

**REQUEST FOR CONSIDERATION UNDER THE URGENT ACTION AND EARLY  
WARNING PROCEDURE IN CONNECTION WITH GRAVE AND PERSISTENT  
VIOLATIONS OF INDIGENOUS PEOPLES' RIGHTS IN NORTHEAST INDIA  
(73<sup>RD</sup> SESSION OF THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION,  
28 JULY – 15 AUGUST 2008)**

**I. INTRODUCTION**

1. This short report is respectfully submitted to the Committee on the Elimination of Racial Discrimination ("the Committee") by the United NGOs Mission Manipur, a network of 235 indigenous peoples' organisations from northeast India, and the Forest Peoples Programme, an international NGO ("the submitting organisations"). The submitting organisations previously transmitted reports to the Committee concerning the situation of the indigenous peoples in northeast India on 31 October 2006 and 10 January 2008.<sup>1</sup> The information contained in those reports remains valid today and is hereby reiterated and incorporated by reference herein.

2. This present report further calls attention to the dangerous and urgent situation that persists and has intensified in the northeast states of India as a result of India's discriminatory acts and omissions. Systematic discrimination and other human rights violations against the indigenous peoples of northeast India are especially manifest in relation to the 1958 *Armed Forces (Special Powers) Act* ("AFSPA"); the ongoing failure to recognize and secure indigenous peoples' property, political, and other rights; and active violation of indigenous peoples' rights in connection with the extant and imminent construction of some 68 mega- and other dams throughout indigenous peoples' territories in that region.

3. In March 2007, the Committee adopted concluding observations which address, *inter alia*, the racially discriminatory character of AFSPA and its implementation;<sup>2</sup> India's failure to recognise and protect indigenous peoples' property and other rights;<sup>3</sup> and the imminent and severe threat to indigenous peoples' rights and integrity posed by the construction of dams in northeast India.<sup>4</sup> The Committee stressed the serious nature of its concerns on these points by requesting that India submit information about the implementation of the corresponding recommendations within one year (by the Committee's 72<sup>nd</sup> session).<sup>5</sup> To date, India has failed to submit this information.

4. This brief report has been prepared to assist the Committee when it assesses the situation in India with regard to the points highlighted in paragraph 3 above. It emphasises that to date India has failed to adopt any measures directed towards implementation of the Committee's recommendations as well as explains recent developments that demonstrate that India is actively disregarding those recommendations. This information confirms that India has chosen to persist with its long-standing practice of systematic racial discrimination against the indigenous peoples of the northeast region. Moreover, in some cases, India has accelerated the nature and extent of its discriminatory acts and omissions. For example, India is presently risking a serious

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<sup>1</sup> *Request for adoption of a Decision under the Urgent Action/ Early Warning Procedure in Connection with violation of Indigenous Peoples' Rights in Northeast India*. United NGO Mission Manipur & Forest Peoples Programme, 31 October 2006. Available at: <http://www2.ohchr.org/english/bodies/cerd/docs/ngos/fpp.doc>

<sup>2</sup> *Concluding Observations of the Committee on the Elimination of Racial Discrimination: India*. 05/05/2007. CERD/C/IND/CO/19, para. 12.

<sup>3</sup> *Id.* para. 19 and 20.

<sup>4</sup> *Id.* para. 19

<sup>5</sup> *Id.* at para. 34.

escalation of violence in the northeast by arming civilians to act as ‘Special Police Officers’ (see paragraph 11 *infra*).

5. Irreparable harm to indigenous peoples in the northeast region is both extant and continuing and is additionally threatened in new areas. In this light, the submitting organisations respectfully request that the Committee consider this situation under its early warning and urgent action procedure at its 73<sup>rd</sup> session (specific requests are set forth in paragraph 28 *infra*). The submitting organisations observe that the situation in northeast India is fully consistent with a number of the early warning and urgent action indicators identified by the Committee in August 2007, including the following:

- b. Presence of a pattern of escalating racial hatred and violence, or racist propaganda or appeals to racial intolerance by persons, groups or organizations, notably by elected or other State officials;
- f. Policies or practice of impunity regarding: (a) Violence targeting members of a group identified on the basis of race, colour, descent or national by State officials or private actors; (b) Grave statements by political leaders/prominent people that condone or justify violence against a group identified on the ground of race, colour, descent, national or ethnic origin; (c) Development and organization of militia groups and/or extreme political groups based on a racist platform;
- g. Significant flows of refugees or displaced persons especially when those concerned belong to specific ethnic groups;
- h. Encroachment on the traditional lands of indigenous peoples or forced removal of these peoples from their lands, in particular for the purpose of exploitation of natural resources.<sup>6</sup>

## **II. INDIA HAS FAILED TO IMPLEMENT THE COMMITTEE’S RECOMMENDATIONS**

### **A. AFSPA has yet to be repealed and India has stated that it will not repeal this discriminatory law**

*Extrajudicial executions and other naked human rights violations have been a fact of life in the northeastern states of India for the last five decades* (N. Sanajaoba, Dean of the Law Faculty, Gauhati University).<sup>7</sup>

6. In paragraph 12 of its 2007 concluding observations, the Committee observed that the AFSPA sanctions impunity for serious human rights violations perpetrated against the predominant indigenous population of Manipur and other northeast states. Citing Articles 2 (1)(c), 5(b), 5(d) and 6 of the International Convention on the Elimination of All Forms of Racial Discrimination (“the Convention”), the Committee recommended that this law be repealed and observed that India’s own special commission on AFSPA (the “Reddy Commission”) had earlier made the same recommendation.

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<sup>6</sup> *Guidelines for the Use of the Early Warning and Urgent Action Procedure. Advanced Unedited Version.* Adopted by the Committee on the Elimination of Racial Discrimination, August 2007, at p. 3, para. 12.

<sup>7</sup> N. Sanajaoba, *The Armed Forces (Special Powers) Act: An unproclaimed emergency and gross injustice*. In, *Article 2 of the International Covenant on Civil and Political Rights. Special Edition: Militarisation and Impunity in Manipur*. Vol 5, No. 6, December 2006, p. 29-34, at 29. Available at: <http://www.article2.org/pdf/v05n06.pdf>

7. The Reddy Commission's report,<sup>8</sup> which, despite the Committee's 2007 recommendation,<sup>9</sup> has yet to be made public by India, states that AFSPA "has become a symbol of oppression, an object of hate and an instrument of discrimination and high-handedness."<sup>10</sup> In recommending its repeal and replacement by a revision of the 1967 *Unlawful Activities (Prevention) Act*, the Reddy Commission's report further acknowledges that AFSPA is discriminatory, stating that:

a major consequence of the proposed course [repeal of AFSPA] would be to erase the feeling of discrimination and alienation among the people of the North-eastern States that they have been subjected to, what they call, 'draconian' enactment made especially for them. The ULP Act applies to entire India including to the North-eastern States. The complaint of discrimination would then no longer be valid.<sup>11</sup>

8. On 25 June 2007, the Second Administrative Reforms Commission ("SARC"), an Indian Government body chaired by Congress Leader Veerappa Moily, also recommended that AFSPA be repealed. The SARC stated, as did the Reddy Commission before it, that repeal of AFSPA would remove the feeling of discrimination and alienation among the people of the northeast.<sup>12</sup>

9. India, however, has chosen to disregard the Committee's recommendations, the detailed conclusions and recommendations of the Reddy Commission, and the recommendations of the SARC, and has refused to repeal AFSPA. For instance, on 26 June 2007, in a speech delivered at Dimapur, Nagaland, the Minister of Defense, the Hon. A.K. Anthony, explicitly rejected the SARC's recommendations stating that the time has not come to scrap the "anti-terror law".<sup>13</sup> India has also chosen to retain AFSPA despite massive public protests against the continued application of the legislation, most recently in September<sup>14</sup> and November 2007.<sup>15</sup>

10. Additionally, on 25 May 2007, the Government of the State of Manipur decreed a six month-long extension to Manipur's 'Disturbed Area' status.<sup>16</sup> On 22<sup>nd</sup> November 2007, it again extended the 'Disturbed Area' declaration, thus ensuring that AFSPA will be in force for at least another year (until 30 November 2008).<sup>17</sup> This most recent extension appears to contradict the 1997 ruling of the Indian Supreme Court in *Naga People's Movement of Human Rights v. India*

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<sup>8</sup> *Report of the Committee to Review the Armed Forces (Special Powers) Act, 1958*. Government of India, Ministry of Home Affairs 2005 (this report was submitted to the Committee at its 69<sup>th</sup> session).

<sup>9</sup> India: 05/05/2007, CERD/C/IND/CO/19, para. 12 (requesting that "the State party to release the report").

<sup>10</sup> See also 'Repeal Armed Forces Act: Official Panel,' *The Hindu*, 08 October 2006 (containing the first leaked version of the Reddy Committee's report). Available at: <http://www.hindu.com/2006/10/08/stories/2006100806130100.htm>

<sup>11</sup> *Report of the Committee to Review the Armed Forces (Special Powers) Act, 1958*. Government of India, Ministry of Home Affairs 2005, at p. 77.

<sup>12</sup> See *inter alia*, 'ARC backs 'repeal AFSPA demands', *The Sangai Express/PTI*, New Delhi, 25 June 2007. Available at: <http://www.e-pao.net/epRelatedNews.asp?heading=15&src=260607>; 'Administrative Reforms Commission for repealing Armed Forces (Special Powers) Act', *HimTimes*, 26 June 2007. Available at: [http://www.himtimes.com/india/index.php?subaction=showfull&id=1182845570&archive=&start\\_from=&ucat=1&](http://www.himtimes.com/india/index.php?subaction=showfull&id=1182845570&archive=&start_from=&ucat=1&)

<sup>13</sup> 'Antony holds up flag in favour of AFSPA', *The Sangai Express/PTI*, New Delhi, 26 June 2007. Available at: <http://www.e-pao.net/epRelatedNews.asp?heading=12&src=270607>

<sup>14</sup> See 'Human Rights Activists to Protest AFSPA in Manipur', *Merinews*, 10 September 2007. Available at: <http://www.merineews.com/catFull.jsp?articleID=126286>

<sup>15</sup> See 'India: Repeal the Armed Forces Special Powers Act Law Provides Impunity for Human Rights Abuses, Fuels Cycles of Violence', *Human Rights Watch*, 10 November 2007. Available at: <http://hrw.org/english/docs/2007/11/20/india17381.txt.htm>

<sup>16</sup> The Sangai Express, 23 Nov. 2007 Vol. IX/67. Available at: [www.thesangaiexpress.com](http://www.thesangaiexpress.com)

<sup>17</sup> *Id.*

that ‘Disturbed Area’ declarations must be reviewed every six months.<sup>18</sup> Nonetheless, before the Human Rights Council, in May 2008, India vigorously defended AFSPA and explained that its “constitutionality ... has been upheld by a Constitution Bench of the Supreme Court.”<sup>19</sup>

11. Rather than seeking a political solution to the violence in the northeast – as was recommended by the Human Rights Committee<sup>20</sup> – India is presently taking steps that will likely cause an escalation of the violence and further threaten the rights and security of indigenous peoples. Among other things, the State Government of Manipur began recruiting and arming civilian defence patrols, known as Special Police Officers (SPOs), in May 2008. These persons will be deployed in certain areas of Manipur as support personnel for the regular army.<sup>21</sup> They will be deployed over the objections of local communities and civil society, whose protests have been met with repression, including the arbitrary arrest and detention of protest leaders under the *National Security Act*.<sup>22</sup> These civilian patrols are also being established despite condemnation by the Indian Supreme Court of similar armed units in the central state of Chhattisgarh.<sup>23</sup>

12. India’s refusal to repeal AFSPA represents a rejection not only of the Committee’s recommendations but also the long-standing concerns and recommendations of four other United Nations human rights treaty bodies.<sup>24</sup> In January 2007, for example, the Committee on the Elimination of Discrimination Against Women reiterated its previously expressed concerns about AFSPA and requested information on “the steps being taken to abolish or reform the Armed Forces Special Powers Act and to ensure that investigation and prosecution of acts of violence against women by the military in disturbed areas and during detention or arrest is not impeded.”<sup>25</sup> The Human Rights Committee found that AFSPA has established an undeclared state of emergency spanning almost 50 years that is characterized by “serious human rights violations.”<sup>26</sup> Most recently, in May 2008, the Committee on Economic, Social and Cultural Rights conveyed its concerns about “the existence of national security legislation which grants impunity to state officials who violate human rights, including economic, social and cultural

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<sup>18</sup> *Naga People’s Movement of Human Rights v Union of India* [1997] ICHRL 117, at para. 38.

<sup>19</sup> *Report of the Working Group on the Universal Periodic Review: India*. UN Doc. A/HRC/8/26, 23 May 2008, at para. 47 (also stating that “it is important to note that the Armed Forces of India are governed by provisions of their Acts, which also ensure that any violations are expeditiously dealt with. In so far as ensuring human rights even while being engaged in counter terrorism operations, special training and operating procedures are in place to guide the forces on the ground.”)

<sup>20</sup> The Human Rights Committee stated that – endorsing the views of India’s National Human Rights Commission: “bearing in mind the provisions of articles 1, 19 and 25 of the Covenant: ... the problems in areas affected by terrorism and armed insurgency are essentially political in character and that the approach to resolving such problems must also, essentially, be political....” *Concluding observations of the Human Rights Committee: India, 04/08/97*. CCPR/C/79/Add.81, para. 18.

<sup>21</sup> See Annex 2 hereto (containing newspaper articles about the SPOs).

<sup>22</sup> See Annex 3 hereto (containing an alert issued by the Asian Human Rights Commission about a student leader arrested for opposing the SPOs).

<sup>23</sup> See Annex 2, ‘India’s Manipur arms civilians to fight rebels’, *Reuters*, 6 May 2008.

<sup>24</sup> See *Concluding observations of the Human Rights Committee: India, 04/08/97*, para. 18, 19 & 21; *Concluding observations of the Committee on the Rights of the Child: India, 26/02/2004*, para. 63, 68-9; and *Concluding observations of the Committee on the Elimination of Racial Discrimination: India, 17/09/96*, para. 32.

<sup>25</sup> *Concluding observations of the Committee on the Elimination of Discrimination Against Women: India, 02/02/2007*, at para. 9.

<sup>26</sup> *Concluding observations of the Human Rights Committee: India, 04/08/97*. CCPR/C/79/Add.81, at para. 18 & 19.

rights,” and explicitly recommended that India “considers repealing the Armed Forces Special Powers Act.”<sup>27</sup>

13. While India refuses to repeal AFSPA, violence, including killings and torture, against indigenous peoples in the northeast and impunity for the perpetrators continue unabated.<sup>28</sup> Philip Alston, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, has transmitted letters of allegation to India in relation to a number of recent incidents, including killings of unarmed civilians.<sup>29</sup> He also communicated his view to India that AFSPA “violates non-derogable provisions of international human rights law.”<sup>30</sup> The Special Rapporteur also reiterated his recommendation that India “consider either repealing the (Special Powers) Act, 1958 or ensuring that it and any other such future legislative measures comply fully with international human rights and humanitarian law treaties to which India is a state party....”<sup>31</sup> He further noted that India did not respond to his letters of allegation and thus failed to cooperate with his mandate.

14. In addition to facilitating gross, persistent and systematic violations of basic human rights, the AFSPA is discriminatory in both its purpose and its effect because it was designed to suppress the exercise of the right to self-determination by the indigenous peoples of the northeast and because it disproportionately affects indigenous peoples who are the overwhelming majority of the population in the region.<sup>32</sup> This was acknowledged by the Committee in 2007 and ten years earlier in 1997 by the Human Rights Committee.<sup>33</sup>

15. The approval of the United Nations Declaration on the Rights of Indigenous Peoples by the UN General Assembly in September 2007 is also relevant, not the least because it contains rights that must be equally protected pursuant to Article 5 of the Convention.<sup>34</sup> In addition to

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<sup>27</sup> *Concluding observations of the Committee on Economic, Social and Cultural Rights*. 05/2008. E/C.12/IND/CO/5, at paras. 12 and 50.

<sup>28</sup> *See Submission of the Committee on Human Rights (COHR), Manipur on the Human Rights Situation in Manipur (India) to the OHCHR concerning the Universal Periodic Review of the Government of India at the UN Human Rights Council in April 2008*, Annex 15, ‘Some Selected Case of Human Rights Violations perpetrated by the Indian Army under the Armed Forces (Special Powers) Act, 1958 Manipur from October 2003 – October 2007’ (detailing a number of cases of serious human rights violations against indigenous peoples in northeast India). See, also, *Article 2 of the International Covenant on Civil and Political Rights. Special Edition: Militarisation and Impunity in Manipur*. Vol 5, No. 6, December 2006, p. 13-26 (containing testimony of victims) & 38-47 (containing descriptions of recent violations). Available at: <http://www.article2.org/pdf/v05n06.pdf>

<sup>29</sup> *Report of the Special Rapporteur on Extrajudicial Execution to the UN Human Rights Council, Philip Alston*. UN Doc. A/HRC/4/20/Add.1, p. 138-40, at 140.

<sup>30</sup> *Id.* at p. 139. See, also, *Report of the Special Rapporteur on Extrajudicial Execution to the UN Human Rights Council, Philip Alston*. UN Doc. E/CN.4/2006/53/Add.1, p. 75-82 (discussing AFSPA and detailing a series of allegations of killings in Manipur).

<sup>31</sup> UN Doc. A/HRC/4/20/Add.1, *id.* at p. 140.

<sup>32</sup> *See Request for adoption of a Decision under the Urgent Action/ Early Warning Procedure in Connection with violation of Indigenous Peoples’ Rights in Northeast India*. United NGO Mission Manipur & Forest Peoples Programme, 31 October 2006, paras. 9-10 & 12-16 (explaining, respectively, the demographics of northeast India and the origins of AFSPA). See, also, *Article 2 of the International Covenant on Civil and Political Rights. Special Edition: Militarisation and Impunity in Manipur*. Vol 5, No. 6, December 2006. Available at: <http://www.article2.org/pdf/v05n06.pdf>

<sup>33</sup> India: 05/05/2007, CERD/C/IND/CO/19, para. 12.

<sup>34</sup> *General Recommendation No. 20: Non-discriminatory implementation of rights and freedoms (Art. 5)*: 15/03/96, para. 1.



affirming that indigenous peoples hold the right to self-determination,<sup>35</sup> and the right to its exercise and enjoyment without discrimination,<sup>36</sup> this Declaration affirms a wide range of rights and protections that are relevant to the application of AFSPA in the northeast. For instance, Article 30 of the Declaration affirms that

1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a significant threat to relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.
2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

16. Pursuant to AFSPA gross violations of indigenous peoples and their members' basic human rights are occurring on a daily basis while the perpetrators enjoy *de jure* and *de facto* impunity.<sup>37</sup> The perpetration and continuation of these violations enjoys the support of significant elements within all levels government and the security forces. India has rejected the Committee's 2007 recommendations as well as numerous other recommendations by other UN treaty bodies and special procedures, all holding that AFSPA contravenes India's international obligations and should be repealed. It has also rejected the similar recommendations of two of its own commissions that specifically reviewed AFSPA in the past two years and those of its National Human Rights Commission. Immediate and increased attention to AFSPA and the situation in northeast India is therefore urgently needed due to this persistent, systematic, and State-condoned pattern of discriminatory violence and other long-standing rights violations against indigenous peoples.

## **B. India persists in disregarding indigenous peoples' property rights and has not altered its highly prejudicial dam building activities and plans in the northeast**

17. Discrimination<sup>38</sup> and violations of indigenous peoples' rights are also pronounced in relation to India's existing and planned hydroelectric dam construction programme in the northeast.<sup>39</sup> The Committee's 2007 concluding observations highlight India's ongoing failure to recognise and respect indigenous peoples' property rights and observe that "large scale projects such as the construction of several dams in Manipur and other north-eastern States ... are carried

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<sup>35</sup> Article 3 of the UN Declaration affirms that "Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

<sup>36</sup> Article 2 of the UN Declaration affirms that: "Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity."

<sup>37</sup> While this report focuses on the acts and omissions of India, we wish to emphasize that this in no way minimizes the role and responsibility of the armed opposition groups in the northeast for the long-standing violence that has dominated the region's daily life for generations. These groups contribute to the cycle of violence and human rights abuses in the northeast and are equally responsible for seeking a political solution to the region's problems.

<sup>38</sup> India: 05/05/2007, CERD/C/IND/CO/19, para. 10 (observing that India "does not recognize its tribal peoples as distinct groups entitled to special protection under the Convention..."). Similarly, in 1996, the Committee expressed its concern about "widespread discrimination against [indigenous peoples in India] and the relative impunity of those who abuse them..." *Concluding observations of the Committee on the Elimination of Racial Discrimination: India. 17/09/96. CERD/C/304/Add.13*, at para. 23.

<sup>39</sup> *See Request for adoption of a Decision under the Urgent Action/Early Warning Procedure in Connection with violation of Indigenous Peoples' Rights in Northeast India*. United NGO Mission Manipur & Forest Peoples Programme, 31 October 2006, paras. 36-42 (detailing India's dam building plans).

out without seeking their prior informed consent. These projects result in the forced resettlement or endanger the traditional lifestyles of the communities concerned.”<sup>40</sup> The Committee’s corresponding recommendation urges India to

fully respect and implement the right of ownership, collective or individual, of the members of tribal communities over the lands traditionally occupied by them ... [and] seek the prior informed consent of communities affected by the construction of dams in the Northeast or similar projects on their traditional lands in any decision-making processes related to such projects and provide adequate compensation and alternative land and housing to those communities.<sup>41</sup>

18. Similarly, the Committee on Economic, Social and Cultural Rights explains that it is

deeply concerned about the reports of displacement and forced evictions in the context of land acquisition by private and state actors for the purposes of development projects, including constructions of dams and mining, and that the members of disadvantaged and marginalised groups, in particular, the scheduled castes and scheduled tribes, are adversely affected by such displacement from their homes, lands and their sources of livelihood. ... Furthermore, the Committee is concerned about the lack of effective consultations and legal redress for persons affected by displacement and by forced evictions, and the inadequate measures to provide sufficient compensation or alternative housing to those who have been removed from their homes and/or their ancestral lands.<sup>42</sup>

19. The Committee on Economic, Social and Cultural Rights recommends that India takes “immediate measures to effectively enforce laws and regulations prohibiting displacement and forced evictions.”<sup>43</sup> This is consistent with Articles 10 and 32(2) of the UN Declaration on the Rights of Indigenous Peoples and the Committee’s General Recommendation XXIII on Indigenous Peoples, all of which unambiguously uphold indigenous peoples’ rights to give or withhold their free, prior and informed consent, including in the context of resettlement and the utilisation of water resources in indigenous territories.<sup>44</sup> India’s draft Resettlement and Rehabilitation Bill 2007, however, fails to acknowledge this right and merely requires that consultation takes place, and then only in cases where 200 or more families will be evicted in the northeast.<sup>45</sup> This Bill was presented to the Indian parliament in May 2008 and is presently awaiting enactment.

20. There are dozens of mega-dams and scores of smaller dams either under construction or proposed for imminent construction throughout the northeast region.<sup>46</sup> The 2000 megawatt Lower Subasiri dam in Arunachal Pradesh, for instance, is India’s largest proposed dam, yet is

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<sup>40</sup> India: 05/05/2007, CERD/C/IND/CO/19, at para. 19.

<sup>41</sup> *Id.* at para. 19.

<sup>42</sup> *Concluding observations of the Committee on Economic, Social and Cultural Rights. 05/2008.* E/C.12/IND/CO/5, at para. 31.

<sup>43</sup> *Id.* at para. 71.

<sup>44</sup> UNDRIP, Art. 10, for instance, provides that “Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.”

<sup>45</sup> *See Rehabilitation and Resettlement Bill, No. 98 of 2007, Secs. 49-50.* Available at:

<http://164.100.24.209/news/whatsnew/Rehabandsettlementbill.pdf>

<sup>46</sup> *See Annex 4 hereto, ‘Massive dam plans for Arunachal’ India Together, 30 June 2008.*

only one of the 47 dams proposed for that state. India intends to commence construction in December 2008 despite the fact that the indigenous peoples of that area<sup>47</sup> strongly object and will suffer irreparable harm.<sup>48</sup> Irrespective of these objections, construction of the power house has already commenced.<sup>49</sup>

21. The majority of these dams are either causing or threaten to cause irreparable harm to indigenous peoples, their cultural and physical integrity, and their survival as distinct peoples. Most of the region's indigenous peoples depend on the forest for their subsistence and non-material needs; compelling evidence demonstrates that their livelihoods and integrity will suffer greatly due to dam construction.<sup>50</sup> These dams will permanently flood vast areas of indigenous peoples' traditional territories causing a drastic and irreplaceable reduction in their traditional and other means of subsistence, and will result in the forced displacement of hundreds of thousands of persons, if not many more.

22. The Tipaimukh dam in Manipur is an emblematic example. This dam will flood close to 300 square kilometres of indigenous lands in Manipur.<sup>51</sup> It will directly displace 1,461 Hmar families,<sup>52</sup> destroy a number of major sacred sites of the Hmar and Naga indigenous peoples, and in total will affect 67 indigenous villages: 16 will be completely submerged, as will the low-lying areas of 51 other villages.<sup>53</sup> The Zeliangrong Naga tribe, for example, expects that 40,000 of its members (approximately one-third of its total population) will be forcibly displaced by the dam.<sup>54</sup>

23. The Zeliangrong Naga's most sacred sites – the Zeihlat lake and the Barak waterfalls – will also be submerged and irreparably damaged. These sacred sites are central to their cosmology and beliefs about their origin as a community and, thus, central to their identity and integrity. In this respect, a Zeliangrong Naga elder states that:

I don't care about how much land I shall lose. I do not care about where I shall be thrown to eke a living. I am a Zeliangrong Naga because there is the Zeihlat lake. Nothing can ever damage the lake.<sup>55</sup>

24. Discounting the Committee's recommendations with regard to dams in the northeast, India continues to pursue construction of the Tipaimukh dam. Despite the fact that environmental and other permits have yet to be issued,<sup>56</sup> a cornerstone for the dam was laid in December 2006 by central Government Minister for Power, Hon. S. Shinde, and a global tendering process for engineering, procurement and construction works was initiated and

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<sup>47</sup> See <http://lowersubansiri.nic.in/html/inhabitants.htm>

<sup>48</sup> See 'NHPC to become 10,000 MW plus in five years', The Financial Express, 04 March 2008. Available at: <http://www.financialexpress.com/news/NHPC-to-become-10-000-MW-plus-in-5-yrs/280144>

<sup>49</sup> *Id.*

<sup>50</sup> See generally K. Roy & C. Tisdell, Sustainability of Land Use in North East India. Issues involving Economics, the Environment and Biodiversity, 24 *Int'l J. Social Economics* 160, 1997.

<sup>51</sup> See Annex 1, 'Divisive Dam', *Down to Earth. Science and Environment Online*, 15 October 2007. Available at: [http://www.downtoearth.org.in/cover.asp?foldername=20061015&filename=news&sec\\_id=9&sid=52](http://www.downtoearth.org.in/cover.asp?foldername=20061015&filename=news&sec_id=9&sid=52)

<sup>52</sup> Dr. R. Ranjan Singh, Large Dams in North East India, *Manipur Online*, 6 February 2006. Available at: [http://www.manipuronline.com/Manipur/February2006/tipaimukh06\\_2.htm](http://www.manipuronline.com/Manipur/February2006/tipaimukh06_2.htm)

<sup>53</sup> S. Talukdar, *Proposed Dam in Northeast India to Destroy Lives, Lands*, *One World South Asia*, 30 June 2004. Available at: <http://southasia.oneworld.net/article/view/89074/1/>

<sup>54</sup> See Annex 1, 'Divisive Dam', *Down to Earth. Science and Environment Online*, 15 October 2007.

<sup>55</sup> *Id.*

<sup>56</sup> The environmental impact assessment has not been released to the public.



reportedly closed on 31 December 2007.<sup>57</sup> Work has also begun on constructing workers' lodgings and upgrading roads to the dam site.<sup>58</sup>

25. India is also moving forward with Tipaimukh in the face of widespread public protest, the latest being a Manipur state-wide strike held in August 2007;<sup>59</sup> overwhelming opposition in a number of public hearings held about the dam, most recently in March 2008;<sup>60</sup> and strong condemnation of the project by the United Naga Council, a body representing all Naga indigenous organisations and tribal presidents.<sup>61</sup> In short, indigenous peoples in Manipur, both those directly affected by Tipaimukh and the vast majority of the general population, are steadfastly opposed to the Tipaimukh dam.

26. Despite indigenous peoples' opposition to Tipaimukh, India has given no indication that it will honour its international obligations to respect indigenous peoples' right to give their free, prior and informed consent in relation to this or any of the other dams in the northeast. The result is and will continue to be massive violations of indigenous peoples' rights and irreparable harm to their basic rights and integrity as distinct peoples. This not only disregards the Committee's 2007 recommendations, it also contravenes Article 32(2) of the UN Declaration on the Rights of Indigenous Peoples, which provides that

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

27. In the same vein, the World Commission on Dams has also strongly endorsed indigenous peoples' right of informed consent.<sup>62</sup> The World Commission's final report observes that, "In a context of increasing recognition of the self-determination of indigenous peoples, the principle of free, prior, and informed consent to development plans and projects affecting these groups has emerged as the standard to be applied in protecting and promoting their rights in the development process."<sup>63</sup>

### **III. CONCLUSION AND REQUEST**

28. In the light of the preceding, the submitting organizations respectfully request that the Committee consider the situation of the indigenous peoples in northeast India under its early warning and urgent action procedure so as to avoid further irreparable harm to indigenous peoples and to assist India to ensure that the rights guaranteed by the Convention are fully

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<sup>57</sup> Annex 1, 'Divisive Dam'. See, also, 'Public Hearing on Tipaimukh', *The Telegraph India*, 16 December 2007. Available at: [http://www.telegraphindia.com/1071217/asp/northeast/story\\_8674319.asp](http://www.telegraphindia.com/1071217/asp/northeast/story_8674319.asp)

<sup>58</sup> 'Public Hearing on Tipaimukh', *The Telegraph India*, 16 December 2007, *id.*

<sup>59</sup> See 'Manipur rallies against dam', *The Hindu*, 04 April 2006. Available at: <http://www.thehindu.com/2006/04/04/stories/2006040401611100.htm>

<sup>60</sup> 'Public Hearing on Tipaimukh', *The Telegraph India*, 16 December 2007; 'Tipaimukh hearing, Bodies foil Govt's ploy', *The Sangai Express*, 28 March 2008.

<sup>61</sup> 'United Naga Council says "No" to Tipaimukh Dam: Demands cessation of public hearings and total scrapping of project', *The Free Press*, Imphal, 23 October 2006. Available at: [http://www.forestpeoples.org/documents/asia\\_pacific/india\\_megadam\\_rejection\\_23oct06\\_eng.shtml](http://www.forestpeoples.org/documents/asia_pacific/india_megadam_rejection_23oct06_eng.shtml)

<sup>62</sup> See <http://www.dams.org/>

<sup>63</sup> *Dams and Development: A new framework for decision-making. The Report of the World Commission on Dams*. Earthscan: London, 2000, at p. 112 (see, also, 267, 271, 278).

recognized and respected in law and practice. In particular, the submitting organizations request that the Committee adopts a decision under the urgent action and early warning procedure:

- a) expressing its profound concern over violations of indigenous peoples' rights in relation to AFSPA and recommending again that India repeal the offending legislation without delay;
- b) consistent with the recommendations of the Human Rights Committee, recommends that India immediately begins a process of political dialogue with the armed groups, indigenous peoples' freely chosen representatives and civil society in the northeast in order to seek a peaceful and sustainable solution to the violence in a manner that fully respects the right to self-determination and the political and other rights of the indigenous peoples of the northeast;
- c) urges India to take immediate and effective measures to ensure the safety and security of indigenous peoples in the area and ensure that adequate resources are provided towards this end. These measures should be designed and implemented with the meaningful participation and informed consent of indigenous peoples; and,
- d) requests that India refrains from and brings a halt to any activities that diminish indigenous peoples' traditional lands, territories and resources, and that it legally recognizes their ownership rights in and to their traditional territories and takes steps to return lands and territories where indigenous peoples have been deprived of them without their free, prior and informed consent. In this context, particular attention is required in relation to the construction of hydroelectric dams in indigenous peoples' territories where their free, prior and informed consent, including prior agreement to rehabilitation and compensation measures, has not been obtained;
- e) finally, and in line with the Committee's 2007 *Guidelines for the Use of the Early Warning and Urgent Action Procedure*,<sup>64</sup> the submitting organisations further request that the Committee recommends that:
  - i) the World Bank and the Asian Development Bank refrain from supporting dams or related projects in northeast India at least until such time as indigenous peoples' rights to own and control their traditional lands, territories and resources and their right to free, prior and informed consent are enshrined in law and effectively protected in practice;
  - ii) the Permanent Forum on Indigenous Issues initiates a dialogue with the World Bank and Asian Development Bank with respect to implementation of the preceding recommendation; and,
  - iii) the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, the Special Rapporteur on the Right to Food, and the Special Rapporteur on the promotion and protection of human rights while countering terrorism communicate with India with regard to the situation in the northeast.

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<sup>64</sup> *Guidelines for the Use of the Early Warning and Urgent Action Procedure. Advanced Unedited Version.* Adopted by the Committee on the Elimination of Racial Discrimination, August 2007, at p. 4-5, para. 14(c).

## Annex 1:

‘Divisive Dam’, *Down to Earth. Science and Environment Online*, 15 October 2007.<sup>65</sup>

### Tipaimukh Dam in Manipur driving a wedge?

Imphal, Manipur’s capital, came to a grinding halt on August 28, with a strike being called. Imphal’s people are habituated to bandhs, and most of them are successful. But this was a bandh with a difference — more than 20 social and political organisations, representing the largest communities, ethnic groups and political interests. Almost unheard of, in a badly divided society.

Academics, politicians, students and civil society organisations united that day for one reason: to demand that work on the proposed Tipaimukh Multipurpose Hydel Project be stopped, convinced the project would deepen the cracks in Manipur’s already fissured society because it would benefit some groups at the cost of others. They formed a joint front called the Action Committee against Tipaimukh Project (ACTIP) to oppose the project.

It’s not that Manipuris are not aware of the commitment the centre has to the project — after all it has been in the pipeline for the best part of half a century. Despite that the widespread opposition to the dam shows no sign of abating, as the unprecedented unity of August 28 abundantly demonstrated.

NITIN SETHI explores the complex social and political matrix that comprises Manipur and examines the impact the proposed dam in Tipaimukh will have on the ethnic mosaic of the state.

### Octopus

#### Too many arms, too many aims

Work on the Tipaimukh Multipurpose Hydel Project (TMHP) is yet to start. For the past five decades the Union government has been working on it. The North Eastern Electric Power Corporation (NEEPCO), the government agency entrusted with the responsibility of building power projects in the northeast, has been handed the project. In November 2005, it floated a global tender for the project. In July 2006, the pre-bid qualification of the tender for the first phase was opened. The ball was finally rolling

TMHP, as it is now envisaged, is to come up in the hills of Churachandpur district in Manipur

A 1,500-MW project, one of the largest in the region, it is to generate power from the Barak river, the second largest river in the region. The site of the dam is almost on the border with Mizoram. The proposed 164-m-high dam will come up 500 m downstream of the confluence of the Barak and Tuivai rivers. Its reservoir will have a storage capacity of 15,900 million cubic m with a maximum depth of 1,725.5 m.

### Long gestation

The project has a long history. According to the reworked detailed project report, a project on Barak was first thought of in 1954 when the government of Assam requested the Central Water and Power Commission for ways to manage floods in the river basin. The commission surveyed and rejected three sites by 1965 on two grounds. The sites were geologically unsafe and large-scale submergence of cultivable land made it economically unviable.

Then the North-Eastern Council intervened and discussed the project with the three states through which Barak flows — Assam, Manipur and Mizoram. On its request, the Central Water Commission began investigations in 1977. In 1984, it identified a new site, where the river takes a 220 degree bend from southwest to a northerly direction flowing through a gorge. The stretch was 24 km downstream of Tipaimukh. The dam, it was then estimated, would cost Rs 1,078 crore. But the project was put in the cold

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Available at:

[http://www.downtoearth.org.in/cover.asp?foldername=20061015&filename=news&sec\\_id=9&sid=52](http://www.downtoearth.org.in/cover.asp?foldername=20061015&filename=news&sec_id=9&sid=52)

storage because it did not have the requisite environmental and management plans, say observers.

Then the Brahmaputra Board jumped into the fray. It is a government body that was at that time meant to manage the Brahmaputra and Barak river basins. The board also carried out studies, revising the plan until the estimated cost went up to Rs 2,899 crore in 1995.

Yet, the project was nowhere near taking off. The Naga Women's Union says: "People of Manipur began to take notice. In July 1995 environment minister Kamal Nath ensured resettlement issues would be taken care of and nothing would be done in haste. In 1999, Pranab Mukherjee, deputy chairman of the Planning Commission, gave similar assurances."

In 1995, chief minister Rishang Keishing made a statement declaring that the state cabinet did not approve of the dam. In 1998, the Manipur assembly passed a resolution not to implement the project.

In 1999, the central government handed over the project to NEEPCO, under circumstances which many social organisations allege are questionable. They claim that during a spell of president's rule, imposed in 2001, the governor approved the project.

Then in 2003, the Public Investments Board and the Central Electricity Authority cleared the project by which time its cost had been revised by NEEPCO to Rs 5,163.86 crore.

### **The rationale**

The project is to be built primarily for flood control and power generation. Irrigation and other benefits will be spin-offs. Flood control will benefit some plain areas in Assam. Manipur and Mizoram, on the other hand, will bear the brunt of submergence. But they are to equally share, as the central government stipulates, 12 per cent of the power from the project, free of charge, while the rest will be taken by NEEPCO and the centre.

The problem is that of the installed capacity of 1,500 MW, at any given time only 412 MW will be generated, usually in the monsoons when the river is in spate.

The plant load factor — calculated at 28 per cent — is also a worry, because it implies heavy losses due to inadequate utilisation. NEEPCO believes the centre should help make the dam economically viable.

The leaders of the groups comprising ACTIP and academics in Manipur believe that the unviable project design will also drive a wedge between communities that live in a state of unremitting conflict between themselves and with the state.

### **Under siege**

#### **Insurgent politics sets the tone**

To understand what the Tipaimukh project could bring to the state, one must put it in context. Imphal is in a valley surrounded by hills on four sides. In the valley the Meitei people are predominant. Legally, they do not have the right to purchase land in the hills.

The hills are inhabited by 29 major tribes. These tribes fall largely into two groups: the Nagas and the Kuki-Zomi-Chins. Besides these, there are some smaller communities. Though the Nagas share a sense of common history and kinship, as do the Kuki-Zomi-Chins, both the communities are internally differentiated.

Some districts like Ukhrul and Tamenglong are dominated by the Nagas, others, like Churachandpur, are predominantly Kuki-Zomi-Chins.

For more than five decades, the communities have experienced armed conflicts. The armed groups from both communities fight the state, some fight among themselves. Some groups engage non-violently with the state.

The insurgents have various demands — independence, new states within India, greater autonomy, greater rights, territorial integrity or simply development on their own terms. Some groups are powerful enough to run parallel governments — imposing taxes and running administrative and judicial systems.

Experts have counted up to 35 insurgent groups.

### **Sharp divides**

There are sharp economic divides that feed the friction. In the valley, access to the rest of the world is relatively easy. Income levels are far higher. Markets for every primary commodity that the hills can sell, from rice to wood to bamboo, exist in the valley.

In the hills, the only form of livelihood is agriculture — a mix of swidden (*jhum*) and settled. Forest and riverine products supplement agriculture. The economic disparity between the valley and the hills fuels the divide between the communities.

There are sharp political divides too

The Naga underground has been asking for an integrated Naga homeland by merging districts of Manipur that are Naga-dominated with neighbouring Nagaland.

Mainstream Meitei society, largely based in Imphal, as well as valley-based underground organisations, is against this demand. They ask for the territorial integrity of the state to be maintained.

The underground groups of the Hmars, a dominant tribe of the Kuki-Chin-Zomi group, have been at war with the Nagas over territorial claims too. The battles between Kukis (including the Hmars) and Naga underground groups, going back to the 1980s and 1990s, have led to massacres that still scar people's psyches.

### **Middle path**

Social organisations, student unions and women's groups often play the role of intermediaries. Even though they too are often divided along ethnic lines, they are the only forces in the state that try to encourage a climate for dialogue and negotiation, cajoling underground groups to come to the negotiating table.

These, for instance, are the groups that have come together to protest against the Tipaimukh project. Usually, the state government accuses these groups of supporting the underground and covertly fomenting its agendas. But indisputably they provide the only modicum of democratic politics in the state.

Against this setting of immense distrust the government wants to build the Tipaimukh Multipurpose Hydropower Project.

### **Likely gainers**

#### **See both benefits and dangers**

The project is to come up in Churachandpur, a Hmar-dominated area. Some Hmar leaders are not completely unhappy with the idea, because they believe their community stands to gain.

John Pulamte, Hmar Students' Association's president, says: "The Hmar community does not object completely as the people firmly believe that the dams will bring the much-needed development to these interior areas." Pulamte makes a cogent case for his people: "Firstly, if the areas to be submerged are wasteland, I think we have nothing to lose.

Secondly, there are no good schools, hospitals, electricity or even proper roads. So people feel that with the coming of the dam, these facilities will follow."

But there is an obvious caveat. Pulamte makes it clear that his people realise that NEEPCO is not responsible for providing these amenities, the government is. State failure is a big issue in Manipur. "Every



night our people see the electric light on the other side of the border in Mizoram. So they wait for a night when they can have lights in their villages too,” he says.

But it's not a one-way street, even for the gainers. Pulamte, for instance, has his doubts. He claims though the community is open to the proposed project, there are apprehensions. “Who will guarantee security of livelihood; even if we get houses and electricity if we don't have rice to eat, the benefits are meaningless to us.” He observes that since the people are mostly illiterate, transparency becomes a casualty. Pulamte's is one of the organisations that have formed ACTIP to protest against the project.

However, NEEPCO defends Tipaimukh. Ibomcha Singh, deputy general manager, NEEPCO, Manipur, says: “The area to be affected is practically a no man's land. With the coming of the project, roads and communication will improve significantly. Apart from free power, there will be tremendous scope for small-scale industries. In a place like Manipur with acute unemployment problem, the availability of free power will be a boon. There is scope for developing pisciculture, water sports, tourism, and development of small townships, commercial centres and facilities for marketing agricultural products. Since the forest area will become restricted after the project, wood cutting will be banned and the forest can be saved.”

When asked how many jobs the project will bring, he says, “There will be 400 jobs, both skilled and unskilled, and many indirect employment opportunities.” He forgets to mention that most of these jobs shall last only till the dam is up. The jobs will disappear as the dam becomes functional — if it goes by plan, by 2012.

“For the politicians and the well connected in the region it's a bonanza in a sense. They all see contracts and money. As is typical in the region, if a large company wants to get a work done in a particular area, the only way is to contract it out to leaders and well-connected business people from the area belonging to the dominant ethnic group. They can negotiate with the underground, the community leaders and understand ethnic nuances,” explains a senior journalist.

For the lesser mortals small contracts, say to lift gravel from the river behind their village to the project site or start a teashop for the migrant labour, can mean a bonanza.

### **Counterpoint**

The Naga leaders in Tamenglong don't see it that way. “It is not right to bring advantage to one group at the cost of another,” says D Dikambui, the president of the Zeliangrong Union, the apex social body of the people of Tamenglong. It is immensely influential. The Zeliangrong tribe is part of the Naga groups that predominate in Tamenglong. “If some people shall get a little benefit at the cost of our people how can the government trade off one community's future against the others?” This tirade is repeated by every Zeliangrong elder or leader that one meets. Very often it boils into anger. “If this is what the government wants to do then we shall have no option but to pick up arms. We shall defend our way of life and our lands,” says Guiliang Panmei, adviser Zeliangrong Women's Union. This is not an empty threat in a district where Naga groups are immensely powerful. They are concerned with what the Zeliangrong Naga in Tamenglong will lose, if the Tipaimukh dam comes up.

### **Losing out**

#### **Tamenglong to get a bad deal**

What the Hmars gain on the swings, in Tamenglong district, the Zeilangrong Nagas lose on the roundabouts. The area stands to be submerged by the dam, besides being affected culturally. Manipur will lose 293.56 sq km to the reservoir. Much of the support for the dam comes from some leaders in Churachandpur as well as the state government. In Tamenglong, one can count the number of people in favour of the dam, without breaking into a sweat.

The Zeliangrong Nagas are in for substantial damages. With the environmental impact assessment report still not available, the public has to depend on NEEPCO's claims.

The Zeliangrongs, typical of most Nagas in the hills, live primarily by *jhum* and a bit of settled wet rice cultivation if they manage to find some flat piece of land in the first place. Zeliangrong has a unique system of managing land. They have the equivalent of a chief who owns land and gives people the right to cultivate. But the right to give is often notional because people are able to choose what land they want to

cultivate. The villages surveyed showed high degrees of autonomy.

There are three focal points around which the economy of Zeliangrong villages revolve: the *jhum* crop, settled agriculture and the produce from the lush forests. Kitchen gardens provide food throughout the year. The *jhum* crop is their tin of rice. Patches of graded land are remembered for their productivity. The terrace fields are more productive. Chemicals are not used in any of these regions, which makes input costs minimal. Villagers, on an average, take out 400 to 500 tins of rice through *jhum*.

Another 150 tins comes from wetland rice. Neilolung Goimei of Tajiing village explains, "We can get vegetables to last us the year around, at times almost 20 different things, at least five or six vegetables," he says. "The rice we eat here is of the best quality and the most expensive in Manipur. In the district headquarters it's sold at Rs 16-30 per kg. And the price rises considerably in Imphal valley." The chillies they produce too can be sold at premium rates: Rs 150-500 per kg in Imphal.

Fishing is also lucrative. Some families make as much as Rs 40,000-50,000 annually from selling fish. But most villages are not connected by road. Therefore, they fish mostly for personal consumption. "If I could sell in the district headquarters I could make Rs 150 for a small basket of dried fish and much more for fresh fish," says a village elder. Even a pack of small snails from a rivulet can be sold for Rs 10 to get supplementary income.

Forests are the other steady provider of cash and food. Along with meat, villagers collect herbs, fruits, tubers, wood, bamboo and timber. "My brother sells cane in Imphal. He buys it from the village and takes it there. A charcoal producing factory buys it in Tamenglong. Each cane sells for Rs 30. Our forests are stocked with cane and bamboo," says Ramkung Pamei, editor of *Dih Cham*, a local daily in Tamenglong.

### **Losing out**

Villagers obviously get little out of the deal as most of the money is made by brokers in the valley. Most villagers are unable to sell because there are no roads to transport the forest produce. Besides, the Supreme Court's restriction on sale of timber has affected their livelihood.

The villagers end up spending almost 70-75 per cent of their money in sending children to the city to study, which is why the poorest district in one of the poorest states of the country has a literacy rate of over 65 per cent. But NEEPCO doesn't recognise this achievement and chooses to refer to the villagers as 'primitive'.

### **Beyond economics**

For many in the Tamenglong district, the dam comes as a threat not only to their economy but also to the Zeliangrong Naga community. Their most sacred sites, they believe, are threatened by submergence in the reservoir. The Zeliangrong people, believe the Zeihlat lake and the Barak waterfalls close to the lake are central to their origin as a community. "The idea of Zeliangrong Naga as separate from others is based on the belief centered around Zeihlat and six other lakes. If the lakes go or the falls disappear, it is like the people in the Gangetic valley losing Varanasi, Allahabad and Haridwar.

For us tribes, our existence is simply our lands and our beliefs, the dam threatens both," explains Namdithu Pamei, a student from Tamenglong.

NEEPCO claims that the Zailat lake and the Barak waterfalls will at worst get submerged during the peak monsoon. Zeliangrong leaders are not impressed with the argument. "I don't care about how much land I shall lose. I do not care about where I shall be thrown to eke a living. I am a Zeliangrong Naga because there is the Zeihlat lake. Nothing can ever damage the lake," says an agitated Bilai, a legendary Naga elder in Zailatjan village close to the lake.

NEEPCO, regardless, has its own solution, promising to turn the lake and waterfall into a tourist spot.

### **Lost people**

#### **State represses, doesn't enable; creates poverty from riches**

People in Imphal talk of the micro-climatic changes that the dam will bring and its impact on their famous

orange groves; they talk of negotiating and fighting. The Naga people have held their own public hearings in several sub-divisions of Tamenglong condemning the project. The official public hearing under the Environment Protection Act, 1986, is yet to be held even after three years of getting clearance. Yet, NEEPCO has floated a global tender.

“The global tenders were floated in anticipation of getting the environmental and forest clearance from the Union ministry of environment and forests,” says Ibomcha. It has refused to share the environment impact assessment (EIA) with the public. “We do not officially have either the project report or the EIA or any other information.

Forty years and every iota of information we have got has been by stealth,” says an angry Aram Pamei, ex-head of the Naga Women’s Union.

The final paperwork is being completed. Recently, the prime minister reportedly released Rs 400 crore for the security of the dam besides the Rs 60 crore, which is already allegedly sanctioned, asking that the work begin quickly. This is unprecedented in the controversial history of big dams in India. Again, he has done so despite the legal requirements of clearances remaining unfulfilled. There are apprehensions that the money shall be used to quell anti-dam protests. “Manipur has the Armed Forces (Special Powers) Act, 1958. It can be used to quash almost any protest or dissent, labelling them as anti-state,” explains Jitn Yumnam of Centre for Organisation, Research and Education, an Imphal-based NGO. “This is not a normal state of affairs where one can protest or file a right to information petition.”

The state government has fallen in line. It has come down on intellectuals raising issues against the dam. The registrar of Manipur University and another faculty member were recently pulled up by the vice-chancellor for participating in a seminar on Tipaimukh.

A public hearing held in Mizoram earlier had reportedly gone against NEEPCO, which has been trying to hold another to get a favourable verdict. But a NEEPCO official defends his corporation: “There is no question of lack of transparency. A memorandum of understanding was signed between NEEPCO and the Manipur government on January 23, 2003, authorising NEEPCO to complete the formalities. Thereafter it was published in the Manipur gazette inviting objections within a month. Objections were forwarded by the state to NEEPCO, which gave comprehensive replies in the form of a booklet which should be available with the government. The pollution control board (PCB) is responsible for translating it into Manipuri, Hmar and Zeliangrong. Likewise, the EIA was given to PCB to do the needful. After these formalities are done, the public hearing can be held,” says Ibomcha. But it’s still not possible to get a date out of him.

### **Larger questions**

There are issues beyond legality. “First, the government does not build any infrastructure in our areas. In the monsoons we remain cut off. We are unable to sell anything. Then the government comes in and says because you only are at subsistence levels, you are dispensable. Imagine if the state had provided what it should — roads, water, other amenities. We would have been the richest people in the region. They wouldn’t have dared to touch us because we too would be influential. But now they promise us these utilities in the name of the dam and say you shall get them when we remove you from your lands. What will we do with the hospital and roads then?” asks the secretary of the Zeliangrong Union in Tamenglong. “In the rest of India you hear about the Narmada and Tehri conflicts because so many people are displaced. It is easy to do away with us because our numbers look so small. For the other communities in mainland India 40,000 people maybe a convenient number to dispense with, for us that is one-third of our population,” he adds.

Tipaimukh is a challenge for the Indian state. It can use the opportunity to reassure Manipur through a transparent approach. The current policy of opacity can only strain ties further.

*With inputs from Sunita Akoijam, Imphal*

## **ANNEX 2:**

### **India's Manipur arms civilians to fight rebels**

Tue May 6, 2008 2:09pm

GUWAHATI, India, May 6 (Reuters) - The government of India's remote northeastern state of Manipur is to arm villagers to help battle guerrilla groups seeking autonomy, echoing a controversial civilian force raised to tackle Maoist rebels elsewhere. Officials in Manipur have recruited youths from two districts as special police officers and will kit them out with a uniform, food, rifles, and motorcycles and pay them a monthly pay packet of 3,000 rupees (\$75).

"The new recruits will help security forces controlling militant activities," Joykumar Singh, the state's police chief said by telephone from the capital, Imphal, on Tuesday. "More units are in the pipeline in different parts of the state."

But human rights workers expressed dismay.

"This step will not reduce violence, but deepen violence," said Babloo Loitongbam, director of Manipur's Human Rights Alert.

"Arming of civilians in fighting insurgents has not worked anywhere in the country, and we don't understand why the government is making this mistake."

In the central state of Chhattisgarh, state authorities have since 2005 funded and armed an anti-Maoist movement made up of poor tribal people, including children, known as the Salwa Judum or Campaign for Peace.

But the vulnerable and largely untrained villagers have failed to tilt the balance in favour of the state, and their camps have regularly been attacked by the rebels.

In March, the Supreme Court condemned the movement, and said the state would be abetting a crime if the group's members killed innocent bystanders.

India's northeast is home to more than 200 tribes and ethnic groups and is racked by separatist insurgencies.

In Manipur alone, more than half-a-dozen guerrilla groups are fighting more than 50,000 troops, some battling for freedom and others for political autonomy. The conflict has left more than 20,000 people dead.

Singh said about 300 volunteers had already been recruited in the district of Thoubal, and 200 more would soon be signed up from Imphal West.

"They will have to go through medical tests and submit a formal application along with their educational qualifications," he added.

### **FOR IMMEDIATE RELEASE**

AHRC-STM-122-2008

May 06, 2008

### **A Statement by the Asian Human Rights Commission**

#### **INDIA: The Manipur state government is recruiting state mercenaries**

The decision of the Manipur state government to recruit, train and deploy Special Police Officers (SPO) in the state is a few steps backward in regaining peace in that state. The

decision was made in a state ministerial meeting held early last week. The Indian Home Ministry has also approved this decision. Within days, the state government has started recruiting persons to be appointed as SPOs in the state.

Despite the opposition of a few civil society organisations, recruitment was held in Manipur at Heirok village on 5 May and yet another one is planned to be held in Chajing tomorrow.

The state government has tried to justify this 'dirty tactic' of providing arms, training and cash incentives for individuals on the pretext of fighting "terrorism" in the state. Justifying his government's decision, the Chief Minister of the state, Mr. Okram Ibibi Singh has said that "*the decision follows civilian demands to carry licensed weapons for self-protection, especially after the killing of four persons by armed insurgent groups in the recent past*".

The Chief Minister has also said that the initial period of deployment of SPOs in the state will be one year, which could be extended. The newly armed civilians will be given the official title of "Special Police Officers" and will be provided training by the government. The first batch of an estimated 500 persons will be paid Rupees 3,000 (US) as a monthly allowance, a motorcycle each for conveyance and also an additional allowance for fuel for patrolling.

The Asian Human Rights Commission (AHRC) is certain that the Manipur government is repeating the same mistake the state of Chhattisgarh made a few years ago. The SPOs in Chhattisgarh work closely with a parallel group called the Salwa Judum, also supported by the state government. The similarity of the two groups, and crossover of individuals between them, makes it difficult to identify who is an SPO and who is a cadre of the Salwa Judum. Both groups are notorious for the atrocities they have committed in the past few years.

The situation in Chhattisgarh is under challenge at the Supreme Court of India. The Court even though is yet to make a final decision upon the issue, has already expressed its displeasure by opining that "*the state cannot be allowed to arm factions among the citizenry, as this would imply state liability for the actions committed by such groups and could be abetting crime*". It appears that the state of Manipur lacks this legal common sense.

On the face of it, there is nothing wrong if a citizen possesses a weapon for a legitimate purpose. Possession of arms in India is regulated by the Indian Arms Act, 1959. But the situation is completely different when a faction of the citizenry is armed, trained and paid to help maintain law and order, yet the state is not accountable for its actions. This practice is comparable to engaging mercenaries. Though the usage of the term might not qualify under the definition provided in Article 47 of the Protocol Additional to the Geneva Conventions of August 12, 1949, and relating to the Protection of Victims of International Armed Conflicts, in practice it is pretty much the same.

The alleged purpose of engaging SPOs in Manipur is to help the state maintain law and order. There is nothing wrong with expecting civilians to contribute to maintaining law and order, but "outsourcing" this state duty to ordinary citizens might not be a good option. Problems arise when people are trained to use arms and provided with weapons and cash incentives, particularly in a state like Manipur where there is a low intensity armed conflict going on for decades.

The Director General of Police in Manipur, Mr. Y. Joykumar, who personally monitored the



first phase of recruitment held in Heirok said that the recruitment of SPOs is according to Section 17 of the Indian Police Act, 1861. This ancient law, that predates independence of India by 86 years, has attracted much criticism from all corners.

Even going by this law, it does not appear that Section 17 of the Police Act, 1861 was intended to facilitate recruitments *en masse* of SPOs in an entire state. Section 17 of the Act only provide for recruitment of persons by the police after a local Magistrate has approved an application for the same.

The Government of India itself had indicated its displeasure in continuing the operation of this law that fails to meet international standards by constituting a committee to review this law and to draft a new law to replace the current one. This being a law that was drafted during the British colonial rule in the region is more reflective of the colonial nature of police rather than a people friendly police.

Section 18 of the Act reads "*every police officer so appointed have the same powers, privileges and protection, and shall be liable to perform the same duties and shall be amenable to the same penalties, and be subordinate to the same authorities, as the ordinary officers of the police*".

Section 19 of the Act reads "*if any person being appointed a special police officer as aforesaid shall without sufficient excuse, neglect or refuse to serve as such, or to obey such lawful order or direction as may be given to him for the performance of his duties, he shall be liable, upon conviction before a Magistrate, to fine not exceeding **fifty rupees** [emphasis added] for every neglect, refusal or disobedience*".

These two sections of the Police Act, 1861 clearly underline the purpose of these provisions as envisaged by a colonial administrator -- to legitimise orders requiring neighbours to fight neighbours so that the colonial master could easily maintain control of the colony. Fifty rupee, which was equivalent to the price of ten sovereigns of gold in 1861, was high enough a fine to scare a *Sepoy* and force him to obey. With this amount of money, one can hardly buy four cups of tea in India today.

However, the Chief of Police in Manipur has said that the SPOs recruited in the state will not be covered by any law concerning the state police, but by a different set of rules and regulations. The AHRC however is not aware of any other rule or regulation in India that could apply to the SPOs. The very approach of the Manipur state government to recruit persons as SPOs without any legal framework to regulate their deployment itself is an indicator of how their affairs will be managed.

In support of the recruitment the Police Chief Mr. Joykumar has made a series of farcical statements. The police chief has reportedly said that the high turnout of individuals, including men and women, for the recruitment is an indicator of the popular willingness and approval for the process. The AHRC is of the opinion that the high number in applications for appointment as SPOs in Manipur is a simple reflection of unemployment in the state, which stands at an all time high of 21.58%. This rate of unemployment is confirmed by a report published by the Department of Planning of the state government.

The incentives offered as allowances is yet another factor that motivates a large number of applicants to try for an appointment as an SPO in Manipur, especially when the number of

persons living below the poverty line in the state has increased from five hundred and twenty nine thousand in 1987-88 to seven hundred and nineteen thousand in 1999-2000.

Additionally, the people are also encouraged to believe that being recruited as an SPO is the best way to find a regular employment in the state police service. The statement made by the chief of police on 5 May that the SPOs will receive a priority treatment during recruitments to the state police stands proof to this.

In yet another statement the chief of police has also said that the misuse of authority or even use of arms by the SPOs beyond their designated areas will not be allowed and the SPOs who breach this rule will be immediately expelled. This statement runs directly in contradiction to the general public perception of Manipur state police.

Everyone in Manipur is aware that as of now even in cases of rape, torture or murder committed by the state police officers the authorities fail to take credible action against the accused officer. Even a proper enquiry will not be done by the state government. In these circumstances, where the state police have thus far failed to ensure the minimum discipline of its own cadre, an assurance that the SPOs will be disciplined cannot be trusted. Even otherwise, what discipline could a state police that is considered to be the synonym of criminals enforce upon persons who are recruited for a short period?

The fact that ordinary civilians have demanded weapons to protect themselves against anti-state groups must suggest to the government that something has gone terribly wrong with its own law enforcement agencies. Arming civilians, rather than correcting the operational mistakes of the law enforcement agencies, could be viewed as a recipe for more violence.

The people of Manipur have seen enough violence in the past six decades. The armed forces, operating with statutory impunity provided by virtue of the Armed Forces (Special Powers) Act, 1958, are responsible for murder, arbitrary executions, rape, torture and disappearances in the state. The social psyche of fear generated by the misdeeds of state agencies is continuously exploited by anti-state factions. Providing the people with more arms in an attempt to curb violence in this situation makes no sense. Manipur is one of the most militarised states in the country.

There are several parallels between the engagement of SPOs in Chhattisgarh and Manipur. Most important is the fact that in both states SPOs are recruited from tribal communities -- the same communities that have lost their land and other resources to the state and corrupt bureaucrats. From these communities, SPOs are armed to fight their own people on behalf of the state. In short, this method is the continuation of the age-old practice of divide and rule which has to be condemned.

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*About AHRC: The Asian Human Rights Commission is a regional non-governmental organisation monitoring and lobbying human rights issues in Asia. The Hong Kong-based group was founded in 1984.*

**NEWS UPDATE FOR SPECIAL POLICE OFFICERS (SPOs)  
In Heirok (Thoubal district and Chajing Imphal West district of MANIPUR)**

Arms for Heirok and Chajing : JACs reject Chhatisgarh model	Source: The Sangai
Express Imphal, June 19: Rejecting deployment of SPOs in Heirok and Lilong Chajing	

on the model being adopted in Chhatisgarh after a detailed study of the plight of the SPOs there, the JACs of Heirok and Lilong Chajing have demanded to know the exact nature of the SPOs to be set up and deployed in Heirok and Lilong Chajing by the State Government for the first time in the North East region. In connection with the proposal of the State Government to set up SPOs in Heirok and Lilong Chajing in accordance with the demand of the people for providing arms to protect themselves, a joint delegation comprising seven representatives of Heirok and Lilong Chajing JACs and two representatives of Human Rights Alert (HRA) had reportedly gone to inspect and study the model of the SPOs deployed in Dantewada district of Chhatisgarh. Addressing a press conference at Manipur Press Club here this afternoon in connection with the findings of the inspection team, secretary general of Lilong JAC Lairenjam Maipak informed that there is nothing to be envied about the plight of the SPOs deployed in Dantewada district of Chhatisgarh. So, only after the people are informed of the reality, a final decision on whether the proposal of the State Government to set up SPOs to arm the people of Heirok and Lilong Chajing for self protection should be accepted or not would be taken. Recounting the findings of the inspection team which had gone to the camps of the SPOs at Donnabal and Kashuri in Dantewada district, secretary general of Heirok JAC Laishram Mandir said that the main duty of the SPOs there is to dissuade the people from joining or extending support to the Naxals who are dubbed as their enemies. Mandir informed that following deployment of SPOs, two distinct groups of people, one favouring the Naxal movement and the other opposing it have come up. As a consequence, there are villagers who have join the Naxals while those who are opposed to the Naxals and are now known as Salwa Jalums, have been compelled to stay in the relief camps set up near the camps of SPOs. Salwa Jalums have no future prospects and their fooding and lodging are being provided by the Chhatisgarh Government with PDS items doled out being their main source of livelihood, Mandir said, adding that the SPOs are equipped with 303 Rifles and are given a monthly stipend of Rs 1500 which is not enough to run their families. The land and other properties of the Salwa Jalums who are being given protection by the SPOs have also been usurped by the Naxals, he disclosed. Stating that the Cabinet decision of deploying the SPOs to be set up in Heirok only in Heirok is appreciable, Mandir, however, noted whether the Act under which the SPOs have to be set up can be actually amended by the State Government or not needs to be discussed and understood thoroughly before accepting any proposal in this regard. Considering the pitiable plight of the SPOs deployed in Chhatisgarh it would be better not to have SPOs at all. So the State Government should come up with an explanation on the exact nature of the SPOs to be set up in Manipur, he demanded. It is also essential on the part of the people to analyse and understand what would be the future implication of the SPOs to be set up in Manipur for the first time in the North East region, he said, while expressing desire that the Government as well as the UG groups should do whatever is necessary for the people of Heirok who are living in a state of confusion and fear.

**Activating process of Heirok SPOs starts  
First batch head for 1 month training at Pangei**

Source: The Sangai Express

Imphal, June 20: Out of 300 SPOs selected from Heirok, 175 personnel have headed to Manipur Police Training Centre, Pangei for arms training. Thoubal District Police made the whole arrangement for transportation of the SPOs from Heirok to Pangei today. Thoubal District Police made a publicity campaign this morning at Heirok asking the selected SPOs to assemble at the IRB post located at Heirok Part II. To the publicity

campaign of the Thoubal District Police, many selected SPOs responded and came to the IRB post but there were many other selected SPOs who refused to come out.



The first batch of the selected SPOs of Heirok getting ready to be taken to Pangei for training

On the other hand, there were some people who lined up the road and cheered the SPOs when they came out with their beddings, bags and trunks for arms training at Pangei. The SPOs were then taken to Pangei in eight buses amidst police escorts. The remaining SPOs who refused to come out today would be taken to Pangei after asking them to report at the Heirok Part II IRB post tomorrow morning. Interacting with media persons, some people of Heirok said that Assam Rifles troops, BSF personnel, IRB and commando personnel have been patrolling the limits of Heirok in the night time following restrictions imposed by the proscribed UNLF and KYKL upon the movement of Heirok people in the aftermath of the establishment of SPOs. Before the Government came up with the initiative to set up SPOs in response to the demand of Heirok people for guns for self-defence, Meira Paibis used to keep vigil in Heirok localities at night, they conveyed. Disclosing that the movement of Heirok people have been severely curtailed, they informed that sometimes commandos provided security escorts to some Heirok people while going to neighbouring Wangjing. Moreover, 12 passengers which earlier plied along Imphal-Heirok route has also suspended their service. If any villager wishes to travel to Imphal, he or she must go to Wangjing first in an auto-rickshaw before he/she boards a bus there for Imphal. Meanwhile, a public meeting was held today at Heirok Umang Laikol on the unfolding situation in the locality.

### **Candidates in waiting list make up SPO's total strength**

Source: The Sangai Express

Imphal, June 22: Even as the 75 recommended youths out of total 300 who were not willing to turn up for the arms training at Manipur Police Training Centre at Pangei, Thoubal police carried out a campaign at Heirok today during which the remaining posts of SPOs were filled up from those who were in the waiting list. Talking to media persons today, SP Thoubal Clay Khongsai said all the recommended 300 SPOs would undergo

one month training from tomorrow. About those recommended candidates who refused to come out for the training, the SP asserted that they might have other engagements. He noted that the youths were so enthusiastic to join SPO that even fresh youths came out and sought recruitment. The State Government's prompt move to impart arms training to the SPOs came in the back drop of threats and intimidations from two UG outfits. The proscribed UNLF and KYKL had already declared "capital punishment" to five villagers of Heirok for their alleged proactive role in setting up SPOs and obtaining arms from the Government. Moreover, the two outfits have asked Heirok people not to venture out from their locality for defying their warning not to join the SPOs. According to the decision of the State's Cabinet adopted earlier, another 200 SPOs would be recruited from Lilong Chajing. The SPOs would be armed with .303 rifles and are entitled to a monthly remuneration of Rs 3000 each. Their working system would be supervised by the respective Superintendent of Police (SP). Interestingly, leaders of both the Heirok JAC and Lilong Chajing JAC have expressed strong objection and apprehension on setting up of SPOs in Chhastisgarh's Dantewada pattern in Manipur observing that it resulted in terrible consequences.

**Dated 23-06-08**

**(Source : The Imphal Free Press)**

**52 Fresh SPOs selected :**

In the ongoing process for SPOs at Heirok, the authorities have selected 52 volunteers from fresh candidates in a recruitment test conducted, a report said. Together with 30 more youths who were in the selected list of the volunteers and the fresh selected 52, the total strength of 300 volunteers had been sent to Manipur Police training School (MPTS) Pangei.

However, the whereabouts of the 4 volunteers who were missing from the MPTS, Pangei is not known, the report added.



## ANNEX 3:

### **INDIA: Student arrested for organising meeting against SPOs in Manipur**

ASIAN HUMAN RIGHTS COMMISSION – URGENT APPEAL PROGRAMME

Urgent Appeal Update: AHRC-UAC-098-2008

14 May 2008

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INDIA: Student arrested for organising meeting against SPOs in Manipur

ISSUES: Impunity; arbitrary detention; fabrication of charges  
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Dear friends,

**The Asian Human Rights Commission (AHRC) has received information from Human Rights Alert (HRA), a human rights organisation working in Imphal, Manipur regarding the illegal arrest and detention of Mr. Sapam Cha Kangleipal, a student who was engaged in organising a protest meet against the recent recruitment of Special Police Officers (SPO) in Manipur. The AHRC is informed that Sapam who was arrested on 7 May 2008 was detained till 13 May and released, only to be rearrested on fresh charges. Sapam is a student activist in Manipur.**

#### **CASE DETAILS:**



Sapam was one of the organisers for a panel discussion organised by the Manipur Forward Youth Front (MFYF). The panel discussion was held on 7 May 2008, condemning the recruitment of the SPOs by the Manipur State Police. The panel discussion was attended by members of the civil society, representing a large spectrum. Participants included university professors, senior lawyers, and journalists. The discussion was held at the Manipur Press Club on 7 May 2008.

At about 7pm on the same day, the police officers from the Manipur State Police led by Officer in Charge Mr. R. K. Kohndeon surrounded the press club and arrested

Sapam. (Please see [photo](#)) The arrest was executed after issuing an arrest memo. According to the memo, Sapam was charged for offences under Section 124 A of the Indian Penal Code 1861; Section 9 of the Punjab Security of State Act 1953 and Section 8(b) of the Assam Maintenance of Public Order Act, 1947

Sapam was initially detained in police custody at the lock up at Imphal-West Police Station. He was later produced before the local magistrate and was remanded to judicial custody for six days. In fact, Sapam was released from custody and from the original charges on 13 May and rearrested on the same day on additional charges framed under the National Security Act, 1980.

The Manipur State government has been recruiting special police officers under the pretext of

countering insurgency activities in Manipur since early this month. The move to arm a faction of civilians and to train them to attack insurgents and counter-insurgent activities in the state is opposed by various civil society organisations and concerned individuals within and outside Manipur. The same tactic which is employed in the state of Chhattisgarh was proven unsuccessful. Several individuals who opposed the state and the atrocities committed by state agents in Chhattisgarh are being countered by charging with draconian laws in that state. One of the well known voices against SPO's in Chhattisgarh is Dr. Binayak Sen who is currently detained in custody charged with similar offences that are now alleged against Sapam.

Local human rights organisations including HRA alleges that Sapam is an innocent student activist who has been targeted unfortunately as the first victim by the Manipur state police and administration after the recruitments of SPOs commenced in Manipur. The AHRC is not aware whether Sapam will be released in the coming days, but is concerned about his safety and security whilst in custody.

### **BACKGROUND INFORMATION:**

In a decision made by the state cabinet early this month it was decided to recruit SPOs in Manipur in an alleged attempt to empower the ordinary citizen and to defend their rights against the atrocities committed by insurgent groups in Manipur. A recruitment drive was initiated by the state government, monitored by the state police, early this month.

The recruitment was carried out despite a large protest by civil society organisations and individuals. The opposition for the recruitment of SPOs was on the ground that arming a faction of the citizen for whatever reason it might be is not a correct move by the state government. Even if this recruitment was for counter insurgency activities it is reported that arming citizens for a state duty like counter insurgency activities, particularly where the state have failed in countering insurgency in the state is a dangerous move.

Examples from the state of Jammu and Kashmir and Chhattisgarh were quoted as adequate examples for substantiating that this is a wrong move by the state government. The civil society organisations also were concerned that the ordinary civilian armed with archive 303 rifles facing insurgents reportedly carrying automatic assault weapons would not only provoke the insurgents to attack the citizens but also would be a soft target for the insurgents in the state.

The Indian Police Act 1861, particularly Section 17 of the Act, is taken as an excuse by the state government to recruit SPOs is an ancient law which is still unfortunately available in India. This law that predates independence by 147 years was sought to be scraped and redrafted by the central government at least on three previous occasions. In fact, the law has been redrafted by the central government while recruitments based upon the same law is on the way in states like Manipur.

## ANNEX 4:

### Massive dam plans for Arunachal

(<http://www.indiatogether.org/2008/feb/env-arunachal.htm>)

The laying of the foundation stone by the PM for a project that is not even legally cleared is an indication of the mood in which the current dam building spree is being pushed, especially in Arunachal Pradesh, which has most of the untapped hydel potential. Shripad Dharmadhikary reports.

**17 February 2008** - On 31 January 2008, Prime Minister Manmohan Singh laid the foundation stone for the 3000 Megawatt (MW) Dibang multi-purpose project in Itanagar. Laying foundation stones is routine for Prime Ministers, but this particular one stood out for all the wrong reasons. For one, the project is to come up not in Itanagar, but near Roing, around 600 kilometres away in the eastern part of Arunachal Pradesh.

More serious, the project has not yet secured the mandatory environmental clearances. Ironically, a public hearing on the environmental impact assessment was also scheduled for 31 January, but had to be postponed due to heavy snowfall. The report of the public hearing is supposed to be an important consideration for the Ministry of Environment and Forests in according clearances to a project.

The laying of the foundation stone for a project that is not even legally cleared is an indication of the mood in which the current dam building spree is being pushed, where such niceties as environment and social impacts are considered too trivial to be bothered about, where environmental clearances are mere formalities that do not even deserve lip service. Dam construction plans for hydropower are being especially focused on the North Eastern part of the country, which is being dubbed as the new powerhouse of the nation.

#### **Dams galore**

The economically exploitable hydropower potential in India through medium and major schemes has been assessed at 84,044 MW at 60 per cent load factor - that is about 148,000 MW installed capacity. The North and North Eastern regions contain the lion's share of this, with 54,000 and 59,000 MW respectively. Nearly all of this (93 per cent) is as-yet undeveloped capacity, but this potential is also highly concentrated, with 50,000 MW located in Arunachal Pradesh.

In May 2003, the Prime Minister of India launched the *50,000 MW Hydroelectric Initiative* to fast track hydropower development in the country. This initiative proposes to bring on line installed capacity of about 50,000 MW through 162 projects in 16 states by 2017. While 72 out of 162 schemes totalling to 31,885 mw are in the Northeast, Arunachal Pradesh alone has 42 schemes with 27,293 mw capacity. Little wonder then, that Arunachal has emerged as the new centre of massive dam building in the country.

As of September 2007, the state had signed 39 Memoranda of Understanding (MoU) to generate 24,471 MW, with both public and private sector developers. These include companies like NHPC, NEEPCO, Reliance Energy, Jayprakash Associates, GMR Energy and several others. To put this in perspective, this capacity that Arunachal wants to add in the next ten years or so, is just less than the total hydropower capacity added in the whole country in 60 years of independence. Unfortunately, as has been the case with much of the dam building in the country, many serious questions have been left unanswered and massive negative impacts have been ignored.

### **Social and environmental impacts**

The World Bank's report on strategic issues for the water sector in India, prepared in 2005, says that the hydropower sites in India's Himalayan region are among the "worlds most environmentally and socially benign sites for hydro power." It is true that due to low population density the numbers of people displaced directly by dam projects in these areas appear to be small. However the social impacts of these projects are likely to be huge. This is because majority of the population consists of tribes with distinct identities and customs, dependent directly on land, forests and rivers for their sustenance.

Take the case of the Subansiri (Lower) project in West Siang district of Arunachal Pradesh. This 2000 MW project being built by NHPC is supposed to displace only 38 families from two villages. But the impact is likely to be much bigger as the project will adversely affect the natural resource base on which the people in the area depend for agriculture, fishing, and other goods and services. In fact, the full impacts of the dam on the area remain to be assessed, including the impacts on ecology, wildlife, flora and fauna.

#### **Durpai village, near the site of the Subansiri dam.**

According to Dure Bui, headman of Durpai village, apart from the two villages directly affected by submergence, many of the rice cultivation plain areas of other villages would also be affected. Moreover, about 4000 hectares of forest is to be taken for the project, most of it to be submerged. This will have serious implications for the villages around the area as some of



this area is a part of their *jhum* (shifting) cultivation cycle, along with a source of many other things. The damming of the river has already adversely impacted fishing, another important component of the community's sustenance base. Material for housing is brought to this area by the people using rafts on the river. This movement has already been disturbed due to the construction activities on the dam and will be permanently blocked when the dam is completed.

The situation in Arunachal is complicated by the fact that rehabilitation or compensation for the loss of resources is not easy as the 'ownership' of land, forests and even rivers is attached to specific clans and tribes. People expressed fear that attempts to resettle one tribe or clan in another's land or forest would lead to tensions between the various communities.

The Subansiri dam is also likely to have serious impacts downstream as it will disrupt the pattern of the natural flows. In particular, the Subansiri valley downstream is filled with wetlands called beels, which are an important source of livelihood and fisheries. These will be seriously impacted. Even further downstream, in the riparian state of Assam too, additional impacts will be felt.

#### **The Ranganadi fiasco**

The example of one dam that has already come up in Arunachal Pradesh cannot give the locals much faith in the authorities' other plans. The 405 MW Ranganadi Hydro

Electric Project (RHEP) Stage I, commissioned in 2002, is Arunachal's first and so far the only completed large dam project. It involves a dam to divert the flow of one river into the Dikrong river, creating 300 metres of head and generating power. This is how Tana Pinje of village Upper Cher (District Papum Pare), downstream of the RHEP describes its impacts:

"After the completion of the dam, water flows in the river have gone down drastically. Our fish are totally gone. Earlier even outsiders used to come here to fish, now there is no fish even for us. Our fields are also affected badly as the channels we had made to take water to the fields have become dry. Horticulture, which is a very important source of livelihood for our village and includes banana, oranges, pineapple and spices like black pepper, cardamom - has almost finished along the river banks."

**The Ranganadi river has been reduced to a trickle downstream of the dam.**

Ironically, the village does not suffer only from diminished flows in the river. On several occasions the project releases large quantities of water in the river without any warning, leading to flash flood-like situations. There have been many cases of cattle being washed away and some years back, one person was swept away due to the sudden releases. People are now afraid of going near the river, of allowing



their children to play on its banks. "The river we loved is now an object of fear", says one of the villagers, expressing eloquently the changed relationship of the community with the river. When the people complained to North Eastern Electric Power Corporation (NEEPCO, the company that has built the dam), its response was the issuing of a circular on 2nd June 2006 that warned:

"... the gates of Ranganadi diversion dam may require opening from time to time ... all villages, individuals, temporary settlers etc. residing on the banks of river and other nearby areas ... on the downstream of the dam to refrain from going to the river and also to restrict their pet animals too from moving around the river ... the corporation will not take any responsibility for any loss of life of human, pet animals etc. and damage of property and others ..."

Alarmed by this, the people have now formed an association, and have submitted several memorandums and petitions to the authorities, but they have had no response, let alone any compensation for their losses.

### **Social and cultural marginalisation**

One of the biggest impacts of dam construction is likely to be on the culture and identity of the local people. The local population of Arunachal Pradesh consists of about 20 major and several other smaller tribes. These tribes have their distinct identity, language, customs and location. As the total population of these tribes is small in number they are excessively vulnerable to the influx of outsiders that is likely to take place with the construction of such huge infrastructure projects.

Take the case of the Dibang project. Idu-Mishmi is the major tribe in the project area. Its entire population is only 11,021. According to the environment impact assessment report of the project, it is expected that a workforce numbering about 5800 will come into the area from outside. With such a ratio one can well imagine the impact on the local population. It is significant that the Idu-Mishmi tribe and language has been



identified as one of the 'endangered languages and locations' of the world by the UNESCO as a part of its Endangered Languages Programme.

Where the work on projects is already on, one can get a distinct sense of outsiders coming in and alienating the locals in their own land. At Gerukamukh, the offices of the NHPC for the Subansiri dam site are surrounded by a high wall fence topped with barbed wires. Locals say that this was all their area but it has been taken over by the company without any compensation to them.

The barbed wire is not only symbolic. The entire world of the project is out of bounds for the locals. While NHPC runs a school inside its barbed wire compound, very close to the village, most of the local children don't get admission to it as they fail to meet the entrance criteria. So they have to go to the school miles away. If local people want to visit the hospital run by the company they have to first go to the police and convince them that they are really ill. Even if they are examined at the hospital, the hospital staff often refuses to give them medicines saying that these are for the project workers and that "you are outsiders."



**The barbed wire fence enclosing the NHPC complex at the Subansiri dam site.**

But the impact is not only a matter of numbers. For the tribal people, the rivers, the mountains and the forests are very much a part and parcel of their identity and existence. According to a memorandum submitted by Kotige Mena and Ingore Linggi to the chairman of the state pollution control board of Arunachal Pradesh on 29 January 2008:

"The construction of the Talon / Dibang multipurpose project will completely displace our Idu people who are very much dependent on the river as a source of their livelihood. The Idu community's tradition, custom, faith and beliefs are greatly attached to the river Talon / Dibang. The construction of the dam will herald the end of our culture and tradition as the river Talon / Dibang is as sacred to us, as is the river Ganga to the Hindus ... we believe that after death the Igu-myi (1st Order Priest) Sineru carries forward our souls through this river. The hills, the rivers and the mountains are deeply embedded in our ethos. It is the life force of our community. Destruction or endangerment of these will be a threat to the community itself. Development at the cost of culture and tradition is not acceptable to us."

## **Other issues**

These are only some of the key issues related to dam building in Arunachal Pradesh. Many equally important issues remain to be addressed. The state is seismically very active. What does this imply for the safety of the dams and the nearby areas? The young mountains are highly prone to landslides. These can increase siltation in the reservoirs and potentially trigger off massive waves or flash floods. What would be the cost of power from these projects? This question is important given that many of the dams are to be developed by private companies who have profits as their basic interest. A related issue that is often ignored is that while such huge generating capacity is being created in the North East, much of the requirement for power is in other parts of the country. This means a massive requirement for long-distance, high-capacity transmission lines, increasing the cost of power.

These hosts of issues are compounded by the lack of transparency in the dam building programme in the state. In particular, local people are among the last to know about a project, and often this happens only when the construction work starts. The impact assessment studies remain highly inadequate and often shoddy. Many of the impacts like the cumulative impacts of a large number of dams in a given basin are not even in the ambit of impact assessment. All these add up to a potential recipe for social and political unrest, something that should be of great concern in a border state, one that has remained remarkably peaceful in comparison to the rest of the north-east. While 'development' in Arunachal sometimes gets spoken of with the foreign affairs angle, to maintain peace and stability in a border state, the way dam construction is being taken up is likely to have precisely the opposite effect.

The tragedy is that this need not be so. The state is rich in resources - land, water, forests. The people also want development. But they see the current chosen path as one that will destroy their environment, culture and identity along with the sources of livelihood - killing the goose in the greed to take all its golden eggs at one go. They argue for a different kind of development. As Anthony Bamang, a young activist of Arunachal Citizens Rights says, "The question is what kind of development do we want? And for whom? This is what we are asking."

These questions need urgent answers. And answers have to come from discussions with widespread and meaningful involvement of the people of the state and the country. The answers have to begin by assessing the full costs of the proposed hydro power development and then move towards articulating a vision of development that will not only bring revenue and prosperity but also preserve the beautiful land that is as much a resource as it is the identity of its people. ⊕

## **[Shripad Dharmadhikary](#)**

17 Feb 2008

*Shripad Dharmadhikary coordinates the Manthan Adhyanan Kendra, a centre set up to research, analyse and monitor water and energy issues.*