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Environmental Clearance to Kaleshwaram Project Invalid

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Why in News

Recently, the **National Green Tribunal (NGT)** has declared that the environmental clearance (EC) granted to the **Kaleshwaram Lift Irrigation Project** in Telangana was ex post facto (i.e. granted after completion of substantial work) and illegal.

Kaleshwaram Lift Irrigation Project

- It is a **multi-purpose irrigation project**, on the **Godavari River** in Kaleshwaram, Bhupalpally, Telangana initiated in 2016.
- The project starts at the confluence point of **Pranahita River and Godavari River**.
- Originally called **Dr. B R Ambedkar Pranahita Chevella Sujala Sravanthi Project** in erstwhile Andhra Pradesh, it was redesigned, extended and **renamed as Kaleshwaram project in Telangana in 2014**.

Key Points

- **Issues in the Project:**

- The **petition filed in 2018** stated that while the **Kaleshwaram Project** was a **lift irrigation system**, the **state government wrongly claimed, until the grant of environmental clearance (EC)**, that the project was not for lift irrigation, but **only for drinking water supply**.
- Substantial work of the project had already been undertaken before granting of EC in December 2017. Thus, the EC was ex post facto, in violation of the **Environmental Impact Assessment (EIA) Notification, 2006**.
 - The Ministry of Environment, Forest and Climate Change (MoEFCC) had published the **draft Environmental Impact Assessment (EIA) notification 2020**, with the intention to replace the existing EIA Notification 2006 under the Environment (Protection) Act, 1986.
 - The draft notification **has provisions for post facto project clearance**, reiteration of a March 2017 notification for projects operating without clearance.
- The Project also underwent change by increase in capacity and inclusion of **Mission Bhagiratha** to provide drinking water to Hyderabad and certain villages of Telangana.
 - However, the pre-feasibility report submitted in January, 2017 and draft of EIA report submitted in July, 2017 did not mention the Mission Bhagiratha **which involved interlinking of the two projects**.
 - Feasibility of the changed project was never evaluated while granting EC.

- **NGT's Observation:** There are **two legal issues confronting the Project:**
 - **One**, Kaleshwaram Lift Irrigation **Project was functioning without requisite prior environmental clearance** under **EIA Notification, 2006, until 2017**, when the EC was granted.
 - **Second**, project contractor L&T was alleged to have cleared large areas of forest land for construction of quarters for its employees, **without requisite forest clearance** under the **Forest (Conservation) Act, 1980**.
 - The **NGT directed** that until the Telangana government obtains final forest clearance, it should **stop all work except the drinking water component**.
 - It has further asked MoEFCC to consider measures to prevent recurrence of such violations where EC is sought ex post facto.
 - It is particularly required when the projects are multi-purpose and part of it requires EC, so that such requirement is not defeated on specious plea that the project was partly not covered by the schedule Environmental Impact Assessment (EIA) Notification as has happened in the present case.
 - It observed that **accountability of the responsible person needs to be fixed and remedial measures has to be taken**.
 - For that purpose, it has directed the MoEFCC to **constitute a seven-member expert committee**.
 - The expert committee could assess the extent of damage caused in going ahead with the project without EC – the period from 2008 to 2017 – and identify the necessary restoration measures.
 - The expert committee must be constituted within a month and needs to complete its exercise within six months.

Mission Bhagiratha

- It is a **project for safe drinking water** for every village and city household in Telangana State.
- It **aims to provide piped water** to 2.32 crore people in 20 lakh households in urban and 60 lakhs in rural areas of Telangana.
- The project will supply clean drinking water to all households in the state through **water sourced from River Godavari and River Krishna**.

Source: IE