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Law Research Centre

NARMADA CONTROL AUTHORITY

CLEARANCE FOR CONSTRUCTION UP TO 121.92 METRES, MARCH 2006

**Narmada Control Authority, Minutes of the Seventy-Sixth (Emergency) Meeting,
Item No. LXXVI (Emer.)-1 (756), 8 March 2006**

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Review of Preparedness for Raising the Spillway Portion of the Sardar Sarovar Dam (SSD) to EL 121.92 m

1. The Chairman, NCA welcomed all the members of the Authority and officers of Central and State Governments to this emergency meeting. Chairman pointed out that the Hon'ble Supreme Court has required that any clearance for raising the spillway of the Sardar Sarovar Dam from its present level of 110.64 m can only be considered if the relief and rehabilitation and related directions of the Supreme Court have been complied with. Chairman pointed out that as the R&R Sub-group had decided to meet today in the forenoon to consider whether rehabilitation has been satisfactorily completed in accordance with the directions of the Supreme Court, this emergency meeting was scheduled this evening in order that there would be no delay in considering the matter of according permission to further raise the height of the spillway. Chairman also informed that the mechanical run of the 5th unit of River Bed Power House (RBPH) has been done and efforts are also being made to commission the last unit of the RBPH at the earliest.

2. Thereafter Chairman, NCA requested Chairperson, R&R Sub-group of NCA to apprise the NCA of their deliberations.

3. The Chairperson, R&R Sub-group read out the decision of the Sub-group, which is reproduced below.*

4. The Executive Member, NCA informed that the Environment Sub-group (ESG) of NCA in its 41st meeting held on 6 January 2005 recommended to NCA to permit raising the height of the dam to the next stage of construction, i.e., up to EL 121.92 m from environmental angle. He then read the following extract from the minutes of the 41st meeting of the ESG:

4.1 It was observed by the members of the Sub-group that there was substantial compliance on most of the areas, but still there are gaps, which are required to be filled up by concrete actions on the ground by the party states and considering that Government of Gujarat, Maharashtra and Madhya Pradesh have conveyed their assurance for completion of all the remaining activities by the end of March 2005, the Sub-group gave clearance for raising the dam height from EL 110.64 m and up to EL 121.92 m and at the same time asked the party states to implement all the environmental safeguard measures, as discussed, in the letter and spirit. The Sub-group recommended to NCA to permit raising the height of dam to the next stage of construction, i.e., upto EL 121.92 m from environmental angle.

5. The Chairman, NCA observed that Environment Sub-group has recommended raising of the height of dam to EL 121.92 m keeping in view the assurance given by the Governments of Gujarat, Maharashtra and MP to complete all the remaining activities by the end of March 2005. He desired to know the extent to which these assurances have been fulfilled.

6. The Executive Member, NCA informed that the status of environmental related activities of SSP were again reviewed in the 42nd meeting of ESG held on 7 April 2005.

7. MD, SSNNL informed that the specific activities, which were required to be completed by the end of March 2005 have been completed and those activities, which are of continuing nature would, of course, be continued. This view was confirmed by the representatives of the Governments of Madhya Pradesh, Maharashtra and Gujarat. With regard to continuing activities, the party-States of Gujarat, Maharashtra and Madhya Pradesh assured that all such activities related to environment safeguard measures, which are necessary to be completed before the onset of the monsoon, shall be completed and compliance shall be reported in the next meeting of ESG.

8. The Chairman, NCA said that as per the Supreme Court decision in WP No. 319/1994, the permission to raise the dam height from 110.64 m to 121.92 m will be given by the NCA from time to time, after it obtains the clearances from the R&R Sub-group and Environment Sub-group. The NCA noted that in accordance with the Orders of the Supreme Court, the R&R Sub-group and the Environment Sub-group, have recommended increasing of the height from 110.64 m to 121.92 m.

9. Thereafter, the Chairman, NCA pointed out that earlier after submersion to EL 100 m the State Government of Madhya Pradesh had in its orders dated 29 August 2003 adopted a policy according to which, all the Gram Panchayats of the concerned areas would be provided necessary information and extended an opportunity to raise any grievances before the GRA.

9.1 Chairman observed that the above policy of the Government of Madhya Pradesh is a good practice and hence the NCA requested the Government of Madhya Pradesh to continue the good practice by sending the ATRs to the Gram Panchayats and affording them similar opportunity.

10. Representative of the Government of Madhya Pradesh said that the order of 2003 was issued after the height of the dam was raised to 100 metres at that time and as this is a good practice, the Government of Madhya Pradesh would send copies of the ATRs to all the concerned Gram Panchayats as was confirmed to the Chairman, NCA by the Chief Secretary of the Government of Madhya Pradesh vide his D.O. letter dated 4 March 2006.

11. Taking into account the recommendations of both the Sub-groups of NCA and the assurance of all the states, the following decisions were taken by the NCA:

The SSNNL is permitted to raise the height of the spillway of Sardar Sarovar Dam to EL 121.92 m as per the approved design. The project authorities should comply with the conditions laid down by the two Sub-groups of NCA and complete the above, construction by end of June 2006. The project authorities should ensure that the non-overflow blocks are raised to safe elevations or suitable measures are taken so as to avoid over-topping of these blocks. Particular care is to be taken by all the party states in preparing the contingency plans to provide timely safeguards in case of any untoward incident and to ensure that there is no submergence before rehabilitation.

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