Protecting Flood Plains

Problems & Challenges – a Civil Society Perspective
Structure of the presentation

• Constitution, law, policy, institutions
• Civil society policy initiatives
• The case of Chennai
• Towards alternative paradigms
Constitution, Law, Policy, Institutions

• Water a State subject; protection of rivers under purview of State governments.
• River Boards Act 1956 empowers Centre only for interstate rivers, never used
• Various aspects of river management divided among Ministries
Laws relevant to river and floodplain conservation

- State Irrigation and Drainage Acts
- Interstate River Water Disputes Act, 1956
- River Boards Act, 1956
- Interstate Water Dispute Tribunal awards
- The EIA Notification, Sept 2006
- The efforts at decentralisation through the 73rd and 74th constitutional amendments
- The Panchayats Extension to Schedule Areas Act, 1996

- The Water (Prevention and Control of Pollution) Act, 1974
- The Wild Life (Protection) Act, 1972
- The Indian Forest Act, 1927
- The Forest Conservation Act, 1980
- The Environment Protection Act, 1986
- The Electricity Act, 2003
Laws relevant to river and floodplain conservation -2

• Focus largely on exploiting river water for irrigation, industry, drinking and domestic use, not conservation.
• No exclusive focus on rivers in forest and environment protection laws
• For flood plains, State land use legislation like Town and Country Planning are important
• Model Bill on Flood Plain zoning, 1975-Conforming legislations by very few States
• MoEFCC’s draft RRZ 2017 –not followed by State Governments
• Other policy guidelines and programmes
  • URDPFI 2014 proposed flood plain zoning and buffer zones in urban areas
  • Preparation of DPRs of 13 major Indian rivers by ICFRE – focus on afforestation
  • MoHUA’s River Centric Urban Planning Guidelines also proposed river zoning and river front development
General Observations

• Assumption that river is state property, use by humans alone but not equally for all humans
• Absence of legal and institutional mechanisms for ecological flows and preservation of river corridors
• No attempt at valuing services provided by a river
• Top down river basin planning efforts- Government’s reluctance to devolve powers to local institutions
• Economic and environmental assessment and project planning processes do not value existing river resource and services and cost of their destruction
Some Civil Society Policy Initiatives

• Delhi Declaration of India Rivers Forum (2014)


• INTACH guide – Naturalising the River Front (2022)


• National Alliance of People’s Movements- River Valley Forum – Towards a Central Act on River Protection, Conservation and Rejuvenation (2024)
Civil Society Policy Initiatives- Some Observations

• River as an integrated entity- Much-needed corrective
• Legal and institutional edifice still largely built around land as private property
• Subsistence-oriented economies of riverine communities overlooked
• Larger vision one of unlimited national economic growth
• Preservation of ecology subservient to larger goal
Recognising the imbalance and local complexities

- Civil society vision forward-looking and egalitarian, but
- Gross imbalance of wealth and power
- Requires detailed analysis and reflection on local complexities
- Study of working of local-level alternative models
- SANDRP study of local level institutions around streams, small rivers and tanks:
  - FINDING: Despite drawbacks, local efforts largely successful when built on the knowledge base of local users, local technological options, and local regulatory and monitoring mechanisms through user groups
Community-based knowledge systems

- Evolved through trial-and-error methods in use of resources
- Knowledge linked with socio-cultural and economic dimensions
- Based on available resources—physical, financial, manpower and management
- Traditional hierarchy and authority as well as political contestation
Chennai- a city built on flood plains

- Larger and more unequal scale- complex local issues
- Built on the flood plains of three rivers
- Flood plains of Adyar and Cooum fully built up
- Kosasthalaiyar, city’s largest river with backwaters up to Pulicat Lagoon
Natural buffers

• Pre-industrial era- temple towns and agricultural villages with network of “eris” and wetlands-store rainwater, recharge groundwater

• Natural buffers against cyclones, floods and sea water intrusion-creeks, marshlands, beaches, dunes, estuaries, mangroves

• Poromboke commons –aquifer recharge, flood regulation
Rapid urbanisation and sprawl

- Disruption of natural drainage systems
- Encroachment of catchment areas
- Increased vulnerability to floods
Systematically unplanned urbanisation since 1991

• Policies and regulations to enable FDI
• Automobile industry and IT hub-IT corridor in 2005
• Industrial nodes with urban sprawl around them
• CMDA Master Plan 2006 for fast economic development
• Emphasis on land and real estate development-clash with natural hydrological system
• Severe loss of wetlands
• Industrial/commercial/residential development in flood prone areas
• ELCOT IT SEZ, SIPCOT Siruseri IT SEZ, elevated rail corridor, extension to second runway of airport on Adyar river bed
FACT SHEET: EVICTIONS IN CHENNAI

DEC 2015 TO MAR 2023

19,817 families evicted, nearly 79,500 population resettled

83 settlements evicted

Perumbakkam 12,045
Kannagi Nagar 2,516
Gudapakkam 775
Navalur 961
Athipattu 2,018
KP Park 460
AIR Site 178
Multiple Locations 774
No Alternate Housing 90

88% of the settlements were evicted in the middle of the academic year.

Social Impact Assessment and Resettlement Action Plans were available only for 5 settlements of the 83 settlement evicted.

Public consultation process was not conducted prior to eviction in 78 settlements.

Legal notice was issued only in 1 settlement.
Ennore wetlands

- Part of Pulicat - second largest brackish water lagoon in India
- Drains two rivers - Kosasthalaiyar and Arani
- Recharges groundwater, retards saltwater intrusion, flood mitigation during heavy rain and from monsoon storm surges
- Livelihood and identity for coastal communities
- 1960s - Ennore-Manali rezoned for petroleum, petrochemical and coal-based industries
- Current Master Plan - “Special and Hazardous Industries.”
- Dump for pollutants, dredge material and toxic wastes,
- Ennore (Kamarajar) port construction reengineered the creek - consequences for Chennai 2015 floods

- NTPC’s Vallur power plant
- Coal yard, Kamarajar Port,
- BP and HP oil storage terminals
- About 50 acres – including 17 acres of mangroves – converted by TANTRANSCO transmission towers inside river.

Close to 2,000 acres of river’s space taken over for industrial real estate. About 1,000 acres been smothered with three to eight feet of coal ash discharged from TANGEDCO
Struggle to save wetlands

• Support for fishers struggle from city based youth and solidarity groups
• Three power plants legally challenged by fisherfolk community, temporarily suspended
• NGT defined extent of wetlands in line with fishers knowledge, not Coastal Zone Management maps which were wrong
• NGT asked for wetlands to be restored and notified.
• Struggle for implementation of orders
Master Plan and Flood Risks

- Third Master Plan 2026-46 – “flood sensitive planning permission regime”
- Increase in CMA from 1189 to 6000 km²- significant agricultural wetlands and water bodies
- Haphazard and unplanned growth vs “planned” loss of green cover
- Flood carrying capacity
  - Adayar 2038 m³/s
  - Kosasthalaiyar 3540m³/s-
- Hard hydrological constraint
- New international airport and threat of floods
Towards Alternative Paradigms & Transformative Politics

• Need to synthesise lessons learnt from local alternatives and local struggles
• What nature-based communities want
• Ecosystem-based human rights- protection of nature and equity & justice for nature-dependent communities
• Beyond “rights-talk”- political movements for
  • Constitutional and legal amendments, new laws
  • New institutions
  • Measures for accountability and grievance redressal
• Redistributive and egalitarian politics towards alternative paradigms- respect for nature and dignity of nature-dependent people
Thank you