

## **Dissenting Voices from the Margins**

Mapithel Dam in Manipur  
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The ongoing construction of Mapithel or Maphou Dam along the Thoubal River in Ukhrul district, Manipur has several adverse consequences for the local population as well as the environment.

With the onset of monsoon, large tracts of paddy fields have been inundated and villages have begun to submerge on account of Mapithel Dam on Thoubal River. Chadong village is one among the 16 villages that will soon be totally submerged or affected. On 10 January 2015, the Mapithel Dam watergates were shut down and incessant rains recently (since the month of June 2015) drastically increased the water level of the dam thereby posing threat to the surrounding villages. Chadong village has been cut off as the only road (bridge) connection is submerged under water. The only means of conveyance are boats.

Chadong village, known for its soil fertility and its bountiful granaries is considered the “rice bowl” of Ukhrul district. In fact, a year’s harvest can last for the next couple of years. Besides, the organic food products of Chadong such as bamboo shoots, mushrooms and wild vegetables are supplied in the nearby markets of Yaingangpokpi and Imphal valley. The cultivable area of Chadong is under water, bringing nightmares to the villagers about their bleak future.

The rising water level of Mapithel Dam has increased and has gradually submerged both cultivable land as well as human habitats. The helpless villagers along with the Tangkhul Women’s League (TSL) and Tangkhul Student Union (TKS) sit in peaceful demonstration since 9 July 9 2015 at the Mini Secretariat premises in Ukhrul, demanding the decommissioning of the dam.

The protestors resorted to sloganeering and demanded, “Don’t evict us by force,” “review Mapithel Dam first, construct later.” The protestor said that they will fight to ensure their rights and safeguard their ancestral land. Chadong village chief lamented, “In the name of development, the government has cut off the livelihood of the villagers and we are dependent on the seasonal products of the forest and the river resources—we are losing all our traditional ownership rights over our resources.” The Naga and Kuki tribals have

inhabited the Mapithel Dam site for the past generations. They are agricultural communities practicing jhum cultivation and wet rice cultivation near the river bed. Besides they also depend on forest and fishing for their livelihood. The river and surrounding forest land has been an intrinsic part of their socio-economic and cultural life.

## **Component of the Project**

The construction of Mapithel Dam, initially conceived as Thoubal River Valley Multipurpose Project (the Kukis calls it Maphou while the Nagas name it Mapithel) has spanned over three decades now. The first investigation and survey of the project was done in the early part of 1970. A feasibility report of the project was submitted to the Central Water Commission (CWC) in the month of September 1976. The aim was to utilising water from the Thoubal River for irrigation, drinking water and electricity. The Planning Commission of India approved the proposal of the project in the month of May 1980 at Rs 47.25 cr (later it was revised in 1994 to Rs 223 cr and the latest revised cost stands at Rs 390 cr). The Government of Manipur's Irrigation and Flood Control Department (IFCD) has undertaken the project with the approval of the Planning Commission and assistance from the central government. The main components of the project are: (i) an earthen dam at Maphou village, 66 m high and 1074 m long (ii) 9X6.78 m vertical gates 17 km downstream of the dam site to discharge a maximum peak flow of 2,250 m<sup>3</sup>/s, (iii) main canals on the left and right of the barrage for a total length of 57 km and a distribution system for a total cultivable command area of 21,860 hectares, and (iv) a power house for generating 7.5 MW installed capacity (Government of Manipur 2011). Essentially, the dam will have a multipurpose utility—generation of electricity, irrigation, flood control and supply of potable water (10 million gallons per day) to the valley areas.

Once commissioned, the project will displace over 12,000 people (16 villages) while an estimated 777.34 hectares of paddy fields, 110.75 hectares of homestead, 293.53 hectares of jhum land and 595.1 hectares of forest land are expected to be submerged by the dam. The construction will also have multiple impacts on the villages in the downstream area of dam site along Thoubal River. Most of the village communities in the downstream have been living by fishing, collecting sand and stone from the Thoubal River. The construction will lead to water shortage, affecting agriculture and other allied activities both in the upstream and the downstream areas, threatening the food sovereignty of the communities dependent on land, forest and river.

## **Decades of Protests and Government Apathy**

Amidst heavy protests, construction of the dam began in 1989. A number of reasons accounted for their disapproval. In the 1970s when the government officials informed the locals of a “project” and of “benefits” that were apparently meant for them, construction of “dam” was not in the picture. However, with the approval of the project in 1980, the construction of a mega-dam was conceived. Ever since the inception of the project, the

indigenous communities (belonging to Naga and Kuki ethnic group) consider it to be a source of environmental destruction and threats to their cultural identity. They held the view that the project will destroy their resources, cultivated/ancestral lands, and fishing grounds. Apprehensive of the adverse impacts of the project and worried about their future, the affected villagers began protesting against the dam since the early 1990. No free, prior and informed consent (FPIC) was sought from those to be affected and displaced by the dam. Environmental Impact Assessment (EIA) and Social Impact Assessment (SIA), vital for any developmental projects were not conducted. The affected people had demanded that the project should not be taken forward till the public scrutiny of the project is accomplished.

In 1990, villages that fall within the vicinity of the dam formed a body called the Mapithel Dam Affected Villages Organisation (MDAVO). The MDAVO spearheaded agitations and submitted a number of petitions to the concerned authority. After much protest and talks, the Manipur government finally agreed to sit down for negotiations in 1993. On 19 June 1993, a Memorandum of Agreement (MoA) was signed between the affected villagers, represented by MDAVO, and the Government of Manipur (GoM). According to the MoA, the process of Rehabilitation and Resettlement (R&R) was to be completed within two years of signing the agreement. In the agreement, rates of compensation for the affected lands by the construction of the dam were also categorically decided according to the nature of the affected land.

According to clause (a), (b), (c) and (d) of Para I of the agreed terms and conditions of the MOA signed between the MDAVO and GoM, the amount of compensation had to be paid to the landowners in installments within the years 1993-1996. However, after a lapse of three years no compensations were given, violating the terms and conditions of the agreement signed. Against such violations of the previously agreed terms and conditions, several representations and memorandums were submitted to the GoM and the affected villagers also launched a series of bandhs and agitations. In response to it, only a few were compensated, that too in seven installments from 1993 to 2003, amounting to only 85 % of the total amount. The installments spread over a decade long left the affected villagers in a helpless situation, incapable of procuring alternative lands for their means of livelihood. Compensation in the form of cash often put the landowner in a problematic situation as it replaces a familiar asset (land) with an unfamiliar one (paper assets), thereby destroying the value of the asset-specific skills.

Serious turn of events unfolds the controversial Mapithel Dam. Following a complaint filed by the National Green Tribunal (NGT) constituted at the behest of the Supreme Court that no forest clearance or environmental clearance was obtained for Thoubal Multipurpose Project since the days of its inception. The Manipur State Forest Department banned the project under a directive of the Ministry of Environment and Forest (MoEF). In 2007, the Forest Department of Manipur notified a letter to halt the construction activity of the project. A case related to the clearance is pending in the Manipur High Court. During the past years, the IFCD did nothing to obtain the mandatory clearances.

Remarkably, the first stage clearance for the project was granted by MoEF only in 2010. However, construction of the dam began in 1989 without obtaining the required forest clearance from the MoEF. Even though MoEF accorded the final stage II Forest clearance for Mapithel Dam, it did so without conducting any visit to assess the site and affected areas. The twist in the project came with the decision of Union Environment Minister, M Veerappa Moily on 31 December 31 2013 to grant final stage II Forest Clearance for the construction of Mapithel Dam contradicting the letter sent by the Ministry of Tribal Affairs on 26 November 26 2013 which laid out the enforcement of the Forest Right Act (FRA), 2006 to “correct historical injustice” done to the tribal communities as part of the ongoing case in the NGT. Denouncing the earlier statement, the Ministry says that FRA should not apply to the acquisition of land from the Tangkhul and Kuki tribals as a “rare and unique” exception. The project violates the rights of the tribal communities over their ancestral land and forest and also violates the Forest (Conservation) Act, 1980 and the Forest Rights Act (FRA) of 2006. Under the Forest Rights Act, consent of the local people through the gram sabha or village council is mandatory.

On 28 September 28 2012, the GoM had issued an order constituting a Joint Verification Team (JVT), comprising officials drawn from IFCD, Deputy Commissioner of Ukhrul District and Tribal Department of the GoM, to identify families affected by ongoing Mapithel Dam construction at Chadong and Lamalai Khunou villages in Ukhrul District. Mention may be made that forced verification was conducted by imposing 144 CrPC with full security at Lamalai Khunou and Chadong Village as the villagers protested. The forced verification process conducted by the JVT also constituted violation of the stay order given by the Gauhati High Court. The mandate of the JVT is very limited as it intends only to verify the number of families, landless agriculture workers family and number of graves to be exhumed for reburial. Strong objections were already registered by the MDAVO which for long, calls for recognition of rights of communities affected by Mapithel Dam. MDAVO reasons the Governor's order arbitrates the Expert Review Committee (ERC) process constituted on 18 January 2008 to assess the impacts of Mapithel Dam, including the rehabilitation and resettlement issues for affected communities. The ERC, with members drawn from representatives of affected communities, Agriculture department, IFCD, Forest Department etc., already had several rounds of meetings till February 11, 2011. However, the Commissioner (IFCD), also the Chairman of ERC, issued an office memorandum on June 13, 2011, bypassing the Government's ERC formation order of 18 January 2008. R.S. Sakhathan, Chairman of MDAVO, in a press release (15 March 2015) stated, “Mapithel Dam was constructed forcibly without taking prior consent of the affected communities. The state adopted forceful construction of Mapithel Dam with militarization of their land and resources and further adopted divide and rule tactics among the affected communities.”

Based on the assertion of the affected peoples and leaders of various civil society organisations, they had appealed to the GoM to consider and relook into the approach and policies of implementation by adhering to the principles of FPIC and adherence to the Forest Right Act (2006), in acquiring forest clearance. Several rounds of demands were

made to the authority to review the whole project holistically. Despite the many agitations against the project and demands for addressing the concerns of the affected villages, the state government is adamant and has apparently decided to go ahead with the project. The construction work is now on the verge of completion.

An activist bemoans, "Our voice and struggle has become so powerless", as he cites how the government continues to use different tactics to suppress their movements, to the extent of threatening activists. Surprisingly, the project site is heavily militarised and affected villagers cannot do much about their villages going underwater. This is conspicuous with the deployment of five military companies in the vicinity of the dam site. The security deployed here includes the Assam Rifles (AR), the Indian Reserve Battalions (IRBs) and the Border Security Force (BSF).

A statement of the MDAVO indicated, "Resorting to military deployment to aid construction of the dam is in derogation of all democratic principles and practices upheld nationally and internationally, and an absolute violation of the human rights of indigenous people of the state". On 3 November 3, 2008, more than 40 people protesting against Mapithel Dam were brutally tortured by the Indian Reserve Battalion (IRB) prompting the UN Special Rapporteur on Indigenous peoples, James Anaya, to express strong reservation against the militarisation of the site. James Anaya, expressed strong reservation with the militarization associated with Mapithel dam construction in the context of promulgation of the controversial Armed Forces Special Powers Act (AFSPA), 1958 in Manipur. He also expressed concern that the deployment of security forces in Mapithel Dam site area resulted in the intimidation of affected communities and the suppression of their democratic demands.

The violation on the part of the state and the central government went beyond violations of forest laws. The social turmoil and economic impoverishment have been coupled with militarisation of the project site in order to put down the resistance from the affected villagers. The aggressive use of force by the law enforcing agencies following a protest by the affected villagers in 2008 can be best exemplified. Responding to the Human Rights violations in Ukhrul, the UN Special Rapporteur strongly urged the Government of India to fully take into account the provisions in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), as well as other relevant provisions and respond to the articulated, demands and acts of protest by tribal communities in relation to Mapithel Dam.

However, the State has ignored the recommendations of the UNDRIP and stayed indifferent to the plight of the tribal communities. The continued militarization of land and suppression of voices of affected indigenous communities for a just rehabilitation and resettlement is a clear instance of injustice due to Mapithel Dam construction. Pamei, Co-Chairperson, Citizens Concern for Dams and Development (CCDD) asserted how the GoM has been insensitive to the land rights and intrinsic livelihood and survival dependence of the indigenous communities on the Thoubal River. She shared that the Mapithel Dam is already

becoming anti people as the State refused to listen to rightful demands for participatory and rightful development processes (CCDD *Press Release*, January 13, 2015). It would suffice to be labelled as 'development at gun-point'.

Jiten Yumnam, Convener of CCDD states "The project has victimized many communities of the State and has destroyed land and natural resources which must be stopped. The way Mapithel Dam has been constructed raises serious question on how well it will perform as many multipurpose projects in the State have failed in the past." Yumnam further expressed that the Mapithel Dam construction already set a nightmarish example for indigenous communities of Manipur (*The Sangai Express*, Imphal: December 14, 2008).

## **Unlearnt Lessons**

Citing similar cases (Vagholikar and Das 2010, Roy Chowdhury and Kipgen 2013), the resistance to Mapithel Dam could be justified on the ground that none of the objectives namely, flood management, hydropower production, irrigation and navigation has been fulfilled in the state of Manipur in the past. Ironically, the existing dams in Manipur are in an under-performing stage. For instance, the first major dam in Manipur, the Ithai Barrage which raised the water level of the Loktak and maintained it constantly at that level to drive the electric generating turbines inside the three tunnels through the Lamdan Hills to ultimately flow into the Barak river system at Leimatak valley, has met with a fair degree of success in terms of electric power generation, but it caused extensive damages to the surrounding fertile farmlands in the low lying areas of the Loktak hinterlands, inhabited by various indigenous communities. Sadly, these fertile agricultural lands turned into marshlands.

The Khuga Dam, which intends to generate 1.5 MW and to provide irrigation to 15,000 hectares of agricultural land in Churachandpur district, has long failed to generate a single unit of power, the release claimed. The eastern canal of Khuga Multipurpose Project breached during a trial run about 3.1 kilometers from the dam site on Sunday night of July 9, 2008, washing away a fishpond and partially submerging a paddy field. The crater formed after the embankment of Khuga canal submerged the agricultural field. Perturbed by the collapse of the canal, the Churachandpur District Students' Union (CDSU) has stated that the incident has exposed once again the sub-standard work undertaken by the Government even after spending crores of rupees on the construction of Khuga Dam. Furthermore, the 750 kilowatts (KW) power generating unit of Singda Dam at Kangchup lies rusted, failing to generate a single unit of power since its commissioning.

Yet another, controversial Tipaimukh Dam is being protested by the indigenous Hmar and Zeliangrong communities, as it would lead to displacement and destructions. The propose dam will also submerge various historical and legendary sites with vital spiritual and cultural significance to the indigenous Hmar people and lead to destruction of rich biodiversity which is threatening the peoples' right to life and livelihood (Ranjan 2003,

Arora and Kipgen 2012). The proposed 1500 MW Tipaimukh Dam will involve felling down of 27,000 hectares of forest and cutting of 7.8 million trees. The GoM, however, has decided to go ahead with the project at any cost without consultation of the general public.

Large dams continue to have impact on indigenous peoples and ethnic minorities. Their experience with dam projects is rife with alienation, dispossession both from their land and other resources, lack of compensation or inadequate compensation, and human rights abuse. Laws to protect their rights are weak or not adequately implemented. Procedural and conceptual failures in project planning and resettlement and rehabilitation have had serious impact on the lives of the indigenous people. They have full rights not to be forcibly removed from their lands or territories and no relocation should take place without their free, prior and informed consent.

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