

## **Flood of nonsense**

### **How to manufacture consensus for river-linking**

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The current debate in India on the government's river linking proposal is occurring when the coalition in power at the centre is preparing to face general elections next year. On the issue of water, agriculture, food and energy resources' development and management, the coalition government led by the Bharatiya Janata Party could not have done much worse. The clearest evidence of under-achievement comes from the way the coalition managed the droughts of 2000 and again in 2002-3, and the way it is managing floods this monsoon. There has been a comprehensive failure to regulate releases from dams, to adequately forecast floods and to provide timely flood warning and relief. The river linking proposal is a way to divert attention away from real performance. The proposal found support in the suggestion made by the Supreme Court on 31 October 2002 without really going into the merits of the project, following rather an unscientific mention of the proposal by India's scientist President in his speech to the nation on 14 August 2002. The supporting cast of the charade was made up of a gullible political opposition, an uncritical section of the media and scientific community.

The events are unfolding at a rapid pace. The megalomaniac water resources establishment in India suddenly found a new reason to reassert its reason to exist. The emergence of the World Bank's new Water Resources Sector Strategy where it has said that it is again time to back High Risk High Reward projects like large dams and long distance water transfer projects was, we are told, only coincidental. Suresh Prabhu, the former Power Minister from India's right wing Shiv Sena Party who had to leave the Power Ministry last year following his party leadership's unhappiness with his performance, got what he thinks to be a fitting new role as Chairman of the Task Force for River Linking Proposal. His over confidence notwithstanding, it must be a unique event in the history of development planning, when all concerned authorities are swearing by the completion date of a project whose feasibility, even they admit, is yet to be established. Come to think of it, even the need and optimality of the proposal are yet to be ascertained.

Proposals to the linking of watercourses are not new in the Subcontinent. More than a century ago, Arthur Cotton of the British Government proposed the linking of India's rivers to provide navigation as an alternative to the railways that were being planned. In more recent times, it was in 1972 that K L Rao came forward with the Ganga Cauvery Link proposal, which was dumped by the Ministry of Water Resources after the Central Water Commission found it to be "grossly under-estimated". Earlier, Captain Dastur had proposed a garland of canals

connecting Himalayan rivers and the Peninsular rivers, which the Ministry declared “technically unsound and economically prohibitive”.

The latest episode in the run of river linking proposals started on 14 August 2002 when India’s President A P J Kalam, in his speech to the nation on the eve of Independence Day said, “It is paradoxical to see floods in one part of our country while some other parts face drought. This drought - flood phenomenon is a recurring feature”. Kalam went on to recommend a water mission. “ One major part of the water mission would be networking of our rivers”. This seemingly rather compelling logic of transferring water from “flood affected” and “surplus” areas to “drought affected” and “deficit” areas has been repeatedly used to justify river-linking proposals.

Unfortunately, the President was not told that large parts of the very areas that seem to have too much water in one season have too little of it in another. Neither was he told that just because a river appears to be overflowing and in flood does not mean that the river has too much water. Often, it can mean silted riverbeds with reduced carrying capacity, caused by the destructive embankment of rivers which keeps the silt from spreading over the plain. Moreover, terms like “surplus” and “wasteful flow” in rivers do not have any scientific basis.

At the other end of the illogic, the apparent drought could be due to a number of man-made reasons including the destruction of local water systems, the destruction of forests in the catchment, the overexploitation of groundwater and the diversion of water in the upstream areas. The solution would lie in reversing the reasons at the roots of the crisis. Rejuvenation of a number of rivers by the communities in large parts of Alwar and adjoining districts in Rajasthan is proof that it is feasible to solve drought related problems through local effort.

### **Court intervention**

Soon after President Kalam’s speech, an intervention petition was filed in the Supreme Court of India in the ongoing Yamuna Pollution Case. The Supreme Court converted it into a public interest petition and issued notices to the union and various state governments seeking responses to the river-linking proposal. Only two responses were received, one from the Union Water Resources Ministry and another from the Tamil Nadu government. It is noteworthy that at least 25 states did not even bother to reply to the Supreme Court. Oddly, the justices assumed that this meant the states had no objections to the river linking idea, an assumption that has subsequently been proven to be unfounded.

In its response submitted to the apex court in September 2002, the Water Resources Ministry said that the feasibility reports of the proposal were yet to be completed. Only thereafter can Detailed Project Reports be taken up, after which legal and policy issues of interstate water allocations outside basins will have to be addressed, as well as availability of financial resources and environmental

issues. In any case, the government said that it would take about 45 years to complete the links.

The only other response received by the judges was from Tamil Nadu, which would be the recipient basin from all directions and hence did not have any objection to the project.

Rather than give the other states more time to consider the matter, as would be normal, the Supreme Court decided that the states had no objection: "The presumption therefore clearly is that they do not oppose the prayer made in this writ petition". On 31 October 2002, a bench headed by the then chief justice, BN Kirpal, made an order that many jurists have criticised for having exceeded the mandate. That order "suggested" that the government take up the river linking proposal expeditiously and complete it in 10 years. That the bench did not dispose off the case, choosing to oversee the further actions in the matter, was not found as a convincing course of action by many jurists.

Justice Kirpal retired the day after making the order. When a few weeks later he was asked at a public meeting if the policy decisions were not the mandate of the executive, he clarified that his order on river linking was indeed only a "suggestion". This clarification has had no impact on the ongoing case in the Supreme Court. The Supreme Court continues to be seized of the matter and has fixed the next date of hearing in November 2003.

The Supreme Court assumed that lack of response from the states indicated consensus, but paradoxically, the terms of reference of the task force for river-linking set up by the union government following the court order changed it to "go into the modalities for bringing consensus among the states". That presumption of consensus has already proven to be erroneous. So far, the states that have opposed the river-linking proposition include Kerala, Bihar, West Bengal, Assam, Punjab, Chhatisgarh and Goa. Others such as Gujarat, Karna-taka, Andhra Pradesh, Orissa and Maharashtra have shown only conditional agreement – agreeing to links where they would be recipients of water and opposing others where they would be 'donors'. Only Haryana and Tamil Nadu have unconditionally supported the proposal, as they would be only receiving water from outside the states.

How then will the task force build consensus? The signs are ominous, for the body has already missed an important deadline, namely to call a meeting of the chief ministers of all the states to discuss river linking in May/June 2003. That meeting has not happened till the beginning of August, and the task force has instead gone about dealing with the states individually, and away from the public eye.

From the statements emanating from the various states so far, the prospects for consensus do not look bright. Water is an emotive issue, and politicians will think

hard before compromising the water rights of their state. Even a supposedly water-surplus state like Assam has seen the banks of the Manas river reverberating with shouts of *tej dim pani nidiu* (we will give blood, not water) by activists of the All Assam Student Union protesting the centre's river-linking designs.

### **Consensus building, arm twisting**

While the job of the Task Force looks difficult, however, past experience indicates that the centre has not been above arm-twisting to get the states to fall in line with projects against their self interest. This is clear from the examples of the water treaty between Tamil Nadu and Kerala, the Narmada agreement, Sutlej – Yamuna Link Project, Mahadayi – Krishna Proposal and others, some of them described below.

One of the earliest known attempts at river linking was the transferring of waters from Periyar, Chalakudy and Bharathapuzha river basins of Kerala to the Bharathapuzha basin and beyond in Tamil Nadu. There was opposition to this in Kerala, yet with the help of the centre, Tamil Nadu was able to achieve what many consider to be an unjust agreement. Papers presented at a July 2003 workshop at Thrissur on river-linking (organised by the Chalakudy River Protection Committee and the South Asia Network on Dams, Rivers & People) showed that the centre made the approval of Idukki Hydroelectric Project in Kerala conditional to it signing the Parambikulam Aliyar Project (PAP) treaty with Tamil Nadu. The approval of Idukki and signing of the PAP treaty which happened in quick succession in 1970, only substantiates the possibility of this being a *quid pro quo* arrangement. The fact that Tamil Nadu has not followed releases of water into Kerala as per the PAP treaty should provide lessons for other state governments, but that is another story.

An interesting aspect of the entire PAP episode was that the various dams that were used to transfer the water from Kerala had been built much before the treaty was actually signed in 1970. In the current river-linking plan, it is proposed to transfer water from the Pampa and Achankovil rivers of Kerala to Vaippar Basin in Tamil Nadu. As if history were repeating itself, Tamil Nadu has already completed the Mekkara Dam, which is to be used in the proposed link, even as Kerala is vociferously opposing any further river-linking proposal, and claiming that there is no surplus water in the two basins in question. Suspecting Tamil Nadu to have already diverted water, a Kerala Assembly committee has been asked to investigate the matter.

An example of 'consensus building' comes from the Narmada Valley, where in the 1970s the Narmada Water Disputes Tribunal was adjudicating a quarrel between the riparian states. Madhya Pradesh and Maharashtra were opposing Gujarat's plans for a high dam on the Narmada river. The Tribunal was also asked to decide the claim of Raja-sthan, a non-riparian state as far as Narmada

River was concerned. Both Maharashtra and Madhya Pradesh opposed the claim of Rajasthan. However, Gujarat supported Rajasthan's claim as it would allow for a bigger dam.

The Tribunal, in one of its interim orders decided against Rajasthan, but on appeal the Supreme Court stayed the Tribunal's proceedings in 1972. An agreement signed under the good offices of the then Prime Minister in July 1974 between the Chief Ministers of the four concerned states, stated among other things that Rajasthan would be allotted 0.5 million acre feet of water annually from the Narmada River. How an agreement was arrived at when two of the three concerned states were not in agreement, remains unanswered. Pressure tactics were clearly used by the centre against the states, a reason why we should not be surprised if agreements are also obtained through non-transparent means with regard to the river-linking proposal.

### **Agreement sans due process**

The Sutlej-Yamuna Link Canal was part of the Rajiv Longowal accord signed in 1986, when many of the constitutional institutions were not in any position to be effective in Punjab. The project sought to transfer water from the Sutlej in Punjab for the irrigation of southern Haryana, which lies in the Yamuna basin. Punjab subsequently became reluctant to share the water, and Haryana went to the Supreme Court. The court, in January 2001, ordered that the Link Canal be completed in one year – again, a peremptory deadline not unlike the ten year stipulation handed down by the bench headed by Justice Kirpal. It is six months since the one-year deadline has expired and there is no sign of the Sutlej water for the South Haryana as yet, even as the Supreme Court is hearing the contempt petition by Haryana. In this instance, there was 'agreement' without due process: though there was no consensus, one was assumed in the absence of proper working of the constitutional machinery at the state level in Punjab.

'Consensus' can also be achieved through manipulation, as was seen recently when Karnataka wanted to divert water from Mahadayi to the Krishna basin. Goa was opposed to this move, contending that the Mahadayi does not have surplus water. In early 2002, the Central Water Commission (CWC) in Delhi was asked to decide on whether the river had surplus water for diverting to the Krishna basin. Even as the commission was seized of the matter, the then Union Water Resources Secretary, BN Navala-wala, issued a letter to Karnataka, saying that Karnataka could divert 7.56 Thousand Million Cubic Feet of water. Goa's chief minister was angry enough to charge Navalawala of corruption and to demand from the Prime Minister that Navalawala be removed from his post. The Karnataka-Goa spat shows yet another instance where consensus can be attempted and 'surpluses' manufactured through the help of friendly institutions. It was only the pro active stance of Goa that subverted this attempt and in fact Navalawala had to lose his post, and the letter saying Mahadayi had surplus water was withdrawn.

Already, the current river-linking project has seen an about-turn by one key player. At first, Bihar strongman and husband of the current chief minister, Laloo Prasad Yadav, declared that not a drop of water would be allowed to be taken away from the Ganga basin. Just because Bihar had not been able to make adequate use of the Ganga waters, he said, did not imply that the river had a 'surplus'. A person who is hungry today because he lacks purchasing power does not mean that he would have no use for food in future, said Yadav with his characteristic flair. Next, he warned that not a glass of water will be allowed to be diverted from the Ganga basin. A few more days, however, and the de facto ruler of Bihar declared that water was like oil – if the right price was offered, he may be ready to sell. What went on between Yadav and Suresh Prabhu of the Task Force to deliver the former's about-turn is not clear. What is apparent is that such a transition is possible and 'consensus' can be arrived at even if Bihar remains a state that has been deprived of adequate use of the Ganga waters.

Another way that Prabhu is seeking to achieve consensus for the river-linking project is by expanding the scope of the proposals. For example, when Maharashtra, his home state, said it did not find anything beneficial in the scheme and hence would oppose the proposal, Prabhu asked the state to prepare schemes that would benefit it. Now, Maharashtra has set up its own committee to explore the river linking proposals within the state, but could also be involving inter state rivers, that would benefit it. Karnataka has also now set up a committee to give such a report in three months. Something similar could be done with other states, including all-important Gujarat.

Common to all the examples of consensus building on river-linking projects of the past described above, is that in no case have the people been asked. In the river-linking project currently on the table, as well, people have been kept out. This is glaringly visible from the fact that after more than two decades in existence, the National Water Development Agency which functions under the central Water Resources Ministry has not been able to release any of its studies and reports to the public. These include all the pre-feasibility and feasibility studies related to the river-linking proposals. The task force under the media savvy Prabhu has yet to place any document, including pre-feasibility or feasibility reports, on the table for public scrutiny. And it is already eight months since its formation.

The only option left in the hands of the public therefore is to question the projects, demand information and oppose the projects till it is proved in a participatory way to be in public interest. If such information is not forthcoming, the only option is to oppose the linking of rivers where they will be affected. As has been done by the people of Bundelkhand in the Uttar Pradesh-Madhya Pradesh border region, for example. There, at a Jal Sansad (Water Parliament) on 23 July 2003, they rejected the Ken Betwa link being proposed as one of the first undertakings of the river-linking project. Similarly, earlier in the month, at

Thrissur, the Pampa Achan-kovil Proposal was rejected almost unanimously, including by representatives of the Kerala government.

### **Prabhu's partners**

As the opposition among the public begins to gather steam, Prabhu is seeking to bring in other players on his side. He has already had a number of meetings with the World Bank officials, including one on 27 March 2003 with the objective, according to the Water Resources Ministry, of requesting them "to share their expertise and experience on mega projects implemented elsewhere in the world." The Bank has not been lacking in enthusiasm, and an advisor to the Bank president, during a meeting in early March in Washington DC, spoke highly of India's river-linking proposals. The fact that the Bank is supporting open-ended water resources projects (these are sector wide projects in which potentially anything in water sector in the state can be included) in a number of states (including Uttar Pradesh, Rajasthan, Haryana, Andhra Pradesh, Orissa, Tamil Nadu and also a forthcoming project in Madhya Pradesh) would give it extra leverage to help out Prabhu. Meanwhile, the Asian Development Bank and the Japanese Bank for International Cooperation are other possible collaborators, going by their interests and past record. While on a trip to Germany recently, Prabhu requested support from his hosts and it is reported that help is on the way.

Not to neglect the in-country players, Prabhu has also been wooing big-business represented in the Confederation of Indian Industry and the Federation of Indian Chambers of Commerce and Industry. The meetings he has held with them have raised obvious questions (and worries) about private sector involvement in the river-linking agenda. Prabhu's numerous statements saying that private funds would be invited for river linking projects have only added strength to these suspicions. However, the Task Force Chairman's attempt to bring over the non-governmental sector over to his side has thus far failed to achieve credible results.

For management on the environment side, the Task Force has roped in what may be termed the usual suspects, including the Central Pollution Control Board (a government agency and hence compromised ab initio), The Energy Research Institute (TERI - formerly the Tata Energy Research Institute) and the National Environmental Engineering Research Institute (NEERI), both of which are outside of government but lack requisite credibility. Among other things, TERI has earned a bad name after an episode regarding the plagiarising of an environmental impact assessment for the Dandeli Hydro Project on the Kali river in Karnataka. NEERI's performance has been strongly criticised when its own environmental impact assessment for the proposed Karcham Wangtoo Hydro Project on the Sutlej river in Himachal Pradesh was found by a number of environmentalists and even local people to be biased, incomplete and shoddy. Earlier NEERI had faced public criticism in relation to its reports on pollution of

the Taj Mahal and Delhi's polluting industries. Another agency that Prabhu has sought to rope in is the National Council for Applied Economic Research, an organisation whose performance in socio-economic research with respect to the Rajghat Dam on the Betwa river on Uttar Pradesh-Madhya Pradesh border, as well as in the case of the proposed Tipaimukh Dam in Manipur, was found by independent commentators to be biased and inadequate.

### **Cost of inaction**

Many proponents of the river-linking plan are fond of confronting sceptics with the question, "What is the cost of not taking up the project?" The reference is to opportunity lost. It may be worthwhile asking the proponents some relevant questions in turn, as long as the subject is 'costs'.

- What is the cost of neglecting rainwater harvesting potential in the river basins of India, including groundwater recharging?
- What is the cost of not assessing and realising the benefits of watershed development in any of the river basins in India? (While watershed development is happening at a number of places across the country, comprehensive and participatory planning and implementation at a river basin level is not happening in any river basin.)
- What is the cost of not maintaining and rejuvenating the existing local water systems (including tanks, ponds, wetlands and so on) in any of the river basins in India? (This is not the same as rainwater harvesting or watershed development. India has a large number of local water systems, which are in bad shape due to neglect over the decades.)
- What is the cost of not arresting the siltation in existing reservoirs, which are filling up at much higher rates than the design assumptions?
- What is the cost of not getting optimum results from the existing irrigation infrastructure in India, the largest in the world but performing far from its optimum levels?
- What is the cost of not creating and maintaining drainage systems in irrigation command areas and other agricultural areas?
- What is the cost of not arresting the pollution of India's freshwater systems?
- What is the cost of not assessing and realising demand-side management options in water and energy systems?
- What is the cost of not arresting the transmission and distribution losses from our water and energy supply systems, stopping thefts and making the elites pay for the services they use?
- What is the cost of not stopping implied export of water with huge subsidies that India is indulging in at the moment in terms of sugar and foodgrains export? The attitude of robbing the poor to subsidise supplies abroad is most clearly exemplified by the case of Maharashtra. Maharashtra is the state in India with the highest number of dams, highest production in sugar, lowest irrigated area in proportion to its cultivable area and also the dismal distinction of having the highest number of villages supplied water by tankers almost every summer. In

stead of using the scarce water for cultivation of water guzzling crops like sugarcane, and then subsidising export of sugar so produced, that water can be more appropriately used to fulfil the basic needs of drinking water and protective irrigation at many places. Instead, now the state is looking for long distance water transfers.

- What is the cost of not managing peak power demands, not charging higher tariff during peak periods and not using the existing hydro capacities for peak power supply?
- What is the cost of not allowing adequate freshwater flows in the rivers downstream of dams and consumptive cities and also destroying the navigation potential in the process?

If the measures listed above can take care of needs for years to come, as has also been concluded by the report (1999) of the Government of India appointed National Commission for Integrated Water Resources Development Plan and others, why is there any need for projects like river linking with all its huge social, environmental, economic and financial costs? Which prabhu\* (*prabhu* in Hindi means deity) will answer these questions?

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