

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

Original Application No. 29/2015/EZ

**Pradip Kumar Bhuyan & Anr
Vs**

Union of India & Ors.

CORAM:

**Hon'ble Mr. Justice Pratap Kumar Ray, Judicial Member
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member**

PRESENT:

**Applicants : Mr. Sanjay Upadhyay ,Advocate.
Respondent Nos. 1& 5 : Mr. Vikram Rajkhowa, Advocate
Respondent No. 1 : None
Respondent No. 2 : None
Respondent No. 3 : None
Respondent no. 4 : None
Respondent No.5 : None**

Date & Remarks	Orders of the Tribunal																											
<p>Item No. 2 6th May, 2015.</p>	<p>Mr. Sanjay Upadhyay, Id.adv. appears for the applicants. None appears for the respondents. We have heard Id. Advocate for the applicants at length.</p> <p>In this application serious and significant environmental issues have been raised by the applicants and they pray for urgent remedial measures as required to be taken to save the environment of two States i.e. Arunachal Pradesh and Assam.</p> <p>It is the case of the applicants that as many as 135 Hydro-Electric Projects are in the pipeline for construction and amongst them hardly 5 to 10 (exact figure is not known) have got prior environmental clearance from Central Government. These hydro electric projects are proposed to be constructed in seven major river basins of Arunachal Pradesh viz. Dibang, Siang, Lohit, Tawang, Subansiri, Kameng and Tirap. A tabular chart has been presented in para 1.6 of the application giving estimated power potential of proposed hydro electrical projects going to be constructed in the aforesaid seven river basins which is reproduced below :-</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">River Basin</th> <th style="text-align: center;">No. of probable dams</th> <th style="text-align: center;">Total Capacity (MW)</th> </tr> </thead> <tbody> <tr> <td>Dibang</td> <td style="text-align: center;">17</td> <td style="text-align: center;">10,977</td> </tr> <tr> <td>Siang</td> <td style="text-align: center;">26</td> <td style="text-align: center;">17,308</td> </tr> <tr> <td>Lohit</td> <td style="text-align: center;">10</td> <td style="text-align: center;">7,980</td> </tr> <tr> <td>Tawang</td> <td style="text-align: center;">8</td> <td style="text-align: center;">2,057</td> </tr> <tr> <td>Subansiri</td> <td style="text-align: center;">26</td> <td style="text-align: center;">12,658</td> </tr> <tr> <td>Kameng</td> <td style="text-align: center;">46</td> <td style="text-align: center;">6,183</td> </tr> <tr> <td>Tirap</td> <td style="text-align: center;">2</td> <td style="text-align: center;">140</td> </tr> <tr> <td></td> <td style="text-align: center;">135</td> <td style="text-align: center;">57,303 MW</td> </tr> </tbody> </table> <p>It is contended that due to such proposed construction of so many</p>	River Basin	No. of probable dams	Total Capacity (MW)	Dibang	17	10,977	Siang	26	17,308	Lohit	10	7,980	Tawang	8	2,057	Subansiri	26	12,658	Kameng	46	6,183	Tirap	2	140		135	57,303 MW
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hydro electric projects serious environmental and climatic changes may arise and normal flow of rivers may also be affected seriously causing serious damages to the local people and also to the flora and fauna of the area in question. It is further contended that the projects for generating electricity will be operated by way of storing water from the river in the dams for 20 hours and only during four hours whole water stored for 20 hours will be released through the dams which may resultantly effect the downstream areas. This sudden release of a vast amount of water within four hours will have significant downstream impact causing serious harms to the inhabitants of adjoining areas who are original inhabitants and also to the Biodiversity . This will also cause serious environmental damage to the people of Assam located in the downstream area.

It is further contended by the Id. Adv. for the applicant that Ministry of Environment and Forest and Climate Change has undertaken Cumulative Environmental Impact study in respect river Ganges but they are silent about the very great issue in respect of river Brahmaputra and therefore appropriate direction should be given to the Govt. to look into the matter with appropriate seriousness it deserves. Id. Counsel has also referred to Art. 48-A read with Art. 51A(g) and Art. 21 of the Constitution of India and submitted that it is the mandatory responsibility and constitutional duty of the State respondents and the agencies thereof to adhere to the principle of protection of environment in its proper perspective by assessing the cumulative impact of such multiple constructions of hydro electric projects on rivers with four hours peaking period and restriction of river flow in the downstream areas for 20 hours.

Having regard to the contentions raised in this application, summary of which is quoted above and considering that substantial question on environmental issue as has been raised by the applicants, we admit the application for adjudication by this Tribunal.

Issue notice and copy of application by Dasti/speed post.

The respondents are directed to submit their respective reply affidavits to the OA within six weeks. Rejoinder, if any, may be filed within four weeks thereafter.

The respondents are further directed to submit status report on the next date disclosing the particulars of the hydro electric projects proposed and/or approved in Arunachal Pradesh with 4 hours peaking period and details of the number of the projects which as yet have been processed through prior environmental clearance and other

procedural set up. They are also directed to set up proposal for scientific study of comprehensive cumulative environmental Impact Study with reference to construction of so many hydro electric projects In the State of Arunachal in terms of their effect on down stream area on water source, biodiversity and socio- ecology of people.

Applicants are given liberty to correct the cause title.

Registry is directed to serve copy of this order to the respondents.

The matter is fixed on 30.7.2015.

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Justice Pratap Kumar Ray, JM

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Prof. (Dr.) P. C. Mishra, EM

