

## Chapter 7 - Violation of Environmental Regulations

### 7.1 Alienation of water bodies against orders of Supreme Court

The Supreme Court of India in Civil Appeal No. 4787/ 2001<sup>19</sup> ordered (25<sup>th</sup> July 2001) that forests, tanks, ponds, etc., which are nature's bounty, maintain delicate ecological balance and hence need to be protected for a proper and healthy environment.

Contrary to these orders, Government of Andhra Pradesh in September 2008, alienated 1046.21 acres of land in Sompeta mandal of Srikakulam district to Nagarjuna Construction Company Infrastructure Holdings Ltd (NCC) for establishing a 1980 MW thermal power project. Out of this land, 972.69 acres constitute a water body. The area is a huge swamp submerged throughout the year and is used by fishermen for inland fishing and also as a source of drinking water. The swamp is a natural habitat for more than 120 resident/migratory birds and is internationally recognized as wet land ecosystem. Although Government had prohibited (May 2000) its alienation for any purpose, it gave possession of the site to the company, in violation of its own orders.

*Special Chief Secretary & CCLA in his reply confirmed that the land in question was a swamp but stated that it was being used only by fisherman for catching fish for their livelihood and since it was not considered good enough for any other activity, it was allotted for setting up a thermal plant.*

The reply is not acceptable, because the National Environmental Appellate Authority (NEAA) quashed (July 2010) the environmental clearance given by EAC<sup>20</sup> ordering the State Government not to alienate such lands. Moreover, the Irrigation Department of Government of Andhra Pradesh in response to an RTI application, in November 2009, revealed that three minor irrigation projects were taken up in the area (ayacut of 750 acres). Of these two have already been commissioned (ayacut of 500 acres)..

***Failure of the State Government in taking note of the environmental impact of this project resulted in alienation of the water body to NCC, despite the latter not having obtained the requisite clearances for setting up the power plant from the Union Ministries of Power and Environment & Forests.***

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<sup>19</sup> SLP No. 13695/2000.

<sup>20</sup> Expert Advisory Committee

## 7.2 Institute of Management Technology (IMT)

Government, in July 2008 allotted to Institute of Management Technology, Ghaziabad (IMT) 30 acres of land that included 19.85 acres under illegal occupation in (Survey No. 38) Cherlaguda Village of Shamshabad mandal in RR. The allotment was made on payment of ₹ 1.5 lakh per acre against the market value of ₹ 50 lakh recommended by the CCLA. This land was part of the catchment zone of Himayatsagar Dam, which is a restricted area. Government thus, flouted its own rules that prohibit alienating land in catchment areas for human settlement. In making this allotment, the adverse impact of the project on water resource like Himayatsagar Dam project was also not reckoned.

## 7.3 Mining activities in areas allotted for non-polluting industries

Government of Andhra Pradesh allotted (August 2007) 33.11 acres (Sy.No.308) and 238.28 acres in (Sy.No.309/1) in Gajularamaram Village, Qutbullapur mandal in Ranga Reddy district on lease basis for 99 year in favour of AP State Finance Corporation (APSFC). The lands were handed over to APSFC in August 2007 and March 2008 for utilisation of non-polluting industries. However, despite this stipulation, the Mines department of the Government of AP has been issuing temporary permissions (April 2006 to October 2009) allowing mining leases over an area of 33.02 acre of the allotted land. This fact was not indicated in the alienation order. APSFC authorities also stated (December 2007) that lease holders were illegally quarrying in about 100 acres in excess of the land leased out to them. Although there was a ban on quarrying and mining in 14 mandals including Quthbullapur mandal, temporary mine leases were still being granted by the Mining department in the said mandal. The fact that mining activities were already being carried out on the allotted lands, as revealed (April 2011) by APSFC authorities indicated that these lands were already being polluted. The condition in the alienation order stipulating use of this land only for non-polluting purposes was meaningless and underlined information assymetry and lack of coordination in the Government.

*In response to the audit findings on allotment of land to projects/units which have an environmental impact, the Special Chief Secretary & CCLA stated that, although the land is classified in revenue records as “water body” like canals etc. on ground, there was no such water body and that, land in such cases, is being recommended for allotment, based on the requirement for public purposes.*