

GOVERNMENT OF INDIA
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS
RAJYA SABHA
UNSTARRED QUESTION NO-426
ANSWERED ON-06/12/2023

ENVIRONMENTAL DAMAGE DUE TO NHAI PROJECTS

426. SMT. VANDANA CHAVAN:

Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

- (a) the details of cases in which NGT and other courts have pulled up the NHAI for causing damage to the environment in past five years;
- (b) whether the NHAI does an Environment Impact Assessment and seek environment clearances for its projects, if so, details thereof;
- (c) whether environment clearances were sought for the 900 kms Chardham Highway project, if so, details thereof, if not, reasons therefor; and
- (d) whether NGT has directed the NHAI to set apart a budget for restoring the damage that its projects have caused to the environment, if so, details of NHAI's roadmap to fulfill this mandate?

ANSWER

THE MINISTER OF ROAD TRANSPORT AND HIGHWAYS

(SHRI NITIN JAIRAM GADKARI)

(a) Sir, The details of the cases is enclosed as Annexure.

(b) Yes Sir. Preparation of Environment Impact Assessment (EIA) & EMP (Environment Management Plan) is the integral part of Detailed Project Report (DPR) as per the scope for all projects under implementation with NHAI in accordance with guidelines issued by Ministry of Environment, Forest and Climate Change as applicable.

Accordingly, NHAI obtained prior Environmental Clearance where ever applicable as per applicable Laws.

(c) As per Ministry of Environment, Forest and Climate Change (MoEFCC) notification dated 22.08.2013 expansion of National Highways greater than 100 Km involving additional Right of Way or land acquisition greater than 40m on existing alignments and 60m on re-alignments or by-passes requires prior Environment Clearances (EC).

Chardham Mahamarg Vikas Pariyojana comprises improvement of 5 existing National Highways (NHs) connecting Chardham viz. Yamunotri, Gangotri, Kedarnath and Badrinath including Tanakpur to Pithoragarh section of Kailas- Mansarovar yatra, of total length of about 825 km under 53 projects, each with a length of less than 100 km. Each project is independent, having distinct start and end points which are important places on these Highways. There was no requirement for Environment Impact Assessment (EIA) for these projects as per abovementioned guidelines. However, under the directions of Hon'ble Supreme Court of India, MoEF&CC has constituted a High Powered Committee comprising representatives from various reputed institutes like Physical research laboratory, Wildlife Institute of India, Wadia Institute of Himalayan Geology, Central Soil Conservation Research Institute, National Institute of Disaster Management, Forest Research Institute, MoEF&CC officials etc. with mandate to consider the cumulative and independent impact of Chardham Projects on the entire Himalayan Valleys and give directions to conduct EIA/Rapid EIA. Accordingly, directions of HPC are implemented.

(d) Yes Sir. NGT in its final order dated 29.10.2021 in the matter of O.A. No. 295/2016 has directed NHAI to set apart Rs. 129 crores, which is tentative cost for implementing EMP (Environment Management Plan) and cost of restoration of damage to the environment.

NHAI endeavors to ensure compliance of all the statutory conditions and directions of Hon'ble Tribunal/ Courts. Further, wherever deficiencies are observed, necessary remedial measures are taken to restore the same.

Annexure

ANNEXURE REFERRED TO IN REPLY TO PART (a) OF RAJYA SABHA UNSTARRED QUESTION NO.426 ANSWERED ON 06.12.2023 ASKED BY Smt. VANDANA CHAVAN REGARDING “ENVIRONMENTAL DAMAGE DUE TO NHAI PROJECTS”

Sr. No.	Case Number	Name of the Hon’ble Court	Remarks
1	OA/03/2017/EZ	NGT, Eastern Zone Bench, Kolkata.	The NGT order dated 21.04.2022 has been challenged in the Supreme Court of India (Civil Appeal Diary No.25275/2022). The case is pending for decision in Supreme Court of India.
2.	61/2021/EZ	NGT, Eastern Zone Bench, Kolkata.	The NGT in its order dated 24.02.2022 has dismissed the petition and issued order in favour of NHAI.
3.	142/2022/EZ	NGT, Eastern Zone Bench, Kolkata.	The matter is adjourned as per NGT order dated 09.10.2023 in light of W.P. (C) No.29310/2022 (M/s Gammon Infrastructure Projects Limited-GECPL (JV) Vs. State of Odisha & Ors.), is still pending consideration before the Hon’ble High Court of Orissa and the interim order granted earlier.
4.	12/2022/EZ	NGT, Eastern Zone Bench, Kolkata.	The matter is adjourned as per NGT order dated 09.10.2023 in light of W.P. (C) No.29310/2022 (M/s Gammon Infrastructure Projects Limited-GECPL (JV) Vs. State of Odisha & Ors.), is still pending consideration before the Hon’ble High Court of Orissa and the interim order granted earlier.
5.	10/2022/EZ	Hon’ble NGT	Concessionaire made appeal in Hon’ble Supreme Court vide Civil Appeal No.(s) 3965-3966 of 2023 which is under sub- judice.
6.	Civil Appeal Nos 6497-6498 of 2021	Hon’ble Supreme Court of India.	The Hon’ble NGT in its order dated 13.12.2021 vacated any stay on the cutting of trees subject to certain conditions.

			Vide its order dated 19.04.2022, the Hon'ble Supreme Court appointed Director General of Forests, MoEF&CC as the Chairperson of the committee along with 2 new non-government members.
7.	OA No. 40/2020 (WZ) Sh. Ganesh Suresh Borhade Vs. Union of India & others	Hon'ble NGT, Pune.	Final order yet to be decided by the Hon'ble NGT. Last hearing was on 20.11.2023 and order for the same is yet to be received.
8.	838/2022 dated 06.03.2023.	Hon'ble NGT / Supreme Court.	The Hon'ble Supreme Court Order dated 10.04.2023; issued stay on the direction issued by the National Green Tribunal, & directed to deposit Rs. 50,00,000/- before the court. The matter is sub- judice.
9.	OA No. 242/2021	Hon'ble NGT (SZ), Chennai.	Matter disposed. NHAI is directed to undertake an Environmental Impact Assessment (EIA) Study to minimize the loss to the trees before proceeding further as per TOR to be issued by MOEF&CC.
10.	Appeal no 23 of 2023 (SZ)	Hon'ble NGT (SZ), Chennai.	Case in initial stage and hearing is schedule on 05.12.2023
11.	OA No.249/2020	Hon'ble NGT (SZ), Chennai.	Disposed. Directed to provide elevated bridge of 80m length.
12.	610/2023	Hon'ble NGT.	NGT has formed a joint Committee comprising of an officer of NHAI, CPCB & HPPCB. However, the final order is pending. Report by the Committee yet to be submitted.
13.	OA No.99/2022	Hon'ble National Green Tribunal Central Zone Bench, Bhopal.	The case has been disposed off finally with the direction to the authorities /respondent /NHAI to ensure compliances of the conditions and that

			<p>remaining plantation must be completed on completion of project as soon as it is possible and further that their survival must be ensured and take care of.</p> <p>Tree Plantation is under progress as per permission granted by Revenue Authority.</p>
14.	O.A. No. 295/2016 on 30.03.2016.	Hon'ble NGT.	<p>The direction of NGT in its final order dated 29.10.2021 directed NHAI to set apart <i>Rs. 129 crores, which is tentative cost for implementing environment management plan and cost of restoration of damage to the environment.</i></p>
