

Like water for justice

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Author post-print (accepted) deposited by Coventry University's Repository

Original citation & hyperlink:

Joshi, D 2015, 'Like water for justice' *Geoforum*, vol. 61, pp. 111-121.

<https://dx.doi.org/10.1016/j.geoforum.2015.02.020>

DOI 10.1016/j.geoforum.2015.02.020

ISSN 0016-7185

Publisher: Elsevier

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Like Water for Justice

ABSTRACT

The narrative of environmental justice is powerfully and passionately advocated by researchers, practitioners and activists across scale and space. Yet, because these struggles are multifaceted and pluralistic, rooted in complex, evolving “socio-material-political interminglings” the concept is difficult to grasp, and even harder to realise. Recent literature raises concerns as to what makes for environmental injustices, how injustices are defined, classified as urgent and/or critical, by whom and why, how they gain political attention, etc. This paper draws attention to these issues by contrasting the largely untold, nonetheless entrenched and enduring “old” water supply injustices in the Darjeeling region of the Eastern Himalaya in India with articulate contestations relating to the speedy advancement of “new” hydropower projects here. Water supply problems in the Darjeeling region are particularly wicked - nested in fractious ethnicity-identity political conflicts. These complex local realities tend to obscure the everyday challenges relating to water as well as render these problems spatially anecdotal. What happens - or does not - around water here is certainly unique, yet comparison to other struggles in other settings show that locational and environmental politics provide critical evidence to question the several implicit universalisms in relation to water justice.

1. Introduction

Water and justice are thoroughly entangled and for very good reasons. Boelens (2013; in press) points out how ‘worldviews, water flows and water control practices are interwoven’ and ‘since ancient times... [demonstrate an] elite subjugation’. Farias (2011, p. 371) similarly notes that the social, economic and environmental ills relating to water are rooted in history, but argues that these injustices are essentially diverse, reflecting complex evolving ‘socio-material-political interminglings’. Sikor and Newell (2014) draw attention to the universal core issues of justice inherent in diverse environmental struggles, which, as they point out are nonetheless difficult to define in narrow terms and frameworks because of their temporal, spatial and other contextual specificities. This paper relates to the need to ‘critically interrogate the universalizing and globalizing tendencies in asserting and invoking environmental justice’ in the face of great plurality in perspectives, theories and practice (Sikor and Newell, 2014, p. 155).

This paper reflects on these contradictions taking the case of latent old and blatant new water injustices in Darjeeling district in the lower Teesta basin of the Eastern Himalaya . In conclusion, the paper analyses whether and how water injustices can be defined and pursued within narrow domains relating *only* to water, or even to certain sectors of water, when water wrongs are essentially complex and riveted in nested political, social, economic injustices.

Map 1. The Proposal for Gorkhaland

Darjeeling district, which is located in the State of West Bengal in India has been embroiled in over four decades of a contentious conflict for a political separation from West Bengal through the creation of a new state, Gorkhaland. Wenner (2013) articulately describes the multiple dimensions of the conflict as a strategic construction of an “imaginative geography”. Ethnic tensions are claimed between a minority Nepali community in a majority Bengali populace of the State of West Bengal. The Nepalis of Darjeeling (incidentally a majority community within the district) express a commonly-held perception that they are stigmatized by the rest of India as being from Nepal, not fully Indian citizens (Wenner, 2013). There is also antagonism relating to an economic and development neglect by the West Bengal administration, post-independence. The conflict is popularly presented by local politicians as a “*mato ka prashna*” (the land/identity question)’, an outcome of a tyrannical control of local land, water, forest resources by an outsider alien Bengali dominated State of West Bengal (Sarkar, 2010, p. 114). A separate state of Gorkhaland is thus presented as a panacea to all forms of wrongs and injustice prevalent in the region. However, as I will describe below, while a tyrannical “alien” State is readily blamed, the Gorkhland conflict appears to reproduce principles of the coercive State in a region that is criss-crossed by historical and ethno-political injustices (Wenner 2013; Chettri, 2013).

Local politicians point to the enduring water supply crisis as a key marker of the politico-spatial injustice: ‘...in terms of infrastructure, ...nothing has been added to... the water supply...[to] whatever the British had planned [then] for 3,000 people in Darjeeling town, [even though the population] is over 3 lakhs [300,000]’ (Wenner, 2013, p. 209). The under-investment in the region by the West Bengal administration is aggravated by the fact that, ‘although the Himalayan region is a source of countless perennial rivers, paradoxically the mountain people depend largely on [groundwater] springs for their sustenance’ (Tambe et. al., 2012; 62). Access to groundwater is not easy in these hard rock mountain aquifers. Water supply governance here contradicts popular “fixed-position, theoretically normative claims” of justice and solidarity as being synonymous with certain specific institutional models’

(Castree, 2011; p. 45). In the Darjeeling region, community, state and market-based approaches to manage water operate as hybrid systems. These hybrid arrangements of water delivery are nested in entrenched political, social, economic injustices and symptomatic of a democracy deficit evident in the wider political, social and economic setting. Not only is it impossible to identify “a certain, right institutional approach” to managing water, water supply injustices are also obscured by other competing political priorities.

But not all water injustices remain unnoticed. Since the early 2000s, the Teesta basin in the Eastern Himalaya has been the target of ambitious hydropower development plans. These developments are fuelled in part by the global re-positioning of large dams producing hydropower as climate mitigating green development; as well as by national interests relating to energy needs for economic growth (Ahlers et. al., 2014). The hydropower projects have drawn attention of national and regional environmental activists, who question dam construction activities in the climate-vulnerable Eastern Himalaya waterscape; as well as skewed human-environment implications as a consequence of dam construction. Several reports highlight the procedural and distributional aspects of injustice: the institutional modalities through which environmental clearances and contracts have been awarded to private and public sector hydro-power entrepreneurs with scarce local community consultation; as well as the short- and long-term livelihood risks and challenges for marginal project-affected communities (Dubey et. al., 2005; Bhattacharya et. al., 2012, The Asia Foundation 2013; Huber and Joshi, 2013).

What I discuss here is the fact that the contestations against dam building in the lower Teesta region of Darjeeling district are largely led by scientists, researchers and activists, who Holifield et. al. (2009, p. 364) would describe as being ‘independent, “placeless”’ in the sense of not being from the area, and therefore likely lacking a certain intimate familiarity and [situated] attachment’ with the socio-political history of the region. Locally, there is an intriguing silence and inaction, both in relation to the enduring water supply crisis, as well as over recent contentious development of mega hydropower projects. The silence makes for an interesting contrast on the one hand with the articulate “outsider-led” contestations of hydropower projects as well with four decades of an intense internal political conflict for a separate state of Gorkhaland, a conflict essentially positioned as an “ethnoenvironmental injustice” (Anthias and Radcliffe, 2013, in press). What are the reasons for this silence? Why do recent contestations against dam building miss out on noticing the enduring old water supply injustices? In asking these questions it is interesting to reflect on

Forsyth's (2014, p. 230) analysis that, 'So far, environmental politics does not consider deeply enough how or with whose concerns, justice is... [framed and] applied'.

In sum, water problems in the Darjeeling region appear embedded in 'historically entrenched configurations of unequal spatial developments and legacies of socio-political contestations' (McFarlane, 2011; 380). At a workshop organised locally in 2012, a participant expressed, '*The problem is not water – water is only one manifest of everything else that is wrong here. Solutions need to emerge here locally and they need to go beyond water*'. This makes for a valid point to review the tenacious links between justice, locational and environmental politics which are often overlooked in a narrow conceptualization of water governance or injustice.

1. Methodology

Having spent my childhood and young adult life in the region, water as well as political problems here are not new to me. I recall how the toilets at school were flushed only once in a while, a few times in a week. At home, I remember bathing over a large water tub, reusing the water to wash clothes and then re-using that water to flush the toilets. The possibility to bathe only once a week posed serious practical and social handicaps to me as a young adult. However, I was sufficiently privileged by class. Like many others, we were accustomed to paying someone, women and men, boys and girls to carry water for us from far off communal sources. When I look back local concerns relating to water were actually elitist concerns. For many others less privileged, water was only one of the many problems at stake.

Several decades later, local residents in the Darjeeling region still struggle with these water problems: water in the tap once in every 7 to 8 days, the same long lines for collecting water from municipal taps and other sources, and conflicts every morning over the unreliable, inadequate water supply. These observations are not anecdotal: they are matched by statistics and official data. Of a total of 600 officially approved rural water supply schemes in the District, only 44 are currently implemented (Government of India, 2011). Similarly, there have been hardly any interventions in developing medium and minor irrigation in the region (Government of India, 2010).

As water professionals, we speak and discuss water justice; question the rhetoric of climate change and green economy initiatives as well as the logic in locating mega-hydropower projects in the climate vulnerable Himalayan regions; and are concerned about conflicts arising from a lack of representation and recognition of local people's rights to water

resources. However, our well-intentioned discourse is often distanced from complex ground realities. My ongoing research around the politics of mega hydropower projects in the region provokes surprise amongst some of the locals, especially those who live in the towns far away from the hydropower project locations. *“What is the problem with large dams? Isn’t that for development, for the economic upliftment of our backwardness? What about looking into the “real water [supply] problems” we face here? Or is that not a good-enough topic for researchers like you?”* (Joshi, 2013).

And so, I have moved between different worlds and worldviews, the local which is by no means singular, and another space habited by researchers and water professionals to which I belong and which for the lack of a better word, I term glocal [globally local]. That these two universes rarely meet is not unique to this research. There are locals too who are also water professionals. But in the case of this study, the pointed ‘political’ questions that we “outsider researchers” asked were challenging for local water professionals - who are not only professionals, but also social beings, humans who live and function in a world that has also, for long been politically constraining and coercive (Sardenberg, 2007). In a broad sense, this explained to some extent how the narrative, theories and realities of water justice diverge.

This article is based on secondary data review, and ongoing ethnographic research in Darjeeling district which was initiated in 2011. I was assisted in this study by 5 local researchers, the element of commonality amongst us being our situated knowledge of the socio-political context of the region. Our focus, as presented in this paper, is to understand how water supply injustices are experienced by a heterogeneous urban community in Kalimpong town in Darjeeling district. To put these experiences into a broader perspective of the region’s decades long struggle for self-governance and ethno-environmental justice, we met and interviewed both rural and urban communities, politicians, official and non-governmental water professionals, as well as researchers and activists both from and outside of the region. The ethnographic methods used in this study allowed unstructured conversations and communication complemented by observations of “social interactions, perceptions and behaviors” of the researched community (Reeves et al 2008: 512). This allowed “getting inside” the research context to understand how the respondents we engaged with perceived and experienced their “lived world” (Hammersley 1992). I remain accountable for the interpretations of information, views and opinions presented in this article.

2. Water justice essentialisms

Environmental justice (EJ) means different things to different people. There are differences in opinion on the origins of the concept of environmental justice, what constitutes EJ, and where and how it might be applied. The issues I note here are those that best relate to the context of this paper.

There are two main EJ perspectives - distributive and procedural, the former focusing on fair, rightful or equitable distribution and the latter, referring to rights of participation, of inclusion, of voice, space and representation. The temporal and spatial varieties of environmental injustices are diverse, but often, if not always, they demonstrate some core universalities, for example of links to race, class and gender (Taylor, 2002). These links are elemental to the framework of a Global Environmental Justice (GEJ), which is 'conceptualized as the struggles of certain individuals or groups against the avoidance of environment hazards, or to gain access to particular resources' (Movik, 2014, p. 187).

In relation to the struggles of certain groups or individuals, EJ is commonly perceived in the context of 'a new imperialism of capitalist accumulation by dispossession' (Harvey, 2004, p. 63). Harvey critically unpacks what such accumulation and dispossession mean in differing spatio-temporal contexts; however, the discourse is popularly reproduced in countless stories of local communities, often imaged as collectively vulnerable and marginal, struggling against a 'variegation of neo-liberal approaches and outcomes' (Anthias and Radcliffe, 2013, in press). Anthias and Radcliffe (2013) term such a conceptualization of EJ as an 'ethno-environmental fix - a spectrum of governance approaches that [seek to] synergise protection of vulnerable populations and highly-valued natures from [diverse] neo-liberal approaches and outcomes'. They draw attention to Tania Li's (2007; p. 2) critique of how local struggles and movements which counter neoliberal processes of environmental commoditization and commodification are viewed as 'multiple and dispersed... spontaneous, undirected, and above all multi-class' or sans class. In doing so, Anthias and Radcliffe (2013) note the 'long-standing stereotypes in... ethnodevelopment and environmental agendas' of EJ. Li (2007) had argued that, 'not everyone has been able to claim a "right to live", and that oppositions to neoliberalism are made by a diverse group of people with very differing mandates, perspectives and intentions.

As I will discuss below, water and land injustices in the Darjeeling region are embedded in a complex socio-political history. The distinctions made between an alien, tyrannical State and the exploited locals and ground realities of a reproduction of coercive of the State, make it interesting to reflect on Amartya Sen's (2009, xiii) argument that, justice 'is

not... simply the setting up of some specific [local] institutions,but the possibility and reach of public reasoning’. Sen (2009, p. 20) elaborates on the above statement by comparing two classical Sanskrit terms, both implying justice: justice as institutions or “niti” versus justice as a process, or “nyaya”: ‘[A]mong the principle uses of the term, “niti”, are organisational propriety and behavioural correctness. In contrast, “nyaya”, stands for a comprehensive concept of realized justice. In that line of vision, institutions, rules and organization, important as they are, have to be assessed in the broader and more inclusive perspective of nyaya, which is inescapably linked with the world that emerges, not just the institutions or rules we happen to have’.

But what if the entrenched injustices are embedded in contexts where ‘articulations of environmental justice... may be significantly contested or weak (Williams and Mawdsley, 2006, p. 661). Or, what if some or all of the “injusticed” are not ‘rights-bearing citizens’ in a constitutional meaning of the term (Chatterjee, 2004, p. 38). Chatterjee (2004, p. 8) argues that the ‘real post-colonial world is dense and heterogeneous’ and includes ‘vast majorities of people lacking full citizenship and living outside [the domains of] the civil society, left to negotiating claims [of justice] through murky processes of political brokerage’. Chatterjee (2004, 4) challenges popular ideas of governance and justice as the ‘utopia of the grand development projects’, and argues that these ideas are based on unfounded assumptions that an inclusive civil society can be organised (always and everywhere) around principles of equality, liberty and community.

The above observations of “murky political processes” are evidently visible in Darjeeling. On the one hand, a separate state of Gorkhaland has not been achieved in four decades of a long-drawn, contentious conflict with the West Bengal government. This is despite the number of linguistically more homogenous states having doubled in India since Independence (now totalling 29), with 4 new states being created in the last decade (Wenner, 2013). There is thus some truth in the claims of a subjugation of the Darjeeling region and its residents by far-away state and national governments. However, to frame this subjugation in collective ethnic, State-local terms makes for ‘a parochial and problematic construction’ (Chettri, 2013, p. 301). For one, a coercive play of politics constructs “‘imagined geographies” of ‘Darjeeling as belonging to the Gorkhas simply because they are the majority there’ (Wenner, 2013, p. 208). Secondly, successive local governments, too, seem to have undermined and overlooked pressing, everyday problems and challenges, for example in access to water supply - in keeping with other political interests and priorities.

In general, while there is much talk about coercion and neglect by the State of West Bengal, successive local governments have done little to resolve the crisis of under-development, poverty and backwardness. Chettri (2013) writes of how previous [local] CPI(M) leaderships employed the constituency of landless labourers in the tea and Cinchona estates in Darjeeling district in meeting their political agendas, giving back little in return, in much the same way as this constituency is now mobilized; their problems constructed and positioned in new political agendas for a separate State of Gorkhaland.

These nested complexities evident in the region's diverse ethnic and socio-economic fabric and shifting physical and political boundaries are important to understand in order to review the enduring old as well as emerging new water injustices here.

3. The socio-political context of Darjeeling district

Darjeeling district is currently located in the State of West Bengal and consists of Kalimpong, Kurseong and Darjeeling sub-divisions in the hills and a plains sub-division of Siliguri. The political demand for a separate state of Gorkhaland corresponds only to the three hill sub-divisions, which are currently governed by the newly created [2011] Gorkha Territorial Administration (GTA).

Map 2: Darjeeling District of West Bengal bordering Nepal, Bhutan and Sikkim

Darjeeling district was once part of the Kingdom of Sikkim, Bhutan and the Gorkha Kingdom (current Nepal), prior to being annexed to the Bengal Presidency of British India in late 1835 (Dozey 1922; Poddar and Prasad, 2009). Indra Bahadur Rai, a local writer tells poignant stories of how employment in the colonially established tea and cinchona plantations, and promises of recruitment to the [then British] Army seduced large populations of impoverished ethnic groups primarily from Eastern Nepal to move into the Darjeeling region. The hill sub-divisions thus have a majority Nepali population which is nonetheless diverse in its race, ethnicity and caste. This in-migration added to an already diverse ethnic composition of the "first people" of this region, which includes ethnic-tribal groups like the Lepchas, Magars and Limbus (Chettri, 2013). There was also a smaller in-migration of communities engaged in trade and other professions from Bhutan and the plains in India.

While there is little information on prosperity under a colonial government there is nonetheless widespread belief locally, 'that the only development that had ever taken place in Darjeeling had been during the colonial time whereas after [Indian] independence the place

was neglected and the wealth declined' (Wenner, 2013, p. 209). Indeed, Darjeeling is one among India's 100 "most Backward districts" (Aiyar 2003, p. 21 in Chettri, 2013, p. 296). Political propaganda as well as some academic articles draw rather simplistic pictures of the "non-development" of Darjeeling and the political conflict for a separate state of Gorkhaland. Ganguly (2005, pp. 468; 497) speaks of the minority Gorkha community under the 'colonial administration of the [majority] Bengali-dominated West Bengal government' and presents the "non-development" in universalized problems of a shortage of water and power, poor roads and infrastructure and lack of higher education institutions, blaming the 'skewed combination of [ethno-economic] injustices... to have instigated the "minority Gorkhas" to an organised political movement'.

More nuanced analyses of the situation point out that 'the persistence of economic [and infrastructural] deprivation and poverty in the hills' is 'rooted in colonial capitalism [pre- and post-Independence] and class' and linking these fairly straightforward economic disparities to 'kinship, descent, language or other common ethnic markers' is problematic (Chettri, 2013, p. 294). Chettri (2013, p. 296) notes that it is in the plantation estates that the deprivation is most obvious - rooted in a 'culture of [asset-less] poverty, dependence and subservience' and it is only here that one finds an entirely Nepali Gorkha community. The rest of the District, especially the urban settings, are ethnically diverse and socio-economically stratified. Nonetheless such a framing has served well to mobilize political support for Gorkhaland. Braubaker (2009, p. 34) notes that 'race, ethnicity and nation are ways of making sense of the world... of interpreting one's problems and predicaments', but that these stratifications also serve to prioritize 'interests... [selectively] filter what is noticed or unnoticed'. The 'ethno-symbolic' call for Gorkhaland has thus served to 'legitimize claims on territory and to mobilize the "locals" to take part in the struggle for self-determinism' (Wenner 2013, p. 205). However, there is much ambiguity in what Gorkhaland will deliver and for whom: an Indian identity for the Nepali Gorkhas; due national recognition; autonomy over local resources; better prospects for development; water and environmental justice?

In the last four decades, the struggle for Gorkhaland has been punctuated by a series of compromises with the State of West Bengal for various partially autonomous local governments. Unfortunately, these institutions have not delivered on the proclaimed promises of self-determinism and justice. The former Darjeeling Gorkha Hill Council (1988-2007) under the Gorkha National Liberation Front (GNLF) as well as the current Gorkha Territorial Administration (2011 to date) under the Gorkha Jan Mukti Morcha (GJMM) are both noted

for their corrupt, manipulative and coercive governance (Wenner, 2013). It is in this setting that I discuss below the water supply situation in Kalimpong town.

4. Wicked water problems in Kalimpong

Map 3: Kalimpong town

Kalimpong town spreads geographically along a mountain ridge overlooking the river Teesta. The diverse ethnic make-up of the town reveals the region's convoluted political history discussed above. This small, hitherto 'water un-researched' town with a population of 74,746 residents (2011 Census, Government of India) makes for an intriguing case to analyse the intersections of justice and water. Firstly, a silence and inaction around an enduring domestic water scarcity in the town contrast with an active contribution of the town's residents to the region's volatile conflict for Gorkhaland. Secondly, decades of a turbulent conflict have resulted in a near complete absence of State- or other external actor-financed water interventions. Nonetheless, the three popular approaches to managing water - by communities, by the state, and through informal, local markets all exist and are operational in Kalimpong. What happens or not around water in Kalimpong thus holds promise to tell unbiased stories about how these arrangements are shaped by, and in turn shape the socio-political spaces in which they unfold.

Referring to contemporary geographers, Castree (2011; p. 45) points out that, 'despite an avowed commitment to the study of complexity, unevenness and path-dependency – water scholars remain seduced by a simplistic, highly moralistic worldview that ranges solidarity, the welfare state and social justice for the poor (all coded positive) against markets, individualism and private property (all coded negative)'. In line with Castree's observation, Kalimpong's wicked water problems refute popular assumptions relating to water justice. Water problems here are "entangled cosmograms" (Farias, 2011: 371). In that sense, there is hardly a distinction between community, state and market systems of water delivery and management. These hybrid systems of water delivery arrangements exhibit a deficit of justice which is symptomatic beyond water - visible in most institutions and governance processes here. Finally, even in a town as small as Kalimpong - class, ethnicity and other divides define that water injustice is not a universally shared experience. These observations, discussed below, contradict popular essentialisms relating to water justice and provide evidence to question the notion of governance related exclusively to water.

5. Water, the good and the bad 'State'

The effectiveness and appropriateness of the state's role in just water management is a topic of much dispute. On the one hand, neo-liberal prescriptions that call for a State withdrawal from public services have been identified as a dramatic loss of the welfare (Indian) state and its official intent to address the fundamental right to water (Cullet, 2009). And yet, the official intent to basic rights to water is often described as no more than a 'mere declaration on paper' (Iyer, 2007; p. 23). In general both arguments for and on behalf of the state are marked in their absence of adequate anthropological and ethnographic empirical evidence of the on-the-ground functioning of state institutions (Rangan, 1997). The nature of water injustices in Kalimpong town raises interesting questions pertaining to what constitutes the State, and which State is to be blamed for the current state of affairs relating to water injustices.

The State government of West Bengal is popularly blamed in Kalimpong town for all woes, including water. *'Why do we not have water? What happened to the water promised to us? For this, you needed to ask, Jyoti Basu, the former late Chief Minister who ruled a Marxist State of West Bengal for about 25 years'* (Prasad, 2012). Indeed, in the context of Darjeeling district, it is hard to conjure images of a welfare Marxist Government that is believed to have been essentially social-democratic in its ideology, program and policies (Kohli, 1991). The State's exemplary pro-poor land reform and redistribution measures were rarely implemented in Darjeeling District. As late as in 2003, only 13.69 percent of the area was under reform here (Sarkar, 2010). Further, the cadre of poor, landless plantation workers who unstintingly supported the Marxist government for over two decades, were ignored. There was little reform in economic and social problems, including land rights for these estate comrades.

It is hardly surprising then, that in the 34 years of a Marxist government, the State-run Public Health Engineering Department implemented only one water-development project in Kalimpong. However, post-completion of the Neora Khola (Neora River) Water Supply Scheme, most of water was allocated to the military cantonment located at the head end of the scheme. A tight fist under-allocation of State resources for water development was accompanied by early hydropower development projects which, as discussed below resulted in uncompensated displacement of local communities. Local-State government relations appear undeniably skewed (Chettri, 2013).

This explains why the Kalimpong Municipality responsible for water supply to the town operates on a vintage water infrastructure dating back to British colonization. The town's collapsing waterworks and supply pipes are only occasionally and irregularly patched, as and when funds are made available through the Public Health Engineering Department (PHED). Until 2011, the PHED was under the jurisdiction of the State Government and manned [pun intended] by non-local, out-of-the region, frequently transferred Bengali officers, who were accountable to the Government of West Bengal and not to Kalimpong residents. However, as indicated by the town's more articulate residents, local politics and politicians define who can blame the State [State government], how and when: "*On the day, the former [late] Chief Minister of West Bengal, Jyoti Basu came to inaugurate the Neora scheme, I proposed that we line the streets with people waving black flags and empty buckets; that we beat the metal buckets and create a din to show that there is nothing really to inaugurate. However, we were silenced by our [local] politicians into welcoming him with ceremonial white scarfs. We were forced to applaud the inaugural of a scheme that delivers us no water*" (Joshi, 2012).

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Research in 2011 and 2012 in Kalimpong shows that only around 30–40% of the town's residents are formally connected to the official water supply. These connections mostly deliver erratic and inadequate amounts of water and reliable access requires illegally connecting to supply pipes closer to the collection and storage tanks, which are located in the more elevated parts of the town. Such connections, as pointed to us by the municipality plumbers who perform these tasks, cost around 75,000 INR (~US\$ 1500). This money is to be paid under the table to the plumbers, who claim that this is then passed on to other higher officials (Dixit, 2012). It is unclear how many local people indulge in such extravagance, however, most households connected to the official supply system in Kalimpong are required to pay around 5000 INR per month (~US\$ 100) as fees to appease the municipality technicians. Such fees do not spare the household members from having to wake up early each morning to see whether water will be available, as the supply is intermittent, sometimes only once in 8 days, or to find innovative ways to ensure suction and pressure to get the water flowing in one's pipes. Not paying anything means unreliable water, even if one has an official connection (Dixit, 2012).

Local politicians in past and current local governments say that water as well as several other problems will be resolved entirely only with Gorkhaland. These promises sound hollow as in the four decades of different arrangements of local governance, partial or otherwise there has been little improvement to the domestic water supply. There are only a few

who dare question why the crisis of water does not figure in the contentious politics of Gorkhaland: ‘Nobody dares to raise their voice against the [local] government. Until and unless a true and sincere leader is born in Darjeeling, the water problem will not be solved because water crisis is the only easiest way to keep the young generations engaged in [conflict] and indirectly prevent them from... being educated’ (Water&Culture, 2011). In general, questions relating to water rights, related indignities, as well as the need to raise these issues in the public, political domain are evaded by most.

6. The community, the collective, and public access to water

In Kalimpong whether one is connected or not to the official water supply system, one must pay to have access to water. This is the reality, unless one is a VIP (Very Important Person) living in or around the locations which house senior government officials, where the official infrastructure is best maintained; or endowed with water resources, i.e. natural springs located in one’s private lands. In the deeply feudal agrarian social structure of Kalimpong, such privileges are not available for significant numbers of “nowhere people” lacking both material and financial resources’ (Sarkar, 2010; 99). These residents need to make the physical trip to public springs where the wrangling over water intensifies especially in the lean pre-monsoonal months (March to June). Even in this small town, there is no such thing as a shared water crisis.

Kalimpong’s many non-governmental organisations (NGOs) advocate the relevance of public, communal water resources, and emphasize communal management of these traditional systems. Their hopes and belief in reviving communal management of water are unfortunately not shared by those who use and rely on these common sources of water. The women and men we met at the town’s largest spring, *Bagdhara* (tiger’s spring) are compelled to come here day after day, because they have few other options. They see themselves as the disadvantaged – albeit differently: by unique intersections of class, caste, ethnicity and personal fortune that life brings in terms of marriage, life partners and children. None of the women we met here wished to or found pleasure in washing clothes, bathing in the open or having daily fights over water in wide public view. These were unavoidable realities. The *Bagdhara* was constructed in 1922, primarily to provide water to traders on the Kalimpong-Tibet trade route. The town has grown enormously and the spring no longer offers privacy and convenience to a growing population of users. Here the lines to fetch water extend over a mile in summer months and people need to be up at around three or four am if they

desire undisputed access to water. As dawn breaks, so does conflict, tension, anger and disillusion around the fountain. Such experiences are common across the region.

There are many who come to Bagdhara every morning and evening. This includes young as well as elderly male economic migrants from neighbouring Nepal, who heave several rounds of 50 litre plastic cans of water, up and down the steep mountain roads for a pittance - 15 to 20 INR [0.30 to 0.40 US\$] per load of water. A significant number of long-ago migrants from Bihar, who run impoverished businesses in the town's congested centre also fetch water from this spring. The Gorkha status of these non-Nepali men and women is always questionable, and in these communal spaces, they were often the butt of supposedly harmless, but nonetheless distasteful Bihari jokes made by the more local others. It was thus not surprising that while many of the Nepalis we spoke to at Bagdhara expressed fragile hopes that their realities might change with Gorkhaland, an impoverished Bihari tea-shop owner, on conditions of anonymity said: "*There is no justice here, not for water, nor for anything else. There is little hope of justice for people like me*" (Joshi, 2012).

7. Neoliberalism and the commodification of water

As discussed above, an illegal water market functions within the dis-functional state and illegal payments are sourced to the official and political hierarchies. In addition, a formal water market, registered as the Kalimpong Water Supply Drivers' Welfare Association is the lifeline of most residents and businesses in the town. Such a local market is obviously quite different to water markets described in the context of neo-liberalism (Bakker, 2007). However, the monopolistic ways in which it operates under the patronage of local political leaders is not very dissimilar to other water markets.

In March 2012, municipality authorities who generally ignore and overlook the private water vending practice, informed the town's residents that the water supplied by the Association drivers was coliform contaminated. The vendors were warned of random quality checks. The Association which works under the patronage of local political leaders and functions in monopolistic ways was unrepentant and furious (Joshi, 2014). "We have been supplying water from these sources for ages. To date, there have been no complaints that anybody has fallen ill after drinking water supplied by us. The municipality suddenly decides that the water is contaminated. We will not supply water till the matter is sorted out to our satisfaction" (Rai, 2012). This conflict occurred at the start of the dry season in March, when many boarding schools start and the first tourists of the year arrive - both critical income

sources for the town. Contrary to intent, the ironic end to this story was an unconditional withdrawal of this regulatory plan and an issue of apology by the Municipality to the Water Supply Drivers Association.

To conclude, everyone talks about the water crisis in the region, but few are willing to critically engage with the politics of these enduring water supply injustices. Local NGOs carefully define the ‘politics’ of the water crises as outside the realm of their roles as development actors. This segregation of development from issues of politics is not uncommon (Ferguson, 1990). Development actors are well known to assume ‘politically neutral’ perspectives and positions, and thereby ‘systematically erase and replace deeply complex political and structural aspects of poverty [and or inequality/ injustice] with technical development agendas’ (Ferguson, 1990; p. 66). The local political leadership is certainly aware of the water crisis, however, they simultaneously politicize and depoliticize the issue. When questioned about water injustices, political leaders say, ‘one should not mix mundane things like problems related to water, with the agenda for Gorkhaland’ (Joshi, 2012). Often, the water problem is presented as an “urban Darjeeling” problem that will be resolved, funds-permitting through schemes that promise to fetch water for the town’s residents from rivers several kilometers downstream. Such options are technically and financially unviable, however they present a convincing picture of “something being done” to address the water problem. On the other hand, blame is levied on the State government of West Bengal, and Gorkhaland as suggested as the remedy to all problems: ‘Gorkhaland first, then water’ (Joshi, 2012). In the meanwhile, the enduring water crisis and resultant indignities are stoically borne by some, more than others.

8. Emerging new water injustices - the hydropower projects

In the introduction section, I discussed how the recent hydropower development in the Teesta basin as in the Eastern Himalayan region in general are fuelled by claims of renewable energy (hydropower) to mitigate climate change. ‘[B]ut, it is unclear how these projects will risk being skewed for marginal mountain communities in a region that is not only geologically and ecologically unique, but also politically fragile. Further, the seismic activity in the region makes it disproportionately precarious and adds a particular urgency to questions about the kind of development that can best be pursued and where, who will benefit, and who will bear the costs’ (Ahlers et. al.; 1524).

In the early 1990s the Indian power sector started opening up to private sector participation in energy development. Not much later in 1999, the proposed dams on the Teesta river were granted environmental clearance (Asia Foundation, 2013). On paper, these projects promise regional and even global environmental gains from “clean” energy development, and local economic benefits from the marketing of clean, renewable energy (Huber and Joshi, 2013; Ahlers et. al., 2014). However, several inadequacies are noted (Huber and Joshi, 2013). Firstly, national environmental assessment legislation was reformulated in 2006, which makes environmental clearance for hydropower projects a less thorough process (Choudhury 2010). Secondly, new legislation and regulations (the 2003 Electricity Act and the 2008 Integrated Energy Policy) encourages private financing of hydropower projects and enables state governments to selectively enter into joint venture enterprises with private power producers (ADB, 2007; Choudhury, 2010). These interventions strategically reduce the distance between project regulators and implementers. This explains how in the Eastern Himalayas (and elsewhere) State governments of West Bengal and in neighbouring Sikkim, agreements to divide the river for hydropower development happen rather arbitrarily in the absence of any formal state policy [yet] on hydropower development and with little to no civil society engagement (Yumnam, 2012). It is not surprising then, that these developments are reported, in the case of Sikkim to result in “consortiums of convenience”, bribery, collusion and manipulation (Syed and Dutta, 2012; 1).

All the hydropower projects proposed in the region are presented and promoted as environmentally sustainable “run-of-the-river” (R-o-R) schemes. These R-o-R dams are claimed to be socially and environmentally ‘benign’ alternative to traditional storage dams, because they submerge less land, and because no water is permanently withdrawn from the system (Vaghlikar and Das, 2010). However, these projects are significantly large, often diverting the river through underground tunnels usually of several kilometers length, so as to acquire sufficient ‘head’ to generate amounts of electricity comparable to those produced by large storage reservoirs. A 2013 expert committee review of hydropower projects in the (Indian) Central Himalayas has identified that there are few scientific parameters in place to assess the impacts of hydropower projects on the mountain hydrogeology, in terms of deforestation/tunneling/ blasting/reservoir formation etc. (SANDRP, 2014). This report speaks of irreversible impacts on the environment, including on biodiversity. It is pertinent then, that regional and national environmental actors, activists and organisations critique the environmental impacts of these projects, as well as the new institutional modalities resulting from a rapid neo-liberalisation of the energy sector in India (Huber and Joshi, 2013). What I

discuss in this paper is the fact that even as a rapid transformation of Himalayan waterscape was blatantly visible, local resistance to large dams was conspicuously absent in the Darjeeling region. Discussions with project-affected communities provide some insight into why this is so: *'We do not know about other places, but here (in Geil khola) and also at the 29th mile, the dam building has completely consumed us. The National Hydro Power Corporation (NHPC) has destroyed our lives. They have made us unemployed, destroyed our house, our children's education, and one day this whole place will be destroyed. Earlier, this place was very beautiful. People came from neighbouring areas for fishing. We used to earn a decent living wage from fishing, sand mining and pebble collection activities along the river bank. All of that has now stopped. Initially, the NHPC promised to relocate us and give us a compensation, but that has still not been provided. Our leaders should know better but we believe that they have been bought (bribed) by NHPC. Instead of fighting for us, they are silent and we are, in turn, warned to not raise our voices. This, even though we are now living over the river – which is now a large swelling reservoir. Our houses have tilted towards the river and there are big cracks on the walls. During the monsoon, we look out of the window all night in fear that the water may rise and drown us. If the water crosses this check-dam (wall) we will be drowned. We do not know where we go from here. Even if they (NHPC) pay us, how can we leave this place?'* (Rai, 2014).

Some local NGOs, under assurance of confidentiality, confirm the political threats and coercion that they also experienced when they tried to publicly raise dam-related concerns. Although it can hardly be verified, the local hearsay is that the NHPC and other private developers have paid local politicians to keep silent on the hydropower projects. And if not, then the recent dam building does not appear to be an issue of conflict between the local and the State government.

Map 4: Map of Hydropower projects in the Teesta Basin (SANDRP)

It is interesting to understand that decades of conflict in the region have resulted not only in a certain developmental isolation of the region, but have also served to discourage and disable relationships of local communities with the country's articulate environmental justice network and civil society. Intensified dam building on the lower Teesta coincided with a second phase of a struggle for Gorkhaland (2007- 2011). Initially local NGOs and project affected communities worked alongside "outsider" NGOs, such as the North Eastern Society for the Preservation of Nature and Wildlife (NESPON), to contest the National Hydroelectric Power Corporation (NHPC) for implementing the Teesta Low Dam Projects (TLDP) III and

IV. Together, these actors pointed out the violation of legal provisions in relevant national acts and legislation in denying access to information about the project to the local communities (Dubey et. al. 2005). However, NESPON is based in Siliguri town and comprised predominantly of Bengali leadership and staff. In 2012 and 2013, during the time of our research, certain local community members, for example in the 29th mile region, were being blamed and threatened by local politicians for siding with ‘outsider Bengalis of NESPON’ (Joshi, 2013).

However, there is also significant discontent among local communities on why the dam building is an issue of great concern for “important outsider” environmental activists and actors, even as the enduring water supply challenges have had little prior support, representation and redress in national environmental politics and interventions. As an elderly resident in Kalimpong pointed out, ‘Water is indeed a basic right. But where are those [institutions] supposed to assure [those] rights?’ (Prasad, 2012). It is important to note here that small-scale (run-of-the-river) hydropower projects were implemented and have been in operation in Darjeeling district since colonial times; the oldest being the Sidrapong hydel station, which dates back to 1897. Post-independence the Government of West Bengal implemented several hydropower projects in the hill regions of Jaldhaka and Rammam. These date back to a time when there were no formal national policies for resettlement and rehabilitation. Nonetheless the local people had been promised employment on the project / power plant and compensation for loss of land and livelihoods. Speaking of one such project, Rai (2002) notes, ‘Out of 500 people who lost their land, only 120 were given compensation. The rest are still waiting for the promised money. After 30 years, they don't have much hope’.

Thus, stories of accumulation, appropriation and dispossession are not new here. In the same manner in which newly generated power is planned to be transported through extensive grid networks to fuel mainstream West Bengal’s growing energy needs, the power generated through earlier projects too did not serve local needs. What was important locally was for the new injustices relating to hydropower projects to be seen and talked about in the context of enduring old water injustices. The latter would include unresolved dam injustices of the past, as well as the historic inattention and under-investment in water supply and irrigation development in the region, which incidentally make for a dramatic contrast with massive injections of state- and private- capital for new hydropower development in the region. The fact that old injustices are unnoticed by actors and advocates contesting the new hydropower projects is an issue of deep concern – which serves to further isolate the locals.

This raises questions on ‘what justice with and to [water] environment might mean’ and to whom (Williams and Mawdsley, 2006, p. 661).

9. Conclusion

How anecdotal is this story of uneven, complex challenges around water in the Darjeeling district and, what relevance does the story hold for contemporary thinking around water and justice? I have tried to analyse these issues in the light of normative claims of justice identified as synonymous with certain institutional models of water governance (Castree, 2011) as well as in relation to the epistemic separation of justice as related only to ‘water’.

In the Darjeeling region, the silence locally around enduring old as well as emerging new water injustices speak of ‘historically entrenched configurations of unequal spatial developments and legacies of socio-political contestations’ (McFarlane, 2011; 380). On the one hand, skewed local-State relations incite popular images of a coercive, alien tyrannical State. These articulations are invoked by local politicians who construct an almost fatalistic perception that ‘everything will be resolved *only* through a separate state of Gorkhland’. The decades-long conflict and its ramifications at scale have disallowed and discouraged solidarity and connect of local communities with environmental justice advocates and activists from outside the region. However, it is also equally true that ‘the space of politics... where citizens [are] related to the state through the mutual recognition of legally enforceable rights in a wider domain of a political society’ has not really been available to the residents of the Darjeeling region. At least, not in the ways in which articulate “outsider” actors engage with governmental agencies on claims of environmental injustice in the case of the new dam projects in the Himalaya region ‘through... process[es] of political negotiation[s]’ (Chatterjee, 2011; p. 14-15). Thus, there is a certain moral authority in the passionate local call for an ethnoenvironmental movement - a “mato ka prashna” mobilization.

Unfortunately, the movement has acquired a narrow, divisive and exclusionary identity-ethnicity frame of “Gorkhland for Gorkhas” (Wenner, 2013). And, because class, ethnicity and other divides determine that there is no shared experience of a water injustice, the issue rarely translates to a political momentum at scale. Water becomes everybody’s problem and nobody’s business. Indeed, on the ground, it is only rarely that water defines or shapes everyday governance and politics at the local level.

Clearly then, justice generalizations make for problematic translations locally. It appears far more relevant to understand processes and conditions that produce [or don't] equality across different sites, and to view how "these" intersect with policies and tools to operationalise water governance (McFarlane, 2013). Comparing the Kalimpong / Darjeeling case to water governance and justice experiences in different urban contexts – from Bogota in Colombia to Mumbai and Rajasthan in India suggests uniquely diverse complexities of locational politics and environmental injustices (Farias, 2011; Gilbert, 2013; Gandy, 2008; McFarlane, 2011; O'Reilly and Dhanju, 2012. etc.). It appears then, that "anecdotal" is in fact the norm, and not so much the exception. In other words, it makes little sense in generalizing about water justice, or about water governance in general, as this would imply, 'assuming in advance that the "social" or the "material" are likely to have more impact in particular contexts' (McFarlane, 2013; 381).

It is popularly argued that, 'water is not simply a material element... [that] it is a critical dimension to the social [and political] production of space' [in other words], in restructuring space... (Gandy, 2004; 374). Such arguments are particularly evident in the talk of a 'repoliticization' around water in the Latin Americas, of a repoliticization by 'distinct backlashes against predominant trends of free-market reforms... overseen [historically] by... centrist technocratic governments... (Castañeda, 2006). However Gilbert (2013) warns of falling into the trap of generalising. On the one hand, he argues, 'Latin America is not China and is most certainly not like most of Africa or the Indian subcontinent' (ibid; 628). Secondly, taking the example of Bogota, he (ibid; 630) warns of 'carousels of corruption' persisting - regardless of left or right wing governments.

In a world of complex ground realities, water problems will always be "wicked", making water justice a problematic puzzle rather than as simplistic cases to be resolved through 'mere technological-managerial processes and decisions' (Swyngedouw 2009; 605). The enormous optimism to define the grand development project to align justice and governance, including of water through broad-brush ideologies and strategies need to take account of the fact that governance challenges [and therefore water challenges] are complex, 'evolving, heterogeneous and unevenly dense' (Chatterjee, 2004; 4). This paper explains the need for analyses that 'situate [diverse] social and material' contexts (McFarlane, 2013; 381). Understanding governed and ungoverned spaces seems integral to understanding how different approaches to managing water [may] take root, unfold and shape water access and availability.

The empirical research leading to this paper is summarised in a video-documentary, 'Water'. This video having made way through informal networks and contacts resulted in interest by well-intentioned outsiders, such as the Colorado branch of Engineers without Borders "to do" something to ease Kalimpong's water woes. The question is - are these hand-outs the only ways to a semblance of water justice here or can one hold on to utopian hopes for 'justice to emerge *here* and to *go beyond water*'?

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