

To  
The Chief Secretary  
Government of Himachal Pradesh  
Shimla

11<sup>th</sup> August 2014

**Subject: Amendments in Hydro Power Policy, 2006:**  
**Concerns regarding overlooking of environmental and social impacts of Hydropower Projects**

Sir,

We, as concerned citizens and environmental groups, would like to raise some serious concerns with regard to the recent amendments in the Hydropower Policy 2006 by the Government of Himachal Pradesh.

We are aware and have perused in detail of the recommendations by the Committee formed on Speedy Development of SHPs (Small Hydropower Projects), headed by the Chairperson, HP Electricity Regulatory Commission (HPERC), to look into the problems facing Small Hydro Power producers vide a notification dated 25th September, 2013.

Subsequently, the recommendations of the committee were accepted as amendments to Hydro Power Policy, 2006 by the Government of Himachal Pradesh, MPP& Power Department vide its notification No. MPP-F(1) 2/2005-VIII dated 4<sup>th</sup> March, 2014.

It is important to note that though the committee was formed specifically to look into issues with SHPs, the notification mentions that the amendments will apply to all Hydropower projects. We are assuming that it means all 'large and small' hydropower projects. If this is the case, then we are shocked that the government has made this amendment without taking into account the fact that the mandate of the committee formed in 2013 was only to make recommendations with regard to SHPs.

We believe that in context of Himachal Pradesh, the cascade of small and large hydel projects coming up virtually on every stream and river is an issue of deep concern. The impacts of SHPs are quite significant, as they are in the case of large hydro projects. Considering that the state intends to harness 1100 MW of energy through construction of more than 400 small hydroelectricity projects, their impacts on smaller streams will be substantial. Listed below are some of the issues that have emerged with the regard to impacts of SHPs:

1. Heavy Deforestation
2. Impacts on Local Irrigation Systems and Water Security
3. Undermining Fisheries based livelihood
4. Illegal dumping of Muck and Impacts of Blasting
5. Landslide related impacts
6. No Safety Monitoring
7. Failure of mitigative policies like LADA
8. No assessment of cumulative impacts of cascade of projects on the riverine ecology

(see Annexure 1 - A table listing out impacts of small hydels in Himachal Pradesh)

Though the intensity of damage might be restricted to a smaller area but looking at the sheer number of SHPs, their cumulative impact on local water rights and biodiversity is turning out to be critical. Further, in the case of SHPs, the absence of the process of Environment Impact Assessment to assess the impacts of a project makes the current amendments in the Hydropower Policy even more objectionable.

## PROBLEMS WITH THE COMMITTEE RECOMMENDATIONS

In the light of their environmental impacts, what comes as a great setback for local communities is the State Government's recent announcements to offer tax concessions to SHPs and exemptions from obtaining NOCs from certain departments. (See, Times of India report on Feb 9, 2014 <http://timesofindia.indiatimes.com/india/Budget-sops-to-make-investments-in-hydro-power-attractive/articleshow/30079948.cms>) Instead of analysing the impacts of SHPs on people and ecology in the state or proposing stricter monitoring mechanisms and regulations, offering power developers further exemptions is carving way for more serious impacts in near future.

We have perused the report titled “**Report of Committee on Expeditious Harnessing of Small Hydro Power Potential in Himachal Pradesh**” prepared by HPERC and would like to raise the following issues and concerns in this regard:

### 1. Constitution of a biased committee:

While the committee was constituted to look into the 'problems' faced by Small Hydropower producers with the objective of 'expeditious harnessing of hydropower potential' in the state, it is shocking to see the membership of the committee. Out of the 15 members of the committee, about 6 were power producers, and included representatives of Himurja and private power producers association. There is a clear conflict of interest here and we are appalled that the State Government created such a committee in the first place. Further, the committee has no representation of the Department of Science, Technology and Environment or any non-governmental, independent persons to look into the social and environmental issues. The committee does not even have a member of the Forest Department. Considering the impacts of these projects on local livelihoods, there should have been at least one independent member with expertise on social issues. While we feel that the very objective of the committee is aligned with the interests of power producers, the least the government could have done was to ensure that the social and environmental interests are not sidelined or ignored. This exercise thus clearly stands discredited.

### 2. Change in policy without Public Consultation:

The report, on **Page 3** under the Chapter Executive Summary and Recommendations, says “Number of Consultative meetings were held by the Chairman of the Committee with members representing the Project Developers, officers of the Directorate of Energy, HIMURJA and HPSEBL, E in C PWD, State Geologist, Sr. Environment Engineer (PCB) etc before and after the formal meeting.” Though the report of the committee vouches for having included all the stakeholders in its consultative meetings, the sweeping recommendations made, however, suggest the contrary. Enough debate has been generated and many conflicts have emerged on ground with regard to the rights over water and impacts of these projects. And yet, the government insensitively overlooked all these issues and has made no effort, whatsoever, to reach out to local people to get their opinion on the problems with SHPs. For the committee to better evaluate the situation of SHPs in Himachal, local representation from areas/ districts where SHPs are already functioning and conflicts have emerged, was imperative. Yet there seems to have been no effort made to learn from the experience of existing and under construction SHPs<sup>1</sup> or get perspectives from

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<sup>1</sup> For example, see: <http://sandrp.wordpress.com/2014/06/08/the-socio-ecological-effects-of-small-hydropower-development-in-himachal-pradesh/>, <http://sandrp.wordpress.com/2014/06/11/the-socio-ecological-impacts-of-small-hydropower-projects-in-himachal-pradesh-part-2/>

ground where people have both benefited and suffered socially, economically, and environmentally from SHPs. The inclusion of merely the Up-Pradhan of Gram Panchayat Kafnu in Kinnuar in the committee appears to be a mere tokenist representation. (see page 11)

### **3. Exemptions from and dilution of clearance procedures with no basis:**

If we examine the 23 recommendations made by the committee (see table below), 10 of these (number 1 to 8, 19 and 21) are simply to do with dilution of clearance procedures for small hydro power projects. As per the current Hydro Power Policy 2006, the Gram panchayats are approached separately at two points for seeking consent on different clearances but the committee suggested that Gram panchayats be approached only once for **consultations on all aspects of the project (recommendation No. 5)**. The committee, amongst several other arbitrary recommendations, has also called for **One Joint Inspection Committee (recommendation No. 4)** that would clear all aspects of a project requiring joint inspection for statutory clearances. The committee has recommended altogether scrapping of NOCs of Irrigation & Public Health Department (IPH), Public Works Department (PWD), Revenue and Fisheries Department to fast track projects (**recommendation No. 1**), and has gone to the extent of terming the process of requiring critical clearances such as NOCs as **“arbitrary, unconstitutional and obstructionist” (point no. 8, page 14)**.

### **4. Violation of Existing legislations protecting rights of Gram Sabhas:**

This notification violates two central acts i.e. Forest Rights Act and Panchayat Extension to Schedule Areas, and one state legislation being The Himachal Pradesh Transfer of Land (Regulation) Act, 1968 which protect the democratic rights of Gram Sabhas, especially in Schedule V areas. As it is, the guidelines for small hydro projects only gave power to the gram panchayat as against the gram sabha. Now this provision has also been further diluted by changing the terminology from “consent” to “consultation”, and giving the decision making power to the DC (**recommendation No. 2**)

### **5. How can the amendments be applied to all kinds of Hydro Power Projects?**

Given that the committee was formed for small hydro projects, how is it then, that the notification issued consequently covers the big hydro projects as well. Right at the end of the notification, Point 7, under the Applicability section states, that **“Provisions at Sr. No (1) to (12), (18), (19), (22), and (25) above will be applicable in respect of all kinds of Hydro Power Projects.”** This definitely is an error demanding urgent attention of the Department of MPP&Power, the Chairperson HPERC, and needs to be withdrawn immediately.

We challenge and question each of these recommendations of the committee which have also been accepted as amendments to the Hydro power policy of the state. We have provided point wise issues regarding each recommendation in the table (in **Annexure 2**). But we would like to raise the following larger issues with relation to the recommendations of these relaxations:

- It is unclear on what basis the committee came to the conclusion that the major reason for delays in case of small hydroprojects are the Departmental NOCs. There is no analysis or illustration or case study in the report to suggest this. The committee has also not reported the response of the key Departments like Irrigation and Public

Health and Public Works on the issue of expeditious implementation and impacts of SHPs. Then how does the committee justify its recommendations?

- It is unacceptable that the committee came to these recommendations without conducting any kind of impact assessment study or case study of any of the existing projects, their local impacts as well as their background and feasibility.
- There is no legal validity of these recommendations.
- The committee has done no study on the existing water uses and the conflict due to Small Hydro projects on water use. There is no mention of the State Water Policy guidelines on this.

On page 13, Point 7 of Chapter 1 it is stated “Once the State decides to develop the project, either itself or through partnership, it implies that clearances and approvals required to be given by the State Government and its agencies are deemed to be given, subject to codal formalities/compliance”. This statement is an indicator of the position of the committee and how it entirely overlooks every other policy and law that concerns the people and natural resources of this state.

6. We would like you to peruse the judgement of the Uttarakhand High Court in the case of Hul Hydro Power Pvt. Ltd. vs State Of Uttarakhand And Others on 15 July, 2011, where the High Court cancelled the allotment of 56 Hydropower projects on the following grounds:

- No spot investigation was carried for the 56 projects allocated. All 56 were allocated in a cascade resulting in river flowing through long tunnels. Allocation done even before DPR was approved.
- No EIA made by the state government, adverse impacts on environment are not highlighted enough by the private developers. No inspections were made before these projects were allotted. Out of 56 projects, 44 had a cascading effect. The court even acknowledged that cascading would eventually finish or dry up the entire river bed.
- Point 24 of the judgement says: "CLAUSE 7 (A) (11) (a) of the policy makes it absolutely clear that developers can ask for allotment only after the preparation of DPR, and not before." UJVNL was expecting this to be done solely on the basis of desk work and preparation of PFR."
- Depending on each state, and rainfall pattern, flow of water at least during two lean seasons is to be measured to make DPR more credible (also the finding of the CEA, Central Board of Irrigation and Power).
- Directions were issued that before allotting any hydel project, be it small, medium or large, there should first be a detailed environmental impact assessment and scientific study of all the major and minor river basins in the State of Uttarakhand, where these projects are to be allotted and only after a detail study has been made and the riparian rights of the settlements which are on the banks of these rivers taken care of, that any steps be made for giving these hydel projects to either State or private developers.

## 7. CAG Report 2012

Even the Comptroller Auditor General of India's report on Performance of Hydropower Projects in 2012 has highlighted that hydro projects are posing a severe hazard, both for natural ecology and stabilisation of hill slopes. Most importantly, the report recognises that prescribed monitoring mechanisms for ensuring effective implementation of projects and project safety, quality control and other management systems are non-existent. As per the CAG report, the negligence of environment concern was quite visible as for the sustenance of aquatic eco-system and ground water aquifers, minimum water flow of 15 per cent immediately downstream was not kept by a single Independent Power Producer. Among other issues highlighted both by CAG and J. Mark Baker's study (<http://sandrp.wordpress.com/2014/06/08/the-socio-ecological-effects-of-small-hydropower-development-in-himachal-pradesh/>) are mismanagement of the local development funds, temporary employment generation, and violation of labour in many cases. The Siang Basin cumulative impact assessment study commissioned and approved by the CWC and Expert Appraisal Committee (EAC) on River Valley Projects (at MoEF) also recommends that small hydro projects should also have EIA reports.

In case of several small hydels which local communities have rejected in the past, the provision to deny NOCs at the Gram Panchayat level has been fundamental in assertion of people's rights. Instead of making prior informed consent of the Gram Sabhas mandatory, pushing for a one time consultation with the Gram Panchayats and recommending a single Joint Inspection Committee raises serious doubts about its effectiveness as a transparent and a participatory process. The fear of consultations being mere tokenist looms large as past experiences in case of SHPs have shown how farce the whole process of acquiring consent has become. As concerned individuals, we consider this move highly undemocratic, leaving little room for local communities to participate in decisions that affect their lives and livelihoods in an informed and effective way and register their concerns. Doing away with critical clearances will further give impetus to a process which is already non participatory and highly unregulated. By offering lucrative incentives for power producers to make land grab easier, the state government is turning a blind eye to local communities dependent on smaller streams and rivers which today are in a severe crisis. It is apparent that the State Government accords greater importance to its revenue generation rather than livelihoods or eco-system benefits that generate more decentralised but long lasting values and goods.

### **Demands:**

1. The current amendments in the Hydropower Policy need to be withdrawn immediately. The State government should immediately withdraw its announcements about tax exemptions and relaxations in Departmental NOCs, and in fact make NOCs from Gram Panchayats, PWD, IPH, Fisheries and Revenue Departments mandatory.
2. A process of assessing impacts of small hydels, similar to the provisions of EIA Notification, 2006 should be instituted by the State Government. All SHPs above 1 MW should be required to prepare Environment Impact Assessment report, an Environment Management Plan, have Public consultation, environment clearance, compliance and monitoring. Before signing MoU with private developers, there should be some process of scrutinizing the projects for their viability and costs. The State Government should set up a regulatory and monitoring body at the state level for this purpose.
3. A separate study on the impacts of SHPs by and multi-disciplinary body of independent experts should be conducted. All new SHPs proposed should be put on

hold until and unless the impacts of the already functioning SHPs on local ecology, water availability, aquatic eco systems, forests and communities is thoroughly analysed. There is an urgent need to devise measures to address the issues emerging from such a study and thereafter, to have a mechanism to ensure a proper cost benefit analysis prior to undertaking a project.

4. If the affected Gram Sabha passes a resolution against the project, the government should immediately cancel the project, return any up-front premium it has collected and thus deny the company any chance to use it's money power against the local community.
5. The consent from Gram Sabha should be a must at the conceptualisation stage and at the DPR stage, as also on annual basis like the consent to operate granted by the State Pollution Control Board.
6. Half of the revenue from 12% free power from SHPs should go to the local communities but not in the current form of the LADA committees. There needs to be a review of the LADA mechanism
7. An investigation is required to be conducted as to how effective is SHPs' working as sources of decentralised energy since most are grid connected.
8. The State Government needs to learn lessons from Uttarakhand where as many as 56 SHPs have been cancelled due to several irregularities.
9. There should be a cumulative impact assessment when there are more than two SHPs on any stream.
10. Biodiversity rich streams and streams extensively depended upon by the local communities should not be allowed to have any SHPs on them.

Sincerely

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## Annexure1

Nature of Impact	Issues reported with Small Hydels
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<p>Heavy Deforestation</p>	<ul style="list-style-type: none"> <li>• The forest area diverted for a SHP may be less in comparison to large hydro power projects. But if we compare forest area diverted to generate per megawatt of electricity, then the forest area required to generate per megawatt will be higher in case of SHP. While comparing five SHPs with 5 large hydro projects in Satluj valley, we found that to generate 17 MW of power from SHPs, 10.59 hectares of forest was diverted, whereas to generate 2794 MW of power, 479.68 hectares was diverted. The comparison then comes to .17 ha of forest land per MW for large and .62 hectares of forest land per MW for SHPs.</li> <li>• Looking at the sheer number of SHPs, it quite clear that not a single forest ecosystem will be left untouched even in in farflung remote valleys.</li> <li>• In Himachal Pradesh, the Gaddi and Gujjar community of District Chamba have strongly expressed their opposition to 4.5 MW Hul project on Hul Nallah. The project will directly impact 1000 households of Jadera and Sillagraht Panchayat. The community relies heavily on rich forests reserves for livelihood purposes.</li> <li>• The Hul project will destroy the Oak dominated forests causing heavy deforestation.</li> <li>• The tunnel construction for five micro hydels planned on Luni Khad on Binwa river, a tributary of the Beas has too resulted in massive deforestation.</li> </ul>
<p>Impacts on Local Irrigation Systems and Water Security</p>	<ul style="list-style-type: none"> <li>• The fact that majority of the small hydels have resulted in “unmitigated negative impacts, ranging from disruptions to local irrigation systems, water powered mills, and undermining of fisheries based livelihoods” stands authenticated in a recent paper published by J Mark Baker titled “Small Hydropower development in Himachal Pradesh: An analysis of Socioecological effects”. (<a href="http://www.epw.in/authors/j-mark-baker">http://www.epw.in/authors/j-mark-baker</a>). The research based on author's extensive field work in 2012 of all 49 completed small hydros in District Kullu, Chamba and Kangra is indeed a timely intervention.</li> <li>• Traditional irrigation channels or kuhls, a lifeline for the farming community in District Kangra, the irrigators now forsee many dangers of small hydels on community managed irrigation systems. Conflicts have already erupted in case of 6 MW Prodigy hydropower plant, with farmers fearing the reduction in water availability in kuhls due to project's water diversion. Similarly, the 4.5 MW Hul project in Chamba also threatens the drinking water security and irrigation facilities of 6 villages, and close to 41 watermills will shut down as a result of diversion and lack of adequate</li> </ul>

	<p>water.</p> <ul style="list-style-type: none"> <li>• The Executive Engineer (I&amp;PH), Chamba has had an FIR registered against Himgiri Hydro project in the Saho area for continuously dumping debris into irrigation channels and thereby impacting local livelihoods.</li> <li>• Another case in point is the Upper Awa hydro project on Awa Khad in Kangra. The stream fulfils the irrigation needs of 7 villages. The HEP has changed the source of water, and now the Kuhl system is totally dependent on running of the power house. In case the power house stops, the Kuhls will be rendered waterless. The unpredictability of water in kulhs has become a huge nuisance for the farming communities.</li> <li>• Mark Baker's study in 2005 shows that, in Kangra valley alone, there are 750 large and more than 2100 small kuhls that irrigate approximately 40,000 hectares. But owing to the shortage of water mainly due to diversion of water for small hydels, farmers have no choice but to rely on rain fed cultivation. This has affected the overall land and crop productivity in the region.</li> </ul>
<p>Undermining Fisheries based livelihood</p>	<ul style="list-style-type: none"> <li>• The movement of the fishes in rivers already stands disrupted due to big hydro power projects, but in smaller streams where migratory fishes have survived and have a chance for spawning is now under threat due to small hydels.</li> <li>• In Kullu Valley, small hydels have proved notorious for their negative impacts on fisheries and on aquatic ecology as a whole. The local fish farming communities have repeatedly raised the issue of water quality protection measures being violated by the project developers. In fact, fish farming in the valley is rapidly growing as an economic enterprise, but hydroprojects are negatively impacting water quality.</li> <li>• The small hydel proposed on Haripur Nallah, a tributary of the Beas river proves the point well. The Nallah supports several kuhls, private agricultural farms, watermills- all of which fall in the affected area. The project will also prove dangerous for private and government fish farms the stream sustains. Despite having resorted to courts and staging several protests, the project developers managed to get an NOC from the Pradhan, validity of which was collectively rejected by the affected population.</li> <li>• Small hydels in name of being “clean and green” undermine fisheries based livelihood. The estimates of the fisheries department shows that approximately 10,000 households in the state depend entirely or significantly on</li> </ul>



	<p>subsistence fishing for their livelihood. (Baker 2014)</p>
<p>Illegal dumping of Muck and Impacts of Blasting</p>	<ul style="list-style-type: none"> <li>• Small hydels have and continue to violate series of enviromental guidelines. There are ample cases of untoward incidences in case of SHEP's due to increasing risks of soil erosion and several landslide related impacts.</li> <li>• The 9 MW Fozal HEP on fozal nallah in District Kullu like several other SHPs is too violating a range of environmental and insitutional norms. Illegal dumping of muck alongside the nallah and the river bed are likely to add to the disaster potential in case of floods during monsoons. The high intensity blasting for the tunnel at village Bhat Meha has left a few houses with permanent cracks for which the families have not been adequately compensated.</li> <li>• Despite having stated clearly in the NOCs that the project developers will not dump blasting muck &amp; soil etc on the project site or any other inappropriate place causing disruptions in the downstream flow, but most SHPs indwulge in indiscriminate dumping of muck. This clearly threatens the existing water supply and irrigation schemes.</li> </ul>
<p>Landslide related impacts</p>	<ul style="list-style-type: none"> <li>• Similar instances have occurred in Luni Khad, a tributary of the Binwa, which is a tributary of the Beas river. There are five micro-hydel plants running and coming up on Luni khad. The road built to access the foreway chamber of the hydro project through private and forest lands in Deval village had led to the dumping of debris along the hillside. The entire debris came down on the 23rd and 24th July 2013 into the village habitation area. Around 50 households were affected as a result of the muck getting inside their houses. This resulted in loss of grazing patches, pastures and grasslands. Now a sense of fear lurks amongst the locals that the entire road constructed will slide down with much greater force causing heavy damage.</li> <li>• The project roads constructed in case of 5 MW Terraila project in remote Tissa town of Chamba District has triggered heavy landslides too. The power channel for the project has been carved out from unstable slope containing loose gravel and large rocks which was destroyed due to the landslide. The landslide also damaged common grazing land. In case of Chamba, gharats (watermills) have incurred heavy damage due to power project caused landslides or diversion of water. A important livelihood source for the marginalised section, many gharats had to be abandoned due to lack of water.</li> </ul>

<p>No Safety Monitoring Mechanism</p>	<ul style="list-style-type: none"> <li>• The Safety Authority to control and monitor water flows under the provisions of the Hydropower Policy 2006 of the state is yet to be set up. In case of SHPs too, safety regulations are largely missing.</li> <li>• This was evident in case of 4.4 MW Aleo II project on Aleo Nallah in District Kullu. On January 12, 2014, the reservoir of the newly built Aleo II exploded during its very first trial run, which was carried out without the intimation of locals and district administration. According to the the locals, the foundation of Aleo II stands on the muck and silt dumped by Allian Duhangan, a 192 MW project upstream on Aleo Nallah.</li> </ul>
<p>Failure of mitigative policies like LADA</p>	<ul style="list-style-type: none"> <li>• Baker's survey of all 49 commissioned project in 2012 shows that Local Area Development Fund (LADA) meant for supporting local development activities is not working well as intended. Most projects violate the 2006 Hydro power policy for not providing mandatory local benefits such as employment generation and infrastructural benefits. With majority of the projects, along with the lack of awareness about LADA amongst the local pradhans, the District Administration too in many cases struggles to hold project developers accountable to fulfil the LADA provisions.</li> <li>• The distrubution of LADA fund further becomes problematic since most project developers do not accurately define Project Affected Area(PAA) and Project Affected Zones(PAZ) since 70% of LADA funds are allocated for PAA and 30% for PAZ.</li> </ul>

## Annexure 2

Given below are point wise critical comments to the recommendations:

Current Policies/ Provisions	Recommendations	Critical Comment
1) NOCs of IPH, PWD, Revenue, Fisheries and Wildlife with DPR required.	These <b>NOCs are NOT REQUIRED</b> . Clearances and compliance of norms and conditions shall be ensured by the developer before and during execution	This is totally unacceptable owing to the nature of impacts on drinking water and irrigation schemes. The second major impact is on fish fauna and fishing in the smaller streams which are the main spawning grounds for many of the local species. Further, owing to the damages to roads due to construction activities, the NOC of the PWD is also essential. The importance of the Revenue department permission needs to be understood in the light of the involvement of common lands which maybe grazing grounds or burial places etc for local communities. Concerning fisheries, in most cases the NOCs are sought from higher officials of the fisheries department, and granted without any consultation with those dependent on fishing for livelihood. To expect that developers will ensure clearances and compliance of norms and conditions is clearly unacceptable, it is not going to happen, it has never happened even with elaborate clearance and monitoring mechanisms.
2) NOC of Gram Panchayat required twice i.e with DPR and after I.A for start of work	Effective consultations shall be done with GP. Objections and suggestions shall be heard by the SDM. Aggrieved parties have the right to review before the D.C. And thereafter Pr. Secretary (Power)	<p>The main impact of the Small Hydropower projects is on the local community – their forests, agriculture lands and access to water sources are affected. The interests of the local people are only represented through the Gram Panchayat or better still, gram sabhas. Many a times the details of the project comes out only after the Implementation Agreement (IA) is signed as changes are made in the project design – therefore an NOC at both stages is essential – especially once the project design is finalised and details of impacts made clear. In fact NOC should be annually renewable, so that the project becomes answerable to the gram sabhas on annual basis.</p> <p>Further, scrapping the NOCs is denying the local panchayats or gram sabhas a platform to raise genuine concerns, and violates their fundamental right to life. In fact, the committee should have instead studied in detail the small hydro projects, areas or districts where local opposition has been strong.</p>

		<p>It is unfortunate that in case of several SHPs, the locals have been in the receiving end. Concerns of the affected community are often not considered important, and are left to deal with the project proponent on their own.</p> <p>It is unfortunate that in many places even before signing any MoU or listening to views of affected community the government has left communities to deal with project proponents and police administration leading to use of pressure tactics by the local goons (Hull projects) and police intimidation.</p> <p>It is shocking that the committee has not paid any attention to develop any guidelines for the government involving communities based on outcome of which government should decide about signing MoU with project proponent.</p> <p>Right of review by DC and Pr Secy are not useful since these are all government servants who never go against govt decisions.</p>
3) Separate Joint Inspection Committee to meet the clearance process of each department/ agency and they meet on different occasions	<b>ONE JOINT INSPECTION COMMITTEE</b> to clear all aspects of projects requiring joint inspector for statutory clearance. For non statutory, department clearances shall be adequate.	How will a single joint inspection committee take care of the statutory clearances? While a joint inspection and better co-ordination is a requirement between departments – a single NOC or clearance based on this is totally inadequate as each department needs to look at the dimensions that concern it in detail from the subject matter of that department, their policies, priorities and experience.
4) GP approached separately at different times for seeking consent and clearances	<b>GRAM PANCHAYATS SHALL BE APPROACHED IN ONE GO</b> for all consultation aspects of the project- i.e project as a whole, and will be after proclamation issued by the SDM for hearing objections and inspections by joint inspection committee for statutory clearances like FCA, land lease, PCB clearances etc	<p>What expertise does the SDM have in assessing the impacts of the projects and how can he/she take a decision on the objections related to the various statutory clearances?</p> <p>The recommendations clearly overlooks what will happen if there is a strong opposition to the project on various relevant reasons - Whether the MoU of the project will be cancelled or like in present scenario communities still have to be dependent on judiciary for justice.</p> <p>The weak implementation and violation of already existing legislations like Forest Rights Act, Panchayat Extension to Schedule Areas Act (PESA), The Himachal Pradesh Transfer of Land (regulation) Act, 1968 which guarantee</p>

		rights to Gram Panchayats, and is in interest of people belonging to the schedule tribes should be a reason enough for the government to not introduce any relaxations in Hydropower policy, and instead work on the proper implementation of existing rules.
6) Different activities and process of clearances are undertaken mostly sequential, one following the other.	Allotment letter and feasibility approval enables the developer to start all activities concurrently and hence shall be done by developer and Govt. Agencies.	To get Forest clearance the project proponent will have to apply to Chandigarh office and this takes its own time.  There is no mention what will be the action from government side if gram sabha passes resolution against the project. Will it cancel the MoU or will leave the company to use its money power and muscle power to get consent of gramsabha, which is happening now.
8) Techno-economic Clearance accorded by the Directorate of Energy after the preparation of DPR	<b>TEC NOT REQUIRED</b> under Electricity Act 2003, and hence no TEC required. Instead the following concurrence will be given:  i) Approval of FR by Himurja upto 5 MW. Above 5 MW, DoE will approve  ii) Technical Concurrence (TC) on DPR by DoE for fixing power potential and from safety and quality specifications.  iii) Techno-economic Appraisal (TCA) if developer wants for financing etc. ( not part of clearance and process)	The entire feasibility of the project is studied at this level – doing away with the TEC completely undermines the technical and financial appraisal process that goes behind planning, execution and management of a project. In fact several delays that do occur in case of projects are due to poor planning and feasibility studies. In an area like the Himalayas, which has a fragile landscape, prone to floods and disasters, not having a TEC would be a total disaster <sup>2</sup> .
<b>STATUTORY CLEARANCES AND REFORMS IN STATE LAWS</b>		
19) Captive Stone crusher: Permission required for setting up permanent stone	<b>NO SEPARATE PERMISSION</b> because PCB gives consent to operate for the project which includes all components of project activities.	Stone crushers have their own set of separate impacts and this particular recommendation would mean no monitoring of the pollution by stone crushers.

2 See for photos of SHPs destroyed in Uttarakhand disaster of June 2013:  
<http://sandrp.wordpress.com/2014/06/16/uttarakhand-flood-disaster-of-june-2013-lest-we-forget-the-experience-and-its-lessons/>

<p>crusher as industrial units.</p>	<p><b>NO inspection of crusher</b> sitting required and developer will abide by norms.</p> <p>Royalty on the use of excavated stone in the course of project construction used in stone crusher will be charged on lump sum basis in instalments based on quantity of material estimated in DPR.</p>	
<p><b>PCB CLEARANCES</b></p>		
<p>21) Provisions with consent to establish and consent to operate to be followed at par with other industries.</p>	<p><b>Small hydro is completely clean technology and therefore, consent to operate may be given once for the entire life of project.</b></p> <p>Fee for project upto 2 MW should be concessional and for 2-5 MW fee should be discounted when paid upfront for 40 years or for 10 years period to be renewed thereafter.</p>	<p>The assumption that small hydro is clean and therefore a once in a life time consent is enough for it, is totally baseless. What is the basis for this unfounded assumption? During the construction period which usually takes about 3 to 5 years or longer, continuous monitoring by PCB is required.</p>