

Discourses of Development, Right and Responsibility: Right to Water in Assam

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Abstract – In the recent past, there have been vociferous claims for considering right to water as a basic human right. There have been apprehensions as to whether the excessive interest in our 'rights' over water could lead to exhaustion or evaporation of this precious little natural gift through over appropriation. But the discourses of human right in general and that of water in particular are often seen to have challenged some of the rights and responsibilities of the modern states that are supposed to take care of the rights of the people in the form of national rights and national interest. This paper analyses how the right of people to enjoy and appropriate water has been of utmost relevance these days in the midst of large-scale environmental degradation and over-exploitation of the resources for commercial purposes at the cost of the people who have a legitimate claim over the same with special reference to Assam. It focuses on the state-wide movement undertaken in Assam by the newly formed organization, Krishak Mukti Sangram Samiti seeking to establish people's right over all forms of natural resources with special emphasis on water. This movement has strong significance in the context of the already continuing movement against implementation of some hydroelectric power projects that are likely to disturb the right to life for many of the people of Assam. As an ecological study, this paper studies some of the relevant literature, specifically the collection of articles written by Akkhil Gogoi on big dams to support the thesis that the discourse of human right over water is here to challenge some of the rights of the 'state' over the natural resources.

Key Words: Eco-Critical Study, Water War, Right to Water, Large Dams

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INTRODUCTION

Human interest in nature has graduated from ancient reverence for the God-gifted and pristine forests to the present day ecological concerns with rather long detours through the romantic wilderness and the economic 'exploitation' zones. One of the hot topics in this contested field today is that of 'water'. The Assamese proverb '**Paani Pranir Pran**' rightly expresses the significance of water which says that **water is the source of life**. However, water has been conceptualized differently in different social, temporal and spatial contexts. From the ancient idea of water being the 'source' of life it has travelled quite a long distance when we are faced with one of the most complex and debatable issues that could have arisen out of the status of water in human imagining: whether this precious natural resource can be appropriated for our own benefit and development or whether we have some 'inherent' right over it that can be ascertained through political intervention; or whether water itself is something to be preserved from human thirst – appropriation and misappropriation.

Water has remained at the centre stage of contemporary debates world over. Recently, there have been vociferous claims for considering right to water as

a basic human right and the claim can be supported without even a second thought if the importance of water in human life is taken into account. However, many find it rather surprising to note that water is barely mentioned while talking of as basic a human right as right to life itself. In fact, water has rarely been explicitly mentioned in all internationally accepted documents on human right. However, the scarcity of drinking water in many parts of the globe today has already led large scale disturbance, and it has been warned that scarcity of water may even lead to the 'Third World War'¹. But a general awareness has recently been noticed and the United Nations declared the year 2003 as the International Year of Freshwater. The scarcity and need for judicious use of freshwater has found echoes in most of the third world nations that have been experiencing most of the recent clamor for appropriation of the 'remaining' natural resources. At the same time, there have been apprehensions as to whether the excessive interest in our 'rights' over water could lead to exhaustion or evaporation of this precious little natural gift through over appropriation. That is, it has also to be seen if this 'right' needs some 'limit' as well as 'equitable' distribution too.

Moreover, discourses of human right in general and that of water in particular are often seen to have challenged some of the rights and responsibilities of the modern states that are supposed to take care of the rights of the people in the form of national rights and national interest. In fact, in many of the contemporary societies, violation of human rights including rights to water are said to take place under the active connivance of the state machinery. In India too there are many instances when the state policies are considered inimical to the interest of the people and are vigorously resented and contested.

It is in such a backdrop that this paper aims to examine the ongoing debates over the right of people to enjoy and appropriate this precious natural resource, water world over and how the same are reverberating in the voices of the people of even the remotest corners of the world. The voices from Assam are taken as a fine example to show how the issue has been of utmost relevance these days in the midst of large-scale environmental degradation and over-exploitation of the resources for commercial purposes at the cost of the people who have a legitimate claim over the same. It will be an eco-critical venture to see how human imagining of nature, specifically water, has entered into a crucial stage and how the issue is being debated worldwide, with specific references to some of the voices emanating from Assam. The first part of the paper will try to put light on the extended connotation of the term human right that seeks to include 'right to water' and how concerted efforts are underway to make the same internationally acceptable; and the latter part will dwell on the statewide movement undertaken in Assam by the newly formed organization, Krishak Mukti Sangram Samiti led by Akhil Gogoi seeking to establish people's right over all forms of natural resources with special reference to water that is often seen as going against the policies of the state and national government. This movement will be analyzed in the context of the already continuing movement against implementation of some hydroelectric power projects that are likely to disturb the right to life for many of the people of Assam. Some of the relevant literature, specifically the collection of articles on big dams will be studied to support the thesis.

RIGHT TO WATER IN INTERNATIONAL LAW:

Scanlon, John & et al² have painstakingly documented how far international law recognizes human right to water till date. The authors express their surprise at not finding 'water' being incorporated in most of the international instruments claiming to safeguard human rights. Specific mention has been made of the Article 25 of the Universal Declaration of Human Rights of the UN (1948) which proclaims that '[e]very one has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services ...'. This too chooses not to mention water explicitly. Their only hope is that perhaps 'water was considered to be implicitly

included'. Even the Geneva Conventions and Protocols recognize right to 'drinking water' only through Articles 20, 26, 29, and 46 (Convention III); Articles 85, 89 and 127 (Convention IV); Articles 54n and 55 (Additional Protocol I); and Articles 5 and 14 (Additional Protocol II). It was only in the 1966 Covenants that water was considered as part of the 'legally binding human right'³, thereby asserting that 'right to life' has a larger connotation than the conventional 'civil' and 'political' one: that is, 'human right to water is indispensable for leading a life in human dignity'. It was also declared as a 'pre-requisite for realization of other human rights.' Thus, the state was made accountable to providing 'safe and secure drinking water and sanitation facility. However, right to water still remained only part of the 'right to life'.

Later developments, in the forms of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Right of the Child made specific reference to water as a human right. These two, however, put emphasis on the right of two of the most discriminated against groups, women and children and thereby fell short of claiming a total protection of right to water. However, what is significant is that these international laws often fail to deliver in most cases and even if they succeed, they fail to cover all the regions equally. For, it is the state through which all international laws are implemented and in many cases, the policies of the states do not necessarily reflect the interest of the people. This accusation can be made against even the most acclaimed democracies including India. It will not be difficult to understand if one cares to see the policies of the state vis-a-vis natural resources at the disposal of the state. In most cases, water has been accepted not only as a basic human need but also as a natural resource that can be exploited for economic development; and very often the discourse of development becomes more important than the discourse of need.

It is in this context that discourse of the state comes under attack from those in support of the discourse of needs and rights. In fact, the entire discourse of human right has often found themselves in collusion with those of development propagated by the states. Even the UN General Assembly resolution of 14th December, 1962 on Permanent Sovereignty over natural resources' has some grey areas that put the rights and obligations of the state in collusion path with the right of the people. For example, while recognizing the 'inalienable right of all states freely to dispose of their natural wealth and resources in accordance with their national interest, or ... economic independence', it declares that 'the right of peoples and nations to permanent sovereignty over their natural wealth and resources must be exercised in the interest of their national development and of the well-being of the people of the state concerned'⁴. And the exploration, development and disposition of such resources, as well as the import of the foreign capital required for these purposes should be in conformity with the rules and conditions which the peoples and

nations freely consider to be necessary or desirable with regard to the authorization, restriction or prohibition of such activities.

Developmental discourse and national interest that conform to international laws and cooperation can well be misunderstood as the responsibility of the state to encourage the MNCs to invest in projects that can harm ecological balance as well as fundamental rights of the people to clean environment, specifically air and water. And these views are not without substance. Recent uprisings in many parts of the world signify that interest (economic development) of the state does not necessarily reflect interest of the people even in some of the acclaimed democracies. A few examples from India can prove how this developmental discourse is often either flawed or can be misinterpreted to keep the people in the dark about the hidden cost they would be required to incur for the sake of national development. And the initiatives of the people come to the fore once the fundamental human rights of the people are threatened by state interference.

People's movement for protection of the environment in India starting with the CHIPKO Movement⁵ in the 1970s entered a crucial stage with the widespread impact of the Narmada Bachao Andolan (NBA)⁶ spearheaded by Medha Patkar in the 1980s. A movement for ecological right to livelihood, it has grown into one of 'human right' and right to 'life' itself in recent times. The NBA movement initiated the movement for 'water right' alongside rehabilitation of the people affected and displaced due to the construction of the dam. Moreover, the man-made disturbance to natural existence and flow of river water has come into public notice. Although the final verdict of the honourable Supreme Court of India allowed completion of the Sardar Sarovar Project, it had highlighted the plight of the people affected and dislocated by river dams. It was one of the first struggles to fight for people's right against the often flawed official discourses economic development.

Damming of the numerous rivers in Arunachal Pradesh in India and even in Bhutan and the resultant ecological impacts have ignited sporadic protests all over Assam for the last several years until a planned and organized movement started under the banner of a newly formed organization called Krishak Mukti Sangram Samittee, a body fighting for the rights of the peasants over natural resources including land and water. Already the KMSS had tasted partial success with the government of Assam agreeing to recognize the rights of the settlers in the two reserved forests Dayang and Tengani and this success has emboldened them to embark upon this ambitious movement to stop construction of large dams, particularly the 200 mw Lower Subansiri Hydroelectric Power Project being constructed by NHPC in the border areas of Assam and Arunachal Pradesh. It is worth mentioning that construction work of the dam, which was supposed to be completed by 2012, was stopped after a number of organizations started vigorous protest movement against the project. While environmentalists and intellectuals across the

state were raising their concerns, students' organizations like the AASU, TMPK and others had already started a movement against the ongoing project and the entry of KMSS into the scene led to complete halt of construction work at the site in Geruka Mukh. There have been mass protests in the streets, concerted campaigns in the newspapers; and most of the people conscious of the ill-effects of big dams have joined the movements. While numerous voices have appeared in newspapers and other environmental journals trying to establish the negative impacts of this project, the issue has been given a new impetus by taking up the issue of 'right' of the people to this precious natural resource. As a result, the movement gained the status of a mass movement and presently the central government has been compelled to take measured steps to continue with the construction process. And the reason behind this present success is that this new initiative is backed by a strong ideological backing which needs some serious attention.

Slow Comes the Desert: Dangers of Large Dams⁸

is a collection of articles in Assamese written by Akhil Gogoi, general secretary of KMSS dedicated to all those who are committed to opposing construction of big dams as part of their struggle for rights over natural resources as well as liberation from exploitation. The book, unique of its kind in the modern Indian languages, is not claimed to be an original work. The writer acknowledges the many sources that had helped him in writing the articles. What is significant is that some of the articles were written when the writer had been behind bars for his alleged involvement in some violent activities during a democratic demonstration for land rights in the Last Gate⁷ area near Dispur, the capital of Assam. Some of these had already been published in some of the local newspapers during the last few years.

Slow Comes the Desert documents the ideological base of the movement against construction of big dams over the rivers of North East India. The theme article recounts how a small river dam – Kurishwu dam in Bhutan (60MW ?) funded by India had almost killed two rivers – Manah and Hakua and rendered thousands of hectares of agriculture land barren due to sand deposition. In fact, most of the northern districts of lower Assam had to suffer a devastating flood from a sudden release of excess water from the Kurishwu dam without prior warning in 2004. The Government of India or Assam chose to ignore the loss of valuable human lives and standing crops, let alone the lasting siltation of the land for reasons best known to them. Perhaps, ignoring the entire incident was the official way of ignoring the dangers of big dams. That is, by choosing to remain blind, deaf and dumb, the state of India wanted to remain non-committal to the safety and right to life of the people of the downstream areas of the dams. In this context, protesters often mention another example of dam-made disaster in Lakhimpur. In 2008 excess water released without prior warning by the Ranganadi Hydel Project in Zero, Arunachal Pradesh inundated the entire town of Lakhimpur and

destroyed lives and properties beyond imagination. The river Ranganadi has become almost a dead river within ten years of the commissioning of the Ranganadi Power Project. Studies on the environmental, economic and human loss in the downstream areas are going on.

Anyway, the book we are talking about here dwells on how the surge in construction of river dams is nothing but the surge in the desire for wealth by exploiting the precious natural resource – fresh water. The ambitious MNCs and national corporate houses are joined by state mechanism in the name of development. The first article – **Water, Electricity and River Dams: Some facets of Exploitation** lays out the critical debate involving the issue of exploitation of water for human development – an exploitation that is often seen as over-exploitation of natural resources at the cost of not only ecological balance but also of the people living around and for the benefit of a few who control the capital needed for the purpose. Explaining in details how most of the developed nations have stopped construction of dams and how numerous dams have been decommissioned due to economic un-viability and adverse downstream impact, the writer concludes that the NE region in India is one of the last regions to be exploited by the neocolonial forces. The concluding paragraph sums up the argument –

These days, enthusiastic construction of river dams is taking place only in the third world nations. This too, is part of the old colonial policy of investing the resources and obsolete technologies of the imperial forces of the rich nations. The state (India) too, likewise, has chosen the frontier part of the North East region (with the same purpose and mindset). This region has become the focus of attention of the corporate houses. Their investment is based on the policy of 'high risk, high profit'. They will exploit and desert the region once it is made unfit for human inhabitation. We have to take a decision now. (p. 10)

(Translation and additions in parenthesis mine)

While the entire book is an argument against big dams from the point of view of the people of Assam, the fifth chapter is primarily devoted to the right over water. **Who Has Right to Water** elaborates how right to fresh water has seen a dangerous chronology of development in post-independence India. Gogoi enumerates the various government policies on water since vedic times and concentrates on the British and Post-Independence period. He elaborates how the community or people's right over water was taken over by the state government first and then by the central government only to be handed over to private parties (read as corporate houses). National Water Policy, 2002⁹ is an interesting document that appears to have converted water from being a 'basic human need' to an asset for national development. He has made special mention of the first line of the policy:

Water is a prime natural resource, a basic human need and a precious national asset. Planning, development

and management of water resources need to be governed by national perspectives. (2002)

At the same time, the basic human need, earlier known as community right, has to be handed over to private parties, not to the people, for economic exploitation:

Private sector participation should be encouraged in planning, development and management of water resources projects for diverse uses, wherever feasible. Private sector participation may help in introducing innovative ideas, generating financial resources and introducing corporate management and improving service efficiency and accountability to users. Depending upon the specific situations, various combinations of private sector participation, in building, owning, operating, leasing and transferring of water resources facilities, may be considered. (2002)

While the intention appears to be a noble one, the actual situation is quite different. Handing over water to private parties for exploitation has already raked up scandals all over the world. The entire process of this change of hands has taken a curious turn – from the individual (as part of the community) to the State Government, then to the Central Government and then to the individual (as the owners of Private Corporate Houses). More than ensuring equitable distribution of water, the Ministry of Water Resources appears to be interested in making it a marketable commodity to be managed by private corporate houses. And the writer takes exception to this robbery of the 'people's right' and hopes that only the 'popular reaction, protests, movements' can strive for reclaiming this 'human right'. And he claims that the movement against the big dams is not only a struggle for natural 'resources' but also the second phase of the movement for India's independence. (p. 28)

It is not clear how far this movement for 'water right' succeeds in achieving its immediate goal of making everybody accept it as a fundamental human right. It also not clear how far the movement against the big dam over the river Subansiri will succeed considering mammoth coercive power at the disposal of the Indian state. At the same time, one has to admit that the book under discussion in particular, and the current movement under the aegis of the KMSS in general have been considered as an echo of the global voices for basic human rights. Participation of non-other than Medha Patkar herself, and of Dr. Vandana Shiva, an internationally acclaimed eco-critical activist in the mass rallies organized by KMSS indicates that the calls for water rights are growing louder day by day.

NOTES:

1. Noted environmentalist, Sunderlal Bahuguna stated in 2009 that the agenda of the next

world war will be water if we continue to waste it senselessly.

2. Scanlon, John, Caesar, Angela and Nemes, Noemi (2004, 'Water a Human Right? IUCN, Gland, Switzerland and Cambridge, UK'
3. United Nations Economic and Social Council, Committee on Economic, Social and Cultural Rights, General Comment No. (2002). the right to water (Arts. 11 and of the International Covenant on Economic, Social and Cultural Rights) Twenty Ninth Session, Geneva, 11-29 November 2002.
4. General Assembly resolution 1803 (XVII) of 14 December 1962, "Permanent sovereignty over natural resources"
5. A movement started by environmentalist Sunderlal Bahuguna and his followers to protect felling of trees in north India by literally hugging the trees gained immediate success when the practice of deforestation was stopped through government intervention.
6. Narmada Bachao Andolan (NBA) is a social movement consisting of adivasis, farmers, environmentalists, and human rights activists against a number of large dams being built across the Narmada river. The Project was funded by the World Bank and after the protests were made by NBA under the leadership of Medha Patkar it withdrew from the project after a thorough review.
7. Last Gate, an area near Dispur, the capital of Assam is the scene of many political demonstrations. Whenever the Legislative Assembly Sessions are in progress, people and organizations sit in demonstrations with their demands in this area earmarked for the purpose by the government.
8. Marubhumi Ahe Lahe Lahe (Slow Comes the Desert), Aakhar Publications. Guwahati, 2012
9. National Water Policy, 2002 under the Ministry of Water Resources, Government of India states that in view of the vital importance of water for human and animal life, for maintaining ecological balance and for economic and developmental activities of all kinds, and considering its increasing scarcity, the planning and management of this resource and its optimal, economical and equitable use has become a matter of the utmost urgency.

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