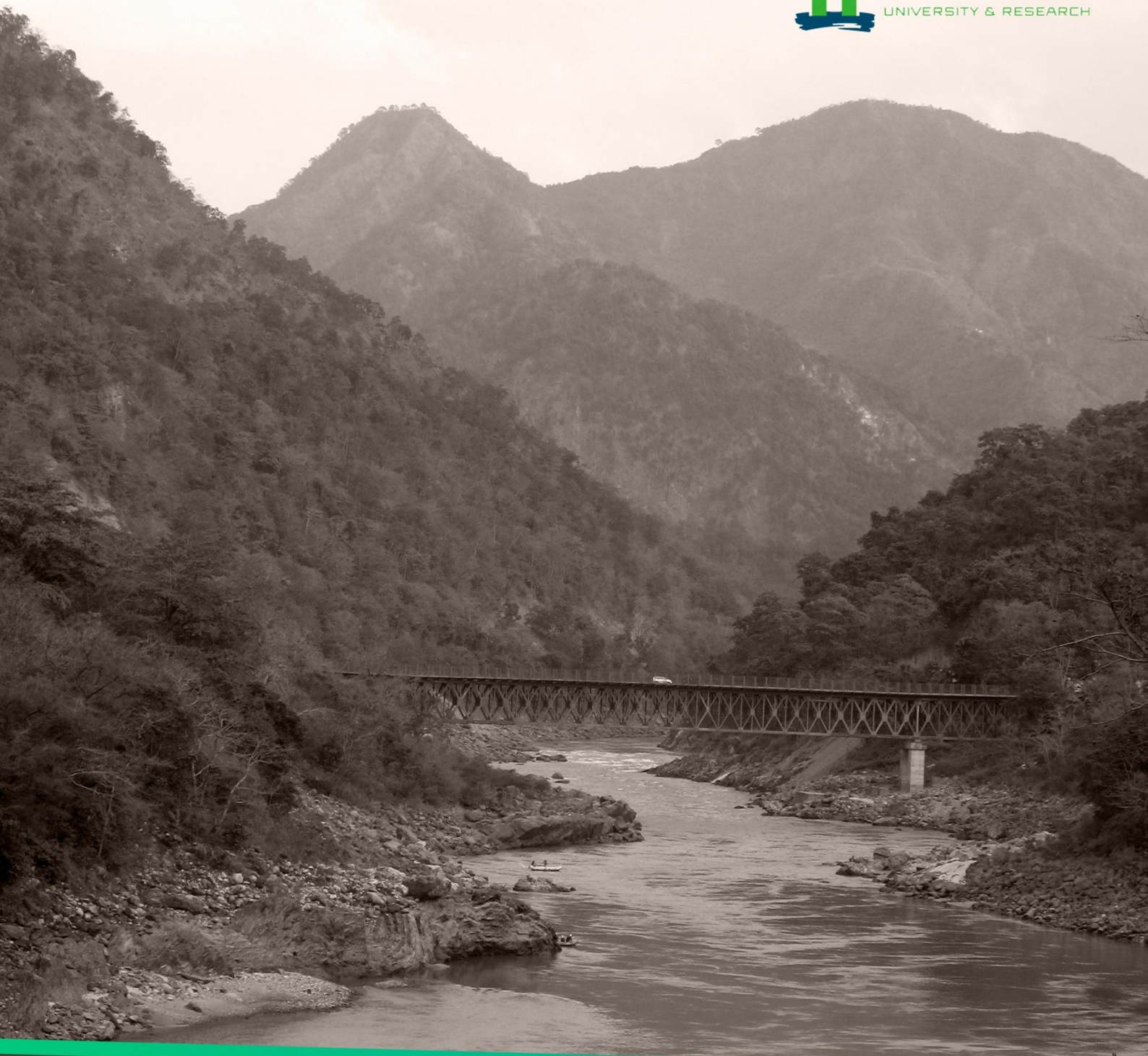# The Politics of Rights of Nature:
the case of India and Ganga river

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Abstract

Conferring legal personhood to nature and individual ecosystems for their own protection is becoming a common practice, already adopted by courts and legislative assemblies in many countries across the world. An international network of organizations and researchers has already started to promote this legal practice and institutions of the like of IUCN and UN have already embraced the narrative of Rights of Nature (RoN). Despite the practical and intellectual allure of considering nature not as a mere object of law, but as a subject itself, a critical look at RoN is needed in a time when one-fits-all-solutions are too often romanticized in face of dwindling environmental and climatic conditions. Whilst acknowledging that RoN can be an important epistemic and ontological compromise between the western and indigenous ways of conceptualizing human-nature relations, it is fundamental to engage with the risk of "depoliticization" and political misuse of such a tool. By using the case of India and the attempt to confer legal personality to Yamuna and Ganga rivers, this research enquires into the political dimension of RoN, understanding it not as a mere legal tool but, rather, as an ontological, epistemological, political, social and cultural intervention that inevitably interacts with and affects the targeted local context. In the case of India, this research investigates the interaction between some dominant political narratives in the water governance of Ganga and the use of legal personality for Ganga and Yamuna. Adopting such a perspective on RoN allows this research to critically reflect and uncover possible distortions in the forms of social and environmental injustices that this tool could potentially bring about or enhance. This research responds to the need for critical studies around legal personhood for nature, thereby bringing to light social and political aspects that deserve as much attention as the legal features of RoN. This research concludes that despite the possibility of this legal tool to break through westernized human-nature dichotomies, RoN risks to be maneuvered in such a way to perpetuate the very same power imbalances already existing in the local context. Ultimately, it risks to further marginalize human communities and, possibly, fail to protect nature itself.

Chapter 1: Introduction

1.1.   Introduction

For centuries the way the western world has looked and understood nature has confined nature to something external to humans (Bennett, 2016). By dividing nature from humans, it has been possible to draw nature into the economic field, thereby exploiting it as a mere natural resource that caters to human needs (Sullivan, 2009). Despite a recent shift of awareness on environmental conservation and protection, we still run the risk of conceptualizing human-nature relation in a dichotomized way, where the two poles, despite being connected, are separated and hierarchically arranged (Bennett, 2016; Uggla, 2017). The legal system we have set up to deal with environmental issues is a clear example of this anthropocentric conceptualization. Environmental law still considers nature in function of human's needs and it legalizes environmental harm and exploitation up to a fixed and agreed-upon point (Lee, 2017). However, according to critics current environmental law is falling short in averting an environmental disaster and societal collapse. Environmental law, critics contend, requires an overhaul that starts from considering nature as living entity and as inherently and inevitably intertwined with humans, thus doing away with human-nature dichotomy (*ibid*.). The debate on the role of legal tools to tackle current climate and ecological crisis does not exhaust in academic or experts' debates. Rather, societal actors more broadly seem to have taken up the debate. For instance, some environmental groups have sued and taken Shell to the Court in The Hague (Netherlands) to hold it accountable for the caused pollution and environmental harm. (CNBC, 2019). Similarly, Extinction Rebellion has been recently advocating for legalizing ecocide and introducing it as fifth international crime at the International Criminal Court in The Hague (Mowat, 2019, Cockburn, 2019). Finally, there are several efforts and social mobilizations to include "Rights of Nature" (RoN) in modern constitutions, that is the attempt to confer nature or single ecosystems legal rights.

Despite differences between these legal attempts, they all come from the very same acknowledgment of the societal relevance of legal systems. As a matter of fact, there is a strict relation between society, law and environment (Stone, 1972; Cullinan, 2011) and these efforts seem to all have an optimistic interpretation over the role that legal tools can have in changing social behaviour, thereby averting the current climatic and ecological collapse. If this is the broader theme of discussion around RoN, I find two points extremely important to consider. These two issues have guided and inspired my research from the initial, to the fieldwork and this final effort. The first point that I find necessary to engage with to understand the societal importance of legal system has to do with the relation between legal systems and governance: how can legal tools like RoN really matter in current natural resources regimes? Would the ground-breaking essence of these legal prescriptions be hold true in the implementation or would it get lost in political and bureaucratic procedures? Evidently, it is necessary to engage with governance schemes and economics regimes to be able to draft an answer to these questions. When taking the example of RoN, this question becomes even more important and Craig Kauffman & Pamela Martin (2017), scholars who have dedicated their research on this topic, seem to agree with it. When analysing the case of Ecuador that in 2008 was the first country to adopt RoN, they wonder whether the provision actually matters. Has it stopped extractivism, mining and, more generally, environmental harm? Ultimately, I believe, it is a matter of what position RoN have in the current economic and political scheme of natural resources governance.

The second point that has inspired my research has to do with RoN provisions and their *political* nature. RoN promoters often (but not always) claim that a single legal tool will not serve much if it is not followed by a societal, economic and political overhaul to allow an ecocentric paradigm shift (Brown, 2015). As I will explain in my theoretical framework, I read these systemic demands as "political" because they dare to question the very same framework (most of the time orthodox economics and neoliberalism) that is causing the problem - in this case socio-ecological harm. However, again, a question raises: how will this "political" challenge be maintained when these legal provisions will be adopted and normalized? As I will explain later in this chapter, RoN are heavily influenced by indigenous knowledge and they can represent a true rupture with the way we

intend and experience our economic and governance system and even our position, as humans, in relation to nature. These are questions that go well beyond the simple legal provision and its relation to governance scheme, therefore they deserve to be addressed with due consideration.

I like to think of these questions as *strong questions* in the meaning that Boaventura de Sousa Santos gave in Epistemologies of the South (2015): these are question that deal with the very paradigm that defines what it is possible and what it is not. Ultimately, I want my research to be immerse in these questions so as to understand whether RoN can *effectively* bring about a *paradigm* shift. To be sure, much have been written on the legal validity and importance of RoN provisions. However, there are only a few writers who have focused, instead, on elaborating a diverse perspective on the topic, that is a perspective that is not solely legalistic. The questions that I raised do not demand a legalistic understanding of the legal tools – despite necessary as starting point –, rather they require a sociological inquiry in the meaning of the provisions and their societal potency. To research this, I focused on India, where I went for my fieldwork from January to March 2019. India was selected because in March 2017, the Uttarakhand[1] High Court declared two rivers Ganga and Yamuna legal persons who could "stand" in court via legal representative. The judgment, however, was soon to be stayed by the Indian Supreme Court who barred India from joining the group of countries who have adopted RoN provisions. Despite, *de facto*, RoN never became operative, the Indian case is still very relevant because it allows for critical reflections on the legal tools. Particularly, during my fieldwork, I have tried to understand how could RoN fit within river and water governance schemes that regulate Ganga. The complexity (be it ecological, hydrological, economic, political or social) of this river makes legislating – or any other form of intervention – extremely complicated. Ganga caters to so many different needs – economic, spiritual, ecological to name a few – that any governance scheme must – or should – balance these components meticulously at risk of creating bias, inequalities and harming the river's ecology. By taking this into consideration, my research wants to move beyond a "legalistic" explanation of why RoN did not succeed in India. Rather, I will engage with it looking as a means for "breaching" with the existing system, as a means of social mobilization and collective action. Ultimately, a new vocabulary and a new world view.

To do so, I have divided my thesis into eight chapter. Chapter 1 will be used to introduce and explain the history and legal premises of RoN. It is necessary to understand the technical aspects of these provisions to then discuss them by bringing in different perspectives. I will also elaborate upon the ecological crisis that Ganga and Yamuna are experiencing and the historical role that courts have had in India to tackle ecological collapse. Chapter 2 will consist of my theoretical discussion. In this part, I will bridge the legal-based perspective of RoN with a body of knowledge that takes from disciplines such as sociology, anthropology and political ecology. Chapter 3 will form my methodology part. This section will reflect upon my experience in India and I will engage with all the difficulties of doing research in a foreign – geographically and culturally – context. I will use Chapter 4 and 5 to introduce my two cases, respectively the Kumbh Mela in Allahabad and Haridwar. Thanks to these cases, I will "politicize" Ganga and draw lessons on the politics and economics of the river. Based on this, Chapter 6 will entail discussions that I had with experts, development practitioner, scholars and officials on Ganga and water governance. Different perspectives on the concept of Ganga Rejuvenation will be given and will pave the way to a broader discussion on RoN in Chapter 7. In this last chapter, I will conclude my analysis on the "political" of both Ganga and RoN and I will also summarize my whole research process. Finally, I will recommend some further questions that RoN research should engage with.

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[1] Uttarakhand is one of the Indian State. It is in the North-West part of the country.

1.2. The birth and expansion of Rights of Nature

Rights of Nature (RoN) – both as a concept and legal basis for legislative or judicial decisions – is gathering more and more attention, with a thriving academic and non-academic debate, as well as a rising number of national legislations and courts that refer to it. To use another benchmark for the popularity of RoN, one can point at the fact that international organizations like International Union for Conservation of Nature (IUCN) and the "UN Harmony with Nature" are engaging with and including it in their debates and works (Pecharroman, 2018). Distinguishing between the conceptual and the legal dimension of RoN is important, as suggested by Kauffman (2019), to avoid artificial conflicts. Therefore, following Kauffman's distinction (*ibidem.*), the philosophical and legal doctrine that aims at designing eco-centric legal systems is called Earth Jurisprudence – and I will engage with this dimension in chapter 2, because it lays the foundation for my theoretical discussion. The *actual* legal provisions that are designed and legislatively or judicially implemented to enact the eco-centric vision fall under the name Rights of Nature (RoN) – and this latter will be the focus of this first subsection. To be sure, it is important to consider these two dimensions together and my research aims at creating connections between the theoretical and the practical level to foster a better understanding of RoN.

One easily understands that there is a variety of legal provisions that could fall under the name of RoN thus defined, but with no doubt the international attention is now reversed on the attempts to recognize and confer legal rights to nature as a whole or to single ecosystems (mostly and quite surprisingly rivers). In other words, these endeavours want nature to not only be an *object* of law – like it is argued to be in the current environmental law system (Stone, 1972) – but a proper *subject*. Nature, thus, would become a right-holder. The shift that is entailed in these propositions is remarkable and it is hard to believe that it simply started from a provocative question posited by the US legal scholar Christopher D. Stone: "should trees have legal standing?" (Pelizzon & Gagliano, 2015). As Pelizzon[2] said to me, Stone was not necessarily and primarily concerned about the environment, but rather about private property systems. However, "should trees have legal standing" to some extent tries to think a less anthropocentric legal system, where social consciousness can be influenced by changes in law and private property systems. As Stone himself revealed to Garrett Hardin after the publication of his essay:

> *"For some time I have been thinking about the interplay between law and the development of social awareness, emphasizing to my students that societies, like human beings, progress through different stages of sensitiveness, and that in our progress through these stages the law – like art – has a role to play, dramatizing and summoning into the open the changes that are taking place within us"* (Stone, 1972)

To give some background on Stone's premises, the US Forest Service had granted a permit to Walt Disney to build a ski resort in Mineral King Valley. When the Sierra Club – a US environmental organization – sued Walt Disney adducing the aesthetic and ecological damage that the project would create, the Court rejected it because Sierra Club was not directly injured by the construction of the ski resort. Because, in other words, Sierra Club did not have "standing" to bring the issue to court (Mancilla, 2008; Pecharroman,2018). What strikes Stone is the fact that nature cannot defend itself, nor can be defended. Thus, he argues that it is "until the rightless thing receives its rights, […that we can] see it as anything but a thing for the use of "us" – those who are holding rights at the time". In other words, Stone is not only advocating for the recognition of the inherent value of nature, but also for this recognition to be translated into the creation of a new "legal subject" (*ibid*.).

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[2] Alessandro Pelizzon is one of the founding member of the Global Alliance for Rights of Nature and a scholar at the School of Law and Justice, Southern Cross University. In his work he engaged with rights of nature and wild law. I had an interview with him via Skype on the 10th of March.

The foundations of RoN were laid and from Stone's essay, thanks mostly to the creation in 1995 of the US based no-profit organization Community Environmental Legal Defense Fund (CELDF), legal provisions that conferred rights to ecosystems started to be adopted as local ordinances in the US. Starting from local communities in the US, RoN soon became global. In 2008, Ecuador adopted its new Constitution where rights to Pachamama, or Mother Nature, were recognized and granted, with the help of CELDF in the drafting of the text (Pelizzon & Gagliano, 2015). The Constitution thus reads:

> "*Nature, or Pachamama, where life is reproduced and occurs, has the right to integral respect for its existence and for the maintenance and regeneration of its life cycles, structure, functions and evolutionary processes. All persons, communities, peoples and nations can call upon public authorities to enforce the rights of nature*" (2008 Ecuador's Constitution, Chapter 7)

It was in Ecuador, in 2011, that RoN and its constitutional provision was used to stop the construction of a road that would have affected the Vicabamba River (Pecharroman, 2018). Following Ecuador, the World People's Conference on Climate Change and the Rights of Mother Earth, convened by Bolivian President Evo Morales, produced the "Universal Declaration of the Rights of Mother Earth", a document that condemns "the capitalist system and all forms of depredation, exploitation, abuse and contamination [that] have caused great destruction, degradation and disruption of Mother Earth". The Universal Declaration, after listing ten inherent rights that Mother Earth uphold, boldly states that "Mother Earth and all beings are entitled to all the inherent rights recognized in this Declaration without distinction of any kind". Soon after, the Bolivian government adopted the "Ley de Derechos de la Madre Tierra" in 2010, where RoN is declined as followed in Art.33, Section I:

> "*Everyone has the rights to a healthy, protected, and balanced environment. The exercise of this right must be granted to individuals and collectives of present and future generations, as well as to other living things, so they may develop in a normal and permanent way*" (*ibid.*)

International political support has also been expressed by the UN General Assembly that adopted a resolution on Harmony with Nature in 2011, by IUCN, and by the establishment of the Global Alliance for Rights of Nature (GARN) and of the International Rights of Nature Tribunal. This latter – despite any legitimacy - can hear cases next to the United Nations Framework Convention on Climate Change Conferences of the Parties (Pelizzon & Gagliano, 2015; & Pecharroman, 2018) Amid this support, the RoN legal doctrine found place in 2016 in the judgment T-622 of the Colombian Constitutional Court that declared that the Atrato River possesses "rights to protection, conservation, maintenance and restoration" and appointed a guardianship of the river. More recently, in 2017, the New Zealand government finalized a many-years-long dialogue with the indigenous community of the Maori to confer legal rights to the Whanganui River (from GARN Website). Interestingly, as reported by Gordon (2018), Maori academics read Stone's essay and thought that

> "[t]*he beauty of the concept is that it takes a western legal precedent and gives life to a river that better aligns with a Maori worldview that has always regarded rivers as containing their own distinct life forces*"

Finally, in 2018, the Uttarakhand High Court declared Ganga and Yamuna, and their correspondent ecosystems as living entities and legal persons, although the decision was stayed by the Supreme Court a few months later (Kotari & Bajpai, 2017).

As I mentioned above, the legal provisions that have been adopted by legislative bodies and Courts, despite coming from the same philosophical background and debate of Earth Jurisprudence, vary in some ways. Very concisely during the conference "Putting the Rights of Nature into practice" for the Community Rights of Lane County (US), Craig Kauffman (Kauffman, 2017) schematized different RoN practices as follows:

	Ecuador	New Zealand	USA
How is Nature Defined?	All of nature (Pachamama)	Specific ecosystems (Ancestors of Iwis; living, spiritual beings)	Ecosystems w/in communities (Natural Communities)
Who Represents Nature?	Anyone can represent nature	Guardians	City/municipal citizens
Rights Granted	To exists, maintain integrity; be restored	Legal Standing	To exist and flourish

This table shows the most important differences among RoN practices. To understand these, Kauffman (2017) suggests looking at the way RoN came to be. In the Ecuadorian case, the struggle and the mobilization for recognizing the rights of Pachamama was connected to re-thinking development. The systematic power of this movement made it possible to recognize rights (to exists, maintain integrity and be restored) to the entirety of nature. Very differently, in the New Zealand case, the Whanganui Maori Iwi wanted their relationship with the Whanganui river as well as their guardianship and their traditional practices (like navigation, riverbed works) being recognized by the New Zealand Crown Government (Kauffman, 2017; Buchanan, 2017). In other words, the attempt to establish RoN was limited to one particular ecosystem, namely the Whanganui river. Ultimately, as Kauffman[3] told me in a private conversation, the Maori wanted to have access to the decision-making arena and the Crown government found it too difficult to confer them the direct title over the river. Thus, conferring legal standing to the ecosystem was thought to be the best solution to settle the dispute.

What is common to both the Ecuadorian and New Zealand cases is that an indigenous worldview is at the roots of the cases. As I will discuss in Chapter 2, these worldviews strongly challenge a westernized conceptualization of nature as detached and at mere service of humans. Unlike Ecuador and New Zealand, the US case shows that RoN is a language and legal practice widely discussed and adopted in westernized culture, despite not being directly informed by indigenous knowledge (Kauffman & Martin, 2017).

Almost fifty years have passed since Christopher Stone challenged his students with the question "should trees have legal standing?" and, as discussed in this section, academic discussion and jurisprudence are appearing globally more often. RoN, despite its limits, is a philosophical stance and legal tool that we will have to engage with. Particularly, the idea – coming from corporate law (Pelizzon, private interview) – of conferring legal personhood to nature is gaining momentum and it has been applied to other rivers outside New Zealand, namely the Atrato in Colombia and the Ganga and Yamuna in India. As Pelizzon told me: "while the idea of a legal personhood captures the imagination of many, it seems that rivers become the focus point of this transformation". Particularly in the Indian case, Ganga and Yamuna are so much intertwined with the history and culture of the Indian society to be an extremely interesting and challenging case for RoN and legal personhood. Before turning to the detailed analysis of the Uttarakhand High Court decision, I will give an account of the current ecological condition and political debate around Ganga and Yamuna. This way, I intend to contextualize the urgency that led the Court to declare the two rivers legal persons.

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[3] Craig Kauffman is an Assistant Professor of Political Science and Participating Faculty in Environmental Studies and Latin American Studies at the University of Oregon. He has often engaged with Rights of Nature, specifically looking at the cases in South America and New Zealand. I interview him on Skype on the 5th of March.

1.3. Ganga and Yamuna: state of pollution, water governance, and civil society

Although it is common Hindu belief that the Ganga has self-purifying properties and therefore cannot be polluted, science seems to tell a different story and nowadays bathing in the waters of the sacred river is dangerous for one's own health due to the high pollution levels (Sanghi, 2013). However, it remains that people have the belief that Ganga's sacred water can wash away sins. Hence, it doesn't come as a surprise that every day thousands of people bathe in its holy waters, collect some *Gangajal* to store in plastic bottles, and are cremated at the banks of the Sacred River, as they have faith that this will lead them to heaven (Kumar, 2017). Similar practices happen on the banks of the Yamuna, for its holiness roots in its association to Krishna's life (Narayanan, 2001).

Despite the supposed holiness of these rivers, their pristine waters have disappeared a long time ago, leaving rancid and putrid waters instead (*ibid*.). In its rulings, the UHC has described the Ganga and the Yamuna rivers as "losing their very existence" (Mohd. Salim vs Uttarakhand, 2017). Professor BD Tripathi emblematically contends that there are three main causes that are compromising Ganga's water quality: "reduced flow of water, reduced water carrying capacity of the river and reduced water quality" (The Times of India, 2011). The impact of a growing population along with a steady process of urbanization are compromising the water quality. Domestic wastewater is the major source of pollution in the Ganga and its tributaries due to the lack of proper treatment utilities. Nowadays, most of the wastewater coming from the Class I cities and Class II towns along the river is not met by treatment operations, leaving a dramatic and dangerously expanding gap between generation and treatment (Trivedi, 2014). Furthermore, many big and small-scale industries that lie along the banks of the Ganga and its tributaries are lacking proper treatment plants facilities, thereby contributing to the worsening water quality (Tripathi & Tripathi, 2014). Cities, industries, and agriculture are also responsible for the increasing demand for water that is over-exploiting the resources, resulting in reduction of flow conditions and drying out of entire stretches of rivers (Trivedi, 2014). To provide these activities with enough water, the rivers have been diverted with lift canals and dam, leaving only a few – if not none – stretches of the Ganga flowing in their original course (Kothari & Bajpai, 2017; Tripathi & Tripathi, 2014). Hydroelectric dams are indeed another big cause of water pollution because they reduce the water quantity flowing in the river. Dams impact downstream habitations, affect the biodiversity and the sediment flow (Lal Seth, 2014) and it was reported that 58 new big dams are under planning or construction within the Ganga valley (Bhai, 2019) Finally, runoff from agricultural fields contaminated with pesticides, insecticides, and other chemical fertilizers add to water pollution (Tripathi & Tripathi, 2014). Despite being marginal, it must be noted that rivers are often used as latrine (Narayanan, 2001).

Given the high levels of pollution and the fact the around 400 million and 57 million people respectively depend on the Ganga and Yamuna (MapsofIndia,n.d.; Rajshekhar, 2019a), Indian authorities have been mobilizing to tackle the issue in many different occasions, setting up an incredibly complicated system of government agencies and bodies that look at different aspects of water resources. This bureaucratic maze is impressively inefficient, and it hinders policy formulation and implementations (Tripathi & Tripathi, 2014). However, corruption and rent-seeking are two other important aspects that play a role in the water governance. The treatment plant brings the consequences of such flaws in the governance scheme, as they do exist and do have a certain capacity. Though, they are not functioning at their maximum capacity due to the constant lack of technical, managerial, and financial capacities (Tripathi & Tripathi, 2014; Trivedi, 2014). When browsing about the Ganga and projects for its clean up, it is not rare to bump into environmental campaigners or engineers saying that there is plenty of science and technology to solve the rivers' crisis. However, as environmental campaigner Rakesh Jaiswal clearly puts it: "What is missing is honesty and dedication" (Rowlatt, 2016). Antropologist Kelly D. Alley (2016), who has expansively written about India, Ganga, hydropower dams, and wastewater, hints at "rent-seeking" behaviours due to the fact that wastewater infrastructures are government monopoly. She argues that these behaviours are hindering technological improvements and change for many wastewater treatment facilities. However, the government is aware of the extremely delicate situation, and many attempts have been made to mitigate

water pollution, since the cleaning of the Ganga and its tributaries is a politically sensitive topic. Indian Prime Minister Modi himself is very aware of this and during his campaign he has committed to cleaning the rivers (Rajshekhar, 2019b). In June 2014, 3.06$ billion were pledged by the Indian Prime Minister for the clean-up of the Ganga. Later, he announced 20.000 crore rupees for the NAMAMI Gange project to rejuvenate Ganga and ensure its purity (nirmalta) and continuous flow (aviralta) (*ibid.*). Modi has also been using a sort of Hinduist rhetoric to invoke his commitment: after his victory to the national elections, he referred to a sort of "spiritual investment" received by Ganga Ma herself: "Ma Ganga has decided some responsibilities for me. […] She is saying, 'there must be one of my sons who will come and pull me out of this filth'" (South China Morning Post, 2017). Nevertheless, many Indian newspapers have pointed out that most of the 3.06$ billion was still not spent after four years, making Modi's plan a "shamble" (Wilkes & Kalra, 2017). Still, Modi has tried to align his government with an idea of sustainable development. For instance, in occasion of the World Sustainable Development Summit, the Indian Prime Minister referred to both growth and the protection of "mother" Earth. Here, Modi aligns himself with the Indian approach to development and environment of the last decades, that is, to harness natural resources, invest in technologies, and to conserve the environment, as long as it does not collide with economic growth (Rajan, 2014). This form of development comes along with a typical package of neoliberal policies of investment in technological development, privatization and decentralization in the water sector (Alley, 2011; Williams & Mawdsley, 2006). The Ganga Action Plan (GAP), established in 1986 to combat river pollution, is a clear example of these practices applied to the protection of the Ganga riven basin (Schiff, 2014). Along the years, other authorities and institutions have been put into place, like the National Ganga River Basin Authority (NGRBA) in 2009 and its implementing agency National Mission Clean Ganga (NMCG). Despite committing to decentralization, the decentralization scheme has remained vaguely sketched (Williams & Mawdsley, 2006) and Baviskar (2007) contends that it is strongly oriented towards participation of those communities who collaborate with development projects, excluding opponents. Moreover, as Alley (2016) reports, decision-making maintains a top-down structure, with the Central Government taking on 100% of the costs for the clean-up. Dr. Ravi Chopra[4], in a private conversation, told me that the trend in water governance is rather "centralization" of water resources. However, it is not rare to read calls for "civil society's participation" and "sharing of responsibilities" with the authorities (Times of India, 2011). Furthermore, general public is given two specific judicial tools to – more or less – directly ask for environment protection: Public Interest Litigation (PIL) and National Green Tribunal (NGT). PIL allows any member of the public that have sufficient interests to trigger a legal process and it has often been used for environmental cases (Priya et al., 2017). National Green Tribunals have recently been established to strengthen environmental protection, by giving the citizens the possibility to present cases regarding environmental protection and conservation of natural resources (NGT, 2016). Despite the undeniable positive contribution given to environmental protection by these tools, some commentators have interestingly questioned their "justice" dimension. With this regard, Follmann (2016: 5) reports "an increasing number of Public Interest Litigations (PILs)" are "filed especially by middle-class activists". Likewise, Priya et al (2017: 8) argue that: "there were also many court judgments which went against the tribal and urban poor. For instance, the judgment on Narmada Dam, industrial relocation from Delhi, displacement of thousands of people from Yamuna Pushta in Delhi and numerous other decisions went against the poor and marginalised". Interestingly enough, it was a PIL filled in by a citizen of Haridwar (Uttarakhand) to trigger the UHC in its Ganga and Yamuna's ruling (Ahmad, 2017). This should not lead to premature conclusions on the nature of the PIL in question and the ruling, though it raises interesting questions regarding the environmental justice dimension that is behind this decision.

In this section, I have explained the dwindling ecological situation of the Ganga and some political aspects that surrounds it. Ganga is the lifeline of India and its importance is reflected in the rhetoric of the governments that have been in power in the past decades. Next to this rhetoric, however, remains the fact

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[4] Dr. Ravi Chopra is the founder of the NGO People's Science Institute. With him, I have had many conversations during my 2 months staying in Dehradun (India) since he was my co-supervisor at the Institute.

that Ganga is being killed, as Bhai (2019) puts it. The courts have been more and more involved – though controversially – with judgments that have tried to tackle some of the challenges that rivers are facing in India. The Uttarakhand High Court, similarly, decided to address the problem employing the legal tool of RoN, basing its decision on the urgency to act upon these challenges.

1.4. The Uttarakhand High Court decisions on RoN

1.4.1. What happened with the Uttarakhand High Court and RoN?

The High Court of Uttarakhand (UHC) has proved in the past years to be very active when it comes to environmental legislation and to the protection of two of the most sacred rivers of India: the Ganges and the Yamuna. The UHC and its active approach to tackle environmental issues is certainly not an exception in the Indian judicial system. Rather, India has in the last decades seen an upsurge in environmental cases directly raised by the Court (both local courts and Supreme Court) or by citizens through Public Interest Litigations (PILs) (Follman, 2016). Many authors talk about environmental "judicial activism", that is the possibility for courts to create new legal pathways that can influence policymaking (Alley, 2008) and ensure access to justice to victims of environmental degradation (Gill, 2016).

UHC is no exception to judicial activism. It has often challenged the Uttarakhand authorities to close industries, hotels, Ashrams and other establishments which are discharging sewage, to remove illegal encroachments, and to ban mining in the Ganges riverbed (Kothari & Bajpai, 2017; Lalit Miglani vs. State of Uttarakhand, 2017). Furthermore, it challenged both the State of Uttarakhand and Uttar Pradesh to create the Ganga Management Board as indicated under the "Uttar Pradesh Reorganization Act 2000" (Narain, 2017). This board should have been created right after the separation of Uttarakhand State from Uttar Pradesh and it should serve the common management of the river among the two states (Mohd. Salim vs Uttarakhand, 2017). Additionally, the board should deliberate on different issues concerning Ganga, among which: rural and urban water supply, hydropower generation, industries, and any other relevant purpose that might be specified by the Central Government (The Uttar Pradesh Reorganisation Act, 2000). Although the Court's warnings, these points were never fully addressed by the authorities in charge. Thus, considering their dwindling conditions, the UHC decided to confer legal rights to Ganga and Yamuna, as a last resort move to protect the rivers and compensate for what they refer to as a "lack of governance" (Mohd. Salim vs Uttarakhand, 2017).

It was the 20th of March 2017 when the Court declared Ganga and Yamuna legal persons:

> *"the Rivers Ganga and Yamuna, all their tributaries, streams, every natural water flowing with flow continuously or intermittently of these rivers, are declared as juristic/legal persons/living entities having the status of a legal person with all corresponding rights, duties and liabilities of a living person in order to preserve and conserve river Ganga and Yamuna" (Mohd. Salim vs. Uttarakhand, 2017)*

If this was not startling enough for itself, ten days after, on the 30th of March, the very same Court decided to expand legal personhood to all natural elements in Uttarakhand in a separate ruling (from now on referred to as *Glaciers*):

> *"We, by invoking our parens patriae jurisdiction, declare glaciers including Gangotri & Yamunotri, rivers, streams, rivulets, lakes, air, meadows, dales, jungles, forests wetlands, grasslands, springs and waterfalls, legal entity/ legal person/juristic person/juridical person/ moral person/artificial person having the status of a legal person, with all corresponding rights, duties and liabilities of a living person, in order to preserve and conserve them. They are also accorded the rights akin to fundamental rights/ legal rights" (Lalit Miglani vs. State of Uttatakhand, 2017)*

If the first judgment (the one on Ganga and Yamuna) was short and was lacking significant details – as I will explain – the *Glaciers* judgment was much more comprehensive with its sixty-six pages length and it referenced a solid bedrock of legislations and academic (and not) writings which the legal personhood

decision was based on (Ahmad, 2017). In both occasions, the case was brought to the Court via PIL, but with different intentions. In the *Ganga and Yamuna* case, the petitioner (Mohammed Salim) was seeking to stop illegal encroachment on the banks of one of the canals of Ganga in Uttarakhand (Kauffman & Martin, 2018). In the *Glaciers*, instead, the petitioner – an advocate at the High Court – specifically tried to confer legal personhood to all nature elements in Uttarakhand State (O'Donnell, 2017). Despite different requests, the UHC decided in both cases for the legal personhood and appointed certain people to the protection of the newly-established rights and legal persons. In the Ganga and Yamuna decision, by referring to the doctrine of "person in loco parentis", the Court called on the Director NAMAMI Gange, the Chief Secretary of the State of Uttarakhand and the Advocate General of the State of Uttarakhand to be the "human face to protect, conserve and preserve Rivers Ganga and Yamuna and their tributaries" (Mohd. Salim vs Uttarakhand, 2017). In the *Glaciers*, the UHC appointed the same authorities, and a few others that do not belong to the government (Ahmad, 2017).

Confronted with this seemingly juridical paradigm shift, the State of Uttarakhand decided to contest the Ganga and Yamuna decision and brought it to the Supreme Court – but quite surprisingly it did not challenge the *Glaciers* judgment which is still, nowadays, operative (BBC News, 2017a; O'Donnell, 2017). The reason why the Uttarakhand government contested the UHC ruling is the vagueness and the ambiguity that has left too many unanswered questions. First, the government contended, the rivers run through many Indian states, as well as through Bangladesh in the case of Ganga: the UHC decision did not clarify what would happen in the governance and management of the rivers once outside the Uttarakhand boarders. Second, the Uttarakhand government contested the "loco parentis" status, by highlighting the lack of clarity regarding its responsibilities (O'Donnell, 2017; The Times of India, 2017).

In front of these complainants, the Supreme Court of India accepted the Uttarakhand government's complaints and finally stayed the UHC decision, by refusing legal rights to the Ganges, Yamuna and their tributaries (BBC News, 2017a).

1.4.2. The reasoning of the UHC in favour of RoN in the Ganga/Yamuna and Glaciers cases

In this section, I will elucidate the reasoning behind the Uttarakhand High Court (UHC) decisions to confer rights to nature and rivers. Despite separate judgments, the *Ganga and Yamuna* and the *Glaciers* cases will be discussed at the same time and I will freely refer to both in my explanation, so as to capture the mechanisms of decisions and thinking that the two judgments share.

Originally, the Indian Constitution of 1950 did not contain any provision regarding environmental protection. Following amendments in the following years, art.48 and 51A(g) were adopted and together formed a constitutional bedrock that is nowadays the starting point of many judicial decisions, as well as legislation concerning environmental protection and nature conservation (Chopra, personal communication).

> "*The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country*" – art.48a

> "*It shall be the duty of every citizens of India to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures*" – art. 51A(g)

These articles – that bound both the State and the individual Indian citizen to protect and take care of the environment – have also been used as legal basis by the Uttarakhand High Court in both the *Ganga and Yamuna* and *Glaciers* cases (*ibid*). The Court did not limit to referring to the two articles as basis for its decisions. In both cases, it went further by invoking the *parens patriae* doctrine and the "moral duty to protect the environment and ecology" (Lalit Miglani vs. State of Uttatakhand, 2017). The *parens patriae* doctrine, as explained by O'Donnell (2017: 139), "refers to the public policy power of the state to intervene on behalf of someone in need of protection". The justification for adopting the *parens patriae* lays in the ecological risks of climate change and pollution (*ibid*.). Next to this, in both judgments, the Court is driven by

a moral duty: "we are morally bound to hand over the same Mother Earth to the next generation" (Lalit Miglani vs. State of Uttatakhand, 2017). The first element I want to draw attention to is the terminology used in this passage. The expression "Mother Earth" clearly refers to previous RoN cases where "Mother Earth", "Pachamama", "Tierra Madre" were used to signify a different human-nature relation. The connection to RoN does not end with a common terminology. Rather, many authors have commented that the UHC has capitalized on the momentum of the Whanganui river decision in New Zealand and was, thus, extremely influenced the methodology applied in New Zealand to realize RoN, namely the tool of legal personhood (Kothari, 2019; Pelizzon, 2019). Additionally, in the *Glaciers* judgment, the Court explicitly mentioned the Te Urewera Act (Lalit Miglani vs. State of Uttatakhand, 2017.).

The second element to point out in the previous passage is the reference to a *moral duty* to protect Mother Earth from the ecological collapse. Such duty is constituted upon "intrinsic" rights that nature and rivers are acknowledged to possess. Whilst the *Ganga and Yamuna* case does not point out specific rights of the rivers and their ecosystems, the *Glaciers* seems to follow in the footsteps of the Ecuadorian Constitution, thereby listing the rights of nature to "not be polluted, exist, persist, maintain, sustain and regenerate" (*ibid.*). What is interesting to mention is that this moral duty does not only come from Constitutional provisions, but also from the consideration – in the *Ganga and Yamuna* judgment – of the rivers' sacredness and their centrality for "the existence of half the Indian population" (Mohd. Salim vs Uttarakhand, 2017; O'Donnell, 2017). The Court went on reinforcing the connection of Ganga and Yamuna to Hinduism and its practices:

> *"Rivers Ganges and Yamuna are worshipped by Hindus. These rivers are very sacred and revered"*

> *"All the Hindus have deep Astha in rivers Ganga and Yamuna and they collectively connect with these rivers"*

> *"The rivers have provided both physical and spiritual sustenance to all of us from time immemorial"*

(Mohd. Salim vs Uttarakhand, 2017)

Such connection allowed the UHC to draw upon the Supreme Court jurisprudence where judges had adopted "legal personhood" for the protection of Hindu idols, deities, etc. (*ibid.*). In other words, the Court reasons as follow: if a Hindu idol and deity can have (and have been given) legal personhood, why can't two of the most important rivers in the Hindu mythology have the same status? Thus, we understand that the "moral duty" does not only connect to climate change and the fight to ecological collapse, but it also has a socio-cultural dimension that taps into the strong Hindu tradition of Ganga and Yamuna.

If this analysis tells enough on the reasons that triggered the Court to pronounce itself in favour of RoN, it does not elucidate why the "legal personhood" tool was adopted as preferred way to protect nature and rivers. This discussion is particularly relevant when considering that legal personhood seems to be one of the preferred instruments to capture the ideas of RoN by many Courts and legislative assemblies across the world. Conferring legal personhood to nature means recognizing its status of legal person, that is, nature as having legal rights, duties and responsibilities determined by the law (Pecharroman, 2018). O'Donnell and Talbot-Jones (2018:1) defined legal rights based on three elements: "legal standing (the right to sue and be sued in court), the right to enter and enforce legal contracts, and the right to own property" (O'Donnell & Talbot-Jones; 2018: 1). The application of legal personhood to entities that are not physical persons is not new - like in the case of companies, corporations, organizations, etc. Thus, when posed with the problem of how nature can exercise its rights and duties – or to put differently how nature can hold legal competence - the solution – at least when it comes to rights – was found in creating a "legal representative" who could exert the legal competence in the place of nature (Pecharroman, 2018). It is for this reason that the idea of a "guardianship" for nature has emerged in the RoN debate. As mentioned before, the Bolivian, Ecuadorian and US cases empower anyone to represent nature in front of the Court. Instead, the New Zealand and

Colombia cases usher in a limited guardianship. In New Zealand, a representative from the Maori community and one from the Crown government were selected as guardians. Colombia, similarly, appointed representatives from the state and civil society (Kauffman & Martin, 2018).

Although mimicking the New Zealand model, the UHC did not provide so many details when creating the legal personhood for Ganga, Yamuna and the rest of Uttarakhand's nature. To be sure, in the *Ganga and Yamuna* case the Court provides a thorough discussion on the concept of legal personhood, contending that the concept must be flexible, as it serves the changing purposes of the society. In other words, the Court argues that the recognition of the legal personhood "is for subserving the needs and the faith of the society", thus hinting at the physical and spiritual relation between Indian society and the rivers (Mohd. Salim vs Uttarakhand, 2017). When appointing guardians, the UHC employed the legal doctrine "in loco parentis", which is the legal expedient used for assigning a representative (guardian) for children or incapacitated people. However, strikingly in contrast with the New Zealand and Colombian case, the UHC does not order the allocation of funding for the guardian functions – not defined either – and it only appoints members of the state government to be the "human face" of the rivers and nature (Kauffman & Martin, 2018).

Certainly, this last point has been reason of wide controversy in India. More generally, the UHC decision on Ganga and Yamuna have been not only criticized by the authorities who triggered the Supreme Court and asked for the stay. In the next section, I will also problematize the UHC decision on *Ganga and Yamuna*, underlining some controversial aspects in the judgment.

1.4.3. Criticisms to the UHC

The form that legal rights and legal personhood takes in their concrete formulation is partly a consequence of the debate and mobilization that happens around the idea of RoN. I come back to this idea given by Kauffman (2017) in his lecture to the Community Rights Lane County because I believe it can help to understand why the Indian case of RoN came to be the way I described above. First, one has to consider the role that previous RoN cases played in shaping the UHC decision. Second, the decision on Ganga and Yamuna, unlike other cases, did not come from an inter-societal dialogue where different parts of civil society, local communities and institutions commonly decided to employ RoN to protect and conserve the rivers. Rather, the UHC judgment can be read as a last-resort move to call on the institutions in charge to act on the dwindling environmental conditions. To put it differently, the decision of the Court came as a surprise. Nor was the *Glaciers* judgment expected, although the PIL that triggered the ruling was *directly* aiming at establishing RoN.

These points considered, one understands the difficulty of drafting a judgment – that is *per se* ground-breaking – that can fit in a societal, political, and economic context. In this section, I will shortly refer to some of the major criticisms raised against the UHC decision, thereby creating space for problematizing the judgment and introducing my research question.

The enforcement of the RoN must be ensured and this is not a little task. In fact, the vagueness of the provisions is often a big obstacle to the implementation (O'Donnell, 2017, 2018). Expanding on this point even further, Kothari & Bajpai (2017) argued that:

> "[t]he difficulties or possibly even impossibility of respecting the rights of rivers (and more generally of nature) within the current context of unbridled economic growth, and given the consumption-cum-demographic patterns in India, suggest that ultimately we have to go beyond a legal rights-based approach. For the rights of rivers (and more generally of nature) to be safeguarded, we need major transformations in the consciousness, values, and actions of people living along or using them"

The two authors are lamenting a lack of contextualization of the ruling. The Uttarakhand High Court has apparently neglected the current socio-economic and political context within which RoN for Ganga and Yamuna would come to exist. In their work, Kothari & Bajpai (*ibid*.) points at the fact that the Ganga and

Yamuna judgment did not elaborate extensively on the causes of pollution and degradation of the two rivers, if not mentioning encroachment on the banks and sand mining in the State of Uttarakhand. Despite the fact that these two activities have indeed a detrimental effect on rivers' ecology, they are far from being the main and only cause of pollution. What would then happen to the many dams that are currently planned to be built in the State of Uttarakhand and that have been recognised, by numerous reports[5], to be harmful to the rivers? Would they be stopped? Furthermore, could decommission of existing and operating dams be possible with the UHC judgment, if the conditions for respecting RoN were not granted by the projects? Similarly, Chucu Lokgariwar (2017), an environmentalist working for the Indian River Forum, writing before the Supreme Court stayed the decision, contended:

> "*the National River Interlinking project[6] will entail massive interference with the Ganga and the Yamuna, as well as their tributaries. How will these two plans, ardently backed by the present government, play out in the face of the 'personhood' ruling?*"

The UHC, by neglecting existing big infrastructure and primary sources of pollution for Ganga, seems to neglect the controversial nexus between environment/river and development where, the former, is oftentimes sacrificed (Dahake, 2018; Sing & Mishra, 2017)

If the lack of references to the sources of pollution and degradation is already a big step backwards for the implementation of RoN, many authors have suggested that the guardians appointed to uphold these rights and represent the rivers are controversially – and dangerously – skewed towards governmental roles (Kothari & Bajpai 2017, Lokgariwar, 2017; O'Donnell, 2017, Pecharroman, 2018). Unlike New Zealand and Colombia, where RoN provisions created bodies where local communities and governmental representatives were together asked to represent the rivers, the Ganga and Yamuna judgment conferred such responsibility to only government officials. Although the *Glaciers* ruling hinted at a wider community involvement[7], this sounds not very promising in terms of ensuring a sound and inclusive community participation (Kothari & Bajpai, 2017). The State of Uttarakhand itself expressed to be unwilling to shoulder such responsibility – also because it cannot take responsibilities for the entire length of Ganga and Yamuna, which flow across more Indian states (O'Donnell, 2017).

Another controversial point of the UHC decision is the link with Hinduism. As explained in the previous section, one of the chief arguments for declaring Ganga and Yamuna's rights was their societal and cultural relevance within Hinduism. Both rivers find their own place in the Hinduist mythology and religious practices happen every day on their banks, like the "Aarti[8]" ceremony. O'Donnell (2017) comments that despite the fact that the Court specifies that "not all Indians regard the rivers as sacred" the link to the Hindu population and cosmology could possibly be controversial. Surely, creating such a heavy connection between Hinduism and the river runs the risk to neglect the enormous (human, socio-cultural, religious) diversity that the two rivers encounter along their journeys from the Himalayas (Lokgariwar, 2017). This seems to be particularly

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[5] For the list of reports, I suggest to watch this video on Youtube (**https://www.youtube.com/watch?v=sdcTRJrqsIc**) published by "The Ganga Movement", a social mobilization that collects experts and civil society members who are concerned for the dwindling environmental and ecological conditions of Ganga. In the video, a list of official reports that denounce dam-related harms to rivers is provided.

[6] The "Interlinking of Rivers (ILR) Programme is of national importance and has been taken up on high Priority. […]. The mission of this programme is to ensure greater equity in the distribution of water by enhancing the availability of water in drought prone and rain-fed area". Thus the project is described on the official webpage of the Ministry of Water Resources, River Development & Ganga Rejuvenation (http://mowr.gov.in/schemes-projects-programmes/schemes/interlinking-rivers). One interlinking project is specifically thought for Ganga and many environmentalists have condemned the idea as unnecessary and harmful to the ecology of the river and the entire ecosystem (Doshi, 2016)

[7]"*Governments should promote and provide opportunities for the participation of interested parties, including local communities and forest dwellers and women, in the development, implementation and planning of national forest policies*"

[8] Aarti is a Hindu practice that can happen more times during the day where priests and devotee worship a divinity.

worrying in a period of increasing "hinduization" under Modi's government (Kothari& Bajpai, 2017; Jain & Lasseter, 2018). Thus, the formalisation of the relationship between Hindu (the majority of the Indian population) and the rivers appear blurred and it might be instrumentally interpreted to exclude religious minorities or any other group that does not line up with Hinduism and Hinduism-based values of the river.

In conclusion, the lack of contextualization of the Court's ruling has met many criticisms and has favoured the Supreme Court decision to stay the ruling on Ganga and Yamuna. Very interestingly, as it was pointed out to me by Dr. Ravi Chopra during one of our conversations, the Supreme Court did not rule out the decision. In his opinion this could be a strategic way for the Supreme Court to not fully give up on the idea of legal personhood for natural resources and rights of nature. Rather, the Supreme Court would have strategically stayed the decision, setting it aside momentarily, hoping that in the future the conditions will come to restore the judgment and proceed with the implementation. As far as my knowledge goes, there are currently some environmental groups that are trying to dialogue with the Supreme Court to rehabilitate the UHC decision. Whether or not RoN will happen in India, it is essential to learn from the Indian attempt because, as Kauffman told me privately, RoN is about trying out different expedients and mechanisms to generate a suitable system for one particular country or region.

1.5. Research Objective and Research Questions

"It is a fact that the Indian Judiciary has often tried many innovative measures to give a voice for those who don't have one – especially for the environment. Unfortunately, this is not followed up by action which is the domain of the Executive. Unless the Judiciary monitors the implementation, the court rulings are usually followed in absentia – the executive simply ignores it. Here is an innovation made with good intentions. It is unlikely it will be followed up with the same spirit by the State, because the State is the biggest offender. It is up to the people – to make the most of it. How good is this law – can only be tested if a case is brought to court"

Dr. Ravi Chopra has thus explained to Chicu Lokgariwar (2017) his opinion on the UHC ruling on Ganga and Yamuna. He was saying these words some months before the Supreme Court would stay the decision, but it still remains an important message. Dr. Ravi Chopra, as well as Chicu Lokgariwar, wonders about the interactions between the judiciary system – and more generally any legal tool – with the current governance schemes. Similarly, in the previous section on criticisms, I pointed at the lack of contextualization that the judgment has suffered from and that has prevented its adoption. The interaction between RoN as legal tool and the societal, political, ecological and economic context is a pressing element to keep in mind when trying to draft a RoN provision, and I believe that the UHC did not do so with the due attention. In fact, as also suggested by Pelizzon (private conversation), the Court seemed more concerned on capitalizing on the New Zealand case than actually drafting a detailed judgment. To be sure, the *Glaciers* ruling was more detailed and more grounded in its decisions, but many aspects (guardians, responsibility, to name two) were still extremely vague and controversial. The risks that come from an hurried decision that does not consider the particularities of the Indian context but rather attempts to apply a model or blueprint (guardianship, legal personhood) – could potentially harm some parts of society and they would hamper ecological improvement in the ecosystems that they intend to protect.

This thesis has two main research objectives. The first one refers to the legal provisions of RoN and the second, instead, attempts to move beyond a solely legal-based understanding of RoN discourse. The objectives are the following:

1. I will investigate how conferring legal rights to specific ecosystems – i.e. Ganga[9] - can function (or not) within existing natural resources governance schemes. The way I formulate this research objective is to highlight what I call "possible distortions" of a RoN intervention in existing governance

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[9] In Chapter 3 (Methodology), I will explain why I only focus on Ganga, excluding Yamuna.

schemes. These "distortions" refer to the possibility of RoN provisions to bring along marginalization and harm to nature (other unprotected ecosystems) and humans, for the present risk of political manipulations of the instrument. As I have explained in this chapter, RoN have been ruled out by the Supreme Court in India, therefore my investigation will be based on speculations that I will make with experts, as well as on other legal tools that can fall in the "Earth Jurisprudence" category and that are already present in the country.

2. I intend to move beyond a legal-based interpretation of RoN. I look at RoN for their political value, that is as a way to break with existing systems of thinking (epistemology) and seeing the world (ontology). RoN thus becomes a means of social mobilization, collective action, as well as a different way to understand and relate to nature, and not solely a tool to confer legal protection to ecosystems[10]. Thus, I will investigate alternative claims and policies regarding river conservation, protection and identity. With "alternative", I refer to claims and policies that are opposed to the mainstream water governance practices and discourses. To be sure, alternative claims might not formally fall under the name of "rights of nature" because they do not fit in their legal-based interpretation. However, as explained in my conceptual framework in chapter 2, these claims might still preserve the epistemological and ontological – in short, *political* – force that characterize my understanding of Rights of Nature.

To achieve these two research objectives, I will research current water governance practices and discourses on Ganga and its "rejuvenation", as well as alternative claims coming from different groups (academics, practitioners, environmentalists, activists, etc.). To look at these different and sometimes opposing claims, there are three steps that I must follow. First, both mainstream and alternative water governance claims are to be understood as part of a broader societal, cultural, economic and political context. Within this context, I will explore the diverging and clashing conceptualizations of the river Ganga: on one side a mere commodity to exploit for development purposes and on the other a "living entity" that requires ecological care. Furthermore, I will delve into the power dimensions that permeate water governance practices and discourses around Ganga. This allows for a critical analysis governance schemes to identify possible "distortions".

In order to undertake this research, I selected two cases study, namely the Kumbh Mela and Haridwar city. Although the justification of this choice will be explained in further details in Chapter 3 (Methodology), it is worth mentioning that the two sites have been selected to analyse Ganga, its water governance regime, the economics behind it, and its socio-cultural dimensions. Haridwar is one of the biggest cities in Uttarakhand (India), famous for its spiritual and cultural attachment to Ganga. Kumbh Mela, instead, is a traditional Hindu festival that celebrates the bounty and the holiness of water. This year, Kumbh Mela happened in Allahabad which lies at the intersection of Ganga and Yamuna in Uttar Pradesh (Singh & Mishra, 2017; Encyclopaedia Britannica, n.d./c). Both these sites have allowed me to understand some water governance practices and discourses that, with a certain degree of abstraction, can be said to recur throughout Ganga. From these sites, I also identified alternative claims on river conservation and identity that will be part of my further discussion.

RQ: *How do existing water governance practices and discourses on Ganga and alternative claims on river protection affect and problematize conferring legal rights to Ganga as well as the broader discussion on Rights of Nature in India?*

SQs:

1. *What are the current societal/political efforts to confer legal rights to Ganga?*
2. *Is there a discussion in India that moves beyond the legal-based interpretation of Rights of Nature and engage with their political force of thinking and seeing the world and nature differently?*

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[10] More on this in chapter 2 where I will engage with the "political" force of RoN.

3. *What are the water governance practices and discourses on Ganga carried out by Indian authorities and that emerge from the cases of Kumbh Mela and Haridwar city?*
4. *What are alternative claims on river protection and identity of Ganga that emerge from the cases of Kumbh Mela and Haridwar city? To what extent these claims can fit within an interpretation of RoN that move past legal aspects and engage with its political force?*
5. *How do the alternative claims identified in SQ4 relate to the mainstream water governance practices and discourses?*

Chapter 2: Theoretical Framework

2.1.   A "legal anthropocentrism" in the time of the human-nature dichotomy

Our current western mainstream legal system is undeniably anthropocentric, that is, it assumes that humans are the final end, whilst the rest – that falls in the category of "non-humans" or "other-than-humans" – are functional to the fulfilment of human satisfaction and needs (Burdon, 2011). Humans, as part of this legal system and thanks to the incessant knowledge provided by technological and scientific development, have become - or believe so - the "self-referent centre of the world". Thus, having this *exceptional* position within the surrounding environment, humans are morally allowed to savage nature and its natural resources (Berry, 2003), as well as design legal systems that reflect this societal characteristic. As a matter of fact, society and law are extremely related to each other and they cannot be considered separately. To use the words of Phillip Allor (1990), as reported by Burdon (2011):

> "*Society cannot be better than its idea of itself. Law cannot be better than society's idea of itself. Given the central role of law in the self-ordering of society, society cannot be better than its idea of law*"

In the Western world, we have developed a "legal anthropocentrism" to environment that merely legalizes the harm and exploitation that we inflict to nature (Lee, 2017). Anthropocentrism is not to be found solely in our legal system, rather it is a perspective that rooted in many parts of our society and, according to Berry, it is the main source of ecological crisis (Maloney & Siemen, 2015). This does not come as a surprise if we consider the cultural setting of XVI-XVII century Western Europe where luminaries such as Galileo, Descartes and Bacon developed a conceptual framework and paradigm where humans and nature were separate entities of a dichotomy, heavily skewed towards the former. The historical context that they experienced - a moment in time where religious dogma and an orthodox worldview heavily limited the expansion of empirical knowledge - can help to understand the revolutionary reach of their work (Cullinan, 2011). However, the heritage that we have from these Enlightenment men still makes difficult to think beyond their paradigm and the clear distinction between humans and nature (Goldman & Schurman, 2000). Without wanting to generalize and being aware that some authors have argued differently by bringing in cause the role of Judeo-Christian tradition (like Lynn White), it is since the Enlightenment that we have considered nature as an external, discrete and mechanic object (Goldman & Schurman, 2000). A "res extensa" (de Sousa Santos, 2015) that we can observe, understand and control at our will (Goldman & Schurman, 2000; Pàlsson, 2006). In so doing, nature became an object to exploit technologically, to control according to the demands of the market and to bend according to our idea of "linear progress" and "development" (Berry, 2003, Uggla, 2010). Nature, in other words, became an essential subaltern to humans in constructing and upholding the idea of anthropocentrism and this concept - or perspective - has been described as one of the three pillars of "modernism" (Pàllson, 2006). Along with the human-nature divide, Pàllson (*ibid*.) recognizes two other features of modernism: the notion of objective science, and the assumption of linear control. It is with this mental frame that the Western European worldview expanded, following the lines of colonialism (de Sousa Santos, 2015). After all, the conception of a linear development goes hand in hand with the necessity to expand control over other territories (McClintock, 1992). Thus, the human-nature separation - also called "great divide" (Uggla, 2010) - expanded well beyond the European borders. To borrow the term of Joks and Law (2017), it was the creation of a "One-World World", where *other* worlds - with different human-nature conceptualizations - were subjugated or forced to "not exists" (Escobar, 2016).

The relevance of the "great divide" to the current ecological crisis can be found in the words of Cormac Cullinan (2011:44) who argued in his book "Wild Law":

> "[H]*uman societies that presently dominate the world govern on the basis of a false understanding of the universe. The core falsehood is that we humans are separate from our environment and that we can flourish even as the health of Earth deteriorates. [...]. The governance structures, legal philosophies*

(jurisprudence), and laws established by many societies reflect and entrench the illusion of separation and independence".

Such separation, that is the "anthropocentric" human exceptionalism, according to him, as well Berry (Maloney & Siemen, 2015), Latour (2012), and many others, would be the cause of the current ecological crisis. Despite this acknowledgment, still nowadays, the dichotomy between human and nature is hard to be questioned because it is tightly intertwined with our economic system and our mode of development. Economic growth and resource extraction are still dominant mantra in the political debate and they leave little - or almost no space - for alternative ontologies and epistemologies that could consider different human-nature relations. Rather, current debates on our relationship with nature seems to be more dedicated to adding adjectives ("green", "sustainable", etc.) and to drawing nature further into the global capitalist system through, for instance, 'green grabs', rather than envisioning a different world (de Sousa Santos, 2015; Kothari & al., 2014).

Notwithstanding the difficulty to create space for alternatives, social theory has more and more engaged with the idea of environment and as suggested by Goldman & Schurman (2000: 564) the "environment" has started to be introduced as "a radically new way of thinking about society". The introduction of "environment" as a new category in sociological thought has spurred a debate around the human-nature divide. Bruno Latour, among many others (like Bateson, Wagner, etc.) has heavily influenced the discussion by arguing that only human-nature hybrids can exist, hence there cannot be pure humans nor pure nature (*ibid*.). On the same lines, Cullinan (2011:51) refers to the "homosphere" as the world that was constructed during the Enlightenment in Western Europe and that has been "breathing the myth of human supremacy" up until now. However, he goes on: "we have become, as Thomas Berry puts it, 'autistic' in relation to Earth". It is then a matter of re-learning our relation to Earth. This so-called "postmodern[11]" turn has opened up space for inquiry of alternatives, making visible, as pointed out by de Sousa Santos (2015:23), many social mobilizations across the globe that

"*have been organizing their struggles on the basis of a non-positivistic conception of the relation between nature and society, according to which nature appears as mother earth, a living organism to which we belong and that is entitled to its own rights*"

These social mobilizations, despite differences, share the diagnosis of the problems and can provide us with alternatives to the current model of conceptualizing our economy, our mode of development and, ultimately, our relationship to nature (Kothari & al., 2014). Their intent is to

"*re-politicize the debate on the much-needed socio-ecological transformation, affirming dissidence with the current world representations and searching for alternative ones*" (*ibid*.: 366)

Having reached this point in the debate, one might - quite rightfully - wonder what comes from the theoretical recognition of the new human condition of embeddedness in nature and what can we learn from these experiences of social mobilization? Giving an answer to this is indeed challenging, but as suggested by Berry and reported by Cullinan (2011): "the 'great work' that humans must now tackle is 'to establish a benign or mutually enhancing human presence on the planet'". To do so, we must create space for alternative worldviews (ontologies) and alternative vocabularies (epistemologies) and I ultimately agree with Pàlsson (2006:76) when he says that we need a grand narrative that can capture different human-nature relations and can help us designing new ways of living in harmony with nature. He goes on saying: "Grand narratives,

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[11] I agree with the way Pàllson (2006: 74) characterize postmodernity: "[i]f disembeddedness, dualism, certainty, and human mastery are the characteristics of modernism, postmodernism suggests the opposite - namely, embeddedness, monism, and the absence of certainty and human mastery

whether we like it or not, seem to be a political and ecological necessity" in order to activate political discussion and action, as well as to avert the imminent ecological disaster.

Despite I have reasons to believe that new narratives are out there (as testified by the work of the World Social Forum or the Degrowth movement in Europe, to give a few examples) and it calls on societal, legal, economic and political systems to pick them up, I also am aware of the ambiguity of any narrative. Particularly when it comes to law-based narratives, the comparison with the human rights one becomes extremely relevant to single out the possible pitfalls of rights-based discourses with nature. Ultimately, this kind of questioning boils down to understanding what the role of law is in bringing about *actual* change in practices of governance and "real" life. I will further elaborate on these critical elements as I move through the description of the Earth Jurisprudence debate that constitutes an attempt to construct an alternative narrative to the current (legal) anthropocentrism.

2.2.   The rise of an Earth Jurisprudence

Thomas Berry was the pioneer of Earth Jurisprudence and his work has inspired many other thinkers after him to develop new governance and legal systems that would allow humans to live according to their newly-found position within - and not separate from - nature (Maloney & Siemen, 2015). Reading the works of Berry and Cullinan[12]- two authors that have been indicated to me as the first theorists of Earth Jurisprudence by Pelizzon in a private conversation - their connection to postmodern literature and the attempt to overcome the human-nature divide is very clear. As a matter of fact, Earth Jurisprudence has been developed as conceptual legal and governance framework that reflects the hybrid human-nature relationship (Burdon, 2011). This legal concept does not only criticize the anthropocentric and pro-growth based perspective that westernized legal systems and environmental law have, but it moves forward by "[articulating] the conditions for the integral functioning of the earth process" (Berry, 1995:5). Tangibly, this means that Earth Jurisprudence presents and advocates for legal practices that can be adopted by lawyers, judges, civil society, legislative assemblies, etc. (Maloney & Siemen, 2015). As mentioned in chapter 1, there are multiple legal provisions available to do so: conferring legal standing to nature (which is the focus of this thesis and referred as Rights of Nature (RoN)) and establishing ecocide are probably the best-known to the general public. Both these practices are rights-based narratives and it does not surprise considering what Berry (2011) wrote in his book "Rights of the Earth": "nature's rights should be central issue in any [...] discussion of the legal context of our society". Thus, one of the principles campaigned by Earth Jurisprudence is that every member of the Earth community has rights and they should be recognized by our legal system.

The focus on rights is particularly relevant and it is arguably auspicabile to counteract the increasing attention to personal and individualized duties to achieve sustainability and environmental-friendly landscapes (Maniates, 2001). Evidently, a right-based narrative is premised on the existence of a positive relation between law and societal change, which does not come without controversies. Consider, for instance, the book "Wild Law" by Cullinan (2011) where, echoing Christopher Stone's belief in the societal relevance of legal systems (Stone, 1972), he argues that law is a changing factor within our current society, as it is one of the main regulatory tools that we have. Additionally, he says:

"*there is an intimate relationship between society's view of itself and its law*" (58). What this means is that: "*in order for any fundamental change in how a society perceives itself to be translated into an actual change in how it functions, it is necessary first to change that society's idea of law. By this I mean*

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[12] Maloney & Siemen (2015:9) differentiate between Earth Jurisprudence and Wild Law, with the latter being "laws that express principles of Earth jurisprudence and are derived from the laws of nature. They can be seen as one subset of the broader Earth jurisprudence philosophy". For simplicity and for the sake of my discussion, I will not consider this distinction, as it will not affect my argumentation.

not only changing the content of the laws themselves, but rather how the society conceives of law and its role".

Accordingly, unless legal systems change, society will not be able to make that "paradigm shift" that is auspicated towards an eco-centric "grand narrative".

To be sure, the words of Cullinan show a fierce optimism towards the possibility of creating actual change in the society by means of law, as I was saying before. This assumption holds important implications and, to say the least, it results controversial considering that many commentators have argued that changes in the legal system do not necessarily bring social change on the ground, or the other way around (Anleu, 2009). I here borrow the words of Lee Brann (2018), when he said: "even the most creative, pioneering, legal apparatus will not completely on its own bring about immediate, sweeping environmental betterment". In support of this, one could refer to the fact that the existence of RoN legislations in some countries (like Bolivia) did not necessarily succeed in stopping extraction, mining and other forms of environmental harm (Kauffman & Martin, 2017; Valladares & Boelens, 2017; Wijdekop, 2017). Furthermore, by drawing upon the work of Merry (2006a,b), this argument can be further developed. Her attention to the "*vernacularization*" (passage from transnational to local level) of human rights is a perfect example of how international law – and arguably RoN provisions belong there – translates to the ground (local) level in different manners and this can condition the results on the practices and everyday lives. In other words, the passage from law to social change is not as linear as put by Cullinan because it involves interactions with larger economic and political power layers or, more generally, with other human factors like politics, economics, culture, etc. (Anlei, 2009; Merry 2006a,b). When it comes to human rights, Merry (2006b:49) concludes:

> "[H]*uman rights ideas are not fully indigenized, even though this might make them more readily accepted. They are embedded in a distinctive vision of the good society that envisions the state as the provider of social justice and the individual as responsible for making rights claims on the state. This vision assumes that all people have equal rights, although all do not have equal needs. As human rights are vernacularized, these conceptions of person, state, and community remain the same. The failure to fully indigenize these ideas impedes their spread, yet to do so would undermine their potential for change*"

This makes enough ground to critically engage with the ideas of Earth Jurisprudence as well as the legal practice of RoN and it represents very well the kind of "stand" that I want to have throughout this thesis. I distance myself from a merely legal perspective on this issue for two reasons. Firstly, because it has (too) often been employed to analyze RoN provisions. Secondly, because it fails to capture (or neglects) the "context" where RoN provisions are introduced into and that is extremely relevant, as I just described, to the success or failure of a norm to bring about change and be effective. In fact, I believe that more research should be done on Earth Jurisprudence and Rights of Nature provisions by adopting not-merely-legal perspectives. Cormac Cullinan seems to hint at the same point when, interviewed by the legal research Femke Wijdekop (2017:446), he said:

> "*I also became very conscious of the fact that the ideas in* Wild Law [his book on Earth Jurisprudence and Rights of Nature] *are unlikely to become a reality unless one can build strong enough political and social movements behind them*"

Thus, I will mostly engage with sociological and anthropological thought because it is my intention to contextualize RoN provisions so as to understand their capacity and potential to bring along the change that they claim to generate.

In the next section, I will do away with the legal perspective and, rather, I elaborate on the "political" value of RoN provisions, as a relatively new way to inquire into them.

2.3. The "political" and the risk of "depoliticizing" Rights of Nature

I believe that the work of Boaventura de Sousa Santos is very important to perfect the understanding of RoN as a "political" tool. In the introduction of his book "Epistemologies of the South" (2015:23) he raises five strong questions that are confronting our time. The fourth question reads:

> "*Is the conception of nature as separate from society, so entrenched in Western thinking, tenable in the long run? [...]. This is perhaps the strong question that raises the most perplexity, since all Western thinking, whether critical or not, is grounded on the Cartesian idea that nature is a* res extensa *and, as such, an unlimited resource unconditionally available to human beings*".

Having this perspective - that can be ascribed to postmodernity as described above - de Sousa Santos argues that:

> "*[f]rom a Cartesian point of view, the fact that the Ecuadorian constitution includes a whole section devoted to the rights of nature is juridically and ontologically absurd, a true* aberration entis".

On a similar note, Valladares & Boelens (2017) engage with RoN in Ecuador, considering the epistemological reach of this piece of legislation and defining it as an "epistemic pact" that Western legal systems have reached with indigenous knowledge and meanings of nature. Looking at the Earth Jurisprudence literature, despite being grounded on Deep Ecology thinkers like Berry, it does relate to and owes much to indigenous knowledge and its understanding of nature (Maloney & Siemen, 2015). As mentioned earlier, indigenous movements and social mobilizations from all over the world have been fighting for the recognition of different human-nature relations and RoN legislative practice has often found these mobilizations akin to their goals (Pecharroman, 2018; de Sousa Santos, 2015). In fact, many indigenous populations across the world have already recognized rights of nature in their customary law systems for centuries (*ibid*.). Notwithstanding this, it is important to note that in this kind of statements – as well as the rhetoric used by Earth Jurisprudence and RoN experiences – it lies the risk of overromanticizing and overvaluing indigenous knowledge and experience of nature conservation, etc. (Briggs, 2005). Furthermore, RoN run the risks of attaching anthropocentric and westernized categories like the one of "right" to indigenous worldview and epistemologies that are extremely foreign to them. However, as mentioned by Valladares & Boelens (2017), this could in fact be the strength of RoN: establishing a "compromise", an "epistemic pact". With this regard, I refer to the exchange that de Sousa Santos (2016:25) had with a member of the opposition while he was a consultant to the Ecuadorian Constitutional Assembly to include RoN in the Constitution: the "guy" asked him:

> "'*Please, tell me something, these Indians are crazy, aren't they? How can we give rights to an object?!' And I answered, 'Of course, according to the concept of nature that you have and I had in my training, it is nonsense. The problem is that the nature that is in the constitution is not that concept of nature, it is the concept of nature as the Pachamama, mother earth as the source of life, a living organism that sustains life*".

Evidently, indigenous groups have a different meaning of Earth and they find *absurd* to confer rights to it because, rather, Mother Earth gives rights to us humans (Pecharroman, 2018). Thus, RoN is a cultural hybrid or an epistemic pact. It is an attempt of intercultural translation where the (originally) western category of rights is applied to a non-Cartesian and oftentimes indigenous concept of nature (de Sousa Santos, 2016; Valladares & Boelens, 2017).

If one considers RoN epistemological and ontological potential to bring in a new vocabulary, new meanings of nature and ultimately hybrids (Latour, 2012) to support territorial struggle and protection, then it is clear that RoN can "be a tool for re-politicizing the environmental debate by challenging the dominant mono-cultural, functionalist and extractivist notion of nature, defined by capitalism and science" (Valladares & Boelens, 2017:1026). However, it does not come without risks. Particularly interesting to my research is the

risk of "de-politicizing" RoN. On this, Valladares & Boelens (2017:1029) shortly mentioned that in Ecuador, RoN risks to become de-politicized because it could be assimilated to

> "s*tate-centrist and/or neoliberal rules and forces* [which] *proliferate territorial rights and nature's intrinsic values and preach plurality, as long as these conform to the dominant political-economic logic of capitalism*".

In other words, RoN could lose their epistemological and ontological strength because employed to pursue governmental objectives that are not, *per se*, consistent with nature's rights. The authors finally say that the potential of RoN lies in its "political radicalism" that shakes the pillars of neoliberal and extractivist society where humans dominate nature.

Considering the risk of de-politicizing, I argue that RoN - and I will support this elaborating upon the Indian case in the following section (2.4) – is exposed to the danger of being or becoming "post-political", a term used by Zizek (1999a) and that owes theoretical support to Chantal Mouffe's "the political" (2005) as well as Jacques Rancière (2013).

The European and US political system regarding environment is rife with post-political arrangements, and the concept and practice of mainstream sustainability is a clear example of this (Swyngedouw, 2010). To define the condition of post-politics, I refer to the definition of "political" that Zizek (1999b:199) gives, as reported by Swyngedouw (2010):

> "[T]*he political act (intervention) proper is not simply something that works well within the framework of existing relations, but something that changes the very framework that determined how things work [...]. [A]uthentic politics...is the art of the impossible - it changes the very parameters of what is considered 'possible' in the existing constellation*".

And again:

> "[genuine politics is] *the moment in which a particular demand is not simply part of the negotiation of interests but aims at something more, and starts to function as the metaphoric condensation of the global restructuring of the entire social space*" (ibid.:208).

Thus, by contrast, a post-political condition will be one that does not question, but rather comply with the existing socio-ecological relations, not admitting any radical rupture in the societal, cultural, economic and political fabric. Post-politics will try to marginalize any *political* space of disagreement, any conflict that does not fall within the consensus (Swyngedouw, 2010). To say it with de Sousa Santos (2015), post-politics is a condition where utopias are opposed because only the range of "the possible" is admissible.

RoN and their "political radicalism", as described by Valladares & Boelens (2017), has the potential to be political in the sense of Zizek (1999a-b). The epistemological and ontological premises have the ambition and the power to generate space of disagreement where different worldviews, meanings to nature and new human-nature relations emerge and are given political dignity. Nevertheless, there are two issues that must be addressed with the potential of RoN provisions to be presented and to act as "political".

The first one, again, finds grounds in the work of Merry (2006b). While analysing the strategies that human rights activists employ, she notes that, on one hand, the *cultural resonance* of human rights with the local context plays a role in sparking – or not – change. On the other hand, though, framing human rights as "consonant" to the local tradition and narrative could limit their "radical" potential to instigate a long-term change. This very same contradiction applies to the case of RoN provisions, too. In other words, if RoN provisions have the potential to be or become "politicized" – as defined before – and thus challenging power relations, their effectiveness could be whittled down and constrained by their very being "politicized".

The second issue, instead, has to do with the simple fact that RoN provisions do run the risk of being or becoming "post-political" because deprived of their political dimension when trapped in the mechanisms of neoliberal governance that conceives and prioritizes nature as natural resources to exploit and that marginalizes any other conceptualization, be it religious, ecological, etc. (Swyngedouw, 2010). Furthermore, by being post-political, RoN provisions could even entrench lines of marginalization already present within the society and ultimately fail to protect the very same nature and ecosystems that they target.

With this respect, I argue that a lack of "contextualization" or "embeddedness" can cause any provision to become "post-political", thereby disenabling the (potentially) radical stances that it carries along. This is particularly true when it comes to rivers, as they live in a complexity of meanings that makes up for the that context that is so critical to the success of the provision. In the following section, I will elaborate on the different meanings, or conceptualizations, that rivers have in the Indian context - with reference to Ganga – and I will also contend that the Uttarakhand High Court decision was post-political *because* it did not take into consideration the intricate complexity of meanings and their power relations.

2.4.   The Uttarakhand High Court decision was post-political

Today more than ever, rivers exist inherently in a complexity of meanings. If we take the Ganga as example, we can refer to it as both "Ganga Ma", with a clear religious connotation (Agoramoorthy, 2015) as a commodity for hydropower generation, and as a dumping site for cities and industries sewage (IBEF, 2010; International Rivers, 2008; Trivedi, 2014). The different meanings are the result of the interaction and intertwining of the material conditions of water (ecology, geo-hydrology, etc.) with the socio-environment made of socio-historical processes (Acharya, 2015; Joy et al., 2014). However, as pointed out by Acharya (2015), this interaction does not go without problems since it unfolds in unbalanced power dimensions, thereby creating new societal and political structures. In other words, different meanings coexist, but they are translated into reality differently.

When studying Ganga, its "holiness" and the mythology cannot be neglected. Since the river has self-purifying properties for its own ontological status of god, it cannot be polluted while, instead, washing away the sins of those who bath in its waters. It is then believed that the river will transform any form of spiritual and physical impurity into purity (Oestigaard, 2017, Sanghi, 2013). Notwithstanding the holiness of the river, its pristine waters have disappeared long time ago, leaving rancid and putrid waters instead (Narayanan, 2001). Emblematically, the UHC ruling describes the Ganga and the Yamuna rivers as "losing their very existence" (Mohd. Salim vs Uttarakhand, 2017). Apparently, the holiness of the Ganges – that yet remains and is not questioned – has not prevented many of its stretches from drying out or being deviated from their original course (Kothari & Bajpai, 2017; Tripathi & Tripathi, 2014). Despite the apparent contradiction, this happens because the category of purity seems to not depend onto that of cleanliness. As I was told by Dr. Antoinette De Napoli, associate professor of religion and South Asian Religions at the TCU (Texas):

> "*It is my understanding that for devotees the Ganga is very pure. There is a distinction made between purity and cleanliness. They are opposite side of the same coin. Even though Ganga is not hygienic in the way westerners understand hygiene, from the perspectives of a devotee it is still pure*"

The dwindling condition of Ganga must be understood also in the frame of continuous exploitation under the pressure of development and economic growth which are at odds with environment, ecology and the idea of sacred places (Sing & Mishra, 2017; Udayagiri & Walton). Furthermore, the clash between these dimensions do not come without consequences for certain parts of society. Rajan's (2014) work on environmental justice in India is a necessary reading to understand the justice dimension of environment and development. He contends, for instance, that "adverse ecological changes tend to exacerbate poverty by

directly impacting poor people dependent upon ecosystem services[13]" (118). On a different note, but still very relevant to signify the different meanings that people attach to nature, environmental struggles are shaped upon/intersecting with class and caste distinctions[14]. With regards to this, a big body of literature has found a distinction between environmentalism of the poor and of the middle-class. The former combines social with environmental struggles (Baviskar, 2005; Martinez-Alier, 2003), whereas the latter is not as concerned on the wider public good, but rather considers and focuses on the beautification of urban spaces and related actions against squalor and health issues (Mawdsley, 2004). Although this distinction is not as cut and dry as it might appear (Agrawal & Sivaramakrishnan, 2001), it is relevant if one considers that the Indian public sphere is highly exclusive and, given the neoliberal context, it mostly favours the Indian urban middle class (Bello, 2018; Williams & Mawdsley, 2006).

Environment and rivers are extremely complex categories because intertwined in a network of meanings and conceptualizations onto which power is latched. As evident from this discussion, different conceptualizations of rivers are continuously clashing and shaping new societal and political structures (Acharya, 2015) that are embedded in power relations and that determine processes of inclusion and exclusion. Any kind of intervention (be it legislative or judicial) is profoundly embedded in this dynamic relation between meanings. As Joy et al. (2014:955) puts it:

> "*Water interventions (e.g. involving reforms, technologies, markets) are socio-environmental processes that, by changing existing water flows, create new patterns and mechanisms of access, establish new rights, forms of marginalisation and in-/exclusion, and thus new constellations of winners and losers*".

In conclusion, going back to the case of the Uttarakhand High Court and having in mind the criticisms that I elaborated upon in chapter 1, it seems that the decision of the court has been tainted by the lack of a thorough and complete understanding of the river. The different meanings that I described in this section and their interaction and power relations were not dealt with. To put it differently, the river was not acknowledged as a hybrid made of chemical, physical, social, economic, political and cultural processes in contradiction with one another but still inseparable (Swyngedouw, 1999). Therefore, by drawing upon Zizek (1999a-b) and the explanations that I gave in the previous section (2.3), I describe the UHC ruling as "post-political" because it does not change, nor question the very framework that makes things work the way they do. It does not address the rich diversity of interpretations of what environmental protection means and, more broadly, water is. And in doing so, it misses the chance to enact that "radical epistemic pact", as described by Valladares & Boelens (2017) in the case of Ecuador.

2.5.   Repoliticizing Ganga and Rights of Nature

In this chapter, I explored the philosophy of Earth Jurisprudence, by conceptually contextualizing its rise with the evident anthropocentrism that westernized legal (and not only) systems have. The Earth Jurisprudence was introduced and outlined in its main features, despite it was not my intention to provide a detailed description of its philosophy – for that I refer to the excellent work of Burdon (2011). Rather, it was my intention to critically engage with this legal philosophy. Thus, by drawing upon sociological and anthropological thoughts, I first questioned the role of law in bringing about social change, as Earth Jurisprudence seems to support a very linear and optimistic relation between the two. However, many other factors are to be taken into consideration when the effectiveness of a norm wants to be assessed, thereby making the relation between law and societal change not so linear, after all.

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[13] It is interesting to note that Rajan does make use of a framework like ecosystem services that is typical of the so-called "Green Capitalism". Despite this point, I think his point is still very relevant and it adds to my discussion.

[14] Class and caste are two of many other categories that should be taken into consideration when exploring environmental issues in India. Gender, for instance, is another important one.

Taking the cues from this questioning, I introduced the concept of "political" and "post-political" to describe the risks that Rights of Nature provisions run when they are merely addressed from a legal-based perspective. It is my contention that despite the importance of the legal features, the discussion on RoN should be more focused on the "political" dimension of these rights and to do so it is necessary to focus on the social, economic, political and cultural context where RoN is introduced.

I then narrowed my focus down to rivers and the complexity of meanings that they can possess in India, in order to explain the "context" of the Uttarakhand High Court decision. Finally, I concluded by asserting that the UHC judgment could be described as "post-political" for its neglect of the many different meanings a river like Ganga has.

In conclusion, as suggested by Kauffman & Martin (2017), it is now a matter of keeping RoN legislations politicized, that is to maintain the disruptive power to question development, economic growth and the way we interpret human-nature relations. Thus, by looking at power dynamics within water governance schemes and practices, oftentimes concealed under a veil of technical, "naturalized" and "universal" interventions, I intend to *re-politicize* Ganga, that is to let emerge different and clashing water governance practices and discourses. By taking the cues from the discussion on Ganga, I will then "politicize" the discussion on RoN and Earth Jurisprudence by engaging with the criticisms about the role of law and its function in bringing about effective social change. Teasing out the *political* seems to me essential to politicize RoN, so as to understand if and how within existing natural resource governance schemes it can really protect the river's rights. Or, maybe, does a "politicized" understanding RoN will bring to the conclusion that a complete societal, cultural, political and economic overhaul – and not merely a legal fix – will be required to achieve and protect nature's rights?

Chapter 3: Methodology

This chapter wants to illustrate the mental and thinking process that I have developed along the months of research and how this reflected on the choice of methodology. I decided to "do away" with more traditional and scholastic way on analysing methodology. I happily take this chapter as a reflection upon my research that will serve two functions: firstly it will help to clarify why I took some decisions rather than others; secondly, it will help me to direct the following chapters and integrate them in a coherent story. Because of my "reflexive" approach, I will use pieces of my diary to reflect upon and draw methodological conclusions. This chapter will also delve into more personal emotions and states of mind that I consciously let emerge to clarify and make visible my positionality. I like to think of this chapter as a very "personal" one. This chapter, despite different for the language and the content, is to be understood as a crucial moment in my research effort because it delves into my positionality. Understanding this seems crucial to understand the rest of the research, particularly my experience at the Kumbh Mela and Haridwar.

3.1.   Methodology

I had just started my preliminary literature review on RoN and the Indian case, when I opened for the first time the BBC online article titled: "India's Ganges and Yamuna rivers are 'not living entities'". With curiosity I read the article and found out that the decision of the Uttarakhand High Court to declare Ganga and Yamuna legal persons was stayed by the Supreme Court in the summer of 2017. In other words, the legal personhood of the rivers had never been used in India, thereby making it very difficult for me to study the topic. To make it worse, I soon had to realize that - unlike many other countries where grassroot groups, indigenous populations and NGOs advocate to pass RoN legislations at a national level - India had no such social mobilizations. I could not find a single sign of dialogues on RoN issues. Thus, I came to the conclusion - later confirmed by many informants - that the UHC decision was a top-down judgment made on the momentum of international cases on RoN, like the New Zealand and Colombian ones. Ultimately, the connection between RoN and India was very weak and because of this I decided to focus my research proposal on the two rivers, objects of the UHC ruling. The idea that I was harbouring was that understanding the governance of the two rivers could have informed future RoN legislation, in case there would ever be another attempt in India. Thus, I decided to analyze different meanings and conceptualizations that people attach to rivers. I was interested in understanding how these meanings and conceptualizations fit (or not) within broader schemes of water governance. It was my belief that by doing so I could emphasize the possible risks that any water intervention (be it legislative or judicial) could bring about for the river itself and certain parts of the Indian society.

Having this research objective, I elaborated in my proposal an ethnographic methodology as I believed that it would help to immerse myself into the socio-cultural context. Furthermore, following Prasad (1997), ethnography could help me to report meanings and practices that would emerge from observations, as well as to make sense of them within their own context.   What better way to understand different conceptualizations of the Ganga and the Yamuna? Furthermore, I was very much fascinated by the words of Lahiri-Dutt (2015:431):

> "*Each riverine community, whose life is intertwined with rise and fall in the river's waters, has a story to tell, and we may need to get back onto the muddy river banks to carefully listen to some of these voices that have been almost muted by the ways we have conventionally explained rivers*"

After a few weeks in India, while being hosted and supported by the NGO People's Science Institute (PSI) based in Dehradun, the connection between India and RoN became clearer to me. If at the beginning I was merely focusing on RoN as a legal tool, my curiosity was leading me towards a broader understanding of RoN. In an interview that I had with the Indian environmentalists Ashish Kothari and Bajpai Shrishtee on the 4th of February, I for the first time understood RoN as a conceptual framework that does not exhaust itself with conferring legal personhood to nature or ecosystems. Rather, as I wrote in one of the diaries that I kept while being abroad, RoN could also refer to "the struggle of the people who depend on an ecosystem to maintain

and let that ecosystem flourish, in a harmonic way". RoN, in other words, could be a principle that leads a broader struggle.

Evidently, this definition does not hold any scientific validity and it does not aim at that. However, it wants to stress an important mental step that I undertook in those days of February and that allowed me to reorient my research. RoN and India, all of a sudden, became connected in the struggle of many NGOs, local groups, etc. that were opposing the exploitation of natural resources and were doing so not only for their dependency on them, but also for the sake of nature itself. To reflect on the theoretical framework (chapter 2), I interpreted these struggles as symptomatic of those alternatives to development and economic growth that are impinging on the environment (Kothari & Bajpai, 2017).

Additionally, my interest did not only lay in social mobilizations or, more broadly, activism that fall outside the political and bureaucratic mechanism. Rather, by engaging with the judicial activism of many Indian courts, I found it interesting to explore whether RoN principles and struggles could already be found in the current legal system, as well as in practices of using and governing the rivers.

Having found a new focus on RoN experiences in India, I had to modify my research focus. I decided that understanding conflicting conceptualizations of the river was still interesting and important, but this could not be my focus anymore. Thus, by applying my broader understanding of RoN to the case of Ganga and Yamuna, I tried to find water governance practices and discourses that could then be confronted with alternative claims on rivers protection, conservation and identity. By doing this, I would create space to investigate the utility of RoN legislation within the current water governance regime, as well as to instigate a broader discussion on the presence or absence of RoN principles in the water debate in India.

On this, I need to clarify three points. The first one is strictly methodological. Ethnography did not seem the most suitable methodology anymore because my focus was now directing me towards a broader understanding of mainstream and alternative discourses and practices of water governance. To be sure, I engaged with an ethnographic methodology in different situations, like while talking to the community of sadhus from Matri Sadan or observing practices at the Kumbh Mela. Ultimately, it was essential for me to understand and immerse myself into the culture. However, ethnography, in my understanding, requires a degree of focus and concentration on the context as well as on the single person that I did not want to have. In fact, my intention was to go beyond the single-person story to design a draft of what water governance and alternatives to it are in India. To this scope, I decided to add a perspective that could fall under the name of "policy analysis", that is an analysis via interviews and documents (official documents, newspaper, academia) of water governance interventions and debate

Second point that I want to raise is that I soon had to give up the idea of researching both rivers because, as agreed upon with PSI and WUR supervisors, it would require a longer and more complicated fieldwork experience. Thus, I resolved to concentrate my attention on Ganga so as to combine my research with PSI's interest and work on this river. As a matter of fact, PSI has for years focused on monitoring Ganga and investigating socio-cultural practices along its banks. To be sure, Yamuna was oftentimes discussed with activists and experts, but my findings - despite the fact that water governance interventions are sometimes similar among the two rivers - will solely speak for Ganga.

Third, Ganga runs through India and Bangladesh for around 2.500km. It starts among the snowy peaks of the Himalayas, it cuts through the fields of the big central plain (Gangetic Plain) where it meets big urban centres and finally it empties into the Bay of Bengal. What this means is that Ganga runs through many different contexts that are connected by the flow of the water and they must be understood as part of the river system. In a private conversation with Dr. Neha Singh, member of PSI and my local co-supervisor, she told me that it is difficult to understand Ganga without considering both the upstream and the downstream of this wide river. Despite acknowledging this valid point, I could not neglect that two months in India are not enough to venture in a journey along the banks of Ganga to research it. Furthermore, India was a new country for me

and the cultural diversity that I encountered there made travelling even more difficult (this point will be elaborated more in details in the last section of the chapter: "3.4 Positionality"). Therefore, I needed to narrow down my scope and find some case studies where I could observe phenomena that - with some degree of generalization - could tell me something beyond their specific context. Kumbh Mela in Allahabad and Haridwar city in Uttarakhand were thus selected. The next sections will delve into these two sites and explain the ratio behind the choice.

3.2. Case studies: Kumbh Mela and Haridwar

The idea behind the selection of the cases was to pick two sites that could help me to understand water governance practices and discourses, as well as conflicting and alternative claims on the river's protection, conservation and identity. In accordance with PSI, Kumbh Mela in Allahabad (Uttar Pradesh) and Haridwar (Uttarakhand) were selected.

3.2.1. Kumbh Mela, Allahabad (20-28/01/19)
<u>An introduction to the Kumbh Mela</u>

Kumbh Mela is an ancient Hindu festival that celebrates the bounty and the holiness of water, as Hindu mythology regards water as source of life itself. Kumbh Mela is the most auspicious event occurring in India and it roots in Hinduism and its cosmology. Although many stories are given and can be encountered by talking to different people during the festival, one of the official myths tells that Gods and demons, advised by Lord Brahma, churned the ocean using the Mandrachal mountain as churning tool. From this, they would obtain a nectar of immortality (*amrta*) that they agreed to share among each other. When the nectar appeared in a vessel (*kumbh*), the Gods took off with it, chased by the demons who were furious about the breach of the agreement. The pursuit lasted twelve (divine) days - that is twelve mortal years - and during the fight four drops of nectar fell on the Earth where, nowadays, four cities rise: Haridwar, Ujjain, Nasik and Allahabad (Prayag) (Lochtefeld, 2004; Ramanand, 2019). This year, the Kumbh Mela was celebrated in Allahabad (Prayag) in the State of Uttar Pradesh, from the 15th of January to the 4th of March. Allahabad lies in an auspicious position because it is at the crossing of three of the main sacred rivers in the country: Ganga, Yamuna and the invisible Saraswati, and the rivers are believed to transform back into the nectar of immortality during the celebration. *Sangam* is the point where the three rivers meet in Allahabad, and the Kumbh Mela happens around it (Fig.1). Every twelve years, Kumbh Mela happens in one of these four cities and it attracts millions of tourists and pilgrims from all over India and the world. In 2001, it was estimated, for example, to have hosted around 60 million people. For 2019 Mela, the authorities have indicated an esteem of 12 crore - i.e. 120 million - attendees (The Times of India, 2019), with peaks of attendance during the official bathing days, that is specific days where taking a dip is particularly auspicious.

1. Kumbh Mela site in Allahabad, 2019. Emphasis on Triveni Sangam, point of contact of the three sacred rivers

The relevance of Kumbh Mela

The choice to research Kumbh Mela mostly came from PSI and my local supervisor, Neha. She was particularly interested in understanding the politics and economics of the festival as her own research rotates around these topics. In our formal contacts before I arrived in India, Neha and I realized that studying the Kumbh Mela in Allahabad could be useful for my research because of two reasons. The first one, the Kumbh Mela, as Neha told me, becomes the celebration of the bounty and holiness of water and some sadhus argued that it should be a moment of reflection about water and our relation to it. The second reason relates to governance. Kumbh Mela is an important event where culture and spirituality are intertwined with politics and economics. Particularly this year, the Kumbh Mela took place few months before the general elections that were held from April to May, with the final counting on the 23rd of May[15]. As I will describe in Chapter 4, the government has set up a large propaganda machine in Allahabad, and Ganga is a central part of it. Thus, Kumbh Mela becomes a showcase for governmental efforts to clean and "rejuvenate" the river, where rhetoric and discourses around Ganga become politicized and enter - more or less directly - in conflict with different conceptualizations of the river coming from, for instance, sadhus and local fishermen. These conceptualizations are entwined with spirituality and culture. I found this aspect particularly interesting because I was curious to understand the relation between water governance, the use of Ganga and religious rhetoric. As mentioned in Chapter 2, RoN heavily draw on indigenous spirituality and, more generally, a spiritual connection to nature. Hence, I naturally wondered on the intersection of politics and religion in India and how this would determine water governance. Ultimately, Kumbh Mela seemed to be the perfect place to understand water governance practices and discourses and see how they relate with more culturally and spiritually based conceptualizations of the rivers.

The daily routine of doing interviews at the Kumbh Mela

I visited Kumbh Mela from the 20th to the 28th of January. It was my third week in India and, probably, it was the most difficult moment in my whole fieldwork. India was still foreign to me and I was thrown in the midst of one of the biggest human gatherings in the world. I stayed in a local hotel close by the location of the Kumbh and every day I would walk or take a "rickshaw" to get there. Bargaining with the drivers was a daily practice - a sort of initiation ceremony - that I had to confront every day and that helped me to "immerse" in the culture and life of the place. After the short drive towards the Kumbh Mela site, I would

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[15] https://eci.gov.in/general-election/general-elections-2019/

meet with Nikita. Nikita - a student of Development Studies in New Delhi and intern at PSI - was my translator. Working with her was exciting and, to some extent, easy because she had a similar academic background as mine. I could very easily explain her what I was looking for from my informants. Moreover, I gave Nikita the questionnaire that, with the support of PSI, I had developed and where I had identified different stakeholders (or groups). These groups were: local people (boatmen, residents, shopkeepers), tourists (pilgrims and international), sadhus, management office and experts (academia). Throughout the week that I spent in Allahabad, Nikita and I talked to 26 people (at the end of the chapter there is a table with basic information about my informants). The semi-structured questionnaire was very important, but we always tried to not depend too much on the script, as we let people talk about their own experience and be influenced by their own words. Most of the interviews were one-to-one and we tried to have in-depth conversations. From the beginning, it was my intention to delve into people's stories, but I found it difficult to connect with them, probably because of the language barrier. Furthermore, although Nikita was very familiar with my topic and was doing her best to translate everything to me, I still experienced the difficulties of not speaking Hindi and being perceived as a "foreigner" (I will develop these points more thoroughly in section "3.4: Positionality" of this chapter). After the first interviews, Nikita and I agreed on the following method: she could follow the script of my questionnaire and get answers to most of the questions in Hindi. She would take notes and record the conversation in Hindi. She would also provide me a quick translation on the moment but not too lengthy because we noticed that people - fishermen and sadhus particularly - would get annoyed if Nikita took too much time to translate for me. The translation on the spot allowed me to sense the direction of the conversation and ask follow-up questions on some aspects that I considered relevant. At the end of the interview, Nikita and I would sit together, go through her notes and some parts of the recordings and translate everything in English. I recorded and took notes of these translations.

Overall, Nikita and I had a good collaboration. However, she was also conducting a research on Kumbh Mela and sometimes it was difficult for me to assess whether she was asking questions for her own work or for mine. I tried to make sure that all my questions were posed to the interviewees, but this did not always happen. I believe that this is part of doing research in a foreign country where you do not know the local language. Having a translator was a great luck and I learned that developing a connection with the translator is essential to get information, enjoy the fieldwork experience and have a good "cultural reference". Oftentimes, Nikita had to inform me about some aspects of the Kumbh Mela that were unfamiliar to me. An example of this has to do with the "gender balance" of my informants. I often asked Nikita to address women rather than men but every time we would address a woman, one or two men would assemble around us, interrupt and monopolize the conversation. Nikita later told me that this is a normal situation considering the Kumbh context. Despite our attempts to isolate women, as testified by my list of informants for the Kumbh Mela (Fig.2), we only got three. Finally, another important "cultural reference" was given by deep observation of practices during the Kumbh Mela. In the week, I took many pictures that will help me to support my research but, most importantly, helped me to single out elements that otherwise would get lost in the midst of data. Taking pictures as well as observing people was an essential exercise that helped me to understand the context and become acquainted with it.

	Name	Age	Gender	Job/occupation	Why at the Kumbh?	From	Transcript
2	Unknown	around 45	Male	Boatman	Economic opportunity	Local (Nisad)	Yes
3	Unknown	around 45	Male	Boatman	Economic opportunity	Local (Nisad)	Yes
4	Shivshankar	35	Male	Boatman	Economic opportunity	Local	Yes
5	Amarjeej	65	Male	Boatman	Economic opportunity	Local (Nisad)	Yes
6	Deshraj	34	Male	Boatman	Economic opportunity	Local (Nisad)	Yes
7	Santosh	28	Male	Boatman	Economic opportunity	Local (Nisad)	Yes
8	Unknown	around 50	Female	Seller	Economic opportunity	Local	Yes
9	Manoj Kumar	28	Male	Seller	Economic opportunity	Local (Nisad)	Yes
10	Adarsh Agrawal	around 35	Male	Entrepreneur	Economic opportunity	?	Yes
11	Bktiwari	72	Male	Retired from Ministry of Defenc	Piligrim	Mathya Pradesh	Yes
12	DK Yadav	?	Male	Criminal Lawyer	Piligrim	West U.P	Yes
13	Ramkrishna	36	Male	Priest	Spiritual reason	Local	Yes
14	Unknown Sadhus	?	Male	Sadhus	Spiritual reason	?	No
15	Unknown Sadhus	?	Male	Sadhus	Spiritual reason	?	No
16	Shiveshwar Ji	74	Male	Sadhus	Spiritual reason	Kashmir	Yes
17	Dingsh Giri	35	Male	Sadhus	Spiritual reason	?	Yes
18	Mahant Ji	around 50	Male	Sadhus	Spiritual reason	?	Yes
19	Derrick M. Denis	around 50	Male	University professor	/	Allahabad	Yes
20	Archana Chandra	around 40	Female	University professor	/	Allahabad	Yes
21	Unknown	25	Female	?	Tourism	Lithuania	Yes
22	Somsak Chairin	27	Male	Student/Monk	Tourism	Thailand	No
23	Kitti Laophewpan	around 30	Male	Student/Monk	Tourism	Thailand	No
24	Virendra	38	Male	Journalist - India TV	Journalism	?	No
25	Antoinette DeNapoli	around 50	Female	Scholar	Research	United States of America	Yes
26	Neha Singh	29	Female	PhD scholar	Research	Lucknow	Yes

2. List of interviewees during Kumbh Mela

3.2.2. Haridwar city (4-9/02/2019)
<u>An introduction to Haridwar and its relevance</u>

Haridwar is one of the main centres of the Uttarakhand State and it has certainly an important part in the religious scape of India. It is one of the seven sacred cities for Hindus, as it attracts lots of pilgrims on its ghats on Ganga, of which the most famous called Har-Ki-Pauri (Encyclopaedia Britannica, n.d./b; Sharma et al, 2011). Surely, religious tourism has been crucial to the development of this city, to the point that I found this short anecdote at the beginning of the 2007 Haridwar Development Plan (UDDGU, 2007: 5):

> *"An old, venerable sadhu (hermit) had returned to his village after a decade of tapasya (penance) in the sacred 'devabhoomi' in the Himalayas. In the evenings, village folks would gather around him to hear him speak. Whenever the sadhu was asked to describe the devabhoomi, or when one wanted to go on a tirthyatra (pilgrimage) to the devabhoomi and sought directions, the sadhu would say, 'Wherever one feels a rush of devotion for God, that land is none other than Haridwar'"*

During the period of the Kumbh Mela, Haridwar becomes another important destination of pilgrimage and in 2012 it will be the destination of Kumbh Mela. In 2019, although Allahabad was hosting the festival, Haridwar was still flooded with people during the bathing days due to its religious importance. The city intends to take advantage of its religious fame as in 2007 it launched a development plan. It announced the mission to make Haridwar a city of "hope, faith and spirituality" attentive to clean and green targets (UDDGU, 2007). The development of the city is an important element that has to do with my research in Haridwar, therefore I will detail it in Chapter 5. What is worth mentioning at this point of my discussion is that Haridwar represents an interesting site where religious, political, economic and ecological elements combine and reveal the water governance intentions as well as the need for the city to grow and celebrate (and tap into) its religious tradition. The necessity of the city to grow brings along changes in both the societal fabric and the ecological conditions of Ganga. Of particular interest is the development of riverfronts that is happening in the city and that follows patterns of marginalization, inequalities and environmental degradation. However, Haridwar is a place of contestation, as an alternative vision of water governance and river identity is rising thanks to the effort of the sadhus of Matri Sadan who are fighting for the identity of Ganga. At the crossroads of different souls of Ganga, Haridwar represents an important place where the conflict between visions and worldviews becomes evident. Focusing on Haridwar has allowed me to better understand water

governance discourses and practices and relate them to the concept of RoN. Particularly, Matri Sadan and their effort to defend Ganga is symptomatic of a fight that goes beyond legal defence of the river and evokes different human-nature relations.

The struggle to find my research in Haridwar

There were different aspects of water governance that could have emerged during my visit of Haridwar. While discussing with PSI and my local supervisor Neha, we discussed about the Bhimgoda barrage that diverts Ganga through the religious centre of Haridwar. Another aspect that we discussed was the ongoing development of riverfronts in the city. Additionally, Haridwar represented an interesting case for me because it brings up questions of environmental and water justice. The city seems to be divided into two. First, the religious centre with the main ghat called Har Ki Pauri, where all the pilgrims and tourists gather to celebrate Ganga. Here the water flow is higher thanks to the water diversion that happens more upstream (Bhimgoda barrage). Second, the rest of the city that lies far away from the main touristic spots and where water flow and quality decrease dramatically. Although the distinction might not be as cut and dry as put here, Haridwar citizens suffer from environmental and water injustices and I was fascinated to discover more about this.

With these intentions, I visited Haridwar from the 4th to the 9th of February. Considering its proximity to Dehradun - where I was based - I visited Haridwar two more times, to conclude some interviews. PSI provided me with another translator, Neha, who was working for PSI on water quality tests on Ganga. Neha and I were following the same interviewing methodology that I applied in Allahabad with Nikita, however we encountered some difficulties. This was mostly due to the difference in background that Neha and I had. I realized that when translating some questions, Neha would normally leave out some details that could have been important or - sometimes - she herself would answer my questions by bringing in her knowledge on the topic.

Although the collaboration was difficult, I was extremely glad that Neha was with me in Haridwar. Once again, I cannot stress enough the importance of having a "cultural reference" and translator in the complexity of daily life in India. Approaching the Har-Ki-Pauri for the first time, for instance, she explained the meaning of the rituals made on the ghats as well as helped me to identify key informants among the crowd.

Looking back at the week in Haridwar and reading my notes, I realize that my research focus was not very clear to me when I first arrived in the city. Many of the questions that I had noted down were extremely general and I hardly would have found a precise direction to follow in the research. Although my interest laid in environmental justice and water governance practices, it was difficult for me to see the direct implications of this fieldwork on my thesis subject. Halfway through the visit in Haridwar, I had to come to terms with these doubts. The interviews that I had collected so far were not particularly telling. I believe that this was due to a lack of preparation before going to Haridwar. In the case of the Kumbh, I had prepared a detailed questionnaire, whereas in Haridwar I did not prepare anything like that. I wanted to keep the interviews more dynamic and freer. However, I soon had to realize that conducting interviews without a draft of a script was hardly possible. The interviewees did not say much and I could barely access informants' opinions. I thought that the place where I was collecting data was not the most suitable. Har-Ki-Pauri is a very busy ghat where pilgrims and tourists come to celebrate the bounty of Ganga and receive a blessing. Shopkeepers are also busy attracting buyers and selling to the last bargain. At that point, I asked myself: "What am I looking for in these people?". I realized that pilgrims, tourists and shopkeepers could not tell me much about the daily struggle for water in the city. To be sure, walking for hours around Har-Ki-Pauri taught me a lot about the Riverfront Development Project and how a city grows and develops its riverbanks. Once again observations and pictures were coming handy. However, since I wanted to understand Haridwar as a place of contestation where alternatives to mainstream water governance can emerge, I resolved to move to the outskirt of the city, away from the chaos of religiosity, rituals and tourism and where I knew I could find what I was looking for. Suggested by PSI, I visited the ashram of Matri Sadan, in the green outskirt of south Haridwar. Going from

the city centre to the southern part of the city felt like a rite of initiation. With a rickshaw Neha and I reached the rural part of the city where some communities live in humble and colourful houses in a context that is so different and silent compared to the rush of the Har-Ki-Pauri. After bargaining the final price with the rickshaw driver, we cut through a muddy road towards the river. Trees and grass were let free to grow around the river. Some animals grazing and shepherds on the other side of the river. Ganga, for the first time, felt magical and mysterious. As soon as we entered the ashram, we were welcomed by some monks that I later learned to call Swami Shivanand and Dayanand Ji. With them I had long conversations during the two days I visited Matri Sadan and I thus got to know the daily struggle to save Ganga. Most of the monks in the ashram have been fasting to call on the authorities to stop the murder of the river. They fast to protect Ganga from the disruption of dams, sand mining and many other activities that are harming its identity. To my knowledge they are still fasting in the days I am writing my thesis.

Interviewing them was not easy task. For instance, on the second day of interviews I found myself in front of a monk that had been fasting for more than one hundred days. What could I ask him? Why would he waste his energies to answer some of my questions? After a first moment of insecurity when I was mumbling my questions, I slowly developed confidence in myself and asked some questions. In Matri Sadan, I had the possibility to engage in deeper conversation with the informants. Furthermore, being there and sharing parts of the day with the monks allowed me to plunge into their experience and struggle for Ganga.

	Name	Age	Gender	Occupation	From
2	Vijay Pandey	around 60	Male	Pandit	Haridwar
3	Sagha	35	Male	River cleaner	Haridwar
4	Surja Kant	around 50	Male	Pandit	Haridwar
5	Ashok Sharma	around 50	Male	?	Haridwar
6	Brahmachari Ji	around 60	Male	Sadhu	Haridwar
7	Milan	24	Female	Development Practitioner	Dehradun
8	Anurag Sharma	aroudn 40	Male	Priest for Ganga Sabha	Haridwar
9	Dr Verma	around 60	Male	Doctor and activist at Matri	Haridwar
10	Dayanand Ji	around 40	Male	Sadhu at Matri Sadan	Haridwar
11	Swami Shivanand	around 60	Male	Sadhu at Matri Sadan	Haridwar
12	Unknown	around 40	Male	Shopkeeper	Haridwar

3. List of interviewees during Haridwar fieldwork

3.3.   Literature Review and Key Informants Interview

Next to the two cases that brought me, in total, 37 interviews, I decided to dedicate a considerable part of my time in India to interview people that have been working on Ganga, so as to discuss the solution of RoN and to have a better understanding of what the problems of the major Indian river are. To do so, I tapped into the network of PSI and with the help of Aprajita Singh - my friend, colleague and co-supervisor at PSI - I reached out to 26 people. Most of the interviews were done via Skype or in person when possible, and I always made sure to inform my interviewees about my research scope. Given the political resonance of water-related issues and their stand on the topic, some informants have specifically asked to remain anonymous.

The selection of my informants deserves an explanation. As shown in the list provided below this section, I tried to include different stakeholders, coming from academia, journalism, activism and practitioners. Contacting officials such as politicians, high rank lawyers and judges was difficult due to my visa limitations and this impacted on the diversity of my informants. Besides this limitation, the selection of an informant would depend on his or her expertise. Most of the informants are expert on Ganga and, at the very least, on water-related issues. Most of them have dedicated part of their life to the study of this river (or broader river

systems in India), like in the case of the ex Secretary of the Ministry of Water Resources, River Development and Ganga Rejuvenation, Shashi Shekhar. Talking to Shekhar Ji was a great opportunity to engage also with that governmental perspective that otherwise would have lacked in my research.

For my propensity and interest, I contacted different activists that have been working with Ganga and joined social mobilizations on natural resource governance in India in the past decades. Being in contact with them allowed me to explore the concept and the principles of RoN and to what extent they are already present in the Indian context.

Another important block of informants were the experts on RoN. Particularly, I talked to four of them, Craig Kauffman, Alessandro Pelizzon, Mari Margil and Hana Begovic. These interviews were extremely useful and they complemented the literature review on the topic of RoN. With these four I did not specifically discuss the Indian case, but rather I engaged with the concept of RoN to investigate the etiology and the current debate around it.

In conclusion, when looking at the list of informants, I notice that I also covered different disciplines and this reflects my attempt to understand Ganga and water governance from different perspectives. Engaging with hydrologists, engineers and economists was not an easy task but I believe that it is essential to understand Ganga and the current governance practices. On this point, I would like to refer to my interview with prof. Derrick Denis (done in Allahabad during the Kumbh Mela), Dean and Head of the Department of Irrigation and Drainage Engineering at the University of Allahabad. This interview stuck with me for the difficulty in understanding a view that remarkably differs from my subjective beliefs. Still, the information that he gave me about the government's position on dams and Ganga Rejuvenation are probably among the most important collected during my fieldwork.

Next to the two cases that I selected for my fieldwork and the interviews with key informants, I conducted a thorough and large literature review in the first months of my research. I used different sources, ranging from government, semi-government publications, juridical publications, mass media, academic publications, NGOs documents and activist writings. The process of literature review will continue until the end of the writing of the thesis since it is a good practice to go back to the literature and consult it over the new findings that the fieldwork has brought. With particular regard to mass media, being in India allowed me to get to know many newspapers or online webpages that would have been difficult to find otherwise. Furthermore, PSI has a very rich library, and they store collections of magazines like "Down to Earth" that I often read and used as source of information. The access to local magazines and newspapers helped me to collect information about the Kumbh Mela and Haridwar, as well as any water intervention carried out on Ganga. Many key informants that I reached out to suggested me new literature or to consult their own blogs where they shared ideas and opinions on the issues that we were discussing. A particular mention is worth for India Water Portal, a famous website on water-related issues that many interviewees referred me to and that I still visit daily to keep myself updated.

3.4.   Positionality

Being in India was not easy. In fact, the first month was extremely difficult. After the first week spent in Dehradun, a chaotic city with little tourism and crowded market streets, I decided to visit Rishikesh, as suggested by my colleagues at PSI. Rishikesh was a relief: less chaos, moments of silence in the middle of the mountains and, most importantly, other international tourists. During that first weekend, I wrote in my diary that I felt like "frozen" and that I was not allowing myself to enjoy the experience as much as I should have done. When you go out on the field for your thesis, you cannot stop hearing in the back of your head all the great stories of your fellow colleagues and their fieldworks. Friends go all over the world and when they come back they only talk about the "bright side" of the experience, forgetting - or more likely neglecting - the troubles and the difficulties of being in a foreign country and culture. Thus, I was feeling frozen, incapable of going outside my house and truly immerse myself into India. While writing my research proposal, I wrote

that the point of ethnography is to become part of the background, of the culture that you experience. In hindsight, I can confidently say that it was impossible for me to follow an ethnographic approach also because of my fear to expose myself too much to India. In other words, I was foreign to India and I wanted - unconsciously - to be and remain so, as a self-defence mechanism.

The reason I am writing this personal reflection is that this sensation of immobility had effects on my research. The first four weeks - with a peak during the Kumbh Mela - I struggled to concentrate on my topic and my interactions with people - be it a local person at the Kumbh Mela or any of my colleagues at PSI - were limited. To be sure, my experience was not dramatic and I did not have any extraordinary trauma. Also, after Kumbh Mela, for some reason, I could become calm and enjoy what was left of my two months there. However, my emotions and state of mind in the first weeks did affect my research as much as other constraints that I have described in the previous sections. Therefore, I think they deserve a place in my methodological chapter and, particularly, in the "positionality" section. My emotions and state of mind contributed to define my position within my research. Taking them into consideration can help in understanding other relevant elements of my field experience. For instance, before leaving for India, I could not think that the colour of my skin would have been something to be aware of. I had to change my mind when, landed in New Delhi and waiting for the next flight to Dehradun, I was addressed by some people who asked me to take a picture and exchange Facebook profiles. This happened often in the two months and when thinking about my state of "immobility" as described above, I believe that being pointed out in this way did contribute to making me feel "foreign" and "frozen".

Another aspect that I had to confront with could be called "power position". Because of the colour of my skin and what follows with it, my position in India seemed to be ambiguous. On one side, as mentioned, I felt "frozen" but on the other side, I felt "privileged". I do not need to explain where this latter sensation comes from. However, this position of power did influence my research in ways that probably act indirectly and unconsciously, specifically during interviews with local populations. Despite always making sure to make my informants feel comfortable, by letting them know what my research was about and what kind of information I hoped to get from the interview, I am sure that this did not always work perfectly. For instance, when talking to some local boatmen in Allahabad, I remember being looked at with diffidence as well as a sense of "respect" just for the fact of being foreign. If this does not necessarily imply a "power" dimension in our interactions, I cannot deny that I sometimes felt like this dimension was present. I tried to tackle this, by opening up as much as possible and show respect to the informant. More precisely, I also sat next to the informants and assumed body postures that could convey a message of openness and reciprocal respect.

Finally, another aspect to mention is the difficulty of talking to women during my fieldwork. As mentioned already, this is not atypical in India, but my gender position did have an influence on this, making it even more difficult to interact with women. My experience taught me that as soon as I would start engaging with a woman (particularly if young), a storm of men would come around us and sooner or later would take the lead in the interview, despite my resistance.

3.5. Conclusion
In this chapter, I have presented an account of the mental processes that oriented my research. I decided to develop a "narrative" where I could more or less freely express the factors that influenced my thinking and acting as a researcher. Evidently, delving into my experience in India is not an easy task but I did so with pleasure because I believe that it allows the author of the thesis to candidly speak about the more personal baggage that, inevitably, he or she develops during fieldwork and that has a strong influence - conscious or unconscious - on the direction of research.

Chapter 4: Kumbh Mela and water interventions

4.1.   Introduction

In this chapter, I will elaborate on the data that I collected during my fieldwork at the Kumbh Mela in Allahabad. After a brief introduction to set the scene and discuss the general relation between the festival, water and the river Ganga, I will investigate the water governance aspects that I came across during my research, focusing on interventions to ensure Ganga's flow (4.3), water quality (4.4) and access to the river (4.5). Finally, section 4.6 will shed light on the kind of water governance discourse – that I will characterize as "propaganda" – that authorities bring forward and display at the Kumbh Mela. In other words, I will look at how Ganga can potentially be used to convey certain political, economic and cultural messages. This chapter thus will begin my effort to "politicize" Ganga in order to let emerge elements that make for the complexity of such a river.

4.2.   The centrality of water during the Kumbh Mela

Fig.1. Ganga in one of the bathing days at the Kumbh Mela

Monday, the 21st of January was one of the bathing days of the Kumbh Mela in Allahabad. On this date, people believe that taking a dip into Sangam (the point where the three sacred rivers meet - Ganga, Yamuna and the invisible Saraswati) is particularly propitious. This picture (Fig.1) was taken on the banks of Ganga that day. Nikita - my translator - and I arrived early in the morning because we knew a big crowd would attend the bathing ceremony. When we got there Sangam was already swarmed by boats. Those who can afford 1500 rupees[16] have a private boat, otherwise for one tenth of the price you can get a shared boat. For boatmen this is not an easy day because the demand to be shipped to Sangam is extremely high, as well as

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[16] 19 €

the competition. However, they live off this. This is their job year-round because Sangam is always a tourist attraction, not solely during Kumbh time.

For those who cannot afford the boat fare, what remains is a dip near the shore, like shown in Fig. 1. Some safety lines (the orange edge in the picture) were placed to avoid people from getting offshore. This is just one symbol of the colossal organizational effort that was put into the festival. In fact, The Economic Times (Sharma, 2018) reports that the Chief Minister of Uttar Pradesh[17] has set up a plan to make this Kumbh *divya* and *bhavya*, that is divine and grand. To do so, the government allocated 2000 crore rupees[18] - double the amount of money spent 12 years ago for the previous celebration - and arranged a larger site to host an esteem of 12 crore people (i.e. 120 million[19]).

Later in this chapter I will analyze these numbers as part of my reflection on the political exploitation of the Kumbh as well as Ganga. For now, it should suffice to know that every aspect of the festival seemed to be regulated and controlled by authorities. Although not visible in the picture, police could be found at every angle. Similarly, people with a red uniform that were in charge of cleaning the shores as well as the banks of the river were spread everywhere across the 2500 hectares designated to the festival.

After taking that picture – Fig.1 –, Nikita and I paid for one private boat and we headed towards Sangam. Our intention was to interview the boatmen who was boating us but it was difficult because they were busy avoiding collisions in the crowd. By the time we were around 30 meters away from Sangam, we were stuck in a boat jam. People from other boats would jump through just to reach the *invisible* point of contact between Ganga, Yamuna and Saraswati. The boatmen told us that to get closer we needed to jump because they would stop there. When we told them that we did not want to dip in Sangam, at first they did not understand, then they just accepted our will and remained silent. Then, while touching the water, all of a sudden, they collected some in their hands and pour it on us. "This is good for you" they said in Hindi. "If you don't want to take a dip, at least wet your head".

Feeling the drop of water sliding down my head made me realize that rivers and water are essential components of this festival. From every corner of India and of the world, people came to take a dip or - at the very least - to contemplate these rivers. For instance, I interviewed a tourist from Madhya Pradesh, his name was Bktiwari[20] and he was 72 years old. He was one of my first interviewees and he told that he came to the Kumbh to take a dip and to spread the ashes of some family members in the Ganga. The centrality of Ganga was also testified by sadhus, the spiritual leaders that come to the Kumbh to venerate the river. My local supervisor Neha Singh, who conducted research on Kumbh Mela, told me that, from her fieldwork experience and interactions with sadhus, it came out that Kumbh has always been an important moment to rethink the relation between humans and water, as well as nature. Nature not as merely 'natural resources' to be exploited but as a spiritual entity to live along and respect. Despite these intentions and spiritual claims, the Kumbh-water-nature relation is not self-evident and requires a deeper and critical analysis. In fact, the festival is much more than a celebration of spiritual relations with nature and the *commercial* dimension of it is - arguably - taking over the more religious and spiritual meanings. Evidently, this does come with environmental consequences. Swami Shivanand[21], the spiritual leader of the group of monks of Matri Sadan in Haridwar, seems to agree with this statement. While I was interviewing him in Haridwar, Shivanand Ji burst into a strong attack to the Kumbh, where he, along with his fellow sadhus, spent many weeks. He told me: "[The Kumbh] is only commercial, no religion at all!" and he very quickly connected this to what he called the

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[17] Allahabad is one of the main city centres of the State of Uttar Pradesh. The capital of the State is Lucknow.

[18] 1 crore is 10.000.000Rp. In euros, 2000 crore rupees is around 257.000 €

[19] At the end of the Kumbh, as reported by Down To Earth, the festival has actually been visited by double the number of people: 240 millions.

[20] I interviewed him on the 21st of January

[21] I interviewed him and Dayanand Ji (another sadhu from Matri Sadan) on the 16th of February.

"culture of Modi". I will get back to this point in later stages of this chapter. Here, these words aim to signify a political layer of the Kumbh Mela that is deeply connected to water, rivers and, more generally, the way nature and people are governed.

4.3.   Water interventions on Ganga's flow to ensure the Kumbh experience

Walking through the Kumbh Mela, I came across many different stalls, from a local barber who placed a chair under a tree and started selling his service for a bunch of rupees, to the people selling trinkets at the margins of the street or large food courts with (more or less) delicious Indian specialties. Describing the chaotic diversity of the Kumbh goes beyond my task in this chapter, but it is important to note that the festival has always had also a leisure part (Mclean, 2009). After all, Mela means "fair" and trade has always been an essential part of it. For this matter, not only services and goods are sold because the Kumbh is an important space where ideas can be found, exchanged and consumed. Sadhus, priests and soothsayers were common encounters during my visit and they were easily reachable to discuss any matter, from personal struggles to broader issues.

Similarly, political ideas and environmental messages are easily available for the visitors. For instance, I came across some governmental stalls informing visitors on the efforts to clean Ganga. One of the stalls was by NAMAMI Gange which, as reported on the Government webpage, is "the flagship [...] programme which integrates the efforts to clean and protect the Ganga River in a comprehensive manner"[22]. From my interviews during the festival it became clear that nearly everybody was aware about the pollution of the major Indian river, even those who came from southern states of the country. This does not surprise considering that many politicians, well before the current Modi's government, have hinted at this as a major issue and have activated numerous programmes to clean it, starting from 1986 with the Ganga Action Plan (Kelly, 2016). While promoting the idea of restoring the river's quality and flow, authorities also had to ensure a clean and mighty Ganga during the celebration of the Kumbh Mela. As I will argue in this and coming sections, Ganga has a critical role in the success of the festival, thereby finding its own place in the large economic effort put in the organization (Sharma, 2019). Local administrative bodies are responsible for ensuring *enough* and adequately *clean* water to the pilgrims and tourists[23]. This is not an easy task because, as elaborated in Chapter 1, Ganga's ecological conditions are worsening, leaving many stretches completely dried out or with a water quality that remains an enormous challenge (Tripathi & Tripathi, 2014; Trivedi, 2014). In previous occasions, to deal with these issues, authorities resorted to water diversions from other rivers as well as the full-capacity operation of water treatment plants in the period of interest (Marzsal, 2016; Rai, 2013; Singh, 2015).

The 2019 Kumbh Mela in Allahabad was not an exception to this kind of interventions and in this section I will concentrate on Ganga's flow. During my interviews, some informants that have been living in the surrounding area of Sangam told me that the water level has decreased in the past years. For instance, a local priest named Ramkrishna[24] told me: "The level of the water used to be high up until that point" and he indicated the banks of the river where now there was sand and people walking. Although some other informants told me that the water level did not change as much, it remains that authorities did intervene on rivers before and during Kumbh time, in order to have sufficient water flow - hence reducing water pollution

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[22] https://www.india.gov.in/spotlight/namami-gange-programme#tab=tab-1

[23] Cleanliness (quality of water) and mightiness (flow of the river) are strictly connected. The more water you have (high flow), the more dilution of pollutants. This is an essential point that is used by many activists to oppose projects such as dam construction and water diversion. By reducing the water flow, dilution is also reduced, hence the water quality decreases.

[24] Ramkrishna is a male priest, 36 years old. I interviewed him on the 22nd of January along with some other priests. Ramkrishna seemed to be the chief priest, as he was mostly talking while the others limited to nod and agree along with him.

as a consequence. On this regard, my interview with Prof. Derrick M. Denis[25], from the University of Allahabad, was enlightening. I report an excerpt from our conversation that took place on the 23rd of January in Allahabad.

M: *Let's talk about Kumbh Mela. Where does the water come from?*

D: *During the bathing period you need more water than there is. So, this year the bathing ghats have been increased and consequently the water level.*

M: *How has the water level been increased?*

D: *The Ganga has barrages upstream, right? To hold the water up there for irrigation and electricity production. During Kumbh more water is released from the dams.*

M: *When it is not Kumbh time, less water is released. Correct?*

D: *Yes.*

This short passage shows that, on the occasion of the Kumbh Mela, there are water governance interventions in order to provide the festival with enough water to meet the bathing needs. Water interventions of this kind, though, do not come without consequences and I was informed on this point by Vimal Bhai[26], an Indian activist that has been working on Ganga for the past decades. Before starting the interview, I had found an article written by Vimal on the Kumbh in Allahabad, in which he denounced that the water for the festival came from the Tehri dam, famous for being the highest dam in India and located in the State of Uttarakhand[27]. Here I report the initial passage of the article (Bhai, 2019):

"The waters for this [Kumbh Mela] will come from the Tehri dam in Uttarakhand [...]. When the Uttarakhand government, headed by Trivendra Rawat, came to power in 2017, it made a pact with the Union Ministry of Energy headed by Piyush Goyal that the water in the Tehri reservoir would not be filled above the 825-metre mark. This was because of concerns raised by the local people with the Uttarakhand government regarding its failure to rehabilitate the people living 10 metres above the mark. [...]. Every time there is heavy rain in the upper Himalayas, it becomes a cause of worry for the local people as the water-level in the country's highest dam Tehri inches towards danger mark. The residential houses, fields and road links get flooded during monsoons. People have been demanding their rehabilitation for a decade. But unexpectedly, the state government has gone back on its word. It had provided a sanction to the Tehri Hydro Development Corporation (THDC) to fill the water in the dam completely to cater to the Ardh Kumbh[28]. The needs of the people of the mountain belt are being sacrificed for the religious needs of other people"

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[25] He is the Dean of Vaugh School of Agricultural Engineering & Technology. He welcomed Nikita and me in his office on the 23rd of January. We had a long conversation of about two hours.

[26] I interviewed Vimal via Skype on the 26th of February.

[27] http://www.uttarakhand-tourism.com/uttarakhand/tehri-dam.php

[28] Vimal refers to the Ardh Kumbh and he uses the correct terminology. As it is explained on the official page of the Kumbh Mela (https://www.kumbhamela.net/): "The normal Kumbh Mela is held every 3 years, the Ardh (half) Kumbh Mela is held every six years at Haridwar and Allahabad (Prayag) while the Purna (complete) Kumbh mela takes place every twelve years, at four places Prayag (Allahabad), Haridwar, Ujjain, and Nashik, based on planetary movements. The Maha Kumbh Mela is celebrated at Prayag after 144 years (after 12 'Purna Kumbh Melas')". Vimal told me that it is the strategy of the government to advertise the festival as the "Kumbh Mela", when it actually is the Ardh Kumbh. This, in his opinion, is another way to commercialize and make the event a tourist attraction. For simplicity, I refer to "Kumbh Mela" and not Ardh because all the documents and many of the informants I have talked to, referred to "Kumbh Mela". Furthermore, in Europe the term Ardh Kumbh is not known, as the major mass media called it "Kumbh Mela".

During the interview, I asked Vimal about this matter:

M: *I was at the Kumbh in Allahabad a few weeks ago. Where does the water for the Kumbh come from?*

V: *From the Tehri dam. They filled the reservoir because Kumbh was there and they need water for it. And I am against that because Kumbh is to clean away your sins[29]. So how can you clean your sins when you are getting water that is full of sins[30]? [...]. This is all about propaganda because everywhere in the world they will see that Ganga's water is clean and enough. They show another world. Ganga is clean for only some days. Have you been to the Kumbh? Have you seen Ganga water? Then come next year and you see the difference in water.*

From the words of Vimal, the *political* dimension of the Kumbh-river relation emerges clearly. Having enough and clean water to allow pilgrims and tourists to bathe in Ganga is fundamental to convey a certain image of a government that takes care of its rivers.

Similarly, in an article from the webpage "Down to Earth" (Ghai, 2018), it is said that some Indian activists filled a plea in the Allahabad High Court

"*seeking a stay on the alleged changing of the natural stream of the Ganga by the district administration as part of preparations for the Kumbh Mela in February* [...]. *The plea states that at Sangam, the Ganga is naturally divided into two parts but the administration, through machines, was digging out the sand in between the two streams to merge them. This was being done so that a major chunk of land is made available for allotment to seers and religious organisations for setting up their camps during the Kumbh Mela*"

To my knowledge, there is still no answer from the Allahabad High Court to this plea. However, this is another example that authorities have carried out water interventions to provide consumers (be them pilgrims, tourists and sadhus) with enough water to enjoy the Kumbh Mela experience. It does not really matter whether Ganga and the other rivers have *really* enough water to bathe in, because water can always be retrieved and diverted in other ways and the consequences of this, like in the case of the Tehri dam, are far away from Allahabad city.

4.4.   Ad hoc water quality for the Kumbh

If the flow of the water is necessary to ensure proper bathing activities during the Kumbh Mela, the quality of the water plays a crucial role, too. Neha Singh told me that, from her experience, sadhus - who are the real protagonists of the spiritual celebration - tend to inform themselves on the water quality. For instance, a young sadhu[31] that I interviewed told me that he would not bathe because the water was polluted. It follows that authorities want to monitor and control the quality by intervening when necessary. Prime Minister Modi himself, at the end of the festival, declared that this was the "cleanest Kumbh" and this testifies to the importance given to cleanliness of the site as well as of the water (Kaur, 2019a). My collaboration with People's Science Institute (PSI) in Dehradun was helpful in this respect, since the institute has been working on water quality testing for years, having Dr. Anil Gautam as head of the Environmental Quality Monitoring

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[29] Vimal refers to the purifying and spiritual properties of Ganga water that are believed to cleanse sins.

[30] He refers to the fact that people suffer from the filling of the reservoir because there is a higher risk of flooding. Furthermore, when floods happen, rehabilitation is lacking and piecemeal. Ganga, thus, becomes full of sins.

[31] His name is Dingsh and he only joined the group of sadhus (ashram) three years ago. He is quite well educated on the ecology of the river and he has very interesting ideas on the river. At the same time, Nikita and I have the impression that he is not being completely honest and he is mostly trying to get our attention. For this reason, besides here, I do not use the content of his interview.

Group. For this year's Kumbh, PSI has conducted research on water quality by testing water quality before, during and after Kumbh[32].

Suggested by PSI, I investigated the Sewage Treatment Plants (STP) around the Kumbh. STPs are used to purify sewage water before it reunites with the river, however, as mentioned in chapter 1, they do not often function to their full capacity due to a lack of technical, managerial and financial capacities (Tripathi & Tripathi, 2014; Trivedi, 2014). The reason it was interesting for me to research STPs was that Dr. Anil Gautam told me that a STP – located upstream the site of the festival – was deviated to discharge downstream the Kumbh. This diversion, in other words, would discharge poorly treated water right below the site where sadhus, pilgrims and tourists bathe. Despite my attempt to investigate this specific intervention, I could not find anybody who confirmed this. However, other aspects emerged that can tell more about water governance interventions in the context of the Kumbh Mela.

Considering the large amount of toilets deployed for the festival, the treatment of the sewage water is indeed an important challenge that the administration has tried to improve over the years (Baranwal, 2015). In an interview that I had with Prof. Archana Chandra, associate professor in Human Resource Management for the University of Allahabad, I discussed the toilets and the environmental management of the Kumbh.

> M: *What is the water quality during the Kumbh, with particular respect to the amount of toilets deployed?*
>
> C: *During Kumbh, the water in Ganga and Yamuna is very clean because they have released a lot of water from the dams to cater to the bathing needs. Also, in terms of environmental management of Kumbh there is the problem of defecation. There are lots of toilets and they manage the water that comes out of it with active bacteria. After the water is treated, it is disposed into the river. There are also plants that treat the water in the drains.*

Sewage water, it seemed, was completely treated but, as warned by some members of PSI when I reported this to them, it still cannot be assumed that the treatment operations were carried out 24/7 along the entire length of the festival. On a similar note, when talking to boatmen and other locals, I was told that STPs around the site of the Kumbh were running in those days, but they had never seen them functioning as much in the rest of the year[33]. Although this remains a speculation because I could not confirm it with official sources, it does not seem to be an unusual practice for the authorities, also considering what Prof. Derrick M. Denis told me about how STPs are currently working in Allahabad:

> "*Now in Allahabad entire drains are diverted to the sewage treatment plants. Right now, around 60% of the sewage is treated, but in the next 3-4 years we will achieve in Allahabad the 100%*"

The topic of STPs was particularly felt among my informants also because it is acknowledged that the lack of sewage treatment is one of the main causes of pollution in the Ganga. Furthermore, most of my informants – particularly those who live in Allahabad and are in closer contact with the river – recognized that the

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[32] At the moment I am writing, they still have to elaborate the comparative results.

[33] On this aspect, it remains some confusion. Not being able to access data on present and working STPs in the area, it is difficult for me to understand what the overall picture looks like. From a recent article published on "Down To Earth", Kaur (2019a) reports that most of the solid waste generated during the Kumbh has been dumped in the "city's only solid waste treatment plant at Baswar village". However, the STP is allegedly not functioning at the moment and the journalist says: "[b]ut at the back of the plant, a huge cavity in the boundary wall clearly revealed how it was making way for untreated waste to fall directly into the nearby Yamuna river, which finally flows into the Ganga". I have not been able to check on this with Dr. Anil Gautam who gave me the information about the diversion of an STP before Kumbh Mela.

cleaning of the water was mostly occurring because of the Kumbh[34]. However, when asked about it, many informants often referred to other efforts that the government was engaged with. In this regard, the shutdown of the Kanpur leather factory was the main example that many locals gave me. The line of thinking could be summarized as follows: "STPs are working full capacity probably only during the Kumbh, however, water quality has been improving lately because of the shutdown of the leather factory in Kanpur by the government".

Intrigued by the continuous reference to the Kanpur case, despite the fact that it is not directly connected to the Kumbh Mela, I decided to investigate further into this case. After all, it could signify an important action from the government in terms of water governance, as well as a commitment to stop industries that are polluting the sacred river. In other words, it could represent something that goes on the line of Rights of Nature: blocking those industries that are polluting and that are not willing to comply with environmental requirements. Thus, I talked about it with Chiku Lokgariwar, a former PSI member and now writer for the India Water Portal, already author of a very interesting article on Rights of Nature in India[35]. Chiku forwarded me an article from the webpage "The Wire", written by Jahnavi Sen in 2016 (Sen, 2016), where the journalist explained what is happening in Kanpur. The city has always been famous for its buffalo-based leather factories and for its thriving activities carried out by the Muslim community of the city. As reported by Sen, though, the industry has received a considerable setback due to the tensions between Muslims and the Hindu community, fostered by the current Modi government. The article goes on saying that there is a "government propaganda on cow slaughter" and that this is affecting only the minor leather factories, "since government officials and members from all big parties have a stake in them [big slaughterhouses] and are heavily involved". What matters for my discussion is the fact that both Sen and Chiku agree that small leather factories are being shut down in Kanpur in the last few years - and already 150 have undergone this destiny - also for their environmental impact on the river Ganga by discharging chemicals in the river. The National Green Tribunal (NGT) said that it is indisputable that the tanneries in Kanpur were the highest source of pollution (Business Standard, 2015). Letting aside the dispute on the magnitude of pollution created by these factories, I believe it is interesting to point out to what Chiku told me while discussing Ganga's pollution:

"*If you want to marginalize people, anything can be used as a tool. Now, take the Ganga. Already in a lot of discussions around pollution, people tend to not look at the large industries, the barrages along the Ganga, and so on. But people focus on the small industries in Moradabad and leather factory in Kanpur. Both of these do contribute to the pollution of Ganga. But I don't think they are the largest polluters. Though, they are Muslims. And it is very easy to blame them for that. And this is already happening*"

In this passage, Chiku refers to the current *hinduization* of the country politics and its harsh positions towards religious minorities, particularly the Muslim[36] (Bello, 2018) Jahnavi Sen (2016) bring up another element in her article, by referring to the justice dimension that went unheard behind the shut down of Kanpur factories:

"*Of the 400 tanneries in the area, more than 150 have closed in the last five years. Most of those that shut down were smaller industries unable to keep up with environmental regulations after the National Green Tribunal and UP [Uttar Pradesh] Pollution Board crackdown on pollutants flowing into the Ganga river. "Nobody is saying that pollution doesn't need to be checked," said Nihal Iqbal, whose tannery was closed down after the NGT order. "But the government isn't doing its part. The common treatment plant run by*

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[34] Two boatment, Amarjeej and Deshraj (I interviewed them at the Kumbh Mela on the 24th of January), even told me that the cleaning was also badly done: "The administration cleans the river. But they only clean the surface of the river. The administration doesn't know that there is waste in the riverbed".

[35] I interviewed Chiku via Skype on the 26th of February.

[36] Interview with Ashish Kothari and Bajpai Shrishtee on the 4th of February via Skype.

the state is completely obsolete, the equipment hasn't been updated in decades. The enforcement agencies have also not done their job fairly, tanneries that were willing to pay bribes were not shut down"

What the Kanpur investigation tells is that environmental issues - like the objective to clean the Ganga - run the risk to be instrumentally used. To be sure, Chiku's as well as Sen's opinions remain speculations since the government official narrative on the shutdowns is based on environmental reasons. However, they shed light on different aspects that tend to be forgotten or at least marginalized in the meta-narrative on the cleaning of Ganga.

A few weeks after the end of the Kumbh Mela, I came across an article from Down To Earth that mentioned the tanneries of Kanpur (Ghosh, 2019). With surprise, I read that all the remaining tanneries of the Kanpur were shut down during the Kumbh period, to avoid discharge in the Ganga and ensure safe bathing. The same kind of conclusion that I have drawn along with Chiku on what has been happening in these years to the factories in Kanpur, can be applied to this case, as well. Even more clearly, the authorities have played the *environmental* card to stop Ganga's pollution and artificially create a clean river for the Kumbh. However, societal consequences were not fully taken into account. Rather, the attention of the authorities seemed to be on artificially create a festival and intervene on Ganga in order to pursue certain political interests. This is what interests me and I will elaborate this point in the last section of this chapter, by referring to this as a phenomenon of clear "propaganda". Before delving into that, I now will account for the last aspect of the Kumbh that struck me during the fieldwork and that can reinforce my final conclusions: the *access* to Ganga. In my opinion, and similarly to the Kanpur case, access to Ganga was regulated in a way to favour certain political interests over others.

4.5.   Access to the Ganga during the Kumbh Mela

Fig. 2. Boats on the shores of Ganga

This picture was taken on the 21st of January, one of the four bathing days when taking a dip or bathing in the waters of Ganga is considered to be particularly propitious. On this day, the number of boats that floods the riverbanks is extremely large because many pilgrims and tourists want to get to Sangam and dip there.

Talking to one of the boatmen during any of the bathing days is virtually impossible because they are too busy with their own business. It might seem that Kumbh Mela is a profitable business for everybody. As a matter of fact, this is the kind of rhetoric that Prof. Chandra also shared with me when I interviewed her:

> "*Everybody benefits from the Kumbh. They all earn out of it, also from local communities because there is a lot of people coming so they have more opportunities to get money*"

However, talking to some members of the Nishad community made me question this. I do not know much about this community since I could not retrieve any other information about it besides the interviews that I had with six members of the community. To my knowledge, this is a community of boatmen that is located nearby the site of the Kumbh Mela. Their main year-round activities consist of shipping tourists to Sangam as well as loading sand on their boat and moving it across the river to supply construction companies. Two boatmen, Amarjeej and Deshraj, respectively 65 and 34 years old, also told me that their community is placed in the lower ranks of the caste system. Although this was acknowledged only by some of the six members I interviewed, I noticed that the caste position still cast a shadow upon them. With regard to this, I vividly remember the words that one of the boatmen - who decided to stay anonymous - told me:

> "It is *dharma*"

Dharma, Nikita later told me, can be translated as "holy duty". Here the man was referring to his difficult position. He and his community completely depend on the river, for both boating and the little agriculture they do is based on the river's water for irrigation purposes. Their income is very seasonal. He never questioned this because they do not have the means to complain. Santosh[37], another boatman of the Nishad community, told me that his community lacks *collective action* because

> "*We are aware of our social position and that nothing will ever change*"

Despite the burden of their social position, however, most of the boatmen share a profound and intimate sense of connection with Ganga. Going back to the anonymous boatman, he told me that they are attached to the river because Ganga calls them to be there and provides them with livelihoods. In his opinion, they - boatmen - are doing the highest dharma because they serve the people selflessly, even though they do not earn much.

When I asked them about the Kumbh Mela, they told me that it is not true that they profit from it because the authorities have implemented some strict regulations that hinder fishermen and boatmen. With regard to the former, Shivshankar, a local boatmen I interviewed on the 22nd of January, told me that they are not allowed to fish because of the big traffic of boat due to tourism: their nets could get stuck in other boats. For this reason, fishermen are forced to do something different. Sometimes, they sell food on their boat, sometimes the authorities hire them for cleaning the river from the offerings of the pilgrims. Although Shivshankar tells me that he does not believe that fishermen are negatively affected by this, it remains that their normal activity must be adjusted to the need of the Kumbh Mela. The two boatmen Amarjee and Desharaj that I mentioned before told me that their major issue is the administration. I interviewed them on the 24th of January when the President of the Mauritius was visiting the Kumbh. On days like this, when a dignitary visits the festival, boatmen were not allowed to work. As soon as they told me so, I noticed that the amount of docked boats was particularly large. According to them, they could not boat because authorities wanted the river to be clear from the usual traffic. Furthermore, the administration also requested them to have life jackets and boating licences to be allowed to work during the Kumbh Mela. When they first told me this, I was not particularly struck. Coming from Europe, I did not find it absurd that licence and security measures were required. However, they told me that this is an *ad hoc* measure for the Kumbh. In total, life

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[37] Santosh is a young boatman that I interviewed on the 24th of January at the Kumbh Mela. He is well educated, as he went to the college. After that, though, he decided to go back to his community and help out the family.

jackets and licence cost around 4,000 rupees[38], which is an expense that is difficult to pay off, despite the massive demand during the Kumbh.

From my conversations with the boatmen from the Nishad community, I concluded that Ganga is a river that, during the Kumbh Mela, mostly serves the need of the pilgrims and the tourists, that is mostly dipping and bathing for religious and spiritual purposes. Although I could not read any official document that could confirm the strict regulations that boatmen told me about, I contend that the local authorities did not hesitate to regulate in a way that - despite thoughtful for security reason - did not take into considerations the need of the Nishad community. The economic stress that life jackets, licence and no-boating days cast on many of them is so big that they hardly can pay off the loss. To be sure, ensuring safety to pilgrims and tourists is an important point that cannot be disregarded, but it remains that in the process some are left behind and further marginalized. Ganga - like in the case of Kanpur - becomes the tool to support certain political interests; in other words, it becomes a tool of propaganda.

4.6.   Propaganda at the Kumbh Mela and the central role of Ganga

It is not a surprise that the Kumbh Mela is an event where propaganda plays an important part. Despite that fact that it was born as a religious and spiritual encounter with the sacred rivers, the size and the importance of the festival grew so much that political leaders in power cannot afford to make mistakes in the organization of this event. It is not a coincidence that, as accounted for at the beginning of this chapter, Modi's administration deployed a never-seen-before amount of money and resources for the Allahabad Kumbh (Sharma, 2018). In my conversations with multiple members of PSI, it came out that Modi's government was playing an important game for its political future during the two months' festival. The political elections for the lower chamber of the national parliament were to be held a few months after (May 2019) and there was no occasion when a visitor was not reminded of the effort that this administration made to fight poverty by bringing electricity, potable water, etc. to rural areas. Allahabad was covered from wall to wall with posters with a smiley Modi and the achievements of his government. This was not limited to the site of the Kumbh Mela. In fact, as I landed in New Delhi, I could see everywhere similar advertisements selling the *experience* of the Kumbh

To be sure, delegates of the ruling party of Modi, the Bharatiya Janata Party (BJP), clarified that the Kumbh has nothing to do with politics because it is only about religion. For instance, as reported by Das (2019):

> "*Shrikant Sharma, a BJP leader and cabinet minister in the Uttar Pradesh government, denied the Kumbh was being used to score political points ahead of the election, and said people wrongly accuse the party of advocating hardline Hindu causes. 'The Kumbh is a matter of faith for us,' Sharma told Reuters, hours after bathing there. 'That's why we are working there with complete commitment'*"

Notwithstanding this, in the same article for Reuters, Das (*ibid.*) also reports that:

> "*Hindu religious and political figures say they expect a return on their efforts* [for the Kumbh Mela]*, not only from the gods, but from voters when Modi battles for a second term*"

This can help to understand why the State of Uttar Pradesh, since 2014 led by a BJP administration, has largely funded the festival, also in light of disappointing opinion polls that show a steep decline in support for the Hindu nationalist party (*ibid*.). Furthermore, as pointed out by famous Indian historian Romila Thapar, the Kumbh Mela could invoke Hindu pride, and Modi's government has interests in pursuing this for its position of defender of the "Hindu community[39]" (Das, 2019; Vanaik, 2017). In addition to these elements,

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[38] Around 50 euros

[39] As reminded by Vanaik (2017), the BJP is the current political representation of the so called Hindutva, that is the concept of "Hindu community" that came to be during the British colonization.

the government effort to build a majestic, unforgettable, clean and safe Kumbh Mela - as I tried to describe in the previous sections - is telling of the strategic importance of the festival. After all, as it came out from some discussions with PSI colleagues in Dehradun and my interactions with the tourists, it can be argued that visitors of the Kumbh tend to be quite sympathetic to the BJP and its effort to protect the "Hindu community".

Although it is never as cut and dried, Kumbh Mela did have a political value for Modi's government and it is undeniable that the governance of Ganga played a crucial role. As already mentioned, but it is worthy of repetition, the Kumbh Mela has been visited by 240 million people - while the expectations had been half this number. The centrality of rivers during this festival has already been explained, both resorting to the spiritual and religious interpretation of the Kumbh as a festival of water celebration, as well as the resulting material importance of bathing, taking a dip or even contemplating the sacred rivers. It is easily understandable that having *enough* and *clean* water was a necessity for a government who had such a high political stake in the festival. In this respect, in the previous sections of the chapter, I outlined three typologies of water interventions: on the flow (major water release from Tehri dam), on the quality (dilution, STPs, Kanpur leather factories) and on the access to river. This being said, it remains to draw a connection between these elements and broader considerations that I made during my fieldwork in Allahabad.

I contend that my previous line of argumentation - according to which the deployment of a *mighty* and *clean* Ganga during Kumbh was politically essential for authorities and the government - can be perfectly (and materially) represented by the NAMAMI Gange building that I came across one of the last days in Allahabad.

Fig.3. The entrance of the NAMAMI Gange at the Kumbh Mela

The building was at the entrance of the Kumbh Mela site and it caught my attention with a very catchy melody that was continuously playing from some speakers. The music was accompanied by a video and it was the official anthem of the NAMAMI Gange project. This project, as mentioned above, was announced by Prime Minister Modi in 2014, with the budget of 20.000 crore rupees[40] and with the goal to revive Ganga. The two principles of NAMAMI Gange - that have now entered the common vocabulary of many official documents as well as the daily language of many that work with rivers in India - are *aviralta* and *nirmalta*. Aviralta means continuous flow and nirmalta means purity. These are the two cornerstones that lead any intervention under the umbrella of NAMAMI Gange, despite some have criticized that the government is not paying due

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attention to aviralta albeit it has greater legitimacy for Ganga rejuvenation (SANDRP, 2018; The Economic Times, 2014). The inauguration of this project was hailed by the government and it was followed by the renaming of the Ministry of Water Resource in Ministry of Water Resources, River Development and Ganga Rejuvenation (in chapter 6 I will analyze this name). As reported on the official webpage of the National Mission for Clean Ganga[41], these principles are to be achieved thanks to different interventions that range from new and better-functioning STPs, riverfront development projects (that I will discuss in chapter 5) to river surface cleaning and afforestation. All these elements - and more - were included in the representations on the wall of the building (as can be seen from Fig 3). Furthermore, once I moved inside, I saw many panels that explained the main causes of Ganga's pollution and all the achievements that Modi's government had reached during this legislation. At the end of the hall, there was a panel with *good behaviours* to have on the vicinity of the river: do not toss trash, pick up trash if you find some, do not use plastic and so on and so forth. What struck me the most, though, was the music and the video that was continuously playing outside the building. The anthem by Trichur Brothers, Srikrishna and Ramkumar Mohan, was extremely catchy and I was soon attracted by it so I sat next to a guard at the entrance of the building. The man, who probably had been listening to that music for the past months was quite impressed as I sat next to him and started writing down the lyrics of the song.

The video starts with the images of the Himalaya, presumably the Gangotri glaciers, where Ganga is born. Among pristine scenes of nature, wild animals, rural farmers and shepherds, a deep and mellow voice sings: "Oh Goddess, I come to your shore. Please, liberate my mind from all uncertainties". This clearly reflects the religious and spiritual dimension of the Ganga. As the video goes on, the first cities in Uttarakhand are shown - Rishikesh and Haridwar - as Ganga starts to cut through the human civilization. At this point, a change in tone forewarns that something bad will happen. The first images of pollution flood the screen, with plastic and garbage that swarm the river. Emblematically, the voice in the background says: "Everybody brings only sins to offer to you" and "Your waters are becoming impure". Then, after some Indian traditional dances occurring on the banks and on the ghats of the Ganga, the video shows the solution to the problem: a crowd of people rushing to the river, collecting and recycling the trash, sweeping the ghats, and any other good behaviour that one can imagine.

In my opinion, the propaganda message was very clear and, when I engaged with the people working in the NAMAMI Gange building, I could not hear anything but the tremendous achievements and the ongoing challenges that Ganga was facing. The general impression that I got out of my repeated visits to the NAMAMI Gange stall (I went there three times) was that they were trying to convey an image that a lot was done to revive Ganga and that the mission to clean it by 2020 - as announced by Prime Minister Modi in 2014 - was well underway. The reality, though, seems to tell a different story. For instance, Kaur (2019b) lists five reasons why Ganga will not be cleaned by that time. Similarly, Basu et al. (2019) contend that Modi's government has spent an increasing amount of money on advertising the cleaning of Ganga, whilst actions would not follow suit. Disputes aside, what I want to stress out in this discussion is the fact that the Kumbh was not merely used as a tool to showcase the cleaning and the efforts made on Ganga, as I suggested in the previous section of this chapter. In my opinion, it was also used to convey a certain message of environmentalism that is extremely individualized. All the images of people cleaning the ghats do not do anything but saying that picking up the trash - and a few more good practices - can be enough to solve Ganga's problem. No reference - neither in the video nor in the official webpage of the project - to dams that - as I was told by many environmentalists from PSI, as well as Ashish Kothari, Shripad Dharmadhikari, Shrishtee Bajpai, and many others - are the main reasons of the dwindling Ganga's condition. On this, I asked Shrishtee Bajpai to give a comment and she replied as follows:

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[41] https://nmcg.nic.in/NamamiGanga.aspx

"This is the problem. It is a superficial attempt that diverts attention away from structural problems. For instance, the first Uttarakhand High Court judgment [on Rights of Nature] says to "remove beggars around the ghats". The sort of imagination is that the river is clean if there is not garbage or beggars around it. But there are problems like dams, interlinking projects, etc. When you do all of that, cleaning in the ghats is a way to divert attention from these devastating projects"

Sadhus and priests interviewed at the Kumbh Mela seem to confirm the idea of *individualized* environmentalism. As a matter of fact, most of them told me to be committed to clean Ganga. When asked how to achieve this, they mostly referred to teaching people to take care of the Ganga, to not throw offerings in the river, to not throw rubbish in there. With this regard, my interview with Mahant Ji was very interesting. As soon as I entered the ashram, I was very impressed by the luxury around me. This is what I wrote in my diary:

"He is from the Panchayati Akhara. He is sitting on what it seems to be a comfortable pillows, lying in front of his computer and printer".

Mahant Ji[42], or like everybody called him, Baba Ji, was a very intelligent person to talk to and he was fully aware of the problems of Ganga: he mentioned dams, population growth, city and industry sewages. He told me about the purity of Ganga: "Ganga cleans itself. There are some sadhus that only drink Gangajal and they are perfectly healthy". Nevertheless, he acknowledged the issue of pollution. With this regard, he said that people are not sensitive to the problem:

"Mahant: *If Ganga is so important for us, and it is because it is a living goddess, we must take care of it. Just worshipping is not enough, you must take care of it*

Marco: *How can people take care of the river?*

Mahant: *They shouldn't pay offerings to Ganga. And they shouldn't bathe. You first take a bath at your home and then you dip in the river, to avoid the use of soap*"

Without wanting to belittle the importance of these actions to prevent pollution, I cannot help to think that these are marginal and piecemeal solutions. Very similarly, he told me that Sadhus are ready to "afforest" the banks of Ganga, if only the government allowed them. As I was told by Shivanand Ji from Matri Sadan, afforesting the banks of the Ganga is an important step but not the solution because the real problems are the dams and the lack of working STPs. To be sure, there are different opinions that it is not my task to judge. However, it is quite clear that the rhetoric of Mahant Ji seems to perfectly fit in the individual environmentalism that is passed on by the NAMAMI Gange project and, more generally, by the authorities.

4.7.   Conclusion

I can draw two main conclusions with regard to the Kumbh Mela. First, *Ganga can be governed and intervened upon with the intent to showcase a clean and mighty river and thus meeting the electoral and political expectations of a government that in 2014 promised to clean up Ganga by 2020*. In doing so, the spiritual and religious dimension of the sacred river must be fed, both metaphorically and materially, by enough and clean water. In a way, Ganga returns to be alive during the two months' period of the festival, to then again disappear to its nearly-dead status year-round. Water governance plays an important role because, as I have shown, Kumbh requires quite precise interventions in coordination between local and national authorities. Since "making Ganga great again" requires a large amount of resources - as testified by this year's celebration and the massive injection of money - the commercialization of the Kumbh is needed to make the festival attractive to investments and tourists who can come and spend money. For the very same reason, the festival becomes a moment where the needs of some people (users) seem to be prioritized.

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[42] I interviewed him on the 23rd of January

The needs of pilgrims, tourists and sadhus seem to guide the water interventions that are deployed by the authorities. I believe that, if 240 million people had not congregated on the banks of the river, the stretch of Ganga that runs through Allahabad would have never made so mighty and clean. Furthermore, these interventions do have consequences on the society and on the ecology, like in the case of the Tehri dam, the Kanpur tanneries or the Nishad community.

The second conclusion that I draw from the fieldwork at the Kumbh Mela is the politically-inspired attempt to divert the attention of the public from "real"[43] problems that are killing Ganga – like water diversion, channelization and dams. The official NAMAMI Gange video seems to say that individual efforts such as picking up trash, recycling and a few more good practices can be enough to save Ganga. This kind of message was recurrent throughout the festival. The authorities - supported by many sadhus - were repeating to not throw offers in the river and they were hiring fishermen to clean the surface of the river. This kind of message diverts the attention in two ways. Firstly, it empties of meaning any collective response to river pollution - the very same kind of response that, as I will show in the next chapters, is demanded and requested by many civil society groups that are working with and for Ganga. Secondly, it casts a shadow on the major problems of the pollution[44]. As I was told by environmentalists such as Ashish Kothari, Shrishtee Bajpai, Neha Singh, etc., bathing in the river is indeed polluting the waters but if Ganga is dying nowadays it is mostly for other reasons. Matri Sadan members told me that if Ganga was let free to flow, we would not have so many problems. This point reminds me of an article that I had read some years ago by The Guardian journalist Martin Lukacs (2017), whose title is quite telling: "Neoliberalism has conned us into fighting climate change as individuals". Without wanting to draw connection between the Kumbh Mela water governance interventions and a neoliberal scheme, I point out that the individualization of environmentalism seems to be a reality not only in India but in many other countries and it indeed responds to a certain cultural and societal narratives.

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[43] According to the many activists and experts that I had the chance to interview. This point will further be developed in chapter 6. Furthermore, in chapter 1, I mentioned to the professor B.D. Tripathi saying that the causes of Ganga's dwindling conditions are: "reduced flow of water, reduced water carrying capacity of the river and reduced water quality". Besides city and industrial pollution, the first two elements refer to dams, channelization and water diversion.
[44] Cfr. footnote 27.

Chapter 5: Haridwar, Riverfront Development project and Matri Sadan

5.1.   Introduction

In this chapter, I will elaborate upon the case of Haridwar and its relation to Ganga. Such relation is at the core of the city as it is one of the sacred places of India because of the very presence of Ganga. Notwithstanding this special connection, Haridwar presents some issues with regard to the river, particularly in terms of water quality and flow. In section 5.3 I will analyze some elements that emerge from such contentious relation. I will come back to the concept of individualized environmentalism and connect it to the topic of ghats and their beautification. In doing so, I will elaborate upon the function of important water interventions such as the so-called Riverfront Development (RFD) projects and water diversion (Bhimgoda barrage). Subsequently, I will take an environmental justice perspective and I will delve into water disparities among different parts of the city. In section 5.4 I will describe my experience at Matri Sadan ashram, in the suburbs of the city of Haridwar, where a completely different Ganga flows. Through the experience of the sadhus living in this ashram, I will hint at the social and ecological backlashes of the expansion of Haridwar city. Backlashes that are not under the tourists' gazes and therefore often neglected.

5.2.   Haridwar: the sacred city

Fig.1 – The mightiness of Ganga in a picture of the Har-Ki-Pauri

I arrived in Haridwar on the 4th of February, one of the four bathing day of the Kumbh Mela. Since Haridwar is one of the main spiritual centres of India, those who could not visit Allahabad, came to this city at the foothills of the Himalaya in Uttarakhand to bathe in the sacred Ganga. As a matter of fact, Haridwar is a city that lives around the river and as soon as I got off the bus that drove me from Dehradun, I could not help to notice the mightiness of Ganga on this important day (Fig.1). For the first time during my whole stay in India, Ganga appeared to me as vigorous and with plenty of water. The flow was so strong that people bathing had to hold onto the ghats for fear of being carried away. Immediately, I thought that Haridwar was presenting me with a completely different experience of Ganga than what I had seen and researched at the Kumbh Mela. This did not surprise me, as Haridwar rests in the northern part of India, in the State of Uttarakhand, at a point where the river has crossed just a few towns and cities and not many barrages and dams obstruct its

flow. At the same time, I knew that at the meeting with Haridwar, Ganga starts to be heavily polluted and loses its mighty flow. This intrigued me because this city is deeply and intimately connected to the river and to its sacredness. Why would pollution happen in such a city, where the propitiation and worshipping of Ganga is, arguable, at one of its highest? This question, as I will explore in this chapter, will bring me to a very similar conclusion as the one taken during the Kumbh Mela fieldwork, that is that water governance interventions - that can potentially harm the society and the river itself - need to be taken to ensure that the religious celebration, the economy and the politics around it are let free to thrive. In other words, Haridwar was presenting me with the intricate and complicated nexus between Ganga, religion, the city itself and political interests.

In a document that I had found in my preliminary research on Haridwar, I came across these lines that testify very well the spiritual and religious connotation of this urban centre (UDDGU, 2007: 5)

> *"An old, venerable sadhu (hermit) had returned to his village after a decade of tapasya (penance) in the sacred 'devabhoomi' in the Himalayas. In the evenings, village folks would gather around him to hear him speak. Whenever the sadhu was asked to describe the devabhoomi, or when one wanted to go on a tirthyatra (pilgrimage) to the devabhoomi and sought directions, the sadhu would say, 'Wherever one feels a rush of devotion for God, that land is none other than Haridwar'"*

Without any doubt, Ganga is the spiritual lifeline of Haridwar and it makes the city one of the focal points in Uttarakhand to visit in case "one feels a rush of devotion for God" (Karar, 2010). The Har-Ki-Pauri is the central hub of this spiritual life with its cementified and stepped ghats where devotees gather to propitiate and dip into Ganga. This place is of spiritual importance because it is believed to have the footprint of the goddess Vishnu (Encyclopaedia Britannica, n.d./b). Furthermore, during night, it becomes the place of the daily Aarti, a religious ritual to worship Ganga when candles are lighted, chants are sung by the leading priests and the crowd and offerings in the form of flowers contained in leaves are paid to the river (Fig.2). This makes for a breath-taking spectacle that every tourist and pilgrim must see at least once in Haridwar.

Fig.2 – Har-Ki-Pauri in the evening during the Aarti celebration

However, the Har-Ki-Pauri is not merely the symbol of a city fully devoted and committed to the worshipping of Ganga. I contend that it also represents the expansion of Haridwar and its changing nature. Haridwar, along with other urban centres in the State of Uttarakhand, is experiencing population growth and this is

mostly due to the expansion of tourism for natural landscapes and pilgrimage, as well as a growing industrial sector (Tiwar et al., 2018; Sati, 2013). Thus, the religion and the river - both as an object of veneration and as an ecological entity - have to meet the growing demands of tourists and pilgrims. In this sense, I introduce the third element of the above-mentioned nexus: the city. The city is not solely a place of interaction, but it is also a dynamic element that, in front of population growth, has to change accordingly. It is my interest to understand how the city changes in relation to Ganga and how these changes affect (evenly or unevenly) both its ecology and the society.

2.3.   Ganga and Haridwar: a complicated reality

2.3.1.   Individualized environmentalism and drive to beautification

"*Ganga used to be polluted because of the city sewage. But the government has solved that problem and now the water is again clean. The government has done its own part, it is now our duty to clean up Ganga. [...]. The ghats are a very important place in the city, particularly Har-Ki-Pauri because it is a holy place, a place of worshipping. They need to be clean because they bring more tourists*".

Surja Kant is a pandit and he offers his service as "religious consultant" on the banks of Ganga, close by the Har-Ki-Pauri. On the 4th of February, when I arrived in Haridwar, he was busy talking to tourists and pilgrims. He is one of the many pandits who supervise the payment of the offerings that tourists and devotees do when they come to worship Ganga in Haridwar. In his opinion, Ganga is now restored in Haridwar and this is because of the government's intervention. In his words, I found the very same logic that in the previous chapter I called "individual environmentalism", that is that next to some interventions that the government is anyway already carrying out, it is now the individual person's duty to keep the river clean and healthy. With this regard, Surja told me that he was trying to educate people and tourists and make them more aware about it. "Do not throw trash on the ghats or in the river because the river is holy", he would say to people. The trash in the river seemed to be the only source of pollution that he would be concerned about and he told me that the municipality itself is committed to keeping the ghats and the river surface clean.

It is evident that Surja, along with the many other pandits, shopkeepers and anybody who works around Har-Ki-Pauri, has all the interests in having clean ghats as well as a clean surface of Ganga. On this topic, I interviewed Ganga Sabha[45], an organization primarily committed to organize the Har-Ki-Pauri Aarti and clean the ghats in the city centre. I had an interview with one of the priests that celebrates the Ganga Aarti, Anurag Sharma, and he confirmed what Surja had already told me.

"*Ganga is not polluted. It is the people. They are not cleaning Ganga. We make awareness around the people and we say that if you pollute Ganga, then you will get a fine of 5000 rupees*".

Thus, Ganga Sabha perpetuates the logic of individual pollution and mobilizes almost 700 volunteers to clean the ghats and the surface of the river in the central parts of Haridwar, as well as make awareness on river pollution. However commendable their effort may be, it is important to consider what kind of awareness they perpetuate. Both Anurag and Surja reveal me that they do not know much about other causes of pollution apart from the city sewage - that has been solved in their opinion - and the individual type, like littering, disposing of dead bodies, etc. Anurag, very humbly, mentioned that only *knowledgeable people* know about dams and barrages and their destructive effects.

"*Religious people only need a flowing and clean water, they have nothing to do with blockages, dams, etc. Only those people who are knowledgeable about the damages of blocking water etc. will be against them. Normal people don't know anything about this*".

Anurag and Surja are part of a bigger trend of what I call "individual environmentalism" that I had already encountered during the Kumbh Mela, as accounted for in the previous chapter (section 4.4). I encountered again the concept of individualized environmentalism during my interviews in Haridwar conducted with Somnat and other members - who did not release their names - of the Shanti Gunj ashram. This ashram is quite well known as it initiated the NAMAMI Gange project, as they often told me, and it is dedicated, among much else, to make people aware about Ganga's conditions.

> "*It is the government that is working with us on the NAMAMI Gange project, not the other way round. We created the project to make more awareness*".

During these interviews, I was told about a "thought" revolution that resembles (and conflates with) individualized environmentalism. A thought revolution that starts from the individual sphere – thereby making individual environmentalism the first – and I fear the only – step to a healthier world.

Another point of interest is that the Shanti Gunj ashram perfectly captures the need for environmental and river protection, combined with a high religious and spiritual scope. This institution - as it can be read on their webpage[46] - has the wide and ambitious mission to raise divinity in humans and "make heaven descend on earth". Without delving into the history and the facets of their philosophy, it is interesting to mention that they believe that "all living being are soul-kins and that the entire earth is our family", and that an healed environment will heal one person's soul. With regard to this, they advocate for a kind of environmentalism that roots in the religious and spiritual importance of Ganga and nature, thereby making them very akin to some of the rhetoric of Rights of Nature in the rest of the world.

Somnat is a middle-aged man, very loquacious and he works for Shanti Gunj ashram. As soon as I and my interpreter - Milan - entered his office, he offered us Italian chocolate and told us to sit. He told us thoroughly about the ashram, the founder and his mission. I was very intrigued by the fact that the Shanti Gunj ashram was the initiator of the NAMAMI Gange project - or at least this is what it was claimed to be by Somnat and by some environmental scientists working and doing research there. Although I could not verify this point - as I could not retrieve this information from any other source -, it is not difficult to observe similarities between the NAMAMI Gange mission and their environmental goals that can be found on their webpage and that I summarize as follows: a cleanliness drive for the river and its banks, nirmalta and afforestation.

Somnat, as well as the scientists, told me that what their environmental approach wants to bring about is a *thought revolution* that is based on an individual change:

> "*we created the project (NAMAMI Gange) to make more awareness, as we strongly believe in the necessity for individual change*"

This individual transformation would be spurred by an awareness campaign that employs religious motives. When browsing on their webpage, it is easy to find pictures related to their cleaning campaign, as well as afforestation projects: numerous people (sometimes even thousands) are mobilized to take care of their own river.

In these words, I found again what Surja and Anurag had told me in the previous days. Despite a less sophisticated aim and different resources, they also referred to the cleanliness of Ganga and its banks as *mostly* an individual matter. Although the scientists at the Shanti Gunj ashram did acknowledge the importance of government interventions on STPs and industrial sewage, it seems to me that they mostly focus on a regeneration that starts from the individual. One could argue that their campaigns are significantly collective – as they gather hundreds of people, but what I mean by "individual environmentalism" is not simply an action of protection and defence of the environment carried out by a single person. Rather, as I

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[46] http://www.awgp.org/about_us/mission_vision

explained in chapter 4, I also refer to the fact that it can blind people from acknowledging more structural problems that lie behind Ganga's shallow cleaning and surface pollution.

What is left to say about the testimonies of Surja, Anurag and Somnat,ì is that the individualized environmentalism finds validation in the individual commitment to produce and maintain spaces that are *clean*, *beautiful* and *green*. These values seem to become prevalent in the rhetoric of Surja and Anurag, also for their connection to economic and spiritual considerations. Surja, on this topic, told me that more tourists are attracted by clean and beautiful ghats and Ganga and this confirms what Karar (2010:104) says in his study on tourism in Haridwar:

> *"The tourism based economy of Haridwar [...] may continue to flourish and thrive as long as water of the holiest river Ganga flows through Har-Ki-Pauri and its religious sanctity is ensured to satisfy religious sentiment of the pilgrim tourists. Otherwise, the pilgrim - tourists may find some other place somewhere for religious tourism and in that case the tourism-based economy of Haridwar may crumble and struggle for survival"*.

Local authorities are aware of this, and in the Haridwar Development Plan from 2007, they often refer to the vision for a *clean*, *green*, *beautiful* as well as a *religious* and *spiritual* city, where the river Ganga plays an important role for both its ecological and spiritual importance (UDDGU, 2007). Thus, the city - and most importantly to my research, the river and its banks - become object of a "beautification" process. The premises of this process are entailed in the Riverfront Development (RFD) projects that are one of the cornerstones of the NAMAMI Gange plan and that, to some extent, can already be observed in Haridwar. I will therefore first elaborate on the general facets of Riverfront Development in India, presenting the main criticisms and doubts raised by researchers and activists. Secondly, I will go back to the case of Haridwar and discuss some elements of the beautification process that I have observed and that serve to my discussion.

2.3.2. Riverfront Development projects: a critique from the literature

On the website of the NAMAMI Gange project[47], it is written that it is the intention of the government to develop "28 River-Front Development projects and 33 Entry level Projects for construction, modernization and renovation of 182 Ghats and 118 crematoria". As suggested by a member of the South-Asia Network on Dams, River and People (SANDRP[48]), Amruta Pradhan (2014), there has been a rush to RFDs all over India, after the pioneering project on the Sabarmati river in Ahmedabad city, in the State of Gujarat, had been declared a true success. As a matter of fact, Modi's administration has announced that the Sabarmati model will be replicated for Ganga, as an essential part for reviving, restoring and rejuvenating the sacred river (ibid.). Without wanting to examine in detail the Sabarmati model, I can still use this example to illustrate the general facets of RFD projects.

On its official webpage[49], the objectives of the project are claimed to be: environmental improvement, social infrastructure and sustainable development. On the same webpage, many pictures show the differences between the "before" and "after" the intervention, showing the poor conditions of the river banks that led to the project. I believe that the majority of the people would agree that *an* intervention was needed, also to cater to the environmental and social needs of the river and the city. However, the modality of intervention as well as the underpinning principles and missions of the Sabarmati model (and more generally any RDF projects) require a more attentive scrutiny. With regard to this, Pradhan (2014), Dharmadhikary (2018), Dutta (2018) and Srivastava (2017) argue that the Sabarmati model and the proposed RFDs along many other Indian

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[47] https://nmcg.nic.in/NamamiGanga.aspx

[48] "South Asia Network on Dams, Rivers and People (SANDRP) is an informal network working on issues related to rivers, communities and large scale water infrastructure like dams: their environmental and social impacts, their performance and issues related to governance of rivers and dams" – from their webpage: https://sandrp.in/about-us/about-sandrp/

[49] http://sabarmatiriverfront.com/project-objectives

rivers are nothing but river beautification, the creation of real-estate spaces and the concretization of riverbanks. Projects that are claimed to be protecting river – as testified by their inclusion in the NAMAMI Gange program – but that in reality, these authors claim – happen at the costs of the river ecology and the riverbanks identity. Particularly, Pradhan (2014) writes: "Priority for the river rejuvenation is restoring its water quality, freshwater flow and not riverbank beautification". Thus, these critiques raise the fundamental question: do RFD projects - as they are currently framed and implemented - really protect and improve the environmental conditions of the river? And who profits most from this kind of interventions to "conserve" the river?

I tried to answer these questions with the help of Dr. Shripad Dharmadhikary, who was an activist with the Narmada Bachao Andolan, a group that he describes on his Linkedin profile as "a mass organisation of the people affected by the construction of large dams on the Narmada river". Currently, he is a policy researcher at Manthan Adhyayan Kendra, an organization that conducts research on water and energy-related issues. I here report the last part of the interview I had with him on the 24th of February via Skype.

M: Let's talk about "riverfront development" now. I think RFD can be interesting for my research because, from what I have read and heard so far, it seems that RFD can be a possible way to divert attention from the real problem of water pollution.

D: RFD, the way I see it, is a way to divert attention. Actually, they call it river beautification. It has two goals: one to show that they are protecting the river, when actually RFD is doing the opposite because it is taking the river away from its nature state into a more built-up space. Second, lots of these projects are about creating expensive real-estate space in the middle of the city and selling them to large corporates.

M: You mentioned the creation of a real-estate space around the river. I do understand the social implications of this process, but I don't see how this affects the river.

D: It does affect the river. The only way you can create this "real-estate" situation is to shift the river from a natural to a built-up state. The second problem is that it makes parts of the river exclusively accessible. For example, a huge corporation is going to pay a lot of money for a river front office only if it is exclusive to them. So you are making parts of the river exclusively available to some parts of the city.

M: As far as you know, in any RFD project, are there people being displaced?

D: Yes. In Sabarmati huge amounts of people were displaced to create RFD and beautification. And only when they fought – they had agitations and movements for some year – only then they got some alternative housing scheme.

This excerpt from my interview raises some interesting points. First of all, the focus of RFD projects seems to be the beautification of the riverfront and this goes along with the creation of an exclusive space - in the words of Dr. Dharmadhikary, a real-estate space -, thereby neglecting the socio-cultural functions and identity of ghats and riverbanks. This point is also confirmed by Khann & Husain who, in an article called "The Rivers of Life" (2017), argued:

"The vital river-settlement interaction has gone missing as the focus of cities has shifted away from the river. From what began as the raison d'ètre *of urbanisation has today been relegated to the background of civilisation. [...]. Riverfront projects such as the Sabarmati Riverfront Development Project of Ahmedabad city have transformed cultural landscapes into unidentifiable urban commercial spaces"*

These consequences - that seem to be more planned than unexpected - come along with ecological and social impacts that are very ambiguous. As for the former, Dutta (2018), professor of Environmental Science at the Babasaheb Bhimrao Ambedkar Central University, Lucknow (Uttar Pradesh), explains that the channelization of the river reduces the floodplain and the seasonality nature of any river, while it also has impact on the biodiversity. However, no Environmental Impact Assessment (EIA) is required for this kind of projects, making the environmental protection claims of the constructors less valid to advocate for RFD. As for the societal impacts, the creation of exclusive space can run the risk of displacing people, as it has been the case with the Sabarmati project. Furthermore, though little research is done on this, the creation of real-estate spaces is likely to produce gentrification, thereby pushing away the lower strata of the society that, as Neha Singh told me, tend to encroach on the banks of the rivers in India. In conclusion, it seems that RFD favours mostly higher layers of the Indian urban society, by creating beautiful spaces – oftentimes made up of public parks, etc. – that give the impression of cleanliness of the ghats as well as of the river. However, as argued before, this is a very piecemeal understanding of the river ecology and the current Ganga's pollution crisis.

Having outlined a general description of RFD, I now move to describing elements of RFD that I observed in Haridwar, so as to account for the city transformation in relation to the river and its banks.

2.3.3. Haridwar and the beautification of the banks[50]

It was just a few days before doing my interview with Dr. Dharmadhikary that I came across the news[51] that the Haridwar authorities had officially inaugurated the Chandi ghat development project. I here report the initial part of the article accounting for it:

> "*The Minister of Water Resources, River Development and Ganga Rejuvenation, Nitin Gadkari, inaugurated on the 21st of February 2019 Chandi Ghat Riverfront Development in Haridwar undertaken in the line of National Mission for Clean Ganga (NMCG). Located close to Chandi temple and Kali temple, the project accomplished at a cost of Rs 69.18 crore is a part of 36 other projects in Uttarakhand which have been completed. The components of Chandi Ghat development included River protection works, intake well, chlorinator, overhead tank and water supply network, visitor information centre and parking area inside cremation ghat. Strategic development plan in context with the city level mobility network, showing important access points has also been developed. The stretch is almost 767-metres along the Ganga, in which 627 metre is the bathing ghat and 140 metre is the cremation ghat*".

This is just one of other 36 projects that will be carried out in the sole State of Uttarakhand, and it shows the importance that RFD projects have in the political agenda of Modi's administration. Although I could not visit the brand-new ghat myself due to time constraint, I retrieved a video published on the twitter channel of NAMAMI Gange where the project is illustrated[52] and it presents some of the aspects distinctive of RFD: concretization of the ghat, beautification of the space that will now cater to hundreds of people and creation of sewage treatment plants (STPs). Furthermore, this project can be interpreted as part of the municipal strategy (as announced on the Haridwar Development Plan in 2007) to lessen the pressure on the Har-Ki-

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[50] As a premise to this section, I need to account for methodological difficulties that I encountered when studying RFD and its principles in Haridwar. The difficulties stemmed from the fact that I could not find any expert on Haridwar and urban planning, thus I could not directly discuss the topic of RFD. Furthermore, the informants that I had, mostly bystanders on the main ghats of the city, did not know anything about the specific concept of RFD. Thus, the data that are mentioned in this section mostly come from newspapers my own observations (supported by images) and a few interviews. I am fully aware that the lack of structural and official data weakens the argumentation of this section, however I reckon that it does not nullify the validity of my conclusions, thereby making it worth to engage with the content of the section.

[51]https://www.aninews.in/news/national/politics/nitin-gadkari-inaugurates-river-front-development-project-in-haridwar20190222225228/

[52]The video can be retrieved at this link: https://www.timesnownews.com/business-economy/industry/article/another-tourist-attraction-chandi-ghat-in-haridwar-see-pictures/371569

Pauri by creating other touristic hotspots in the city. In this respect, Dr. Verma from Matri Sadan[53] told me that the municipality has planned many other ghats on banks of Ganga for this reason. His opinion, despite not necessarily negative on RFD, was that the beautification of the river has nothing to do with the cleaning of Ganga.

> "*They are building concrete banks everywhere in Haridwar. This is not a big problem as itself. But you must beautify the river not at the expenses of Ganga. These projects have nothing to do with the cleaning of Ganga. The only way to clean Ganga is to let it flow*".

Despite the fact that virtually no research has been done on this project and little information can be retrieved on internet, I believe that the Chandi Ghat example is interesting, considering that it presents elements that are distinctive of the Sabarmati model: it entails provisions that associate with environmental protection, social infrastructure and sustainable development. Because of its similarities to the general traits of RFDs, the Chandi Ghats project could undergo the same critical remarks. Besides this and most importantly to my research, I think that this project is nothing but the confirmation and validation of a "beautification" process that has been going on for decades now in the city and that I have partially already described in section 5.1.1. In that part, I mostly framed the discussion around the existence of individual environmentalism, and now I will go back to those data and bring them under a different light.

I conducted further research in the central area of Haridwar and thanks to numerous articles found online, I could detect aspects of the development of the banks that is already happening in Haridwar – despite not under the name of RFD – and that aim at presenting a clean and healthy river. As it can be seen from Fig 3-4, the central ghats of the city are already fully cementified and they mostly host hotels, restaurants and big fast food chains. It is evident that the ghats are becoming an exclusive space[54]. The beautification process is certainly not a mystery, since the municipality has recently announced it and provided a large amount of money to carry it out (The Times of India, 2018a). Har-Ki-Pauri, not surprisingly, is at the centre of this process and, according to the plan that, to my knowledge, still needs to be implemented, it will be enriched with light and sound shows on its ghats (The Times of India, 2018b). Additionally, an anti-encroachment drive has also been launched and, as indicated in the Haridwar Development Plan from 2007, the "growth of slums and squatter settlements along the river and canals" has been identified as causing pollution to Ganga. To be sure, there are reasons to think that illegal encroachers on the banks of the river do contribute to the pollution along the river. However, their displacement can be problematic in a country like India where, as shown in the RFD project on the Sabarmati river, rehabilitation of displaced people can be extremely laborious, difficult and controversial. Can the protection and conservation of Ganga – arguably brought by beautification processes and RFD – justify the displacement of local communities and the lack of rehabilitation? And most importantly, is the development of RFD and the process of beautification as essential for Ganga restoration as it seems from the authorities' commitment to the cleaning of Ganga? With regard to these questions, I need to clarify two points. First, when the beautification drive was initiated in 2018 by Haridwar authorities, some citizens have been reported to have criticized such move, hinting at the fact that the city has other problems that should be addressed first (The Times of India, 2018a). Second, in the context of Haridwar, I did not find any comment from authorities that would link the beautification process to the restoration of Ganga. In other words, authorities are not beautifying the main ghats and *openly* advertising this as an effort to clean of Ganga. However, by connecting the beautification drive happening in Haridwar to the broader concept of RFD project – and as I have argued there are enough elements to draw this connection – it is undeniable that beautification efforts in Haridwar, probably *indirectly*, are associated

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[53] Dr. Verma is a member of Matri Sadan and he also is a practicing doctor in Haridwar city. I interviewed him on the 6th of February and he gave me an introduction to Matri Sadan.

[54] At least in the case of Haridwar, I cannot argue that they are a "real-estate" space, yet because smaller shops can still be found on the ghats, despite a process of gentrification is evident throughout the central part of the city.

to the cleaning of Ganga. This point is also supported by the interviews that I had with Surja and Anurag and the activity of the Jai Ram Ashram: the cleanliness of ghats and river surface - which are elements of beautification – seem to connect to the river's cleanliness. Finally, members of Matri Sadan, like Dr. Verma and Dayanand Ji, told me that authorities sold beautification as an attempt to clean Ganga.

Fig. 3-4 – These pictures show one of the leading ghat to the Har-Ki-Pauri in the central part of Haridwar. Hotels dominate the scene, along with restaurants and other shops. From the picture, the "concretization" of the bank is also evident.

These considerations, along with those made in section 5.1 show evidence of the beautification process that it is going on in the *central area* of Haridwar and particularly around Har-Ki-Pauri. Riverbanks are the central element of this process, as they represent a crucial hub for pilgrims and tourists coming from the rest of India and of the world to admire and worship Ganga. The attempt to create a real-estate space is carried out with the approval of many local shopkeepers, as well as any other person whose income positively depend on the amount of tourists that visit the ghats of Ganga. Furthermore, I contend that beautification is supported by the rising individualized environmentalism approach to Ganga that I have analysed in section 5.1, since people are boosted to *maintain* beautiful and clean spaces. Although the importance of having clean ghats is acknowledged by most, I have so far tried to point out at the fact that the cleaning of the ghats and of the surface of Ganga - as entailed in any RFD projects - combined with individualized environmentalism are not *per se* positive things, as they might divert the attention of people from the other - arguably bigger- causes of pollution, such as water diversion through dams and barrages, as well as city and industrial sewages. Dr.

Verma, member of Matri Sadan, confirmed my impression on river beautification when we were discussing about NAMAMI Gange:

"*NAMAMI Gange program is just propaganda to make us blind, to be frank. There are so many programs that have no meaning at all to clean Ganga. They only clean the outside aspect of the Ganga. This doesn't purify the water. The only way to purify it is to let the river flow. The government, unscientifically, is making people blind by beautifying ghats. Overall, there is a huge scheme of government propaganda*".

Additionally, beautification processes are mostly taking over in those places that can be identified as "touristic hubs" of the city, the Har-Ki-Pauri being the first and foremost example. What happens outside of this "bubble" is what I will describe in the coming section.

2.3.4.   Outside of Har-Ki-Pauri: the example of the Jai Ram ashram

On my second day of fieldwork I decided to explore different parts of Haridwar. I was interested in discovering what Ganga and the riverbanks look like far from the tourists and pilgrims' gaze. With this intent, I visited Brahmachari Ji, the spiritual leader of the Jai Ram Ashram, to whom I was directed by PSI for its knowledge on Ganga. The Jai Ram ashram (Fig.5) lies in the northern part of the city, upstream the Har-Ki-Pauri and the well-known Bhimgoda barrage (Fig.6).

While preparing my fieldwork with PSI colleagues, I had heard about this barrage and from a preliminary research it came out that it diverts water from the original course of Ganga to the Upper Ganga canal. This canal brings water all the way until New Delhi and it runs through the northern part of India for almost 10.000km (Choudhary, 2013, Encyclopaedia Britannica, n.d./a). Interestingly, the water diversion amounts to something close to 95%. In other words, 95% of the water that is in Ganga before entering Haridwar is diverted into the Upper Ganga canal for irrigation purposes, as well as hydroelectric power production and floods control (Choudhary, 2013) leaving the original river with, virtually, only 5% of its water (the little amount of water after the barrage can be partially seen in Fig.6). What is interesting is the fact that Har-Ki-Pauri is right at the beginning of this diversion, on the Upper Ganga canal. This means that the big flow of Ganga that I had admired came from an engineered solution to divert water and this, the presence of dams, barrage, etc., is an essential element to any RFD projects (Dharmadhikary, 2018; Pradhan 2014). Beautification and cleanliness of the river cannot happen with a scarce flow that would make Ganga appear like a rivulet, therefore water diversion becomes essential. Visiting the Jai Ram ashram and talking to Brahmachari Ji helped me to clarify what happens to Ganga in those parts of Haridwar that are not under the gaze of tourists.

Fig. 5 – This snapshot from Google Maps shows the distance between the city centre and the Jai Ram Ashram where I encountered a polluted and nearly-still Ganga. Also, it shows the Bhimgoda Barrage and the water diversion towards the Har-Ki-Pauri

Fig. 6 – This picture shows the water diversion seen from the Mansa Devi Temple. As it can be seen from here, most of the water is diverted into the channel, whilst a little quantity is left free to flow (the riverbed is left uncovered and it can be seen in the brown spots right after the barrage)

Before starting the interview, Brahmachari Ji told me to go and see Ganga from the banks of the ashram. He told me that after seeing it, I could understand his story. Intrigued, I followed the assistant through the ashram – a monumental building – until we met the banks and the river. As shown in Fig. 7-8, Ganga appeared as a different river: both the flow and the quality of the water were very low; trash was floating almost static on the surface. If this was not enough, the assistant mentioned some interesting facts that I report here:

"*More upstream, there is a sewage that is disposing water in the river and the government is not doing anything about it". "Two months a year, Ganga is closed and dried up for cleaning. What they do is they draw sand from the riverbed to sell it to contractors. This is not cleaning!*".

Evidently, this landscape was telling a profoundly different story from the one I was told in Har-Ki-Pauri. On the opposite side of the Jai Ram ashram, some kids were playing in a desolate and dirty ghat, with dogs roaming around. It was clear that water diversion and beautification only apply to those areas that are the spiritual and touristic hubs, whereas other parts of the city – that are less functional to the economy and the prestige of Haridwar – are left alone to show another face – or what actually Ganga nowadays is, according to many environmentalists like Kothari – of Ganga: a dirty rivulet with little flow.

As soon as I got back to Brahmachari Ji, he told me to be very upset with the authorities and he acknowledged that if Ganga is in such dire straits, it is because people follow money: "Everybody uses Ganga to make money" he told me "but nobody really takes care of it". Although he was not directly referring to Haridwar when he said this, I think that these words can be valid for this city, too.

Fig. 7-8 – These pictures speak for themselves. The comparison between this trait of Ganga and the one of Fig.1 and 2 is startling.

In conclusion of this section, I want to repeat the words of Karar (2010:104):

"*The tourism based economy of Haridwar [...] may continue to flourish and thrive as long as water of the holiest river Ganga flows through Har-Ki-Pauri and its religious sanctity is ensured to satisfy religious sentiment of the pilgrim tourists. Otherwise, the pilgrim - tourists may find some other place somewhere for religious tourism and in that case the tourism-based economy of Haridwar may crumble and struggle for survival*".

In my opinion this analysis perfectly captures my conclusions: Haridwar is aiming at becoming the "Vatican of Hinduism" (UDDGU, 2007) and to do so it requires a mighty river that can cater to the needs of tourists and pilgrims that, in turn, support the local economy. The political and environmental message is therefore to beautify the central areas and those traits of Ganga where tourists and pilgrims are likely to be and bathe. In doing so, an individual environmentalism message goes along so that a beautiful and clean space can be maintained. Moreover, I have argued that the combination of beautification and individual environmentalism bring along dangerous consequences. First of all, they can divert the attention of the people from the real causes of water pollution in Ganga, that are city and industrial sewages and water obstructions like dams and barrages. This particularly can happen when authorities, like in the case of RFDs, advertise such projects as part of a bigger campaign on Ganga restoration and rejuvenation. Second, with particular reference to beautification, some interventions (such as: real-estate space, fines for littering, anti-encroachment drive, concretization of the banks, etc.) may cause harm to the river[55] and carry along social implications like gentrification, displacement and water disparities between different parts of the city. In other words, there might be two cities and two Ganga[56].

Finally, I have shown how Haridwar is a city of material differences, where Ganga can be both a majestic river – though trapped in a channel – and a dirty rivulet[57]. However, during my fieldwork, I observed another difference, or an *aberration*. What I am referring to is the presence – in the suburbs of the city - of the group of sadhus that goes by the name of Matri Sadan. Their difference is evident both materially – in their material poverty – and conceptually or even ontologically – in their positions on Ganga. In the final section (5.4), I will introduce this group and their battle against sand mining to defend Ganga's rights, so as to complete the picture on Haridwar. At the same time, though, this section – that I *emblematically* call intermezzo – will connect chapter 5 to chapter 6 and 7 where Matri Sadan and their resistance for Ganga's rights will be one of the main threads of thinking and discussion.

5.4. Intermezzo: an introduction to the fighters for Ganga's rights, Matri Sadan

5.4.1. Prelude

Before diving into the content, I want to clarify the structural function of this section. Not by chance, I refer to the term "intermezzo" and I intentionally refer to its musical connotation. During the first and late romanticism, intermezzo referred to a moment in music that would connect other parts of a large piece of work. Although its function changed across authors and composition, intermezzos did serve the function to bridge different movements which is, in other words, what this section wants to do by linking chapter 5 to chapters 6 and 7. Another interesting element that can be particularly appreciated in Brahms (like in the famous opus 118 n.2) is the lyricisms and the emotional tone of intermezzos. I would like to give this section this function, too. As a matter of fact, the coming sub-section (5.4.2) will be an attempt to describe (or paint)

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[55] I did not study the ecological impact of new RFD projects in Haridwar so I cannot draw any conclusion on this regard. However, based on literature review, I can hint at the doubts raised by Dutta et al. (2018), that cementification and channelization of the river do have an impact of the river ecology.

[56] I do not exclude that there might be more than two cities and two Ganga in Haridwar.

[57] Evidently, because RFD projects are becoming so popular, this is (and will be) true for many other cities in India – and not only.

the moment in which I first entered Matri Sadan and the emotions that I felt when engaging with the sadhus. Talking to people who are ready to die to protect a river is not something that should get lost amid data, theory, conclusions and all of the other material that *normally* constitutes the thesis work.

5.4.2. The lyricism of Matri Sadan

To get to Matri Sadan, I had to drive away from the city centre for 20 minutes and I was left at the beginning of a muddy road, in the middle of a village with tiny and colourful houses. I was there with my translator Neha and as soon as we jumped off the car, she said to me: "Welcome to your first Indian village". As a matter of fact, that day in the first week of February was the first time I had gone outside the crowd of a city to visit the suburbs made of small villages. Nature was lush. Tall trees stood out like green pinnacles and cows and pigs were resting on the sides of the muddy road that Neha and I had to walk to reach Matri Sadan. On the way, we met a few people who looked at me interested, until we reached a small bridge that gives on a river. The river, to my surprise, was Ganga. The natural banks with grass and plants let free to grow and thrive were a new scene for me, as I was used to the cementified banks of Haridwar and Rishikesh. Animals and humans were roaming around, some resting on the grass, some chit-chatting incomprehensible words for me. I felt that a sense of calmness reigned over that place. Matri Sadan ashram was lying on the right side. A red metal gate had a hole where Neha and I passed through to enter. Some sadhus came to welcome us with a bright smile. My idea of an ashram had to abruptly change, too: coming from the Jai Ram Ashram, an immense building in the middle of the urban jungle of Haridwar, Matri Sadan seemed to me a little and humble place where a bunch of thin and grey sadhus were resting their bodies. Small buildings were leaving place for grass and trees to grow and the sadhus were busy with daily errands: cooking, sweeping the floor, resting in the sun. I immediately saw two sadhus – that I could distinguish by the white clothes they wore. One of them, who I later got to know as Swami Shivanand, was lying on a table in the sun. Around him, some people – a family – was sitting on plastic chairs. A few words of welcome and I started talking to him. A fierce man. Bold and thin with a staggering but confident voice. The second sadhus was behind him. He was in the shadow, wrapped in a purple blanket. He did not say a word to me. From time to time, he moved his body with an evident effort. Later, I was told that he had been fasting for around one hundred days. "Why?", I asked. For Ganga.

Matri Sadan has been described to me by Dr. Anil Gautam as a place where I could find people with not only a lot of knowledge but also with a genuine connection for Ganga. During my preliminary research in Haridwar, I found out that Matri Sadan had also had a role in the fight against sand and boulder mining in the city area and, during this battle, they had also supported the Uttarakhand High Court decision on legal rights of Ganga and Yamuna. In this section, I will mostly discuss about their opposition to sand mining and their general approach to Ganga, as an introduction to the argument that I will fully make in chapter 6 about their "resistance for Ganga's rights".

Fig. 8-9 – In the picture above, Swami Shivanand. We talked for around one hour and he was a bit tired after the interview, so he decided to rest on the table. The picture below, instead, shows the inside of Matri Sadan. Nature is the protagonist of the ashram.

5.4.3. Sand and boulder mining in Haridwar from the perspective of Matri Sadan[58]

Without wanting to deeply inquire into sand mining in Haridwar, I here introduce the issue since it is important to support my previous contention that Ganga is treated differently in different parts of the city and that, in certain cases, it is exploited to feed the demographic and infrastructural growth of Haridwar city. The information that I will use in this section comes from interviews and from a document called Matri Sadan Press Kit 2017. It can be retrieved online[59] and it is mentioned in an article[60] from SANDRP, an organization that has closely followed Matri Sadan and their effort to protect Ganga. The Matri Sadan Press Kit 2017 is probably written by Lisa Sabina Harney and it presents an overview of the sand mining issue, from the perspective of Matri Sadan.

The legislation on sand and boulder mining in Haridwar and Uttarakhand is extremely uncertain. To my knowledge, thanks to the effort of Matri Sadan, mining was banned in 2016 in some areas, also with the support of the Central Pollution Control Board that had conducted studies on mining. However, the ban was stayed by the Supreme Court a year later and since then Matri Sadan's sadhus have been fighting to stop the activity again. The reasons why Matri Sadan is engaged in banning mining are of three kinds: ecological, social and spiritual/religious.

Firstly, the activity of excavating and withdrawing big quantities of sand and boulders from the riverbed is claimed to be unsustainable by the like of Matri Sadan because they are "altering the course of the river, causing floods and droughts, destroying agricultural land, as well as creating poor air and water quality for the entire region". Secondly, mining is orchestrated by what is called an "Indian sand mafia" that hires local communities at low income and damages with its activities biodiversity and livelihoods of communities living nearby the riverbed. At the end of the document, a testimony of a local community member is given:

> "*The miners earn a little bit more money than the farmers. Though they employ some people from my village, most of the mining is done by outsiders. They have taken a lease for agricultural purposes but instead they are mining the fields, digging massive ditches and destroying the land and river. The farmers are too scared to complain to the police who are paid off by the mafia. There is often violence between the two groups, people have been killed by mining trucks. The water table has dropped, and 60 out of 100 wells have dried up. The farmers have experienced much greater floods on their land since 1998*".

Thirdly, it is a "religious duty to protect the river because in the Mahabharata, it says that when the river Ganga, who is considered a goddess, came to earth, it was with the understanding that the holy men and women would protect her from the profane". On this aspect, I asked for clarification to Dayanand[61] Ji, one of the sadhus I had the opportunity to interview. He told me that from the holy text of Mahabharata, they draw

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[58] It is important to mention that all the information that I had on sand and boulders mining come from sources that are related to Matri Sadan. Evidently, the government provides a different narrative, that is mostly the one of "sustainable mining". Likewise, the government refers to the necessity of mining to avoid floods. With this regard, SANDRP has released to detailed reports on sand mining that can be used as starting point in inquiring the ecological and social effects of this activity. As this eludes the scope of my research, I limit myself to reporting the links to both reports:
https://sandrp.in/2016/02/01/river-sand-mining-in-india-in-2015/ and https://sandrp.in/2016/12/28/river-sand-mining-in-india-in-2016/

[59] https://docs.google.com/document/d/1ZScUCtmvwflJoBhnLS0d7Pc9hsX4rawu7-Y-c-X5fto/edit

[60] https://sandrp.in/2017/06/06/about-matri-sadan-fight-against-illegal-mining-in-river-ganga/

[61] Dayanand Ji was the sadhu I was in contact with to organize my visit to the ashram. He was very available and he was fluent in English. I will come back to Dayanand again in the following chapters when I will more specifically talk about rights of nature and the Uttarakhand High Court decision, since he is the one who deals with the legal battles that Matri Sadan engages with.

the religious legitimation to stand up for Ganga's rights. Interestingly enough, Dayanand Ji also gave me an explanation of why specifically mining sand and boulders is wrong according to the Hindu religion:

> "*In Mahabharata it is also written that Ganga was very angry and she wanted to go underground. Then Lord Brahma[62] Ji told Bhagiratha[63] to do tapasià [64] for Lord Shiva who can control the flow of Ganga Ji. So Shiva channelled Ganga Ji through the dreadlocks. In Mahabharata it is mentioned that the stones and boulders that we see from Himalaya and Haridwar are a form of Shiva's dreadlock. They control the flow of Ganga Ji*".

5.4.4. Matri Sadan and the battle for Ganga

From their stance on mining and from these insights given by Dayanand Ji, it is evident that Matri Sadan's approach to Ganga is completely different from what I had observed during the Kumbh Mela and Haridwar fieldworks, particularly when it comes to authorities and their river governance intentions. This should not surprise, considering that Matri Sadan's scope is very different from the one of the government. From my interactions with them and from other sources, I can confidently say that Matri Sadan has no interest other than protecting Ganga and this was confirmed by Dayanand Ji who told me: "My entire life is devoted to Ganga". Dr. Verma[65] also said that: "The logic behind is always to make money" and this logic is what they oppose so fiercely because Ganga must be protected no matter if the price might be their own life. G.D. Agrawal, a well-known environmentalist, former faculty member of the Indian Institute of Technology in Kanpur and member of Matri Sadan, paid with his life after a long fast to "save Ganga" (The Wire, 2018a). Fast, as explained in the Matri Sadan press kit, is a loose translation of the term "Satyagraha" that refers to "an ancient Vedic spiritual practice of which fasting is the external component" and it relates to the duty of protecting Ganga, as I have accounted for in the previous sub-section. Thus, G.D. Agrawal and after him many other sadhus have embraced "Satyagraha" to bring forward different causes that are all connected, ultimately, to the protection of Ganga: be it sand and boulder mining, dam construction, etc.

Having this stand on Ganga, Matri Sadan has often opposed the government, and the best-known example of this is precisely G.D. Agrawal and his battle for *aviralta* in Ganga. He died abruptly after a long fast and after the Uttarakhand government forcibly moved him from Matri Sadan to an hospital nearby to prevent him from fasting (*ibid*.). A few days after being the hospital, as I was told by Swami Shivanand[66] in an interview, the spiritual head of Matri Sadan, Agrawal died, leaving many doubts on the reasons of his death. Besides the speculations - more or less well-founded - Agrawal had repeatedly reached out to the government asking for a Ganga Protection Management Act, the cancellation of several hydropower projects, the ban of any mining activity and the creation of the Ganga Bhakta Parishad, a board that had to work in the *sole* interest of Ganga (The Wire, 2018b). The government, in front of these requests, turned a deaf ear. Since then the relation between Matri Sadan and the authorities have become very critical, as the sadhus have been using "Satyagraha" to protest against the killing of Ganga.

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[62] The god creator of Hinduism

[63] According to the Hindu mythology, he was a great king who brought Ganga down to earth from the heaven.

[64] Loosely translated as deep meditation

[65] Cfr. footnote n.8

[66] Swami Shivanand is the head of Matri Sadan. I interviewed him on the 16th of February when I was visiting Matri Sadan for the second time. He is an old man and during the entire interview he remained seated in the sun. He had told me he felt not so well but he still talked to me for around one hour. Very fiercely, when we touched upon Agrawal's death, he defended his companion and disciple. From his voice, I could hear all the devotion that he has for his cause: saving Ganga. Meeting with Swami Shivanand and the other sadhus has been an incredible experience that I will carry along with me for the rest of my life.

5.4.5. The relevance of Matri Sadan for the research

Matri Sadan's connection to sand and boulder mining is extremely relevant to my research. I believe that accounting for these activities in Haridwar and, specifically, for their ecological and social implications, can enrich the picture of Ganga in Haridwar. As I have explained in this chapter, it is my opinion that Haridwar is experiencing a "diversified" water reality. On one side, the city centre, the touristic hub, where Ganga - or the Upper Ganga Canal to be more precise - appears as mighty and clean and it has to be so to satisfy the needs of the tourists, pilgrims, thereby allowing the local economy to function properly. On the other side, as shown by my visit to the Jai Ram ashram, other parts of the cities, that are not under the tourists' gaze, have a completely different Ganga, that is a dirty rivulet.

I argue that it is interesting to look at and know more about the sand and boulder mining because it shows how Ganga is used differently, once again. Ganga, in these areas, is more like a construction site where the raw materials are directly drawn from its bed. Ecological and social consequences and backlashes do not really matter as long as the business of sand and boulders continue and can fuel the growth of the city - a growth that is related to the expansion of tourism (cfr. Karar, 2010). This line of argumentation can easily fit in the broader discussion of water disparities and individual environmentalism, as described above. With particular regard to this latter, I think that it is essential to understand that activities like mining - potentially harmful to the river - are not mentioned by the mainstream discourse of individualized environmentalism. With this regard, Dayanand Ji told me very significantly:

> "*Government is making ghats and in doing so they say that Ganga is getting clean. But making ghats has nothing to do with cleaning Ganga*".

In other words, the diversion that beautification and "individual environmentalism" create, can blind people from the real problems of Ganga - like mining - and lure them into believing that not tossing trash on the ghats or plastic bottles in the river is enough to restore the sacred river. What Matri Sadan and its sadhus seem to say is that Ganga's problems are different and require a collective resistance. This point requires some clarification. As a matter of fact, I am aware that Satyagraha - the fasting practice - is an individual act that sadhus engage with. However, it is undeniable that Matri Sadan action has a collective dimension because it aims at reaching out to the rest of the people. In my discussion with Dayanand Ji, for instance, he connected Matri Sadan to other agitations around India:

> "[*A*]nd in many places of India, there are agitations for Ganga"

Furthermore, Matri Sadan and its sadhus often resort to legal tools to put a ban on different activities, like in the case of mining or, going back further to the time of G.D. Agrawal, to obtain the creation of an eco-sensitive zone (concept that I will elaborate upon in the coming chapters) in the Bhagirathi region. These efforts, evidently, elude the individual dimension and have a strong collective dimension - because they refer and impact every member of the community. Finally, in opposition to what I said above for the Shanti Gunj ashram, the kind of positions adopted by Matri Sadan are hinting at the structural dimension of water pollution and Ganga's crisis.

5.5. Conclusion

In this chapter, I used my fieldwork in Haridwar and interviews with experts to give an account of Haridwar and its relation to Ganga. Particularly, I tried to answer the question that I posited at the beginning, that is: how does the city changes in relation to Ganga and how these changes affect (evenly or unevenly) both its ecology and the society? Through the sections of this chapters, I showed that the city changes along Ganga and, arguably, two cities and two Ganga can be identified. One city for the tourists and piligrims made of beautified spaces and where Ganga has a rich flow and a better water quality. Another city, instead, that is made of a dirty rivulet with almost no flow. Water interventions like Riverfront Development (RFD) projects and water diversion (Bhimgoda barrage) are essential to maintain these spaces of beautification. Particularly, I focused my attention and research curiosity on RFDs projects and I connected them to the individualized environmentalism as described in the previous chapter.

Having two cities and two rivers comes with important ecological as well as social consequences. My visit at Matri Sadan and their effort against sand mining, for instance, was extremely telling of both these backlashes. My interviews with the sadhus from this ashram made me understand some of the implications of the expansion of Haridwar and what role Ganga plays in this. Interestingly, and in accordance with the conclusions already drawn in chapter 4, I found out that Ganga can be instrumentally used to convey certain political messages. In the case of Haridwar, the message of a clean and beautiful city that respects the sacred river resonates very well with the tourists and the piligrims who, ultimately, are one of the main sources of income for the municipality. Once again, looking at the political dimension of Ganga opens up a series of important considerations that will be used in the next two chapters.

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Chapter 6: Discussing Ganga and Rights of Nature

6.1.   Introduction

In this chapter, I will engage with the concepts of river development and rejuvenation. In the first section (6.2), I will analyze the interpretation that government and water authorities give to these concepts. In section 6.3, instead, I will look at alternative claims on river conservation that comes from activists and environmentalists that, apparently, do not believe that the current water governance trend will ever come to rejuvenate Ganga. Particularly, I will engage with the concept of "river rejuvenation" and give a different definition. On such analysis, I will single out some fundamental rights that I was told a river should have respected. Subsequently (6.4), I will engage with already existing legal frameworks in India that aim at protecting the environment. I will critically look at them in order to draw conclusions that, later (6.5), will be applied to the case of rights of nature. Finally, having showed the shortcomings of legal frameworks for environmental protection in the Indian context, I will move on to a "political" interpretation of rights of nature. In doing so, I will engage with groups active in developing alternatives to the current development model of India. Politicizing rights of nature – accordingly to the theoretical framework of chapter 2 – is essential to introduce the final discussion to this thesis (chapter 7) and to introduce critical questions to RoN doctrine and practice.

6.2.   Ganga rejuvenation and development: a case for controversy

"India is not blessed with equitable distribution of water resources. It has places with about 150 days of rain a year, and deserts where it rains only 5 days a year. Except in small parts of southern India, 80 percent of the rainfall is concentrated during the period June to September".

Ray (2008) thus accounts for the unequal water resources distribution in the Indian subcontinent that made necessary the so-called river-linking project, firstly elaborated in the XIX century and up to today very much discussed in the Indian political scene. This project, Ray explains, is an attempt to deal with the inequality of water distribution by storing water from the Himalayan rivers - Ganga being one of these - to transfer it to other parts of the Indian peninsula. More recently, river-linking appeared again on the table of discussion when PM Narendra Modi announced that it is a crucial means to address the imbalance between water-rich and water-scarce areas in the country (The Times of India, 2018c). Despite the political fuss that is currently being created, many have been the criticisms in the past years, ranging from the damages caused by dams that are needed to divert rivers, to the unnatural change in the physical flows that will cause still-not-fully-understood and possibly detrimental consequences for nature and humans (Ray, 2008).

Setting aside this controversy, the river-linking project is a good example to show the importance of rivers and the fact that managing and governing rivers is becoming politically, economically and socially essential in today's India confronted with the further challenge of climate change (Ray, 2008; Swain, 2018).

Similarly, during my interview with Prof. Derrik M. Denis from the University of Allahabad, when I asked him if it was true that the water level during Kumbh Mela had decreased during the years, I was reminded about the importance of harnessing every single drop of water in the Indian rivers, which is, on paper, the essence of the river-linking project

"There are several development projects on the river and the concept is that you can't waste water. Water is an important resource and the intensity of many activities (agriculture, etc.) [that require water] *has increased. It is not useful to release more water than required because water is an important resource to harness and not to waste"*

The example of the river-linking project and the words of Prof. Derrik M. Denis, seem to say that a river has to be controlled - via "development projects" - in such a way to make *the best out of it*, to *make it useful*. I had already encountered this logic during my literature review and in discussions with experts on Ganga. In

this sense, an interesting interview was the one with the ecological economist Dr. Nilanjan Ghosh[67] who told me that, in his opinion, it is precisely the excessive efforts to control rivers - that started with the British colonizers – that is one of the main causes of the current Ganga's crisis[68]. I here report an excerpt from my interview, where Dr. Ghosh explains his principles and applies it to barrages to control floods and high flow.

> *"When they* [British colonizers] *saw that high flows were coming, they described these as floods and since floods bring damages, they thought that floods had to be controlled. To control floods, you have to have construction mechanism, large structures, etc. So, naturally this entire idea came that you have to construct barrages. Then, they also found that water coming from high altitude has huge hydropower potential, irrigation potential. [...]. This knowledge of engineering construction was thus brought by the British and European colonizers and somehow it continued also after independence. So you have the best engineering colleges that are propagating this "construction" regime"*

A living example of this mentality - and attitude - is the increasing number of hydropower dams that have been planned in the sole State of Uttarakhand, an important source of hydroelectricity for the entire country (Rajshekhar, 2019b). Once again, the idea of controlling a river to make its flowing "useful", as Prof. Derrick M. Denis said, comes back and it is associated to the concept of development. Without wanting to delve into the definition of what development is, it is important to note that, for Prof. Derrick M. Denis, development is about economic growth and essential to India. Specifically, when it comes to rivers, it means controlling them.

> *"Development can't be stopped at any cost because you must give a developed world to the next generation. If we can't give a better India in terms of economic gains, technology, resources, infrastructure to the next generation, then we go back. The more technology, the more employment and GDP you generate. If you compromise with development, then that affects the entire country. Development cannot be stopped at any cost"*

To be sure, Prof. Derrick M. Denis talks about "sustainable development" and this is the very same rhetoric that Modi's administration has been using in the previous and current political campaign for the elections (Rajan, 2014). In this regard, an example of Modi's rhetoric on sustainable development is entailed in the NAMAMI Gange that has been introduced in the previous two chapters and that is based on the idea of sustainability and river rejuvenation. However, the fact that sustainability has now entered the common dictionary of water governance and management, it does not mean that the idea of controlling and harnessing the river is disappearing. This logic of control, as Dr. Ghosh reminded me, is a mantra, and sustainability might even enhance the necessity to manage water resources. With this regard, Prof. Derrick M. Denis gave an example by referring to the monitoring process of water-budgeting practices:

> *"There are two issues in our country. One is poverty,* [and the other is] *livelihoods. You will see that number of people living below the poverty line is going down. But the quantum of people below the poverty line is increasing. Now, you must provide them with livelihoods and food security. And it has to be nutritious food. I am working upon a project from the government of India which is about providing food and livelihoods security through farming system-based water budgeting. So, at a village level we try to understand how much water there is and how that water should be used for all the activities needed. We can quantify water for any area and we can understand how much water is in excess or deficit. Now, if we extract more than what we need – which is happening because farmers are not educated and don't know how much water they are supposed to use - you are depleting your resource"*

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[67] I interviewed Dr. Ghosh on the 14th of February.

[68] To be sure, many other activists who advocate for "aviralta" maintain a similar position, as I will discuss later in this chapter.

The relation between river development, river control and sustainability is perfectly represented by the new name of the Ministry of Water Resources that was changed in 2014 by Modi's administration into "Ministry of Water Resources, River Development and Ganga Rejuvenation" (Iyer, 2014). Interestingly, some critics find in this name the very essential controversy of Modi's government when it comes to managing and governing rivers and particularly Ganga. As I was told by Neha Singh, my local supervisor, this name suggests that the primary concern is water and not river. Despite the fact that it might sound like a merely semantic concern, Neha points at the consequences of not considering the ecosystem river but only water as a resource. In other words, she says, water diversion, hydropower exploitation and so on could be legitimized in the logic of harnessing every single drop of water. By having this perspective, the ecology of the whole river is moved to the background to favour other interests that are not environmental. The former secretary of Water Resources, Ramaswamy R. Iyer (*ibid*.) wrote an informative article for The Hindu, commenting on the new name "Ministry of Water Resources, River Development and Ganga Rejuvenation". I here report an excerpt from the article:

> "[T]he new name for the Ministry of Water Resources is Ministry of Water Resources, River Development and Ganga Rejuvenation. What does 'river development' mean? We get a clue from the phrase used commonly in the Water Establishment, namely 'water resource development.' In the language of the water engineer, this means harnessing more water for use through dams, barrages, reservoirs, canals, etc. A part of that meaning gets carried over into the term 'river development' — where development means development for human use. There is also the allied term 'river training' which seems to suggest that a river is a household pet or circus animal waiting to be trained by its human masters. The addition of the term 'River Development' to the name of the Ministry is thus an indication of the intention to build more projects on rivers. How does that fit in with the term 'rejuvenation'?"

Evidently, the relation between river development and rejuvenation can be a critical one, as pointed out by Swami Shivanand from Matri Sadan during our discussion.

> "Government has set up a Ministry to rejuvenate Ganga. What is the meaning of rejuvenating Ganga? Rejuvenate means: we have to put it in its ordinary form and to keep it there. But the government talks about rejuvenating and at the same time it makes dams? What is the definition of a river? River means it should flow from its origins to its end without any obstruction. Dams have destroyed the real nature of Ganga"

According to him, the "development" of Ganga has taken over the rejuvenation efforts of the government that, on the contrary, is planning more dams, like in the case of the State of Uttarakhand. The tension between river development and river rejuvenation is very well captured in the question that Swami Shivanand asks himself: "what does rejuvenating Ganga mean?". Such a query is very similar to the one that I have raised in the previous chapters with regard to Kumbh Mela and Riverfront Development projects and it opens up important considerations on the balance between development and environment.

6.3.   Rejuvenating Ganga: a critical (and historical) perspective

"*What does it mean to rejuvenate Ganga?*". This question has guided many of my interviews with activists and environmentalists, to fully understand what is currently going wrong in the way Ganga is governed and how to possibly solve this. Evidently, this kind of question - or rather questioning - goes along the same line of Rights of Nature considerations, because it boils down to understanding what are those basic elements - or rights - that must be respected and protected in order to keep Ganga alive and healthy. Though India does not have any specific legislation on RoN, it does not mean that many have not engaged with the idea of rights of nature and, more specifically to my case, with the rights of rivers. On the contrary, during my numerous discussions with activists and environmentalists, I often came across the idea of "rights of Ganga" and, despite some variations, I can quite confidently say that the majority of them agreed on two main rights:

Ganga has the right to flow and to be free of pollution. These, in other words, are nothing but the principles of *aviralta* and *nirmalta*[69] that the government has also been pursuing within the scope of the NAMAMI Gange project. However, as I have already accounted for, evidence shows that aviralta, that is free flow, has been often overshadowed by nirmalta (SANDRP, 2018). Having accounted for the political, economic and social importance of controlling - or taming - rivers for development purposes, it is now comprehensible why aviralta - despite its greater legitimacy in rejuvenating Ganga - is such a difficult objective to achieve. To put it differently, achieving aviralta seems to come along with structural changes in the way rivers are thought and governed. An example of this was given to me by Shashi Shekhar[70] who retired as Secretary of Ministry of Water Resources, River Development and Ganga Rejuvenation and now is part of a bigger network of organizations devoted to saving Ganga, to which PSI in Dehradun is part. Mr. Shekhar introduced me to a different way of considering Ganga, not as a single river but as a riverine ecosystem which, ultimately, relates to and has consequences for aviralta. The following is an excerpt from my interview with him:

> *"Let us take Ganga. It originates from Gaumukh [the glaciers], and then it travels down and it enters the natural forest that absorbs a lot of water and allows that water to go in the subsoil system and then under the gravitational force it moves underground. That is how the river used to have round-year water. The riverine ecosystem consists of the catchment forest, the rainfall, the sediment flow, the floodplain, the wetlands and marshland, etc. These are basic natural infrastructure. [...]. If you destroy any of these natural infrastructures, then you create a problem in the river. [...]. Fundamentally we need to understand that a river is not water, but a total of ecology. Water in the river is part of the riverine ecosystem. [...]. "A river has the fundamental right to flow, to carry sediment, to its natural infrastructures and to any living creatures"*

These words are in stark contrast with the considerations that I was making above in the name of the Ministry of Water Resources. Mr. Shekhar here refers to the "ecosystemic" dimension of a river - namely Ganga - that entails the interactions between different natural parts. In other words, he is trying to convey a different way of understanding the river: not merely as a water resource but as an ecosystem in contact with its surroundings. Thus, in such framing, aviralta acquires a different and major value. Furthermore, the necessity to tame the river through channelization, barrages and any other obstruction seems to lose its value, when compared to the function that a river has in sustaining the surrounding ecosystems where, ultimately, humans have settled in. In this regard, to mention two examples, Mr. Shekhar explained the importance of letting a river carry sediments. Very similarly, Dr. Ghosh, framing it as an "ecosystem service", demonstrated the importance of flooding for nutrients recharge. And many other examples could be done on this line.

What I consider important is the "ecosystemic" dimension that Mr. Shekhar pointed at because it will be one of the topics of discussion in the following chapter, where the examples of Haridwar and Kumbh Mela and their water interventions will finally come together. As a matter of fact, both cases show a remarkable lack of this "ecosystemic" understanding of the river, despite such conceptualization roots in the Hindu tradition. With this regard, Dr. Ravi Chopra, founder of PSI in Dehradun and an expert on water issues, told me that what Mr. Shekhar was referring to is very similar to the five principles for river management found in the work of Kashyapa[71]. The following are two of its principles, as they were communicated to me by Dr. Ravi Ji:

> *"3rd - This principle recommended optimal rather than maximal development of water resources, balancing the needs and abilities of the users.*

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[69] Cfr. Chapter 4

[70] I interviewed Mr. Shekhar on the 1st of March via phone call.

[71] This is an ancient text that contains recommendations on water management policies, the enforcement of rights and duties pertaining to water and the description of water management practices

4th - The ecology of rivers should be understood. Kashyapa refers to the interdependence of water, forests, land and biota. In accordance with this principle, sacred groves were established at the headwaters, confluence points and mid-regions of a watershed. Sacred groves in the middle Himalayas are the recharge zones of many springs"

These principles resonate with Mr. Shekhar's words on the "ecosystemic" consideration on Ganga and rivers and explicitly refer to a different idea of "development" of the river. Development does not become a "must" or a mantra to blindly follow in the pursuit of growth, but rather it becomes functional to the survival of the ecosystem – to which humans belong as well.

These principles consider "optimal" development of the river, and the adjective deserves further discussion. Evidently, the subjectivity of what "optimal" is and to whom it is so, is an important question, but from my discussion with Dr. Ravi Ji I understood that Kashyapa had an "ecosystemic" consideration, thereby echoing Mr. Shekhars statements. According to an anonymous informant, this conceptualization of a river - as an ecosystem - does not exist in the practice of development, mostly because of the dominance of an "engineering" approach on rivers - something that Dr. Ghosh had already mentioned to me.

"Engineers are dominating some parts of water governance in India. When it comes to large scale infrastructure (interlinking, dams), then yes there are engineers. But engineers are not concerned or focused on other aspects of water"

Rather than an "ecosystemic" approach to river conservation, the government seems to be more devoted to development - and in this regard the above-mentioned words of Prof. Derrick M. Denis are very telling – while environmental standards do not hold against the potency of economic and political interests in taming the river. This excerpt from my conversation with an anonymous informant clarifies this point, when we discussed what is the role of "environment" for the current administration.

"Environment is bad per se. Environment is against industries and development, which is everything that this government is proposing. This is not only in India, for sure. But here in India, like in the US, we have a proof - a report that came out a few years ago in 2014 - that recommended to dilute environmental standards that we have. They haven't done it yet because when the report became public it was too much of "a horror". But that is the direction they want to push: no strengthening and even weakening of standards"

Very similarly, Ashish Kothari and Shrishtee Bajpai told me that the current development mode will not allow to protect nature and they are offering alternatives to this, as I will explore in section 6.4.

Ultimately, Ganga rejuvenation has shown to be a controversial concept that many other experts and activists told me to be very sceptical about due to the ambiguous relation between development agenda and environmental reasons that would impede the river to flow freely. Evidently, the argument that Prof. Derrick M. Denis brought into the discussion, on poverty and the necessity to provide everyone with basic livelihoods, is a fundamental one and it deserves consideration since it - partly - lies at the roots of water diversion and hydropower exploitation. However, as I was reminded by the activist Vimal Bhai[72] and also drawing upon Kashyapa, there must be a clear distinction between the (optimal) use of the resource and exploitation. As a matter of fact, the exploitation of a resource cannot bring anything good in the long term since people - more or less directly - depend on the health of the ecosystem. The fact that 350 dams[73] have been planned in Uttarakhand only, despite the existence of many documents that testify the impact of dams on a fragile ecosystem like the Himalayan one (International Rivers, 2008), tells that the political balance leans more towards exploitation than to optimal - or sustainable - usage.

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[72] Cf. chapter 4 and his opinions on Kumbh Mela
[73] According to other activists I interviewed, the number would even be larger.

The fuss is not only around aviralta – as I just tried to explain – but also on the second principle very dear to the government and its project NAMAMI Gange: nirmalta, that is the cleanliness of the water. As I have already mentioned above, the government seems to dedicate most of its efforts on nirmalta - whilst controversially neglecting aviralta - but Ayush Josji told me that the way nirmalta is framed by the authorities is not void of ambiguities, either.

Ayush[74] is a young professional environmental engineer who I contacted for its militance in the organization called Ganga Ahvaan. This group, as he told me, is still not officially registered, but it is already well known in Uttarakhand and among communities in the Himalaya, as they have been working to understand how the development scheme adopted by the government affects the livelihoods of the people as well as the ecosystem.

> "The government only works on nirmalta, and for the government nirmalta means crystal clear water, so when you see the water it should be clear. However, for us nirmalta is not only crystal-clear water. For us, it should contain the properties of Gangatva, from the upper reaches until the end. NAMAMI Gange and the National Mission for Clean Ganga, both started in 2014, and they both only focused on nirmalta as cleanliness. They had a budget of 20.000 crores rupees. What they did is they constituted some ghats, the banks, and recreational areas and things like that but nothing done on the ground"

What Ayush told me aligns surprisingly well with my findings in Haridwar on the political interest of the authorities to have clean waters on the main ghats of city centres. It also echoes many criticisms on riverfront development project. What matters in this discussion, though, is the difference that Ayush draws between nirmalta (cleanliness) and Gangatva. This latter describes the very unique properties that Ganga's water has and that do not only belong to the mythology or to folklore, but to science too, as Dr. Ravi Chopra explained to me:

> "There are two threads of problems with rivers: pollution and water flow. As for pollution, it is really important to understand what parameters we look at. G.D. Agrawal said that Ganga's water is sacred for two reasons. First of all because of its divine origins. Secondly, because it does not putrefy due to its incredible self-purifying properties. This is due to the sediment – speculation is that these sediments are so special because they come from Himalaya – of the river which is a good habitat for hosting organisms that kill and destroy bad bacteria. Also, for its high radioactivity. The self-purifying capacity happens up until the Tehri dam. However, all sediments gather in the dam and after the dam there is a drop by 90% of this purifying property. [...]. This self-purifying property should be included as pollution standard, however there is no standardized test"

The self-purifying properties of Ganga are well-known and have been accepted by the scientific community (Sanghi, 2014). What matters at this point of the discussion is the fact that these properties are getting lost, as described by Dr. Ravi Chopra and supported by the majestic research undertaken by Sanghi (*ibid*.). Swami Shivanand from Matri Sadan ashram also mentioned the importance of *gangatva* that is now being killed and destroyed. For these reasons, Ganga Ahvaan, in collaboration with many other organizations, activists, scientists and local communities, recently published a document called "People's Ganga Act[75]". Although devoid of any effective power, this document testifies very well the different positions that many activists and environmentalists have on the topic of Ganga rejuvenation compared to the government. For instance, in Chapter II, Section 5, it announces that:

> "The uniqueness of River Ganga (Gangatva) is defined by the reverence of millions of devotees and manifest in her special self-purifying and bactericidal capacity. To restore this unique feature along the

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[74] I interviewed on the 13th of February in Dehradun.
[75] https://peoplegangaact.wordpress.com/

entire length of the river and protect it for all humanity as a wonder of nature is the cherished outcome and Aviralta, Nirmalta and the resulting Gangatva is the final goal of this Act"

Evidently, rejuvenation must pass through aviralta, nirmalta and gangatva, which is arguably different from what the authorities are currently doing, as I have demonstrated in the past three chapters.

Engaging with environmentalists and activists was essential to acquire a critical look to the propaganda machine that has been set up by the government. As I was told by an anonymous informant at the beginning of my interview: "When you talk about Ganga, it becomes always difficult". Difficult because there are political interests that are inherently intertwined with development in building and taming the river constantly, in order to harness water as much as possible. However, the activists and environmentalists that I have referenced in this section believe that the approach to Ganga should be structurally different, moving from a water-based focus to an ecosystemic approach[76], implementing aviralta, questioning and changing the meaning of nirmalta and ultimately respecting gangatva.

6.4.   Will a legal framework save Ganga? Considerations for Rights of Nature in India

In the previous section, I discussed the topic of Ganga rejuvenation with different activists and environmentalists, and I drew out three fundamental elements that characterize Ganga, and therefore must be ensured: aviralta (free flow), nirmalta (free of pollution) and gangatva (unique properties of Ganga jal[77]). Enforcing these principles is not an easy task, considering the conceptualization of "rejuvenation" that the authorities and the government have, as showed in section 6.1 and 6.2. Arguably, this could be a function of Rights of Nature legislation, as it was intended by the Uttarakhand High Court decision on legal rights of Ganga and Yamuna. But as I have already elaborately accounted for in chapter 1, such judgment was stayed and ended up with nothing but a declaratory function. However, during my interviews I collected traces of RoN doctrine and legislation in India. I argue that the description of aviralta, nirmalta and gangatva (section 6.2) could fall in the RoN doctrine and I will further develop this point in chapter 7. What I will do in this section, instead, is briefly exploring other legal instruments that are already present in India and that, according to my informants and to my observations, can be part of RoN doctrine and Earth Jurisprudence. This will allow me to then compare these instruments to RoN legal practices - that is the conferring of legal personhood to ecosystems - and start a conversation with experts on the possible consequences of such legislation in India. Finally, I will raise the question whether, considering the water governance scheme so far analysed and the controversies on Ganga rejuvenation, a legal-based solution can really represent a solution or a more systematic change needs to happen.

6.4.1.   Religion, law and nature in history of Ganga

"[A]ccording to an Indian history/mythology, the family of Meera (a royal queen-in-waiting) did not approve of Meera singing and dancing in praise of lord Krishna in the streets, so they gave Meera a cup of poison to drink in the name of prasad (a God's offering) and Meera, having an immensely strong conviction in her devotion to the lord, drank the poison and nothing happened to her. So that is the power of conviction which perhaps causes some secretions in the human body to quell the ill effects which aspect needs scientific research and investigations. These facts also manifest the Indian belief that Ganga is the most 'holy' amongst rivers and the Hindu belief of regarding the Ganga jal as 'nectar' ('amrit') thus certainly 'holds water'"

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[76] Interestingly, Ganga Ahvaan "People's Ganga Act" also pronounces itself on this approach: "*The River Ganga and her Basin shall be treated as a single system and its ecological and cultural value shall be protected in a sustainable manner to ensure the natural and pristine flows and to protect the ecological integrity of the originating glaciers*" Chapter II, Section 5.
[77] Water

With these words Sanghi (2014) partly explains why Indian people do not get water-borne diseases from drinking Ganga's water when science tells us it should be otherwise. The faith that links Indian people to Ganga is something so evident to the eyes of every person who visit India that it becomes almost banal to discuss about it. In the two months I stayed in India, I saw thousands of people bathing in Ganga's water for the act of faith in its spiritual properties. However, I had to wait until I got back to Europe and to the Netherlands to really interrogate myself on the deep relation between people and Ganga and I think that this holds importance at this point of the discussion.

As Dr. Ravi Chopra told me the first day I met him, in Dehradun: "You cannot understand Ganga if you don't engage with its spirituality". This sentence had been in the back of my mind in the past months and - ironically - only now, when I am away from the religious crowds flooding Kumbh Mela and Haridwar and I am again in Europe, only now I understand what it meant. The three elements - aviralta, nirmalta and gangatva - that are essential to Ganga's rejuvenation according to the experts I referenced in section 6.2, seem to not exist in isolation from religion or at the very least spirituality. When talking to Matri Sadan's sadhus, as well as Ayush Josji or Mr. Shashi Shekhar, I noticed that all of them talked about Ganga in a way a child talks about a suffering mother (Ganga in the Hindu mythology is a female). This does not mean that every Indian person worships Ganga - as this would be a wrong assumption. However, it means that the scientific category of analysis does not completely trump the religious and spiritual categories, which is quite remarkable for someone like me who comes from a secularized European culture.

Thus, before delving into legal frameworks that can be associated with RoN doctrine - if not legal practice -, I draw upon the words of Dr. Ravi Chopra to account for the intimate relation between religion, spirituality, legal systems and water in the Indian tradition. This subsection aims at giving a brief historical perspective on legal systems of natural resources governance and management. By doing so, it illustrates the connection between law and nature that - arguably - RoN doctrine wants to re-establish by making our legal systems less anthropocentric (Lee, 2017) and it makes the case for an historical study of the political battle for a different way to govern and manage nature.

My starting point for this discussion is my interview with Dr. Ravi Chopra on fate of Ganga. During this discussion, Ravi Ji explained that the only feasible solution to save Ganga, in his opinion, is to have community management and the creation of an autonomous body. Setting aside this position - that evidently has critical aspects and risks to romanticize ancient indigenous communities -, what matters is that in this context, Ravi Ji told me that Indian communities have developed a spiritual connection to Ganga and natural resources over the years. Thus, for this reason they removed nature from the sphere of exploitation:

"My guess is that communities recognized spiritual meaning to the natural resources thereby removing them from human exploitation. The importance of religion can be seen by the work of Kashyapa that wrote 5 rules for river management: 1 - build a temple at the origin of the river because it is sacred".

In a piece Ravi Ji wrote for the Journal "Survival Lessons" (2003), he reinforced this statement, arguing that Hindu culture has seen rivers as central life-giving sources for millennia and that this special relation was reflected in the legal system. Such legal framework, based on dharma ("a code of conduct supported by the general conscience of the people"), social customs and higher administrative frameworks, was enhancing nature protection and it was strictly connected to spirituality and religiosity. Penalties and punishments were included in texts like the Manusmroto and the Vishnusutras - ancient legal texts - for polluting the river, destroying the embarkments, tanks, ponds, etc. According to Ravi Ji, with the coming of the British colonisation, new water laws were drafted in a way to serve the maximization of the extraction of the wealth by establishing the state monopoly over natural resources. Also, after independence, the new-born Indian State adopted a centralized model of planned economic development and governance and a centralized approach to water resource management with a primary focus on dams construction and irrigation systems.

In Ravi Ji's opinion, the current economic system is at the basis of the dwindling conditions of natural resources because it has ushered in a dimension of exploitation.

Ravi's statements can potentially be controversial, as they maybe too superficially draw a positive connection between religion and environment and, most importantly, could too easily result in a romaticization of the past. This is particularly dangerous in the Indian context of rising Hindu nationalism (Mawdsley, 2005). Letting aside these criticisms, what I want to highlight is that legal frameworks already existed, and regulated human-nature relations as well as established measures to protect nature for its spiritual and material importance in people's life.

Notwithstanding the importance of these legal traditions, British colonization did bring fundamental changes in the law system, by introducing a "modern" legal system (Galanter, 1968). Evidently, as explained by Ravi Ji, this brought consequences in the way natural resources are governed and managed by drawing them into the realm of human exploitation. An example of this is the fact that the Indian constitution of 1950 did not have any single clause on environmental protection (Chopra, 2014). According to Ravi Ji, environmental law and Courts are mobilizing in India to remedy this lack and to protect nature (*ibid.*). As I mentioned in chapter 1, in India experts talk about "judicial activism" (Alley, 2008; Gill, 2016) to refer to the numerous court judgment that are oriented towards a radical protection of natural resources. Ultimately, the Uttarakhand High Court decision could fall within this definition, too. In the next section, I will elaborate upon the evolving legal framework and I will discuss whether Rights of Nature do have a place within this field in India and what it can learn from past and existing legal experiences. To do so, I will have to broaden up my focus and discuss more generally environmental governance and not solely water-related issues. This way, I can contextualize the discussion on legal framework to the larger discussion on environmental governance that, evidently, has repercussions on Ganga's – and any other river – governance, too.

6.4.2. Debating environmental law and legal provisions to protect nature

In 1950, a few years after independence, the Indian Constitution did not have any clause for protecting the environment. India had to wait until 1976 to have the first legal provisions at a constitutional level (Chopra, 2014) in the form of art. 48a and 51a (g). As already mentioned in chapter 1, the former establishes that the state should "endeavour to protect and improve the environment", whereas the latter states the Fundamental Duty "of every citizen of India to protect and improve the natural environment". Interestingly, during my interview with Dayanand Ji, one of the sadhus of Matri Sadan, he told me that in their legal battle to stop mining in Haridwar, they appeal the Court on the basis of constitutional provisions like these two, although he admitted that there are no other laws they can employ to protect Ganga.

> "We have no tools, no law. You can't go to the court to protect Ganga because there is not a law. [...].
> Whenever we go to the court, we go on the basis of general law"

Facing the apparent lack of legislation in support and protection of Ganga and the environment, the Supreme Court - and subsequently lower ranks, too - has been very active to strengthen environmental protection. This phenomenon has been described as "judicial activism" and the practicing environmental lawyer Mr. Shawahiq Siddiqui[78] told me elaborately about this. The following is an excerpt from my interview that explains the role of the Supreme Court in developing environmental case law:

> "M: In my literature review, I came across the term "judicial activism". Has the Court such an important
> role in protecting the environment? And why is there need for the Court to protect the environment?

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[78] Mr. Siddiqui is a practicing environmental lawyer that focuses his work on three issues: land (water included), forest and people. One of the key areas that he focuses on is: how do we decentralize natural resource governance? This means: how to enhance rights regimes: rights of people and rights of nature itself? He also works to develop policies. I interviewed him on the 15th of January via Skype.

S: Without the Court in India, the state of environment would have been worse. The Court, particularly the Supreme Court, has taken the leading guarding the environment. The Supreme Court has gone ahead and created a mini constitutional environmental law in the last 30-40 years. There is an article in the Constitution of India in Part 3. It is Art 21 and it is a fundamental rights available to citizens of India. This article reads "rights to life and personal liberty". The Supreme Court has creatively interpreted this right to include right to environment, clean and drinking water, pollution-free clean air. All rights that are required for a dignified human existence. In a similar way the Supreme Court has taken the lead to say that the principles on international law can be interpreted by the Court to safeguard environment and would become part of national law. The Supreme Court has done a [triple] job, in fact: one by creatively interpreting the Constitution in favour of the environment; secondly it has gone ahead and pushed forward the implementation of environmental status that existed on paper. The third role that the judiciary has played in India is to mainstream international environmental law through judgments.

Many other examples of environmental case law could be given, by drawing on the large body of literature that can be found coming from the Supreme Courts and other minor ranks, like High Courts. For instance, with regard to Haridwar and the mining activities, the Uttarakhand High Court has been active in regulating and limiting - as much as possible - such practice (The Indian Express, 2019). In other words, the judicial language in India seems to be evolving more and more and, as intelligently argued by Brara (2017), this process resonates to the Rights of Nature (RoN) doctrine (cfr. Ecuador, New Zealand, etc.). A clear example of this can be found in the establishment, in the 70s, of the Public Interest Litigation (PIL) which is an attempt to expand the legal standing of people who have an "interest" in the object of dispute. PIL, in other words, allows any member of the public that have sufficient interests to trigger a legal process and it is a tool that is more and more employed, especially by members of the middle-class (Follman, 2016). With regard to the environment, Chopra (2014:30) clarifies:

"Earlier only the victims of environmental pollution or degradation could petition the courts. Now any individual or civil society organization with sufficient public interest in environmental problems can approach them on behalf of affected people or even for protection of the natural environment".

With regard to this, the Uttarakhand High Court decision on Ganga and Yamuna's legal rights was originally triggered by a PIL, from a citizen of Haridwar.

The similarities between PILs and legal rights to nature to stand in court are quite clear considering that PIL, despite not envisioning a guardianship model, extends the sphere of "interest" beyond those directly affected by environmental harm to anyone with "sufficient" public interest in defending the environment. Looking at one of the fathers of RoN, Christopher Stone, he elaborated his provocative question "should trees have legal standing" right because the US legal praxis was still considering a narrow definition of "legal standing" that would only include direct harm (I elaborated on this case in chapter 1, section 1.2).

Another milestone in the expansion of environmental law is the inclusion of the "Public Trust Doctrine" which positions the government as a trustee of natural resources like air, sea, waters and the forests which are fundamental public resource to maintain.

"The said resources being a gift of nature, they should be made freely available to everyone irrespective of the status in life. The doctrine enjoins upon the Government to protect the resources for the enjoyment of the general public rather than to permit their use for private ownership or commercial purposes" (Kapoor, n.d.)

As reported by Brara (2017), this doctrine was used in 1997 to stop the construction of a tourist resort in the province of Punjab that would have diverted a river.

National and state legislation has also moved steps forward - at least on paper - in developing a language that is more akin to Rights of Nature doctrine. An example that connects my discussion back to Ganga is the one indicated to me by the member of Ganga Ahvaan, Ayush Josji: the Bhagirathi Eco-Sensitive zone. This Eco-Sensitive Zone (ESZ), as notified in 2012 by the Ministry of Environment and the Indian government, is constituted of a stretch of 100km of the Bhagirathi river, from Gaumukh to Uttarakashi (in the upper reaches of Himalaya, where Ganga is born), where development initiatives are strictly limited and regulated by guidelines due to its ecological and environmental sensitivity (Drew, 2017). Although the constitution of the ESZ is indeed a signal of a new environmental thinking within the government, it cannot be romanticized nor de-contextualized. The same is valid for all the examples that I have mentioned in this sub-section.

The realization of the Bhagirathi ESZ is the outcome of a fierce confrontation between the government and local activists, including G.D. Agrawal, as well as the sadhus from Matri Sadan that I mentioned already in many parts of my dissertation. The government was reluctant to adopt such measure for fear of curtailing development projects too extensively (Pashant, 2013). Furthermore, as Ayush Josji told me, after the establishment of the ESZ, the government did not comply with its duty to provide a zonal master plan, up until today. Ayush's statement seems to hold true when one considers that among the many hydropower dams that are planned in Uttarakhand, some are to be built within the eco-sensitive zone (Rajsherkhar, 2019; Upadhyay, 2016).

Similarly to the case of the ESZ legislation, some of the legal frameworks that I have mentioned so far do present controversial or at least ambiguous aspects that deserve to be considered for a thorough analysis. This becomes relevant for a critical reflection on legal solutions to environmental issues, and it can help new frameworks, like Rights of Nature, to be embedded in a certain social, political, economic and cultural context and to ultimately question and challenge the very same system of how things work. In other words, it can help to make the issue "political" in the way I defined in chapter 2 with Zizek (1999). Before moving to this, I think it is necessary to highlight and clarify a logical step that I am making at this point: the connection between existing legal frameworks in India and RoN.

Based on the description that I gave in this subsection, I argue, along with Brara (2017), Chopra (2014) and many others, that juridical thinking in India seems to be moving towards a different approach to nature, namely a more eco-centric one. On top of this, new pieces of legislation (like the Bhagirathi eco-sensitive zone) seem to head in the same direction, despite the fact that exactly the contrary can be argued for many other development policies, as accounted for in the previous chapters. Ultimately, the Rights of Nature doctrine and Earth Jurisprudence more generally have the same ambition: to do away with an anthropocentric legal system, as explained in chapter 1 & 2.

Thus, the objective of the next subsection (6.4.3) is two-fold: on one side, it will illustrate the ambiguity and - at times - controversy of some of the juridical experiences that I have mentioned so far. On the other side, it will also present my discussions with experts on the idea of having legal rights of nature and legal personhood. These two goals, as I found out during my interviews, are inherently intertwined for the fact that these legal options - legal personhood, PILs, etc. - do encounter the same issues and controversies. Thus, my discussion will also be shaped on this close relation and it will elaborate critiques to existing environmental legal frameworks by taking the cues from my discussion on RoN.

6.4.3. Understanding and contextualizing Rights of Nature in India

"It is a fact that the Indian Judiciary has often tried many innovative measures to give a voice for those who don't have one - especially for the environment. Unfortunately, this is not followed up by action which is the domain of the Executive. Unless the Judiciary monitors the implementation, the court rulings are usually followed in absentia - the executive simply ignores it. Here is an innovation made with good intentions. It is unlikely it will be followed up with the same spirit by the State, because the

State is the biggest offender. It is up to the people to make the most of it. How good is this law can only be tested if a case is brought to court"

With these words Dr. Ravi Chopra commented the Uttarakhand High Court decision with Chiku Lokgariwar, an Indian environmentalist writing for India Water Portal (Lokgariwar, 2017). It was during that grey zone between the judgment and the moment before the Supreme Court stayed the decision. It was a moment where caution - rather than hope - was on the rise and the article by Chiku Lokgariwar (*ibid*.), as well as the one by Ashish Kothari & Shrishtee Bajpai (2017), stands as a symbol of this attitude. In her article, Chiku unveils all her scepticism for legal personhood[79] as a solution for rejuvenating Ganga and Yamuna, and her point of contention does not seem to be the legal tool itself - legal personhood - but rather the way it was deployed by the Uttarakhand High Court. In a private interview[80], she told me:

"Legal personhood brings back the focus to the needs of the river and an entity by itself [which is good] *[...]. Agan, the flipside is that you can see a danger and that legal personhood can be a tool to further marginalize already marginalized people"*

In her article, Chiku (2017) elaborates on this last point, specifically referring to the strong religious connotation of the Uttarakhand High Court (UHC) decision, as I have explained in chapter 1:

"The High Court Judges in their statement explicitly referred to the 'deep spiritual connection that Hindus have for the Ganga and the Yamuna', and used this as the chief argument for this 'extraordinary step'. This is deeply problematic because it excludes the many diverse peoples who live along the Ganga and are dependent on its healthy flows for their lives and livelihoods. Given the current political climate in the Gangetic Basin, it is regrettable that a ruling to protect a natural resource should be made entirely on religious grounds"

The case for this concern, as Chiku later told me during the interview, is to be found in what is already happening when government and courts take care and try to deal with Ganga's dwindling conditions.

"Take Ganga. Already in a lot of discussions around pollution of Ganga, people tend to not look at the large industries, the barrages along the Ganga, but focus on the small industries in Moradabad and leather factory in Kanpur. Both of these do contribute to the pollution of Ganga. But I don't think they are the largest polluters. But they are Muslims. And it is very easy to blame them for that. And this is already happening"

As I accounted for in chapter 3 in my discussion on the leather factory of Kanpur, it seems that Muslims - a minority that is particularly suffering from the Hindu nationalist rise in the government (Vanaik, 2017) - might become easy targets to further marginalization. The environment, and specifically Ganga, could be instrumental to this[81].

Along with Muslims, other parts of the Indian society have been targeted by judgments that had environmental scopes. The PIL experience in the country, for instance, showcases this phenomenon. As argued by Follman, (2016:5):

"[T]here were also many court judgments [triggered by PILs] *which went against the tribal and urban poor. For instance, the judgment on Narmada Dam, industrial relocation from Delhi, displacement of*

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[79] In this sub-section, I will use "legal personhood" interchangeably with "rights of nature"
[80] I interviewed Chiku on the 26th of February via Skype.
[81] These considerations have found large space in (non) academic literature wherein environmentalism, nationalism and hinduism have been put side by side to see possible interactions and distorsions (cfr. Sharma, 2012)

thousands of people from Yamuna Pushta in Delhi and numerous other decisions were against the poor and marginalised"

The experience with PILs tell that, although recognized as important and celebrated for opening up justice to civil society, judgments can become problematic and even enhance already existing forms of marginalization. I touched upon this point in my discussion with the environmental lawyer Shawahiq Siddiqui, and he referred to the uneven access to justice as a reason to explain this distortion within - among others - PILs:

> *"You need money to put paper together and gather data. Where is the money to do so and the know-how? Access to justice is an issue. While there is a fundamental right to environment there is not a fundamental right to access to justice for the environment. [...] PILs are either at High court or Supreme Court level, not locally. So, my experience is that most of the time communities are not able to afford it and if they manage to afford it, they manage to only take it to a certain extent"*

This discussion brings forward an important point that has not been made yet on rejuvenation of Ganga and that, incidentally, I came across during my fieldwork in Allahabad and Haridwar. Rejuvenating Ganga - like any other river - seems to be enriched with another fundamental right, next to the aforementioned rights of aviralta, nirmalta and gangatva: people's rights. On this, the environmental activist Vimal Bhai seemed to agree when he told me to be concerned that the Uttarakhand High Court decision only referred to "rights of nature" but not to "rights of people". The balance between the two, however, is not as immediate as one could think. During my interview with Chiku Lokgariwar, she drew a parallelism with the concept of environmental flow, to reflect on the difficult relation between these two sets of rights.

> *"Earlier, environmental flow was very narrow (as a matter of fact it was called ecological flow) where we would look at the water necessary for in-stream habitat. Then, through social movements, mostly in Australia, South America and to some extent India, we started talking about environmental flow which includes humans who are dependent on in-stream flow. The reason for this was to tackle that marginalized people were denied access. But then, around 2 years ago [...], [t]he concept of human needs has been enlarged to include farmers depending on irrigation water, to include Kumbh Mela, etc. For me there is a difference between events like the Kumbh or a large commercial farmer and a small fisherman that depends on fish for his protein take. So, the environmental flow definition has been diluted."*

Evidently, Chiku refers to a misuse of human needs in the development of the definition of environmental flow. The relation between nature's rights and people's rights thus becomes a fundamental point of discussion that is also currently debated in the academic circles of Rights of Nature. In my conversation with the US scholar Craig Kauffman[82], however, he made clear that humans' and nature's rights are not separated, as they interlace to form the "ecosystem".

> *"Human rights are conceptualized as integral part of RoN. In a RoN framework, you would not have this idea of national park where you wall off from human intervention in nature and nature is over there and humans don't touch it. [...]. And this because it stems from indigenous cosmology in grand part. There is this idea that human communities are nested in larger natural communities and that RoN are a form of community rights. You are just sort of extending the community rights. You just sort of extend the right of community beyond just the human community to the non-human community because of this notion of interrelation.*

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[82] I interviewed Craig on the 5th of April via Skype. Craig is an Assistant Professor of Political Science and Participating Faculty in Environmental Studies and Latin American Studies at the University of Oregon. Part of his interest and his research lies in Rights of Nature and Earth Law.

So indigenous people in Ecuador, for example, would say: you cannot have rights of nature without rights of humans, and the other way around. And that is why, if you look at Ecuador's constitution, the constitution aims at achieving this post-neoliberal development model. The toll for achieving that is going to be protecting and recognizing three sets of rights: human, community and nature's rights. You cannot have one of these three without the others"

What interlacing of human and nature's rights *de facto* - hence, beyond programmatic discourses - means, is still to be clarified. Notwithstanding this, what matters for the sake of my discussion is that the idea of an "ecosystemic" approach - as I described it in this chapter - is here endowed with considerations on the rights of those humans who live within the ecosystem.

To be sure, defining the limits of an ecosystem as well as what are "nature" and "people" within those borders is not an easy task. As I was told by Alessandro Pelizzon, expert in comparative law and legal anthropology from the Southern Cross University in Australia, these are questions that have been central to RoN discussion in the past years. Besides this, an anonymous informant told me that the problem with such an "ecosystemic" approach might not simply be relegated to definitions. Rather, he contended, RoN legislation might have more practical issues in its relation with the existing legal framework and with the "geographical" scale of such an ecosystem:

"[RoN] looks like it is an amazing statement but in practice it remains anthropocentric in the way it is not leading to the kind of change that one might expect conceptually. Unless you withdraw the whole legal system, which can't happen, there is so much that it is ingrained in the existing system that, sure, you can put a wedge to force a new direction, but it will be an inflection. It won't be what seems to be happening in New Zealand where, because it is a local issue, it is a river which was held, managed and protected by local people. Adding a legal framework to that will probably make a huge difference because it is at a local level and there was already something happening on those lines. Here, if it is done in a top-down manner, it will probably lead to amazing judgments, maybe from the Supreme Courts, but it won't change the system on the ground"

The "ecosystemic" approach, despite being more comprehensive, entails challenges - like the scale - that could hamper its effectiveness on the ground. To elaborate on the lack of effectiveness, an anonymous informant made an example with an instrument that I have already had the occasion to introduce and that I get the chance to critically assess here: public trust.

"You have an example with public trust. Water has been a public trust since 1996 in this country and it is restated in different judgments after that. The principle itself has already been diluted extensively, particularly in the sense of a privatization of the public trust, in this case water, but nothing has ever happened in terms of legislative changes. Recognition of public trust has remained a judiciary-led move, which is great for researchers and lawyers when you want to make a claim in court but it made possibly no change whatsoever on the ground. If you want a concrete example...starting with the fact that various irrigation acts still say that the state owns water – only irrigation water which makes most of the water – none of them have been changed. So, the legislation says something completely opposed to what courts have said, repeatedly"

Once again, in my discussion, the theme of implementation and change on the ground is preponderant when talking about the court system. Notwithstanding the relevance of the public trust doctrine, it is necessary to contextualize this tool to properly comprehend its capacity of changing existing conditions. Doing this critical assessment can be extremely important to understand what the role of Rights of Nature provisions is, and it casts shadows and doubts on its capacity of being effective. To be sure, having a judgment from the Supreme Court stating the legal personhood of Ganga and Yamuna could be helpful in the sense that it would provide interested people with another tool to take polluters or any other offenders to Court. This is what Dayanand Ji, one of the sadhus from Matri Sadan, told me:

"M: If Ganga was then given legal rights, would it be a game changer?

D: It would definitely help a lot. We would have a constitutional remedy to get things implemented. Until this day, we have no tools, no law. You can't go to the Court to protect Ganga because there is not a law"

Nevertheless, consider that the very Uttarakhand High Court started its historical decision on legal rights by underlining the lack of implementation by the authorities of those responsibilities that were pending unto them since the separation of Uttarakhand from the State of Uttar Pradesh in 2001 (Mohd. Salim vs Uttarakhand, 2017). This is to say that, as contended by an anonymous informant, there is a palpable discrepancy between the written words - be it in a judgment or piece of legislation - and the implementation. This would also affect RoN provisions.

The environmental lawyer Shawahiq Siddiqui confirmed this point, giving the example of the lack of implementation of the Water Act documented in section 6.4.2 of this chapter, and explaining this deficiency as follows:

"If you ask business to put more cost on environmental compliance, then they earn less. How does a political party run? They are supported by industries. It's an open secret. [...]. The nexus is really with industries and the political apparatus. So, this nexus works as long as industries is able to run and make profit and unless that happens, no industries are able to afford any other activity that is not their core affairs. In developing countries there are constraints of every sort. Putting an industry in itself is a big thing because every state competes to be developed so you must attract investments. It is difficult to say to a polluting industry stop polluting. It's a quid pro quo. It is not documented and it is difficult to provide evidence to that but the cases that I get clearly talk about why a certain factory that has been polluting for long is never closed. Industries receive notice after notice. And the partial reason is also that these industries are owned by big sharks, and politicians are among them. So, the industrial and political lobbies own these processes. So, they would be very reluctant to comply"

Following in our conversation, Mr. Siddiqui told me that he is very sceptical on Rights of Nature and, maybe indirectly, on the role and on the interest of law in controlling nature.

"Ideally, nature would want to have the rights but to some extent the control of nature implicitly will be desired in this country. Because without control of nature, the social development goal of this country will not be fulfilled. [...]. [G]iven the aspirations and economic trajectory and population pressure, it is not practical either by the way of law or interpreting the law through judiciary to ensure that rights of nature are absolutely protected. It is unfeasible".

Ultimately, these last two statements by Mr. Siddiqui bring my discussion to the point of challenging the role of law in protecting rights of nature. Although the improvements that a more eco-centric legal framework has brought to the conservation of the environment (and that I have accounted for in this chapter), it is necessary to critically engage with the role of law within the governance frameworks of the country.

The following is an excerpt of the conversation that I had with an anonymous informant and, because it makes for the keystone of my whole discussion on the validity of law in bringing about change, it is worth documenting it in full length:

"[T]his brings us back to the question if they [Rights of Nature] are needed in a legal form. And also the question to what extent the law can help. Which is increasingly an issue. [...]. It is from the 80s, when the Supreme Court, in its attempt to regain legitimacy, starts on PIL move and so on and so forth, that things start changing. So, from the 80s, 90s, there is the idea that the law can be one way to move forward political agenda for activists. For me the biggest example of the potentials and the limits of

that is with the Narmada dam[83], where the Save the Narmada movement in 1994 decided to go to Court [...]. At that point, the Supreme Court was really looked at like the place where you can get things move forward. For the first years, the construction of the dam was stopped by the Court. After that, for the next 20 years, it [this achievement] started to unravel. The 2000 judgment, for instance, goes against [the stop of the construction] and from there every step is made more difficult by the fact that they used the legal framework. So, you are stuck within the court system and it becomes more difficult to act outside with political pressure which is where a movement starts, in a way. Because of what happened in the Narmada case, movements have become very weary to go to court and in any case the Court has shown to not be pro-movement. [...]. At this point, I am not sure if people are so confident anymore of wanting to use the law that exists (which means going to Court) or pushing for legislative changes hoping that this will make a difference. Also, the options for accessing the Court have been reduced, if you don't have the "good" PIL lawyer who won't charge you with a fee. So, people are starting to go back to different things which we are starting to see, despite the fact that social movements, right now, are so much under the radar that we don't see them.

[...]

So I suspect that this is a broader discourse in terms of whether the law can be and is seen as the answer. I am trying not to be sceptical because, if we stop believing in the rights framework, then we need to start from scratch. For instance, the right framework in terms of food security and work has shown that something can happen when we move in the "rights" discourse. With water it hasn't happened as much yet.

[...]

The rights are not there and you have to make these rights a reality for yourself through social mobilization. Whether you want to connect that to legal rights or not, probably at this point it is less and less the case that groups feel that it [legal recognition] will make a difference to their struggle. Over the past ten years, there has been one good order out of ten bad orders. You are not sure if it is going to be a good order.

[...]

M: So if these movements are getting detached from the legal tools, they resort to other ways…

Anonymous*: Social/political mobilization still makes a difference at political elections, which is where this country is still a democracy. Because there is still hope every five years, that social mobilization can make a difference. That hope is very strong. That faith is there but the faith in democracy I am not sure it is linked, for most people, to the legal framework, and the fear of the courts and lawyers is something that affects lots of people's perceptions. So, I am not sure, to go back to rights of nature, that having rights of nature will be a perception that can help."*

There cannot be a black-and-white conclusion on the role of the legal framework to conserve nature. As mentioned already, the developments in the Indian legal frameworks to protect nature are recognised by many of my informants: eco-sensitive zones, protected areas, PILs, public trust, etc. With specific regard to legal personhood, thanks to the interviews that I have had with many experts, I realized that in India there is not a real discussion on this topic and the informant seems to explain this with the low trust in the legal system. Besides this point, it is important to know that the activists and writer Chiku Lokgariwar also

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[83] Around the 80's, many large dams were planned to be built on the River Narmada, in central India. A broad movement of resistance (Narmada Bachao Andolan) started to question the model of development and protect the rights of the river. After first obtaining the support of the Supreme Court, other judgments allowed for the construction of the dams (Friends of the River Narmada, n.d.)

confirmed the absence of a proper social mobilization and discussion on legal personhood for nature - nor for Ganga.

Despite the absence of discussion and social mobilization around legal personhood in India - apart from a few poles scattered around the country - it is still important to deepen the understanding of what I call the "political potential" of rights of nature, thereby looking at them not as legal formulation, but rather as a means for "rupturing" with the existing system, as a means of social mobilization and collective action. Thus, I will take the cues from the questioning and challenging of any legal framework - be it public trust doctrine or legal personhood - to then explore a more systematic approach to rights of nature that expands well beyond law and legislation.

6.4.4. Going beyond legal rights of nature: "the political" in India

"[W]e need to go beyond the formal legalistic statutory system and re-establish relation with nature. If we look at indigenous people or even people living along the Ganga, their relation with the river is not legalistic. I respect you because I am part of you, or because my cosmology tells me to respect the river, etc. So, going beyond legal rights of Ganga would mean having to re-establish a relation with Ganga where everybody deals with it with respect. So, this would mean that any pollutants and obstruction to the river would be a lack of respect, which is the same thing that the Maori required to the New Zealand government[84]. To do so, there is need of a huge cultural shift. The question we have is: does the provision of legal rights to Ganga move us a little bit further in that direction or does it actually limit our imagination so that we don't move in that direction?"

When I asked an answer to this last question, Ashish Kothari and Shrishtee Bajpai[85] had none, but they told me that India has the possibility of initiating this "cultural shift" that they mentioned, because of the fact that their civilization has had the respect for nature for centuries and millennia. However, they acknowledge that the very same tradition is currently politically misused and creating conflict within society, and that the Uttarakhand High Court judgment suffers from this same flaw. It is maybe for this scepticism that Kothari later told me that a positive transformative change in the way we relate to nature - as well as organize our own society - cannot come from institutions like the state, business, enterprises, etc. The idea of "development" and economic growth dominates these institutions too rigidly. In his opinion "there is no chance nature will be protected in the current development model". With this regard, the words of Mr. Siddiqui come back to mind and trigger an interesting debate: to what extent can our society work without a persistent control of nature that could, possibly, harm nature's own rights? Furthermore, concepts like "sustainable development" and "green capitalism" are for some the answer to this dilemma, by conciliating growth with respect of the environment. Notwithstanding, Kothari and Bajpai seemed to refuse these solutions and rather hinted at alternatives to development and the current economic and political system as a way to integrate rights of nature in a non-legalistic way, but rather as a guiding principle that should accompany human behaviour and human-nature relations. In other words, in their thinking rights of nature becomes a guiding principle for human societies, independently from their legal formulation.

Such conceptualization is entailed in the work and in the discourse of Vikalp Sangam, (Alternative Confluences), a network constituted by numerous movements and groups - of which Kothari's organization Kalpavriksh is member - with the objective to discuss and raise awareness on the possible alternatives that are already in place in India[86]. The centrality of nature and ecology in their discourse is exemplified by their first principle called "ecological integrity and the rights of nature":

"[T]he functional integrity of the ecological and eco-regenerative processes (especially the global freshwater cycle), ecosystems, and biological diversity that is the basis of all life on earth. The right of

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[84] Kothari refers to the New Zealand case of Rights of Nature.
[85] I interviewed Kothari and Bajpai at the same time via Skype on the 4th of February.
86 http://vikalpsangam.org/about/

nature and all species (wild and domesticated) to survive and thrive in the conditions in which they have evolved, and respect for and celebration of the "community of life" as a whole (while keeping in mind natural evolutionary processes of extinction and replacement, and that human use of the rest of nature is not necessarily antithetical to its respect)" (Vikalp Sangam, 2016)

In their discourse, ecological integrity and rights of nature are nestled into a system that develops its economic, political and social dimensions according to the boundaries set by nature. The other four principles that Vikalp Sangam identifies can be helpful to understand this point: social well-being and justice, direct democracy and economic democracy, cultural diversity and knowledge democracy. Rights of nature, ultimately, become a lens to look at the world differently, to re-imagine us - as both individual and community - and our relation with nature. In other words, rights of nature are part of a larger political transition where, with the words of Turner (1978:88), "the ultimate goal [...] is not even the struggle to appropriate value; it is the struggle to establish what value is" (Singh et. al, 2018).

The ambition and the focus on ecological integrity and rights of nature expressed by the network Vikalp Sangam resemble that of other Indian-born projects, like Radical Ecological Democracy - of which Kothari is one of the main theorists - and Ecological Democracy or Ecological Swaraaj[87] - these latter as developed by South Asian Dialogues on Ecological Democracy[88] (SADED). These are formulations of possible future(s) that stem from the need to do away with the current mode of development and governance and where the "ecological" dimension is emphasized (Shrivastava & Kothari, 2012; Priya, 2017). Both these visions root in the empirical research on grassroot movements and local communities - both rural and urban - as well as on theoretical elaborations from traditional Indian thinkers like Gandhi and westerner theories like the one of Marx, degrowth, etc. The line between Radical Ecological Democracy (RED) and SADED is fine, as they share the diagnosis of the current socio-ecological problems. Since my discussion does not attempt to describe or document these two realities, I will elaborate a common discourse that take bits from and builds upon the two and ultimately helps me to refine my point to look beyond a merely legalistic interpretation of RoN. With this regard, Ritu Priya, member of SADED, wrote:

> *"Countries such as Ecuador and Bolivia have addressed the rights of nature in their constitutions and thereby may qualify to be called 'ecological democracies' in a sense. However, given the contingencies of statecraft and prevailing political economy, the economic policies even in these countries continue to go counter to the requirements of sustaining natural environments"*

Despite the ambiguity left by the criticisms to statecraft and political economy of these countries, Ritu Priya makes an interesting point that is that a legal innovation - as RoN indisputably is - cannot bring about the systemic change that is at the root of the ecological and climate crisis. Ritu Priya identifies statecraft and prevailing political economy as the principal problems and - along the lines of other RED (and not only) theorists such as Kothari, Demaria and Acosta (Kothari et al., 2014) - as long as these elements are not dealt with, no legal or economic ("green capitalism", for instance) solution will ever solve the crisis.

Interestingly, during my research, I came across the work of the Global Alliance for Rights of Nature, one of the main networks of organizations, communities and individuals that promote legal rights of nature and

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87 Swaraaj is a concept coming from the Gandhian philosophy in his work: "Hind Swaraaj" and, as I was told by Ritu Priya, member of SADED, it can loosely be translated into: "self-governance". Despite being centered on the individual level, it acknowledges and engages with higher and more complex spheres of human society, like the community and the state level. SADED proposes this term to emphasize the "self" level that is marginalized in the term "democracy".
88 "South Asian Dialogues on Ecological Democracy (SADED) was born in 2002, out of work undertaken cooperatively by Vasudhaiva Kutumbakam, Centre for the Study of Developing Societies (CSDS), and Lokayan in India; Kepa and Siemenpuu Foundation in Finland". Retrieved from: http://www.saded.in/aboutus.htm. I interviewed a member of SADED, Ritu Priya, on the 3rd of March via Skype.

ecosystems. I had the opportunity to interview one of the members, Ms. Hana Begovic[89], who gave interesting insights into their conceptualization of RoN. With my surprise, she told me:

"An absolutely fundamental part in this profound transformation is the cultural shift that Rights of Nature requires and seeks, which redefines "wealth", away from financial accumulation towards well-being. So, recognizing the Rights of Nature does not only address the need to protect, but also to fundamentally change the relationship human beings have with nature through our cultural frameworks and perceptions of our place on Earth. This change can be obtained from a legal approach, by recognizing the rights of ecosystems, rivers, mountains etc. for them to exist, prosper and evolve, but it also needs the cultural approach for a behavioural shift in order for these rights to be fully implemented, respected and upheld"

Her words align well with the statement by Ritu Priya, as reported above. It is thus evident that RoN must bring along a "cultural" shift - in the words of Ms. Bregovic - or, to be more ambitious and systematic in the thinking, a comprehensive overhaul. Notwithstanding this conceptual similarity, it seems that RED and Ecological Swaraaj do look beyond the legal framework and do not necessarily resort to the legal rights of nature to trigger their transformation. For instance, as mentioned already for the Vikalp Sangam group, RED employs ecological integrity and rights of nature as principles and not as legal framework.

In conclusion, it is important to note that none of these "alternatives", like those documented by Vikalp Sangam, or the RED and SADED projects, overlook the importance of legal innovations. An example of this is in the case of the battle against the bauxite mining in the Niyamgiri Hills in the district of Odisha, where the local indigenous community succeeded to stop the mining company also because they recurred to the Supreme Court. This is one of the cases that Vikalp Sangam uses to explore alternative development(s) and scenarios (Singh et al., 2018). What pushes these "alternatives" beyond the legal paradigm of Rights of Nature is the willingness to contextualize, challenge and question the role and the potentiality of law in bringing about a positive transformative change. Their attempt is to "repoliticize" (Kothari et al., 2014) the socio-ecological framework and to do so they firstly recognize rights of nature and ecological integrity as a principle, as a standard of behaviour rather than a legal formulation. In other terms, they apply that principle stated by Catton & Dunlap (1978) and many others later that "the environment should not be introduced as just another new variable or theme, but as a radically new way of thinking about society" (Goldman & Schurman, 2000:564). It is thus a matter of "imagining" (thinking something new) and a mere interpretation of rights of nature in terms of legal changes does not seem to provide enough ground for such effort. As I will discuss in the next chapter, it is necessary to appeal to the "political" power of RoN to have the imaginary tool. Thus, in conclusion, it is relevant to ask oneself the very same question Kothari asked rhetorically during my interview:

"Does the provision of legal rights to Ganga move us a little bit further in that direction [transformative change] or does it actually limit our imagination so that we don't move in that direction?"

6.5.   Conclusion

In this chapter, I essentially discussed two themes. The first one was the rejuvenation of Ganga. By looking at this concept, I had the chance to understand what "river development" means for the authorities and what, instead, it means for more critical actors like environmentalists and activists. With little surprise, the conceptualizations differed considerably: one interpretation requires more control of the water resource in order to harness the flow of the river and "sustainably" manage it; the other, instead, demands that the river is let free to flow. Intrigued by the idea of rejuvenation, I then listed four "fundamental rights" that Ganga - and any other river - should have to be "rejuvenated": aviralta (free flow), nirmalta (free of pollution - and

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[89] Hana Begovic is an Organizing Director of the Global Alliance for Rights of Nature. Because of time constraints, I could not interview her via Skype, but I sent her some questions and received her replies.

not merely cleanliness), gangatva (maintenance of unique properties of Ganga water) and people's rights to the ecosystem. The second theme connects to this discussion as it explored the legal tools and frameworks that have historically been available to the court, the citizens and the state to protect the environment. At this point of the discussion, my focus broadened up to include a general discussion on environmental governance and not solely water governance. By looking at the legal tools, I could then introduce a discussion on Rights of Nature as supplementary and innovative device. By critically looking at them, I could develop a critique to the broader legal system as factor of change, thereby ushering in a different interpretation of RoN as a "political principle". In other words, RoN as a way to look at the world differently, regardless their legal formulation.

Chapter 7: Discussion and conclusion

7.1.   What is a "political" approach to RoN?

"¡Lo logramos! Hemos hecho historia en Colima, al reconocer con 21 votos a favor constitucionalmente Los Derechos de la Naturaleza para garantizar su restauración, regeneración y conservación.

Nuestro medio ambiente no debe ser más considerado un objeto de explotación. [...]. ¡Nunca más los intereses económicos y políticos por encima de los Derechos de la Naturaleza[90]!" (Livier, 2019)

"El Tribunal Administrativo del Tolima acaba de tomar una decisión histórica. En una sentencia de un poco más de 150 páginas ordenó detener la exploración y explotación minera en tres importantes ríos del departamento: el Coello, el Combeima y el Cocora, afluentes a los que también reconoció, junto a sus cuencas, como "sujetos de derechos a la protección, a la conservación, el mantenimiento y restauración[91]" (El Espectador, 2019)

These two excerpts are from recent news and they popped up on my news feed while I was writing the final chapters of this thesis: the Mexican State of Colima has established Rights of Nature in its Constitution, and an administrative tribunal in the department of Tolima, in Colombia, has declared three rivers "subjects of rights". Rights of Nature (RoN) is gaining momentum and the same could be said for the principles of Earth Jurisprudence to transform westernized anthropocentric legal systems into eco-centric. For instance, the case for ecocide, introduced by Polly Higgins some years ago and nowadays broadly discussed to be introduced as a crime within the International Crime Court.

This does not come as a surprise. During last year's Global Landscape Forum in Bonn, I was told by representatives of the International Union for Conservation of Nature (IUCN) that Rights of Nature would be the topic of the coming decades. Aside from the international declarations that have been produced and draw upon RoN, during my literature review I encountered many examples of RoN that, because of their smaller scale, do not often make the headlines of well-known mass media here in Europe. In contrast, the Indian case and the declaration of Ganga and Yamuna as legal personhood by the Uttarakhand High Court (UHC) was without doubt a major news item that reached the international press, like BBC (2017b) and the Guardian (2017). This mediatic potency of the news probably is due to the fact that Ganga and Yamuna are two of the major rivers of the Indian subcontinent, and part of the political campaign of Prime Minister Modi has revolved around his commitment to cleaning them. However, less of a news was the fact that the Indian Supreme Court stayed the Uttarakhand High Court decision a few months later, thereby disabling the effects of the judgment and *de facto* returning the two rivers to merely be two objects - and not subjects - of rights.

Little research has been conducted on the "aftermath" to RoN provisions adopted now around 10 years ago in other countries, like Bolivia and Ecuador. Years need to pass to be able to draw *preliminary* conclusions on the efficacy of RoN provisions in conserving nature and ecosystems, however it seems to be clear that this topic is mostly researched by legal-based approaches. What this means is that RoN are mostly looked at from a rather narrow legal-based perspective, highlighting the technical aspects of the legislation (or judgments) and missing out in the social, environmental, political and economic complexities that such regulations can be expressions of, become part of and encounter. In other words, most of the research seems to neglect the

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90 "We did it! We made history in Colima [Mexico], recognizing with 21 votes in favour the Constitutional Rights of Nature to ensure its restoration, regeneration and conservation. Our environment cannot be considered an object of exploitation, anymore. [...]. Never again, the economic and political interests will be put above the Rights of Nature".
91 "The administrative Tribunal of Tolima [Colombia] has just taken an historical decision. In a judgment of little more than 150 pages, it ruled to stop mining exploration and exploitation in three important rivers of the department: the rivers Coello, Combeima and Cocora, their tributaries and their river basins are recognised as "subject of rights to protection, conservation, maintenance and restoration"

interaction of RoN provisions with existing governance schemes and economic, social and cultural systems of a country or specific area. With regard to this, in chapter 2 I referred to the work of Merry (2006a) on human rights, where she argues that an anthropological approach helps to understand the interaction between the international norm and the on-the-ground reality, with which forms of adaptation and accommodation will always have to take place through processes of 'vernacularization' (Merry 2009)

My thesis, following in the footsteps of Merry for human rights, has thus the ambition to fill this gap by contextualizing RoN provisions in the broader Indian context, thus answering the following question:

"*How do existing water governance practices and discourses on Ganga and alternative claims on river protection affect and problematize conferring legal rights to Ganga as well as the broader discussion on Rights of Nature in India?*"

This question has two layers of interpretation that will also make for the two parts of my discussion in this chapter:

- the first one understands RoN as a legal tool.[92] Having such a perspective, this question interrogates on the interactions that RoN has with the existing political, economic, social and cultural complexity of the Indian "local" context. These interactions can affect (or not) the "local" reality in different - and sometimes conflicting - ways that are crucial to address in order to contribute to a more complete picture of RoN as a legal tool;
- the second layer of interpretation, instead, understands RoN as a means of social mobilization and collective action for creating different futures: as a principle that has the "political" capacity and boldness to question the system that creates the problems and, ultimately, suggests - or at the very least hints at - an "alternative".

The aim of the upcoming two sections (7.2-7.3) will be to discuss the two layers of interpretation in the light of the findings documented in the previous chapters, as well as having in mind the theoretical framework outlined in chapter 2. In fact, the concept of "the political" becomes central to this final discussion, not only for its conceptual function (i.e. epistemic and ontological pact) - that is particularly evident in the second layer of interpretation -, but also because it highlights the importance of an analysis like the one required in the first layer. Having a "political" approach to RoN, in conclusion, means to first of all scope the socio-cultural, political, economic and ecological context and embed the provision in this "local" milieu, so as to understand its positionality, its interaction with the surroundings and its capacity (or lack of) to bring along the desired effects.

7.2.   Embedding RoN provisions

7.2.1.   Limitations to my results

The title of this section (7.2) reminds of the attempt to "embed" RoN provisions within the socio-cultural, environmental, political and economic context of Ganga. There are several problems with this statement that must be addressed and that also make for limitations that I encountered during my research.

First, the fact that India, as already mentioned, does not have any Rights of Nature provisions currently in place. In chapter 6, I listed and described legal frameworks that could be assimilated to Earth Jurisprudence (Eco-Sensitive Zones, PILs and Public Trust), but I here refer to the act of conferring legal personhood to one or more ecosystems. Despite the attempt of the Uttarakhand High Court (UHC) decision to do so with Ganga, Yamuna and their ecosystems, India currently does not have such a legal provision. This did not merely represent a problem during the process of my research - as accounted for in the methodology part -, but it

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[92] This does not mean that I take a legal-based perspective in the analysis of RoN, but it simply refers to the fact that I analyse RoN as a legal tool. Evidently, I do so by using a different perspective that draws on sociology, political ecology and anthropology.

also presented me with difficulties from the outset, when I was planning and envisioning my topic. If since the beginning I wanted to politicize RoN - i.e. analyze them in the context that they aim to regulate -, I could not have a clear idea of the *object* of this. To be sure, the UHC judgment was only stayed and not ruled out by the Supreme Court. However, I was looking at the intersection between the ground reality and a regulation that had never been used. The limitations that descend from this are clear and I acknowledged them since the beginning of this research.

Second, one could legitimately wonder what the "socio-cultural, environmental, political and economic context of Ganga" is about. I already stressed in chapter 3 the difficulty to research on a river that flows for 2.500km through different Indian states as well as another country (Bangladesh). The difficulty that stems from this geographical condition did limit my possibilities of research and made me interrogate whether I could generalize practices and discourses found during my fieldworks and interviews to the entirety of Ganga. The answer to this question is "no" and not acknowledging this would jar with an important aspect of my theoretical discussion in chapter 2: that is that it is necessary to research the friction between universal rights-based narratives and the local reality.

These limitations, however, have been confronted from the outset of my research and I think to have engaged with both of them. As for the absence of a RoN provision, I resorted to other legal frameworks that, as suggested by Brara (2017), are already in place in India and that resonate with Earth Jurisprudence principles. Furthermore, I analysed the UHC judgment on Ganga and Yamuna legal personhood as well as general legal-based literature on Rights of Nature to extrapolate the main principles of RoN provisions and the legal personhood for nature. Although Kauffman[93] - US scholar working on the topic - told me that there is not such a thing as a blueprint for Rights of Nature, there is no doubt that there are recurrent elements that also the Uttarakhand High Court seems to have picked up in its judgment.

As for the second set of limitations, I interviewed numerous experts (see Chapter 3 for a table on experts) that referred to general trends that are visible when it comes to the way Ganga is governed and managed. For instance, my analysis of NAMAMI Gange reflects a trend that can speak for Ganga and not merely for the Kumbh Mela and Haridwar. Furthermore, I focused my intention not only on the practices of governing Ganga (for instance Riverfront Development projects, dams, etc.) but also the narrative and the discursive element behind them. This helps to contextualize practices and insert them in a broader discourse. Ultimately, the mix of fieldwork and interviews with experts allowed me to collect data that cannot be generalized but, if treated with modesty, can represent general trends affecting Ganga, thereby making an interesting case for critical engagement with Rights of Nature and Earth Jurisprudence. Specifically this, in other words, is the point of this section[94]: to intersect an international right-based narrative such as Rights of Nature with the "local" context and to see how it functions (or not) and what kind of distortions it brings alone.

7.2.2. *Three narratives that RoN provisions must address*

By looking at the experience in other countries like Bolivia and Ecuador, where RoN provisions have been adopted for more than a decade now, one could legitimately wonder about the effective capacity of this legislation to bar extractivist actors (state, companies, etc.) from disrupting ecosystems. Commenting on the Ecuadorian case, Cormac Cullinan, the theorist of Wild Law (Wijdekop, 2017), said:

"*Yes, unfortunately in Ecuador the president and government are moving against the rights of nature provisions in their own Constitution.* [...]. *I think the big difference is that now many of the things that the government is doing in Ecuador are unlawful or unconstitutional; it's proving very difficult to enforce that, but nevertheless at least there is a way of measuring it. It's like human rights: human rights are often infringed, but one is able to say that was an infringement of human rights, and maybe one day, many years in the future, one has an opportunity to go to court when the regime is more sympathetic*".

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[93] Cfr. footnote 15, chapter 6.

[94] To clarify, see the first "layer of interpretation" to my main research question in section 6.1.

Despite the almost informative function that rights of nature could serve - resembling human rights - I argue that RoN provisions do not only run the risk to become empty statements that hardly oppose environmental harm but also to be misused in ways that could damage weaker parts of the society and nature, too. Therefore, it is necessary to engage RoN from a different perspective and, as suggested by Sen (2009) and supported by Merry (2006), to focus on the local context, on the real-life conditions (Joy et al., 2014), thereby doing away with an analysis that is merely normative and legal-based. Rather, new insights must enlighten our understanding of such legal framework. Thus, it would be possible to "politicize" RoN. According to the definition of Zizek (1999:199), as reported by Swyngedouw (2010):

> "[T]*he political act (intervention) proper is not simply something that works well within the framework of existing relations, but something that changes the very framework that determined how things work [...]. [A]uthentic politics...is the art of the impossible - it changes the very parameters of what is considered 'possible' in the existing constellation*".

The radicality of such statement finds in the Indian context some problematic elements, as documented in the previous chapters. For the sake of this discussion, I summarized them into three main narratives:

- individualization of environmentalism and environmental injustices;
- extractivism-based forms of development coupled with compulsive economic growth;
- a "taming the river" approach to governing and managing Ganga and other rivers.

In a general context, by looking at the work of other legislative assemblies and courts around the world, it could be argued that RoN provisions stem from the necessity to deal with some (if not all) of these elements - or how I called them, narratives. If this could be true in some cases, it is still important to understand what the relation between RoN provisions and these narratives is and, above all, what RoN doctrine can learn from these intersections.

7.2.3. *Individualization of environmentalism and environmental injustices*

Individualization of environmentalism is a phenomenon that I noticed during both my fieldworks at the Kumbh Mela and in Haridwar, as well as discussed with many experts. It is that process for which people's attention on environmental issues seems to be diverted from structural to individual problems that can be solved by behavioural changes or small fixes in one's own life. As I was confirmed by the environmentalist Bajpai, this seems to be a strong and popular narrative that is put out by the authorities. With this regard, my analysis of the NAMAMI Gange project and more specifically the description of the Haridwar case show that environmentalism is more and more often defined in terms of duties rather than rights. This was confirmed to me by the words of an anonymous informant:

> "*Duties are in the Constitution, with regard to the environment. But in this decade there has been more and more emphasis on duties as opposed to rights. Rights are less and less visible but duties are more visible. Rightsholders are called beneficiaries*"

A right-based approach, like the one of RoN, potentially clashes with such a conceptualization. As I was told by Kauffman, RoN seem to be more of an "ecosystem"-based right, rather than individual - and this also makes the difference with human rights narrative, according to him. Thus, in my opinion, RoN finds the "individualizing" narrative of environmentalism as a possible obstacle. Surely, it is true that, if one looks at the philosophical doctrine of Earth Jurisprudence[95] - like I did in chapter 2 -, an ecocentric view of the world is advocated for and therefore it could be argued that a sense of responsibility towards environmental issues is passed across. However, the kind of individualization of environmentalism that I recognized in my fieldworks and interviews aims at something different and inherently opposed to RoN. As I mentioned in chapter 4, it risks to divert attention from the main structural causes and sources of pollution - that are not littering of trash into the river but rather damming and diverting Ganga - and from the possibility for collective action, similar to the one initiated by the sadhus group of Matri Sadan. With regard to this last point, it is

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[95] Earth Jurisprudence and RoN doctrine are here used interchangeably.

useful to remember that many RoN experiences around the world - many US cases, New Zealand, Colombia, Ecuador, etc. - come from a social mobilization of interested and affected communities (Kauffman, 2017)

The example of Riverfront Development projects (RFD) - cornerstone of the NAMAMI Gange - tells that individualized environmentalism comes along with an attempt of "beautification" of the riverfront. Considering the controversies of these projects - that critics claim to be displacing communities and harming the river's ecology -, I believe that RFDs can potentially be controversial and critical, if analysed under the lens of RoN. As argued in chapter 5, authorities seem to favour individualized environmentalism and RFDs for the creation of *certain* spaces that are *clean* and *beautiful*. In my opinion, this clashes with RoN doctrine and provisions for two reasons - both of which seem to belong to the conceptual sphere but have important material implications. First, because it creates disparities among *areas*, whereas RoN do not make distinctions between parts of the ecosystem that they target. In fact, the distinction that I noticed in Haridwar entailed a mighty and clean flow of Ganga in the city centre and an almost flow-less and dirty river in the area of the Jai Rai ashram. Second, because clean and beautiful does not necessarily mean "healthy" river, like in the case of the Har-Ki-Pauri where a mighty Ganga seems to flow through Haridwar. Evidently, the right of the river would be to be "healthy" and not appear "clean" and "beautiful".

With regard to environmental injustices, I contend that the relation with RoN is not of mere opposition, rather RoN provisions risk to reinforce lines of marginalization and oppression already existing in the Indian context. This is since environmental protection is not exempted from political misuse, and the same is valid for legal frameworks.

In the previous chapters, I referred to Indian cases where legal tools were used to seemingly protect rivers but, de facto, targeted certain societal groups. For instance, I mentioned the Kanpur tanneries and the slum evictions in New Delhi: in both cases environmental protection was the public reason, but critics noted that Muslims and slum-dwellers were respectively targeted by the decisions. Furthermore, as mentioned in chapter 6, the experience of PILs in India can be of support to this point by showing the problem that some judgments from Indian courts have targeted weaker parts of the society - Follman (2016) mentions tribal and urban poor. This discussion could be part of the broader debate on middle-class environmentalism, as elaborated by Mawdsley (2004) and Williams & Mawdsley (2006). According to their work, middle-class environmentalism might cater to different needs from those of the poor since the middle class (despite the difficulty to define it) has its own interests also with regard to the environment and can access justice and legal tools more easily than other lower societal strata. With this regard, Chatterjee (2004) distinguishes between civil society and political society, where the former refers to those citizens who can deal with the state based on a principle of equality and the latter to the big crowd of Indians who are formally citizens but whose interaction with the state is not based on a legal framework, but by politically negotiated arrangements (Münster & Strümpell, 2014).

A separate element of discussion within the domain of environmental justice should also be the relation between environmentalism and Hinduism. Many authors have addressed this point by stressing the possibility of misusing environmental concerns by politically engaged religious groups (Mawdsley, 2005,2006). In India there has been a process of increasing "Hinduization" (Jain & Lasseter, 2018; Kothari& Bajpai, 2017) and over the years this has brought to the creation of the Indian Right called Hindutva that has been trying to remould the Hindu community by pitting this latter against those who do not fit in the concept of what a Hindu is (Hinduness). Hinduism, evidently, is one of the cornerstones of their ideal image of Hinduness. The implications for minorities like Muslims - that do not partake in the concept of being Hindu - are becoming more and more evident, as Hindu nationalism gains power (Vanaik, 2017). This being considered, any environmental intervention is embedded in a delicate social and cultural milieu that cannot be neglected. Hence, the Uttarakhand High Court judgment appears to be extremely controversial for its connection to Hinduism. As mentioned in chapter 1, the Court referred to a "moral duty" stemming, among others, from the privileged position of Ganga and Yamuna in the Hindu pantheon. Thus, legislating on Ganga and Yamuna should be particularly aware of this tension between religion and environment in the Indian context. With this regard, my discussion with Mari Margil of the Community Environmental Legal Defense Fund (CELDF) was extremely relevant, as we touched upon this point:

"Marco: *Let's discuss the role of religion for RoN. UHC draws heavily on religious motives to confer legal rights to Ganga. What do you think is the role of religion with regard to RoN and Ganga?*

Mari: *Obviously, the cultural and spiritual relationship with the river is extremely important in India and it is very important for recognizing the rights of Ganga. Any movement of RoN requires a cultural shift and the sacred relationship is, I think, very important.* [...].

Marco: *Some authors are sceptical about this link between Rights to Ganga and religion. It could potentially marginalize other groups.*

Mari: *For some who recognize the river as sacred, that is their belief. But it doesn't exclude anybody. Legal rights are not religion specific. People come to RoN for a variety of reasons. Some are religious, spiritual in terms of that they believe that an ecosystem has a spiritual being and this can translate into the need to protect it with legal rights. Others come from a very practical and scientific standpoint and recognize that human activities are not in concert with sustainable relationship with nature. People come from very different fields. And their motivations are always welcome.* [...]. *And this is translating into recognizing legal rights. And that doesn't exclude anyone from a lack of belief or because of their belief. It is really encompassing*"

Despite the evidently important role that religion has played in establishing rights of nature - like in the case of New Zealand, Colombia, etc. - Ms. Margil seems to smooth over the power dynamics and the political power of religious stances in a context like the Indian one. The example of the Kanpur tanneries has already been discussed but, stretching the argument a bit further, I argue that the Kumbh Mela itself could be telling of this controversial relation between environment and religion. As I accounted for, the festival has been receiving large attention - and financial support - from the political sphere because of its proximity to the national election and its centrality in the Hinduist cosmology. In order to retain - and seemingly increase - the grandeur of the Kumbh, state and national authorities heavily intervene in rivers, by modifying their ecology and, more or less indirectly, affecting other parts of the river and other communities. As reminded by the environmentalist Vimal Bhai, the Tehri dam was filled above security level just to store up water for the Kumbh, increasing the risk of flooding and adverse events for the nearby communities. It could be argued that controversial interventions on the rivers could be justified by the religious - therefore political - relevance of the Kumbh Mela, thereby casting light on the connection between environmentalism and religion. To be sure, this is not as black and white. In fact, despite the Kumbh Mela roots in Hinduism, it does not necessarily mean that it caters to the needs of this faith solely. As I was told by Dr. Ravi Chopra Ji from PSI, people from different religions have a strong connection - also spiritual - to Ganga, thereby making the Kumbh Mela - being a celebration of the bountifulness of water - important also for non-Hindus.

Where RoN doctrine stands on this kind of issues is a fundamental question that, of course, cannot be answered in abstracto but should be dealt with at a local level. However, at a broader level of discussion, environmental justice remarks should be taken into consideration and RoN provisions and doctrine should be informed by such type of research. As I was talking to the scholar Alessandro Pelizzon, he told me to agree:

"*Yes, I define that as "environmental colonialism". Through subtle mechanisms, a particular worldview is imposed upon the subjects. The idea of RoN runs the risk of imposing particular worldviews, like for example the idea of exclusion at the expense of the livelihoods of locals. It is a very strong risk*"

Earth Jurisprudence and RoN doctrine are not unaware of this risk and they are now starting to approach it. During my conversation with Kauffman, he mentioned that RoN frameworks conceptually include rights of people, as a way to ensure "justice" in the making and implementation of RoN.

"*The basic argument* [of RoN] *is basically that ecosystems are complex systems with component parts that are interrelated and mutually interdependent for their welfare. That is the nature of system. You can't fall apart the pieces. You can't remove one piece of the system and not expect that it does not affect the whole system. Because of this mutual interdependence, there is a reciprocal relationship*

between parts. So, each components' well-being is dependent on the wellbeing of the others. And that creates a reciprocal responsibility. And it means that the value of say trees and forest comes not from the individual value of the individual tree, but from the role the whole species plays in the well-being of the larger ecosystem.

[...]

So, the moral argument is that all the elements of nature have moral value because of their reciprocal role in maintaining this system. And humans are part of that too. Human rights are conceptualized as integral part of RoN"

Notwithstanding the fact that this is conceptually debated, it is necessary to connect the conceptual level to the ground level. The Uttarakhand High Court decision did not mention rights of people, as the environmentalist Vimal Bhai rightfully reminded me. In contrast, the judgment of the Colombian Constitutional Court did include rights of people by referring to the concept of "biocultural" rights (Kauffman & Martin, 2017). However, the formal recognition of rights of people does not necessarily mean that they will be respected. Furthermore, it is essential to define the term "people": what or who are the communities to consider right-holders? I addressed this question during my interview with the environmentalist Manuj Mishra[96], head of the civil society group Yamuna Jiye Abhiyan. He told me to be one of a few groups interested in revitalizing the UHC judgment on legal personhood to Ganga and Yamuna, since the Supreme Court has just stayed it. Manuj told me that the UHC decision was extremely limited also because people's rights were not included, and he later added that only riparian people should be granted rights. Whether it is liked or not, this statement becomes particularly relevant when considered in relation to the other two narratives that I singled out in the Indian context. Because of development and the meticulous control of rivers in the country, water is diverted in many parts of the country, reaching out to people completely separated from the "original" course of the river. Thus, understanding who become the holders of people's rights next to nature's right become a crucial question that RoN doctrines cannot neglect.

7.2.4. Development and taming the river

The words of Prof. Derrik M. Denis reported in chapter 6 speak for the necessity for India to develop and for the fact that water and rivers become instruments to control – or tame. My discussion in chapter 6 of the concept of river rejuvenation has shown that the rhetoric of controlling water resources to develop is widely used by authorities, despite the problems that can arise from it and that have been discussed above. These, however, are not mere discourses, rather they are profoundly interwoven with the practice of water governance and management. As I was told by the ecological economist Ghosh, there is a prevalence of engineer-based approaches to controlling rivers. A perfect example of this is the Interlinking project that I described in chapter 6 and that shows the profound interrelation between development and the increasing necessity to tame rivers and harness *every single drop of water*.

As opposed to this, I accounted for a different conceptualization of river rejuvenation, coming from many environmentalists and activists. Many of them, among which the knowledgeable Shahi Shekhar Ji who retired as Secretary of Ministry of Water Resources, told me that a too narrow focus on development and taming the river is problematic because it does not consider the whole river ecosystem. By adopting an engineering perspective over water-related issues, the river is parcelled into smaller and extremely localized units. Authorities seem to patch up the emerging problems, without really considering the root causes. As accounted in chapter 4, the Kumbh Mela has been object of many water interventions from the State of Uttar Pradesh and the central state in order to cater to the need for water during the festival. With this regard, the activist Vimal Bhai told me that more water was stored up in the Tehri dam, above security level. Similarly, during my fieldwork of Haridwar I accounted for the water diversion that happens upstream the city to divert enough water in front of the well-known Har-Ki-Pauri, leaving other parts of the river almost dried out.

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[96] This citizen-based group that collects numerous NGOs and individuals is committed in advocacy campaigns to revive Yamuna. I interviewed Manoj Misra on the 2nd of April via phone.

Evidently, both these interventions have effects on the riverine ecosystem and they are born from the lack of what I called an "ecosystemic" approach to the river.

Understanding the position of Earth Jurisprudence and RoN doctrine on these issues does not seem to be too complicated. If anything, by looking at the discourse of the main organizations and groups that are behind Earth Jurisprudence (I mostly consider the work of the Global Alliance for Rights of Nature (GARN) and Community Environmental Legal Defense Fund), it seems that their very origins are to be found in a wide critique of the mode of development and of the commodification of "natural resources". In my conversation with the Organizing Director of GARN, Hana Begovic, I was told that Rights of Nature stands for a different relation between humans and nature, so that nature does not become something that we - humans - own and control.

> "*What Rights of Nature is trying to do is to create a cultural and legal paradigm shift where we humans don't put ourselves above nature and encompass the role of defining how much value in OUR monetary system an ecosystem has. That is not our role, nor should it be our role. This approach of putting a price on nature (even if it is for protecting it) affirms the perception that humans are not only separate from Nature, but are the owners of Nature*".

Similarly, Kauffman (2017) argues that the social mobilization that brought RoN in Ecuador started from a re-thinking of the current development mode. More examples could be given to support this point and, ultimately, there are many similarities between the discourse of RoN and Earth Jurisprudence and the many activists and environmentalists that I interviewed. As accounted for in chapter 6 when discussing about "rejuvenating" Ganga, the critique to development was very much present. Similarly, RoN seems to agree with some of my informants on the necessity to have an "ecosystemic" approach when dealing with nature.

Notwithstanding this, it is important to wonder to what extent RoN doctrine and provisions can actually question the development agenda of a country and enforce an "ecosystemic" approach to the way nature is governed and managed. To be sure, this question is not only valid for RoN provisions, but for any other kind of intervention that claims to be an "alternative" to the "current model of exploitation and destruction of nature". Of particular interest for RoN in India (and many other developing countries) is the intersection between legal frameworks and economic system, considering that the country is devoted to economic growth and, as mentioned above, seems to do everything in its power to harness as much as possible its own natural resources (Shrivastava & Kothari, 2012). Despite the fact that many spokespeople claim that, next to the legal transformation, a "cultural" shift must happen, it seems that the majority of the efforts are put into designing new legal settings, leaving behind other dimensions. Exactly these other dimensions, however, become crucial when questioning the development paradigm that is so intertwined with the political, social, cultural and economic spheres of the country.

Based on my discussion in chapter 5 on Haridwar and the economics of tourism and mining, I argue that RoN provisions can potentially clash with economic interests and that this is not a negligible factor, which should deserve more attention and research. This does not come as a surprise. However, it is important to consider, once again, to what extent a legal tool can modify economic dynamics where there are strong political interests. In other words, what would be the political economy of a region or a country or even a world with Rights of Nature? Despite the ambitious - for some utopic - reach that this question poses, it is crucial to start researching an answer. Once again, as argued above, these answers cannot be found but at a local level where RoN provisions intersect with the political economy of a place. With this kind of inquiry, then, the legal framework could be endowed with more sophisticated systems that can facilitate implementation and enforcement.

My discussion in chapter 5 on the case of the tourism-based economy that livens up the banks of the Har-Ki-Pauri in Haridwar provides for an example. As argued by Karar (2010), this economy can be sustained as long as enough water is diverted and pumped into the Upper Ganga Canal - where the Har-Ki-Pauri is. Another example could be the economics of the Kumbh Mela. The large economic and political interest in having a mighty festival seems to collide with the natural condition of the river Ganga and Yamuna. The clash between economic interests and environmental protection is clear - and not new - and RoN doctrine, at risk of being

accused of naivety otherwise, should interrogate on how to mediate this kind of opposition. What the environmental lawyer Shawahiq Siddiqui told me seems to confirm this point:

> "[I]*f you try to shut down industries, it doesn't work (loss of jobs and loss for economy). If you penalize the system (cost for restitution to the environment), it doesn't work either in my experience because once the industry gives the money of restitution to the environment, what happens to that money*[97]*?*"

Likewise, in chapter 6 I listed some legal frameworks that, despite some successes, are not able to avert ecological harm brought by a ferocious development model in the country. To take one of these cases, the case of the Bhagirathi Eco-Sensitive zone signifies that the establishment of an area where developmental activities are strictly limited does not necessarily translate in protection of the ecosystem according to the law.

This point was recognized by one of the main theorist of Earth Jurisprudence and father of the Wild Law, Cormac Cullinan. As reported in section 7.2.2, he acknowledges that a mere legal transformation has not succeeded in bringing along notable changes in Ecuador (Wijdekop, 2017). However, after that he goes on as follows:

> "*I also became very conscious of the fact that the ideas in* Wild Law *are unlikely to become a reality unless one can build strong enough political and social movements behind them.* [...]. [O]*ne needs a very strong civil society movement to take these ideas forward*".

However, one could hint at the fact that Ecuador saw a strong social mobilization for the establishment of Rights of Nature and, on top of that, it presents the exceptional - and arguably favourable - circumstances of a President who is indigenous. Notwithstanding this, during my interviews with RoN scholars and activists, I encountered a certain degree of engagement with ideas that do not solely pertain to the legal sphere. With this regard, my engagement with the Global Alliance for Rights of Nature was particularly fruitful. The Global Alliance for Rights of Nature recognizes the importance of transitioning to a different kind of economy[98]. As reported above, the Organizing Director of GARN, Hana Begovic, criticized the commodification of nature and accused a "divorce of economy from Nature". On a similar note, Alessandro Pelizzon, member of GARN, mentioned the complementary value to RoN of "other ways of conceiving economics, like Herman Baily and the steady-state economics".

Finally, in an interview by Wijdekop (2017), the lecturer at the Adelaide Law School Peter Burdon discussed the importance of integrating the work of Earth Jurisprudence with the emerging concert of Earth Democracy.

> "*Earth Democracy is the politics of Earth Jurisprudence. Earth Democracy represents a participatory style of democracy that is geocentric and provides a method for human lawmakers to make binding prescriptions. While perverted in contemporary capitalist nations, Earth Democracy seeks to reclaim democracy and highlight its participatory and ecological dimensions*".

The concept of Earth Democracy reminds of the "Ecological Democracy" framework introduced in chapter 6 and it adds the important remarks that legal frameworks must be embedded in different systems and not stand alone in a structure that can, potentially, limit the "political" and "radical" force of this tool. In the next and final section (7.3), I will thus move to the second layer of interpretation that understands RoN as a means of social mobilization and collective action: as a principle that has the "political" capacity and boldness to question the system that creates the problems and ultimately suggests an alternative. In other words, I take

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[97] He then goes on suggesting that the only way to go, in his understanding, is to make a business case out of environmental protection and compliance.

[98] This does not mean that they are the only groups working with Rights of Nature acknowledging this. Many others seem to share this convictions, stemming from their critiques to development. However, only GARN, to my knowledge, directly critically engage with concepts like "green economy" and "payment for ecosystem services".

cues from these last remarks on the position of the legal framework of RoN within the political and economic system, to explore the "political" power of these provisions and its doctrine.

7.3.   Concluding: politicizing RoN

"*[T]he ultimate goal [...] is not even the struggle to appropriate value; it is the struggle to establish what value is*".

(Turner, 1978:88)

I think that these words capture well the intention of this last section. I first quoted this line in the previous chapter, when I was arguing that Rights of Nature, in the experience of some groups I engaged with in India, was primarily a principle or a lens to look at the world differently, to re-imagine us - as both individual and community - and our relation with nature. According to them, I found out, constraining nature's rights to a legal framework that is inevitably interwoven with and that will unlikely challenge the prevailing political economy and the statecraft would not bring along much of a change. For this reason, Ashish Kothari, a well known Indian environmentalist and father of the concept of Radical Ecological Democracy, asked this question:

"*Does the provision of legal rights to Ganga move us a little bit further in that direction* [transformative change] *or does it actually limit our imagination so that we don't move in that direction?*"

This question, ironically, already provides a preliminary answer to my main research question, by suggesting that the current Indian context - made of water governance, development policies, economic growth, individualized environmentalism, etc. - makes difficult - to say the least - the conferring of legal rights to Ganga and, arguably, to any other ecosystems in the country. This was explained in the previous section (7.2) by the fact that the meta-narrative and the norms that stem from the RoN doctrine and provisions clash with the ground reality.

This preliminary conclusion comes from the "politicization" of the Ganga and of its water governance. By doing so, I was allowed to understand the "collision of levels" and, ultimately the difficulty to confer rights to nature. Such process of politicization, based on the work of Merry (2006) Sen (2009), Acharya (2015) and Joy et al. (2014), helped me to analyze the complexity of the river Ganga and its multiple meanings. I tried - despite difficulties and flaws in my process – to look at the river and its ecosystem as a hybrid made of chemical, physical, social, economic, political and cultural processes, in contradiction with one another but still inseparable (Swyngedouw, 1999). However, this makes only for a partial answer to my research question. Now, there is one thing left for me to do, that is to "politicize" RoN itself, addressing the second layer of interpretation (cfr. Section 7.1).

In my theoretical framework (chapter 2), I said that RoN and their "political radicalism", as described by Valladares & Boelens (2017), have the potential to be political in the sense of Zizek (1999a-b). In other words, RoN provisions premise on an epistemological and ontological pact, a compromise (Valladares & Boelens, 2017). Because of these premises, Valladares & Boelens (*ibid*.:1026) contend that RoN can:

"*be a tool for re-politicizing the environmental debate by challenging the dominant mono-cultural, functionalist and extractivist notion of nature, defined by capitalism and science*".

This statement resonates quite well with the definition of "political" by Zizek that binds the "political" element to the capacity of questioning the very same framework that determines how things work (1999a-b). On a similar note, maybe more positively than Valladares and Boelens, the Earth Jurisprudence scholar Alessandro Pelizzon hinted at the epistemic force of RoN as a possible way to challenge current paradigms of thinking and - therefore - legislating:

"*James Thorntorn, founder of Client Earth in England, once said that whether we like it or not, corporations speak the language of law. To be unable to speak that language means to be unable to communicate. This is not a judgment. It is a recognition of a fact. Indigenous people have recognized this for years. Hence, the creation of the UN Declaration of Rights of Indigenous People. The same*

applies to RoN. However, unlike the UN Declaration, what happens here is that worldviews previously excluded and that articulate a sense of identity with nature, or a sense of knowledge, can be conveyed through a tool that we did not have previously. The new articulation of RoN is neither colonial nor indigenous, it is a hybrid of the two. Sometimes it is more colonial than indigenous, sometimes the opposite. The outcome is certainly a working process that fuses the two and that will allow a new understanding. Different from the previous understanding where the rights of the indigenous people were predicated on idea of nationhood, peoplehood, what constitute a social frame. RoN allows to go beyond this and it allows to cross the human-nature divide and indigenous nations don't have a human-nature divide"

Notwithstanding the allure of this kind of statements, I contend that they require a closer and more attentive scrutiny because they run the risk to overestimate the potentialities of RoN. Correctly, Valladares and Boelens (2017:1027) suggests that there are three ways to evaluate RoN provisions: "as a tool for legal defence, for political pressure and organization-building, or for education and collective consciousness". I subscribe to this analysis and I believe that it points to a similar direction as my contention does. It sheds light on the "multiplicity" of meanings that a regulatory tool has, thereby making space for the existence of a context - a local place - where these meanings take a specific shape. This argument does away with more absolutistic observation on the role of law and particularly right-based narratives that oftentimes originates from the international policy milieu. Cormac Cullinan, for instance, gives a good example of this optimistic approach when he discusses that right-based narratives are oftentimes more appealing and successful:

"[I]*f one looks at civil society movements that have been successful in history, whether it's the abolition of slavery, emancipation of women, civil rights, or the end of apartheid, they have been rights-based movements that said 'more people need to have more rights'. [...]. I think people are more responsive to rights-based approaches than they are to things like sustainable development*" (Wijdekop, 2017:446)

This assertion does not surprise. In the past years more and more often legal tools have been resorted to in the attempt to protect the environment as well as advance any other causes. Pelizzon, in the excerpt from the interview reported above, mentioned the case of Client Earth whose name already echoes the legal practice of defending a subject in front of the court. Furthermore, many indigenous communities have undertaken legal causes to protect their own ecosystems (Metcalf, 2003). Similarly, the climate crisis has brought many civil society groups, lawyers, environmentalists groups to initiate legal causes against their own government, premising on human rights. The first case, to my knowledge, was the so-called "Climate Case" in the Netherlands, where the Court ruled that the government had to cut down by 20% its CO2 emission by 2020 and this was based on the government's commitment to protect his citizens against climate change (Oxford Human Rights Hub, 2015).

All these examples show the positive relation that many societal groups draw between legal avenues and tools and positive change. This is the very same background where Rights of Nature and Earth Jurisprudence stem from. Enriched by the epistemological and ontological hybridity, RoN are then believed to move even further from these other experiences that still aim at protecting the environment resorting to an anthropocentric perspective. RoN brings in the domain of ecocentrism, an unearthed (for western legal tradition) terrain that roots in the epistemological and ontological compromise between westernized legal systems and indigenous knowledge (Valladares & Boelens, 2017, Pecharroman, 2018).

I wonder, however, whether the "political" element unleashed by this compromise can be enough to make of RoN a "political" act that challenges the dominant framework. Partly answering my question, Ritu Priya (2017) wrote that countries like Ecuador and Bolivia adopted RoN provisions, but this did not question - nor, evidently, change - the contingencies of statecraft and the dominant political economy. Similarly, Kothari, Demaria and Acosta (Kothari et al., 2014) argued that, as long as elements such as political economy and the "state paradigm" are not dealt with, no legal or economic ("green capitalism", for instance) solution will ever solve much. Thus, bringing about an epistemological and ontological compromise seems to not be enough to avoid the risk of "depoliticization". This seems to be confirmed in the context of water governance of Ganga in India. My research has shown that existing legal frameworks struggle to protect the targeted ecosystems.

Considering the current economic, political, environmental and socio-cultural context, informants told me that in India legal avenues might be counterproductive and lead to controversial outcomes as it has been the case for previous social mobilizations[99]. To be sure, the element of novelty in RoN - the epistemological and ontological nature - cannot be discarded without due reflection. I do acknowledge that, by looking at different dimensions of evaluation of RoN (like the four suggested by Valladares and Boelens (2017)), this novelty represents a step forward. However, the existence of this epistemological and ontological compromise in a legal framework does not necessarily translate into the questioning of existing socio-ecological relations because such compromise and legal tool have to deal with the "locality" of a context, made of social, cultural, economic, political and environmental considerations. If this "locality" will not be addressed and analysed, the "post-political" condition might overshadow the "political" potency of this legal tool. As I mentioned in my theoretical framework, the post-political condition will marginalize the political space of disagreement, perpetuating a space where utopias are opposed and only "the possible" is admissible (Sousa Santos, 2015; Swyngedouw, 2010).

To avoid this shadow, an anonymous informant told me that the role of legal frameworks to protect the environment must be put into question, considering the current Indian context. Furthermore, as I mentioned at the beginning of this last section, Kothari himself posited the question whether legal formulations of nature's rights could potentially constrain the political radicalism of such provisions. Thus, as elaborated in chapter 6, some authors and activists suggest looking beyond and considering Rights of Nature as a principle that shapes one's own vision of the world (ontology) and to re-imagine us - as both individual and community - and our relation with nature. Such perspectives do not directly nor necessarily oppose the establishment of legal personhood, guardianships and this sort of legal solutions. However, they bring the epistemological and ontological suggestion a step forward, by incorporating it in a large vision of the world and of the society. Thus, alternatives such as Vikalp Sangam, Radical Ecological Democracy and the one from SADED entail a new thinking process that questions existing growth-based development narratives and proposes alternative narratives to economic growth and the current development model.

To be sure, these alternatives are normative themselves and can be questioned in their feasibility. By looking at the work of Vikalp Sangam, for instance, the cases that they have collected account for both urban and rural communities that still do not represent a considerable number. Furthermore, one could legitimately ask to what extent these alternatives and their principles can succeed in a country that has recently seen its Prime Minister Modi - devoted to "sustainable development" and "green growth" - winning the national election by a landslide.

Criticisms can and should be moved to these alternatives that aim to bring a transformative paradigm shift. Despite a personal affinity to the idea of creating alternative narrations that can engage with and appeal to the broader public, I myself struggle when it comes to the practice. Although Vikalp Sangam's framework comes from the experience of communities in India, there is the risk that these alternative "grand-narratives" are left to the state of mere speculations. It is important to not neglect these criticisms and act upon them, by engaging with different disciplines - law, economics, engineering, ecology, etc. - and different ways of thinking, at the risk, otherwise, of finding oneself in an eco-chamber where one's ideas of an alternative world inflate by resonance in a grim spectacle of self-adulation.

Setting aside these criticisms, the alternatives that I have described in this research helped me to understand the importance of "politicizing" a legal tool such as RoN in order to bring about effective change. Now it remains to understand how it is possible to do so. I start by saying that I did not identify *one* way to "politicize" RoN, but rather I will point at some questions that should be answered by those engaged with RoN. As supported by many alternative movements like Radical Ecological Democracy and Degrowth, there is a "pluriverse of alternatives" and I believe that there is also a "pluriverse of the political" that can be applied

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[99] Cfr. chapter 6, section 6.3.3 and the example of the Narmada dam given by an anonymous informant.

to RoN doctrine and provisions. Thus, by suggesting questions, I want to stimulate critical research that orient in the direction of "politicizing".

7.4.   Coda Finale[100]

Amitav Ghosh, famous Indian writer, recently wrote a book titled: "The Great Derangement: Climate Change and the Unthinkable" (2018). His work shows the difficulty for current societies to comprehend climate change because we are missing a cultural reference that can retain the "derangement" of such changes. Furthermore, he describes the *uncanny* sensation that we have in front of the changes brought by the climate crisis:

> "*What I am trying to suggest is perhaps better expressed by a different word, one that recurs frequently in translations of Freud and Heidegger. That word is* uncanny [...]: 'In dread, as we say, one feels *something uncanny'. What is this 'something' and this 'one'? We are unable to say what gives 'one' that uncanny feeling. 'One' just feels it generally*
>
> *[...]*
>
> *George Marshall writes: 'Climate change is inherently uncanny: Weather conditions, and the high-carbon lifestyles that are changing them, are extremely familiar and yet have now been given a new menace and uncertainty*"

In front of the changes of the climate crisis, he suggests, we feel speechless, incapable of circumscribing these events into current narrations. Climate crisis seems to be lost in translation. Thus, alternative narrations, like the one of Vikalp Sangam, etc., come to play an important role, as they provide us with a tool for imagining new worlds and new futures. Although this expression is nowadays overused, I think it retains its power even in the banality of repetition. Ghosh's point, in my interpretation, is that we are lacking the vocabulary and the view to comprehend and respond to the current crisis. In this regard, I argue that the discourse that Rights of Nature doctrine and Earth Jurisprudence have been making in the past decades could also be part of this "alternative" narrating: an answer, in other words, to the uncanny condition of climate and ecological crisis. Despite the criticisms moved during this research, I believe that their relative success is telling of a certain transformation and acknowledgment of a way to conceive human - non-human relations. The importance of RoN doctrine and provisions is not limited to a conceptual level. Law has a fundamental function in society, as elaborated in chapter 2, and it can foster change. For example, human rights are surely at a critical point of their history. However, the fact that they exist makes their infringements - to some extent - known to the public opinion.

Thus, RoN doctrine and Earth Jurisprudence experiences are important to carry on, despite the pitfalls identified here. I think, however, that in order to effectively interact with the ground reality, they should become "politicized". RoN provisions should not only premise on the epistemological and ontological power of their compromise, but they should rather develop a more thorough understanding of the targeted system and context. With this regard, I think that, next to a legal-based research, RoN provisions would benefit from sociological, political ecology and anthropological perspectives in order to understand the intersection between provisions and local context. Drawing upon the experience of Vikalp Sangam, SADED and Radical Ecological Democracy, I suggest some general questions that would help to "politicize" RoN doctrine and provisions. This set of questions has to do with the interaction between legal provisions and other aspects that, as I found in this research, play an important role in determining the effect of legislation. To be sure, these questions indirectly hint at the kind of research that could inform already existing RoN cases, too:

- *What is the political economy that can support RoN provisions?*
- *What is the political setting that can support RoN provisions?*
- *What is the cultural and social milieu that can support RoN provisions?*

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[100] The function of a coda in classical music is to bring to an end the movement. Burkhart (2005) says that after the climax and the momentum created by the music, the coda looks back on the main body, helps to re-elaborate the content and creates a balance.

- *How does the concept of environmental justice relate to that of Rights of Nature?*
- *What is the role of technology in the context of Rights of Nature?*

I do not claim that these questions are exhaustive. Rather, they hint at a different way of thinking Rights of Nature and should be integrated with many others that follow the lines of this questioning. Thus, a holistic effort can be generated to connect the legal framework to the idea of a leading principle that can shape the world. This effort will aim at creating suitable conditions for a legislation to work. Ultimately, this effort would politicize Rights of Nature and help conserving their political and disruptive radicalism.

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