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The logo for Doon Library & Research Centre features a stylized green mountain range above the text "DOON LIBRARY & Research Centre".

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A portrait of Nalni Dhar Jayal, an elderly man with glasses, wearing a white cable-knit sweater and a dark jacket. He is standing in front of a large, textured painting of a mountain range with snow-capped peaks and blue-grey tones.

NALNI DHAR JAYAL  
A MANY SPLENDoured LIFE

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# NALNI JAYAL AND THE BATTLE AGAINST THE TEHRI DAM



————— Shekhar Singh —————

I first met Nalni in the early 1960s, when I was in school. Nalni was then Deputy Commissioner of Kinnaur district in Himachal Pradesh, and I accompanied my father, who was also in the Himachal Pradesh government, on a tour to Kalpa, where he was posted. Kalpa was a small town where the headquarters of Kinnaur district were located. Nalni was our host and even then a legendary figure who presided over what was perhaps one of the remotest districts in India. It had taken us three days to reach Kalpa, from Shimla, in jeeps that were stripped down of all peripherals including mudguards, because the roads were very narrow and meant only for horses and mules.

I do not remember many details of the Kalpa trip except that Nalni was a wonderful host and kept us well fed throughout the visit. I especially remember eating a delicious local chapati (bread) locally called *joota* (meaning a shoe in Hindi), and the inevitable jokes about eating *jootas*.

I next met Nalni in the mid-1970s, when I was teaching at the North-Eastern Hill University, in Shillong, and he was visiting Shillong as a senior official in the Government of India. I met him at a formal dinner hosted in his honour by a senior government official, and was reintroduced to him by my host, who knew of my interest in environment and wildlife conservation.

While introducing Nalni our host stressed that Nalni was the officer in the central agricultural ministry who was responsible for looking after forests and wildlife. It was refreshing to meet a senior civil servant who was not only interested in conserving wildlife, but also had extensive knowledge and understanding about the issues involved.

I next met Nalni the early 1980s, after I had joined the faculty of the Indian Institute of Public Administration (IIPA), New Delhi and headed the environmental studies division in the IIPA. Nalni had shifted to the newly created Department of Environment in the Government of India, and sat in Bikaner house. He continued to be a critical green influence in the functioning of the government and guided the newly set up department of environment in its early formative years.

I got to know Nalni well in the late 1980s, when I became a member of the environmental appraisal committee for river valley projects, of the Ministry of Environment and Forests, Government of India. This committee was tasked to appraise, among other projects, the proposed hydroelectric project at Tehri. Nalni, who by then had retired from the government, was one of the prominent opponents of the Tehri dam. As a member of the appraisal committee I had an opportunity to interact with him on many occasions and was struck by his unwavering commitment to the environment and by his deep knowledge about the Tehri project. It was primarily due to the efforts of Nalni and other committed activists like him that the appraisal committee unanimously recommended that the project be scrapped.

Unfortunately, the Government of India and the then environment minister decided to disregard the unanimous recommendations of the appraisal committee and went ahead and cleared the project. Fearing widespread public condemnation, the ministry of environment and the minister took the unprecedented step of not making public the appraisal committee report that had unanimously rejected the Tehri project. Amazingly, even the members of the committee who had actually written the report, were denied a copy.

I managed to surreptitiously get a copy of the report smuggled out by a sympathetic official of the ministry. Nalni, who was then head of the

environmental division of INTACH, organised a press conference in the INTACH office at which copies of this smuggled report were made available to the press and, through them, to the people of India.

Despite huge public outrage, the minister and the ministry refused to respect the unanimous recommendations of their own expert committee, and were also not willing to share the reasons why they thought the project was fit to be cleared. Consequently, on the basis of legal advice, and encouragement from many well-meaning people within and outside the government, Nalni and I decided to file a case in the Supreme Court so that the government would be forced to share the reasons why it had cleared the project, despite the unanimous recommendation of their own expert committee, and these reasons could also be properly scrutinised.

The case was filed in 1991 (*N.D. Jayal and Shekhar Singh vs The Union of India and others*) and the final order came in 2003. Though we did not manage to stop the Tehri project, as was our intention, the Supreme Court did grant various other reliefs related to the environmental and rehabilitation aspects of the project while finally disposing the case in 2003. The Supreme Court transferred some matters to the concerned high court, and this litigation continued for another 16 years or so, primarily regarding the rights of displaced persons. Nalni Jayal oversaw the progress of these cases for over a quarter of a century, no mean feat considering the various other demands on his time and his advancing age.

In 1997, partly as a result of the ongoing litigation in the Supreme Court, the Ministry of Power, Government of India set up a high-powered committee under the chairmanship of Prof. Hanumantha Rao, to examine the progress of the various environmental and social parameters related to the Tehri dam. Both Nalni Jayal and I were members of this committee and worked together for over six months. The committee produced a fairly progressive report which was inevitably ignored by the government. Nevertheless, this gave the committee, and especially Nalni, an opportunity to once again raise in public the various disturbing issues relating to the safety and environmental and social viability of the Tehri project. Though all this resulted in significant improvements in the Tehri project, more importantly it has influenced the

ongoing and future public debates relating to many of the other proposed and ongoing projects. The litigation and people's movements around the Tehri dam have also helped in shaping the new policy and law relating to displacement and rehabilitation.

Though increasing age and feebleness has curtailed the work and travels of Nalni, he is still available to give wise counsel to all those who seek it. He is a legendary figure of our time and certainly a unique example of a civil servant who cared deeply about social and environmental issues and was willing to fight for them.

