AIBP. The CAG has already raised questions about these. Almost all the claimed clearances of the project are under cloud.

Under the circumstances, even consideration of the project by the Union government under National Project scheme (as stated by the minister in Parliament) to make it eligible for 90% central funding should not arise.

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