

## Narmada

## Dam and Be Damned

By Dr M. Monirul Q. Mirza

**THE SUPREME COURT OF INDIA (SCI) recently gave a landmark verdict on the highly controversial Narmada Dam Project. In a divided judgement, the SCI paved the way for the project to go ahead. The verdict created huge jubilant among the pro-Narmada people. On the other hand, a shadow of despair was observed in the camp of the anti-Narmada supporters. While the first waves of reactions are being propagated to the press, the verdict has laid the foundation of far reaching implications for high dams in South Asia. First, despite controversy and adverse environmental aspects of dams/reservoirs, the verdict may lead to the floodgate of dams in the region. Second, the SCI has put the judiciary and anti-dam lobbies on a collision course. Third, the verdict has by and large shut the possibilities of alternatives to high dams to satisfy similar objectives. Fourth, the verdict has undermined the policy shifts towards dams that are being taken place in other parts of the world.**

## Narmada, the Controversial Project

From very beginning, the Narmada project ran into trouble and created controversy. Over the last 50 years, it has been the subject media headlines for many times. The project is on the Narmada, the largest flowing westward river, rises near Amarkantak range of mountains in Madhya Pradesh. It is the fifth largest river in India and the largest one in Gujarat. It traverses three states - Madhya Pradesh, Maharashtra and Gujarat - and meets the Gulf of Cambay. Trouble started in early '60s when Madhya Pradesh wanted more water from Gujarat. The dispute was on the negotiation table for about 20 years and finally resolved by the Narmada Water Dispute Tribunal (NWDT) in 1979.

Like other dam/reservoir projects in India, the crux of controversy of the Narmada Project was submergence of land, forest and habitation as well as population displacement. Note that submergence generally depend on the height of a dam. The designers and policy makers were never consistent on the height of the dam. For example, in April 1961 when Pandit Nehru laid the foundation stone of the project, the dam height at full reservoir level (FRL) was 161 ft (49.80m). In 1965, an expert committee recommended to increase the FRL to 500 ft (152.44 m). In the final design, the dam height at FRL was fixed at 455 ft (138.68 m). With the increase of the dam height,

public anger and frustrations also grew.

Therefore, from the initial design proposal, the dam height has been increased by 294 ft (88.88 m), so as the area of submergence and displaced population. According to official statistics, the submergence at FRL is 37,690 ha which comprises 11,279 ha agricultural land, 13,542 ha forests and 12,869 ha riverbed and waste land. In all 245 villages of the three states viz. 193 Villages of Madhya Pradesh, 33 villages of Maharashtra and 19 villages of Gujarat are affected. Note that the NGOs like the Narmada Bachao Andolan (NBA) differ with the submergence and displacement figures.

## The Divided Judiciary: Divided Future of High Dams?

The three-member bench of the SCI could not deliver a unanimous verdict on the Narmada case. One of the judges put forward a note of dissent mainly on the environmental assessment and clearance of the project by the Union Ministry of Environment and Forest (MoEF). The MoEF cleared the project in the mid-'80s and gave a green signal to go ahead. The NGOs and even the independent commission appointed by the World Bank in 1991 expressed its dissatisfaction at the inadequate environmental assessment of the project. The Commission also criticised the Bank's own environmental and social records on the Narmada project.

In his note of dissent, Hon'ble Justice S.P. Bharucha observed: "Notes prepared by the Ministry of Water Resources and Environment and Forests leave no manner of doubt that the requisite data for assessment of environmental impact of the project was not available when the environmental clearance thereof was granted". However, the other two judges disagreed with the fundamental environmental concerns raised by NGOs, professionals and the independent commission of the World Bank. The divided judgement demonstrates that controversy over the high dams in India is far from over and their future may also be divided.

## Floodgate of Dams/Reservoirs?

Despite division among the judges, the judgement itself will continue to propagate various implications for high dams in South Asia. Specifically, in India many high dam projects are on the drawing boards and on process. Over the years, due to public outcry, the Ministry of Water Resources of India was in hesitation about the future course of action for these projects. They now found a light at the end of

the tunnel. The judgement will certainly act as a bible of legal encouragement to proceed with the projects of which many were found to be controversial.

## Who will Oversee the Future?

In the judgement, the SC asked the Narmada authority to submit a plan on relief and rehabilitation with regard to submergence and population displacement. Note that the authority concerned and three state governments have failed to draw up rehabilitation plan satisfactory to the stakeholders in the last 20 years.

The SC decision on the relief and rehabilitation plan raises many questions, which need to be resolved. First, who will be the decisionmaking authority on the rehabilitation plan? So far the Narmada authority is the decisionmaking authority. On the other hand, there are sharp differences among the state governments on the rehabilitation programme. For example, the Madhya Pradesh recently said that it did not have any land to resettle the 30,000 families to be displaced by the dam. Second, what will be the criteria to draw up a satisfactory plan and how? The Narmada authority set some guidelines for rehabilitation, which received serious criticisms from the NGOs and the displaced. Third, who will oversee the progress in the field and carry out the assessment? Note that the Supreme Court is not going to the affected areas to hear the grievances of the people or to measure the depth of the problem. If the responsibility goes to the bureaucracy, then the rehabilitation plan is back to square one.

## Impact of Judgement on Future Investment

The Narmada authority is hopeful to convince foreign investors to invest in the project. As initial reactions go, the authority believes that the judgement of the SC has laid a solid moral foundation for high dams in India. Therefore, the judgement may encourage foreign investors to invest in this lucrative (?) sector. The question is whether the foreign investors will come forward to invest in the Narmada project in particular and in other high dam projects in India and South Asia. In the past, the World Bank was a major financial partner in the Narmada project. In 1985, the Bank approved \$450 million. It approved the loan without any comprehensive resettlement plan or an environmental impact assessment. At the growing public outcry in India and elsewhere, it set up an independent commission to take the

stock of the situation. In 1992, the Commission's Chairman in his report wrote, "I personally doubt that a satisfactory Resettlement and Rehabilitation programme can be implemented. For that reason I recommend...either permanent or temporary termination of the World Bank disbursements." The Bank walked out of the project in March 1993. Now in the wake of the Supreme Court verdict, will the World Bank make a move to come back? If so, probably the Narmada project will be able to woo the foreign investors for crucial funding. Note that at the current prices, the project authority needs to mobilise \$5,000 million from domestic and external sources.

## Non-violence to Violent Protest

So far the supporters of the affected population in the Narmada project have followed a non-violent Gandhian style movement. In the past, the ousted people had faced human rights violations such as arrests, beatings and detentions. After the SC verdict, they have nowhere to go. The verdict has received a sharp reaction from the affected population, non-violent demonstrations have been staged in Gujarat, Madhya Pradesh and Maharashtra. The leadership of the oustees is determined to continue to their movement, which may eventually lead to a violent confrontation. In 1992, the independent commission of the WB smelled something and wrote, "Progress will be impossible except as result of unacceptable means."

## Conclusions

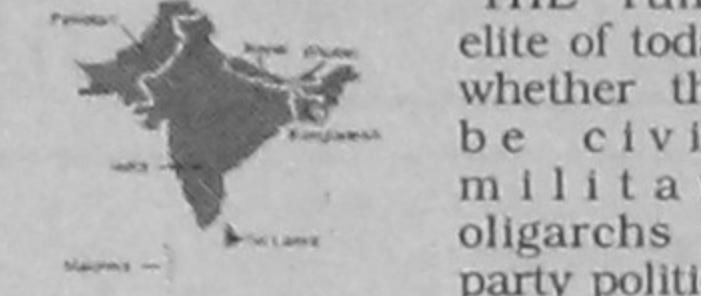
In the last few decades, a string of dams and reservoirs were constructed and commissioned in India. These dams generated agricultural benefits, increased power supply and to some extent helped attaining economic progress. On the other hand, they have generated many bad and ugly impacts. The drought prone Gujarat and Madhya Pradesh may be benefited from the Narmada project. Hope that the expected success of the project will not be overshadowed by the tears of the oustees. The SC may set precedence by taking care of these helpless people when they are repeatedly ignored by the government. The verdict will certainly put the high dam politics and economics on a new course in the coming years in South Asia.

The writer is a Bangladeshi water resources and environmental engineer currently with the Adaptation and Impacts Research Group (AIRG), University of Toronto, Canada. Views are of writer's own.

## Corruption

## The Hydra-headed Monster

By Mansoor Mamoon



THE ruling elite of today, whether they be civil, military, oligarchs or party political demigods are the new Brahmins of South Asia. National resources are at the disposal of their privilege and authority, synonymous with the sanctity of the state."

This was stated by a noted expert on South Asia while describing about the mindset of the leaders in South Asian countries. The region presents and embodies a disproportionately high degree of tolerance of corruption, irregularities, embezzlement of state funds and malpractices by its top leaders. Two such recent cases involving former Indian Prime Minister Narashimha Rao and former Pakistan Prime Minister Benazir Bhutto have come to the fore. Rao who came from his retirement to take up the leadership of the Congress Party as a compromise candidate in the aftermath of the assassination of Rajiv Gandhi became the Prime Minister of India. When he was heading a minority government and to overcome a no-confidence motion tabled in the Lok Sabha in 1993, he was alleged to have bribed four MPs of Jharkhand Movement. The CBI (Central Bureau of Investigation) investigated into the case and a special CBI court sentenced Rao and his former Cabinet colleague Bhuta Singh to three years of imprisonment. Pending the settlement of their appeal to the higher court, both of them have been set at large on bail. This is for the first time that a former Indian Prime Minister has been convicted of corruption charges. However, Rajiv Gandhi died with the stigma of Bofors scandal.

In India, the Hawala scandal involving a number top politicians like L K Advani, Arjun Singh, Sharad Yadav, Ram Bilas Paswan etc., created quite a stir. They were alleged to have received bribes from the Jain Brothers. CBI, which investigated into the cases, however, could not

erall Pervez Musharraf claimed that it has at its disposal 22,000 pages of documentary evidences against Benazir's amassing of state properties worth about \$1.5 billion.

Corruption charges have also been brought against former Prime Minister Nawaz Sharif and a host of other leaders. Sharif is already serving long jail sentence in a different case. Meanwhile, the government in Pakistan has passed laws, banning participation of the leaders of political parties who are convicted on corruption charges. Benazir and Nawaz blame the military government for bringing the charges of corruption for what they term as politically victimising them for maintaining their sway in power by disqualifying them from participating in politics.

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top ranking leaders charged with corruption. A lower court has already convicted Jaya Lalita. She has preferred appeal against the lower court verdict.

In Bangladesh, deposed President H M Ershad has been convicted by the High Court in a corruption case and over a dozen of such cases are still pending against him. He is reported to have minted money through siphoning out huge state funds.

Former Prime Minister Begum Khaleda Zia has also been charged with two separate corruption cases. A court in Bangladesh on a corruption case convicted a former PM Kazi Zafar Ahmed and to avoid jail is now living in self-exile in Australia.

What however puzzles an observer is that despite the corruption charges against them these leaders continue to enjoy wide popular support as in India, Pakistan and Bangladesh. Their supporters are prone to believe that their political rivals and opponents have resorted to frame up charges of corruption to belittle their leaders before the public eye. Jayalalita reported to have

deal. But so strong is Laloo's hold in the state that he has been able to put up his wife Rabri Devi in his place.

On the other hand, Benazir has been advised by her party stalwarts not to return home to face the charges. It has been found that whenever a corruption case against a political leader is framed, his supporters and the party to which he belongs immediately make it an issue, take to streets and castigate their opponents for what they term as political victimisation. They try to obstruct the law from taking its natural course. This trend is particularly marked in Pakistan and Bangladesh. This trend breeds more corruption and pollutes and vitiates the atmosphere.

Corruption is a hydra-headed monster. It has many accompanying vices like patronisation of violence and terrorism, amassing of huge black money which remain unaccounted for, tax evasion etc. It also corrupts the investigating authority with the lure of palm greasing. It has been estimated that due to grand corruption and toleration of corruption on a wider scale, national exchequer is being drained out and vital development activities are being stunted.

The World Bank estimated that if corruption could have been effectively contained, Bangladesh could have very well expected a two per cent more growth rate over the years. Practices of corruption at different tiers came up for discussion at the Paris Conference meeting recently.

Corruption is also more or less endemic in Nepal. One of the charges of the Maoist insurgents in the Himalayan Kingdom is the preponderance and plethora of grand corruption. Corruption among bureaucrats in all these countries is proverbial. Lack of transparency and absence of effective foolproof mechanism of accountability are the root causes of rampant corruption in South Asia. Democracy and active people's participation in the running of the state with a extra-noisy opposition will pinpoint all irregularities and a free press are the only answer to the present toleration of grand corruption in the region.

An international conference on South Asia in Dhaka recently took note of this situation in the region and recommended that governments in the area should spend more on development sectors instead of the military. The participants, nearly 100 from the seven South Asian and several other countries including Indonesia, Germany, France and Belgium, noted with grave concern that the defence expenditure is on the rise in the region and deplored the situation. The conference jointly organised by the Bangladesh Institute for International and Strategic Studies (BISS) and German Embassy in Dhaka, was on "Regional Cooperation in South Asia: Interfacing New Dimensions and Perspectives". It dealt with various aspects of the current situation in the region including the present stalemate of the Saarc summit cycle and other relevant issues including the security environment.

Indeed, it was a very timely exercise by the organisers of the conference and the issues involved was extremely useful although some of them are complex and sensitive. But once again this is the real scenario of the region and one cannot wish away this dimension however unpalatable they are. A number of substantive issues confronting the process of regional cooperation in South Asia were deliberated upon and the experiences of successful regional blocs like the EU and the ASEAN were brought to the fore.

The participants agreed that the essence of the South Asian Association for regional Cooperation (Saarc) is the well-being of the people of the area and the forum must spare no effort in

## Military

## The Build-up Continues

By Zaglul A. Chowdhury



South Asia, the home of more than one billion people, is the most densely populated region in the world. It is also the home of most poor people on earth. While overwhelming majority of the hapless men, women and children are mired in abject poverty, the region is spending huge amount of money in military sector. South Asia has recently been characterised as the most dangerous international flash points by London-based International Institute for Strategic Studies (IISS). It is no wonder that expenditure in military build up, its expansion, and maintenance of the war machine is also pretty high.

Puacity of funds for development in key social and economic sectors is common in all the countries of South Asia in varying degrees. But some countries are spending colossal mounts for their defence that takes many quarters by surprise although the nations concerned say they need such expenditure for security reasons. Undoubtedly, every country has the right to develop its own armed forces for security reasons. But it is equally true that this kind of expense at the cost of basic requirement of a vast populace is also not always talked about within the countries, let alone in the international arena, whether the expenditure is justified, given the economic and social conditions of these nations.

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## Nepal

## Rise of the Lal Sena

By Harun ur Rashid

IN recent times, Lal Sena (Red Army) rebels in Nepal who are also known as "Maoist" appear to escape international media attention although it has claimed more than 2,000 lives and has rocked the stability of the Himalayan Kingdom.

It is reported that the rebels are well organised and select their targets carefully to instil fear among the public and pose a threat to the authorities in the country. Amid gunfire and exploding bombs the armed members of Lal Sena - some in combat fatigues with red stars on their caps, others in woolen rags and thongs - appear on the targets and create havoc in the locality.

Who are Lal Senas and why is their emergence?

Everybody has the right to clean water, healthcare, education and food. Chronic and hopeless poverty means not only low income but low nutrition and lack of good health and education. Poverty breeds social tension and instability. Many developing countries are being marginalised by globalisation of the economy and they are being left by the way-side while the developed nations have marched on vigorously.

It is clear that equity is the issue when 80 per cent of global Gross Domestic Product (GDP) accrues to only 1.2 billion (20 per cent people out of 6 billion) of the developed world. World Bank's President James Wolfensohn warned that the situation would only worsen when more 2 billion people would be added in

the next 25 years, most of them in the developing world.

There is a view that about 70 per cent of 24 million people in Nepal live below the poverty line and life expectancy struggles to rise above mid-50s. It is the poverty, some analysts argue, that gives rise to this kind of extremist people with the aim to restructure the society and redistribute the wealth of the nation among the people of all classes.

It is argued that emergence of Lal Senas are nothing but a manifestation of the illness of the society. There is a view that they may be inspired by the advice and training from Peru's Shining Path rebels and Indian militant communist groups. The present strength of Lal Senas is believed to have grown to 2000-5000. The guerrillas are reportedly funded primarily from theft and extortion from businesses.

It is reported that half of the 75 districts of Nepal have been affected to some degree by the rebel activities. In the mid-western hills six districts are reported to be under virtual control of the guerrillas. They reportedly attacked a police station at Dunai in recent times and 14 policemen were killed and 40 injured before the guerrillas went into hiding in the mountain tracks in the Himalayas. Lal Senas were reported to have looted the Nepal Bank of the equivalent of \$160,000. They also started robbing travellers, endangering the tourist industry of Nepal. On the other hand, it is argued that the authorities have not helped their cause by retaliating brutally in places, carrying out extra-judicial killings

of suspected Maoists.

A few analysts believe that the rise of Lal Sena in Nepal is a new threat to the stability in the region. Already the seven states in eastern India have been simmering with serious unrest and insurgency. If Lal Sena and the armed insurgents of these eastern states join hands in attacking the security and police forces in both Nepal and India, the whole region would be in a serious turmoil. Bangladesh cannot ignore such menacing trends at the neighbouring lands. It might affect Bangladesh in two ways: influx of in-coming refugees and hiding of armed insurgents in the country leading to its instability.

Unless poverty is addressed on equitable basis, many believe that strong-arm tactics will be of no avail to suppress the guerrillas. In the Philippines the Red Army (National People's Army - NPA) had been a threat to the government establishments in the rural areas for more than two decades. With their popular slogans and by helping the farmers the rebels became at one stage "Nice People Around NPA" to most of the rural people.

It seems that the insurgency has to be met by introducing anti-poverty strategies aimed at revitalising the local and community institutions in the rural areas. Income distribution has to be fair and just. Policies are to be adopted which are brave, innovative and morally sound. Ethics and economics go hand in hand.

The author, a Barrister, is former Bangladesh Ambassador to the UN, Geneva.

