

# WATER CONFLICTS IN INDIA A MILLION REVOLTS IN THE MAKING

## *Editors*

K.J. Joy  
Biksham Gujja  
Suhas Paranjape  
Vinod Goud  
Shruti Vispute

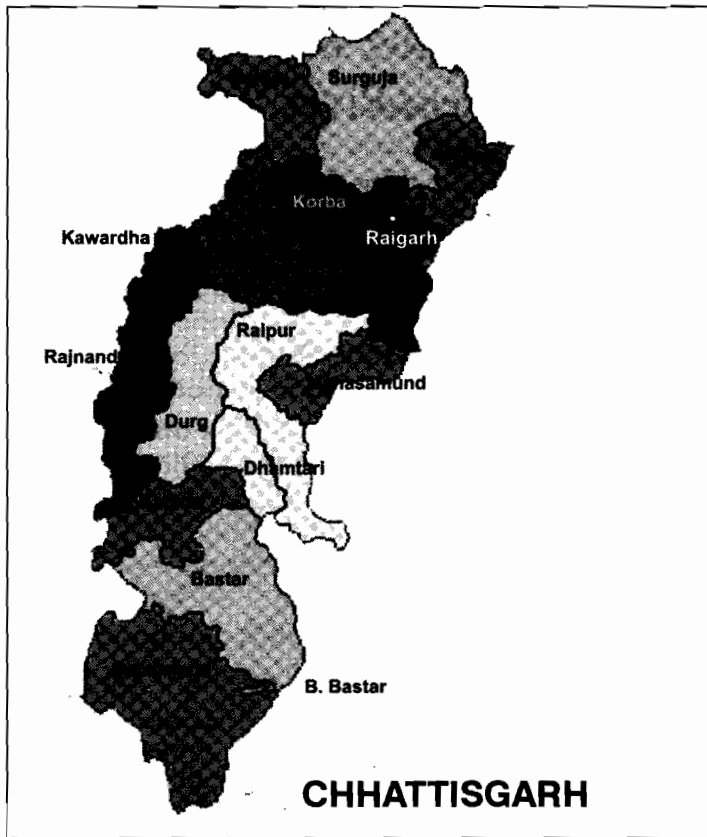
# People's Struggles for Water Rights over Kelo River Waters

Prakash Kashwan and Ramesh Chandra Sharma

**C**HHATTISGARH, THE TWENTY-SIXTH STATE OF THE INDIAN UNION, WAS CARVED OUT OF sixteen districts of Madhya Pradesh (comprising ninety-six of its *tehsils*, 146 of its community development blocks, and 30.47 per cent of its area) on November 1, 2000. It has a geographical area of 135,194 sq km and three distinct zones: in the north are the Satpura ranges; in the centre, the plains of the river Mahanadi



Map 1. Location of Chhattisgarh in India.



Map 2. The district map of Chhattisgarh.

and its tributaries; and in the south, the plateau of Bastar. The average annual rainfall in the State is about 1,500 mm and much of its yellow sandy soil is suitable for the cultivation of rice. It is one of the poorest States of the country, where an estimated 38 per cent live below the poverty line and weaker sections comprise more than 63 per cent of the population: scheduled tribes (ST) 32 per cent, scheduled castes (SC) 12 per cent, and other backward castes (OBC) 20 per cent.

The Kelo river is a minor perennial tributary of the Mahanadi, and is 102 km long. It originates in the Pahad-Lude hills near Lelunga and flows south-east through a wide middle catchment north-west of Raigarh town (Chhattisgarh) and meets the Mahanadi about 19 km south-east of Raigarh at village Mahadevpali Ghat, Jharsuguda district, Orissa. The banks of a narrow stretch in the middle portion of its catchment are marked by a range of thickly forested hills that trap and later release an appreciable amount of rainwater into the river by way of numerous small springs located on both sides of the river.

### The Issue: Jindals Get Permission to Draw Water from the Kelo

At issue is the permission granted by the Chhattisgarh government (GoC) to Jindal Strips Limited, now called Jindal Steel and Power Limited (JSPL), to extract water through a combination of stop dams and

intake wells from the Kelo, downstream of Raigarh town. According to the local population and activists, fourteen villages of Raigarh district in Chhattisgarh and nine villages in Orissa are affected, causing loss of livelihood, pollution of drinking water and increased drudgery for women. A writ petition against JSPL has been filed in the High Court of Chhattisgarh.

Located just outside Raigarh, JSPL is the world's largest coal-based sponge iron plant, and the largest open cast coal mine in Asia provides it with the necessary fuel. JSPL came to Raigarh in 1989 and over a decade acquired hundreds of acres of land for its industrial operations. It constructed and maintains a road that links the plants to Raigarh. The road is open to public against a toll fee of Rs. 12. JSPL offers a broad range of steel products, including the longest rail sections in the world, and also produces electricity. It is a member of the US\$ 1.5 billion steel conglomerate JSPL Organisation, a company with plants in Haryana and other Indian States. It uses coal and water to produce electricity in its captive thermal power plant to run its steel plant and the surplus is sold to the Chhattisgarh Electricity Board.

JSPL pumps out about 0.88 Mm<sup>3</sup> from the Kelo every month, which is about a tenth of the flow in the river. Considering that half of a river's flow is required to maintain the ecological balance, JSPL consumes 20 per cent of the available water. They also have an unknown number of borewells and some surface ponds.

### 'Save the Kelo' Movement

The Kelo Bachao Sangharsh Samiti (KBSS) was constituted in 1996-97 by some of the leading activists of Raigarh. In 1998, KBSS launched a public campaign to save the Kelo by asserting people's rights to natural resources, especially water. In 1998, a public interest litigation (PIL) was filed by KBSS activists and Goldy M. George. That year, tribals from the affected villages sat on hunger strike to protest against industrial exploitation of Kelo waters. A tribal woman Satyabhama died in somewhat mysterious circumstances after she was forcibly taken to hospital by a police team without any of the activists accompanying her. After an agitation, the GoC ordered a magisterial enquiry but the report has not been made public. This in some ways was the most intense period of the conflict.

Eight months later, Satyabhama's husband Gopinath, who had also participated in the hunger strike, filed a case against four activists accusing them of having caused her death by forcing her to sit on strike against her will and despite her alleged ill health. Today Gopinath regrets having filed the case, but his reasons for filing a suit are not clear. A partial explanation is that it is one of about twenty-five different kinds of cases that were slapped against leading activist Ram Kumar Agarwal. Similarly, most of the activists, journalists and some of the lawyers who were with KBSS to begin with have either been lured or forced into the JSPL camp and those who have not, including tribal villagers, are now facing several court cases.

- 1989: The Jindals enter Raigarh with a lot of public expectation and support.
- 1995: The Jindal steel strip factory is established. The Jindals subsequently establish two more plants and townships, a coal-based thermal power plant and recently another one manufacturing rail sections.
- 1996-98: The Jindals establish one open cast and one underground coal mine in the upstream of Kelo river catchment in Lelunga *tehsil*.
- 1996-97: The Kelo Bachao Sangharsh Samiti (KBSS) is constituted.
- 1998: A tribal woman, Satyabhama, dies on January 26 under mysterious circumstances after she is picked up by police from a fast-unto-death agitation.



Fig. 1. Chhattisgarh Padyatra organised by Ekta Parishad passes through Kelo river.

- 1998 onwards: The Jindals and their associates establish four additional sponge iron plants upstream of Raigarh town with independent water supply arrangements. One of them, Taraimal, is situated on the banks of the Kelo.
- 2000–5: Water supply in Raigarh town has to be augmented by digging more borewells. Today there are more than 175 borewells with energised pumps in Raigarh town. Both in downstream and upstream areas affluent farmers install energised borewells for irrigation, including summer irrigation.
- By 2005: Jindal and its associates establish four additional sponge iron plants upstream of Raigarh town with independent water supply arrangements. Taraimal is situated on the banks of the Kelo.

### Not Quite Sufficient Evidence?

Tribals and the KBSS argue that there is not enough water in the Kelo river to fulfil the needs of Raigarh town, the downstream villages and JSPL. In support, they cite minutes of meetings of water authorities and their letters denying JSPL the right to take water from the Kelo river, and newspaper clippings reporting water scarcity; they have attached these to the PIL as evidence. In response, JSPL and the GoC argue that there is enough water and that the needs of the inhabitants have been properly taken into consideration before granting permission. They explain that permission has been granted to JSPL to draw water downstream of Raigarh town instead of upstream as it first requested, thus ensuring sufficient water for Raigarh. As far as

downstream villages are concerned, the GoC claims that there is enough water left and cites expert reports and recorded water flows during the critical months from February to June. JSPL also produced letters from twenty-seven villages certifying that they had enough water and had no objections to JSPL drawing water from the Kelo, and minutes of other meetings and also letters from the state water authorities allowing the intake of water.

An expert team constituted by Ekta Parishad, a national mass-based movement fighting for rights of tribals, Dalits and women, concluded:

The induction of the intake well and stop dam by JSPL Steel and Power Ltd. has differential impact in the three ecological regions, namely in the plains villages, the villages adjacent to hills and forest, and the upstream village. The most adverse impact on various sources of livelihood is felt in the villages in the plains as they are adjacent to the intake well and stop dam. . . . [A]ccess to water from the Kelo River for agriculture, drinking water, cattle requirements and fishing has been seriously hampered in these villages after the induction of the intake well and stop dam. Wells, ponds and lift irrigation, which were the main source of irrigation before induction of the intake well, get dried up during summer months completely. The riverbed of the Kelo was utilised by marginal and small farmers for growing vegetables, which has now become a thing of the past. It has severely affected their source of livelihood. River Kelo remains bereft of water in the areas adjacent to villages in the plains during the months of April-June. The landless labour, marginal and small farmers completely depended on Kelo river for their everyday requirements of bathing, drinking and cattle cleaning.

Apart from the water drawn from the Kelo for Raigarh and JSPL factory, a substantial amount of groundwater is also extracted from the river basin. The total groundwater extracted from the JSPL factory premises is unknown. The municipal administration of Raigarh town extracts 0.67 Mm<sup>3</sup> every month for its needs. The number of borewells drilled for irrigation and installed with electric pumps is increasing; for example, in Rengalpali village there are four borewells irrigating 8 ha of land and in Netnagar twenty-two borewells irrigating 18 ha of land. Obviously, the cumulative effect is reflected on the ecology of the area affecting livelihood processes. The exact impact can be revealed only through systematic detailed studies but some indicators are already visible: for example, drying up of river flow at the confluence of the Kelo and the Mahanadi, and fluctuating flow in the river as one traverses the basin from Libra village in Lelunga *tehsil* in the north-west to Rengalpali village in Raigarh *tehsil* in the south-east.

### Heeding Public Perceptions

Though it is not clear how much JSPL has contributed to in this cumulative impact, one thing is certain: that people in fourteen Raigarh villages downstream of the JSPL pumping site perceive that loss of flow in the river is causing changes in their lifestyle and that it is due to the water that JSPL draws every day, 365 days a year. Unless the process is halted and this perception is dealt with, it is difficult to see the conflict being resolved. Instead, in complete disregard of these perceptions, JSPL has now mooted fresh expansion plans with investments of over Rs. 1,200 crore. A public hearing was scheduled on January 4, 2005 to consider public opinion and grievances with respect to the new plans. More than 2,500 people turned up at the hearing but it could not be held because of the chaos that ensued at the venue. As the District Collector admitted, '[The authorities] were not prepared for such a turnout for the hearing because it was just a formality for getting

the proposal cleared from the Ministry of Environment and Forests'. The turnout reportedly included people from Haryana, called in by the JSPL. The hearing was postponed to January 29. On January 7, the GoC signed yet another MoU with JSPL for investments totaling Rs. 2,595 crore. According to the company's press release, 'Under the MoU, the state government of Chhattisgarh will, among other things, provide all necessary help in seeking clearances, approvals, permissions from state/central government departments/agencies for implementation of these projects'.

Eyewitnesses say that over 3,000 people turned up at the January 29 hearing and submitted more than 1,900 applications providing accounts of water and air pollution and degradation of natural resources caused by JSPL operations. A 4 km long banner was signed by 45,000 people of the area demanding complete rejection of JSPL's expansion plans.

### Encouraging Signs

The Chhattisgarh Chief Minister Raman Singh is said to have instructed officials that none of the expansion plans of JSPLs could be approved until it undertook proper pollution control measures at its existing facilities. Similarly, the environment officer of Raigarh has been issued a notice to investigate public grievances of over-exploitation of water resources and various kinds of pollution. Therefore, there seems to be some sort of an attempt at accountability at least as far as the government is concerned. This could lead to some sort of dialogue if the pressure is kept up on the JSPL. Given past experiences, however, most of the activists find it hard to believe that the company will make a serious effort to address public grievances. However, the State-wide movement against the pollution and environmental degradation caused by industrialisation is an encouraging sign. The government and JSPL may be forced to heed people's voices.

### Note

\*Maps from SOPPECOM, Pune; figure from Ekta Parishad.

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