

# Power firm takes Water Ministry to court over Ganga notification

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**Source:** *The Hindu*

**Manifest pedagogy:** Rivers in India have become highly polluted and posing a threat to human sustenance. Clean Ganga mission would be failure without continuous flow of water. Regulation of water flow keeping the interest of hydro-electric projects is crucial. The topic could be asked from prelims and mains perspective.

**In news:** Power firm takes Water Ministry to court over Ganga notification

**Placing it in syllabus:** Hydropower generation (explicitly mentioned)

**Static dimensions:**

- Hydro power generation along Ganga and its tributaries
- NMCG

**Current dimensions:**

- Environmental flow for clean Ganga
- Objection by power firms for changes in the notification

**Content:**

**Hydro power generation along Ganga and its tributaries:**

- The hydroelectric potential of the Ganges and its tributaries is ranged from **51,700 to 128,700 megawatts** of which about two-fifths lies within India and the rest in Nepal.

- As of now, **19 hydropower projects are functioning** along various stretches of the Ganga and its tributaries.
- **Eight Hydro Electric Projects (HEPs)** with an installed capacity of 2351 MW are **under construction** on the river Ganga and its tributaries.
- They are: **Tehri PSP, Tapovan Vishnugad, Lata tapovan, Shrinagar Ganga, Phata Byung, Singoli Bhatwari in Uttarakhand and Swara Kuddu and Tangu Romai- I in HP.**
- The Ministry of Environment & Forests (MoEF) accords environment & forest clearances to HEPs as per defined procedures based on **Environment Impact Assessment (EIA) studies** / Environment Management Plan (EMP).

The **six proposed hydro-electricity projects in Uttarakhand** are:



- Recently an Inter-Ministerial Group of the Union government took a **decision to deny permission to new hydroelectric projects on the Ganga and its tributaries.**
- This is said to be a precursor to a formal ban on all construction on the river.
- In the past few decades, hydropower projects have become controversial as they are justifiably derided for their **substantial social and environmental costs.**
- On the other hand, **run-of-the-river projects** can be relatively more agreeable with nature as they divert water more than obstructs it and submergence can be minimal.

### **Pollution of river Ganga and need for e-flow**

River Ganga is highly polluted. The river is contaminated by industrial wastes and human wastes. Nearly 38% of population in India is dependent on river Ganga. Pollutants of river Ganga are cause of concern for human health and environment.

Initiatives to clean the Ganga began with the Ganga Action

Plan I in 1986.

Till 2014, over Rs 4,000 crore had been spent. But the river has remained dirty. In 2015 Namami Gange was launched with financial outlay of 20,000 cr. Namami Gange is implemented by NMCG( National Mission for Clean Ganga)

Uninterrupted flow of water in any river is important to keep it clean through its natural ecological functions and processes. In order to restore and maintain continuous flow of river Ganga, the Centre has notified minimum environmental flow (e-flow) for the river that has to be maintained at various locations.

### **Environmental flow for clean Ganga:**

- To speed up the Ganga rejuvenation process, all existing projects in the upper Ganga basin will have to **ensure desired environmental flow (e-flow) in the river by December 15, 2019** as per NMCG new notification dated October, 2018.
- **20%** of the monthly average flow of the preceding 10 days between **November and March (dry season)**;
- **25%** of the average in **October, April and May (lean season)**;
- **30%** of the monthly average during the **monsoon months** of June-September.
- Earlier compliance exemption given to them was till October 8, 2021.
- Over 75% of the 784 dams, 66 barrages, 92 weirs and 45 functional lift schemes are located in the upper Ganga river basin.
- **Non-adherence to minimum flow** by many major dams and barrages, **leaves the river without adequate flow**, making it **difficult to maintain its natural process of cleaning** round the year.
- After analysing latest ground report of the Central Water Commission (CWC), the **'Jal Shakti' (water**

- resources) ministry** has amended its previous order.
- The new compliance date will **apply to hydro-power, irrigation and other major projects** in the upper reaches of the river in Uttarakhand up to main stem of the river in Unnao district of Uttar Pradesh.
  - **Mini and micro projects** have been **exempted** from these e-flow norms.
  - The CWC has recommended that all existing projects have provisions for releasing the mandated e-flow **through controlled gated spillways or waterways** and “structural modifications in the body of the project may not be required”.

#### **Objection by power firms for changes in the notification:**

- The **Alaknanda Hydropower Company (AHC)** has filed a case in the court against the Union Water Ministry and the Uttarakhand State government, following a 2018 notification by the NMCG, that ensures desired e-flow in the river by hydropower companies located on the Ganga and its tributaries.
- AHC is located on the Alaknanda river which is a 330 MW **run-of-the-river project commissioned in 2014.**
- It is expected to supply 12% of the energy to the Government of Uttarakhand for free and balance 88% power generated will go to the Uttar Pradesh Power Corporation Limited under a Power Purchase Agreement.
- Companies are of the opinion that this move would require existing and upcoming projects to change their design to accommodate greater flows.
- Companies are reluctant to release water because it impedes power generation.
- The notification is said to be financially detrimental to the company and that the government ought to be compensating it for the losses that would accrue due to the notification.
- The **AHC says that it is only required to release 15%**

**flows as e-flows according to an Uttarakhand High Court order** in June 2018.

- But the new **NMCG order requires it to release 25% flows.**
- The parent company GVK has claimed losses of nearly ₹4,000 crore.
- AHC filed its petition in July, 2019 but has not been reported on.
- Future dates on the case hearings are unavailable.