

NEW ANGLE

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Water Security and Inclusive Water Governance in the Himalayas



- ✓ How does a social justice framing help understand local peoples' claims over natural resources?
- ✓ How do power relations shape water access and distribution between core and fringe areas in Nepali towns ?
- ✓ What dynamics of conflict over water resources are emerging in the urbanising mid-hill towns of Nepal?
- ✓ How are civil-society groups responding to large dam projects in the Eastern Himalaya region of India?
- ✓ What issues and opportunities the newly formed local governments in Nepal are facing in implementing inclusive water governance ?
- ✓ How can participatory community engagement transform gender relations in agriculture and water management?
- ✓ How do agrarian structures affect groundwater access for irrigation in Nepal's Tarai Madesh?
- ✓ How can local experts contribute to inclusive water governance?

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4. Articles should be in an MS Word compatible format, with a font size of 12, and 1.5 line spacing.
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Contact:

The Editor, New Angle
NPRN Secretariat
Southasia Institute of Advanced Studies (SIAS)
NK Singh Marga-304, Minbhawan-31
Kathmandu, Nepal
PO. Box 23499
Telephone: 977-1-4469801
E-mail: sias-info@sias-southasia.org

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THE CONSENSUAL POLITICS OF DEVELOPMENT: A CASE STUDY OF HYDROPOWER DEVELOPMENT IN THE EASTERN HIMALAYAN REGION OF INDIA

Deepa Joshi¹, Joas Platteeuw² and Juliana Teoh³

ABSTRACT

Criticism and contestation of large dam projects have a long, strong history in India. In this paper, we analyze diverse civil-society responses to large dam projects in the Eastern Himalaya region of India, which has in the past decades been presented as a clean, green, climate-mitigating way of generating energy, but critiqued for its adverse impacts more recently. We draw our findings primarily based on interviews with NGOs involved in environmental and/or water issues in Darjeeling, interviews with those involved in a local people's movement 'Affected Citizens of Teesta', and participatory research over the course of three years between 2015 and 2018. Our findings show how doing development for the state, the market and/or donor organizations compromises the ability of NGOs in the Darjeeling region to hold these actors accountable for social and environmental excesses. In the same region, dam projects in North Sikkim led to a local people's movement, where expressions of indigeneity, identity and place were used to critique and contest the State's agenda of development, in ways that were symptomatically different to NGOs tied down by relations of developmental bureaucracy. Our findings reveal how the incursion of State authority, presence and power in civil-society undermines the civil society mandate of transformative social change, and additionally, how the geographical, political, institutional and identity-based divides that fragment diverse civil-society institutions and actors make it challenging to counter the increasingly consensual politics of environmental governance.

Keywords: civil-society, hydropower development, State, social movement, India

¹ Gender and Inclusion Lead, International Water Management Institute (IWMI) and the Water, Land and Ecosystems program (WLE). Corresponding email: deepa.joshi@cgiar.org

² Independent Researcher.

³ Independent Researcher.

INTRODUCTION

'NGOs [Non-governmental organizations] are essential for extended work of governments, as feedback and as harbingers of change, and are vital for economic and social systems to thrive... (however) a significant number of Indian NGOs (funded by some donors based in US, UK, Germany and Netherlands) have been noticed to be using people-centric issues to create an environment stalling development projects... This strategy serves its purpose when funded Indian NGOs' reports are used to internationalize and publicize alleged violations in international fora. All the above is used to build a record against a country or an individual, in order to keep the entity under pressure and in a state of under-development'.

The above text is from a supposedly classified "secret" internal document of the Intelligence Bureau, Ministry of Home, Government of India (GoI) (for further details, see Sarma, 2014), which is nonetheless available to download online. While the document's authenticity and/or authorship cannot be validated, it does speak of the current situation; of constraints and political coercions in questioning state-led development, in the case we discuss in this paper in the context of hydropower

development projects in the North-Eastern Himalayan region.

A renewed interest in hydropower development in an energy-surplus India (Goyal, 2017; Upadhyay and Singh, 2017) is influenced by both global and national drivers. Internationally, policy narratives reposition hydropower development as clean energy, as climate mitigating. In India, financial reports stress the importance of hydropower in enabling economic growth as well as achieving sustainable development targets (FICCI-PwC, 2014). In this context, the Eastern Himalayas region has also been the target of ambitious hydropower development plans. However, hydropower development here has been rife with controversies: how the proposed climate gains (as opposed to 'traditional' energy sources) from large hydropower development intersect with local climate-change impacts; if projected outcomes of economic gains and energy security from hydropower development will be fully achieved; and how costs, benefits and risks be distributed among diverse stakeholders, including project-affected local communities (Dharmadhikary, 2008; Pomeranz, 2009). There are several studies which critique the manner in which large dams have been planned, approved, financed and implemented in the North Eastern region of India (Ahlers et. al., 2015). This is, however, not the focus of this paper. Here, we look

at how local civil society has responded to these developments. It is argued that civil society's function is to critically engage with State hierarchies to 'keep the State accountable and effective' (Lewis, 2002, p.571); to enable 'citizen control of public life' (Cox, 1999, p.27). India, in particular, has been applauded for its rich history of civil social movements, strongly oriented towards environmental wrongs and rights. This history of India's vibrant civil society can be traced to its colonial past, where civil-society actors and institutions held the colonial State accountable, challenged its undemocratic processes and effected social and political change – to this day (Omvedt, 1994; Berglund, 2009). As formal civil society organizations, NGOs have played key roles in environmental struggles post-colonially, and as Nayak (2010, p.71) writes, civil-society's 'struggle[s] against big dams [are a] ... prominent phenomena in India's sociocultural and political picture'.

The term civil society itself includes a range of formal and informal organizations – community-based groups, social welfare organizations, social-action groups and movements, as well as academic, activist coalitions – organized around and engaged in various issues, of which "environmental" concerns have been a particularly common rallying point (Omvedt, 1993). For the purpose of this paper, we conceptualize NGOs as CSOs that take on a formal legal structure. In India, all NGOs are registered under the colonially-instituted (1860) Societies Registration Act. This Act, which is

now regarded as an Act of Parliament, allows the Ministry of Home Affairs, Government of India to monitor and regulate the functioning of NGOs. Only selected NGOs with additional official approval are eligible to receive and use foreign funds. The Foreign Contribution Regulation Act (FCRA) was instituted by the Government of India (GoI) during the 1975 Emergency rule, to [further] regulate NGO functioning. This legislation has since continued.

Using the framework of analyzing CSOs operating inside and outside the politico-jurisdiction of State authority and outreach, we compare how people's movements un-shackled from development funding and regulation have responded to hydropower development vis-à-vis how formal, institutionalized NGOs based in Darjeeling responded to hydropower development in the region. Our research findings point to an increasing incursion of State authority, presence and power in civil society functioning and operation. This phenomenon is neither new or unusual. Foucault (1979) has written extensively of the intertwine of the State and civil society, particularly in neoliberal framings of economic growth, development, new [neoliberal] freedoms and spaces. In this context, Mohan (2002) describes how the co-option of the civil society by the State, by donors and other developmental actors has been a deliberate agenda. These observations lead one to question why there is still great faith levied on 'civil society to champion both democracy as well

as development' (Hammett and Jackson, 2017; p.1), particularly, as civil society organizations seem to be increasingly 'deployed... by the developmental state model... to constrain (and contain) critical interventions and enactments of citizenship and civil society' (Gough and Shackley, 2001, p.332).

Against that background, our research analyzed diverse civil society organizations and their nature of engagement with dam development in the Eastern Himalaya regions of Sikkim and Darjeeling. In the following section an elaboration is given on framework within which and through which NGOs operate. Subsequently, a section is dedicated to the research methodology and a background of the regions in which the case studies took place. The paper then moves to the presentation of the research findings, in which the case studies of Darjeeling and Sikkim are addressed separately. The paper ends with a conclusion on the findings in which the wider implications of our research are also discussed.

A FRAMEWORK OF CIVIL SOCIETY AND CLIMATE MITIGATING POLICIES

It is important to note that the recent surge of hydropower development, that has developed in the policies to control climate change, has furthered the consensus between the State, market and a selected science community (Goldman,

2001; Swyngedouw, 2009; Gough and Shackley, 2001). Swyngedouw (2011; 3,4) points that this nature of consensus in climate related politics does highlight an imminent environmental challenge; but in the process of making the risks of climate change visible, complex ground realities are depoliticized through 'one quilted... invocation(s) of fear and danger' which mask different socio-ecological, -economic and -political contexts... to 'a universal singular... commodity fetishism around CO₂'. The challenges of climate change on the one hand, and the depoliticization of the complexity of climate change on the other, makes critique and/or contestation of climate problems and solutions difficult. In fact, as we noted in the introductory citation, any critique of such development is easily labeled in India (and elsewhere) as anti-national and anti-development (Sarma, 2014).

In principle, hydropower development does allow combining principles of sustainability, development and economic growth, but several actors contest the "truth" of such win-win equations. Firstly, it is unclear how the global climate impacts of clean energy intersect with social and environmental impacts experienced locally in the development of hydropower. More specifically, several studies (e.g. Dharmadhikary, 2008; Pomeranz, 2009) questioning the attributed positive outcomes of hydropower development in the climate-vulnerable Himalayan regions symbolize these controversies. Secondly, it is not clear

if it is environmental or economic mandates that drive hydropower development. In India, the importance of hydropower to economic growth seems to take precedence over the supposed environmental gains from clean energy development (FICCI-PwC, 2014). Nonetheless, the efficiency and distributional implications of large dams are also questionable. Duflo and Pande (2007, p.1) note that, 'Overall... large dam construction in India is a marginally cost-effective investment with significant distributional implications, and has, in aggregate, increased poverty'. Goldman (2001, p.205) speaks of how the "green neoliberal project" of climate change brought together 'neocolonial conservationist ideas of enclosure and preservation and neoliberal notions of market value and optimal resource allocation'. Transnational financial and developmental institutions have helped construct this argument, which in writing does help combine principles of sustainability, development and economic growth. Mitigating climate change is a contentious issue and is considered by some as 'the collective action problem of our era' (Brechin, 2016, p.846). This helps explain why consensus is so strategic for climate change interventions and strategies, even when evidence from the ground points to contradictory outcomes of overtly simplistic climate solutions.

Against that background, Gough and Shackley (2001, p.340) provide a fascinating look at how select NGOs have joined 'the IPCC/Kyoto Protocol global community',

which according to the authors is significantly and increasingly 'influence(d) by powerful actors from the private sector'. This has resulted in a reversal of the roles of NGOs, 'from that of outside critical agents demanding issue recognition and action (on environmental issues) to that of partners in developing workable frameworks and principles... promoting *the* solution to *the* problem... that anthropogenic climate change is a significant risk that has to be managed, and urgently'. The authors (ibid, p.329) argue how 'a place (for NGOs) at the (global) negotiating table certainly makes climate politics respectable but weakens the 'constitutional legitimacy' of these NGOs'. Indeed, it is NGOs 'outside the climate change epistemic community' who have raised 'ethical and political questions', for example by challenging the "statistical valuation of life" by environmental economists to calculate the costs of climate change impacts in different regions of the world' (ibid, p.332). Ironically, NGOs who were part of the global climate coalition, saw such critique as delaying the release of important climate documentation (ibid).

In that regard, it is interesting to note that a critiquing, thinking, re-politicizing civil society has long been diluted by what Ferguson (1994) termed the "anti-politics of development". Giles Mohan (2002) speaks about how development de-politicizes NGOs by funding them for pre-determined development activities, i.e., for *doing development*. The neoliberal development framework channels funds to Southern

NGOs, ‘because NGOs are seen as more *efficient* than corrupt states in delivering local social services’ (ibid, p.128); and the few donors who see NGOs roles in enabling and/or enhancing transparency in governance, reach out mostly to reliable, ‘urban-based, professional, elite, advocacy NGOs’, who ‘concentrate on networking and encouraging public debate through [exclusionary] seminars and workshops’. The ideological visioning of an inclusive, transformative civil society is thus an increasingly “imagined” notion. Nonetheless, not all state-imposed plans for development plans are rolled out uncontested and not all civil society organizations are politically diluted. There are ‘ordinary’ citizens advancing alternatives to dominant ideas, challenging elite assumptions and norms in ways that were envisioned by Gramsci (1971), which we will discuss further in the section on the Affected Citizens of Teesta (ACT). Before doing so, the following section briefly describes the research methodology of the research, and regions in which the research took place.

RESEARCH METHODOLOGY AND REGIONAL BACKGROUND

This paper analyzes the engagement and response of two different civil society organizations to hydropower developments along the Teesta River, which flows from Sikkim through the Darjeeling region in the Eastern Himalayas and onwards into Bangladesh. The findings presented in this

paper reflect over three years of interaction starting in 2015 with multiple NGOs and activists in the region through numerous meetings, workshops, formal and informal discussions. Additionally, the paper draws on two students’ M.A. thesis research in 2015, which respectively analyzed NGOs in the Darjeeling region, and the Lepcha tribal movement, affected citizens of Teesta.

The Darjeeling district of West Bengal is in North-Eastern India and is located just South to the Himalayan State of Sikkim. The Darjeeling region boasts India’s first hydropower projects – in Sindrebong in 1919 (Chattarjee, 1979, p.74). Post-independence, several other small projects were implemented here by the West Bengal State Electricity Board. The projects discussed in this paper involve more recent larger developments, particularly the Teesta Low Dam Projects III & IV (see Map 2). These two dams were commissioned in 2016, while three other projects, Rammam Stage I, III, and IV, are in various stages of completion.

From June to August 2015, we interviewed 30 NGOs in the Darjeeling region involved in environmental and/or water issues, to assess their engagement in the Teesta Stage III and IV projects, to understand how and why these NGOs were established, how they operate and on what issues, eventually focusing the discussions on their engagement with the Teesta Lower Dam projects. These interviews were deliberately semi-structured. In addition, because the Darjeeling region has been embroiled for



Map 1: Darjeeling region of West Bengal

over four decades in a political struggle for a separate State, Gorkhaland - which deeply impacts the local context, we tried to understand the institutional structure and culture in which NGOs operate, the challenges and risks faced by staff members

in their day-to-day work and how this impacts what they choose to do (or not).

The State of Sikkim lies directly across the border from Darjeeling district in West Bengal (see Map 1). A second thesis study was started here and then continued

in the Darjeeling region to analyze how the ACT movement against hydropower development in Dzongu in North Sikkim was defined by notions, experiences and expressions of Lepcha identity and indigeneity. Lepchas are considered to be the indigenous inhabitants of the entire Eastern Himalaya region, which includes western Bhutan, eastern Nepal, Tibet, Sikkim and the Darjeeling district, an area the Lepchas called *Mayel Lyang* (“hidden paradise”). What remains of *Mayel Lyang* is now Dzongu in North Sikkim. The last monarch of Sikkim, himself a Bhutia (migrant from Tibet) declared Dzongu as a Lepcha reserve in 1956 (see Map 2), restricting access to, and land ownership in this region, for all, including non-Lepcha Sikkimese citizens. This ecological and cultural preservation of Dzongu was made constitutionally non-negotiable in Sikkim’s amalgamation with India in 1975, which explains Dzongu’s cultural and ethno-political significance for all Lepchas.

This also explains why the ACT movement against large dams planned in the Dzongu region was widely supported by Lepchas living outside Dzongu, as well as outside Sikkim. A 41-year-old Lepcha male farmer in Kalimpong in West Bengal had actively protested against the dams. For

him, “Dzongu is the land of all Lepchas” (Field research, 2015). Likewise, a young male respondent in Dzongu said, “It doesn’t mean that Darjeeling, Kalimpong Lepchas are different. We all are the same. We all offer prayer to the deities in Dzongu. When Dzongu is affected, all Lepchas are affected” (Field research, 2015). In analysing the ACT movement, all interviewees but two were Lepchas. In all, 24 interviews were conducted with individuals in Dzongu, the State capital of Gangtok in Sikkim, and in Darjeeling and Kalimpong towns in West Bengal. The



Map 2: Locating Dzongu

youngest interviewee was 19, and the oldest 80. As with the NGOs, interviews were semi-structured. In addition, 53 quantitative surveys asked open- and closed-ended questions of participants who had not been interviewed. In the entire research process, communication in English with the respondents (NGO staff and Lepcha individuals) was possible and a translator was needed in only 2-3 cases (Lepcha interviewees).

Taking note of Mohan's (2002; p.129) concern that 'NGOs... are under increasing criticism and scrutiny from academics and policy practitioners', we add that, the findings discussed here are not a one-off exploration of complex ground realities; rather, the data presented includes layered communication over time and space. Nonetheless, we acknowledge a research project's limitations to unravel complex socio-political histories and acknowledge how "outsider" research-focused perspectives often sit uncomfortably with complex local realities - various challenges, coercions and compulsions, spatial heterogeneities, social networks, local calamities, etc. that impact what NGOs and activists do locally. Our findings try and portray, analyze, and interpret the situation's uniqueness, complexity and situatedness, giving a 'sense of being there' (Cohen et al., 2011, p.129). Below we discuss the case study of Darjeeling, after which we present the case study of Sikkim's ACT.

NGO RESPONSES TO HYDROPOWER IN DARJEELING

From the NGOs response during the time of the interviews in 2015 an evident shift in focus can be seen in the response to the implementation of hydropower development projects. With the exception of one respondent, all NGOs indicated to not (anymore) be involved in resistance against hydropower, even though they had done so or considered doing so in the recent past. The intriguing silence surrounding the dams requires an understanding of the functioning of these NGOs: how they are established, how they are regulated, how they are operated, etc. It is the answer to these questions which we discuss below, and which make for a compelling contrast with Sikkim's ACT.

The political playing field of NGOs in Darjeeling

Administratively, the region of Darjeeling is governed as the Gorkha Territorial Administration (GTA) under the State of West Bengal. However, this arrangement is not a preferred local option. As recently as September 2017, the GTA region closed down for three months (104 days), during which time there was a violent conflict for political separation from the state of West Bengal. This resulted in three reported deaths and the closing of all offices, shops, schools, traffic, banks and other commercial institutions for over 3 months. The area had

been cordoned physically by State security forces, and the State Government blocked the internet. This was yet another failed attempt in the now four-decade struggle with the State of West Bengal to secure a separate state of Gorkhaland.

It is against this political background - which creates a minefield of socio-political, and economic challenges around environmental governance - in which civil society can and should intervene. But no NGO in the Darjeeling region queries political-environmental coercions. NGOs in Darjeeling, like elsewhere in the Himalayas, mostly work on technical environmental issues, including donor-driven agendas against deforestation, landslides, water-supply scarcity and in favor of biodiversity conservation; where predetermined developmental solutions match typically apolitical framings of complex socio-environmental problems (Yates, 2012).

In fact, most NGOs in the Darjeeling region were created to address constructed environmental problems. A few NGO question the framing of preconstructed environmental problems by speaking of politics and power in environmental governance, but these views are conveniently circumscribed to local political interests: *“What is needed is to completely remove the West Bengal government [the forest department] which is interested only in profiting from our forests”* (Field data, 2015). However, such views are expressed with an immediate request for anonymity. After all, it is explained - ‘politics

is the work of politicians’ (ibid). NGOs here, they explain, *do development* - they implement conservation, afforestation, water-harvesting programs and projects and are careful to avoid using their work and data to challenge contentious political issues. For example, a local NGO we met shared data which shows how hydropower projects accelerate landslides in this fragile ecology, but they are constrained to use this evidence to contest large dams. According to them, their role is to *“inform citizens and authorities about precautionary measures that can reduce human impact on landslides”* (Field data, 2015). Another critical issue in the Darjeeling hills is acute drinking/domestic water scarcity. NGOs working on water-supply issues understand water problems as a technical/management issue; they work to improve local, traditional water resources management, but decline to ‘critically engage with the politics behind the enduring water-supply injustice’ (Joshi, 2015, p.117).

Darjeeling NGOs’ involvement in the hydropower implementation process

Despite being aware of the impacts of large-scale hydropower development in the region and the coercions in such development, NGOs in Darjeeling currently refrain from questioning them. NGO staff point out the futility of political critique vis-à-vis the need to resolve basic problems: *“rather than spend my energy trying to*

fight the government, it is much better to do something more profitable (sic)... To work with the community, make a documentary... doing something that is in their [the community] interest” (Field data, 2015). Nonetheless, it is evident that their funding pushes them to “do development” and also prohibits the criticism of ongoing official interventions.

Very few NGOs in the Darjeeling region receive foreign funding. Most receive project-specific funds from the Central Government for activities such as organic farming, environmental awareness campaigns, forest floriculture activities, sanitation, etc. (Field data, 2015). The few with a Foreign Contribution Regulation Act (FCRA) approval do similar development work for donors such as the Japanese (JICA) for safe drinking water; USAID for community forestry work; the European Commission for smallholder innovation for climate-change resilient food security, etc. NGOs here are careful with their FCRA-holding status, prudent not to lose it through involvement in activities that may be viewed as too political. This is not surprising: FCRA-holding NGOs in North-East India have been regularly “blacklisted” by government authorities for raising environmental concerns that are considered politically incorrect (Bhaumik, 2003 in McDuie-Ra 2008, p.195). In June 2017, the Indian Express, a leading national daily, reported that, ‘Since the [current] NDA government came to power [in India], the FCRA licenses of more than 11,000 NGOs have been cancelled. More than 1,300 were

refused renewal of their license for violating the FCRA’. Some sources quote a higher number of FCRA cancellations: 20,000. The importance of holding an FCRA approval is further highlighted by the below excerpt of an interview with an NGO worker in the Darjeeling region (Field data, 2015).

Respondent: *“Luckily, as an organization we joined (sic) the FCRA in 1996; we had a couple of good people who supported us; we had our papers [in order]: society’s registration, income tax registration forms, etc. We are one of the few lucky ones who have the registration and we’ve been careful to ensure continued approval of our FCRA. It’s not easy, but we have our papers up to date and we’ve kept it clean and clear. We have continued our registration since the early 2000s, so almost fifteen years”.*

Researcher: *And you say you were lucky to get it?*

Respondent: *“Yeah, lucky enough in the sense, because I think it got tighter and tighter... the newer rules. There has been a lot of control. And because we are a border State with Nepal, the Maoist movement... more and more FCRA’s are restricted here. So, we were lucky to get it”.*

Project-driven development prevents ‘facilitating transformative development’ (Banks et al. 2015, p.708) and requires

(project-oriented) NGOs to be accountable primarily to donors and to other regulatory authorities. But there is huge clamor for such funding, which tends to make NGOs competitive and territorial, while similarly eroding solidarity on issues of wider political concern. As a respondent summarized, *“If I am working with street children, that’s all. If I’m working with deaf and dumb, that’s all. If I’m working with the blind, that’s it. Each one who has their own NGOs... if I’m doing sanitation I’m bothered about my toilets and what have you”* (Field data, 2015). This is not to say that NGOs in Darjeeling are not aware of these limitations and/or do not collaborate: there are NGO platforms, and collaboration does happen, but such meetings are managerial, rather than as political strategy to consolidate and claim political spaces in which to voice political concerns. One government-funded NGO summed it up: *“Ours is an organization that came up without too much financial support, I should say. We rely largely on support directly from the Government. Somewhere around 1998 or 1999, it started dawning on us that this was not going anywhere because this is too small; we are not even able to create local influence, we have no power, really. We don’t have any fund, we don’t have any resources. Our actions are being guided by the ground rules set by the Government officials. We are evading the real issues [referring to the political issues in the region]”* (Field data, 2015). With no financial support, they struggle to sustain their work, let alone effect change: *“There are many problems, but you need money to*

fight. We could file a case in the court, but for that you need to pay a lawyer. Without lawyers, we couldn’t file a case” (Field data, 2015).

Doing development disallows dissent

A few NGOs we met had protested the TLDP III & IV projects in their early planning stages without any (international) funding. Concerns about environmental impacts (irreversible river-ecology changes, increased landslide frequency and magnitude, unpredictable groundwater shifts around dam locations from construction work, use of heavy vehicles, excavations, tunneling, etc.) led these NGOs to protest. Additionally, while official regulation promises inclusive, consultative decision-making processes, these NGOs noticed *“the lack of transparency, lack of people’s participation in the process”* (Field data, 2015). The respondents explained how Environmental Impact Assessment (EIA) documents were not made public or only EIA summaries made available (and not in the local language) at locations distant from project affected regions. The NGOs observed consensual arrangements between hydropower developers, State and central government authorities and University faculty undertaking the EIA studies. They also noted how compensation was arbitrarily set for project-affected communities and/or promises made to lure local communities to approve the projects.

“They told farmers in one village that a watershed project would be implemented, this was never followed through” (Field data, 2015). In another village (Suruk), (developers) promised a bridge, a school, electricity connections – nothing was provided” (Field data, 2015). The new agenda of Corporate Social Responsibility requiring hydropower companies to invest a share of their investments in socially-relevant initiatives, was used, “to privilege local elite (politicians, contractors) with contracts to construct roads, bridges, community centers, what have you” and build on the patronage to enable companies to implement their projects “smoothly” without any objections (Field data, 2015) (see also the below interview excerpt from the 2015 field data).

Interviewer: “So when you became a political representative, the process [of building hydropower dams] was already ongoing?”

Respondent: “... actually what happened, you know, 51 households were having interviews [on compensation] – okay. But they were not getting the [promised] jobs and/or the [promised] compensation”.

Interviewer: “They didn’t receive it”?

Respondent: “Yeah, but we fought it with the Rammam hydro-project, and we stopped [power] generation for almost two months”.

Interviewer: “How did you do that”?

Respondent: “All together, we went to the intake, blocked water flow, and gave a letter to the project manager. Because they are not issuing checks to the project-affected, so we are doing this. We blocked the intake for two months and one day their manager came to our political office and agreed to provide eight lakhs [800,000 rupees] per household... So, we allowed them [the project-affected people] to earn that (sic) [benefit]. It means... how much... almost four crores [four million rupees]. And they also gave us [local political representatives] three crores (three million) for surrounding developments; playgrounds, tourist development. We did it”.

In the contentious, fragile political space, aspiring locals, including politicians, saw this as an opportunity to ‘appropriate’ resources. NGOs did not initially understand these intentions: *“We started contacting local politicians of the (then) Darjeeling Gorkha Hill Council, giving them critical feedback about the project to help them question the relevant dam authorities. Little did we know they would use this information to meet their own ‘special needs’” (Field data, 2015).* Under assurance of anonymity, one of the respondents explained how the local authorities: *“took all the documents and... to put it bluntly, pressured the hydropower company and got a deal for themselves. Not for the people, but for themselves. To be very honest, that’s what happened” (Field data, 2015).* It is clear then, why local

politicians and the more resourceful in local communities opposed NGOs raising their voice against some of these issues. Further, for residents of marginalized settlements this development – no matter how skewed – presented an opportunity unlike anything they had experienced before, or as one of the respondents put it: “near the dam site, a lot of money is pumped in a very short time. Not many locals can see that gains of employment are short-term” (Field data, 2015).

It was only when established civil-society groups from Delhi and elsewhere, who had experience of highlighting environmental and social injustices, supported local NGOs in their critique and contestation of large dams, that there was some coverage of these issues in national newspapers (e.g., The Economic Times; Indian Express). Nonetheless, this networking caused a serious backlash for local NGOs: local NGOs realized they were far more vulnerable to local political coercions than civil society actors from outside - who were here today and gone tomorrow. For local business and politics, the process of containing increasingly public protests would go on to become lucrative. A senior official in the local government confirmed that, “Some of the [political] leaders realized that they could coerce local communities and/or NGOs to either protest against the project or enable developers to go ahead with the construction. This tactic was useful in being continuously paid off by the company” (Field data, 2015). A local politician confirmed,

“NHPC means a lot of money. To get some of their works done, illegally, or rather get it done smoothly, they pay their tax to local political parties, as party funds... That happens directly between NHPC and the senior leadership of the local ruling party” (Field data, 2015). Another local politician said, *“Realistically speaking, I can't imagine a situation in which someone would disagree with dams. From my experience, and I'm telling some real insider stuff here... one of the first concerns the current local party has – is collecting pay-offs from the dam projects”. Not only do they receive kick-backs for ensuring that there is no trouble - preventing local protests - they also get contracts on dam projects... they are fully co-opted; any question of them ever opposing the project on ecological or other issues would be academic”* (Field data, 2015).

Large sums of money exchanged hands through circuitous routes (developer to politicians to local leaders) - till the developers received the mandatory “No Objection Certificate/s (NOC)” (from local communities - a process that is mandatory for the EIA approval). While the Darjeeling politicians had no official say in dam development, they did have a distinct “nuisance value”. They could “raise public opinion against the dams, participate in public hearings and ask pointed questions pending approval” (Field data, 2015). And yet “bribed and bought over”, they often declared, “we have no rights to stop the project when the Government of India and the Government of West Bengal have

already signed an agreement with the developer” (Field data, 2015). NGOs were often on the short end of this process. As one NGO staff recalls, “For the TLPD III project, we had thoroughly prepared for questioning the NHPC at the public hearing. When the time for the hearing came, we were threatened by the local politicians to not attend the hearings at all. We were told, that if we were seen there, they (the political affiliates) would break our legs” (Field data, 2015). Another NGO staff member recalls, “They wanted to kill me if I did not stop... because when you talk about dams there is lots of money involved... the companies give a lot of money to a lot of local politicians” (Field data, 2015).

NGOs initially involved in questioning the manner in which hydropower development projects were implemented, were also questioned by the Indian government. One NGO which had actively protested against the two projects (TLDP III & IV) was summoned by the Ministry of Home. *“Out of the blue, we were asked to come to Delhi with all our accounts and invoices dating back to when we started work and got registered as an NGO. Thankfully, we had stored all our paperwork. We took boxes of paperwork all the way to Delhi, there were so many boxes that it filled up an entire hotel room. Our meeting at the Home Office was chilling. Little was said, no explanations were given – it seemed we were being told indirectly to lie low” (Field data, 2015). Another NGO staff noted, “They [government] can always arm-twist*

you. They can always find something wrong with your work, there are ways to do this... In this case they might not find anything wrong with me for the thing that I’m doing, but they’ll find something wrong behind my back, and it’s not worth it” (Field data, 2015).

Ironically, most NGOs blamed each other for the lack of solidarity and perseverance, *“...we tried [questioning hydropower development projects], but you see every NGO in the NGO network, during the meeting - they say, “yes, yes” [and then] they go back to their day-to-day jobs” (Field data, 2015) (for more responses bringing back this point please find below interview excerpts from the field data, 2015).*

“...other organizations here in Darjeeling are not involved in activism. Just get some fund for certain programs, they do whatever is going on... they are not concerned, nothing. Just a few organizations here, including us, are concerned [about the larger issues]” (Field data, 2015).

“The problem here is... all the organizations here... are all scams. All. Not 99.99%, 100% scams... That’s why things are going wrong here. And eventually they’ll be bought” (Field data, 2015).

Various coercions thus dissuaded local NGOs from challenging the decision to implement the dam projects, even though, most explain, *“In your mind you know it’s*

not good, it's all wrong. But feeling that is one thing and openly saying that, taking a principal[ed], political stand, throws you into the political area. Many of us cannot do that" (Field data, 2015). This epitomizes how NGOs in general - subject to governmental regulation and political conditions - are entangled with the State and far from able to 'keep the State accountable and effective' (Lewis, 2002, p.571). Can civil society play any meaningful role at all, then, in a coercive political space? We focus on this issue in discussing resistance to hydropower projects in Dzongu, Sikkim by the Affected Citizens of Teesta (ACT).

THE CASE OF THE AFFECTED CITIZENS OF TEESTA IN DZONGU, SIKKIM

"I will die but won't allow mega power projects in Dzongu" (activist Dawa Lepcha⁴).

Lepchas, known traditionally as the *Mutanchi* (Mother Nature's People) or *Rong Pa* (People of the Ravine) are considered the first peoples of the region. This landscape known by the Lepchas as *Mayel Lyang* (Hidden Paradise) included Sikkim, Darjeeling and Kalimpong in the Eastern Himalayan belt and parts of Bhutan, Tibet and Nepal (West, 2009; Tamsang, 2008). In the book, 'Lepcha, My Vanishing Tribe' Arthur Foning (1987),

a Lepcha scholar from Kalimpong, voices fear that resonate widely in the Lepcha community – that geo-political, social and economic upheavals in the region have decimated the Lepchas, and inter- and intra-national administrative boundaries have displaced and uprooted them, their culture and their way of life. Little (2010) notes that there are approximately 45,000 Lepchas in Sikkim and some 70,000 outside the State. Foreseeing this marginalization, the last monarch of Sikkim had declared Dzongu, North Sikkim as a Lepcha reserve in 1956. Aside from the 7000 Lepchas living here, all others, including Lepchas from outside Dzongu and other Sikkimese nationals, are denied access to Dzongu without an official permit. Dzongu's status as a Lepcha reservation was formally agreed in Sikkim's 1975 merger with India. These processes established Dzongu as the last bastion of the Lepchas, where they are not a minority and their culture, language and identity survive. This explains the resistance to the seven large hydropower dams planned in Dzongu, five inside Dzongu and two along its borders.

The 'Lepcha opposition' to dams was led initially by a handful of Lepcha youths from Dzongu, who in time swelled in numbers and came to be known as the Affected Citizens of Teesta (ACT). ACT eventually managed to get four of the seven dams cancelled through a largely non-violent Gandhian pathway (Arora, 2006). This struggle between a displaced minority

⁴ Quote taken from <http://www.actsikkim.com/dzongu.html>, November 25, 2018.

against powerful official and development actors has been described as “a David and Goliath battle” (Little, 2010) and it is argued that the struggle was built on narratives of indigenous Lepcha identity and Dzongu’s cultural sanctity: “*We (Lepchas) have been here for centuries, following our culture, tradition, language. And today, in the name of development, they are finishing it. Is this development? When you lose your identity, you are gone. Finished! So... in that sense, I think Lepchas, especially in Dzongu... I think it is a sort of a design to finish us*” (Mayel Lyang Development Board Chairperson, in Interview, Kalimpong, 2015). And yet, as Gergan (2014, pp.70,72) notes, before hydropower projects planned in Dzongu propelled the reserve ‘into the center of controversy’, Dzongu, was for all practical purposes, ‘a landscape of precarity... [where] remoteness, isolation and poor infrastructure profoundly shaped everyday experiences’. We discuss below how the proponents of the ACT movement, a few protesting youths were not only challenging the development of hydropower projects in Dzongu, but they were questioning the deeply consensual politics of development in Sikkim in which the Lepcha elites from within and outside of Dzongu were themselves, key stakeholders.

THE ACT DEVELOPMENT OF DISSENT

For the ACT members, contestations against dams in Dzongu was not about negotiating

compensation or relocation. Their focus was clear, “we don’t want to lose [the last bastion of] our *Mayel Lyang* (hidden paradise); if it is desecrated then our culture becomes extinct!” (ACT ideologue, Athup Lepcha, reported in Arora, 2006). Lepcha members and supporters of the movement expressed that it was hypocritical to say no to dams and still use electricity. However, their argument was that Dzongu - the protected Lepcha reserve – was ill-suited to such large-scale development. Some even added that perhaps large hydropower projects were more suited to “*other areas, where people were more educated, able to take care of themselves, and ... the carrying capacity is better than [here]... an environmentally fragile and demographically endangered place*” (ACT supporter in Gangtok). While the average ACT supporter was relatively indifferent to hydropower development in areas not affecting Dzongu, a resounding 88.3 percent of the same respondents were against it in Dzongu; 47.7 percent “strongly opposed” dams in Dzongu (Field Research, 2015).

ACT members drew attention to ‘the State’s double standards’: bestowing protected status on Dzongu, and then violating its own assertion by ‘plans to take away the very land and indigenous culture of the people it claims to be protecting’ (Dawa Lepcha, reported in Arora, 2006). Such critique of coercion in governance was unheard of in Sikkim, where successive elected governments have long established patron-client dependence among an

ethnically divided constituency (Huber and Joshi, 2015). In this context, the 'rejecting of the way things are...' was unprecedented (Li, 2007). There were far-reaching repercussions of this "practice of politics" (ibid). In sum, it questioned the nurtured image of Sikkim as India's green democracy.

In Darjeeling, NGOs had relied on local politicians, providing them relevant information, believing their promises to act on the people's behalf and against the West Bengal Government and dam developers). These politicians often used the information to secure material gains from the developers, choosing to not speak on behalf of the people as explained in the previous section. In contrast, the ACT's very first act of public resistance was to challenge the fact that 80 per cent of the audience at the public hearing for the Teesta Stage III project in Chungthang (which borders Dzongu) were state administrative officials, politicians, dam developers and pro-dam residents, at an event meant to enable local community to review and decide on the EIA (Wangchuk, 2007). The 'ACT members saw [this disproportion] as engineered to intimidate dissent' (ibid; 35). When the EIA for this particular dam was declared as approved, the protesting ACT activists did not accept defeat. Unfunded, they filed a legal case 'in the National Environmental Appellate Authority in New Delhi against the public hearing and its verdict' (ibid). When this failed as well, ACT activists physically blocked roads into

Chungthang, preventing district officials and dam developers from surveying land needed for another hydropower project, Panan, located in Dzongu. These inspections eventually required police escort and detention restrictions to hold back the activists. Even though 74 of the 99 Dzongu Lepcha households, whose lands were to be acquired for the project, provided 'No Objection (to the dam project) Certificates' to the concerned authorities, ACT protests eventually led to canceling the Panan project. Eventually, the ACT activists moved their protests from Dzongu to the state capital, Gangtok, where peaceful collective protests and marathon rounds of fasting totaling 915 days (2007-2010) drew public attention to the patronage politics and authoritative coercion in the Sikkim that undermined citizen voice (Huber and Joshi, 2015). Multiple tactics of consensual governance - promising development benefits to the faithful, to activists who withdrew their support, and the punishing of those who refused to yield failed to contain ACT members (ibid). Eventually, 4 of the 5 dams planned inside Dzongu were cancelled, but, much more importantly, the movement exposed the structure and culture of coercive governance and the rhetoric of democracy in Sikkim. The exercise of people powers tremendously inspired a new wave of citizen voice and choice. A Lepcha supporter of ACT from Darjeeling noted, "*Government will never make [people aware]. NGOs will not do that. It is the Lepchas themselves who have to do this. We did it*" (Field data, 2015).

McDuie-Ra's (2011, p.89) analysis of pro-dam actors is one of the rare accounts of how many Lepchas in Dzongu, were against the ACT, even 'pressur[ing] the State to accelerate the projects'. Wangchuk (2007, p.42) notes how during the peak of ACT's protests in Gangtok in 2007, '86 of the 90-odd Panan hydro-electric power project-affected families gave the Dzongu representative in the State Legislative Assembly a memorandum clarifying that they were not part of the ACT protest and reiterating that the No Objection Certificates issued by them for the project still held good if their demands for better compensation rates and other safeguards were granted'. McDuie-Ra (2008, p.89) further notes that pro-dam actors were predominantly elite Lepchas of Dzongu, 'a network of NGOs [doing development], political leaders and public servants with some ties with larger Lepcha organizations in Gangtok'. Gergan (2014, p.67) has argued 'that the anti-dam protests became a way for the Dzongu youth to question [not just] State development agendas [but equally Lepcha] elders and urban elite' who claimed to speak on behalf of the community. Gergan (ibid, p.68) argues that beyond the stories of a blissful "hidden paradise" (Mayel Lyang) ACT used the 'contradictory experience of everyday hardships' in Dzongu to expose 'the community's skewed dependence on Government and exclusionary practices' of governance through coercion. These young people emerged in 2007 as "alchemists of the revolution", questioning, challenging

and reimagining Dzongu's future, as well as their own (ibid).

The complex struggle inter-weaving the personal and the political, rhetoric and reality of indigeneity, and varying perceptions of place, identity and citizenship in Dzongu is difficult to summarize. Simply stated, one unique outcome was a synergy of voices, questioning the rhetoric of State 'development' agendas, State-elite entanglements, society and class, and other fractures in an otherwise close-knit community. Unfettered by external and internal compulsions, the ACT enabled a loose group of diverse actors and agencies 'to hold the State accountable' (Lewis, 2002, p.571) and 'enable citizen control of public life' across institutional hierarchies (Cox, 1999, p.27). This strongly contrasts with what NGOs in Darjeeling did or did not do.

CONCLUSION

Our research analyzed diverse civil society organizations and their nature of engagement with dam development in the Eastern Himalaya regions of Sikkim and Darjeeling. Our findings show that although both NGOs and people's movements imagine and perceive large dams in very similar ways, they have responded to these developments in significantly different ways. This difference in positioning is largely explained by the State-NGO interrelations. Partnerships between the State and civil society – considered so

important in development - are often unequal and limiting. When these terms and conditions set the context of dialogue, one cannot expect possibilities for meaningful engagement. In this case, dams were framed as necessary for national development. Other possibilities for development were politically off the table. The State is not a "homogeneous medium, separated from civil society by a ditch, but an uneven set of branches and functions, only relatively integrated by the hegemonic practices which take place within it" (Laclau & Mouffe, 1985 in Mohan, 2002, p.133). This narrowing of distance between the State and civil society is a key contributing factor in the narrowing of possibilities for political actions and reassertions (Mohan, 2002). Through our findings, we draw attention to the processes through which such unequal partnerships between the State, markets, civil society, and local communities are increasingly promoted in the neoliberal agenda of development. Mohan (ibid, 2007) describes this rhetoric of partnership as 'one of consensus rather than conflict in that all actors should negotiate a "shared vision" of national development'.

Social movements are often formulated in different ways to NGOs. In this case, the ACT resistance was framed around a cultural context, that dams would negatively affect indigenous communities, their lands, and ways of life. In this case, not only was the movement independent of the State (in terms of funding, regulations etc.), the State also had no tools, no strategies to respond

to these relational aspects of the impacts of development. We argue here that this space in which social movements can articulate and foreground discursive alternatives to neo-liberal paradigms of development are particularly strategic, perhaps far more than issues of displacement and rehabilitation - which are methods that the state outlines for compensating for development-induced material losses. Here, Gramsci's ideas of civil society creating and claiming a space for political agency, for harnessing countervailing power against the state excesses (in whatever form imagined by civil society), is a lesson that emerges.

Our research highlights that NGOs in Darjeeling are entangled in the "service delivery paradigm", bound by 'financial logic and challenging local circumstances' unable to address the civil-society goal of political transformation (Rahman, 2006, pp.451-453). Initially, large dam development in Darjeeling inspired some local NGOs to 'return to politics' (Banks et al., 2015, p.715) as opposed to having a service delivery focus, but these initiatives were short-lived, partly because of the context in which they exist and operate. As Partha Chatterjee (2004; pp.4,46) notes, spatial politics segregates Indian civil society enable a 'bourgeois society, inhabited by a relatively small section of the people... a closed association of modern elite groups, [to be] sequestered from the wider popular life of [far-flung] communities, walled up within enclaves of civic freedom and rational law'. In Darjeeling, civic freedoms have long been

missing (Joshi, 2015), although precisely therefore they should re-emerge. Our research does not negate NGOs' potential as a third pillar next to the market and the State, but rather illuminates the need for revisiting their political potential.

As things stand, NGOs in Darjeeling operate in a context where political power operates rationally *through* rather than *for* civil society (Sending and Newmann, 2006). In general, NGOs embroiled in *doing development* are both object and subject of the state (Sending and Newmann 2006; Bryant, 2002; Rose et al., 2006; Rose and Miller, 1992). NGOs in the Darjeeling region can do little else but collaborate in this web of governance, legitimizing this governmentality. The absence of a functional democracy in Darjeeling impacts the lack of civil society in Darjeeling and this vicious cycle persists. In such a skewed political terrain, hydropower development or any other form of trans-local coercion requires no more than a façade of participation. What we researched and discussed in Darjeeling mirrors the nature and circumstances in which hydropower projects are being rolled out in seemingly contentious regions around the world: elsewhere in India's North-East, but also in the neighboring Mekong Basin. In the Lao People's Democratic Republic (Lao PDR), the rush to develop hydropower happens where historically there has been no culture of participation (Grumbine and Xu, 2011; Matthews and Dotta, 2015; Goldman, 2001); where civil society is

either absent, heavily restricted and/or criminalized (Matthews and Schmidt, 2014).

To conclude, challenging the consensual politics of eco-governmentality requires a greater solidarity between different civil society actors and agencies - but this is easier said than done. What remains of a dammed Teesta river flows far beyond the divided administrative borders of the States of Sikkim and West Bengal - well into Bangladesh. And yet, even between Sikkim and Darjeeling in West Bengal, politico-administrative arrangements, ethnic-fractures and local politics continue to divide, rather than unite, local communities and civil society. However, as our findings note, governance is on the 'move' in that relationships between the State and civil society are not static nor predictable. It is this fluidity that we identify as a potentially attractive space for diverse coalitions to emerge among different civil society groups and actors to take better control of public life.

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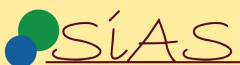
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