

Near-complete dam of Ken-Betwa project yet to get environmental nod

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A major dam project of the Madhya Pradesh government, which is part of the Centre's marquee Ken-Betwa river interlinking project, was found to be in violation of environment clearance laws by an expert committee of the Union Environment Ministry. *The Hindu* has learnt from a perusal of publicly available documents.

The Centre has invoked a set of controversial orders whose legality is being examined by the Supreme Court. The sequence of events demonstrates the confusion among the States in interpreting the Centre's environment clearance processes and how this results in *ad-hoc* fixes being applied as amends.

In 2019, the Madhya Pradesh government began constructing the Lower Orr dam - part of the second phase of the Centre's ambitious Ken-Betwa river interlinking project - only to be told by an expert ap-



In hope: The Ken-Betwa interlinking project involves transferring surplus water from the Ken river to the Betwa. FILE PHOTO

praisal committee (EAC), tasked with assessing the environmental impact of projects, in 2022 that the State had not taken a formal clearance from the Environment Ministry for the project. The expert committee, in December 2022, recommended that the Environment Ministry "consider taking necessary action on the violation against the project proponent as per law".

The project proponent here was the National Water Development Agency (NWDA), a Jal Shakti Ministry body. Following a site visit, the committee reported that about 82% of

the dam and 33.5% of the canal network had been completed without a clearance from the Ministry. The NWDA also did not have a 'consent to operate' certificate.

The EAC recommended that the project developers undertake a fresh environment appraisal process, assess the ecological damage that had ensued and lay out a 'damage restoration' plan. These recommendations derive from a slew of executive orders issued by the Environment Ministry in 2017, 2021 and 2022 whereby a standard operating procedure was put in place to allow companies -

private and State-led - who had violated the terms of their environment clearance or were operating without one, to legalise their activities.

Along with the fresh set of conditions, the new orders required companies to pay a fine that worked out to a percentage of the cost and turnover of the commissioned projects.

Nearly a year after this recommendation, in a meeting of the EAC in December 2023, the body recommended that the Lower Orr project be subject to a fresh evaluation and that the NWDA submit more data calculating the potential damage that may have ensued from the construction. The Supreme Court, on January 2 this year, put all orders of the Ministry on hold as part of the proceedings in another case filed by NGO Vanshakti where such post-facto clearances accorded to mining companies have been challenged. The next hearing of this case is scheduled in four weeks.