

CURRENT STATE OF SUSTAINABLE DEVELOPMENT LAW: A CASE STUDY OF SOME ILLUSTRATIVE LARGE PROJECTS IN NORTH EAST INDIA

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Abstract: The evolution of humankind is largely dependent on the quality of the environment and the resources it provides, and the natural environment plays a vital role in ensuring the survival of present and future generations. The most important factor that drastically challenges the very existence of the earth and its natural environment is developed. While undertaking development works particularly the construction of large dam, natural environment is considered minor important. The same fact is true for the eight Himalayan provinces of India i.e. North East and perhaps more vulnerable in the field of environmental governance is concerned. The region has been identified as India's 'future powerhouse' and at least 168 large hydroelectric projects with a total installed capacity of 63,328 MW are proposed for the region. The large dams' juggernaut clearly promises to be the biggest 'development' intervention in these global biodiversity hotspots, ecologically and geologically fragile, seismically active and culturally sensitive region in the coming days. The paper will highlight a brief introduction on international sustainable law and question of sustainable development in the north -east region of India with an illustrative case study of some large projects in the light of sustainable development law and Environmental Jurisprudence of India.

Keywords: *Development, environment, Environmental Jurisprudence, Indigenous peoples, sustainable development and International Sustainable Development Law*

Introduction

The important of the environment is universally acknowledged. In this regard, the International Court of Justice (1996, p.226) rightly remarked that "the environment is not an abstraction but represents the living space, the quality of life and the very health of human beings, including generations unborn".

Two of the most pressing problems confronting the international community at the present time are those of development, and of the protection and improvement of the human environment. The development provides the capacity to sustain nature's life support systems, but can also threaten them, in turn, set back development.

International efforts for the protection and preservation of the global environment started with the convening of the Stockholm Conference on Human Environment in 1972. After ten years of this journey, UN General Assembly adopted a landmark resolution entitled: the World Charter for Nature and Principles of Sustainable Development in 1982. The journey from the Stockholm Conference to Rio Summit in 1992 to Rio + 20 led to the recognition that all human beings are entitled to a healthy and productive life in harmony with nature. Peace, freedom, development, and environment remain universal aspirations today, and it has been increasingly acknowledged that they are closely interlinked. The same dictum also equally true for India and enactment of various environmental laws including Constitutional Amendments and judicial pronouncements for preservation and protection of the environment are linked with this international development.

Methods and Materials

The researcher adopted collaborative legal research methodology; in particular, its doctrinal and empirical components. In order to undertake this academic exercise, the researcher formulated research problems concerning the area of the fundamental importance of conflicting interest of development and environment, by applying case study and analytical legal method of thought process after a brief review of literature in the field. Primary sources like case law, legal documents, conference proceedings and secondary sources like commentary by authoritative experts and juristic writings are used in the process. Finally, comes to the

generalization and interpretation of the study by tools of legal reasoning particularly through induction, deduction, analogy and dialectical methods.

Result and Discussion

A brief commentary on the result of this academic exercise suffices as separate headings and sub-headings and analytical discussion of the matter.

Sustainable Development – Development and Environment

Development and better life is the natural instinct of man. So, the traditional concept that development and environment are opposed to each other is no longer acceptable. The ‘sustainable development’ is the answer to this question. It is defined by Brandtland Report (1987) as “*Development that meets the needs of the present without compromising the ability of the future generations to meet their own needs*”.

It is very difficult if not possible, to give the precise meaning of the expression ‘Sustainable Development’ (SD). It incorporates the idea of guaranteeing the needs of future generations against the exploitation by the present generation. For development, the present generation is exploiting all natural resources renewable as well as non-renewable without having regard for the future generation without caring for the outcome of the developmental activities is against the idea of sustainable development. It needs an integrated consideration of economic and ecological development factors. SD, therefore, may be accepted to be a target with the help of which individuals, organizations and States are to assess the impact of human activities on the environment.

On the basis of Brandtland Report (entitled Our Common Future, 1987) and other international documents prepared at Rio, the following have been accepted to be the contents of SD:-

- (1) intergenerational equity;
- (2) use and conservation of natural resources;
- (3) environmental protection;
- (4) the precautionary principle;
- (5) the polluter pays principle;
- (6) the obligation to assist and co-operation;
- (7) eradication of poverty; and
- (8) financial assistance to the developing countries.

These principles may help to some extent in striking a balance between development, on one hand, protection and preservation of environment on the other. This approach may be good as a political concept, its effectively as a legal consequence appears to be doubtful. Moreover, the concept of intergenerational equity and responsibility may be accepted as a “progressive” step but it is *difficult to precisely limit as to how much is required for the present generation and how much for future generations*. It is also difficult to say that up to this limit development is good and beneficial but beyond this, it is bad and not in the interest of the living being. But, the concept of SD brought together universal aspirations of peace, freedom, development and environment. Strong interdependencies are now recognized among the economic, social and environmental dimensions of SD (UN Department of Economic and Social Affairs, 2013).

The Millennium Development Goals Report (MDGs, 2013) also calls for integrating principles of environmental sustainability into country policies and programs and reversing environmental losses. Whether the world continues to sustain itself depends largely on properly managing its natural resources. In this regard, Post- Rio to Post – 2015 (UNEP, 2012) also asserts that the full and proper integration of the development agenda and the environmental agenda is essentially sustainable development. It is worth to mention that in 2015, countries adopted the 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals (SDGs). SDGs, otherwise known as the Global Goals, are a universal call to action to end poverty, protect the planet and ensure that all people enjoy peace and prosperity.

These 17 Goals build on the successes of the MDGs while including new areas such as climate change, economic inequality, innovation, sustainable consumption, peace and justice, among other priorities. The goals are interconnected – often the key to success on one will involve tackling issues more commonly associated with another. The SDGs work in the spirit of partnership and pragmatism to make right choices now to improve life, in a sustainable way, for future generations. They provide clear

guidelines and targets for all countries to adopt in accordance with their own priorities and the environmental challenges of the world at large. The SDGs are an inclusive agenda. They tackle the root causes of poverty and unite us together to make a positive change for both people and planet (UNDP).

Hence, as foreseen by the Brundtland report over 25 years ago, many of our problems are common: no party can solve them in independence from the others. Therefore, common action is needed (UN Department of Economic and Social Affairs, 2012) to bring sustainable development. Moreover, the protection of the environment and social and economic development are fundamental to sustainable development.

Established Norms of International Sustainable Development Law and India

Norms are general legal principles that are widely accepted by civilized nations. The leading established norms of International Environmental Law (IEL) as enumerated in Stockholm Declaration on Human Environment (1972), the World Charter for Nature (1982), Rio Declaration on Environment and Development (1992), Report of the Expert Group Meeting on Identification of Principles of International Law for SD (1995), Delhi Declaration (2002), Johannesburg Declaration on Sustainable Development (2002) and reaffirmed in Rio +20 (2012), and Sustainable Development Goals (2015-2013) and crystallized by judicial pronouncements are summarized as:

- 1) States have, in accordance with Charter of the UN and the principles of International Law, the *sovereign right to exploit their own resources* pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or areas beyond the limits of national jurisdiction.
- 2) The duty of a State to notify and consult with other State in case there is a possibility to damage the environment of other State by its activities.
- 3) States are expected to monitor and assess specific environmental conditions.
- 4) All citizens have a right to a decent and healthful environment.
- 5) The polluter pays and precautionary principles
- 6) Environmental impact assessment
- 7) To invite the impute of NGOs
- 8) The principle of sustainable development
- 9) Inter-generational equity
- 10) The common heritage of mankind; and
- 11) Common but different responsibility

Sustainable development law (SDL), in the international context, broadly refers to 'a corpus of international principles and treaties, which address the areas of intersection between international economic law, international environmental law and international social law aiming towards development that can last (Segger and Khalfan, 2004). The notion of integration or interrelationship is the crux of SDL and in the words of McGoldrick (1996), it makes the boundaries between environmental law, human rights law and economic law increasingly redundant. The development of the principles of SDL run parallel to the several global policy-making processes associated with sustainable development, beginning with the Stockholm Declaration (1972) and still an organic law. With regard to the legal validity of the above principles of international law, several of them are not yet recognized as binding rules of customary international law. Many academics notably Goepel (2010), and Segger (2004) has view that SDL can be best seen as an emerging area of IEL or international law in its own right as well as a type of norm, which facilitates and requires a balance and reconciliation between conflicting legal norms relating to environmental protection, social justice and economic growth.

India also accepted most of the international norms on International Environmental Law as mandated by Constitution of India. The Indian Constitution is amongst the few in the world that contains specific provisions on environmental protection. The judicial interpretation has strengthened the Constitutional mandate. Notable amongst the fundamental norms recognized by the courts as summed up by Divan and Rosencrany (2009) are:

1. Every person enjoys the *right to a wholesome environment*, which is a facet of the right to life guaranteed under Article 21 of the Constitution.
2. Enforcement agencies are under an obligation to strictly enforce environmental laws.
3. Government agencies may not plead non-availability of funds, the inadequacy of staff or other insufficiencies to justify the non-performance of their obligations under environmental laws.

4. The '*polluter pays*' principle which is a part of the basic environmental law of the land requires that a polluter bear the remedial or clean up costs as well as the amounts payable to compensate the victims of pollution.
5. The '*precautionary principle*' requires government authorities to anticipate, prevent and attack the causes of environmental pollution. This principle also imposes the onus of proof on the developer or industrialist to show that his or her action is environmentally benign.
6. Government developmental agencies charged with decision making ought to give due regard to ecological factors including (a) the environmental policy of the Central and State government; (b) the *sustainable development* and utilization of natural resources; and (c) the *obligation of the present generation to preserve natural resources and pass on to future generations as environment as intact as the one we inherited from the previous generation*.
7. *Stringent action* ought to be taken against contumacious defaulters and persons who carry on industrial or development activity for profit without regard to environmental laws.
8. The *power conferred under an environmental statute may be exercised only to advance environmental protection and not for a purpose that would defeat the object of the law*.
9. The *State is the trustee of all natural resources which are by nature meant for public use and enjoyment*. The public at large is the beneficiary of the sea-shore, running waters, air, forests and ecologically fragile lands.

Sustainable Development in North-East India (NE) – a case study of some dams

The problem of the environment in undertaking development projects is also true for the NE region comprises of the eight Himalayan provinces which include Assam, Arunachal Pradesh, Nagaland, Manipur, Meghalaya, Mizoram, Sikkim and Tripura and perhaps more vulnerable in the field of environmental governance is concerned.

NE is known for its biological and cultural diversity and the unique Brahmaputra and Barak river systems. The region is rich in bio-diversity and is home to important populations of wild species, such as the rhino, elephant, tiger, wild water buffalo, pigmy hog, brow-antlered deer, and the Gangetic river dolphin. Three out of 34 global biodiversity hotspots cover parts of India: Himalaya, Indo-Burma, and the Western Ghats, and Sri Lanka. Two out of these three, Himalaya and Indo-Burma, cover extensive portions of the NE. In just 8% of the country's geographical area, the region also houses 21% of the important bird areas identified as per international criteria by the Bombay Natural History Society and Birdlife International.

The region is home to a rich diversity of indigenous peoples [over 220 classified as tribes, ethnic or backward classes (OHCHR, 2013)], with a substantial portion of the population dependent on natural resource-based livelihoods. This diversities of communities comes with unique socio-cultural, agro-ecological, and landholding systems (such as different forms of community control over forests in various parts of the region). Over the last decades, these communities asserted their identities as "indigenous people".

The NE has been identified as India's '*future powerhouse*' by Central Electricity Authority (2001) and at least 168 large hydroelectric projects with a total installed capacity of 63,328 MW are proposed for the region. Arunachal Pradesh and Sikkim are at the forefront of the initiative to sign multiple memoranda of understanding/agreement with power developers. The government and the proponents of large dams in the region paint a win-win picture in this global biodiversity hotspots, ecologically and geologically fragile, seismically active and culturally sensitive, inhabited by indigenous peoples region: the biggest 'development' intervention - exploiting the country's largest perennial water system to produce plentiful power for the nation; economic benefits for northeastern state governments through export of power to other parts of the country, and comparatively little direct displacement of local communities as compared to elsewhere in the country.

Some selected development projects in the region which threatens the environment and international concerns in the touchstone of the global norm of IEL and SDL are discussed below:

Tipaimukh Dam in Manipur

Tipaimukh Dam is a proposed embankment dam on the river Barak in Manipur. The purpose of the dam is flood control and hydroelectric power generation. The project has led to controversy between India and Bangladesh over water rights as well as controversy with Manipuri people to be relocated by the reservoir (Globalvoic, 2013).

The dam will be 390m long and 162.8m high, across the Barak River. The dam's crest elevation will be at an altitude of about 180 m. above mean sea level with a maximum reservoir level of 178 m. The dam was originally designed to contain flood waters in the lower Barak valley but hydro -power generation was later incorporated into the project with an installation capacity of 1500 MW (NHPC, 2013).

In this regard, Bangladeshi experts have said the massive dam will disrupt the seasonal rhythm of the river and have an adverse effect on downstream agriculture and fisheries (the Daily Star, 2009). Above all, the Tipaimukh area lies in an *ecologically sensitive and topographically fragile region. It falls under one of the most seismically volatile regions on the planet.*

It may note that the Tipaimukh project has been accorded statutory clearances despite consistent stiff objections by the indigenous peoples in the States of Manipur, Assam and Mizoram. A large number of Zeliangrong and Hmar people will be displaced permanently, and the environmental destruction envisaged is of international concerns.

Loktak Lake and Loktak Multipurpose Project in Manipur

Loktak Lake, the largest freshwater lake in NE India, also called the only Floating lake in the world due to the floating *phumdis* (heterogeneous mass of vegetation, soil, and organic matters at various stages of decomposition) on it, is located near Moirang in Manipur (Wikipedia, 2013).

This ancient lake plays an important role in the economy of Manipur, a source of livelihood for the rural fisherman who lives in the surrounding areas and on phumdis. 55 rural and urban hamlets around the lake have a population of about 100,000 people.

A rich biodiversity with habitat heterogeneity has been recorded during a scientific survey carried out between January 2000 and December 2002 in different habitat patches of the lake (Wikipedia, 2013). The lake's rich biological diversity comprises 233 species of aquatic macrophytes, 116 species of birds including 21 species of migratory waterfowl (most migrating from different parts of the northern hemisphere beyond the Himalayas), 425 species of animals (249 vertebrates and 176 invertebrates) including rare animals such as the Indian python, sambhar and barking deer. Keibul Lamjao National Park is the natural habitat of one of the most endangered deer, the Brow-antlered deer which was once thought to be extinct, which was declared a national park only to preserve and conserve this species of Eld's Deer.

The Loktak Multipurpose Project, which provides hydropower, irrigation and water supply benefits but has attracted adverse criticism for the drastic alteration caused by the project to the hydrological regime of the Loktak Lake and associated wetlands.

The Loktak Hydropower Project on the Imphal River, with the Loktak Lake forming the headwaters to provide regulated storage for power generation, was built in 1983 as a multipurpose project with power generation of 105 MW for power supply to north- east States of India except Sikkim and lift irrigation to an area of 23,000 ha (57,000 acres) in the Manipur valley. The downstream Loktak Power Project in cascade to utilize the regulated releases from the upper project for further power generation of 90 MW is proposed to be taken up for joint implementation by NHPC and the Government of Manipur (Wikipedia, 2018).

The Loktak Lake and its precincts have faced serious problems due to loss of vegetal cover in the catchment area. The degradation of the catchment area has occurred. Deforestation and shifting cultivation in the catchment areas have accelerated the process of soil erosion resulting in the lake's shrinkage due to siltation. The annual silt flows into the lake is estimated to be 336,325 tons.

The construction of Ithai barrage and maintaining the constant water level at full reservoir level (FRL) has led to a) changes in hydrological regime thereby affecting ecological processes and functions of the wetland, b) inundation of agricultural lands and displacement of people from flooded lands and c) loss of fish population and diversity.

The thickness of phumdis and the major food plants has decreased in the Keibul Lamjao National Park thereby threatening the survival of Sangai deer and interference in the migration of fishes from Chindwin–Irrawaddy River system of Myanmar resulting in changes in the species composition. Phumdis becoming thinner, the hoofs of the limbs of Sangai get stuck in the marsh and results in their drowning. Gajananda and Sundari (2008) have a view that human activity has led to severe pressure on the lake ecosystem. The avifauna recorded in different habitats of the lake is reported to be drastically declining (Wikipedia, 2018).

The livelihood of people dependent on the sale of, edible fruit and rhizome of lotus plant products and *Euryale forex* (changing) has suffered due to a steep decline in the growth of these plant species.

Today, Loktak Lake is at the highest level of eutrophication and the only brow-antlered deer is on the verge of extinction (Gajananda, 2008). The commission of the project has also led to submergence of an estimated 83,450 hectares of agricultural land and at least 30,000 indigenous persons were affected without proper resettlement and rehabilitation (OHCHR, 2011).

Considering the ecological status and its biodiversity values, the lake was initially designated as a wetland of international importance under the Ramsar Convention on March 23, 1990. But the lake was designated by the Ramsar Convention under the Montreux Record on June 16, 1993, for the reason that: “a record of Ramsar sites where changes in ecological character have occurred, are occurring or are likely to occur” (Ramsar, 2017).

Tista River, Rangit Dam and other purposed projects in Sikkim

The Teesta River or Tista which originates from Tsolamu Lake in North Sikkim is said to be the lifeline of Sikkim, flowing for almost the entire length of the state and carving out verdant Himalayan temperate and tropical river valleys. The river then forms the border between Sikkim and West Bengal before joining the Brahmaputra as a tributary in Bangladesh. The total length of the river is 309 km, (Bisht & Chandra, 2010) draining an area of 12,540 km², before a large part of this was situated in Nepal. But after the Sugauli Treaty, it acceded to British India.

Rangit Dam, (45 m/148 ft high concrete gravity structure of 100 m/33ft lengths) which forms the headwork of the Rangit Hydroelectric Power Project Stage III, is a run-of-the-river power project on the Rangit River, a major tributary of the Tista River in the South Sikkim district of Sikkim. The project's construction was completed in 1999 and fully functional since 2000. The project was built at a cost of Rs 4922.6 million (Wikipedia, 2018). The average annual power generation from the project is 340 GWh with the firm power of 29 MW (Kaushish & Naidu, 2002). The dam is located at a distance of 130 km from Siliguri and 70 km from Gangtok. The dam is located downstream of the confluence of Rathong Chu and Rangit Rivers near the Legship town and the powerhouse of the project is located near Sagbari village.

This power project was the third stage of the five-stage cascade development conceived on the main stem of the Rangit River and was the first to be built in the series of Rangit Stage I to IV initially conceived by the Central Water Commission. Three other projects on the Rangit River planned and under development are the Rangit Stage II (60 MW capacity), Rangit Stage IV (120 MW capacity) and Jorethong HEP (96 MW); the last two projects are now under construction (Wikipedia, 2017).

In river valley reservoir projects, the gravity of the siltation problem induced due to catchment degradation is serious and needs to be suitably addressed.

Proposed dams vis-à-vis climate and tectonics of Teesta River

India has proposed a series of dams within the Teesta river system that should produce some 50,000 MW of electricity within the next 10 years. With some of the largest sediment loads, the creation of a reservoir will lead to an increased pressure on an active fault area. There are concerns that the building of these dams may lead to river-induced seismicity. Despite such worries, the construction of the dams had started. Links are suspected between the dam construction and the deadly 2011 earthquake in Sikkim (Hindustan Times, 2010). It is a fact that, large-scale sand and stone mining is posing a great threat to Teesta.

The Teesta River has preserved good imprints of climatic and tectonics along its valleys and catchments. Ingocha (2007) has suggested that climate change, particularly on a millennial to multi-millennial scale, during late Quaternary had a strong system-wide influence on sediment production, transport and deposition in the Teesta river system. Mukul (2000) and Mukul (2007) also proved that the southern part of the frontal wedge near the foothill zone is tectonically active along with the formation of NKT, SKT and MFT structures within the sub-Himalaya in the Teesta basin.

The interrelationship between climate, erosion, deposition and tectonic activities is not properly understood to date. However, it appears that major alluviation and incision events could be ascribed to the factors associated with climatic processes such as strengthening or weakening of monsoonal precipitation and related fluvial discharge. Tectonic activity affects sediment fluxes and is responsible for the insetting of younger terraces/fan lobes into the older terraces/fan lobes. During seismic events, landslide activity along the slopes of river valleys influences sediment delivery into the valleys, causing the effects of tectonics to be intricately coupled with that of climate (Ingocha, 2007).

It has been observed by renowned river expert Kalyan Rudra (HT, 2013) that “The whole concept is unrealistic. What’s more, once the 23 hydel-power projects start operating, the flow of water would further reduce during the daytime and affect irrigation downstream. Plus, the river biodiversity, water table and its ecological flow would go for a toss.” Around 15 lakh people in Jalpaiguri live on the banks of the Teesta. Fall in the water table would affect the lives of people, the ecology of the river and irrigation. “Plus, many fish will go extinct and birds will stop migrating. People will be displaced and agriculture will be destroyed.”

Subansiri Lower Dam in Arunachal Pradesh

The Subansiri Lower Dam, officially named Lower Subansiri Hydroelectric Power Project (LSHEP), is an under construction gravity dam on the Subansiri River in northeastern India. It is located 2.3 km upstream of Gerukamukh village in Lower Subansiri District on the border of Assam and Arunachal Pradesh states. Described as a run-of-the-river power station by NHPC Limited, the dam is expected to supply a 2,000 MW power station with water when completed (NHPC, 2011). The project has experienced several problems during construction to include landslides, re-design and opposition. It is notable that, if completed as planned, it will be the largest hydroelectric project in India (Times of India, 2012).

Some environmental impacts unique to very large dams will result from the completion of the Subansiri Project, both upstream and downstream of the dam site. Vinding (2004) has observed that these impacts will include ecosystem damage and loss of land. The reservoir of the Subansiri Project will submerge a 47 km length of the Subansiri River and destroy 37.5–40 square km which includes Himalayan subtropical pine forests, Himalayan subtropical broadleaf forests, part of the Tale Valley Wildlife Sanctuary, an elephant corridor and some subsistence agriculture fields. Thirty-eight families will be displaced if the dam is completed, according to official data (NHPC, 2011).

Upper Siang Hydroelectric Project in Arunachal Pradesh

The Upper Siang Hydroelectric Project consists of the construction of several hydroelectric power dams in the Upper Siang district of Arunachal Pradesh. Construction work on the project was commenced by the NHPC in April 2009 and various hydro dams will be constructed in phases over a span of 15-20 years (Wikipedia, 2018).

The main dam is being constructed across river Siang, a tributary of river Brahmaputra and upon completion, the dam reservoir will hold 10 billion cubic meters of water. The hydro power project at Siang will alone generate between 10,000 to 12,000 MW, making it the largest hydroelectric dam in South Asia. The government of Arunachal Pradesh signed deals with various Indian power companies to develop hydro projects. A total of 42 schemes are planned to generate electricity in excess of 27,000 MW with the Upper Siang project being one of them (Wikipedia, 2018).

Students' bodies consistently appealed to India's Environment Ministry to scrap various hydroelectric projects (including Siang project) in Assam and Arunachal Pradesh due to potential adverse environmental impact. However, the Ministry remarked that though the projects will not be cancelled, necessary precautions will be undertaken to ensure minimal environmental impact.

Conclusion and suggestions

In India, it seems that *development is considered more important than environment* and judicial interpretation are also not uniform and confusing. The quantum of investment in the project is invariably considered as the basis on which EIA is made in India and there is no clear-cut standard of balance between development and environment in India.

The correct balance between development and environmental is now one of the main challenges facing the international community in its development and environment discourse and it reflects the competing interest inherent in the matter. It also raises the issue as to how far one takes into account the legacy for future generations of activities conducted at the present time or currently planned.

Coming to NE, unfortunately, most detailed downstream studies are only prescribed as post-clearance studies as was done in the environmental clearance granted to the 15,00 MW Tipaimukh Multipurpose project in October 2008 and in the 1,750 MW Demwe Lower project on the Rohit river in February 2010. This clearly indicates that the projects are being treated as a fait accompli and the clearance processes as a formality. Currently, environmental laws do not make it mandatory to have an advance cumulative impact assessment of projects in a river basin.

One of the major arguments put forward to argue for large hydroelectric projects in the NE is that there is relatively 'small displacement' by submergence as compared to that in other parts of the country and therefore these projects are benign. But a careful perusal of the ground situation indicates that displacement, particularly of livelihoods and rights, is grossly underestimated. NE is home to small populations of culturally sensitive indigenous communities. Therefore, direct and indirect

displacement is high if looked at in the perspective of the local population (as opposed to the population of the country). For example, the entire population of the Idu Mishmi tribe in Arunachal Pradesh is around 9500 and at least 17 large hydel projects have been planned in their home, the Dibang Valley and displacement may be the same percent.

Further, concerns being expressed in NE are not restricted to the issue of displacement. The over-900 days *satyagraha* in Sikkim by affected indigenous communities from 2007-9 focused on the impacts of hydel projects on Dzongu, the holy land and reserve of the Lepcha tribe. The protest has also received the support of the Buddhist monk community in Sikkim, as a sacred landscape stands to be desecrated. Such protests are not merely on grounds of displacement but that the region's cultural and ethnic traditions are rooted in the river Teesta and its environs. A major concern in the NE is the influx of large labour populations from outside the region in areas inhabited by vulnerable indigenous communities. For example, 17 large projects in the Dibang Valley in Arunachal Pradesh will bring in outside labour, upwards of 150,000 people, for long periods, as these are long gestation projects. We are concerned about the demographic changes and other socio-cultural impacts associated with this, as the Idu Mishmis are only 9500 in number. The development policies are in glaring contradiction to the constitutional and legal protection particularly rights of indigenous peoples.

In case of Manipur, most of the development projects are destructive, unsustainable such as the construction of Loktak Multipurpose Hydroelectric Project (HEP), Mapithel Dam and Tipaimukh Dam and these were commissioned/purposed without the free, prior and informed consent of the people of Manipur and proper EIA.

The political economy of hydropower development in the region may not allow all the social and environmental issues of grave concerns to be fully addressed in the current environmental framework, hence relying on these 'clearances' as certificates of viability of these projects may pose serious risks to investments in the long term, as evident from major protests in the region against projects which have already got a green signal (for example, issue of Hydropower Sustainability Assessment Protocol).

The UN Committee on Elimination of Racial Discrimination has also urged the government of India not to construct Tipaimukh Dam in its concluding observation of the seventieth session from February 19 to March 9, 2017 and in its special communications made on August 15, 2008; March 13, 2009, and September 23, 2009.

In the aftermath of Uttarakhand disaster Das (2013), renowned environmental expert rightly noted that "Geologically and seismologically, the region is a time bomb of disaster. It's continuously ticking. Through large-scale dam construction and developmental activities, we are only accelerating the bomb, pushing the region towards a Uttarakhand like a disaster."

We cannot lose the sight that poverty eradication, changing consumption and production patterns and protecting and managing the natural resources base for economic and social development in India in general and NE, in particular, are overarching objectives of and essential requirements for sustainable development in the region.

Last but not the least, Government of India should as a minimum recognize distinct indigenous peoples in India, integrate the provisions of the UN Declaration on the Rights of Indigenous Peoples into state policy, legislation, programmes and schemes; ratify ILO Convention No 169 concerning Indigenous and Tribal Peoples in Independent countries, and proper appreciation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006 and internationally recognized norms particularly IEL in general and SDL in particular in the NE region for durable and long term perspective development agenda.

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