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Responsible Hydropower Development in India

Challenges for the Future

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A study on Responsible Hydropower Development in India: Challenges for the Future.

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ABOUT CEEW

The Council on Energy, Environment and Water is an independent, not-for-profit policy research institution. CEEW addresses pressing global challenges through an integrated and internationally focused approach. It does so through high quality research, partnerships with public and private institutions, and engagement with and outreach to the wider public. In June 2013, the International Centre for Climate Governance **ranked CEEW 15th globally** in its first ranking of climate-related think-tanks and **number 1 in India**.

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Among other initiatives, CEEW's **current projects include**: developing a countrywide network of renewable energy stakeholders for energy access; modelling India's long-term energy scenarios; supporting the Ministry of Water Resources with India's National Water Mission; advising India's national security establishment on the food-energy-water-climate nexus; developing a framework for strategic industries and technologies for India; developing the business case for greater energy efficiency and emissions reductions in the cement industry; and a multi-stakeholder initiative to target challenges of urban water management.

CEEW's **work covers all levels of governance**: at the <u>global/regional level</u>, these include sustainability finance, energy-trade-climate linkages, technology horizons, and bilateral collaborations with China, Israel, Pakistan, and the United States; at the <u>national level</u>, it covers resource efficiency and security, water resources management, and renewable energy policies; and at the <u>state/local level</u>, CEEW develops integrated energy, environment and water plans, and facilitates industry action to reduce emissions or increase R&D investments in clean technologies. More information about CEEW is available at: <u>http://ceew.in/</u>.



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Nirmalya Choudhury is a Senior Research Associate with the Council on Energy Environment and Water. He completed his Doctoral Studies from the Technical University of Berlin on hydropower development in India and its implications on social and environmental sustainability. He was also a part of an international research group within the German think-tank, the German Development Institute (DIE), and worked on sustainable hydropower development and its social and environmental implications in Brazil, China, India and Turkey. He has written extensively on electricity, hydroelectricity in India, environmental impact assessment and public involvement on environmental decision-making. His research has been published as policy papers and as peer-reviewed journal articles.

In India he has worked with the International Water Management (IWMI) in the IWMI-Tata Water Policy Programme. His work in the IWMI-Tata Water Policy Programme focused on institutional reform in the Indian irrigation sector, specifically on the role of thepanchayats, irrigation cooperatives and Water User Associations in decentralised irrigation management. He is experienced in designing multi-location research in partnership mode and has experience in undertaking field research in around ten states in the country. He also has experience of working with leading development cooperation agencies in the country. He has worked with the Sir Ratan Tata Trust in their Central India Initiative programme and later worked with the Collectives for Integrated Livelihood Initiatives. During this period he worked on water-centric livelihood enhancement programmes for the tribal population in Central India, particularly on the restoration of traditional flow irrigation systems in the region.

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Responsible Hydropower Development in India: Challenges for the Future

Hydropower is an important source of renewable energy. In recent years, both at the national level and in various states, policy impetus has been given for increasing hydropower generation through new projects and by encouraging private sector investment. The importance of hydropower increases given that only around 16% of the hydro potential in the country has been used even as the country remains woefully short of electricity to meet growing demand. But a renewed focus on hydroelectric projects may result in a situation of "rapid" hydropower development rather than social and environmentally "responsible" hydropower development. This article argues that, although hydropower will continue to remain an important source for electricity, focus needs to be on "responsible" hydropower development. Responsible hydropower development is also likely to ensure more stable and sustainable investment in the sector over the medium-to-long term.

Hydropower generation in India: unmet potential

Hydropower generation has been an important component within the overall electricity portfolio of the country. By the end of the fourth year of the Eleventh Five Year Plan (March 2011) hydropower contributed around 22% of total generation (CEA, 2011). As on date, of the total installed capacity of 229 Gigawatts (GW) in the country, hydropower's contribution is around 39.8 GW (CEA, 2013) or 18% of the total (Figure 1). At the same time, hydropower generation has failed to keep pace with the rapid increase in thermal power generation. As a result there has been a consistent decline in the proportion of hydropower generation within the total grid connected generation in the country.





Resurgence of hydropower in India's energy planning

While hydropower's contribution in the overall portfolio has declined over the years, the sector is beginning to make a comeback – at least in the vision articulated in plan documents. While only 8237 megawatts (MW) of hydropower generation was envisioned in the Eleventh Five Year Plan, three times that amount (around 25316 MW) are planned during the Twelfth Plan (2012-2017), followed by 31000 MW and 36494 MW in the Thirteenth (2017-2022) and Fourteenth (2022-2027) Plans, respectively (CEA 2008; MoP 2008; GoI 2010). Until 2007, a total of 34653 MW of hydropower had been installed. By contrast, each of the five year plans starting from the Twelfth to the Fourteenth is expected to add new hydropower capacity of around 30000 MW, with the aim of harnessing the entire hydropower potential of the country by 2027(Figure 2).





Private sector seen as an important actor for hydropower development

Traditionally hydropower generation has been the forte of public sector generation companies. Around 97% of the hydropower generation companies are from the public sector (IDC 2013). But the current plan period envisages that the private sector will emerge as one of the leading participants in hydropower development. According to the Hydro Development Plan for the Twelfth Five Year Plan, around 39% of new capacity addition (12007 MW) is expected to be installed via private investment (CEA 2008).

That private sector is seen as an important driver for hydropower development in the future is best witnessed in the states where a bulk of the hydropower potential exists: Arunachal Pradesh (34% of the total potential in India), Himachal Pradesh (13%), Uttarakhand (12%), and Sikkim (3%). A significant share of new hydropower projects in these "hydropower states" are to be developed through the private sector (Table 1). At the national level also, the Hydro Policy 2008 aimed to provide incentives to the private sector to make hydropower projects as attractive as thermal power projects for private sector investment (MoP, 2008).



Table 1: Hydropower development plan in the "hydropower states" of the country						
	Arunachal	Himachal				
State	Pradesh	Pradesh	Uttarakhand	Sikkim		
Total Hydropower Potential (in MW)	57072.5	23000	25000	8000		
Total Hydropower Potential realised						
[Under construction/operation] (in MW)	59.215	6728	3163.85	100.7		
Total hydropower projects under Central						
Sector (in MW)	8735	9095	7302	1300		
Total hydropower projects under State						
Sector (in MW)		3428	2815.3	24.5		
Total hydropower projects under Private						
Sector/JV (in MW)	32253.4	8192	2118.4	3820		
Source: Based on the Annual Reports and the data available on the websites of the respective state						
nodal hydropower development agencies						

But are these targets achievable?

Historically, the performance of the hydropower sector in achieving planned targets has been dismal. On average, the sector has only been able to achieve 57.5% of its planned targets between the fourth and the eleventh five year plans (Figure 3). Set against this historical record, the targets for the next 15 years seem unrealistically optimistic.





There are a host of reasons behind hydropower's inability to fulfill the targets over the years. The Policy on Hydropower Development in 1998 identified that apart from technical, financial and tariff related issues, socio-political issues like land acquisition had resulted in a decline in hydropower capacity investment. This policy accepted the then reality that private sector investment in the hydropower sector was minimal. In order to boost private sector investment, it espoused that the public sector would undertake the contentious preconstruction activities, including land acquisition and Resettlement and Rehabilitation (R&R) *before* handing the project to the private sector. The policy also proposed easier transfer of statutory clearances from the public sector to the private sector (MoP, 1998).

A decade later, in the Hydro Policy 2008, among various incentives was a draft Rehabilitation and Resettlement Policy for project-affected populations. This was done to make land acquisition (a process that was delaying projects and making them more risky) smoother and project design more amenable to public acceptance and consent.

As a part of a liberal R&R mandate of the Hydro Policy 2008 several provisions were undertaken. The Project Affected Family was broadly defined as any family, even if only one household, whose "place of residence or other property or source of livelihood" had been affected by the hydropower project and which had been staying in the affected area for a period of more than two years preceding the Notification, in accordance with Land Acquisition Act 1894, including agricultural and non-agricultural labourers and squatters.

The Hydro Policy 2008 also mandated that, in addition to the 12% free electricity that would accrue to the states where the project was located, another 1% free power would be given for the purposes of financing a Local Area Development Fund (with matching grants from the state government). For the Project Affected Families, the Hydro Policy 2008 made a provision for 100 units of free electricity for a period of ten years.

The Hydro Policy 2008 did not directly argue for any employment-based compensation of the project-affected families, but it had references to skill development of the local population to increase their employability within the project.

Not "rapid" hydropower generation but "responsible" hydropower development

One of the reasons for the resurgence in interest for private sector driven hydropower development is that hydropower is less carbon intensive than thermal power. But there are still challenges that the sector needs to address not just to achieve the targets but to achieve them in a responsible manner. In other words, hydropower development in India in the coming years has to ensure not just "rapid" hydropower development but "responsible"



hydropower development. In the pathway towards responsible hydropower development it has to ensure that the fragile environmental systems within which the projects are constructed are taken care of and the social systems that project affect, directly or indirectly, are taken on board to minimise opposition. Towards these ends, the hydropower sector needs to address two priorities: going beyond environment impact assessments (EIA) to EIA follow-up; and to increase public involvement in decision-making through better processes, which go beyond public hearings.

Environment Impact Assessment and follow-up

EIA follow-up is a process including a range of activities, designed during the environmental clearance stage of a project, and implemented during the construction, operation and decommissioning phases of a project (Jha-Thakur et al. 2009). These activities include: *monitoring* of environmental impacts on a real time basis through *compliance* and *outcome* monitoring; *evaluation* of the same with respect to expected impacts as mentioned during the EIA; adaptive *management* of the impacts; and – most importantly – *communication* of the same to the community (Arts et al. 2001). EIA follow-up also helps closing existing knowledge gaps. In the short and medium terms, the EIA follow-up process strengthens the planning and operation of on-going projects through monitoring and evaluation of impacts. This is often defined as *single-loop learning*. In the long term the monitoring and evaluation of real-time environmental data strengthens the understanding of *cause-effect relationships* and leads to better prediction of the environmental impacts in the future. This is often defined as *double-loop learning* (Marshall et al. 2005, Morrison-Saunders & Arts 2005, Marshall 2005, Arts & Nooteboom 1999).

Globally, EIA follow-up is seen to be driven by three factors. First, the project proponent could independently initiate EIA follow-up, also known as first-party EIA follow-up, even if the developer is not legally bound to do so. By establishing Environmental Management Systems within the organisation and compliance with ISO14000 standards a project proponent might voluntarily undertake some EIA follow-up activities. Secondly, an EIA follow-up could also be driven by a regulatory authority. In this case the permission to commence with a project is contingent upon its environmental clearance. The third important driver of EIA follow-ups is the "community". This can take many forms, from a local community immediately affected by a project to a consortium of international pressure groups criticising large infrastructure projects (Morrison-Saunders et al. 2003, 2001; Arts et al. 2001). Within India there is no dearth of cases of local community mobilisation. From the Sardar Sarovar Project to the Jaitapur Nuclear Project superior social and environmental standards at the project level have been driven by pressure from the local community and from civil society organisations.



In India, EIA is a regulatory requirement and EIA follow-up, at least in terms of compliance, emanates from the regulatory requirement. Hence, India predominantly follows the second route. The use of the EIA process has increased over the years from being an administrative requirement, only used for multipurpose river valley and hydropower projects in the early 1980s, to a statutory requirement covering around thirty different types of projects under eight broad categories, namely coal mining, industrial projects, infrastructure and Coastal Regulatory Zone, mining, new construction and industrial estates, nuclear, thermal projects, and river valley and hydropower), which have obtained environmental clearances over the last three decades (Figure 4).



While the coverage of EIA increased consistently (in fact, exponentially in recent years) the number of projects which were subjected to compliance-monitoring decreased. Thus, the coverage of EIA follow-up – even by the limited interpretation of compliance monitoring – has consistently declined over the years. The coverage of EIA follow-up is measured by the ratio between the number of projects monitored in a particular year and the total number of projects that have received environmental clearances prior to the year under analysis. The information on monitoring of environmental clearances in ten of the last 25 years shows that the coverage of EIA follow-up over the entire period is around 36%, with high variation but with a consistently declining trend (Figure 5).





A decline in compliance monitoring over the years is not a good sign because it hides the rising risk of local opposition, stalled projects, delays and cost escalations, and loss of public credibility. Given that EIA in India is regulator-driven and not developer-driven, there is a danger of equating adherence to minimal regulatory demands with legitimacy for projects. If EIA follow up is weak in India, some project developers might (wrongly) interpret it as an opportunity to rush through projects, disregarding the environmental consequences or sources of community discontent. By contrast, more pragmatic project developers, with a longer time horizon, would have to be more proactive in future to initiate EIA follow up procedures, going beyond what is mandated by law. Moreover, if hydropower is to be developed in an environmentally responsible way, then the natural course of action should be the eventual strengthening of regulatory mandates and project implementation norms within the sector.

Gaining public support or facing public backlash

Hydropower projects are usually equated with large dam construction and the latter engenders an extremely polarised discourse in India – any discourse is quickly labelled as "pro-dam" or "anti-dam". A number of hydropower projects take time to commence thanks to



stiff opposition from local communities. Some of the opposition could be on ideological grounds, with people fundamentally against construction of large projects. Finding a middle ground is difficult in such cases. But a lot of opposition takes place because projects tend to go ahead without taking the concerns of the local population on board, without gaining public acceptance and with little public involvement during the planning phase. The hydropower sector is fraught with such examples. More recently, two big projects in the North East – 2000 MW Lower Subansiri Project and 3000 MW Dibang Multipurpose Project – faced a stalemate-like situation thanks to inadequate public involvement in the planning phase.

Invariably cases where local livelihoods are threatened and adequate mitigation measures are not implemented result in social mobilisation against projects, which then get stalled or get delayed. In such a situation all stakeholders lose. The project developer and financiers lose on account of time and hence cost escalation. The project-affected populace perceive little benefit for itself. And the government falls short of achieving planned targets. Often such stalemate situations result in knee-jerk responses like a stay order on the project, promises of a better compensation package and so on. But the root cause of the problem remains unaddressed, namely that people were not adequately and effectively consulted during the project planning process and the lack of transparency and selective reporting on projectrelated information increases distrust.

Public involvement during project planning is important as it helps to secure information about the local populace and how they would be affected, address immediate problems and legitimise decisions. Most importantly, public involvement, through a well-designed social impact assessment and social management plan, can smoothen the way for the project proponents to get legal - and more importantly - social consent (Dore & Lebel, 2010; Petts, 1999). In the Indian context it is very difficult to find a single example, because public involvement is given the least importance. Nevertheless, in the case of the 192 MW Allain Duhangan project (in Himachal Pradesh), the public hearing process went beyond what was required under the EIA Notification 2006 (largely because project developers were pressured to adhere to a higher standard of one of the major investors, the International Finance Corporation). In this case, there was greater public acceptance. However, a lack of EIA follow up during the implementation phase again emboldened the section of the community that had initially opposed the project. This case underscores how EIA follow up and public involvement go hand-in-hand, and progress on one front can be undermined if there is lack of sincerity on the other.

One problem that affects all the stakeholders in hydropower projects is the misunderstanding of "public participation". The phrase is interpreted differently by various stakeholders, resulting in misperceptions and mistaken expectations on all sides. Public involvement can take three forms based on the flow of information (Rowe and Frewer, 2005): public information (one-way flow of information from the project developers to the participants),



public consultation (one-way flow of information from the participants to the developers), or public participation (simultaneous bi-directional flow of information in the process, with maximum informational exchange and processing).

In India social impact assessment is still at nascent stage and the only institutionalised form of involving the public is during public hearings – a component that takes place quite late within the environmental decision-making process. Public hearings, according to the EIA Notification 1994 (post 1997 amendment) and EIA Notification 2006, are structurally not suited for being an arena for proper public deliberation, or gaining public acceptance. Given that they take place quite late in the project decision-making process, they are often seen as an arena to elicit consensus rather than deliberate on the merits of the project or those of the arguments of dissenters. Public hearings in India have limited scope. They are at best an arena for public consultation but mostly public information. But the participants of a public hearing exercise (wrongly) perceive the exercise as that of public participation. The multiple interpretations of the same exercise mean that the limited legal scope of the process is often considered inadequate and illegitimate by the participants. The mismatch of legality and legitimacy then results in a stalemate situation, at best, and escalation of conflict for worse (Choudhury, 2013a).

Public involvement in India, to be legitimate in the eyes of the participants, has to go beyond mere compliance with the limited legal mandate. At an operational level this means that the public involvement component should be made an integral part of the screening and scoping phase of the environmental clearance procedures. This also means that social impact assessments have to be given due importance and the process of undertaking social impact assessment should be participatory and transparent. The overarching value of socially responsible hydropower development should be that the project affected populace should be the first beneficiary of the project and should be able to improve their livelihoods as a result of the project.

Leveraging existing regulations for responsible hydro development

Hydropower is an important component – perhaps the most important – of renewable energy even though large hydro projects are seldom counted in assessments of renewable energy potential and growth. The increasing demand for electricity, the current low electricity coverage and increase in coverage in future, and mismatches in electricity demand and supply mean that installed hydropower capacity has to increase in the country. Hydropower will remain an important component in the overall electricity portfolio. Also it is true that hydropower is less carbon intensive than coal-based thermal power plants, which dominate our electricity portfolio. Thus, hydropower development needs to be promoted through policy initiatives and by encouraging private investment. These are reflected in the various policy



documents and targets and increasing number of memoranda of understanding that have been signed in various states with large hydropower potential.

But the resurgence in hydropower development runs a risk of being "rapid" hydropower development at the expense of long term sustainability. For the long term benefit of the hydropower sector it is important that "responsible" hydropower development becomes the underlying philosophy in India. This article has identified two key priorities: strengthening EIA follow up, and gaining public support through greater public involvement during the planning process. The voluntary environmental, social and governance standards drafted by the Ministry of Corporate Affairs, the mandatory Business Responsibility Reports to be filed with the Securities and Exchange Board of India (SEBI) and new legal statutes like the Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act, 2013, could open up new arenas through which socially and environmentally responsible hydropower development could be promoted.

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