

To,
Member Secretary,
Central Empowered Committee,
Constituted by the Hon'ble Supreme Court of India
Gate No. 31, Jawahar Lal Nehru Stadium,
Lodhi Road,
New Delhi – 110 003.

Name and Address of the Complainant:

Dr. P. Sivaramakrishna,
Director, SAKTI, 305, Janapriya Abode,
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Name and Address of the Respondents:

1. The Chief Secretary, Govt. of Andhra Pradesh, Secretariat, Hyderabad.
2. The Secretary, Irrigation, Secretariat, Hyderabad.
3. The Secretary, Environment, Forests, Science and Technology Dept., Secretariat, Hyderabad.
4. The Chief Wildlife Warden, A.P. Forest Department, The Principal Chief Conservator of Forests (WL) APHB Tuljaguda complex, M. J. Market, Abids, Hyderabad - 500 001.
5. The Secretary, Ministry of Tribal Affairs, Shastri Bhavan, New Delhi -110001.
6. The Secretary, Ministry of Environment and Forests, Government of India, Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi – 110 003.
7. The Secretary, National Commission on Scheduled Tribes, 6th Floor, Lok Nayak Bhavan, Khan Market, New Delhi – 110 003.

**Application raising concerns about
the Indira Sagar (Polavaram) Dam proposed to be constructed
across the Godavari river in Andhra Pradesh**

1. This application is made raising objections to the proposal for construction of the dam across the Godavari at Polavaram, also described as Indira Sagar.
2. We are impleading in the application because the concerns raised by us before the District Collectors during the public hearing were neither addressed nor did we receive any replies. The grounds that we are raising have not been addressed at all during the Environmental Impact Assessment for the project.
3. It is therefore just and necessary to hear our arguments and seek replies from the Respondents before passing any orders.

Grounds

4. Forest as defined by Supreme Court of India – was sought to be applied to Andhra Pradesh, a committee was formed, of which Dr. P Sivaramakrishna, Director of Sakti, was a member and recommended the inclusion of a large extent of area, particularly in Bhadrachalam. To carry the process forward, the Forest Department was to obtain satellite imagery to record the existence of forest and include and protect. But this was not done citing paucity of funds. Much of the area that is to be submerged under the Polavaram dam is not only reserved forest but also forest as defined by the Hon'ble Supreme Court of

India. On this forest, a large number of tribes are dependent for their livelihood as well as for food. Submersion of this area would require that compensatory afforestation should be taken up for this area also. The EIA failed to consider this issue. Details of land area should be called for to record the extent of forest land being submerged and a GIS survey should be immediately taken up to identify the land to be considered as “forest” by the decision of the Hon’ble Supreme Court of India. A copy of the recommendations of the Committee is enclosed (Supreme Court of India in W.P.(Civil No.171 of 96 – Constitution of expert committee on forest etc. – final report submitted) (*Annexure – I*)

5. Unless the government takes responsibility for the tribals to rehabilitate them, they will have no option but to move into the upper reaches of the rich forests of Papikonda Wildlife Sanctuary and end up degrading the pristine forest. Appropriate rehabilitation requires certain minimum conditions to be fulfilled for the tribals. In this connection, a letter addressed to the Secretary, Irrigation, by the National Commission on Scheduled Tribes remained unanswered till date, but the project is being pursued with undue haste, without regard to the consequences which may end up degrading the forest and silting the dam. (Copy of letter from National Commission of Scheduled Tribes on ST - *Annexure - II*)
6. A series of dams are under construction on the river Godavari. A study by Andhra University (published in Current Science Vol. 87, No. 9) warns that the flows into the Godavari have diminished. As a result, the sea water is intruding into the land and some villages have even become eroded and got inundated by sea water in the recent past. While all these projects are being proposed, how

much water will finally enter the sea is not quantified or mentioned anywhere by the government or in the EIA. Unless minimum flow is maintained, the intrusion of sea water will become extensive as has already happened in the Krishna delta. (Coastal erosion and habitat loss along the Godavari delta front – a fallout of dam construction(?) - B. Hema Malini and K. Nageswara Rao, *Annexure – III*)

7. Where is the water? The report of government of Andhra Pradesh, Irrigation & C.A.D. Department, Polavaram Project (Telugu Godavari Sujala Sagaram), Polavaram Barrage investigation Circle, Rajahmundry – 1986 p.no.4 (*Annexure – IV*) mentions that only 10% of the water in the Godavari is contributed by Sabari. It is claimed widely that Polavaram dam is not unjust to Telangana because only the water from Sabari is being harnessed in the proposed dam along with flood waters coming from upper reaches of Godavari. There are FIVE hydro-electric projects already built on Sileru. Every year, during the second crop, electrical generation is stopped since water is released to irrigate the crops in the Godavari Delta.
8. So the dependable source of water is only Sabari for which reason, the location has been identified below the confluence of Sabari with Godavari. Based on this projection of water flow, how is the huge size, displacement of over 2 lakh people and massive financial outlay justified?
9. Even according to the National Commission for Integrated Water Resources Development, 1999 on page 192:

- a) Although the present studies indicate the need for only limited transfer from Godavari towards the South, the Commission would like to stress the limitations of these studies. The possibility of the mean flows, as assumed in the present study, being overestimated has been brought out earlier. Also, the deficit and marginally surplus basins may require maintenance of higher flows than those adopted in the downstream reaches. Accordingly, balances have also been worked out on the basis of 60 percent use of the 'difference'. There are some uncertainties about the ground water estimation also. In view of these limitations and uncertainties, the Commission is of the view that further studies as to the future possibilities of interbasin transfer in the east flowing rivers, need to be continued.
- b) It may be pointed out that Orissa and andhra Pradesh have claimed that all the waters of Mahanadi and Godavari could be utilised within the basins and that there are no surpluses. Leaving aside the legal issues, the Commission is unable to agree with this view. The water balance study (Table 7.3) is based on a several fold increase in irrigated area over and above the present irrigated areas, for example, in the case of Mahanadi, irrigated area increased from 2.02 to 7.617 M ha and in case of Godavari from 4.12 to 14.072 M ha. It is most unrealistic to postulate that technically and economically feasible schemes can be planned to irrigate more areas within the basins.
- c) The Godavari Water Disputes Award envisaged construction of a dam at Inchampalli with an inter-state agreement between Andhra Pradesh, Madhya Pradesh and Maharashtra. Andhra Pradesh million unit of energy annually.

The high would submerge an area of 92,555 ha and displace over one lakh people. An alternative has been proposed to build a low dam at Inchampalli with pond level of 95 m to lift water from Godavari to meet the demand of Warangal plateau and to transfer certain quantum (6.31 km³) of water from Godavari basin to Krishna basin. In view of the magnitude of the human problem involved in rehabilitation, it will be more appropriate to go for a low dam, and utilise about 6.3 km³ of additional water. This could be used partly in Krishna basin and partly transferred farther to Cauvery and Vaigai. Studies have to be made to find out the optimal quantity of transfer to individual basins and to examine how far the existing links can be utilised to effect such transfers.

- Report of, The National Commission for Integrated,

water resources development 1999

10. We made representations to the Collectors of East Godavari, West Godavari and Khammam districts as part of the Public hearing for Polavaram project. We also sent a representation to the members of the Forest Clearance Committee of the Min. of Env. Forests, GoI and also to the members of the visiting team of experts during their visit to Devipatnam. Apart from an acknowledgement from one of the members, there has been no response to the issues raised by us before these forums. (*Annexure – V*).

Prayer

11. To direct the Andhra Pradesh Forest Department to carry forward the process of identifying the areas that fall within the meaning of “forest” as defined by the Hon’ble Supreme Court of India. Only after completing this process by acquiring and interpreting satellite imagery of 1996 (year of Supreme Court order) that the area for compensatory afforestation can be correctly determined. Until this is done, the project should not be allowed to proceed.
12. To direct the Irrigation Department to quantify the minimum water flow that will flow in the Godavari after the dam is constructed.
13. To direct the Irrigation Department to clearly show the ayacut that is to be served by the construction of the dam, particularly in view of the above comments of the National Commission for Integrated Water Resources Development.
14. To direct the Irrigation Department to show if the concerns raised in the letter from the National Commission on Scheduled Tribes have been addressed and if not, to direct the Irrigation Department to do so prior to starting any work on the project.
15. To seek a reply from the National Commission on Scheduled Tribes whether the issues raised in the letter mentioned above __ addressed adequately.
16. To direct the Irrigation Department to reply to the concerns raised in the research paper published in Current Science.
17. To direct the Irrigation department not to proceed with the project until the above issues are settled by the CEC / Hon’ble Supreme Court.

18. Such further orders or directions be given as the Hon'ble Supreme Court may deem fit and proper in the circumstances of the case.

Date: 11-07-2006,
Place: Hyderabad.

Yours faithfully,

Dr. P. Sivaramakrishna
Director,
SAKTI

Affidavit

I, Dr. P. Sivaramakrishna, Director, SAKTI, do hereby take oath and state as under:

1. This is to certify that the facts mentioned in the complaint from para 1 to 18 are true to the best of my knowledge and belief and the last para is prayer to the Central Empowered Committee.
2. The documents are the copies of the original documents.
3. That the above affidavit is true and correct and nothing material has been concealed there from.

Signature of the complainant

Dr. P. Sivaramakrishna,

Director, SAKTI, 305, Janapriya Abode,
Gandhinagar, Hyderabad – 500 080.
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Verification:

I, Dr. P. Sivaramakrishna, do hereby verify on oath that the content of paras 1 to 3 of my affidavit are true and correct to my personal knowledge. There is nothing material concealed therein and no part is false to the best of my knowledge.

Verified at Hyderabad on 11-07-2006