Chapter-III

Sardar Sarovar Project

and Resettlement
3.1 Introduction:

The river Narmada is the fifth largest river in India and the largest west flowing river of peninsular India. It rises at an elevation of 900 metres from a Kund (spring) in the Maikal ranges near Amarkantak of Shahdol district in Madhya Pradesh. Meandering through narrow gorges, hills, forests, plains, it covers a course of 1312 kilometres (815 miles) through Madhya Pradesh, Maharashtra and Gujarat before merging into the Gulf of Cambay (Kambhat Bay). From the source up to 1077 kilometres, it flows through Madhya Pradesh and the next 35 kilometres marks the boundary between the states of Madhya Pradesh and Maharashtra. In the next 39 kilometres, it forms the boundary between the states of Maharashtra and Gujarat. In the last stretch of 161 kilometres, the river meanders through Gujarat before merging into the Arabian Sea, 50 kilometres west of Bharuch city. More than 40 tributaries and many more streams augment its volume of water. It discharges about 42 billion cubic metres (BCM) water annually, which is greater than that of Ravi, Beas and Sutlej rivers together (Bhatt: 1987).

The Narmada basin lies between 21° 20' and 23° 45' North latitudes and 72° 32' and 81° 45' East longitudes (Fig. 3.1). The river system is surrounded by the Vindhya hills in the north, Satpura ranges in the south, Maikal ranges in the east and the Arabian Sea in the west form the boundary of the basin. The basin has an elongated shape with a maximum length of 953 kilometres east to west and a maximum width of 234 kilometres north to south. According to an estimate, the total catchment area of the basin is about 97410 square kilometres comprising 85858 km² (87 per cent) in Madhya Pradesh, 1658 km² (2 per cent) Maharashtra, and 9894 km² (11 per cent) in Gujarat. The Narmada Basin is covered in parts by beautiful broad-leaved forests and most fertile agricultural soils of India. Roy mentioned that twenty-five million people live in the river valley.

The Narmada Valley Projects (NVP) are the biggest river projects ever planned in India. They envisage the construction of 30 major dams (Appendix 3.1) on the river Narmada and its 41 tributaries (Fig. 3.2). Out of these, ten projects are planned on the main channel (Upper Narmada, Raghavpur, Rosara, Basania, Bargi and Bargi-division, Chinki, Indira Sagar, Omkareshwar, Maheshwar and Sardar

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Sarovar) and the remaining on its tributaries. In addition to these, 135 medium and about 3000 minor dams are under construction or proposed. The Narmada Valley Development Plan envisaged 3165 dams on river Narmada\textsuperscript{58}. It is estimated that the NVP scheme is likely to submerge about 40,000 hectares of cultivable land and about 32,325 hectares of forest land.

The Narmada Valley has a rich potential of water resources. Even though, most of the Narmada basin is lying under developed and most of the water flows into the Arabian Sea without being harnessed, it sometimes causes damage to vast tracts by flooding. The idea of harnessing water by construction of dams on river Narmada and its tributaries was first mooted by various people and authorities from time to time, beginning with the pre independence days. The plan to harness the river water for power generation and irrigation was initiated in 1946. In the same year, the governments of the then Bombay, Berar and Central Provinces requested Central Waterways Irrigation and Navigation Commission (CWINC) to take up investigation in Narmada Basin for the development of water resources. Hence in 1948, the commission recommended a detailed study of seven projects including Bargi, Tawa, Punasa, Bharuch at Gora village (renamed as Sardar Sarovar Project in 1978). In 1955, a study was carried out to assess the hydro potential of the Narmada Basin. The study identified 16 sites for the construction of dams in its report submitted in 1959. Earlier, the British also made a plan to utilize the resources of this river during late 19th century. The studies to develop the Narmada valley were conducted in the late 1940s and early 1950s.

Conflict had started over the use of river water on various issues such as share of water, electricity etc. To solve these problems, the Government of India passed an Inter State Water Dispute Act (ISWDA) in 1956 to solve inter-state water problems. In 1963, an agreement was signed among governments of Madhya Pradesh, Gujarat and Union Ministry of Irrigation and Power regarding the height of 425 ft for Sardar Sarovar Project, 850 ft for Punasa Dam and 1390 ft. for Bargi Dam. Later, Government of Madhya Pradesh refused to accept this agreement (known as Bhopal Agreement). To resolve the dispute about sharing of the Narmada water between the riparian states, the Central government appointed an expert committee known as

\textsuperscript{58} Frontline, Vol. 15, No. 14, 1998.
FIG 3.2

MAJOR PROJECTS ON RIVER NARMADA AND ITS TRIBUTARIES
Khosla Committee in 1964. The Khosla Committee explored the entire Narmada Basin and prepared a master plan for optimum utilisation of the Narmada water. This commission submitted its report in 1965 with the recommendation of 12 major dams in Madhya Pradesh and one in Gujarat at Navagam. It was of the opinion that the increase in the height would augment the storage capacity of the reservoir that will permit higher carryout capacity, higher power production; irrigation and flood control. The committee also suggested raising the height of Harinphal or Jal Sindhi dam equal to the height of Navagam on the basis of low level of habitation or cultivated area between Harinphal and Navagam.

A master plan for the valley was prepared in 1972 on the basis of a technical investigation for more than 20 years by the Central Water and Power Commission (CWPC). According to Master plan, a number of projects are possible in Madhya Pradesh at a cost Rs. 9000 crores but the amount may go up to more than double by the time these are completed. The government of Madhya Pradesh also prepared a Master Plan for the development of the river in 1972. In 1981, the Madhya Pradesh government set up a separate department named Narmada Valley Development Department (NVDD) for the maximum development of water resource of the Narmada Basin. A few major projects already implemented were retained by the Water Resource Department. In 1985, the State government, under the aegis of NVDD, decided to constitute two bodies to look into the issue of environment, resettlement and rehabilitation of the project-affected people in the valley. These were Narmada Control Board (NCB) and Narmada Valley Development Authority (NVDA).

Narmada Control Board (NCB) is an apex body of Madhya Pradesh which supervises the developmental activities in the Narmada valley. The chairman of the NCB is the Chief Minister of the State; the Vice Chairman is Minister in charge of the Department dealing with Narmada Valley Development. The members are the ministers and secretaries of the various departments which are concerned with the development activities in the valley. The planning of water resources development, researching the possibilities for the development of irrigation potential and power generation in Narmada Basin is done by NCB. It supervises the functions of the NVDA.
Narmada Valley Development Authority (NVDA) was constituted by the government of Madhya Pradesh for administration and implementation of projects to harness water for irrigation, power, navigation and other developmental purposes from the river Narmada and its tributaries. It also has the responsibility to purchase the land for human settlements and rehabilitation programmes. NVDA is a multidisciplinary organization of the State government with its head office at Bhopal. It consists of Chairman, Vice Chairman and six members from engineering, power, finance, planning, rehabilitation, environment and forest departments.

The NVDA has the responsibility of the work only for large dams in the Narmada Valley part of Madhya Pradesh. However, the State Department of Water Resources has control over the medium and minor projects in the basin. The work of resettlement and rehabilitation (R&R) of the people affected by the major projects is handled by NVDA. In the case of Sardar Sarovar Project (SSP), the resettlement and rehabilitation in the State of Madhya Pradesh is being looked after by NVDA.

3.2 Genesis of the Sardar Sarovar Project (SSP):

In the initial years of 20th century, the report of the First Irrigation Commission proposed the construction of a barrage near Bharuch. But, at that time it was not formalised because the black alluvial soil was unfit for the flow irrigation. Even after independence in the wake of the Nehru's Development Policy, the idea to harness this water had not been implemented for a long time because of the disputes on the issues of the area to be irrigated, the height of SSP, and the sharing of water among the riparian states.

With a view to make the optimum utilization of the Narmada water for irrigation and hydro-power purposes, the then Central Province (now Madhya Pradesh), Berar and the government of Bombay requested the Central Waterways Irrigation and Navigation Commission (CWINC) to conduct a study of the Navagam Project (renamed as Sardar Sarovar Project in 1978) in Bharuch district. Hence, the first survey was undertaken by the CWINC (now renamed as Central Water and Power Commission) in 1947 and report was submitted in 1959. The commission recommended the height of the dams at 161 feet (49.80 metres). The Planning Commission, too, sanctioned Bharuch Irrigation Scheme in August 1960 and the late Prime Minister Pt. Jawaharlal Nehru laid its foundation stone on 5th April 1961. Later,
it was realized that many more benefits could accrue with the construction of a dam with an increase in height. In view of this, Khosla Committee was appointed in September 1964 to draft a plan for irrigation projects on the river Narmada.

The committee submitted its report in September 1965. In its report, a dam of over 500 feet (152.44 metres) was proposed near Navagam in Bharuch district of Gujarat. On the ground of misuse of power in lifting the water, the committee rejected the proposal of Maharashtra government that the Narmada canal should take off from Navagam dam. The government of Madhya Pradesh, too, rejected the recommendations on account of the amount of water allocated to Gujarat and on the unprecedented submergence. However, the Gujarat government accepted the recommendations.

Gujarat was in a hurry to implement the plan as soon as possible because two-thirds of its population was dependent on agriculture, 80 per cent of its land was rain fed and only twenty per cent of its land was under cultivation. According to an estimate, the total irrigation potential in Gujarat is 39.40 lakh hectares through major, medium and small irrigation schemes. Irrigation potential of the Narmada project alone is 17.92 lakh hectares. The Sardar Sarovar Project and its command area is shown in Fig. 3.3. Underground and surface water provide irrigation to about 52 per cent of the total 124.45 lakh hectares of agricultural land under cultivation. The recommendations of the committee could not be materialized due to certain reasons.

In 1968, the Gujarat government lodged a complaint to the central government. On the basis of that, the government of India constituted the Narmada Water Dispute Tribunal (NWDT) in 1969 under the Inter State River Water Disputes (ISWD) Act of 1956. The ISWD act made the provision that the decision of tribunal would be binding on the concerned states. Therefore, after several years of stalemate, NWDT was constituted headed by Ramaswami to solve the conflict regarding the share of water of Narmada River. The Narmada Tribunal allotted water to all the four states involved in the dispute. The tribunal submitted its report in 1979 after a long time of its formation, due to a case filed by the government of Madhya Pradesh against the inclusion of Rajasthan as a party state though it was not a riparian state.

The NWDT suggested a proposal for the construction of Sardar Sarovar Project (SSP) with a height of 455 ft, and other dams such as Narmada Sagar,
Onkareswar, and Maheshwar dam etc. The issue of displacement and resettlement has been mentioned in Clause IV (7) of Clause XI of the NWDT. The other issues such as environment, tribal life style were left unsolved.

The tribunal put the utilizable waters of the Narmada in its lower reaches, at the site of SSP in Gujarat, at 27.22 million acre feet (MAF) on the basis of availability in 75 per cent of the years studied. Of this, 18.25 million-acre feet (MAF) was allocated to Madhya Pradesh, 9 million acre feet (MAF) to Gujarat, 0.5 million-acre feet (MAF) to Rajasthan and 0.25 million-acre feet (MAF) to Maharashtra. 57 per cent share of the electricity and energy benefits were allotted to Madhya Pradesh, 27 per cent to Maharashtra and 16 per cent to Gujarat. However, Madhya Pradesh government opposed the award but later on accepted it.

The SSP in Gujarat envisaged irrigation of 1.9 million hectares of land and generation of 1450 MW of power, when completed, at a cost of at least Rs. 7000 crores to Rs. 8000 crores. However, the estimated cost of the project increased from Rs. 6,000 crores to Rs. 20,000 crores. The government acquired 1,600 acres of land from families (all tribal mainly the Tadvis) from six villages. Out of this, 200 acres of land has been acquired from Gora village. It has been calculated that about 13,000 hectares of the forestland will be inundated at the full height of Sardar Sarovar Dam (Plate 3.1).

3.2.1 Provisions Made Under Narmada Water Dispute Tribunal (NWDT) Award on Resettlement and Rehabilitation (R&R):

Sardar Sarovar Project (SSP) is an inter-state project; the provisions made in the Narmada Water Dispute Tribunal (NWDT) Award are applicable to it. The NWDT award covered allocation of water to the four concerned states. The award provide for rehabilitation in the following terms:

Clause XI: Directions regarding submergence, land acquisition and rehabilitation of displaced persons:

Sub-clause 1: Definitions

1(1) Land: The expression “land” includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth.

1(2) **Oustees:** An "Oustees" shall mean any person who since at least one year prior to the date of publication of the notification under section 4 of the Act, has been ordinarily residing or cultivating land or carrying on any trade, occupation, or calling or working for grain in the area likely to be submerged permanently or temporarily.

1(3) **Family:** (i) A "Family" shall include husband, wife and minor children and other persons dependent on the head of the family, e.g. widowed mother. (ii) Every major son will be treated as a separate family.

**Sub-clause II:** Land which are to be compulsorily acquired

2(1) Madhya Pradesh and Maharashtra shall acquire for Sardar Sarovar Project under the provisions of the Land Acquisition Act, 1894, all lands of private ownership site below the full reservoir level (FRL) + 138.68 meters (455 ft) of Sardar Sarovar and all interests therein not belonging to the respective States. If on the basis aforesaid, 75 per cent or more land of a contiguous holding of any person is acquired to be compulsorily acquired; such person shall have the option to compel compulsory acquisition of the entire continuous holding.

2(2) Madhya Pradesh and Maharashtra shall also acquire for Sardar Sarovar Project under the provisions of the Land Acquisition Act, 1894, all buildings with their appurtenant land situated between FRL + 138.68 meters (455ft) and MWL +141.21 meters (460 ft) as also those a affected by the backwater effect resulting from MWL + 141.21 meters (460 ft).

2(3) Backwater level at the highest flood level in Sardar Sarovar shall be worked out by the Central Water Commission (CWC) in consultation with Madhya Pradesh and Gujarat.

**Sub-clause III:** Liability of Gujarat to pay compensation for land acquisition and rehabilitation etc.

3(1) Gujarat shall pay to Madhya Pradesh and Maharashtra all costs including compensation charges and expenses incurred by them for or in respect of the compulsory acquisition of land acquired as aforesaid.

3(2) Gujarat shall pay to Madhya Pradesh and Maharashtra and the Union of India compensation for the respective Government lands and structures on principals similar to those underlying the Land Acquisition Act, 1894. Where any dispute or difference arises between Gujarat, Madhya Pradesh and Maharashtra and the Union of India with respect to the compensation payable as aforesaid, any of the three States of
Gujarat, Madhya Pradesh and Maharashtra or the Union of India may refer the matter in dispute arbitration. The States of Gujarat on the one hand the States of Madhya Pradesh, Maharashtra or the Union of India (as the case may be) on the other hand shall respectively nominate one Arbitrator each. In the event of disagreement between the Arbitrators, such dispute or difference shall be referred to an Umpire who shall be a person appointed in that behalf by the Chief Justice of India from among persons who are, or have been Judges of the Supreme Court. The decision of the Arbitrators or as the case may be, of the Umpire shall be final and binding on the parties and shall be given affect to by them.

3(3) Gujarat shall pay to Madhya Pradesh and Maharashtra land revenue in accordance with the respective Land Revenue Codes of Madhya Pradesh and Maharashtra in respect of all lands in their respective territories acquired for Gujarat or conveyed to it.

3(4) Gujarat shall pay to Madhya Pradesh and Maharashtra all costs, charges and expenses incurred by Madhya Pradesh and Maharashtra for the purpose of removal and reinstallation of any ancient or historical monuments, archaeological remains, religious places of worship or idols likely to be affected by submergence under Sardar Sarovar Project and that in the event of such payment being made no separate compensation as herein after before provided shall be required to be paid in respect of the same having been affected by the submergence.

3(5) Gujarat shall pay to Madhya Pradesh and Maharashtra all costs, charges and expenses required to be incurred by them for rehabilitation of oustees and oustees' families in their respective territories in accordance with the directions and herein after contained.

3(6) Gujarat shall pay to Madhya Pradesh and Maharashtra all costs on account of establishment charges for land acquisition and rehabilitation and other departmental staff which Madhya Pradesh and Maharashtra may consider necessary for the purpose of such acquisition and rehabilitation.

Sub-clause IV: Provision for Rehabilitation

4(1) According to the present estimates the number of oustees families would be 6,147 spread over 158 villages in Madhya Pradesh, 456 families spread over 27 villages in Maharashtra, Gujarat shall establish rehabilitation villages in Gujarat in the irrigation command of the Sardar Sarovar Project on the norms herein after mentioned
for rehabilitation of the families who are willing to migrate to Gujarat. For oustee’s families who are unwilling to migrate to Gujarat, Gujarat shall pay to Madhya Pradesh and Maharashtra the cost, charges and expenses for establishment of such villages in their respective territories on the norms as herein after provided.

4(2) (i) According to the present estimates the number of oustee families below reser voir level (RL) 106.68 meters (RL 350 ft) would be 30 spread over 20 villages in Madhya Pradesh and 250 families spread over 20 villages in Maharashtra. Within six months of the publication of the decision of the Tribunal in the official Gazette, Gujarat, Madhya Pradesh and Maharashtra shall determine by mutual consultation the location of one or two rehabilitation villages in Gujarat to rehabilitate oustees from areas below RL 106.68 meters (RL +350 ft). Gujarat shall acquire necessary lands for the rehabilitation villages and make available the same within two years of the decision of the Tribunal. Within six months of the decision of the location of the rehabilitation villages in Gujarat, Madhya Pradesh and Maharashtra shall intimate to Gujarat the number of oustees families from areas below RL 106.68 meters (RL 350 ft) willing to migrate to Gujarat. For the remaining oustees’ families, Madhya Pradesh and Maharashtra shall arrange to acquire lands for rehabilitation within the respective States.

4(2) (ii) Madhya Pradesh and Maharashtra shall set up adequate establishments for land acquisition and rehabilitation of oustees families. Gujarat shall deposit within three months of the decision of the Tribunal Rs ten lakh each with Madhya Pradesh and Maharashtra in advance towards cost of establishment and rehabilitation in these States to be adjusted after actual costs are determined. Madhya Pradesh and Maharashtra shall start land acquisition proceedings for area below RL 106.28 meters (RL + 350 ft) within six months of the decision of the Tribunal and convey the lands to Gujarat for project purpose within three years of the decision of the Tribunal. Within 18 months of the decision of the Tribunal, Gujarat shall make an advance payment of Rs. 70 lakh to Madhya Pradesh and Rs. 100 lakh to Maharashtra towards the compensation of land, to be adjusted after actual costs are determined.

4(2) (iii) regarding the oustees families from areas above RL 106.68 meters (RL +350 ft), Gujarat shall intimate to Madhya Pradesh and Maharashtra within six months of publication of the decision of the Tribunal in the official gazette the number and general location of rehabilitation villages proposed to be established by Gujarat in accordance with the decision of the Tribunal. Within one year of the receipt of
proposal of Gujarat, both Madhya Pradesh and Maharashtra shall intimate to Gujarat
the number of oustees families willing to migrate to Gujarat. The three States by
mutual consultation shall determine within two years of the decision of the Tribunal,
the number of general location of rehabilitation villages required to be established by
Gujarat in its own territory. Madhya Pradesh and Maharashtra shall intimate to
Gujarat the number of such villages to be established in Madhya Pradesh and
Maharashtra and for which Gujarat would be required to make payment to Madhya
Pradesh and Maharashtra respectively.

4(2) (iv) Gujarat shall acquire and make available a year in advance of the
submergence before each successive stage, irrigable lands and house sites for
rehabilitation of the oustees families from Madhya Pradesh and Maharashtra who are
willing to migrate to Gujarat. Gujarat shall in the first instance offer to rehabilitate the
oustees in its own territory.

4(3) Gujarat shall also provide the following grants and amenities to the oustees:

a) Resettlement Grants (Rehabilitation Grants):

Gujarat shall pay per family a sum of Rs. 700/- inclusive of transportation charges as
resettlement grants.

Grant-in-aid; In addition, Gujarat shall pay family grant-in-aid in the following scale:

<table>
<thead>
<tr>
<th>Where total compensation is received</th>
<th>Grant-in-aid</th>
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</thead>
<tbody>
<tr>
<td>Above Rs. 2,000/-</td>
<td>Nil</td>
</tr>
<tr>
<td>Between Rs. 2,000/- and Rs. 500/-</td>
<td>Rs. 500/- less than an amount equal to one-third of the compensation in excess of Rs. 500/-</td>
</tr>
<tr>
<td>Less than Rs. 500/-</td>
<td>Rs. 500/-</td>
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</tbody>
</table>

Civic amenities:
One Primary school (3 rooms) for 100 families.
One Panchayat Ghar for every 500 families.
One dispensary for every 500 families.
One seed store for every 500 families.
One children’s park for every 500 families.
One village pond for every 500 families.
Drinking water well with trough for every 50 families.
Each colony should be linked to main road by roads of appropriate standard
One platform for every 50 families.

Every oustees’s family shall entitle to and allotted a house site i.e. a plot of land
measuring 18.29 X 27.43 meters (60’ X 90’) free of cost. In addition, a provision of 30
per cent additional area for roads, government buildings, open space etc. shall be
made by Gujarat under civic amenities.
The State of Gujarat shall make the following provision for rehabilitation in Madhya Pradesh and Maharashtra.

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>a)</td>
<td>Resettlement</td>
<td>Rs. 750/-</td>
</tr>
<tr>
<td>b)</td>
<td>Grant-in-aid</td>
<td>Rs. 500/-</td>
</tr>
<tr>
<td>c)</td>
<td>Acquisition of land for resettlement of families affected@ 0.40 ha (one acre) for six families</td>
<td>Rs. 1,500 per acre</td>
</tr>
<tr>
<td>d)</td>
<td>Civic amenities</td>
<td></td>
</tr>
<tr>
<td>i)</td>
<td>One Primary school @ 100 families</td>
<td>Rs. 30,000/- each</td>
</tr>
<tr>
<td>ii)</td>
<td>One community hall-cum-Panchayat Bhavan @ 500 families</td>
<td>Rs. 20,000/- each</td>
</tr>
<tr>
<td>iii)</td>
<td>One dispensary @ 500 families</td>
<td>Rs. 25,000/- each</td>
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<tr>
<td>iv)</td>
<td>One seed store @ 500 families</td>
<td>Rs. 10,000/- each</td>
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<tr>
<td>v)</td>
<td>One children’s park @ 500 families</td>
<td>Rs. 6,000/- each</td>
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<tr>
<td>vi)</td>
<td>One well with trough @ 50 families</td>
<td>Rs. 10,000/- each</td>
</tr>
<tr>
<td>vii)</td>
<td>One pond @ 500 families</td>
<td>Rs. 20,000/- each</td>
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<tr>
<td>viii)</td>
<td>One tree platform @ 50 families</td>
<td>Rs. 1,500/- each</td>
</tr>
<tr>
<td>ix)</td>
<td>One religious place of worship @ 100 families</td>
<td>Rs. 1,000/- each</td>
</tr>
<tr>
<td>x)</td>
<td>Construction of approach roads and link roads for Abadies 3 km. Per every new Abadi</td>
<td>Rs. 30,000/- per km</td>
</tr>
<tr>
<td>xi)</td>
<td>Electrical distribution line and street lights 2 km. Per 100 families.</td>
<td>Rs. 11,000/- per km</td>
</tr>
<tr>
<td>xii)</td>
<td>Social amenities for each municipal town going under submergence viz. water supply and sanitary arrangements layout, leveling of site etc.</td>
<td>Rs. 5,000,000/- each town</td>
</tr>
</tbody>
</table>

4(4) (i) Gujarat is directed to provide for rehabilitation and civic amenities as per directions contained herein above in sub-clause 4(3) in its estimates for land compensation and rehabilitation.

4(4) (ii) Notwithstanding the provisions herein before, Gujarat shall not be liable to pay any compensation for the loss of public properties, facilities or amenities such as drinking water wells, primary school buildings, internal roads, village sites, approach roads, dispensaries, panchayat buildings, rural electrification, highway bridges, telegraph lines, power lines, etc. if corresponding alternative properties, facilities or amenities are to be provided at the cost of the Sardar Sarovar Project. The party owning the facility shall have the option to accept compensation for utilities as existing or ask for their replacement or re-location at the cost of Gujarat.

4(5) it is made clear that the monetary values in clause 4(3) (c) are liable to be changed at the time of actual rehabilitation. Where any dispute or difference as regards the changed valuation, the matter shall be determined by Arbitration in the manner provided in clause 2(2) above and Gujarat’s liability shall stand altered accordingly.
4(6) (i) In the event of Gujarat being unable to resettle the oustees or the oustees being unwilling to occupy the area offered by Gujarat, Madhya Pradesh and Maharashtra shall make such provisions for rehabilitation, civic amenities, etc. on the lines mentioned in clause 4 (1) to (4) above. Gujarat shall, in that event, be liable to pay all such expenses, costs, etc. arising out of or in connection with rehabilitation and provision of civic amenities for the oustees including the cost of all acquisition proceedings and payment for compensation etc. as per the Land Acquisition Act, for the land allotted to oustees for cultivation and habitation.

4(6) (ii) In no event shall any area in Madhya Pradesh and Maharashtra be submerged under the Sardar Sarovar unless all payment of compensation, expenses and costs as aforesaid is made for acquisition of land and properties and arrangement are made for rehabilitation of the oustees there from in accordance with these directions and intimated to the oustees.

4(7) Allotment of Agricultural Lands

Every displaced family from whom more than 25 per cent of its land holding is acquired shall be entitled to and be allotted irrigable land to the extent of land acquired from it subject to the prescribed ceiling in the State concerned and a minimum of two hectares (5 acres) per family, the irrigation being provided by the State in whose territory the allotted land is situated. This land shall be transferred to the oustee’s family if it agrees to take it. The price charged for it would be as mutually agreed between Gujarat and the concerned State. Of the price to be paid for the land a sum equal to 50 per cent of the compensation payable to the oustee family for the land acquired from it will be set off as an initial installment of payment. The balance cost of the allotted land shall be recovered from the allottee in 20 years installments free of interest. Where land is allotted in Madhya Pradesh or Maharashtra, Gujarat, having paid for it vide clause 4 (6) (i) supra, all recoveries for the allotted land shall be credited to Gujarat.

4(8) Any dispute between the States in respect of Clause 4 (1) to (7) of these directions shall be referred to and determined by arbitration in the manner provided in clause 3 (2) of these directions.

Sub-clause V: Programme for payment to be made by Gujarat to Madhya Pradesh and Maharashtra
Sub-clause VI: Nothing contained in Clause XI shall prevent the alternation, amendment and modification of all or any of the foregoing clauses by agreement between all the party States.

3.2.2 Narmada Control Authority (NCA):

The central government constituted the Narmada Control Authority (NCA), Review Committee for NCA and Sardar Sarovar Construction Advisory Committee to implement the Narmada Water Dispute Tribunal award in 1980. The NCA has been set up for implementation of direction and decisions made by the NWDT with respect to the storage, apportionment regulation and control of water; sharing of power benefits from SSP; compensation and rehabilitation of oustees and sharing of costs. It is a multi-state body that monitors, coordinates and directs the project works with regard to the engineering works and the environmental protection. Out of six items listed for action by the Authority, two are related to resettlement and rehabilitation. These are acquisition of lands and properties submerged and likely to be submerged under SSP and secondly; compensation, resettlement and rehabilitation of oustees. The NCA consists of the representatives of the four states of Madhya Pradesh, Gujarat, Maharashtra and Rajasthan and representatives of the government of India. It is funded by all the four states with equal shares. Secretary to the government of India, Water Resource Ministry is the ex-officio chairman of the NCA. The NCA is headquartered at Indore. It has a number of subgroups.

These subgroups are environment (under the chairmanship of secretary, Ministry of Environment and Forests); resettlement and rehabilitation (under the chairmanship of secretary, Social Justice and Empowerment, government of India); Narmada Main Canal Committee (under the chairmanship of executive member, NCA); power sub committee, (under the chairmanship of member i.e. power NCA); Sardar Sarovar Reservoir Regulation Committee (under the chairmanship of executive member, NCA) and Resettlement Committee (under the chairmanship of Secretary, Ministry of Social Justice and Empowerment, government of India).

3.2.3 The Review Committee of Narmada Control Authority (RCNCA):

RCNCA is a monitoring agency of the SSP. It is headed by the Union Minister in charge of Water Resources and comprises of the Union Minister for Environment
and Forests and Chief Ministers of four party States viz. Gujarat, Madhya Pradesh, Maharashtra and Rajasthan as members. The Secretary, Ministry of Water resources, GOI is the convener of Review Committee. On the request of any party State, the RCNCA has the right to review any decision of the Narmada Control Authority.

3.2.4 Sardar Sarovar Narmada Nigam Limited (SSNNL):

SSNNL was created in April 1988 by Government of Gujarat and entrusted with the work of SSP. It has a Chairman, one managing director, ten directors and three joint directors.

3.2.5 Sardar Sarovar Punarvasvat Agency (SSPA):

In 1992, the Sardar Sarovar Punarvasvat Agency (SSPA) was constituted for implementing the resettlement and rehabilitation activities of the SSP affected families in Gujarat. Prior to SSPA, there was a department within SSNNL to look after the resettlement and Rehabilitation process. It has been recognized that the displaced resettled in different geographical locations may have to adapt themselves to alien cultures. Therefore, SSPA was constituted with a mandate to improve the living standard, income-generating capacity and production levels of the affected after resettlement. The SSPA is also concerned more with the empowerment of the affected families. The main objective of the agency is to resettle the affected families in groups, groups of families or as an entire village, in accordance with their preferences and to provide adequate physical, educational, social and economic infrastructure.

People had been uprooted from their ancestral land without proper resettlement and rehabilitation measures. Only monetary compensation was provided to the displaced in the earlier resettlement policies and there were no proper mechanisms for addressing their grievances or political support to improve their livelihoods. Hence, some human activists and people’s organisations echoed their voices for the proper resettlement of the affected people. The agency is working to improve the agricultural production, income generating capacity and living standard of the resettled families as compared to the levels prior to their displacement, so that they can get integrated socially and economically with the host communities.
The agency has two-tier Committee i.e. the General Body and the Executive Committee. The executive committee has various cells to perform implementation functions. These are rehabilitation cell, medical cell, engineering cell, education cell, land cell, Grievance Redressal cell and agriculture cell.

The medical cell is concerned with the physical well being of the resettled families. It is responsible for providing preventive and curative care as per their requirements at their doorsteps. It also looks into the hygienic and nutritional condition of the resettled villages. The engineering cell provides basic civic amenities at the resettled sites such as primary schools, approach roads, dispensaries, drinking water sources, water supply and streetlights and so on. This cell identifies the sites for residential purpose and creates a layout of the various facilities. The education cell makes a tremendous effort in improving the quality of educational status of the affected people. The land cell is primarily concerned with procurement of land for the resettlement of the affected families. The Grievance Redressal cell deals with the redressal of grievances of the affected families. Lastly the agriculture cell provides facilities such as good quality seeds, source of irrigation, plantation of trees etc.

3.2.6 Grievance Redressal Authority (GRA):

As per the directives of the Supreme Court, all the three riparian states have constituted the Grievances Redressal Authorities (GRAs). The purpose of this authority is to address rehabilitation-related grievances of the oustees and to ensure that these displaced get a fair hearing. Each GRA is headed by a retired Supreme Court or High Court Judge. The decisions and directions given by GRA in all matters relating to grievances of project-affected families are final and binding upon the concerned government. On the direction of Supreme Court, the Government of Gujarat established the GRA in 1999 and the Governments of Madhya Pradesh and Maharashtra constituted it in 2000. It has been noticed that the highest number of cases have been faced by the GRA of Madhya Pradesh.

3.2.7 Morse Committee:

In June 1992, the Morse Report after Bradford Morse, a former United Nations Development Programme Chief, headed a team to investigate the progress of
the Sardar Sarovar Project. The Committee highlighted many drawbacks in the project and suggested the World Bank to withdraw the funding from the project.

3.2.8 Pamela Cox Committee:

After the Morse Committee’s recommendations regarding the project, the World Bank was not ready to give up the project. After two months of Morse Report, the World Bank sent the Pamela Cox Committee to study the project. The Cox Committee endorsed the recommendations of an Independent Review. On the recommendations of the committee, the Bank asked the Indian Government to meet some conditions within a period of six months. But the Indian Government could not fulfil the conditions. Ultimately in March 1993, the World Bank announced the withdrawal from financing the SSP.

3.2.9 The Five Member Group (FMG) Committee:

On 5th August 1993, the Central Government constituted a Five Member Group (FMG) Committee to review the SSP. The report was submitted after one year with the findings similar to the Independent Review Committee’s recommendations and concluded that SSP was a flawed project. However, the Government of Gujarat prevented the committee from entering into Gujarat.

3.2.10 V.K. Shunglu Committee (Oversight Group):

The Prime Minister of India set up a three-member SSP Relief and Rehabilitation Oversight group to supervise and report on the relief and rehabilitation of families displaced by the Sardar Sarovar Dam (SSD) in Madhya Pradesh. This committee was the outcome of the report referred to the Prime Minister of India by the Chairman of RCNCA over non-consensus in the meeting on 15 April 2006. The Group comprised of V. K. Shunglu, former Comptroller and Auditor General; G.K. Chadha, former Vice Chancellor, Jawaharlal Nehru University, and Jaiparkash Narayan, convenor, Loksatta. The group highlighted that the resettlement and rehabilitation sites were not prepared for 25,000 families who are at present living under the height of 121.92 metres.

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60 The Tribune, 5 May 2006.
3.2.11 Justice Daud Committee:

In January 2001, The Government of Maharashtra constituted a committee headed by Justice S. M. Daud to review the status and condition of rehabilitation of people already relocated at resettlement sites and of those in the submergence area of the SSP with respect to Maharashtra, within the framework of NWDT award, the government rehabilitation policy and the Supreme Court's order of October 18, 2000. The other members were Manikrao Gavit, Member of Parliament; Sharad Palav, a lawyer; R.V. Buskute, retired Tehsildar; Nand Lal, Principal Secretary in Maharashtra Government's Revenue and Forest Department; Pratibha Shinde, Punarwasn Sangharsh Samiti; D. R. More, Joint Secretary in the Irrigation Department of the State; and D. R. Mali, Joint Secretary in the Revenue and Forest Department.

The Committee submitted its report on 29th June 2001 that the resettlement was yet to be completed due to unavailability of land for the displaced persons in Maharashtra and recommended that a master plan for rehabilitation must be prepared. It also suggested that a fresh survey should be conducted to find out the actual number of families affected by dam; alter the definition of project affected persons; the process of granting the land rights and so on. In response to this Committee's recommendations, the Government of Maharashtra set up a Task Force to survey and resettle the affected families in Maharashtra part of SSP. The Task Force found that 1295 families had not been resettled whereas the Government of Maharashtra had claimed that only 17 families remained to be resettled.

3.2.12 P. D. Desai Committee:

P. D. Desai Committee was set up by the Supreme Court to examine the relief and rehabilitation measures taken by the Government of Gujarat. The committee found adequate relief and rehabilitation measures.

3.2.13 Task Force Report:

In 1998, the Government of Madhya Pradesh constituted a Task Force to review the SSP project in the Madhya Pradesh. The task force, chaired by former Chief Secretary of Madhya Pradesh S. C. Berar, submitted its report in January 1999. In its report, the task force acknowledged the grave conditions arising out of displacement of people and recommended an alternative approach to develop water
and energy resources in the valley. It also recommended that the project must not be constructed until the rehabilitation of the affected people is fully considered and the environment protected.

3.2.14 The Habitat International Coalition (HIC) Report:

The Housing and Land Rights Network cell of the Habitat International Coalition (HIC) conducted an independent study to investigate the effects of 2002 monsoons and to assess the status of rehabilitation of the project affected families. The report of the study was released on 31st March, 2003 in New Delhi. The team visited the affected villages and rehabilitation sites. They also visited the GRAs, NVDA officials and NBA activists. The team found the rehabilitation sites were unfit for living and habitation.

3.3 Political Agitation and the Government:

In 1985, the World Bank conducted a study of SSP and the three states ( Maharashtra, Madhya Pradesh and Gujarat) signed an agreement with World Bank for a loan of $450 million for the construction of the dam. However, the activists did not support and cooperate in the construction work of the project. The struggle for survival of the tribals and hill people in the valley started in 1986, one year before the commencement of the construction of SSP in 1987 when Medha Patkar established the Narmada Dharangrastra Samiti at Dhule in Maharashtra [later it renamed as Narmada Bachao Andolan (NBA) in 1989]. Various protest marches; satyagrahas, blockades, andolans were initiated. In 1988, the Gujarat government enacted the Official Secret Act in 12 villages, which was kept in force for five months.

As a result of these activities, the World Bank appointed a commission in 1992 headed by Morse to study various aspects of the project. On the basis of the findings and recommendations of the Morse Commission, the World Bank withdrew its financial support in 1993. The Central government also constituted a review panel for the project. In 1994, the NBA filed a petition against the project in the Supreme Court and the construction work to raise the height of the dam was stopped due to the intervention by the Supreme Court from 1995 to 1999.

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In February 1999, the Apex Court allowed to resume the construction work to raise the height of the dam from 80.3 metres to 85 metres with three-metre safety humps to streamline the flow of water. On October 18, 2000, a majority order by the Supreme Court allowed to raise the height of the dam from the present 88 metres to 90 metres as per the NWDT Award. Further, the court explained in the judgement that construction beyond 90 metres could be done in stages after obtaining clearance from the environment and rehabilitation authorities and maximum height of the dam was allowed to 138.68 metres.

In May 2002, the Narmada Control Authority (NCA) permitted the construction of dam up to 95 metres plus three metre humps. On May 14, 2003, the NCA gave clearance to raise the height of the controversial SSP from 95 metres to 100 metres in addition to three metres high concrete humps to break the flow of water. In March 2004, the NCA gave permission to raise the dam up to 110.64 metres. On March 8, 2006, the NCA allowed raising the height of the Sardar Sarovar Dam to 121.92 metres (Dharmadhikary; 2006). The maximum height of the dam has been recommended at 138.68 metres (455 ft).

3.4 Role of Narmada Bachao Andolan and other Non Governmental Organisations:

A number of NGO’s/ People’s organizations started working in this region. Some of them studied the socio-economic condition of the affected people while the others started to work on ground level by helping the resettled people in selecting the land etc. The issues like availability of health care facilities and other basic infrastructure in the resettlement sites have been taken up by some other organizations.

The first resentment over the construction of the Sardar Sarovar Dam was initiated in 1985 when the people organised and demanded better rehabilitation of the people in the affected villages in Gujarat and Maharashtra. In February 1986, the Narmada Dharangrastra Samiti was formed in Gadher village in Maharashtra. Later in 1989, both of the above organisations were merged and renamed as Narmada Bachao Andolan (NBA) to fight for peoples’ survival in the valley and spread over the three states of Gujarat, Maharashtra and Madhya Pradesh. Soon after its

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64 Shripad Dharmadhikary (2006); “Requiem for a River”, The Hindu; 16th April 2006.
formation, the NBA openly opposed the dam by adopting the path of non-violence and held various protest marches, satyagrahas and blockades. Andolans were started for the survival of the tribal and hill people in the valley. Between December 1990 and January 1991, the NBA marched a rally at Ferkuwa that resulted in the formation of an Independent Review Committee constituted by the World Bank, which was funding the SSP.

Earlier, the NBA placed the question on the viability of the large dams and considered these as a symbol of destructive development. But in the later stage when the government resumed the construction work on the dam and expressed its inability to shift the stand, the NBA shifted its endeavour on the issues of proper resettlement and rehabilitation of the people affected by the submergence. In this way, it played a pivotal role in raising the social issues of the people displaced and uprooted by the development projects. It started a public and academic debate on issues concerning development models, conflicting knowledge systems, the role of multilateral agencies and corporate capital, the position of judiciary in public policy, the nature of India’s democracy and the scope of activism etc.

The Anand Niketan Ashram (ANA) an NGO is working for the rehabilitation of resettled families under the direction of Shri Harivallabh Parikh, popularly known as old Gandhian tribal leader. Parikh and his team established gobar gas plant at some sites, educating the people to invest the compensation money in income generating assets. Some other organizations such as Rajpipla, a Social Service Society under Dr. Mathew Kallathial popularly known as father, Association for Rural Community Heath (ARCH) and Yuva Chhatra Sangharsh Vahini, Mangrol headed by Dr. Anil Patel, too, worked for the resettled people in the initial years of the resettlement. Similarly ARCH-Vahini helped the affected people in searching appropriate land for them.

The development in agriculture and irrigation has been undertaken by Narmada Rural Development Society, Institute of Studies and Transformation (IST) and Sharmik Vikas Sansthan. Mrs. Sita Ramanathan, chairperson of Narmada Rural Development Society adopted Thapavi resettlement site for agricultural development. She prepared lift irrigation programme and distributed mini-kits for irrigation. Jagdish

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Nazarath of IST has also worked for agricultural development in the resettlement sites and experimented drip and sprinkler irrigation. He also studied the micro nutrients of the soil in the area. Sharmik Vikas Sansthan under the guidance of Dr. Bhaskar Vyas and Shri Nayak Bhatt developed irrigation institutes at five resettlement sites. This sansthan has selected the youth coordinates and established 13 Gram Vikas Kendras for community development.

The development in health and education has been undertaken by Shivanand Mission, Rajkot and Dipchand Gargi Charitable Trust. The Shivanand Mission has organized eye camps at various resettlement sites by Dr. Adhvaryoo, an eye surgeon. Lions Clubs of Ahmedabad and Surat have worked for rehabilitation and environment protection. Narmada Abhiyan movement has been started for environment awareness. Medical checkup camps have also been organized at resettlement sites.

The infrastructure facilities such as construction of school buildings etc. at the resettlement sites have been developed by Sankat Nivaran Society, Ahmedabad. Satmarg Foundation, Ahmedabad has adopted Malu resettlement site for training cum production centre. It was financed by Girish Bramhbhatt, an industrialist. Nehru Organisation for Mass Movement has adopted five resettlement sites for their total development. It has planned to develop 25 training cum production centers for resettled as well as local families.

Sadvichar Parivar, an Ahmedabad based NGO has selected Khadgada, Gadkoi and Suka resettlement sites for the development of resettled families. Antar Bharti has taken up the environmental aspect and planted trees around Kewadia Colony. Lok Adhikar Sangh also worked for these people. Blind men’s Association, Ahmedabad has trained the blind and handicapped persons of Khadgada resettlement site.

3.5 Conclusions:

The idea to harness the water resources by the construction of dams on river Narmada and its tributaries was started at the time of independence. Sardar Sarovar Project is one of the major 30 projects of Narmada Valley Projects. It is the only project on river Narmada involving the three riparian states. Various studies have been conducted by the different departments of the central government and concerned
state governments. The Central Waterways Irrigation and Navigation Commission (CWINC) conducted the first survey in 1947 and recommended the construction of dam on river Narmada near Gora village with a height of 161 feet. After the recommendation of CWINC (now renamed as Central Water and Power Commission), the Planning Commission and Khosla Committee also conducted studies and endorsed the recommendation of construction of dam on the river with an increase in height to get more benefits.

The various commissions and committees had recommended the construction of dam in Gujarat with an increase in height. Hence, the other two states i.e. Madhya Pradesh and Maharashtra registered the complaint to the Central Government. Resultantly, the central government constituted Narmada Water Dispute Tribunal (NWDT) in 1969 to resolve the conflict over different issues including resettlement of the displaced people. At that time resettlement of the affected families became the major issue. After the submission of its recommendation in 1979, the various authorities and committees such as NCA, RCNCA, SSNNL, SSPA, GRA, Pamela Cox Committee, The Five members Group Committee, Shunglu Committee (Oversight Group), Daud Committee, Desai Committee had been constituted by central government and concerned state governments from time to time. The resettlement of the Sardar Sarovar Project affected people was the central objective of all these committees.

Till the mid of 1980’s, the government agencies were involved on the resettlement issues. But in 1980’s, the political agitation was started with involvement of NGO’s, People’s organization, and social activist. The Narmada Dharangrastra Samiti (renamed as Narmada Bachao Andolan in 1989) has highlighted the problems of large scale displacement of tribals and other related issues. As a result of these activities, the World Bank sent the Morse Commission to study the displacement and resettlement of the tribal people in the area. After the recommendation of the Morse Commission, the World Bank directed the state governments for proper rehabilitation. However after some time, it withdrew the financial support from the SSP. In the later years, the government of Gujarat took the help of NGO’s like ARCH-Vahini, Anand Niketan Asharam, Social Service Society, Sharmik Vikas Sansthan, Narmada Rural Development Society, Institute of Studies and Transformation, Shivanand Mission and so on. These NGO’s worked in various areas in the process of resettlement such
as identification of agricultural land for compensation, number of families affected in the submergence areas, socio-economic condition of displaced families in their old villages, development of infrastructural facilities in the resettlement sites, spreading education and training programmes in the resettlement sites, and so on. Some of them helped in providing health awareness and other issues through camps.