

The Environmental Impact Assessment of The Chennai to Salem Highway Project: A Critical Examination of Ecological Consequences and Sustainable Development Imperatives.

HARIHARAN K, LLM, The Tamil Nadu Ambedkar Law University, Chennai, Tamil Nadu, India. harimohanaofficial2002@gmail.com

Abstract

The government intends for the Chennai to Salem highway project to be a significant infrastructure development to enhance connectivity and boost economic growth in Tamil Nadu. But the truth is not. This study critically examines the project's adverse effects, including deforestation, soil erosion, and potential water pollution. The assessment highlights the harmful impacts on human life, local flora and fauna, water bodies, air quality, and socio-economic benefits. They already have an alternative route from Chennai to Salem, which was the main route, but based on economic growth, they want to construct a new route from Chennai to Salem. This new path is going to destroy the beauty of nature as well as sustainability. Environmental health is more important than economic growth and environmental health because human beings, flora, and fauna depend on ecological health. A good and healthy environment is our fundamental right. This critical study examines the importance of Environmental Impact Assessment (EIA) in projects and key case law related to EIA.

Keywords: National Highway project, Environmental Impact Assessment (EIA), Chennai to Salem National Highways (NHs), Bharath Mala Pari yojana, Sustainability, SC and HC Verdicts

CHAPTER 1: INTRODUCTION¹:

Environmental Impact Assessment (EIA) is a tool used to evaluate the potential environmental effects of a project or development proposal. It helps ensure that decision-makers consider the environment early in the process and take steps to reduce or offset any negative effects.

EIA systematically examines both beneficial and adverse consequences of the project and ensures that these effects are taken into account during project design. It helps to identify possible environmental effects of the proposed project, proposes measures to mitigate adverse effects, and predicts whether there will be significant adverse environmental effects, even after the mitigation is implemented. By considering environmental effects and mitigation early in the project planning cycle, environmental assessment has many benefits, such as the protection of the environment, optimum utilization of resources, and saving overall time and cost of the project. Properly conducted EIA also lessens conflicts by promoting community participation, informs decision-makers, and helps lay the base for environmentally sound projects. The benefits of integrating EIA have been observed in all stages of a project, from exploration and planning, through construction, operations, decommissioning, and beyond site closure.

CHAPTER 2: WHAT IS EIA:

- The study to Predict the effect of a proposed activity/project on the environment. It provides a framework and an information basis for decision-making on activities affecting the environment.
- Environmental Impact Assessment is a process of evaluating the likely environmental impacts of a proposed project or development, taking into account inter-related socio-economic, cultural, and human-health impacts, both beneficial and adverse.

¹NextIAS, Environmental Impact Assessment (EIA), NextIAS Blog (last visited Dec. 11, 2024), <https://www.nextias.com/blog/environmental-impact-assessment-eia/#:~:text=UNEP%20defines%20Environmental%20Impact%20Assessment%20%28EIA%29%20as%20a,environmental%2C%20social%2C%20and%20economic%20impacts%20prior%20to%20decision-making.>

➤ Environment Impact Assessment (EIA) is a formal process used to predict the environmental consequences of any development project. Environmental Impact Assessment in India is a statutory backed by the Environment Protection Act of 1986, which contains various provisions on EIA methodology and process. EIA looks into various problems, conflicts, and natural resource constraints which may not only affect the viability of a project but also predict if the project might harm the people, their land, livelihoods, and environment. Once these potential harmful impacts are predicted, the EIA process identifies the measures to minimize impacts.

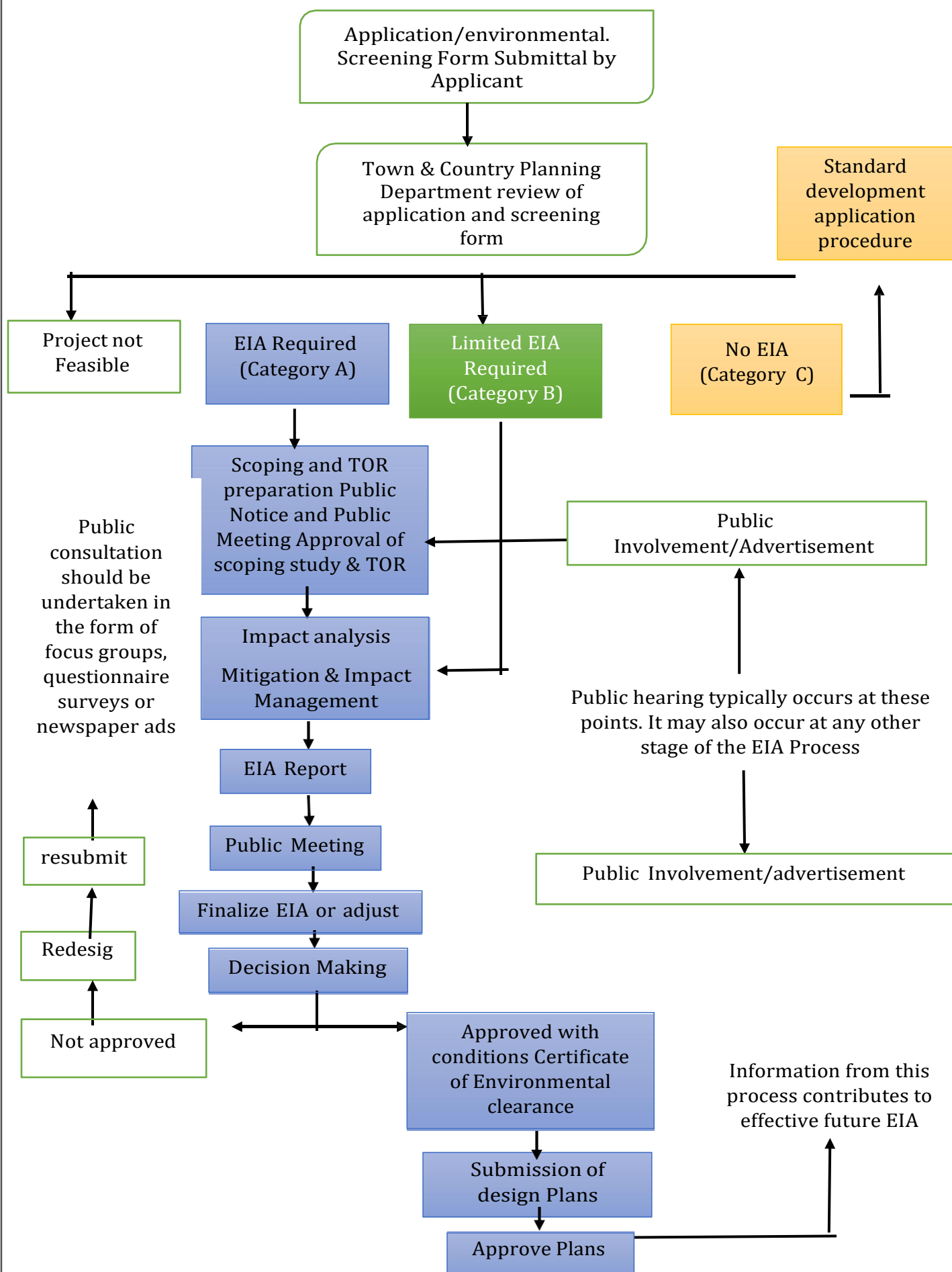
➤ ORIGIN: Environmental Impact Assessment started as a mandatory regulatory procedure originated in the early 1970s with the implementation of the National Environmental Policy Act (NEPA) 1969 in the US. The EIA process took off after the mid-1980s after the World Bank adopted EIA for major development projects, in which the borrower country had to undertake the EIA under the Bank's supervision. Now EIA is a formal process in more than 100 countries.

➤ EIA was included through RIO DECLARATION in PRINCIPLE-17. It says "Environmental Impact Assessment, as a national instrument, shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of a competent national authority".

➤ The institutionalization of impact assessment in India took in early 1980. It had its origin under the EPA. A draft notification was published in the year 1992 with provisions for central clearance for certain projects and state clearance for certain other projects. The projects that required EIA were listed in the notification. A committee of experts would evaluate and assess them and make recommendations based on a technical assessment of the document.².

² NextIAS, Environmental Impact Assessment (EIA), NextIAS Blog (last visited Dec. 12, 2024), <https://www.nextias.com/blog/environmental-impact-assessment-eia/#:~:text=UNEP%20defines%20Environmental%20Impact%20Assessment%20%28EIA%29%20as%20a,environmental%2C%20social%2C%20and%20economic%20impacts%20prior%20to%20decision-making.>

CHAPTER 3: PROCEDURES OF EIA:



CHAPTER 4: CHENNAI TO SALEM HIGHWAY PROJECT³:

- Salem City is located in the Southwest of Chennai with an aerial distance of about 280 km.
- The present NH Rout from Chennai to Salem alone NH45 & NH68 via Ulundurpet is 345Km and along NH4, Nh64 & NH7 via Krishna Giri is 360KM

Necessity:

- ✓ The traffic density on both roads is increasing day by day as it covers so many towns, thus direct traffic from Chennai to Salem and leading to Coimbatore and Kerala is much more difficult.
- ✓ Hence a direct NH from Chennai to Salme as an expressway in between the above two routes via Tiruvannamalai will serve the purpose of easy traffic.

Proposed Expressway Route:

This expressway starts at Chennai Outer Ring Road near Vandalur and covers the following route.

- | | | |
|-------------------------------|----|----------------------------|
| 1. Oragadam Industrial Estate | } | at Kanchipuram district |
| 2. Walajabad | | |
| 3. Chetpet | } | At Tiruvannamalai District |
| 4. Thiruvannamalai | | |
| 5. Harur | -- | At Dharmapuri District |
| 6. Ayodhiyapattinam | -- | At Salem District |

at Km 9/6 of NH68 which is the ending point of Expressway.

³ A. Subramani, Chennai-Salem Expressway Project: Highway Over Troubled Lands, The Hindu, Dec. 12, 2020, <https://www.thehindu.com/news/national/tamil-nadu/chennai-salem-expressway-project-highway-over-troubled-lands/article33317757.ece>

CHAPTER 5: Chennai – Salem highway project: Dispute ⁴

According to the pre-feasibility report, the project would require 2,971 hectares of land including agricultural land, community land, and residential plots. Besides, some sections of the corridor have been planned through 11 reserved forests in Chennai and Salem highway, and one in Thiruvannamalai Spur. These include Manjavadi Ghat, Nambedu, Srivanjur, Alialamangalam, Ravandavadi, Ananadavadi, Jarugumalai, Pallipatti extension and Sorakolathur.

While farmers protest the development owing to the fear of losing their agricultural lands, environmentalists have joined the bandwagon against felling trees. Nevertheless, Nitin Gadkari, the Union Minister, of Road Transport and Highway has promised a faster resolution to the besieging disputes and expeditious development of the corridor.

Overall, the Chennai-Salem Expressway is anticipated to fill the realty landscape in Tamil Nadu. However, it is not the only connectivity project that has been planned in the State. There is a slew of other connectivity projects that have been announced in the last few years and are expected to boost the realty growth in the State. These projects include the Chennai Port-Maduravoyal Expressway, Chennai-Nellore Expressway, and Tambaram-Chengalpet elevated Corridor. Once through, these projects would change the face of the real estate sector in Tamil Nadu which has been struggling hard for revival after the natural calamities and economic reforms announced by the Centre in the last three years.

⁴ Staff Reporter, HC Quashes Land Acquisition Proceedings for Chennai-Salem Expressway, The Hindu, Apr. 8, 2019, <https://www.google.com/amp/s/www.thehindu.com/news/national/tamil-nadu/chennai-salem-expressway-project-highway-over-troubled-lands/article33317757.ece/amp/>

CHAPTER 6: BARATHMALA PARIYOJANA PROJECT⁵:

Bharathmala Pariyojana is a Stepping stone toward a new India, the development of nay nation depends on the transportation networks and the way in which they are being maintained. The same holds for the development of a huge and popular nation like India. For connecting the areas and maintaining a smooth flow of traffic, the construction of new and developed roads is a must. The same will be achieved with the implementation of the Bharathmala project. Under the scheme, a host of new roads will be laid down in the nation.

Bharatmala Pariyojana is a new umbrella program for the highways sector that focuses on optimizing the efficiency of freight and passenger movement across the country by bridging critical infrastructure gaps through effective interventions like the development of Economic Corridors, Inter Corridors, and Feeder Routes, National Corridor Efficiency Improvement, Broder and International, Border and International connectivity roads, Coastal and port connectivity roads and Green-field expressway.

Union Minister of Road Transport & Highways and Shipping⁶ Shri Nitin Gadkari launched the Green Highways (Plantation, transplantation, Beautification & Maintenance) policy, in 2015 at a function organized in New Delhi. The main aim of the policy is to promote greening of highway corridors with the participation of the community, farmers, private sector, NGOs, and government institutions.

⁵ Bharatmala Pariyojana: Stepping Stone Towards New India, India.gov.in (last visited Jan. 02, 2025) <https://www.india.gov.in/spotlight/bharatmala-pariyojana-stepping-stone-towards-new-india>

⁶ Green Highways, Ministry of Road Transport & Highways, Government of India (last visited Jan. 08, 2025), <https://morth.nic.in/green-highways>

CHAPTER 7: A STUDY ON MADRAS HIGH COURT VIEW:

CASE LAW: P.V. Krishnamoorthy -vs- The Ministry of Road Transport and Highways, W.P.No. 16630 of 2018⁷.

The authorized officer for the project is the district Revenue Officer of the concerned District through which the proposed project will be implemented. The Authorized officer's notification under Section 3A (1) of the Act stating that the Central government is satisfied that for a public purpose, the lands owned by the petitioners are required for the development of a Green Field Highway Project and accordingly, declared its intention to acquire the lands of the petitioner's land owners.

It is submitted that the Government of India has proposed the subject at an estimated cost of about Rs.10,000 crores to develop a 276km highway connecting Chennai and Salem. There are three highways between Chennai and Salem. The first route passes through Chennai, Kancheepuram, Vellore, Krishna Giri, Dharmapuri, and Salem, with a length of 352.70 km and a 4/6 lane configuration. The Second route passes through the same districts but New Highway with a length of 331.89 km with a 2/4 lane configuration and the Third route passes through Chennai, Villupuram, and Salem Districts with a length of 334.28 km with a 2/4 Lane configuration.

It is submitted that the Government of India has proposed the subject at an estimated cost of about Rs.10,000 crores to develop a 276km highway connecting Chennai and Salem. There are three highways between Chennai and Salem. The first route passes through Chennai, Kancheepuram, Vellore, Krishna Giri, Dharmapuri, and Salem, with a length of 352.70 km and a 4/6 lane configuration. The Second route passes through the same districts but New Highway with a length of 331.89 km with a 2/4 lane configuration and the Third route passes through Chennai, Villupuram, and Salem Districts with a length of 334.28 km with 2/4 Lane configuration. The Environmental Impact Assessment was pending, the central government authorized the

⁷P.V. Krishnamoorthy v. Ministry of Road Transport and Highways, W.P. No. 16630 of 2018 (Madras H.C. 2018), <https://mhc.tn.gov.in/judis/>

competent authorities who are the District Revenue officers of the Districts to initiate action under the provisions of the Act for acquiring the lands and accordingly notification U/s-3A(1) of the National Highway Act – 1956.

Section 3A(1) **Power to acquire land**, - where the Central Government is satisfied that for a public purpose and land is required for the building, maintenance, management or operation of a national highway or part thereof, it may, by notification in the Official Gazette, declare its intention to acquire such land⁸.

Petitioner contends that without prior environmental clearance, no activity can take place including land acquisition, and if done, it will be against the public interest. Further submitted that the proposed project if allowed to be implemented without prior environmental clearance, would be against the principles of sustainable development and would violate the provisions of Article 19,47,48A and 51A of the constitution of India.

It is a hidden agenda for the proposed project owing to rich iron ore deposits in Kanjamalai Hills, Bauxite deposits in Kalvarayon Hills, and platinum deposits in the hills in Namakkal district. Further state that they reliably understand that there are more than 2lakh MTs of (more than 2 lakh MTs," means there are over 200,000 metric tons of mineral deposits) iron, bauxite, and platinum in Salem, Namakkal, and Tiruvannamalai districts. On the government side, they shouldn't get any proper Environmental clearance, Forest Clearance, and final approval by the NHAI, the project is violative of Articles 14,19, and 21 of the Constitution of India. The notification was issued under Section 3A(1) of the act is arbitrary.

According to the Environment Impact Assessment Notification,2016 was issued. This notification is environmental clearance before commencing the project. Regulation No.2 of the notification provides that prior environmental clearance is required for all projects provided in the schedule to the notification. Item 7(f) of the schedule deals with highways and it states

⁸National Highways Act, 1956, & 3A(1) (1956),
https://wbpwd.gov.in/files/contents/acts_rules/nh_act_1956.pdf

that if a new highway is being constructed when such a project is classified as a category “A” project. Regulation 4 states that there are two kinds of projects, category ‘A’ projects which need environmental clearance from the Central Government, and Category B projects which come within the purview of the respective states.

They require the Forest Clearance under the Forest Conservation Act, 1980. To implement the project highway, it is submitted that 6400 trees are to be cut without providing any data on how they have determined this number and the assessment of 6400 trees is glaringly low and would be much more. The Green Field Salem Highway requires the acquisition of 2913 hectares of private land including vast tracks of agricultural lands. It will have to cut across Forest lands, rivers, and water bodies, permanently altering the drainage pattern along with the proposed highway affecting groundwater levels and killing the agriculture on the lands along the highway.

JUDGMENT⁹:

T.S. Sivagananm and V. Bhavani Subbaroyan delivered the judgment.

1. The central government to declare a new highway as a National Highway was **Rejected** on environmental development concerns.
2. The Highway project failed to get proper Clearance from the government.

⁹ P.V. Krishnamoorthy v. Ministry of Road Transport and Highways, W.P. No. 16630 of 2018 (Madras H.C. 2018), <https://mhc.tn.gov.in/judis/>

CHAPTER 8: A STUDY ON SUPREME COURT VIEW:

The Project Director, Project Implementation Unit -vs- P.V. Krishnamoorthy & Ors. (CIVIL APPEAL NOS. 39763977 OF 2020) (arising out of SLP(C) Nos. 17811783/2020)¹⁰.

The acquisition is for a public purpose and is a matter to be dealt with by the appropriate authority in light of the objections filed by the aggrieved persons in response to the notifications under Section 3A(1) of the 1956 Act, which is merely an expression of intent to acquire the specified land for construction of national highway under the Project (Bharatmala Pariyojna). He would contend that the HC also committed a manifest error in concluding that such notifications under Section 3A of the 1956 Act could be issued only after prior environmental and forest clearance/permission are granted on that behalf.

Though the National Highways account for only about 2% of the total road network of the country, it is primarily because of the construction of national corridors that the NHS today carries and supports the movement of more than 40% of the road traffic.

Authority to acquire lands¹¹: The Supreme Court of India affirmed that the Central Government does possess the authority to acquire greenfield lands for national highway projects under Section 3A(1) of the National Highways Act, 1956. This acknowledges the government's role in improving infrastructure and connectivity across the country.

Procedural Requirements: The SC emphasized the importance of adhering to procedural norms. It noted that the notifications issued for the acquisition of lands lacked thorough physical verification, which is a critical step in ensuring lawful and fair acquisition procedures. The court highlighted

¹⁰Project Director, Project Implementation Unit v. P.V. Krishnamoorthy & Ors., Civil Appeal Nos. 3976-3977 of 2020 (arising out of SLP(C) Nos. 1781-1783/2020)
<https://www.sci.gov.in/>

¹¹Project Director, Project Implementation Unit v. P.V. Krishnamoorthy & Ors., Civil Appeal Nos. 3976-3977 of 2020 (arising out of SLP(C) Nos. 1781-1783/2020),
<https://indiankanoon.org/doc/172903360/>

that comprehensive physical verification is necessary to comply with the legal requirements under Section 3A.

The SC advised that future projects involving land acquisition should incorporate meticulous physical verification and comply strictly with procedural standards. The court urged the government to ensure that all notification for land acquisition is backed by thorough and transparent processes to prevent legal challenges and uphold the principles of justice and fairness.

the Supreme Court¹² Overruled the Madras High Court's verdict, thereby validating the land acquisition process for the national highway project but with certain modifications. While the project was initially proposed as an 8-lane highway, the Supreme Court approved the construction as a 6-lane¹³ Highway instead. This modification was made to balance developmental needs with environmental and social considerations. The judgment reaffirmed that the Central Government has the authority to acquire land for national highways under Section 2(2) of the National Highways Authority Act, 1956. This section empowers the government to undertake projects that are in the public interest and essential for national infrastructure development. The Supreme Court emphasized the necessity of obtaining proper environmental clearance before proceeding with the project. The court mandated that the project could only commence after securing the required environmental and forest clearance, ensuring that ecological concerns are adequately addressed.

¹² Project Director, Project Implementation Unit v. P.V. Krishnamoorthy & Ors., Civil Appeal Nos. 3976-3977 of 2020 (arising out of SLP(C) Nos. 1781-1783/2020), <https://indiankanoon.org/doc/172903360/>

CHAPTER 9: CONCLUSION:

The Controversy surrounding the Chennai-Salem highway project underscores a critical dilemma in modern infrastructure development: the tension between economic growth and environmental preservation. Despite the availability of an existing alternative route, the proposal to construct a new highway route raises significant concerns about the exploitation of natural resources.

The Supreme Court's judgment, which approved the reduction of the project from an 8-lane to a 6-lane highway, sought to balance these concerns by mandating proper environmental clearance. However, the fundamental issue remains- whether expanding the existing route could have been a more sustainable option, minimizing environmental degradation and preserving the natural beauty of the region.

Constructing a new highway route not only threatens to disrupt local ecosystems but also risks irreversible damage to flora, fauna, and waterbodies. The importance of environmental health cannot be overstated, as it directly impacts human life and biodiversity. Sustainable development should prioritize the protection of natural resources, ensuring that economic activities do not come at the expense of environmental integrity.

In this context, the decision to proceed with the project, even with modification, calls for a reassessment. Expanding the existing route could provide the necessary infrastructure improvements while mitigating the adverse environmental impacts. It is crucial to adopt an approach that aligns with the principles of sustainable development, ensuring that progress and preservation go hand in hand.

Ultimately, the Chennai-Salem highway project serves as a reminder that infrastructure development must be carefully planned and executed, with a strong emphasis on environmental stewardship. By prioritizing ecological health and exploring alternative solutions, we can achieve a harmonious balance between growth and sustainability, safeguarding the natural resources that are vital for our collective well-being and future

generations. The meaning of sustainable development is to be destroyed according to this project.

“The true measure of development is not in the highways we build, but in the natural beauty and ecological balance we preserve for future generations”

HEY HUMANS PLEASE,

LET THE BEAUTY OF THE ENVIRONMENT WILL ALIVE!!!