

Maharashtra Irrigation scam & the Rs 150 000 crore question:**How much will we ever get to know?**

Open Letter Based on the issues raised in this article, an 'Open Letter for Urgent Probe into Maharashtra Irrigation Scam by an Independent Credible Agency' endorsed by over 27 mass based and research organisations and eminent individuals was sent by SANDRP to the Prime Minister, Chief Minister and Governor of Maharashtra, Union Ministries of Water Resources & Environment and Forests, Planning Commission, Central Water Commission, CAG, CVC and National Advisory Committee (headed by Smt Sonia Gandhi), requesting urgent intervention to institute a probe by an Independent, Credible commission.

The letter has been endorsed by National Alliance of People's Movements, India Against Corruption, Shramik Mukti Sangathana, Shramik Adivasi Sangathana, Samajwadi Jan Parishad, Yamuna Jiye Abhiyaan, SOPPECOM, among others. Medha Patkar, Shri Ramaswamy Iyer, former secretary, Union Water Resources Ministry, whistle blower Anjali Damania, Prof Bharat Jhunjhunwala, Prof Pradeep Purandare and Prof Brij Gopal are some of the persons who have endorsed the letter. We got some response from the office of the Chief Minister of Maharashtra and CAG. Subsequent to our letter, news reports showed that the Prime Ministers' office, Union Water Resources Ministry and Central Water Commission has started investigations in some of these issues.

What is unfolding over the last few months on the issue of corruption in irrigation projects in Maharashtra is unprecedented in many senses. However, one thing clearly stands out: Never before in the history of independent India has the links between politicians, contractors, engineers and bureaucrats been exposed more clearly. As the facts unfold before us in small parcels every single day, it is clear that they are all in this together. Absolutely shamelessly. Brazenly as CAG Vinod Rai put it. We have yet to see a sign of remorse or a feeling of wrong doing on the part of any of the involved parties. Unfortunately, we have to depend on those very groups to know the truth. Hence the question: How much will we ever get to know?

But first let us draw the contours of this issue. Maharashtra is the state with the largest number of big dams in India: the state has 1845 large dams, which is about 36% of India's total number of dams. Incidentally, the second ranked state in terms of number of large dams, namely Madhya Pradesh, does not have even half the number of large dams that Maharashtra has. Just goes to show the dominance of big dam agenda in Maharashtra. 92% of the Maharashtra dams are exclusively for irrigation, an additional 4.5% dams have irrigation as one of the objectives, along with other objectives like water supply, hydropower or flood control. Over 40% of India's under construction dams are also in Maharashtra. The state has spent about Rs 75000 crores over the last decade and will need to spend about Rs 76000 crores to complete the under construction projects. So the size of the sum involved is more than Rs 150 000 crores *if* all the projects were to be completed as envisaged now.

According to Govt figures, the net area irrigated in Maharashtra in 1999-2000 was 32.96 lakh ha, which in the latest reported year of 2009-10 is 32.54 lakh ha. So in this whole decade, there is no increase in net irrigated area in the state, when the state has spent over Rs 75000 crores in the period. So after spending all this money the state has not increased irrigated area at all. Moreover, in just five out of this ten year period (i.e. 2005-06 to 2010-11), the state economic survey for 2011-12 says, subsidies have been doled out to provide drip irrigation in 1.95 lakh ha and for sprinkler irrigation in 4.17 lakh ha, thus covering a total area of 6.12 lakh ha in these five years at an expense of Rs 1134.82 crores. This expenditure was also supposed to help save water use in irrigation and thus provide additional water for irrigating more areas, but even that has not happened.

The performance of irrigation sector in Maharashtra can be looked at in another way. The Economic Survey of the state for the year 2011-12 said, "The ratio of gross irrigated area to gross cropped area for 2008-09 in the State was 17.7 per cent, which was much below the National level ratio of 45.3 per cent." So the state having the largest number of dams in India, almost all of which are supposed to be for irrigation, performs 60% below national average in terms of proportion of area irrigated.

It should be added here that net area irrigated from Major and Medium Irrigation Projects in India is not increasing for two decades at all India level. As SANDRP has been showing since several years now, the area irrigated by M&M projects reached a figure of 17.79 million ha in 1991-92 and have never reached that figure since then. So what is going in Maharashtra corroborates what SANDRP has been saying. Other major dam building states like Andhra Pradesh, Madhya Pradesh, Gujarat and Karnataka could also be subject of serious investigations in this context.

These figures indicate that something is seriously wrong in Maharashtra's irrigation sector. In fact some official reports show that corruption issues may be involved here. The first of such reports dates back to late 1990s when a police official based in Pune had requested permission to probe the possibilities of corruption in contracts given out by the Maharashtra Krishna Valley Development Corporation. That officer told some of us recently what mechanisms were used in this process. At this stage it was the BJP-Shiv Sena government that was ruling Maharashtra. That permission was denied. Much latter, reports from the Comptroller and Auditor General, starting from its report in 2007 (for Gosikhurd project) to the latest one for the year 2010-11 (for AIBP (Accelerated Irrigation Benefits Programme (AIBP) and Vidarbha Irrigation Development Corporation (VIDC) for the period 2006-07 to 2010-11) showed signs of serious wrong doings. However, the CAG report does not seem to have captured the most serious aspects of the corruption and the politician-contractor-officials nexus. The HT Mendhegiri Committee (June 2010) Report reviewed the 22.93 km left bank main canal of Gosikhurd project in Vidarbha found the entire work to be of highly inferior quality and recommended demolition of this work. One-person Vadnere Committee Report in 2010 had highlighted the corruption and contractor nexus in VIDC, and had recommended a departmental enquiry, but no enquiry was constituted in the past 2 years since the report came out. MLA Shri Suresh Gambhir and Vijay Madettiwar also filed written complaints in this regard and Maharashtra govt claims to have charge sheeted thirteen officers responsible for the irregularities as per some documents obtained by SANDRP under RTI.

The credit for exposing the link of the politicians with the contractors, engineers and bureaucrats would largely go to the civil society groups. The origin of this exposure can be seen in the campaign against dams like Kalu, Kondhane (Anjali Damania of India Against Corruption exposed the corruption involved in Kondhane dam, as also some others), Susari, Shai, Balganga Gargai, and others in the Konkan Irrigation Development Corporation area, even though the amounts of expenditure and corruption may be much larger in VIDC area. In fact it was the meeting of the representatives of these groups past midnight on May 4, 2012, which led the Chief Minister Prithviraj Chauhan announcing the next day that he will bring out a white paper on Irrigation sector in Maharashtra.

The Nationalist Congress Party (NCP) which is a partner in ruling coalition in Maharashtra and holds the irrigation portfolio since 1999, was clearly not happy with this announcement. Most recently, on Sept 26, 2012 NCP's Deputy Chief Minister Ajit Pawar resigned, since he held the water resources portfolio during 1999 to 2009. But the drama that unfolded in months before the resignation revealed the political links in this irrigation scam. The NCP bosses, mostly Union Agriculture Minister Sharad Pawar spoke up against whoever raised problems in Maharashtra irrigation sector, be it the Governor, the Chief Minister, the opposition, the CAG, the non governmental organisations or the media. These prompt

reactions from the NCP bosses were clear signs of their discomfort on the issue. The NCP actually managed to stall the publication of the white paper which was supposed to come within 15 days from the date of announcement by the Chief Minister on May 4, 2012. Over four months later, the white paper is still to be made public. When Vijay Pandhare, a serving chief engineer of Maharashtra raised these issues through a series of letters, the opponents even tried to brand him as insane.

The links of the Bharatiya Janata Party leaders in this scam have been exposed only more recently, but they seem to have the closest proximity, since a large number of contractors that have benefited from irrigation contracts in the state belong to the party. This possibly explains why the opposition was quite or ineffective in exposing this scam for so many years. Even the congress chief ministers before Chavan seemed happy to let the sector go along from one scam tainted project to another.

The scam, the politics that has ensued, the numerous shocking and not-so-shocking revelations and strange nexuses that came tumbling in its wake have vindicated what organisations like SANDRP have been saying for a long time: that centralised, large project-oriented water management does not lead to any betterment of the ground situation, despite its huge social, ecological and financial impacts.

SANDRP and its partner organisations have been involved in raising the issue of corruption from the initial stages, from unearthing of irregularities in Kondhane and Kalu Dams to organising a community meeting on the 4th of May 2012 with IAC on *Dam Scam*, which was closely followed by a declaration of bringing out a White Paper on Irrigation Projects. In July 2012¹, SANDRP had brought out brief report highlighting the very blatant links of politicians in Maharashtra with the big dam lobby.

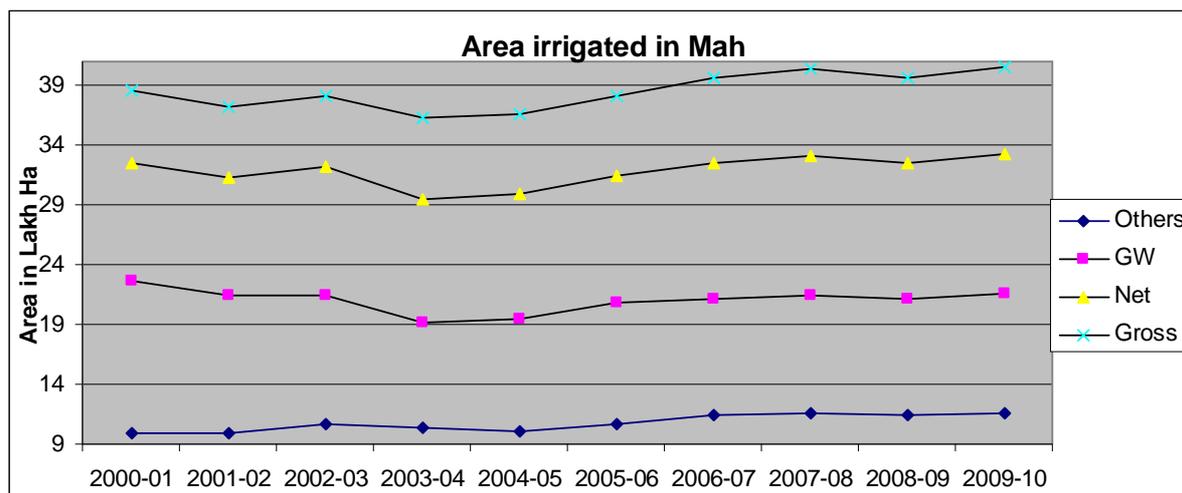
Recent events The rapid happenings during this period, including letters and protests from civil society as well as in-service Irrigation Engineers warrant a closer look at the Irrigation scenario in Maharashtra. It is a pointer to the direction that big dam agenda, pushed forth by Central water Commission, Ministry of Water Resources and the establishment, can lead us to. This issue has ramifications beyond the specific schemes, specific department, and specific state and also involves large number of central government agencies.

At the same time, the issue has a serious bearing on the governance of the sector, as well as wellbeing and safety of millions of people residing downstream of dams and farmers who have been waiting for benefit from the projects, despite society paying huge social, environmental and economic price for these. These issues should be looked into in detail, by appointing an independent scrutiny of all major and medium projects in Maharashtra since the last 17 years (the scam has origins going back at least to 1995 as shown below) and immediately stop work on and use of projects whose safety is questioned by the official persons/ agencies.

Poor track record The Economic Survey of the state for the year 2011-12² said, “The ratio of gross irrigated area to gross cropped area for 2008-09 in the State was 17.7 per cent, which was much below the National level ratio of 45.3 per cent.” The survey goes on to say that 65.1% of the net irrigation in Maharashtra is based on groundwater.

¹ http://sandrp.in/irrigation/NCP_and_Irrigation_Scam_politics_July_2012.pdf

² Economic Survey Report of Maharashtra 2011-12: http://mahades.maharashtra.gov.in/files/publication/esm_2011-12_eng.pdf



The graph above is based on the figures given in the Economic survey and show the irrigated area figures³ for the last decade, for ground water irrigation, Irrigation by other sources (this category includes major, medium, minor (state and local level as classified in Maharashtra)) and also total net and gross irrigated area in the state. The flat graphs for all the four sets of figures and for whole of the decade and particularly the bottom graph which include irrigation by Major and Medium irrigation projects tell the story of lack of growth in area during the period.

It is not that the lack of progress in irrigation is due to lack of funds. On the contrary, as the Hon. Governor of Maharashtra in his address in March 2012 said, "The WRD has communicated that the unspent balance with the Corporations was Rs. 2438 crore at the end of 2009-10 and Rs. 3496 crore at the end of 2010-11. These balances are of the tune of 35% and 45% of the total plan size of the respective years." The Governor expressed concern that "the balance cost of ongoing projects being executed by the Irrigation Corporations in the State as on 1.4.2011 is Rs. 75,366 crore".

More than 747 irrigation projects are incomplete. One of these projects, Gosi Khurd is national project (which means 90% of the money would come from the centre), but has been described as white elephant and is mired in shocking corruption and mismanagement charges. Of the Rs 2787.176 crores released under the whole of National Projects scheme till the end of 11th Five Year Plan (March 31, 2012) since Feb 7, 2009 when the guidelines for the National Projects was released, Rs 2582.94 Cr or 92.7% of the total NP funds have been released for Gosikhurd project alone! To top it all, the 6th meeting of the High Powered Steering Committee of the NP held on May 14, 2012⁴, even while noting the outstanding issues of corruption, decided to release more funds for the project for 2012-13. Maharashtra has also been getting large sums under Accelerated Irrigation Benefits Scheme from the centre. All this highlights the need for an independent scrutiny of the entire sector. In any case, the Union Water Resources ministry and Central Water Commission has made the nation a laughing stock by calling such projects as National Project and allocating thousands of crores of public money for the projects.

Chief Engineer exposes huge Safety issues, Engineer-Politician-Contractor Nexus
Following unearthing of the huge scam, Shri Pandhare wrote a detailed letter on May 5, 2012 to Chief Minister, Governor, Secretary and Principal Secretary Water Resource

³ It may be noted here that these figures from agriculture department are closest to the ground realities among all the figures about irrigation that are available. The figures from the water resources department about irrigation potential created and utilised are no more than claims that have little reflection on ground realities.

⁴ Documents obtained by SANDRP under RTI

Department about the severe problems plaguing all aspects of dams in Maharashtra. Shri Pandhare is Chief Engineer (Design, Training, Research and Quality Control), Maharashtra Engineering Training Academy (META), Nashik . META is a nodal organisation that includes Dam Safety Organisation, Quality Control Organisation and Central Design Organisation under its purview. He has been a Member of State Technical Advisory Committee to look at estimates prepared by the WRD on Dam projects.

On 21st September, 2012, Shri Pandhare addressed a letter to the Engineers Mahasangh, elucidating these points⁵. Scrutiny of estimates and Quality Control for projects exposes:

- “Many serious mistakes have been made; unviable projects have been made viable, projects which should not have been taken up in the first place, unnecessary projects, etc., sanctioned by officials of WRD through pressure by politicians. All the officials of WRD work under tremendous pressure from politicians as well as contractors. The officials who protest against this are transferred in no time.”
- “At every administrative clearance, new aspects get internalised in the estimate, many projects drag on for 20-25 years and are never completed, while cost keeps on escalating. Farmers get no benefit out of this.”
- Common irregularities seen are: “Useless gigantic lift irrigation schemes, unrealistic estimates, managing tenders, changing layout, designs, sections, heights, irrigated area, etc. to keep the project going.”
- Quality control of WRD dams has become a big issue. “23 kms of Gosikhurd canal (A National Project) has developed cracks in the first year itself.” Parts of that canal had to be demolished even before being tested.
- In 2012, when he was the Executive Engineer Quality Control Dept in Dhule, he had sent a 600 page report on how the construction of the Lower Tapi Dam was of poor quality. “But government constituted a committee of corrupt officials on this and killed the issue.”
- **“It will be better not to imagine what would be the scale of the calamity if this dam breaks, there are 3 large dams downstream of this one. 25-30 villages will be washed away. Who will be responsible for the deaths of thousands of people? Secretary of WRD himself has been protecting these works.”**
- Tarali Dam in Satara is a 74 mts high dam. When he went to check it in his official capacity, the register containing the materials used for the dam, when asked for, was not shown to him by the contractor.
- “As per the tender, the compressive strength of cores should be 117 kg/cm. But in reality, the cores have strength at around 40 kg/sq cm. Construction has been of extremely poor quality. All the 66 cores have strength of 58% and not 100% as required by the tender. In dam works, even a difference of 4-6 % is taken very seriously. This construction with quality a huge 42% lower than required is poorest of the poor. CBI enquiry should be undertaken against this as our 'bogus' committee members are well known to submit 'bogus' “ok” reports to the govt. Even imagining the destruction that will happen if Tarali breaks makes me uneasy. Only god can save this department. Same is the case with Hathnur project in Jalgaon”. (Hathnur dam and Lower Tapi, both on Tapi River, are just upstream of the massive Ukai Dam in Gujarat, upstream of the Surat city).
- **“Playing with public money may be still a smaller offence, but the WRD should not play with people’s lives.”**⁶

This address by the Chief Engineer, at his own peril itself underlines the urgent need of enquiry in Maharashtra’s Water Resources Sector, even if one may not agree with everything that he has said. Instead of taking serious note of these letters attempts has been

⁵ The full letter in Marathi can be found at: <http://jaagalyaa-thewhistleblower.blogspot.in/2012/09/shree-pandhare-ce-wrds-appeal-to.html?spref=fb>

⁶ Here it may be noted that the consequences of unsafe dams may visit the state sooner than most people expect, a dam in Jawahar Taluk in Thane district is already a threat for 30 villages: <http://www.punemirror.in/article/4/201210032012100308102759874e952dc/Leaking-Khadkad-dam-threatens-to-submerge-30-villages-in-Thane.html>

on to discredit him and describe him insane. He has now been forced to request voluntary retirement from service.

In his letters and media statements, Shri Pandhare has categorically stated that projects which have been dragging on for years and which are less than 25% complete should be scrapped immediately as most of them have been set up only 'to loot the public exchequer'⁷.

Petitions in High Court A petition has been filed in the Nagpur Bench of the Mumbai High Court by Jan Manch, which raises a number of issues including the fact that 30 major irrigation projects were granted hurried approval in just four days: June 24, 2009 (10 projects); July 7, 2009 (5 projects); Aug 14, 2009 (11 projects) and Aug 18, 2009 (4 projects)⁸. As per another report, during his stint as water resources minister, Mr Ajit Pawar 'hurriedly' granted project approvals totalling Rs 20,000 crore during an eight-month period in 2009 (32 of them worth Rs 17 700 crores in three months during in June-Aug 2009), without the mandatory clearance of the governing council of Vidarbha Irrigation Development Corporation⁹.

- A Petition on Kalu Dam in the Mumbai High Court has led to the court asking for stoppage of work and also asking why the officials responsible for sanctioning release of contracts and money to contractors should not be prosecuted.
- A Petition on Kondhane dam in the Mumbai High Court is ongoing in which the Govt has submitted that the contracts and permissions for the projects have been cancelled, but already large sums of money were already spent. The cancellation happened because of the Governor asking the govt report on the dam following petitions from RTI activists.
- A Petition on Lower Painganga Dam in Yavatmal in 2009 had resulted in high Court issuing a stay order on the dam construction, going on without proper clearances. The work continued despite these orders and stopped only after wide local protests. Lower Painganga Dam too is shrouded in charges of immense corruption, cost escalation and political-contractor nexus.

Blatant illegalities and Irregularities in on-going projects The Projects coming up in Vidarbha and also around Mumbai are shrouded with illegalities and a clear contractor-politician-bureaucrat nexus, here are some examples.

- **Balganga Dam**, coming up near Pen and is 90% complete. However, its proposal for forest clearance has still not reached the MoEF, when the dam is about to submerge 260 hectares of forests in Western Ghats, a World Heritage Site. Nor is the Rehabilitation and Resettlement Plan ready. Cost of this dam has been hiked 150% post tendering.
- **Kondhane Dam**, coming up near Karjat saw post tender cost escalation from Rs 56 crores to Rs 328 crores and height increase from 39 meters to 71 meters within one month of tender approval. The entire tender clearance was done in a single day and technical clearance was also given in a single day. The contract for this dam has been cancelled following a PIL in Bombay High Court and Governor's explicit orders. No action was taken by the WRD, despite huge outcry by civil society organisations and media till the HC and Governor orders.
- According to tender conditions laid by Government of Maharashtra, one contractor can work on maximum three projects in a circle. However, bypassing this, the same contractor is working on 7 on-going projects in Konkan, for example. This has been made possible by floating another company just for the namesake (FA Construction and FA

⁷http://www.thestatesman.net/index.php?option=com_content&view=article&show=archive&id=426205&catid=36&year=2012&month=10&day=10&Itemid=66

⁸ See e.g.: <http://www.thehindu.com/news/states/other-states/pawar-brings-down-curtain-on-resignation-drama/article3952199.ece>

⁹ See: http://articles.timesofindia.indiatimes.com/2012-09-24/india/34060889_1_irrigation-projects-project-approvals-water-resources

Enterprises¹⁰ in this case, with same registered office, same board members and even using the same projects to show their proven capacity). Everyone including media¹¹ can see through this ploy, it is clear that this is going on hand in glove with the government including ministers, bureaucrats and engineers.

- In Vidarbha, similar irregularity is being practiced by a company belonging to BJP Member of Parliament, known to the close to the President of that party. In this case, Shakti Kumar M Sancheti Ltd ceased to exist in Nov 2005 when it was renamed as SMS infrastructure. But this defunct name of the firm was used later on to get several contracts amounting to Rs 1350 crores¹². In some of these projects, shockingly, the design finalisation was done *after* the issue of tender documents, violating basic norms of irrigation projects. This also shows the involvement of politicians across the parties.¹³

Non-existent Environmental Governance In the entire discussion and recent political controversy surrounding large dams in Maharashtra, the very crucial angle of huge social and ecological impacts of these projects is being sidelined. Environment Governance seems to be non-existent in Maharashtra today and the MoEF is taking no steps to correct this as statutorily required as per the Environment and forest clearance conditions and Environmental Management Plans of projects. Projects are sanctioned, work orders are given and work proceeds before getting any mandatory clearances from MoEF or State Forest Department and the MoEF has taken no action. Projects requiring clearances from the National Wildlife Board are going ahead without the same and MoEF is happy to watch. Some Examples are narrated here.

- In the case of **Kalu Dam** coming up near Murbad in Thane district, work on the dam started without Forest Clearance either applied or granted. Even as the Chief Secretary and Mumbai Metropolitan Region development Authority (MMRDA) made clear statements that funds should not be released to this project without Forest Clearance, MMRDA released the funds to the tune of at least Rs 400 Crores. However, the project was denied Forest Clearance by the Forest Advisory Committee in its meeting on 2nd April, 2012. The work on this dam has been stayed by the Bombay High Court in response to a PIL filed by Shramik Mukti Sangathana. Assessment and settlement of individual and community forest rights according to the FRA (2006) has not been completed.
- In case of **Kondhane Dam**, work started before applying for Forest Clearance, which is completely illegal. Assessment and settlement of individual and community forest rights according to the FRA (2006) has not been completed.
- In case of **Barvi Dam**, height has been increased three times without seeking any environment Clearance, the 4th height increase is now on going, again without any Clearance. Assessment and settlement of individual and community forest rights according to the FRA (2006) has not been completed. Even in cases where Forest Clearances have been considered, the MoEF does not display the project proposal documents, the clearance letters or compliance reports, in violation of the orders of the Central Information Commission¹⁴.
- Work on **Balganga dam** is nearly complete without even the proposal for Forest Clearance reaching the MoEF. Assessment and settlement of individual and community forest rights according to the FRA (2006) has not been completed.

¹⁰ See: <http://www.facindia.com/>, http://articles.timesofindia.indiatimes.com/2012-09-26/india/34100909_1_irrigation-projects-irrigation-scam-cost-escalation, <http://www.hindustantimes.com/India-news/Mumbai/Irrigation-projects-in-Konkan-hit-by-contractor-babu-nexus/Article1-925216.aspx>

¹¹ See for example: http://articles.timesofindia.indiatimes.com/2012-04-27/mumbai/31421319_1_irrigation-projects-kondhane-dam

¹² See: <http://timesofindia.indiatimes.com/city/mumbai/BJP-MPs-company-got-Rs-1350cr-dam-deals-illegally/articleshow/16619644.cms>

¹³ Newer aspects of illegalities seem to be surfacing almost everyday, here is a story about how advances were illegally given to contractors, with allegations of kickbacks: <http://www.ndtv.com/article/india/the-70-000-crore-scam-in-advances-to-contractors-some-see-kickbacks-275047>

¹⁴ The meeting of FAC to be held on Oct 30-31, 2012 got postponed following letters from SANDRP and others and following media persons questioning the minister about meeting going to happen in violation of CIC orders.

- In case of **Lower Painganga Dam**, VIDC had actually floated a tender, seeking contractors who can acquire a Forest Clearance for the project which is to submerge more than 1000 hectares of forest land. The tender was withdrawn only after very strong reactions from the media and court.

Huge Social and Ecological Impacts of illegal projects:

- Planned, Ongoing and proposed dams around Mumbai alone are set to submerge more than 6000 hectares of Forests in Western Ghats, a UNESCO World Heritage Site. No Environmental Impact Assessment, Social Impact Assessment, Environment Management Plan, monitoring or Public Hearings are mandatory for these dams as they are for Drinking and Industrial water supply. The assumption that such dams are environmentally and socially benign is seriously flawed, shows bankruptcy of thinking on the part of MoEF. In all, these dams will displace more than 25000 tribals. Many of these dams are shrouded in illegalities and corruption charges.
- Chief Engineer Thane, has himself given a written undertaking that after Shai Dam, no other dams will be needed for Mumbai for at least a decade. So it is clear that many of these are unnecessary dams, having serious negative impact on each sector: from governance to social and environmental wellbeing as also unnecessary expenses.
- While Ministers from several political parties are pressing the centre for releasing funds for the extremely corrupt Gosikhurd project, the rehabilitation of more than 1800 families affected by the project is still not completed.
- Lower Painganga Dam also in Vidarbha is set to affect nearly one lakh people. No rehabilitation and resettlement work is on-going currently, say local groups.

Delay in bringing out White Paper While a White Paper on Irrigation sector in the state by itself will not solve almost any of these serious problems, but even to bring out a white paper, there has been huge delay, possibly because some people are not happy to see that real facts come out. The Chief Minister announced on May 5, 2012, following meeting with a delegation of civil society organisations the previous day, that a white paper on “irrigation projects in the past ten years” will be made public soon, see: http://articles.timesofindia.indiatimes.com/2012-05-05/mumbai/31585831_1_irrigation-projects-irrigation-schemes-irrigation-plans.

No White paper arrived for the next ten days. On May 16, 2012, “soon” changed to “within 15 days” since “the public needed to be informed about the status of irrigation”, said the Chief Minister. The Chief Minister, significantly, was talking to the media after a cabinet meeting where this was discussed, see: <http://www.business-standard.com/generalnews/news/white-paperirrigation-in-15-days-chavan/9542/> and http://www.dnaindia.com/mumbai/report_white-paper-on-irrigation-in-15-days-prithviraj-chavan_1689726.

Again no white paper came after next fifteen days, no further word came for two whole months. Then on July 14, 2012, the then deputy Chief Minister Ajit Pawar said in Legislative Council meeting that, “a white paper on irrigation projects will be tabled before the commencement of the winter session of the council in Nagpur”. This means that what was supposed to come soon and than in fifteen days, would not come for six months as the winter session happens only in December, see: http://articles.timesofindia.indiatimes.com/2012-07-14/mumbai/32673963_1_irrigation-projects-white-paper-deputy-cm-ajit-pawar. Even at this stage, the deputy CM did not find it fit to resign, his resignation came much later.

Scam origin dates back to 1995 The scam, it seems, started with the formation of Maharashtra Krishna Valley Development Corporation (MKVDC) in 1995, involving manipulation of tenders, costs and project parameters. In 2007, Maharashtra’s former inspector general of police SM Mushrif had told media that while he was posted as the Superintendent of Police, Anti-Corruption Bureau in 1998, he had sought permission to probe into a bid by irrigation contractor P. Venku Reddy from Andhra Pradesh and Avinash

Bhosale for a Rs 100 crore Dhom Balakwadi project in Satara, where a renowned contractor R.M. Mohite was disqualified only to favour Pradhana Constructions of P. Venku Reddy, of which Avinash Bhosale was also a partner.¹⁵ Mushrif's report, which was sent to the then additional DGP, ACB, in Mumbai sought permission from the state government "for an open inquiry into the affairs of the MKVDC so that many more irregularities can be exposed and offence registered against the defaulting officers and officer-bearers." There was absolutely no response to my report or request, Mushrif told us weeks earlier. In 2002, Ajit Pawar, as irrigation minister for MKVDC had taken the decision of approving a 30-year lease agreement between the MKVDC and the Lake City Corporation (the previous avatar of Lavasa Corporation) for constructing mini-dams in the backwaters of the Varasgaon dam in Pune, the deal had future ramifications as it came to light in 2005-06.¹⁶

Urgent Minimum Next Steps What all this means is that there is significant resistance to even a white paper, which at the most will only be a statement of facts. What is required is much more, including a credible independent commission of enquiry and fixing responsibility for those who are responsible for any wrong doing. What is narrated here is only a small part of the story. The extent of the actual problem is huge and all these irregularities have been going on for over a decade and a half at least. In view of these serious issues relating to irregularities, corruption, dam safety, governance, social and ecological impacts, following steps are urgently needed to be taken:

1. Order an Independent scrutiny of Water Resource Development Projects in Maharashtra for at least the last seventeen years, including Major, Medium and Lift Irrigation projects, Hydropower, Drinking water and Industrial water supply projects and working of all Irrigation Development Corporations (IDCs) including VIDC, MKVDC, Konkan IDC and Marathwada IDC. The scrutiny should look at the design of the project, the current status, the projected and actual costs, the quality of work, dam safety requirements, the intended and actual benefits, the intended and actual environmental impacts, the intended and actual environmental management plan and its progress, rehabilitation and resettlement plan and its current status.

The scrutiny should include: Date of first administrative approval and cost so approved along with B.C. ratio, Similar information about subsequent revised administrative approvals, Dates on which Total actual expenditure equalled each of the Administratively approved costs, Total actual expenditure incurred as on the dates on which each of the revised administrative approvals was given, Authority which gave each of these administrative approvals and whether this Authority was empowered by Govt. Resolutions/Orders to give such approvals.

The scrutiny should also look into the alternative proposals given by people's organizations (wherever applicable) to make these schemes more equitable, sustainable and democratic and how to make the decision making responsive to such alternative proposals from people's organisations.

2. Immediately stop filling of Lower Tapi, Hathnur and Tarali Dams and conduct a CBI enquiry as suggested by Chief Engr. Pandhare on the material used for these dams.
3. Conduct immediate enquiry into the safety of Lower Tapi, Hathnur and Tarali Dams by credible independent team. Here it should be noted that Central Water Commission, which is supposed to ensure safety of the dams along with the state WRD, has failed this respect and hence it should also be included in the scrutiny.
4. Issue no further Technical, Financial, Forest, Environment or Wildlife clearances to dams in Maharashtra unless the above mentioned scrutiny of existing and ongoing projects is completed and made available in public domain, and necessary action taken.

¹⁵ See e.g.: http://articles.timesofindia.indiatimes.com/2007-05-29/pune/27879158_1_mkvdc-acb-dri

¹⁶ See e.g.: <http://www.firstpost.com/politics/why-did-it-take-so-long-to-resign-ajit-pawar-468269.html>

5. Allow no further finances and cost escalations to upcoming projects in Maharashtra until the above mentioned scrutiny is complete, and necessary action, including more participatory, transparent and accountable system of governance of this sector is in place.
6. Amend the EIA notification to ensure that (i) all large dams, irrespective of purpose, are included for Environment Clearance, EIA and Public hearings. (ii) If a project requires forest land, than an environment clearance should be mandatory.
7. All major irrigation projects need clearances from Union Ministry of Environment and Forests, Central Water Commission, Planning Commission, among others. All these agencies are supposed to ensure proper environment impact assessment and governance, dam safety, proper cost and benefit appraisal, among other aspects. That all these aspects are under question in this scam underlines the need to include all these agencies under the scrutiny since all these agencies have clearly failed to perform their role both before and after the clearances. Union Ministry of Water Resources should also be included in the scrutiny since all finances for National Project (Gosikhurd project in Maharashtra got over 92% of the funds released under national Projects) and Accelerated Irrigation Benefits Programme are released only after approval from the Ministry or by committees where the Ministry officials are in decisive positions.

In the interest of safety of livelihood, food and water security of millions, safety of downstream population, irrigation benefits to farmers, drinking water supply to villages and urban areas and clean governance, the above mentioned points are minimum requirements.

Only a credible independent full scale scrutiny on the lines suggested above will give us some chance of knowing the maximum truth, if not the full truth. Unfortunately, as yet no such independent scrutiny is in place. Maharashtra Chief Minister has instituted a departmental enquiry against a large number of serving engineers of VIDC. But such enquiries have poor track record. Also the final say in the enquiry will be with the same department which are responsible for the scam. Under the circumstances, such an enquiry has almost no credibility.

It was interesting to read in *the Economist* column that recently said, "Folks in Maharashtra are looking for a messiah, and Mr Chavan (the current chief Minister) is the only sensible candidate around." We will soon know if Shri Prithviraj Chavan really wants to clean this sector and if he will be allowed to do that. And if he qualifies to be a messiah.

SANDRP (a shorter version of this appeared in [Nov 2012 issue of Civil Society](#))