

May 6, 2009

- To
1. The Prime Minister (also holding charge of Ministry of Environment and Forests and as Chairman of the National Ganga River Basin Authority),
PMO, 7, Race Course Road, New Delhi 110 001
 2. Secretary,
Ministry of Environment and Forests,
Paryavaran Bhawan, CGO Complex, Lodi Road, New Delhi 110 003
 3. The Union Minister of Water Resources
Ministry of Water Resources, Shramshakti Bhawan,
Rafi Marg,
New Delhi 1
 4. Secretary,
Union Ministry of Water Resources, Shrmashakti Bhawan,
Rafi Marg,
New Delhi 1
 5. The Chairman
Delhi Jal Board
Varunalay
New Delhi
 6. The Chairman
Central Water Commission
New Delhi

**SUBJECT – OBJECTIONS REGARDING THE PROPOSED RENUKA DAM PRJECT,
HIMACHAL PRADESH**

Dear Sirs,

We, the undersigned, submit to you through this memorandum our objections and deepest concerns regarding the construction of the Renuka Dam Project in the backward Sirmour district of Himachal Pradesh, for which the Delhi Government and the Himachal government had apparently signed an agreement in the year 1994. The project proposes to build a 148 m high dam to impound the Giri River (a tributary of the Yamuna) at Dadahu, Renuka tehsil of District Sirmaur. We would like to bring to your attention the following objections, discrepancies and serious concerns regarding this project.

1. CONCEPTUAL, TECHNICAL AND FEASIBILITY RELATED ISSUES

Firstly, there is no legally valid agreement between the Upper Yamuna states for this projects, or even more importantly, on the issue of sharing of Yamuna waters. The agreement that was signed in May 1994 is no longer valid, as per the opinion of the Union Ministry of Law and Justice, since Rajasthan, one of the parties, did not sign the agreement, see the Tribune clipping annexed at **Annexure 1**.

Secondly, Delhi Jal Board has admitted in response to an RTI application that no options assessment has been done to arrive at the least cost option before taking up the Renuka dam proposal. Without such an assessment, taking up a proposal like the Renuka dam would be completely wrong and inappropriate use of public resources.

Moreover, several Studies have proved that Delhi itself is thirsty not because there is shortage of water but actually due to mismanagement and misappropriation of water and inequitable distribution across different

areas. According to the Performance Audit report of the Delhi Jal Board for 2008, "Delhi has distribution losses of 40 *per cent* of total water supply which is abnormal and significantly higher than the acceptable norms of 15 *per cent* prescribed by the Ministry of Urban Development. The system of leakage detection and management was inefficient. Delayed repair of leaks in transmission and distribution lines in 2006-07 alone led to estimated loss of 84 million gallons of water."

The Wazirabad Barrage over river Yamuna in Delhi which currently stores water (whatever is allowed to reach there) of the Yamuna river during the non monsoon months to meet the major domestic needs of water for Delhi. The water storage from a river is not just on the surface, but a major portion remains stored underground as ground water (which is far more cost effective, secure and lasting storage option since there is little loss from evaporation). Delhi Jal Board (DJB) legally extracts almost 100 MGD from the river flood plains and almost three times unauthorisedly is extracted by the private tankers and others. So, if Delhi is really serious about meeting its water needs from the river Yamuna, then it does not need a dam over river Giri (with all the concomitant ecological, economics and social costs), but to ensure that Haryana does release enough water down the Hathnikund Barrage in river Yamuna during non monsoon months (which includes the water being brought unfettered to it currently by river Giri) so that on the one hand the river Yamuna continues to live as a river but Delhi gets its share of drinking water from it and allow enough water to flow downstream for those depending on the river's water there.

A sketch of the project conceived for augmenting Delhi's water supply is given below in Annexure 2.

Why is it necessary for the Yamuna tributaries to be dammed when Hathni Kund and Wazirabad barrages can route and store the water for Delhi's needs? The government proposes to spend nearly Rs 4000 crores for a project which is not required. The existing dams can easily meet Delhi's needs without having to submerge 2000 hectares of forest and agricultural land in a ecosensitive area of the lower Himalayas.

Haryana has already objected to the agreement signed between the Centre, Delhi, Himachal Pradesh and other Upper Yamuna basin states for the construction of the Dam without the involvement of the co-basin states. The state's Irrigation Minister Captain Ajay Singh Yadav has said that the power and water from the Renuka Dam should be shared with the other co-basin states, namely Haryana, Rajasthan and Uttar Pradesh. The primary contention of the state is that the Yamuna Water agreement of 1994, on which this project is based, is invalid and it favoured Rajasthan and Delhi at Haryana's cost. We believe that the fate of the Renuka pipeline could be the same as that of the Satluj Yamuna Link Canal and the Hansi-Butana Canal, which have been mired in interstate litigations in the Supreme Court for years, while the people in the catchment areas lose all they have and the environment of the area is devastated.

On the 40 MW installed power component of the Renuka project by Himachal government we would like to seriously contend whether this is feasible at all. The existing Giri Bata Hydropower project at Dadahu is not being able to run to its full capacity of 60 MW because of less than expected river water flow. How would it be possible for the HPPCL to generate 40 MW is the critical question to be asked, also when the water supply of Delhi will take priority over the power generation requirements. Similarly during monsoon, when Delhi may not require water from Renuka and when the priority will be filling up of the reservoir, it is likely that the existing Giri Bata project won't be able to generate the amount of power it generates now. Moreover, the power generation profile would also be very different. Since during 9 months of the year the Renuka dam is expected to release constant flow of 23 cumecs of water, neither the existing Giri Bata project, nor the proposed Renuka dam is expected to provide peaking power, which is one of the most important Unique selling proposition of a hydropower project.

We doubt if the CWC while considering the techno-economic viability of the project took into account, reviewed and discussed all the above issues.

2. ENVIRONMENTAL CONCERNS

The stretch to be flooded by the Renuka Dam contain large tracts of forested areas and also private lands with millions of trees. While the MoEF might give permission to divert forest areas for the project, the immense forest wealth that stands on the private lands, which incidentally is richer than those on forest department managed lands, could change hands and get drowned as just any ordinary land would. Even the EIA has no mention of the forests that stand on shamlaat lands that were allotted to individuals in the 1970s by the state government.

749 hectares of Forest Land which includes 49 hectares of the Renuka Wildlife Sanctuary with a protected Wetland - Renuka lake will be devastated. The declaration of Renuka Lake as a National Wet Land was done on 8th November,2005, when six additional sites were added to the Ramsar list. The newly designated sites have very special features in terms of their ecological character; unique and rich Aquarian communities. The Renuka Wetland has a very high religious and socio cultural significance and is the heart of Hindu Sacred values connected with the epic of Mahabharatta. It forms an important confluence of cultural; religious; ecological and socio economic values for sustenance of livelihood and eco systems.

The Dam structure and the reservoir area that will be part of the sanctuary cannot alter the truth that the reservoir cannot substitute for the reserve forest and the wildlife sanctuary that will be submerged after the construction of the dam.

The construction of Renuka Dam, will destroy the spiritual fabric; ecology and biodiversity of the Wetland as the flora and fauna of the area will not be able to recover from the shock, of the reservoir construction of the Renuka Dam. The Giri River has also been called the Ganga and its spirituality is derived from the way the river comes down the slopes of the fragile Himalayas.

Damming a river is like blocking the life sustaining blood vessels of the environment causing irreversible damage to all human beings; animals; birds; insects; microorganisms; aquatic life including all species and ecosystems listed in the above paragraph on Renuka Wetland. The damming of the Giri River will change the ecology of the area and will affect the normal flow of water from the Renuka Lake to the Giri River, thus, endangering the Lake, and destroying the spirituality of the area and the faith of the people of India.

The EIA does not mention what will be the climate change contribution of the proposed reservoir. As it has been nationally and internationally accepted, reservoirs in tropical countries like India can emit very large quantities of methane, which has 21 times greater potency than carbon dioxide. Any EIA must estimate this quantity in this age. Similarly, the EIA should also project as to what will be impact of climate change on the project. Neither of this has been done.

The EIA Report for the Renuka Dam Project for Sirmour District made by the Indian Council of Forest Research and Education, Dehradun, does not take the factors enumerated above into consideration. The fact of the Renuka Lake being an Ramsar declared international wetland is not even mentioned in the report.

As we understand, a river is an unfettered flow of water down a stream and this is its (stream's) fundamental role and its very dharma. Hence, there should be an overwhelmingly unavoidable justification for creation of an artificial structure over a river that may impede its ability to flow, even temporarily. Since such an impediment results in a change in its character, structure and ability to provide essential services to all such life forms that have evolved and inhabit its channel as well as its riparian zone.

Why is it necessary to supply 23 cumecs of water to Delhi by constructing the Renuka dam on the Giri river with an installed power capacity of 40 MW, with much lower energy generation than 40 MW by the

destruction of the Renuka Sanctuary, the Reserve Forests; the Giri River; the Yamuna River and all biosystems living alongside by spending over Rs 3900 Crores when better options are available?

3. SOCIAL IMPLICATIONS

As you are aware all over the country and world alternate methods of power generation and water conservation and storage are being explored to prevent the disastrous consequences caused by large dams which involve huge displacement and environmental costs. Even in the case of the Renuka Dam there is a large area which will be submerged. The figures in the Environment Impact Assessment report indicate the total area to be acquired for the project as 1560 hectares of which about 1200 hectares is submergence area. But the officials at the HPPCL office in Dadahu informed us that the area of the project is now 2200 hectares and that additional land for muck dumping etc was still being identified.

Of the 2200 hectares approximately 1300 hectares is private land – under agriculture and forests. More than 37 villages with 700 families are likely to be displaced and directly affected as a result of the dam. Their thriving agricultural economy based on cash crops like ginger, garlic and tomatoes will be completely destroyed. Hundreds of livestock rearing families of Gujjars and Gaddis will be completely displaced from their livelihoods. The private forests which are also going to be lost provide good income to the local communities apart from being the mainstay of their day to day lives and livelihoods.

The Himachal Pradesh Power Corporation Limited is proposing compensation of Rs. 50,000 per bigha for uncultivable waste land (grass land), Rs 1.5 lakh for unirrigated agriculture land and Rs. 2.5 lakh for irrigated land through a Negotiation Committee. These rates have been rejected by the people who are demanding jobs for one person from each family plus land for land. The HPPCL has no such provisions in its rehabilitation project and has outright rejected this demand.

Even as the affected people continue their protest against the dam notices under Section 4 of Land Acquisition Act (LAA) for the land acquisition process have already been issued for 20 of the villages. Along with the Section 4 notice, the section 17(4) has also been invoked. Under section 17(4), which is an urgency clause, the section 5(A) of the LAA (which provides for filing of objections by land owners with the DC office) has been disposed off. This is completely unconstitutional and out of order when the Supreme Court of India itself in many cases has directed that the use of 17/4 should be avoided in all cases.

The social impact assessment of the project is incomplete without identification of all the land required for the project, including the area that will be affected at the maximum water level of 772.5 m way above the Full Reservoir level of 766 m. The EIA has mentioned the submergence land only upto 766 m and not 772.5, even as the EIA mentions that the dam can store additional 7504 ha m. But EIA does not mention how much land will be submerged at 772.5 m, which all properties will be submerged at that level, what will be the back water impact at 766 m and 772.5 m and how many people will be further affected at such backwater levels. The EIA, for which the public hearing was held in Oct 2008, mentions the National R&R policy of 2003, when the current NRP is of year 2007. The EIA also does not include a number of other social impacts due to the project.

The oustees and displaced people of Bhakhra, Pong and Kol, the large dams in Himachal are still fighting for just rehabilitation. The Himachal Government has completely failed to deal with the issues of those displaced by these projects and thus it has no locus standi or moral right to displace any more people when it cannot deal with and resolve the problems of the existing displaced communities.

4. Inadequate EIA, violations in Public Hearing process

The EIA of the project is very inadequate, some of the reasons have been mentioned above. Moreover, the EIA does not include options assessment to ensure that Renuka dam is indeed the best, least cost option for

the objective of providing water to Delhi. In fact, no such exercise has been done, which is crucial part of EIA. Moreover, there has been very serious violations of the basic and legal norms during the public hearing of the project in Oct 2008. The local people did not get the EIA in their local language, without which they cannot be expected to participate in the public hearing in an informed way. The project should not be given environment clearance due to the inadequate EIA and these violations of the public hearing process. Several Submissions have been made to the MoEF in this regard.

Conclusion In view of the facts delineated it is unacceptable that the Himachal Pradesh Government is allowing its river Giri to be dammed at a massive cost, even though the people living down stream as well as upstream, other life forms and above all the voiceless tax payers who foot the bills; will ultimately be damned. The people of Renuka and environmentally and socially aware citizens of Himachal, Delhi and in fact the entire country are appalled at this madness. Even the EIA records that over 95% of the surveyed affected people are against the project, which was also apparent during the public hearing.

We demand that the Prime Minister, the Ministry of Environment and Forests, Ministry of Water Resources, the Delhi Government, the Delhi Jal Board, the National Ganga River Basin Authority and the Central Water Commission immediately look into these objections, issues and concerns and reject this proposal and take appropriate action to explore other, more reasonable alternatives to meet Delhi's water supply shortages.

Thank you in anticipation, we will look forward to your early and detailed response.

Signatories

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4. Puran Chand, Secretary, Renuka Bandh Sangarsh Samiti, Sirmaur, Himachal Pradesh
5. Rahul Saxena, Lok Vigyan Kendra, Palampur, Himachal Pradesh, lokvigyankendra@gmail.com
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Issue of Yamuna dams reopens

**Yoginder Gupta
Tribune News Service**

Chandigarh, February 20 The proposed Renuka and Kishau dams on the Yamuna have again become a bone of contention among the beneficiary states of UP, Haryana, Himachal, Delhi and Rajasthan following the opinion of the Union Ministry of Law and Justice that the "draft" agreements on these dams signed by the then Chief Ministers of UP, Haryana, Himachal and Delhi in 1994 are not valid because Rajasthan had not signed these documents.

This was stated in the interim report submitted by a committee of the Haryana Assembly placed before the House today.

The committee was set up by the House to examine the circumstances under which the MoU on the Yamuna waters was signed and how the Haryana Cabinet was misled on the agreement which reduced the share of the state in the Yamuna waters from 67 per cent to 47 per cent.

Presenting the report, the chairman of the committee, Speaker Raghuvir Singh Kadian, said due to the non-cooperation of former Chief Minister Bhajan Lal, who had signed the MoU, the report could not be submitted during the September 2008 session of the House.

Later Irrigation Minister Ajay Singh Yadav said following the view of the Law Ministry, Haryana would be able to press its demand that it should be given its share in power and water from the proposed Kishau and Lakhwar Vyasi Dam in proportion to its share in the Yamuna waters.

He said Haryana also wanted that these dams should be controlled by an agency on the pattern of the Bhakra-Beas Management Board.

Meanwhile, the Union Government has decided that these projects would have the status of national projects and it would give 90 per cent of the cost as grant while the rest would be shared by the partner states.

