

REFLECTIONS ON THE SOCIAL IMPACT ASSESSMENT FRAMEWORK IN THE INDIAN CONTEXT

AN ENGAGEMENT WITH THE SIA REPORT
OF PANCHESHWAR MULTIPURPOSE PROJECT

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PREFACE AND ACKNOWLEDGEMENTS

This work is produced as part of the 'Girish Sant Memorial Fellowship' for the year 2018. The work began in October 2018 by looking into the 'Regulatory Aspect of Hydropower Governance in Uttarakhand' and using CAG audit reports as an entry point. This study resulted in a report, **'CAG Audit Reports and Hydropower Projects: A Commentary.'**

The next course of action was to explore an issue that had gathered less attention in the audit reports. Impact on livelihood, along with other socio-cultural impacts of hydropower projects, was one of such pressing issues. In the regulatory framework, this issue comes within the Social Impact Assessment (SIA) framework. Hence, the SIA framework became the focus. The Mahakali river basin in Uttarakhand, where most of the hydropower development in upcoming years is proposed, was selected as the field site. The large scale Pancheshwar Multipurpose Project (PMP) is also part of these proposed developments. In this way, the Mahakali river valley became the field site for the project, and the SIA report of PMP was focussed upon for the study. The fieldwork and extensive desk-based engagement with the SIA framework and Pancheshwar SIA report has resulted in the form of the report, **'Reflections on Social Impact Assessment in Indian Context: An Engagement with SIA report of Pancheshwar Multipurpose Project.'**

Like any journey, this journey also had been possible because of numerous people and factors. This journey, too, had its drivers, fellow passengers, by-standers, and co-travellers. I must acknowledge the support received by the Prayas Energy Group.

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Abhishek Punetha
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Reflections on Social Impact Assessment in Indian Context

An Engagement with SIA report of Pancheshwar Multipurpose Project

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Abstract: The paper is born out of an attempt to engage with the Social Impact Assessment (SIA) report of the Pancheshwar Multipurpose Project (PMP), and it reflects on the regulatory framework around the SIA process in India. The paper, to contextualise the discussion on SIA, provides an overview of the evolution of the concept of SIA globally and the trajectory of SIA in the Indian regulatory framework. Building on the fieldwork in Mahakali river valley, the paper focuses on the shortcomings of the SIA report of PMP and analyses this SIA report in the mirror of the regulatory framework of SIA. Subsequently, it reflects on the regulatory framework for SIA in India as well. The reflection shows that the SIA process of India is falling short, both due to its narrow framework and lackadaisical implementation. The paper also takes a quick look at a few of the current SIA practices in the world. Furthermore, it concludes with an account of the long struggles which lie ahead of the Social Impact Assessment process in India.

Keywords: Social Impact Assessment, Pancheshwar Multipurpose Project, Mahakali River Valley.

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SOCIAL IMPACT ASSESSMENT

'Social Impact Assessment includes the processes of analysing, monitoring and managing the intended and unintended social consequences, both positive and negative, of planned interventions (policies, programs, plans, projects) and any social change processes invoked by those interventions. Its primary purpose is to bring about a more sustainable and equitable biophysical and human environment.'

*'A convenient way of conceptualising social impacts is as changes to one or more of the following: • **people's way of life** – that is, how they live, work, play and interact with one another on a day-to-day basis; • **their culture** – that is, their shared beliefs, customs, values and language or dialect; • **their community** – its cohesion, stability, character, services and facilities; • **their political systems** – the extent to which people are able to participate in decisions that affect their lives, the level of democratisation that is taking place, and the resources provided for this purpose; • **their environment** – the quality of the air and water people use; the availability and quality of the food they eat; the level of hazard or risk, dust and noise they are exposed to; the adequacy of sanitation, their physical safety, and their access to and control over resources; • **their health and wellbeing** – health is a state of complete physical, mental, social and spiritual wellbeing and not merely the absence of disease or infirmity; • **their personal and property rights** – particularly whether people are economically affected, or experience personal disadvantage which may include a violation of their civil liberties; • **their fears and aspirations** – their perceptions about their safety, their fears about the future of their community, and their aspirations for their future and the future of their children.'*

- International Principles for Social Impact Assessment¹

'Social Impact Assessment, therefore, is an umbrella or overarching framework that encompasses all human impacts including aesthetic (landscape analysis), archaeological and heritage, community, cultural, demographic, development, economic and fiscal, gender, health, indigenous rights, infrastructure, institutional, political (human rights, governance, democratisation etc.), poverty-related, psychological, resource issues (access and ownership of resources), the impacts of tourism and other impacts on societies. SIA is not limited to a narrow or restrictive understanding of the concept 'social.'

- Frank Vanclay in 'Conceptualizing social impacts'²

'SIA seeks to assess, in advance, the social repercussions that are likely to follow from projects undertaken to promote development, such as dams, mines, industries, highways, ports, airports, urban development and power projects ...As an aid to the decision-making process, SIA provides information on social and cultural factors that need to be taken into account in any decision that affects the lives of project area people.'

- Hari Mohan Mathur³

¹ Frank Vanclay (2003) International Principles for Social Impact Assessment. Impact Assessment & Project Appraisal 21(1), 5-11

² Frank Vanclay (2002) Conceptualizing social impacts. Environ Impact Assess Rev. 22:183–211.

³ Hari Mohan Mathur (2011). *Social Impact Assessment. Social Change*, 41(1), 97–120.

1. Evolution of Social Impact Assessment

The chapter provides an overview of the evolution of SIA. By taking a few critical events into account, it briefly traces the trajectory of SIA from the stages conceptualisation to the institutionalisation.

Growing Environmental Concern and the Introduction of NEPA

In the United States of America (USA), by the 1960s, there was an increasing recognition of the environmental costs of rapid industrialisation and economic growth. The multiple factors behind this increased recognition include the rise of environmental interest groups, enhanced public awareness about pollution and other threats to the environment.⁴ The public awareness itself, to a large extent, was resulting from widespread mass media coverage of environmental concerns, especially the few critical incidents⁵ of the latter part of the decade. The rising inflow of environmental literature in the 1960s was adding to this public awareness.⁶ The pressure from the public and mass media for government action in environmental affairs was intensifying, and on top of that, incidents like Sant Barbara Oil Spill⁷ had a catalytic effect in the passage of landmark legislation in July 1969 in both houses of Congress. This legislation, known as the ‘National Environmental Policy Act of 1969’, was signed by then-President Richard Nixon on January 1st of the year 1970. The NEPA was enacted with a stated purpose - ‘To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to

⁴ For details on the events leading to growing environmental concern in the 1960s in the USA, See:

1. Rome, Adam (2003). "Give Earth a Chance": The Environmental Movement and the Sixties, *The Journal of American History*, Vol. 90, No. 2, pp. 525-554
2. Michigan in the World (2017), “‘Environmental Crisis’ in the late 1960s’, "Give Earth a Chance": Environmental Activism in Michigan. Available at : http://michiganintheworld.history.lsa.umich.edu/environmentalism/exhibits/show/main_exhibit/origins/-environmental-crisis--in-the- (Last Accessed : 30/09/2019)

⁵ The incidents such as Torrey Canyon (1967) and Sant Barbara (1969) Oil Spill.

In 1967, the ship, Torrey Canyon, carrying several million gallons of the crude oil ran aground on a rock when it was nearing the end of its voyage from Kuwait to a refinery at Milford Haven in Wales. The accident led to the UK's worst-ever oil spill at up to 117,000 tonnes, which hit hundreds of miles of coastline.

In the Sant Barbara coast of California in the USA, a blowout resulted in the spilling of 3 million gallons of crude oil at the beginning of the year 1969.

⁶ The books which came out in the 1960s such as Rachel Carson's ‘Silent Spring’, Ralph Nader's ‘Unsafe at Any Speed’ etc. is said to have had a major impact. (See the complete list of major events here : ‘Environmental history timeline’ <http://environmentalhistory.org/20th-century/sixties-1960-1969/> (Last accessed : 03/10/2019)

⁷ Considered to be one of the biggest oil spills by that time, it affected marine life heavily. This event got widespread coverage in the media. Plenty of information about this incident is available in the form of research papers, articles over magazines and web portals. See : Wheeling K, Ufberg M (2017). 'The Ocean is Boiling' : The Complete Oral History of the 1969 Sant Barbara Oil Spill’, *Pacific Standard*, April 18, 2017. Available at: psmag.com

<https://psmag.com/news/the-ocean-is-boiling-the-complete-oral-history-of-the-1969-santa-barbara-oil-spill> (Last Accessed : 29/09/2019)

promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.’⁸

NEPA: Paving the Way for SIA

The NEPA, often referred to as the “Magna Carta” of environmental laws, formally established the environmental impact assessment process as it directed all federal agencies to assess the environmental impacts of any proposed action before the decision-making stage.⁹

NEPA also institutionalised the use of an interdisciplinary approach, integrating the natural and social sciences in environmental planning and decision making. It also required the Federal Government in light of the act ‘to be conscious of and responsive to the scientific, economic, social, aesthetic, and cultural needs and interests.’¹⁰ The use of the term 'human environment' in the act without a precise definition, provided the base for litigation to include the non-ecological impacts under the report assessing the environmental impacts of any proposed action.¹¹

In this way, NEPA opened the doors for the assessment of social impacts in the upcoming years. Perhaps this leads to the belief that ‘Social impact assessment was formalized with the introduction of the U.S.National Environmental Policy Act (NEPA) of 1969.’¹²

Social Issues Coming to the Fore

The trans-Alaska crude oil pipeline, which forms the part of the Trans-Alaska Pipeline system (one of the largest pipeline systems currently), was the first major project requiring an assessment of Environmental impacts as per the NEPA. An eight-page Environmental Impact Statement (EIS) was submitted along with the application to receive a permit for the project. This EIS was considered inadequate hence was litigated heavily. After three years of judicial struggle,

⁸National Environmental Policy Act of 1969, Public Law 91-190, 91st Cong., 1st sess. (January 1, 1970). Retrieved from : <https://www.gpo.gov/fdsys/pkg/STATUTE-83/pdf/STATUTE-83-Pg852.pdf>. (*Last Accessed : 25/09/2019*)

⁹ Lynn G. Llewellyn and Clare Peiser, “NEPA and the Environmental Movement: A Brief History”,1973, <https://www.govinfo.gov/content/pkg/GOVPUB-C13-235f36f39ae03c922e70e09245429d4d/pdf/GOVPUB-C13-235f36f39ae03c922e70e09245429d4d.pdf>

¹⁰ National Environmental Policy Act of 1969

¹¹ Smith, Jacquelyn L. (1992) "Consideration of Socioeconomic Effects under NEPA and the EC Directive on Environmental Impact Assessment," University of Chicago Legal Forum: Vol. 1992: Iss. 1, Article 15. Available at: <http://chicagounbound.uchicago.edu/uclf/vol1992/iss1/15>

¹² Rabel J.Burdge and Frank Vanclay (1996) Social Impact Assessment : A Contribution to the State of the Art Series, Impact Assessment, 14:1, 59-86

it received clearance, but ‘in the meantime, the Environmental Impact Statement had grown in height from eight pages to eight feet.’¹³

The NEPA framework was in use to grant clearances for the project, but by now, further questions like the changes in people's way of life were also coming up.¹⁴ These questions were leading to more extensive discussions around social impacts. As Vanclay writes, ‘it was through this impact study that the social issues came to the fore.’¹⁵

The ‘Berger Inquiry’

An Inquiry on the Mackenzie Valley Pipeline Project became the first case where social impacts were taken into consideration before the decision making related to the project. More on the inquiry and its historical impact :

After the discoveries of fossil fuel reserves in the areas like Prudhoe Bay, Mackenzie Delta in the 1960s, the industries were making an urgent case to exploit the new energy sources in the light of increased energy demands. At the same time, the public pressure on issues related to the environment was on the rise, as we saw earlier. In response to this, the Government of Canada came out with a set of guidelines for the construction and operation of oil and gas pipelines in the Mackenzie Valley and northern Yukon.¹⁶ Later these guidelines were expanded in 1972, and a fresh set of guidelines titled ‘Expanded Guidelines for Northern Pipelines’ came out. These guidelines, apart from outlining the required information in the application to start a project, had included the environment and regional socio-economic matters. It mandated the -

“Assessment of the suitability of the applicant’s route for nearby routing of the other pipeline, in terms of the environmental-social and terrain-engineering consequences of the other pipeline and the combined effect of the two pipelines;

ii) assessment of the environmental-social impact of both pipelines on nearby settlements or nearby existing or proposed transportation systems.”¹⁷

¹³ Rabel J. Burdge (1991) A Brief History And Major Trends In The Field of Impact Assessment, Impact Assessment, 9:4, 93-104

¹⁴ Burdge (1991) describes in his paper the post-inquiry happenings, citing the following comment by one of the Inuit Chiefs which came in light of the decision to build the pipeline "... now that we have dealt with the problem of the permafrost and the caribou and what we will do with hot oil, what about changes in the customs and ways of my people..." Burdge builds on this comment, later on, to show how the 'impacts of development on the human populations began to be discussed alongside bio-physical and economic alterations.'

¹⁵ Frank Vanclay, ‘Principles for social impact assessment : A critical comparison between the international and US documents, Environmental Impact Assessment Review 26(2006) 3-14

¹⁶ D. J. Gamble, ‘The Berger Inquiry: An Impact Assessment Process’, Science, New Series, Vol. 199, No. 4332 (Mar. 3, 1978), pp. 946-952

¹⁷ ‘The Report of the Mackenzie Valley Pipeline Inquiry: The Corridor Concept’
https://www.pwnhc.ca/extras/berger/report/BergerV1_ch02_e.pdf

Proposal for ‘Mackenzie Valley Pipeline’ was one of the proposals which were put forward for the construction of gas pipelines. The proposed project was vast, and as Justice Thomas Berger said- “We were told that the Arctic Gas pipeline project would be the greatest project, in terms of capital expenditure, ever undertaken by private enterprise anywhere.”¹⁸ A committee headed by Justice Berger was appointed in 1974 by the Government of Canada to assess the impacts of this proposal. This unique inquiry was first of its kind as the testimonies from diverse groups were collected. Even those who may remotely get affected by the project also got consideration during the hearings. The community hearings conducted for inquiry took place in the languages and villages of the native people. When the hearings were completed towards the end of 1976, the transcripts of the testimonies ran over 40,000 pages.

In the following year, Justice Berger released the final report on the inquiry in two volumes. This inquiry which gave its recommendation, to not go ahead with the pipeline in northern Yukon, and in the case of Mackenzie Justice Berger stated - “I recommended that we should postpone the construction of the pipeline for ten years, in order to strengthen native society, the native economy-indeed, the whole renewable resource sector-and to enable native claims to be settled.”¹⁹

This historical report and the process of inquiry, which itself became a precedent in terms of the conducting impact assessment, has left a vast legacy. This legacy of the ‘Berger Inquiry’ is still being reflected upon and is considered as ‘gold standards for environment and social impact assessments’ by the scholars.²⁰

Despite the extensive debates²¹ around NEPA as legislation, or on implementation and impact of it, the legacy of NEPA in establishing the EIAs remains significant and uncontested.

¹⁸ Berger, Thomas R.. "The Mackenzie Valley Pipeline Inquiry." *Osgoode Hall Law Journal* 16.3 (1978) : 639-647.

¹⁹ *Ibid*

²⁰ The Berger Inquiry in Retrospect: Its Legacy The Honourable Stephen Goudge *Canadian Journal of Women and the Law*, Volume 28, Number / numéro 2, 2016, pp. 393-407 (Article)

²¹ The references about NEPA provided in previous footnotes talk about the legacy of NEPA but it has been under criticism also. The same has been documented in the following - Linda Luther, *The National Environmental Policy Act: Background and Implementation*, Congressional Research Service, November 16, 2005. Retrieved From : <https://nationalaglawcenter.org/wp-content/uploads/assets/crs/RL33152.pdf> (Last Accessed on 20/09/2019)

Symposiums on SIA and formation of IAIA

As a result of the Post-NEPA and the other related happenings of the 1970s, research symposiums on issues related to social impact assessments were organised.²² With an ‘intent to bring together all who were responsible for and figuring out how to conduct assessments which would meet the NEPA requirements for Environmental Impact Assessment,’²³ the International Association for Impact Assessment (IAIA) was created in 1980.²⁴ The first meeting of IAIA was held in January 1981 in Toronto, Canada. The first international conference on Social Impact Assessment was organised in Vancouver, British Columbia, in 1982. In the words of Burdge and Vanclay²⁵, this conference on SIA provided the ‘academic and political credibility to the new field.’²⁶ With these happenings, soon, textbooks were coming out on the new field of SIA along with the special issues of the journal being devoted to the same.²⁷ Other than the institutional changes, theoretical formulations were happening around the concept of Social Impact Assessment.

The environment impact assessments as part of the projects were widely being adopted by the mid-1980s. Moreover, the same was done by the European Union as it adopted the EIA related

²² 1. ‘CP Wolf convened the first research symposium on social impact assessment in 1973 during a meeting of Environmental Design Research Associates (an association of architects and landscape architects who did many of the early environmental impact statements - see Wolf, 1974)’

Source : Rabel J.Burdge (2002) Why is social impact assessment the orphan of the assessment process?, Impact Assessment and Project Appraisal.

2. June 1975 saw publication of the first special journal issue on SIA (Environment and Behavior, Vol. 7, No. 3), again with Wolf as its editor. In January 1976, he turned over his earlier Environmental Sociology newsletter to the American Sociological Association and established a second newsletter, Social Impact Assessment.

Source: William R. Freudenburg, Social Impact Assessment, Annual Review of Sociology, Vol. 12 (1986), pp. 451-478

²³ History section of the official IAIA website states this intent.

²⁴For the details on the same, see the history section of the IAIA website which carries interesting anecdotal takes on it.

²⁵ Rabel J.Burdge and Frank Vanclay(1996) Social Impact Assessment: A Contribution to the State of Art Series, Impact Assessment

²⁶ *ibid*; Burdge and Vanclay (1996)

²⁷ ‘The first "SIA textbook" to focus not on how to do SIAs but on what was known about social impacts was published in 1980 (Finsterbusch 1980), and the first books to summarize the literature on the impacts of a given type of development (rapid community growth) appeared at roughly the same time (Murdock & Leistritz 1979, Weber & Howell 1982). A special issue of The Social Science Journal (Vol. 16, No. 2) was devoted to "the social impacts of energy development in the West" in 1979, and a July 1982 special issue of Pacific Sociological Review (Vol. 25, No. 3) was devoted to sociological research on boomtowns in particular. The Westview Press series on social impact assessment, which included only four titles before 1981, roughly quadrupled its number of titles by the end of 1985.’

Source: William R. Freudenburg, Social Impact Assessment, Annual Review of Sociology, Vol. 12 (1986), pp. 451-478

directive in 1985. Some of these EIA related directives had social assessment procedures included in them as well.²⁸

The continued opposition of local communities to World Bank-funded projects due to environmental and social-cultural concerns led the World Bank to adopt environmental and social assessment in the project evaluation procedures in 1986. Following these footsteps, any other donor agencies and organisations incorporated the same as procedural requirements. Other happenings, such as the release of the 'Brundtland Commission Report' (1987), provided further impetus to the inclusion of the impact assessment process as a requirement across the globe.²⁹

The Interorganizational Committee on Guidelines and Principles for SIA

The Interorganisational Committee on Guidelines and Principles for SIA was formed in 1989.³⁰ The 13-member committee had representatives from sociology, psychology, anthropology, economics associations, and other USA based organisations. This committee was led by the International Association for Impact Assessment (IAIA) as most of the members of this committee were associated with it. It produced a document in 1994 titled 'Guidelines and Principles for Social Impact Assessment.' This document was 'the first systematic and interdisciplinary statement to offer guidelines and principles to assist government agencies and private sector interests in using SIA to make better decisions.'³¹ It focussed less on methodological details but instead more on the broad guidelines and principles for preparing an SIA.³² This document was developed in a regulatory context of NEPA of the USA, but even the critics of the text³³ admitted that 'the document had an international standing' and it 'was well received by the SIA community at large.'³⁴

By the later half of the 1990s, there was a broader consensus on social impact assessment being a mandatory requirement like environmental impact assessment in many countries and among the donor agencies. By then, there was a basic shared understanding of SIA, more like a minimum

²⁸ Rabel J. Burdge (1991) A Brief History And Major Trends In The Field of Impact Assessment, *Impact Assessment*, 9:4, 93-104

²⁹ Burdge (1991)

³⁰ Vanclay, F. (2006). Principles for social impact assessment: A critical comparison between the international and US documents. *Environmental Impact Assessment Review*, 26(1)

Vanclay has referred to the 1993 IAIA version of the document and as per him the same information is contained in the published version as a NOAA Technical Memorandum.

³¹ Guidelines and Principles for Social Impact Assessment Prepared by The Interorganizational Committee on Guidelines and Principles for Social Impact Assessment May 1994

³² *ibid* ; In the introduction section of the Guidelines and Principles, it is stated by the committee itself.

³³ Vanclay, F. (2006). Principles for social impact assessment: A critical comparison between the international and US documents. *Environmental Impact Assessment Review*, 26(1)

³⁴ *ibid*

agreed-upon definition of SIA. As Brudge and Vanclay (1996)³⁵ stated then, 'SIA is being integrated into the EIA process and EIA (and SIA) into the planning process' of developmental projects across nation-states.

Wider recognition for SIA: Further Developments

Rabel Burdge wrote a paper³⁶ looking back at the last two decades of the 20th century in order to find out if a body of knowledge is being accumulated around the social impact assessment.

On the basis of content analysis of SIA articles in the two main impact assessment related journals, it came out that the SIA articles published between 1980 and 2000 are just 16 percent of the total. Amongst those published, 53% are case studies, while 18% are on providing a conceptual framework for SIA.

The data presented in the paper mentioned above showed how the field of SIA was yet to be integrated into the decision making process at that time. Nevertheless, things were changing as the SIA was getting wider recognition by the end of the 20th century.

For instance, Social Impact Assessment found a place in the 'World Commission on Dams' report, which came out in 2000. This was able to provide an active push to SIA in the case of dams. Out of the 126 contributing papers submitted to the 'World Commission on Dams,' a few papers were particularly focussed on social impact assessment.³⁷

Under WCD report's chapter 'Strategic Priorities - A new Policy Framework for the Development of Water and Energy Resources' it focussed on 'recognising the rights and assessment of risks'³⁸ and stated :

“Comprehensive assessment of the nature and extent of risks implied by a project allows for accurate assessment of the socioeconomic conditions and the cultural context of the potentially affected people. The socioeconomic, cultural, political, and health impacts must be identified through a number of assessment methods such as Social Impact Assessment (SIA),

³⁵ Burdge and Vanclay (1996), *Op.cit.*note 25

³⁶ Rabel J.Burdge (2002) Why is social impact assessment the orphan of the assessment process?, Impact Assessment and Project Appraisal.

³⁷ Under the 17 thematic reviews, two thematic reviews were centred on social impacts namely - 'Social impact of large dams: equity and distributional issues' and 'Environmental and social assessment for large dams'. Various papers under these two themes were authored or co-authored by following names : William Adams, Adrian Adams, Hugh Brody, Dominique Egge, Carmen Ferradas, Pablo Gutman, Lyla Mehta, Joseph Milewski, Bina Srinivasan, Lubiao Zhang, Barry Sadler, Frank Vanclay, Iara Verocai

³⁸ 'Recognising Entitlements and Sharing Benefits' was one of the strategic priorities under the new policy framework for development of water and energy resources. For the effective implementation of the same, first principle was - 'Recognition of rights and assessment of risks is the basis for identification and inclusion of adversely affected stakeholders in joint negotiations on mitigation, resettlement and development related decision-making.'

Health Impact Assessment (HIA), impoverishment risk analysis, and cultural heritage impact assessment with the active participation of the affected people.”³⁹

The field of SIA was still in the early stages of evolution towards the end of the 20th century. So the discussions around its potential, methodologies, and what ought to be included in SIA were also in exploratory stages. As the field was progressing, new challenges were also emerging as progress was being made in the field. To meet with the challenges and shortcomings of the Guidelines and Principles for SIA (1994), the need for an exercise to update the document was felt. With this purpose in mind, two committees were formed in 1997 at IAIA’s New Orleans Conference.

One committee headed by USA-based rural sociologist Rabel Burdge was to modify the previous guidelines within the American context. The second committee was Frank Vanclay, a rural sociologist from Australia. The second committee under the convenership of Frank Vanclay, a rural sociologist from Australia, had the task of developing a set of International Guidelines and Principles for SIA. These committees delivered and produced two documents by 2003, 'Principles and Guidelines for SIA in the USA' and 'International Principles for Social Impact Assessment.'

These two documents presenting different pictures and emphasising on broader aspects of SIA were landmark documents in the field of Social Impact Assessment.

Institutionalisation of SIA

The conceptual evolution of SIA continues to this date, but SIA was well established as a concept by the beginning of the 21st century. However, institutionalisation of SIA was not able to keep pace with this conceptual evolution of SIA. Many donor agencies had made impact assessments mandatory by the late 1980s as we saw earlier, but for them, the impact assessment process was perhaps more focussed on providing legitimacy to their projects in the developing world. It was not until the coming of the two landmark documents (mentioned in the previous section) that the institutionalisation of SIA picked up the pace. In the last few decades, the SIA has been institutionalised in many countries, hence, becoming an integral part of the decision making process.

In the next chapter, we will see how Social Impact Assessment was institutionalised in the case of India.

³⁹ World Commission on Dams. 2000. *Dams and development: a new framework for decision-making : the report of the World Commission on Dams*. London: Earthscan

2. Evolution of Social Impact Assessment in India

“On the list of major advances in institutionalizing SIA in the developing world during the last few years, India has moved recently to the top. The new legislation voted in by India’s Lok Sabha in 2013 is its new Land Act, titled almost as a manifest: “The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act ” (GOI 2013). Before this law, the main entry road for SIA into India had largely been for decades its internationally co-financed projects. The LARR 2013 represents a 180° turnaround, which granted SIA, for the first time, a legal statutory role as mandatory for projects doing land acquisition and causing population displacement. In defining SIA’s role, the LARR elaborates and legislates in detail the roles of SIA and the democratic procedures of anticipating potential risks and impacts not only through qualified experts but also in consultation with affected people themselves. Assisted by India’s social scientists, the lawmakers went to great lengths to specify in the Land Act itself what the SIA must cover, when it has to be carried out, and what kind of specialists should do it and vested in SIA’s legislation other precautionary functions too.”

- Michael M.Cernea⁴⁰

The trajectory of evolution of Social Impact Assessment (SIA) in India had similarities with the evolution of SIA at global level. In India also, SIA grew as a component within the overall framework of Environmental Impact Assessment (EIA). In the following sections, we will see some key legislative milestones in the SIA evolution in India.

Legislation around the Environment Concerns and EIAs

India was one of the first countries to incorporate environmental concerns in the Constitution. The country's legislative history also traces significant contribution in this regard. Moreover, since the late 1970s, EIAs were being conducted for foreign donor agencies as a requirement.⁴¹

⁴⁰ Michael M.Cernea, *SIA and the Safeguard Policies at a Fork in the Road: the Way Forward is Going Upward*. In vol: Mathur, Hari Mohan (Ed.) *Assessing the Social Impact of Development: Experiences in India and other Asian Countries*. Springer Cham Heidelberg: Springer International Publication 2016.

⁴¹ This can be seen as the direct impact of the rising environmental consciousness in the 1960s in the USA which we have discussed in the previous section. The evolution of EIA globally paved the way for the same to evolve in India.

However, it was the Environmental Protection Act of 1986⁴², which led to the inclusion of environmental concerns in the decision-making process.

The Environment Impact Assessment Notification of 1994 formalised the EIA in India.

Prior to this notification, though a few project proposals as an administrative decision, were reviewed from the environmental perspective, it was the introduction of this notification that gave the required legislative support.

From the environmental perspective, a few project proposals were reviewed prior to the notification as well. However, in such instances, it was an administrative decision⁴³. The EIA notification of 1994 provided the required legislative support in this matter.

Also, the EIA reports prepared before this notification did not include the social impacts of the projects.⁴⁴ Though the EIA notification of 1994 did not mention the social impact assessment in it, it did mandate to include experts from 'Social Sciences' as a member of the expert committee for Environmental Impact Assessment.⁴⁵ By this time, the discourse around the social impacts of the developmental projects was well developed, and the independent assessments of various projects were continuously discussing it.

The term 'social impacts' saw frequent occurrence along with 'environmental impacts' in the impact assessment discourse of developmental projects. However, the social impact assessment as a procedural requirement in the assessment reports was far from being institutionalised.

EIA Notification, 2006

⁴² Will Banham & Douglas Brew (1996) A review of the development of environmental impact assessment in India, *Project Appraisal*, 11:3, 195-202

⁴³ 'The Indian experience with Environmental Impact Assessment began over 20 years back. It started in 1976-77 when the Planning Commission asked the Department of Science and Technology to examine the river-valley projects from an environmental angle. This was subsequently extended to cover those projects, which required approval of the Public Investment Board. Till 1994, environmental clearance from the central government was an administrative decision and lacked the legislative support.'

Source : Centre for Science and Environment, 'Understanding EIA', CSE India web-portal. Available at: <https://www.cseindia.org/understanding-eia-383> (Last Accessed : 27/10/2019)

⁴⁴ 'Most of the environmental impact studies conducted in India rarely go beyond collection and compilation of statistical data. One rarely comes across studies that investigate the interrelations among the variables. These studies generally concentrate on environmental pollution and neglect social impacts.'

Source : Vijayakumar, K., and P.K.J. Mohapatra. 1991. "Framework for Environmental Impact Analysis-special reference to India. " *Environmental Management* 15(3): 357-368.

⁴⁵ SCHEDULE III (See sub-para III(a) of Para 2) COMPOSITION OF THE EXPERT COMMITTEES FOR ENVIRONMENTAL IMPACT ASSESSMENT, THE ENVIRONMENTAL IMPACT ASSESSMENT NOTIFICATION, 1994 (As amended on 4-5-94), MoEF, Government of India.

The Environmental Impact Assessment (EIA) notification 2006⁴⁶ included 'Socio-Economic Aspects' under the checklist of environmental impacts. The notification made it mandatory for the project proponents seeking environmental clearances to fulfill this checklist of environmental impacts.

Under Form 1 A in Appendix 2 of EIA Notification, 2006 (MoEF), the 'Socio-Economic Aspects' section was covered. In Appendix 3 of the same, which provided the 'Generic Structure of Environmental Impact Assessment Document,' the Social Impact Assessment was mentioned within the additional tab studies along with 'Public Consultation,' 'Risk Assessment' and 'Rehabilitation and Resettlement (R&R) Action Plan.' Though the Socio-Economic Aspects finally got a mention in the regulatory framework, this was limited to the demographic structure of the local population, existing social infrastructure, disturbance to sacred sites, and the broad question of 'adverse effects on local communities.' It did not specify a framework to assess the adverse effects.

NRRP 2007 and Social Impact Assessment

In 2007, the Ministry of Rural Development brought out 'The National Rehabilitation and Resettlement Policy' (NRRP, 2007). This policy replaced the then existing 'National Policy for Resettlement & Rehabilitation of Project Affected Families (NPRR-2003)'. The NPRR itself had come into existence in 2003 after decades of struggle for a national level R&R policy.

The NRRP of 2007 had a chapter on the 'Social Impact Assessment (SIA) of Projects.' In this chapter, it mandated the preparation of SIA in some instances by fixing a threshold of displaced families and had faced criticism⁴⁷ for the same. It listed a set of things that should be taken into consideration to look into the impact of the project as a part of the SIA study. This list included, 'public and community properties, assets and infrastructure; particularly, roads, public transport, drainage, sanitation, sources of drinking water, sources of water for cattle, community ponds, grazing land, plantations, public utilities, such as post offices, fair price shops, food storage godowns, electricity supply, health care facilities, schools and educational or training facilities, places of worship, land for traditional tribal institutions, burial and cremation grounds.'⁴⁸

⁴⁶ Environmental Impact Assessment Notification 2006 (MoEFCC). Retrieved from : MoEFCC website.

⁴⁷ 1. Walter Fernandes, Priyanca Mathur Velath, Madhuresh Kumar, Ishita Dey, Sanam Roohi, Samir Kumar Das, (2007), 'The Draft National Rehabilitation Policy (2006) and The Communal Violence Bill (2005) : A Critique of the Rehabilitation Policy of the Government of India' Mahanirban Calcutta Research Group, Kolkata, India.

2. Priyanca Mathur Velath, 'Rehabilitation before Displacement', InfoChange Agenda, Issue 12, 2008. Page 34-36

⁴⁸ Social Impact Assessment(SIA) of Projects, Chapter 4 in National Rehabilitation and Resettlement Policy, 2007 (Government of India)

For examination of the SIA report, it included a provision for the constitution of an Independent multidisciplinary expert group consisting 'non-official social scientists, rehabilitation experts,' and the representatives from the 'departments concerned with the welfare of Scheduled Castes and Scheduled Tribes.'

It mandated that the 'SIA study shall be carried out simultaneously with the EIA study.' It also mandated, conducting the public hearing of the SIA report in the project affected area along with the EIA report.⁴⁹

The new rehabilitation and resettlement policy was facing criticism from the draft stage itself from civil society groups, people's organisations on various aspects of it. Despite this heavy criticism, the inclusion of SIA was considered one of the positive aspects of the policy. This inclusion was an improvement over past policies.⁵⁰ It was also an original contribution of this particular policy to the existing regulatory framework on these matters in India.⁵¹ This step of including SIA was well received.⁵² However, the civil society groups working on the issues of development-induced displacement highlighted the limitations of these SIA provisions as well. Such as the lack of details about what all should be there as components of the SIA report.

In the later sections, while discussing the SIA report of the Pancheshwar Multipurpose Project, we will go into more detail about this inadequate framework of Social Impact Assessment.

Handbooks on SIA

Once the new national R&R policy made SIA an obligatory requirement, the SIA practitioners and other actors felt the need for detailed guidelines related to SIA. For the same, a study was commissioned by the Ministry of Rural Development in 2009.⁵³ The Council for Social Development undertook it. The report titled, 'Social Impact Assessment: Report of a Research Project on Social Impact Assessment of R&R Policies and Packages in India' was published in

⁴⁹ Before this, the public hearing process only discussed the EIA report.

⁵⁰ 'The importance given to EIA and public hearing around it for over a decade had left one with the impression that the flora and fauna mattered more than human beings.'

Source : Walter Fernandes et al.(2007)

⁵¹ 'Chapter 4 on SIA is an original contribution of NRP 2006. The public hearing that was hitherto limited to the environmental impact assessment (EIA) is extended to the SIA.'

Source : Walter Fernandes et al.(2007)

⁵² 'There are indeed some enlightened elements in the 2006 draft: for instance, the idea of a social impact assessment'

Source : Ramaswamy R Iyer, 'Towards a Just Displacement and Rehabilitation Policy', Economic and Political Weekly July 28, 2007

⁵³ Jairam Ramesh and Muhammad Ali Khan, 'Legislating For Justice: The Making of the 2013 Land Acquisition Law', Oxford University Press, 2015

August 2010.⁵⁴ This report was presented as a handbook to fill the gap on how to conduct Social Impact Assessment. As mentioned in the introductory section of the report⁵⁵, ‘It explains the basic concept of social impact assessment, the step-by-step process of conducting SIA, and the SIA methodology. In short, it aims to provide practical guidance on carrying out Social Impact Assessment, as envisaged in the national R&R policy, 2007.’

The learnings from this report were said to be helpful in preparing the provisions for Social Impact Assessment study as part of the ‘Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. (RFCTLARR 2013)’⁵⁶

RFCTLARR Act 2013 and the ‘Determination of Social Impact’

‘Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act,’ 2013 (henceforth, RFCTLARR Act of 2013) is the legislation which gives the basis to the current regulatory framework for the Social Impact Assessment.

The RFCTLARR Act of 2013 was considered a paradigm shift in terms of the land acquisition. It replaced the age-old colonial law of land acquisition, the ‘Land Acquisition Act of 1894’.

The act, despite the weaknesses and shortcomings as pointed out by several academics, activists, journalists, and civil society, has been accepted as progress over the existing laws.

Building on the inclusion of the SIA report in the NRRP, 2007, and the events that followed (as mentioned above), a comparatively detailed version of the SIA process became part of the RFCTLARR 2013.

Building on the inclusion of SIA report in the NRRP, 2007 and the events which happened after that as mentioned above, a comparatively detailed version of SIA process became part of the RFCTLARR 2013.

This act made consultation and social impact assessment mandatory before the acquisition of land. The second chapter of the act was titled ‘Determination of Social Impact and Public Purpose.’ Section 4(1) of the act stated, ‘whenever the appropriate Government intends to acquire land for a public purpose, it shall consult the concerned Panchayat, Municipality or Municipal corporation as the case may be, at village level or ward level, in the affected area and carry out a

⁵⁴ Council For Social Development, ‘Social Impact Assessment :Report of a Research Project on Social Impact Assessment of R&R Policies and Packages in India’, August 2010, New Delhi.
Retrieved From : <http://www.indiaenvironmentportal.org.in/>

⁵⁵ *ibid*

⁵⁶ Jairam Ramesh et. al. (2015)

social impact assessment study in consultation with them.⁵⁷ The rules⁵⁸ to carry out the implementation of the act provided the institutional support and facilitation for SIA as it required the establishment of an 'independent organisation which shall be responsible for ensuring that Social Impact Assessments are commissioned and conducted by such person or bodies other than the Requiring Body as per the provisions of the Act.' The act empowered the SIA unit through various other rules and provided it many serious responsibilities. Keeping the provisions regarding public hearing of SIA and the simultaneous preparation of SIA and EIA intact from NRRP 2007, it added a time frame of six months for the completion of the SIA report.⁵⁹ It also added the preparation of a 'Social Impact Management Plan' in order to 'present the ameliorative measures to be undertaken to address the social impacts identified in the course of the assessment.'⁶⁰

The act gave the required weightage to the SIA process as it stated that SIA 'must provide a conclusive assessment of the balance and distribution of the adverse social impacts and social costs and benefits of the proposed project and land acquisition, including the mitigation measures, and provide an assessment as to whether the benefits from the proposed project exceed the social costs and adverse social impacts that are likely to be experienced by the affected families or even after the proposed mitigation measures, the affected families remained at risk of being economically or socially worse, as a result of the said land acquisition and resettlement.'

The act also had provisions regarding the constitution of an Expert Group for the appraisal of the SIA report. An expert group consisting of the social scientist, local elected representatives, experts on rehabilitation, and the technical expert of the related subject should make its recommendation within two months of its commencement.

Under Form 2 of the RFCTLARR 2014, a content list for the SIA report has been prescribed, which includes the 'List of socio-economic and cultural parameters to be covered by the Social Impact Assessment' along with 'Key Impact Areas.' It also provides a 'Table of Contents for Social Impact Assessment Report and Social Impact Management Plan.'

We will be engaging with the details of the SIA process and the content list in later sections.

Despite various shortcomings of the RFCTLARR 2013⁶¹, the provisions of SIA mentioned in it were seen as 'miles ahead of all the earlier processes.'⁶² The learnings from earlier processes

⁵⁷ Section 4(1) of the RFCTLARR Act 2013

⁵⁸ Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Social Impact Assessment and Consent) Rules, 2014, MINISTRY OF RURAL DEVELOPMENT, Government of India.

⁵⁹ Section 4(2) of the RFCTLARR 2013.

⁶⁰ Rule 7(7) of the RFCTLARR Rules, 2014

⁶¹ Shripad Dharmadhikari, 'One hand gives, the other takes away!' Indiatogether.org (23 September 2013). Available at : <http://indiatogether.org/landact-laws>

⁶² Shripad Dharmadhikari, 'Rules of new land acquisition Act provide a process of social impact assessment that is miles ahead of all earlier processes', Counterview.org (September 24, 2014)

were considered by the Ministry while drafting the provision of SIA, claimed Jairam Ramesh, the then Minister of Rural Development. He introduced the bill in Parliament and is said to have played an instrumental role in bringing the bill to the floor. He wrote, 'The EIA process had certain severe shortcomings that we had attempted to address (which included a proposal to create a National Environmental Assessment and Management Agency), and we were keen not to see the same flaws contaminate the proposed system.'⁶³

In subsequent sections, we will be engaging with the details of these SIA regulations and analysing the SIA framework.

Available at:
<https://counterview.org/2014/09/24/rules-of-new-land-acquisition-act-provide-a-process-of-social-impact-assessment-that-is-miles-ahead-of-all-earlier-processes/>

⁶³ Jairam Ramesh et. al. (2015)

3. Understanding the Social Impact Assessment Framework in India through the SIA report of Pancheshwar Multipurpose Project

In order to engage with the details of the regulatory framework of Social Impact Assessment in India, we will analyse one SIA report in light of this framework. The SIA report selected to be analysed is prepared for the Pancheshwar Multipurpose Project (henceforth, PMP).

However, before we start going into the details of the SIA report of PMP, it is good to take a glance over the background information about the Pancheshwar Multipurpose Project, a hydropower project proposed in Mahakali River Basin.

3.1 Pancheshwar Multipurpose Project

Mahakali River Basin and Pancheshwar Multipurpose Project

Mahakali is a Transboundary/International river. The catchment area of Mahakali is around 15,260 sq km, a large part of which (9,943 sq km) lies in Uttarakhand, and the rest in Nepal. This river is also known as Kali in Uttarakhand and as Sharda, once it enters the plains of Uttar Pradesh. In Uttarakhand, its catchment area spreads in four districts of Kumaon division, which includes Pithoragarh, Champawat, and large parts of Bageshwar and Almora.⁶⁴

Pointing out the unique aspect of this river basin, the ‘State of India’s Rivers’ Report⁶⁵ on Uttarakhand describes it as the river basin which is least disturbed by people as it has a minimum number of extant hydropower stations across its catchment, in respect to the other two major glacial river basins in the state.

The Mahakali river basin currently has 28 operating hydropower projects with a total capacity of 427.75 MW, which includes three large hydro projects, four small hydro projects, and 21 mini-micro hydro projects. Forty-eight hydropower projects with potential of 12022.28 MW are proposed in this basin, which is the largest among all other river basins in Uttarakhand.⁶⁶ These

⁶⁴ Team Environics, ‘Compendium On State Of Mahakali Sub Basin in the Ganges Basin’ 2017

⁶⁵ Ravi Chopra, Aparajita Singh, ‘State of India’s Rivers : Uttarakhand’, India’s Rivers Week, 2016

⁶⁶ ‘Uttarakhand: Existing, under construction and proposed Hydropower Projects: How do they add to the state’s disaster potential?’ Retrieved From : <https://sandrp.in/2013/07/10/uttarakhand-existing-under-construction-and-proposed-hydropower-projects-how-do-they-add-to-the-disaster-potential-in-uttarakhand/>

proposed hydropower projects consist of 26 large hydro, 16 small hydro, and six mini-micro hydro projects. Some of these hydro-projects are at various stages of clearances, while construction has begun in a few.

In this same river basin, the States of India and Nepal have envisaged the Pancheshwar Multipurpose Project (PMP). The Pancheshwar Dam, which is the main part of this project, has 5040 MW of hydropower capacity, and if completed with a height of 315m, it would be the tallest dam in the world.⁶⁷ As per the official figures, the total submergence area would be 11,600 hectares, 7600 hectares in India, and rest in Nepal affecting 31,023 families, and 134 villages spread over three districts of Uttarakhand.⁶⁸

This hydropower project was first conceptualised by the Central Water and Power Commission of India in 1956.⁶⁹ Following a range of developments and turnarounds over the years, India and Nepal signed a bilateral treaty in 1996, in which the ‘Pancheshwar Multipurpose Project’ was the centerpiece. This treaty, named as the ‘Mahakali Treaty,’ recognized the Mahakali River as a boundary river. The treaty specified the formation of a joint entity for the implementation of the project. Finally, in August 2014, the ‘Pancheshwar Development Authority’ was formed as a project-specific joint entity.

The developments regarding PMP quickly picked up after 2014, and the project came into the limelight.⁷⁰ The Detailed Project Report (DPR), including Environmental Impact Assessment (EIA) and Social Impact Assessment (SIA) reports, was prepared. The assessment reports came under heavy criticism, and how the government was pushing the project of this unprecedented scale drew much media attention.⁷¹ The public consultations for the project were held hurriedly in August-September of 2017 in the district headquarters of Pithoragarh and Almora districts, which were far from the project affected villages. The manner in which the proceedings for these consultations took place added to the furore.⁷²

⁶⁷ Himanshu Thakkar, ‘Who exactly needs the Pancheshwar Dam?’, SANDRP, January 11, 2018
<https://sandrp.in/2018/01/11/who-exactly-needs-the-pancheshwar-dam/>

⁶⁸ From the Pancheshwar Project’s Detailed Project Report

⁶⁹ *ibid*

⁷⁰ Manshi Asher, ‘What Lies Behind the Resistance to India’s Highest Dam?’ The Wire, 19 Feb 2018. Retrieved From:

<https://thewire.in/environment/uttarakhand-lies-behind-resistance-building-countrys-highest-dam>

⁷¹ Hridayesh Joshi, ‘Uttarakhand is building a dam over an area larger than Chandigarh - and people are protesting’, Scroll.in, August 26, 2017. Retrieved From :

<https://scroll.in/article/848010/uttarakhand-is-building-a-dam-spread-over-an-area-larger-than-chandigarh-and-people-are-protesting>

⁷² Bhim Singh Rawat, ‘Pancheshwar Dam’s Public Hearing: Neither People nor Environment were heard’ SANDRP, August 25, 2019

3.2 The SIA report of Pancheshwar Project⁷³

The local communities to be affected by the project along with various organisations, collectives, activists, and researchers heavily criticised the PMP related assessment reports and made detailed submissions to the authorities concerned regarding the same.⁷⁴ Apart from the problematic assessment done by the SIA report, the quick criticism regarding the report also came up. For instance, the report, not providing the information mandated as per the legal requirement, absence of socio-cultural aspect and no mention of primitive tribal groups, no information on the forest-based economy, and various means of livelihood along with other things.⁷⁵

A plain reading of the Pancheshwar SIA report revealed that not only does the SIA reports miss out on the aspects as listed above but also provides seemingly false conclusions like the women population not being engaged in economically productive activities hence being dependent on the working population for their sustenance. Quoting from the SIA report, ‘about 69% of the surveyed population is not engaged in economically productive vocation. This group constitutes of persons engaged in household chores (primarily women folk) and students who represent 25.7% and 15.6% of the surveyed population. A sizable proportion of the affected surveyed population (about 25.9%) consists of able-bodied adult males and females that are not engaged in any economic activity, but are involved in assisting in farm-related activities and domestic chores; thus they are dependent on the working population for its sustenance.’⁷⁶

⁷³ Consultant: WAPCOS Limited, A Government of India Undertaking - Ministry of Water Resources, October 2017.

⁷⁴ 1. ‘Letter to MoEF’s Expert Committee: Why Pancheshwar Project should not be considered for Environment Clearance’ Available at:

<https://sandrp.in/2017/10/24/letter-to-moefs-expert-committee-why-pancheshwar-project-should-not-be-considered-for-environment-clearance/> (Last accessed on August 30th 2019.)

2. ‘Press Release (24/10/2017) : “Pancheshwar Dam should not be considered for environment clearance”, Affected People, Environmentalists tell Expert Appraisal Committee, MoEF’

Last accessed on August 30th 2019 and Available at :

<https://www.himdhara.org/2017/10/24/press-note-24th-october-2017-pancheshwar-dam-should-not-be-considered-for-environment-clearance-affected-people-environmentalists-tell-expert-appraisal-committee-moef/>

⁷⁵ In the submission to EAC on 23/10/2017, ‘Himdhara’ (Research Action and Collective) raised objections to the Social Impact Assessment Report. This can be accessed at :

<http://www.himdhara.org/wp-content/uploads/2017/10/Pancheshwar-Submission-to-EAC-oct-2017.pdf>

(Last accessed on August 30th 2019.)

A booklet related to PMP prepared by Matu Jansangathan-Himdhara and Save Mahakali organization also has a section on the shortcomings of SIA report. The booklet is available on the ‘Save Mahakali River’ blog. Can be accessed at : <https://savemahakali.files.wordpress.com/2017/10/p-book.pdf>

(Last accessed on August 29th 2019)

⁷⁶ This sounds very problematic and holds untrue especially in case of hills where a large population is heavily dependent on forest and women have active involvement in sustaining the livelihood on the basis of forest. In that way women are not dependent on the working population for its sustenance but dependency on forest for livestock rearing ultimately leading to the food security along with other farm related activities, is a crucial aspect which is

The well-known trade aspect of the valley also did not find a mention in the SIA report.⁷⁷

Intending to understand this in detail and to substantiate the existing critique of the SIA report, the author of this report spent ten weeks visiting different areas of Pithoragarh, Champawat, and Almora districts, which are listed as ‘Project Affected’ in the SIA report of PMP.⁷⁸

Drawing from the experience on the field, let us look into two critical aspects. These aspects are divided into the following two sections :

1. Contribution of women in the economy in hills and the ‘forest-agriculture-livestock linkage.’
2. Glimpses of the Trade Aspect of Mahakali River Valley: The ‘*Jauljibi Mela*’

being neglected in SIA report. Negligence of this crucial aspect is leading to a seemingly false conclusion that women (along with other 69% of the population) are dependent on the working population for its sustenance.

⁷⁷ The cross border trade in the Mahakali river valley is quite famous with Dharchula, Jhulaghat, Jauljibi being the trade centres. ‘*Jauljibi mela*’ which happens at the confluence of the river Kali and Gori has a reputation of an international trade festival. (More on this in later sections)

⁷⁸ The fieldwork was conducted in two phases. A preliminary observatory phase to get familiarity with the region and gather substantial background information in April 2019. The second phase was between the last week of May to the third week of July of the same year. Seventeen villages from the 11 sub-districts of the three districts coming in the PMP affected area were carefully selected. This selection was made after stratifying the villages geographically to create a representative sample.

3.2.1 Contribution of Women in the Economy in Hills⁷⁹ and the ‘Forest-Agriculture-Livestock linkage’

The economy in the hills is highly dependent on the women. It is not an exaggeration of a statement to make that they are the backbone of the economy in the mountains.

Before we unpack this statement further and go in detail about it, let us understand a few basic things about the economy in the hills. The hill economy is highly dependent on subsistence agriculture. The subsistence agriculture here owes a lot to the topography leading to small landholdings added to it is the rain-fed agriculture. It is hard to monetize the economy in hills as despite having food security, the economy does not run much on cash. There are not many sources of livelihood which can provide monetary income in the hill region.⁸⁰

A shared sense during most of the interviews and conversations, conducted across the villages of Pancheshwar valley about the agricultural produce was this:

'Apne khane laayak to ho hee jaata hai...Becahne laayak to nahi hee ho pata hai..'
(We are able to produce for ourselves, not that much which we can sell).

During the conversations about means of livelihood and production in hills, another statement which was frequently heard :

'Waise to hamein namak ko chod aur kuch kharidne kee jaroorat thodi padne wali hui' (Apart from the salt we do not require to buy anything).

This statement again may sound like an exaggeration but if we look at it historically, this indeed was the case. However, even now subsistence agriculture, livestock rearing, and other farm-forest related activities are able to provide enough produce to sustain life.

Along with the livestock rearing and the forest-based products, the produce of the varieties of vegetables, fruits, pulses, spices along with cereals which are grown in the hill region including the villages of Pancheshwar valley is abundant. Given this rich and diverse produce, it would be a safe statement to make that all of this is not only providing food security in a sense but ensuring dietary diversity as well. The wide variety of wild plant food commonly found in these

⁷⁹ Hills, here are being used in the context of ‘Hills of Uttarakhand’ and, in general, the ‘Hilly Region of Uttarakhand’ refers to the ten hill districts of the state namely Pithoragarh, Champawat, Almora, Nainital, Bageshwar, Chamoli, Uttarkashi, Tehri-Garhwal, Pauri-Garhwal, Rudraprayag.

⁸⁰ Ravi Chopra, ‘Uttarakhand: Development and Ecological Sustainability’, Oxfam India, June, 2014.

UshaTuteja, ‘Agriculture Profile of Uttarakhand’, Agricultural Economics Research Centre University of Delhi, March 2015

forests adds to the nutritional value of the diet. These wild plant resources with precious nutritional value play a vital role in ensuring nutritional security.⁸¹

For a long time, the economy in hills was tagged as a 'money-order economy.'⁸² With the lower usage of Indian Postal services, use of the term money-order economy has faded, but the essence of it is still there as the out-migration numbers continue to rise.⁸³ Writing on the 'Demography of Himalayan Villages'⁸⁴, the renowned demographer Ashish Bose turned Amartya Sen's famous 'missing women' phrase to 'missing men and lonely women' in the context of hills. The numbers of 'missing men' from the workforce in the hills are rapidly increasing as the numbers suggest.⁸⁵ Now we can make an attempt to look at the contribution of women in this economy of the forest-agriculture-livestock system.

Women are involved in every aspect of the production in hills. To start understanding the extent of this involvement, let us read the testimony of a 37-year-old woman who describes her daily routine. It just gives a glimpse of their routine which starts well before the sunrise and goes till late in the night -

⁸¹ The following research paper gives a scientific account of the vitamins, minerals and other nutrients which are present in these wild plants and how they add to the human health and dietary diversification :

Bisht IS, Mehta PS, Negi KS, Rawat R, Singh R, et al. (2017) Wild Plant Food Resources in Agricultural Systems of Uttarakhand Hills in India and Its Potential Role in Combating Malnutrition and Enhancing Human Health. *J Food Sci Toxicol* Vol.2 No.1:3

To see more on the role these wild food plant play in dietary diversification, see this -

I.S Bisht, P.S Mehta, K.S Negi, S.K Verma, R.K Tyagi & S.C Garkoti (2017): Farmers' rights, local food systems and sustainable household dietary diversification: A case of Uttarakhand Himalaya in north-western India, *Agroecology and Sustainable Food Systems*,

⁸² 'Money order economy' is a commonly used term to describe the economy in hills and to point out the high number of migration from hills. On the same, quoting from an EPW piece by Shekhar Pathak (cited at the end of this note) - 'Money Order Economy' means a subsistence economy partially sustained by the money sent by family members working outside the region. This process began during the colonial period but the term was coined in post-1947 period. MO Economy shows alarming out- migration from Uttarakhand'

Source: Shekhar Pathak, 'State, Society and Natural Resources in Himalaya: Dynamics of Change in Colonial and Post-Colonial Uttarakhand', *Economic and Political Weekly*, Vol. 32, No. 17 (Apr. 26 - May 2, 1997), pp. 908-912

⁸³ The high number of out-migration from Uttarakhand is a well known phenomenon. Census figures and numerous research papers, journalistic pieces have evoked different aspects of the same. See :

Rural Development and Migration Commission, 'INTERIM REPORT ON THE STATUS OF MIGRATION IN GRAM PANCHAYATS OF UTTARAKHAND', April 2018. Retrieved from : 'uttarakhandpalayanaayog.com'

⁸⁴ Ashish Bose, 'Demography of Himalayan Villages: Missing Men and Lonely Women', *Economic and Political Weekly* Vol. 35, No. 27 (Jul. 1-7, 2000), pp. 2361-2363 (3 pages)

⁸⁵ The report of Migration Commission for the same has been cited in the previous footnote. For more on these numbers, see :

1. Rajendra P. Mamgain and D.N. Reddy, 'OUTMIGRATION FROM HILL REGION OF UTTARAKHAND: Magnitude, Challenges and Policy Options', National Institute of Rural Development and Panchayati Raj, Rajendranagar Hyderabad, 2015. Retrieved from : www.nird.org.in

2. Shekhar Pathak, Lalit Pant, Amina Maharjan, 'De-population Trends, Patterns and Effects in Uttarakhand, India – A Gateway to Kailash Mansarovar', ICIMOD Working Paper 2017/22.

3. Shreeshan Venkatesh, 'Why this abandoned village is a threat to Uttarakhand', *Down To Earth*, 05 January 2016. Retrieved from : downtoearth.org.in

"I get up around 4:30 every morning. After getting done with the regular schedule of the bath, I go to the 'goth'⁸⁶ (cattle shelter or cattle-shed). Right after this, we milk our cows and buffaloes. The 'goth' needs to be cleaned every day as well, need to take out the dung. After having the morning tea, we go to the jungle or our fields as per the season to collect fodder and fuelwood. In this duration, we also do the work of bathing and feeding the animals. We try to get the green grass and store it further. This green grass is dried and used in other seasons. Fresh green grass, along with other fodder leaves, is healthy for our animals. Usually, we tie them outside so that they get fresh air and sun. This changes as per the seasons. In winters, once the sun is out and it is warm enough to stand underneath, we tie them outside. While in summer, we have to bring them out early and then have to take them back to goth before noon. Also, then if required, tie them outside again in the afternoon.

After the morning meal, we go to our fields for farm-related activities. *(She added later - Mostly, this turns out to be the only meal. Sometimes, if the children are at home, they bring the tea in the afternoon to the fields).* Farm-related activities include multiple works like preparing the soil for sowing, weeding, irrigating if possible, using the manure to cultivating.

While returning from the field in the afternoon, we try to get fresh grass for the cattle. In the evening also, a lot of 'goth' related work happens like after milking the cattle in the evening, the bedding in goth needs to be prepared with the leaves, burning the dry leaves to keep mosquitoes away from them. Depending on the climatic season, the tasks we do change, but this work routine remains similar throughout the year."

A similar kind of routine was described by many during the interviews and conversations in the Pancheshwar valley. It resonates with the existing writings⁸⁷ related to the role of women in hills. They toil hard from early morning to late at night. Not just in performing household chores but they are at the forefront in looking after family's livestock and the agricultural work. With 'the

⁸⁶ In Kumaoni language, *goth* refers to the room on the ground floor. And traditionally it has been the room(s) on the ground floor of the main residential building which were used as cattle-shed. Here it is being used in the same sense.

⁸⁷ For instance, see:

1. Ashish Bose (2000)
2. Shiv Narayan Sidh and Sharmistha Basu, 'Women's Contribution to Household Food and Economic Security: A Study in the Garhwal Himalayas, India', Mountain Research and Development, Vol. 31, No. 2 (May 2011), pp. 102-111
3. Mrinal Pandey, 'The Women Farmers of Uttarakhand', Pragati, Retrieved From: thinkpragati.com

alcohol problem⁸⁸ and rapid out-migration in the state⁸⁹ it is these women who are the bread-winners of the family in most cases.

As mentioned earlier, also, subsistence agriculture is prevalent in hills. Which means, agriculture generates very little of the surplus. In most cases, the generated surplus is not enough to earn a good amount of cash.

So, one consistent source of the limited amount of cash that comes to the household economy is through selling dairy products.

The income through dairy products :

If the village is in a close distance with the road, located within a distance of 30-35Kms from a town or small market, then there is a small chance of selling milk and curd. As a woman from one such village shared the details about their experience of selling the cattle milk:

"Seven households sell the milk to dairy from our village. One *jeep wala* (taxi driver) who hails from a nearby village takes the milk to the dairy shop in the nearest town during his first round in the morning. We have to take the milk till the road. From there, he takes it along in the morning. Every 15 days, we settle the payments. The driver also takes 500."

Though the rate of milk varies a bit from village to village, in this village, the rate at which these women supply it to dairy is Rs.26/litre.(The milk dairy sells the same milk at Rs.42/litres) They are able to send 20-22 litres of milk every day collectively hence securing an income of around Rs.2000 each month.

The case is not similar in every village. Villages that are still far from the road connectivity or are at a considerable distance from any small *bazaar*, do not have access to sell their products to the milk dairy. Though within the village or in the nearby village, there are only a few regular buyers, those rare ones who are not involved in livestock rearing. These rare cases of

⁸⁸ The alcohol consumption amongst the male members of households in Uttarakhand especially in the hill region is considered to be high and the magnitude of this 'problem' is so much so that there is a strong 'Anti-Alcohol Movement' in the state. To see more on the 'Anti-Alcohol Movement' :

Shekhar Pathak, 'Intoxication as a Social Evil: Anti-Alcohol Movement in Uttarakhand', Economic and Political Weekly Vol. 20, No. 32 (Aug. 10, 1985), pp. 1360-1365 (6 pages)

In a recent development, Uttarakhand HC has given six month time frame to the government to form a policy on Alcohol ban in the state.

See : 'HC gives Uttarakhand govt six months to take decision on liquor ban', LiveMint, 30/08/2019

⁸⁹ The facts and figures on the same has been cited in the previous footnote in this section.

non-engagement in livestock rearing also happen because of the critical health condition of the people in the household.

The villages which are in a radius of 15-20Kms. of a small or large town with functional road connectivity, are involved in the 'milk dairy' business. Some people from these villages own dairy shops in those small towns, and they take the responsibility to gather milk from the nearby villages and take it to the market and sell it.

In some villages, there are the Self Help Groups(SHGs) of women run by NGOs who try to establish a dairy cooperative in the village. However, they are limited to the villages which are in proximity to towns and have proper road connectivity. In such villages, the income through the sale of milk is more stable and higher.

In each of the villages visited during the fieldwork (excluding the ones with no proper road connectivity), there were at least a couple of youths engaged in the dairy business. Even then, the task of livestock rearing is primarily led by the women of the household only. The milking of cattle is a task for which elders train women from an early age, and it is a task which they have to perform until old age. As an old lady explained with her concern about the new generation of the daughter in laws being not so comfortable in doing this task:

"These days these *new bahu(s)* are learning it after marriage. I learned when I was not even 13. Generally, we have to milk the cattle twice a day, but for six months, after a cow gives birth to an offspring, it has to be done a day thrice. Either someone returns in the day from fields for milking. If that is not possible, then the first milking happens at 4 AM, the second one around 9 AM, and the third one in the early evening around 6 PM."

Making ghee out of the milk cream is a common practice in every household. Nearly every household engaged in livestock rearing is able to sell a few kilograms of ghee. There is not much variance regarding the selling price of ghee in the villages across the valley. It was around Rs. 500-600 per kilogram during the period of fieldwork. Finding customers for ghee is not much of an issue as the pure ghee from the villages is always in demand. In this way, ghee is another important stable source of monthly monetary income. As an old lady of a village said:

"A few expenses are taken care of by selling the ghee. Sometimes it adds up to saving too. Also, because the demand for ghee is generally high, so it is easy to get buyers for ghee. *Ghee hee thaira wo...kisko nahi chahiye. (Who does not require ghee!)* "

Another woman from a village while talking about the role of ghee in the household economy said:

"If there is need of more money in a month to meet out an expense, we cut down our consumption of ghee, and that gives us some extra ghee to sell. Similarly, if a big expense is coming in, we try to increase the amount of ghee that we are selling."

Everybody seems to be skeptical of sharing the exact quantity of ghee, which they manage to make. This skepticism comes from the belief that sharing the quantity may jinx the productivity of the cow.⁹⁰ However, as per the rough estimate, even a household having only one cow can make 3 to 4 kilograms of ghee for the sale purposes on an average. More the milch cattle, more the ghee.

The households which are heavily affected by domestic violence in its physical form due to alcohol addiction of male members, ghee works as a secret locker. As a middle-aged woman coming from one such household shared:

"Whatever little money he earns (referring to the husband), it goes in buying the liquor. If that is not sufficient, he takes up the saved cash from our savings. If the cash is kept in the house, it is hard to hide from him because if he finds out somehow, then it always turns into him shouting, scolding followed by raising hands. So, I store ghee and sell it in the time when the cash is required urgently."

Apart from the milk, people make ghee out of the forest produces like *Chyura*⁹¹ as well. Though the ghee made out of *Chyura* is not consumed directly like cow ghee, it comes in use during cooking while preparing any ghee based food items. This ghee also goes around the same price of cow ghee.

Livestock rearing and agricultural practice :

The livestock rearing and agricultural practice are intrinsically linked. Traditionally, farming in hills used to depend entirely on livestock, and it was impossible to imagine any agricultural production without the involvement of livestock. Now with the increased access to technology and the modern agricultural equipment (like hand tractors, threshers) being widely available, they intend to replace bovine animal involvement in agricultural production. However, still, the technology or the agricultural equipment has not reached out to all villages as expected. Even in the roadside villages where it is logistically possible for equipment to reach, the people involved in agricultural practices have rarely invested in these. These technological tools being costly is

⁹⁰ 'Nazar lag jati hai' is the commonly used phrase in such matters to express.

⁹¹ *Chyura* is more commonly known as the 'Indian Butter Tree'. Details about the product in particular can be seen here : chyura.blogspot.com

one big reason behind that, but even when these are provided at highly subsidized rates or through self-help groups run by various NGOs, the skepticism towards these equipment remains. One of the primary reasons behind such skepticism is reflected in the words of a middle-aged farmer from one of the villages which are in proximity to the road:

"These hand tractor machines are good, the speed of the work increases, but if anything happens to these machines, we have to take it to the city area for repairing. The repairing cost proves to be high, and more importantly, it is too much trouble to take (*kai babaal hai eesmein*)."

Hence, in most of the villages, the ploughing work is still performed through Ox. Men perform the ploughing through Ox, but the Ox being a part of livestock, the responsibility of rearing is on women only. The Ox, unlike cows, are not owned by each household. There are few households in a village or in the vicinity of a village who owns Ox. These are then rented out to the other households in villages for ploughing. Traditionally, the rent was not paid in the form of cash but by giving a share of the farm produce. A gram pradhan who claims to have seen the years of Nehru shares about this system that:

"In earlier days, the cash was scarce and it did not seem of much use also. However, later, when that was not the case, even then, handing out cash was not considered a good thing. Paying back in the form of a share of agricultural-horticultural or dairy produce was considered more polite. Even now, many share the sentiment, but the new generation is more content when cash is handed out."

Alongside the Oxes, the ploughing requires the hiring of a person who can do the ploughing work. The current rate of hiring the *haliya*⁹² along with the Oxes is Rs.1000 a day. This way, for those households where Ox forms a part of the livestock, it is also a way to get an additional monetary income. Additional monetary income is being generated by those households who own modern agricultural equipment like hand tractors by lending it out to others at a fixed rate.

The crop-livestock system works at many levels. One is the example which we saw above about the use of livestock in ploughing. However, how intrinsic is the link can be seen by looking into the fact that how it is the livestock that is providing manure for agricultural produce:

"We have three cows, one buffalo, two bullocks and eleven goats. The fodder for them is fresh grass, leaves, and '*daala*' (a mixture of coarse grains). From the

⁹² Haliya, the Kumaoni term for poughmen.

forest, we also collect tree branches basically leaves to make bedding in the *goth* for the animals. Not from any tree, there are specific trees for that whose leaves are used for this purpose. Like the leaves of *yaanr*, *buransh*, *bakaul*, *baanj*, *titmai*, *bhatule* or *pirool*.⁹³ The animals do not eat these leaves. In the morning, when we clean the dung from *goth*, these bedding leaves are also mixed with it and are taken in the *dokka*⁹⁴ either to a nearby field or to the tanks (sometimes cemented or just a brick structure) which are made to collect the dung. In the nearby fields, we dump this dung as a round pile, and in a matter of a few days, depending on the weather, it turns into usable manure. You can see the round piles in the corner of different fields. This manure is then used as per the requirement. Generally, this is sufficient for our fields, but for the hybrid seeds which we are buying now, we sometimes need to buy the urea type fertilizer."

A village pradhan from Saryu valley who himself is actively engaged in agricultural practices says:

"We provide fertilizers to our fields from the compost made of dung. Fertilizers that are sold in the market are lab-made have dangerous chemicals that ruin our soil. Might get a good result then, but it is dangerous for the long term (*Aisi cheez ka kya faayda jo us mitti ko hee kharab kar de*)."

He shares his experience about attending a training workshop for young farmers:

"I attended a workshop in Pantnagar about the farming techniques and the new tools and *khaad*. They were talking about the *jaivik kheti* (organic farming). They were providing a sample of the *jaivik khaad*⁹⁵ to try out. However, our farming traditionally and even now, to an extent, is organic. We make our fertilizer with animal excreta. Why should we buy the gohar from them when we have piles of it here!"

The cow dung is also used as a fuel by the local people in the form of *uple*.⁹⁶ With this purpose, the cow dung is dried out in the sun in circular shapes on a wall. These *uples* work as a mosquito repellent, especially for the protection of cattle.

⁹³ These are the local names of the trees whose leaves are used as fodder

⁹⁴ Dokka is a word assigned to the big heavy baskets which are commonly used in the hills to carry grass stock on the back.

⁹⁵ Organic Manure

⁹⁶ Dung Cake

About the Goat-rearing :

Goat rearing is a common practice in the villages of the hilly region. It is a crucial source of livelihood. In each of the villages visited during the fieldwork, nearly every household which was engaged in livestock rearing also had goats in addition to the cow. While talking about the goats, a Gram Pradhan who herself had a dozen goats in her *goth* said:

"The goats are taken to the nearby forest and the pasture. We get leaves for the small young goats generally while we get grass for the other animals. There is not so much effort in goat rearing, that is a good thing about it. Moreover, the children also like them, and they seem to take care of them generally."

Being *devbhumi*⁹⁷ the whole region has a lot of *thaan* and temples. In many of these religious places, there is a tradition of using goats for sacrificial purposes. Due to the high demand for goats in festive seasons, sometimes the goat-rearing is done keeping these religious events in sight.⁹⁸

The goats provide a sense of financial security to the households. Due to the high demand, it is easier to find a buyer with a reasonable price for goats. This high demand owes a lot to the above mentioned sacrificial purpose. One pradhan in a village from Saryu river valley shared his experience about how when he was in urgent need of cash:

"Last month my son was to attend his second round of *bharti* (referring to the army recruitment process). The call came just a week earlier, and he needed to leave in three days. We did not have enough cash on us. We decided to sell a goat. The medium-sized goat was able to fetch us a cash amount of Rs.4500."

In another village, a woman from a household owning 13 goats narrated the details of how she has to sell a small goat to get a refilled gas cylinder:

"We have the gas cylinder now, but we do not have enough money to refill it again and again. Now it has become a need, but we try to do less cooking on it, only when it is urgent. Even then, once in a while to get cash to refill it we have to sell a small goat."

People have their anecdotes to share about how these goats came to their rescue in situations of financial urgencies. There is no standard way of fixating the price of a goat, unlike agricultural or

⁹⁷ Uttarakhand is referred as 'Devbhumi' which literally translates to the land of gods. As many hindu shrines and temples are situated in Uttarakhand, hence this name.

⁹⁸ There are traditions like of *athwaar* where eight sacrifices are performed together in the temples.

dairy products. The sale rate for a goat generally depends on its size and weight. But more on the negotiating capacities of both the buyer and seller. There were instances where a goat was sold at Rs.17,000 as well. The *qissa*⁹⁹ of such goats which fetches high rates are generally widespread and are known not only in that particular village but in nearby villages as well.

Due to the pastures and fields around, goat rearing is a task which in comparison to other rearing of other livestock takes less effort. As per the members of these families involved in goat rearing, the only concern regarding the goats is to keep them safe from wild animals. Instances of the *Baagh*¹⁰⁰ taking away the goats can be heard in most of the villages.

Fruits, Pulses, Spices, and Vegetables :

The sale from fruits, pulses, spices, and vegetables is another important source of earning income. The income through the sale of these products is fluctuating, but still, it remains an essential source of income. In getting the vegetables from the field or fruits from the trees, males of the household are also involved. However, the participation of women in these activities is quite visible. In many villages, it is the Self Help Groups (SHGs) for women who are involved in the efforts to make sure the fruits, pulses, vegetables, spice, along with other produce, receive a good price. Apart from the SHGs, the following testimonies help us to understand how these products are sold. A woman from a village having huge mango and jackfruit produce said:

"In this mango season, we had less fruit. The thing with the mango production is that, if this year the produce is good, the following year it will be less. The next year the production will be more again. So, in alternate years, we get a good harvest of mango. We have a good amount of mango trees, but it is tough to sell it outside. Transportation cost is too much. We were not able to sell much. The year we get a good harvest, we somehow carry these to the road (referring to the up steep slope pathway to reach the road) from where these are carried to the nearest bazaar. We managed to earn a few thousand rupees in the year of good harvest."

Fruit and Vegetables produced from the villages with functional road connectivity reach the nearest bazaar quite often. Similarly, as the dairy products from the villages are supplied.

The villages which are situated near main roads have an advantage, as they sell the fruits or vegetables sitting near the road. The passing vehicles stop to buy. The roads, especially state or

⁹⁹ The anecdotal accounts narrated in a story form

¹⁰⁰ *Baagh* is the hindi word for Tiger but in the hilly region it is Leopard which commonly gets referred as *Baagh* in colloquial language.

national highways, get much traffic, which means more sales by putting up a small roadside stall on these roads. A woman who sells *gaderi*¹⁰¹ and orange, kinnu in this way said:

"It does not require any setup. I take the fruits in a *katta*¹⁰² and a basket. Have to keep the basket there and sit in the shade and wait for the vehicles to stop by. The taxi drivers who pass through this route regularly, they also spread the word amongst the passengers. We offer a small quantity of whatever we are selling to the taxi drivers at a lower price. Most of the time, the whole lot is sold within the span of a few hours, sometimes it takes a bit longer. The prices which we sell are lower than the price of that in the vegetable shops in the *bazaar*. So, people prefer to buy. Also, this being fresh remains in demand. I have fixed Mondays and Fridays for myself for taking the fruits and vegetables up to the road."

In similar ways, Potato, Onion, Tomato, Green vegetables, Apple, Malta, Pear, Peach, Apricot Mango, Jackfruit, Guava, and other fruits and vegetables are sold.

The testimonies shared above not only shows the crop-livestock system but also demonstrates the close link of forests in this. It is these forests that are providing the fodder for livestock rearing, the particular leaves for bedding, the herbs for curing and preventing disease in livestock. Medicinal use of many crops, fruits, plants, forest-products in the case of livestock is widely practiced in daily life by the local communities.

The Wild Plant Resources:

A parallel medical system exists in the hill region.¹⁰³ Traditionally, these herb-based healing practices were the only medicines that were available to the population living there. Despite allopathic medicine options being accessible now, people from the region quite commonly use these herb-based healing practices, especially for routine minor ailments. Varieties of trees, agricultural products, plants, bark, root, stem, leaf, fruit are used by the communities to cure and prevent disease for humans as well as livestock. Not only are these used as medicines but like

¹⁰¹ A root vegetable similar to Arbi (Taro)

¹⁰² It was used here as referring to a big sack in which 50Kg. of rice is packaged

¹⁰³ For instance, the following paper provides a list and details of medicinal plants used by BanRaji community, a community which resides in the proposed PMP project affected area -

C.S. Negi, Sunil Nautiyal, Lokesh Dasila, K.S. Rao & R.K. Maikhuri (2003) Ethnomedicinal Plant Uses in a Small Tribal Community in a Part of Central Himalaya, India, *Journal of Human Ecology*, 14:1, 23-31,

Similarly, See:

Chandra S. Negi & Veerendra S. Palyal (2007) Traditional Uses of Animal and Animal Products in Medicine and Rituals by the Shoka Tribes of District Pithoragarh, Uttaranchal, India, *Studies on Ethno-Medicine*, 1:1, 47-54,

cosmetics as well. For example - *Chyura* (Indian Butter Tree) is also used as a moisturizer in winter to keep skin from getting too dry.

Despite the increasing influence of the modern health system, for many health ailments, people continue to use the herbs primarily as these are so intrinsic in the system. Though the experts of these herbal medicines, the vaidyas are hard to find now even in the villages much herb-based medical practice continues to exist as most of it is part of the common knowledge system. The elders in the villages may not have a hold on the medicinal use of herbs like a vaidya for whom this used to be a professional exercise, but still, they can suggest quite a handful of medicinal plants for commonly found ailments. The herbs with specific medicinal value may not be a part of the common knowledge system, and its knowledge may be limited to the '*jadi-booti wale*' of the villages. However, the wild food plants having a lot of nutritional values are known quite commonly as they are part of the regular diet. A variety of these wild harvests may not find a place in the everyday plate but are consumed quite often.

Most of the medicinal herbs and other wild harvests which were frequently mentioned in various conversations and interviews during the field, find a place in a case study¹⁰⁴ which 'documents a total of about 335 plant species, wild gathered as leaves, fruits, flowers, tubers, seeds, twigs under different farming situations that form minor but important food components'.¹⁰⁵

These wild plant resources, including medicinal herbs, spices, and other edible items, provide cash income as well to the residents. Currently, this trade turns out to be more informal than the trade of other products from the village. Hence, it is more challenging to get an estimate of the income earned in this way. However, with the ongoing efforts¹⁰⁶ of NGOs or other collectives for marketing interventions around these products, it has the potential to contribute towards household economies and livelihood security.

In this way, we see that there is an intrinsic forest-agriculture-livestock linkage, of which women are the mainstays, and this linkage is essential to understand the economy and life system in hills. One can easily see the absence of the understanding of this linkage and the central role women play with and within this, in the SIA report of PMP. The absence of this basic understanding in PMP's SIA report is one of the major factors which brings out falsified conclusions such as

¹⁰⁴ Bisht IS, Mehta PS, Negi KS, Rawat R, Singh R, et al. (2017) Wild Plant Food Resources in Agricultural Systems of Uttarakhand Hills in India and Its Potential Role in Combating Malnutrition and Enhancing Human Health. *J Food Sci Toxicol* Vol.2 No.1:3

¹⁰⁵ *ibid*

¹⁰⁶ For instance the work under HILANS which expands to Highland Innovative Livelihoods Ascending Nature Sustainability, a project by Integrated Livelihood Support Project (ILSP). Details can be seen at :

<http://www.hilans.in/>

Similarly, the work of CHEA and KSL-CDI of ICIMOD, documented here : <http://www.icimod.org/?q=19567>

women being dependent on the 'working population for its sustenance' in the report. Not only this but missing out on such a central thread of the socio-economic fabric of the society under study would not be able to do any justice to the process of assessing the impact of a proposed project on that society. We will discuss more on this in later sections when the SIA framework and the SIA report of PMP gets discussed.

We will see how few aspects of this intrinsic linkages are manifested in various forms in the traditional *Melas*, as our next section is on the *Jauljibi Mela*.

3.2.2 The ‘Jauljibi Mela’ : Glimpses of the Trade Aspect of Mahakali River Valley

The Mahakali river basin has numerous rivers and streams joining the Mahakali River from the higher, middle, lower and outer Himalayas.¹⁰⁷ The confluence of major rivers act as a hosting location for socio-cultural festivals and fairs (or as they are called *mela*).¹⁰⁸

One of such *mela* is ‘Jauljibi Mela’. The place ‘Jauljibi’ is situated, 68 kilometers away from the district headquarters of Pithoragarh at the confluence of the River Gori and Kali. The geographic location of the place itself marks it as a crucial point. The Kali river is a boundary river for India and Nepal. ‘It is a meeting place of three cultures - the Shauka, the Kumauni and the Nepali. This gateway to Johar, Darma, Chaundas and Byans was, at one time, considered to be the central place between Tibet and the Terai regions.’¹⁰⁹

Jaulibi is known because of the historical and traditional annual mela which takes place here every year in the month of November. The mela which holds a religious significance as it happens at the confluence of Kali and Gori river starts on the 14th of November. Each year the mela starts with taking a dip in the river on *vrischik sankranti* followed by worshipping at the Jwaleshwar Mahadev Temple situated near the banks of river.

¹⁰⁷ ‘Tawaghat is the place where Kali receives Dhauliganga and flows towards Dharchula. Gori Ganga, formed from Milam and Nanda Devi Glacier, flows down and joins Kali at Jauljibi and this is a common market and social gathering place of importance for communities of both countries and the Bagad belt where people settled along or near the river. Few kilometres downstream from Jauljibi, River Chamliya of Nepal, flowing from Nepal’s Gurans Himal, meets Kali on its left bank – here a 30 MW hydroelectric project on Chamliya is waiting for completion. Further down, Saryu joins Kali at Pancheshwar, Panar and eastern Ramganga meet near Rameshwar. On the right bank, Lohawati from Lohaghat and Ladhiya from the Nainital hills flow to meet Sharda / Kali.’
Source : Environics Trust, ‘A COMPENDIUM On STATE OF MAHAKALI SUB BASIN in the GANGES BASIN’, 2017.

¹⁰⁸ The sense of Mela is not conveyed by the commonly used and considered to be an english equivalent for mela i.e. fair. Quoting from Chandan Gowda’s writeup on ‘The Imagination of a Mela’ :
‘Mela is often taken to mean a religious fair where a large number of people are gathered. Various kinds of goods are bought and sold here. In other words, it is a place for commerce too. And, it is a spectacle to behold and rejoice in...A random coming together of people does not bring about a mela. Indeed, a mela happens in a designated place and time. And the latter details are known to the participants not as a result of formal announcements as much as in the nature of a detail in an ingrained cultural calendar.’
(Source : Chandan Gowda, ‘The Imagination of a Mela’ Bangalore Mirror, Mar 5, 2019.)

¹⁰⁹ Ranbeer S Rawal, Ajay Rastogi, Lok Man S Palni, ‘Journey Through A Sacred Land’, G. B. Pant Institute of Himalayan Environment & Development (GBPIHED), Kosi-Katarmal, Almora, 2012.

The Historical Background¹¹⁰

This mela holds a special place amongst all other *melas* in the hill region. Jauljibi mela holds a distinct identity in terms of ‘international trade fair’ as people from Nepal-Tibet has also been involved in the trade in this mela. Though things changed after Indo-China war of 1962. As the Indo-Tibet trade got a hit post 1962¹¹¹ and direct impact of the development of situation between India and China was visible in this fair.

In 1871, Pal King of Askot, Gajendra Pal established the tradition of ‘*Ganga snan*’ at the confluence and built the temple of Jwaleshwar Mahadev. From then onwards, the mela kick starts every year on *Vrishchik Sankranti*. In the earlier years, to give the grandeur to the mela, the Rajwar (the local feudal lord) ordered the fourteen gram pradhans of important gram sabhas to participate in this along with the villagers. He also invited his relatives, friends, well known and established traders from the various princely states of plains. Despite the place being in a border area, isolated from the rest of India, accepting the Rajwar’s invitation people from different places reached here to put up temporary shops of sweets and miscellaneous daily need items.¹¹²

The Shaukas from Johar, Darma, Byans with the Tibeti items and the people from western Nepal with the local products also started to reach Jauljibi. This gathering soon took the form of *Kautik* in Jauljibi. In following years, the commercial transaction in this *mela* increased so much that the meal acquired a cultural-commercial identity. The mela was liked so much by the traders who came here from Kashipur to put up temporary stalls that they moved to Jauljibi and became a permanent resident of Askot-Jauljibi. The shopkeepers who reached here from Pithoragarh also bought lands in this region to setup permanent shops. In this time period itself, the traders from Shauka community along with few riches of Doti-Nepal area built a few houses and acquired land in order to settle in the region.

¹¹⁰ This historical background section heavily draws from the following article and the oral testimonies verified in light of this piece.

Lalit Pant ‘*Jauljibi: Katha Ek Vyaparik Mele kee*’ PAHAR, Vol: 16-17, 2009.

As this piece is originally in hindi, free translation of the original text has been done here.

¹¹¹ As Shekhar Pathak writes on this matter ‘.. trade continued during World Wars I and II, it experienced a first major interruption in 1949–50 with the Chinese takeover of Tibet and in 1960 it literally stopped. With this came an end to a centuries-old economic activity. This obstruction to the continuity of relationship of different communities was cleared to some extent only in 1981 when pilgrimage was restarted and in 1991 when border trade reopened.’ (Source : Shekhar Pathak , ‘Kailas–Manasarovar Sacred Landscape: Understanding a Multicultural Transboundary Region’ Economic and Political Weekly, Vol. 54, Issue No.10, 09 Mar, 2019

¹¹² ‘Mostly from Pithoragarh and few from Kashipur. Shivrulal, Ramlala Saha, Lala Jairam Khatri from Pithoragarh, Hafiz, Kazi, Shekh chhote miyan, Rashid miyan from Kashipur’
Source : Lalit Pant ‘*Jauljibi: Katha Ek Vyaparik Mele kee*’ PAHAR, Vol: 16-17,2009.

For these regions which are located far from the market areas, such *melas* are an important centre for commercial transactions. The multiple scattered hamlets around these rivers along with many other border villages which were indulged in subsistence agriculture but for few fundamental requirements like agricultural tools, salt, kitchen items, clothes they couldn't find something better than this fair. In such circumstances, it was natural of mela to become so popular and widespread.

The mela made progress year by year and evolved as a commercial fair. Due to its tripartite geographical location, sharing the border with Tibet and Nepal, popularly it was being termed as an international mela. Trading communities, pastoralists, khampa traders from the western tibet, the horse traders from Humli-Jumli in Nepal, the interior areas of Doti, Nepal started reaching Jauljibi. Apart from them, the Tibet-Nepal, traders from the well established bazaars of Kolkata, Kanpur, Ludhiyana, Panipat along with the mandis of Ramnagar, Tanakpur, Haldwani started arriving in the region. Traders from nearby districts of Almora, Bageshwar started coming in large numbers. With this, a series of exchanges began between these varied traders. The attraction for the mela was well placed with the availability of rare Tibetan items along with the availability of Nepalese products.

'In 1935, describing the mela in 'Social Economy of Himalaya', SD Pant wrote that around 15,000 people reached in the mela and the trade of worth 2 Lakh is happening on an average.'¹¹³ The lack of means of transport and communication in the region, also contributed to the mela getting established as a marketing centre in the primitive economy of Kumaon region.

With Jauljibi getting road connectivity in the 1960s the commercial activities saw an increase. Though the 1962 war disrupted the flow of things for Jauljibi mela. The mela went through a long period of depression and reached its lowest point only to make a strong comeback after trade with Tibet was restored through Lipu Pass in the 1990s. Assimilating the changes which occurred post the abolition of the zamindari system in Askot subdivision and the change in trade structure, this mela has been able to sustain its commercial and cultural identity.

The Changing *Mela*

Over the year, as the changes occurred in the Himalayan society the nature of *mela* also changed with it. It has evolved, making space for new things to come in and it continues to do so. And even now, in the 21st century it remains an integral part of the life system of the region as it is closely associated with the requirements and livelihood of the people in its large surrounding areas.

¹¹³ Source : Lalit Pant (2009)

Let us look into few narratives, facts and accounts to understand this linkage of the *mela* with life. But before that, it would be helpful to understand the current administrative arrangements of the *mela*.

Current structure

The Jauljibi mela is a big administrative affair, hence the District Administration of Pithoragarh is also directly involved in overseeing the administrative arrangements. To look after the various aspects of mela there is *Mela committee*. The Sub District Magistrate of Dharchula tehsil is usually appointed as the Mela Adhikari. *Mela committee* consists of people from the traders association, the senior citizens and other distinguished people from the local areas.

For the mela, temporary stalls under the supervision of local administration are set up at the '*Mela-sthal*'. The '*Mela-sthal*' is the ground near the river banks in Jauljibi which hosts the mela. These stalls are provided to the traders to put up shops.

About the role of District Administration in the mela, a district administrative official says that:

“Our primary job is to look at the administrative part of the fair. The District administration meetings with *mela committee* happens for the basic amenities required for peaceful conduction of the whole affair. We look into the security arrangements of mela, the posting of security personnel for the same, to extend the open hours of suspension bridges connecting India and Nepal, extra buses of state transport during the meal month, exhibition of government stalls. Ensuring the availability of seeds and manure for those involved in livestock and agriculture production. The cleanliness and hygiene issues during the mela, establishing the coordination between the various related government departments like ensuring that the facilities are available over the local Primary Health Centres along with the availability of emergency services, coordinating with the Public Work Departments(PWDs) and other responsible authorities for the road related works.”

Another official on a similar line says:

“Though directly we don't have much role to play in it but due to the visits of various ministers in the mela, we are anyway engaged with it during those weeks.”

The functionaries in SDM office of Dharchula said:

“For the purpose of *mela*, shops are set up in the temporary stalls which are built on the ground designated for mela, known as the ‘*mela-sthal*’. In the last 5 years, the number of stalls have ranged between 400 to 500. The levied charges for these stalls, contributes to the revenue generated from the *mela*. This revenue is used in the administrative arrangements for the same.”

Around 40 government stalls on an average have been put up every year from the last 5 years. These stalls are part of the ‘Vikas Pradarshani’ (Development Exhibition). The objective of ‘Vikas Pradarshini’ is to dispense information about various government schemes, programmes and policies. These government stalls also include stalls which gives them a glimpse of new development in the agricultural sector in terms of machinery and equipment apart from selling the high-yield variety seeds and pesticides.

The ‘Mela’ these days

The ‘Jauljibi Mela Sthal’ is the designated place where the mela takes place. This large ground near the river banks serves as the common ground for marriage ceremonies and other social gatherings to take place throughout the year.

In earlier days, yaks, goats, horses and sheep used to be sold at the trade fairs. The riverbanks were the testing grounds of the strength of horses. Hence, horse racing competition was part of the activities of annual mela. After 1962, the supply of Tibetan Yaks was no longer there but the horses and mules though less in number but continues to be part of the trade during the mela. The horse traders of Humla and Jumla, the two districts of Nepal which are famous for the supply of excellent quality of horses and mules are awaited in the Jauljibi mela every year even now. Not to forget that the use of Horses and Mules to carry goods is a necessity in the higher altitudes of the Himlayan region. But not just the higher altitude areas, in many other villages these mules and horses remain the only carrier, as there is no other way present.

Artisans, craftsmen and smiths from nearby districts used to sell handmade items in large numbers. This included iron, copper containers and vessels along with handmade shoes and other leather made items. Those who have been witness to the mela for long tells that definitely the number has gone down for these but still there are a handful number of artisans, craftsmen, smiths who has passed these work over to their next generations. And for these artisans, craftsmen and smiths these kinds of *melas* are the only exposure to a market.

People are dependent still (event today) on the mela for the livelihood which include even those who don't reside in the submergence zone¹¹⁴ but are from the nearby zone and melas like Jauljibi mela provide them the required market space.

The communities around Jauljibi get a good business in the mela as the tribal traders selling their handicrafts get preference. A tribal community, the Vanraji residing in Kimkhola village which is a village in close proximity with the Jauljibi is involved in the making of these handicrafts from *Ringal* along with other things.

A Garment shop owner of the Jauljibi, who has been witness to mela as well as the involvement of the weavers, artisans in mela describes the linkage between mela and artisans:

“The raw material for this is taken from forests or the livestocks, it takes hours of concentrated work to make these things. Now people who want to buy it in wholesale come to the village and ask how much is manufacturing cost, we will pay double of it to buy the wholestock. These people (referring to the Vanraji community) are not business minded people, they don't know how to put value to these products. But anyway, even if they do, they don't have the exposure to sell it at higher prices. The *mela* gets them a price for the product which helps them in sustaining this work. Through mela, they are able to get in touch with interested buyers who even in other months contact them to buy these things. The mela is a real blessing of Jwaleshwar Mahadeva to these people, if this mela would not have been there, the small number of people who are still continuing this work would not have been able to do the same.”

About the local crafts, an old shop owner in Dharchula says:

“These handicrafts have value in the places where a lot of tourists keep coming like Nainital, these things get sold at very high prices, sometimes nine-ten times higher of the prices which are offered generally here. Here it is hard to find buyers and even these sellers offer them at little price. They price it as per the buyer.’

On the same an artisan who has been putting up a stall in the Jauljibi mela for a decade says:

“The local crafts find a market in the *mela*. If not in the mela, it is not easy to find the buyers who are willing to pay a higher price for these products. The prices we sell them in the *mela* fetch us some profit otherwise even if we get buyers there is a little earnings from this.”

¹¹⁴ Villages which are to be submerged as per the DPR of PMP.

Talking about the importance of ‘Jauljibi mela’ from their livelihood perspective, a weaver said:

“Earlier, in my younger days, I remember the elders of the house buying Tibetan wool from the mela and making these woolen products. These woolen products were then sold at these melas. Jauljibi mela was one of the biggest, if left with the stuff to sell they used to go to the melas in Thal and Bageshwar. But mostly it was Jauljibi mela where all of our stuff used to get sold. The *Dan* (Woolen Carpet), *Chutka* (A particular variety of woolen blanket) are still in demand. It is a lengthy process of shearing, washing, carding and then weaving. It is not like factory products which are manufactured in large numbers, hence cheaper price also. But despite the factory products coming, those buyers who are looking out for the embroidery and the quality of wool, they buy these products.”

With changing times, the taste in matters of clothing is also changing but still the traditional woolen clothes gets a lot of sales. The trader community of Jauljibi puts the onus on changing lifestyle of the people which itself is increasingly getting affected by the television and whatever is seen over phone, referring to social media sites. As per them, the synthetic clothes and factory manufactured products are higher in demand due to their cheaper costs in comparison to the woolen clothes of Tibet and Johar valley. But among the buyers coming from outside this region, there is a high demand for these local products as these are unique aspects of the mela. While for the people of the region, the synthetic clothes and factory manufactured products are more attractive.

Traditional woolen products like Thulma (woolen rugs), *Dan* and the *Chutka* are still the special items of the *mela*.

Knitted shawls, scarves, caps, hats are widely available in the stalls of *mela*. A woman from a nearby Tehsil who is not directly involved as a seller in the mela but is a producer of the mentioned products said:

“We spin the wool ourselves and then it takes time in weaving. We prepare them on demand as well. But if no specific demand has come, still we do it in our free time. It gives us support in terms of managing our household expenses. We sell them to the ‘*feriwalas*’ at a wholesale rate, they take it to the mela and sell it there. We prepare and stock shawls, scarves, hats keeping the mela in mind.”

Traditionally, People of the region depended on the mela to procure warm clothes, quilts and blankets to battle the winter. This holds true even now as a member of a trade association explains:

“For the people coming from outside as a visitor, this can be just a source of fun, entertainment and to do some shopping of handmade items. But for the poor of this region apart from being a crucial source to sustain livelihood this is also an important hub to buy things. Vast population of this area is dependent on the fair to buy things such as winter clothes. A lot of them get cheap woolen clothes here which helps in sustaining through the winter. ‘500-600 mein mile jacket se jaada to kat hee jaata hai.’ (The clothing which we buy in 500-600 is enough to sustain us through the winter.)”

The stalls are taken by the sellers of pulses like *Rajma*, *Gahat*, *Bhatt*, *Urad*, *Masoor* and other products such as *Madua*, *Jhinogra*, various kinds of ghee, honey. The stalls of traditional herb based medicines are also present in the *mela*. Sellers of things like the ‘tail of Tibetan Yak’ which is considered as sacred also occupy the stalls.

Apart from the temporary stalls, business is done by small vendors who either set up their product on display on the sides of pathways or keep selling them while wandering around in the *mela sthal*.

Traditional dishes and local cuisines made out of local produce with unique herbs and spices are considered as a special delight of the *mela* for the visitors. Chow Mein and other kinds of noodles are quite popular in the small local markets and during the *mela*, along with other eateries they draw a large crowd. Lot of these small vendors who set up stalls serving eateries come from the nearby town of Dharchula. One small restaurant owner of Jauljibi says - ‘Not many of the traders of Jauljibi put up the stall in the field designated for *mela*. But the restaurants and these small chai-snack shops of ours see a lot of business during the month of *mela*.’

Ethnic attire along with ethnic customs and practice makes an appearance during the *mela* and add a nativity to the fair. The cultural programmes which takes place during the *mela* also represent a symbol of shared Indo-Nepal cultural heritage. It becomes juncture for various dance and singing forms. There are one or two cultural performing groups from the Jauljibi itself, named after the local gods and deities. Their origins and existence is tightly knitted with the Jauljibi *mela*. The *mela* is not only providing them space to perform but an identity which helps them get a recognition to perform in various other places.

Jauljibi *mela* provides the main market for the selling of Tibetan products. The Tibetan-Chinese jackets, shoes, woolen products are a big attraction point of the *mela*. The traders get the items from Takalakot Mart¹¹⁵, which is a place known for Indo-China border trade. These trade

¹¹⁵About these marts, Shekhar Pathak writes, ‘The trans-Himalayan trade was traditionally carried out through five Himalayan passes in Uttarakhand. The nearest Tibetan marts were allotted to the trading communities of adjoining

transactions between India and China happens through the Lipulekh pass. The official estimates of this trade transaction at Takalakot Mart run in crores consistently. For the year 2018, the trade transaction stood at Rs.6.55 crores of which import by India traders were Rs.5.59 crore while the export was of Rs.96.5 lakhs. In these transactions, a total of 244 Indians including 70 traders and 174 helpers were involved.¹¹⁶ This trade was resumed in 1992 to strengthen the economy in border villages. It is conducted for 5 months every year from June to October. The mela starts right after the 5 month trade transaction between India China gets over.

The *mela* sees a lot of involvement of people from Nepal in the form of traders as well as customers and visitors.

The significance of this mela as an event in the region can be understood by a simple mere fact that the Chief Ministers are the ones often attending the inaugural or closing ceremony of the *mela*. The *mela* becomes a point to tighten the political grip in the district which has five legislative assembly seats to its account. But still the *mela* is suffering from the lack of administrative resources.

A rough account of the estimated revenue generated through the charges levied for the stalls was around 6 to 7 lakhs as per a government official who has been part of the *mela* committee earlier. In a conversation an ex-administrative official shared:

‘The challenges in arrangements are due to the lack of funds for mela. Despite multiple requests being made to the government in the last few years for the same, not only by the administration but by the local leaders haven’t fetched anything. The mela is dependent on the revenue received through these stalls and the donations received to the mela *committee*. Being an insider, I can definitely look at the numbers and say that there is great scope for the expansion of mela and this definitely can be one of the exemplarery alternatives to put as a counter to the constantly increasing migration in the state.’ On similar lines, a prominent member of mela-committee says, ‘Every year big politicians, ministers come here to inaugurate the mela and give speeches about our great culture and every year they ignore the demands for a big budget for the mela.’

Indian valleys. These included Taklakot for Beansees and Chaudansees; Chakra for Darnees; Gyanima for Joharees; Shibchilam for the communities of Niti valley and Chhaprang for the traders of Mana’ (Source : Shekhar Pathak , ‘Kailas–Manasarovar Sacred Landscape: Understanding a Multicultural Transboundary Region’ Economic and Political Weekly, Vol. 54, Issue No.10, 09 Mar, 2019)

¹¹⁶The Economic Times, ‘Indo-China border trade through Lipulekh pass stands at over 6 cr this year’, November 03, 2018

The place 'Jauljibi' has developed and evolved with the mela. It is centric to the identity of the place itself, to the being of Jauljibi. As a shopkeeper in the small market of Jauljibi puts it:

“The mela is for 15 days only and the entire event around it being an affair of a month only, but this is the identity of this place. This fame of mela draws us, tourists and visitors, continuously in other months as well. Mela is our reference point for the events in our lives.”

Jauljibi comes under Dutibagarh village, which is one of the 134 project-affected villages. The village comes under the submergence zone as per the DPR of PMP. However, the Jauljibi mela finds no mention in the SIA report of the PMP.

Nevertheless, one thing which is very clear and is reflected through the multiple narratives described above also is that the trade fair has deeper livelihood linkages. From just a livelihood perspective as well, it needs to be taken into consideration while doing any social impact assessment in the region. To bring out the dependence on livelihood in quantitative terms would require a wide-ranging study with a new framework or perhaps new parameters.

These kinds of trade fairs are the living testament to the cultures. Where and how should these be placed in the SIA framework will be discussed in the next sections where we engage with the existing framework to conduct SIAs.

3.3) Limitation of the Framework or a Problem in Implementation of Existing Framework?

The detailed notes in previous sections have made it clear that the SIA report of Pancheshwar has missed out on a few of the most crucial aspects. And any report without considering those aspects would fail miserably in an attempt to assess the social impacts of a project in the region. Now in light of this we would try to explore the regulatory framework of SIA to understand if these shortcomings of Pancheshwar SIA report are a limitation of current SIA framework or it is just a problem with the implementation part of existing framework.

Pancheshwar SIA Report in the mirror of Regulatory Framework of SIA

The list of contents to be covered under Social Impact Assessment Report is provided under Form 2 of the RFACTLARR Rules, 2014. The same Form 2 is available as Annexure. It would be good for the readers to take a look at the Annexure as in the next two sections, the references to Form 2 would be invoked again and again.

Section A of the Form 2 : List of socio-economic and cultural parameters to be covered by the Social Impact Assessment

As prescribed under these parameters in Form 2, Pancheshwar SIA gives the demographic details of the population in project area on the basis of age, sex, caste, religion and literacy rate. The prescribed SIA framework also lists nutritional and health status to be covered under the demographic details along with other above mentioned aspects. However there is no mention of the nutritional status of the population in PMP's SIA report. In the health status, the physical health of the project affected population does find the mention as there is a small paragraph of five lines about it unlike the tables which has resemblance with census data presentation for age, sex, caste, religion and literacy criterias. As per this paragraph, "A vast majority of the project affected surveyed population, i.e., 99.84% is in good health and is physically fit and normal." Straightforwardly, this comes across as a false claim as the old age population in hills suffers from many ailments and the poor access to health care in the hill districts of the state

makes things worse in remote areas. The data regarding health suggests the same¹¹⁷. Certainly this cannot be taken as a reflection of physical health of the residents in the affected area.

There is no data available regarding the 'Poverty levels' of project affected population which is mandated as aspects to be covered by SIA.¹¹⁸

Under the list of socio-economic and cultural parameters to be covered by the SIA (provided in the Form 2), there is a parameter listed as vulnerable groups which has women, children, the elderly, women-headed households, the differently abled as further sub-sections. The PMP SIA has no specific comments on these categories listed as vulnerable groups. By making these absences abundantly clear, the SIA in effect produces certain chilling 'erasures'.

The further parameters which are prescribed in the list under Form 2 and are completely missing from SIA report of PMP are - 'Kinship patterns and women's role in the family', 'Social and cultural organisation', 'Administrative organization', 'Political organisation', 'Civil society organisation and social movements.'

The other parameters which have various indicators included within and they are listed as sub points. These parameters are - Land use and livelihood, Local economic activities, Factors that contribute to local livelihoods, Quality of living environment. Multiple other indicators are mentioned under these broad parameters which can help in bringing out a picture related to these parameters. (As can be seen in the Form 2 attached as Annexure)

The SIA report of PMP however touches some of these sub-aspects but again misses out on some crucial aspects, hence fails to capture the state of any of these parameters. For example, it does have either a paragraph or a section, about migration, livestock, household income, food security land use in agriculture and few tabulated details about livelihood but no mention of 'Household division of labour and women's work' 'Quality of Land in terms of soil, water, trees etc.'. Even these sub points which are covered seems like the lip service is being paid to them.

No mention of 'Wage rates', 'Access to credit', 'Specific livelihood activities women are involved in' as listed under the tab of 'Local Economic Activities'.

Though the report enumerates the 'Physical infrastructure', 'Public service infrastructure', 'Houses' and the 'Community and civic spaces' but fails to comment on 'Safety, crime,

¹¹⁷ The HDR 2017 Survey of Uttarakhand in a chapter on Health gives detailed statistical information on various health related aspects like access to health facilities, the prevailing long term disease in the rural areas. Also, the National Family Health Survey's District Fact Sheets present a detailed picture of the same. For instance, see the NFHS-4 (2015-16)'s District Fact Sheets for Pithoragarh, Champawat and Almora.

¹¹⁸ Under Section A.2 of the Form 2 of the RCTLARR Rules 2014.

violence’ or ‘Social gathering points for women’. Similarly any detailed significant comments on ‘Access to natural resources’, ‘Perceptions, aesthetic qualities, attachments and aspirations’, ‘Sites of religious and cultural meaning’ are not there.¹¹⁹ Even the comments on other aspects fail to go beyond basic enumeration. We will see more on this in subsequent sections.

Section B of the Form 2 - ‘Key impact areas’

The Section B of the Form 2 is ‘Key impact areas’. The key impacts are mainly divided into six criteria and then each criterion into further sub-criteria. Following are the six criteria -

1. Impact on land, livelihoods and income
2. Impact on physical resources
3. Impact on private assets, public services and utilities
4. Health impacts
5. Impact of culture and social cohesion
6. Impact at different stages of project cycle

These criteria further contain multiple parameters as an indicative list which helps in understanding what exactly is expected through these parameters. For example, a few of such indicators are ‘Access and control over productive resources’, ‘Economic dependency or vulnerability’, ‘Disruption of local economy’, ‘Women’s access to livelihood alternatives’ under the ‘Impact on land, livelihoods and income’.

Now the structure of the chapter of the SIA report of Pancheshwar Multipurpose Project which specifically talks about the impact is as follows:

It has five major sections :

- Impact During Construction Phase
- Impact during Operation Phase
- Impact due to Acquisition of Land and Homesteads
- Impoverishment Risk Assessment
- Impacts due to Command Area Development

Each of these major sections has further sub-sections which attempt to address various issues. But it misses out on nearly every parameter listed for SIA structure in Form 2.

¹¹⁹ These all parameters are mentioned specifically under Form 2 to be covered in a SIA.

The ‘Quality of Life’ and ‘Employment Generation’ : Precarious Claims

In the introduction section of the chapter 5 of the SIA report of PMP which talks about impacts, the first para ends with this line: ‘The quality of life of the locals including women will improve as a result of the project.’ There is no further explanation in the whole report that how the project will improve the lives of locals including women. The parameters prescribed by rules are again not taken into consideration. The SIA structure has included tools like ‘Gender Impact Assessment’ apart from various parameters like ‘Woman’s access to livelihood alternatives’, ‘Impact on women’s health’, ‘Violence against women’. The only mention in this chapter on these issues is under ‘Impact on gender discrimination risks’ and what has been said under that short paragraph of four lines has nothing to say on how it will impact women as suggested by multiple parameters of SIA report as per the rules. It says:

‘The project shall ensure equal access to participation and decision making of women in social, political and economic life of the nation and mainstreaming a gender perspective in the development process. Project shall provide equal access to women for employment, equal remuneration, occupational health and safety, social security, etc.’

As we go further to look into the issues addressed, it becomes clear that a large section in this chapter of the report is commenting on the impacts of the project only under the light of the potential in-migration during the construction phase.

This impact section mentions that the construction will last 8 years and the ‘population during peak construction has been estimated to the tune of 22,600.’ This figure of 22,600 persons inhabiting the project area during construction has been invoked again and again in the report.

Let us have a look at a subsection, ‘Local employment opportunities’ under ‘Impact During Construction Phase’. After describing the figure of 22,600 residing for 8 years, it says -

‘The construction of the proposed project would invariably create a number of direct employment opportunities. However, indirect employment opportunities would also be generated which would provide great impetus to the economy of the local area. Various types of businesses, such as shops, food-stalls, tea stalls, restaurants, workshops, etc. would invariably come-up, which would be run by the more entrepreneurial local residents. Besides, a variety of suppliers, traders, transporters, service providers, etc. are also likely to concentrate here and likely to benefit immensely, as demand for almost all types of goods and services will increase significantly. The business community as a whole would be benefited.

The locals would also avail these opportunities arising from the project and increase their income levels.’

The next subsections, ‘Business opportunities’, ‘Subsidiary industrial opportunities’ nearly repeat the same thing without even interchanging the words except a small addition which comes through the ‘Subsidiary industrial opportunities’ where it adds ‘small vehicle and equipment repair shops’ to the list of opportunities arising from the project.

The need to probe and deeply analyse the interconnections giving ‘the great impetus to the economy of the local area’ and increasing the income levels of locals as claimed in the SIA report of PMP does not even arise. Because the texts of another section of the same report presents a different and contradictory picture.

The figure of 22,600 is dissected in the EIA report. So after calculating the total number of labor force required (on the basis of various problematic assumptions¹²⁰ like how many of them would be married and the family size) which comes around 22,100. Then it states ‘Add 1% for the persons who will provide services like shops, repairing facilities, etc.’ which comes as 221 and again it makes a seemingly random assumption that 30% of these 221 would be having family and family size would be of 5 members on average. Hence, total numbers which should be added to figure of 22,100 is 485 resulting in a total of 22,595 rounded off to 22,600.

This indicates that most of the shops, repairing facilities which are supposed to provide local employment opportunities are already taken into consideration while doing the math, resulting in a figure of 22,600. And those shops, repairing facilities would require 221 persons as per the estimation of the report itself.

To add to this, under the subsection ‘Influence on law and order’ which is right after these subsections where the report talks about the increased number of direct employment opportunities, it is estimated that more than 80% of the peak labour requirement will be ‘belonging to different socio-cultural background and will temporarily migrate to the project area from other districts and different countries.’ Further, quoting from another subsection which is about impact on social services - ‘It is felt that most of the labour force would come from other parts of Nepal and from India. However, some of the locals would also be employed to work in the project.’

Now after going through these sections, the claim regarding employment opportunities for the local become precarious.

¹²⁰ Bases for all these assumptions are not very clear.

Reading of these impacts gives a sense that the biggest problem which can arise during the construction phase is of ‘friction between the migrant local population and the local population.’ It focuses on the large number of labourers of different socio-cultural backgrounds, coming from outside the region during the construction phase and how that might affect the social fabric. The SIA report speculates that this might create the ‘law and order’ situation. It also is concerned about the likely increase in social disruptive behaviors with the increase in cash flow. But at the same time, in an adjacent section it takes the increased cash flow as an opportunity which will benefit the locals and it says, ‘they will be benefited by the presence of construction contractors and labor camps.’

Again, the reasoning behind these claims remains unknown. Hence, these statements being basesless becomes a seemingly conclusion.

The stark contradictions within the section of the report continues. Another example of the same: In the subsection about ‘Influence on agricultural production and social utility’ the report says -

‘Utilization of agricultural lands for different project features will decrease the agricultural production in the area. Furthermore, possible diversion of labor from agricultural practices into the project construction activities may result in lower seasonal yields causing additional food shortages in the area. Besides, construction activities leakage of oil, grease may indirectly reduce the agricultural productivity of the lands located at the surrounding to the project area. At the same time, project construction activities will pose some disturbance to the regular agricultural activities of the area like dust pollution. This impact alters the social utility; as a result, local people will depend upon imported food. The acquisition of land will also have a direct impact on agricultural production and economic condition of the local people.’

After establishing in this section that agricultural production and economic condition of people will worsen and food shortages in the area will increase with local people being dependent upon imported food, the report in another subsection ‘Improved access facilities in the project area’ says that ‘Development of the proposed Pancheshwar Multi-purpose project will have multifold beneficial impacts. The immediate beneficial impacts from the project will be improved connectivity by the road. The improved road access will bring an improvement of food security situation and overall economic and social stability.’

In a subsection titled as ‘Construction workforce related influence on social services’ the report states -

‘During the construction phase a large labour force, including skilled, semi-skilled and unskilled labour force, is expected to immigrate into the project area. Some of the locals would also be employed to work in the project. The labour force would stay near to the project construction sites. Education will receive a shot in the arm. The advantages of education to secure jobs will quickly percolate through all sections of the population and will induce people to get their children educated. A sizeable amount of surplus generated through labour will be spent on education.’

Now in another subsection, ‘Impact on child discrimination risks’ it brings out a conclusion that education pattern will be definitely impacted in a negative way. As it says -

‘During the construction phase, a large number of local as well as outsiders will be engaged directly and indirectly in the project. If both parents will be employed in the project they cannot give their time to children so that children will be discriminated against. Although the project will have the provision of not employing children less than 18 years of age, poverty parents are forced to engage their children in some form of work like in tea stalls, collection of sand, aggregates etc. Since there would be extra earnings, children will be attracted to help their parents in working with the project rather than going to school for education. This will definitely affect the educational pattern of the project area.’

The region without a ‘History’!

Moving on from the series of contradictory conclusions to rampant blanket statements like under subsection ‘Loss of cultural monuments’, about the project affected region, it is stated that ‘No written records about the history or origin of this area are available.’ This statement comes despite several written papers, articles, books are available about the history of the region.¹²¹ These are obviously available in the public domain and are not very hard to access as these are published by well known and established publishers. Many of them are available in public and university libraries. Further, these materials are often used as a source in mainstream newspapers while giving historical background of the region in some articles.

¹²¹ For instance - BD Pandey’s book - ‘*Kumaon Ka Itihas*’, Ram Singh’s book - ‘*Kali Kumaon Ka Itihas*’, has significant portions on the history of the districts of Kumaon and it does include the PMP affected region also. The issues of PAHAR provide various specific articles on the cultural history of regions which come under the affected area. Similarly, the other publications from PAHAR has produced historical accounts of the region. Not to mention various research articles and papers published in reputed journals and the same being easily available over the internet.

The ‘Submergence of Temples’

The same subsection also states that around 89 temples are likely to be submerged and it further says that only 3 of them are major temples hence will be relocated. It also makes an unverified claim that there are ‘many temples and shrines in the area of the study, but most of them are of recent origin.’

In subsequent subsection about ‘Submergence of Temples’ the report says:

‘Local deities keep several importances for the people of the project area. Each clan group has own shrine/ deity for worship. All of the clan members attend to kul puja (ancestral worship) annually. All of the local deities are located in the submerged area. All of these things could not replace in the new places.’

Further, it gives a numerative count of the number of temples which will be submerged by the project i.e. 770 temples on Indian side and 102 on Nepal side. About these places, the report goes on to make comments that ‘Many of the shrines are historically less significant and many of them were established by erecting stone under the big trees or along with the foot trails within three to four decades ago.’

This does not make it clear how the historical significance of these shrines is being decided. The claim about many of the shrines being three to four decade old has not been substantiated with any kind of database. Also, it raises a fundamental question about the framework through which those who prepared the report looked at the question of culture.

The subsection right after this is about the project's ‘Impacts on cremation sites’. Quoting the complete text of that particular subsection :

‘Cremation sites are located on the bank of Mahakali river and its tributaries on both sides. Large number of cremation sites will be submerged both on Indian and Nepalese side due to reservoir submergence. People also perform other rituals on the bank of the rivers. People are attached with these sites emotionally.’

Here also, the SIA report of PMP like it does in multiple other parts of the report, mentions the potential damage or loss but does not talk about the impact of it. To elaborate, if we look closely at the above paragraph, we see that it recognises the fact that a lot of cremation sites will be submerged. And it also provides the information that people perform other rituals in the bank of rivers and they are attached to these sites emotionally.

This is just a piece of information on the losses due to submergence. But the report as per the framework of SIA, is supposed to provide an impact assessment of this loss. For example, the parameters prescribed under Form 2 have a section on ‘Impacts on culture and social cohesion’

where it does have indicators such as ‘Impacts on the norms, beliefs, values and cultural life’ and ‘Stress of dislocation’ among others.

As in this case, the loss of the religious-cultural sites can have a drastic impact on the individuals and on the community as a whole as these cultural symbols have been closely linked with the identity of people. Loss of these significant pillars of their cultural identity can create a crisis for those communities or individuals. And which will, for obvious reasons impact them in other aspects of life.

Mismatching Claims about Temple Relocation

A response which doesn’t match the temple relocation plan of SIA report has been provided through the ‘Public Hearing Document’ multiple times Let us look at that example in detail -

In the SIA report prepared for the Pancheshwar Project, the Jauljibi *mela* does not find any place. But it does find mention in the ‘Public Hearing Proceedings’ document which was submitted to the Ministry of Environment, Forest and Climate Change(MoEFCC) for the Environmental Clearance (EC) of the project, along with other reports.

The ‘Public Hearing Proceedings’ document has a column on the issues raised in the public hearing and another adjacent column titled ‘Remarks on the Issues raised’. Under the column ‘Issues Raised’, Jauljibi makes multiple occurrences. Quoting from the same, the issue raised is:

“In Dootibagad, Jauljibi, people of two villages reside which is a submerged zone. Datu Kheda Jauljibi and Jauljibi gram sabha, which are areas of business since ancient times. Where after independence only International Trade Fair is organized where people India, Nepal and Tibet do business. Here almost 400 small and big families do business to sustain their lives. Thus the area from Jauljibi to Jhoolaghat has been declared as the business market, in the DPR it has been shown only with the name of Dootibagad. This is sheer injustice in the name of development for people.

The demand was to declare the area from Jhoolaghat to Dootibagad, until Jauljibi as the main center for business. Also, instead of a village, considering Jauljibi as a trade center.

Here the compensation should be evaluated keeping in mind the business. Instead of declaring this area as a village, this area from Jhoolaghat to Dootibagad, until Jauljibi should be mentioned at the main center for business.”

The response to this, which also makes multiple occurrence in similar wording:

“Religious sites coming under submergence shall be constructed at new sites in consultation with villagers. The business center at Dootibagad is coming under submergence. It is proposed to construct a shopping center with the latest state of the art technology and amenities.”

At another place in the document when a similar issue is raised, the ‘Remark on the Issues raised’ column says - ‘Land for International Trade Fair will be provided in a resettled site’.

But the fact is, nowhere in the SIA report nor in the Resettlement and Rehabilitation section or any other part of the Detailed Project Report (DPR), the ‘International Trade Fair’ finds a mention.

The response about religious sites being constructed at new sites has been provided each time an issue regarding submergence of various religious sites is mentioned. But in a chapter ‘Relocation of Temple’ of the DPR, a table on ‘Abstract of Estimation for Construction of new temples’ calculates the cost of construction for only 3 temples. Similarly the SIA report of the project also mentions about multiple temples and religious temples being submerged but says only three temples i.e. Pancheshwar, Rameshwar and Taleshwar will be relocated.

The ‘Impoverishment Risk Assessment’ chapter

An important section in the chapter five of the report is ‘Impoverishment Risk Assessment’. Under this ‘eight basic risks in light of historical experience, predictable in most resettlement situations’ have been listed out. These are landlessness, joblessness, homelessness, marginalization, increased morbidity and mortality, food insecurity, loss of access to common property, and social (community) disarticulation. Five out of these eight issues are then described in a bit more length in tabular form which has two more columns - ‘Description of risk involved’ and the ‘Details’ on the same.

The IRA doesn’t go into any details in exploring the mentioned risks but it does provide some brief comments. Like how landlessness will impact the means of livelihood and the sustenance of land owners.

About the Joblessness, it states, ‘ Loss of wage employment occurs on account of acquisition of agricultural land, yet the creation of new jobs is difficult and requires substantial investment. Resulting unemployment or underemployment among resettlers endures long after physical relocation has been completed. There are a number of PAFs who are dependent on agricultural land. The submergence of this land would adversely affect the job opportunities in the area.’

In the same table it is stated that ‘Homelessness would be an issue for these families losing homestead. Villagers have a special bonding with their land and properties which they never like to part with. The submergence of the project will cause displacement of the Abadi population pushing them towards forced transition from one place to another which may be a strange place for them. This transition will cause stress and unnecessary pressure on their day to day lives.’

Adding on to the similar lines, it further states under the section of mortality - ‘Serious decreases in health levels result from displacement caused social stress, insecurity, psychological trauma and out-break of relocation related illnesses particularly water-borne and vector borne diseases.’ It also adds that only few will be able to bear the brunt of land acquisition and for the rest the marginalization becomes inevitable. And this path of downward mobility will start way before the actual displacement happens which it terms as the ‘relative marginalization’.

Again, to reiterate what was said at the beginning of this section that IRA does provide brief comments. These brief comments are full of conclusive statements but the details on how these conclusive statements were arrived at are not there in the report. The description which is there in the other sections of the report as discussed earlier, provides a contradictory picture. There also the claims or these conclusive statements are not substantiated enough and the similar pattern gets repeated in the IRA section.

Though the section about IRA does give single word mention to the few parameters and indicators form the Section B, ‘Key Impact Areas’ of Form 2 of RFCTLARR Rules 2014. But that becomes insignificant as any detailed analysis as per the parameters with the help of the given indicators is completely missing. It is to this extent that the SIA report of the PMP gives the impression that the mandated structure has not even been looked upon by the SIA developers.

Section C of the Form 2: The ‘Table of Contents for Social Impact Assessment Report’ of the Form 2

The Section C of Form 2 of RFACTLARR Rules 2014 provides a ‘Table of Contents for Social Impact Assessment Report’. This table provides the structure for the complete SIA report. The two column table has one column with chapter name and the other column is about contents within the chapter. These chapters and the contents list next to it, just a concise version of the Section A and Section B with few additions. The SIA report of PMP which has miserably failed in covering the prescribed parameters as has been discussed in this piece till now. It becomes pathetic as a report when it is unable to include general information such as - Team Composition, Schedule of consultation, Applicable legislation and policies within the report.

The nine titles of the chapter which are provided under this list are -

Executive Summary

Detailed Project Description

Team Composition, approach, methodology and Schedule of Social Impact Assessment

Land Assessment

Estimation and enumeration(where required) of affected families and assets

Socio-economic and cultural profile (affected area and resettlement site)

Social Impacts

Analysis of costs and benefits and recommendation on acquisition

References and forms

The SIA report of PMP does have a chapter providing the ‘Executive Summary’ of the content of the report. But the ‘Detailed Project Description’ chapter as prescribed should be covering wider aspects which has not been done. For example - Even a basic thing about providing details of ‘Applicable legislation and policies’ has not been done.

The third chapter requires the report to have a list of all team members with qualification. The given SIA framework also makes the inclusion of Gender experts in the team mandatory but the PMP’s SIA report does not provide any such information regarding team composition.

‘Description and rationale for the methodology and tools used to collect information for the Social Impact Assessment’ has been made compulsory to be shared through the content list of this chapter. The report does give a brief on the methodology but that becomes just a lip service as no details regarding methodological approach has been provided in the report. Under the methodology section, it just makes statements such as - ‘Primary data and information was collected through interaction and consultations with project affected families in the affected villages.’ The size of sample has been provided and mention has been given to use of secondary sources but no references of the same has been provided as mandated by the framework.

The framework in Form 2 also makes it must, 'to include the Schedule of consultations with key stakeholders and brief description of public hearings conducted' in the third chapter. But no such details under the same has been provided.

The next two chapters as per the 'Table of Contents for SIA' are on 'Land Assessment' and 'Estimation and enumeration(where required) of affected families and assets'. The contents which is to be included in these two chapters have been addressed in bits and pieces. Some of the content like the total land requirement, quantity and location of the land required for the project, nature of land use, number of residential houses and other enumeration regarding loss of property and project affected people are there. But crucial details on some aspects are not included such as land prices over the last 3 years, estimation of direct effect on 'the scheduled tribes and other traditional forest dwellers who have lost any of their forest rights' and enumeration of affected families which are 'indirectly impacted by the project (not affected directly by the acquisition of own lands)'

The content list of the next three chapters, i.e., 'Socio-economic and cultural profile (affected area and resettlement site),' 'Social Impacts,' 'Analysis of costs and benefits and recommendation on acquisition' is to focus on the social impact aspect. In terms of content, this appears to be a summarised version of the detailed list provided in Section A and Section B of Form 2, which we already have analysed. However, this section by design is extremely crucial for the decision regarding the commencement of the project. The 'Analysis of costs and benefits and recommendation on acquisition' chapter is to provide the conclusive statements and 'final recommendation on whether the acquisition should go through or not.'

The last chapter is 'References and forms,' which is supposed to provide references and further information, but no such chapter or section in any other way has been included in the SIA report of PMP.

It becomes clear that the SIA structure as per the RFCTLARR 2014 rules has been blatantly neglected. The SIA report of the PMP again and again gives the impression that the mandated structure has not even been considered by the SIA developers.

3.4) The Problematic SIA framework?

Now returning to the original question, which is central not only to this chapter but to this entire study - Is the weak SIA report for Pancheshwar Multipurpose Project a limitation of the existing SIA framework or just a problem with the implementation part of that framework?

The response to one part of this question has become clear by now. The Social Impact Assessment report prepared for Pancheshwar Project is in non-compliance with the SIA framework mandated as per the law. So as a response to the above question, we can say, yes, in the context of the Pancheshwar SIA, there is a problem with the implementation part of the existing SIA framework.

However, this does not answer the question entirely. Because, what if the implementation part would have been better? Would it have been successful in capturing the social impact due to the proposed project then? Moreover, what exactly is meant by the implementation of the existing framework in terms of capturing Social Impact Assessment?

Let us try to analyse these questions in the light of the experiences about social impacts which have been discussed in the previous sections of this piece.

In the case of Pancheshwar Project's SIA report, the compliance status is so poor that all the shortcomings of this SIA report can easily be attributed to the failure in implementation of the framework. But the question which has been framed above, about the scenario when the SIA developers of PMP would have complied with the framework, what would have been the report like? This question does not have a straight answer. Yes, if the structure would have been complied with, the SIA report would have been better than what it is now. But still this structure does not ensure inclusion of the rich cultural heritage of the region which also means non-inclusion of the trade aspect in its essence. Not necessarily, it would have been able to capture the intrinsic forest-livestock-agriculture linkage in the region. Without capturing that linkage, it is not possible to do justice with the description of women's role in the hill economy. Similarly, the framework doesn't ensure that the traditional knowledge system of the society in the region would find a place in the impact assessment report.

So, if the given structure for SIA would have been complied with, a comparatively better SIA report would have been with us but even then, it would have been missing out on various other aspects of the social impact, the proposed project might have. Let's understand how and why this is so.

There is a grave danger of the parameters enlisted under Form 2 for preparation of SIA being treated in a checklist manner.¹²² And this manner may fall within the domain of compliance, which is open to wide interpretation. Drawing from the example of Pancheshwar SIA where it has taken a few parameters from the mandated structure into consideration in a similar checklist manner. There the plain argument of non-compliance to the framework won't work. Technically speaking, those who are preparing the report would have ticked the required item from the list. But that check-listing would turn out to be of no use, if not placed in the wider context appropriately with a perspective.

The argument here is that with the current regulatory framework, there are chances of the SIA being conducted in a way where technocratic rationality dominates the report. It is not that the current framework for SIA is clearly invoking technocratic rationality but at the same time the current framework does not make sure that the technocratic rationality gets precluded.

This argument will be unpacked better with the following examples.

The methods adopted to do a Social Impact Assessment would be equally important, if not more, than the objectives of doing the Social Impact Assessment. Including ethnographic fieldwork with an emphasis in the current framework, can be a step in the direction of ensuring that the socio-cultural aspects are getting comprehended and hence included in the report.

The current SIA procedure does not consider the project affected people as an equal stakeholder in the process of preparing Social Impact Assessment Report. As per the framework to prepare SIA report, consultation with project affected people is a part but they are only being treated as the providers of data for the 'experts'. It involves public participation in form of public hearing but that comes only in the later stages and again the stated intent of that is to provide legitimacy to the prepared report instead of truly considering the public as an equal stakeholder.

The framework doesn't seem enough to capture various layered complexities of society. The listing of 'Vulnerable Groups' under Form 2 doesn't list the marginalized caste and minority groups in it. Nowhere in the content list of the SIA framework provided by Form 2, specific provision related to marginalized caste-communities find space. Not addressing or by not giving space to such multiple complexities goes against the basic understanding that not everybody will be impacted in a similar manner within the project-affected area. Any social impact assessment done without addressing these social inequalities, would definitely result in a problematic SIA.

It also homogenises the women as a category. It doesn't seem to pay attention to the interrelations of gender with caste, religion and class. Gender just gets passing attention in the given framework. It invokes the term Gender Impact Assessment as a tool to identify the impact

¹²² The term 'Checklist manner' is being used to signify a way of completing the given tasks provided as a list for the sake of completion or 'checking the items off the list'

¹²³ but no details have been provided of the same. The argument of conducting SIA with a gender focus and greater emphasis to address gender concerns have been raised by other researchers and organisations as well.¹²⁴

Also, the recommended composition of the SIA team¹²⁵ it does not mention anything specifically about giving representation to people from diverse social-cultural backgrounds while it does attempt to give token representation to women by mentioning at least one women member in the SIA team instead of fixing a proportionate representation for women.

The mental health aspect has also been neglected in the given framework. In the framework, the ‘Health has been used as a parameter but it doesn’t specify mental health. Given the societal attitude of negligence towards mental health¹²⁶ it becomes necessary to include specific provisions regarding it. And adding a sub category to include the same, under the parameters related to health and to the categories of ‘differently abled’.

The given framework does not mention specifically about getting familiarity with history of the region. Though, ideally the team conducting SIA have to do a literature review of writings related to the area’s social-cultural fabric in order to prepare a socio-cultural profile of the area under study. But it can’t be left to discretion, especially when a long indicative list within the given parameters has already been provided.

It is hard to imagine how without reading or knowing about the history of the region, how one would be able to understand the norms, beliefs, values and other cultural aspects of life in the area. Not only reading of literature around history but even the literary works like fiction, poetry, non-fiction related to the socio-cultural fabric of the region should be done in order to attain an understanding of the same.

¹²³ In the point 6.f.ii) of section B of the Form 2

¹²⁴ 1. ‘Addressing Gender in the RFCTLARR Act, 2013’, Centre for Women’s Development Studies, New Delhi in ‘National Conference on the Five-Year Journey of The RFCTLARR Act, 2013 The Way Forward, October 25-26 2018, India Habitat Centre’. Available under RFCTLARR Conference 2018 Proceedings at <https://www.teriin.org/event/national-conference-five-year-journey-rfctlarr-act-2013-way-forward> Last Accessed on 11/10/2019.

2. Pradhan, S. K. (2018). Gender Issues in Project Design: A Case of Metro Rail in India. *Journal of Resources, Energy and Development*, 15(1-2), 13–23

¹²⁵ ‘(4) The Social Impact Assessment team may be constituted by appointing individuals or an organisation with experience in conducting Social Impact Assessments or related field-based assessments and the team may include— (a) a combination of independent practitioners, qualified social activists, academics, technical experts, who are not directly connected with the requiring body; and (b) at least one woman member;’ - Rule 6.4 of RFCTLARR Rules,2014.

¹²⁶ ‘From a cultural perspective, mental disorders are associated with a considerable amount of stigma in Indian society, leading to neglect and marginalisation.’ (Source : NIMHANS, ‘National Mental Health Survey of India, 2015-16: Summary’,2016.)

And in case of the unavailability of written material regarding history or sociology of the region, the alternative should be the methods used in the practice of oral history.¹²⁷

The RFCTLARR Act, 2013 aims to make the process of acquisition ‘humane, participative, informed and transparent for land acquisition.’¹²⁸ The SIA team having a familiarity with the literary writings can be one of the many steps which needs to be taken in the direction of making the whole process of impact assessment humane.

As for the process to be humane, the person involved in conducting the process has to be sensitive enough in order to attain an understanding of the social fabric which involves values, beliefs of the society of a particular region. And including the literary writings can be one influential way of sensitising and making them aware of the belief system.

In light of all these comments regarding the existing structure of SIA, it becomes clear that the time period of six months is not enough for the large projects such as Pancheshwar Multipurpose Project. Concern over the process to conduct a SIA under this time constraint especially for hydropower projects with large submergence areas has been raised by SIA practitioners.¹²⁹ The time frame to conduct a SIA has to be decided as per the contextual setting of the proposed project.

For a short while, let us go back to our detailed notes on the crucial aspects which have not been included in the SIA report of PMP and use them as an example to place in a wider context of SIA framework. The ignorance towards ‘contribution of women in the economy in the hills’ which we discussed in an earlier section, is not limited to the particular SIA of PMP but there is a larger structural problem into play or as Ashish Bose pointed out¹³⁰ that there is a ‘conceptual hitch’ in the way economic activity is defined. This ‘conceptual hitch’ when gets interwoven with various non-compliances and the inadequate framework, the problem just gets bigger. But the SIA in its precise sense cannot get away without addressing these problems.

¹²⁷ Oral history term has been used in its classic sense here i.e. ‘Oral history is a field of study and a method of gathering, preserving and interpreting the voices and memories of people, communities, and participants in past events.’ (Source : <https://www.oralhistory.org>)

¹²⁸ Prelude of RFCTLARR Act 2013.

¹²⁹ Panel discussion at the CPR-LRI Fourth Annual Conference on "Land Laws, Land Acquisition, and Scheduled Areas in India" organised in March 2018. Available over YouTube : Centre For Policy Research, ‘Panel: Land Acquisition in India post RFCTLARR Act, 2013: A Reality Check’, YouTube, 24 May 2018.

¹³⁰ Ashish Bose, ‘Demography of Himalayan Villages: Missing Men and Lonely Women’, *Economic and Political Weekly* Vol. 35, No. 27 (Jul. 1-7, 2000), pp. 2361-2363 (3 pages)

Similarly, the case of trade in the river valley, the case of the mela which is an intertwining of the 'religion, culture and economy'¹³¹ definitely requires to be looked upon by new unique lenses/frameworks before an attempt to assess them is made.

Without giving space to these complexities, to the nuances of the culture, would the SIA be able to capture the essence of society, let alone the impact on that society remains under question. As SIA is supposed to provide an assessment of the impact a proposed action may have on society, and for this, the essential requirement is an understanding of that particular society first. In its true spirit, SIA is supposed to produce a document providing a comprehensive understanding of the society residing in the affected area. Building on this understanding, providing an estimate of the impact of the proposed action is the desired end product of the SIA process. It should not be a document, limited to the enumeration of affected families, or just a report which responds to those various mandatory parameters in isolation, instead, a report weaving the responses to those wide-ranging parameters and bringing out a complete picture capturing the essence of socio-cultural fabric of the area on the basis of which a further decision regarding the proposed action can be taken.

The underlying point is, emphasis should be on understanding the particular society first, on which the project proponents intend to assess the impacts of a proposed action. The SIA framework needs to do more to ensure the same.

The framework needs to ensure that the technocratic rationality does not take over the process, and the SIA does not get bogged down to mere enumeration of project affected families; instead, it takes into account the various kinds of social inequality, hierarchies. It should ensure that the assessment process will deal with the matters of culture with the required sensitivity; it becomes more crucial in matters of indigenous culture. For this, the methods and processes also need to include an anthropological eye, ethnographic methods, literature reviews of various kinds. For large projects, all this may require an expanded time frame. With all this, we also have to keep in mind that the more participative the process becomes, the easier it would be to understand and make sense of the complexity in society and assessing the social impact.

¹³¹ Shekhar Pathak while writing about the multicultural transboundary region (of which the *mela* is also a part) says - 'The emergence of Kailas–Manas complex as a multi religious and cultural destination and the rise and growth of many trade marts around it in that area in the last many centuries is a fascinating history of human enterprise and religious quest working together. In a case like this, religion, culture, and economy get intertwined.' Source : Shekhar Pathak , 'Kailas–Manasarovar Sacred Landscape: Understanding a Multicultural Transboundary Region' Economic and Political Weekly, Vol. 54, Issue No.10, 09 Mar, 2019

4. Current SIA practices around the World¹³²

The arguments regarding understanding the society with all its complexities for the purpose of conducting SIA are not unique to the Indian experience. The questions and challenges in how to assess the social impact, how to develop a framework which can give space to the heterogeneity of the society, how should impacts be weighed are the issues which have been there since the beginning of the process of SIA being conceptualised. The responses to these questions-doubts has evolved with the evolution of SIA itself, some of which we discussed in the beginning of this piece. Key issues which are intrinsic to being human like attachment to a place or ‘sense of place’¹³³ are still finding their place in the SIA discourse along with many other things such as community involvement, cultural heritage, Human Rights Impact Assessment, Gender Impact Assessment, Cultural Impact in terms of Indigenous communities, Restoration of livelihoods etc.

In the last 50 years, SIA has travelled a long distance. With time, new theoretical approaches, measures and frameworks for assessments are being developed. including the conceptual framework.

One of such developments is the concept of **Cultural Impact Assessment (CIA)**. Though assessing cultural impact has been a sub-dimension of SIA and earlier to EIA but significant attention has not been paid to this aspect especially in terms of developing methodological framework including indicators to understand the impact on culture. Hence, CIA is considered to be a less-developed aspect of the Impact Assessment process.

Adriana Partal and Kim Dunphy in 2015 performed a systematic literature review¹³⁴ on applications of cultural impact assessment internationally.’ For this exercise they were able to locate 34 such resources (spanning from 1988 to 2015) which were ‘specifically mentioning CIA and offering substantial information on the topic’.

The review of literature around CIA by them also revealed that CIA which came into practice in the last two decades has mostly been looked upon in relation to indigenous concerns, hence the geographic location of CIAs has mainly been in countries with indigenous populations.

¹³² This section does not attempt to give glimpses of the current discourses in SIA which are continuously evolving at a rapid pace. Instead it just touches on the two impact assessment approaches which are part of the larger discourse and came across organically as a relevant literature in the light of limited field experience the author of this piece had.

¹³³ Frank Vanclay, Matthew Higgins, Adam Blackshaw, ‘Making Sense of Place: Exploring Concepts and Expressions of Place Through Different Senses and Lenses’, National Museum of Australia Press, 2008

¹³⁴ Adriana Partal & Kim Dunphy (2016) Cultural impact assessment: a systematic literature review of current methods and practice around the world, *Impact Assessment and Project Appraisal*, 34:1, 1-13

Reviewing the literature on CIA, Partal and Dunphy said:

‘One of the major challenges of CIA is that defining ‘culture’ and therefore ‘cultural impact assessment’ is difficult. The lack of clear definition of culture results in a commensurate challenge of understanding impacts on and of culture’¹³⁵

Examining through the available definitions and elements of culture in the selected literature, the authors deduce that ‘practitioners undertaking CIA over the past decades have comparable understanding of culture and the CIA, and consider both tangible and intangible elements in the assessments.’¹³⁶

Though there is very little literature which gives detailed information on methodologies to conduct CIAs but the paper was able to locate a few such relevant methods. Referring to Gibson et al.(2011)¹³⁷ the paper shares information on processes of CIA like ‘traditional ecological knowledge, physical anthropological/archaeology and ethno-geography such as place names; analysis of statistical trends in appropriate cultural indicators, collected by the Bureau of Statistics or other government body (for example land usage, language proficiency); and community wellness surveys including cultural indicators’. It further adds that critically examining the historical and cultural sources and considering the opposing views or biases of authors is recommended. As per the literature review, a high priority has been given to the consultation techniques including the ‘focus groups, interviews and public meetings with stakeholders including community members (indigenous and non-indigenous) and government, and oral interviews with people knowledgeable about the historic and traditional practices.’¹³⁸

The methodological challenges for this less developed aspect of Impact Assessments are significant which includes an agreement over conceptualisation of the term culture itself, indicators to assess it and ‘the limitations of quantitative data, especially in explaining causality, the expense and difficulty of using qualitative data, the unmet need for assessors to have strong cultural sensitivity and timescales that are inadequate for reasonably tracking impacts’¹³⁹

¹³⁵ *ibid*

¹³⁶ ‘Intangible elements of culture, things that cannot be seen or touched but are essential to maintain and practice culture, such as spiritual beliefs, language, traditional knowledge, oral history and inter-generational relationship patterns, were also considered important. Gibson et al. particularly recommend that CIA consider both tangible and intangible elements, with culture being ‘much more than stones and bones; . . . a living, continually adaptive system, not a remnant of the past’ (2011, p. 1800)., *ibid*.

¹³⁷ Gibson G, MacDonald A, O’Faircheallaigh C. 2011. Cultural considerations associated with mining and indigenous communities. In: Darling P, editor. SME mining engineering handbook. 3rd ed. Denver: Society for Mining, Metallurgy and Exploration, Littleton; p. 1797–1816.

¹³⁸ *ibid*

¹³⁹ *ibid*

Phillipe Hanna, Frank Vanclay, Esther Jean Langdon and Jos Arts also wrote a paper on the importance of cultural aspects in impact assessment.¹⁴⁰ This was born out of the reflections from a case study of a hydroelectric dam in Brazil. They analysed the wide ranging impacts on the affected indigenous people. They argued that ‘to fully comprehend the environmental and social impacts of projects in cross-cultural contexts, it is essential to include the ethnographic fieldwork as a component of the social impact assessment (SIA), environmental impact assessment (EIA) and other studies.’¹⁴¹ But they also added that thick ethnographic involvement itself ‘will not ensure that the cultural aspects will be properly considered in the project development. However, it can be a basis for fostering culturally appropriate processes between the different stakeholders’.¹⁴² Though these recommendations in their paper come in the light of planning and implementation of mitigation measures, nonetheless it remains relevant as the focus is on comprehending the cultural aspects. The paper also raises a significant point about the ‘cumulative impacts of different projects in the same area’. The basis for this is that for each individual project, an impact assessment is conducted but impacts of project on each other are not considered. While these impacts get amplified when they influence each other. Hence the paper goes on to recommend, ‘more consideration must be given to the cumulative and long-term social and environmental impacts that stem from the developments that accompany projects.’¹⁴³

Human Rights Approach

The International Principle for Social Impact Assessment (2003) in its fundamental principles for development, as a first point wrote that, ‘The SIA community of practice considers that - Respect for human rights should underpin all actions.’. In the ‘Principles specific to SIA practice’, the 12th and last principle stated, ‘Developmental processes that infringe the human rights of any section of society should not be accepted.’

The SIA frameworks developed in various regions may have considered the values behind human rights while developing those frameworks but as Kemp and Vanclay¹⁴⁴ argue that ‘Historically, impact assessment practice has not explicitly considered human rights.’ Following the emergence of ‘Human Rights Impact Assessment (HRIA)’ in the last decades, in recent years

¹⁴⁰ Philippe Hanna, Frank Vanclay, Esther Jean Langdon & Jos Arts (2016) ‘The importance of cultural aspects in impact assessment and project development: reflections from a case study of a hydroelectric dam in Brazil, *Impact Assessment and Project Appraisal*, 34:4, 306-318.

¹⁴¹ The introduction section of the paper begins with this recommendation.

¹⁴² *ibid*

¹⁴³ *ibid*

¹⁴⁴ Deanna Kemp & Frank Vanclay (2013) Human rights and impact assessment: clarifying the connections in practice, *Impact Assessment and Project Appraisal*, 31:2, 86-96,

there have been arguments about integrating the fields of human rights and social impact assessment.

In a paper titled ‘Human rights and impact assessment : clarifying the connections in practice’¹⁴⁵, the authors Deanna Kemp and Frank Vanclay make a case about how consideration of human rights should be central to impact assessment for private projects, especially those affecting livelihoods, environment, health, safety and security, land and property, culture and gender dynamics.’ Drawing from the business and human rights debate, they ‘discuss the relevance of human rights to the field of impact assessment’. Examining the challenges of integrating the fields of human rights and social impact assessment, they advocate for a stronger connection between the two. Human rights being well established on global agenda offers a powerful pathway as per Kemp and Vanclay to ‘renew and rejuvenate the very meaning of impact assessment’.¹⁴⁶

In 2015, IAIA published, ‘Social Impact Assessment:Guidance for assessing and managing the social impacts of projects’. This document took note of the changing discourse of SIA and with various other things included, human rights impact assessment as part of the tasks to be potentially conducted by SIA practitioners.¹⁴⁷

Similarly, arguments for SIA methods giving more considerable attention to human rights and adapting accordingly are being built.¹⁴⁸

¹⁴⁵ The paper cited in the previous footnote.

¹⁴⁶ *ibid*

¹⁴⁷ ‘Undertake human rights due diligence and human rights impact assessments, involving human rights experts as necessary’ (Page 4 of the SIA:Guidance for assessing and managing the social impacts of projects)

¹⁴⁸ A. M.Esteves, G Factor, F. Vanclay, N.Götzmann & S.Moreira (2017). Adapting social impact assessment to address a project’s human rights impacts and risks. *Environmental Impact Assessment Review*, 67, 73–87.

5. The SIA Process In India : Long Battle Ahead

In India, the experience with Social Impact Assessment is relatively new and is yet to establish firmly. In the Indian context, the conceptual framework for Social Impact Assessment needs to evolve a lot in terms of taking the complexities of society into account. The discourse around conceptualising SIA as per Indian contextual setting is yet to pick up the pace. Once that picks up, then only we can hope to see the desired changes in the regulatory framework. We saw a few of the diverse practices like ‘Cultural Impact Assessment’ or ‘Human Rights Impact Assessment,’ which need to be integrated with SIA to deal with the challenges.

Dealing with the implementation of such SIA frameworks is the bigger battle so that the shoddy and cursory SIA reports like the Pancheshwar Multipurpose Project do not get through. To deal with such reports and to bring in the required changes, and to develop the regulatory framework for SIA further, greater engagement from the side of civil society and academia is required.

The widespread non-compliance of SIA regulations and ‘variations in the extent to which SIA studies are adhering to SIA methodology and approach spelt out in the RFCTLARR Act 2013’,¹⁴⁹ and the 2014 rules for the same has been pointed out through other studies as well.¹⁵⁰ The non-compliance is not only related to the preparation of report¹⁵¹ but even for the aspects like ‘Web Disclosure’.¹⁵² For many states, the web portal giving public disclosure about SIA units, an empanelled list of organizations and experts to conduct SIAs along with making SIA reports available has not come into existence yet. This also means that multiple states are yet to form SIA units and empanel the entities for SIA. As per a study by CSE in 2018, only 7 states have

¹⁴⁹Preeti Jain Das (2018). Social Impact Assessments under the RFCTLARR Act, 2013: A Critical Analysis. *Journal of Resources, Energy and Development*, 15(1-2), 63–76

¹⁵⁰ There is very limited literature on the compliance of the SIA regulations as of now. Following two papers focussing on the compliance aspect of SIA are the relevant part of that limited literature -

1. Preeti Jain Das (2018). Social Impact Assessments under the RFCTLARR Act, 2013: A Critical Analysis. *Journal of Resources, Energy and Development*, 15(1-2), 63–76
2. Chandra Bhushan, Sujit Kumar and Vikrant Wankhede (2018). Proposed Framework for Empanelment of Organizations and Individual Experts for Conducting Social Impact Assessment in Land Acquisitions, Centre for Science and Environment, New Delhi.

¹⁵¹ The paper by P.J. Das (As referenced in previous footnote) provides details of the non-compliance in terms of reviewing the content on the basis of impact identification, and public consultation. This was done by reviewing ‘SIA reports of twelve geographically dispersed infrastructure projects prepared over three years.’

¹⁵² As per the Rule 13 of the RFCTLARR Rules, 2014 : ‘Web-based WorkFlow and Management Information System for Land Acquisition and Rehabilitation & Resettlement - The appropriate Government shall create a dedicated, user-friendly website that may serve as a public platform on which the entire work flow of each acquisition case will be hosted, beginning with the notification of the Social Impact Assessment and tracking each step of decision making, implementation and audit.

empanelled entities for the purpose of SIA.¹⁵³ The dilution in the central law by the states while preparing state rules for SIA is another concern.¹⁵⁴ It is in these circumstances, the limited research which has come out in this field has expressed not only the dire need to build scholarship on this but also a ‘closer vigil by judiciary, civil society, researchers and the media for better compliance of the law.’¹⁵⁵

Social Impact Assessment report will be one of the basis on which the decision to go ahead or not with the proposed project would be taken, this needs to be established in the public discourse. The terms like ‘Mitigation’, ‘Compensation’, ‘Resettlement’, ‘Rehabilitation’ starts dominating the discussions even before any kind of impact assessment is attempted, this creates an impression that preparation of SIA report is just a perfunctory exercise and the report itself is a mere mandatory attachment with the proposal for a project. This impression needs to be undone and it can happen with making sure the strong compliance to existing regulatory framework of SIA.

Both the battles, of ensuring compliance to the existing framework and of the development of SIA framework conceptually to consider the nuances of society in the contextual setting, need to be struggled simultaneously to make way for a comprehensible social impact assessment process.

¹⁵³ Bhushan, Kumar, Wankhed (2018), *Op.cit.* note 151. This study had an Annexure giving details about the statewise ‘SIA - Institutional Support and Facilitation’ which provided current status of Empanelment for each state. As per this, only 7 states have empanelled entities for the purpose of SIA.

¹⁵⁴ The following paper compares the state rules and attempts to map the dilutions for various provisions including the ‘Social Impact Assessment’. A separate section in this paper provides a list of differences between Central and State Rules regarding SIA. (Page 12-13).

Kanchi Kohli and Debyan Gupta (2017). Mapping Dilutions in a Central Law: A comparative analysis of rules made under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013. Occasional Paper, Centre for Policy Research (CPR). Available at - <https://www.cprindia.org/research/papers/mapping-dilutions-central-law-0>

¹⁵⁵ Das (2018), *Op.cit.* note 150

List of Abbreviations

CIA	Cultural Impact Assessment
DPR	Detailed Project Report
EC	Environmental Clearance
EIA	Environment Impact Assessment
HIA	Health Impact Assessment
HRIA	Human Rights Impact Assessment
IA	Impact Assessment
IAIA	International Association for Impact Assessment
LARR	Land Acquisition, Resettlement and Rehabilitation
MoEFCC	Ministry of Environment, Forest and Climate Change
NEPA	National Environmental Policy Act
NPPR	National Policy for Resettlement & Rehabilitation
NRRP	National Resettlement and Rehabilitation Policy
PMP	Pancheshwar Multipurpose Project
RFCTLARR inLand	Right to Fair Compensation and Transparency Acquisition, Resettlement and Rehabilitation
SIA	Social Impact Assessment
WCD	World Commission on Dams

ANNEXURE

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Social Impact Assessment and Consent) Rules, 2014.¹⁵⁶

Chapter II

SOCIAL IMPACT ASSESSMENT

FORM-II

Social Impact Assessment Report

[See sub-rule (3) of rule 3, sub-rule (5) & (6) of rule 7 and rule 14]

A. List of socio-economic and cultural parameters to be covered by the Social Impact Assessment

1. Demographic details of the population in the project area
 - (a) Age, sex, caste, religion
 - (b) Literacy, health and nutritional status
2. Poverty levels
3. Vulnerable groups
 - (a) Women, (b) children, (c) the elderly, (d) women-headed households, (e) the differently abled
4. Kinship patterns and women's role in the family
5. Social and cultural organisation
6. Administrative organisation
7. Political organisation
8. Civil society organisations and social movements
9. Land use and livelihood
 - (a) Agricultural and non-agricultural use
 - (b) Quality of land – soil, water, trees etc.
 - (c) Livestock
 - (d) Formal and informal work and employment
 - (e) Household division of labour and women's work
 - (f) Migration
 - (g) Household income levels
 - (h) Livelihood preferences
 - (i) Food security
10. Local economic activities
 - (a) Formal and informal, local industries

¹⁵⁶ MINISTRY OF RURAL DEVELOPMENT (Department of Land Resources) NOTIFICATION
New Delhi, the 8th August, 2014

- (b) Access to credit
 - (c) Wage rates
 - (d) Specific livelihood activities women are involved in
11. Factors that contribute to local livelihoods
- (a) Access to natural resources
 - (b) Common property resources
 - (c) Private assets
 - (d) Roads, transportation
 - (e) Irrigation facilities
 - (f) Access to markets
 - (g) Tourist sites
 - (h) Livelihood promotion programmes
 - (i) Co-operatives and other livelihood-related associations

12. Quality of the living environment

- (a) Perceptions, aesthetic qualities, attachments and aspirations
- (b) Settlement patterns
- (c) Houses
- (d) Community and civic spaces
- (e) Sites of religious and cultural meaning
- (f) Physical infrastructure (including water supply, sewage systems etc.)
- (g) Public service infrastructure (schools, health facilities, anganwadi centres, public distribution system)
- (h) Safety, crime, violence
- (i) Social gathering points for women

B. Key impact areas

1. Impacts on land, livelihoods and income

- (a) Level and type of employment
- (b) Intra-household employment patterns
- (c) Income levels
- (d) Food security
- (e) Standard of living
- (f) Access and control over productive resources
- (g) Economic dependency or vulnerability
- (h) Disruption of local economy
- (i) Impoverishment risks
- (j) Women's access to livelihood alternatives

2. Impacts on physical resources

- (a) Impacts on natural resources, soil, air, water, forests
- (b) Pressures on land and common property natural resources for livelihoods

3. Impacts on private assets, public services and utilities

- (a) Capacity of existing health and education facilities
- (b) Capacity of housing facilities

- (c) Pressure on supply of local services
- (d) Adequacy of electrical and water supply, roads, sanitation and waste management system
- (e) Impact on private assets such as bore wells, temporary sheds etc.

4. Health impacts

- (a) Health impacts due to in-migration
- (b) Health impacts due to project activities with a special emphasis on:-
 - (i) Impact on women's health
 - (ii) Impact on the elderly

5. Impacts on culture and social cohesion

- (a) Transformation of local political structures
- (b) Demographic changes
- (c) Shifts in the economy-ecology balance
- (d) Impacts on the norms, beliefs, values and cultural life
- (e) Crime and illicit activities
- (f) Stress of dislocation
- (g) Impact of separation of family cohesion
- (h) Violence against women

6. Impacts at different stages of the project cycle

The type, timing, duration, and intensity of social impacts will depend on and relate closely to the stages of

the project cycle. Below is an indicative list of impacts

- (a) Pre-construction phase
 - (i) Interruption in the delivery of services
 - (ii) Drop in productive investment
 - (iii) Land speculation
 - (iv) Stress of uncertainty
- (b) Construction phase
 - (i) Displacement and relocation
 - (ii) Influx of migrant construction workforce
 - (iii) Health impacts on those who continue to live close to the construction site
- (c) Operation phase
 - (i) Reduction in employment opportunities compared to the construction phase
 - (ii) Economic benefits of the project
 - (iii) Benefits on new infrastructure
 - (iv) New patterns of social organisation
- (d) De-commissioning phase
 - (i) Loss of economic opportunities
 - (ii) Environmental degradation and its impact on livelihoods
- (e) Direct and indirect impacts
 - (i) "Direct impacts" will include all impacts that are likely to be experienced by the affected families
(i.e. Direct land and livelihood losers)

- (ii) "Indirect impacts" will include all impacts that may be experienced by those not directly affected by the acquisition of land but those living in the project area
- (f) Differential impacts
 - (i) Impact on women, children, the elderly and the different abled
 - (ii) Impacts identified through tools such as Gender Impact Assessment Checklists, and Vulnerability and Resilience Mapping
- (g) Cumulative impacts
 - (i) Measureable and potential impacts of other projects in the area along with the identified impacts for the project in question.
 - (ii) Impact on those not directly in the project area but based locally or even regionally.

C. Table of Contents for Social Impact Assessment Report and Social Impact Management Plan

Chapter	Contents
Executive Summary	(a) Project and public purpose (b) Location (c) Size and attributes of land acquisition (d) Alternatives considered (e) Social Impacts (f) Mitigation measures (g) Assessment of social costs and benefits
Detailed Project Description	(a) Background of the project, including developers background and governance or management structure (b) Rationale for project including how the project fits the public purpose criteria listed in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. (c) Details of project size, location, capacity, outputs, production targets, cost, risks (d) Examination of alternatives (e) Phases of project construction (f) Core design features and size and type of facilities (g) Need for ancillary infrastructural facilities (h) Work force requirements (temporary and permanent) (i) Details of Social Impact Assessment or Environmental Impact Assessment if already conducted and any technical feasibility reports (j) Applicable legislations and policies

<p>Team composition, approach, methodology and Schedule of the Social Impact Assessment</p>	<p>(a) List of all team members with qualifications. Gender experts to be included in team. (b) Description and rationale for the methodology and tools used to collect information for the Social Impact Assessment. (c) Sampling methodology used. (d) Overview of information or data sources used. Detailed reference must be included separately in the forms. (e) Schedule of consultations with key stakeholders and brief description of public hearings conducted. Details of the public hearings and the specific feedback incorporated into the Report must be included in the forms.</p>
<p>Land Assessment</p>	<p>(a) Information from land inventories and primary sources - Describe with the help of the maps (b) Entire area of impact under the influence of the project (not limited to land area for acquisition) (c) Total land requirement for the project (d) Present use of any public, unutilised land in the vicinity of the project area (e) Land (if any) already purchased, alienated, leased or acquired, and the intended use for each plot of land required for the project (f) Quantity and location of land proposed to be acquired for the project (g) Nature, present use and classification of land and if agricultural land, irrigation coverage and cropping patterns (h) Size of holdings, ownership patterns, land distribution, and number of residential houses (i) Land prices and recent changes in ownership, transfer and use of land over the last 3 years</p>
<p>Estimation and enumeration (where required) of affected families and assets</p>	<p>Estimation of the following types of families that are - (a) Directly affected (own land that is proposed to be acquired): (i) Are tenants or occupy the land proposed to be acquired (ii) The Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights (iii) Depend on common property resources which will be affected due to acquisition of land for their livelihood (iv) Have been assigned land by the appropriate Government under any of its schemes and such land is under acquisition;</p>

	<ul style="list-style-type: none"> (v) Have been residing on any land in the urban areas for preceding three years or more prior to the acquisition of the land (vi) Have depended on the land being acquired as a primary source of livelihood for three years prior to the acquisition (b) Indirectly impacted by the project (not affected directly by the acquisition of own lands) (c) Inventory of productive assets and significant lands
Socio-economic and cultural profile (affected area and resettlement site)	<ul style="list-style-type: none"> (a) Demographic details of the population in the project area (b) Income and poverty levels (c) Vulnerable groups (d) Land use and livelihood (e) Local economic activities (f) Factors that contribute to local livelihoods (g) Kinship patterns and social and cultural organisation (h) Administrative organisation (i) Political organisation (j) Community-based and civil society organisations (k) Regional dynamics and historical change processes (l) Quality of the living environment
Social impacts	<ul style="list-style-type: none"> (a) Framework and approach to identifying impacts (b) Description of impacts at various stages of the project cycle such as impacts on health and livelihoods and culture. For each type of impact, separate indication of whether it is a direct or indirect impact, differential impacts on different categories of affected families and where applicable cumulative impacts (c) Indicative list of impacts areas include: impacts on land, livelihoods and income, physical resources, private assets, public services and utilities, health, culture and social cohesion and gender based impacts
Analysis of costs and benefits and recommendation on acquisition	<ul style="list-style-type: none"> (a) Final conclusions on: assessment of public purpose, less-displacing alternatives, minimum requirements of land, the nature and intensity of social impacts, the viability of the mitigation measures and the extent to which mitigation measures described in the Social Impact Management Plan will address the full range of

	<p>social impacts and adverse social costs. (b) The above analysis will use the equity principle described in Rule 9(10) as a criteria of analysis for presenting a final recommendation on whether the acquisition should go through or not</p>
References and Forms	For reference and further information