

Who owns the river?

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The Rajasthan government believes that it has a right over every raindrop and makes a move to demolish a water harvesting structure set up by local people to meet their water requirements



Uneasy calm: the rainwater for the first time in many years, the village of Lava-ka-Baas in Alwar district, Rajasthan, got water just a month ago. With the first showers of monsoon, its 500-odd residents saw the traditional water harvesting structure that they had built in their village fill up with water. And joyfully they started to prepare for cultivation in this drought-prone district.

But their dreams soon turned into a nightmare when the state irrigation department slapped a notice threatening to demolish the structure. So when Mani Devi, a resident of the village and a member of the *panchayat*, saw the irrigation department officials landing up with their earthmovers to demolish the structure on July 1, she, like other residents, decided to fight. "They can kill us, but they cannot demolish the *johad* (earthen check dam)," Devi says.

The structure was built at a cost of Rs 8 lakh -- the villagers pooled in Rs 3 lakh and a local businessperson donated the remaining Rs 5 lakh.

The district authority declared the structure, built on one of Ruparel river's numerous tributaries, illegal citing an agreement between the then princely states of Alwar and Bharatpur over the sharing of Ruparel's water. The district administration says the structure will reduce the flow of water in Ruparel, thereby, leading to a water shortage in Bharatpur. "It is a question of legality and the rule of the land," says Tanmaya Kumar Sinha, the district magistrate of Alwar, justifying the demolition order.

As the earthmovers headed for the structure, villagers laid siege on it. "The government never asked us how we would survive three consecutive droughts. But when we did something on our own, they want to demolish it," says Ram Pratap, a villager. Sensing a violent conflict, the district irrigation officials stopped the demolition. But they started deepening the spillway of the structure to pump out the water from it. Later that was also stopped when people from neighbouring villages joined the protest.

As the situation was fast becoming a battlefield, a crisis was averted when Centre for Science and Environment [1] (cse), a New Delhi-based non-governmental organisation (ngo) intervened. Alerted by the building up of the crisis, cse, after almost 12 hours of efforts, finally reached Rajasthan's chief minister Ashok Gehlot, who stopped the demolition (see: '*Row over the Ruparel*' on p4). During a meeting with Gehlot the following day, the district magistrate and engineers from the irrigation department decided to lower the height of the structure. They said the structure was not 'safe'.

Though a crisis was averted, the incident has raised serious doubts over the government's approach to people's initiative in managing their water needs. This is not the first time that the district administration has demolished or threatened to demolish water harvesting structures built by the communities. Recently, when the area was reeling under the drought, a water harvesting structure was demolished to make way for an airstrip. Ironically, Gehlot has

been harping on such traditional structures to drought-proof the state. Earlier, the state government declared illegal all structures built by the local ngo Tarun Bharat Sangh (tbs), led by Rajendra Singh. tbs has been working in this area for over 15 years ushering in a miracle through such structures. Genesis of a conflict
The conflict started when the *gram panchayat* invited the chief minister to inaugurate the structure.

During a routine check preceding the chief minister's visit, the district magistrate found the structure violating the 1910 agreement between princely states of Alwar and Bharatpur. The agreement entitles 55 per cent of Ruparel's water to Bharatpur. Incidentally, Sinha was earlier the district magistrate of Bharatpur, "The village took it up without taking care of the laws and we can't help much with such violations," said Sinha. What Sinha forgot was that the local mla had laid the foundation for the structure when the district was reeling under drought.

Though the tbs is facilitating the structure, the *gram panchayat* has all rights over the local water resources. However, the Panchayati Raj Act of Rajasthan stipulates that in case of any conflict, the district magistrate can override the *gram panchayat* . This is what exactly happened in Lava-ka-Baas.

For the villagers the structure is crucial. According to tbs estimates, the current level of water can take care of the irrigation needs of the 12 neighbouring villages. Moreover, there is also an additional benefit: more than 100,000 people will be benefited by the recharge of thousands of defunct wells located downstream. "In just 15 days of water collection in the structure, water levels in wells downstream have risen by 2-3 metres," informs Gopal Singh, tbs ' local engineer who has been making such structures for the past 15 years. The villagers estimate that if the monsoon is normal, than by September the structure will be full to its capacity, thus storing enough water for winter crops too.

Besides quoting the 1910 agreement, the district irrigation officials also insisted that the structure was unsafe and, therefore, should be demolished. The structure on one of the tributaries of Ruparel would minimise the flow of water in the river, they claimed. Incidentally, a Rajasthan government study on the Arvari river, that flows due to several hundred such structures, says that *johads* have not affected the flow of water into the Santhal Sagar dam built by the irrigation department downstream. Here the history of Ruparel is worth mentioning. Ruparel stopped flowing some three decades ago due to deforestation in its catchment areas. It became a seasonal stream with monsoon waters gushing over its pebble-ridden bed for three months only. The 1910 agreement was signed when the river was perennial (see box:*Chronology of conflicts*).

The structures that the district authority sees as a hurdle in its flow have, in fact, revived the river. Since 1986, tbs has taken extensive water conservation efforts in Ruparel's catchment areas. Within a decade it constructed some 354 water harvesting structures with the help of local communities that regulated water flow leading to perennial flow of water in the river in 1996. Similar efforts in four other rivers made them perennial, one of which is the Arvari.

Just before the officials landed up in the village to demolish the structure, a high-level team of state irrigation department's engineers made an evaluation of the structure and declared it unsafe. It is alleged that the officials wanted to demolish the structure before the issue became public and landed up in court.

The bogey of the safety of the structure, that the district authority cites, holds no ground. tbs with the help of communities has built more than 4,500 traditional structures. Interestingly, during incessant rain in 1995, many of the government-made structures crumbled, while none of the community structures reported any damage. Moreover an evaluation of these structures by former professor of civil engineering, Indian Institute of Technology, Kanpur, G D Agrawal, found these structures to be technically sound.

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