CHAPTER 4

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SOME CONTENTIOUS AND CONTROVERSIAL
ISSUES OF CONFLICT OF INTEREST

The extent of political action, resistance and opposition on the issue of displacement by the reservoir of the Sardar Sarovar project undertaken by the SSPA, various agencies, government organizations, institutions and international funding agencies played a vital role in the process of policy formation at the initial stage and during gradual evolution of revised version of the policy. Therefore, the chapter seeks to focus upon the nexus of action-resistance that revolve on the axis of the displacement. The case of the SSP is justified on the right of water. But it shoots up a huge controversy over displacement of communities from their ancestral lands and from their established way of life. It sets ablaze a serious debate over the human right. While the conflict in the Narmada valley has centred round the displacement, there has been simultaneous movements which scrutinize the overall implications and impacts of the SSP in terms of its economic viability, financial implications, the distribution of its benefits and its environmental impact.
The Sardar Sarovar project controversy has now entered into the new millennium. The controversy is complex though widely perceived as a battle between the grass-roots and the resource-poor activists on the one hand, and the government on the other. Since powerful interests including part of the Indian government, and some of the most influential international non-governmental organizations involved them into the controversy, its complexity has remained largely hidden from view. The controversy reached new heights with the publication of the report namely Independent Review in 1992. This report contrary to widely held expectations that it would clarify the issues, has instead added more twists to the controversy. The Sardar Sarovar project receives responses from promoters of the project as well as from its opponents. If promoters present the thesis of the project, the opponents present its anti-thesis, and that creates controversy. Development is not a linear process, it can never be so. It emerges out of a dialectical relationship between the thesis and anti-thesis.

So far as anti-dam activity is concerned, there prevails no terror and violence in Gujarat. Some miscreant or some political activists may indulge in some violence just to arouse public attention and create controversy. But pro-dam organizations cannot be blamed for that. Even some of the pro-dam activists were reportedly beaten by anti-dam activists. But one cannot blame social activists like Baba Amte or Medha Patkar for such petty violence. Even today pro-dam activists can hold group meetings in Gujarat without
any fear. It is necessary because the anti-dam movement has definitely brought some improvements in the R&R policy at SSP (Joshi, 1991:76). The Gujarat Government’s resultant new R&R policy of December 1987 has been hailed as a revolutionary policy by all concerned organization.

Groups opposing the Narmada dam and the SSP may be recognised chiefly as of three types:

1. Gandhian workers, who believe that small is beautiful and machine and technology should not overpower mankind.

2. The second group consists of environmentalist and some activists who believe that big dams damage the ecological balance and create problems of deforestation, water logging, salinity, siltation, earthquake and the like.

3. The third group consists of human rights activists who believe that big dams help relatively big farmers in the command area, while people in the catchments area lose their land and habitat and are hurled into poor and wretched conditions.

This issue raised by the third group has a bearing on the human rights. Hence, the issue can be separated at analytical level. But at the level of ground reality, it is not possible to have watertight compartments. It is nevertheless necessary to mention that the magnitude of all the environmental issues raised by first two groups is smaller compared to the
single issue of R&R raised by the third group. Further, although these issues as Joshi remarks, are raised with a genuine concern for development but actually they have caused hindrance in the early implementation of the project. On the other hand, they indeed help to put the projection on a more righteous, rigorous and scientific ground (Joshi, 2000:21).

Operating chiefly in Maharashtra and M.P., the anti-dam activists stopped looking for ways to achieve similar policies in their state. They started questioning whether this new policy was going to be anything more than remaining a piece of paper. They argued, in particular, that there would not be enough land available in Gujarat to implement this policy that sounds attractive, but a lot exaggerative too.

4.1 MAIN ACTORS IN THE RESETTLEMENT AND REHABILITATION PROCESS OF THE SSP

The Sardar Sarovar Project, being among the world's largest projects involves multiple hands and agencies in the process towards contributing to the formulation of Resettlement, Rehabilitation policy. Since the inception of the project in early fifties, various agencies, organizations, and institutions have come forward to play vital roles in the process of policy formation. The key actors who have been involved actively in the process of R&R policy formulation are discussed below:
4.1.1 State And National Level Governments And Their Agencies

4.1.1.1 State Government of Gujarat (GOG)

Being the initiator and the basic operator of the SSP, the Government of Gujarat remains main stack holder in the project. It undertakes the titanic task of resettling 245 villages, 40,727 families, and 127,446 people affected by the dam, together with the basic construction and developmental works related to the project.

4.1.1.2 State Government of Madhya Pradesh (MP)

The majority of the people affected by the dam and the project reside chiefly in the state of M.P. They are 89,796 people belonging to 193 villages and comprising 33,014 families. The State of M.P. played an active role to pressurize the NWDT and the Supreme Court of India for adequate compensation and resettlement of their people in Gujarat State. They also hold interest in sharing the power and the water generated at the SSP.

4.1.1.3 State Government of Maharashtra

The SSP is feared to be submerging 3,113 families, and 19,650 people altogether in the State of Maharashtra. Like the State of M.P., this
4.1.1.4 State of Rajasthan

Rajasthan is not affected in any way by the submergence. The water scarcity in the state is all alarming. There is scanty rainfall during the monsoon. Many villages have no water for drinking or irrigation. The state, moreover, lies on the international border with Pakistan and most of the area is a desert. These two facts lead the state to sake claim in the benefits of the SSP.

4.1.1.5 Government of India (GOI)

The Government of India seeks to play a neutral role in the entire episode. It is basically concerned with the resettlement of the displaced. It has to face tremendous pressure from several environmental groups, human rights organizations and international bodies who all are actively protesting against the very construction of the dam. Hence, it keeps a watch on the development of the project and to ensure about the resettlement in particular.
4.1.1.6 **Sardar Sarovar Narmada Nigam Limited (SSNL)**

The corporation is the apex organization having assigned the task of building the dam and resettlement of the people. The corporation looks after the engineering and finance aspects of the project.

4.1.1.7 **Sardar Sarovar Punarvasvat (Resettlement) Agency (SSPA)**

Founded by the GOG, Sardar Sarovar Punarvasvat Agency is an independent body constituted for the implementation of resettlement and rehabilitation (R&R) policy. This body is vested with the powers of the government. It is headed by the Chief Minister of Gujarat. The commissioner of the SSPA looks after the implementation. He is assisted by a General Manager for Resettlement and Development, to look after the development needs of the resettlers, and a General Manager - Rural Construction, who looks after development activities such as infrastructure, irrigation, electricity etc. A displaced family is supposed to be looked after by the General Manager (GM) Resettlement and Development (R&D), while a village is a unit under the supervision of the GM R&R.

4.1.1.8 **Narmada Planning Group (NPG)**

The NPG was formed by GOG so that the planning of the Narmada dam and its related issues may be worked out more systematically. The NPG
anthropology, etc. who would offer their views and expertise to guide on the matter of resettlement. Research institutions and various universities are assigned research projects to conduct social, economic and anthropological studies. The recommendations of the respective reports were incorporated in the planning of the projects. Even today, this process of incorporating recommendation is going on. A report on the issue of resettlement and rehabilitation was prepared by a team of social anthropologists, planners, and economists. It has influenced the drafting of the resettlement policy. It has happened first time in India that expert social scientists in large numbers, and from various discipline have been involved significantly in the planning of an irrigation project.

4.1.1.9 Narmada Water Dispute Tribunal (NWDT)

The NWDT played a major role in shaping the resettlement policy of the SSP. The NWDT was chaired by the sitting judge of the Supreme Court of India, with a complete assistance from panel of technical exports. The panel made exhaustive and detailed study alternatives on how to derive best benefits from the Narmada water in interest of the country as a whole and concerned states in particular. It gave a comprehensive award in 1979. It is a land-marking award. The Tribunal was indeed much ahead of its time in prescribing a liberal and complete package of land for land and all other living amenities in the interest of an adequate resettlement of the displaced.
While entrusting the responsibility of constructing the inter-state the Sardar Sarovar Project (SSP) on the Government of Gujarat (GOG) the award also prescribed various regulatory and administrative norms so as to ensure smooth implementation and effective compliance of all provisions of the award. It was to be carried out under the stewardship of the Government of India (GOI) and with willing participation of all the four states. The award was accepted in principle by the GOI and notified duly in December 1979, giving it a status of the finality, binding to all interested parties, as mandated by article 262 of the Indian Constitution and the Interstate Water Dispute Act of 1956.

4.1.1.10 **Narmada Control Authority (NCA)**

The Narmada Control Authority (NCA) was established by the GOI at the national level as fall out of the NWDT award. The main purpose of the NCA is to keep an eye on the operations of resettlement and rehabilitation. It conducts periodic visits and collects information on the resettlement and conveys them to on to the GOI.

4.1.1.11 **The Ministry of Environment**

The Ministry of Environment carries out a basic responsibility of protecting forests and safeguarding environment in the interest of healthy living of the planet, called the earth. In this light, the Ministry has had stake
in the resettlement. The Ministry first of all refused to give any forestland for the new habitats and insisted that afforestation should go pari passu with the construction of the dam equivalent to the forest area getting submerged. The Ministry is well aware of the environmental issues and closely monitor the impact of the dam on flora and fauna. Moreover, tribals use forest products for their livelihood. Hence, the Ministry insists that the GOG has to undertake social forestry, village forestry and forestry of fallow land in and around the new habitats.

4.1.1.12 Grievance Redressal Authority (GRA)

As the controversy over the construction of the dam grew sharper, the contending rival parties sought resort to the judiciary on the legal aspect. The Supreme Court of India being the supreme body in the Indian judiciary has been very much involved into the disputes over the project and much other litigation filed by environmental group opposing the dam. Lately, the Supreme Court has taken a view that the GOG was trying to employ the implementation mechanism in right way for the resettlement and rehabilitation of oustees. However, there was a need for strict monitoring and overseeing it. It then appointed the GRA under the chairmanship of a retired judge of the Supreme Court. The court's decision based on the GRA's recommendations would be binding on all parties. In future, the
GRA visits the resettlement sites to get the first hand information and hear to grievances, if any, of the displaced.

4.1.1.13 National Commission of Scheduled Castes and Scheduled Tribes

The National Commission of Scheduled Castes and Scheduled Tribes works towards upliftment of tribal people. The Commission is actively involved in the resettlement of people in view of the fact that the majority of the displaced belong to scheduled castes and tribes. The Commission has lately taken the role of an advocate. It represents tribal’s case and fights to safeguard betterment of these communities.

4.1.1.14 Department of Archaeology

On account of the SSP, some of the archaeological sites were feared to be submerged. The NWDT stipulated that in such cases the entire relocation, conservation and protection should be implemented by the GOG with due care and concern. Hence, a detailed archaeological and anthropological study of the entire region was conducted. The Narmada basin had two ancient temples which would go under submergence. The government undertook the re-erection of these temples on higher plateau
following the directions of the Department of Archaeology. The clearance from this department is essential for the continuation of the SSP.

4.1.2 International Agencies

4.1.2.1 World Bank of IMF

The World Bank and the International Monetary Fund (IMF) are international finance organizations that emerged at the world level to promote and support developmental projects of larger human interest. Their involvement in the SSP remained in the initial stage. In view of the positive approach of the GOG, the Bank offered financial aid. The Bank, however, insisted that the standard of living of the affected families should improve or at least be uplifted to that prior to the submergence. It must be admitted that the involvement of World Bank did bring out a change in the approach of the resettlement programme. Later, in view of the growing disputes, the GOG decided to keep the Bank out of the project.

4.1.2.2 Morse Commission

An independent fact finding mission was set up in 1993 by the World Bank with a view to having correct perspective on the SSP in view of the controversy. The mission visited the site and had meetings with several
agencies connected with the project. In view of the pressure from the environmentalists’ lobby, the Morse team asked the GOG to make changes in the project. On meeting the Morse Team in 1993, it was revealed that they preconceived ideas and their recommendations were biased. This eventually led to withdrawal of an important actor like the World Bank from the project.

4.1.2.3 **International Labour Organization (ILO)**

The International Labour Organization (ILO) being a world level agency on the labour issues, seeks to resolve issues emerging from large developmental projects. It seeks to safeguard the economic interests of the downtrodden against any chance of exploitation. The ILO convention 107 was adopted in 1957 on “Convention Concerning the Protection and Integration of Indigenous and other Tribal and Semi-Tribal Population in Independent Countries.” India was one of the first country to ratify ILO 107 in 1958. It insisted on three important things to notice about; first, it affirms the right of tribal people to their traditional lands. Second, it stipulates the causes for which tribal people may be removed: National security, National Economic Development and the health of the tribal population. Third, it provides that tribal people who are displaced shall be provided with lands of quality at least equal to that of the lands previously occupied by them, adequate enough to provide for their present needs and future development.
The ILO played an indirect role in the formulation of the policy for resettlement, because the Indian government, being the founder member country, to comply with the ILO stipulations.

4.1.2.4 **World Commission on Dams (WCD)**

The World Commission on Dams (WCD) is an international organization. It plays a vital role to safeguard the environment and the people affected by large dams. It is more than a “watch dog” role, since they monitor and evaluate the water resource projects the worldwide. They are not directly involved in the SSP. But they are in position to use international media and pressurize the Indian government on the issue of resettlement.

4.1.2.5 **International Funding**

The SSP came international aid received from many sources. It constituted the most controversial account for 15 percent of the SSP (Stattar: 1991). In 1985, the WB lent to the three state governments of Gujarat, Maharashtra and Madhya Pradesh the sum of US $ 450 million to finance the SSP - both the dam and the canal. The three state governments then applied for an additional aid of US $ 350 million to complete the canal and $ 90 million for the related Narmada Basin Development Project. The funding initially implied two different responses of the international
community: approval of the project and satisfaction with the manner in which the GOI went about with the planning and execution of the project. But as the event unfolded page after another, the Narmada came to symbolize instead for the most embarrassing and citified project in the World Bank's history.

A centerpiece of the campaign "Fifty Years Is Enough" against the continued existence of the WB itself, the Narmada loan was the first in history to be terminated (withdrawn) due to popular pressures. It was coupled with an independent bank ordering a review of the project, known as the Morse Commission Report. It also provided an impetus for the traditionally secretive bank to open its procedures to the public and to reconsider and rewrite its guidelines on funding. It would further improve upon its resettlement and rehabilitation policy and practice and re-examine its currently funded projects (see Appendix – II Morse Recommendations: A Correct Perspective).

4.1.2.6 The International Front

The conflicts of interest in the growing SSP controversy within the international environmental community got a boost when Medha Patkar, Social Activist and Researcher paid two trips to Washington in 1987 and 1989. She inspired Lori Udall of the Environmental Defense Fund (EDF) in
Washington to play a crucial role to project the concerns of the Narmada Bachao Andolan (NBA) to the World Bank. Udall also helped to build a network of committed and informed activists in other western countries like North America, Europe and also in Japan and Australia. These activists came to be known as the Narmada Action Committee (NAC).

Medha Patkar met some executive directors of the World Bank during her 1989 visit. One of the directors remarked afterwards “When I hear what NGO say about this project, and then what the operation staff say, it sounds like they are talking about two different projects.” Patkar also gave a testimony at a congressional subcommittee hearing on the World Bank’s performance on Sardar Sarovar Project. Congressional staff, journalists and environmentalists responded with a spontaneous applause after her impassioned, hour-long presentation. A number of congressmen later wrote to the World Bank President, Mr. Barder Cainable urging that the project be suspended.

The next foreign success for the NBA was a symposium in Tokyo in April 1990, called the Third International Narmada Symposium (see Appendix – III). To influence the opinion in Japan was of vital significance for the Narmada campaign, as the Japanese government was to lend some $200 million for the turbines for the SSP. The NBA and its international activists joined Japanese NGOs, academics and politicians in the
symposium. It received considerably wide national press coverage. The activists later met Japanese government officials. Within a month following the symposium, the Japanese government withdrew all further funding for the dam. This was the first time that a Japanese aid loan was withdrawn on environmental and human rights grounds.

Back in India, the NBA changed its straightforward 'no dam' position in March 1990. It sought a way of breaking the stalemate between the pro- and anti-dam forces and proposed that the project be suspended pending a comprehensive and open review. At first, the NBA attempted a breakthrough by sending forward groups of volunteers with their hands tied in front of them to symbolize their commitment to non-violence. The police forced back the volunteers repeatedly.

The NBA's role remained much more than challenging a single dam to protest erection of a dam in general. Patkar and other NBA leaders travelled throughout India supporting struggles against the state and corporate development projects which would enthrall peaceful human existence and even deprive the poor of their right to livelihood. Together with other leading environmental activists, women's of lower castes and Gandhian groups, the NBA helped to establish a National Alliance of People's Movement (NAPM). In March 1996, representatives from around 100 groups in 17 states drew up a 'People's Resolve,' a common ideological
platform for the NAPM. It was hoped India’s many thousands of diverse people’s organizations would unit to form a ‘strong social and political force.’

4.1.3 Initiatives and Agencies of Judiciary and Civil Society

4.1.3.1 People’s Union for Civil Liberties (PUCL)

People’s Union for Civil Liberties (PUCL) is a local unit of the Nation wide Human Right Organization. This organization plays a “watch dog” role to critically examines the resettlement process undertaken by the SSP. They visit the new habitats, from time to time, meet the displaced and assess the situation. They often voice their views through the media. Their very existence has helped the tribals to restore to good living conditions.

4.1.3.2 Narmada Bachao Andolan (NBA) - Save Narmada Agitation

The Narmada Bachao Andolan (NBA) remains highly vocal and active among all actors protesting vehemently the very construction of the dam. It is an anti-dam organization with one mission - to stop the construction of dam. The NBA activists claim to be pro-people and have taken a path of agitation. They mobilize communities affected by the project. They are successful in thwarting the government efforts to evacuate
settlements. This has hampered the progress of the dam. The involvements of the NBA has brought great awareness in the tribal population regarding their rights. Consequently, they are alert about their rights, have grown more vocal and ceased to be mute observer to their exploitation, as it happened in the past. The NBA approached even the Supreme Court of India to prevent the work at the dam.

4.1.3.3 Non-Government Organization (NGOs)

When the GOG accepted the award of the tribunal and began the construction of the dam occurred a widespread spouting of NGOs. Most of their opposed the dam. As the problem became more known, the argument raised was that big dams can give way to only lopsided development. At this juncture, a group of environmentalists also emerged opposing big dams. Gandhian groups that believe in the philosophy of small technology got encouragement with these two movements. Today, NGOs have become an alternative agency to foster development. But there are many kinds of voluntary agencies operating today. Vishvamata Nirmulan Samiti did some good work in the initial phase during 1980-84. Social Service Society played a significant role in conscientising and organizing tribal oustees. The society fought for the legal rights of tribal oustees. It was only after 1987 that this organization shifted its stance and took an anti-dam position. Yuva Chatra Sangarsh Vahini has fought consistently for the cause of just and
proper rehabilitation. Shri Harivallabh Parikh of Anand Niketan Ashram exerts strong influence on people residing in the villages under submergence. Shramik Vikas Sansthan also involves it in rural development programme in the new settlements. Lok Adhikar Sangh, although takes an anti-dam stance, play a significant role in focussing upon the rehabilitation issues. However, most of the newly involved NGOs play a role of providing developmental inputs and rather than of organizing them. Nehru Organization for Mass Movement, Arch Vahini, Sankar Nirvan Society, Institute for Studies and Transformation, Shivanand Society, Divya Seva. GRISERV, Narmada Development Society, Dipchand Gardi Charitable Trust, Lions Club, Action Group, National Rural Development Group, and Sadvichar Parivar are some among NGOs of such kind. All such NGOs have gathered to form their federation named ‘Sampoorna Punarvasan’ - means ‘Complete Resettlement.’ The newly evolved resettlement policy records the role that all these agencies have played over the period of last 15 years.

4.1.3.4 **Actors at Village Level**

The people in village under submergence have played vital role in the entire event. A Village Panchayat, which is a local self-government at village level has remained a most active unit with pioneering role and key actor in the process of decision-making. People in a village are normally
found to be following their leader taking his word as the verdict. The various castes in the village have their own leader-a-caste leader. He often decides what is good for his caste and the community. While selecting new habitats, caste leaders have been playing a vital role. Often in a village, some people are branded as intellectuals. They are the ones who often go to urban areas on business or some other purpose. On their visits, they collect some information on world and impart it to illiterate villagers. They are often called "Dayas" in colloquial term. Their opinion is often sought in times of crisis and it is found that they have been playing significant role in mobilizing people in the community. Similarly, a priest of a village temple exerts greater impact on the entire village community. He enjoys power and respect over the people. All these people leaders, intellectuals and priests, participate in the resettlement process. The government has to take them into confidence to have their participation in the decision-making. Without their cooperation, the resettlement work is impossible. So the government tries best to with favourable response from these classes prior to any decision-making or implementation of the decision in villages. The narration seems to focus on active participation from local people. However, vicious factors played upon by political ambition, aspiration and arrogance of a few, involved directly in the process, may degenerate the outcome in the form of political conflicts, communal biases and individual prejudices. This fact cannot be ignored in the interest of healthy development. (This account is based on Shelat’s research unpublished article.)
4.1.4 Independent Research Agencies

4.1.4.1 Centre for Social Studies (CSS), Surat

Centre for Social Studies, Surat is an academic body promoting studies and research related to socio-eco-political issue. For its credit worthiness, the GOG and the Narmada planning group asked the CSS to conduct studies or rehabilitation of the villages under the submergence. A detailed report was prepared after conducting studies of all the submerged villages. The recommendations made in the studies were accepted by the GOG and the same were incorporated in the resettlement policy. The GOG also looks at the CSS a monitoring agency that has been assigned the task of keeping a watch on the implementation of the resettlement policy. It is expected to impart advise and information to the government, based on their observations, from time to time. The CSS, in this way, is one of the key actors exerting great influence on the resettlement process.

4.1.4.2 Independent Monitoring and Evaluation Agencies

The monitoring and evaluation of the rehabilitation and resettlement programme is being carried out by independent socio-anthropological agencies appointed by the state governments of Maharashtra, Madhya Pradesh and Gujarat, as well as by the Narmada Control Authority. These
agencies are professional and academic institutions. They conduct surveys and in-depth studies relating to PAFs staying in rehabilitation villages.

The issue of R&R in Gujarat is perceived as having three stages: Displacement that occurred first, not in relation to the SSP specifically, but with the commencement of the original work in 1961 at the Navagam site near six villages around the Kevadia colony, the colony set up near Garudeshwar on the bank of the Narmada specifically in relation to the project administration and related settlement. Displacement that occurred later at five other villages where a series of depressions had to be dyed appurtenant to the main dam to follow. Displacement from these 11 villages was phased in stages, first in 1961, then as a result of preliminary works following the NWDT Award in 1981 and in Displacement thereafter with the growing momentum of the construction on the main dam after 1985-87. With each of these phases a different set of R&R norms evolved gradually. The earliest displacement clearly reflect on the regime of the time. Whereas the later displacement in two phases was influenced with multiple perceptions and critiques of government and non-government groups with conflicting interests. The Independent Review Mission (IRM) and other critics have contributed significantly to the historical fallout. It should in fact be seen as a separate issue to be dealt with on its own merits. Another agency called ARCH took up the cause with the World Bank inviting its
intervention. As a result, some improvements resulted besides job offers already made available on the dam, canal and other works.

The IRM report of 1992 marks significant improvement in the operation. The R&R packages as evolved the three SSP affected states as of June 1993 on the IRM report bear salient features that sound like an improvement on the NWDT Award. According to the package each landed oustee would receive a minimum of 2 hectare of irrigable land of his choice either in Gujarat or in his respective home state if he so prefers, subject to a maximum of 8 hectare or the state's land ceiling, as the case may be.

The NWDT does not recognize encroacher on forest land or non-forest lands or the landless as entitled to land benefits. Initially none of the affected states was inclined to reconsider this matter. But the World Bank pressurized upon respective state point that governments that tribal communities seldom hold land titles and with the stature declaring forest to be 'reserved' or 'protected' over the past century, their traditional and customary land rights have been extinguished. Hence, they should be considered on humanitarian ground for land benefits. Consequently, the category of land beneficiaries was made inclusive of such landless tribals even. The R&R package announced by the Government of Gujarat is estimated at recent prices at recent to cost over Rs.1.5 lakhs per family. The Government of Gujarat and Maharashtra show concern for the entire
submergence area that is mostly rural. That is not the case in Madhya Pradesh.

4.1.4.3 **Human Rights Violations**

It is essential to protect and promote human rights as a matter of priority for the community development and development as a whole. The issue of Human Rights violations emerged with mass displacements, evictions and the SSP's inadequate rehabilitation and resettlement measures. There have been, during the course of the project, various and frequent human rights violations, primarily against protesters and the NBA leaders. These violations run the gauntlet from unexplained police detentions and abuse, while in custody, of beating of non-compliant oustees and protesters by the police. In a few tragic cases, the police reported opened fire on crowds that resulted in injuries and death. It appears that the GOI has sometimes sought to deal with protesters through oppression and violence.

These violations had drawn attention of the international community with serious concern for human rights. As a result, there emerged the Narmada International Human Right Panel that now holds International Narmada symposiums. At the symposiums the reports of fact-finding mission undertaken by NGOs are presented to chronicle abuses in India associated solely with the Narmada Valley project.
When multiple lands and agencies are operative in the direction of the Sardar Sarovar Project and its effects on the people and the environment, the collective efforts, if not collaborative and even if conflicting, carved out a channel in the form of the Resettlement and Rehabilitation Policy in order to give right and just direction to the project of a titanic dimension. In the light that this project can not be discarded brutally, nor can it be ignored on any reservation, the policy seems to seek a resolution to conflicting interests. It would help the understanding of the project if an overview of the policy is laid down. Therefore, in the following Table 4.1, an overview of the policy is presented with comparison of thinking patterns of the three participating states of Gujarat, Maharashtra and Madhya Pradesh with that laid down the tribunal award.
<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Item</th>
<th>NWDT Award</th>
<th>Gujarat</th>
<th>Maharashtra</th>
<th>Madhya Pradesh</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Definition of oustee</td>
<td>An oustee shall mean any person who, since at least one year prior to the date of publication of notification u/s 4 of the Land Acquisition Act, has been ordinarily residing or cultivating land or carrying on any trade, occupation or calling or working for gain in the area likely to be submerged permanently or temporarily.</td>
<td>Same as under NWDT Award Clause XI-1(2)</td>
<td>Same as under NWDT Award Clause XI-1(2)</td>
<td>Any person who has been ordinarily residing or carrying on any trade or vocation for his livelihood for at least one year before the date of publication of notification u/s 4 of the Land Acquisition Act or has been cultivating land for at least three years prior to such notification in an area which is likely to come under submergence whether temporarily or permanently because of the project or is otherwise required for the project.</td>
</tr>
<tr>
<td>2.</td>
<td>Family</td>
<td>A family shall include husband, wife and minor children and other persons dependent on the head of the family, e.g. widowed mother.</td>
<td>Same as under NWDT Award Clause XI-1(3)(ii)</td>
<td>Same as under NWDT Award Clause XI-1(3)(ii)</td>
<td>A family shall mean and include husband, wife and minor children and other persons dependent on the head of the family, e.g. widowed mother, widowed sister, unmarried sister, unmarried daughter of old father.</td>
</tr>
<tr>
<td>Sr. No.</td>
<td>Item NWDT Award</td>
<td>Gujarat</td>
<td>Maharashtra</td>
<td>Madhya Pradesh</td>
<td></td>
</tr>
<tr>
<td>--------</td>
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<td>-------------</td>
<td>----------------</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>LAND ALLOTMENT</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(a) Landed Oustees</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>Every displaced family from whom more than 25% of its land holding is acquired shall be entitled of and be allotted irrigable land to the extent of land acquired from it subject to the prescribed ceiling in the State concerned and a minimum of 2 hectares (5 acres) per family, the irrigation facilities being provided by the State in whose territory the allotted land is situated. This land shall be transferred to the oustee family if it agrees to take it. The price changed for it would be as mutually agreed between Gujarat and the concerned State. Of the price to be paid for the land a sum equal to 50% of the oustee family for the land acquired from it will be set off as an initial instalment of payment. The balance cost of the allotted land shall be recovered from</td>
<td>Land equivalent to the acquired with a minimum of 2 hectares and maximum limited to State ceiling. Joint holders are also eligible for land equal to his share subject to a minimum of 2 hectares. Joint holders and major sons will be considered as co-share of acquired land. Irrigation facilities to be provided by the State.</td>
<td>Land equivalent to that acquired with a minimum of 2 hectares and maximum limited to State ceiling. Joint holders are also eligible for land equal to his share subject to a minimum of 2 hectares. Irrigation facility to be provided by the State.</td>
<td>Land equivalent to that acquired with a minimum of 2 hectares and maximum of 8 hectares and also Govt. assistance in providing irrigation by wells/tubewells or any other method if land not irrigated. If irrigation is not possible, minimum 4 hectares will be allotted. Development of dry land would be subsidized by the Government to the extent of 75% of the cost involved.</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Where agriculture land is purchased by the oustees family through committee the difference, if any, in price of land so purchased and the amount of compensation shall be paid as an ex-gratia.</td>
<td>The landed oustee/encroacher who have received compensation of land has an option to contribute 50% of his compensation as initial instalment towards the cost of allotted land and rest of the amount of the cost of land to be repaid in 20 years, yearly interest free instalments of contribute 100% compensation.</td>
<td>2.(a) For families of all SC/ST and other categories with land holding upto 2 hectares grant, in-aid would be paid to cover the gap, if any, between the amount of compensation and the cost of allotted land in full. For other owning land from 2 to 8 hectares. Will be eligible for an additional amount of Rs.2000/- per hectares of 50% of the difference in cost of allotted land and the compensation received whichever is less.</td>
<td>(b) Oustee has two choice: (1) He can opt for cash compensation for</td>
<td></td>
</tr>
<tr>
<td>Sr. No.</td>
<td>Item</td>
<td>NWDT Award</td>
<td>Gujarat</td>
<td>Maharashtra</td>
<td>Madhya Pradesh</td>
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<tr>
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<tr>
<td></td>
<td></td>
<td></td>
<td>towards the cost of allotted land and the difference between the price of the allotted land and compensation would be treated as ex-gratia towards occupancy price. In other categories, i.e. landless agricultural labourer, encroacher (who has not received compensation) and their major sons are given full ex-gratia amount towards the cost of allotted land.</td>
<td>his submerged land. (2) He can opt for compensation in the form of land. He will be entitled for 50% amount of compensation in cash and remaining 50% amount will be adjusted against the cost of the allotted land. Remaining cost of allotted land will be recovered in 20 yearly instalments as loan due from third year. Loan will be interest free.</td>
<td></td>
</tr>
<tr>
<td>(b)</td>
<td>Enchroacher oustees</td>
<td>No land allotment benefit provided</td>
<td>Encroachers prior to 1 year of Notification under Sec. 4 of the Act are entitled for 2 hectares of land and compensation for the balance encroached land as ex-gratia.</td>
<td>2 hectares of land and compensation as ex-gratia payment for the balance land encroached upto 31/3/78. Later encroachers will be treated as landless and will get 1 hectare agriculture land.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(a) They will be treated as landed oustees subject to two conditions: (i) Encroachment must be on or before 13/4/87. (ii) Allotment of agricultural land will be 1 hectare or 2 hectares. Only subject to the size of encroachment coming under submergence. (b) Encroachers will be entitled to get compensation for land under submergence.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c)</td>
<td>Landless oustees</td>
<td>No provision for land allotment</td>
<td>2 hectares of land to landless agricultural labourers only.</td>
<td>1 hectare of land if oustees moves with others.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>No land. All landless agricultural labourers and all SC/ST landless oustees will get Rs.29000 each for productive assets while other landless will get Rs.19500 accordingly.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sr. No</td>
<td>Item</td>
<td>NWDT Award</td>
<td>Gujarat</td>
<td>Maharashtra</td>
<td>Madhya Pradesh</td>
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</tr>
<tr>
<td>(d)</td>
<td>Major sons of all above categories of oustees</td>
<td>Every major sons will treated as separate family. No provision for land allotment.</td>
<td>2 hectares of land to each major sons of all categories of oustees with 1/1/87 as cut-off date for major sons.</td>
<td>1 hectare. Of land to each major unmarried daughters and major sons of all category of oustees with 1/1/87 as cut-off date for major sons and unmarried daughters.</td>
<td>Major sons will be treated as separate family. They will be entitled to cash compensation according to the category to which they belong.</td>
</tr>
<tr>
<td></td>
<td>House plot</td>
<td>Free of cost allotment of house plot to each oustee family measuring 18.29 x 27.43 m (60' x 90') including major sons.</td>
<td>1. Residential plot of 500 sq.m. would be given free of charge to the oustee families and their major sons. 2. Free core houses costing Rs.45000/-</td>
<td>1. Residential plot of 500 sq.m. would be given free of charge to the oustee families and their major sons and unmarried major daughters. 2. Free Mangalore tiles and bamboos.</td>
<td>Residential developed plot of 502 sq.m. (60' x 90') in rural areas will be given free to the oustee families and their major sons.</td>
</tr>
<tr>
<td></td>
<td>Rehabilitation Grant, Grant-in-aid, Subsidy</td>
<td>Resettlement/ rehabilitation grant @ Rs.750/- per family inclusive of transportation charges. Grant-in-aid @ Rs.500/-</td>
<td>Subsistence Allowance: Each family will be paid (1) subsistence allowance at Rs.15 per day for 25 days in a month for a period of one year after resettlement. (2) Rs.750/- per family with an increase of 8% per year worked out with January, 80 as base, as resettlement grant. (3) Grant-in-aid @ Rs.500/- as per NWDT Award. (4) Rs.5000/- to purchase productive assets and Rs.10000/- to construct pucca house plinth. The above benefits at SI.2 will be given to all categories of oustees and their major sons.</td>
<td>Subsistence Allowance. (1) Each family will be paid subsistence allowance at Rs.15 per day for 25 days in a month for a period of one year after resettlement. (2) Rs.750/- per family with an increase of 8% per year worked out with January, 80 as base, as resettlement grant. (3) Grant-in-aid @ Rs.500/- as per NWDT Award.</td>
<td>Scale of grant-in-aid for rehabilitation will be as follows: Rehabilitation Grant: (1) All small and marginal farmers and all ST/SC farmers @ (2) Rs.11,000 each. (3) All other farmers @ Rs.5500 each. (4) All agricultural landless labourers and all SC/ST labourers, @ 11000 each. (5) All other labourers and landless families @ Rs.5500 each. (5) Major son of each oustee family will be treated as landless. He will be categorised amongst landless oustees as per his occupation.</td>
</tr>
<tr>
<td>Sr. No.</td>
<td>Item</td>
<td>NWDT Award</td>
<td>Gujarat</td>
<td>Maharashtra</td>
<td>Madhya Pradesh</td>
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</tr>
<tr>
<td>6.</td>
<td>Transporta­tion Grant</td>
<td>Transportation charges to be met out of resettle­ment/rehabilita­tion grant Rs.750.</td>
<td>Free transport will be provided by State Government.</td>
<td>Free transport will be provided by State Government.</td>
<td>Free transport will be provided by the project. In case this facility is not availed of, a lumpsum relocation grant will be paid.</td>
</tr>
<tr>
<td>7.</td>
<td>Acquisition of Private land/houses which get isolated or physically cut-off</td>
<td>Not dealt with</td>
<td>Would be acquired and owners treated as oustees.</td>
<td>Would be acquired and owners treated as oustees.</td>
<td>Would be acquired and owners treated as oustees.</td>
</tr>
<tr>
<td>8.</td>
<td>Compensation (a) Land</td>
<td>As per Land Acquisition Act in operation at the time of acquisition.</td>
<td>As per Land Acquisition Act as amended from time to time.</td>
<td>As per Land Acquisition Act as amended from time to time.</td>
<td>Compensation for land on the basis of price of similar land in adjacent command areas. Replacement value of House.</td>
</tr>
<tr>
<td></td>
<td>(b) Houses</td>
<td>As per Land Acquisition Act.</td>
<td>As per Land Acquisition Act.</td>
<td>As per Land Acquisition Act.</td>
<td></td>
</tr>
<tr>
<td>Sr. No.</td>
<td>Item</td>
<td>NWDT Award</td>
<td>Gujarat</td>
<td>Maharashtra</td>
<td>Madhya Pradesh</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>One religious place of worship for every 500 families.</td>
<td></td>
<td>13.</td>
<td>Open gutters.</td>
<td>16. Any other facility such as middle school which was existing in the affected village and its improvement.</td>
</tr>
<tr>
<td></td>
<td>11. Electrification, water supply sanitation arrangements etc.</td>
<td></td>
<td>15.</td>
<td>Open place for collection of animals.</td>
<td></td>
</tr>
<tr>
<td>13.</td>
<td>20. Cremation/burial ground.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15.</td>
<td>Public Latrines.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16.</td>
<td>Open place for collection of animals.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17.</td>
<td>S.T. Stand</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18.</td>
<td>Grazing Land.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19.</td>
<td>Open place for Bazar.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20.</td>
<td>Cremation/burial ground.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

10. Other facilities

- Nil

Relocation would be given priority in public employment subject to meeting minimum qualification and age relaxation upto 3 years. Also attempt would be made to absorb as many oustees as possible in project works. 1. Priority in Class-III & IV posts. Reservation in project establishment. 2. 50% reservation in III. 3. 5% reserved for PAP’s children in Class III & IV posts in all Govt. Semi Govt. Organizations & local authority. 4. House building advance (i) Land holder - Rs.8000/-  
(ii) Landless labours - Rs.4000. 5. Priority in allotment of tankbed land as per existing state policy. 6. All ongoing welfare schemes will be implemented at relocation sites also.

Source: Vidyut Joshi, Rehabilitation is Possible, 2000:63.
### Table 4.2
**R&R Activities in Gujarat - Community Benefits**

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Components</th>
<th>Unit</th>
<th>Gujarat</th>
<th>Maharashtra</th>
<th>Madhya Pradesh</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Total no. of residential sites</td>
<td>No.</td>
<td>111</td>
<td>18</td>
<td>52</td>
<td>1811</td>
</tr>
<tr>
<td>2.</td>
<td>Primary schools</td>
<td>No.</td>
<td>94</td>
<td>18</td>
<td>51</td>
<td>163</td>
</tr>
<tr>
<td>3.</td>
<td>Drinking water wells</td>
<td>No.</td>
<td>326</td>
<td>55</td>
<td>149</td>
<td>530</td>
</tr>
<tr>
<td>4.</td>
<td>Piped water supply</td>
<td>No.</td>
<td>47</td>
<td>9</td>
<td>30</td>
<td>86</td>
</tr>
<tr>
<td>5.</td>
<td>Tree platforms</td>
<td>No.</td>
<td>152</td>
<td>25</td>
<td>103</td>
<td>280</td>
</tr>
<tr>
<td>6.</td>
<td>Internal roads</td>
<td>Km.</td>
<td>109.07</td>
<td>20.96</td>
<td>79</td>
<td>209.03</td>
</tr>
<tr>
<td>7.</td>
<td>Approach roads</td>
<td>Km.</td>
<td>58.11</td>
<td>12.04</td>
<td>24.69</td>
<td>94.84</td>
</tr>
<tr>
<td>8.</td>
<td>Street light electrification</td>
<td>Km.</td>
<td>110</td>
<td>17</td>
<td>52</td>
<td>179</td>
</tr>
<tr>
<td>9.</td>
<td>Construction of religious shrines</td>
<td>No.</td>
<td>1</td>
<td>1</td>
<td>13</td>
<td>15</td>
</tr>
<tr>
<td>10.</td>
<td>Core house constructed</td>
<td>No.</td>
<td>3274</td>
<td>4711</td>
<td>2788</td>
<td>6533</td>
</tr>
<tr>
<td>11.</td>
<td>Children Park</td>
<td>No.</td>
<td>110</td>
<td>18</td>
<td>5</td>
<td>179</td>
</tr>
<tr>
<td>12.</td>
<td>Dispensary</td>
<td>No.</td>
<td>27</td>
<td>18</td>
<td>51</td>
<td>96</td>
</tr>
</tbody>
</table>

Source: Vidyut Joshi, Rehabilitation is Possible, 2000:77.

### Table 4.3
**R&R Activities in Gujarat - Individual Benefits**

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Components</th>
<th>Unit</th>
<th>Gujarat</th>
<th>Maharashtra</th>
<th>Madhya Pradesh</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Total no. of residential sites</td>
<td>No.</td>
<td>111</td>
<td>18</td>
<td>52</td>
<td>181</td>
</tr>
<tr>
<td>2.</td>
<td>Subsistence allowance</td>
<td>No.</td>
<td>4499</td>
<td>588</td>
<td>2720</td>
<td>7807</td>
</tr>
<tr>
<td>1st instalment</td>
<td>To PAFs of Rs.4500/- for</td>
<td>No.</td>
<td>4344</td>
<td>587</td>
<td>2678</td>
<td>7609</td>
</tr>
<tr>
<td>2nd instalment</td>
<td>The year</td>
<td>No.</td>
<td>4097</td>
<td>516</td>
<td>2047</td>
<td>6660</td>
</tr>
<tr>
<td>3rd instalment</td>
<td>Resettlement amount</td>
<td>Rs.</td>
<td>195.00</td>
<td>25.30</td>
<td>111.70</td>
<td>332.00</td>
</tr>
<tr>
<td>3.</td>
<td>Exgratia for land purchase PAF</td>
<td>Rs.</td>
<td>4330</td>
<td>0</td>
<td>0</td>
<td>4330</td>
</tr>
<tr>
<td>(difference amount for the</td>
<td>Rs.</td>
<td>3079.9</td>
<td>0</td>
<td>0</td>
<td>3079.90</td>
<td></td>
</tr>
<tr>
<td>Amount land purchased and</td>
<td>Lacs</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>allotted to PAFs</td>
<td>4.</td>
<td>Productive assets PAF (Rs.7000 per family given amount for</td>
<td>Rs.</td>
<td>4378</td>
<td>602</td>
<td>2436</td>
</tr>
<tr>
<td>(difference amount for the</td>
<td>Lacs</td>
<td>218.60</td>
<td>31.20</td>
<td>138.20</td>
<td>7416</td>
<td></td>
</tr>
<tr>
<td>Amount land purchased and</td>
<td>Lacs</td>
<td>96.76</td>
<td>87.32</td>
<td>77.54</td>
<td>388.00</td>
<td></td>
</tr>
</tbody>
</table>

Source: Vidyut Joshi, Rehabilitation is Possible, 2000:78.
Table 4.4
Summary of Current Situation and Progress, Government of Gujarat

<table>
<thead>
<tr>
<th>Survey of village in submergence</th>
<th>Complete for all items in the State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identification of cultural sites</td>
<td>Complete for all items in the State</td>
</tr>
<tr>
<td>Collection of data and documentation of sites</td>
<td>Complete</td>
</tr>
<tr>
<td>Selection of appropriate sites</td>
<td>Complete</td>
</tr>
<tr>
<td>Action Plan</td>
<td>Complete</td>
</tr>
</tbody>
</table>

Source: The Supreme Court of India - Judgement by J. Kirpal, p. 88.

In order to consider the challenges to the execution of the project with reference to the Relief and Rehabilitation, it is essential to see as to what is the extent and the nature of the submergence.

If the level of the Sardar Sarovar Reservoir is kept at 455 ft. it would affect 193 villages in Madhya Pradesh, 33 villages in Maharashtra and 19 villages in Gujarat in terms of total or part submergence. The submergence villages are situated on the banks of the river Narmada. They are located gentle to steep slopes of the Satpura hills. A village is considered affected even when the water level touches a farm or a hut at a lowest level in it. It may be noted that only 4 village (3 in Gujarat and 1 in Madhya Pradesh) are getting submerged fully and the rest 241 villages are getting affected partially.

The state-wise data of the land that falls under submergence is given below (category-wise):
Table 4.5
State-wise Land Allotted to the Three States

<table>
<thead>
<tr>
<th>Sr.No.</th>
<th>Type of Land</th>
<th>Gujarat</th>
<th>Maharashtra</th>
<th>Madhya Pradesh</th>
<th>Total (in Hectares)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Cultivated</td>
<td>1877</td>
<td>1519</td>
<td>7883</td>
<td>11279</td>
</tr>
<tr>
<td>2.</td>
<td>Forest Land</td>
<td>4166</td>
<td>6483</td>
<td>2371</td>
<td>13385</td>
</tr>
<tr>
<td>3.</td>
<td>Other land including river bed</td>
<td>1069</td>
<td>1592</td>
<td>10208</td>
<td>12869</td>
</tr>
<tr>
<td>Total Land</td>
<td>7112</td>
<td>9599</td>
<td>20822</td>
<td>37533</td>
<td></td>
</tr>
</tbody>
</table>

Source: The Supreme Court of India Judgement by J. Kirpal, p. 109.

The Table 4.5 shows that as much as 12869 hectares of the affected land is that other than agricultural and forest land. It also includes the riverbed area. When other major projects of similar dimension are compared the Sardar Sarovar Project has the least ratio of submergence to the area benefited (1.97% only).

The comparison may also be used to receive the schemes that are announced and being operated by the concerned state governments in view of the projects under their care. The ratio of some of some of the existing scheme is as much as 25% as it can be seen from the Table 4.6 below:
Table 4.6
Comparison of the National Dams

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Name of Project</th>
<th>State</th>
<th>Benefited Area under (in ha.)</th>
<th>Submergence Area (in ha.)</th>
<th>Irrigation benefit per ha. under submergence</th>
<th>Percentage of area submerged to area irrigated</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Hirakud</td>
<td>Orissa</td>
<td>25750</td>
<td>73892</td>
<td>3.40</td>
<td>29.42</td>
</tr>
<tr>
<td>2</td>
<td>Shiram Sagar</td>
<td>Andhra Pradesh</td>
<td>230679</td>
<td>44517</td>
<td>5.24</td>
<td>19.14</td>
</tr>
<tr>
<td>3</td>
<td>Gandhisagar</td>
<td>Madhya Pradesh</td>
<td>503200</td>
<td>66186</td>
<td>7.60</td>
<td>13.15</td>
</tr>
<tr>
<td>4</td>
<td>Patihan</td>
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<td>35000</td>
<td>7.94</td>
<td>15.29</td>
</tr>
<tr>
<td>5</td>
<td>Tungbhadra</td>
<td>Karnataka</td>
<td>372000</td>
<td>37814</td>
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<td>10.16</td>
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<tr>
<td>6</td>
<td>Pench</td>
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<td>7750</td>
<td>12.13</td>
<td>8.24</td>
</tr>
<tr>
<td>7</td>
<td>Nagarjuna</td>
<td>Andhra Pradesh</td>
<td>895000</td>
<td>28500</td>
<td>31.40</td>
<td>3.18</td>
</tr>
<tr>
<td>8</td>
<td>Bhakra</td>
<td>Himachal Pradesh</td>
<td>676000</td>
<td>16800</td>
<td>40.24</td>
<td>2.48</td>
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<tr>
<td>9</td>
<td>Sardar Sarovar</td>
<td>Gujarat</td>
<td>1903500</td>
<td>37533</td>
<td>50.71</td>
<td>1.97</td>
</tr>
</tbody>
</table>

Source: The Supreme Court of India Judgement by J. Kirpal, pp. 110-111.

It is usually argued vehemently that the dam would result in large-scale relocation and uprooting of tribals. The factual position that reveals that tribals constitute a huge majority of PAFs in Gujarat and Maharashtra, with 97% and 100% respectively, while in the case of Madhya Pradesh, tribals are only 30% just of the total PAFs and are in fact non-tribals. The Table 4.6 reveals that on comparative ground the SSP has remained largely beneficial in terms of agricultural and other facilities like the irrigation, etc. (i.e. 1903550 hectares of land benefited with 50.7 per hectare of irrigation benefit) incurring minimum of damage to just 1.97% of area submerged. And yet the fact remains that it has been made the target of severe criticism and vehement protests locally, nationally and even internationally.
4.1.4.4 Recent Supreme Court Orders And Developments

The Narmada Water Dispute Tribunal (NWDT) established specific conditions regarding the resettlement and rehabilitation of the people that would be displaced by the erection of the Sardar Sarovar dam. The language of the tribunal award clearly states that all “Project Affected Families” would be re-established as communities with access to water, education, and health (Clause IV(1)). The ‘land for land basis’ Clause IV(6) states that ‘in no event shall any areas in Madhya Pradesh and Maharashtra be submerged under the SSP unless all payments for rehabilitation.’ This clause has been treated as the centerpiece when the NBA field a public interest litigation against the SSPA.

The NBA field a writ petition in the Supreme Court, called the Narmada Bachao Andolan and Union of India Writ Petition (Civil) No. 319 of 1994, on the issue of the rehabilitation of the affected people (see Appendix – IV). The petition presented a comprehensive review of the project and requested the court to ensure that no further submergence or displacement would take place. On 5 June 1995, the Supreme Court granted a stay, citing the R&R process as questionable Honouring if, the construction all to be suspended at a height of 81.5 meters.
After four years of the investigations and the mounds of further litigation, the Supreme Court surprised all by issuing an interim order on 18 February 1999. It permitted the resumption of the construction on the dam up to height of 85 meters. One of the major reasons on which the court allowed work to resume was based the affidavit admitted by the states of Maharashtra and Gujarat stating that all oustees had been fully rehabilitated and indicating that arrangements had been made for those likely to be displaced when the height of the dam would be raised by 3.5 meters. The court disregarded on the whole a great deal of the basic information furnished by the NBA.

The Sardar Sarovar Narmada Nigam Ltd. is the corporation set up by the government of Gujarat. It is responsible for the construction of the SSP. The Nigam states that the dam will only be able to serve any purpose in terms of irrigation water or electricity if it is raised to a height of at least 110 meters. According to them, a height of 90 meters the dam would not be of functional value.

The court restricted itself to considering only issues of 'relief and rehabilitation.' The NBA strongly argued that the entire project ought to remain suspended until a full re-examination was conducted. The NBA in its arguments brought up environmental issues, cost benefit issues, and
constitutional and equity issues that would surround the displacement process itself.

It gets clear from the facts given above that the matter turns out to be incredibly complex, encompassing a variety of problematic issues. From an economic standpoint, India has invested a enormous sum of money in the Narmada Valley Project. Therefore, the country would not be to see it fall apart completely. The Supreme Court has basically been charged with weighting the importance of economic gains versus issues of social relevance. Large dams usually are known to be benefiting urban populations staying far from the actual project sites, while poorer communities, often made up of tribal communities, bear the brunt of the costs. In this light, it appears that as Divan and Rosencranz remarks, the Supreme Court has to decide between the rights of its citizens and the future path of India’s major development projects (Divan & Rosencranz, 2001:455-458).

Above all, the previous discussion arouse a few questions in our mind like whether the oustees are resettled adequately whether the rehabilitation process is carried on adequately? This is a highly debatable issue in the present time. It is as well a highly controversial issue. But Joshi points out that some experts cite three kinds of public opinions on this question of high debate. One opinion holds that the history tells us that the R&R is a total failure or practical grounds and it is impossible to operate. Hence big dams
have to be protested. Another opinion holds that R&R can not take place on its own. It become a possibility only with institutionalized intervention. There is one more opinion held by hard-core developers who worry only about a dam and not about the R&R. A unique experience of the SSP suggest that with institutionalized intervention, R&R is possible (Joshi, 2000:IV).

Anti-dam activists, on the other hand, believed that rehabilitation of PAPs of all big dams was impossible. But as the R&R work was furthered by the SSPA, they kept shifting their arguments. Firstly, they said that there was no R&R policy. When a liberal R&R policy emerged about the SSP, they raised doubts about its implementation. When the PAFs started getting land, they claimed that they would not get ownership of the land. When the PAFs got ownership of the land, they complained about community amenities. They never realized that the R&R would take place in such gradual manner. Now when the R&R seems to be progressing satisfactorily, they claim that the R&R is impossible. This leads to the contention that the R&R may also takes place in gradual manner.

Many issues were raised during the R&R process. They may be spelt out follows:

1. Institutional arrangements;
2. Regaining the quality and standard of life;
3. Tribal identity or tribal culture;
4. Human rights;
5. Integration with the Host Community;
6. Participation and Empowerment; and
7. Role of NGOs.

4.1.4.5 Institutional Arrangements

It is true that in the beginning there was no special set up for the R&R. Hence, a special institutional set up was created. This set up is being strengthened from time to time. Now a days, it is done in two types: overseeing institutions and executing institutions. Overseeing institutions include Grievance Redressal Authority (GRA), Narmada Control Authority (NCA), Narmada Planning Group (NPG).

The GRA is appointed by the Supreme Court of India. As indicated earlier in this chapter, it works under the chairmanship of a retired Chief Justice of High Court. The GRA can receive grievances directly from PAPs. It can order for redressal to the executive machinery. The GRA regularly sends its reports to the Supreme Court.

An other overseeing institution is the NCA. It is a body set up for overall policy decisions. It is located at Indore in M.P. The NCA has a sub-
committee on the R&R. The committee meets periodically, reviews the R&R progress and takes necessary policy decisions. In short, the R&R machinery is multi-disciplinary in nature.

4.1.4.6 **Regaining the Quality and Standard of Life**

A good natured R&R has to result in the improvement in the quality and the standard of life at rehabilitated sites. It may be noted that oustees has chiefly farmers and occupied cultivation to their farms. This cultivation implements show a marked improvement after the R&R is in operation. Most oustees have their own houses and are doing farming activities with modern technological equipments. The R&R has brought about two major changes among the oustees: (1) land once again became a centre of economic activities for the bulk households at new sites; (2) in the substance of mutual exchange relationships, the oustees in the new sites operate within the framework of markets.

The improvement in educational facilities has also resulted in improvement in the level of education among the oustees. Around 41% of male and 18% of females of over 6 years of age are life rate. A NGO like Divya Seva Trust has set up Balwadi, Secondary School and Garden for the children at the sites. Around 60% of the population is engaged in economic activities. Now they consider farming as their main occupation.
4.1.4.7 Tribal Identity or Tribal Culture

To begin with, the question of a separate ‘tribal identity’ or ‘tribal culture’ does not arise in India as it is found in Canada, Australia or USA. But in Indian society, every caste, tribe gets its own identity in another way. In a larger context, the problem of tribal identity does emerge.

Normally, we do have some people, living in interior forests and hills. They are relatively backward. They are identified as Scheduled Tribes (ST). Nationalists in India charge anthropologists that they destroy the national identity why they create the category called ‘tribe.’ The Indian government has restored to an arbitrary selection of certain social groups living in forests and hills. It has labelled them as ST for the purpose of benefits to be given to them as prescribed in the Constitution.

Tribals have always had relations with non-tribals. But the formation of princely states by Rajputs in tribal regions led to a sort of kind subject relationship in which they were non-tribal kings and trials subjects. The tribal situation in western India has not been studied from this point of view.

When the word “tribe” was coined for certain groups, they were not isolated as politically autonomous people. They were subjects of Indian princely states, as other non-tribals were. The British policy of isolation was
opposed by the nationalists. They made it clear that tribals were very much an integral part of the Indian society.

In such circumstances, when anti-dam activists speak of protecting tribal culture, it would arouse suspicion that it kept up the isolation approach.

4.1.4.8 Human Rights

The Morse Report deals with the issue of human rights raised with regards to the SSP. It is commonly believed that as a result of our development efforts, gap between tribals and non-tribals must decrease. However, the reality says the otherwise cause a gap among communities tribals of non-tribals, that iridens with the time. The increasing inequality is infact not a tribal problem only. It is part of a general problem in the Indian society. There are non-tribal groups who are deprived equally or even more. Inequality increases among communities, or within a community even.

When an independent review team devotes one full chapter on the R&R and violation of human rights in its report namely the Morse Report the anti-dam activism took a human rights stance at once. It cited number of events to indicate so-called violation of human rights in the process of
4.1.4.9 **Integration with the Host Community**

A question arises at this point whether resettled PAFs are capable of integrating themselves with the host community in a village? India has adopted approach of integration in view of tribal development. Tribals are viewed as an integral part of the mainstream, even they maintain their separate cultural identity. To what an extent tribal PAPs have been able to integrated themselves with the host community at R&R sites is a matter of interest.

Integration is viewed in terms of (1) sharing common resources (2) participation in decision-making and (3) becoming part of the rural economy of the area. There are so many sites where the PAPs are seen to have resettled in such small groups that separate amenities become unviable for them. At some places, they are accommodated in common village amenities like school, well, road, grazing land etc. Service castes and artisans of the host village also provide service to them. In fact, in their submerged villages, they did not have services castes like barbers, carpenters, blacksmiths, potters and cobblers.
In view of participation in decision-making at local self-government, all the Village Panchayats that have under their jurisdiction R&R sites located, one or two representatives from amongst the PAFs are co-opted to the executive body as invitees. They represent the PAF community to voice their problems on the local platform. The Table 4.7 shows the participation of PAPs in local self-governments at a village level.

Table 4.7  
Participation of PAFs

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Name of District</th>
<th>No. of R&amp;R Sites</th>
<th>Report available for no. of Sites</th>
<th>No. of sites from which PAFs have been elected as members in concerned village panchayats</th>
<th>No. of sites from where PAFs are inducted as invitees in village panchayats</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Narmada</td>
<td>32</td>
<td>29</td>
<td>4</td>
<td>25</td>
</tr>
<tr>
<td>2</td>
<td>Bharuch</td>
<td>4</td>
<td>4</td>
<td>-</td>
<td>4</td>
</tr>
<tr>
<td>3</td>
<td>Baroda</td>
<td>130</td>
<td>94</td>
<td>18</td>
<td>76</td>
</tr>
<tr>
<td>4</td>
<td>Panchmahal</td>
<td>5</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>5</td>
<td>Kheda</td>
<td>6</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>6</td>
<td>Surat</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>178</td>
<td>127</td>
<td>22</td>
<td>105</td>
</tr>
</tbody>
</table>

Source: Vidyut Joshi, Rehabilitation is Impossible, 2000, p.119.

Initially there was noticed a bit hesitation among local people to allow PAPs to participate in Panchayats. But gradually, it receded and the political participation on their part emerged slowly. A new leadership also emerged from among PAPs. In this way, resettled people have also come to be a part of the rural community. They has as well some to share the burden of the rural economy. About 70% of PAFs are engaged in cultivation.
Some socio-religious organizations that had been operating in submerged villages are dissolved as the members are scattered in different villages. These organizations have begun to evolve again in new shape at new places. The members of this organization invite active offer support from host villagers. Consequently, interaction has increased over a period of time between the host community and, one oustees in social spheres. Most of them enjoy day to day working relationships. They visit each other in times of sickness or on occasions like death, marriage and religious ceremonies. The relationship between the two communities do not follow the same pattern in all the village. It means that no kind of generalized pattern may be derived on the relationship that prevail between the two communities in different villages. There are various factors that work to develop close social relations. Physical distance between the new site and the host village is an important factor to determine it.

4.1.4.10 Participation and Empowerment

PAP's active involvement in the local administration and its decision making process pares the way for their active participation in the political and social spheres. The issue of participation is of larger scale. Resettled PAPs participate in Panchayats. The essence of democracy is people's participation. It may be noted that the SSP is not only a dam construction activity; it is a development activity too that involves several departments
and disciplines. The Sardar Sarovar Narmada Nigam Limited (SSNNL) has gradually involved representatives of oustees, NGOs and experts in a marathon task of rehabilitation.

Since land remains the basic concerns of the displaced, participation of PAPs emerged significantly at a land purchase committee. The land purchase committee used to meet periodically and the transactions used to be held in open. Now when resettlement was accomplished, they were converted into colony committees, called Vasahat Samitis. They are constituted at all R&R sites. Each Vasahat Samiti has the representation from among the PAFs. Within its framework of operation, the Samiti is expected to secure informed participation of the PAFs to help implementation of the R&R measures and expeditious redressal of their site-specific grievances (Joshi, 2000:84-122).

4.1.4.11 Role of NGOs

The non-governmental organization and voluntary agencies are expected to play a significant role in the policy implementation. In recent years, NGOs and voluntary organizations are involved actively in contemporary social issues like environmental protection, legal aid to poor, consumer protection, human rights protection, harijan and tribal development, child welfare etc.
In view of empowerment of NGOs, structural arrangement is worked out. However, there are no conscious empowerment efforts. However, the very process of institutionalized participation brings empowerment (Joshi, 2000:122).

NGOs or voluntary agencies are working in this area for about a decade. The critics of bureaucracy view NGOs to be an alternative agency of development. There are various types of voluntary agencies. Social Services society of Rajpipla has played a crucial role in arousing awareness and conscientiousness among tribal oustees and organizing them. Yuva-Chhatra Sangharsh Vahini, Rajpipla branch has fought consistently for the cause of a just and proper rehabilitation, although with scanty resources. Both these agencies, however, have been working as pressure groups to ensure better R&R implementation. Shramik Vikas Sansthan is yet another group that is works intensively among oustees for last thirteen years. Shri Harivallabh Parikh of Anand Niketan Ashram, Rangpur earns good respect among the displaced of submerged villages of Nasvadi and Chhota Udepur Talukas of Baroda District of Gujarat. Lok Adhikar Sangh, plays a significant role in bringing the R&R issue to lime light. These agencies are operating in Gujarat only (Joshi, 2000:123).
4.2. ISSUE OF DISCRIMINATION TO PAFs IN R&R

Resettlement and rehabilitation packages in the three states have been different in respect of different geographical, local and economic conditions and also availability of land in the States. This has created a controversy about the differential treatment to the oustees of other states as compared to those of Gujarat State. The liberal packages available by the Sardar Sarovar Project to the oustees in Gujarat are not made available to the people affected by other projects in Gujarat. It is incorrect to say that the difference in R&R packages, the package of Gujarat being the most liberal, amounts to restricting the choice of the oustees. Each State has its own package and oustees get an option to select the one which would sound most attractive to them. A project affected family may, for instance, choose to leave its home in the State of Madhya Pradesh in order to avail the benefits of more generous package offered by the State of Gujarat, while other PAFs similarly situated may opt to remain at home and receive benefits of whatever liberal package that the State of Madhya Pradesh offers. It is nowhere required that the liberalization of the packages by three States should be levelled on the same extent and at the same time. A state cannot be defaulted if the package it offers is not identical with other packages, or it is more liberal than the one envisaged in the Tribunal’s Award.
In view of the land package the petitioners argued that there were large number of persons who were living in the submergence area and were not farmers. They would lose their livelihood due to loss of the community and/or loss caused by the river. Such people would not properly rehabilitated. Dealing with the contention Mr. Harish Salve, learned Senior Counsel contended that this averment was not true. He remarked that most families in one hundred five hilly tribal villages were basically farmers, cultivating either their own land or the Government land. All of them would be eligible for alternative agricultural land in Gujarat. Only a small number of families were other than farmers, such as small shopkeepers. In these villages of tribal areas, in Gujarat, there were twenty such non-agricultural families out of a total of 4600 affected families. All of them were re-settled as per their choice so that they would restart their businesses. In Maharashtra out of 3213 affected families, not a single family was stated to fall under this category. Amonst the affected families of Madhya Pradesh, the figure of such non-agriculturists family was also stated to be not exceeding a couple of 100. In this light, Mr. Salve further stated that in our opinion it is neither possible nor it is necessary to decide regarding the number of people likely to be so affected because all those who are entitled to be rehabilitated as per the Award will be provided with benefits of the package offered and chosen.
There were colony affected people too. From them, 1380 acres of land was acquired in six villages for the construction of a colony. Most of these landholders chose to stay in their original houses. About 381 persons in their relation were stated to have been provided with permanent employment on the project works. The land was acquired in 1962-63. As regard the compensation to be paid and in addition thereto, the Government of Gujarat devised a special package in August, 1992. It provided ex-gratia payment upto Rs.36000/- to a land loser for purchase of productive assets or land as the choice may be. There were persons who had not received employment on the project.

There would be canal affected people too. The petitioners stated that there will be 23500 canal affected families who would lose land as a result of the construction of canals flowing the Narmada waters to different part of Gujarat. They argued that such people should be treated at part to that of oustees of the submergence area. The respondents broadly submitted that there is a basic difference in the impacts of the projects in the upstream submergence area and its impacts that in the beneficiary zone of the command area. While people, who were oustees from the submergence zone, required re-settlement and rehabilitation on urgent basis, most people falling in the command area on the other hand, were in fact beneficiaries of the projects. Their remaining land in their possession would get relocated with the construction of the canal yielding greater agricultural output. This
view sounds reasonable. In the Award of the Tribunal, the Government of Gujarat was not required to give to the canal affected people the same relief that was required to be given to the oustees of the submergence area.

The petitioners held one more contention that the oustees were not offered a chance to re-settle in Gujarat as a community and that there was a clear requirement of village-wise communication rehabilitation which had not been complied with. The respondents replied in their contention that no provision of the Tribunal’s Award direct the Government of Gujarat for any such obligation. The Award of the Tribunal basically requires that resettlement is undertaken for the PAFs in Gujarat at places where civic amenities like dispensary, schools, as already been referred to hereinabove, are made available.

Subsequent to the Tribunal’s Award, the Government of Gujarat on the recommendation of the World Bank, adopted a principle of resettlement. According to it, oustees would be relocated as village units, village sections or families in accordance with the preference shown by them. The oustees choice has actively guided the resettlement process. The Tribunal’s Award required that the Government of Gujarat should establish rehabilitation villages in Gujarat in the irrigation command area of the Sardar Sarovar Project. It should be done on the norms mentioned for rehabilitation of the families who were willing to migrate to Gujarat. This provision would not
be interpreted to mean that the oustees families should be resettled as a homogeneous group, a village exclusively set up for each such group. The concept of community wise resettlement, therefore, cannot derive support from the above quoted stipulation. Besides, the norms referred to in the stipulation relate to provisions for civic amenities. They vary as regards each civic amenity vis-a-vis the number of oustees families. Thus, one Panchayat Ghar, one dispensary, one children’s park, one seed store and one village pond is the norm for 500 families, one primary school (3 rooms) for 100 families. The number of families to which the civic amenities were to be provided was, thus, not uniform. It was not possible to derive a standardized pattern for the establishment of a site which had a nexus with number of oustees’ families of a particular community or a group to be resettled. Nowhere there were indicators that envisaged resettlement of the oustees families on the basis of tribes, sub-tribes, groups or sub-groups.

While resettlement as a group had to be in accordance with oustees, their preference was held as the prone principle or objective. There were other objectives too that wanted that the oustees would restore to improved or uplifted standard of living that they were enjoying prior to their displacement. They should fully integrated in the community in which they were resettled. These objectives were easily achievable if they were resettled in the command area where the land was twice the productive that the land under submergence. Secondly, large chunks of land was readily
available in the command area. This was what the Tribunal’s Award stipulated. As such, one objective could not be seen in isolation of other objectives.

In 1995, the Narmada Control Authority drafted the Master Plan. It pointed out that "the Bhils, who are individualistic people building their houses away from one another, are getting socialized, they are learning to live together," (Kirpal, 1994:47) Looking to the preferences of the affected people to live as a community, the Government of Gujarat relied basically on the affected families’ decision as to where they would like to relocate, instead of forcing them to relocate as per the fixed plan.

The underlying principles that formed the R&R policy focussed not merely of providing land for PAFs. It stressed upon conscious efforts to improve the living conditions of the PAFs and to restore them into the mainstream. If one compares the living conditions of PAFs in their submerged villages with the rehabilitation packages following their displacement, first provided by the Tribunal’s Award and then liberalized by the States, it is obvious that PAFs have gained substantially after their resettlement. It is for this reason that in the Action Plan of 1993 of the Government of Madhya Pradesh it was stated before the Court that "therefore, the resettlement and rehabilitation of people whose habitat and environment makes living difficult does not pose any problems and so the
rehabilitation and resettlement does not to environment." Asha Singh, Additional Director (Socio & CP), NVDA filed an affidavit that was produced by the Government of Madhya Pradesh in respect of visit to R&R sites in Gujarat during 21st to 23rd February, 2000. It ascertained the status that related to grievances and problems of Madhya Pradesh PAFs resettled in Gujarat. It stated inter-alia that "the PAFs had informed that the land allotted to them is of good quality and they take the crops of Cotton, Juwar and Tuwar. They also stated that their status has improved from the time they had come to Gujarat, but they want that water should start flowing in the canals as soon as possible and in that case they will be able to take three crops in one year as their land is in the command area (Kirpal, 1994:128).

The conditions in the hamlets where tribals lived were not good enough. IN such cases the rehabilitation package ensured more basic facilities and civic amenities to resettled oustees. It was ensured that their children would have schools, children’s park and primary health centre to take care of their health. And, of course, they would have electricity too that was not a common feature in the tribal villages.

The petitioners even contended that there was no provision for grazing land and fuel wood for the PAFs. The Government of Gujarat responded rightly to it stating the grazing land was not a mandatory requirement laid down or provided for in the Tribunal’s Award.
Nevertheless, grazing land was made available in six villages for use of PAFs. It would be possible that the grazing land was inadequate. But then this problem was faced in the entire State of Gujarat. If the government could not provide such land to PAFs, it would not be accused of violating any of the provisions of the Award.

With regard to providing irrigation facilities, most of the resettlement of the project-affected families was provided irrigation facilities in the Sardar Sarovar Project command area or in the command areas of other irrigation projects. In many sites outside the command area, irrigable land was purchased. In case where the irrigation facilities were not functioning, the Government of Gujarat undertook a work of digging tube wells. It was done to avoid any difficulty with regard to irrigation in respect of those oustees who did not have adequate irrigation facilities.

It was further contended that because of the delay in the construction of the project, the cut-off date of 1st January 1987, by which R&R facilities were supposed to be extended to major sons, could not be complied with. The Tribunal's Award had provided for land for major sons as on 16/8/1978. The Government of Gujarat, however, extended benefits of the rehabilitation package to major sons in PAF's families by fixing a cut-off date on 1/1/1987. Tribunal's Award states that sons who had grown major one year prior to the issuance of the Notification for land acquisition were
announced as entitled for the land benefit. The Land Acquisition Notification was issued in 1981-82 and as per the Award, it was only those sons who had grown major one year prior to that date i.e. in 1980, would have become eligible for the allotment of land. The Government of Gujarat allowed a relaxation in order to benefit those major sons who had attained the major stage later. It covers all those who became major on or before 1/1/1987. The Government of Gujarat was in fact not obliged to do this, or it would have been quite within its right merely to comply with the provisions of the Tribunal’s Award. Yet it allowed the relaxation in the cut off date so as to give extra benefit to those sons who attained age of majority at a later date. It should not accused or criticized in good human spirit.

The petitioners further contended with three positions (1) that there was a need for a review of the project, (2) that an independent agency should monitor the R&R of oustees and (3) that no construction should be permitted to be undertaken without the clearance of such an authority. In response to it, the respondents right submitted that there is no warrant for such a contention. The Tribunal’s Award is final and binding on the States. The machinery of the Narmada Control Authority was conceived and constituted under the provision of the Award itself. It is therefore, cannot be accepted that the Narmada Control Authority is denounced as an independent agency. Some of the members nonetheless, are Government officials it has the representation, apart from the Union of India of other
States too. The project is being undertaken by the Government and it is for the Government authorities to execute it. However, with the establishment of the R&R sub-group and the constitution of the Grievances Redressal Authorities by the States of Gujarat, Maharashtra and Madhya Pradesh, a system came into force that would ensure satisfactory resettlement and rehabilitation of oustees. In this light, a contention that some outside agency or national Human Rights Commission should see to the compliance of the Tribunal Award would stand baseless.

On behalf of the State of Gujarat, Sh. V.K. Babbar, Commissioner (Rehabilitation) and Chief Executive Officer, Sardar Sarovar Purnavasvat Agency (SSPA) filed an affidavit. According to it at FRL 138.68 m., the status with regard to PAFs to be resettled would be as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Total Number of PAFs resettled/allotted agricultural land in Gujarat</th>
<th>Balance PAFs to be resettled in Gujarat</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gujarat</td>
<td>4575</td>
<td>25</td>
</tr>
<tr>
<td>Maharashtra</td>
<td>710</td>
<td>290</td>
</tr>
<tr>
<td>Madhya Pradesh</td>
<td>3280</td>
<td>10450</td>
</tr>
<tr>
<td>Total</td>
<td>8565</td>
<td>10765</td>
</tr>
</tbody>
</table>

Source: The Supreme Court of India Judgement by J. Kirpal, 1994, p. 141.

It is the case of State of Gujarat that 8565 PAFs have been accommodated in 182 R&R sites that are adequately equipped with the
requisite civic amenities honouring the Tribunal’s award. The agricultural land allotted to these PAFs comes to 16973 hectares.

Dealing specifically with the status of PAFs at RL 90 Mtr., 95 Mtr. and 110 Mtr., it is averred in the said affidavit that all the PAFs of Gujarat at RL 90 Mtr. have been resettled and the balance PAFs of Madhya Pradesh and Maharashtra affected at RL 90 Mtr. have already been offered the R&R package in Gujarat. The process of resettlement is continuing and reliance is placed on the observation of the GRA. It states in its Fourth Report dated 15th November 1999 that “There is substantial compliance of the Resettlement and Rehabilitation measures as mandated by the Final Report of NWDT, including provision of civic amenities, and also of all the inter-linked provisions of the Government of Gujarat and that, therefore, PAFs from the States of Madhya Pradesh and Maharashtra affected upto the height of RL 90 Mtr. can be accommodated as per their choice at these selected 35 sites in Gujarat.” (Kirpal, 1994:142).

With respect to the status of PAFs affected at RL 95 Mtr., the affidavit states that the PAFs of Gujarat have already been settled, while the affected PAFs of Madhya Pradesh and Maharashtra have been offered the R&R package in Gujarat in January 1999, September 1999 and January 2000. The RL 95 Mtr. Action Plan for these PAFs has also been prepared by the Government of Gujarat in consultation with the governments of Madhya
Pradesh and Maharashtra. It has been sent to the NCA for approval. The case of the State of Gujarat, therefore, is that all the PAFs wanting to be resettled in Gujarat have been offered the package but consent of all the PAFs has not been received so far. Yet it is confirmed that the Government of Gujarat has sufficient land readily available which can be allotted to the said PAFs as soon as they come and give their choice for the same.

With regard to the status of PAFs at RL 110 Mtr., all the PAFs of Gujarat have been resettled and 2761 PAFs, that includes 2642 PAFs of Madhya Pradesh and 119 PAFs of Maharashtra, are yet to be resettled in Gujarat. The R&R package would be offered to them before November 2000. The land which is required to be allotted to them is stated to be around 6074 hectares and the State of Gujarat has at present in its possession 8146 hectares of land for the purpose.

As a part of the rehabilitation package, civic amenities in 40 new R&R sites are scheduled to be completed by December 2000. These sites would accommodate PAFs resultant of RL 95 Mtr. to RL 110 Mtr. Not only that, it would also accommodate PAFs from submerged village which would be getting affected at levels above RL 110 Mtr. The Action Plan giving the village-wise details is said to have been sent to the NCA in June 2000 for its approval.
The said affidavit further states that the balance number of PAFs that would remain be resettled in Gujarat at FRL 138.68 Mtr. would be 10765. This takes into account an additional area of 10% towards house plot and common civil amenities. This much land would be required in addition to the committed allotment of minimum 2 hectare of agricultural land. This makes the total land requirement per PAF as approximately 2.2 hectares. For planning purposes in respect of 10765 PAFs, the land requirement would come to about 23700 hectares. As against this requirement the status of land, with the Government of Gujarat as per the said affidavit, under different categories.

Table 4.9
Status of Land in Different Categories

<table>
<thead>
<tr>
<th>Sr.No.</th>
<th>Particulars</th>
<th>Land (in ha.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Land identified (offers received in respect of private land and Government land)</td>
<td>15716 ha.</td>
</tr>
<tr>
<td>2.</td>
<td>Land available (private land for which price is approved by Expert Committee and offer/counter offer conveyed and acceptance of land holder obtained)</td>
<td>480 ha.</td>
</tr>
<tr>
<td>3.</td>
<td>Land in possession of SSPA/GOG in 12 districts.</td>
<td>8416 ha.</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>24612 ha.</td>
</tr>
</tbody>
</table>

Source: The Supreme Court of India Judgement by J. Kirpal, 1994, p. 144.

The Table 4.9 affirms the fact that the Government of Gujarat own enough land to meet its committed to PAFs. To sum up, recent years have seen the growth of an anti-dam movement worldwide, currently epitomized by the extraordinary hate campaign launched against the SSP. Controversies
prevail over large dams on a variety of issues like displacement, safety, and environmental losses among others. But it can be said that the benefits offered more genuinely than mere being glossed over. International groups have joined the fray. Motives have been impugned. Not just these projects, but the decision makers, engineers and administrators, bureaucracy responsible for them have come to be perceived as evil, and anti people. The discussions, turning into hot disputes become so emotionally charged that they render any rational debate difficult and sometimes impossible to go on. The current debates may be perceived as emotional blackmailing, or steps motivated highly to political mileage on local ground and global recognition on a wider scale. It is seen to be degenerating into a populist propaganda seemingly based on valid issues, but in real, breeding on fictitious apprehension.

4.3 TO SUM UP

In the present time, the SSP has thus, become one of the most controversial projects, not only in the country but globally. It is being opposed for its various claims and cost-benefit ratios. There is a fierce contest of claims and counter-claims by conflicting groups in its favour and against. The conflict of interest have taken various highly contested forms. The opponents of the SSP raised initially the issues like damage to environment of the region under the dam and resettlement of the probable
displaced people. Now, the latest campaign is unleashed in the name of violation of human rights.

The state claims that it has delivered the first and most ideal compensatory package to the displaced and dispossessed tribal families. In fact, the state argues that it has adequately protected the human rights of the water-thirsty masses in rural areas of Kuchch, Saurashtra, North Gujarat and Bhal regions in the state that are perennially and intermittently affected by water crisis.

An official review is that the State Government is determined to protect human rights on two fronts i.e. those of dam-affected people and of the beneficiaries.

The SSP controversy is complex though widely perceived as a battled between the grass-roots and the resource-poor activists on the one hand, and the government on the other. Since powerful interests including the most influential international non-governmental organizations involved them into the controversy.

The conflict of interest in the growing SSP controversy within the international environmental community got a boost under the headship of Medha Patkar. The issue of R&R and human rights raised by the third group.
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