



International Environmental
Law Research Centre

ALONG THE NARMADA

JAN SUNWAI

Panel:

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I. INTRODUCTION

The raising of the Sardar Sarovar Dam across the river Narmada, at Vadgaon in Gujarat, has been striven with conflict. Contending interests, and conflicting interpretations of what constitutes development, have provided hurdles that have, at times, appeared insuperable. In 1979 when the NWDT gave its Award, it had been predominantly occupied with matters of sharing of costs and benefits between the States that are directly affected by the proposed dam – Gujarat, Madhya Pradesh and Maharashtra -- and a fourth which was intended to benefit from the project even if marginally – Rajasthan. In 1979, the Award represented the negotiation and settling of differences between states. The Tribunal was an interstate tribunal set up under the Inter State Water Disputes Tribunals Act, 1956 which heard the states parties before it; and the Award was to bind all four states. The award however also provided a formula for resettlement and rehabilitation in the limited context of deciding the costs that would have to be borne, and held the state of Gujarat responsible for meeting those costs.¹ In the years that followed, three significant changes occurred: two in the larger democratic domain, and the third in the Narmada Valley. These were:

- The increasing according of value to environmental concerns, along with a recognition of the potential for irreversibility where environmental matters are either unaddressed or unredressed;
- The emergence, and increasing visibility and articulateness, of civil society groups, non-governmental organisations and movements. This was also the time that the Supreme Court found an ally in judicial activism to give access to the courts, and to justice, through the device of Public Interest Litigation.

The third facet of change, which swirled in eddies in the Narmada valley, was

- the movements of resistance, and struggle, demanding a centrality for the displaced people in the planning for development in the valley, and in the execution of the plans generated.

The raising of the walls of the dam, and the resistance to its construction, has been through several phases. It was in 1987 that a conditional clearance was accorded to the Sardar Sarovar Project (SSP) by the Ministry of Environment and Forests in the Government of India. In 1992, an independent review of the SSP instituted by the World Bank, with Bradford Morse as its Chairperson, turned in a devastating report, categorical in its conclusion that: “Environmental and social trade-offs have been made, and continue to be made, without a full understanding of the consequences. As a result, benefits tend to be overstated, while social and environmental costs are frequently understated. Assertions have been substituted for analysis.” This indictment, which followed a detailing of resettlement and rehabilitation in the three states, hydrology and water management, and environmental issues, was accompanied by a word of advice that “the wisest course would be for the (World) Bank to step back from the projects and consider them afresh”. The World Bank, by press release dated 22.06.1992, rejected the report to the extent that it “(did not) share the view that resettlement would be virtually impossible even if Maharashtra and Madhya Pradesh adopted the liberal resettlement package provided for displaced people by the State of Gujarat. Given the experiences so far, and the fact that most of the impact of submergence on people will not occur till 1997, there is still time to develop meaningful R&R packages and programmes in consultation with the affected peoples.” Despite this note of optimism, in 1993, the Indian government withdrew from the loan agreement.

In 1994, the issue was taken to court by the Narmada Bachao Andolan (NBA).² The court stayed work on the project in 1995. In 1999, it permitted construction of the main part of the dam from 80m to 85m. The government built 3m. ‘safety humps’ beyond the 85m. On October 18 2000, the judges of the Supreme Court delivered their opinions. The judgment of the majority cleared the way for continued construction of the dam up to 90 metres height [see Box A], while asking for an action plan that would “fix a time-frame so as to ensure relief and rehabilitation pari passu with the increase in the height of the dam”. There was however an inconsistency in the terms in which the court spoke of the performance of the State Governments, including in the matter of rehabilitation of the oustees [see Box B]. As did other constituents of civil society, so too did we watch with a keenness and anxiety for willingness and capacity in the three States to rehabilitate those affected by the construction of the dam.

Box A

“(1) Construction of the dam will continue as per award of the Tribunal.

(2) As the Relief and Rehabilitation Subgroup has cleared the construction up to 90 metres, the same can be undertaken immediately. Further raising of the height will only be *pari passu* with the implementation of the relief and rehabilitation measures and on the clearance by the Relief and Rehabilitation Subgroup. Relief and Rehabilitation Subgroup will give clearance for further construction after consulting the three Grievance Redressal Authorities.”

Three developments between the date of the judgment (October 18, 2000) and early July 2002 raised our concern. The first was the *report of the Daud Committee* submitted to the Government of Maharashtra in June 2001. The Daud Committee was set up by the Government of Maharashtra as a result of agitation among the oustees in Maharashtra, to

Box B

“(5) The reports of the Grievance Redressal Authorities, and of Madhya Pradesh in particular, show that there is considerable slackness in the work of identification of land, acquisition of suitable land and the consequent steps necessary to be taken to rehabilitate the project oustees. We direct the States of Madhya Pradesh, Maharashtra and Gujarat to implement the award and give relief and rehabilitation to the oustees in terms of the packages offered by them and these States shall comply with any direction in this regard which is given by NCA or the Review Committee or the Grievance Redressal Authorities.”

“assist the resettlement and rehabilitation of the Sardar Project affected persons”. The Committee held open hearings, met the affected people, visited submergence villages as also rehabilitation sites – including two sites in Gujarat where Maharashtra oustees were to be rehabilitated – and consulted such documents to which the State Government allowed them access. The findings of the Daud Committee are briefly set out in chapter 3; yet it may be here said that they are a severe indictment of the process, and efficacy, of rehabilitation in the state. Since then, the Government of Maharashtra has set up:

- (1) a Task Force to survey the submergence villages in the state;
- (2) a Planning Committee, to draw up a Master Plan, which is then to be implemented; and
- (3) an Overview Committee, comprising government representatives, representatives from the movements in the valley, and experts to oversee this process.

The *changing numbers* constitute the second area of concern. Maharashtra had maintained that the PAFs that remained to be rehabilitated at 95m was 17; after its Task Force had conducted its surveys, however, this was revised to around 1000 PAFs. This revised figure is only illustrative of the statistical confusion that appears to dog the process; further instances are cited in chapter 3, part II. Set against the backdrop of the drastically altering figures of the displaced in the 245 villages expected to be affected by the submergence, [Box C] these escalating numbers reveal a whole population living on the edge, requiring governmental will and ability to restart their lives.

Box C	
1988-89	6700 PAF
1994	41000 PAF
March 2001	43000 PAF

The third concern surfaced with *the decision of the Narmada Control Authority to raise the height of the dam to 95 metres + 3 metres humps*. This decision was taken on 17th May 2002. Around 8000 families in the three States are expected to face submergence, taking the tally to 19 villages in Gujarat, 33 villages in Maharashtra (almost all of these 57 villages are inhabited by adivasis) and 70 villages in Madhya Pradesh (the affected in 55 of these villages being predominantly adivasis). The Supreme Court had commented on the disinterest that the Madhya Pradesh Government had evinced in the matter of rehabilitation. The Daud Committee had spoken of the inadequacy of rehabilitation efforts in relation to the Maharashtra oustees. When, in May 2002, the Narmada Bachao Andolan (NBA) called upon the Supreme Court to consider the consequences of raising the dam height to 95 metres, the State of Maharashtra supported the stand of the NBA in its affidavit which asked that the present phase of construction be stayed. The resistance to submergence, and to being uprooted, has been reported from the valley, along with a growing resolve not to move from their habitat even if it means facing the flood that submergence will bring.

The people of the Narmada Valley have not had too many podia from which to speak and be heard. The NWDT decided a dispute that was between States, and the States and the Union Government were heard, although the decision was held to bind the affected people. The Narmada Control Authority has been constituted to act on the advice of its three constituent sub-groups: the Environment Sub-group, the Rehabilitation Sub-group and the Hydro Meteorological Sub-group; the NCA has no procedure to hear the people of the valley. It was only in 1999 that, acting on directions from the Supreme Court, Grievance Redressal Authorities (GRA) were set up in the 3 States, to be headed by retired High Court or Supreme Court judges. Yet, as the Madhya Pradesh GRA submitted to the Supreme Court in 2002, it has not been possible to conduct field verification due to infrastructural inadequacies. The affected people have, therefore, had to resort to extraordinary measures to lend decibels to their voices which will make them heard.

With the dam height having been raised to 95 meters (+3m), the imminence of submergence is upon the people of the valley. What stands between them and the deluge is the failure of the rains – which leaves them parched – and the non-closure of the sluice gates – which depends on engineering and political decisions.

It was in this configuration of circumstances that each of us saw an opportunity in NBA's invitation to us to visit the valley, and hear people facing submergence speak their version of the events that was so affecting their lives. Since the invitation had been extended to the resettlement authorities at the NVDA and Maharashtra and to each of the four of us, we hoped that it would be an exercise in exchanging points of view. This last was not to be, since the officials did not respond to the invitation. Listening to the women, men, and children speak of their idea of development, law, and justice led us to realise the importance of locating these ideas in mainstream discourse. They spoke to us with trust that we would help their words waft beyond the valley and be heard in wider spaces. This we attempt to do in recording (in chapter 2) their questions, their challenges, their anguish, and their will to save their lives as they know them. They are in translation, and paraphrased where verbatim noting down was difficult, but they are close to the letter and spirit of their statements.

Each of us has been following the events in the valley over the years, and have attempted in our own diverse ways, an unravelling of the issues around the construction of the dam, especially in the matter of submergence, and rehabilitation of oustees. Having perused the documents available to us, after hearing the people in the valley and the activists in the movements, we have essayed to set out some of the daunting issues that need to be addressed urgently even as further construction of the dam is under contemplation.

This is an effort to present the peoples' version, as emerging from narratives related in their own homelands. If we have not reached out to officials and agencies of state, it is not out of any disregard for their position. Instead, it is because many documents, including court proceedings, reveal the stand of the states and of the authorities and institutions that are involved in decision-making on the Sardar Sarovar Project. In contrast, we have often wondered how the individual, and community, position is articulated along the banks of the Narmada. We have wondered too how the project has affected the lives of the women in the valley. It was in respectful acknowledgement of the importance of letting peoples speak for themselves, and with due regard to the stated position of the states involved, that this exercise got under way.

We spent three days in the valley, where public hearings were held. On the 13th July 2002, a public hearing at Chikalda acquainted us with the anger and anxiety of the Nimad farmers, the residents of Chikalda, the traders and farmers of Nisarpur, a farmer from Sisagaon, a resident of Saurashtra, and a woman from Piprigaon. In the evening of the 13th, as we passed through Nisarpur, a town with a population of approximately 15,000, a public hearing happened, impromptu, standing testimony to the deep and urgent desire to be heard of a people threatened with imminent submergence. On the way to Nisarpur, we visited the rehabilitation sites, set in undulating open spaces, with plot numbers painted on small stone posts planted in the earth. These were to be for the relocation of oustees from Kadmal and Nisarpur. Later in the night, a visit to Majra, an adivasi village, showed us the situs of a dispute, where a rehabilitation site, it was contended, was located on land that had belonged to an adivasi clan for generations; but since it had not been entered in the records it was being treated as government land and was now being used for resettlement of the adivasis.

On 14th July 2002 we reached Jalsindhi (via Hapeshwar). At Jalsindhi, we heard residents of Jalsindhi, Kodamba, Chikalda, Bada Amba, Akadia, Jhandana, Anjanwara, Kakrana, Karya Bhadal and Sakarja villages.

On 15th July 2002, after a prayer meeting at Domkhedi, a public hearing was held across the waters at Nimgavan, Maharashtra with renditions by the residents of Nimgavan, Maal, village Danel in Akkalkuwa tehsil, Amlibari rehabilitation site in Maharashtra, village Gamon in Akkalkuwa tehsil and an original resident of Gadher, now settled in a R&R site in Gujarat.

The focus of our visit was on submergence and rehabilitation. We are aware that there are other issues of grave import, including the environment, the technical feasibility of the dam, and larger questions of the paradigms of development that remain unanswered in this domain. We have not ventured into these issues, and have therefore not explored or explained our understanding of the wisdom or wrongness of construction of the dam on these counts. The people spoke to us of their lives, their fears, their aspirations and their anger, and these constitute the context in which this report is set.

II. JAN SUNWAYI

A: Part Proceedings of Jan Sunwayi held at Chikhaldia Village, Badwani Taluk and District

13th July 2002

The proceedings began with a song Narmada ki ghaati mein – a song of protest and resistance. The hearing was interspersed with slogans:

Hum sub ek hain
Narmada bachao, manav bachao
Hamu aaka ek se
Yeh Narmada kunin se? Amri se, amri se
Doobenge, par hatenge nahin

Nyay chahiye, anyay nahin

Ambaram Mukati (Village Borlai, Tehsil Badwani, District Badwani)

There were neem trees on this land and that is how this area got its name, Nimad, i.e., in the shade of the neem tree. So the legend goes. The land here is fertile for all manner of vegetation. We do double cropping here; that is, both kharif which is rain fed, and rabi. We have laid pipelines of 8-10 kms from the Narmada for irrigation. There has been a lot of investment by the farmers. The land here is of the order of 7 – 7.5 ps man (a reference to the depth of the soil) which is ideal for agriculture. Find this kind of land for us, and we will move there. The Narmada is such a sacred river that just looking at it is enough to wash us of all our sins. The Narmada is great and it is an image of a powerful force. The religious practice of ‘Parikrama’ also is done by believers only around the Narmada and no other river.

From 1987, the Andolan began its struggle in the Nimad region after a series of meetings one of which was held at Borlai. Ever since, I have been associated with the NBA.

In the beginning, when the project was planned, they were saying that 8 villages would go under water. MARG had come and talked to us about it. Despite two polling booths in the area, it was recorded as ‘nirjanvan’. Now they say five villages are going to be submerged. The Collector accepts that there will be cattle moving with the villages. But where are the grazing lands?

The local authorities are constructing resettlement sites for 5 villages on the grazing land and private lands of Borlai. We are opposing this but the government does not see what we are saying. Imagine that the grazing land has been reduced to facilitate resettlement sites, but when people shift there (if ever they agree) then the pressures on the limited grazing land will be tremendous. We have said this to all officials but they tell us that the government has already taken a decision to reduce grazing land in each village from 5% of its total area to only 2%.

I believe that this is not the only problem the outside villages will face. Even reaching the Narmada will become difficult due to siltation. Moreover we know that the Madhya Pradesh Government will have no right over the Sardar Sarovar reservoir waters. Then what will happen to our drinking water needs, what will happen to the villages located 15 kms from the Narmada on both banks who are cultivating their lands with irrigation of waters drawn from the Narmada through pipelines after spending lakhs and lakhs of rupees?

I say that as much as there may be benefit, there will be more loss.

Maheshbhai Patel: (Village Kundiya, Tehsil/ District Badwani)

There is a long history to the Narmada and to the Andolan. The existence of Kadmal/ Khaparkheda village is a standing testimony to the age of the river which goes back about 5000 years. Indira Gandhi constituted the Narmada Water Disputes Tribunal in 1969. The Nimad Bachao Andolan was formed in the late ‘70s, after the NWDT Award, to fight for the rights of adivasis and farmers affected by this project. This movement died out due to various political sell-outs. One Kashinath Trivedi kept talking about the Gandhian way of struggle but it had no takers and so it died out. In 1985, Medhaben, after having formed the Sanghathan in Maharashtra came into Nimad and informed us about the project, our rights and the way the resettlement should be carried out legally. We then began an in-depth questioning of the project and gained knowledge about our rights and the fact that the government has to make a Master Plan. That this was not ready then became known to us and we started pressurizing the government.

So many villages were going to be submerged. Nimad did not know so much that was happening! And, when we looked into it, we found they HAD no land.

At the time the Narmada Bachao Andolan was formed raising various issues such as non-availability of land, no Master Plan and no answers to our questions, not even on the costs and benefits of the project. We became sure after some time that the project would not benefit the country as it was being made out, but would be a curse to our country.

We had to ask fundamental questions of the World Bank and the government in Delhi. World Bank had no answers, and had to withdraw. I want to ask: What development are you going to bring with this? Why are you going against the way of nature and inviting its wrath? These and many other questions were posed by us.

The construction has gone on as the Gujarat Government begs for funds. We went to the Supreme Court and it stopped the construction for more than 4 years. Many people have faced lathis, been jailed – yet we reached the Supreme Court. At issue then were six adivasi villages in Maharashtra. There was no rehabilitation. The dam was stayed for over 4 years. But the Supreme Court judgment of 2000 was unfair to the people. It was not the judgment of the court, but of the government. And it was opposed to the NWDT Award and, so, illegal.

The court gave special powers to the Prime Minister! He talks of conservation and decentralized water harvesting and then supports construction without rehabilitation. What is the Prime Minister going to do? If he is going to do anything, I tell him – stop this outdated technology. It is time that the archaic Land Acquisition Act too is modified keeping people in mind.

We took the battle from the local to the national level. There are 245 affected villages, but the government has no answers. Rehabilitation is a problem. The Gujarat Government has no land. Our plea has been that if you cannot rehabilitate, do not build the dam.

In 1970, there were floods and the dias where you are sitting (pointing to where the panel sat on a raised platform) was all under water. And now engineers want us to believe that the water will stop 3 km away. And they are providing the rehabilitation sites just 6 m above this level.

Kailashbhai and others sing *Pawan jhakola karaire maia ki chunaria*.

Kamala Yadav: (Village Chotta Barda, Tehsil Thikri, District Badwani) (small peasant)

It's been more than 17 years and still we fight on and yet our lands are getting submerged. This beautiful land is all going under water and is going to be submerged: Land, village, houses all that has been bestowed on us by nature. The government, without any concern for us, increased the height of the dam without asking us, or rehabilitating us. A government that will not take care of its people, what care can it take of the country? Why should we leave our land, our forest and go somewhere else?

We have raised these issues in front of all and sundry including the President who said he would look into the issue.

One who gets scared is as good as dead! In Man dam the government is ready to displace some 1000 adivasi families and has gone into their villages in huge forces of police and razed their schools to the ground, and taken away their hand-pumps, and cut their trees. Still they fight, but the government cannot even resettle such a small number of families. Don't take away what is rightfully ours – our forests, our lands and our wealth. Why should we be forced to move to the cities for no fault of ours? We need to have the courage to fight. What medicine have they given in Bargi, Man, Indira Sagar....? The culture and heritage of the Narmada Valley and nature too has not been created by Digvijay Singh but by God and he has no right to play around with it. They are not even offering land, or they are offering it in far away places. Our land and our home are ours. No one can take them away from us. If we move, our culture will be lost – to us and to our children.

All this dam is giving till now is dirty water and diseases as seen in Bargi. If you stop the water, no wonder there is disease everywhere in the country. If there is no land where can there be farmers, if there are no farmers where will food come from? Don't leave your land. If you do, what will you do after that? What will the government do after that? Where will it be? It will all just be nothing.

In Hoshangabad, Bargi, Bhopal gas peedit – what has gone right?

Ghar, khet, zameen hum nahin chodenge. We have Narmada maatha here, and we are not moving.

Some people have taken cash compensation. Why? Not because they wanted to, but because they feared they would otherwise get nothing.

I am not an orator. All an empty spirit needs is the sound that two hands make. And we want *manav adhikar* (human rights). How badly they have treated us!

We will fight to the finish. Even if it means feeling the lathi, feasting in jail.

We have to keep courage, otherwise *na rahega baas, na rahegi basuri*. (Where there is no bamboo, there will be no flute!)

Naari ek shakti hain, sarkar ko ek chunauthi hain (Women are a strength, a challenge to the government)

Devarambhai: (*emcee*)

The government has begun setting up resettlement sites without any consultation with the affected people. There is no land there, so where will the farmers go? Although they have talked about rehabilitation and allotting land, these promises have not been kept. Also the surveys of the government are wrong and the villages that will be affected will be much more as happened in Bargi, where 162 villages submerged when the government always maintained that 101 will be submerged.

Govindbhai: (Village Narmada Nagar, Tehsil Manawar, District Dhar)

A house built on lies will not stand. So it is with the SSP.

Lakhs of people will be affected and this sacrifice is not taken into account nor is it considered suitable to compensate people with land and livelihood sources. In Maharashtra, there are 33 villages. In Gujarat 19. They haven't been rehabilitated yet. How come submergence has already come to Madhya Pradesh? How have they gone beyond 80 m? To 90 m? 95 m?

There is a saying in Nimad – bring a buffalo from a hungry man's house; it will eat, and eat, and eat and become fat, but it will not give milk.

Digvijay Singh has said again, and again, and again, that there is no land. How are they going ahead?

Tomorrow when you go to Jalsindhi you will meet Loharia whose field is under water from 1994 onwards. Where justice is being sold, even the Almighty cannot save people. Distribution of cash compensation is illegal, even then government is compelling the people to accept cash. Here too the government is misleading the people. When people accept compensation for their houses they are also supposed to be given house plots in resettlement sites with all civic amenities. How can it do this anyway when it has no resettlement sites ready? For those who are entitled to land, the government is giving 50% compensation but not the land that they are entitled to. The proper way is to give them 50% and land simultaneously. But for those who are not submitting to coercion, there is no readiness on the part of the government to comply with the norms. Those few families who have accepted compensation are in the doldrums and on the verge of becoming paupers.

After the 1970 flood, what is the assurance that it won't happen again? And with the reservoir?

There are so many *dalals* here. When the government has itself become a *dalal*, what can people like us do?

The government is wrong on many counts. In 1970 the Narmada waters entered the land where many of the resettlement sites are being set up today! Still it is not reconsidering these faults.

Land for land is the basic premise. We are farmers and children of this land. We and our past generations have lived off land and will continue to do so. However this is being taken away from us and not being replaced. Land is our identity. We are sons of the soil. Money will meet ruin in 5-10 years time.

The fear of earthquake is real as seen in Bargi where the frequency of earthquakes increased after the dam was built in 1991.

Even the surveys for land acquisition were done in a most bizarre fashion. Here in Chikhalda the entire village of more than 700 houses was surveyed in 10 hours. How can you estimate the actual value of each house when you have spent less than 2 minutes in each house? This is ridiculous.

In Gujarat the 19 villages affected have been distributed over 100 resettlement sites.

MP has not even kept up its promise of rehabilitation. The number of project affected people will be a big figure once the height is increased to 95 metres.

Devarambhai: (emcee)

The government asks for titles as proof of land ownership, but these are not available especially in the adivasi villages where they are said to have encroached on forest land when in reality they are the original inhabitants of this earth! Like Govindbhai said, the dam is dangerous; the link between dams and earthquakes has always been very evident.

800 houses were surveyed in 8 hours – at the end of a bayonet.

Nisarpur is getting partially submerged, they will be rehabilitated with all the villages. And, whatever each of them may be, what are they expected to do? Fishing – whether they be Brahmins, farmers, whatever.

Ashish Mandloi: (Village Chhota Barda, Tehsil Tikri, District Badwani) (full-time activist with the NBA for many years now) and ***Bhagirath Narayan*** (Village Chikhalda, Tehsil Kukshi, District Dhar)

The Sardar Sarovar Project is part of the Narmada Valley Development Project, which includes 30 large dams, 135 medium dams and 3000 small dams on the Narmada and its tributaries. NVDA is to ensure rehabilitation to the people displaced by all these dams.

It has been seen in all the completed projects that there are terrible mistakes made in determining the area coming under submergence due to faulty level surveys.

Bargi was first – the Principal Engineer there wrote to the Junior Engineer about the survey to determine how high the waters will rise. And he says, in a letter, ‘may be we should just build the dam, and when the water rises, put stones there’!

18,000 families will have over 25% of their land submerged. And from day one they have been saying they will have to be rehabilitated in Gujarat.

Till today, no information has come from the authorities. On the contrary, they come to the village and say, take what is being given. In a 100% adivasi village like Kikarwas, the Tribunal Award says they have to be given land. Even with them, the agencies say ‘take compensation or you will get nothing – else go to Gujarat’.

The authorities willfully concealed the provision of land for land from their knowledge. They were given cash accordingly. It is only when the affected people, through the Andolan, raised their objection to it and demanded land for land, the Grievance Redressal Authority passed an order asking the government to allot land for land to them. But it is yet to materialise, as the government does not have the intention to give them land.

The NCA has never come to the people and spoken openly with the people. They come with NVDA officials or other agencies, and without meeting the people to hear them, they say what they have to say – and leave. When asked, the NCA officials say that they have no power to do anything.

We have not come here to listen, but to share our experiences.

When the Bargi dam was being built, the engineer was very casual about the construction. The Narmada Valley Development Authority has totally failed in its duty to rehabilitate. On the issue of environment impact, there is evidence that the project has a negative impact.

There should be an open, unbiased, impartial and comprehensive inquiry into the claims of extent of displacement and rehabilitation claims of the government immediately. Neither the Sub-groups of NCA nor the GRA have done any inquiry into the availability of land for the resettlement of families in Madhya Pradesh or even the rehabilitation of those 6000 families who will be affected in this monsoon in Madhya Pradesh alone.

The government has claimed to have done compensatory afforestation on 8000 h.a. NBA did a survey and found that no work that was said to have been done, had in fact been done. In one case, even the khasra number on which compensatory afforestation was supposedly done did not exist.

Despite all this, and despite nothing in the Supreme Court showing that work on rehabilitation has progressed, the construction has been allowed to proceed.

There has been no catchment area treatment works in Nimad, which will result in a very high rate of siltation reducing the life of the dam. Year after year we have seen the incidence of diseases and epidemics increasing and we are sure that this is because of the dam and the stagnant waters. This too has not been looked into. There are many such crucial issues that have been ignored and instead the Environment Sub-group has cleared construction up to 100 m.

In any case, that it has always been the case that environment concerns have been callously brushed aside is obvious from the fact that the construction of the dam began without any environmental clearance from the Ministry of Environment and Forests (MoEF). Then, even though the required studies of environmental impacts were not completed and when there was no environmental impact assessment done, with no mitigation plans ready, still the MoEF gave a clearance in 1987, conditional though it was. It gave time till 1989 for these studies and plans to be completed and this did not happen. When it took a position on this and cancelled the clearance in 1992, it did not follow up on this and the project continues today with no environment clearance. Justice Bharucha has taken this position in his dissenting judgment. Obviously environment has not been an issue for the officials to seriously concern themselves.

Under directions from the Supreme Court, the three states appointed GRAs. Five volumes of complaints were filed with MP's GRA – they were not able to resolve EVEN ONE of them. The GRAs are not equipped to handle the complaint, leave alone redressing the problems that are on such a large scale.

In Gujarat most of complaints received by the GRA pertains to bad agricultural land especially since it is waterlogged or affected by *dabh* grass. This weed has roots that go almost 10 feet into the ground and it is difficult to remove. It is a perpetual problem; redressal is an illusion. There have been only limited instances (less than 100 even) where the bad lands of people have been taken back and better lands allotted. In Maharashtra, the GRA itself could not help the people and only after there was a huge demonstration did the government change its attitude.

Maharashtra has now admitted that rehabilitation is incomplete, and that they have no land.

People have got less land; those entitled haven't got land.... And it has now been reported even to the Supreme Court that there is no land that is cultivable which has been given to the affected people.

The GRA in MP has applied a very limited understanding of the Tribunal Award. When a rally was taken out to meet him, he said to us: "Take whatever land is given to you."

"Even if it is full of rocks?"

"Yes. Take it. Cultivate it for 6 months. If you have a complaint after that, come back."

The GRA has become an institution against which we have come to nurture grievances. Even when he has taken a reasonable position, like in the case of cash compensation being illegal, he has not been able to force the NVDA and Madhya Pradesh Government to comply!

This year, thanks to the three GRAs, NCA, NVDA, and the State Governments we will be facing our watery graves! This is murder by water.

I would like to reiterate a point that has been made and will be made again and again and that is: we want land for land. Whatever the government says we will not cow down. The NVDA does not harbour any concern for our future or those of our children. All it is concerned with is that the dam come up, come what may. It throws money at us like one throws scraps to dogs. But we are not dogs. We are farmers and proud farmers at that. We will fight for land, come what may. As for the NVDA it should be renamed the Narmada Valley Destruction Authority.

Himanshu Upadhyay: (activist, from Saurashtra):

The dam was started with no idea of the costs. The costs that would be incurred in implementing the environment mitigation plans have not been included in the costs of the project. It is regrettable that none of the planners of the Sardar Sarovar project have even estimated the phenomenal costs of supplying potable drinking water. It will cost a maximum one crore, they said, with no basis whatsoever. Even the plans for the provision of drinking water are not in place nor are details of the filtration plants, pipelines etc ready. Who is to answer these questions? When it went to court, they never even asked any of these questions!

Morse Committee has found that these omissions have resulted in an incorrect estimate of the benefit to cost ratio. Even though the constant refrain is that water will be provided to Kutch and Saurashtra, the fact is that this water will NEVER reach Saurashtra or Kutch.

There are 500 big dams in Gujarat, and they have not given the people of Saurashtra and Kutch any water. The people there want to know what is it that this 501st dam is going to get them that the 500 couldn't.

Even before the project has been completed, sugar factories have sprung up in the command area of the project anticipating waters from the Narmada. This will result in sugarcane plantations. Obviously, like in all projects, the areas in the initial reaches of the command area will use up so much of water that there will be nothing left for Kutch and Saurashtra which lie at the tail reach of the canal network.

The SSP has always been used to whip up emotions without any rational review of the depth of these promises. Even now Modi said water would reach Rajkot by April 15th. This has not happened -- like all the other hollow promises. Even when making these promises the situation was such that a contractors' delegation met Modi and told him that if the Gujarat Government does not clear outstanding dues of Rs 860 crores, they would suspend work on the project. A few weeks before that, the CAG report of the Gujarat revealed that the government's debt repayment policy has been flawed. It has clearly defaulted. It has found that the government is paying more than 22% of its total expenditure on the project (about 10,000 crores) only on paying interest. There is no money for the project and still the government uses it for political mileage. This kind of shortsighted political circus has resulted in this project being pushed ahead in spite of it being unfeasible economically.

Where has the money come from?

The Sardar Sarovar Nigam Limited (SSNL) bonds have been given in place of compensation to the victims of the 1992 riots. They were to have got back the money after 5 years; but they have not got it back even yet. The SSNL bonds have fallen twice, and CRISIL has revised the rating from A to A1 now.

Bhagirat Narayan: (Chikhaldia)

According to the government there are 170 families affected at 95 m in my village. But we know that this is a blatant lie. The place we are standing on today was covered by more than 2 m of water during the 1970 floods when there was no dam. We know that our village will be affected fully this monsoon.

Our village has a majority of cultivators. For a farmer without land nothing can be done. Still the government has made no arrangement for us, in fact there is no resettlement site for my village even today and the govern-

ment claims that these 170 families have been resettled. Yes, it is true that resettlement has been reduced to a paper exercise.

Everyone is speaking lies – even inside the Supreme Court – about land.

Till we get land, we won't move. I feel there is no one in the country listening to us.

Why are the police being used to evict us? No one so far has asked why the bulldozers and police are standing around!

If the land is given, then there is some reason to hope. Digvijay Singh refuses to listen.

Sitaram Jat: (Village Bagud, Tehsil Badwani)

We are farmers. We don't want wealth and riches. Money will not help us. We need land. Of course the government fails to see this and instead is trying to convince us that money is better than land. How is this possible? When it has been seen in Sardar Sarovar itself in few villages where money was replaced for land, the people blew all the money on motorcycles, liquor and other things and are now on the threshold of disaster. Anyway I am not here to try and argue for land. I am here to say that land is my right and the government must give it to me!

It is said that we attained independence in 1947, but what we are witnessing now is that in the name of democracy, people's freedoms are being stifled.

Water is so essential to everything that we do and to preserve our environment. When you ask someone to leave, how can you do so without offering him an alternative? Show me one example anywhere in the world, which states that rehabilitation can happen only if you pay for it?

All these allegations as to the NBA being foreign-funded is a convenient ploy to muffle dissent. It is also to try and divert attention from the real issue, viz., disinclination of the governments to rehabilitate people.

Ganesh Patidar: (Nisarapur)

In 1947, the white sarkars were forced to leave only to be replaced by black sarkars! Only the colour of the skin has changed: the attitudes, callous nature and insensitivity remain. The voice of the people is not even given a hearing, expectations of the government acting on them are misplaced. Even the basic decency to talk to people with respect is gone.

How many people are being impoverished by this dam? If the policies of the state are fine and working, why would the people agitate?

All these officers give their orders while they sit on cushioned seats in air-conditioned offices with little understanding of people or their needs and scant respect for compliance with laws. They should be coming to listen to us here. Instead, when we go to where they are to talk to them, we have to bear lathis. The chains of imperialism still shackle us, obvious since we still carry on with the laws of the British designed to usurp people's rights. The Land Acquisition Act of 1894 is still being used to forcibly snatch people's lands and villages from them. Why cannot the government adopt a more participatory approach and involve people instead of using such draconian laws?

Even when you sell a car or a *saamaan*, the buyer will see, and negotiate. Here, the government does some valuation and then there are so many conditions. First, you have to identify the land, then they will release one part of the compensation, then we have to bring the sale deed to the government, and give a photocopy, and then the rest of the compensation money will be given. What is this procedure? And even among those who have followed the procedure, many have not received the rest of the money!

No Minister, no MLA has come here to ask us our opinion. Now, we are called Naxalvadi. So even Ministers

and such others say the Andolan is anti-national, anti-development, they are getting money from abroad...; I don't know what else they say.

But the *sarkar* is a Kumbhakaran. We have to make the government awaken and listen.

Our town, Nisarpur, is one of the biggest settlements that is affected by this Project. Its population is more than 15,000 families. My town is affected at 95 m and this monsoon more than 1000 families will be affected. There is no ready resettlement site and the site is still under preparation.

When the government talks about the Award, it says that it is final. Yet, when it comes to giving us land for land, the Award is not followed and the government even suggests amending the same award to prevent us from being entitled to land. Why has this Andolan had to fight for 17 long years and still continue fighting? If all was well, even today do you think there was any need for these 2000 odd people to congregate here? They would have preferred to sit in their houses or go about their agricultural work and other work. The policy of the government to force cash compensation is illegal! The government says that you buy your own land when there is no money with the families. Which fool will sell their land when the buyer has no money?

The Government is using force to go ahead with this project. We have even been fired at and hit with lathis. How can one build dams when they destroy everything? The people whose land has been submerged have to be rehabilitated, but there are problems with rehabilitation, small things that cause great trouble. Cheques have been issued in sealed envelopes; only part of the money has been given, there are a number of preconditions before payments are made. Many who have not satisfied these conditions have lost their land. Which fool would give away his land free?

Would anyone in this crowd tell us if they have sold their land and got money? There is no one here who would say that?

Naushad: (Nisarpur)

The survey conducted was cosmetic. The process followed is not as suggested by the Award. The Award says that land and houses will be acquired and the compensation would be in the form of money, house and agricultural land. However, the government is trying to finish us off with just money. The compensation being offered is not enough even to build houses.

They told us the plots were fully developed. When we went to the site, we found that it was in an undulating hilly tract, and it hadn't been developed. Not even animals can stay there. Now they tell us that in 15 days, we better move there. Leave, they say, your electricity connection is going to be cut.

600-650 plots have been allotted, but there are no amenities. No electricity, no drinking water, no agricultural land nearby, not even enough house plots. 200-250 plots have been returned, saying give it to us with the amenities. Even where a plot has been given, it would cost at least 2.5 lakh rupees to build a house.

Only 2 karamcharis have, under threat of suspension, done some work on house plots.

The government is brazenly and openly violating the basis norms of resettlement. This monsoon more than 800 families will be affected and they have not been rehabilitated

In Nisarpur, as in every other village, there are hundreds of fields that will become islands with no access to them whatsoever. How are these families expected to continue farming and living? The government has no plan for them and has just ignored this issue. Not a single family has got land for land.

Sajjan ben: (Piplod)

We have been fighting for 18 years. Either the government is deaf or, more likely, it just does not want to hear our voices. We have firmly demanded land for land, and not cash compensation. It is the women who know the ways of life and how to make ends meet, not the men. They can be easily attracted to money and squander it on wasteful things and liquor. Men take money and drink it away, it is the women who suffer.

And why should we go to Gujarat? It is riddled with natural and man-made disasters. I have been all over the country protesting and demanding land for land but to no avail. According to the government plans, if we accept it, we will be able to build houses. But a machine cannot produce land. It is establishing a resettlement site for our village, but where is the agricultural land. We are illiterate, but we know our rights and what we need for sustaining our lives, which is why we need land. We will not leave our lands.

We were born in Nimad, we want to die here, to submerge here. We do not want any work. We only want land. We want no rehabilitation.

What kind of rehabilitation is the government talking about in the end, if you give land somewhere else? According to the government, we have been re-settled on paper. There is no rehabilitation, no land.

All we got were lathi charges for asking for land. They wield the lathi, and send us to jail. But we will not leave our lands! We want our land and nothing more. Are we looting anyone in our demands? Instead, it is the government that is robbing and looting us. The women know this and will not move. False affidavits and false statistics are not what we need. We women understand the ways of running the household and not the men. They will say take money but, my sisters, we know the truth and we must force them to resist.

The law is blind. (*Yeh andha kanoon hain!*)

Kalim Bhai:

Yeh hava takht mein tehzeeb se daakhil hona!
Ped koi bhi sanvardaar na girne paye!!
Maa mein tujhe detha hoon baba shankar ki kasam,
Teri ghaati se koi vyakti na ujad ke jaaye!!!

Aisa tumhe chaahat ka samandar na milega
Ghar chodke math jao, koi ghar na milega
Yaad aayegi phir ghaati ki sarzamin
Tumhe jab dhoop mein saaya koi sar na milega

Yakeen toot chuka hai ghumaan baaki hai
Hamaare sar pe abhi aasmaan baaki hai
Sitam hai, teer hai, takdeer magar ab tak
Abhi tho ghaati ke logon mein jaan baaki hai

[The air that has entered this place through tradition
Let no tree be felled here
Dear Mother, I swear by the name of father Shanker (god)
Let no person be displaced from here
You will not get such sea of love anywhere
Please do not go, you will not get a home anywhere
You will remember the land and life of the valley
When you get no shelter from the sun anywhere
The confidence is shattered, but pride is intact
The sky over our head is still intact
The weapons are there, the terror is there, how long will the luck survive?

The life in the people of the valley is still intact.

Trs: Himanshu Thakkar]

Rukmani Kaki: (Chhota Barda)

You will fall ill if you drink contaminated water. If this dam is built, the water that will be drunk will be contaminated. Forests are being cut, there is no rain. Why are women being hit with lathis?

To do survey, they come with policemen. If the truth is with them, why do they need the police?

Why are they doing this? Why does even the Supreme Court not give truthful justice?

Jagdish Gogawa: (from Maheshwar)

Maheshwar is one of the large dams being built on the Narmada. Now the fight of the people and their relentless struggle has stalled the project. Whenever the people use their democratic rights and articulate their rights and needs, all they get in return is repression, lathi, beatings and jail.

Dam building doesn't have anything to do with development; it has to do with construction. Even the Maheshwar project is not for public benefit. The nexus between contractors, dam builders and politicians push such projects ahead for their vested interest. In Bargi dam, out of the promised 1,50,000 hectares of land to be irrigated, only 4,500 hectares of land is being irrigated. What more can I say?

You can't trust the government – when it will go back on its word.

They have taken away hand pumps, broken schools, telling people to leave. If there is no rehabilitation, where will people go?

Dams are a sure case of science trying to control nature.

Chhagan Nathu: (Chikalda)

My house and land are affected at 95 metres and the government accepts this and I have been listed on the Action Taken Report of the Madhya Pradesh Government. I asked for land, and a house plot nearby; but have received nothing. I have refused compensation for house or land and have demanded land first. This the government and NVDA has not done. And they now say in notice that I have taken money. I have not taken a pie.

And when I asked them, they (the NVDA) say, go to court. A daily wage, earning Rs.25 a day is being asked to go to court. I say, shoot them all. (*shows notice*) At 95 m, my land and my house will submerge; and this is how they treat me?

Shantabai Yadav: (Village Pipri)

We have been fighting for 16 years now, but the government still does not give us any proper information. Our lands are so fertile that we can grow even diamonds in it. This the government is trying to snatch from us and tells us to take money!

The land acquisition surveys were conducted with the help of 12 trucks of police. The SDM, SP and NVDA officials along with the police camped in our village for 5 days for survey but we resisted and kept them away. They beat up our men and put them in jail. They were taken away to Badwani and kept in Central Jail for 4 days. Women were beaten. The police threatened us that we will not be given even a single rupee in compensation. Still, we women opposed with all our might and prevented the survey.

We have succeeded in removing the World Bank, Chimanbhai Patel, and we will remove Digvijay Singh too.

We do not want a government that does not listen to the poor farmers. We are not beggars, we are farmers; so why this talk of cash compensation. Land for land and nothing less.

A judge is to do only justice – please take this message to the Supreme Court.

Mansaram Jat: (Kothada)

All parties have tried to capitalize on our inadequacies.

The survey was done in a very problematic way; they measured the plots in the darkness with only the light of a torch. How on earth can this be allowable and admissible unless there is a definite conspiracy to usurp our rights.

All this is happening in the false name of development.

Part Impromptu jan sunwayi at Nisarpur

Evening of 13 July 2002

Open house:

‘They have taken our own land and are re-settling us on it! Our houses will go under water, and they are taking the land that we farm to give us *abadi* sites.’

‘Each time, they say only so much of the land will submerge at 90 m, it is not 25% of the land; so much will submerge at 95 m, that it is not 25% of the land. And they always say it is not 25%.’

‘They are not even considering the pipeline, and the cost we have borne for it. And our need for it.’

‘They have issued notices *without dates* to everyone. And they are paying deferred amounts by cheque.’

‘There are about 5000 *mazdoors* in Nisarpur – where will they go?’

‘We have complained to the GRA. But Soni-ji has not given us a date so far.’

‘We have not filed any case in court. We are depending on the Supreme Court case.’

‘At least they could give us an assurance that the rehabilitation site will not be submerged again. Even this they don’t do.’

Ramesh Bhai: (trader)

At 90 m, my lands and house will submerge. I had 1½ acres, and I have been making representations of land for land, but so far nothing has happened.

Some people have taken money – Rs.15,000, Rs.30,000

Shivji Mama:

Resettlement site is here, near about, and they have allotted us land near Dhar. It is so far away. They gave land earlier, but took it back. Now they tell us the land is in Dhar – about 100 kms from here.

Naushad:

We are 10-20% traders in Nisarpur.

I sell pipeline and motor parts. I am bound to lose business; at least, there is no guarantee that I won't. We are making such a big sacrifice; what do we in return? Other than lathis?

They had said that from every house, one person will be given work. But there is nothing happening on this.

They gave compensation for the house which is nowhere near replacement value. But the Tribunal Award said it should be replacement value. They said, go to court. We did. But it hasn't come up for hearing even after 4 months.

B: Part Proceedings of Jan Sunwayi held at Jalsindhi, Madhya Pradesh

14 July, 2002

Shashank: (*emcee*)

Before the Narmada Bachao Andolan, the Kedut Mazdoor Chetna Sanghathan has been in the struggle for last 20 years on various issues pertaining to adivasis such as rights over forests, encroachment land and many other such issues. In these regions a very large number of adivasis are technically encroachers even though they have been cultivating land for years even as the government has failed to recognise these legally.

Pervibai: (village Jalsindhi)

Our fields have been submerged since 1994, and every year more and more land is getting submerged. After the monsoons when the water recedes, siltation makes life particularly difficult for us. Every year few of our cattle die, as they get stuck in the mud. We have a huge drinking water problem as we cannot reach the water (due to the mud). And through all this, even till today, the government has given no land and shows no inclination to do so.

Who will give us a hearing? Who will listen to us?

Our life here provides us enough to live our lives peacefully. This is the basic adivasi lifestyle. But today we neither have the lands to support us, and the officials are trying to take our forests away from us by destroying them.

Now we have no land, and no water. On one side, the waters are rising. On the other, NDVA has entered the jungle which they are destroying, saying they are carrying out catchment area treatment works on our forests and lands: jungle which the village has guarded over years. Since 1994, our land (*pointing to the field just below the venue of hearing*) has been under water. It belongs to 3 brothers – Luharia, Gulabia (*Pervibai's husband*) and Gulalia.

There are no facilities in our village. There is no school; there is only the andolan school.

(In response to a question: "Do you have electricity?")

Electricity? There is not even *a doctor* to give *goli*, where is electricity! We have received a lot of beatings from the police and borne a lot. We have gone to Delhi and Bhopal to fight and have faced a number of dangers from the law. We are being used by both the forest department officials and the government.

The government is not giving land for land. They are offering cash compensation. Of what use is it to us? We only know farming – what would we do with money?

Some people from Jalsindhi have gone to Gujarat, about 10 years ago – and many of them have no proper house yet. They have no cattle – where do they keep them?

We want land. What do we do with compensation? Or with jobs? Many representations have been made to the GRA. The latest was on 24/25 June. But he's never responded.

Janki Gulalia: (Village Jalsindhi)

We have blood not tears in our eyes. We have gone to Bhopal, Indore, Delhi but no one listens to us. No government official gives a response.

When officials come, they come to take the trees. When the *thanedaar* (forest official) came to cut the trees, we told him, cut us, not the trees. For several days we were in the open (in the hills) confronting the officials and the labourers they had brought, trying to prevent them from cutting our trees.

We have been saying show us other land, we will go. But they come with lathis and bayonets and threaten us. They threaten to put us in jail.

All we are saying is, give us other land, then you do whatever you want. If you can, give all of us adivasis *basera*, if you can't stop the dam. If you can't, then stop the dam, open the dam gates and release the waters (thus retrieving the submerged land).

We have been to the cities in Delhi, in Bhopal, and we know how the adivasis live there – we don't want to end up like them.

Number of people may grow, but even the state should know that land cannot.

Indersingh: (Sarpanch – Kodamba village)

(This village does not fall in the submergence area, but some other villages in the panchayat do)

I am from Khodamba village and am the Sarpanch of this Panchayat and have been a KMCS activist for many many years. (The sarpanch of 4 villages – Jalsindhi, Chilakda, Akadia and Khodamba).

We have faced huge problems due to the catchment area treatment programme, where the NVDA plants saplings and digs contour trenches, often on lands of people which are technically encroachments but have been cultivated by people since long.

Last year we had a big confrontation with the forest officials. They were bringing in outside labour via Hapeshwar. When we protested, they threatened us with arrest. They tell us (as we are not in submergence), why do you bother about those in submergence? They have taken cash and so we will cut the trees. But this is a lie, and when the people are opposing the officials, it is my duty as an activist of the Sanghathan and also as a Sarpanch to oppose along with them.

The police says, we hear you hold meetings. If you do, we not only disapprove of it, but we will give no financial assistance.

I have trouble getting money sanctioned for my panchayat as three of the villages are in the submergence area.

Kevsingh: (Chilakda Village)

Many people from my village have gone to Gujarat but many have not got land, especially adult sons. My uncle has been given land, but neither has my father got land nor have I. Numerous petitions have not helped. Why are we being discriminated against?

Thersa:

The people say that survey has not been done. Government says that some villages will not submerge.

I made a complaint to the GRA. He asked the NVDA – against whom the complaint has been made – to conduct a survey. They came, said the house will not be submerged, so said I was not entitled, although more than half my fields are in the submergence area.

Gul Singh: (Bada Amba village)

For 14 years, I was with the Andolan. Government used to tell us that there was lot of land in Gujarat. We kept saying that there was no land, it is all on paper. Last year I and others from my village decided to go with the government and see the land they claimed there was. They said, trust us, leave the Andolan and come. They said there is land in Bamboj. About 14-15 of us went. There was only little land, not at all sufficient for all and it was also bad, run across by *nallas* and full of *daab* - a very deep rooted weed which is very difficult to get rid of.

Then they took us to Karmalia site. There I got down from the jeep first and immediately questioned a man who was standing near the hand pump. People from the village Kulwat (Alirajpur tehsil) are resettled there. He told me that there is not even a single acre available and that even some of them already living there were yet to get land. So then why did they take us there if there was no land?

They brought us back to Bamboj and asked us to put thumb prints on a paper. But I refused. Then they told me that there was some other good land available at a new site. It does not belong to the Nigam (Sardar Sarovar Narmada Nigam Limited), they told me, but is private land. They told us that if we select the land, then it would be purchased by the Nigam. I said that I must see the land in the presence of the land owner, and I also must know what it costs. The *patidar* (landowner) clearly said, even if Rs.1000 is left to be paid, I won't let anyone work the land. That was it.

Later they told us that the private land we had seen was too expensive and couldn't be bought. Instead we have all been provided ex parte allotments.

(*Question:* Is everyone's experience like this?)

Medha Patkar: The general pattern seems to be that people are shown the wrong land or land that is unproductive and uncultivable. The initial rehabilitation done in Gujarat was on forest land and government land. Then later they started buying private lands, but in many cases the quality of land is not satisfactory.

Vania Bhawra:

We have been everywhere, including once when we visited people from Kakrana who had been rehabilitated in Rameshwarpura in Gujarat. Four people had died of malnutrition, and we went and saw. Our village collected grain, and we took it to them. This was in 1998-1999 – years after “rehabilitation”.

In M.P too, they show us rocky land.

(*Question:* Can land that is adjacent to this area be given?)

Shashank: (*emcee*)

The immediately adjacent areas are largely forest lands in the technical sense, while in reality there is hardly any forest cover and most of it is already cultivated since many years. But adjacent districts such as Dewas, Khargone, Khandwa do have vast forest tracts; but providing these for rehabilitation would require permission from Ministry of Environment and Forests.

Vania:

We have made visits to these forest sites and have found there plenty of good forest land available that could be given to us since it would be a perfect replacement for our losses of land and forests here.

Dedia Jhetriya: (Anjanwara Village)

Earth was not made by man, but by god.

Vilubai created the land, the earth, not the government, and so it cannot believe itself to be the sole lord and master. We have been on this land many centuries before these governments – so the least it could have done was to come and inform us regarding the construction of the dam. But instead, they first started the construction and then came to tell us to leave our village and homes.

Once, (in 1993) they came, with 400 police to survey our houses. Initially all the people ran away. They destroyed all the things in our homes. There were 22 people in my house – women and children, the men had gone away. The police came there and tried to take them away. I told them you shoot me but don't harm them. They fired 10-12 rounds. One of my sons was hit by a bullet in the arm. Two days they were here. They broke 13 *chakkis*, and other things too.

My father, Jhetriya Dedia died about 20 years ago. But on the government records he is still the only declared land holder in our family. He has been allotted land ex parte in Borkhedi, Gujarat. I am a declared adult son and hence not entitled to land in M.P., though in reality I am a joint land holder (*his name is in the khata – the land document*) along with my 2 brothers and one nephew (my brother died about 30 years ago). (*A chart showing family tree and status of all members was shown*)

In 1993, the MP Action Plan asked for updating land records. But that has not yet been done. Ex parte allotments have given to many dead people, like my father, the status of *khatedar*. *Vayas putra* (grown up sons) are not entitled to land (in M.P.), only *khatedars* are. So, I, an 80 year old man am today only a *vayas putra* (son above 18)!

They are not recognising land holders because then they will have to find more land.

In Anjanwara, only 9 land titles exist, while there are more than 80 independent households. And, according to the officials, there are about 64 'declared' and 58 'undeclared' families.

Bansingh: (Bhitada village)

We are 10 brothers. The land holding is in my father's name. The government says that less than 25% of our land will submerge and so we are not entitled to land. This they are telling me now. According to the government gazette all our land – 2.86 ha – will submerge this year itself. Also, I have got ex parte allotment in Gujarat. Now they are telling us that we are not entitled to land in M.P. as I am losing less than 25% of my land! They claim that cash compensation has been paid to us; but we have never accepted any money. There are about 20 similar cases in our village.

Like I said, I have seen the latest Action Taken Report of NVDA and it shows that we have been rehabilitated. They offered a house plot, but I refused. For, what would I do with a house plot without land? Then they said to take compensation amount anyway. But I did not take it. I said, give me a house plot with a field. But now, according to the records, I have taken Rs. 20,000 and it even has a thumbprint next to it. This is before the GRA, but expert evidence has not yet been produced.

Bhurlabhai: (Kakrana village)

We only know stones and submergence; not 90 m or 135 m.

My land falls under the 90m level. The government did a survey and told us that our land will be submerged at a certain level only after the land was already submerged.

The NVDA claims that our field will be affected only at 132m while the field right next to us at approximately the same level is to submerge at 90 m. Because of this we are not being offered land. They come and survey our field, but we don't know whether what they are doing is right or wrong. We can only go by the level stones placed there and by our own commonsense knowledge. The GRA does not order an independent authority to verify the levels. Instead the very same NVDA is asked to do the re-surveys.

Luhariya Shankaria: (Jalsindhi)

Earlier the plan was to build the dam in Jalsindhi. Later it was changed. Who did you ask before deciding to build the dam?

No adivasi can survive without land. Government says take money. Even if you give us money and we are to carry the money on our head, wouldn't we still need some land to stand on? No one wants to do justice to adivasis. I will hear, says the GRA, but he doesn't act.

This time when we met Sohoni, he said that we must accept any land that the government offers us. When we asked him to clarify whether we must accept uncultivable land too, he said yes. He said that we must try and grow crops on it for few months and if we fail we must go to him. What are we supposed to eat in that one year? But this is what he says. Do you think we have a chance of getting justice through him!

The Supreme Court judgment has only worsened the situation. Ex parte allotments have happened only after the Supreme Court judgment; it was in March 2001 that this was started.

Guncharibai: (Karya Bhadal)

They came to cut trees. *Nakedar* asked us – are you watering these trees now that you are telling us not to cut them. We were beaten up for obstructing the cutting of trees by the officials.

I asked them why they had come to cut the trees when nobody had been rehabilitated. Why didn't they cut the trees of people in Maharashtra (just across the *nalla*) who have taken compensation. They told me that the Maharashtra government has no money to cut trees.

The excuse for cutting the trees is that they are all going to be submerged.

Clifton: (activist)

On the one hand they tell us that we will not submerge, on the other hand they cut the trees on our land saying that it will submerge this year itself.

The land acquisition of this village is not even completed – only s.9 notice has been issued. But the trees have been cut. No list of PAFs is available till date. No land has been offered.

Loharia Bhai:

No one can live without land. What is the use of giving us money? What is the use of a government and a Supreme Court that is so unfeeling.

Relia Sanya: (Bada Amba)

My father is the eldest of 5 brothers. The 4 younger than him have been declared as PAFs, but he hasn't. Nor have I been declared, though I am about 35 years old.

Tapkia: (Khudar hamlet, Sakarja village)

Our *falia* (hamlet) is situated on a tributary of the Narmada. But they say that we will not be submerged. After we complained to the GRA, the NVDA came for survey. The first survey was done sitting in Sakarja without coming to the village (*panchnama* was made). Second time they did survey in the *falia*, but it was incomplete. *Panchnamas* were again made. But nobody knows whether the survey was done properly.

Sevalia Janglia: (Jalsindhi)

Land record is in my grandfather's name, who is dead. My three uncles are declared as adult sons but my father had died and was not declared. But even me and my three elder brothers are left out. They demand school certificate or *thana* certificate. There is no government school. Only Jeevanshala. Government does not accept Jeevanshala certificate.

Kailash:

These days we are constantly told that this is the age of Panchayati Raj and Adivasi Self-rule. But this is nonsense. Here, in these villages, it is the unlawful government that rules. First, they submerge and do not give any resettlement. Also, they have purposefully omitted hundreds and hundreds from their list of affected people. When we make any claim, they say they want proof. There are no schools in many parts in this area – and yet they ask for school certificate. How do we get it? Or it has to be a *thana patra*. That is so far from here – may be 30 kms away. There is no hospital in use here. Yet, they say, these are evidence. So we got certificate from each Panchayat for each person certifying whether he is affected by submergence, his age, land in submergence and what not, but this is not accepted by the government or Sohoni (GRA). And they say the onus is on the PAFs.

Adivasis are called encroachers when they have been living here for generations. It is the government that has encroached on them, on their lands and rights. This the government does not acknowledge. Every single family here is land-owning...or else how would they survive? Every 18 year old on marriage starts his family with his house and land and that is why we are saying that in the adivasi areas everyone owns land and should get land in resettlement. This the government does not want to do.

Just before the Supreme Court judgment, on October 5 2000, Digvijay Singh had said that camps will be held in village after village, and if revenue records have not been updated, it will be done. He also said that panchayat certificates would be accepted. But neither has happened.

Pidia, Tunia has only encroachment land in submergence. He has no proof of encroachment before 1987. And they don't accept panchayat certificate.

Umberla:

There was a big struggle against catchment area treatment. Up to seven days we were in the forest fighting outside labourers brought in from outside to cut our forests, all in the name of CAT works. Actually the main aim of the officials was to snatch away our forests from us. In the process there was a skirmish and one man's head was broken.

Kailash:

In Sindyabari, it was the same case as Khudar *falia* (hamlet) of Sakarja village. You send the thief to check the theft. What will he do? What is the use of NVDA repeating the survey?

Vania:

The level surveys are wrong everywhere. At my village, Jhandana, people who live above are shown as 90 m affected, whereas those whose houses and fields are located below these are said to be affected at 132 m!

Karuna: (activist)

The community is broken up totally. For example in Jalsindhi, four people were shown as rehabilitated in Musapura of which 2 people have been given only house plots, 2 brothers in M.P. and one brother in Gujarat.

Also, breaking up a community, even a family, on arbitrary, unreasoned logic of different levels at which submergence will happen is occurring.

Bawa:

I am from Jalsindhi. Is this law or is it violations?

On one hand, the height of the dam is being increased while on the other our rehabilitation still remains to be done! We now are forced to ask if the court is for law or justice! Why did we build this sanghathan? Do you think if our rights were being granted we would have done so? We are farmers and it is the only way of life we know and have practised for generations and so we know all there is to know about cultivation. Now, however, the court is playing a game with us.

All of us have the right to cultivate and live on our lands. We have said this to everyone and made reports and presentations to many committees, and even to the Supreme Court, in this regard. Now we ask the question, whether any one has the right to displace thousands of people illegally. Is it okay to displace us without rehabilitating us? What are we expected to do without land? If the earth is gone, what is left for us?

Who will do justice?

We have no schools and only after we decided through the sanghathan to start schools did we finally begin to see our children being educated. But now when my daughter has passed from here and I have to get her admitted in schools outside, I am being asked to show legal land titles as proof. But then since my lands are in submergence they say I am a landless person! Because they are from the andolan, children are turned away from school. My *khata* book and ration book they say are not valid! If it weren't for the Jeevanshalas, my children would have been uneducated and illiterate like me.

Who will take responsibility if we submerge. *Hamare gaon me, hamare raj*. We also saved the forest. That is why we have decided, we will not go to the next village or anywhere else, but stay here and not move. *Ab bina mauth, hamare mauth hai*.

We are not against anyone. No one is our enemy. But whose side is the law on? Why does the state see us as its enemy?

In 1994, Luharia's land submerged. Then Digvijay Singh gave grains worth two sacks. What to do with that?

We don't know how much water will come this year. You come and see in our houses how much resources we have. We are ready to go to jail. You people have come to our village. We hope you will take our message out. People are coming back from Gujarat! Even they are being chased away again. Trees are being cut.

If we take one log to build our house, they catch us, beat us and punish us. Now, when the government itself comes and cuts down trees, what do we do? We respect law. They have broken law. So we are standing up against this illegality.

We have nothing to get from anyone. The ones doing the begging is not us, it is the government. We work our land, rear cattle and support ourselves.

Why should we go? What certificate can we produce? Certificate laao, certificate laao, what certificate?

We have no electricity, no gas. Why do we nurture the forest? To get fuel. For our life. To say this, which god must we petition?

There is largescale corruption in CAT. Not a single tree can be seen. We see on the spot, hear and speak, and do not depend on paper. The court will be responsible for whatever happens to us.

C: Part Proceedings of jan sunwayi held at Nimgavan, Tehsil Akrani, District Nandurbar, Maharashtra

July 15 2002

The *jan sunwayi* was held under the shade of a big *mahua* tree. During the first part of the proceedings, the children from the Nimgavan Jeevanshala sat in a throng amidst representatives from the tribal villages of Maharashtra and other participants and observers.

The song *Dharan avyo* (the dam has come) in Pavri, the language of the adivasis, set off the proceedings. Written in 1985, the song begins by announcing that a dam is being built, and describes the adivasi life style and the challenge of fighting displacement.

Keshav Vasave: (Village Nimgavan)

Representatives from the villages on the banks of the Narmada who will be displaced by the reservoir are here today along with those living in villages that are located higher, beyond submergence, and those who will be affected by the compensatory afforestation.

We have all been fighting for the last 17 years. While the people in Akrani Tehsil have been living here for generations, the government has not recognised land rights in the people. People possess *jama pavti* (*receipt of the tax/fine paid*) of years. They are cultivating their land for several generations, but they are still not recognised as owners of land, which belongs to them.

After independence, everyone says *vikas hona chahiye* (there should be development). But where is development? Land, forest, water are the basis of life. Without these resources, no one can live. Not even ants and insects. But where is our right to life? We give votes to people and then the Ministers sit on their chairs, make all kinds of plans sitting in the cities. They decide to make a factory or build a dam sitting far away.

In our case, we were issued notice about the dam in 1980. They said Gujarat is going to build a dam and the government will give you good land in place of our lost land. Surveys started in our villages when Indira Gandhi was still the Prime Minister. She said they would do many things for the tribals. The situation now is very different.

In the forest villages of Akrani tehsil, separate land right surveys were conducted around 1985-86, but before the actual order was passed to hand over the possession to people, before giving the *saat bara utara* to people, suddenly everything was stalled. They never even made the villages into revenue villages. They scuttled the proposal in Akrani tehsil, there were 73 forest villages which were to have been recognised as revenue villages: 24 villages from this tehsil, and 9 villages from Akkalkuwa district, are in the submergence zone. They know that if they made these revenue villages, they would have to give us more land.

What we have been saying from the beginning is, show us a complete (comprehensive) plan.

There was talk in Delhi and among other officials that the forest will be submerged in the dam and hence there was a talk of plantation on the encroached land outside the submergence area, even though the people have been cultivating this so-called 'encroached' land for generations.

Government made all kind of promises about giving us good land, school and all kinds of facilities. We said that whole villages should be resettled together. We refused to go to Gujarat. Our kinship relations will be affected, and we wanted to stay together as a village in Maharashtra. In the initial three years of the andolan (from 1985- 8), we worked closely with the government to find out if land was available for rehabilitation. We put forth our set of questions and when the government just could not provide any satisfactory answers, we decided to oppose the dam.

In 50 years, we know that electricity has not reached the tribal areas. While in bungalows and factories, lights are burning all the time, our villages have not had a single bulb in all these years.

Smaller dams will not submerge so much land, forest and people. The government just talks about adivasi development, but refuses to act.

We are dependent on natural resources for our survival for generations, but the government has not even recognised our ownership of the land, leave aside electricity and other facilities.

Medha tai gave us information about the dam, which the government never gave. On the one hand, we kept fighting and, on the other hand, the dam kept on rising. We fought a battle at Ferkuwa during the long march in 1991. At the end of the march, we returned saying, "*Hamare gaon me hamara raj*" (our rule in our village). We kept our courage, and were firm in our resolve. Thousands of police were sent to the village to crack the andolan. Rehmat Vasave from village Chimalkhedi, Maharashtra was killed in police firing when the government officials came with hundreds of police force for carrying out survey in the village in 1994. Such was the repression.

Then in 1994, there was a huge flood. It damaged even the dam wall. Water entered the villages, but people did not move. Later, the Supreme Court stayed further construction of the dam. We had hope from the Supreme Court. But, we were betrayed by the highest court. They allowed the dam to go up to 90m. Now it has gone up to 95m + 3m of humps. But people refused to succumb to such repression. We faced waters and did not leave our homes and lands. We had support from people and organisations from the whole world.

Last year, in 2001, after the monsoon, we went to Mumbai asking the government to implement the Daud committee report. After a dharna of 16 days and fast of 11 days, the Maharashtra government agreed to our demands. Task Force was appointed to verify the truth on the ground. To find out how many people will be affected by the dam, how many are actually staying in the villages.

In this monsoon, to expose the ground reality, we organised a yatra in Khandesh, North Maharashtra. This is our fight to safeguard our right to life.

The government filed false affidavits in the Supreme Court. We said, first rehabilitation and then you build the dam. Now after the Task Force process, the government agrees that the figures that they quoted in the affidavits were wrong.

We have to fight to save what we have, the natural resource base, and not rely on the government. In 1994, even when the dam height was much less (at 69 m), water came in the streams. If such rains come again, nothing will be left.

We want you to remain witness to what is happening in the valley.

Forest is being destroyed both in the submergence and for rehabilitation. The government has been destroying forests and on top of that saying that the adivasis are cutting the forest. The government sent hundreds of police people and SRP to clear the forest. On the one hand the government is destroying the existing forest and then talking about plantation.

We work and grow grains. We live on our lands. Our farms, forest, streams all need to be protected. Our Narmada that used to flow for 12 months has been stopped by the dam. This is destroying the river. This is not development. The government works with notices, and notices; they only work with paper.

All this “development” is killing the river and polluting the river. We believe that even ants and insects have a right to life, and this fight is for them too.

Several times, we were given notices, saying that land is available. Whenever we went to see land, there was no land. Same land is shown to several people.

The government policy is not to resettle people, but to put the people in jail. In 1993, at the *jal samarpan* time, we were arrested and sent to Aurangabad jail. We have faced jail, and faced firings; but we will not move.

This is not just an issue of a dam, but about the right to life. We are not just fighting for ourselves, but for everyone. We want *jal, jungle, jameen* (water, forest, land) in the hands of people.

We have to fight for many generations; and our next generation is being readied.

We are not fighting only for ourselves, but for all tribal people anywhere in the world.

Giridhar Pavra: (Village Maal)

(He works as a teacher in Nimgavan)

Along with the struggle against the dam, the Andolan has also been working towards *nav nirman* – reconstruction in the form of Jeevanshalas, microhydel project and pedal power generation.

In Maharashtra tribal villages, every village has a government school. But, the teachers come here twice a year, to hoist the national flag on 15th August and 26th January. They manipulate children’s records trying to prove that the schools are run and take their salaries of Rs 8000.

The government has wasted so much money in the name of adivasis. We, and our children, will remember that. This should not happen. There was no school here, no dispensary, no electricity, no development. That is why there are no literate people here. That is why we started our school. When we petitioned the government to recognise our fourth standard exams, they threatened to destroy the school. They said it was illegal.

It was on 6th August 1992 that Jeevanshalas were started in Maharashtra. One in Chimalkhedhi in Akkalkuwa tehsil, and another in Nimgavan in Akrani tehsil. People felt that there is no point relying on the government and hence the andolan started schools. People in the adivasi villages, Nimad and outside support the running of Jeevanshalas.

When it was time for children to appear for the 4th standard state examination, the local officials tried to create all kinds of problems. They did not give permission for the Jeevanshala children to appear in the exam, saying that the schools are not legal, do not have official recognition. After writing to officials, ministers and the Mantralaya, finally the children were allowed to appear for the exam in Roshmaal centre. There we saw that the children from government schools could not even write or hold their pen properly. That was the state. But children of Jeevanshalas could write. They performed very well in the exam. After completing 4th standard in Jeevanshalas, many children study further in Malegaon or Dhule.

Today there are total 12 Jeevanshalas and about 1200-1300 children studying. Books have been written and produced in our Pavri language. One is a primer, introducing the letters/ alphabets as children should learn in

their mother tongue and another is a collection of stories. These books have been produced by us, prepared by Amrita (an activist).

We want to protect our homes, farms, lands, schools, culture, tradition, lifestyle. We teach and learn in the Jeevanshalas, with the message to save the valley.

Noorji Padvi: (Village Danel, Tehsil Akkalkuwa, Maharashtra)

In the beginning, they said they would give us land in the command area of other projects, in Dhulia district.

In independent India, all the laws and plans are being made in Mumbai and Delhi and that is of no use for the poor. The government said that they will show land from command area for rehabilitation. We went to see land in 16 places, but land wasn't available.

Our case was in the Supreme Court for 6 years. We had faith that the Supreme Court would be on the side of the poor. But in the court even among the 3 judges there was disagreement. If they too could not come to a consensus, where will we get justice? Even the order of the Supreme Court has been violated. The ground reality – the forest, jungle, river -- has never been seen. Even the Supreme Court said the dam can go up only to 90m.

The World Bank's Morse committee came here, they studied the situation, visited the valley and tried to understand the situation. The report that they gave is fully on our side.

First rehabilitation and then displacement is what even the Supreme Court says. But that too has been violated. Those affected even at 80m have not been resettled. There was drought for last three years and hence this land has survived today, or else it would have been submerged. Government does not care, and pays no attention to the clean air, beautiful river, land and forest of the adivasis. There is so much filth and dirt in the cities.

There is no work in Gujarat either. When the poor are taken care of in this country, then I will believe it. Contractors make lakhs, while the poor lose everything.

This project is said to be the lifeline of Gujarat. But in reality it is their death noose. Tempo full of people go in search of work, but get no work. Kutch and Saurashtra is not going to get water from this dam. The water that is accumulated should be taken there right away. The government is destroying development. We want development. There is no disagreement about that. Big dams, big factories, dirty and polluted water – we don't want that. We are not paupers, nor are we millionaires. We have what is needed to sustain ourselves.

We want you to ask the Supreme Court, who has done the violating?

Jordar Patil: (Rozva rehabilitation site, Taloda tehsil, Nandurbar district, Maharashtra).

We were shown the dream of 'ideal rehabilitation'. When we were fighting, living on the banks of the river, there was repression and police firing. False affidavits were submitted in the court.

In the rehabilitation site, some were given land, while some were not. Many are surviving on daily wages (*majduri*), selling wood to make a living. We had to fight even after going there. Punarvasan Sangharsh Samiti was formed. In many cases, allotment slips were given, but actual possession of land was not given. Many grown up children have got left out. Allotment was not done with actual demarcation of the lands for years after people moved. Same piece of land is shown, or even given, to more than one person. The Daud Committee said that many people had not been given land. And that, for that period, compensation should be given. But that has not happened yet. There is conflict among them due to multiple claims for one piece of land.

In the original villages, we never had to do *majduri*. But in the rehabilitation sites, many have to survive on daily wages. The government has cheated us. We are not asking for your building, your chair, we are only asking for our lives, our daily needs. All we want is land for land. People went up to Mumbai and Delhi, sat on fast, but the government did not listen to our agony.

There is land on paper only.

In 1993, 80 families from Junvane went to rehabilitation site Rozwa, in Maharashtra. Most of them did not get land. Till 2002, half of them were without any land. Repeatedly the affidavits claimed that 48 ha of land is available in the Rozwa site, but in reality the land in the site was not even enough for people who had moved to the sites more than 8 years ago.

Narpat Padvi: (Amlibari rehabilitation site, Tehsil Taloda, District Nandurbar, Maharashtra)

People have been fighting for 17 years. In the name of development, so many people have been sacrificed by displacing them. Each rehabilitation site is facing a number of problems. There are about 152 families who have been shifted to the resettlement sites and are entitled to get more than 5 acres of land, but have not got it. 98 families have not received agricultural land at all, 127 were given less land and 63 vacant houseplots claimed to be unoccupied are actually not vacant. 136 false names are included in the PAF list.

We are fighting through the Punarvas Sangharsh Samiti. But the dam is being pushed ahead. About 3000 people are still living in the original villages.

Ker Singh: (Village Gamon, Tehsil Akkalkuwa, District Nandurbar)

The Maharashtra government in January 2001 appointed Daud committee. The committee gave its report after field visits in June 2001, but the recommendations were not implemented. In September 2001, after 11 days of fast, the government accepted the recommendations. Three committees were formed to look into the ground reality: Task Force, Planning Committee and Overview Committee. Task Force surveyed every house in every hamlet in the past few months. It was found that several people were left out from the PAF list and the level survey is also wrong. Three villages – Janghti, Kukdi Padar and Arethi were mentioned on the old submergence map, but were left out later. It has been found that over 1000 families are affected at 95m while the government till now was claiming that only 17 families are affected at 95m. Out of those who were left out, not declared, hundreds of them find record of their names in old voters lists, proving that they were residing in these villages and so eligible to receive land.

Level surveys in the *tapu* villages is to be conducted in the coming months.

Raiji kaka: (Original village Gadher, now in an R&R site in Gujarat)

Our lands were acquired in the 1980s, with lots of promises. We were told all will get land – those with land and those without land. We were told that the tiles and bamboo for the house is free of cost, but later that money was deducted from house compensation. In many sites there is problem of drinking water. Many have got less land or bad land. Land that we were cultivating, but was forest/ encroachment land – due to not updating of the land records in the tribal area – was not compensated. The government did not allow us to cut the trees on those lands. Now the government is cutting trees and making money.

There is a case where the son has received land, but the father has not. Jobs were promised to us, but actually hardly any have got jobs. Today 75 % people are surviving on daily wages, as the land is not enough or productive to support a family. Land belongs to the god, not the government. Everyone should get land rights. If the government cannot give land to the displaced people, why is it building the Sardar Sarovar dam? Lots of land has been lost in the canal as well. Bad quality, unproductive land has not been exchanged, despite complaints.

Today one acre land costs more than a lakh of rupees. Our land on the other hand was evaluated as being worth Rs 1900 per acre. They submerged our motherland. Today if we are left with no land, where can we plant our roots?

Full payment for the land given ex parte to Madhya Pradesh oustees has not been made to the original owners,

creating several problems. The owners threaten the oustees that they will take away the land as less than half the amount has been paid. Very recently, some 10 days back, some payment was made.

Bachubai Tadvī (from Lunadra site) has 13 acres of land in his village. He was given 9 acres in non-command area and 4 acres is left to be given for all these years. If the government cannot give 4 acres of land to the oustee, then how will they ever build such a huge dam?

Ambalal Nandu Tadvī (Lunadra site) is entitled to 2 ha of land and has been given only 1 acre.

The entitlement of widows has not been recognised. Vajibai Undhala from Gadher village, settled in Kamboi Kunwa R&R site is one such widow, who does not have land. Each site has at least one or two widows. Gujarat has 175 sites for the Gujarat oustees.

Many adult sons are left out of the PAF list and hence have not received land.

They also said that they would give jobs to the elder sons, even if they are *angoota chaap*. But that has not happened.

There is no grazing land in the sites. Plenty of grazing land was available in our original villages. In the sites, there is no land for grazing and hence it is difficult to keep our cattle. Cattle have died on a massive scale as there is no *chara* for them. Here, cattle is like a bank – any extra money is invested in cattle. There is no cremation ground. Do we keep the dead in our houses?

Addendum: Expressions of Concern

Can anyone in the world coerce human beings to vacate their houses, property and land without providing any alternative land or houses?

People's rights over natural resources cannot be ignored.

There is a need for comprehensive review of the project vis-a-vis rehabilitation aspects in view of the Supreme Court judgment: "Further raising of the height (of the dam) will be only *pari passu* with the implementation of the relief and rehabilitation measures" We are not saying 'do not build the dam'; we only say, 'take care of those affected with rehabilitative measures'. This is what we felt after listening to the resounding voices of women, children and men. The voices of scores of people from different parts of Narmada valley with one voice said: 'Who will give us a hearing, who will listen to us.' They said: 'We have blood and not tears in our eyes'.

During the Public Hearing, I was gathering experiences from the tribals and those affected by submergence and relating it to issues that were important; that was what I was doing during the hearing. Their right of life was being violated.

We have battles to fight and struggles to wage and campaigns to launch if India and Indians are to be true to their trust with destiny in a secular, socialist, democratic, dignified society.

Dr. V Mohini Giri

Development which dispenses with people who ought to matter is treachery. Deeply disturbing stories of the oustees have not been really heard by those who ought to have heard them, and who should have shared with them their pains and agonies. While it would be easier for us to name politics, apathy, indifference, lack of compassion, as factors responsible for the gap between Justice and the State, we feel it is more important for us to impress upon the people in positions of power to forge new bonds of understanding and ties of rescue with the people and we so appeal with all the might at our command. Did not Swami Vivekananda say, “Feel, Feel, till you heart reels”.

R.Venkataramani

III. AFTER THE JUDGMENT

A: Part The Daud Committee Report

The judgment of the Supreme Court in October 2000 has, evidently, had the effect of giving the go-ahead to dam construction. Even as it did this, there was in the judgment a reiteration of the binding nature of the NWDT Award, and that the terms of the Award may not be derogated from. Even according to the judgment, *the Award represents the minimum non-negotiable to which persons, families and communities are entitled*. The policies for resettlement and rehabilitation have changed over time, influenced by the rising consciousness of losses that has appeared among the oustees, as well as by the standards demanded by the World Bank in its role as a lender, and by a pragmatism that has accompanied the political state’s (especially Gujarat’s) desire to see the dam to completion. The unevenness of the policies, where Gujarat provides a relatively liberal package, in comparison with Maharashtra and MP [see Table], although it has been given legal sanction by the Supreme Court in its October 2000 judgment, tends to foster inequity: the choice for the oustee in Maharashtra and Madhya Pradesh is between accepting less or moving out of their state, to Gujarat.

Beyond policy is implementation. It is in the villages and hamlets and towns that the tales of submergence are being written, and in the site of resettlement and rehabilitation that stories of kept and failed promises are being born. The Daud Committee, set up to assist the resettlement and rehabilitation of the SSP affected persons in response to the unyielding resistance of people facing submergence, was appointed by the Govt. of Maharashtra by Government Resolution dated 23 February, 2001 as amended by Government Resolution dated 12 March, 2001.

What follows are extracts from the Report of the Daud Committee. Since this was

- as independent Committee;
- appointed by the State;
- in the proceedings of which the NBA and the Punarvasan Sangharsha Samiti as well as government officials participated;
- visits were undertaken to the submergence villages and rehabilitation sites, and the people heard; and
- the government of Maharashtra has accepted the Report, and begun to act on it,

the findings of this Committee are being presented here.

The Report, read in continuum with what the people who spoke out at the public hearings had to say, reveals an expanse of commonality which we can ignore only by placing humanity, responsibility and the notion of “we, the people” at peril.

	MADHYA PRADESH	GUJARAT	MAHARASHTRA
DEFINITIONS	[1.1] Displaced person is defined and not the oustees though the definition remains the same, except that the words “working for gain in area” are missing, but the word “project” instead of submergence is used	Ousteas defined as NWDT Award	Ousteas defined as NWDT Award
	[1.2] Displaced family includes widowed mother or old father	Ousteas family includes only widowed mother	--
	[2.1] Encroachers have been described as bhoomiswamis for the purpose of entitlement of compensation and as well as allotment of land provided the encroachments were made prior to 13.4.87, i.e., the date of clearance of Indira Sagar and SSP by GOI.	GOG has not defined encroachers. We have equated with the landed oustees subject to certain restrictions. According to these restrictions the compensation admissible at the rate of market value of land acquired in the same village under Land Acquisition Act, i.e. solatium & interest is not to be counted in the compensation.	“Encroacher oustee” is defined as who was able to the satisfaction of the concerned authorities that his encroachment on government./ forest land was prior to 31.3.1978, as per survey carried out in 1985. Ousteas who have encroached forest lands in and around the affected village after 31.3.1978 shall be deemed to be landless oustee.
	[2.2] M.P. has prescribed that for calculating agricultural and rural abadi land under submergence price of similar land in adjacent command area will be treated as basis. For urban areas the sale price of nearest town of similar size outside submergence will be the basis for calculating the compensation.	GOG has not defined the deadline of the encroachment and is taking into account, Sec.4 Notification for private land in the consideration of such cases. The land acquisition of submerged land is over and we have determined the compensation according to the L.A. Act.	Not clarified.
[2.3] M.P has provided for acquisition of enclaves surrounded by water, hamlet, rendered as nonviable social unit, disjointed holdings, non-submerged land less than 2 ha., however, after the discussion in this respect by NVDA	GOG has also decided to acquire the private lands and houses which get isolated physically or socially due to submergence in Sardar Sarovar.	GOM has not decided policy of such cases. However, if 75% or more land of a contiguous holding of any person is required to be compulsorily acquired, such person shall have the option to compel compulsory acquisition of entire contiguous holding.	

	MADHYA PRADESH	GUJARAT	MAHARASHTRA
DEFINITIONS (SUITE)	<p>[2.4] For compensation of buildings, the basis of replacement will be taken.</p> <p>[2.5] M.P has provided for taking away the building material, i.e. salvageable material without deducting compensation.</p> <p>[2.6] For trees in private land capitalized value income as basis.</p> <p>[2.7] Outstanding loans from financial institution and government agencies would not be deducted from compensation. But they will be rescheduled as recoveries in dues giving a 2-year moratorium.</p>	<p>GOG has gone by straight-line method.</p> <p>GOG has provided the same.</p> <p>For compensation of tree, GOG following GOG R.D. orders</p> <p>GOG not made such provisions GOG has recovered such dues from compensation.</p>	<p>Same policy</p> <p>Maharashtra has also provided the same.</p> <p>--</p> <p>--</p>
ALLOTMENT OF AGRICULTURAL LAND	<p>[3.1] As far as possible community will be the unit for displaced families.</p> <p>[3.2] The entitlement of land is minimised to 2 ha. to those families whose land would be acquired. These 2 ha. would be either government or private land. In case where more than 2 ha. is acquired from family land of equal size would be allotted subject to ceiling of 8 ha.</p>	<p>There is no specific provision.</p> <ol style="list-style-type: none"> 1. Same, except for ceiling of 8ha. 2. 2 ha. Minimum for land holder holding less than 2 ha. 3. Joint holder entitled to 2 ha. 4. Landless Agri. Labourers, 2 ha. 5. Encroachers 2 ha. 6. Major sons of landed oustees, joint holders, landless labourers and encroachers, 2ha. <p>No provision for major sons of landholders.</p>	<p>The oustees shall have an option to select the alternative agricultural land and the Gouthan site in Maharashtra or Gujarat.</p> <ol style="list-style-type: none"> 1. Every displaced family for whom more than 25% of its land holding is acquired shall be entitled to the extent of land acquired from him, subject to prescribed ceiling in the state and minimum of 2 ha. of land per family. 2. Joint holder entitled to land equal to his share, subject to minimum 2 ha. 3. 1 acre land to landless oustee on the basis of first come first served. 4 Major sons and married daughter of landed oustees who are recorded as joint holders will get agricultural land to farmer's share of joint holding.

	MADHYA PRADESH	GUJARAT	MAHARASHTRA
ALLOTMENT OF AGRICULTURAL LAND	[C] GoMP provides for irrigation by well, tube-well, etc. on land allotted. It further provides in case land cannot be irrigated, the entitlement would be 4 ha. instead of 2 ha. In cases where irrigation is not possible, development of dry land will be subsidized by govt. upto 75% of the cost.	GOG has not committed about wells, but normal schemes are operable. Tube wells are considered wherever possible. GOG has maintained the standard of 2 ha. for purpose of allotment.	GOM has decided to grant irrigation facilities under Jeevandhara scheme by doggi wells, or by lift irrigation where canal facilities are not available.
	[3] GoMP provides for minimum 1 ha. and maximum 2 ha. land for encroachers.	GOG has provided maximum of 2 ha. land.	GOM has provided 2 ha. land to encroacher oustee for agricultural purpose, instead of land for land.
	No provision for major sons of encroachers.	GOG has provided for 2 ha.	No provision for major sons of encroachers
	GoMP has provided for voluntary purchase and also committee to determine the price through voluntary sales.	GOG has provided for purchase committee for direct transactions between the parties.	Every encroacher oustee family shall be entitled to ex-gratia payment of land encroached upon by him to the extent of compensation payable under L.A. Act, 1894, excluding 30% & 12% interest.
	[4.2] GoMP has provided for consent award.	GOG has not provided the consent award.	--
	[4.3] GoMP has provided for land acquisition in other cases.	GOG has proposed an ordinance for acquisition of land in command area.	--

	MADHYA PRADESH	GUJARAT	MAHARASHTRA
RECOVERY OF COST OF ALLOTTED LAND	<p>[5.1] 50% of compensation payable to displaced family is the set off on initial installment towards the cost of land allotted and the balance will be recoverable in 20 years (free of interest). For first 2 years there will not be recovery. This will be treated as interest free loans and the land will be mortgaged to the Govt.</p> <p>M.P. has provided for SC/ST, small and marginal farmers grant in aid would be provided to cover the gap between the compensation and cost of land.</p> <p>[5.4] Govt. of M.P. has provided for option to pay more than 50% of compensation towards the cost of land. It has also provided the grant in aid for Rs.1,000 per hectare for 2 years, in case where interest from loan is not availed of.</p>	<p>GOG has provided for Govt. land, 50% of compensation as 1st installment and rest in 20 years interest free installment. GOG has provided for ex-gratia payment in case of land purchased through land purchase committee. The difference between the compensation, i.e., full compensation and the purchase price is payable as ex-gratia i.e. not recoverable.</p> <p>There is no such provision in Gujarat.</p>	<p>GOM has provided for 50% of compensation as 1st installment and rest 20 years interest free installment. GOM has not made provision for an ex-gratia payment in purchase of private land.</p> <p>GOM has also not done such provision.</p>

	MADHYA PRADESH	GUJARAT	MAHARASHTRA
REHAB. GRANT & GRANT-IN-AID	<p>[6.1] Landless families, agri. labourers are provided rehabilitation grant of Rs.6400 to each family in suitable instalment in period of one year. For agricultural displaced families of SC/ST small and marginal farmers Rs.6400 is paid as rehab. grant for 1 year. For other agri. displaced families, Rehabilitation Grant will be Rs.3200 for 1 year. Grant-in-aid of Rs.6100 as related to 1985 prices and GOI's poverty-linked figures and this will be revised by GOI.</p> <p>[6.2] Transportation</p> <p>Free transport facility is provided, for salvageable material, livestock, agri. produce and agri. equipment Rs.500/- would also be provided if transport facility is not required by family.</p>	<p>GOG has provided the subsistence allowance per family for one year at Rs.4500. In Gujarat almost persons are ST and uniform rate is prescribed. GOG has provided resettlement grant at Rs.750/- escalated at 8% per year considering the base year Jan. 80. We also provide for grant in aid for those receiving less than Rs.2000/-.</p> <p>GOG has provided for household kits, salvageable materials, foodgrains excluding cowdung, firewood and fodder.</p>	<p>Every oustee family shall be sanctioned resettlement grant of Rs.750 with Jan. 1980 as basis and a rise of 8% shall be allowed every year with reference to this basis. Every oustee family shall be paid grant in aid upto Rs.500 as laid down in the NWDI Award.</p> <p>GoMP (<i>sic</i>) has provided free transport for personal kit, all household material and salvageable dismantled building materials like doors, windows frames etc.</p>

	MADHYA PRADESH	GUJARAT	MAHARASHTRA
ALLOTMENT OF RESI. PLOT.	<p>M.P. has provided for rural area 90 x 70 ft. plot free of cost. It has provided the grant-in-aid compensation paid for previous dwelling house and cost of new house to extent of India Awas Scheme.</p> <p>In urban area it will be a planned resettlement separate urban agency will be set up. The size of the plot would be on the basis of HUDCO, EWS & LIG categories would give subsidy for loan and land for houses as per norms of HUDCO. Industrial growth centre will also be established.</p>	<p>Govt. of Gujarat has provided of 90x60 feet plot. No other provision is made.</p> <p>Every major son of landed encroacher joint holder will also be entitled for resi. plots.</p>	<p>Govt has provided a house plot of 60x90 area to each oustee family and each major son of landholder and encroacher oustee.</p>
LANDLESS DISPLACED	<p>For landless displaced family grant in aid will be paid in the initial period and self and waged employment opportunities will be provided, provision of vocational training will be made and priority in employment will also be considered in project.</p>	<p>Landless agri. families are given land for 2ha, GOG has also provided for vocational training and priority in employment in project works on the principal of "First come first served".</p>	<p>(i) All the landless agricultural labourers will be allotted 40-47 area 4 (sic) available at relocation site landless agri. labourers move with other oustees on the principal of "First come first servad"</p> <p>(ii) Landless oustees who have not received land would be provided economic assets and IRDP scheme to acquire stable livelihood (Max. assistance of Rs.9000)</p>

	MADHYA PRADESH	GUJARAT	MAHARASHTRA
CIVIC AMENITIES	<p>Civic amenities as per NWDT award will be provided and it will not be less liberal than NWDT Award.</p> <p>- Cremation & burial ground.</p> <p>- Religious place of worship provided.</p>	<p>GOG is going according to norms prescribed by NWDT Award.</p> <p>Additional facilities:</p> <p>(1) Electrification</p> <p>(2) Internal roads</p> <p>(3) S.T. Bus Stops</p> <p>(4) Plinth of Rs.10,000/- on resi. plots.</p> <p>(5) Religious place of worship.</p>	<p>Same as NWDT &</p> <ol style="list-style-type: none"> 1. Playground for school (1 acre for primary school & 2 acres for secondary school) 2. Electric supply 3. Open gutters 4. Public latrines 5. Open place for collection of animals 6. State Transport bus stop. 7. "Khalwadi" threshing platform. 8. Gochar charan land for grazing for village cattle. 9. Open place for bazar and also for future expansion. 10. Cremation ground/burial ground.
EMPLOYMENT	<p>GoMP has provided employment exchange for giving priority in project works.</p> <p>Age relaxation of 2 years in class 3 post in govt.</p> <p>Establishment of Vocational Training Institute.</p>	<p>GOG has also provided employment exchange at Kevadia and placement officer has been appointed.</p> <p>ITI is instituted at Kevadia.</p>	

	MADHYA PRADESH	GUJARAT	MAHARASHTRA
MISCELLANEOUS	<p>Fisheries research training institute in periphery of reservoir for fisheries.</p> <p>Preference for displaced person for allotment of plots in project area.</p> <p>Exemption of stamp duty and Registration fee.</p> <p>- Religious and archeological places will be constructed out of submergence area.</p> <p>- Medical facilities ensure safe shifting of displaced persons</p> <p>- Facility of various schemes of ST/SC with continue at new site.</p>	<p>GOG has provided for fisheries development in reservoir.</p> <p>Not provided.</p> <p>Same in Gujarat.</p> <p>Same in Gujarat.</p> <p>No provision.</p> <p>Sp. grant of Rs.5000/- for agri. dev. is provided. This is in addition to benefit of ongoing scheme of TASP and other State Govt. Schemes.</p> <p>A plinth will be provided on resettlement plot of the oustees by Govt housing max expenditure upto Rs.10,000/-.</p> <p>Exemption of stamp duty and registration fee.</p> <p>Free tratorisation on allotted land.</p>	<p>Every oustee settling down at the relocation site shall be also eligible for a house building loan (of Rs.8000/- for landed Rs.4000/- for landless) to be recovered in 20 (?) interest free annual instalments.</p>

Source: "Compilation of Orders on Rehabilitation and Resettlement: Policy Package: Sardar Sarovar Project" June 1992, Narmada and Water Resources Department, Gandhinagar.

Extracts

"There are 33 villages which are in the submergence zone and had the sequence laid down by the Tribunal been adopted, i.e., rehabilitation first and eviction from areas marked for submergence later, many of the problems which the tribals and officialdom face today would not have arisen. What we find is that while the government is keen on shifting the tribals out of their villages, the same care and anxiety is not reflected in their programme for rehabilitation. Moreover, not everyone likely to be affected and so requiring rehabilitation has been accounted for.

* * *

“There are also instances of tribals who figure in the list of PAFs and have been shifted to the rehabilitation sites but have not been given their entitlements of agricultural land. It is said that land to be given to these tribals is not physically available. Non-availability of agricultural land to the PAF is not something for which the tribals can be held responsible. Government has to make good this recompense if not in the rehabilitation site somewhere in the close proximity thereof. This is in contradiction to the government’s reasons for making ex parte allotments. It is said that such allotments are compelled because of the obstructive attitude of the tribals. If land is not available to accommodate those declared as PAFs, it is a contradiction in terms to say that the tribals refuse to move out from the villages earmarked for submergence for which reason the government is forced to make ex parte allotment of lands.

* * *

“One of the contributory factors is the absence of a Master Plan (emphasis added) which ought to have been formulated by the Maharashtra Government to ascertain the precise number of PAFs and the land requirements for their resettlement A failure to prepare a Master Plan which was even found desirable as a pre-requisite by NWDTA and the Supreme Court, is clearly a serious lapse giving rise to numerous problems including omission and underestimation of PAFs, vitiating the very process of resettlement and rehabilitation.

* * *

“We therefore conclude that in the view of the evidence that has come to light through investigation that:

- a) Land rights have not been granted to the tribals in the original villages in spite of the process to do so having been taken as far as pointed above.
- b) There was no land to accommodate all the PAFs affected at 90m, and
- c) What is more serious there is gross underestimation of PAFs.
- d) Another serious issue is that many who have been shifted to the resettlement colonies and are supposedly rehabilitated, are still awaiting their land entitlements.
- e) There are also many PAFs who have been shifted to the sites and allotted uncultivable and/ or less land and/ or disputed lands.
- f) There are inadequacies in relation to almost all the civic amenities in the resettlement colonies.
- g) The resettled PAFs have not been given legal land titles for the land that has been allotted to them thus placing their future in jeopardy.

* * *

“The first document relates to a specially prepared note for the consumption of the Committee and which was handed over to the Committee Members at their first meeting held at Mantralaya on 4th of April 2001. The note speaks of the present status of the rehabilitation indicating that those affected at 90m have been fully rehabilitated, an assertion which was proved to be false as a result of the investigations of related matters carried out by the Committee. The Committee’s view was further strengthened in this regard by the people affected at 90m level (those enlisted by the government as well as those left out) presenting themselves before the Committee claiming their rights.

* * *

“Recommendations

“First and foremost, there should be a change in the definition of a PAF/oustee, to include all categories of people affected by the dam related works.

“From the definition of an oustee offered in the NWDTA, it is clear that those ordinarily residing or cultivating land fall within it. Hence the application of an age-limit vis-à-vis cut-off date does not seem to have an appropriate basis in the NWDTA (i.e., only those who were 18 years as of 1.1.1987 are counted as PAFs) What is also seen is that even those supposedly ‘undeclared’ by the Government, have their own agricultural land and houses as well, which will be submerged due to the project

“The date of 1.1.1987 as assumed by the government to be the cut-off date has no bearing at all with the present realities of the life of the tribals.

* * *

“Further on the land rights of the tribals it ought to be said that it is the responsibility of the government to confer on them their due rights in respect of their land holdings in accordance with their own policy resolutions to that effect and the Supreme Court ruling in the case of Pradip Prabhu v. Government of Maharashtra. ... The government owes the tribals the rights that they have over these lands that they have possessed for generations.

* * *

“Much is made of the surveys of PAPs carried out by the government agencies for ascertaining the true number of tribal families to be affected. From the government side an attempt has been made to give finality to the last survey carried out. We are not satisfied with this approach.

* * *

“The formation of “tapu” (island) and isolated villages/hamlets becoming socially unviable units is common knowledge.

* * *

“A fresh door-to-door census will prove the disparity between reality and the results of the government survey carried out in the past and hence this new survey ought to be carried out as a matter of urgency. For this purpose it is desirable that the government take assistance from the NGOs like NBA who enjoy the confidence of the people and from the elders of the villages to be submerged. This survey should be carried out prior to any further displacement or submergence or further increase in the height of the dam.

“In the context of the resettlement of those tribals who are affected at the present height of the dam, we see many problems plaguing the process. On one hand there is no proper realistic survey of the number of tribals to be affected, while on the other there is no agricultural land available for their resettlement presently.

“The process of ex parte allotment of lands is believed to be in keeping with the approval of the Narmada Control Authority. One seriously doubts if this is permissible having regard to the Tribunal Award prescribing options to the oustees. It is of course true that the oustees cannot keep resisting eviction and rehabilitation for all times to come. But the reason for rejection and resistance have to be considered and if found justifiable upheld, with the government being under an obligation to remedy the situation.

* * *

“On the occasion of the first tour we had picked out at random three notices intimating the oustees of ex parte allotment of land and house plots to them. A physical verification showed that the notices were incorrect in material particulars and this forced the Collector to concede that all the 145 notices that were then issued to those PAFs affected at 90m, could not be acted upon and that those notices will be withdrawn until after a proper scrutiny.

* * *

“The NWDTA has specified community resettlement by way of rehabilitation villages. The Government of Maharashtra, till now, has quite successfully pursued this principle. Now that there is a need to purchase/ acquire more land, it should be done in like manner as this principle is obligatory.

* * *

“Those rehabilitated have to be supplied the relevant title deeds and revenue papers lest the dishonest revenue staff tries to tinker with the acquisitions the tribals have made after sacrificing so much. This should be done immediately lest they are again misdescribed as encroachers, trespassers, land grabbers or squatters and the lands then be re-acquired from them by the State itself.

* * *

“In regard to the facilities for providing water at the resettlement colonies to irrigate crops and for potable purposes, the document dated 14.5.2001 and received by the Committee at its meeting at Nandurbar held on 20.5.2001 from one of the officers of the government, shows that near about 70-80 per cent works remains to be done and this covers all the five resettlement villages. Needless to say this is an admission by the administration of the lack of a vital input in the rehabilitation package Unless those already shifted are fully cared for by resolving all their problems within a time bound framework, especially land related, there appears to be no room for further resettlement at these sites.

“However it is considered that there are a certain number of people from the submergence villages who have been transported by the government to the rehabilitation sites. The government does not consider them as PAFs and the shifting at government expense is claimed to be an act of compassion inspired by humanitarian ideals. We have seen very little of humanitarianism in the dealings of the government with the oustees. In fact that certain people were shifted from the villages to be submerged is prima facie proof that they and their forefathers were natives of the same villages and were entitled to the prescribed acreage of land whether as recorded landholders or alleged encroachers. For this reason we recommended that the distinction between “declared” and “non-declared” oustees should be done away with.

“It is surprising that towns in Gujarat as far away as Jamnagar are said to be getting Narmada waters, while those in the so-called resettlement village of Rozwa have to do without this precious liquid for days together.

* * *

“At least two or more generations of the tribals will require sustenance in the shape of cash assistance to make up for the non-agricultural income which was at their disposal from the nearby river and forest For the loss of the non-agricultural income the tribals should receive monetary compensation running over a period of at least 50 years ... [W]e suggest that each project-affected nuclear family which are considered as including a man, wife and 3 (three) children, all such children being below the age of 18 years, should get monetary compensation at the rate of Rs.2,000/- (two thousand) per month. Every additional mouth should be entitled to an extra sum of Rs.400/- (four hundred) a month ...

* * *

“The great divide between officialdom and the NGOs like the NBA and PSS is most unfortunate. Whatever be the reasons, the misgivings have to be removed and this can best be done if the government in conjunction with the above-mentioned NGOs carried out the process of rehabilitation. Most important is that the two sides stop attributing improper motives to each other and cooperate to accomplish the difficult but necessary task of seeing that the displaced tribals get their dues as early as possible

“The recommendations, which we make, should not be construed as a favour to the displaced tribals or a planned extravagance foisted upon a state facing financial stringency. The Sardar Sarovar Project is basically expected to yield benefits. It is but fair that those who are losing their lands and homes get a small share from the expected abundant yield.”

Part B. Shifting sands

When the Supreme Court set its seal of approval on raising the height of the dam, it was aware that Madhya Pradesh had practised recalcitrance [see Box B in chapter I]. The vagaries of state policy and action has since found further expression. Maharashtra has admitted to non-performance, evoking questions about perjury, seriousness of intent and purpose and the logic of a state that denies its people.

The Task Force that was constituted following the Daud Committee’s indictment in its report found that it was not 17 PAFs that remained to be rehabilitated, but over a 1000. This finding that the affected people are many more than previously thought has come after the state endorsed the rise of the structure of the dam to a height of 95 metres, and has resulted in a reversal of its position on continued construction of the dam.

In the Agenda Notes of the 50th meeting of the R&R Sub-group of the NCA, held in Bhopal on August 29 2001, it was revealed that earlier estimates of the area of submergence had been determined by drawing contour lines on the village maps! Physical verification revealed that the submergence area would actually vary from earlier estimates (of 20,822 ha) by 2703 ha, an increase of 12.75%. The number of affected families was, therefore, expected to increase by a “few thousands” from previous figures of 35,716 families!

On 8.4.2002, a summary record of a meeting of the Committee of the R&R Sub-group of the NCA read:

“The committee members submitted that Action Taken Reports for the remaining 40 villages have not been received from the government of Madhya Pradesh. However Government of Madhya Pradesh has indicated vide their letter dated 23.3.2002 that the total number of PAFs at EL 95 metres has now become 8433 PAFs in place of 5397 PAFs as declared in the land acquisition award”.

Yet, on 30.5.2002, when an affidavit was filed in the Supreme Court on behalf of the Government of Madhya Pradesh in the matter of Narmada Bachao Andolan v Union of India W.P.(C) 328 of 2002, the 3036 additional oustees were not acknowledged.

On 30.5.2002, the Government of Madhya Pradesh was saying to the Supreme Court, on affidavit, that there was a dearth of vacant government land in Madhya Pradesh, and that the Government of Madhya Pradesh “has identified by now about 465 ha of arable land in the districts of Dhar and Khargone... The PAFs are being allotted land out of this pool of arable land.” And continued to say: “besides, arable land identified as above, are spread out in about 20 villages and are in small areas. Thus, subject to their agreeing, only a few oustees can be allotted land in each village.”

Even on 29 August 2001, in the R&R Sub-group meeting, the Government of Madhya Pradesh had said that “at 95 m there are about 900 PAFs who are losing more than 25% of agricultural land, thus requiring 2000 hectares of agricultural land for their R&R in MP.”

In its affidavit to the Supreme Court dated 30.5.2002, there is in evidence a fierce juggling of figures:

- The number of PAFs affected at EL 95 m in MP is only 1883 (the affidavit reads);
- of whom 916 have opted to settle in Gujarat, and
- 967 have chosen to stay in MP.

Of the 967, according to the Government of Madhya Pradesh’s affidavit,

- 33 PAFs were only entitled to cash compensation, because less than 25% of their holding would come under permanent submergence, and
- only 43 PAFs were eligible to receive land for land as the area of their holding coming under submergence would be more than 25%.

This precipitous drop in figures is too blatant to be mere trips on the abacus.

The Government of Madhya Pradesh has said in the May 30, 2002 affidavit that only “seven R&R sites are almost developed today.” On 11 November 2001, they had said that they would need 28 R&R sites at 95m. They had repeated this latter figure of 28 sites at 95m on 8 April, 2002. How then this drastically reduced requirement?

The GRA, upon whom the Supreme Court has placed the onus of verification for clearance, lacks the infrastructure needed to ascertain the veracity of the information provided by the NVDA, and had asked that the NCA officials do the verification themselves – a fact attested to in the May 30 affidavit again.

The Government of Maharashtra has altered its position on further dam construction. It now says that there should be no raising of the height of the dam till rehabilitation is complete – an admission of lapses in implementation of the R&R policy.

The Government of Madhya Pradesh is evidently trying to alter statistics to fit its capacity which, by its own admission, are pitifully limited. But people are not numbers. And paper promises, or conjuring with numbers, will not rehabilitate people, nor make them disappear.

Was there perjury? Has the court acted on sworn falsehoods, or at least representations made on ill-informed

ignorance? Should there be impunity, and the states allowed to continue inundating land, even as thousands of people, unaccounted and uncared for, face imminent submergence?

These questions refuse to go away.

CHAPTER 4. A WEB OF ISSUES

The evidence that points to a complex of problems in the relationship between displaced peoples and the Sardar Sarovar Dam is increasingly incontrovertible. The narratives of peoples' experiences, official documents, court records and the voices of activists working in the difficult terrain that is the valley, all speak of the pain, exclusion and certain uncertainty that have become inextricably intertwined with the lives of many communities of peoples.

In respectful acknowledgment of the right of a people to life, going beyond (but not counting out) matters of shelter and livelihood to the way of life of communities, we venture to set out an array of issues that we encountered. Believing that

- people are not dispensable, and
 - that they cannot be reduced to a mere cost in the development process,
- it is with an urgency that we ask that these issues are met, answered and resolved.

Master Plan: The absence of a master plan, of submergence and of rehabilitation, met us at every turn. The NWDT had directed that a master plan of resettlement had to be in place within two years of the Award, i.e., by 1981. In 1987, while giving conditional clearance to the SSP, the Ministry of Environment and Forests was seeking details about "(i) Rehabilitation Master Plan...." In 1988, it was estimated that 12,180 families would be affected in the three states, and the 'action plan' proposed then reckoned only with these numbers. By 1990, it had increased to 40,227 PAFs, and the numbers continue to rise. And this only accounts for those directly affected by the Sardar Sarovar Dam – not including the canal affected, pipeline affected... In 2001, the government of Maharashtra was having to revise its estimates of affected people on the basis of the findings of the Task Force, set up after sustained pressure from the people. In 2002, the GoMP was revisiting its figures of PAFs, and even as it indicated that the number of oustees had escalated, it was suggesting a precipitous drop in the numbers who would need land to replace the land they were losing.

And, at different points in time, the governments of Madhya Pradesh and Maharashtra were proclaiming that there was, indeed, no land to give to the oustees.

The significance of a master plan that says

- who will face submergence;
- when;
- what and where their rehabilitation will give to them (and what they will lose); and
- how their houses will be dismantled and reconstructed

must be acknowledged and acted upon. *It may help to recognise that the development of a Master Plan is already late by at least 21 years.*

Survey: A house to house survey of the affected people is a prerequisite to assessing the extent of displacement, and computing the losses that the people may be expected to suffer. That the extent of submergence in MP was based on drawing contour lines on village maps is a stunning disclosure. As for explaining away the failure to conduct surveys on the resistance that the people put up, it must be said that this resistance was precipitated, and nurtured, by governmental policy and action which discounted people. Like person after person told us, 'why would we be fighting for 17 years if we were getting a fair and just deal?'

A state cannot wish away its responsibility to take its people into account. Means of mediation, negotiation and revision of its own policies will have to replace repression or neglect in the arsenal of the state. May be it bears reiteration that discounting people, and what constitutes their lives, is not an option that is with the state.

Encroachments: The notion of encroachment ties in with ownership and private property. In predominantly tribal areas, where it is access to resources, and their use, which is a primary determinant of the relationship between a people and a resource, 'encroachment' is an alien phenomenon. While communities in tribal hamlets along the Narmada have been left to their own devices of property use and management all these years, land records have remained unattended, even as sweeping changes have been brought into the polity, such being the Forest Conservation Act, 1980. The neglect of tribal communities through the years cannot now be used as a reason for denying them a recognition of their life, needs and rights.

The idea of encroachment is plainly irrelevant to tribal communities, and policies dealing with recognition of their rights need to acknowledge this, even while

- land records are updated; and
- the nature of common property resources is understood.

In Maharashtra, while the administration has swung from promising conversion of forest villages into revenue land, to a silent squelching of this policy, the rights of tribal communities have been reduced by denial. In MP, the offer of cash compensation for land, denying the importance of providing land for land, echoes in the valley. Yet, travelling on the Narmada along the length of Jalsindhi, for instance, it is possible to appreciate the enviable stretch of land and resources in which a whole community shares and which, through years of drought and plenty, have helped them survive from generation to generation.

Protection of adivasi communities: The reduction of rights of adivasi communities, even to negation, is, apart from its evident injustice and inequity, also contrary to ILO Convention 107, adopted in 1957, to which India has been a party since 1958. The Convention Concerning the Protection and Integration of Indigenous and other Tribal and Independent Countries specifically provides:

“Article 11 – The right of ownership, collective or individual, of the members of the populations concerned over the lands which these populations traditionally occupy shall be recognised.

Article 12.1 – The populations concerned shall not be removed without their free consent ... except ... in the interest of national economic development ...

2. When in such cases removal of these populations is necessary as an exceptional measure, they shall be provided with lands of quality at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development ...

3. Persons thus removed shall be fully compensated for any resulting loss or injury.”

Where it does suggest that “where the populations concerned prefer to have compensation in money or in kind, they shall be so compensated,” it adds, “it shall be so compensated under appropriate guarantees”.

Ratifying the Convention was a statement of commitment; it cannot be allowed to degenerate into empty rhetoric.

Even as this year began, the government of Madhya Pradesh set out its agenda for “charting a new course for dalits in the 21st century”. The Bhopal Declaration of 12/13 January 2002, which contains the government’s statement of intent, spells it out in a 21-point agenda and reads, in part:

“5. Ensure the restoration of the alienated lands to the tribals, restore their rights over forests and forest produce, provide them with compensation and rehabilitation measures, extend resources and capacity building measures for gainful utilisation of their lands and forests and those dalits displaced due to construction of dams/

development projects and mining as shareholders of such enterprises.”

This mandate must be respected. This requires, too, a recognition of the unique relationship that the adivasi has with the land, the forest, the river and the seasons which, undisturbed by outside intervention for so long, has developed its own harmony. This is not a matter of idealising difference, but of recognising it.

There are other approaches to recognising the rights of the oustees which have the effect of exclusion. This calls to be acknowledged, and remedied.

Temporary and permanent submergence: Although the NWDT Award defines an oustee as including those “likely to be submerged permanently or temporarily”, and

although it was decided in the 58th meeting of the NCA held on 18 December 1998 that “there should not be any distinction between the temporary and permanent PAFs and resettlement of both will be prerequisite for the purpose of further raising the dam”

the distinction has been maintained. In an affidavit dated 4 June 2002, the GoMP asserts that the number of villages where lands are permanently affected or houses are temporarily affected is only 30 with 1883 PAFs. Apart from the swiftly changing numbers that we noticed in an earlier chapter, the loss and destruction that ‘temporary submergence’ brings may be witnessed in the submergence sites.

The categorising of oustees as ‘declared’ and ‘undeclared’, with the latter excluded from the kinder provisions of policy is proving to be another prescription for exclusion.

Cut-off date: The policies endorse a distinct identity for grown up sons, when they reach the age of 18. The NWDT had directed that major sons as on 16 August 1978 ought to be extended R&R facilities. With conditional environmental clearance being given in 1987, the cut-off date was shifted to 1 January 1987.

But the project necessarily has to cross a range of barriers if it is to be constitutionally conceived and executed. In the meantime, the people grow older, even age. A cut-off date that is positioned in a distant past loses its meaning. The cut-off date will have to be consonant with the time that submergence, and displacement, occur. Applying the cut-off date of 1987 to submergence, displacement and resettlement that is happening in 2002, denies grown-up farmers the right to rehabilitation, including land -- a vital component in the resurrection of their destroyed lives.

Tapus: Exclusion through non-recognition of partial submergence, or the isolation that submergence can bring, is stark in the matter of tapus. The undulating landscape ensures that islands of elevation stick out amidst swirling waters; yet state policy has willed it out of consideration. These raised pockets of isolation have to be drawn into the plans for rehabilitation.

Women: are, if anywhere, only on the margins of consideration for rehabilitation and compensation. While the interests of women have been clubbed with that of their men, we heard of the problems that widows face in having their claims to land, and to compensation, accepted.

It was also evident that, if women were given the right to decide, there would be many who would not settle for cash compensation. They spoke of the impermanence of money, as indeed did many men. But the women spoke further of the temptations, often in the nature of drink, which would entice men to accept cash compensation, and induce them to blow it away in drink.

The role that the woman needs to play in decision making in the matter of compensation and rehabilitation has been grossly underestimated, and must be re-written into policy.

The otherwise displaced: We met people from Kevadia, where 6 villages were displaced in 1961 to make way for a colony for the staff working on the dam. They were paid a small sum in compensation then, perhaps equal to compensation for the crops they lost in that year. They remain castaways on the fringes of their own lands. Their loss, and their sense of loss, continues, uncompensated, with restitution nowhere in sight. There are those who will be displaced by the canal that will lead away from the reservoir to irrigate, tribals of 108 villages who will have to make way for the Shoolpaneswar bear sanctuary, those whose lands have been lost in the cause of compensatory afforestation, even where no forest has been reared All of these communities of peoples displaced by activity ancillary to the dam have remained beyond the pale of rehabilitation policy and practice. The restricted regime of the Land Acquisition Act 1894 is their only remedy.

The inequality in treatment between oustees of the Sardar Sarovar Project who are from Maharashtra and Madhya Pradesh who decide not to move across the border into Gujarat, and those who are willing to so move, has been set out earlier (chapter 3, Table) The complete wiping out from rehabilitation policy of communities displaced by ancillary projects is an even more unqualified form of exclusion. It was the NWDT which negotiated a place for oustees in Maharashtra and Madhya Pradesh, and this happened because the costs had to be borne by Gujarat, and this had to be factored into the Award. There was no law then, and none now, to compel the state to recognise the losses that such projects generate for the displaced. While this may appear, to the project authorities, to be pragmatic and cost-reducing, there is no running away from the truth that losses are indeed generated to large numbers of people affected by the projects, leading to an unaccounted escalation of actual (including social) costs. It is imperative to recognise that, while this may help suppress real costs, it will only serve to help the project free ride on the oustee, and on those who are within range of the ripple effect that will inevitably result.

The practice of making ex parte allotments: is so evidently an exercise in completing paper work, and not in rehabilitation, that there can be little question that it should be immediately halted.

For one, ex parte orders negate the right of an oustee to select the site for rehabilitation; this is a basic, non-derogable right of the oustee.

For another, where the same parcel of land is allotted to a large number of oustees, it is evident that this is intended only for the record. And, where the state avers that it has resorted to the practice because oustees are refusing to cooperate in the move away from the submergence area, it is a reason that fails to convince since, by the states' own admission, there is no land on which to rehabilitate.

It is also difficult to sustain a logic which denies the right to protest and resist when faced with what they see as proven failure, and abdication, by the state. The effort that is needed is to help the people move from distrust to faith, and to provide proof of the state's capacity to perform in keeping with its promises, and with equity in view.

Pari passu: The understanding of rehabilitation to happen pari passu with the construction of the dam seems to have lapsed in the recent past. Even in its whittled down version, rehabilitation is to be completed at least 6 months before the construction for raising the height of the dam can commence. How, then, was the decision to raise the dam to 95m made in January 2002,

- even as the GoMP was revising (upward) the estimated number of affected persons at the 95m level as being a 'few thousands' more than the 35,716 families that was earlier in the reckoning, and the submergence area as being 2703 ha more than the 20,822 ha earlier estimated,
- the government of Maharashtra was admitting to not having enough land on which to rehabilitate, and the numbers of those not yet rehabilitated at the 90m level had risen from 17 to 1000 PAFs by the state's own finding, and
- the affected people were anticipating a greater spread of submergence if the rains were to come?

It raises legitimate doubts about whether an engineering, or political, or perhaps even bureaucratic decision had displaced the rights, interests and needs of the oustees.

The rehabilitation of oustees is not a nominal exercise, but a matter of relocating, reconstructing and restarting new lives in alien environs. It is dependent on the capacity of the state to find land, provide amenities, and facilitate the shift. This exercise, clearly, cannot be reduced to a matter of record from a matter of fact.

Grazing land: The GoMP, in its attempts to find land on which to resettle the oustees has made a policy decision to reduce the grazing land (charnoi) in the state from 5% to 2%, and deploy the 3% in rehabilitating the oustees. The oustees are worried. On the one hand, the host community may resent the taking away of grazing land. On the other, the cattle that the oustees would take with them -- their bank, as they think of their cattle -- would need grazing pastures. In any case, grazing land is generally degraded and is unlikely to prove productive. Is this a policy made in desperation? May be it should be opened to question again?

The

- watering down of the 'pari passu' provision;
- improperly selected rehabilitation sites which, (in some cases are at a level lower than the submergence site);
- denial of relief to oustees who had complained to the GRA about the inhospitable and rocky land that was being offered to them for cultivation

are each causes that could result in further dislocation of an already displaced population. It is difficult to overemphasise the importance of averting situations of multiple displacement -- one coerced move is traumatic enough.

Where compensation is a part of the rehabilitation package, the procedure for its recovery evidently needs to be made less onerous. Especially where the procedure leads to the oustee losing a part of the amount because of delayed payment where time is of the essence of a contract of sale of land between a landowner and the oustee, this needs revamping.

Perceptions: There is a definite difference of perception in how adivasi life is viewed. The Supreme Court, for instance, in its 2000 judgment said: "The tribals who are affected are in indigent circumstances and who have been deprived of the modern fruits of development such as tap water, education, road, electricity, convenient medical facilities etc...." The court evidently saw the move out of this region of deprivation as an upward thrust. The adivasis seemed to think differently. They were resentful that a government which had neglected them for over 50 years was now wanting to take away from them what they did have. In their land and their way of life, they seemed to see the wealth that promises survival at a minimum, and plenty when the weather gods were with them. There is a chasm between these perceptions which needs to be bridged by understanding. Such understanding may also clarify why the adivasi will not move unless there is productive land to move to; and will find majdoor (waged labour) entirely unacceptable, even demeaning.

Resistance and protest: Ever since the NWDT treated the SSP as a matter between 3 states (+ Rajasthan), the people likely to be affected by the project have had to battle hard to get information, to resist, to be heard and to make a decisive impact on issues affecting their lives. Throughout the jan sunwayis,

- the percolation of information to the people at large,
- the awareness of the issues at stake,
- the strength of informed opinion, and
- the willingness and capacity to participate in decision making

was striking.

The people we met, and who spoke to us had faced submergence, or it was a peril that was lurking around the next turn in their lives. It was not that they were enemies of the project; but the project threatened them, and the fabric of their very existence. It is their resistance and protest that compelled the state to recognise the spiralling numbers of the displaced, way beyond the estimate in 1988-89 of 6148 PAFs. It has pushed the state into a more realistic awareness of losses, which has in some measure been translated into the policy of rehabilitation. It is doubtful that, without the resistance from the oustees, the inertia of the state could have been dislodged. The oustees, otherwise stated, did not just melt away.

Against this backdrop of struggle for recognition, the frequency and familiarity with which people – men and women – spoke of the lathi and jail was deeply disturbing. The wryness with which “and now they call us Naxalwadi,” was said, was testimony to the criminalising of protest – protest, which is an essential aspect of a living democracy, and which, in the context of the happenings in the valley, would find itself justified.

Perhaps a less repressive and more reasoned treatment of protest would see decision-making becoming more participative, with the state demonstrating willingness and capacity to provide alternatives for displaced people.

The numbers of the population to be directly displaced by the dam has been growing even on the official record: from 6148 PAFs in 1988-89 to 41,000 in 1994, to 43,000 in March 2001; and the numbers continue to rise. The unavailability of land on which to rehabilitate those in the submergence zone has been acknowledged by both the governments of Madhya Pradesh and Maharashtra. It is a problem that will not disappear, and has to be confronted and surmounted before the homes and lands of the people in the area are let to submerge. Rehabilitation of those in the submergence zone is a daunting task for any state, but it is a task that has to be taken on and completed before submergence; that is the minimum that the state would need to do for a people who are having to pay the price of development. In addition, it is constitutionally mandated. It is imperative that this exercise in rehabilitation be done with equity in policy, and with compassion in practice. The displaced are not adversaries of the state, nor are they obstacles to the continuance of the project. They are, instead, potential victims of a mega project. Recognising this, and acting to protect the displaced from being reduced to victims, is a responsibility that the state will have to undertake.

The scale of the problem is still revealing itself. In the context of the changing dimensions of the recognised extent of displacement, the costs and losses that are being generated by submergence ask to be computed again.

ABBREVIATIONS

CAT	Catchment Area Treatment
GOG	Government of Gujarat
GOI	Government of India
GOM	Government of Maharashtra
GoMP	Government of Madhya Pradesh
GRA	Grievance Redressal Authority
ha	hectare
m	metre
MoEF	Ministry of Environment and Forests
NBA	Narmada Bachao Andolan
NCA	Narmada Control Authority
NGOs	Non-governmental organisations
NVDA	Narmada Valley Development Authority
NWDT	Narmada Water Disputes Tribunal
NWDTA	Narmada Water Disputes Tribunal Award
PAFs	Project Affected Families
PAPs	Project Affected People
PSS	Punarvasit Sangarsh Samiti
R&R	Rehabilitation and Resettlement
WB	World Bank

ENDNOTES

¹ Annexure 1, p. 20-21 of the Morse Committee Report.

² This was not the first case in the Supreme Court on the issues of dam construction and submergence. Three earlier interventions may be mentioned: In *Chhatra Yuva Sangarsh Vahini* (1985), this issue of loss of top soil was agitated in a writ petition by the oustees at the dam site in Vadgam. In *Pradeep Prabhu v. Government of Maharashtra* (1995), the Supreme Court required the government to confer land rights on the tribal oustees in respect of their land holding in accordance with the government's policy resolution. In *B. D. Sharma v. Union of India* (1991), the Supreme Court had directed: "Rehabilitation should be so done that atleast 6 months before area is likely to be submerged, rehabilitation should be complete and should be in respect of homestead substitution of agricultural property and such other arrangements which are contemplated under the rehabilitation scheme."