

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Original Application No.61 of 2022 (SZ)

IN THE MATTER OF

Mugasi Anumanpalli Village Panchayat,

Rep by its President

...Applicant (S)

Versus

Union of India & ors

Rep. by its Secretary,

The Ministry of Environment, Forests and Climate Change

Respondent(s)

Jorbagh,

New Delhi.

STATEMENT FILED BY THE 10th RESPONDENT

I, R.Gowdaman S/o. Thiru.M.K.Ranganathan , aged about 59 years, currently working as Superintending Engineer, WRD, Bhavani Basin Circle, Erode do hereby solemnly affirm and sincerely state as follows:

I am the tenth respondent in this case I am well acquainted with the facts and circumstances of this case and I file this report on behalf of all the respondents in order to comply with the directions issued by this Hon'ble Tribunal.

I humbly submit that the Lower Bhavani Project is unique of its kind and it is the first major irrigation project sanctioned and executed in our country after Independence. It was sanctioned under the post-war development works on the 19th September, 1947, immediately after Independence, well before the Five Year Plans

drawn by the Union Planning Commission. Since the scheme was already under investigation and examination for long time and the proposal was in complete shape, and ready for execution, this work was taken up for execution straightaway by the then State of Madras. The Lower Bhavani Dam is a composite Dam with the spillway, river sluices, the penstock and canal sluice blocks in the river bed portion, with necessary non-spillway blocks on the end constructed in masonry, and with the earthen dam on either flank extending to merge with the high ground. The total length of the dam is 8.797 km. The construction of such a high and long earth dam in Tamil Nadu was the first of its kind and posed many challenges, which the Tamil Nadu Engineers successfully tackled and the project was completed in record time and the reservoir brought to service early by 1952.

Before the Service of the above reservoir the Erode, Tirupur, Karur District lands were only dry lands. In those days, only 2 system viz, Kodivery and Kalingarayan System were in existence from 1200BC. It is learnt that, the remaining agricultural lands were drought prone and rain fed areas. At present the above project irrigates a Cultivable command area of about 2,47,247 acres through the Lower Bhavani Main canal. The above said canal runs for a distance of 124-2-560 miles (200Km) and irrigates lands in three major districts.

The Present Status of the Physical system

The LBP canal is in existence for the past 65 years. Other than the periodical annual maintenance, no major improvements or renovation works have been carried out so far in the canal system. The present conditions of the canal, major distributaries, cross-masonry works etc., are discussed as detailed below.

The Main Canal:

The total length of main canal is 124.2560 miles (200 km), there are 75 head sluices and 118 direct irrigation sluices for providing irrigation facilities. The drawing capacity of the LBP main canal at the head reach is designed to carry 2307 cusecs (65.32 cumecs) of water for irrigating 1, 03,500 acres of land in every irrigation season with 60 duty incorporating the allowable seepage of 33.33% of the designed discharge.

At the time of construction of the LBP main canal, the left bank is designed as jeep track and the right bank as spoil bank. In the LBP Main canal, a good length is on embankments. During execution, considering the economy in cost and due to paucity of modern earth moving machineries and non-availability of suitable earth in the nearby areas, the canal bund was formed mostly using the available earth from the command area itself. Due to the usage of earth which is porous and due to long age run, the earthen canal losses its standards which in turn, the canal encounters huge seepage losses. In addition to this most of the existing cross masonry structures are in dilapidated condition and leaky in nature. The canal sections have also got reduced and lost their carrying capacity due to long service . Hence the transmission efficiency has been reduced considerably. The seepage loss in the conveyance of water is presently ascertained as 50 % against the allowable seepage of 33 1/3 percentage of the designed discharge. Hence at present the canal is unable to cater to the needs of the entire ayacut satisfactorily. As a matter of fact, the full supply depth could not be maintained in most reaches. Hence all the tail ends of the main canal, distributaries, branches and sub branches are receiving

inadequate supply. Sometimes they get less than 50 % of the supply. Due to the present condition of the canal, the demand of the farmers could not be met with, especially during the farming period.

Rain water gullies have also been formed in many places which reduces the top width of the bund. The height of the bund has also been reduced considerably due to the frequent movement of vehicles carrying agricultural products over the bund. Hence the embankment portions are weak and has lost its standards. Rain water chutes in the outer slope of the embankment are completely damaged. The inner slope of the canal has also lost its original standards due to erosion.

To ensure adequate supply up to the tailend the work of Extension, Renovation and Modernisation of Lower Bhavani Basin Project canal is felt very much necessary. Hence, the Government of Tamilnadu in G.O M.s No 276 Public Works (W1) Dept Dated 09.11.2020 have accorded administrative Sanction to a sum of Rs 709.60 crores (Rupees Seven Hundred and Nine Crores and sixty Lakhs only) for rehabilitation of age old Lower Bhavani Project canal splitting in to four packages as follows.

Sl. No.	Name of work	Estimate Amount Rs in Crores
1	Extension and Renovation and Modernisation of Lower Bhavani Project main canal 0-0-373 to 18-1-375 in Erode District	194.15
2	Extension and Renovation and Modernisation of Lower Bhavani Project main canal 18-1-375 to 39-0-000 in Erode District	127.65
3	Extension and Renovation and Modernisation of Lower Bhavani Project main canal 39-0-000 to 63-0-560 in Erode District	198.25
4	Extension and Renovation and Modernisation of Lower Bhavani Project main canal 63-0-560 to 124-2-560 in Erode, Tiruppur and Karur District	189.55

The funds for this work have been awarded under the Scheme NIDA (NABARD Infrastructure Development Agency) as loan assistance.

It is proposed to carry out the following works in this proposal

SI. No	Type of Structure	As Existing Reach	As per Estimate		
			Rehabilitation	Reconstruction	Total
I	Civil Works (Main Canal)	Length / Nos	Length / Nos	Length / Nos	Length / Nos
1	Pre cast Slab Lining Length in km	199.60		65.37	65.37
2	Head Sluices and Direct Sluices in nos	189	81	12	93
3	Bridges in nos	93	2	13	15
4	Under Tunnel / Drainage Culvert in nos	168	118	10	128
5	Aqueduct in nos	18	6	2	8
6	Aqueduct cum outlet in nos	1	1		1
7	Canal syphon in nos	3	1		1
8	Regulator in nos	6	2		2
	Sub Total - I				
II	Civil Works (Disty Canal)				
1	Cast insitu lining length in KM	370.10		105.36	105.36
2	Head Sluices and Pipe Sluices in nos	1312	19	166	185
3	Regulator in nos	32	10	11	21
4	Drops in nos	987	92	147	239
5	Road pipe culvert in nos	201	2	57	59

This project involves selective concrete lining in the side slopes of the canal with an objective to arrest the water seepage in the canal bunds which accelerate the porosity of the bund and there by weakening the bund. Bed concrete lining is proposed only for a length of 23.84 KM in the upstream and downstream side of drainage culverts in the main canal.

It is humbly submitted that the petitioners concern is about the concrete lining of the entire inner area of the existing irrigation canal .But, in this project only 1/3rd of the canal sides which are in very damaged condition and prone for breaches are proposed to be lined. The remaining 2/3rd of the total length of the canal will remain as unlined earthen canal. In order to strengthen the bund it is proposed to provide precast plain cement concrete slab in both side slopes of the canal for a length of 65.37 Km out of the total length of 199.60 km.

Though this project is planned only for the benefit of the registered ayacuts , the adjoining land owners who are not included in the registered ayacut are also getting benefitted through the seepage occurring from the canal so far. By implementing this project the interest of the non-registered lands will not get affected. This rehabilitation project is mainly formulated to renovate the worn out/ damaged cross masonry structures such as canal sluices, regulators, bridges and to strengthen the weak earthen embankments of the canal by providing PCC slab in both side slopes of the canal It is humbly submitted that the allowable seepage in the canal (33%) will not be arrested.

It is submitted that the objection of the applicant is that for a major irrigation project involving more than 50000 hectares of land requires environmental clearance and the same has not been obtained from the competent authority.

It is humbly submitted that this project is not a new project and it is only a renovation and modernisation of the existing 65 years old canal which does not involve either the addition of capacity of the canal or the addition of new lands to the existing ayacut. Hence Environmental clearance is not obtained.

It is humbly submitted that the foundation stone for these works was laid by the Hon'ble Prime Minister of India on 25.02.2021 and 14% of works have been completed as on 15.08.2021. Due to the agitations of non-registered landholders the work could not be resumed in this non irrigation period from 1.5.2022

It is humbly submitted that It has been planned only to remove the trees which have grown inside the canal side slopes and obstructing the flow of water. A thorough field survey was made in the canal and 5461 nos of trees in Erode District,

8697 nos of trees in Tirupur District only to a total of 14158 nos of trees in the entire 200 km length Lower Bhavani project canal were identified. The proposal for getting the approval for removing these trees from the District Green committee has been submitted to the respective District Collectors. The felling of trees will be commenced only after getting the approval from the competent authorities.

It is humbly submitted that

- 1) The aim of this project is only to reduce the excessive seepage in the canal by executing the lining work only in the 1/3rd of the total length of the canal and hence, the interest of the non-registered land holders will not get affected.
- 2) This project doesn't involve any addition of capacity either in the discharge of the canal or in the new irrigation lands and hence environmental clearance is not obtained.
- 3) The felling of trees will be commenced only after getting the approval from the competent authorities.

For the reasons stated above, it is clear that the rehabilitation of LBP canal project is being executed in the interest of 2,07,000 acres of acyacut lands and to ensure adequate water supply to the tail end areas in accordance to the prevailing law Hence the present petition may be dismissed in limine with exemplary cost. Therefore it is humbly prayed that this Hon'ble Tribunal may consider the above facts and dismiss the original petition and thus render justice.

Solemnly affirmed at Erode on this day
the day of July 2022 and signed in name
in my presence


**Superintending Engineer, W.R.D.,
Bhavani Basin Circle, Erode-11**