Chapter 3
Antecedents and Conjectures

3.1 Introduction

The historical story of the Sardar Sarovar Project is filled with continuities and discontinuities. In order to bring this to full light, we are following a periodization frame highlighting benchmark events and structures in the following narrative. One of the most popular benchmarks for periodization of any historical processes that have to be chronologically sequenced involves not only the calendrical dating but also the highlighting of benchmarks drawn from the endogenous variables about which one pays attention to. It could be the chronology of events that have happened or certain ruptures or even structural changes and continuities. The issues surrounding the Sardar Sarovar Project have been likewise periodized by employing the benchmarks drawn from the juridico-political framework.¹

3.2 Riding on the Nehruvian Model

About mid-40s, several irrigation and flood control projects were being embarked upon under the so called ‘post-war development’ policy of the then colonial government. The first period in the process of building the Sardar Sarovar dam happened during this phase in Indian history from 1946² to 1961 (15 years). The reason given for such a periodization with specific terminal year is that

¹ The Gujarat & other Government Websites, SSNNL, NVDA, NCA websites, World Bank Report (1992) and books written on Narmada issues by various scholars use the juridico-political frame to narrate the historical account of the issue and related struggle. Sangvai (2002), Baviskar (2005), Dwivedi (2006), Wood (2007), Klingensmith (2007) and many other books follow this frame when they explain the history and events that constitute the story of the Sardar Sarovar Project construction.

² The List of Dates and Events in the SSNNL website indicates 1946 as the first event in their narration of the story of the Sardar Sarovar project. The Supreme Court (SC) endorses this fact thus:

In 1946, the then Government of Central Provinces and Berar and the then Government of Bombay requested the Central Waterways, Irrigation and Navigation Commission (CWINC) to take up investigations on the Narmada river system for basin-wise development of the river with flood control, irrigation, power and extension of navigation as the objectives in view. The study commenced in 1947 and most of the sites were inspected by engineers and geologists who recommended detailed investigation for seven projects (SC Majority Judgment, 2000)
it was during this period that Sardar Sarovar dam was conceived and in 1961, Pandit Jawaharlal Nehru laid the foundation stone at Gora in Gujarat. What is to be noted here is that this period overlaps with the period of the British Raj in India and carried over to post-Independent India. That is, this period has witnessed both colonial and post-colonial India. For instance, “The first serious study of the development of the whole basin began in 1947.” (McCully, 1996) After independence these investigations were taken up by various government committees which proposed numerous dams across the Narmada and its tributaries. Nevertheless, the first proposal to construct a large dam, which was a precursor to SSP, came forth only in 1959 (Paranjapye, 1990).

By 1955, Central Water and Power Commission (CWPC) identified sixteen project sites, and in 1956 it proposed a 160 feet dam. In 1959, CWPC submitted the project proposal to the then Bombay government. This was the beginning of the ‘dream’ of Sardar Sarovar, which subsequently underwent radical changes in scope. (Sangvai, 2002:11-12)

But then, the realization, in terms of laying foundation stone, occurred only in 1961; (Morse & Berger, 1992) that is, during the well known Nehruvian era. This era heralded the developments that were yet to come. The central idea was capital intensive industry and infrastructure build up as precondition for development. The

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3 The following is an official write up by the SSNNL, the government-owned corporation for the construction of the Sardar Sarovar project. It is clear that Jawaharlal Nehru did not lay the foundation stone of SSP but a much smaller dam near Bharuch. As mentioned elsewhere, claim that Nehru laid foundation stone for Sardar Sarovar Project (which is slated to attain the height of 139 metres at the completion) is just a façade.

The plan for harnessing the river for irrigation and power generation in the Narmada basin was initiated in 1946. Seven projects including the Bharuch project were identified during the initial Survey and 4 projects Bharuch (Gujarat), Bargi, Tawa and Punasa in Madhya Pradesh were given top priority for investigation. After the completion of investigation, the proposed dam at Gora in Gujarat with the full reservoir level (FRL) 161 ft (49.80m) was selected and the foundation stone was laid by the late Prime Minister, Pandit Jawaharlal Nehru on 5th April, 1961. However as more detailed, modernised contour sheets from the Survey of India were available thereafter, possibility of raising the height of the dam for optimum utilisation of water was considered (SSNNL-History).

4 This periodization is the most accepted one, although such a periodization is not available in black and white; however, in many of the speeches of Medha Patkar as well as the World Bank’s periodization also such a tendency to follow the juridico-political based periodization can be found. Indeed, there are different periodizations, for instance, see (Sangvai, 2002)

5 Although we have given the year of the investigation as 1946 in this paragraph itself here we are giving the year 1947. One may find that there is some discrepancy. But in fact there is no such a slippage, as the year is 1946-1947.
quotation that is invoked below points to this and we will be returning to it in the subsequent chapters.

At that time there were two models of development open for the policy makers. The first one is the famous Gandhian model of development which was aimed at minimization of wants to meet the lesser supply and second was the Nehruvian model which was aimed at the maximization of supplies to meet the increasing wants of people. You can see the diametrical opposition between these two models of development. … However the untimely demise of Gandhi (January 30, 1948) had put an end to his concept of development and Nehruvian model remained the only alternate available for the policy makers. (Mahapatra, 2009)

There were a few events of resistance to dams and displacement before Independence as Mahapatra says. But what he assumes about Gandhi’s position on dams is not fully true. Even Mahatma Gandhi had limitations when faced with the politically complicated situations where he chose to be diplomatic when his support for resistance was not politically viable. We do not see much mention of Gandhiji criticizing mega dams as his overall perspective warrant. A good example is the Munshi valley protest (1921) which broke out near Pune in Maharashtra against the hydropower dam built by the Tata Company. Sanjay Sangvai wrote about this struggle thus:

“The peasant’s organization in the Maval area in Maharashtra raised concerns about displacement and submergence of the farming community, fertile land and well-settled villages. They questioned the claims of benefits of electricity from the dam to the Bombay industries at the cost of destroying agriculture. Leaders of the Munshi peasants, like Senapati Bapat and Vinayak Bhuskute confronted the ‘capitalists’ like Tata and vowed to protect the interest of peasants. They challenged the ‘public purpose’, the cost-benefit analysis of the dam, and asserted the priority of social good and the cultural rights of the larger community over the benefits of the few. They continued their position with novel methods, despite the fact that Gandhiji did not favor their stand. In 1924, Bapat declared *Atma Samarpan* (self-sacrifice) to oppose the dam. This was the first anti-dam people’s movement in India…” (Sangvai, 2002: 37)

The hegemonic impact of modernization as the primary goal of the nation state was so strong that occasional and inconsistent resistance withered away in the absence of a convincing and tangible people’s movement. This era, hence is known for its high fervor for development to ‘catch up’ with the already advanced countries in

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6 Though the Gandhian thought stream continued to influence people and grassroot movements, it never gained relevance in the mainstream economics and politics.
the Northern hemisphere. Mammoth dams were considered, all over the world, as a panacea for growth and progress. This is well captured in the following excerpt.

Turning dammed rivers into synonyms for nation building, however, did not spring unadulterated from the breasts of technology enthusiasts. Rather, the enthusiasm for the modern large dam had been derived from many of the troubled forces that had overwhelmed capitalism in the early decades of the twentieth century—the Great Depression in the United States, the crisis of capitalist overproduction, and the brutal failings of the free market. It was in the vortex of near desperate interventions to save capitalism through the New Deal, Keynesian-style economic pump priming, and the crafting of capitalist planning that the comprehensive control of the Tennessee River through a series of multipurpose large dams was assembled. Under the aegis of the Tennessee Valley Authority (TVA), dams placed across the Tennessee River were expected to transform the region into an economically dynamic and modern productive landscape. The TVA model was soon to mark a profound hydraulic departure by kick-starting the post-Second World War global obsession for large dams. (D'Souza, 2008)

We have seen earlier that Klingensmith also referring to how the TVA has become a model for water development in many parts of the world (Klingensmith, 2007). India too adopted this vision of modernization to capture the nature’s ‘resource that is being ‘wasted’ into the sea. The new temples of development and growth i.e. industry and infrastructure required huge capital towards this process. Jawaharlal Nehru’s (India’s first Prime Minister) speech while inaugurating the Bhakra main canal in 1954 is worth invoking here: “Bhakra Nangal Project is something tremendous, something stupendous, something which shakes you up when you see

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7 Philippe Cullet observes that

The SSP needs to be understood in the broader policy context that has evolved over the nearly 60 years that have elapsed since a dam was first proposed. Throughout the first part of the twentieth century, big dams were seen in the North as one of the solutions to a number of issues. Big dams could, for instance, generate electricity; provide water for irrigation, industrial use and domestic use; store water for use in dry seasons or for transport to water-scarce areas; and contribute to flood prevention. All these perceived benefits led to a construction boom that lasted for several decades. As a result of these efforts, the North has used up 70% of its hydroelectric potential. Dam building in the North declined sharply in the second half of the twentieth century. This was due in part to the realization that the benefits of large dams were not as important as expected and in part to the growing realization that big dams had many more negative impacts than has been envisaged at first. (Cullet, 2007: 2)

8 India’s overwhelming preoccupation was to become an advanced country like Britain or United States of America. Although India did not have adequate financial capacity to fund capital intensive investments of the sort, it targeted to meet such investments with the aid/credit from other nations and international financial institutions.
it. Bhakra, the new temple of resurgent India, is the symbol of India’s progress.” (BBMB)

At yet another occasion also he expressed his veneration towards such mammoth dam projects. This speech was made when he addressed engineers and scientists:

*When I walked around the site, I thought these days, the biggest temple and mosque and gurudwara is the place where man works for the good of mankind. Which place can be greater than the Bhakra Nangal Project … Where can be a holier place than this, which can we regard as higher?* – (Khagram, 2004: 33)

By now, the ambiance in which the big dams became recognized as the surest path to development and the manner in which they got realized through large scale investment is evident. Nehru was not only symbolizing big dams but also venerated human labor/works of progress as true devotion replacing traditional ritualistic worships in religious places aiming at human salvation – *moksha*. He found human collective efforts at the work site sufficiently symbolic to inspire and motivate the resurgent India to move towards modernization. This movement was considered as the new way of seeking *moksha* from so called underdevelopment and poverty.

Although Nehru conceived the idea of ‘modern temple’ it was not without counter points. One example can be seen in his own speech which he delivered in the year 1958, that is, within a short gap of four years. He stated that big dams turned out to be a “disease of gigantism”, in a speech entitled ‘*Social aspects of small and Big Projects*’. This shift towards Gandhian model of development is evident in the following quote from Nehru’s speech:

*It is the small irrigation projects, the small industries and the small plants for electric power, which will change the face of the country far more than half a dozen big projects in half a dozen places………*

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9 Sanjeev Khagram quoted from (Varma & Saxena, 1989:17)

10 Many Scholars have since quoted this statement of Nehru to show the inherent dilemmas of development posed during the 1950s and 60s over against the dominant notion that India was going all out for big infrastructure projects with a single minded vision. The speech is reprinted in a volume of Nehru's speeches on science and society published by the Nehru Memorial Museum and Library in 1988. (Guha, 2005)
Therefore, real value of a development lies in spreading out its influence all over India so that more and more of people can benefit by it. Thus the social value of a vast number of small projects is much greater than that of one, two, three, four or five big projects. (Thakkar, 2006: 11)

This shows that within the general ideology, there were ambivalences and counter points as well; but the predominant or the surest path was that laid with massive boulders.

Now returning to the question of periodization, we find that it is incredulous to follow conventional periodization i.e. to begin or find the initial point in the year 1946. Even in terms of calendrical year, there were historical antecedents that properly belonged to earlier periods. It is worthwhile to problematize such periodization which pitches the beginnings during the mid-1940s. This problematization is conducted not merely to question the conventional employment of such initial years or historical beginnings. With this awareness we turn our attention to the colonial antecedents.

3.3 The Colonial Antecedents

Although, the conventional periodization begins from 1946, we know that thoughts about damming the River Narmada have antecedents much before 1940s. One example would be sufficient to shed light on this point. The British in India\textsuperscript{11} during 1863 had already visualized to tap the waters of Narmada and its tributaries along with others for irrigation purpose.

A British entrepreneur first proposed damming the Narmada River in 1863, soon after the British Crown seized direct control of most of the Indian subcontinent. Colonization wreaked havoc on traditional methods of local water harvesting. The British levied heavy taxes on villagers to fund centralized water projects designed to irrigate crops for export to the colonial market. They abolished customary rights to water and land, driving many villagers into destitution. The social relations and physical structures that underpinned local water harvesting systems sank into disuse and disrepair. (Levin, 2004: 4-5)

The intention, as it is evident from the above quote, was to irrigate the agricultural lands in Gujarat, so that the drought prone area could be retained as

\textsuperscript{11} Patrick McCully states that the idea came from a British entrepreneur. ‘The first recorded proposal for damming the Narmada River and diverting its water to irrigate crops in Gujarat was made by a British entrepreneur in 1863’ (McCully, 1996)
arable even if draught hits cultivation occasionally. The observation we have to reaffirm is that the genealogical antecedents of Narmada dam goes back to 19th century: “The idea of damming the Narmada was discussed as far back as the late 19th century during the days of the British Raj.” (NBA)

Another antecedent would be the construction of a barrage near Baruch in the year 1901 as mentioned in the Report of the first Irrigation Commission. This indicates that by the nineteenth century itself the British had sufficient experience and expertise in constructing dams and canals and other modes of artificial irrigation.

Close to nineteenth century according to sources of irrigation; canals irrigated 45 %, wells 35 %, tanks 15 % and other sources 5 %. Famines of 1897-98 and 1899-1900 necessitated British to appoint first irrigation commission in 1901, especially to report on irrigation as a means of protection against famine in India. As a result of recommendations of first irrigation commission total irrigated area by public and private works increased to 16 Mha in 1921. From the beginning of 19th century to 1921 there was no significant increase in tube well irrigated area. During 1910 to 1950 growth rate of irrigation was estimated at 2.0 % per annum for government canal irrigation, 0.54 % per annum for tube well irrigation.

The point to note here is that traditional extensive rain-fed agriculture was prevalent in many part of Gujarat, especially Kutch and Saurashtra. Crops were cultivated during the rainy season as well as the winter seasons. On river banks and lake shores, there was cultivation even in summer. The irrigation that was made possible due to the SSP made it possible for farmers to harvest three crops a year. It also saw a shift from food crops to cash crops like cotton and sugar cane. The shift is from cultivating for ‘sustenance’ to cultivating for ‘consumption’. Narmada waters made possible intensive farming through which ‘agricultural growth’ was increasing. The other side of the story is that this happened at the expense of drowning subsistence villages and almost 250 kms of fertile, rich, irrigable river bank. Indian People’s Tribunal reports that only 1.6% of the total irrigable area of Kutch and 9% of Saurashtra farm lands comes within the command area of SSP. (Patil, 1993: 6)

It is to be noted that the British appointed the first irrigation commission in 1901- ‘The first Irrigation Commission, in its report of 1901, mentions a barrage near Bharuch’. (Sangvai, 2002:11)

The industrial irrigation culture in the Europe and United States was well advanced by the first half of the 20th century. Though dams have a history dating back to several hundred years, colonial period, with the increasing demand for food production and management of floods saw a more concentrated effort by the State to construct larger dams. The first Mega dam is claimed to have been constructed by United States known as the Hoover dam, built across Colorado River in 1936. This possibility for larger dams coincided with the improvement in technological know-how and production of large machines that can remove earth, lift and carry heavy weight and capital intensive research and marketing procedures.

Under the British Raj, dam building escalated. British engineers constructed some of the most advanced dams and canals in the world on Indian ground and by the time the Union Jack was lowered in New Delhi in 1947, they had put down 75,000 miles of irrigation canals to water the subcontinent’s most valuable farmland. (Ward, 2003)
annum for well irrigation and 0.98 % per annum in respect of irrigation from all sources. (Michael, 2008:59-61)

In fact, the British had been successfully implementing such large dam constructions elsewhere in India as well.\textsuperscript{15} “(T)he era of modern irrigation, witnessed the construction of several large canal irrigation schemes with permanent head works such as the Godavari system (1852), Ganges Canal (1854) and the Krishna system (1855)” (D’Souza R., 2008).\textsuperscript{16} But construction of a dam across the Narmada River got delayed as late as 1958 (beginning of Tawa dam) due to various reasons. As discussed earlier, a barrage near Bharuch was planned by the British which got postponed due to lack of feasibility for financial investment because of the alluvial soil in the Bharuch region which was considered not suitable for canal irrigation. (Sangvai, 2002:11)\textsuperscript{17}

Apart from this, lack of cost effective technology to build canals in the kind of geographical terrain and lack of scientific studies like volumetric flow rate generated through normative flow studies, the construction of the dam could not take place at that time. Here what we have to stress is the question of authentication. That is, scientific knowledge had to precede any execution of economic program like construction of dam which incurs heavy capital investment.

\textsuperscript{15} British have built several dams in different parts of India, many of which have now become a threat to the current populations. The Mullaperiyar dam is one of the examples.

India already has 128 large dams that are older than 100 years and additional 476 that are 50 to 100 years old. In addition, there are 202 dams for which the government does not even know the age! All of these are likely to pose a grave risk to the people, lands, livelihoods and environment. In fact, any dam is a ticking time bomb if not operated & maintained in a safe way. Unfortunately we have no credible mechanism to ensure that. (Thakkar, 2011: 3)

\textsuperscript{16} Such dams had multifarious consequences; of which erasure of local wisdom is one of the most important one.

“These big-engineering efforts, in several ways, had profound transformative impacts. The civil engineer and the bureaucratic control of water, in particular, soon caused the expropriation of the skills of the local irrigator and unsettled the “fluvial wisdom” of the community.” (D’Souza R., 2008).

\textsuperscript{17} The current Narmada district where the SSP is situated was earlier a part of Bharuch district. If a barrage or dam comes up in the Narmada, the water has to be taken through to the northern parts via canals. Even today, this region is considered prone to water logging. However, ‘the ‘deep, pure black soil’ of Bharuch-Ahmedabad area was not considered right for canal irrigation. Even in the Narmada Valley, such irrigation was not favoured.’ (Sangvai, 2002: 11)
The relation between the state and science is well revealed here. State with its economic and political will may have plans for future, at the same time they could be executed only after gaining scientific consent of specified institutions. This is one of the inferences that could be made from such a postponement or non-deployment of state apparatus in the field of economy. Besides this intricate relation between state and science, we also witness the effectiveness of political expediency as yet another factor for non-commencement of the dam project at that time as the business class was reluctant to delve into uncertain terrains of investment for their calculus intimated them that such a project is not cost-effective and therefore non-profitable.

What brings to light from the foregone discussion is that the notion of constructing big dams, especially on Narmada, predates 1946 and there were several predilections that had to be overcome for accomplishing such a dam project. Perhaps the beginnings of the history of damming of Narmada and its

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18 We may recall here Nehru’s belief in scientific temper, science as saviour, science as solution to human predicament. The nexus between science and state has been widely discussed. Modern state cannot survive without science and technology which intensifies the economic production process. Capitalist production process and modern state, both are inter-dependent on the advances in science and hence scientific opinion is held in high regard.

19 The Gujarat State before 1960 was part of the Bombay State. The northern part was mostly populated with Gujarati speaking people while the southern part was dominated by Marathi speakers. Though the regions of Bharuch were under the direct rule of the British, Baroda was a princely State having good relations with the British. The Gaekwar ruled Baroda State had embraced modern science and technology (read: irrigation) with such a fervour that in 1941-'42, Baroda State proposed to build a dam across river Sabarmati (Dharoi Dam). The dam was to supply irrigation through canals to certain talukas in Mehsana district that came under Baroda State jurisdiction and if British India agreed, canals could be extended to provide irrigation to part of Ahmedabad district. However, Ahmedabad Municipality of that date saw in this dam a threat for the functioning of its water works (i.e. Sabarmati river flow based urban water supply schemes) and wrote strongly worded letter of protests to Bombay Presidency government. High social implications such as displacement never seem to have troubled the technocrats and planners.

After Indian independence and the Partition of India in 1947, the new Indian government grouped the former princely States of Gujarat into three larger units; Saurashtra, which included the former princely States on the Kathiawar peninsula, Kutch, and Bombay State, which included the former British districts of Bombay Presidency together with most of Baroda State and the other former princely States of eastern Gujarat. In 1956, Bombay State was enlarged to include Kutch, Saurashtra, and parts of Hyderabad State and Madhya Pradesh in central India. The new State had a mostly Gujarati-speaking north and a Marathi-speaking south. Agitation by Marathi nationalists for their own State led to the split of Bombay State on linguistic lines; on 1 May 1960, it became the new States of Gujarat and Maharashtra. The first capital of Gujarat was Ahmedabad; the capital was moved to Gandhinagar in 1970. (Gujarat, 2014)
tributaries, as already mentioned, stretch back to the second half of the nineteenth century. Both the reasons for visualizing such a dam project on Narmada and the reasons for not accomplishing its implementation during the colonial period, although they have visualized it and executed numerous such damming projects elsewhere, could be, perhaps, reasons inherent in the colonial practices of the British in India and investment initiative by the Indian capitalists. In short, the reasons could have cropped up from endogenous factors although the lead was taken up by the British in India.\(^\text{20}\)

3.4 Water as Resource

From 1863 onwards the State began to treat Narmada River as a ‘resource’ which was typical of economic rationality or Enlightenment rationality. Everything and anything could become resource to meet the demands of the human beings. The aesthetic and cultural value of river and water collapsed into the economic and the social, determined by the application of instrumental rationality that perpetrates scientific development. The representation of water as life giving source was modified into water as a commodity which can be utilized for enhancing economic production. In this process state and science played a synchronized role to expand the space of political domination (Gilmartin, 2003: 5057-5065). In the case of rivers, as they were seen only as a resource, they were either dammed or diverted from their natural course or different rivers were linked up. Such attempts could be characterized as ‘developmental modernity’ rather than ‘colonial modernity’\(^\text{21}\) or

\(^{20}\) The British clearly initiated a break from traditional and customary practices of water management prevalent in India. This citation from D’Souza highlights this point well.

“In the early nineteenth century, however, British colonialism initiated a radical break in both technique and hydraulic principle by introducing perennial canal irrigation in several parts of the South Asian subcontinent. For the first time, permanent headworks in the form of barrages and weirs were thrown across riverbeds, and their waters were diverted through intricate and extensive canal systems. These barrages and weirs were equipped with a series of shutters to regulate flows by impounding water during lean seasons and diverting it into canals; and, on the reverse, the shutters could be flipped open to release waters during the river’s peak discharge.” (D’Souza R., 2008)

\(^{21}\) Hamid Dabashi developed the concept of colonial modernity in his book ‘Theology of Discontent’. (Debashi, 2005) It is based on a perception of European Enlightenment modernity as a paradox which colonial non-European subjects have to live with. The concept of Developmental modernity (refer FN 22, Chapter One) is different from this concept.
‘our modernity’. Such choice of framing that age, it is particularly significant for legitimation of such dams and other operations on rivers which were taking place in the name of development; despite the fact that State was well aware of the displacement due to damming. This implies that justification for whatever were calculated as the ‘negative externalities’ is achieved through developmental window dressing.

Of course, as we have already noted, the history of operations on and treatment of Narmada has long and at times had sporadic history since 1863, but

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22 Partha Chatterjee’s conception of ‘Our Modernity’ goes thus,

...that by teaching us to employ the methods of reason, universal modernity enables us to identify the forms of our own particular modernity (Chatterjee P., 1997: 9)

...Ours is the modernity of the once-colonized. The same historical process that has taught us the value of modernity has also made us the victims of modernity. Our attitude to modernity, therefore, cannot but be deeply ambiguous. (Chatterjee P., 1997: 20)

This study argues that while ‘modernity’ has its numerous variable perceptions, the legitimation and delegitimation of ‘development projects’ happen in the domain of developmental modernity.

23 Guha (2005) and Thakkar (2011) refer to a speech by Jawaharlal Nehru at the 29th annual meeting of CBIP, Nov. 17, 1958 which shows his perception and awareness of the debates. A detailed version is given below:

For some time past, however, I have been beginning to think that we are suffering from what we may call, “disease of gigantism”. We want to show that we can build big dams and do big things. This is a dangerous outlook developing in India… the idea of having big undertakings and doing big tasks for the sake of showing that we can do big things is not a good outlook at all.

We have to realize that we can also meet our problems much more rapidly and efficiently by taking up a large number of small schemes, especially when the time involved in a small scheme is much less and the results obtained are rapid. Further, in those small schemes you can get a good deal of what is called public co-operation, and therefore, there is that social value in associating people with such small schemes…

You (the president of CBIP) have said just now in your address that the cost of production in a small project is great. I am not at all sure if that is so, because the cost of a small project has to be judged after taking into account all the social upsets connected with the enormous concentration of national energy, all the national upsets, upsets of the people moving out and their rehabilitation and many other things, associated with a big project. Also it takes a long time to build a big project. The small projects, however, does not bring about these upsets nor does it involve(s) such a large endeavor…

It is the small irrigation projects, the small industries and the small plants for electric power, which will change the face of the country, far more than half a dozen big projects in half a dozen places…

Therefore, real value of a development lies in spreading out its influence all over India so that more and more of people can benefit by it. Thus the social value of a vast number of small projects is much greater than that of one, two, three, four or five big projects (Thakkar, 2006: 6).
the history of dissent against the onslaught of damming of it and treatment of its water as a resource alone begins much later. This means, state had to self-legitimize with the coming of contest, but ‘development’ had been a phenomenon that was self-solacing as far as the governmental agents were concerned. They had the compelling need to solace themselves as they were quite aware of the causes and negative consequences of mammoth dams, “the disease of gigantism”, across rivers. This felt need is all the more intense while the negativities had to be expediently overlooked. The ideals that one uphold, the expediency to which one has to succumb and the general socio-political conditions that make them to face the predicament together generates a situation which circumscribes the decision makers with new or altered situations. That is what one could tentatively propose at this juncture. However, we will return to this in the subsequent chapters. The consequences of resolving such a predicament or facing it lead us to another kind of discussion.

3.5 Cognitive Dissonance of the state

The futurization of the present causes moral and ethical demands on human rationality. In the face of such demands, it is quite clear that there are conflicting ideas/thoughts which are at work. At such contexts, it becomes more difficult to maintain truthfulness in means as well as ends. This conflict may be understood as a ‘cognitive dissonance’, a situation in which one is faced with

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24 Gandhiji has remarked that ends will not justify the means. He asserted that the means also have to be noble.

25 Cognitive Dissonance is a term which is used mainly in the field of Psychology. However it has theoretical relevance as far as this study is concerned. When a mega dam is promoted as credible and authentic form of development, the biased and reductionist theoretical frameworks are generally overlooked, leading to irrational conclusions. The concept of Cognitive Dissonance helps us to understand this in a better manner. Leon Festinger coined this term while explaining the behaviour of the followers of a UFO (unidentified flying objects) cult. The work was called When Prophecy Fails (1956). He theorized on how and why people hold on to core beliefs even when reality clashes with their beliefs. Cognitive dissonance is extensively discussed in social psychology. (Festinger, Riecken, & Schachter, 2012)

According to Festinger, people go through an inner process called “dissonance reduction”. Whenever a person experiences dissonance due to factors that challenge his/her core belief, they either adapt or rigidly hold on to their positions, depending on variable factors (Festinger, 1957). For the purpose of our study, legitimation and delegitimation happens through creating dissonance and consonance to challenge and convince others. This concept enables a social-psychological understanding of certain behaviours and attitudes of the contestants who are engaged in the process of legitimation and delegitimation.
opposing/conflicting thoughts which are not easily soluble. But human tendency is to resolve these since without resolution and presumed clarity, it is difficult to proceed with further plan of action. Different groups and individuals may find different solutions when faced with a similar situation. This is because the reasons/rationale in which they operate or reflect may vary. The important point to note is that many of the end results of resolving a crisis/conflict may (cognitive dissonance) end up in creating more conflicts and difficulties, creating more cognitive dissonance and the need of self-consolation become unavoidable. This cycle goes on until and unless one is able to resolve a crisis/conflict in such a way that it results in balance and peace of mind. The question to ponder is what could be considered as legitimate rationality? Many a times what is thought to be irrational could help to resolve conflicts in the most amicable manner.

This leads us to question the role and validity of existing frameworks of understanding development, its rationality, conceptual possibilities and perceptual limits. To make things more clear, let us take the example of resolving the water needs of the State of Gujarat. Gujarat began planning for Narmada waters, not because there was an immediate crisis. But it is clearly stated in many texts that it was the result of planning for future development, not to rectify any immediate crisis, but for contributing to the soaring GDP of Gujarat.

This rationality of perceiving river water as a resource and capturing and concentrating on it for future use, is questionable. For example, in Gujarat, a water crisis was projected to take place in 2025. This projected ‘future scarcity’ was one of the legitimizing factors of the SSP. The need to meet one’s daily water requirements for sustenance and happiness is replaced by accumulating and storing for future needs. When this accumulation is done at the expense of the riverine population who depend on this resource for survival, it becomes political and  

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Though the populist campaign materials project SSP as a dire need for Gujarat State, the official documents and Detailed Project Report gives another picture. Even the name given to the DPR is ‘Planning for Prosperity’, a futuristic term (NPG, 1989). Gulati et.al. highlights this point thus:

Although as of now, the SSP directly serves less than 100,000 ha, it can help Gujarat sustain its present agricultural growth in future provided the complex issues in creating distribution system are resolved expeditiously. (Gulati, Shah & Shreedhar, 2009: 11)
questionable. This type of rationality, when applied to resolve a perceived socio-economic short coming (in this case, ‘Scarcity’ of water) proliferate the creation of more conflicts (snowballing effect). The cognitive dissonance regarding whether to go for a small dam or mega dam, (this was the initial conflict – Gandhiji’s small vs Nehru’s big, even Sardar Patel’s big) ended up as a conflict of interest between livelihood rights of the people in the Narmada valley and the industrial aspirations of Gujarat government for centralizing ‘Natural Resource’\textsuperscript{27} for accumulation and privatization.

The separation of the State of Gujarat from the Bombay State in 1960\textsuperscript{28} along linguistic lines necessitated the initiation of measures to integrate the people of Gujarat, especially the people of Kutch and Saurashtra region. Kutch is the largest district in India. It is a well known fact that during the State division process on linguistic basis, the people of Kutch wanted a separate State since they speak a language close to Sindhi rather than Gujarati. In order to appease the people of Kutch, several promises were made in terms of prosperity, security and peace. The desertification of Kutch due to various reasons and the out migration of people from that region was a real crisis. Saurashtra too (earlier Kathiawar) was a separate State before being merged into Gujarat. Mega industrial projects that gives a stake to all regions was one of the means of political integration and cooption. This had a bearing on the kind of resolve shown by the Gujarati industrial class to go for a Mega Project in spite of irreparable damages to environment and immittigable social consequences.

Added to this, the SSP costs has gone up from Rs 6406.04 crores (1986-87) to almost Rs 70,000 crores by 2012 (22% of the total expenditure as on 31 March 2001 on debt servicing and interest charges (CAG audit) (TISS, 2008: x, 48, 57),

\textsuperscript{27} The usage natural resource is given in single quotes because there is no such thing as natural resource. It is this very perception of representing nature’s bounty as ‘resource’ which leads to destruction of nature in the name of development.

\textsuperscript{28} The former princely States of Kathiawar and Kutch were grouped into the new province of Saurashtra and Kutch, which became a States in 1950. In 1956, both were merged into Bombay State, and in 1960, Bombay State was divided along linguistic lines into the new States of Gujarat and Maharashtra. Kutch and Saurashtra thus became part of the newly formed Gujarat State.
which may allow us to consider an element of irrationality in the resolve by the
dam builders in Gujarat\textsuperscript{29}.

Cognitive dissonance is once again important for the elaboration of this
situation. When one is confronted with an idea or thought that poses a challenge to
our existing thoughts and ideas, what we consider as legitimate for us, the resulting
conflict poses a challenge to our so-called legitimate ideas. Some people may
ignore this conflict, but only at the peril of their peace of mind. Some others
suppress the conflict and keep on behaving in the same manner as they used to
behave, but the conflict persists. Yet others may live with the conflict, by
oscillating between the conflicts, showing inconsistent behavior. A few may accept
the new thought and leave the earlier idea. In all these patterns of behavior, what is
at stake is the question of what legitimates authority, on what basis, on the basis of
what logic, by what rationale or non-rationale dispositions do we resolve cognitive
dissonance. Here the question of rationality comes to forefront, for instance, whose
rationality has to be accepted? - The rationality of the dispossessed or State
governments, dam builders and the beneficiaries who gain?

By way of building up a rationale for SSP, people of Gujarat were informed
that Sardar Sarovar Dam is a necessary requirement for the future growth of the
State. This idea goes in tandem with the existing ideas of right to life and the need to
be astute regarding future. But when we go into the details of what happens when
such an idea is implemented, then conflict becomes apparent. An entire population
will be compelled to abandon their age-old habitat and there will be irreparable
damage to the environment. For the sake of constructing an artificial river called the
SSP main canal in Gujarat (445 km), 250 km\textsuperscript{30} of sublime river banks, blessed with
fertile lands and vegetation had to be destroyed. (Patel, 1998: 12)

We shall now return from the detour and turn our attention to that period of
prevalent arbitrariness.

\textsuperscript{29} One of the definitions provided to explain Cognitive dissonance is
‘the unpleasant emotion that results from believing two contradictory things at the
same time’. The study of cognitive dissonance is one of the most widely followed
fields in social psychology. Cognitive dissonance can lead to irrational decision
making as a person tries to reconcile his conflicting beliefs. (Investopedia)

\textsuperscript{30} This is the total expected length of the Sardar Sarovar reservoir at full reservoir level
3.6 Facing Predicaments

The event of laying the foundation stone and inauguration by Jawaharlal Nehru in the year 1961 had been considered as another benchmark in the history of SSP. This year was considered as the beginning of second period terminating in December 1979 (18 years). Although 1961 is considered as the beginning of the second period, there is an argument that it was only a ‘façade’ and Nehru was ‘trapped’ to lay the foundation. That is why even after this 1961 event, nothing worthwhile had happened (Sangvai, 2002:19). As discussed earlier, although Nehru willingly did this auspicious deed, at that time the proposal was to construct a 160 feet high dam at Gora. The proposal to build the 455 feet Mega dam at Navagam came later. It may be presumed that such a shift of the dam site and increase in dam’s height was already on the agenda. A high-level technical committee of engineers appointed by the Government of India soon gave green signal to the revised project. This committee submitted its report in 1965 which laid certain basic guidelines. This Report is known as Khosla committee report since Ajudhia Nath Khosla, the then Governor of Odissa (1962-66) and also a member of the Planning Commission and an Engineer by profession was heading the Committee. The master plan recommended 12 major projects in Madhya Pradesh (MP) and one at Navagam in Gujarat with a dam wall height of 500 feet. To this, MP opposed as it wanted hydro power dams at Jalsindhi and Harinphal to be constructed even though fertile lands of the tribal belt would get inundated. The situation was such that if the dam at Navagam comes up, then these two dams in MP would not be possible. Therefore MP rejected Khosla Committee Report.

In 1968, Gujarat government approached the Central government with a complaint, under the Inter-State Water Disputes Act, against Madhya Pradesh and Maharashtra, on the issue of sharing of Narmada waters. Consequently, the Centre constituted a Tribunal headed by Justice V. Ramaswamy, and referred the dispute to it. Thus in 1969, the quasi-judicial body known as Narmada Water Disputes Tribunal was constituted.

In July 1974, the Chief Ministers of Madhya Pradesh, Maharashtra and Rajasthan and the Adviser to the Governor of Gujarat reached an agreement. According to this, the quantity of water in the
Narmada available for three-fourths of the year was to be assessed at 28 million acre feet (MAF). On August 16, 1978, the Tribunal announced its Award, and it gave its final order in December 1979, after hearing the States and the Centre. The height of the Sardar Sarovar Dam was determined at Full Reservoir Level-455 ft. The Award provided that no submergence of any area would take place unless the displaced people were rehabilitated. (Venkatesan, 2000)

This shifting of dam site and the decision to convert a small dam into a mammoth dam prompted skepticism about the whole event. By implication, there could have been a conspiratorial element\(^\text{31}\) in persuading Nehru to inaugurate the dam project. But here, it is only a probabilistic proposition, which requires further enquiry. As mentioned earlier, inviting Nehru for the inaugural ceremony may have been to legitimize the dam project.\(^\text{32}\) This argument gains validity when we consider the severe inter-State dispute between the riparian States of Gujarat, MP and Maharashtra.

The dispute regarding water sharing was not just an issue specific to Narmada. In fact, such inter-State disputes over river water sharing due to dam projects had been taking place at several places in India even much before 1961. With the State reorganization on linguistic basis in the 1950s,\(^\text{33}\) several inter-State disputes surrounding the question of water sharing cropped up. In this specific case MP, Maharashtra and Gujarat were the main riparian States. The Central government had promulgated Inter-State Water Disputes Act way back in the year 1956. Despite this Act, issues were lingering on. For instance, the dispute over

\(^{31}\) Gujarat government was well aware that they are not going to reconcile for a small dam at Gora. They were conspiring for a higher dam and bigger share of waters from the Narmada. As mentioned earlier, the canal project of the dam goes across a land that is not suitable for canal irrigation. Moreover, Madhya Pradesh’s keen interest to go ahead with the Jalsindhi dam and Harinphal hydro projects would be sabotaged if a high dam comes at Navagam instead of the much smaller Weir at Gora. Since they knew that they are making a demand which Madhya Pradesh or Maharashtra will not consent for, they were using different means to gain legitimacy for their demands. Getting Nehru to inaugurate the Project would have, in effect, given a boost to the project.

\(^{32}\) Jawaharlal Nehru was the symbol of India’s progress from a rural, underdeveloped country to an industrialized modern country. His charisma was used by the Indian technocrats and politicians to legitimize the projects that were being pushed ahead in the name of development. Suman Dubey has observed thus:

"He attached great importance to getting a national consensus on major issues of planning," says Tarlok Singh, Nehru’s one-time private secretary and later member of the Planning Commission. For Nehru, it was modernism at work, and he was a superb performer at the inauguration of dams and factories, lending his personal prestige to enhance the image of planning. (Dubey, 1984)

\(^{33}\) State of Gujarat was formed on 1 May, 1960.
sharing of waters of Godavari River, Krishna River, Vansadhara River, Ravi & Beas Waters Tribunal, Mahadaii/Mandovi River, Cauvery Water, Babhali Barrage issue, Mulla-Periyar dam issue (MoWR) indicate the complexity of the issue and need meticulous analysis.

A sequel of events which require our attention here is related to the Gujarat government’s coming up with different plans of up-scaling the height of the dam. The inter-State disputes on relative sharing of the Narmada waters and the question of what ought to be the maximum height of the dam has led to delay in the implementation of the project. The riparian States were interacting with the Central government to find an end to the ongoing disputes among them. Of course, the main stake holder in this issue was Gujarat State as it was expecting maximum benefit from the dam (Sardar Sarovar). The disputes were going on and the Central government found that it is only a quasi-judicial body that could resolve this inter-State disputes which were in their heydays.

3.7 Tribunalization of the Decision Making Process

As mentioned earlier, following a formal written complaint from the Government of Gujarat in 1968, which falls within the purview of Water Disputes Tribunal Act 1956 (Sangvai, 2002:14), the Central government constituted the NWDT to come out with an amicable solution to the ongoing water disputes.

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34 ‘In 1961, the height proposed by the Gujarat government was 160 feet; in 1963 it was up-scaled to 425 feet and in 1965, the up-scaling was to 490 feet.’ (Sangvai, 2002:19) quoted from (Jain, 2001).

35 Under the Inter-State Water Disputes Act, 1956, the Central Government constituted Narmada Water Disputes Tribunal (NWDT) on 6th Oct. 1969 to adjudicate upon the sharing of Narmada waters and for Narmada River valley development. The then Chief Minister Hitendra K Desai strongly persuaded for this independent Tribunal since Madhya Pradesh and Maharashtra were not agreeing for the improved design of SSP since that will affect the hydroprojects planned by those States. Justice V. Ramaswami was the chairman of NWDT (NIH).

The NVDA website is more specific,

‘In spite of the huge potential, there was hardly any development of the Narmada Water Resources prior to Independence. Investigations were carried out after 1947 for a number of projects but Inter-State differences on sharing of waters and planning of the schemes for development of the lower reaches of the river prevented any concrete action. As these could not be resolved through negotiations the Central Government by Notification of the then Ministry of Irrigation & Power No S.O.4054 dated 6th Oct. 1969, issued under Section -4 of the Inter-State water Disputes Act 1956 (33 of 1956), constituted the Narmada Water Disputes Tribunal (NWDT) to adjudicate upon the water dispute.’ (NVDA)
disputes/politics. This shows that the inter-State disputes made the Centre aware that it cannot effectively resolve the problem without the cooperation among the States. This necessitated constitution of another relatively autonomous body NWDT which was visualized within the Act itself. In this way the second period could be conceived as the period of juridico-political regime gaining relative priority.

Over and above the inter-State disputes, the political atmosphere got more complicated as there took place certain isolated but quite articulate (this is particularly so for some of the stalwarts of party politics were spear heading this resistance known as Nimad Bachao Andolan about which we will discuss in detail later in this chapter itself) resistances against the height of the dam as they anticipated inundation of their highly fecund land. Here it is sufficient to mention that such resistance was intense within MP as it had much to lose. Even though this was a localized resistance, the Central government could not overlook or bypass it. It was effective in directing the political as well as juridical institutions as such andolans were articulating the voice of the potential dispossessors. This was due to the legal and political implications that may incur within the democratic system. This means that the struggle of the deprived people, when enmeshed with the interests of the politically privileged leadership, can influence the polity in specific ways which are advantageous to both. This implies the efficacy of the grass root level resistances. The demands of the Madhya Pradesh government on sharing of Narmada waters, side by side with resistances to damming and displacement made

36 The reference is to the Nimad Bachao Andolan. The political party-led people’s resistance came up during 1972-75 and continued beyond 1979 but slowly peters down after that moment. The Madhya Pradesh government even sought to pose legal challenge to NWDT and lost. That time it was known as the Nimad Bachao-Narmada Bachao Samiti. In Madhya Pradesh, prominent, social activists, legislatures and local leaders opposed the ‘High Dam at Navagam (which was later re-named as SSP), as it would submerge the fertile lands of Nimad (Sangvai, 2002:38). The submergence of the adivasi areas near the dam was not that much of an issue, at that point in history, both for the State and the big and small farmers in the plains of Nimad because the Jalsindhi and Harinphal hydro projects would have any way submerged these areas, if not SSP. It is interesting to note that the former cabinet minister Shri Arjun Singh was then part of the State politics and gave leadership to the struggle. Later, when the NWDT declared its Award in 1978, the struggle peaked during 1978-79 period only to be fizzled out once the political leaders hypocritically changed sides since the NWDT Award was legally binding on the States involved. (Sangvai, 2002)

37 It is a Hindi word meaning movement and here it refers to NBA. Later in the fifth chapter, Section 5.2.6, more detailed discussion takes place.
the government of India and the State governments to realize the situation’s gravity as most of the members involved in this struggle were the local populations.

Coming back, added with an advantage of statutory status, this Special Tribunal finally gave its Award in 1979; this Award specified the relative shares of water to be used by these three States. The land based rehabilitation of the affected people and the maximum height of the dam wall was determined as 455 feet (instead of 160 feet, the original height proposed by Gujarat government when the foundation stone was laid at Gora in 1961). Once again, we can see how the bench marks were drawn from the juridico-political frame work although the contestation was at least temporarily resolved in the year 1979 because of the Award. The Award was a big relief for Gujarat State as it received a favourable verdict since it allotted them most of the demands that they had placed before the Tribunal. The Tribunal, despite spending ten long years to arrive at an amicable solution, had to give the Award under political compulsions in one of the most politically tumultuous years in India’s post-independent history. Quite often it is argued that the Award was ‘biased’ as it overwhelmingly and openly accepted the demands of the Gujarat government and the result created setbacks to Madhya Pradesh. (Patel, 1998:4) How such biases could be made ‘objective in appearance’ is an area that needs further research. Thereafter, provisions of the NWDTA were binding for all the disputing States, scuttling all opposition by the political parties until then.

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38 The Government of Gujarat, first of all, demanded a huge share of the Narmada waters. Though 87% of the river basin is in Madhya Pradesh, Gujarat was allotted 9 MAF waters, almost 33% of the total available volume, as per the NWDT data, based on 75% dependability. This was a big political achievement for Gujarat since the Narmada, which has a total length of 1312 km flows only 161 km in Gujarat. The second major demand was that the height of the dam should be raised to 455 feet from the initial 160 feet. This increase in height has a direct bearing on the areas to be inundated in Madhya Pradesh and Maharashtra. Despite this huge setback for Madhya Pradesh, Gujarat was able to get the verdict in their favour.

39 The NWDT gave its award when Morarji Desai, a pro-dam Prime Minister (from Gujarat) was in office. During that time Janata Party was in power in Gujarat. It could be inferred politically that the Government of Gujarat played behind the scenes, which is a common phenomena elsewhere, to get clearance for the project, in the most favourable political environment.

40 Babubhai J Patel (11 April 1977 - 17 February 1980) Janata Party was the Chief Minister while Morarji Desai was the Prime Minister of India. Morarji Desai was openly favouring Gujarat’s demands. Sanjay Sangvai writes that in 1978 when a delegation from Madhya Pradesh went to meet Morarji Desai to plea for a reduction in the height of SSP, he bluntly replied that the dam would be built as Gujarat needs water (Sangvai, 2002:16)
Award alone could not help the Government of Gujarat (GoG) to commence the Project. There were many other impediments waiting in the wings for this 'ill-conceived' project. Commencement of the actual construction of the dam could take place only in 1987. From 1980 onwards, various statutory monitoring bodies and planning and working committees were formed. The event of awarding legal legitimacy (NWDTA) in 1979 is usually taken to be the culminating point of the second period in the history of dam construction.

3.8 Contested Clearances and Beginnings of Dam Construction

In terms of periodization, the third period begins from 1980 and culminates by 1987 (7 years). In 1980, the Gujarat government initiated the preparatory works and were formulating specific plans and constituting executive bodies.\(^\text{41}\) NWDT asked the Gujarat government to resettle and rehabilitate PAFs from Maharashtra and Madhya Pradesh in the manner outlined in the award. There was initially no clear cut policy for Gujarat PAFs. Groups, including NGOs named ARCH-Vahini (Action Research in

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\(^{41}\) The NWDTA has given clear stipulations regarding the procedures to be undertaken by the respective governments for the able administration of the Project construction.

In pursuance of the decision of the Narmada Water Disputes Tribunal under Clause-XIV of its final order, the Govt. of India framed the Narmada Water Scheme, which inter-alia constituted Narmada Control Authority (NCA) and Review Committee in 1980 for proper implementation of the decisions and directions of the Tribunal...

… The NCA has been vested with powers to implement the orders of the Tribunal with respect to the storage, apportionment, regulation and control of the Narmada Waters, sharing of power benefits from Sardar Sarovar Project (SSP), regulated release of water by Madhya Pradesh, acquisition of land properties likely to be submerged under Sardar Sarovar Project by the concerned States, compensation and resettlement & rehabilitation of oustees, sharing of costs and implementation of environmental safeguard measures.

The Authority is headed by the Secretary, Ministry of Water Resources, Govt. of India as its Chairman.

Machinery to implement decisions of NWDT

Following machineries for implementation of decisions of NWDT have been set up under Clause-XIV of NWDT Award.

(i) Narmada Control Authority (NCA)
(ii) Sardar Sarovar Construction Advisory Committee (SSCAC)
(iii) Review Committee for Narmada Control Authority (RCNCA)

(NCA, Narmada Basin)
Community Health)\textsuperscript{42} and Xavier Social Service Society, Rajpipla, functioning in Gujarat were cooperating with the Gujarat Government to formulate a rehabilitation policy for PAFs in Gujarat.

During 1980-83, the first displacement of the reservoir affected took place i.e. shifting of people from the possible submergence-affected villages to the relocation sites. Gujarat government entrusted the Centre for Social Studies (CSS), Surat, for the initial benchmark studies of the 19 reservoir affected villages in Gujarat. CSS was also given the task of monitoring R&R for the GoG. This Centre has prepared 24 six monthly progress reports on the resettlement of PAFs of submergence villages of Gujarat. Similarly, for the PAFs, of Madhya Pradesh and Maharashtra, who were to be resettled in Gujarat, the Government of Gujarat has appointed the Gujarat Institute of Development Research, Ahmedabad as the independent Monitoring and Evaluation Agency for monitoring the Resettlement and Rehabilitation (R&R) programs. According to official data, there were 4765 Project Affected Families (PAFs) in Gujarat (SC Majority Judgment, 2000). Initially the herculean task of relocating the Adivasi families fell upon ARCH-Vahini. They acted as the resettling agency, mediating between the State and the PAFs. What is important for this study is that while the Gujarat government constituted the State-owned corporation called SSNNL to implement the project, it did not constitute any institutional set up to execute rehabilitation until as late as 1992 when the SSPA was constituted. The argument is that the Gujarat government initially shied away from its responsibility of implementing rehabilitation and left the actual process to local NGOs until the resistance by the NBA forced them to consider the responsibility responsibly. Earlier the government’s responsibility was limited to disbursement of cash compensation. ARCH-Vahini was supposed to

\textsuperscript{42} Action Research in Community Health & Development (ARCH) is a Non Governmental Organization (NGO) formally registered in 1982 with the charity commissioner in the rural and tribal area of Southeastern Gujarat in India. ARCH was started by a group of then-young people as a small community health program on the banks of river Narmada in the village of Mangrol near Rajpipla of what was then Bharuch district (now Dist. Narmada) with the aim to provide basic preventive, curative and maternal-child health services. The group drew its inspiration from Mahatma Gandhi, Pandit Nehru and Jay Prakash Narayan (JP). ARCH was instrumental in helping pass the best settlement and rehabilitation policy to date for the Narmada project affected people. (Friends of ARCH)
conducted field research and conscientised the PAFs about the merits of the dam and the advantages of moving out of the valley into the resettlement sites. They effectively persuaded most villagers to accept the compensation package and move to the *vasavats*. Due to lack of awareness about consequences, many PAFs soon realised that they were tricked and cheated into accepting either uncultivable or less fertile lands than what they had in the valley. By then people had already signed the documents (thumb impression) i.e. title deeds. It appears that ARCH-Vahini was playing the role as intermediaries between PAFs and the Gujarat government. Since they could not find suitable land in sufficient chunks for community resettlement, they persuaded the people to accept land wherever it was available. It seems that the task of speeding up and completing resettlement of as many numbers of PAFs as possible became more important than ensuring the quality of resettlement. The end result of this initial process of resettlement was that community rehabilitation did not happen as stipulated by the NWDTA but statistical House Hold rehabilitation, at most. This aspect needs to be discussed further.

One of the major issues arising out of this mode of relocation is that the provision of Community rehabilitation was by-passed. As mentioned above, this happened because requisite chunks of lands were not available in many places. Therefore individual families were forced to accept lands wherever allotted. Initially i.e. in the early 1980s, the government was disbursing cash compensation instead of the land for land rehabilitation. The process was that the affected families had to find suitable lands after which the government will interfere and settle the deal. But as we will soon discuss, after 1987, this procedure was terminated and government was forcing people to accept lands that were available with the government, most of which was bought from local farmers who have disbursed their less fertile lands. The effect was that historical continuity of the community life was disturbed as their new settlements got scattered and spread across seven district of Gujarat. Breaching
the land-based community rehabilitation was a clear cut violation of the stipulations of the Award.\footnote{The Narmada Water Disputes Tribunal Award clause XI was being violated in the process of relocation of the reservoir affected people.}

The important argument of ours to proceed with is that in spite of such dubious proceedings, World Bank still funded for the project, adding to the project’s ‘legitimacy capital’.

3.9 World Bank Intervenes and Withdraws

However, the construction of the dam was not taking place till 1987. Despite the NWDT judicial Award in 1979, in 1983, the newly formed Ministry of Environment and Forests (MOEF) did not give environmental clearance for the Project. T N Sheshan, the Secretary of the Ministry realized that the required environmental impact assessment studies had not been undertaken;\footnote{The diverse range of environmental impacts of major river projects requires a comprehensive Environmental Impact Assessment (EIA) before any project can be considered for clearance. This fact has been recognised in India at least since 1975, when the Central Water Commission issued its guidelines for studies on river valley projects. The SSP, like all other such projects in India, was not subjected to such an EIA prior to clearance: the study passed off as an EIA in the early 1980s was only a preliminary statement of impacts. Even now, over a decade after work on the project site started, and seven years after receiving conditional environmental clearance, a comprehensive EIA of the SSP is lacking. (Kothari & Ram, 1994)}

\begin{quote}
Clause -XI This Clause contains detailed directions on the definition of oustees, lands to be compulsorily acquired, liability of Gujarat to pay compensation for land acquisition and rehabilitation, provisions for rehabilitation, programme for payment by Gujarat to Madhya Pradesh and Maharashtra on this account.

Today, the N.W.D.T exists as an organization designated to lay out the conditions of resettlement and rehabilitation of people displaced by the Sardar Sarovar Dam. Specifically, the tribunal established that all Projected Affected Families (PAF's) would be facilitated in re-establishing themselves in communities that have "access to water, education, and health." Further, the tribunal decreed that "in no event shall any areas in Madhya Pradesh and Maharashtra be submerged under the SSP unless all payments of compensation and costs are made for acquisition of land and arrangements are made for rehabilitation." As construction ensues, it is this clause that is most readily asserted by the NBA (Save Narmada Movement) in litigation, as it is the basis for their claims of violations by the SSP and the State. (Ellison, 2005: 4)
\end{quote}

\begin{quote}
Ashish Kothari has done a study of the Environmental impacts of SSP in 1994. In this he observes: It may be interesting to note that though the Project was cleared by NWDT in 1979 and World Bank agreed to fund the Project in 1985, and a Detailed Project Report (DPR) titled ‘Planning for Prosperity: The Sardar Sarovar Development Plan’ by SSNNL was prepared. But much of the Command Area development studies were done as late as 2003. These facts point to blatant non-compliance on the part of the Gujarat government regarding environmental norms. They seemed to consider environment as a liability to be addressed than as a necessary category to be taken care of with utmost priority.
\end{quote}
this is another breach made by the Gujarat government and SSNNL.\footnote{In a strong indictment of the second interim Report of the Ministry of Environment and Forests (MoEF), Dr Ramaswamy Iyer wrote that}

The Ministry also recognized the fact that the project programs were heading arbitrarily as both the State and scientific institutions were oblivious, advertently or inadvertently, about the affairs.\footnote{Further, paucity of funds that was not forthcoming from internal sources was yet another reason for the delay. It was in this situation that the World Bank came forth with the promise of a sufficient sum of financial credit. However, its}

Here what we can observe is that the interface between the politico-governance and economic-scientific knowing systems was not working, as there were several incompatibilities. These incompatibilities furthered the complications involved in the construction of the dam.

Further, paucity of funds that was not forthcoming from internal sources was yet another reason for the delay. It was in this situation that the World Bank came forth with the promise of a sufficient sum of financial credit. However, its
stipulations, both environmental and procedural—including the way relocation and rehabilitation of the displaced were to take place—were not in compliance with the State’s plans and practices.

Such a situation implies that incompatibilities were increasing in such a way that the existent power relations among the Bank, the Central government and the States which were actively engaged in the Project faced a stalemate situation, which furthered the immediacy of mitigating the predicament. Despite the mutual disagreements between the Indian States and the Bank, the latter released the first installment of US $150 million (33%) out of three installments. Although the Bank began to involve in the SSP activities since 1978\textsuperscript{47}, the first installment was advanced in 1985, out of a total of US $450. This gesture of the Bank seems to be a self-contradiction; this lending may have been due to wider investment interests nurtured by the Bank in India or circumstances fermenting within the Indian political economic substances which compelled the WB to take a risk knowing very well that the project has not met their required stipulations. We observe this conjecture and highlight it because the stipulations of the Bank were even at that

\textsuperscript{47} Thayer Scudder reports that the World Bank has a long history of involvement in India, especially Gujarat.

The 1961 date corresponds with the beginning of involvement by the World Bank group in Gujarat’s irrigation development. By the early 1980s Bank loans were financing at least four-fifths of Gujarat’s annual irrigation investment aside from Narmada development (WB, 1984: 4). First Narmada involvement was a 1978 reconnaissance mission. Fielded shortly after the Tribunal had crafted an acceptable consensus, the purpose of the reconnaissance mission was “to review basin development plans and to determine an appropriate means for Bank involvement” (WB, 1984: 5). The SSP was selected as a possible Bank project and project appraisal followed without, however, assessment of environmental and resettlement issues. To help Indian officials formulate an acceptable resettlement plan before negotiations I was recruited as the Bank’s principal SSP resettlement consultant in September 1983 to join a post-appraisal mission. Focused entirely on resettlement, I joined a second post appraisal mission the following year in November and then participated in negotiations in Washington at the end of the month. In 1985 I joined a “pre-effectiveness” mission in October the purpose of which was to warn the Indian authorities that their failure to address various resettlement issues could jeopardize final loan approval at the end of that year or in early 1986. In spite of our doubts that the necessary issues would be approved by then, the loan was declared effective by the World Bank on January 6, 1986. (Scudder, 2003: 10-11)
time remained non-adhered to by the GoG (Jensen, 2004). Perhaps there could have been some other negotiations which rendered such an advance possible. It still remains as a grey area which demands more elaborate probing in its own right.

3.10 Big or Small - Interlude

Reception of the Bank’s fund had another implication, i.e., once it is received and invested, there was no room to withdraw from the dam. Moreover, this reception had legitimizing functions as well. First, the mutual agreements between the State and the bank could not be floundered as it will become interpreted as breach of trust and claims of State’s authenticity. Second, by then, that is, 1985, newly constituted political power came at the Central Government which had more vigorous ideas of development and especially development through more capital intensive investment such as mammoth dams. It is not that such initiatives for capital-intensive investments were vary of the negative

48 Medha Patkar in an interview given to Robert Jensen explains the politics of foreign funding in her own inimitable style in the following sentences.

… (I)n the case of Narmada, before the minister of the environment could clear the project, the Bank had cleared its aid and so the minister's clearance had no relevance. The ministry pushed its conditional clearance, but the conditions were not fulfilled. The ministry said the clearance had lapsed, and even today that is true. The clearance has lapsed.

Institutions like the World Bank undermine the process of community participation within the country. The politicians are at least accountable to the voting population, but the bureaucrats and technocrats are not accountable to anyone except the bankers. (Jensen, 2004)

In another article, Aaron Crawford explains further points on this issue.

Medha and the NBA decided to expose the Bank's lies and ulterior motives for funding the Sardar Sarovar. They discovered that the Bank was well aware of the projects negative impact on the people and their environment prior to their endorsement of Sardar Sarovar. The project's major negative impacts would cause water logging and salinization of the soil heavily used by the agricultural/horticultural segments of the population, the degradation of the surrounding bodies of water, as well as the lack of alternative land for the citizens displaced by the dams. The Narmada Bachao Andolan thus pitted the Bank up against India's Ministry of Environment and Forests by highlighting the World Bank's agreement to act as part financial supporter of the Sardar Sarovar Project after India's Ministry of Environment and Forests had challenged and forcefully stalled the project. (Crawford, 2007)

From the above quotes, we may infer that the World Bank had shown unusual interest which made them to bypass their own rules and regulations for funding such mega projects. The economic and political factors that persuaded the World Bank have scope for further research, when reflected from the point of view of the role of Gujarat’s dam builders in attracting World Bank fund.

49 Prime Minister Indira Gandhi was assassinated on 31 October 1984, following which her son Rajiv Gandhi took office on the same day.
externalities of such investment and consequent displacement or dispossession of the people. In addition, in the discourse of development, there were disputes between those who opted for small dams and those favoured ‘big dams’. This shows the recurring conflict between these two visions of development which started with the perspectival difference between Gandhi and Jawaharlal Nehru, although in a different discursive condition which consists of energy crisis, depletion of non-renewable energy sources and environmental concerns. It is recurring because this initial difference returned during Indira Gandhi’s prime ministership as well; for instance, On July 18, 1984, Indira Gandhi, the then Prime Minister of India wrote in the reply to a letter of appeal from Baba Amte that she was "...most unhappy that development projects displace tribal people from their habitat ... sometimes there is no alternative and we have to go ahead in the larger interest". (Guha, 2005)

Here, once again we can discern the recurrence of the opposing ideological bearing regarding whether to prefer small or big dams. It once again reflects the cognitive dissonance not of individual decision makers but of dominant thinking as reflected in overlooking the ‘small and the beautiful’. The rhetorical metaphor ‘larger’ enables them to place the ‘already decided’ on and above the specific needs of the displaced which are projected as the needs only of few minorities or the ‘local’. Once again, the metaphorical reduction which is tacitly employed in the rhetorical legitimation by the already authentic centers of power is conspicuous.

A few months elapsed and Rajiv Gandhi, the subsequent Prime Minister, had to respond to Baba Amte’s unrelenting appeals in these words.

I share your view that the common people of our country are a vast reservoir of strength. Their energy, enthusiasm and innate good sense have to be combined with modern skills...We will go very thoroughly into the environmental and human aspects. We have to be careful about the problems of tribal communities which lose their traditional homelands when such projects are constructed. (Guha, 2005)

The compelling rhetorical need for masquerading predetermined developmental vision and approaches become all the more evident in his words. When juxtaposing these two statements (Indira Gandhi’s and Rajiv Gandhi’s) and conflating them with what Jawaharlal Nehru has stated a few decades back in the
29th annual meeting of Central Board of Irrigation and Power (CBIP) on 17 November 1958 could elucidate this point; therefore let us return to the authentic words of the decision makers of earlier period, that is Nehru’s words.

We have to realize that we can also meet our problems much more rapidly and efficiently by taking up a large number of small schemes, especially when the time involved in a small scheme is much less and the results obtained are rapid. Further, in those small schemes you can get a good deal of what is called public co-operation, and therefore, there is that social value in associating people with such small schemes...

You (the president of CBIP) have said just now in your address that the cost of production in a small project is great. I am not at all sure if that is so, because the cost of a small project has to be judged after taking into account all the social upsets connected with the enormous concentration of national energy, all the national upsets, upsets of the people moving out and their rehabilitation and many other things, associated with a big project. Also it takes a long time to build a big project. The small projects, however, does not bring about these upsets nor does it involve(s) such a large endeavor… (Thakkar, 2006: 6)

Jawaharlal Nehru’s and Indira Gandhi’s differential affinity with small dams and investment is evident in this excerpt. Nehru revealed preference for small dams and small scale industries, which mirrors what Mahatma Gandhi had in mind when he perceived future development of India. When it comes to Rajiv, he does not take up the question of relative preference between ‘small’ and ‘big’, rather by overlooking this question he addresses and concedes, as we have found in his own words, the negative externalities of big dams. Here the choice is already taken; the preference is already revealed; and the assertion is that big dams are unavoidable for the ‘great majority’; only question remained was how to mitigate the problems of the dispossessed due to the coming of big dams. To repeat, within the lapse of few decades, need for big dam has become normalized to such an extent that ‘prejudice’ for big dam is taken for granted. The contrast between the statements we have juxtaposed and conflated are clear now; it reminds us of the coming of modern times and unfolding temporality.

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50 For a detailed account refer FN 23
51 When these issues were debated and resolutions were passed, the question of environmental issue had not surfaced during such discussions and affirmations. Therefore it is only natural that they did not address environmental and legal/social issues of land acquisition.
3.11 The Environmental Imbroglio

Following the juridico-political pattern of periodization, the **fourth period** begins from 1987 till 1995 (8 years).\(^{52}\) We have already noted that with such self-affirmed and self-justified conviction, the government of Gujarat initiated the construction of dam in 1987. We have also noted that this move was tantamount to flaying of the conditionalities of the Bank as well as breach of the government of India’s conditionality. The situation was such that even after the lapse of two years neither the Gujarat Government satisfied the conditions put forward by the MoEF\(^ {53}\) nor the construction of the dam wall remained stopped.

Along with the intervention by the Ministry, there were other interventions such as NBA, Environmental and Human Rights groups, National and International, propelled by the advent of a general atmosphere which was surcharged with environmental concerns. There might have had overt and covert implications on the unfolding of the history of this dam building. There was a worldwide discourse on multifarious environmental issues, which have come to surface especially after the energy crises\(^ {54}\) of nineteen seventies and nineteen eighties. This had an implication to reformulating worldwide perspectives on

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\(^{52}\) This period has not been specifically mentioned in the same manner elsewhere. Many complex issues are overlapping during these years, which has many elements carried over from earlier periods and it clearly has a bearing on the future periods. In most literature, the World Bank intervention and NBA’s successful international campaign against WB are mentioned as the highlight. The study, in fact, argues that it is not possible to come out with any consistent periodization when narrating the story of Sardar Sarovar Project and the Narmada Struggle.

\(^{53}\) The MoEF granted clearance subject to the following conditions:
- The NCA will ensure that environmental safeguard measures are planned and implemented pari-passu with progress of works on projects.
- The detailed surveys/studies assured will be carried out as per the schedule proposed and details made available to the Department for assessment.
- The catchment area treatment plan and the rehabilitation plan are so drawn so as to be completed ahead of reservoir filling.
- The department should be kept informed of progress of various works periodically. (NCA, Conditions)

\(^{54}\) The oil crisis happened in October 1973 following the oil embargo by the OPAEC which created a severe international crisis. The 1973 "oil price shock", along with the 1973–1974 stock market crash, has reminded the world about the Great Depression (1929 onwards) which too had long lasting and drastic effects on the global economy for some time to come.
growth, development and sustainability. This, in turn had made many States worldwide to reconsider their plans which have direct bearing on environment in general and sustainability of non-renewable natural resources in particular. Government of India was not an exception to it. To be precise, there was an atmosphere where environmental impacts of such mega dams could no more be considered as viable as if there were no such impacts. Such an atmosphere, as a result of the world wide concerns about energy crisis and sustainability of natural resources, might have influenced both the juridical and political responses to the history of the Dam building in the Narmada Valley. Given this context, it is important to dwell with such issues in detail prior to further elaboration on the

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55 The oil crisis coincided with the emergence of awareness regarding Ecological issues and Environmentalism. Environmental issues have come to the public debate by the second half of the twentieth century. The sixties and seventies showed the development debate incorporating environmental concerns. Deep Ecology was one of the earlier strands of thought that had a bearing on the later evolution of environmental discourse. Deep ecology presupposes the holistic vision of life where humans are part of the whole. The term “deep ecology” was conceived by the Norwegian philosopher Arne Næss in 1973. Næss articulated ecological philosophy as ‘ecosophy’ and stressed on the importance of harmony and equilibrium. Félix Guattari gave another dimension to this philosophy. While accepting the interconnectedness between the human and the natural world, he does not endorse holism but prefers to stress on heterogeneity and difference. Such view on Environment demanded ‘respect’ to nature and the need to integrate ecological vision while reflecting on economic development. The Deep Ecology views found acceptance in the green party movement in Germany.

56 While the deep ecology theorists were more philosophical, there were other strands of thought looking for practical alternatives to energy intensive development paradigm. In response to the free market growth model which disregarded the impacts of industrial development on the environment, there arose several responses. E F Schumacher’s Small is Beautiful: Economics as if People Mattered was published in 1973. He questions the materialism of the west and challenged ‘bigger is better’, a notion that was prevalent during the post-war development era. He advocated for intermediate technologies as an alternative to the ‘disease of gigantism’. During the same era, in 1972, the Club of Rome, a team of scholars then based in Rome, published a book named ‘Limits to Growth’. The main concern was to counter the belief in the unlimited growth model of development. The world population, industrialization, pollution, food production and resource depletion were taken as the variables based upon which alternatives were sought to the current model of development. As a result of this growing awareness on a global scale, green movements began to evolve into political parties and the first green party to come to form a national government was in Germany. The principles that they upheld include ‘ecological wisdom, social justice, participatory democracy, nonviolence, sustainability and respect for diversity’. The 1980s saw green resistance in India in the form of Chipko Movement and the green-red Chhattisgarh Mukti Morcha led by Shankar Guha Niyogi. This atmosphere had a bearing on the intelligentsia and political and bureaucratic leadership in India during the 1980s which is indicated by MOEF not giving clearance to Sardar Sarovar Project on grounds of lack of EIA studies. It is worth noting that this atmosphere of environmental awareness also gave rise to the tide of opposition and protest demonstrations at other dam sites such as Pong/Beas dam (Himachal Pradesh), Chandil dam on Subarnarekha river in Jharkhand and Icha on Kharkai river in Jharkhand in the 1970s and early 1980s.
question of legitimation and de-legitimation involved in the capital intensive build ups and the consequent contestations.

In this light, we may take a short detour to discuss the specific environmental imbroglio in India, with respect to Narmada Dam project, which has impeded clearance from MoEF in 1983 and also made the SC to write a strong minority judgment\textsuperscript{57} during the final verdict by the SC in October 2000. Though environmental awareness was gaining momentum in the developed countries by the second half of the twentieth century (Cullet, 2007: 2), the Government of India or for that matter, the State governments were not yet ready to imbibe the principles and new norms of Environmental sustainability as a necessary factor for conceiving and implementing development projects. The rationale put forward by GoG for the SSP, presupposes in quite explicit terms, that Environmental matters are a luxury for developing countries. The idea is that Environmental regulations are becoming a hindrance for the speedy clearance and completion of this development project. Though Environment is important, it should be weighed against the benefits accrued from the Project. The idea was that if cost-benefit analysis is more in favour of the latter then the green signal could be switched on. The following quote expresses the argument of the Gujarat government vividly.

\begin{quote}
Every development project has its cost. While economic cost/benefit analysis is being traditionally done, there is a greater emphasis these days on human and environmental cost. During the hey days of Industrial and Technological revolutions, the mills of economic development of western world ground fast and fine, not caring either for human rights or for ecological consequences. With accumulation of wealth and affluence, finer sentiments of human rights and environment are now surfacing. And what is good for G-7 has to be good for the rest of the World! So our urbanite elite have also adopted human and environmental issues as the State of the Art evaluation angle. This is not to say that human and environment aspects should be overlooked. They must be examined. But not only cost but also benefits. And not only cost of implementing a project, but the cost of not implementing it! This is because, for countries of Asia and Africa, where basic amenities of life such as healthy drinking water, minimum food, fuel and lighting are yet a far cry for large sections of population, the cost of
\end{quote}

\textsuperscript{57} During the Supreme Court verdict of October 2000, Justice Kirpal wrote the majority judgment, supported by Justice Anand, while Justice Bharucha wrote the dissenting minority judgment highlighting environmental non-compliance. His order was that the Project should remain stalled until the Environmental Impact Assessment studies are completed and approved.
non-implementation of a project can be perpetuating these miseries! How can we ignore it! (GSNRGF)58

This document which explicates the ‘dire need and necessity’ to implement the Project is further embellished with the arguments based on ‘lacks’, drought and absences.59 The argument also bases itself not only on ‘exceptions’ and scarcity, but also regular features such as the vagaries of nature. This shows that the claims and self justifications by the government leaves no room for re-thinking about the legitimacy concocted while declaring that ‘we are marching forward’ with the dam Project. For instance regarding the normal seasonal cycles, the document stresses the point that even if there are no abnormalities or deviation from the normal seasonal cycles, the dam is a must.60 This document furthers the claims by disputing the alternatives as ‘inadequate’ to serve the pre-decided goals and objectives. The environmental or ecological alternatives are considered as utopia which has not sensitized itself to the ‘ground reality’61. Embellishment of ‘claims’

58 This document was originally put up in the SSNNL website. After a few years, it was removed and now we can find it at (GSNRGF) See Annexure 3

59 For instance, miseries of water starved regions, even in normal years, and aggravates in drought years have to be weighed against the trauma of displacement of families which will have to move out. Similarly the degradation of environment and onslaught on ecology of arid regions due to advancement of desert, salinity ingress, loss of green cover and biotic life etc. have to be considered against the disturbance in ecology and environment of submerging areas. (GSNRGF) To comprehend the human miseries and the human cost of not constructing the dam, we have to recall the three consecutive years of drought 1985-86-87, which wrecked havoc on economy and rural life of Saurashtra – Kutch and North Gujarat. Farmers – large and small including their women folk had to work on scarcity relief works opened by the Government to sustain their livelihood. A number of labourers on relief works (in Saurashtra – Kutch, Mehsana and Banaskantha districts) in April – May months of these years, ranged from 8.64 lakhs to 14.61 lakhs. Water Specials (Trains) had to be run to sustain bare minimum drinking water supply! (GSNRGF)

60 Even in a normal year, drinking water problem becomes acute in large towns also, not to talk of villages. Supply of domestic water only once in 3 or 4 days is a very common phenomenon in summer in many towns of Saurashtra. 50, out of 62 talukas of Gujarat, to benefit from Narmada irrigation suffer from fundamental resource backwardness – partially or wholly – like drought proneness (36), desert (8), tribal talukas (5), tribal pockets (2), coastal areas (8), basic backwardness (10), economically backward (10), industrially backward (40) and geographically backward (13). For these fundamentally backward 50 talukas, Narmada Project is the only hope for productive employment generation and upgrading standard of living. (GSNRGF)

61 Suggestions like water harnessing, small dams, watershed development etc. often flaunted by anti dam activists which may look deceptively simple, become totally irrelevant and grossly inadequate to meet such situations and for such arid areas for which transfer of water from surplus regions can only provide a real and lasting remedy. Sardar Sarovar Project is essentially a vehicle for taking plentiful waters of Narmada basin which are to-day flowing down the sea, to the water starved regions of Saurashtra, Kutch, North Gujarat and Rajasthan. It can be compared with transfer of water from Central USA to the arid areas of West USA. (GSNRGF)
on the outcomes of the Dam is refilled with the taken for granted notion of optimization or optimum use of ‘natural resources’. Even though the self-defense in the document is made by the Gujarat State, it generalizes its particular benefits as general benefit by claiming that it will help other States as well. Here a local dam is projected as national, in the sense of a synecdoche. The claims put forward are that three States (Gujarat, MP, Maharashtra) benefits directly from hydropower and two States directly from water (Gujarat and Rajasthan). Moreover, the affected people are also benefitted by quality rehabilitation and the overall economic cumulative effect of the dam project will be a boost to the national economy. In this way, it projects this particular dam’s benefit as general or National. The following quote from the same document clarifies this argument.

It is intended to present the factual details and basic data relating to the project, also highlighting its multidimensional contribution to welfare of the people of the participating States – e.g. Madhya Pradesh, Maharashtra, Gujarat and Rajasthan and to the national economy. (GSNRGF)

As the document’s implicit intention was to reaffirm its legitimacy once and again in the wake of dissonant voices against the project; and as they could not find sufficiently convincing exemplars from within India, it resorted examples from elsewhere in the world as well.

Like many other projects of developing countries from Aswan of Egypt to the Lesotho Highlands water scheme of South Africa and Tehri in India, Sardar Sarovar Project has also become a focus of a concerted international anti dam campaign, carried out by its local loyal supporters, resorting to disinformation intended to create confusion in public mind. As has happened in the case of Aswan Dam in Egypt, time will vindicate the wisdom of planners and leaders who have helped in pushing ahead with this project with determination and commitment.

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62 Such water transfer also enables optimum use of arable land and water when they are apart from each other. While land cannot be transferred, water can be flown to distant places. Otherwise land at one place and water away at another place, both remain unused, unproductive. And if in face of hunger and poverty, water and land are allowed to remain separated and unused, it can be regarded as a crime against humanity! The core issue of development in a country is to manage its natural resources. And as Development Economists often say, a country is poor, not because it does not have resources, but because it does not have either will or ability to manage its resources.

In Sardar Sarovar Project we have undertaken this task of managing our water resources for National interest – our food security, energy security and upgrading the quality of life – including that of people who would be required to shift from submergence areas. It is a national project in the true sense. (GSNRGF)
Here the rationale for capital intensive industrial development comes in conflict with the sustainability of the environment, renewable energy and livelihood base such as water, land and forests. In the case of Sardar Sarovar, as already mentioned earlier in this chapter, the MOEF gave clear guidelines regarding the measures to be undertaken for the effective mitigation of environmental impacts. These measures were more of a compensatory nature and cannot by any means replace the destruction inflicted upon the environment in the name of development. Since development had been the unchallengeable metaphor with effects of power, the measures that were stipulated to be undertaken also had a developmental nature as we can see in the quotation given below. By 1987, the MoEF came to a conclusion that the SSP does not have any serious environmental impact (GSNRGF); this was a reversal of the 1983 assessment. According to this the ‘minor’ consequences, if at all any, that are likely to arise are resolvable through proper measures. Through NCA website, the government overtly states the rationality of the monitoring authorities in the following words.

Sardar Sarovar and Indira Sagar Projects were appraised from environmental angle by the Ministry of Environment & Forests and were accorded clearances in 1987. It was observed that no environmental concern is serious enough to threaten the viability of the project if proper safeguards are adopted. Ministry of Environment & Forests suggested safeguards in following key areas:

1. Resettlement & Rehabilitation
2. Catchment Area Treatment
3. Compensatory Afforestation
4. Survey of Flora & Fauna
5. Carrying Capacity of the Surrounding Areas
6. Command Area Development
7. Seismicity
8. Health Aspects.

Project authorities have geared up to plan and implement the suggested safeguards for the projects in stipulated time. (NCA, Environment)

The claims were legitimated by arguing that these suggested safeguards will be abided; the government also showed the signs of gearing up to meet this end within a short duration. Even after the two years of conditional clearance, no initiative in this direction could be witnessed. Even after 1989, the terminal year of the
conditional approval, the project continued unabated and the mitigation works remained in the ‘red flapped files’. Ashish Kothari does not mince words when he reflects on this aspect.

The diverse range of environmental impacts of major river projects requires a comprehensive Environmental Impact Assessment (EIA) before any project can be considered for clearance. This fact has been recognised in India at least since 1975, when the Central Water Commission issued its guidelines for studies on river valley projects. The SSP, like all other such projects in India, was not subjected to such an EIA prior to clearance: the study passed off as an EIA in the early 1980s was only a preliminary statement of impacts. Even now, over a decade after work on the project site started, and seven years after receiving conditional environmental clearance, a comprehensive EIA of the SSP is lacking. (Kothari & Ram, 1994)

That is, even after one and a half decades there was no hindrance in continuing the project although the mitigation activities were moving at mule’s pace. This clearly brings forth the perseverance in executing the project work while the mitigation activities were relegated to a future ‘convenient’ occasion. In a letter dated 28th April 2010, the MoEF stressed that

The matter of pari passu compliance of the progress of various works and the project with respect to environmental compliance has been reviewed by various Committees in addition to the Environment Sub-Group of the Narmada Control Authority (NCA). During the latest review of the status undertaken in the 48th meeting of the Environment Sub-Group held on 1st April, 2010, it was observed that there are certain gaps and non-compliance in the implementation of the Environmental Action Plan by the party States. (MOEF, 2010)

As a sequel to it, the MoEF constituted a High Level Advisory Committee for ascertaining the pari-passu compliance on environmental measures for SSP.

The foregone discussion explicated the fact that, the capital intensive investments such as mega-dams culminate in debacle in terms of environmental impacts. Despite such a revealing fact that was shared and propagated by eco-politics and political ecology63, the governments did not adhere to such discourses

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63 Political Ecology is a field of study, which evolved during the early 1970s, analyzed environmental issues from a Political Economy perspective. It stated that political, social, and economic differences account for uneven distribution of costs and benefits and hence any change in environment due to human intervention or natural phenomena will affect different classes in society in different ways. Eco-Politics is the politically motivated policy initiatives and campaigns based on environmental concerns.
centered on development and sustainability or depletion of natural resources, and means of livelihood.

Environmental issues due to such mega alteration of land and water had been a throbbing concern of many in India, as we have already alluded to. But quite often they were represented by the government as ‘esoteric concerns’ of the urban elite and such a representation enabled them, with some legitimacy, to wish away the voices coming from such concerned intelligentsia. But at the same time, several activist groups were sharing this general discourse on environment and political ecology.  

We take up the conditions which prevailed to open up trajectories of operation of the government to ceaselessly continue with its pre-determined plan to erect the Dam. Such a course of the history of dam construction suggests that either the Central Ministry was in a disadvantageous position to assert itself, given the asymmetrical power relations that favoured Gujarat, or the pressures of finance disallowed any cessation. The main argument in this regard was that ‘so much is already spent on the dam project that further delays will only cumulatively affect the national exchequer’. In other words, cost escalation due to delays was a legitimate enough argument that disturbed the central government. It is also equally probable that the Central government showed the green flag, as it were, it could pre-empt any possible crisis. Another inference could be that, as the government had already accepted the first installment of the Bank’s credit, in order to receive the subsequent installment it was necessary to go on with the project. Here it is more of a political economic consideration which got prevalence. This consideration is evident in the fact that the project was unfolding despite the impediments put forward by government organs. Moreover, there were social insistence on adhering to conditionalities mandated by the NWDTA, MOEF and

64 Environmental Movements generally are concerned about conservation and preservation of Environment arising from an anthropocentric point of view. It is considered more shallow when compared with Political Ecology and Deep Ecology (refer FN. 84)

65 Opposition to the dam project was rising and any act of delay would also mean vindication of the position of the protestors, which may set a precedence that is unfavorable to the pro-development environment that the government was trying to create.
the Bank. So far we have not mentioned anything about these institutionalized and organized resistances and insistences.

3.12 Delegitimation and Re-Legitimation – Shifting Alignments

Once the WB curtailed financing the project in 1993, the onus fell on the GoG and they had to resort for financial resources from elsewhere. Till then the economic aspirations and means to satiate it remained within the logic of the ends of such a dam. But with the withdrawal of WB, the Gujarat government began to follow the diagram of commercialization or, still better, commoditization of water. This is evident in the commencement of issuing ‘Deep Discount Bonds’\textsuperscript{66} to raise funds for the project like any other business firm. Project’s legitimacy was assured by continuing to highlight the diverse benefits that will be accrued in future. But there was a change in the projected future benefits as cash crop cultivation such as sugar cane solely for marketable surplus increased in an arithmetic proportion. Moreover, the water intensive industries like chemical and fertilizer factories were also multiplying. This increased production (commercial and industrial) necessitated increased demand for water which was unprecedented and therefore inevitability of the dam.\textsuperscript{67} Such increase in demand for water for commercial and industrial purposes had another implication. The canals to make water available to the firms and new fields of commercial crops reversed the natural direction of run-off water by blocking its path.\textsuperscript{68}

\textsuperscript{66} On November 1993, Deep Discount Bond was issued by SSNNL to raise internal funds for the SSP in the context of the World Bank withdrawing from the project in 1993. Each bond is Rs.3600/- and will offer a maturity amount of 1.11 lakh rupees at the end of 20 years at an unprecedented interest rate of 18.5% (Annexure 6). The maturity date is 11\textsuperscript{th} January 2014. Currently a controversy and cases are going on since the SSNNL is trying to call off the bonds prematurely, forcing the bond holders to accept an amount of 50,000/bond. (Annexure 7) Govt of Gujarat brought out an extraordinary legislation and enabled SSNNL to unilaterally call off bonds prematurely despite muted resistance from SEBI. SEBI and several bondholders have approached the court and the matter is still sub-judice.

\textsuperscript{67} Increased food production, especially the drought-prone areas of Kutch and Saurashtra, more and more Sugar cane factories came up in the command area and the mainland farmers were going for cash crops. The availability of drinking water began to be highlighted more and more, as cities of Ahmadabad and Vadodara were expanding along many industrial parks being planned along the Golden Corridor through which the Main Canal waters flow.

\textsuperscript{68} The main canal goes from South towards North cutting across rivers and watersheds that naturally flow from east to west, towards the Arabian Sea. In the long run, this situation will speed up the process of salinity ingress in the coastal areas (due to reduced water flows) and also creates water logging on the eastern side of the canal. Though some measures have been undertaken by the government to manage this problem, a few hundred culverts, overhead canals and diversions are not of much help in a stretch of 450 km cutting across Gujarat.
In response to this situation, the Central government intervened and appointed an independent Five Member Group to study the Project’s status, in order to review the claims made by the Gujarat and the counter-claims of NBA. Gujarat government did not participate with this Review as a gesture of their disagreement. It raised its opposition by saying that since there exists a monitoring authority (NCA) sanctioned by the Tribunal and there is, therefore, no constitutional reason for yet another independent review. But Maharashtra and Madhya Pradesh cooperated with the Five Member Group and submitted its Report by 1994 but without any desired outcome. The option before NBA was to file a Public Interest Litigation (PIL) in the SC anticipating that SC will do justice to people. Meanwhile, the Five Member Group also submitted its Report justifying the claims or rather, counter-claims of the petitioner. The SC vindicated the plea of the NBA and issued stay order.

While the case was going on in the SC, the Sardar Sarovar struggle was spreading to all the affected villages due to the construction of other dams in the Narmada. People affected by Maheshwar dam, Narmada Sagar Dam, Bargi dam displaced, the Jobat dam and the Gogoi dam areas began to be organized as hope of the people on struggles were corroborated by none other than the SC. Medha Patkar, along with others, felt the need for a non-party national organization that is committed to resound the voice of the development and communalism affected peoples. This led to the formation of the National Alliance of People’s Movement (NAPM) in 1992.69

3.13 The Legal Route to Justice

Returning from our detour, we understand that despite these pre-emptions forwarded by such different organs of the Central government and international funding agencies and social resistances, damming and related activities were snowballing. But initially, at least for about seven years, the Gujarat government

69 The National Alliance of People’s Movements (NAPM) as an organization began in 1992 in the context of communal and capitalist forces disturbing the fabric of the nation. The New Economic policies initiated by Narasimha Rao government in 1991 and the Ayodhya incident in 1992 triggered a compelling need for the Socialist, Gandhian and People’s based movements and struggles to come together and put up a united alliance to fight against Capitalism and Communalism.
was trying to galvanize or co-opt such resistances through various persuasive strategies in order to continue smoothly with their desired construction of the dam. They were not showing any inclination for accomplishing the conditions stipulated by different organs of the State or financing agency. The government was only postponing them with their own reasons of governance.

Although, initially such reasons of the Gujarat government was convincing, soon their promises were found to be eyewashes to continue with their predetermination. Further, their claims were also found to be hollow. But such tactics and strategy did not live for long as the counter voices began to be more assertive and at times got legal backing by the SC. With such a conglomeration, the history of construction of the Dam took yet another turn first, as The Bank found that it is more in their favour\(^{70}\) to withdraw from funding the already socially challenged project. But later the Gujarat government deployed this withdrawal in their own favour\(^{71}\) by being coercive revealing its relations with the opposing

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\(^{70}\) The strategic campaign by NBA against the World Bank involvement in the Sardar Sarovar Project was realized through a well connected international campaign which seriously threatened the legitimacy of the Bank. The ill-conceived manner in which the Bank got involved in the project and the subsequent events that unfolded proved that the Bank was extending its financial support to the project at the risk of its investment interests elsewhere in the developing countries. This forced the World Bank to appoint a review committee in 1991 which was named as the Independent Review Committee, popularly known as the Morse Committee. The Morse Committee Report which was submitted in 1992 severely criticized the project and recommended that it is wise for the Bank to withdraw from the project. But due to pressure from the Government of India, another committee was appointed to counter-check the first report. But the second report also advised the Bank in a similar manner and the World Bank, for the first time in its history, withdrew from a development project after funding began. Out of a total of US $ 450 million, Bank had already given $280 million. The remaining $170 million was cancelled, but the interest payment liabilities and stipulations of the Bank regarding social and environmental mitigation is still binding for the Project.

\(^{71}\) The Withdrawal of the Bank was a big setback for the Government of Gujarat. But they were able to politically turn the tide to their advantage by declaring Medha Patkar and NBA as the enemy of Gujarat. They painted themselves as the victims of jealousy and unjust connivance by forces that are trying to block the development of Gujarat. A chauvinistic fervour for the Narmada dam began to emerge and this emotional factor was politically manipulated to their advantage. Also, the many problems that Gujarat was facing to go ahead with the project were camouflaged as all the problems were attributed to the enemy. Sardar Sarovar as the life line of Gujarat was reiterated. Unquestioning support was mobilized within Gujarat as all parties lined up to take the Narmada issue as a common one.

Once the Bank withdrew from the Project, the onus of financing the project had to come from national resources. This will be discussed later in another chapter as to how Gujarat government initiated the Deep Discount Bonds, finding finance and legitimacy at the same time.
forces. The force that made the turn all the more conspicuous and apparent is with the Supreme Court’s stay order on the dam construction in May 1995. This was in response to a Public Interest Litigation (PIL) by NBA.

This stay order is found to be the terminal year of the fourth period which we were discussing earlier. However, if one is, more concerned with the NBA which paved way for the chance for the SC to intervene, then, the terminal year (1995) and the initial year (1987) have to be rewritten. The initial year of this period is no more this, because this plaintiff organization became a daunting presence only by 1988-89. This implies that, although it has been characterized that this period commenced from 1987 from a juridico-political perspective, the moment we draw the bench mark from the frame of resistance movement, then, the initial period also shifts. Likewise, if we take environment based resistances and questioning, to draw the bench mark, then the initial time point becomes, 1983 and the terminal year flows out beyond 1995. What we are underlining here is that both the initial and terminal years are predicated to the bench mark chosen and the

The diplomatic and persuading approach on the part of the Gujarat government towards NBA was slowly shifting gears as the resistance began to get stronger during 1990-93. Initially the approach towards NBA was more lenient and accommodating. This was when NBA was asking for more information about the Project and details of rehabilitation. But as NBA began to move towards a strategic ‘No Dam’ position, the approach shifted towards animosity and antagonism, not only from the Government of Gujarat and SSNNL but also from Gujarat based NGOs such as ARCH. With the World Bank withdrawal, governments began to take an aggressive approach by sending huge police force to forcefully destroy houses and relocate the people from their original villages in the valley. Between March 26 and April 23, 1992, two young adivasi girls were raped by police inspectors in Manibeli village. On 4 April 1993, Budhiben of Antras (Gujarat) was gang raped by the police. On 13 July 1992, Dhanibai Padvi of Taloda, original dweller of the rehabilitation site of Maharashtra was killed in police firing. Another boy, Rehmal Puniya Vasave aged 15, was shot dead on 18 November 1993 when the Maharashtra Police opened fire at an unarmed adivasi gathering, as they were protesting against the forced displacement. (Sangvai, 2002: 208-210)

The shift in approach can be understood by the fact that Gujarat and other governments realized that they will not be able to go ahead with the Project with the consent of the displaced. Moreover, it was clear for them, may be even much earlier, that it is impossible to follow the NWDTA and WB stipulations properly due to the lack of availability of land and insufficient political will to do justice to the affected. Hence, once the WB withdrew, they have decided to coercively displace the people and go ahead with construction as planned. The first submergence happened in Vadgam village in 1991, when the dam height was about 32 meters. But the people at that height had not been relocated as per NWDTA requirements and it was also not possible due to lack of land availability and resistance from the adivasis. This totally aggressive approach from the government put NBA into a crisis as the people were facing intimidation and violence by the police and officials. It is not possible to sustain a struggle in the face of violence especially when the struggle is non-violent. NBA decided to go to the Supreme Court of Justice both as a legal strategy and also to challenge the political impasse.
frame of reference in which it becomes conspicuous. The inference is that, periodization is not a non-intersecting vector; rather there are intersections among them. These intersections had not been a stationary feature; rather, it was fluid as they responded to the specific conjectures. This fluidity is not only symbolic of the ongoing processes, but also mirrors the non-static power relations.

This period, in short, witnessed a historical transformation from persistence of construction of a dam and placid forms of resistance to aggressive perseverance and assertive and legalistic resistances. The resistances got metamorphosed into a perennial movement, having national and international ramifications. Damming continued ceaselessly; voices against damming doubled; the non-damnable campaigns by NBA that attempted to delegitimize top down, energy intensive, technocratic model of development intensified. To be precise, the valley of river became a valley of clamors, claims and disclaimers. With these cautionary words let us still go on with the conventional juridico-political periodization.

3.14 The Supreme Court Judgment (2000)

From 1995 to the present, the ongoing fifth period (20 years), the judicial courts have been playing a crucial role in determining the trajectory of the discourse that was happening around the Narmada issue.

During this period, the juridico-political happenings determined the paths tread by both NBA and the governments. Affidavits and Counter affidavits followed suit. Strategic interventions and political campaigns to reveal the ‘truth’ of non-compliance and to put pressure on the governments continued ceaselessly. Shifting the struggle to the legal plane limited both government and NBA from political bargaining options to legal justice as predicted by the Supreme Court. Since the main dam wall was stayed, government shifted focus to appurtenant works like canal network, construction work in the dam colony etc. The amelioration works at the resettlement and environmental front was also taken up. By 1997, NBA spread to other dam affected areas like Maheshwar dam in Madhya Pradesh and also reached out to struggles elsewhere for support and solidarity.
Things began to intensify again when in February 1999, the SC, in an interim order, allowed raising of the dam wall by 16 feet (5 meters) with 10 feet (3 meter) humps. This would mean that the dam wall will go up from 263 feet (80.3 meters) to 289 feet (88 meters). This 26 feet increase will aggravate problems for people in the valley in the following monsoon as much more lands will be inundated than before. This interim order was a violation by SC of its own 1995 order staying the dam due to non-compliance. But political pressure after BJP came to power at the Centre in 1999 was such that balance of powers tilted conveniently for GoG. BJP’s grandiose nationalism was reflected in the second Pokhran nuclear blasts, the Kargil war and the interim order by SSP all of which happened in 1999.

After five long years of litigation and affidavits and counter affidavits, the SC finally sanctioned, by a majority order, conditional clearance for the dam to go ahead on 18th October 2000. Out of the three judges in the bench, Justice S P Barucha wrote a minority judgment ordering that the dam should remain stayed on the basis of non-compliance of Environmental amelioration measures. Chief Justice B N Kirpal who wrote the majority verdict concluded thus:

As the Relief and Rehabilitation Sub-group had cleared the construction up to 90 meters, the same can be undertaken immediately. Further raising the height will be only pari passu with the implementation of the relief and rehabilitation and on the clearance by the Relief and Rehabilitation Sub-group. The Relief and Rehabilitation Sub-Group will give clearance of further construction after consulting the Grievances Redressal Authorities.

Every endeavor shall be made to see that the project is completed as expeditiously as possible. (SC Majority Judgment, 2000)

The tone of urgency in the last line is self evident that the Supreme Court considered that the delays were unnecessary and undesirable, leading to cost escalation and delayed realization of the fruits of development which cause further loss for the GDP growth: “...Any delay in the execution of the project means over run in costs...It was also noted in this agreement that "development of Narmada should no longer be delayed in the best regional and national interests" (SC Majority Judgment, 2000)
It is evident from the above statements that SC endorsed the rhetorically derived notion of ‘national interests’ and neo-liberal growth paradigm as important factors in conflict resolutions. This also means that there is a shift in emphasis from safeguarding the Constitutional rights of the affected people to safeguarding the developmental interests of the ‘nation’.

Hence a ridiculing tone comes when mentioning the NBA’s plea as a ‘Publicity Interest Litigation’ or ‘Private Inquisitiveness Litigation’. (Kirpal & Anand, 2000) The court also states the serious issues being raised on non-compliance of Environmental measures as

the environmental clearance was now being delayed on account of so-called environmental problems. It was further stated in his letter that the Sardar Sarovar Project, when completed, will solve more of the pressing problems of environment than creating them. (SC Majority Judgment, 2000)

The main inquiry in this study is to understand what legitimates such development projects as Sardar Sarovar Project which causes immense social disruption and destruction of environment. It is the contention of this study that the so called ‘just compensation’ may not justify huge displacement and immitigable damage to the environment.

As mentioned earlier in this chapter, the SC stated in its order that ‘national interests’ and ‘over run in costs’ as immediate compulsions that made them to state that ‘Every endeavor shall be made to see that the project is completed as expeditiously as possible.’ The same urgency was not shown when discussing about resolving Resettlement and Environmental problems. Rather the tone was that law will take its course and everything should be done by the constituted authorities and ruling governments as legally normal.

Of the thirty proposed mega dams, Sardar Sarovar became the most controversial primarily because of the emergence of people’s movement, Narmada Bachao Andolan, which questioned the dam on account of its Economic, Social,

73 What is historically happening is that a Mega dam named as Sardar Sarovar dam is being constructed by State of Gujarat in the Narmada Valley, along with another 29 of them by the State of Madhya Pradesh, apart from 135 medium dams and 3000 odd small dams known as the Narmada Valley Development Project (NVDP).
Environmental and Technological registries. The rise of the dam affected (especially reservoir affected) populations was an ‘unexpected turn around’ for the government. Till then, there was not much leeway for the people but to obey the orders and accept whatever is given to them as ‘compensation’. Besides, the government was at a position in the power hierarchy to quell the resistances through diplomatic persuasion and coercive measures.

In the case of NBA, such measures failed because there were three riparian States with mutual rifts with regard to the issues raised by the people. Moreover, the withdrawal of WB (1993) and SC stay on the dam (1995) brought the issue to limelight. The researcher would state that the dam construction was delayed and the imbroglio was created, not only because of people’s resistance but also because the dam construction was violating the Constitutional norms and NWDTA stipulations. It was the struggles of the people coupled with the already gained legitimacy from the judiciary that caused such a situation.

The momentum that was created with the withdrawal of WB was such that, in 1995 January, Supreme Court approved the arguments put forward by NBA and stayed the dam project until all rehabilitation and environmental measure up till the height of 263 feet (80.3 meters) is completed.

These historical processes show that despite NBA’s limitations to delegitimize the project, they were able to delay the project on the grounds of illegality (non-compliance) on the part of the government. The credibility of any capital-intensive development process lies in its ability to create wealth and wellbeing with economic and administrative efficiency and transparency i.e. without corruption. NBA’s opposition was grounded on this ‘reasons of good governance’. The ongoing disputes could be characterized as a site of contestation for and against credulous developmentalism.

One crucial question to be taken up in this study is that despite clear counter-evidence about non-compliance recognised by the court, how can court itself flag off the dam. This appears as an internal incoherence within the court.74

74 Minority Judgment itself is proof. (SC Minority Judgment, 2000)
The incoherence is all the more vivid when we trace the acceptance of environmental consequences as a serious issue and at the same time stand with the developmentalism with whatever consequences. That means one has to go beyond the surface level party political gimmicks and pressure principles as the main kingpins and descent into depths of the socio-political texture.

The fact remains that the public (the populations that are exposed to media and have a stake in modernist development) is made to believe that the dam is a ‘necessity’ and that only the negative impacts need to be addressed and reduced.\textsuperscript{75} NBA, through concerted, strategic efforts, was able to vastly enhance the compensation package and realization of environmental amelioration, and slowed down dam construction - even stop it for a while. Although the consequences of the struggles fall short of the desired objectives, its ramifications can be seen elsewhere and in the subsequent planning of dams.\textsuperscript{76}

In 1999 February, the SC gave an interim permission to raise the dam height from 263 feet (80.3 meters) to 289 feet (88 meters).\textsuperscript{77} In 2000 October Judgment, the dam construction was allowed but monitoring of it at every five meters (ironically the SC violated its own earlier order when it gave clearance to go from 328 feet (100 meters) to 361 feet (110 meters) at one go) was recommended to ensure rehabilitation and environmental amelioration measures.

\textsuperscript{75} In 1972, the Club of Rome, a team of scholars then based in Rome, published a book named ‘limits to growth’. The main concern was to counter the belief in the unlimited growth model of development. The world population, industrialization, pollution, food production and resource depletion were taking as the variables based upon which alternatives were sought to the current model of development. (for details refer F.N. 56)

\textsuperscript{76} Plans for Dam constructions are ever on the rise. The difference lies in the awareness about consequences and the increased public visibility of resistance movements which are now considered to be more legitimate that in earlier years.

\textsuperscript{77} This happened when the second BJP –led coalition government led by A B Vajpayee came to power at the Centre from March 19, 1998 - October 13, 1999. Also, there was change in the SC bench that was hearing the case - AS Anand, SP Bharucha, BN Kirpal. In May 1994, when NBA filed the Public Interest Litigation (PIL), a bench consisting of Justice M N Venkatachalliah, J S Verma and S P Bharucha heard the case. The Justice Anand and B N Kirpal became part of the bench in 1997 after Justice J S Verma was appointed Chief Justice. According to Sanjay Sangvai, “from then onwards, there was a perceptible change in the attitude of the Court. It closed down the hearings of the Constitutional bench. Further, it limited itself to the ‘resettlement’ aspects, despite the insistence of the NBA to look into all the aspects of the issue, for which the petition was filed in the first place.” (Sangvai, 2002: 74)
Currently, in June 2014, NCA has given clearance for completing the dam wall with the installation of the 55 Feet (17 meters) high gates. The dam construction had been stopped at 400 feet (121.68 meters) since 2006. One may get a feeling that clearance for completion was given in consistency with all the judicial and administrative stipulations. But as we shall see in the next chapter, it is not only the conditionalities of Rehabilitation and Environmental reparations at the remaining 55 Feet (17 meter) high gates which has to be completed but also families who have already faced submergence under 263 feet (80.3 meters) but still surviving in the valley without rehabilitation. It is they who challenged the legitimacy of a process of development, that forcefully centralize the nature’s bounty on which the life of nature based communities depend, and market it with urban and urbanizing social groups as ‘commercial resource’. (Roy, 1999a)

3.15 Contestations and Resistances

We have mentioned that there were sporadic resistances and contestations in the valley since the initial years of the project planning. So far we have referred only to NBA tangentially but now we shall discuss it in more detail. There were different groups and organizations that resisted or launched contestations against the big dams and tried to give voice to the displaced and the dispossessed. In all the three riparian States, Madhya Pradesh, Maharashtra and Gujarat, Samitis were formed at different points in time and place. The Narmada Ghati Navnirman Samiti (NGNS) was established in Nimad in 1986 by veteran Sarvodayi leaders like Kashinath Trivedi, Prabhakar Mandlik, Phulchand Patel, Baijnath Mahoday, Shobharam Jat and others. Rajghat, on the southern banks of the Narmada, was their main meeting site. The ‘Narmada Jan-Jagaran Yatra’ from Omkareshwar to Koteshwar was conducted in October 1986 through which the conscientization about the negative consequences of big dams also got enabled. The Nimad region had been fermenting with the dam issues since the turn of the 1970s as they had already in their front, exemplars of non-fulfillment by the State, of the legal and social conditionalities to the displaced. By the time NGNS was formed they
already had in their front the debacles due to the construction of the Tawa dam\textsuperscript{78} and the social turmoil unleashed due to it. The Nimad \textit{Bachao-Narmada-Bachao samiti} of early nineteen seventies and the subsequent politically motivated Nimad \textit{Bachao Andolan}\textsuperscript{79} and the NGNS’s shortcomings and lacunas were foregrounds at the time when consolidation of geographically and socially sprinkled resistances and unified actions were initiated and came to surface in 1987.

The major rally held in Kevadia on January 30, 1988, was the first signal that a united struggle of people from all the three States is possible. By 1988-89 when concerted efforts were made to consolidate the various \textit{samitis} under an umbrella, the name Narmada \textit{Bachao Andolan} was preferred. It is obvious that the struggle was already on and evolving at the occasion of this naming. As mentioned earlier, many \textit{samitis}, \textit{sangatans}, \textit{morchas} and \textit{abhiyans} converged to be made up as Narmada \textit{Bachao Andolan}. The whole naming had little to do with shared ideas, ideologies or activities, but what influenced were the river and the aspirations of the riverine populations.

3.16 \textbf{The Umbrella Movement - Narmada \textit{Bachao Andolan}}

This gradual convergence of specific local categories and names i.e. Nimad, \textit{Dharangrasta, Asargrast} etc into the name of the river i.e. Narmada \textit{Bachao Andolan} indicates that the movement was growing in complexity and geographical spread and numerical magnitude. The localised identities and differentiated institutional processes had become insufficient to address the larger institutional contestations. Hence, the river becomes the fulcrum around which differences gained coherence and NBA have became the site to voice effective dissonance even across national borders. The disadvantaged/displaced people from

\textsuperscript{78} The Tawa dam was completed in 1974 on the Chhoti Tawa River, a tributary of Narmada River. The issue of severe water logging in the Tawa command area proved that the dam was ill planned. The Mitti \textit{Bachao Andolan} (\textit{Save the Soil Movement}) emerged in the 1980s raised questions regarding the feasibility of the Tawa dam and its claimed benefits.

\textsuperscript{79} Shri Arjun Singh (who later became a Cabinet Minister) was one of leaders who were at the forefront of the Nimad \textit{Bachao Andolan}. The resistance continued for a while after the NWDTA, in the very form of protesting NWDTA. But it slowly faded away. This experience dealt a deep scar in the hearts of the Nimadi farmers who were genuine in their resistance. This led them to believe that a movement of their own is the only way ahead in struggle. So when NBA was building alliance during 1985-89, they joined wholeheartedly and became a strong presence in the movement.
Bargi to Baruch and from Rajasthan (where the main canal ends) to Surat (where the southernmost R&R sites are) could become integral with the collective. All of them recognised themselves as the children of Ma Narmada, a highly emotive symbol\textsuperscript{80} that spurred energy in them to withstand any fatalities that might result from their resistance to injustices.

These organizations and their resistances were distinguishable in terms of whether they were effective and also in terms of the matters for which they fought for i.e. issue of the legal non-compliance in constructing the SSP and the massive distress of forced displacement and environmental destruction. The social, class and caste composition of these organizations were dissimilar.\textsuperscript{81} Even though this is so, there was a common thread which we can find out. They had common goals and aspirations as they were functioning either for the cause of the already displaced or deprived peoples and also the potentially displaceable. They were also attending to the potential problem of inundation about which they were sure of. Their resistances were to some extent sporadic responses to the immediate pressures and circumstances. Even though we characterize these resistances as falling under the umbrella of ‘organisations’, they were far from being formalized like yet another “State” within a State. These organizations were providing agency function to those resistances. Besides, they were making their presence felt in the whole process of the history of resistances.

It is important, now, to situate NBA’s position within such conglomeration of resistances. To NBA, it was a discursive space in which its ongoing decamps could be prolonged. NBA is considered as an environmental movement

\textsuperscript{80} Even on a religious account the name Narmada holds much awe, even in Gujarat. It was reported in the local news papers that in a tea stall in Ahmedabad city, one could get Narmada tea for Rs 5/- where as Sabarmati tea is Rs 3/- and local tea is Rs 2/- This Narmada tea is made of water that comes through the Narmada Main Canal. The irony of commercialization of this highly emotive symbol contrast starkly with the inspiration that it provides for those who struggle due to commercialization of water.

\textsuperscript{81} There were adivasi groups, farmers, fish workers etc. Among adivasis Bhils, Bhilala and Tadvis formed the major groups. Mandaloi and Patidar castes formed the upper strata among land owning farmers while OBCs and Dalits formed the rest of the group. Culture, Customs and Language also varied a lot.
by many national and international scholars. Of course, NBA had already been sensitized to environmental concerns and took an ideological position akin to environmental socialism (Sangvai, 2002:196). NBA neither adheres to a ‘deep ecological’ position nor believes that environment can be manipulated. Rather, it took a position that environment is integral in human condition of living and subsistence. NBA speaks from the point of view of the natural resource base people and hence sees a vital interconnection between people and their environment unlike urban point of views that see nature as a commodity or ‘thing of beauty’ to be enjoyed. Here development is perceived holistically, where human condition is distinguishable from environment but not separable from it. It seems that the underlying presumption in such attitude of NBA underscores that Nature is not something out there alone but it is imminent in the human mind/soul. Human life and engagements with the environment, in this way, is not a one-directional causal relation but something that involves both negative and positive symbiotic relations.

Environment as a major concern and a de-legitimizing factor of development came outward and began to code the unfolding of the dam construction. But when the Sardar Sarovar Project had been envisaged, the situation was different and governments had not to be sensitive to environmental yard sticks. They were able to overlook this factor as the dominant perspective was to attain development at all costs so that we can catch up with the growth rate of highly industrial countries. Moreover campaigns of sustainable development had not come to the fore as a de-legitimizing factor due to minimal awareness about the connection between development and environment. The Central government yielded to the pressure of capital intensive industrial development at the expense of sustainable development and environment as a result of the Gujarat government’s

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83 Refer F.N. 55, 56, 63,64 and 75
84 This arises from a Deep Ecological Perspective where eco-centrism is the organizing principle, a substantial deviation from the anthropocentric ‘shallow environmentalism’.
85 Most dictionaries explain the meaning as ‘A relationship of mutual benefit or dependence’. In life sciences, especially applied biology, the meaning is given as “a close and usually obligatory association of two organisms of different species that live together, often to their mutual benefit”
pressures. The pressures had another dimension as well. It is remarkable to note that, later in 1993 the World Bank had altered its Environmental stipulations for project clearance and regulatory measures for environmental impact mitigation after their direct experience in the Sardar Sarovar Project and the NBA’s appeal to the concerned world communities. Towards this end Peterson has noted that

“European campaigners persuaded the Swedish and European Parliaments to recommend that European Community (now European Union) member governments use their votes in the Bank Executive Board to stop the loans. Japanese groups organized an International Narmada Symposium in Tokyo, which inspired 20 members of the Japanese Diet (parliament) to demand the World Bank and the Japanese government (which was a co-financier) to cancel their loans. 27 transnational NGOs organized a “Stop Sardar Sarovar” campaign in the USA and threatened to campaign actively against the 10th IDA replenishment”. (Peterson, 2010)

3.17 Non-Violence as a Legitimate Path of Resistance

At all the occasions of rendezvous with violence, NBA’s response was based on the beliefs and ideological convictions of its own. Though legitimacy is recognized as an issue, there were moments when it is overlooked. Whether it is the Maoist attack on Police Stations in India, or bombing by Al-Qaeda or a Naxal attacks, they are revengeful re-actions upon other actions of power from elsewhere. When certain actions invite re-actions of a violent nature and when they become a regular feature, in general or commonly, both will follow the paths of a power game with effects of violence. Metamorphosis of one gets replicated at innumerable sites of contest and rebounds. To chisel an enclave of non-violence becomes an exceptional instance. 86

At this point it is also important to mention few words about the general milieu that has influenced the formation of NBA.

The post-independent India witnessed the Sarvodayis, Lohiaite-Socialists and neo-Marxists raising challenges to the general paradigm of the ‘Big’ projects. During the 1980s, the survival and subsistence strategy of the people began to get affected and as a consequence the ‘resource’ depletion problems came up as a

86 Some of the authentic leaders who were guiding lights of non-violent resistance are Mahatma Gandhi, Martin Luther King Jr., Nelson Mandela, Jayaprakash Narayan and Ram Manohar Lohiya.
threat to them. This led them to be sensitive to the general environmental issues. This has made the communication without Noise between the organizations/leadership and those people facing hurdles in their daily life. Development/Dam projects began to get questioned by the people themselves. Narmada valley became the valley of developmental activities as well as a valley of resentments and resistances.

The aforementioned socio-political environment enabled NBA in tracking down a non-violent path to reach at these goals within the purview of a democratic process, respect for the constitution and the rule of law. But it differed from the State governments in terms of development priorities, ideals, methods, and meeting up with consequences. In this non-violent efforts, a constant mind game has been on, a tactical role of mediation between two entities, the planners and developers (in terms of politicians, business executives, experts and executives) on the one side and the affected people along with support from the civil society organizations, individuals and a few pro-people persons from the government bodies on the other side.

The Narmada struggle inspired many struggle organizations in other States of India such as Plachimada anti-coca cola struggle, Ghar Bachao Ghar Banao Abhiyan in Mumbai, Koodamkulam Anti-nuclear struggle in Tamilnadu, Anti-dam projects in Athirappilly (Kerala) to name just a few, to raise their voice against what they experienced as unjust displacement and violation of their Constitutional rights in the name of development.

3.18 The Politics of Legitimacy

Identifying the forces that create legitimacy is important in effectively working for change assuming that individual or group do have agency role. At the same time, it is equally important to understand the complexities that maintain legitimacy in specific contexts and shifts in initiatives. In the case of Narmada struggle, while NBA was working towards specifics situating within a larger context, at a given time, their strategies was not directed so much at de-legitimizing the dam, but at rehabilitation and retention of economic and ecological justice. This shows that legitimacy principle works beyond agencies and
individuals such as the government bodies, judiciary, funding agencies like World Bank, corporations, people’s movements or individuals such as Medha Patkar (Iconic leader of the NBA and National Alliance of People’s Movements (NAPM)), Narendra Modi (Charismatic Ex-Chief Minister of Gujarat and now Prime Minister of India), to name a few. The disputes between two incommensurable standpoints, in terms of ideology and priorities, are naturally decided by the larger context in which the disputes happen.

In the Narmada case, SC took a position that helped speeding up development projects by stating that development decisions are government’s prerogative. The SC Judgment 2000 allowed the dam construction to go ahead. To legitimize its neutrality, it also vindicated NBA’s standpoint in terms of non-compliance by applying certain conditionalities. These will be discussed in more detail later.

NBA could expose non-compliance and apply pressure on the government bodies by tactical expositions of processes that by-passed the ‘legitimate’. Whenever governments would justify their positions, NBA would counter attack with evidences and arguments that nullify the government claims. What constitutes authentic self- is the main tenor of the study.

During 1998, when a new government took charge in Gujarat, they initiated a Janus-faced campaign during which the SC declared an interim order (1999) that allowed the dam construction to proceed from 80 meters to 88 meters. On one side, the GoG went to the people to convince them once again that the Narmada Project is the life line and gaurav (Pride) of Gujarat. On another side, they seemingly initiated strategic back door campaigns to de-legitimize NBA as an anti-national, anti-development organization and also to convince the authorities that any delay in completing the Narmada project will cause huge wastage to the exchequer and negative precedence for the speedy development (faster growth) of

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87 incommensurable (adj), at variance, cannot be compared to, cannot be weighed against, discordant, disproportionate, dissimilar, greatly dissimilar, incomparable, incongruent, inconsistent, inharmonious, lopsided, mismatched, out of proportion, unbalanced, unequal (Abate, 1997)

88 BJP-led governments came to power in Gujarat and the Centre
the country.\textsuperscript{89} The legitimizing argument that was put forward was that costs are escalating due to the delay and it may escalate beyond manageable limits if the dam wall does not reach the full height. What is already invested will turn out to be wasteful expenditure. To quote Himanshu Upadhyaya:

As per details in the mentioned audit report, in April 1987, SSNNL awarded the construction work of the concrete dam to Jaiprakash Associates for Rs.320 crores. The terms and conditions for the award were stipulated in the main agreement that SSNNL entered into with the contractor. However, within two months of the Supreme Court judgment of October 2000, which gave the go-ahead for the project, SSNNL entered into a supplementary agreement with the contractor that not only did away with the date of completion of the dam work (January 2006), but also provided for a `payment of idle charges' clause. This clause meant that if the concreting work done on the dam in any working season (July to June) was less than the target of three lakh cubic metres, for reasons not attributable to the contractor, idle charges at the rate of Rs.823.90 per cubic metre would be payable by SSNNL to the contractor for the shortfall in concreting work. (Upadhyaya, 2013)

This is an artificial predicament, not a historical one. Here the question of legal and ethical rightness cannot be mapped on to black and white. What was right and who decides rightness is conjecture specific, especially the changing balance of political power.

The juridico-political framework narrated the political involvement by the State, legal jurisdiction by Supreme Court and political struggle by the people as a story of contestations and resistances where the state and NBA was engaged in a legitimate struggle for development i.e. in order to understand damming and development we need to grasp the tangents of a developmentalist state in conflict with socio-environmental ethics.

As mentioned earlier, since 2006, the dam was stalled at 400 feet (121.92 meters), with just the 17 meter high gates remaining to be installed. The full height of the dam is 455 feet (138.68 meters). Gujarat government waited for the R&R Sub-group and the ESG to submit their reports towards clearance for further construction. The ESG has given faulty clearance in 2011 and R&R sub-group in 2013 June. But the fact remained that pari-passu work on Rehabilitation and Environment has not progressed adequately at each stage of the dam construction

\textsuperscript{89} This issue is taken up for detailed discussion in Chapter Five, Section 5.5
as stipulated by the NWDTA in all three reservoir affected States. Hence Narmada Control Authority has postponed its stipulated meeting and clearance has not been granted for further construction. Gujarat government initiated jingoistic campaign to again highlight that the UPA led central government is not granting the clearance to install gates and once again use the heat of a hot Indian summer preceded by a deficient rainfall monsoon, to call upon the opposition party politicians (read: Congress) in Gujarat to pressurize the central government to expedite the clearance to raise the dam height. The linguistic phrase that was always used is, ‘raise the dam height’ and not ‘install the dam gates’. Verticality of the rising dam height has always been used by the recent CMs in Gujarat to evoke an emotive motif of ‘achievement’, an imagery that also ensures the erasure of the images of incomplete canal construction.

The balance of powers shifted towards dam builders when the ex-Gujarat Chief Minister (CM) Narendra Modi became Prime Minister of India on 26th May 2014. On 12th June 2014, within 17 days of the new government assuming office, NCA gave clearance for installation of the gates which will take the dam to the proposed full height of 138.68 meters. The NBA, through individual petitions, again field petition in SC challenging the decision of the NCA on the ground that Rehabilitation is not completed and the clearance is illegal. The SC has accepted the case and hearing is on.

So far we have seen how the project evolved, was systematically legitimized in the face of severe conflicts between States, legal non-compliance and socio-political resistance from affected populations. To gain further understanding of the engagement between Gujarat government and NBA, in the next chapter, we shall discuss the major legitimate contestation, that of Rehabilitation. We need to explore what happens during the political process of placement following displacement. This may enable a better understanding of how legitimation and delegitimation happens in the political process of damming and development.