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NORTH BIHAR RIVERS NEETI SAMVAD

Forum for the policy dialogue on the river basin management in North Bihar

[18th December 2008]

[Prepared by Dr. Onkar Mittal(o_mital@rediffmail.com; tel: 09818110784) as a discussion document. Inputs were obtained from Dr. Vijay Kumar, Bhagalpur and Shri Raghupati Ji, Patna. A Hindi version will be circulated within a fortnight]

NORTH BIHAR RIVERS NEETI SAMVAD

(Forum for the policy dialogue on the river basin management in North Bihar)

An Appeal to the people of Bihar

1. Recent Floods

The floods have been recurrent calamity in Bihar. Unfortunately, in past few years, particularly in the year 2004, 2006 and 2007 and 2008 the intensity and ferocity of floods have further multiplied. ***In fact the floods of 2008 occurring as a result of breaking of Eastern embankments of Kosi, for the first time upstream of the Birpur barrage in Nepal, is the biggest disaster and calamity that has fallen on Bihar.***

The Kosi embankment (locally called as the eastern afflux bundh, was breached near the Kusaha village in Nepal, in August 2008, turning four Panchayats of Nepal into a watery grave. These Panchayats are Western Kusaha, Sripur, Haripur and Laukahi with a population of nearly 35,000 people. Counting continues about the number of villages trapped in floodwaters in Bihar. The districts of Supaul, Saharsa, Araria, Purnea, Katihar, and Khagaria had to bear the brunt of the unexpected floods.

According to official sources, nearly 35 lakh people have been hit by the floods in these districts. Nearly 3 lakh people have been evacuated from the engulfed areas. Nearly 4 million people, living on the eastern bank of Kosi, from kusaha to kursela, some in Nepal and mostly in the districts of Supaul, Araria, Purnea, Saharsa, Madhepura, Khagadia, Katihar and Naugachia were suddenly affected by this disaster. It will be a misnomer to call this event floods, as the discharge in the river at that time was only about 1 lac cusecs, much below the norm of 4 lac cusecs when it is labeled as floods. We have, in fact called it ***jal-narsmhar*** or ***water- genocide***. This event has proven to be a total disaster, as the river suddenly changed its course due to the breach in the embankment and deluge overtook millions within no time. It must be borne in mind that the people in these districts had not faced floods for the last fifty years. It took more than a few days for the government to respond with rescue and relief measures. It has been our endeavor to raise the voices of the people from below, call the attention of the government to various measures needed on the ground and hold government accountable for its actions.

It is very important to keep in mind that other districts of Bihar on the western side of embankment have also suffered from floods this year, as in the previous years. The total number of flood affected districts is eighteen. The misery of these people is no less than the people on the other side of the embankment. Unfortunately all the attention, including that of the state government seems to be focused on the five districts on the eastern side and the relief and rehabilitation needs of other affected people have been almost totally neglected.

2. The Rescue Operations

The rescue of people began only after they were forced to wait for days and weeks. Shockingly, the people coming out of the boats were screaming and complaining that their kith

and kin in the villages who were sick and starving, should be rescued immediately. Army Commander did not even have a list of the villages along with the number of families and people to be rescued. The rescue operations picked up the survivors, though these could not access a large majority of marooned people. The people in these areas managed to survive engulfed in water. Thousands of people in large numbers, village after village, were seeking haven on rooftops and canals.

Thousands of cattle, unattended, lay scattered all over the relief camps and are also visible in large numbers on the roads that lead from the flooded villages to the relief camps. Even those people, who at times thought of staying put in the villages, had to take a decision and leave the villages, as the meager food grains, which was until now saved from submergence, got exhausted. The aerial dropping of food packets, had proved to be unsuccessful. It was necessary that some other method be used instead and the number of boats be increased even to reach out with food supplies, to all those who were still there in the villages. Fuel was an urgent need for a well-planned and well-mannered boat-use system. All necessary things should have been provided at all rescue points, which are effective guidance-support centres that could co-ordinate with every relief camp.

Therefore the relief operations, which were confined to relief camps in selected locations could reach to only the few of the affected and most affected were left out. The relief that reached the people was not adequate. Large majority of them were left to be braving floods without any external assistance. It has been claimed that there are areas where no government relief has reached. It might be said in defense of the government perhaps that, no government in our context can reach out to such a huge number of people immediately. It is innovation, courage and communitarian orientation of our common people that they are able to survive the brunt of such calamities.

3. Relief measures

Herculean measures were adopted by the civil society in Bihar, NGOs and the agencies of the state government with support from central government to provide rescue and relief to the affected people. However there was almost total failure of the government machinery in providing effective rescue operations, instituting effective relief measures and providing adequate compensation and rehabilitation. There was inordinate delay in delivering of the food grains provided by the Centre reaching to hundreds of villages.. A functional and accessible Public Distribution System should have been immediately put in place and the state should make available adequate quantity of food grains and Kerosene at all relief camps including those being run by civil society and NGOs.

The unfortunate four million people in these districts bear with their sufferings helplessly and with sense of resignation. Despite the massive relief operations, there is total dissatisfaction amongst the people with what has been done. Instead of being satisfied with the honest and

sincere efforts of the agency of the government, people are totally dissatisfied and disenchanted , because it is honesty and sincerity which is lacking in the efforts of the various government agencies and NGOs. ***Necessary action must be taken by the State and Central government to institute the third party monitoring of the relief measures to bring order and ensure that effective relief and rehabilitation measures are not denied to the people of Bihar in this hour of crisis and human tragedy.***

4. Rehabilitation

Bihar needs a new vision today for its development, for effective basin management, for effective rehabilitation of the thousands of families disposed due to this unfortunate calamity. These measures will take time. For next few years, there should be a special package for the flood ravaged areas. The farmers need to be provided seeds, equipments, credit and technical advise to resurrect the agriculture. The artisans needs support for cottage industry. The landless need special employment programmes instead of forced migration. These can be used to resurrect the supporting infrastructure and sustainable flood prevention measures. ***What Bihar needs is a new master plan or Marshall Plan. Unfortunately such a vision is lacking today and Bihar is forced to resort to self pity and despondency. Anew lead is needed for giving a new hope to Bihar.***

5. Why did this deluge take place?

In this unfortunate scenario, there is a foremost question in everyone's mind, as to why the embankment breached in the first instance despite being no pressure of water. The situation is complicated by the dual and overlapping role of the Central and State governments in the management of the river basins. The Central Government/PMO has constituted a committee which has found reasons to blame the state government for the breach in the embankment. The report of this committee is not available in the public domain. However the Central government has not allowed the State government to constitute its own committee to investigate the breach in the embankment. The result of all this confusion is that truth has not come out in the open and all kinds of rumors are in the air. While the element of neglect in maintenance and error in timely repair is the natural inference, the situation is complicated by the fact that till one day ago (17th August, 2008) the control room in Patna had received no prior warning about any impending breach. On the day of the breach, the water level was minimal. Only two spurs have broken down in the afflux dam at 12 and 13 km and the breach in the eastern wall. ***There is a very strong belief in the people in the area, that the breach could be act of sabotage, which is a very serious matter and needs a thorough probe. The state and central government should immediately constitute a judicial commission to investigate the causes of the breach of the embankment, under the serving judge of the High Court, to find the guilty and punish them in a time bound manner.***

6. Long term measures

It should also be kept in mind that at least 1/3rd of these people have already migrated out of state of Bihar for their very survival. An unfortunate and perverse euphoria also prevails over the so-called positive impact of the migration for the people and resultant post-office-money order economy of Bihar. It is also said in some quarters that since the poor and downtrodden are migrating out, it also provides a solution to the problem of 'naxalism'. A virtue is tried to be made out of the tragedy. The massive and chronic suffering of the forced migration, the pains of the loved ones left behind and the loss of culture and heritage of the State and people is something totally forgotten in this perverse effort by those who are essentially criminal beneficiaries of this mis-management and mis-governance. .

We, as a nation, today suffer from a very divisive and fragmented polity and the lack of an effective voice of the civil society. This has led to a situation where the various arms of the state and government are not really accountable. It is clear to us, based on our understanding of the floods problem in Bihar and our interactions with a cross section of people in the last few months that the whole response of the government suffers from a bad conscience. This is due to the ill-deeds and wrong policy options adopted in the last sixty years by the successive governments. There is a general tendency for the various political parties to blame the other for the errors of omission and commission in their own successive regimes. At the same time the bureaucracy blames the politicians, the technocracy blames them both and the civil society blames all three. (Very recently the Government of India has declared the river Ganga a national river and the future implications of this decision on the respective responsibilities of the central and state governments in management of river basins in Bihar need to understand with all its ramifications.)

No formal evaluation of the massive investments made in the embankments on the rivers of Bihar has been undertaken by any agency of the state or central government in last sixty years. However there seems to be an overall consensus in all quarters, irrespective of class creed or ideology that the measures undertaken have failed to deliver the goods and situation has only worsened. However, the views totally differ on what should be the solution today. One of the key questions today is whether the current breach in the eastern embankment can be repaired now or should it be repaired at all? The other major issue is whether the solution lie in making a reservoir in the upper areas of Nepal, a policy option not adopted in the last sixty years? There is no clear answer to these questions and an honest and sincere debate is being avoided by all. Avoidance of this debate and sincere exploration of answer to these essential questions will only lead to the repetition of the mistakes of the past and continued misery for the people of Bihar. The Government of Bihar has already embarked in the exercise of repairing the breaching in the eastern embankment. A massive sum of Rs 197 crore has been allocated by the central government for this purpose. We are afraid that without consulting the voices of the civil society and the dissenting experts, this measure is bound to run into difficulties and failure.

7. Polity, Governance and Policy Options

That our state and society does not have the strength to save these thousands, for almost 20 days, is not just shocking but deeply agonizing. The 'State' lacks the capacity to manage the relief operations.. The role and response of the 'State' is admittedly very haphazard and at once, insensitive. This has become very clear to everyone. Many of the important state politicians belong to the perennially flood affected districts of North Bihar and are well familiar with the problems. Whether the embankment breach or not in a particular year, the floods will anyway take place. Hence the flood preparedness should be foremost on the regular agenda of the government. However such a basic action plan has been lacking from the government agenda which is a sad reflection on the status of governance in Bihar. Even the very basic things like provision of boats at important points has not been the part of state's programme.

Citizens' initiatives and civil society groups were the first to reach out and even today many small groups and villagers are supporting the calamity-affected people. The state has chosen not to co-opt and involve the civil society, NGOs, social movements and social activists in ensuring the central grants reaching into all the villages. ***It seems that as a matter of policy, the government of Bihar is not taking the relief operations to the places where the people are actually stranded and limiting it to the relief camps, which majority of the people cannot reach.***

Though the Prime Minister has announced a relief of Rs 1000 crores and made available 1.5 lakh tonnes of food grains to Bihar Government, the role of Centre does not end by this. That no Central Ministerial and monitoring team, assisted by a Central Expert Committee has been constituted or operationalised as mandated by the National Disaster Management Act, 2005 and National Disaster Policy, is a grave blunder, more particularly since of displacement and devastation of the lives of lakhs of people, is colossal. We do expect the state to play a more pro-active role, with diligence and sensitivity with better and co-ordinated planning and public participation

The blame game and mud slinging that is so common to such accidents, are also going on in full swing. Many leaders of opposition have blamed the Government of Bihar (GoB) for the breach while the GoB and its ministers are calling the breach a natural calamity and that the river is now trying to go to the East. This will happen irrespective of which party is ruling the state. The accountability mechanisms are weak at all level.

Except for the provision that every affected family be provided house plots and limited food grains as per the guidelines of the National Calamity Relief Fund, it is quite apparent that the Government of Bihar does not, till date, have any concrete policy for those displaced by floods and calamities. This in fact is the time for the process of formulation of a State Rehabilitation Policy for all those affected and displaced to be started immediately.

Appeal

There are mutually conflicting and contradictory messages from the policy makers in the central and state governments as well as from the NGOs and civil society organizations, both on the causes of this devastation, as well as future solutions. The policy options and technical interventions selected in Bihar in the aftermath of independence of India, i.e. construction of embankments along the banks of flood prone rivers have failed to deliver the goods and flood situation is said to have worsened in last sixty years. The state agencies have failed to take note of this and continued to do more of the same, with no positive consequences. In this context, three sets of critiques have emerged¹.

- One set has tended to blame the governance and corruption in effectively and rationally implementing the given technical interventions, which could have delivered the goods under the ideal conditions.
- Another view has suggested that the ultimate solution lies with building reservoirs upstream in Nepal and only this will provide lasting and sustainable solution to the problems of floods in North Bihar.
- The third set, challenges the very merit of these technical choices, as neither desirable, nor feasible, and asks of living with the rivers without building embankments and stresses on protecting the drainage in the whole Ganga basin².

These debates have remained limited to academic circles and affected people and civil society have failed to find their voices reflected in these debates. There is no mechanism for raising the

¹ Even as relief and aid goes on, there is inept talk from various governments and political quarters in favour of construction of the high Dam on Kosi, and arguments to re-construct the broken embankments or even putting forth the dangerous proposal of inter linking of rivers. The practicality of embanking of a heavily silt carrying river is that the embankments would breach at regular intervals. We have seen so far that the Kosi river has breached its embankment eight times in a span of just 50 years. The government will keep on raising and strengthening these embankments and they would retaliate in a more ferocious way. Obviously, the powers that be, refuse to take any lessons from the past mistakes and their executive wing, the Water Resources Department, is immune to any criticism and learning.

² Ironically there seems to be some ambivalence in this group on the fate of the current embankments in their suggested policy package. To quote from one of the reports: Dismantling embankments- having argued that embankments is the root cause of the present crisis, the Fact Finding mission is of the opinion that firm position may need to be taken to remedy the situation. Though considered unlawful, trapped communities have time and again engaged in creating artificial breaches for draining accumulated water from their surroundings. Although opinions are divided within the Kosi Basin, amidst engineers and social activists, general perception does favor removal of embankments provided the act of demolishing does not create undesired conditions (Underline added) - Kosi Deluge-the worst is till to come- A report by Fact Finding mission)

voice of the people and expression of their views, emotions and sentiments,. There is widespread atmosphere of hopelessness and dejection. Even when a report 'tabahi ki gawahi', was presented by a civil society group, no government representative joined the meetings. **The flood affected people of Bihar are groping in the dark. We need inspiration and guidance from all. We need the collective will of the people of Bihar to turn the fate of these four million unfortunate people, affected by the recent deluge, as well as to find permanent solution to the problem for all the people of North Bihar .**

*There is first of all, in our considered view, a need for all, most of all state politicians and bureaucracy to admit with an open mind the mistakes of last sixty years and the failures of the policy options chosen under whatever beliefs, compulsions, illusions or motivation. **A genuine act of repentance of our collective sin, will give us the moral strength and wisdom to begin on a new path.** Unfortunately such a realization is lacking today.*

A policy formulation needs to begin with the last man (woman and child, dalits and other vulnerable sections with reference to their affected by floods) in view and in consultation and participation of the last person in our policy and civil life (famous statement of the Mahatma). **Unfortunately, our current governance leaves no scope for such an undertaking.**

*The issue of the governance in the entire issue of river basin management in Bihar should be taken up again. The Panchayati Raj Institutions at the village, block and district level should become equal and constitutional participants along with state government and central government in all the issues, policies and administrative action related to river basin management including the maintenance of the embankments. **The role of the respective levels of PRI institutions should be identified and incorporated into the PR Act of the state government.***

*The entire issue of flood management should, **instead of focusing on the upstream reservoirs in Nepal and embankments, should** equally focus on the downstream issues of **drainage and flood preparedness and entire gamut of actions related to river basin management.** The debate and dialogue should encompass **all the rivers of North Bihar and not merely Kosi.** Simultaneously it consider the whole drainage issues upto Bengal and Farrakka barrage, to provide lasting and sustainable solution to the issue.*

(There are obvious international dimensions to this debate and dialogue, more specifically involving people of Nepal and Bangladesh. We are not touching on this issue in this note.)

We appeal to the people of Bihar, the civil society, the panchayati raj institutions, the state government, the central government that:

1. Concerted action must continue to provide relief, compensation and rehabilitation to the affected people.

2. *At the same time, the civil society should become an equal participant in the effort to find the medium and long term solution to the flood problems and management of the river basins and evolution of policy and programmes in this direction.*

Simultaneously, an open and informed debate about the reasons behind the Koshi disaster and recurrent floods in North Bihar must also go on. The people of Bihar must quickly initiate an open and informed dialogue on new perspectives and solutions.

The **North Bihar Rivers Neeti Samvad** proposes to look at the people and river systems in Bihar-Gandak, Bagmati, Kamala, Kosi and Mahanadi- all linked to Ganga Basin, and overall state, civil society and people's perspective for flood prevention, flood preparedness, flood relief and rehabilitation. The debate and dialogue will result in bringing up civil society voices and their incorporation in state policies and programmes. It will contribute to a policy consensus through policy analysis, policy dialogue and advocacy.

The methodology of this **dialogue** would be to give platform to voices of all the state and non state actors to get articulated and heard and chance to interact with one another. At the same time, the skills in policy analysis will be used to put these differing visions and policy choices in a perspective to build consensus and influence the state policy formulations and programmes.

Framework of Analysis

1. **Understanding of the Problem** of Bihar Floods - Underlying dimensions of Bihar Floods- history, polity and technical choices and their interaction
2. **View of the Government and State Actors:** How does the State government see and articulate the flood problem in a Macro-perspective
3. **People's View:** Which are the perspectives from ground level- how people suffer and who are the worst sufferers, including non state actors like NGOs and dissenting experts
4. **Flood preparedness, relief and rehabilitation:** What actions are required for flood preparedness, relief and rehabilitation, what was done – what are the gaps
5. **Sustainable Solution:** Solutions on the table, are they clear, are they appropriate, what do they lack - the task of analysis
6. **Accountability:** Whose responsibility- State government, Central government, which departments- the specifics
7. **Influencing strategy:** Where do we go from here? - What is the new role for different actors with new vision, perspective and programme and how to bring synergy

Current status

A voice of the flood affected people of Bihar

1. General

Twenty Districts of North Bihar are frequently affected by Natural Disasters and can be identified as one of the most disaster prone area in the country. Recurrent incidences of Natural disaster such as flood, earthquakes and famines have adversely affected the development of the area.

Floods are the most common Natural disaster for North Bihar which occurs almost every year. North Bihar is one of the most flood prone area and flood prone state of the country. According to latest available estimates, 56% of the total flood prone area of the country is located in Bihar. It is said to have increased from 25 lakh hectares (1954) to 64 lakh hectares in 1982. The 75% of the Flood prone area is located North of Ganges. The rivers of middle gangetic plain like Ghagra, Gandak, Bhuri Ghandak, Bagmati, Kosi and Mahananda have basins in this zone.

A few embankments were constructed along the rivers in the alluvial plains to benefit the people. This programme was started in 1955 and continues till date. Around 3465 km of embankments were constructed along the river. **Unfortunately, instead of controlling floods and reducing endangered areas, the Flood prone area in the state has increased three fold.**

The floods affect the lives of lakhs of people in Bihar over a prolonged period. They get further impoverished and bear a disproportionate burden. It impacts on physical infrastructure, public assets, and on the livelihoods of the people. They actually turn the development clock backwards. Flood and water logging devastates standing crops and seed plants of paddy. Serious and permanent crisis emerges out of the situation created by flood and water logging affecting livelihoods, employment, animal husbandry and fodder, which ultimately forces people to migrate to towns and cities in search of livelihoods. During the disaster period and after it, people have to survive on debt with exploitative rates of interest which keeps them in vicious circle of poverty and debt. Some of the areas in the state are permanently flood prone and continue to suffer from water logging.

The dalits and vulnerable communities like small and marginal farmers and women and children are the worst sufferers. Often their habitation is located on the lowest land outside the village and is very congested. Their houses are made of mud and thatched roof which are easily damaged and washed away. They have to leave their dwelling places and have to stay at high land several weeks without any shelter. They face scarcity of food, drinking water, medicines and health care services. Conditions of pregnant women, newly born children, school going children and aged and disabled persons become very miserable.

The people on the ground, the civil society and social movements can be the most effective bridge between the agencies of the state and the affected communities. They can suggest

effective options for flood prevention and disaster preparedness and management. They can be of help in rescue, relief, rehabilitation and reconstructions and also in monitoring and feedback. One of the most essential elements of community preparedness for disaster that have emerged from the actions of NGOs and civil society organizations re following:

- *Provisions of Boats*
- *Provisions of materials for making temporary shelters for use at the time of floods.*
- *Preparation of grain storage tanks*
- *High raised platforms for hand pumps to ensure availability of safe drinking water during floods*
- *Special programmes for health, education and organization of children and meeting their special needs*
- *Care and psychosocial support for the mental trauma*
- *Capacity building and strengthening of community organizations*
- *Dialogue by the state agencies with communities for formulating policies for flood prevention and relief and rehabilitation*

8. The deluge in the August 2008: Immediate Issues and measures

A mechanical institution and dispensation of customary relief measures may be face saving for the government of the day but it will not address even the immediate challenges of the day. In this context, the following needs to be taken into consideration:

How the people are affected

The affected people and non-affected people can be divided into different categories, based on their peculiar location and circumstances. This is of utmost to evolve an effective policy and programme response to the tragic situation:

People directly affected

- Out of 1000 affected villages, there are still nearly 200 villages which are till date inundated with water and people are stranded inside. (nearly 1 million people). They

need continued relief and rehabilitation measures and this has not reached them in last three months due to lack of access.

- One fourth of the affected population is managing to stay with their relatives or friends.
- One third of the people immediately affected by the recent floods have migrated to distant places leaving their families, old people and children behind. Many of them may never return to their native places also. The number of these people may be nearly 1.5 million. Large number of these are dalits, ati dalits and mahadalits.
- More than a lakh of people are living on Railway lines and roads at the mercy of God.
- Diseases, particularly diarrhoea and skin ailments were breaking out in the villages and camps. No one was sure about the total number of people whose lives have been lost in the calamity. One wonders whether we will ever be able to compute the actual total number of deaths of people there. For those who have lost everything that they possessed, the life will have to start from scratch.

Status of relief measures:

Policy Issues:

- Need to enforce the relief code on national parameters. Provisions of the national disaster management act have not been implemented.
- There is no clear policy. In the first phase, only relief camps were provided and people who could not reach relief camps got no relief. In the second phase, relief has been announced but it is not clear, for which period. There seems to be no relation to the actual need.
- It is unfair to deprive Bhagalpur district of the relief package as it is severally affected by the erosion and other reasons.
- People of the five districts have been given, in the phase II, one relief package (Rs. 2250 plus one quintal grains) and people of other three districts have been given a different package (Rs 250 and fifty Kg grains) . There is justification for this.

Implementation of relief measures

- Large numbers of non-affected people have also joined the relief camps being run by the government and the NGOs.

- The relief camps have been set up in distant places and people have no means to reach these camps. Even the government boats make illegal charges of rs 50-150. People have to repeatedly go to these camps.
- It is not clear whether the relief package is only for the bpl or for all. This is creating a lot of confusion.
- About 25% of people do not a.p.l cards or b.p.l cards and are not able to get advantage of any relief measures.
- There are all kind of irregularities in the distribution of declared relief of Rs. 2250 and One quintal grains. Some people say that this is to the extent of 60%. **BDOs and Village pradhans** are colluding to provide relief to undeserving villages and undeserving people while genuine people are being deprived.
- If the people raise protests, they are subjected to lathi charge and arrests.

Compensation Package

A compensation package of rs 6000 per hectare is announced by the state government. **This is grossly inadequate.** There are large numbers of issues on this:

- It is not clear whether the provisions of the disaster relief act have been applied or not.
- There is no acceptance of the government's accountability to the breach of the embankment and consequent loss of property of the people- so it is more of a relief and not compensation.
- It is not clear on what basis this sum has been arrived at. People have lost their employment, crop, and cattle, houses and domestic utilities. There may be permanent and long term loss of agriculture land. All these issues have not been taken into account.
- Even in accessing this meager compensation package, there are large number of problems erected by the bureaucracy. Bihar is traditional society and many a times property papers are not transferred from father to son and grandson and the compensation is denied if the property has not been mutated in the name to the person. Similarly if the land revenue has not been paid the compensation is denied.
- Government has announced that it will construct 18,000 houses under the Indira Awas Yojna. What purpose it will serve is not clear.

Other issues related to rehabilitation needs

- Many villages have completely disappeared. Due to soil erosion, many other villages are being subjected to the same fate.

- Most of the flood affected areas are filled with sand and there is very little possibility of sowing the next rabi crop.
- The cattle have died in large numbers and there is no supply of fodder. The people are forced to make distress sale.
- The houses are damaged. The huts are completely destroyed.
- Health and education establishments have come to complete halt in the five districts. The other facilities of life and transportation etc. have also come to standstill.
- There is striking failure of the government in providing medical relief. Thousands from hundreds of villages are suffering from various post-flood illnesses and are waiting helplessly for medical help. They are too sick and too penniless to reach district hospitals. The government needs to establish few small mobile medical teams which will every affected village with high level medicine. Chlorine liquid bottles also needed to be distributed on large scale.
- There are widespread rumors of the trafficking of women and children
- The law and order situation in these areas is not good. There are instances of the looting of the relief material and the local dominant elements are depriving the others of their rights and entitlements. Even the people of the unaffected dry neighboring villages trouble the people from affected villages.
- There is need for large scale employment programmes for preventing large scale migration. A special employment guarantee scheme should be instituted for the flood affected persons for the last three years. This should be used to make check dams, ponds, habitations on high grounds, social forestry and removing silt from the agriculture land.
- The milch animals should be distributed to those who have lost their cattle –free of cost.
- People have lost their equipments of he agriculture and these should be replenished to enable them to restart agriculture activities. Other necessities like seeds and credit , power and other necessities should be made available.
- A new beginning should be made for cottage industry
- Every village should have five boats with boatmen to prevent loss of life in future.

Need for ongoing interventions to preventive further damage from flood waters

- The management of the existing embankment plans leaves the drainage out of site- example of NH-31 and Katihar-Barauni --- no place for the drainage of water
- Increasing water logging in Kursela and people of 10-20 villages have been forced to run away. Not measures were instituted to prevent such calamity.
- Constrution of Fulaut-Virpur road will contain the flood waters from spreading.
- Erosion becomes a bigger issues after the floods but this is not kept in site. People are forced to move from their locations and occupy vacant lands and roads etc. there is no provision for appropriate rehabilitations of these people.

People not directly affected

- There is a draught like situation in areas which are not affected by floods due to lack of rains. The landless are in particularly precarious situation here.

9. How did the breach occur – the culprits should be punished³

- There is a need for the investigation in the whole episode by the serving judge of high court. It should be an open investigation. The initial open hearing in which everybody should be allowed to place his or her views should be of two to three days which should help to frame the issues. The commission should sit regularly and hold its hearings at different places in Bihar and should be mobile. The culprits of the water-genocide- the contractors, engineers, officers and the political leaders should be identified and punished according to the law of the land. This is essential to instill confidence in the common people on the seriousness of the promise of good governance (*sushashan*) and to provide solace to the affected people including those whose near and dear ones have died. This will also send the right message to the officials engaged in relief operations and there will be lesser possibility of bungling in the relief operations.
- The other contentious issues like turning the direction of the kosi river and the lack of action by the governments after the erosion of 1991 can also be the secondary terms of reference for this commission or a separate commission can go into these issues.

Issue of the Repair of the Breach in the Embankment⁴

³ Shri Gorelal manishi had submitted a list of allegations against the secretary of water resources shri V. Jaishankar, on personal affidavit. This described bungling worth crores of ruppees. Till date no action has been undertaken against the person.

⁴ The latest statement issued by the Union Minister Shri Jainarain Yadav for slow work in the repair of the breach despite having spent Rs. 40 crores in last few months. It should be noted that earlier Bihar Government had asked the central government to undertake the repair of the breach.

- The Kosi is not flowing in any defined stream after the breach of the eastern embankment (*compare with the statement that it is flowing through 300 year old abandoned channel; another statement – Kosi is flowing in seven different streams*). It is spread over an area of width of 20-30 km.
- The stream of the river upto the Virpur barrage and further down is filled with silt upto 25ft deep.
- There is a need for consensus and consultation with all interests of the people and different experts on the issue of the repair of the breach. For example the people in the 380 villages inside the embankment (nearly 1.5 million) are against repairing the breach. The people on the western bank may also be harboring similar sentiments.
- The task of repairing this breach seems to be a big contentious issue amongst the experts. Some of them claim that repair of the breach was neither feasible, an impossibility and nor desirable. *According to them, even if some patchwork for repair of the breach is managed somehow, it will not survive the next rains*. However, the Govt of Bihar has embarked upon a scheme of 197 crores for the repair without taking civil society and the dissenting experts into confidence-allegedly due to the influence of AsDB and other international agencies. One of the civil society team visited the breach area in October and November, 2008 and found no visible evidence of concerted works being undertaken for the repair of the breach.

Others – Governance

- The national disaster act and – not operative.
- Civil society (non-NGO) has played a very important role in the initial stages when there was no government relief, as always. This is not reckoned by the state.
- The image of the NGOs and others engaged in relief operations and the politicians has taken a negative beating.
- There is a lack of dialogue within civil society and between civil society and state.

10. Long term Measures

- The total compensation package of Rs. .. crores is required.
- There is large scale destruction of roads, rails, canals, ponds schools, temples and government buildings.
- The problem of barren agriculture land has multiplied manifold in last few decades. In the older days there were large number of *chours* or low lying lands. In the rains water used to accumulate in these areas and in dry seasons, the water used to drain in the rivers and very good quality crops were sown and harvested here. Now due to

accumulation of silt, the water levels in the rivers has gone high and the natural drainage of these areas has destroyed. These areas are water logged round the year and resulting salinity of the land with loss of agriculture production and resulting poverty of the people.

- The fisheries have been destroyed and fifty lakh fisherman in the state have become pauperized.
- It is a big illusion that embankments lead to protection from the floods, as the water level of the river keeps on rising due to accumulation of silt and many of the tributaries cannot drain into the river resulting in widespread water logging.
- This is for the first time that the embankment has been breached upstream of the barrage. The previous breaches were in the downstream areas of the barrage. Moreover the water flow in the river was minimal this time(only 1 lakh cusecs, while flood situation has minimum 4 lakh cusecs of water), how did it cause the breach is a mystery. The PMO committee has taken an easy recourse to blaming the state government, while the commission appointed by the state government has been asked to disband, as it is an issue with international implications. The speculations have been made that this was deliberate breach and this serious matter must be investigated the truth should come in the open. However people have no faith in the judicial commission.
- The linkage to the Farrakha barrage due to higher siltation and resulting impact on the long term solution (not raised by others). Problems of erosion of land in murshidabad and other districts of West Bengal has assumed crisis levels.
- The construction of dam, reservoir in Nepal seems to be emerging the policy measure in fashion as the solution to the problems of floods in Kosi. We have our doubts on it. It is very difficult to build this dam considering in view the ecological, political and security dimensions.
- A holistic policy package based not on flood control but river basin management with measures related to prevention of silting in catchment areas, micro-waster-shed managements and appropriate drainage schemes to provide uninterrupted flow to the rivers in this region are required in active consultation and participation of the people, to the last man and women. We need to be very cautious of the policy packages propagated by the international development agencies and their consultants and negotiate with them on our own terms.

- One of the biggest mistake was to merge seven different streams of kosi in one stream in the year 1954. The best solution is to divide Kosi in seven channels. This will also help in clearing of the silt as well as in irrigation and navigation.
- The people from Maheshkhont to Kursela a population of 1 million is permanently flooded and doomed whether from the eastern side or western side.
- Other than the people affected by the eastern embankment breach, large number of other districts are also affected which are not in the focus.
- Many of the older streams of Kosi are under the control of mafia elements,