

# TRIBAL STUDIES IN INDIA: INTERDISCIPLINARY PERSPECTIVES AND APPROACHES

## Lecture27

### Lecture 27: Resource Rights: Water

Good afternoon, everyone. We continue with our NPTEL online course, Tribal Studies in India: Interdisciplinary Perspectives and Approaches. So today's lecture will be a continuation of the issue of resource rights. In the last two lectures, we have looked at two very important issues: land and forest. Today, we will continue along the same line in terms of looking at resource rights, particularly in relation to water.

In the last two lectures, we have tried to situate the larger context of resource rights by examining the history of how different kinds of legislations and laws were introduced by the colonial state and their impact on tribal communities. Now, many times, the kind of issues they were talking about, for example, resources—whether land, water, or forest—there is a lot of overlapping. Therefore, today also, much of the points that I'm going to cover may have some overlapping. But at the same time, we will try to look at the specific nature in which the issue of water emerged in the context of tribal communities. Now, to start with, all of us know that water is indispensable to human life.

Not only is water a resource to be consumed, but it also plays a very important role in understanding human histories. If you go back to the history of human civilizations, you will see that early human civilizations flourished essentially in areas and regions close to water bodies. That is true in the case of Asia, Africa, or any part of the world. Human societies have always lived in close proximity to water resources. Now, in Egypt, we know that the Nile River, for instance, plays a very important role.

Now, in India also many civilizations are extremely connected to water resources. So, economically also, that is the broader context of the importance of water for humans. Now, economically, there can be no food cultivation, there can be no

agriculture without water. Conceptually, therefore, the human right to life is regarded as the most important fundamental right for humans. Since humans cannot exist without water, the broader interpretation of the right to life has to encompass the right to water.

Now, when it comes to the question of water in relation to tribal communities or tribal communities in relation to water, what are the specific kinds of issues that tribals face in relation to the right to water? So, our understanding of water and the way in which we are looking at it is guided by viewing water as a resource which is in every way a part of human existence. And this is very much relevant for tribal communities as well. So, I have already said that water plays a very important role in terms of understanding human histories, how humans as a society evolve over a period of time. Even if you look back at the economic history of the world, you will see the importance of trade routes, particularly seas, the role of oceans, the role of rivers, and how they have played a part in terms of trade and commerce.

Now, in the context of tribal society, tribal communities in India, who constitute 8.6% of India's population, are heavily dependent on water resources. And over a period of time, particularly starting from the colonial period, what we see is that there has been this incessant deprivation of tribal communities in terms of their access to water resources. And this inaccessibility or this deprivation comes in the form of tribal communities being displaced from their habitats or sometimes, you know, the construction or the initiatives in the form of new infrastructure projects result in enclosures of these natural resources by the state or by private companies. Now, therefore, for the tribal communities in India, the concept of the right to water is inextricably linked to their rights to land and forest, which is seen as part of this indivisible ecosystem. This means that we cannot separate the socio-cultural life of the tribal communities from land and forest, as well as water resources. So land, forest, and water resources have this indivisibility, between all of these, and the kind of social relationships that tribes have built with land, forest, and water cannot be separated.

So these are closely interlinked; these are closely integrated. So what is the role of the colonial state when it comes to water resources? What kinds of impacts has colonialism had on the tribes? Now, in the context of land and forest, we have seen that there has been the introduction of new legislation and laws, which

were actually meant to serve colonial interests in terms of expropriating and appropriating resources, particularly land and forest. Now, we have seen that through the introduction of laws and legislation, the colonial state was capable of ensuring that local communities, who had been dependent on forests, no longer had access to forest rights.

Likewise, the story of water is not very different from that of land and forests. So, colonial policy on water, therefore, was very similar to their policy regarding land and forests. It primarily focused on ensuring greater state control over the resources, essentially to maximize revenue generation for the British crown. Now, as I said, during the colonial period, much of the legislation that we still follow even today in India was largely introduced by the colonial state. And it was introduced primarily to serve the interests of the empire.

Now, for the local communities, the impact was that these resources, which were conceived as common property resources, gradually became privatized or were taken over. Now, the moment these resources were taken over, it meant that local communities no longer had the right to access and utilize these resources. Now, a very important legislation which was introduced by the colonial state was the Easements Act of 1882, which is active even till today. And under this act, it preserved the right of the government to regulate the collection, retention, and distribution of water from rivers and streams flowing in natural channels and of natural lakes and ponds or the water flowing collected, retained or distributed in or by any channel or either was constructed at the public expense for irrigation. Now, going by what I have just read out, it is very evident that the colonial state was very clever in terms of introducing this law in a sense that it made sure that, you know, water resources belong to the state.

### Colonialism and Water Rights of Tribals

- Colonial policy on water, was similar to their policy about land and forests, which was to focus on ensuring greater state control over the resources to maximise revenue generation for the British Crown.
- The Easements Act of 1882 introduced by the colonial rulers, which is active even today, preserved the right of the government to regulate the collection, retention and distribution of water from rivers and streams flowing in natural channels, and of natural lakes and ponds, or the water flowing, collected, retained or distributed in or by any channel or other work constructed at the public expense for irrigation.



Likewise, when the colonial state introduced laws pertaining to forests, it made sure that forests were made the preserve of the state. Now, by virtue of which the colonial state not only claimed that these resources belonged to them, but then their access, the way in which they were to be used, and who had the right to go and access forest resources were all controlled and regulated by the colonial state. Now, during the colonial period, we know that India, being a largely agrarian society, it was very important that the colonial state maximize from the exploitation of land resources, particularly from the agricultural sector. Now, to maximize that profit, it was very important that the colonial state establish different irrigation canals. Now, I am standing before you in the state of Uttarakhand, and Uttarakhand is very central when it comes to the promotion and construction of irrigation canals.

Now, we have the Ganga canals very close to our campus here. Now, this canal actually was constructed by the colonial state to irrigate the farmlands, and the intention was to increase agricultural productivity. Now, if agricultural productivity in India increases, it means that the colonial state will acquire more revenue from India, and actually, it will benefit them. So, therefore, it was not surprising that irrigation canals were at the forefront of British imperial policy in India. And these were presented as a development mechanism to prevent recurring and widespread famines.

However, they were poorly planned and implemented partly because they were motivated less by the needs of the local population and more by the need for good returns of capital invested by the elites of the landed aristocracy and city financiers. Now, India being a predominantly agrarian society, it was important

that the fields had enough water. So, for which, irrigation canals needed to be constructed. Now, at the same time, there was a justification given that these irrigation canals would not only increase agricultural productivity but also solve the problem of widespread famines that often happened during the colonial period. Unfortunately, many of these canals were poorly implemented and poorly executed, and this was also because the colonial state was not interested in the welfare of the local population or Indians, but rather their motive was singularly to acquire or maximize profits from the capital invested. from the capital invested.

So, the Easements Act recognized landowners' rights over surface and groundwater, emphasizing state control of water resources, and the British prioritized water use for food production rather than ensuring adequate, accessible, and affordable drinking water for the population. Now, definitely, through the act, the colonial state recognized landowners' rights over surface and groundwater. But through this act, it ensured that the state had control over water resources. Now, even if you look at contemporary global policy and politics, you will see that control over water resources continues to be very important or paramount. And we continue to see conflicts over water resources in terms of sharing river waters or in terms of controlling seaways or waterways.

Now, therefore, water is not just a mere commodity. It is very much central to understanding the global economy. It is very much important to understanding the national economy. And the colonial state was very quick to realize the importance of water and why this needed to be controlled, and the way in which it had to be utilized also needed to be regulated, for which, you know, the colonial state brought water under its own domain. So, at the same time, the colonial state introduced another very important law that came in the form of the Land Acquisition Act of 1894.

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- The colonial state introduced another significant law that altered the existing Common Property Resource (CPR) dynamics in India—The Land Acquisition Act of 1894. This law paved the way for the British government to control and utilise land and forests as per their desire and convenience. Common Property Resources (CPR) now could be taken from common people for “public use”.
- Under the pretext of public benefit, the British continued their canal-building projects across the country in order to facilitate commercial agriculture using the Land Acquisition Act. This often led to the disruption of local communities and traditional livelihoods.



5

This law actually paved the way for the British government to control and utilize land and forests as per their desire and convenience. Now, so what does the Land Acquisition Act of 1894 do? What it does is that it transforms common property resources like water, land, and forests by justifying or making possible the alienation or acquisition of these resources in the name of public use. Basically, it enables the government to alienate people or displace people, uprooting them from these kinds of resources in the name of public use or the larger common good. Now, when we talk about land or resources, particularly in the context of land, we have dealt extensively with the Land Acquisition Act.

Now, in India, we know that land is very important, not only economically but also socially and politically. Now, many communities have a very strong attachment to land, and being a very agrarian society, owning land continues to be a marker of social status as well. Now, for many people who are dependent on land, so giving away their land or being deprived of cultivating their lands is something which is very much difficult to even think about. So, the colonial state realized that Indians really have strong values and attachment to land. Now, to enable acquiring these lands from the common people, they introduced this law, the Land Acquisition Act, which granted the colonial state or justified the colonial state when it acquired lands in the name of public use.

In the sense that these lands are acquired from you, but then your sacrifice is for the larger common good or common interest. So, under the pretext of public benefit, the British continued their canal-building projects across the country in order to facilitate commercial agriculture using the Land Acquisition Act. Now, like I said, land, forests, and water are resources that are quite interlinked, and

one cannot separate one from the other. Now, we may say that we are talking about water, but we are also talking about land. For the construction or promotion of canals, you need to acquire a certain amount of land.

So, therefore, we have to really look at how all these things are interlinked, and the way in which one enables the other to get enforced. So, the Land Acquisition Act was very instrumental for the colonial state when it came to acquiring land for canal building. So, this undoubtedly resulted into the disruption of local communities and their traditional livelihoods. Now, in major parts of India during the colonial period, the Land Acquisition Act was continuously used to facilitate the construction of several water-related projects, particularly dams. The construction of large-scale dams often required the clearing of large land spaces and forests that disrupted the local population's habitat.

Most of such land spaces were the living places of various tribal communities. It was this Land Acquisition Act of 1894 that enabled this possession of people from their lands. And the importance of the relationship between land and water comes back particularly because this law was utilized to enable the process of alienating or dispossessing people or local communities for the construction of water-related projects such as dams. Now, in India, when it comes to the construction of dams, so, of course, the process was something that was initiated by the colonial state. But in post-colonial period the Indian state, you know, have continued this process of constructing dams.

And India is one among the five countries which have the largest number of dam construction in the world after China and USA. Now you can see how the utilization of water resources continues to guide our national policies. Therefore, all this process was the groundwork for this process; the foundation was already laid by the colonial state. So, the implementation of the 1894 Land Acquisition Act disrupted traditional land ownership patterns and had a significant or adverse impact on indigenous communities in India, primarily because most of these areas where irrigation projects or dam construction were happening were primarily areas inhabited by tribal communities. And in the later part of this lecture, we will look at some case studies—not in a very in-depth manner, but to really understand how tribes are being impacted or deprived of water resources.

During the colonial period, one such significant dam construction project that affected indigenous communities was the Mullaperiyar Dam, which was constructed from 1887 to 1895. The dam was constructed during the colonial period in India, and it is located on the Periyar River in the Western Ghats near Thekkady in Kerala, and is operated and maintained by the state of Tamil Nadu under a 999 year lease agreement in 1886 between the British government and the princely state of Travancore. Now, the primary purpose of this dam was to divert water from the Periyar River, which naturally flows into Kerala, towards Tamil Nadu for irrigation in the rain-shadow region of Madurai, Theni, Sivaganga, and Ramnathapuram districts. So, the construction of this dam has had significant impacts on local tribal communities in the Western Ghats, particularly through the submergence of vast forest areas that were integral to their livelihoods and cultural practices. Now, many tribal communities in India have a very close or symbiotic relationship with the natural resources such as forest and land—we have already talked about it.

Forest and land—we have already talked about it. Even when it comes to water, many water bodies are considered sacred by the communities. Now, whenever you are going to construct a dam, there has to be some submergence area. And in the process of constructing these dams, what happened is that people are not only displaced from their habitats, but they are also being uprooted from their culture, from their histories, because being a society which is more or less closely knit, once the community is uprooted, they get dispersed. And the kind of social bonds that existed before the displacement took place actually gets broken.

So, therefore, the socio-cultural impact of dam construction on indigenous communities is something that is quite immense. Additionally, the declaration of the Periyar Forest as a tiger reserve in 1934 exacerbated the displacement, as tribal communities were further alienated from their ancestral lands. There are many cases of this nature where the colonial state was involved in the appropriation of common property resources. The impact of these initiatives continues to be felt by the communities affected by the process of dam construction. Now, what about development in the post-colonial period?

In the colonial period, the groundwork was essentially laid for what was to come in the post-colonial period. Now, what happened in the post-colonial period? Did

the situation improve for the tribal communities in India? Or were there concessions or rights granted to the communities to prevent and protect them from being displaced from their natural habitats? Between the 1950s and the 2000s, we continue to see that Pandit Jawaharlal Nehru stated that dams are the temples of modern India because he believed that the construction of dams not only symbolized India's ability but also represented technological progress.

And the kind of promise they hold in terms of taking India forward, to make it a modern nation. Therefore, in the post-independence period, the construction of dams remained central for India to achieve a developed or modern status. The Land Acquisition Act of 1894 has been repeatedly used to acquire lands. The act was amended over time, and one of the latest amendments came in 2013. This act continues to be very relevant. We cannot talk about the issue of land alienation or the issue of water deprivation of communities from water resources without talking about the Land Acquisition Act of 2013.

So, despite the revisions in the law and recognition of individual and community rights of tribal communities, this law does contribute to the involuntary displacement for major development projects. Now, to situate ourselves in the shoes of many communities who are being displaced by development projects, it is at times a very traumatic experience in the sense that people who have been living in their homes, villages, or any place where they reside are suddenly displaced for big infrastructure projects. Now, no one would like to be displaced from their homes. But in the post-colonial period, despite the special rights and protections granted to tribal communities, what we see is that the involuntary displacement of tribal communities continues unabated. So, by and large, tribal communities or Adivasis have faced disproportionate state-sanctioned displacement as a result of the construction of dams and irrigation projects.

Such projects have been justified both under the statute and enforced by courts to protect drinking water and irrigation claims of the non-Adivasi majority. Now, in past lectures, I have said that tribals in India, despite being only about 8.6% of the total population, constitute about 40% of the communities displaced by different projects. This displacement was justified for a long time as a sacrifice for the larger interests or a sacrifice for the nation. So, in many ways, what were these sacrifices? In a sense, for India or any country to achieve progress, there has to be some sacrifice.

But then, some scholars argue that those making the sacrifice are not the ones benefiting from this process. So, this kind of contestation began to emerge from the 1980s and 1990s onwards, particularly with different kinds of movements that we see, where communities began to oppose development initiatives. Now, a very important part—a very important example or case study that is quite relevant in the context of the post-colonial period—is the construction of dams. The Sardar Sarovar Dam project, for instance, led to the emergence of the Narmada Bachao Andolan, which is very well-known. Many of us are familiar with the Narmada Bachao Andolan, led by the renowned social activist Medha Patkar, where the construction of 30 major, 135 medium, and 3,000 small dams was legally justified.

This project displaced 320,000 Adivasis from Gujarat and Madhya Pradesh, in particular, along with other communities not covered by the government's rehabilitation and resettlement plans, on the grounds that the dam was necessary to secure drinking water for millions of Indians under the right to life. So, the idea here is that sacrifices must be made so that the vast majority of Indians can secure the right to water, which is part of the right to life.

Contemporary studies have shown that dams have become political symbols of the conquest of nature and represent development in India. There are numerous examples when discussing dam construction, whether it is the Bhakra-Nangal Dam, the Hirakud Dam, which were conceived much earlier and continue to be engineering marvels or technocratic wonders. And, of course, there can be different debates and contestations around them.

But what we are really interested in is specifically understanding the issue in the context of tribal communities. Now, to take a more recent example, there is the initiative to construct 26 hydropower projects on the Teesta River in Sikkim. This project would not only displace thousands of Lepcha tribal communities in Sikkim but also erode their traditions and culture. So, this is where the centrality of tribal communities comes into play when discussing water resources. Now, specifically in Sikkim, there are several tribal communities, and the Lepchas are one of the indigenous tribal communities.

They are not large in number, but for the communities, the river Teesta is not only a river, it's not only a water flowing in their home state. The river is rooted in the socio-cultural life of the people. Their belief systems are rooted in the river.

Therefore, local communities, their sentiments, you know, are hurt because they are emotionally attached to the river. So, there is a strong belief that if the flow of the river is being disturbed, then there will be a lot of fatalities or there is a lot of danger associated with it because their belief system, their religious life of the people lies within the river itself.

Their belief system, their religious life, the belief system of the people lies within the river itself. So the river is not only a resource, a water that is to be exploited, but the river needs to be protected and preserved because their lives, their belief systems, their cultures, their traditions is rooted in the river. So, it is for this reason that in many parts of India, we see that the perception of tribal communities when it comes to resources is quite distinct as compared to the larger society. So, there was a strong protest against the attempt to construct dams. But at the same time, this is not to say that the entire Sikkimis or the entire Lepcha community rose up against the construction of dams in the River Teesta.

There were several individual groups within the communities who actually view the dam as a symbol of development, which resulted in a lot of economic and non-economic benefits for the local communities. But then many of the issues and concerns that were raised by the local people belonging from the community is essentially that the disturbance of river Teesta will disrupt the kind of socio-cultural beliefs that the local communities have been adhering to. So the indigenous Lepcha youth began an indefinite relay hunger strike on June 20, 2007, in Gangtok to pressurize the government into revoking all the power projects planned on the Teesta river. Now, one can endlessly talk about whether this is good or whether that is good. But what I essentially wanted to talk about is the symbolic value, the symbolic meanings that communities attach to water bodies like rivers.

Now, in the context of Teesta, I have said that it is not only water flowing in their state. It is about the people, the culture, their traditions, and their belief systems, which are rooted in the river. So, the river Teesta is assigned religious significance in the folklore of the communities, and it cannot be viewed only as an environmental and economic resource. Many of the sacred sites, as I said, many of the belief systems and sacred sites are located on the banks of the river near the originating source of its tributaries. The Teesta constitutes the lifeline of their livelihood, society, and culture.

So, for many people, the disruption of the river Teesta is the disruption of their lives. It is something that should not be done. It is a sacred river for the local communities. Therefore, it should not be polluted. It should not be exploited.

It should not be utilized to achieve certain economic ends. It is for this reason that local communities have staunchly opposed the construction on the Teesta River. Now, as I said, this is just one side of the picture. On the other side, there are also local communities who were actually pro-dam in terms of supporting the construction of dams on the river Teesta, essentially because they believe that it will result in a lot of economic and non-economic benefits. Another example that we can again refer to is the attempt to construct one major dam in the state of Manipur, which is known as the Tipaimukh Dam.

Definitely, the area Tipaimukh Dam is inhabited by several tribal communities belonging to the Nagas, Kukis and the Hmars, and the dam was to be constructed in a river known as the Barak River. Now, again, mostly we know this river as the Barak River, but then local communities like the Hmar call it Rungle Waisu. So, now, the river is not only a river. Like the way in which the river Teesta was conceptualized by the Lepcha communities, the Hmar also view the river as a source of their belief, a source of their life. So, it is not only something that is reduced to the economic benefits.

So there is symbolic, there is a lot of cultural or symbolic values, symbolic meanings that is attached to the river. So there is a strong belief that a disruption in the river will actually harm their belief systems, will harm the larger interests of the community. So the destruction of the river is almost like destructing the community itself. So, the proposed Tripaimukh dam would have permanently submerged an area of 275 square kilometres in Manipur. Moreover, it would have an adverse impact on the indigenous Hmar and Zeliangrong Naga communities, who would be displaced and dispersed.

Therefore, in the larger context, what we are seeing today in India is this articulation that emerged in the form of Jal-Jangal-Jameen. Now, you will see that political movements or social movements by tribal communities revolve around these three broad issues, that is, Jal, Jungle and Jameen. Now, why Jal, Jungle and Jameen? It only shows how these three, water, forest and land are

interconnected and they cannot be separated. We cannot look at the use of water in isolation from land.

We cannot look at the use of forest in isolation from water. These are quite interconnected. Because of the continual dispossession that tribal communities face, starting from the colonial period. So today there is a strong demand for the recognition of tribal rights in relation to the control and governance of these resources. So, within this understanding, land and water rights are not separate, but part of one indivisible ecosystem that is crucial to the preservation of Adivasi's right to life.

Now, to really grant and recognize the tribal's right to life, it is also important that we recognize their right to resources, particularly land, water, and forests. So, therefore, the social movements that emerged in India, particularly in the post-colonial period, and even in today revolves around this question of rights over land, water and forest. Thus, it is important for future development projects to use a multilateral and human rights approach to development with a greater sensitivity towards safeguarding the rights of indigenous and other affected people. So, broadly, in a more idealistic kind of situation, it is important to talk not only about development in terms of a human rights-based approach, but that would also demand any kind of initiative, policies, or any kind of government to conduct or undertake development projects with great sensitivity and care, particularly when one is talking or dealing with marginalized or underprivileged communities like tribes. So overall, today's lecture is a continuum of what we have done in the last two lectures when we are talking about land and forest.

Now, so all these three issues are one of the central issues or the burning issues when it comes to tribal societies. And we know why they are so important and why tribal communities consider this to be one of the most important issues. All of the struggles, the movements, which are coming from tribal areas, almost all of them directly or indirectly have to do with one or the other issue. Sometimes there are multiple issues, but most of the time you will see that tribal concerns are mostly related to land, water, and forests. And you will see, in the last two lectures also, that when it comes to forests, 75 percent of the tribal population is directly or indirectly dependent on them.

When you consider water resources, it is more or less the same, as many tribal communities continue to be heavily dependent on them. When it comes to land as well, tribal communities inhabit regions which are primarily very resource-rich. Whether it is in the eastern, southern, or northeastern part of India, you will see that tribal communities inhabit areas which are mostly resource-rich. Therefore, they are made vulnerable primarily because they live in areas which are very resource-rich and very important for the economic development of any nation. But on the contrary, what we have seen over the last 50, 60, or even 200 years is this continual dispossession and deprivation experienced by the communities, for which movements have begun to demand that the rights of tribal communities in relation to these resources be recognised.

So, thank you so much. These are some of the references I have used for this lecture. In the next classes, we will begin to look at a new topic: the role of tribal communities in the making of the Indian Constitution. Thank you.