Chapter 4
Land acquisition for National Highway towards ICTT, Ernakulam (Case 1)

The present chapter deals with the land acquisition for National Highway which was an auxiliary project for International Container Terminal in Cochin. The chapter is divided into different sections. The Section 1 details the project background, profile of the project area and a general overview of the process of land acquisition that took place in the region. Section 2 explores in detail the nature of resistance/people’s struggles that ensued following the land acquisition for the road project. The politics and practice of compensation, resettlement and rehabilitation in the project is dealt with in Section 3. Section 4 looks into the environment and food security issues by probing the destruction and dispossession of the wetlands in the project area in the pre-project phase as well as during the project phase. The role of selected stakeholders who played a significant role in the whole land acquisition process is looked upon in Section 5. Section 6 concludes the Chapter by highlighting the significant themes emerging out of the previous sections.

Section 1: Project background, Profile of the project area and Process of Land acquisition

The Project background

The Cochin Port Trust (CPT) in India signed a license agreement with Dubai Port World\(^{18}\) (DPW) for the construction and operation of an International Transhipment Container Terminal (ICTT) at Vallarpadam in Ernakulam District of Kerala on a Build Operate Transfer (BOT) basis in 2004. ICTT is the first

\(^{18}\) An international agency with Container Terminal Operations and with major investments in ports along the Indian Coastline
Transshipment Terminal in India and the first Container Terminal to operate in a Special Economic Zone. The major objective of the project was to boost the global trade since the ICTT location in Cochin was expected to open up opportunities to the markets in India as well as provide a proximity to a major global sea route.

The foundation stone for the project was laid by the Prime Minister of India on 16th February 2005. The ICTT project commenced with the taking over of the existing Rajiv Gandhi Container Terminal (RGCT) on 1st April 2005 for operations until the new terminal was constructed and commissioned at Vallarpadam, as per the project structuring by India Gateway Terminal Private Limited (IGTL) which was the operator in India for DPW. The Port Based Special Economic Zone was envisaged over an area of about 448 Hectare (Ha) consisting of 178 Ha in Vallarpadam Island and 270 Ha in Puthuvypeen area of Cochin. The Operator was entitled to develop the Terminal and augment the facilities within the ICTT during the license period of 30 years. As per the estimate of National Institute of Oceanography who was the consultant of the project the estimated cost was 1865 crores. The total capital cost for the Terminal Facility was expected to be 1864.62 crores in 2005. As per the license agreement with DPW, CPT was to meet the following conditions:

- Construct and commission a four lane highway connectivity between Vallarpadam and Kalamassery linking the existing NH 47
- Construct and commission a rail connectivity between Vallarpadam and Edappally railway station
- Obtain environmental clearance for the ICTT project
- Get the ICTT project area declared as a Special economic zone
- Deepen and widen the navigation channels to enable the handling of mother vessels of 8000+TEU capacity

The project area was notified as Special Economic Zone (SEZ) on 29th December 2005. Ministry of Environment and Forests (MoEF) awarded

---

19 Letter No T14/ICTT-EC/2004-C dated 20th June 2005 from Chief Engineer CPT to Member Secretary KSPCB
environmental clearance to ICTT project on 9th November 2006. The deepening and widening of the navigation channels is continuing even now. The Container Terminal project did not involve any land acquisition since the area of construction was mainly on Government property and Vembanad backwaters. The environment clearance process of the Terminal project was not without shortcomings, but is not detailed here for brevity. Further a detailed examination of the environmental impacts of the Terminal, though relevant, was beyond the scope of this study.

Two of the conditions of the license agreement with DPW were that CPT should take the responsibility of constructing a four lane highway connectivity and rail connectivity. The aim of the auxiliary units – four lane Highway Connectivity and the Rail Connectivity - of the Container Terminal project was to enhance the functional efficiency of the new Terminal by developing high-speed transportation linkages for efficient movement of cargo to and from the port. Case study of the state acquisition of land for the road connectivity was done in detail to understand the politics and processes of land acquisition happening in the state. A short study of the rail connectivity was also done. But an elaborate analysis of the politics of land acquisition processes and the people’s struggles that ensued was done only for the Road Connectivity project. The case of Rail Connectivity project is attached as Annexure 1 only to understand the process of land acquisition in brief, initial controversies triggered

Available data shows that the Hydrological Study for the Container Terminal was done by Central Water and Power Research Station Pune which was claimed to be a desk study and not a field based study inspite of the impact it may cause in a wetland ecosystem. Also the Environment Impact Assessment done by National Institute of Oceanography was met with criticism from various quarters as not properly conducted (based on responses of research participants, needs crosschecking). CPT tried to override the environmental regulations by arguing that a Port based SEZ do not require a Public Hearing. But following Pollution Control Board directions which mandated Public Hearing a pre-requisite for environmental clearance from the Ministry of Environment, the Hearing was conducted on 23rd July 2005, at 2.30 in the afternoon. The time taken was just 2 hours. The Public Hearing for the road connectivity was held the same day during forenoon. The environmental issues and likely sources of pollution marked as an impact of the Terminal project included ‘Dust and sound during construction and traffic, emission from concrete mixing plant, machines and vehicles, solid wastes and sewage’. A major event with environmental significance during the ICTT construction was the use of 15 containers of iron slag by DP World for land filling to strengthen the floor of container terminal parking station.
by the project, nature of struggles and the change in nature of protests in the region, as the project was implemented. The issues of rehabilitation and the people’s struggles for rehabilitation were more or less similar in both the cases and so the rehabilitation processes in the Rail connectivity was not elaborated separately to avoid repetition.

The ICTT Road Connectivity Project

The Cochin Port Road Connectivity project was carried out by National Highway Authority of India (NHAI), which comes under Ministry of Road, Transport & Highways. The Government of India had been working out a port connectivity project where 12 major ports were identified to provide adequate connectivity to handle future cargo traffic with a broad outlook plan up to 2050. The major responsibility of developing access controlled and high speed corridors are entrusted with NHAI. The aim of the ICTT Road connectivity project was to enhance the functional efficiency of the port by developing high-speed transportation linkages for efficient movement of cargo to and from the port. The Company which undertook the construction work of the Road Connectivity for NHAI was SOMA Constructions. The bid for the road project was accepted by SOMA at the rate of Rs 329,46,06,314 (329 crore plus).

Profile of the project area

The Highway project corridor falls under the jurisdiction of Ernakulam district. The district encompasses seven Taluks, out of which the project corridor of 17 kilometers starting from Kalamassery and ending in Vallarpadam island falls in Kanayannur and Paravur Taluks. The Kanayannur Taluk has 322.72 sq.km of which 245.01(sq.km) is under low land and 77.71(sq.km) is under midland regions. The alignment of the road connectivity passes through Thrikkakkara North, Cheranalloor, Kadamakudy and Mulavukad villages of Kanayannur Taluk and Kadungalloor, Eloor and Varapuzha villages of Paravur Taluk. The project touches Kadungalloor, Thrikkakkara North and Varapuzha villages, but passes mainly through Eloor, Cheranallur, Kadamakkudy and Mulavukad

---

22 Letter (11011/5/2004-Vallarpadam-Tender) of acceptance for the bid for 4 line NH connectivity to Vallarpadam dated 18th May 2007
villages. Of these, the last three villages are mainly islands in the backwater belt of Vembanad, a Ramsar site. The project road crosses three islands Kothad, Moolampilly and Bolgatti which falls in the periphery of the Vembanad backwaters. Out of these, Moolampilly was a completely isolated island cut off from the mainland before the Road project. The Vembanad wetland system covers an area of over 2000 square kilometer and is bordered by Ernakulam, Kottayam and Alappuzha districts in Kerala. The terrain through which the road project was constructed includes large water bodies, low lying and wetland areas as well as some populated areas. Because of the nature of the terrain, it involved the construction of large number of bridges over the water bodies and wetland areas. The Road connectivity has mainly 4 bridges in it connecting the islands. The four bridges fall in Manjummal – Cheranallur, Cheranallur-Kothad, Kothad – Moolampilly and Moolampilly – Mulavukad belt. The alignment passes through industrial belt in the first few kilometers (4 major industries). The present route was said to have finalised after considering six alternate routes (EIA 2002).

### Table 4.1

**Extent and type of land acquired**

<table>
<thead>
<tr>
<th>Nature of land</th>
<th>Area (Hectares)</th>
<th>Total Survey numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wet</td>
<td>19.6362</td>
<td>248</td>
</tr>
<tr>
<td>Dry</td>
<td>23.6556</td>
<td>326</td>
</tr>
<tr>
<td>Wet now Dry</td>
<td>2.0871</td>
<td>31</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>45.38</strong></td>
<td><strong>605</strong></td>
</tr>
</tbody>
</table>

Source: Draft Declarations, ICTT Road Connectivity File, Eloor

The 17 alignment was from Kalamassery Junction on the NH 47 to the Junction of the Bolgatty Bridge. From 0 to 2.70 km no land acquisition was proposed since this area belonged to either a government or semi-government organization. The land acquisition was proposed only from 2.70 to 15.300 km.

---

23 Source NHAI file: Land Acquisition Report in the Collectorate, Ernakulam - The ownership of stretches of land is as follows a) 0 to 0.60 km – Kerala Public Works Department (PWD) b) 0.6 to 0.90km – Travancore - Cochin Chemicals Ltd (TCC) c) 0.90 to 2.70 km – Fertilisers and Chemicals Travancore Ltd (FACT) d) 2.70 to 15.30 km – Private property
The affected region is divided into the Corridor of Direct Impact (22.5 m on either side of the road center line) and Corridor of Indirect impact (7 km on either side of the road centerline). The total population in the Corridor of direct influence accounts to be 128174 and the average population density 1835.7 persons per square kilometer (EIA 2002). Out of the 521 landholders who lost land across the villages, 183 lost their homestead as well. The total area acquired (45.38 Hectares or 112.14 acres) for the ICTT Road connectivity project is negligible when compared with other industrial or infrastructure development projects. But the high population density in the area resulted in the displacement of a considerable number of families.

---

Table 4.2

Extent of area under acquisition and the number of landholders

<table>
<thead>
<tr>
<th>Village</th>
<th>Extent of land taken possession</th>
<th>Number of landholders</th>
<th>Number of households affected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kadamakkudy</td>
<td>11.6120</td>
<td>183</td>
<td>53</td>
</tr>
<tr>
<td>Mulavukad</td>
<td>9.2011</td>
<td>26</td>
<td>1</td>
</tr>
<tr>
<td>Varapuzha</td>
<td>0.0324</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Eloor</td>
<td>12.5798</td>
<td>106</td>
<td>46</td>
</tr>
<tr>
<td>Cheranallur</td>
<td>0.1881</td>
<td>147</td>
<td>68</td>
</tr>
<tr>
<td>Thrikkakkara North</td>
<td>0.4117</td>
<td>10</td>
<td>2</td>
</tr>
<tr>
<td>Kadungalloor</td>
<td>0.7343</td>
<td>28</td>
<td>11</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>43.7594</strong></td>
<td><strong>521</strong></td>
<td><strong>183</strong></td>
</tr>
</tbody>
</table>

Source: ‘Vallarpadum Road: Land price assessed’, 22nd November 2006, Madhyamam Daily, NHAI file data

---

24 In a Government report on land acquisition after the procedures the number of landholders is mentioned as 612; The exact number is not known since various reports give different data.
25 The total number of families affected is 183 but the distribution across the villages may have slight variations; Data constructed from Government records which show different values and people’s narratives.
26 The loss of individual property in Kadamakkudy village was in the range of 0.8 cent (0.36 ares) to 79.28 cents (32.10 ares).
27 The value is less when compared with the data from Draft declarations in Table 1; Reason for error not known.
Table 4.3

Extent of damage to residences

<table>
<thead>
<tr>
<th>Details of residential buildings coming under ICTT</th>
<th>Residence fully affected</th>
<th>Partially affected</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mulavukad</td>
<td>1</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>Eloor</td>
<td>32</td>
<td>8</td>
<td>40</td>
</tr>
<tr>
<td>Kadamakudy</td>
<td>53</td>
<td>2</td>
<td>55</td>
</tr>
<tr>
<td>Cheranallur</td>
<td>64</td>
<td>6</td>
<td>70</td>
</tr>
<tr>
<td>Kadungalloor</td>
<td>14</td>
<td>3</td>
<td>17</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>164</strong></td>
<td><strong>19</strong></td>
<td><strong>183</strong></td>
</tr>
</tbody>
</table>

Source: Rehabilitation File, ICTT, Ernakulam Collectorate

The livelihood in the project area is predominantly in the primary and secondary sectors. In Kadamakudy and Mulavukad people are primarily engaged in fisheries and agricultural activities. *pokkali* polders constitute a major form of wetland agriculture in the district, cover 10 percent of the total area and are part of Vembanad wetlands. The project area, especially Kadamakudy, Mulavukad, Cheranallur villages, is also well known for pokkali cultivation practices. In the paddy production sector in Kerala, *pokkali* agro-ecosystem is an individualised system of its own. *pokkali* is grown in areas that are subjected to tidal action and hence the soil is saline. It is cultivated by taking advantage of the heavy southwest monsoon which flushes out the salt from the land. After the harvest of the paddy, prawn culture is practiced making use of the tidal flow.

*The pokkali system of rice cultivation in the acid saline soils of Kerala is a unique method of rice production. In this method, a single-crop of rice is taken in the low saline phase of the production cycle (June to mid October) on mounds, to be followed by prawn farming during the high saline phase (November to April). A noteworthy feature of this traditional rice cultivation method is that neither chemical fertilizers nor plant protection chemicals are applied to the crop. The pokkali fields are also subjected to periodic submergence. The daily tidal inflows and outflows, besides the tremendous microbial activity owing to the presence of large quantities of organic matter (decomposed aquatic weed mass and paddy stubbles), make the pokkali fields particularly fertile (Shylaraj and Sasidharan 2005)*

---

28 The value changes when compared with the data from Table 1; Though the total number of families affected is recorded same, the reason for errors in the number of families affected across the villages is not known

29 Mud banks with features like abundant fish wealth and are breading sites for the fishes, crabs etc
The major features of *pokkali* are its ability to survive salinity and acidity, cultivation through organic methods and its medicinal properties. The significance of pokkali rice cultivation for shrimp farming is highlighted here.

*Without Pokkali cultivation, its entire cultivated area would have been flooded and wasted: acidity and toxicity would be high and there would also be less oxygen and more hydrogen sulphide, which kills the prawn larvae...It is also cost effective because artificial feed is expensive and prawns are more prone to diseases* (Joseph 2008)

The farmer is expected to get 1.2 to 1.5 tonnes per hectare of *pokkali* and be able to harvest about 400 to 500 kilos of prawns per hectare during one season (ibid.). But the *pokkali* cultivation practice has been dwindling\(^\text{30}\) with the profit-oriented shift to the monoculture of shrimp in *pokkali* lands over the years.

The number of households within Right of Way (ROW) of the road was enumerated as 190 in the Environment Impact Assessment Report. Also the report enumerated 201 properties and 1022 people as affected. The number of joint families affected was 41, nuclear families 128 and extended families 2 as per the report. Information regarding 19 houses was not available. Of the 190 households 121 belonged to the Hindu community, 18 to the Muslim community, 50 to the Christian community and one Sikh. The social stratification of the community affected showed the presence of 17 Scheduled Caste (SC), 4 Scheduled Tribes (ST), 48 Other Backward Castes (OBC) and 95 general community families. The information of 26 households was not known. 70.65 percent of the total affected structures were found to be residential, 23.88 percent commercial, 2.99 percent Government institutions, 1.49 percent religious structures and 0.50 percent community structures. Of the 201 structures, 134 were Pucca, 32 Semi Pucca, 18 Kutcha, 16 Thatched and 1 Wooden. Of the 190 families, 31.58 percent had annual income level below Rs 20000/-, 2.11 percent between Rs 20000/- and Rs 30000/-, 2.11 percent between Rs 30000/- and Rs 50,000/- and 5.79 percent above one lakh. According to the report no response was obtained from 111 families. From kilometer 3 to 4 and from kilometer 9 to

---

\(^{30}\)Sale of *pokkali* lands to shrimp cultivators or leasing out land to shrimp leasers is a normal phenomena in these regions. Pollution of backwaters from the chemical and fertilizer factories in the neighbourhood had also resulted in the dwindling of the paddy cultivation practices and has also affected the shrimp rearing.
15, people dependent on fishery and cultivation for livelihood were affected. The report identified 61 households (SC, ST and OBC households) as vulnerable with needs of special R&R assistance (EIA 2002).

Process of land acquisition

The initiation of the ICTT was with the agreement between Cochin Port Trust and Dubai Ports International Ltd UAE to implement Vallarpadam International Container Terminal Project on a BOT basis in 2004. This was followed by the approval of Government of India for taking up the common user projects of Road and Rail Connectivity which were to the auxiliary units of ICTT. CPT approached NHAI for feasibility study and subsequently seven routes were identified of which the route starting from NH 47 at Kalamassery passing through Eloor, Cheranalloor, Kothad, Moolampilly and Bolgatty was found to be feasible.

The land acquisition proceedings for road and rail connectivity were nominated under Fast Track Project in November 2004. The requisition of land acquisition for the Road connectivity project came from CPT on 9th December 2004. For the Road project 45.38 (Ha) of private land came under land acquisition. The land acquisition was done under the Fast Track project of Kerala by direct purchase method, in the case of willing land owners and applying LA provision as per Land Acquisition Act 1894 (LAA 1894) in the case of others. Since the land was being acquired for NHAI for a NH project, legally the acquisition of land should have happened according to the National Highway Act of 1956. NHAI had submitted a requisition to the Collector for land acquisition accordingly. The initial plan for land acquisition was under NHAI Act 1988. But the acquisition happened as per LAA Act of 1894, citing administrative reasons that NH Act had never been implemented in Ernakulam and so the officials involved in the LA office were unaware of the proceedings.

---

31 GO (MS) No. 331/2004/RD dated 5th November 2004
32 Land Acquisition Report, NHAI File, Ernakulam Collectorate - ‘Land acquisition procedures have been laid out in NHAI Act 1988 (amended – 1997). This procedure has also been tabulated and is annexed. Nothing in Land Acquisition Act, 1894 shall apply to an acquisition under this Act. For any clarifications…provisions of the National Highways Act, 1956 with NHAI act 1988 and allied rules shall govern’.
33 Submissions to the Collector, NHAI File, Ernakulam Collectorate
of the Act. The second requisition\textsuperscript{34} for acquisition was given by CPT. CPT was made to stand as the requisition agency in order to proceed with the land acquisition under LA Act. If NHAI had been the requisition agency, the proceedings can happen only as per NH Act. The reason for this shift could be the absence of provisions for one time settlement in the NH Act which could lead to legal proceedings causing delay to the land acquisition process and the project. Though the requisition agency was CPT and CPT had solely funded the resettlement and rehabilitation expenses, the sale deed was made with NHAI. NHAI acted as a nodal agency and funded for the land acquisition expenses which was decided by Land Acquisition Office (LAO). The internal arrangement made to facilitate the land acquisition process saw CPT as the requisition authority for road connectivity for the Vallarpadam project while land was transferred to NHAI. The funds for land acquisition were also initially provided\textsuperscript{35} by the CPT. A meeting\textsuperscript{36} held on 22 March 2007 decided that CPT will continue to be the requisition authority since NHAI would be able to release funds only after CCEA (The Cabinet Committee on Economic Affairs) approval of the project.

A special land acquisition unit for the project was given sanction\textsuperscript{37} by the Kerala Government on 4\textsuperscript{th} February 2005. The Government accorded sanction\textsuperscript{38} to acquire the land under urgency clause in May 2005. The notification\textsuperscript{39} under section 6 of the Kerala Survey and Boundaries Act 1961 came in June 2005 with specific mention of the survey and resurvey numbers (Mulavukad, Kadamakkudy, Cheranallur, Eloor, Kadungalloor villages). The 4(1) notification

\begin{itemize}
\item \textsuperscript{34}Application submitted for Land acquisition for ICTT Vallarpadam by CPT, NHAI File, Ernakulam Collectorate
\item \textsuperscript{35}Summary Record of the meeting taken by Principal Secretary to PM on 15\textsuperscript{th} July 2006 at CPT, Kochi to review the progress of ICTT Vallarpadam, dated 15\textsuperscript{th} July 2006 – In the meeting it was decided that CPT will advance a sum of 20 crores to the district administration for payment towards land acquisition to avoid further delay in commissioning the project since it was difficult for NHAI to make financial commitments before formal clearance from CCEA. CPT would also make available a sum of 5 crores for shifting of utilities/services. The money will be reimbursed by NHAI to CPT after formal clearances are obtained. Since both come under the Central Ministry the internal transfer of funds becomes an easier task.
\item \textsuperscript{36}Record note of the review meeting held in the conference hall of CPT at 3:00PM on 22.03.2007 in connection with the connectivity projects to the ICTT at Vallarpadam, dated 22\textsuperscript{nd} March 2007
\item \textsuperscript{37}GO (MS) No.38/05/RD dated 4\textsuperscript{th} February 2005
\item \textsuperscript{38}GO (Rt) No.263/2005/Trans dated 28\textsuperscript{th} May 2005
\item \textsuperscript{39}No. E1-1/2005, dated 14\textsuperscript{th} June 2005, Published by authority as extraordinary in the Kerala Gazette
\end{itemize}
for acquisition of land did not happen in a single date but in different stages over a period. The notification dates and the extent of land notified each time is given in Table 1 in Annexure 2. The first notification came on 9th September 2005 and the last one on 24th January 2008. The land was also acquired under additional acquisition as required by the project after 2008.

Table 4.4

Details of land notified for Road Connectivity under 4(1) notification

<table>
<thead>
<tr>
<th>Nature of land</th>
<th>Area (Hectares)</th>
<th>Survey numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wet</td>
<td>21.8868</td>
<td>155</td>
</tr>
<tr>
<td>Dry</td>
<td>25.7042</td>
<td>344</td>
</tr>
<tr>
<td>Wet now Dry</td>
<td>2.1347</td>
<td>20</td>
</tr>
<tr>
<td>Pond</td>
<td>0.0204</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>49.7461</strong></td>
<td><strong>520</strong></td>
</tr>
</tbody>
</table>

Source: ICTT Road Connectivity File, LA Office, Eloor

The initial Draft Declarations for acquisition of lands got published in December 2005. The publishing of the declaration also happened in different stages over a period of time as can be seen in Table 2 in Annexure 2. The data is significant in terms of land categorisation of the acquired land and also in terms of the complexities of the notification process. The first declaration came on 30th December 2005 and the last on 22nd April 2009. The area which came under acquisition finally was 45.38 Ha in 605 survey numbers. The environment clearance for the Road Connectivity project from MoEF came in November 2006. The Cabinet Committee on Economic Affairs (CCEA) sanctioned the 17.2 km long NH connectivity project at an estimated cost of Rs 557 crores on

---

40 The notifications were issued by the Transport (A) department of Government of Kerala, which were later published in the Kerala Gazette under the clause extraordinary
41 The homesteads which came under additional acquisition were denied rehabilitation rights by the Government, the cases will be explained later.
42 Draft Declaration approved by Government vide No. 13616/A2/ 05 dated 30/12/05 and later published in Extra Ordinary Gazette The declaration for the acquisition of land should be published after all the survey work within one year of the publication of the 4(1) notification as per land acquisition norms
43 The notifications and declarations that came over a period of time meant that the exact area of acquisition was unknown to the community affected by land acquisition.

The following paragraphs provide a brief inventory of the processes of land acquisition following the notification, the landmark events that determined the course of acquisition, nature of people’s struggles, formulation of rehabilitation package, social and environment disruptions etc to provide a general understanding of the land acquisition process that took place in the region. The detailed exploration of these features will be dealt with in the following sections.

The Kerala Government started off with the land acquisition procedures for the road connectivity project in 2005 in spite of people’s protests erupting from various quarters against land acquisition without rehabilitation. The area under acquisition was densely populated and also covered wetland areas with pokkali cultivation, paddy fields and drylands with other agricultural crops. Also backwaters and wetland areas were demarcated for the project affecting the livelihood prospects of the fishing community in certain villages. Later the implementation of the project saw massive destruction of pokkali wetlands, waterbodies and traditional water resources. The areas got destroyed either due to construction activities or real estate interventions which flourished in the region as a consequence of the project. Wetland areas were also reclaimed for providing rehabilitation to the people. The crusher/quarry site of the construction company for the road project was also mired in controversies linked to violation of rules and social and environmental disruptions. The road project fared poorly in terms of social or environment impact assessment. But, from the beginning and throughout the land acquisition process the protests were directed not against the implementation of the project but mainly against the acquisition of homesteads and land property without proper compensation or rehabilitation. The people in protest were mainly those who were losing their homesteads. The farmers who were losing their agricultural lands alone, did not show interest in being part of the struggle due to multiple reasons, – disinterest in farming due to the general deterioration of agriculture in the region and the State, prospective increase in land value with the implementation of the road project, loss of
pokkali fields to the land mafia during the pre-project phase which saw many areas in the hands of the outsiders – which singlehandedly or acting together with each other reduced the prospect of any kind of resistance. Though arguments against environmental destruction were cited by various groups (local environment activists in Cheranallur, fisherfolk in Mulavukad etc) and court cases were filed by few with the view of protecting the wetlands, such environmental narratives were sidelined by the grand development narratives of the project, projected by majority of the stakeholders. The Action Councils or the struggle committees formed in each affected village raised demands only for proper compensation and rehabilitation. The Government was not ready to provide rehabilitation citing that there was no legal provision for the same. The struggles that erupted in 2005 continued in a latent manner till 2008. Though not of a large scale, the people’s protests and legal cases for rehabilitation affected the fast acquisition of land by the authorities. Even by 2008 the land acquisition procedures were not complete. By the end of 2007, the various struggle committees across the villages joined together under a Coordination committee to strengthen the movement. Majority of the people had given permission note for acquisition by this period, but due to the influence of the Coordination committee some families refrained from submitting the permission notes or withdrew the permission notes they had already given. A major highlight of the entire land acquisition process was the forced eviction of ten families in an island called Moolampilly by the authorities without any advance notice or payment of compensation as a threatening measure. The District authorities were also under pressure from the state and central Governments for fastening the procedures.

44 The Coordination committee acted as an apex body in the district level against various land acquisitions happening in the district without rehabilitation. The committee was generally a group of the grieving parties under acquisition and naturally had representatives in it with different political affiliations. Though there was no obvious political party flavor to the Coordination committee, Socialist Unity Centre of India (SUCI) leaders had played a major role in the formation and sustenance of the committee.

45 In a high level meeting held with the Secretary to the Prime Minister on 2nd February 2008 in Ernakulam it was directed to make available the entire land required for road and rail connectivity before 15th February 2008. The Land Acquisition Officer was directed to take possession of the land as per provisions of the LA Act from Moolampilly.
The Moolampilly eviction

The Moolampilly eviction was a landmark event in the history of Kerala, in that, a whole population watched the brutality with which the state can treat its people. It was not the first such event to take place in India, or even in Kerala, but it was the first of its kind to get wide media attention and an instant broadcasting which took it to each Malayali home when the heat of the event was still in it. It was also a classic example of intervention of the electronic media in the issues of the people, even if the broadcasting must have been done for its sensational value.

In Moolampilly there were 22 families marked for eviction. All of them had given the permission notes for surrendering their lands in 2007. But by the end of 2007 with the influence of the Coordination committee, ten families among them withdrew their permission notes. The land acquisition authorities came to Moolampilly on 4th February 2008 and demolished 12 houses of those families who had given the permission note. They also tried to demolish a house of one among the ten families who had withdrawn their permission notes, but had to withdraw because of people’s protest. On 6th February the authorities came with sufficient police personnel and demolished the remaining ten houses in spite of protests by the people. The people tried to prevent the police force from entering the area following which more police personnel came from the neighbouring stations and the force became too large for the people to defend. The officials first demolished the house of the convener of the Moolampilly struggle committee using an earth mover. The officials continued with the demolition work despite all the ten families continuing with their protests from inside their homes. Those who protested outside were beaten by the police. Even the local parish priest who stood with the people and voiced protests against the eviction was beaten. Following this all the ten houses were demolished. The people were forced to surrender their land when the demolition was going on.
After demolishing my house they went to the house of a family headed by a woman. They demolished her house also. She had fainted. They forced her to sign the paper in that condition holding her hand. They asked me to sign also. But we said that we won’t agree without a decision on rehabilitation. After two houses they started demolishing the rest. What they did in other places was devilish. The children who went to school, they left seeing the house intact. When they came back they saw the house demolished. Even the food kept for them was thrown away. They threw away the books…We didn’t get an opportunity to shift our things to a suitable place. We demanded them to give us time but that also they didn’t allow. They were attacking us as if we are Pakistanis or Baluchistanese or Japanese. It was as if we were opponents of India and we were not the citizens of India. Such was their audacity. We are not against development. But what we were saying was that our development cannot stand affected by their atrocities. We were dealing democratically. But they did this cruelty. But luckily no one was provoked. Otherwise murders would have happened here (Justin, Farmer Evictee and Struggle Committee Leader, Moolampilly. Interview, 27th October 2010)

The forceful eviction that happened that day was given a wide coverage by the media creating uproar across the socio-political milieu which was made effective use of the protest groups under the Coordination Committee to strengthen the struggle for rehabilitation.

**After Moolampilly eviction**

The demolition of 10 houses in Moolampilly in Kadamakudy village on 6th February forced a complete change in the land acquisition process for ICTT. Moolampilly issue became a turning point in the whole land acquisition process and the intention of the Government to acquire land without rehabilitation backfired. The struggling groups received an open support in their struggle for rehabilitation from the social and political milieu following the forced demolition. Subsequently a special package called Moolampilly package\(^46\) was announced by the Government on 19th March 2008 which was a major milestone in the people’s struggle for rehabilitation. The package was a culmination of the many discussions held with the Cabinet subcommittee including Revenue Minister, Law and Parliamentary affairs minister, Fisheries and Registration minister and other concerned officials like Collector regarding rehabilitation of the evictees by the protest groups and their representatives. The Latin Church under which the Moolampilly parish was located intervened

---

\(^{46}\) GO (MS) No.62/08/RD dated 19th March 2008 (Government Order) offering land for land with basic amenities like electricity, water, road and other rehabilitation benefits like rent, shifting charge, employment etc. The features of the Moolampilly package will be explained in detail later.
strongly after the Moolampilly eviction and stood with the community in the struggles post-eviction. The church was also involved in acts of mediation with the Government.

Though the rehabilitation package was announced in March 2008, larger benefits were offered to Moolampilly evictees alone. Various legal battles had to be led by the evictees from other villages with the Government against the differential treatment in the rehabilitation package. Many evictees refused to surrender their land owing to this differential treatment. A common Judgment of the High Court on June 20th 2008 made all the evictees of the ICTT project eligible for equal status in rehabilitation by stating that the Moolampilly package is applicable to all evictees under the road and rail projects. By 15th July 2008 the acquisition was completed by the Government. Judicial proceedings continued in the cases filed on the shortcomings in rehabilitation package, legal disputes in the rehabilitation plots, lack of amenities in rehabilitation plots, enhanced compensation etc. Meetings with the officials and the people’s representatives, submission of petitions and also Court cases continued after this period since many evictees were still without rehabilitation provisions. Later when the plots were given, the demands continued for provision of basic amenities in them as promised by the authorities. Following a High Court

---

47 While Kadamakkudy village (Moolampilly, Kothad regions) evictees were offered 5 cents/6 cents for land lost upto 5 cents/land lost more than 6 cents respectively, the package had provisions for only 4 cents of land for evictees from other villages

48 No. C6-57033/06, Minutes of the meeting held at collector’s camp office regarding rehabilitation on 5th July 2008; Participated by protest leaders, people’s representatives and GP representatives

49 In September 2008 a note was submitted to the DC by the Coordination committee for a meeting being convened on 30th September 2008. The queries in the note were related to fixing the time for completing the rehabilitation with pattas and proper land development, rehabilitation of nuclear families, reconstitution of employment initiatives, arranging basic facilities like electricity, water in the developed land, giving DLPC value for ½ cent land to evictees in Eloor, cheranallur, time bound decision to be made on the application of land owners to take up the remaining bits of land and also permission for construction in these lands, time limit for reimbursing the deducted tax amount, time to be fixed to avail DLPC rates to those land owners whose compensation money has been deposited in the court as per section 31(2), consider the reference 18(1) applications for compensation, certificate of eviction, solving issues with categorization of land, providing 6 more months of rent after giving pattas since the rent period ends on December 6, reimbursing the remaining rent to those families staying in FACT quarters, conserving the reclaimed water channels for ensuring the environmental sustainability of the respective regions etc.
judgment which made it binding, the Government distributed land documents on 2nd February 2009 in a land distribution event hosted in Moolampilly. But despite this the government failed to provide even basic amenities to the evictees. The payment of rent to the evictees by the Government continued during this period. Even in 2011 the rehabilitation process did not reach its culmination as announced by the Government during the Moolampilly package in 2008, which raised questions on the credibility of the state and the legal systems. The package was modified to include new provisions in 2011 when the state rule changed from Left Democratic Front to the United Democratic Front. But even these provisions were not implemented and silent protests are still continuing in the region. Moolampilly eviction gave voice to the discourse of rehabilitation in the project thus bringing forth the issue of social justice to the limelight. But the questions on land distribution and environment justice took the backstage. The acquisition and destruction of the wetland areas in the region (unscientific construction, waste dumping, indiscriminate reclamation, land filling etc) caused by state as well as non-state actors (land mafia, Construction company) in the pre-project phase and later during the project implementation phase were sidelined and ignored in the prominence given to the discourses of the prospective economic development by various stakeholders.

Section 2: People’s struggles

The Road connectivity project was engulfed in people’s protests from 2005, when the Government announced land acquisition notifications. The present section delves into the institutionalisation of the protest by detailing the formation, structure, functioning and coordination of the protest groups across the villages, the key leaders in the struggle, the ideological base of resistance and the struggle strategies adopted by the people. It also highlights the criticism against the struggle as well as the internal and external support received by the struggle from various quarters.

WP (C ) 21765, 27112, 25373,25775,22704 and 20990 of 2008 dated 11/12/08 and 18/12/08; The Common Judgment in December 2008 intimated the state Government to fasten the rehabilitation procedures.
Organisational framework of resistance

Action Councils or Struggle Committees were formed in 2005 by the evictees in their respective villages. They demanded for reasonable compensation and rehabilitation upon eviction. The protests started from 2005 when the news about the proposed road became public through Gazette notifications and media. The form of people’s resistance underwent changes during the course of land acquisition for the Road Connectivity. When the struggle started off in 2005, they were just independent groups trying to get into a dialogue process with the Government regarding rehabilitation and other benefits. There was no external support - political or otherwise for these movements at the juncture. Both the mainstream parties in Kerala (Indian National Congress, Communist Party of India (Marxist)/CPM) either in power or in opposition chose to stay away from these struggles. But the respective Action Councils had evictee members, who had affiliations with different political parties. Even without the support of the political parties such groups with common people were competent enough to sustain the struggle owing to the general political climate (political consciousness, literacy level, experience of decentralised planning etc) in Kerala. The activities of the struggle committees, when they were formed, confined to sending petitions, meeting MLAs, MPs, political leaders and officials with their grievances and the request for rehabilitation. They had direct contacts with the struggle committees in other villages like Mulavukad, Kothad, Manjummal, Kalamassery who were also under the threat of eviction. This was before the formation of the Coordination committee. The Convenor of the Moolampilly struggle committee said that the functioning of the various

ICTT is a Central Government project and the Congress Government (United Progressive Alliance / UPA) was in power in the central level from the beginning of the project and throughout its implementation. In the initial stages of the land acquisition in 2005, when the protest groups were being formed, United Democratic Front (UDF) was in rule in the state Government. The Left Democratic Front (LDF) was in opposition in the state level. Eloor Panchayat was under Communist Party of India Marxist (CPM) rule and the Choranallur and Kadamakkudy Panchayats were under Congress rule. Where CPM was in rule Congress was in opposition and viceversa. The initiation of the project and the land acquisition procedures were started during the time of the UDF Government in the state in 2005 and carried forward by the LDF Government from May 2006 when they came to power. When the project started both the Centre and the state Governments were under Congress rule but soon after in 2006 the state Government came under LDF. Later in 2011 state assembly elections UDF regained the power.
committees was ‘like the birds of the same feather flying together’. There was no open confrontation with the authorities at this stage. The open confrontation started only after the forced eviction by the Government in Moolampilly in February 2008.

Each village-level Struggle committee had an elected Convener. The Coordination committee had all elected conveners as its members. It was formed in 2006 when the committees in all the villages decided to join togetherto strengthen their voice, feeling that it wouldn’t be beneficial for them if they stay isolated. The leaders of Socialist Unity Centre of India (Communist) or the SUCI (C), one of the communist parties, had acted as facilitators in binding the different units together under the Coordination Committee. The Coordination committee was headed by Francis Kalathunkal\(^{52}\) (General Convener), who had played a major role in facilitating the protest activities after the Moolampilly eviction. He had played a crucial role in the Moolampilly struggle, independent of SUCI(C) affiliation and intervention, though mostly the SUCI office venue was used as the meeting place for planning the struggle strategies. A samara sahaya samithi or the Struggle Support Committee (SSC) comprising of social and political activists was formed after Moolampilly eviction to support the functioning of the Coordination committee.

The following section deals with the formation and functioning of the village level struggle committees in Kadamakkudy, Cheranallur and Elloor villages which were the most affected. These committees were also the most active. The role and functions of the Coordination committee and the SSC will follow.

**Moolampilly struggle Committee**

Moolampilly and Kothad are two islands in Kadamakkudy village. Kothad is connected to the mainland by a bridge. Moolampilly was a completely isolated island till the road came. The struggle committee in the Moolampilly was formed soon after the notification for acquisition. There were 22 families in Moolampilly who were losing their homestead for the project. Only these

\(^{52}\) Francis Kalathunkal, SUCI Local Secretary Ernakulam and Coordination Committee General Convener
families were taking part in the struggle. The 43 *kettu* owners or the *pokkali* cultivators (falling in about 3 polders) in Moolampilly who were losing the wetlands were not part of the struggle except for one family who lost their homestead as well.

When the Moolampilly eviction happened in 2008, struggles for rehabilitation had completed three years. But in 2007, with acute pressure from the Government, many families in these villages submitted the permission note to surrender their land for the project at the LA office. In Moolampilly all the 22 families submitted their permission note during this period as per the decisions made by the respective village committees. The authorities had given verbal commitment that that they will be given Government land later on. The Coordination committee of the struggle committees from all the villages which got strengthened by end of 2007 pressurised the families in Moolampilly to withdraw the permission note and not to give away the property till rehabilitation is provided. As a result 10 families in Moolampilly withdrew their permission for acquisition and continued with the struggle for rehabilitation. It was at this juncture that the Government decided to forcefully acquire the land in Moolampilly and the demolition of the houses happened. The demolition of the 12 families who gave permission note happened on 4th February 2008 and that of the ten families who withdrew permission note on 6th February 2008. After the Moolampilly eviction, the phases of the struggles were referred to as Pre-Moolampilly and Post-Moolampilly.

In the higher level, bureaucracy and political leadership knew about that operation. To say that they didn’t know is a lie. Circumstantial evidences prove that they knew about the situation but they never thought that this will develop into such a movement. They thought by taking this step, the people will be defeated, they will be deserted, and they will be demoralised. They thought people will get dispersed. They never thought that people will stand back and question them. So the Moolampilly eviction became a turning point in the course of struggle (Francis Kalathunkal, Coordination Committee Convenor and SUCI (C) Local Secretary. Interview, 14th September 2010)

The nature of the struggle differed from then on in its content and process. Till then the struggle was happening in a private sphere, with communication happening only between the people, committees and the authorities. Also there existed no external support from other social or political organisations. After
Moolampilly eviction it came out in open to the public realm and external support started pouring from various social and political organisations.

Earlier there were not obvious struggles. Only when the house was lost that the protest became open. No one thought that they will come and demolish the houses like this. Since this is a democratic government and they work for the welfare of the people, whichever Government, the people had a belief that the houses will be demolished only after their security is ensured. But that belief got collapsed (Fr. Martin, Local Parish Priest, Moolampilly and Struggle Support Committee member. Interview, 27th October 2010)

Till Moolampilly issue occurred, the protest of the people was defined as anti-development by most of the public and the media. But the heartrending visuals of forced eviction changed the scenario in a single day.

Some said that people are opposing development but when demolition occurred that criticism was gone. The demolition was a mistake done by the Government. If the demolition was not done this struggle would not have occurred and there would not have been any issue. The issue was acknowledged when the demolition came in all TV channels (Advocate Sherry, Former KCYM President and Struggle Support Committee member. Interview, 9th February 2010)

Various social and political party representatives started voluntarily extending support to the movement. The media also started covering the news of the plight of the evictees of the project. The Church also intervened strongly for the cause of the evictees. Following demolition, ten families were left without housing and with the intervention of the Church the people were put up in the local Parish School. The families stayed there for 42 days during which the protest against forced eviction and the struggle for rehabilitation continued. The venue of the struggle was Menaka Junction in Ernakulam. The ten evictee families sat in a tent in this Junction for 42 days to mark their protest against the Government and for demanding rehabilitation package. They were supported by evictees from other villages, Coordination Committee leaders, and leaders of various political parties as well as religious and cultural groups. The continuous struggles and advocacy led to the announcement of the ‘Moolampilly Package’ extending rehabilitation benefits to the evictees on 19th March 2008.

53 From across all the political parties in Kerala (Congress, BJP, CPI etc) except for CPM which was in power in the state as part of the LDF
54 The role played by the Coordination committee and the representatives from the social-cultural-political milieu will be dealt with later
Kothad Struggle Committee

In Kothad the Struggle Committee was formed in 2005 but was not very active. There were 27 families under the verge of eviction and they used to convene meetings and participate in the struggles for rehabilitation with evictees from other villages. But the struggle was very weak due to the lack of interest of the people. One main reason was that the number of houses being affected was less in number and the number of those who lost land alone was higher in Kothad. A major reason for the withering away of the struggle activities in Kothad was explained by one of the evictees in the following words:

The one who would lose 55 cent and those who lose 0.5 cent were part of the struggle. Those who lose only 0.5 cent opposed the struggle saying that it is for development and so they were not ready to struggle. They worked against the struggle in conspiracy. They think like this. Why should I who lose 0.5 cent work in this? Why should others benefit out of me? An incident happened here during one struggle meeting. They came and threw away the mike during the meeting. Then the leaders who came to coordinate the struggle went their way and didn’t come back. We also dropped out (Mathew, Evictee, Kothad. Interview, 30th October 2010)

The issue here is that there are locals who lose only less than 1 cent for the project. For such people any such developmental activity in the area means a gain of maximum profit since the land value of their remaining property will increase manifold. Also since their loss was very minimal they were not ready to take efforts for others who will be losing more. The struggle in Kothad was also not active because of the continuous threat of arrest, forceful eviction, denial of benefits on participation in the struggle etc by the authorities.

The struggle committee was not effective or strong. All people were quite scared of things. There was a threat from some officers that people would be thrown into streets if hindrances are caused. They said that if people don't give away the land then they would bring the police and forcefully evict them. So many people here were scared that they will be forced out and even those benefits which they may otherwise get may not be given. Then everything came to a standstill...But people in Moolampilly got organised and responded strongly. That is the difference (Judy, Evictee and Struggle Committee Convenor, Kothad. Interview, 29th October 2010)

People were reluctant to come forward to lead the struggle fearing that they will end up losing the benefits. Coupled with this pressure was the fact that the people in Kothad found the compensation amount reasonable which made them surrender in the initial stage.
When the price was announced we felt that the price was ok. Then our advocate said that this is a reasonable price. If you go for case then maybe the compensation will be delayed. So we signed the permission note (Judy, Evictee and Struggle Committee Convenor, Kothad. Interview, 29th October 2010)

The people in Kothad surrendered their land in 2007 and the registration of the land also got completed in the same year. The people in Kothad found the fixed land price reasonable when it was offered in 2005-2006. So they agreed and moved on with the land transactions with the Government. But they met with loss since they could avail the compensation money only 2-3 years later and by that time the land value had increased further. The people in Kothad never took part in a struggle for the right of rehabilitation along with others, post-Moolampilly eviction. But when rehabilitation benefits were given as per the Moolampilly package, it was extended to them as well by the Government, citing the reason that Kothad also falls in Kadamakkudy village.

**Cheranallur Struggle Committee**

The Struggle Committee in Cheranallur was formed in 2005 soon after the survey for the road alignment, when the survey stones were established in the land to be acquired. The members of the Struggle Committee removed the stones flagging off the struggle following which a police case was registered against them. The convener of the Struggle Committee was arrested in the name of public property destruction. The objectives of the Struggle Committee were twofold. One was to wage a legal battle against the Government citing violation of environmental regulations and other procedures. The other objective was to create awareness among the people regarding the social and environment impacts of the project and the human right violations involved due to the denial of rehabilitation to the evictees. The struggle committee had filed around 6 cases in the High Court – related to Coastal Zone Regulation (CRZ) violation and also related to compensation and rehabilitation during the acquisition process.

Basically we said this project is an ill-conceived project and so it should not come. It is environmentally violative. There is legal violation in it. The project is harmful and not effective and so should be opposed. The common people didn’t understand this. They are of opinion that we shouldn’t say against the project. The merit of the project was not their issue. The attitude was that it doesn’t come in their purview. Then we did awareness for that. A small percentage of people understood and stood with us. But a big majority didn’t show interest in it. Then people showed interest in
proper rehabilitation and compensation. Then struggle became strong. We adamantly said that we won't move out without rehabilitation (Kunju Mohammed, Evictee and Struggle Committee leader, Cheranallur. Interview, 26th January 2010)

The cases related to environment destruction and CRZ violation in the project in the initial stages did not stand in the Court since it was an auxiliary project for the ICTT and was defined as a ‘prestigious project’ by the Judge. Following this the struggle focused itself on absence of rehabilitation in the project. One of the leaders said the struggle of the people were on various counts - for proper compensation, delay in compensation, denial of rehabilitation, legal issues in the rehabilitation plots received, lack of amenities in the plots, blockage in the local roads due to the road construction, destruction of agricultural lands, disruption of water supply facilities due to construction work etc. This was taken up in a situation where they couldn’t turn for support anywhere since the locals who were unaffected by the project and all the political parties were against the struggle citing the reason that ‘big development’ was coming and the struggle group was hindering the progress of the society.

Out of the 68 evictee families in Cheranalloor, 35 families participated in the struggle, and the remaining 38 families had surrendered their property in the initial stages of the acquisition fearful of the Government deadline for surrendering the land. The Government also lured some of them to surrender their property by offering advance amount as part of compensation. Also those who had financial needs to clear their debts or other immediate needs like marriage also gave away their land. There were also people who gave away the land to do away cases of disputed property. More than 30 people, including paddy farmers, were losing land alone, but they were not part of the struggle. They also surrendered because of the fear that if they don’t give within the specified deadline their land will be taken away and instead of the District Level Purchase Committee (DLPC) compensation they will be provided only with the conventional Land Acquisition compensation. The 35 families continued with the struggle for rehabilitation along with the Coordination committee even when others in the village surrendered their property.

55 The features of the DLPC and the Land acquisition compensation is explained in detail later on in the section on ‘Compensation, Resettlement and Rehabilitation’
The 35 families under Cheranallur Struggle Committee had to continue the struggle in legal terms even after the Moolampilly package was announced. The Government order came announcing the Moolampilly package, but there was an anomaly in it, since the size of rehabilitation plots offered was higher for Kadamakkudy village when compared with other villages coming under acquisition. The Struggle Committee leaders filed a case in the High Court demanding equal treatment in the provision of rehabilitation benefits since evictees in all villages come under the purview of the same project. The High Court in a Common Judgment for all the petitions of similar nature gave judgment directing to give the same rehabilitation benefits to all. Following the judgment the people were asked to surrender the land documents within a deadline by the Government. But some of the leaders of the Struggle Committee were of opinion that the land should be surrendered only after rehabilitation is provided to all in its complete sense. In the rehabilitation plots, which were mostly backwaters or paddy fields, the reclamation process was yet not complete, the basic amenities were not provided in the plots and the land documents were not distributed yet. But majority of the people were tired of the continuing struggles and wanted to quit.

Finally the pressure became so much. People wanted to finish off and go. There were different opinions in the committee itself…Most of the people got weary of all these things. In addition to that there were tacit threats by the Government that the struggle leaders will be arrested and jailed. We were not scared. We said only after ensuring rehabilitation in its complete sense that land should be given. But others were not ready to accept it (Kunju Mohammed, Evictee and Struggle Committee leader, Cheranallur. Interview, 26th January 2010)

Few of the leaders wanted to continue the struggles till the demands were completely met by the Government, but most of the people were tired of the struggle activities and the legal complexities of the land acquisition process. The people surrendered their land documents by July 15th 2008, the Government deadline set after the Common Judgment delivered by the High Court on 20th June 2008. The struggle committee became inactive once the package was declared by the Government and the dispersal of the people became complete when the common judgment declaring package for all came from the High Court. But later when troubles arose with distribution of the patta (land document) by the Government with no amenities and with court cases pending
regarding the ownership of the rehabilitation plots, a reunification of the dispersed people in the committees started happening. During this period the 38 families who had surrendered their land in the initial stage also took up legal measures to demand rehabilitation as given to those who participated in the struggle. Cases were being filed by various evictee groups for house rent even in 2010, since the amenities were not provided by the Government in the rehabilitation plots.

**Eloor struggle committee**

The Eloor village has a history of eviction of its own. Land in large scale was taken for fertiliser production companies like Fertilisers and Chemicals Travancore Limited (FACT) and other initiatives in the area over the last decades. In 1944, a 160 acre land was acquired for FACT and presently around 900 acre land in the village is with FACT. Another case of acquisition was one in which around 200 people were evicted for an Ammonia Plant. Though struggles were launched, people were not provided with rehabilitation and only the compensation amount was given. The locals narrated how with each eviction people kept on reducing the extent of land in their name – 5 acre to 1acre to 50 cents to 5 cents to a state of landlessness. They narrated how the same people had to undergo eviction more than 3 times at various occasions of acquisition. The latest acquisition to happen in the area was for the Vallarpadam road connectivity. The people said that earlier when the land was acquired, they were able to buy land elsewhere with the compensation received, but now with increase in land price everywhere, it was difficult for them to buy property in the locale.

An Action Council was formed in Eloor in 2005 comprising of 46 families under the threat of eviction. The Council was formed when the 4(1) notification for the acquisition of land was published by the Government. It was named Action Council Manjummal. The Council consisted of representatives from almost all political parties but did not exhibit characteristics of any political party. Initially the focus of protest was against the change in alignment of the road from the Premier Junction in Kalamassery to near the SCMS College,
whereby homesteads got affected. The business community at Premier Junction had exerted strong pressure on the Government for alignment changeas the bars, shops, petrol pump etc in the Premier Junction stood affected by the first alignment. But when the alignment changed it affected the land and property of many individual landholders which contributed to the struggle. The Council sent petitions, conducted marches and picketing as part of their struggle for rehabilitation and better compensation. Few of the evictees from Kadungalloor and Varapuzha villages also participated in the struggle with the Eloor Action Council. The nature of protest changed over the period – from against the alignment to better compensation and employment and later to a comprehensive rehabilitation package.

The Collector initially announced a DLPC package in 2006 for Eloor, which the people found to be quite agreeable. The Collector also promised to provide with rehabilitation plots from the Government land available in Eloor. The evictees were also promised that they will be given compensation within 15 days of surrendering the land. Also the administration threatened the people that these benefits would be declined if they did not surrender their land within a specific date. Following this those who were in struggle submitted their permission notes for land acquisition. But the Empowered committee in the state level who took decision on compensation matters rejected the compensation plan for the Eloor evictees reducing the prospects of a fair compensation. Also, while seeking rehabilitation plots for the prospective evicteesonly 8 cents of Government land could be identified in Eloor since most of the Government owned lands were illegally taken over by private parties. Further the Government not only failed to give the compensation within 15 days. It also could not provide it even after the passing of one year. Following this 14 families out of the total 46 families withdrew their permission note surrendering the land and continued the struggle. One evictee said that even if the compensation amount was received within the prescribed time they would not have continued with the struggle.

In other villages groups of evictees had filed cases for getting the benefits of the ‘Moolampilly package’ and a Common Judgment came on 20th June 2008 extending the right to rehabilitation to the clients. The evictees from Eloor had
demanded for 6 cents of land as given to the Moolampilly evictees according to the common judgment in a meeting held with the Fisheries Minister, Collector and other officials on July 4th 2008. This demand was raised when the Minister and officials asked the Eloor evictees to surrender the land on the same day itself. At that time they were not clients in the case for which the Common Judgment was given. The people demanded time to surrender their land till the next day so that they can join the case as clients to be eligible for the benefits as per the judgment. But the Minister lured them to believe that they will be given 6 cents of land, even without filing the case, following which the people surrendered the land. But the Government went back on its promise and the evictees could avail the rehabilitation plot only after filing a case in the Court. Even then they were awarded only 4 cent as rehabilitation plots and the value for the remaining 2 cents was given in cash. The 14 families in struggle boycotted the pattayamela in protest since they were being given less land in comparison to the Kadamakkudy evictees and also no basic amenities were being provided in the land. The 32 families who had withdrawn from the struggle earlier accepted the 4 cent plot given in Thuthiyurby this time. But even they only got 3 ¾ cent since the remaining ¼ cent was marked for laying a road. Nine out of the remaining 14 families filed petitions demanding 4.5 and 5.5 cents of land keeping the Common Judgment and the Minister’s promise in the meeting as evidence. But the Court verdict was to go as per the Government order and they were provided with only 4 cents of land and land value worth 2 cents. Petitions were filed by the remaining protesters for rent in 2010 since the rehabilitation plots lacked basic amenities as promised.

Formation and functioning of the Coordination Committee

The Kerala Samsthana Janakeeya Prathirodha Samithi (Kerala State People’s Protest Committee) headed by former Justice V R Krishna Iyer formed under the initiative of SUCI (C) had been functioning for the cause of development related issues in the state. They also stood against the anti-people policies of the state in issues like land acquisition, Build Operate Transfer (BOT)projectsetc. This
committee took the initiative to call forth a meeting of all the protest committees functioning against forced eviction in Ernakulam in October 2006. The Coordination committee came to existence connecting 14 protest committees keeping the agenda ‘no eviction in the name of development’. After this the Coordination committee led all the struggles in the region against forced acquisition of land in the region without rehabilitation. The Committee intervened not only in the rail and road struggle committees coming under ICTT but also in similar struggles in the district. The Committee acted free of all political affiliations though it had members in it who had affiliations to various mainstream political parties in Kerala.

One major intervention of the Coordination Committee was the inputs they gave to the dialogue process for rehabilitation with the Government. In the initial stage the State Government was not ready to hold discussions directly with the Coordination Committee as the political ideologies of the Committee leadership (with SUCI (C) leaders) differed with that of the CPM-led Government. So initially the dialogue process was facilitated by the Jagratha Samithi or the Care Committee formed with the support of the Latin Church. But the Care Committee only had the responsibility of acting as a mediator between the people’s groups headed by the Coordination Committee and the Government. The decisions regarding the struggle, the rehabilitation package and the approach were designed by the Coordination Committee with the participation of the people. But later on after the Government Order announcing the rehabilitation package, discussions that followed were directly between the

---

56 Notice issued by the Coordination committee as part of the struggle campaign on 18th February 2008

57 *Moolampilly struggle committee, Vadathala People’s committee, Cheranallur people’s committee, NH 17 Action Committee, Smart City Action Committee, Manjummal struggle committee, Mulavukad railway eviction struggle committee, Kadamakkudy protection committee, Farmer’s protection committee- Sabari Road, Perandur Canal Struggle committee, Cochin Refinery Evictee’s Association, NH 49 Bypass Struggle Committee, Franklin Gardens, NH 17 Action Committee Koonammav – Of this the struggle committees related to Vallarpadam Rail and Road connectivity marked in italics

58 SUCI (C) considers the mainstream communist party in Kerala, CPM, as following revisionist political ideas and hence is treated as a political opponent by the CPM

59 Committee consisting of priests from various Christian institutions formed after Moolampilly eviction to mediate between the people/Coordination committee and the Government, since the CPM Government refused to hold dialogue with Coordination committee with SUCI (C) presence
Coordination Committee leaders and the Government. A member of the SSC spoke about the nature of working of the Coordination Committee,

The Coordination committee doesn’t have an agenda of its own. They just look what the people in the locale stand for. If the people there are against the project then the coordination committee is also against it. If people say that they want only a good package then the Coordination committee will stand for it. The Coordination committee stands for the decision taken by the people (Fr. Augustin Vattoli, Activist and Struggle Support Committee member. Interview, 20th January 2010)

During the dialogue process for rehabilitation the Coordination committee did liaison work with media, politicians and the officials to raise the rehabilitation demands of the people and keep the eviction issue in the public domain. After the Moolampilly package was formulated the role of the Coordination committee got confined to monitoring of the implementation of the rehabilitation package and the pending Court cases. The Moolampilly day is observed on February 6th every year under their leadership, as a mark of protest against the forced eviction that happened in Moolampilly. Meetings are also held but only when required. The Coordination committee came under criticism from various quarters that they had become lethargic after the rehabilitation package was formulated. When the new UDF Government came to power, the Coordination Committee held discussions with the Government and made amendments to the rehabilitation package extending benefits like house rent, since the basic amenities were yet not provided in the rehabilitation plots.

**Samara Sahaya Samithi or the Struggle Support Committee (SSC)**

The SSC was formed after Moolampilly eviction with the intention of providing moral and intellectual support to the struggle activities. It acted as a supporting system outside the Coordination Committee. In this included all other political parties and movements which extended support to the struggle after the Moolampilly eviction. Various Political parties except CPM, religious and cultural groups like KCYM⁶⁰, SNPD⁶¹, NSS⁶², Solidarity Youth Movement⁶³ etc

---

⁶⁰ Kerala Catholic Youth Mission, a voluntary association of the youth wing; acted as a link between the Coordination Committee and the Church to move on with the dialogue process for rehabilitation.

⁶¹ Sree Narayana Dharma Paripalana Yogam, an association of the Ezhava community in Kerala

⁶² Nair Service Society, an association of the Nair community in Kerala

⁶³ Solidarity Youth Movement, youth wing of Jamaat-e-Islami Hind in Kerala
were part of the SSC. Individual activists as well as organisations were part of the group. C. R Neelakandan, a social and environment activist, popular in Kerala played a key role in this committee and facilitated political networking and advocacy for the struggle. Another relevant actor of the committee was Sherry Thomas, Advocate in the High Court and KCYM President who provided legal consultation to the struggle. Fr Augustin Vattoli, an activist-cum-priest who had actively taken part in the struggles post-Moolampilly eviction also played an important role. The SSC played a major role in the dialogue processes with the Government for the formulation of the rehabilitation package, mainly known as ‘Moolampilly package’ by acting in tandem with the Coordination committee.

**Ideological base of Resistance**

The resistance in the NH project was mainly featured by its focus on rehabilitation aspects and the sidelining of the environmental issues or the destruction of common property resources. The absence of transparency and dialogue by the state in matters of land acquisition acted as a catalyst in strengthening the struggles.

**Focus on resettlement and rehabilitation**

In the case of the road connectivity project the protests that erupted generally across the villages were not against the project implementation which will disrupt the social and environmental systems in the region but for compensation and rehabilitation upon eviction. A letter sent to the District Collector (DC) by Manjummal Action Council (Eloor) formed on 26th June 2005 details their position regarding the project in the following manner.

*We are not against the progress of the nation or the developmental projects. We should be allowed to live with the facilities we enjoy now when the land is acquired.*

---

64 Letter to the District Collector and other officials, Local Self Government representatives, Member of Legislative Assembly (MLA), Member of Parliament (MP), Chief Minister (CM) etc by Manjummal Action Council by the convenor, dated 8th July 2007
The demands raised in the letter were for proper compensation, replacement land, basic amenities, employment, proper land documents etc to ensure social security in case of eviction. That the protest was never against the project was also evident from the sharing of few evictees that they used to help out the officials during the initial survey by giving information and showing directions for the road alignment. The major cause for the eruption of the struggles in the case of Moolampilly and other villages coming under the Road Connectivity project was the absence of a legal binding to provide people with rehabilitation in case of eviction for rehabilitation projects. In the absence of a legal statute for rehabilitation the Government was not bound to provide people with rehabilitation. It was in this context that the people were forced to take up the struggles.

Legally rehabilitation is not people’s right. But it is legitimate. So a legitimate right is acquired by the people through struggles. So when land will be acquired for future projects similar questions will arise. So the civil society should understand this and make the policy planners to create change (Francis Kalathunkal, Coordination Committee Convenor and SUCI (C) Local Secretary. Interview, 14th September 2010)

The people who were affected by the project were of the opinion that absence of law is not a sufficient reason to negate the right of the people to live. The protest was also directed against the Government which manipulated the concept of public purpose to coerce the land out of the people without rehabilitation or a proper assessment of the social or environmental viability of the project at hand. The struggle adopted the concept that it is public interest that matters in the case of land acquisition. Injustice shown even to a few families becomes a matter that hinders the public purpose with which the project had been envisaged. The protest against the system which supports the private interests even while

---

65 The demands raised in the letter included 1)One lakh per cent for land and 750 per square,feet without depreciation to the buildings 2) If the above demand cannot be accepted then replacement land in Manjummal along with constructed houses with the present facilities 3) Flexibility in electricity, water, construction rules when evictees attempt for rehabilitation 4) Atleast one member from the evictee family should be given employment in the project 5) If land is given by the Government for rehabilitation then the Patta and other documents should be given within 3 months 6) If the new road will be in a higher elevation than the ground level then transportation facilities should be ensured to those living on either sides 7)No tax should be deducted from the compensation money for the land being acquired
undermining the rightful needs of the evictees for rehabilitation land was explicit in the forms of protest that erupted. The struggle was highlighted not just with dry speeches but also with slogans and protest songs written specifically for the struggle. An excerpt from a song during a protest event is as follows:

Oh Government
Is there no land
for the poor dumped in streets
in the name of development?
Thousands of acres
For the crorepati TATA
Thousands of acres
For the Estate Lord Harrison
The priceless land of HMT
For the Lord ruling Mumbai
Tell us Tell us Oh Government
Is there no piece of land
For the wandering poor to sleep?

The excerpt was included only to highlight the situation in the state, in which the Government was hesitant to touch the private players like Harrison Malayalam and the TATA group which had acres of Government land in their hold, well past the lease period. It also refers to the land given to the Hindustan Machine Tools (HMT) for expansion and now in the hands of a private firm. Controversies surrounding these issues of land are yet to be settled in the state. It was in this context that the protests were raised against the forced eviction of people from their rightful property without providing rehabilitation.

**Sideline the environment and agricultural wetland protection angle**

The environmental issues and the agricultural wetland destruction related to the Road Connectivity project was never a major agenda in the struggle. Other than few random protests raised by certain groups in Cheranallur and Mulavukad regarding violation of CRZ rules through destruction of wetlands and reclamation of backwater region for road construction, the protests were mainly confined to the issue of rehabilitation. These protesters tried to perceive the project in terms of its rationality and environment sensitivity and register their

---

66 Used during the protest organised by the Coordination Committee on 6th March 2008, the first Moolampilly day commemoration after the eviction. At this time the ten evictees from Moolampilly were staying in the local School since their houses were demolished.  

123
protest against project implementation through the Judiciary but failed in the initial stage itself.

The struggle was taken up within the existing development framework, supporting the development that came in even if it disrupted the socio-ecological systems. The opposition was only against the eviction of the people without proper compensation and rehabilitation. The objective of the struggle was confined to the rehabilitation package negating all other aspects of land acquisition and project implementation. There was no opposition against the loss of *pokkali* polders which were being acquired for the project in spite of the fact that *pokkali*/shrimp cultivation used to be a major livelihood activity in Moolampilly, Kothad, Mulavukad regions. Paddy fields across Cheranallur village were also affected.

Around a hundred people 67 lost their land in Cheranallur village out of which 68 families lost their houses as well. Eight to ten people have lost paddy fields (2, 3 wards) and there were others who lost coconut farms. About 50 acre paddy field was lost for the project in Cheranallur. In some areas, since the road came elevated, the agricultural land became lowered causing water logging and subsequent stoppage of cultivation practices. One farmer lost 66 cents of agricultural land for the project, out of which 28 cents was under paddy cultivation. He had one plus acre land remaining but the cultivation was stopped in the remaining land after acquisition. Around 25 acre was lying idle surrounding this plot after the initiation of the road. Another farmer from Cheranallur lost 55 cent out of 90 cent cultivable land for the project. The polder named Puthuvel had around 100 acres in total. Soon after the project was announced the paddy cultivation stopped altogether. Around hundred people lost land in Eloor in addition to the 44 families who lost their house. Out of the 100 acres used by FACT as Gypsum dumping yard some area came under the present acquisition for the road. The road also passed through one polder called Kuttikkattukara in Eloor, where cultivation waned over the years. Around 50 people lost *pokkali* lands and coconut farms in Moolampilly and Kothad regions.

---

67Data regarding the loss of land, extent of area lost etc from the interviews with the farmers, No exact official data available; The data from the farmers might be incomplete
of Kadamakkudy village. But even before the road came the farming activities had started declining in Kothad. The pokkali rice and shrimp cultivation used to happen till the arrival of the road. But after the road construction started many of the polders became unusable due to dumping of construction waste and flow of silt from the site.

Though agricultural lands got lost extensively across the villages due to acquisition as well as during road construction, especially in Kadamakkudy, Mulavukad and Cheranallur villages there was not much opposition from the farmers or the locals. The major issue before the people was the loss of homestead for the project than the agricultural lands.

Who will make issue saying this is agricultural land? When the homestead itself is being lost will we protect our homestead or the agricultural land? For these poor people what will they do? They are not even capable of protecting their homestead. Then what will happen if they go for protecting the farmland? (Fr. Martin, Local Parish Priest, Moolampilly and Struggle Support Committee member. Interview, 27th October 2010)

When the loss of homesteads loomed large before the community, the struggle focused on rehabilitation and not the sustenance of the pokkali polders and other paddy fields. Rehabilitation was considered the primary issue at hand to be addressed by the protest groups. No focused discussions on the loss of wetlands happened in the Struggle Support Committee meetings. The people who lost only agricultural land never participated in the struggle. The farmers in these regions were not part of the struggles due to multiple reasons—lack of profit from the agricultural ventures, decreasing availability of agricultural labour in Kerala and the chorus of the grand narrative of ICTT-induced development sung by the Government as well as the media.

We were favourable to the project. We didn’t go for struggle. One, farming is not profitable. Then development is a required thing. So the farmers gave land willfully (Joyce, Farmer, Moolampilly. Interview, 1st November 2010)

The farmers who gave away part of their agricultural land for the project also expected that with the initiation of the project, the land value in the locality will go up increasing the economic prospects from land transactions in future. These

---

68 The nature of loss due to road construction, reclamation etc will be dealt with in detail in the Section on Environment and Food Security
farmers were lured by the impending profit by selling the agricultural land which was already turning profitless. In general people considered loss of wetlands was an unavoidable consequence of development projects. The attitude was that a booming industrial city like Ernakulam requires space to expand for housing and industrial needs and the cultivation practices were not any more feasible. Also the laying of the road and increasing market value of land was seen as an advantage by many locals who were not evicted.

The deterioration of agricultural activities did not come all of a sudden. The main issues in paddy cultivation as narrated by the farmers included lack of labourers, especially for harvesting, increase in wage and other benefits, lack of transportation services for the harvested paddy, low quality seeds etc. Paddy cultivation was already in a deteriorating stage because of issues like labour scarcity especially during harvesting, water pollution etc. And the people from all these villages had started going for daily wage work in the city ending their complete dependence on agricultural activities alone. People preferred to go for construction work in which they could earn up to Rs 400/day whereas the wage for paddy related work was only around Rs 100 -150/. Also due to unavailability of local labourers, people from other states have to be called for work. Those agriculture labourers who were ready to do the work had grown old and those in the new generation had no interest in such work. The harvesting machines could not be used in the area because of the high water level. The corruption in agriculture related activities like subsidies and apathy of the Agriculture department were other reasons for the lowering of agriculture.

The farmers and local Activists gave their ideas for the revival of the paddy cultivation in the region inspite of the various negative circumstances prevailing. They included 1) Government takeover of the land for cultivation 2) Use of NREG scheme for paddy cultivation 3) Increased initiative of the Agriculture office 4) Use of systems like Kudumbashree to revive cultivation

The subsidies are getting distributed for example, fertiliser subsidy. Fund is efficiently distributed though cultivation is not happening here. All subsidies are distributed. I was in the advisory committee for paddy cultivation 10 years back. That year for paddy cultivation Rs 30000 worth fertilizer was distributed. I opposed but finally I had to leave without being able to speak. In Chittoor some Pokkali cultivation was done. But for Pokkali there is no need for fertilizer. Then who got the fertilizer? Everyone shared the funds (Balakrishnan, Local Activist, Cheranallur)

The local observation committee is there in records only- the Chairman will be the GP President, the Convenor is the Agriculture officer, Village Officer is a committee member, political party members and farmers’ representatives will be there. Only if they are vigilant they
Another major reason for the silence regarding the loss of cultivable lands was that the real estate groups had started purchasing wetlands from the farmers at throw away prices prior to the project notification following which much of the land fell in the hands of outsiders. The deterioration in agriculture and the need for quick finance for marriage, treatment etc had forced the farmers to part with their land. Many of them were also unaware of the forthcoming project.

The people who were losing only their homesteads were less concerned about the loss of pokkali fields or other wetland areas in the region. It never came up as an issue during the struggle meetings though references were made to it at times. Also because of the multiple interests at play no attempt was made to organise the farmers against the acquisition of paddy/pokkali lands as well. Though the struggle leaders accepted that wetlands have been destroyed extensively during acquisition and the road construction they thought it was futile to speak for the cause, since people were less concerned.

There is no use talking with people about environmental issues. No struggle can be done like that. The fact infront of the people is that they are losing their property. That is the reality. They should get compensation, rehabilitation. After notification of acquisition of homesteads if we say about environmental issues then people will move away. After they get the notification for land acquisition then ideology won’t work (Sumesh, Evictee and Struggle Committee leader, Cheranallur. Interview, 7th October 2010)

In addition to this, the people themselves had not stood against reclamation of backwater regions or polders or other wetland areas which had happened in the name of rehabilitation. All the rehabilitation plots given to the evictees were either reclaimed backwater region or river or polder areas. For people on the verge of eviction, the concepts of environmental protection turned secondary or insignificant. The people themselves demanded reclamation of wetland areas in some instances for rehabilitation.

There is a big pond here called Ayyamkulam with an extent of 75 cents. We asked to reclaim it for rehabilitating us but then the Government said there is no provision to reclaim it. They said they are developing it for tourism (Krishnan, Evictee and Struggle Committee leader, Eloor. Interview, 16th October 2010)

can prevent reclamation as well as promote cultivation. Promotion is also their duty. But they don’t do that (Omanakkuttan, Former GP member and local activist, Cheranallur)
People were forced to a situation where they had to accept what is being given since, Government was not favourable to rehabilitation measures

I am 100% against it [wetland reclamation] as an environmental activist. But the issue is that we are discussing the rehabilitation package for the people who are evicted. The person is ousted and the discussion is happening in that stage. So when we discuss like that we have a humanitarian cost in front. They are in the street. We want people to get land at any cost. Our capacity for pressure is very low. In front of the society, media, administration these arguments against wetland reclamation don't have any relevance. Then what they will say is that we are delaying the provision of land. That is how they will make rift among the people. That is why we didn't raise it (C R Neelakandan, Environment Activist and Struggle Support Committee Chairperson. Interview, 4th November 2010)

Compromise is the key word here. Rehabilitation was the major agenda of the struggle and to attain it the people entered into a compromising position since they were left without any other option. Aspects of environment conservation/wetland protection were negated and the lands given were accepted without looking into the merit of the environmental issues related to the plots given. Even the environment activists supporting the struggle were forced to take the path of compromise at this point. The apathy of the Government, the pathetic situation of the evictees, low capacity of the people to exert pressure on the Government all contributed to the compromise reached. Even the lands given for rehabilitation in some areas came under legal dispute regarding ownership after allotment of the plots. But not much protest was raised by the struggle group against the provision of land under legal dispute for rehabilitation. Here also the protesters entered into a compromise with the Government to ensure that rehabilitation is provided without going into the merit of the legal disputes surrounding them.

Even if legal dispute is there, when we think from the side of evictees we think we have to do rehabilitation at any cost. So in the remaining legal issues, we say ok. It is true. That is wrong. In that meaning, theoretically we are wrong. But practically we are right...There is an issue that beggars cannot be choosers. We are always talking from the side of beggars (C R Neelakandan, Environment Activist and Struggle Support Committee Chairperson. Interview, 4th November 2010)

The demand for rehabilitation voiced here came down from the demand for the right to life and property as envisaged in the Constitution, to a state of ‘begging’ to ensure the rights of the people. The rights here did not belongnaturally to the people but were treated as something that is given, for which they have to agree
to any compromise, even if this means breaking of social and environmental justice. The Coordination committee who led the struggle did not claim that they took up environmental issues and acknowledged that the struggle was confined to the framework of rehabilitation.

The Coordination committee had only a limited agenda. Its only slogan is not to evict people without rehabilitation. The wider ramifications of the project cannot be taken into consideration by this committee because it has got only a limited objective. The wider issues have to be taken up by the society as a whole. It is not just the issue of the evictees. It affects the society in general. The society should come forward to take a position (Francis Kalathunkal, Coordination Committee Convenor and SUCI (C) Local Secretary. Interview, 14th September 2010)

The environmental issues generated by the project are left to the intervention of the larger society. Rehabilitation here was reduced to ‘material’ forms (land, compensation, rent etc) of wellbeing and the requirement for social and ecological wellbeing in the context of a structural change in the geographical terrain stood negated.

**Absence of transparency and dialogue**

Denial of proper information about the project reduced the element of transparency and catalysed the struggle. No discussions were held with the people to inform them properly about the project and its implications and to understand their perceptions of it. Few people came to know about the project when the notification came and some when the survey happened after fixing the alignment. Most of the people came to know about the proposed project when the notification came in the newspapers.

Those who saw the notification told us. We read Malayalam newspapers. It was not there. It was there in Indian express, the English newspaper. In Malayalam they gave in Mathrubhoomi. That all may not read. I came to know about the project after survey (Roy, Evictee, Moolampilly. Interview, 1st November 2010)

Even the notification was not seen by all in the locality, either because they didn’t read that particular newspaper in which the notification came or because the news came in other editions but not in theirs. Even the notifications and the notices issued by the Government did not convey the message clearly to the people since the administrative language used in it was beyond comprehension for many people who were less educated or illiterate. Also matters concerning
compensation and the ways through which the land valuation had been done were difficult to be comprehended by common people. But no specific attempts were made by the Government agencies to hold explanation meetings or consultations with the people to seek consent before acquiring the land or fixing the compensation. The struggle leaders had to depend on the Right to Information Act (RTI) several times to get access to several documents related to acquisition.

The design of alignments and their modification without consultation was a matter of controversy in Vallarpadam Project from the beginning. One such case was the conflict that erupted between the residents and the merchants near Premier Junction (Appollo Tyre Junction) in Kalamassery. The existing road with connectivity to the Junction was initially proposed as a part of the proposed Vallarpadam road but this was opposed by the merchants who had their establishments on either side of this road. As a result a fresh alignment was proposed parallel to this road which led to the acquisition of residential areas. The dominant influence of the merchants was obvious since a fresh alignment was designed in spite of the number of residential structures affected in the new alignment. Another claim of external intervention in the road project was the alignment change that happened in Moolampilly due to the pressure exerted by the real estate lobbies who have bought land in the area in anticipation of the project.

---

72 Minutes of the meeting of the appellate committee held on 22/10/05 regarding finalization of rail alignment to ICTT, dated 22nd October 2005 - ‘...various groups such as Franklin gardens Residents association, Merchant association etc expressed their views on the proposed shift of the road alignment between Appollo junction and Edamula bridge. The residents association submitted that the alignment that would lead to Appollo junction is the suitable one, since lesser no. of structures are affected. They also stated that the State would save considerable public money if this alignment is chosen since there is an existing road. The opposing view put forth by another group was that fresh alignment is to be chosen since the present Appollo Tyre Junction cannot accommodate the increasing heavy traffic. They also stated that the no. of structure affected would be lesser in comparison to the alignment leading to the Appollo Tyre Junction’.
The alignments may not be implemented as per the first suggested mode. This is as per the interests of the lobbies. They want the project to come near the lands they have bought. Only then the land value of the lands they bought will increase. So for that they influence the officials and politicians and make changes in project alignment. In Mulavukad village a similar incident happened. A real estate lobby had many acres of land. The first alignment was at a distance of 30 m away from their land. Notification came and land acquisition has been already done. Between the real estate owners land and road there is some land lying in between of 30 metre width. Now with a project notification they are going to acquire this land also. Then the real estate group will get through access to the road. This is the information I got from the people (Hashim, Activist and Coordination Committee Member. Interview, 29th January 2010)

One of the evictees in Cheranallur said that 4 different road alignments were proposed initially through the village. It was in the final alignment that he lost his house and property. According to him though the third alignment was almost fixed, there was ‘political intervention’ and the alignment was changed. They tried to avoid the present alignment with the help of the Devaswom Board citing various issues emerging out of this is the lack of consultation with the people regarding the alignments passing through their area. It also brings to light the power play of the industrial lobbies and real estate groups in determining the road alignments without considering the disruptions of the social and environmental systems. Though there were no specific struggles against change in alignment the lack of transparency in fixing the alignment had contributed to the ill will of the people affected and strengthened the struggle.

Mode of resistance and Struggle strategies

The mode of struggle opted by the people were peaceful in nature from the beginning. They resorted to giving petitions, marches, picketing Government offices etc before and after Moolampilly. After the formation of the Coordination committee the news of protests was made public through media, posters and notices. Only there were stray cases of legal violation like that in Eloor when the protesters removed the survey stones. In Mulavukad the fisherfolk had initiated protests against the reclamation of backwaters through petitions, media coverage of the issue and video documentation of the effects of reclamation. The farmers who were losing paddy fields in Mulavukad and Cheranallur also sent petitions to the district administration in the initial stages.
In Cheranallur in the initial phase the protesters had tried to object the project by filing a petition against the project citing CRZ violation and destruction of natural resources. The environment protection argument raised in Cheranallur also took the form of a strategy used to seek attention and to contribute to the ultimate objective of rehabilitation.

To get rehabilitation we have to say that the project is wrong because the Government’s attitude is like that. There should be a tactics for the struggle. If we say directly say that we will give the land but we need rehabilitation then the authorities won’t care. If we say that the project is wrong and the paddy fields will be destroyed then they will say that rehabilitation can be given. When we came to know about the environment issues we cited these issues and said that the project is wrong. Permission shouldn't be given for this and another alignment should be designed. This helped our objective. When we said the project is wrong then they noticed that the subject is different. Also the Environment department didn’t give permission [in the initial stage] for the project since backwaters are getting reclaimed, pokkali polders are getting destroyed and the Snake Shrines are being removed. So we diverted our argument in this way. This diversion helped us in reaching up to this rehabilitation package (Sumesh, Evictee and Struggle Committee leader, Cheranallur. Interview, 7th October 2010)

So the environment argument here became a strategic tool used by the protesters to manipulate the decision making of the Government regarding rehabilitation than an argument put up considering the merit of the issue, which is the environment destruction that is happening in the region. Even when fighting in the name of environmental rights the real objective was different and the argument was simply being used as a means to reach the end, which was rehabilitation of all evictees.

The protesters never resorted to violence at any stage of protest. On the day of eviction there arose some conflict between the evictees and the officials. There were some exchange of words and police had used force to remove the protesters. But no violence was instigated by the people even then. After Moolampilly issue the evictees did a Satyagraha for 42 days in makeshift tent in Menaka, a major junction in Ernakulam in protest against the forceful eviction and demanding proper rehabilitation. Evictees from other villages who were in struggle also joined them. Leaders of various political parties (mostly all parties except CPM) and religious and cultural organisations used to come and speak in these meetings and the evictees used to spend the whole day there

73 Part of the SSC mentioned earlier
continuously for 42 days. They used to cook and eat their lunch in the venue itself and in the evening they used to go back to the Moolampilly Parish School in which they were living for the time being. Both women and men participated in this and for few days even school going children used to participate in their uniforms. After 42 days of struggle, the sixth day of every month used to be celebrated as Moolampilly day for one year. After this annually 6th February is held as Moolampilly day in commemoration of the demolition. Majority of the protest events happened in Menaka Junction Ernakulam, Kanayannur Tahasildar Office and the Government Secretariat in Thiruvananthapuram. On Moolampilly commemoration days the protesters used to take the oath that they would not give permission notes before registration of the rehabilitation plots is done. Petitions to the CM, District Collector, religious and political leaders were given repeatedly elaborating the woes of the people. The ‘Adhivivesa Pradhioodha Samithi’ (Imperialist Prevention Committee) which used to be headed by M N Vijayan, a Communist Intellectual, had submitted a petition to the CM requesting the rehabilitation of evictees using illegal land-holding of private companies. Once during Christmas the protesters went with Christmas cake to gift the Collector, a subtle and sarcastic form of protest to criticise the celebrations since the people were still living in sheds without rehabilitation even after almost one year of demolition.

One main event that happened during the struggle was the visit of the people in the struggle to Vizhinjam in Thiruvananthapuram where another struggle was going on against acquisition of land for Port Development. They held meetings in this area and spoke about their eviction experiences in Moolampilly. Along with it was planned a picketing in front of the Secretariat in Thiruvananthapuram against delay in the provision of the rehabilitation benefits even after the Government Order. This was attended by the victims of various development projects. This was done on the day when the Kerala Assembly Committee was convened to take decisions regarding the rehabilitation package.

Those who felt the issue of eviction is crucial as a result of development projects were there in front of the Secretariat. I have heard many of them say that ‘We are evictees. The benefits due for 18 years, 25 years, 15 years which has been announced by the Government are still with us in papers. We are still running behind those for last 15-20 years’. This was told to us by many who came there to
speak when we were picketing in front of the Secretariat. Those who spoke were the victims who were women mostly. They used to speak very powerfully. They are not used to speaking. They used to speak face to face what they experienced in life in raw words which may not have any literary value. They conveyed it in their own language. The people there understood it very beautifully. The Moolampilly evictees spoke there. The pain of that experience was there in their words. The people who came to listen could feel that. At the end from the response of the people we understood that they could convey the message very effectively, the message that they shouldn’t let their land to be taken away from them, that their rights won’t be considered (Fr. Augustin Vattoli, Activist and Struggle Support Committee member. Interview, 20th January 2010)

The attempt here was to generate a collective response towards the plight of the evictees of various development projects in Kerala. Sharing of experiences and expression of solidarity was expected to boost the morale of the evictees and make them strong enough to continue with the struggle. The Coordination committee openly welcomed any group which extended their support for the struggle irrespective of their political position or religious or cultural disposition. It was a tactic used by the Coordination Committee to gather maximum strength in the movement against the Government.

Anyone who wants to stand for the cause can come in, just like Anna Hazare said in the fight against corruption, it is fine if BJP or Congress or CPM come. Our need is to address the issue. It is a tactical line. When the Congress came in against Moolampilly eviction we didn’t have any opposition. We didn’t have opposition when RSP or CPI came (C R Neelakandan, Environment Activist and Struggle Support Committee Chairperson. Interview, 4th November 2010)

The Coordination committee did not check the antecedent of the groups who extended support to the struggle in this juncture. When the Communist Party of India (CPI) came extending support to the movement, they invited them and included them in the protest activities despite the fact that the CPI Minister in charge of the Revenue department had played a role in the forced eviction. Involvement of CPI in the protest and the reflection of this in the media was a strategy of the committee to strengthen their argument for rehabilitation. According to the Committee leaders it was their strategy to gain wider support through all democratic means.

Boycotting the the ‘patta’\textsuperscript{74} distribution ceremony or the ‘pattayamela’\textsuperscript{75} was a strategy adopted by the Coordination committee to highlight their protest before

\textsuperscript{74} Title deed

\textsuperscript{75} Title deed
the Government and the public in distributing the *patta* without providing the basic amenities like road, water, electricity etc as promised in the rehabilitation package. Following the loss of face of the left Government in the Moolampilly issue, decision was taken by them to hold a ‘*pattayamela*’ in Moolampilly for distributing the *patta* for the rehabilitation plots to the evictee families.

If the people accept the *patta* during the event then nothing will be done by the Government to attain these facilities. Government won’t be interested. One, the political thought will be of recreating the lost image through *patta* distribution, to give a feel to the people that the issue is settled by giving the *patta*. Then second, if accepted, if they go thinking everything is over, the rest of the facilities won’t be met tomorrow. That was why it was boycotted (Fr. Martin, Local Parish Priest, Moolampilly and Struggle Support Committee member. Interview, 27th October 2010)

The Chief Minister of Kerala had presided over the function to distribute the documents. The event was held on February 2nd 2009, merely a few days before the first anniversary of Moolampilly eviction. But the ten families in Moolampilly who were still continuing their struggles refused to accept the *patta* during the event and boycotted it. When the event was happening in Moolampilly the families held a picketing in the struggle venue in Ernakulam. The denial was on the account that the Government was distributing the *patta* without addressing the issue of basic facilities like road, electricity, water supply etc in the rehabilitation plots. According to the struggle group, once they accept the *patta* the Government forces will become inert in providing these facilities in the rehabilitation plots. Also offers like employment to one member in the family and rehabilitation of nuclear families were not met. Their plan to boycott the event was also an attempt to gain media attention regarding these issues of rehabilitation that was continuing even after one year of eviction. The Moolampilly evictees were joined by many evictees from other villages as well. The event was boycotted by the 46 evictee families in Eloor village also since

---

75 *pattayamela* or the *patta* Festival denotes the distribution of land documents or the *patta* to the landless people and has been held by almost every Government in Kerala to project their human face towards the issue of landlessness. It is usually held with much fanfare and wide media publicity and celebrated as a big event. On 2nd February 2009, *patta* for 162 evictee families of the road and rail projectswere distributed by the Chief Minister in the function organised in Moolampilly St. Augustine’s Church Parish Hall in the presence of Ministers of Fisheries, Revenue and Land & Ports
they were offered only 4 cents of land whereas evictees in other villages were offered more.

What is a pattayamela? It is like a feather in their crown for the Government. Do they give patta to everyone? They will give patta to one symbolically. Then they say they gave it to all. It is for publicity. How many lakhs were spent for pattayamela in Moolampilly? Then they say they don’t have funds for amenities. The real problem is not addressed here (Nelson, Evictee, CPI member and Struggle Committee Leader, Eloor. Interview, 16th October 2010)

Here the pattayamela was seen as a symbolic event held by the Government to gain back their lost credibility and for cheap publicity. The real issue at hand - the landlessness and the insecurity faced by the evictees, even after one year of eviction, was not addressed by the event. The funds spent for holding the event were considered a luxury in the context of the suffering of the people due to eviction. The pattayamela was held at an expense\(^76\) of 1.5 lakhs, the expenditure undertaken by the district administration. The advertisement in various Malayalam and English dailies claimed the distribution of patta to 162 families, offer of holistic rehabilitation, benefits worth Rs 2.38 crores and time-bound basic infrastructure development. The total media expenses\(^77\) for advertising in eight\(^78\) newspapers amounted to Rs 3,13548/- (three lakhs plus) which was also taken from the state exchequer for advertising the ‘rehabilitation policy achievement’ of the ruling Government.

Another form of protest taken up by the Coordination committee was to field a representative candidate against the mainstream parties (Congress, CPM) in the Parliamentary elections held in 2009. The candidate was a woman who belonged to one of the ten evictee families in Moolampilly. The fielding of candidate was a symbolic action to seek attention to the cause of the struggle as well as a mode of protest against the conventional development politics followed by the mainstream parties. The candidate lost the elections but after gaining more than 4000 votes which sent a strong message to the parties for whom rehabilitation

\(^76\) Letter No. L1-9857/08 dated 30th January 2009, UO note to finance officer
\(^77\) Bill No NAB/30506 dated 2/2/09 (Indian Express); Bill No: 4227350 dated 2/2/09 (Malayala Manorama); 22/9/1.o.E dated 31/1/09 (Mathrubhumi); No.ER 70148 dated 2/12/09 (Desabhimani); Bill No. 866 dated 2/2/09 (Chandrika); Bill no. MDC 29328 dated 2/2/09 (Mangalam); Bill no 2009028907 dated 22/2/09 (Janayugam); Bill no 54654 dated 31/1/09 (Madhyamam); Bill No. 11214 dated 2/2/09 (Veekshanam)
\(^78\) Indian Express, Manorama, Mathrubhumi, Desabhimani, Chandrika, Mangalam, Janayugam, Madhyamam, Veekshanam
issues were never part of their agenda. A similar case was also seen in Eloor when an evictee stood as an independent candidate in the *Panchayat* elections in 2010 to voice his protest against the mainstream parties.

**Criticism against the struggle**

According to the former District Collector (DC) who was in charge of land acquisition and related processes, while implementing the ICTT and the Connectivity projects, the rehabilitation of the project affected people have not reached anywhere, despite the struggles. According to him, the failure was a result of the misplaced priorities of the people and also unscientific land development. He said that the people and their leaders were adamant that the land should be provided in the locality itself which resulted in reclamation of the wetland areas which he defined as an emotional decision. The DC blamed that the struggle leaders went in search of new agitation grounds, in the sense that they were not sincere enough to wait till the culmination of the struggle, which was rehabilitation of all displaced people. According to him since they couldn’t reach up to the end, they were blaming the Government. In addition he blamed that some of the struggle leaders were opportunistic and tried to make the maximum benefit out of the situation. For some if the struggle was done for building popularity, for others the objective was organisation-building. He also claimed that there were some leaders who cheated the people by taking hold of additional rehabilitation plots through illicit ways. The former DC said populism was the reason behind the opposition for the development projects in Kerala. He added sarcastically that in Kerala this kind of populism is defined as social responsiveness. Though he took a negative stand against the struggle and its intentions, he expressed his empathy for the people who stood affected by the projects.

To say the truth people were left aside by everyone. The people were left way aside by the administration. I say it openly. They were left aside by the politicians, their own agitation leaders, religious forces. (Former District Collector, Ernakulam. Interview, 17th October 2010)

The former DC made a blind criticism of the struggles that happened forgetting the real intention of the struggles. The struggle had become strong at a point
when the forced eviction using police force happened in Moolampilly without providing rehabilitation or proper compensation. Though the Struggle Committees were at place in all the villages during this time, the decision for strong protests happened only after the forced eviction in Moolampilly, which resulted in gross violation of human rights. The attempt of the former DC here was to downplay the errors committed by the state like denial of rehabilitation to the evictees in the first place and then delay in the provision of rehabilitation measures offered later on. While it was true that the people had asked for rehabilitation in their locality it was also true that the administration could have taken steps to purchase drylands from the locals for rehabilitation or could have made use of Government lands which were under illicit occupation. But the former DC put the complete blame on the people for the reclamation of backwaters in Moolampilly and wetlands in other regions for rehabilitation. The merit of the struggle which led to the formulation of the rehabilitation package was denied by him when he blamed the struggle leaders and defined their action to be mere populism. The basic questions of human right and environment violations that had happened were not considered in the contention against the struggle leaders.

**Local and internal Support for the struggle**

The local support for the struggle was very less across the villages. The acquisition of land and eviction is a process that affects only those who undergo it. Others are those who reap the benefits of the developmental projects that come in the area either through increase in land value or employment or other benefits. There existed internal conflicts in the community during the land acquisition process. The conflicts that erupted were of two types – one, between the evictees and the community and the second, between the evictees. While the first one erupted because of the basic apathy of the community towards the issues of the evictees, the second erupted out of a state of helplessness and confusion among the evictees. Even within the community there were people who were criticising those in the struggle, projecting them as people acting against the progress of the society. Even in Moolampilly, during the forced eviction very few locals extended their support for the people.
If 210 houses are going and total 1000 people are affected the rest of the people will say this is good. Even if my house is lost my neighbour will welcome the project. If NH is coming and if I go they will get the frontage of the road. So the land value will increase. So I don’t have the support of even my neighbour. This is what happened in Moolampilly. When the 10 houses were demolished, their neighbours and relatives said they are doing unnecessary struggles. Even 70 year old people haven’t seen a road there. So what they think is that even if this is demolished then a road will come. Let them go (Kunj Mohammed, Evictee and Struggle Committee leader, Cheranallur. Interview, 26th January 2010)

The absence of local support for the struggle was experienced across the villages under eviction. The ten families in Moolampilly who had withdrawn their permission notes for acquisition and stood strongly in the struggle demanding rehabilitation had to undergo severe pressure from other evictee families in Moolampilly who gave permission as well as other locals. Though this did not result in any open conflicts, it always exerted pressure on the evictees. The evictee families in Moolampilly were verbally abused by the locals that they were using struggle as a tool for raising money. But at least some of them who kept silent when the eviction happened realised the gravity of the issue later and extended their support when the ten families were hosting their protest in Menaka Junction.

One reason for conflict within the community was with regard to the participation of the local priest of Moolampilly in the struggle activities. The criticism was that the Priest was not available for the Church activities and was unnecessarily intervening in the struggle activities. Also during forced eviction the Church Bells were rung to let the people in the island know of the issue which also raised criticism among few people who said demolition was not an issue of the Church. Those who supported the project must have feared that the participation of the Church can strengthen the struggle and subsequently delay the project. Another conflict erupted when the evictees decided to field one woman evictee among them as the candidate in the Parliament election as a mark of protest against the apathy of the political parties towards the rehabilitation issue. The evictees were in a state of total isolation within the community during the election period because of this. None of the locals campaigned for her. Later on conflict had also erupted between the ten families in Moolampilly on account of whether to accept the land documents from the Government before the basic amenities are ensured. This happened long after the struggle when the Government decided to hold the ‘pattayamela’ in Moolampilly. Some of them
felt pressurised since the local unit of the ruling party was threatening them that if they do not attend the ceremony they will take over the rehabilitation plots marked for them. The common gatherings and sharing of food which the ten families used to do in the Moolampilly Church also stopped after these conflicts between the evictee families.

People in general were disinterested and unconcerned regarding the social and environmental impact of any project as long as they were not directly affected by it. The responsibility to fight for the rights fell on the shoulders of only those who are affected by the project. Even they were found to be reluctant to take part in the struggle process at times. A major reason was that people have a general belief that fighting with the Government will provide no results. The strength of the struggle was affected by the dropping out of people from in between due to local and bureaucratic pressures.

**External support for the struggle**

The external support for the struggle came only after the Moolampilly eviction. In addition to the parties like the Indian National Congress, Youth Congress, BJP and the CPI, many organisations like KCYM, SNDP, NSS, and Solidarity Youth Movement extended their support for the cause of the struggle. The leaders of these social and political organisations used to visit the struggle venue and show their support through speeches and participation in the struggle events. Infarm, a Farmer’s Association in Kerala also came in with support, even in kind, like goat, rabbits, and bananas to provide to the evictees. The support extended by Solidarity is expressed by one of the struggle leaders in the following way.

When the Moolampilly event happened Solidarity went there within 3-4 days and constructed sheds and latrines for the people evicted in the remaining lands. Then they used to come and participate in the meetings and the struggles actively as members. They have helped in every way - financially and using human resources (Fr. Augustin Vattoli, Activist and Struggle Support Committee member. Interview, 20th January 2010)

The support of the Struggle Support Committee formed soon after the Moolampilly issue comprising of various social and environment activists to help the Coordination committee and the struggle groups to move on with the
struggle was elaborated previously. The support to the struggle was also extended by people from the field of art. People who are artists, poets, filmmakers have associated with the struggle in some stage after the Moolampilly issue. One major writer who came to Kerala and recorded her protest was Mahaswetha Devi, writer and activist from West Bengal. Social Activist Medha Patkar had also visited the struggle venue and marked her protest. Other major individuals who marked their protest from the social political cultural milieu of Kerala include Former Justice V R Krishna Iyer, writers like Sukumar Azhikode, Sara Joseph, Balachandran Chullikad, Kureepuzha Sreekumar, activists like K Ajitha, Bishop Sebastian Edayanalthrath, Bishop Joseph Karikkasery and political party representatives like Ramesh Chennithala (Congress), P K Krishnadas (BJP), V M Sudheeran (Congress), Abdul Nasar Madani (People’s Democratic Party), M A John (Congress), P C George (Kerala Congress (Mani)), etc. The presence of the national level artists, writers and activists in the struggle venue helped to highlight the issue of eviction without rehabilitation, in the state as well as national level. The speeches and the writings of these national level actors also forced the actors of the similar field in Kerala to break their silence and take a political position regarding the issue. After the Moolampilly eviction the media also widely covered the issue and kept it in limelight which forced many social and political actors to be on the defensive and take position.

Section 3: Compensation, Resettlement & Rehabilitation

The ongoing struggles of the people for rehabilitation and resettlement in the absence of a strong public policy for the same in various regions got reflected and repeated in the case of the ICTT Road and Rail Connectivity projects. This was in spite of the fact that the approval for the Vallarpadam Terminal Project was given on a major condition that ‘adequate provision for rehabilitation of the displaced persons will be made by the developer’. The absence of a strong policy framework coupled with incongruence in the existing policies led to shortcomings in the provisions of compensation, resettlement and rehabilitation.

---

79 Letter No. F2(2)/2/2002-EPZ from Deputy Secretary Ministry of Commerce to Chairman Cochin Port Trust dated 13th September 2004
The present section looks into the Social Impact assessment of the Project and its impact. It also delves into the multiple issues which were generated in relation to the compensation given to the project affected people. The section also deals with the discrepancies in the resettlement and rehabilitation measures undertaken by the Government in the Road Connectivity Project following the people’s struggles for rehabilitation.

**Social Impact Assessment and Rehabilitation Proposal**

The Intercontinental Consultants and Technocrats Private Ltd (ICT), who did the Environment Impact Assessment (EIA) for the NH project did a Social Impact Assessment (SIA) in 2001, following which a Resettlement and Rehabilitation (R&R) Action Plan was worked out to address the displacement issues in the ICTT Road Connectivity Project. ICT claimed that the NHAI rehabilitation policy was followed to prepare the R&R plan since Government of Kerala (GoK) do not have an independent R&R policy. The R&R plan clearly indicated that the people displaced are eligible for the state support to regain their former status of living.

*Where displacement is unavoidable, people losing assets, livelihood or other resources shall be assisted in improving or at a minimum regaining their former status of living at no cost to themselves (EIA Report 1.2)*

The report submitted in 2001 gave the proposal to provide compensation including R&R assistance to project displaced persons and project affected persons (ibid: 4.1- 4.2)

- People's participation will be ensured in planning, implementing and monitoring of R&R

- Disadvantaged persons belonging to SC, ST, challenged, Below Poverty Line (BPL) people and women headed families would be considered vulnerable while determining R&R. Plots/houses and shops at the resettlement site will be provided to the vulnerable persons on 'payment’ basis.

---

- Shifting allowance, transition allowance, rent, assistance for loss of income will be provided to the affected people.
- R&R assistance will be provided to encroachers and squatters who belong to the disadvantaged or vulnerable groups
- Financial assistance for shifting community and religious structures
- The entitlement of assistance will be extended only to the Project Affected Persons (PAP) identified during the survey

The detailed entitlement for the project affected in the report listed provision of market value for the lost structures, replacement value of the lost property, grant equal to six months of lost income for the livelihood affected and financial assistance for business loss. In cases of loss of common property resources and community structures, conservation and compensatory replacement was planned. This included provisions for common services at the new sites, land development value and landscaping of the community area. If more than 25 families in a group want to shift to a particular site, plans were made to procure that site for them. Land for land was not specified but site development assistance was mentioned.

The R&R plan envisaged by the report made a cost estimate of Rs 4.50 crores. Out of this Rs 2,75,17000/- was allotted as the cost of affected structures and the shifting charges for community structures and religious institutions. An economic support package was formulated which consisted of income generation support, women thrift group grants, vocational training programmes and maintenance allowance for loss of livelihood. The package estimated a cost of Rs 86,83000/-. A third part was the expenses of a resettlement unit in charge of monitoring and evaluation of the R&R whose functioning cost was estimated as Rs 32,50,000/-.  

Grievance redressal was institutionalised in the R&R plan by envisaging the functioning of a R&R officer and formation of District Grievance Redressal Sub-Committee and Project level Grievance Appeal Committee. Even there was a proposal to constitute Lok Adalats if the grievances went beyond the institutional
provisions. Also it was envisaged that the Project Implementation Unit (PIU) will have an R&R cell which will be headed by a Manager under the Project Director. The PIU was also expected to work in coordination with the NGOs to meet the R&R requirements.

The R&R plan in the EIA report had shortlisted various benefits for the evictees but were never materialised. The R&R plan remained in paper and served only the purpose of meeting the requirements for obtaining an Environment clearance from the Ministry of Environment and Forest (MoEF). Further the assessment was made long back in 2001 and it obviously lacked perspective and knowledge regarding the field realities during the period 2006-2009 when the land acquisition actually happened. Also, though intended to be a public document the EIA report never came to the public realm in its real intent. The public consultations happened in 2001 and the Public Hearing required for environment clearance for the road project happened in July 2005 with minimal representation of the project affected. People came to know about the project only with the initial notification for land acquisition in September 2005. The EIA document with its R&R plan never came to the public realm and hence never became a tool of contestation even by the struggle groups.

Choice of ponnumvila \(^{81}\) vs. Choice of DLPC compensation

Two optional modes of compensation were put forward by the Government for the evictees in both the rail and road projects of ICTT. One was the conventional system of ponnumvila and the other was as per the valuation of the District level Purchasing Committee (DLPC). DLPC was not bound by any legal statute and was an institution formed in Fast Track acquisition cases to speed up the project through direct purchase of land.

ponnumvila is calculated by adding 30 percent solatium and 12 percent market value to the basic value of the land (Basic Valuation Report) calculated from the land transactions in the region during the three years prior to the year of

---

\(^{81}\) Conventional valuation of land under the existing LA Act; Literally meaning land will be acquired ‘at value of gold’ indicating high compensation will be given for the property acquired; Mostly subjected to sarcasm by the public since the calculation of compensation is often minimal when compared to the existing market price owing to various factors
notification in 5 km radial distance of the plot. This is the traditional practice of calculating land price during acquisition as per the land acquisition rules. The DLPC amount is \[((\text{Basic land value} + 30\% \text{ solatium} + 12\% \text{ market value}) \times 2\) higher when compared to \textit{ponnumvila}. Those who have objections with the \textit{ponnumvila} can file 18 (A) Reference in the Court seeking higher compensation. But those who opt for DLPC valuation have to be satisfied with the amount and cannot legally claim enhanced compensation. While DLPC value was higher than when compared to \textit{ponnumvila}, it was way lower when compared with the existing market price, which will be detailed upon later.

Two factors compelled the people to opt for DLPC in the initial stage. One was the Government threatening in the initial stages (pre-Moolampilly) that rehabilitation package will be given only to those who opt for DLPC. This was a strategy adopted by the Government to speed up the land acquisition process. Many people believing this had left the struggle and submitted their land records within the announced deadline to avail DLPC. Later the Government had to change their stand owing to people’s struggles as well as the Court ruling that all evictees who lost house are eligible for rehabilitation package. Another was the fact that \textit{ponnumvila} was most often a negligible amount and the court procedures for an enhanced compensation are time taking. Also the court expenses cannot be afforded by all, especially those who were in the verge of eviction from their existing property. The long procedures involved in the \textit{ponnumvila} enhancement cases in the Court were detailed by an evictee in the following words.

As per the \textit{ponnumvila} procedure, land acquisition officer pass a compensation amount and we get that money. Then we write an objection that we are taking the cheque with protection and that the price of the land is not sufficient. That objection is referred to the land acquisition court. It is referred to the court that enhanced compensation has to be given. If the LAO has given Rs 50000 then we can fight for enhancement. If once court has allotted us Rs 50000 additional it won’t be given soon. It will continue for years. Another petition to implement the judgment has to be filed. More time is spent on this petition. Then suppose they give a cheque of 1.5 lakh. Then if we go with that cheque to the treasury they will speak of complexities for releasing the money. The money would never be received on time. People look for one time settlement thinking of these difficulties (Sajid, Evictee and Struggle Committee member, Cheranallur. Interview, 7th October 2010)
The Government also lured the people by saying that the compensation amount will be double if they opted for DLPC.

After survey and measurement Government will say if by DLPC you will be given double the amount of the LA rate. LA price is roughly 1/10th of the actual amount. If DLPC they may give 1.5 lakh and if LA Rs 75000. The land may be worth 10 lakh. So it is a forced thing. The Government has difficulty when people go for case. They have to engage the officials as pleaders. If DLPC it is a purchase agreement and there is no acquisition. We sign in a sale deed, in that it is written I have sold it for a particular purpose. If written it is sold then the benefits need not be given. It is an agenda. Once it is sold then you can’t make demands on that (Kunju Mohammed, Evictee and Struggle Committee leader, Cheranallur. Interview, 26th January 2010)

Few struggle leaders perceived that the offer of DLPC by the Government was to create a split in the struggle against land acquisition. It did have an effect on the struggle since many people were lured by the instant money that will come to their hands instead of toiling in courts for an enhanced compensation. Majority of those who surrendered land in the first phase had surrendered as per DLPC. Later after the struggle was over, majority of those who were in struggle also opted for DLPC rates since they did not want to go for ongoing court procedures. But the Government initially denied DLPC rates to those who participated in the struggle and they were forced to opt for *ponnumvila*. The Court had to intervene to restore the people’s right to opt for DLPC rates.

C R Neelakandan, a social and environment activist, who played a key role in the struggle had perceived DLPC compensation as ‘coercing people to trap them’ to sell their land. Another activist Fr Augustin Vattoli said the DLPC mode intended to ‘grab the land from the people at low prices’. Nelson, an evictee and activist from Eloor said opting for *ponnumvila* and not DLPC was treated as a ‘crime’ by the Government officials and the ‘right to opt’ was denied by them through threatening and coercion. He said the Government functioned as a land broker to speed up the process.

The DLPC concept is equal to direct purchasing. It has the same conditions as a sale deed. The State Government is the mediator. Actually it is a broker work. The state stands as a broker and sell it to NHAI (Nelson, Evictee, CPI member and Struggle Committee Leader, Eloor. Interview, 16th October 2010)

---

82 Source NHAI file, Ernakulam Collectorate – The land acquisition report said 446 out of 612 land owners had filed their consent for DLPC at the time of Moolampilly eviction
DLPC does not have a ‘legal framework’ like ponnumvila since the formation of the DLPC is not bound by any Act, but was part of a Government order issued in 2004 with the intention to facilitate the Fast Track Projects. The role of Government orders, that is, the role of the political executive in the manipulation of policies constituted by the legislature is evident here.

Public consultation in land valuation

DLPC meetings of each village coming under the project were held in the District Collectorate after the notification and survey with the people. The proclaimed objectives of the meetings were to fix the compensation amount as well as to hear the grievances of the people. DLPC meeting was projected by the District Administration as the meeting for consulting the people in matters of compensation for the land. But even in such meetings, the ‘consultation’ part was absent, since the meeting was the venue for the officials to announce the DLPC amount fixed in the respective areas according to various land categories. One time settlement or DLPC was offered to the people by the Government in the name of negotiated purchase but the fact was that no price negotiation happened between the people and the officials. The announcement of land price of different land categories used to happen in a single sitting with the landowners and there was no space for dialogue or a participatory assessment or any follow up activity here and therefore cannot be termed as ‘consultation’ in its democratic sense.

My land is given and there is no space for any negotiation. Government decides that Rs 50000 for one cent can be increased to Rs 75000. That is one time settlement. We don’t have any role in selling our land. Then when is this done? After 4(1) notification is issued and declaration is done. It is about this land that they speak about negotiation and purchase. In reality a land owner doesn’t have right to transact a land in which notification has been issued. We are brought to a particular bracket. We are reached to a compromising position. First it is notified. We can’t pledge the notified land. We can’t use our land documents for any other purpose. Then the Government demand for the land saying we will give this much money. We don’t have any other option. They are taking land with a pressure strategy. This is called by the Government as negotiated purchase. We are relinquishing our right to go to court for enhanced compensation by submitting to this. One time settlement

83 District level purchase committees held with land owners from 7 villages on 4th October 2006, 12th October 2006 and 13th October 2006
is cheating in a soft name... Should we go for the never ending procedures of the court or should we take the money that may be available soon? This decision we have to take in our compromising position. So those who have daughters to marry and children to study is forced to go for one time settlement (Sajid, Evictee and Struggle Committee member, Cheranallur. Interview, 7th October 2010)

After 4(1) and Draft declaration are published the Government has legal rights to take over the land. At this juncture the land transactions are frozen and there is no other option before the people than to give away the property either through ponnumvila or DLPC. In this compromising position those who are unable to afford the Court proceedings are naturally forced to opt for DLPC.

Even the minutes of such meetings did not throw light into any objections raised by the people or the issues discussed during the process. The minutes of such meetings mostly ended with the statement that the DLPC amount was finalised by the participants. The people criticised these meetings saying that they did not get an opportunity to voice their dissent in such meetings.

My neighbour went for the DLPC meeting. He said that there is problem in land valuation. When he said that in the meeting the Collector threatened he will be charged using a particular section. At that time the struggle committee was not formed. If now we would have asked him to arrest us (Krishnan, Evictee and Struggle Committee leader, Eloor. Interview, 16th October 2010)

The Collector has extraordinary powers vested in his/her position to suppress any dissent raised. In another narrative regarding a meeting held to hear the grievances of the evictees from Eloor, criticism was raised regarding the negative behaviour of a people’s representative when people demanded for rehabilitation.

There was an issue with a people’s representative in the Collector’s Chamber house. We had demanded that we want land in Eloor village. Then the people’s representative from our area said you can’t be given land. We said we don’t know this person, the representative. If he say we can’t be given land then shouldn’t we say like that? Then he tried to attack asking ‘You don’t know me?’ He was sitting in the dais with the Collector. He came to attack the one who said this. Then the police came. Then I said we will go out and started to boycott the meeting. They locked the room. Then there were many people in the room including women. Then the DC asked not to go and asked us to sit. He apologized. I didn’t give that news in the

84 The political party affiliation of the people’s representative or the ward member or his name was not disclosed during the interview by the interviewee since he wanted to maintain confidentiality. But possibly a CPM ward member since CPM was in
paper so that the representative’s name is not tainted (Nelson, Evictee, CPI member and Struggle Committee Leader, Eloor. Interview, 16th October 2010)

The objectives of the meetings were not to listen to the grievances of the people and find solutions to them but to force or threaten them out of their demands. Also these ‘consultation’ meetings were treated as a venue for making verbal promises/offering packages without any legal backing to the people by the authorities. In a meeting with the land owners of 4 villages in the Collectorate in October 2006 the people demanded provision of market price for land, rehabilitation, employment and status certificate for the evictees. Following this a rehabilitation package was announced by the Collector and the people were assured that they would be evicted only after rehabilitation is provided. There was no opposition from the land owners after the package was presented. Collector ended the meeting saying that those who find the package agreeable should submit their permission notes within one week. A similar meeting was held the next day with the land owners of Kadamakkudy and Thrikkakkara North villages and in the meeting the similar procedures were followed and a similar package was offered. The tactics performed by the District administration here was to lure the people by showing a seemingly attractive package to get the permission notes for acquiring the land. The promises were never kept and the

85 Minutes of the meeting held with the land owners of Cheranallur, Eloor, Varapuzha, Kadungalloor, dated 12th October 2006; The meeting was attended by Project Director NHAI, Ex. Engineer CPT, Sp. Tahasildar, Finance Officer Collectorate, Dy Collector Collectorate, RDO and the land owners.

86 1) When the value of the building is fixed depreciation won’t be done and the present value as decided by KITCO will be given 2) 15% of the fixed value have to be given back to the Government if the land owners want to demolish and take the materials 3) Recommendation will be made to the Government in providing employment to those who lost land and house in the job opportunities when the project is implemented 4) If prawn cultivation is lost completely the loss of the farmer will be assessed completely by forming a committee with the Deputy Directors of MPDA and the loss will be compensated in addition to the land price 5) If bits of land remain after acquisition then the district administration or the CPT will not be against its development. If it is agricultural land then it will be exempted from Income Tax. 6) DC directed that NHAI will buy the bits of land upto 2 cents after acquisition if it wont be useful for the land owners 7) Planning will be done with the Government to rehabilitate those who are being evicted in the same village or the next village 8) Certificate will be given to the evictees 9) The collector clarified that the land owners will be given double the value of (land price + 30 % solatium + 12% of the land price) 10) Collector informed that it is being considered to give priority for water and electricity for the rehabilitation of the evictees 11) 6 months of rent during house construction

87 25766/04 dated 19/10/2006, Minutes of the meeting convened by the Collector in Kakkananad NSS Hall on 13th October 2006
people had to continue with their struggles for rehabilitation. But the credibility of such offers was broken when the authorities demolished 10 houses in Moolampilly in 2008 without providing compensation or rehabilitation to the evictees.

**Multiple issues related to Compensation**

The compensation offered to the land and property acquired for the Road project was mired in multiple issues – low valuation, delay in payment, taxation etc - but these were not taken up as an agenda in the people’s struggles. The struggles were confined to the demand for rehabilitation alone. But legal steps were taken by the people with matters related to discrepancies in compensation in several instances. The different issues that came up with regard to the compensation are detailed below.

**Compensation money not released before acquisition**

People were evicted before providing them with the compensation amount. That the compensation was not released before acquiring the land was evident in the minutes of a review meeting held by the District administration.

*The DC informed that the DLPC rates have since been approved by the Empowered committee except for the Eloor village and more than 90% of the acquisition procedures in respect of acquisition under Land Acquisition Act have been completed except for the release of money to the land owners.*

On examining one Award notice issued to one of the evictee families in Eloor it was seen that the notice was dated 17th November 2007 and the date of issue of money was written 24th November 2007. The clients were asked to move out of their property before the evening of 23rd November 2007 and transfer the

---

88 Record note of the review meeting held in the conference hall of CPT at 3:00PM on 22.03.2007 in connection with the connectivity projects to the ICTT at Vallarpadam, dated 22nd March 2007; Participated by Chief Officials from CPT, District Administration, NHAI, RVNL, KWA, KSEB, TCCL and FACT

89 LAC No.557/06 Award notice and Form No.12; The Award notice is issued in Form 10 (B) as per LAA 1894 Act 12 section (2). The Award notice details the Survey Number and the Subdivision number, the extent of land to be acquired, the Award amount passed and the eligible clients for the Award. The client or the representative is asked to come and collect the Award money on a particular date, which if not received will be kept in the revenue deposit for which interest would not be given. Along with the Award notice was issued the Form No.12 (as per rules 15(3)) which is the notice issued to all clients regarding land acquisition.
property to the Revenue Inspector. The Gazette notification for acquisition was published on 27th September 2005. Here the notification came nearly two years back but the compensation amount was being dispersed only after acquisition was done and the family was not given sufficient time to get settled elsewhere. In this situation a family being evicted or a person losing agricultural land was expected to tend for themselves till the bureaucratic procedures for releasing the money gets over.

**Delay in giving compensation**

The delay in providing compensation by the Government to the evictees created difficulties for investment in another piece of land or house. The land price was determined in 2005-2006 but compensation given sometimes as late as 2008-2010. Bureaucratic apathy as well the struggles for rehabilitation had delayed the administrative procedures and people had received compensation late. Meanwhile the land value of the locales rocketed, making it difficult for people to purchase property with the given compensation. In many cases compensation money was used to be given in installments or it got delayed in administrative procedures which affected the prospects of the evictees to make an investment in any property.

The Reference court and then High Court supported my claim for enhanced compensation. But they won’t give the amount now. If I get it in bulk then I can invest it somewhere and buy land and house. They will give it in installment as 1 lakh, 2.5 lakh etc. That is injustice. Then how will I buy some land? The money I receive gets over for other expenses. But the Court won’t intervene in this. If the Government say there is no money, then what can the Court do? (Sajid, Evictee and Struggle Committee member, Cheranallur. Interview, 7th October 2010)

Because of the delay in payment of the compensation, many people were unable to buy land in their locality. The land value taken during the period 2003-2006 for a 2006 land acquisition notification may not show an exact reflection of the market prices of the year in which the evictees receive the compensation. One evictee from Kothad village said, he had received Rs 98000/- cent for his land when the market price was only Rs 70000/-. But the payment of the compensation got delayed and he was unable to purchase land in the locality. By the time he got the compensation the land price had hiked to Rs 1.5 lakh. In
Moolampilly real estate groups had already bought land prior to the project. The people mostly realised the significance of the purchase only after the project was announced and then onwards considering the demand for land, the price of land increased manifold.

The land price in Moolampilly was less than Rs 25000/- when I came here 2 ¾ years back. At that time announcement came that the highway for the Container Terminal is coming this way. Then the price started increasing. The authorities came and surveyed and left. The lands with Rs 25000 and all were marked. They left and the project was implemented after many years. The land value at that time and the value announced years back was very wide by that time. The market price reached up to 3 lakhs after that (Fr. Martin, Local Parish Priest, Moolampilly and Struggle Support Committee member. Interview, 27th October 2010)

The rocketing of land price has happened across the villages. A local from Cheranallur said,

Before the project dry land was sold for 4 lakhs here. After the project land value started increasing. Now near the Highway the land costs around 8-10 lakhs (Kunju Mohammed, Evictee and Struggle Committee leader, Cheranallur. Interview, 26th January 2010)

The delay in giving the compensation and valuation of compensation coupled with the actual and speculative price rise in the project area. Increase in the land value in the project area was a main cause of concern for those evictee families who were with limited resources.

Argument that compensation is less

The current context of the market economy and the resultant externalities contributing to the skyrocketing of land value in frequent intervals are not considered in land valuation. In addition to this, as a result of the manipulation of the transaction records to evade stamp duty, the real value of the transaction is generally never shown in the land documents. It is a common practice during land transactions, though illegal, to evade the payment of high stamp duty. During land acquisition cases while considering the land documents for valuation the officials consider only that value shown in the records. This was a setback to the people concerned since this value does not reflect the market value of the period.
The Government consider only the value in the land documents of the previous transactions. But when you buy a land if you spend 10 lakh you will show only 5 lakh because otherwise high stamp duty has to be paid. Even a High Court judge does that. Even a child knows. If you tell the officials they say that it was your mistake that you showed the rate less... 99% people are unable to file a case regarding this and so the issue continues like this (Kunju Mohammed, Evictee and Struggle Committee leader, Cheranallur. Interview, 26th January 2010)

So when the Basic Land Value is calculated using erratic documents, the basic value of the land fixed will be less than the actual transaction value in the region. Subsequently the compensation paid to the people will also be less. One evictee from Cheranallur claimed that he got Rs 1,90,000/- per cent as compensation whereas the actual land value was up to 5 lakh per cent at that time. The contention generally was on the undervaluation of property acquired by the Government.

In Moolampilly even after they said big things only about Rs 70000/- per cent was given for dryland. Where can we buy land for Rs 70,000/-? Basic value is very less than that. It is about Rs 20,000/cent for dryland. For wetland basic land value is Rs 10000/- and they give around Rs 30000/- (Justin, Farmer Evictee and Struggle Committee Leader, Moolampilly. Interview, 27th October 2010)

But there were cases where people were satisfied with the compensation amount given for land, like in the case of the 38 families in Cheranallur who submitted their land documents in the initial stage of acquisition. In their case they got compensation at a period when the land value was not that high and at least some of them could invest on new property. Those who continued with the struggle got the compensation at the same rates at a later stage but the compensation amount was less when compared to the market price of the period.

Though the individual land owners had to face utmost difficulties to get good compensation the companies like FACT were given better compensation though the land acquired was part of previously state owned land given to FACT for expansion. In spite of the fact that FACT did not have patta for the land they were paid a huge compensation amount. Here Government land given for

---

90 Source: ICTT Road Connectivity Files Ernakulam Collectorate; Letter No. C6-25766/04 dated 18th October 2006: Approximately 7.1582 Hectare in the hands of FACT came under the land acquisition for ICTT Road Connectivity. This area coming under 30 subdivision numbers was completely a wetland area and was used for Gypsum dumping by FACT. After 1982 FACT had acquired land to an extent of 40 Hectare for Ammonia Plant, Gypsum dumping, Caprolactum Plant etc. Though the notified land for ICTT was acquired by FACT for Gypsum dumping, they did not receive patta, and hence in village records the land was marked as purambokku.
industrial purpose to a state agency was treated as private property and higher compensation was given.

Low land valuation of wetlands

People had raised protests against the fact that the land price fixed for wetlands is extremely low, especially in the contest of increase in market value of the land, whatever the category, with the real estate boom in the area.

It is for Rs 15000 that polder area was valued. Basic value Rs 5000/- and DLPC value Rs 15000. This land was sold for Rs 76000/- cent for private parties. For reclaiming a polder area itself we need Rs 20000/- (Mathew, Evictee, Kothad. Interview, 30th October 2010)

The details of land under acquisition in Kadamakkudy village and the DLPC valuation are given in the table below to understand the extent of variation in value between dryland and wetland areas.

Table 4.5

<table>
<thead>
<tr>
<th>Nature of land</th>
<th>Area (cent)</th>
<th>Land value range (Rs)–DLPC rate/cent</th>
<th>Total title holders in each category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dryland</td>
<td>1014.36</td>
<td>69743 -99137</td>
<td>114</td>
</tr>
<tr>
<td>Wet now dryland</td>
<td>536.96</td>
<td>82896 – 90857</td>
<td>26</td>
</tr>
<tr>
<td>Wetland</td>
<td>1532.78</td>
<td>9954 – 15120</td>
<td>42</td>
</tr>
<tr>
<td>River</td>
<td>5</td>
<td>13234</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>3089.1</td>
<td></td>
<td>183</td>
</tr>
</tbody>
</table>

Source: Public Information Office, District Collectorate

As can be inferred from the table the value of the dry land was 6-10 times higher than the wetland regions. The compensation set for wetlands was meagre. The value of wetlands as per the Basic Value Register (BVR) of Mulavukad and Eloor villages is given below to indicate the mode of valuation.

---

91 Statement showing the details of amount payable for 3089.1 cents of land in Kadamakkudy village for land acquired for NH connectivity road ICTT Vallarpadam; M1-45930/06 dated 23/11/06 by Public Information Office; Copy issued RTI Act 2005
Table 4.6

Value of wetlands as per BVR in Mulavukad and Eloor villages

<table>
<thead>
<tr>
<th>Region</th>
<th>Category</th>
<th>Defined status of the land</th>
<th>Land value (Rs. per cent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mulavukad²</td>
<td>I</td>
<td><em>pokkali</em> land (wetland/prawn polder) adjacent to pathway leading to 3 m <em>Panchayat</em> road</td>
<td>6334</td>
</tr>
<tr>
<td></td>
<td>II</td>
<td><em>pokkali</em> land (wetland/prawn polder) near to Mulavukad main land and cannot be included in Category I</td>
<td>5203</td>
</tr>
<tr>
<td></td>
<td>III</td>
<td><em>pokkali</em> land (wetland/prawn polder) lying about 30 metre apart from main land</td>
<td>4525</td>
</tr>
<tr>
<td>Mulavukad³</td>
<td>IV</td>
<td>Wetland having no boundary with the river and laying beside the <em>Panchayat</em> road starting from Goshree bridge to the North end of Mulavukadu</td>
<td>5155</td>
</tr>
<tr>
<td>Eloor⁴</td>
<td>I</td>
<td>Land lying as wet now dry which lies besides the river</td>
<td>31992</td>
</tr>
<tr>
<td></td>
<td>II</td>
<td>Land lying as part of the river without boundary</td>
<td>4660</td>
</tr>
</tbody>
</table>

Source: Public Information Office, District Collectorate

In the case of Eloor, the survey numbers in both the categories are same (Block 1; 591/13-14) indicating that both the plots lie adjacent to each other. In spite of this the land value of category I (wet now dry) is five times the value given to category II (river). The table also indicates the loss of polder areas and even portions of the river towards the project. In the case of Mulavukad

pokkali land closer to the Panchayat road was valued more than the pokkali land lying 30 metre apart from the mainland. The land value of a wetland here is determined by its access to infrastructure than its intrinsic value for sustenance. The low economic value attributed to the wetlands is one reason why development projects are keen to acquire such lands in large scale.

**Deduction of tax from the compensation amount**

Government reduced the tax from the compensation before awarding it to the people. Though the tax payment was supposed to be returned on forwarding the required application, this cut-off adversely affected those who need an amount in bulk to invest in a house or land, since they stood evicted from their original homestead. Sometimes it took 1-2 years before they got the tax amount back, which created trouble especially for those who were financially backward.

The Government reduced 15 per cent income tax from the compensation amount. Many poor people won’t have PAN number, or won’t have any connection with a Chartered accountant. To forward the application to get the amount back they need a PAN number for which they should meet a chartered accountant. People get scared of the income tax department and drop off. Then the poor people may not get the money back. Those who have financial returns make some accounts and retrieve the money (Hashim, Activist and Coordination Committee Member. Interview, 29th January 2010)

The Government took measures to exempt registration fee and stamp duty in the transactions with the land owners claiming the land acquisition was a matter of public purpose. But when it came to tax exemption of the people affected the case was considered as a normal sale deed. In a scenario where the Government is pursuing liberal modes to foster development by subsidising industries and creating tax free zones, it remains paradoxical that the compensation given to ordinary people evicted in the name of development was under taxation. The struggle committee had taken up the issue in several meetings and had demanded to the Government for avoiding taxation of the compensation but to no avail.

**Clearance of debts from the compensation amount**

As per the Government policy the compensation amount was given to the evictees only after clearing any debts pending in the Cooperative Society. This

---

95 Government Order GO (MS) No.133/07 dated 14th June 2007
happened in several cases affecting the people adversely, since they were already in a difficult position due to loss of land and house. In Eloor, an SC family who had a debt of around 3 lakhs in the Cooperative Society, got the deducted compensation after the clearance of their debts which turned out to be a meagre amount. They had lost their house and land to the project already and were living in a makeshift shed in the remaining 3 cent land. At the time of study they were not provided with the pattā for the rehabilitation plot since theirs was a disputed property and automatically fell into ponnumvila proceedings.

**Denial of DLPC rates for Land Acquisition Act evictees**

In certain cases, people were denied the option of DLPC just because there were anomalies in the land categorisation. In order to correct the land category for higher category compensation there was no other way out than to approach the Court. If cases were filed for land category change, DLPC rates were denied to those who file such cases. A model of land categorisation from Cheranallur village is attached as *Annexure 3* to understand the multiple categories formulated for land valuation. The land was also taken as per LA Act in the context of any legal disputes with regard to land. In the case of Justin from Moolampilly, the land was taken by the authorities after depositing ponnumvila in the Court, citing ownership issues. Though he had taken part in the struggle for rehabilitation and was eligible for the DLPC package as per both the Government and High Court orders, ponnumvila was deposited in the Court, citing the reason that the land documents were not clearly in his name. Out of the 78 cents of land acquired for the project, part of it was in Justin’s name and part of it was in the name of his late brother who was a priest. Justin had 65 cents in his name and his brother had 80 cents in his name before acquisition. In the will written by their father it was mentioned that if the brother goes as a priest then his land will belong to Justin. The priest brother died in between and no land right transfer was done. Justin was handling the land and was paying the tax for the land. But the land acquisition official deemed that the will is not clear, citing that it was not mentioned whether Justin have the ‘freedom for transaction’. The officials claimed that there are 12 people with claim – considering Justin’s siblings, children of the eldest sibling and a niece – and deposited the money in
the Court in the name of all the twelve people. Then the power of attorney of all others had to be taken by Justin to claim for compensation.

Another case was that of Subha from Moolampilly. Relatively few people in these villages have done ‘pokkuvaravu’, though they have kept the land at hand for years especially after the land reforms in the seventies. Subha was a tenant of the land owner and was having tenancy rights after the Land Reform Act was implemented in Kerala. But like many other cases ‘pokkuvaravu’ was not done and so did not have the proper land documents in their name. In this case also the compensation money was deposited in the Court till the papers were clear. They were also denied the compensation as per DLPC rates.

**Discrepancies in the categorisation of land**

Many complaints were registered and cases filed against land categorisation in fixing the land price. Even in those cases where wetland has been changed to dryland over the years, the officials have fixed the land price considering them as wetland, since it was so in the Basic Tax Register (BTR) and BTR was not updated. The mistake made by the LA officials in land categorisation was evident from the following statement found in an official document\(^96\) on land acquisition.

> On verification of the 4(1) notification and that of the village records in respect of 60/10, it was found that same mistake was crept in the 4(1) notification. As per the village records the land in respect of syno 60/10 is seen as Nilam[wetland], but on verification [of] the site it is seen as nalathu purayidam [wet now dryland]

Erratum declarations\(^97\) had to be published later to rectify the errors. This shows the breakage of the rule that land should be surveyed before the publication of the 4(1) notification. Cases also came up where different mode of pricing was done for the land of similar nature but categorised into different forms.

The land has been categorised into 24 categories. So there are 24 valuations. Even if we are eligible for 1\(^{st}\) category they decide it as 5\(^{th}\) category. That is the main exploitation in ponnumvila. Suppose two brothers are living near this road. On the other side of the plot there is Panchayat road access and this side NH road access. If

---

\(^96\) Letter No. C6-25766/2005 dated 30\(^{th}\) September 2006 from the District Collector to Secretary, Transport (A) department, Thiruvananthapuram

\(^97\) E.g No.4868 (i) A2/2007/Trans, 7/12/2007
the father has divided the plot into two, both of us have access to both. The official who come will say only I will get the NH access value. He will get only the Panchayat access value. So I get category 1 and he get category 6. So if it is one time settlement 1 lakh for category 1 and Rs 40000 for him. There is no opportunity to oppose in one time settlement. Or else we have to move Court to fight for category change (Sajid, Evictee and Struggle Committee member, Cheranallur. Interview, 7th October 2010)

The land was classified into multiple categories as explained earlier and the land value was determined on the basis of access to infrastructure facilities like road and within that based on the characteristics of the road like mud road, Panchayat road, National Highway etc. As mentioned earlier the value of the land was determined by externalities than by its intrinsic value. Further the discrepancies in land categorisation and land valuation are evidences of how technical view of the processes act against the people in various ways.

Loss due to the remaining bits of land

A major loss that incurred to the people is due to the remaining bits of land in possession after the acquisition was over.

There are bits of land, 1-2-3 cents remaining after acquisition. We demanded that the Government acquire it and give money for that but they didn’t do it. They acquired only the land that was marked. No one else will buy the remaining land because there is a rule that within this distance from the road, construction should not be done. It is a loss for the people (Justin, Farmer Evictee and Struggle Committee Leader, Moolampilly. Interview, 27th October 2010)

Though the authorities had promised the people to acquire the remaining bits of land which are less than 3 cents in extent, the promise was not kept. Also because of the existing building rules, it was not possible to do any construction activity in the remaining land area. So it was an additional loss to a person who has already met with property loss due to land acquisition. In rare cases Injurious affection had been filed citing the case and compensation received. A reverse dimension was the loss incurred to the people due to acquisition of bits of land from their property. There were many people who lost less than one cent of land. These people did not go for compensation to avoid Government procedures and the legal complexities involved.
Partial takeover of houses

In some cases the houses were only partially taken, but the people were given compensation for the whole structure on condition that the total structure has to be demolished. In one way it was a positive move since these people got rehabilitation land as well as the compensation for the house. But those who were financially backward were unable to construct a new house with the compensation amount. Also the value of the house was calculated at depreciation rates, though authorities had promised that depreciation won’t be considered. Even if people were ready to maintain the remaining structure, the Government policy was that the value of the total house will be given only if the whole structure was demolished. In one case in Moolampilly, the evictee had lost only half cent portion of the house and he had the remaining structure in a 3.5 cent land. He did not want to demolish the remaining house but had to do it since the authorities were particular that the value of the house will be given only if the whole structure was demolished. So he demolished it and made a small building in the remaining plot. One advantage he got was that he got a rehabilitation plot of 5 cent though he lost only half cent land.

Low valuation of house

The depreciation value was calculated during valuation of the houses to be acquired. A house with all accessories in Kadamakkudy village which had an estimated value up to Rs 481544/- was assessed\(^98\) a value of Rs 381358/- after reducing the depreciation value for 14 years. Another issue that was raised against the valuation of the house was that NHAI didn’t accept the structure valuation done by KITCO for structures valuing above 2 lakhs and brought in a private valuator to assess the price following which the price of the structures were further reduced. For example\(^99\) a house valued Rs 3,69,223 by KITCO was valued by the private valuator with Rs 53,444, thus saving Rs 3,15,779/- for the Government. While in a normal sale deed calculating depreciation seems logical,
it turns out to be illogical when the property is being acquired evicting people in the name of development.

**Discrimination in the allotment of construction materials from the demolished house**

The evictees under the same project were treated differently by the authorities in the usage of building materials from the demolished house. Those houses which were surrendered in the initial stages were given for auction, but towards the end the Government allowed the rest of the families to take away the construction materials (bricks, tiles etc) even without any deposit or auction. Another argument was against the 15 percent deposit that the evictee had to make to demolish the house and take the materials. In such cases auction will not be done. But people found it too large a deposit to make and refrained from it. Only few exercised that option. Also people argued that in Kothad, they were kept away from the auction of their own houses. They argued that it happened as a result of an illicit tie up between property dealers from Kochi and the Government officials.

I had earlier asked for my house for Rs 85,000 but they didn’t give. During auction all the auctioneers joined together and they cheated me from calling auction. They kept the auction a secret and I didn’t know that auction was happening. Those who come for auction, they joined together and decided that that no one should call for more than Rs 8000 or Rs 10,000. Once this house is auctioned and settled for Rs 8500/- they will do one more auction outside. In that it will be sold for Rs 45,000. The profit is divided between the auctioneers. That was like a monopoly, a business. If you question then they will threaten so the locals didn’t say anything. And the Government will call it a loss. My house was valued for Rs 570,000. But the auction was done for Rs 8500/- . I asked a Highway official what you got for this. Even 2 or 3 % is not being given for these houses. This is a case of goondaism (Tomichan, Evictee, Kothad. Interview, 30th October 2010)

Rather than helping the evictees for resettling themselves in the best possible manner, the attempts here were to cause utmost difficulties and loss to the people. In addition to a lack of people-oriented perspective, illicit relations between the officials and various profit mongers added to the issue.
Low valuation of agricultural crops

The farmers faced loss since the actual cost of the agricultural crops was not valued along with land being acquired. The value of crops was not calculated considering the improvements in the land. Only the annual production value of the crops were taken into consideration while valuation. The price fixed for a tree is devoid of its ecological value as well as a long term production value. For example in a 11.92 acre land part of acquisition there were 20 varieties of trees, 121, in total and the total amount given for all of them was a mere Rs 3400/- The value given to a coconut tree 20 year old was at the rate of Rs 200/- and a 10 year old arecanut tree Rs 50. A jackfruit tree was valued for Rs 50 and a mango tree for Rs 10/-. Even crops and trees with reproductive value are treated in par with physical entities which can be subject to one time valuation. The mode of valuation of productive entities like standing crops and trees needs to be critically analysed and reframed.

Context of R&R in the Road Connectivity Project

In the absence of a legal binding, the project lacked a genuine R&R plan for the evictees from the beginning. The R&R plan existed in the EIA report brought out in 2001, though with its shortcomings, but never was brought for discussion

---

100. They won’t give the value of the crops. They will give only the price of land. That is how the law is interpreted. There was rubber in our land. There is no value for rubber. They give only the land value, they don’t calculate the value of rubber as an improvement in it. They calculate only the annual production value of the crops in it if it is rubber twenty times or if coconut 15 times. There is a chart. It is a table made long back in which each crop is mentioned. They take that amount and add the land value. What the Government should do is that either commercial value of the land should be taken considering the market price or they should calculate it as per the increase in production value of agriculture. But they take only one. Not to take both is cheating. That is injustice. Giving Rs 150/- is peanuts to give to a rubber tree which is 15 years old. It is like humiliating a farmer. One tree will give minimum Rs 2000/- if we give them to plywood production units. We don’t even have to cut them off. They will do all that. It is in this situation that the Government decides Rs 150/- for a tree... If we go beyond Kanyakumari we will get land for Rs 1000/acre. But next to it there will be plots with fruit trees, coconut etc. So the value there will be 1 lakh-10 lakh. So there the value is not for the land, it is for the agricultural produce or the development or the investment. It is for this investment that price is fixed... For us all the profit for the future is being lost. Now for one rubber if it is 30 years of age, if it is cut off after 10 years, the farmer is losing the yield and profit and livelihood of 20 years. It is then that this 150/- is given. To plant in 6 pits Rs 150/- has to be given. Many people have raised these issues. It is not just the aspect of money. Even the advocates hesitate to argue this. Only few people are ready to fight. The Courts won’t take it on face value. The officials are reluctant to take it up. The situation of a farmer is like that. Then they will think that it is better not to cultivate’ (Sajid, Evictee and Struggle Committee Convenor, Cheranallur. Interview, 7th October 2010)

101. File number 26/05; Valuation of crops in Survey number 457/1-15
in a public platform. Its only intention was to secure clearances and approvals required for the sanctioning of the project. But even the EIA report tried to profess that R&R option survey held among the project affected indicated that majority of the project affected ‘prefer cash compensation as their first priority’, an argument which do not buy credibility. From 2001 to 2005 where official proceedings of the project were going on without public declaration, no R&R plans were envisaged. From 2005, when the land across the villages were notified till 2008, there were people’s protests and petitions requesting for R&R, but even then no genuine attempt was made by the administration to formulate a rehabilitation package. Any attempts made were mainly fake announcements to speed up the acquisition procedures. The apathy from the part of the Government in providing rehabilitation had been criticised by the Human Rights Commission\(^{102}\) as well. The attempt of the Government from the beginning was to acquire land from the people through threatening them or luring them with benefits of rehabilitation.

Some people got scared and gave permission note, some people got lured and gave permission note. Some people gave because the local self representatives said that they will ensure rehabilitation benefits for them. In some other places politicians went and scared people saying that money will be deposited in court and they won’t get anything. So many people gave and left. It is not permission. It cannot be called consent. It is manufacturing consent or forced consent (C R Neelakandan, Environment Activist and Struggle Support Committee Chairperson. Interview, 4\(^{th}\) November 2010)

The Government also tried to bend the land acquisition rules to fasten the acquisition process to serve their interests without providing rehabilitation. Declaring the project under Fast Track legalised the Government to acquire land even without providing compensation before acquisition. The disinterest of the Government in providing the rehabilitation was obvious even while the dialogue process was happening between them and the people’s representatives. The attitude of the Government was evident from the following statement.

During the dialogue process the argument came that 6 cents should be given in ICTT road project also like that of Smart City evictees. Then the Minister said let us not spoil the people. ‘The people will learn bad behavior if 6 cents is given. Smart

\(^{102}\) Common order of the Human Rights Commission (Common order HRMP 759/09,640/09,657/09,894/09,1246/09) with regard to the Suo Moto petition in response to the news item in Indian Express dated 13/2/08 and complaints from various other petitioners
City is a profitable project. This is a public project without profit, so you can be given only 4 cents’. That is how rehabilitation area was reduced (Kunju Mohammed, Evictee and Struggle Committee leader, Cheranallur. Interview, 26th January 2010)

Further the people perceived the disinterest of the Government in providing rehabilitation as a strategy to avoid any such demands in the future. Creating precedence of rehabilitation in a Central Government project was considered ‘uneconomical’ for the State Government anticipating that the demands for rehabilitation will be made in state projects as well in the future. People see it as a contradiction that a project spending crores of rupees for its establishment cannot keep aside a minimal amount towards the rehabilitation expenses of 326 evictees coming under road and rail projects. The lethargy shown by the Government in giving rehabilitation was considered as a mark of disrespect towards the right of the people to life and livelihood. Though rehabilitation is a mandatory provision to get environment clearance in a project it was violated in the case of the project. Though this was challenged in a petition filed by Cheranallur locals, even the Court did not take it on face value defining the project as the ‘dream project’ of Kerala.

Only after the Moolampilly eviction issue which was a turning point in the process of the struggle, Government became ready to enter into the dialogue on rehabilitation with the evictees. Though for the Rail project evictees the Government had offered 3 cents for rehabilitation even prior to Moolampilly, no such offer was given to the evictees of the Road project in general. In a meeting held with the Eloor evictees on 9th February 2008 soon after the demolition drive at District Collector’s camp office, new offers including 3 cents of rehabilitation land, rent etc was made so as to smoothen the acquisition procedures. But the 3 cent package was turned down by the protest groups and

103 C6-25766/04, Minutes of the meeting held on 9th February 2008 for solving the issues of Eloor evictees at DCs camp office, 11th February 2008
104 The offers included the following 1) Land will be acquired as per the DLPC rates 2) Rs 15000/- (at the rate of 2500/month for 6 months) will be given to the evictees along with the compensation 3) As per the Land assignment law each evictee family will be provided with 3 cents of land in the Purambokk land in Survey 178/2 in Block 9 of Vazhakkala village 4) The above said land will be developed for constructing the house along with power, water and road facilities with Government expenditure 5) Action will be taken to give patta to the land issued 6) Decided to make the FACT quarters available on rent till house is constructed 7) Decided to allow the evictees to possess the building materials on demolishing the house 8) Decided to recommend the central government to avoid the reduction of tax from the compensation amount.
they continued with the struggle demanding for the Smart City package\textsuperscript{105}. Thereafter the protest became strong and various other prominent stakeholders like the Church, various political parties, media etc intervened, and the Government was forced to enter into a serious dialogue on rehabilitation, reach a consensus and announce a reasonable rehabilitation package, known as Moolampilly package, on 19th March 2008. The reluctance for providing rehabilitation to the evictees was evident in the approach of the district administration towards the issue. Even after the Moolampily issue, the provision of rehabilitation was not considered as one aimed at protecting human rights or as a social security measure. It was seen as a solution to prevent further struggles which may be a hindrance to the smooth functioning of the project. In a letter\textsuperscript{106} to the Chief Secretary Government of Kerala on 8\textsuperscript{th} February 2008, the DC wrote

\begin{quote}
Since there is public protest against the eviction for NH as per section 47, it would be beneficial to give land as compensation to prevent further struggles.
\end{quote}

The Government Order announcing the Moolampilly package promised to provide rehabilitation to the evictees of both rail and the road projects. Though the package was announced in March 2008 it did not have any provisions to implement them within a deadline and the rehabilitation measures got delayed by several months. Then the Court order for rehabilitation in the Common Judgement of June 20\textsuperscript{th} 2008 came which made rehabilitation time-bound. It specified that all the evictees are equally eligible for the rehabilitation benefits mentioned in Moolampilly package. The order specified that rehabilitation should be provided before 15\textsuperscript{th} January 2009. The Order also directed to give DLPC rates, rent, \textit{patta} and also directed to ensure that the rehabilitation plots be free from CRZ norms and the foundation be sound for construction. The following section deals with the multiple issues generated in relation to the provision of rehabilitation to the evictees.

\textsuperscript{105} An IT project for which people were evicted from Kakkanad Ernakulam giving benefits like rehabilitation plot upto 11 cents, rehabilitation to nuclear families, shifting charge etc

\textsuperscript{106} Letter No.C6-57033/2007, Letter from DC to Chief Secretary, GoK, dated 8\textsuperscript{th} February 2008
**Multiple issues related to Resettlement & Rehabilitation**

Even after the package was announced the rehabilitation component got mired in controversies starting from the identification of the rehabilitation plots.

**Legal disputes in the suggested rehabilitation plots**

The Coordination Committee had identified the ‘purambokku lands’ available in Kadamakkudy Panchayat by using the RTI Act and had submitted it to the district administration. For years the Government-owned lands were in the hands of private parties, mainly locals who have encroached on the Government property. The land records which were not updated helped the encroachers to maintain the property in their hands. The Government attempted to acquire them back through Court Proceedings, but did not continue with it strongly when the Court gave stay orders in the case.

We identified Government lands in all the villages, but the Government said many technical and legal issues. Big land lords have reclaimed river years back and had planted coconuts. They are solid lands now. They don’t have any documents, but they keep it. When they got the notice for eviction, they went to Court and obtained stay. Revenue department did not do anything to vacate the stay and initiate further proceedings. Revenue officials are in collaboration with them. Even if we had proceeded with the case there would be many legal complexities (Francis Kalathunkal, Coordination Committee Convenor and SUCI (C) Local Secretary. Interview, 14th September 2010)

Anticipating that the case will go on without any repose, the plan for rehabilitation in such areas was dropped. As per the people’s narrative one of the identified plots (polder area adjacent to the backwaters) in Moolampilly was taken over and reclaimed by a private party in which a boat yard had been established. They had made fake documents for the property in their name. As per the cut off year declared by an existing Court judgment for finalizing the purambokk lands, a portion of the land came out of the purview of the purambokk property. The available land was not enough for the rehabilitation of all the ten evictees in Moolampilly, which was not acceptable to them. Since they wanted to be rehabilitated together, so that their demand for infrastructural facilities like road, water, electricity etc are stronger, they decided to opt for other plots. Another polder area was identified for rehabilitation in the
Moolampilly itself but that land also came under legal dispute. The evictees did not want to get mired in legal procedures so they opted out the Government land for rehabilitation. That was how the decision for reclaiming the backwater region using dredger for rehabilitation was finally arrived at in Moolampilly. In Cheranallur also people asked for Government lands. But the district administration or the Local Self Governments did not show interest in the demand, since the land records were in a dismal state and most of the Government property was vested in the hands of private parties. In Eloor, FACT had lots of land lying vacant and the struggle groups had asked land for rehabilitation to which the company did not agree.

Rehabilitation plots for the Road and Rail Connectivity projects

People had demanded that they be rehabilitated in the vicinities itself so that their social relations and livelihood will not be affected. But only few people from Moolampilly, Kothad and Mulavukad could be rehabilitated in their own locality. Most of them got land in other villages even as far as Thuthiyur in Vazhakkala village in Ernakulam which is more than 25 kilometre away from their locale. Since undisputed dry lands were unavailable in the locales, the administration decided to reclaim the *puzha purambokku* (Government owned river region), *kayal purambokku* (Government owned backwater region), paddy fields, ponds etc for rehabilitation. The table below details the ten locations where the people from both the road and rail projects were allotted land.
The former Collector argued that the evictees did not show interest in accepting the offers of dryland in places like Malayattoor where land was available but which was at a distant area from their locale.

**Legal disputes in the rehabilitation plots**

Issues regarding legal ownership of land have mired almost all the rehabilitation plots in addition to the environmental issues which emerged out of it. The Thykkavukulam plot in Cheranallur was a pond with an extent of 31 cents, and was reclaimed for the rehabilitation of six evictees by the Government. This plot became entangled in legal disputes regarding ownership. The case was ongoing between the Government and the landowners claiming possession at the time of

107 Data incomplete since information of 326 families not mentioned in the records
108 Letter No. C1.3262/07 from Tahasildar Kothamangalam to DC dated 13th February 2008, Letter from Tahasildar Aluva to DC dated 13th February 2008; Letter No. A7 11918/06 dated 21st February 2008 from Kunnathunad Tahasildar to DC - The Governmental enquiry for land soon after the Moolampilly issue showed land availability in Kothamangalam (70 cents), Nedumbassery (6.76 Ha), Malayattoor (1.29.90 Ha; 0.75.39 Ha) and Kunnathunadu (1 acre) in Ernakulam district. In Kothamangalam land was available in Neriyamangalam agriculture farm according to the Tahasildar.
study. The interesting factor was that there was no dispute when the pond was being reclaimed. The protest started when one of the evictees commenced foundation work in the plot. It was criticised that the claimants were waiting for the land to get filled under Government expense before approaching the Court.

The Cheranallur land was an ancient pond called Chebrakkulam. Hundreds of loads of earth were dumped in it to reclaim it. This plot also has ownership issues. Government is giving the land belonging to others. The Government consider these lands as their property but for decades the land is in other people’s hand. First they should have removed the legal complexities. Now they have dragged the poor evictees to these legal complexities (Hashim, Activist and Coordination Committee Member. Interview, 29th January 2010)

Two rehabilitation plots of extent 9 acre and 2.5 acre were provided in Thuthiyur for road and rail evictees respectively. The 9 acre plot was under legal dispute regarding ownership between the Government and private parties who were the custodians of the land for at least two generations. The plot was reclaimed from a paddy field lying adjacent to the Chitrariver. The paddy cultivation had stopped there years back when the polluted waters from the FACT started flowing down to field and the agriculture practices got disrupted. The owners who used to be cultivators raised the dispute once the land assignment for rehabilitation was over. The evictees came to know about the dispute when they went to see the rehabilitation plot for the survey of the land. Conflict erupted between the claimants and the land acquisition officials who were visiting the plot. The claimants had already obtained a favourable judgment from the Court regarding land ownership (leased out land with tax payment for around a century). Following this the evictees from Cheranallur filed a case against the Government stating the rehabilitation plots provided were mired in legal controversy. The Court verdict favoured the evictees and the land was allotted to them. But even among the evictees there was no disagreement that the claimants were the real land owners of the land. Two evictees from Kothad got individual plots reclaimed from puzha purambokk (Government owned river land) in the island itself. They gave application to allot this land and the area was

---

109The land was given with right of use (kuthakappattam) to these people decades back. They have the papers with them. My uncle had written that land document. The document is 100% perfect. It is this document that we made them dispose in the Court. The documents are correct. The land was in the hands of the family for around 100 years. (Rajan, Evictee, Cheranallur. Interview, 13th October 2010)
announced by the Government as rehabilitation land. They reclaimed the land with the support of the Government. This land also came under legal dispute when one of their neighbours claimed that the land belonged to him. The legal disputes delayed the rehabilitation procedures.

**Neglect of Nuclear Families**

While providing rehabilitation to the evictee families the plight of the nuclear families within the family setup was not considered. The rehabilitation benefits were given considering even an extended family as a single family setup. In the meetings with the officials and politicians the people were given offers that the nuclear families will also be provided with rehabilitation but to no avail. The people had demanded for rehabilitation of the nuclear families citing precedence in the Smart City package offered in the same district. In the case of Smart City project evictees the Government had given rehabilitation plots and benefits to the nuclear families as well. A writ petition was filed seeking separate rehabilitation for the nuclear families within a single family by a rail evictee from Cherenallur in the High Court. The argument of the Collectorate in this matter was that a policy decision of the Government was required for rehabilitation of nuclear families. The rehabilitation benefits given to the nuclear families in the Smart City project without any policy backup were not considered here.

A high level meeting held on 13\(^{th}\) January 2009 attended by the Fisheries and Revenue Minister, Chief Secretary, Law secretary and the District Collector took a decision to consider the matter of rehabilitation for nuclear families positively. As per the direction of the higher officials the Collector ordered the Land Acquisition Officers of road and rail to conduct an enquiry through the

---

110 Married sons living with family within the evictee family; In the present social-setup married daughters do not come under this purview.

111 WP (C) 35524/08 of HC of Kerala; Letter No.C1-9857/08 dated 6\(^{th}\) February 2009 from DC to Senior Government Pleader, Advocate General Office

112 Letter L1-9857/08 dated 21\(^{st}\) January 2009 from DC to Principal Secretary Revenue

113 Letter No.C6-9857/08 dated 27\(^{th}\) July 2009 from DC to Tahasildar Kanayannur, LAO ICTT, LAO Railways
respective village offices to identify the nuclear families within the evictee families. This enquiry was done and report was submitted, but later on no follow-up was done. The list submitted contained 12 families - 4 nuclear families from Moolampilly, 3 families from Eloor and 5 families from Cheranallur – who were found to be eligible for rehabilitation. Once the struggle became inactive the authorities also took advantage of the situation and the promises were not kept.

**Differential treatment in rehabilitation**

a) Differential treatment between the projects

When struggles for rehabilitation was going on in the road and rail connectivity projects, a parallel protest was being held by the evictees of Smart City (IT Park) project in Kakkanadu within the same district. The Smart City evictees received rehabilitation benefits whereas the rights were denied to the Vallarpadam evictees. The precedence of rehabilitation within the same district was not accounted for in the case of the evictees in the Connectivity project. The evictees for the Smart City project were given a reasonable rehabilitation package because of people’s pressure and political interference of few CPM leaders. The special interest the CPM Chief Minister of Kerala took in the rehabilitation issue in Smart City project was also quoted as a reason for the formulation of a better rehabilitation package. Also Smart City involved only 58 families whereas the Vallarpadam case saw the eviction of 326 families. Further the Government was scared that they would be creating a precedent by giving rehabilitation benefits to the evictees since there were no provisions to provide the same as per existing laws. How evictees of two projects implemented during the same period were treated differently can be observed from the nature of packages offered to them. The Government sanctioned Smart City package devised by the DC is compared with the Moolampilly package of Vallarpadam project in the table below.

114 The Village Officer was supposed to attest that there is no other land available for the family, the married son was living with the family and that the family property would have been useful to the son for constructing another house if the acquisition had not happened.

115 Letter No.E1-1229/08 dated 7th December 2009 from Tahasildar to DC

116 GO (MS)No.12/07/VSV, By special secretary K R Jyothilal, dated 29th June 2007
Table 4.8

Comparison of rehabilitation packages – Smart City and Moolampilly

<table>
<thead>
<tr>
<th>Smart City Package</th>
<th>Moolampilly Package</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 cents of land free of cost to 59 families (41 families plus 18 nuclear families living within them)</td>
<td>5 cents to those who lose up to 5 cents and 6 cents to those who lose more than 5 cents – (applicable only to Kadamakkudy evictees, rest of the evictees got less than that in the range 3 ¾ - 5 ½ cents)</td>
</tr>
<tr>
<td>One lakh each would be provided to the 18 nuclear families living in these households to construct house</td>
<td>No benefits to nuclear families</td>
</tr>
<tr>
<td>31 families who lost more than 15 cents will be given additional land of 5 cents at Government rates</td>
<td>No such benefits</td>
</tr>
<tr>
<td>50% increase in the value of buildings from the rate fixed in 2005</td>
<td>Depreciation value of the house is considered while valuation</td>
</tr>
<tr>
<td>Permission to take the building materials on demolishing the house free of cost</td>
<td>Permission to take building materials on auction or by deposit of 15% of the valuation of the house</td>
</tr>
<tr>
<td>The building constructed after 4(1) notification will be given demolition expenses</td>
<td>No such benefits</td>
</tr>
<tr>
<td>Expenses allotted for basic facilities like road, electricity, water for rehabilitation</td>
<td>Promise of basic facilities given; but not materialised</td>
</tr>
<tr>
<td></td>
<td>Additional benefits included rent, shifting charge</td>
</tr>
</tbody>
</table>

Source: ICTT Road Connectivity File, Collectorate, Ernakulam

In the absence of a legal framework various power structures, here for e.g. political parties determine the rehabilitation package in a project. This results in differential treatment of the people coming under eviction even within the same district.
b) Differential treatment within the project

i) Lack of uniformity in land distribution to evictees

The Vallarpadam rehabilitation package itself was discriminatory since the package was differently defined for different villages. As per the package\textsuperscript{117} the displaced families in Moolampilly and Kothad in Kadamakkudy village were eligible to get 5 cents of land if the land taken over from them was below 5 cents and 6 cents of land if the land taken over from them was above 5 cents whereas the displaced families in other villages were eligible to get only 4 cents of land. The package itself was known as Moolampilly package since it was formulated following the forced eviction of 10 families from Moolampilly. The focus of the rehabilitation package was on the evictees from Moolampilly and was intended to pacify the grievances regarding police atrocities inflicted during the forceful eviction in February 2008. As mentioned in the order the struggles carried forward by the Moolampilly evictees and the isolated nature of islands have made the Government take such a decision. Rehabilitation plots\textsuperscript{118} were provided to all the ten families in the reclaimed backwater area in Moolampilly itself. Since Kothad falls in the same village as Moolampilly they too were extended the benefits in spite of the fact that the protests for rehabilitation were negligible there. But at the same time the evictees of both rail and road projects from other villages were discriminated against.

A series of writ petitions were filed against this alleging that the package was discriminatory following which the High Court in a Common Judgment\textsuperscript{119} directed the Government to give rehabilitation land at the rate of 4 ½ cents if...

\textsuperscript{117} All the evictees were offered house rent at the rate of Rs 5000/month for 10 months and shifting charges of Rs 10000/-.  
\textsuperscript{118} The rest twelve families in Moolampilly who gave permission notes earlier were given rehabilitation in Thuthiyur, but three of them demanded for plots in Moolampilly and in total thirteen of the evictees were placed in Moolampilly itself.  
\textsuperscript{119} The common judgment for rehabilitation by Justice Pius C Kuriakose came under the separate cases filed for rehabilitation by different evictees groups across the project affected villages - Judgment dated 20/06/08 of the Honourable High Court in WP © No.37570 of 2007 (V), Petitioner VD Martin from Vaduthala against state of Kerala (Revenue Dept.) and 4 others; WP (C ) No.161 of 2008 (T), 4 Petitioners from Vaduthala against state of Kerala (Revenue Dept.) and 4 others; WP (C ) No.4728 2008 (K), 9 petitioners from Moolampilly against state of Kerala (Revenue Dept.) and 2 others; W P (C ) No.4834 2008 (A), Petitioner N K Suresh from Cheranallur against Secretary to Government (Dept. of Shipping and 4 others); WP (C ) No.5380...
the land taken over was below 5 cents and 5 ½ cents if the land taken over from them exceeded 5 cents. Also as per the judgment the evictees were to be paid the value of the remaining ½ cent at DLPC rates. But only those cases where Award has not been passed were given the eligibility for opting DLPC rates. Review Petitions were filed in this case and in a subsequent order the High Court extended the benefit of option of DLPC rates to those cases where Award has been passed but compensation amount has not been paid and possession has not been taken. Following which writ petitions were filed again by the people whose lands were taken but were not rehabilitated yet. The District administration informed the High Court that the Government had no objection in giving the same benefits as per the Government orders issued and the common judgment of the High Court, except for the additional land, since there was no land available for allotment. Considering the High Court orders and the vulnerable situation, the Government decided to allow land at a rate of 4 ½ cents and 5 ½ cents and the special rehabilitation allowance equal to the value of half cent of land at the rate fixed by the DLPC to 41 petitioners who had filed the petition. Also Government declared for those who may approach the court in future, 4 cents of land, house rent, shifting charges and the value of the remaining one or two cents as the case may be at DLPC rates. The benefit was received by the evictees only after filing a case in the High Court claiming eligibility for rehabilitation like the Moolampilly evictees. This happened because the package was not clearly defined to cover all evictees for rehabilitation. Different evictee groups across the villages approached the Court at different time periods after Moolampilly package was announced. Those who had given land in the initial phase also had to file cases to avail the rehabilitation package. While people in Vaduthala got 4.5 and 5.5 cents the people in Eloor

---

120 Order dated 2/07/08 of the Honourable High Court in RP No. 676/08 in WP (C) 4834/08
121 WP (C) 20902, 21704, 22765, 23916, 25373, 23775/08 seeking the same benefits in the common judgment dated 20/6/08
122 Government letter No.18518/B1/08/Rd dated 2/08/08 addressed to the Advocate General Ernakulam
123 Order dated 2/07/08 of the Honourable High Court in RP No. 676/08 in WP (C) 4834/08, Order dated 2/07/08 of the Honourable High Court in WP (C) 19740 of 2008
124 GO (Rt) No.3849/08/RD dated Thiruvananthapuram 1/12/08
and Cheranallur who filed case for rehabilitation considerably late was given only 4 cents of land.

I lost more than 5 cents. But I got only 4 cents and money worth 2 cents. They have land but they won’t give. They will say it is required for other development work (Rajan, Evictee, Cheranallur. Interview, 13th October 2010)

Since the struggle was strengthened with the Moolampilly eviction the focus of benefits got confined to Moolampilly evictees alone. The families in Moolampilly were given priority since they were forcefully evicted.

It is not done in consensus with us. The Government do this to create split among people. We had demanded that the package should be uniform. It should be given like that. Discriminatory treatment shouldn’t be done. We don’t agree with the logic that there is no land. There is enough land everywhere. But land is kept aside for the interest of the bigwigs. When in the High Court Government said they don’t have land to give the High Court accepted it (Francis Kalathunkal, Coordination Committee Convenor and SUCI (C) Local Secretary. Interview, 14th September 2010)

The Government refrained from distributing the land equally in spite of the fact that reclaimed land was available for distribution in the plots even after allotment. In the case of Eloor evictees though they pointed the availability of land in the rehabilitation plot assigned to them in Kothead, the authorities countered it saying that the remaining plot was kept aside for the water treatment plant of Kadamakkudy Grama Panchayat. Also there was land remaining in the 11 plus acre land in Thuthiyur but even then the Government distributed only 4 cents of land to the evictees. Fourteen rail evictees were allotted plots in Mulavukad through lot taking on 9th July 2008 in the 1.58 acre Government land reclaimed for the purpose. Eight people 125 out of 14 received 5 cents and the rest 6 cents each. Only 94 cents have been utilized here out of the 1.58 acre land and the remaining was lying vacant.

ii) Denial of rehabilitation benefits in additional acquisition cases

Additional land was acquired for road connectivity in 2009 to meet the requirement of the road project but was not notified under Fast Track. While those who lost land in the first acquisition were provided with rehabilitation

125 Those who lost upto 5 cents of land along with house were given 5 cents including 1 cent from the GP and those who lost land above 5 cents were given 6 cents including 2 cents from the GP for rehabilitation.
plots, those in the additional acquisition cases were denied the right to rehabilitation, though acquisition was for the same project. The contention of the Government was that DLPC package was envisaged for Fast Track procedures alone and cannot be given to normal ponnumvila proceedings.

During the study the researcher came across a family with proper house and homestead (more than even one acre) who had availed the rehabilitation plot by showing of an old house or shed in the acquired property as the house in which they were living when the acquisition happened. This meant they got an additional plot by giving incorrect information regarding their homestead. Technically the family is eligible for rehabilitation, but considering their proportion of assets, the provision of a rehabilitation plot can come under the scanner. Considering the shortage of land for rehabilitation as the Government professed the family could have been compensated for the plot than providing them with a plot. At the same time the researcher also met a family¹²⁶ who lost even the remaining bit of land they owned and were living on rent, unable to buy another plot. It was a case of additional acquisition and the authorities had denied rehabilitation rights to them. Since the land was being acquired under ponnumvila and not DLPC they interpreted that rehabilitation benefits cannot be provided to them. A case was filed in the Court but the Court gave a ruling giving freedom to the Government to take a decision regarding rehabilitation in additional acquisition cases, taking the situation back to square one. Other than the two cases of additional acquisition involving houses, land area of 74 people were additionally acquired by the Government in Cheranallur. They were also denied DLPC rates for their land by the Government citing the reason that in additional acquisition cases only ponnumvila can be given. All 74 families filed cases demanding enhanced compensation. In another case a woman in Cheranallur who got compensation at DLPC rates during the acquisition in 2006 was denied compensation at similar rates in 2009 when her land came under additional acquisition for the same project.

¹²⁶ This is a case of double displacement since they had previously lost land (8 1/4 cents) and house for the National Highway project in the beginning of 90s. Now with the Vallarpadam Road project they lost the second house they constructed in the remaining land (2 ¾ cents) available. Now ½ cent remain with them.
The Government feared that by rehabilitating people under additional acquisition, they will be creating a precedence, which means that people will start demanding rehabilitation rights in the future. In order to avoid such demands the attempt of the Government here was to redefine the terms of reference related to rehabilitation. Even the judiciary was unable to take an independent position subjecting the population to the power play of the authorities.

**Present situation of the project evictees**

Moolampilly package\(^\text{127}\) at the time of its formulation in 2008 was hailed as the best rehabilitation package in the state by the then ruling Government. But the package itself was discriminatory to the evictees within the project. Further many of the benefits listed in the package were not implemented or were delayed considerably. When the package was being formulated the total expense\(^\text{128}\) for meeting the house rent and shifting charges expenses for 326 families (143 for Rail project and 183 for the Road project) came to a total of Rs 1,95,60,000/-. This expenditure from the exchequer could have been avoided if the evictees were provided with rehabilitation before acquisition. By not providing basic infrastructure even by 2011 the Government was adding to the rehabilitation expenses since rent had to be paid to each evictee family till basic amenities are provided in the rehabilitation plots. Case sketches of the Highway project evictees are given in **Annexure 4**.

---

\(^{127}\) GO (MS) 62/08/RD dated 19/3/2008 from Revenue (B) department, dated 19\(^{\text{th}}\) March 2008

\(^{128}\) Ref No. C6.57033/2007 dated 11\(^{\text{th}}\) March 2008; From the District Collector to The Chief Secretary, Government of Kerala – As per the Government rehabilitation package the evictees were provided with house rent and shifting charges amounting to 10980000/- for 183 families. Including the evictees for the rail project (Rs 8580000/- for 143 families) the amount totaled to 19560000/- for 326 families.
The following table shows the status of Moolampilly package in 2010.

**Table 4.9**

**Status of implementation of Moolampilly Package in 2010**

<table>
<thead>
<tr>
<th>Moolampilly package (2008)</th>
<th>Status in 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. 5 cent land for those who lost 1 to 5 cents of land and 6 cents to those who lost above 6 cents</td>
<td>Applied only to evictees from Kadamakkudy village – Moolampilly and Kothad</td>
</tr>
<tr>
<td>The above said land should be made suitable for living and the expenses are to be met by the CPT</td>
<td>Piling work required for constructing houses; Amenities like electricity, water, road not provided making construction activities difficult</td>
</tr>
<tr>
<td>People who lost houses should be paid Rs 50,000/- in advance for house rent at a rate of Rs 5000/month for 10 months</td>
<td>Implemented</td>
</tr>
<tr>
<td>People who lost houses should be paid Rs 10,000 each for shifting charges and other expenses</td>
<td>Implemented</td>
</tr>
<tr>
<td>When the evictee families complete the construction of new house water and electricity connection should be given on priority basis</td>
<td>Not implemented</td>
</tr>
<tr>
<td>II. 4 cents of land should be allotted to the families in other regions being evicted for road and rail projects of Vallarpadam</td>
<td>Subjected to protest, court cases following which land was distributed @ 4.5/5.5 cents and compensation worth remaining cents or 4 cents and compensation worth 2 cents; Other benefits designed for Kadamakkudy evictees also given</td>
</tr>
<tr>
<td>III. CPT would take up the measures for giving employment to one person from the families being evicted for rail and road projects for ICTT</td>
<td>Not implemented</td>
</tr>
<tr>
<td>IV. Measures to be taken to avoid the payment of Income Tax</td>
<td>Not implemented</td>
</tr>
</tbody>
</table>

Source: Based on primary field data

While financial compensation involving rent, shifting charges etc were given to the evictees the rehabilitation measures including land, basic amenities,
employment etc were either not implemented or were implemented with flaws. The discrimination in land distribution had already been explained above. Other offers like piling work, provision of basic amenities, employment etc which required additional expenses and efforts were not taken up. As a result of all the 326 evictees of the road and rail projects for ICTT only two rail evictees had initiated house construction in the rehabilitation plot and started living there by 2010. In the other plots in Moolampilly, Kothad, Mulavukad construction hadn’t even started or was delayed for various reasons. The major reasons were

- Land not sound enough for construction work
- CRZ clearance for construction not obtained
- Subdivision number of the plots not provided
- Basic infrastructure (Road, water, electricity) not provided as promised by the authorities
- Transaction rights denied
- Denial of rehabilitation plots

**Land not sound enough for construction**

The rehabilitation plots were not sound enough for construction work since they were reclaimed from wetland areas and water bodies. In spite of the High Court order that the rehabilitation plot should be sound enough for a two storeyed building the lands were not perfect for construction especially in Moolampilly, Kothad, Mulavukad and Thuthiyur. The Thuthiyur plot was a paddy field lying adjacent to a river reclaimed for rehabilitation. Of the 11 acre plot, 4.5 acre was assigned to the evictees, but they the land was not sound enough for construction. To start with construction, large scale piling work had to be done, which many of the evictees could not take up because of large expenses. The two families who constructed their house in Vaduthala had to spent a lot for piling work. But they could manage with the compensation received since they had lost considerable extent of land like even up to 10 cents. Families who had lost 3-4 cents did not have the option to spend money for both piling work and then
house construction. None of the evictees who got rehabilitation plots in Kothad had the financial capacity to do piling for construction work. Here also the plots were reclaimed from the river by dredging. Also there was no proper road through which vehicles can go in with construction materials. The following narration details the situation of the rehabilitation plot in Moolampilly.

The sides of the land was built with stones and filled with sand dredged from the backwater. Sand from the backwater was used to fill the land. When the sand gets dried it will fly away in the wind. It is that much soft. Only if it lies for 2-3 years it will be strong. But when rains come the land will be waterlogged. Now the land has started crumbling down. The stone-wall and the sand is crumbling down. If house is constructed it will also slide down. The High court judgment is that it should be A-class land in which 2 storey building can be constructed. But they have shoved the judgment away. The Government has money and can do piling if they want but we can’t afford it. It is a place where there are waves all the time. It is the waves from 4-5 km away that is striking the area. Whatever we do to prevent it the soil is getting washed away (Justin, Farmer Evictee and Struggle Committee Leader, Moolampilly. Interview, 27th October 2010)

Even the former collector who was in charge of land acquisition and rehabilitation agreed with the pathetic state of affairs regarding the rehabilitation plots.

The land in the island in Moolampilly is near to the waterline. It was dredged and filled...Today nobody is able to find a solution for their housing needs because the land is so weak. The earth is so weak. You need tonnes and tonnes of money and 5 or 6 years before anybody can put in a foundation. It is a proper backwater region in Ernakulam. If the land is reclaimed there how much of it would be a success story? (Former District Collector, Ernakulam. Interview, 17th October 2010)

Even when rehabilitation was provided after continuous and ardent dialogue process the land provided was not sound enough for construction of houses. When one of the evictees asked the authorities for the surety that land is sound enough for construction, the authorities replied that they will provide a surety note the next day itself. Here for the authorities the ‘surety’ meant a piece of paper and not the feasibility of the land given for construction.

**Denial of CRZ clearance in the rehabilitation plots**

The rehabilitation plots provided in Moolampilly, Kothad, Mulavukad, Vaduthala were reclaimed from the backwaters or the river and required clearance from the Local Self Government (LSG) for house construction, since
the land was coming under the CRZ area. Initially the people faced objections from the LSG and so had to take special sanction from the Collector for the construction work. The people had to face this trouble in spite of the promise given by the authorities that the evictees will be given exemption from the building rules of CRZ. The anomaly here was that while large-scale reclamation was made possible for the state-initiated infrastructure development by surpassing the CRZ norms, the people who were displaced in its name had to face trouble to get sanction for the reconstruction of their houses. The construction activities of the road got out of the purview of the CRZ since the port limit was extended till Cheranallur and any port activity was beyond the CRZ norms. Another interesting factor here was that there were no objections from the KSPCB or KCZMA while reclaiming the water resources for rehabilitation since rehabilitation too was referred to as a port activity taken up by the Cochin Port Trust. In Kothad out of 30 families, 4-5 families were living on rented accommodations. Rest of them had constructed houses, but not in the rehabilitation plots since CRZ clearance were not obtained in the beginning.

Subdivision number of the plots not provided

The permission for house construction was delayed not just because of the CRZ violation issue but also because the authorities had failed to provide the evictees with the subdivision number of the land that had been allotted for rehabilitation. In Moolampilly since it was a new land reclaimed from backwaters the Taluk office should initially label it with a subdivision number. It took more than two and a half years after land allotment for the authorities to provide them with the credentials in Moolampilly. According to the evictees the delay was purposefully created by the authorities to create trouble for the evictees.

---

129 CRZ clearance to construct residential houses in the rehabilitation areas was given as per letter No. 2026/A2/08/S&TD dated 24th October 2009 of the Officio Principal Secretary to Government & Chairman KCZMA, Science&Technology (A) department, Thiruvananthapuram.
Basic infrastructure not provided

The initial plans for rehabilitation as presented to the evictees were that of providing a township in the rehabilitation plots. The former Collector spoke about the township idea.

I suggested community facilities. Anganwadi, I was highly interested. We had also thought that a sports centre should be given. If it was made a model township like this then tomorrow the entire country should say, this is the best rehabilitation from Jaipur Kishanbag highway till here. But I didn’t have the time to do it. Even today if you ask me I will say that a township should have been built there (Former District Collector, Ernakulam. Interview, 17th October 2010)

The interesting point here was that the authorities were speaking about Anganwadi and Sports centre but even the basic amenities were not provided in the rehabilitation plots. Even though plots were allotted in 2008, even by 2011 the facilities like road, water and electricity were not provided by the authorities in spite of the promise made in the Moolampilly package and through other formal and informal declarations. The people who had participated in the struggle had finally submitted their land records based on the sole condition that they would be provided with rehabilitation plots inclusive of all the promised amenities. But after the land allotment was done the authorities changed their stand and were of the opinion that, once the house is constructed the evictees can apply with a house number and then they will be provided with the required facilities. But the fact was that in these areas, which are quite aloof from the connected regions, people needed these facilities for starting the construction work. The ground water in these regions showed saline water characteristics due to the proximity of the backwaters. Even to dig a bore well to meet the needs of construction they required electricity. There was also the need for a proper road to bring the construction materials to the area. In a Vaduthala

---

130 Letter No. C6-9857/08 (General) dated 12th March 2009 from District Collector to Chief Electoral Officer, Secretariat - In a letter to the Chief Electoral Officer during the Parliament elections in 2009, the Collector while seeking permission to continue with the reclamation procedures, said that it had been decided to provide auxiliary facilities such as road, electric and water supply to the beneficiaries within a limited time. The request was for the permission to continue with the reclamation activities even during election period.

131 The content of the submission letter by the evictee said ‘I have been allotted ……cent land as per Government Order, High Court Order and as per the meeting with Fisheries Minister. I am ready to give away my land on condition that the rehabilitation plot allotted to me will be provided with the facilities like water, electricity and road’ (LAC No.524/06 dated 15th July 2008)
plot where two people who constructed houses incurred heavy expenses for material transportation and water supply. Fresh water was brought in through tankers and material transportation was difficult. The area remaining waterlogged across the year adding to the woes of construction. The former collector who was in charge of the rehabilitation process agreed to the fact that the facilities were not provided to the evictees and declared it as apathy from the part of the district as well as local administration.

**Denial of transaction rights**

The evictees who were provided with rehabilitation plots by the Government were denied rights to transact them before completion of 10 or 25 years depending on the year in which they received the *patta*. Those who received *patta* in and after 2010 can do land transactions only on the completion of 25 years as per a new Government Order. Those who received the land before 2010 were eligible to do the transactions after ten years. This binding denied people the power to sell or lease out the land as per their interest. But while allotting land the authorities had promised people that they can always sell it for higher profit, if they were not interested in the rehabilitation plots provided. This was how people living in the industrial belt of Eloor who initially demanded land in Eloor itself were lured to take up the land in Thuthiyur. The Thuthiyur land was stated to have high real estate value by the authorities. What they were not informed was the binding nature of the land allotted, which denied the transaction right to the evictee in the near future. In Thuthiyur real estate groups had approached the evictees with the intent of purchasing the land but even if they wanted to sell, since transaction rights legally stood denied to the evictees. The authorities were against providing transaction rights to the rehabilitation plots provided to the people.

If it becomes a section for land transaction, then why should the land be given? It is not a gift that is being given. The land which is being given is for living. The land is given to construct a house. It is not being given to sell it to someone else in Ernakulam. After giving free land Government is made to look like a sitting duck. That is not right. It is an entitlement. It is not a gift. The difference between entitlement and gift is that gift is something with which you can do anything. Entitlement is something which goes to the person concerned. So if somebody in...
Vaduthala gets the land he has to make use of it (Former District Collector, Ernakulam. Interview, 17th October 2010)

The evictee here who lost his/her land for a development project cannot be treated in par with a landless person who is given patta by the Government with the condition that land cannot be transacted. Depriving people of land transaction rights was equivalent to denying their discretion and freedom to make use of the property they own. The people were generally interested to give away the land since basic amenities were not there. Some people from Cheranallur even approached the Court seeking permission to sell the land. The people even proposed that they will submit the documents of the land they will buy with the cash received from the transaction. But the proposal was rejected. The people mainly want to sell off the land because they were unable to afford the piling expenses for constructing houses in the plot.

Denial of rehabilitation plots

Initially Government had declined rehabilitation benefits to these three categories of people

- Those who opted for ponnumvila proceedings after surrendering the land – for various reasons like low compensation, errors in land categorisation etc
- Those whose compensation they deposited in the court and took the land forcibly – for reasons like legal disputes in property, lack of proper land documents, participation in struggle etc
- Cases of additional acquisition

In the first case the Court intervened on people’s appeal to provide them with rehabilitation benefits, in spite of the mode of acquisition. Even then people were denied ‘patta’ on the argument that court case was going on. The last two categories of evictees were affected by the Government denial of rehabilitation plots. The District Collector cancelled the land allotment of 4.5 cent land to a SC family in Eloor and 5.5 cent land to another family in Cheranallur on account of the fact that both were ponnumvila cases. The first one was in ponnumvila case

because of property dispute and the second because her family took part in the struggle and the compensation was deposited in the court. Another instance of denial of *patta* was to those families who refused to demolish the remaining portion of their house due to helplessness. The following table shows that in 2010 only 103 out of 183 families affected in the Road project were provided with rehabilitation plots. Altogether 326 families were affected in the rail and road projects, out of which plots were allotted only to 234 families in 2010.

**Table 4.10**

**Details of rehabilitation of Road and Rail evictees in Vallarpadam**

<table>
<thead>
<tr>
<th>Villages</th>
<th>Rehabilitation site</th>
<th>RAIL</th>
<th>NHAI</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cheranallur</td>
<td>Vaduthala (5.23 acre)</td>
<td>59</td>
<td>29</td>
<td>88</td>
</tr>
<tr>
<td>Cheranallur</td>
<td>Thailavukulam</td>
<td>0</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Kadamakkudy</td>
<td>Moolampilly</td>
<td>0</td>
<td>13</td>
<td>13</td>
</tr>
<tr>
<td>Kadamakkudy</td>
<td>Kothad</td>
<td>0</td>
<td>12</td>
<td>12</td>
</tr>
<tr>
<td>Vazhakkala</td>
<td>Thuthiyur</td>
<td>56</td>
<td>-</td>
<td>56</td>
</tr>
<tr>
<td>Vazhakkala</td>
<td>Thuthiyur</td>
<td>2</td>
<td>38</td>
<td>40</td>
</tr>
<tr>
<td>Mulavukad</td>
<td>Mulavukad</td>
<td>14</td>
<td>-</td>
<td>14</td>
</tr>
<tr>
<td>Kadamakkudy</td>
<td>Near Kothad bridge</td>
<td>0</td>
<td>5</td>
<td>5</td>
</tr>
</tbody>
</table>

Source: Rehabilitation File, ICTT, Ernakulam Collectorate (July 2010)

The table below shows the number of families who could construct or buy a house and those who are still living on rent/lease/shed across the villages/regions. There is no official data and the table has been constructed from the information available through people’s narratives. The number of evictees of only three villages – Kadamakkudy, Cheranallur and Eloor is mentioned here.
Table 4.11

Nature of resettlement among the evictees in the road project as of 2010

<table>
<thead>
<tr>
<th>Village/Region</th>
<th>Evictees</th>
<th>Constructed house/ Bought house</th>
<th>Living on rent/lease/sheds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moolampilly</td>
<td>22</td>
<td>3</td>
<td>20</td>
</tr>
<tr>
<td>Kothad</td>
<td>27</td>
<td>7</td>
<td>20</td>
</tr>
<tr>
<td>Cheranallur</td>
<td>68</td>
<td>20</td>
<td>48</td>
</tr>
<tr>
<td>Eloor</td>
<td>46</td>
<td>5</td>
<td>41</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>163</strong></td>
<td><strong>35</strong></td>
<td><strong>129</strong></td>
</tr>
</tbody>
</table>

Source: Information based on interviews with the evictees

Most of the families are still living in rented or leased houses even in 2011, as can be seen from the table. Those families who were financially vulnerable and had only land in the range of 1.5-3.5 cents were the most affected, since the compensation received was either low or was delayed to allow investment in another land and house. Also in certain cases there would be 2-3 nuclear families within the family who had to be given the share of the compensation. Then the compensation amount was also spent to meet the requirements of marriage, medical treatment etc in certain cases. Financial constraints coupled with the multiple issues related to rehabilitation plots added to the woes of resettlement and rehabilitation across the villages.

The new package in 2011

The new package was formulated after the Coordination committee held discussions with the new UDF Government that came to power in the state in 2011. Though the package was announced in 2008, even by 2011 the basic amenities like road, water and electricity were not provided in the rehabilitation plots. The Coordination Committee saw the new package formulated as an extension of the old package. Since the package notified by the left Government was not implemented, the new package was intended to solve its shortcomings.
The new package came rectifying the anomalies of the old package. The main content in it is the basic facilities - electricity, water supply, road, drainage. Till this is completed the Government is responsible to provide rent to the evictees. It is a new commitment plus additional six months rent for house construction. So the responsibility for providing basic facilities is with the Government. A financial commitment is there (Francis Kalathunkal, Coordination Committee Convenor and SUCI (C) Local Secretary. Interview, 14th September 2010)

As per the new package the Government was supposed to provide rent to 326 families, from the time of Moolampilly eviction. Initially rent for 13 months was given by the Government, so the rent for the remaining months was to be provided. This should continue till the provision of amenities are completed and from then on a 6 month rent during house construction also need to be provided as per the new package. Another commitment in the new package was to provide Rs 75000/- to each family for the piling work in the rehabilitation plots.

The Coordination Committee defined the new package as a milestone achievement. While measures for provision of basic amenities and financial support for the evictees was appreciable, the Government cannot deny its role in causing additional expenditure to the exchequer because of the delay in implementation of the promised package. Even if it is argued that the previous left Government had delayed the procedures, the Congress and its allies who were in opposition at that time also did not take any stand towards pressurising the Government for implementing the old package. The new package can only be seen as a face saving measure of the UDF Government for political gains since they cannot deny the requests of the people, considering the sensational nature of the protests ensuing Moolampilly eviction in the region.

**Proposed alternative options**

The different stakeholders suggested different solutions for the issues faced during providing compensation and rehabilitation during land acquisition. One idea that was widely expressed was to acquire additional land when the acquisition takes place for the project. Then this land could be made use of for rehabilitating those who are losing their settlement. Criticism was raised against the money spent for reclaiming wetlands and waterbodies for provision of rehabilitation by the District Administration. The suggestion here was that if this
money had been given as compensation in the initial stage itself the people would have supported the project. Another suggestion was that the money spent for reclamation could have been used for acquiring lands from the local land owners and providing them to the evictees during the acquisition process. A struggle leader from Eloor suggested that FACT could have provided 2 acres for rehabilitation for the evictees in Eloor, since a good extent of Government lands leased out to them were lying vacant and unused. Another suggestion that came up was to provide individual flats instead of rehabilitation plots to each evictee. Some of the alternative options given by different people are not without its inherent politics.

While the solutions seem to be practical, and were raised to avoid the difficulties caused to the people in matters of rehabilitation, they do not seem to question the approach of the state towards these issues. Criticism was raised against reclamation of wetlands and water bodies, but it stopped short of questioning the rupture in environmental ethics and laws of the state. Here the criticism was confined to the delay in the provision of rehabilitation benefits to the people affected due to the reclamation work. One of the struggle leaders himself had suggested, the acquisition of wetlands/paddy fields to provide rehabilitation of the evictees. Even the suggestion for flats, citing constraints of land, was not mentioned with the objective of conservation of the wetland areas, but to ensure maximum profiteering through the use of the remaining land in the rehabilitation plot for real estate ventures. It is a contradiction that such suggestions are raised by the same leaders who also played a major role in filing cases citing CRZ violations against the Project in the High Court.
Section 4: Environment and Food security

The present section focuses on the environmental destruction and biodiversity loss in an agro-ecological zone as a result of state acquisition and conversion of predominantly productive wetland habitats in seven villages towards the Road Connectivity Project. The local narratives of the resultant environmental loss gain significance since they are otherwise subdued by the global narrative of huge investments and economic growth that ICTTT, India’s first global hub terminal inaugurated in 2011, is about to bring in the development map of Kerala. The local narratives of loss detail the nature and characteristics of the land use changes and environmental destruction in the wetland ecosystems. The livelihood of farmers, fisher folk and the locals in all these regions stands affected as a result of these environmental changes to varying extents. In addition to the state acquired land for the project purpose there had been large scale accumulation and conversion of wetlands in the region by the real estate groups and industrial bigwigs at nominal prices from the farmers and locals before and after the project work started. All these have resulted in a telling change in the characteristics of the agro-ecological zone from 2004 – till date which is massive in proportion in comparison to the similar changes that have occurred in the region over the decades.

Pre-project phase

Environment Impact Assessment Report

The Environment Impact Assessment (EIA) for the project was held in 2001 by a Delhi based Consultant Group named Intercontinental Technocrats Ltd, who incidentally also acted as the Consultant for the project. The contradiction was obvious here, since the same agency who prepared the project report was also the one who did the environment assessment for the project. Further the agency with its North Indian roots was alien to the social, cultural and ecological reality of the locales.
The EIA report defined the project through Delphi process as falling in the category of ‘Major Impact mostly irreversible site selection is to be considered’ (EIA Report: 4.2). The report stated that the principal impact of the project will be due to the reduction of the shallow water areas (1.5 m to 3 m) which are demarcated as filtration ponds or mud banks (pokkali polders) according to the Coastal Zone Management Plan of Kerala. The report said the alignment will pass through 5 fishing ponds (2 small and 3 large as mentioned in the EIA report) situated within the backwaters of Bolghatty island. The ecologically sensitive pokkali lands with livelihood and food security elements were labeled as ‘artificial fish ponds’ reducing the gravity of the case in both quantitative and qualitative terms. That they are traditional pokkali fields with alternate fish and paddy cultivation had no mention in the report. The loss of indigenous livelihood systems through the project in the region was thus understated in the EIA report.

About 6 km length of road was designed to pass through backwaters as per the alignment. The EIA report had anticipated that the land reclamation and road construction will result in degradation of water quality, will affect aquatic life and will cause reduction in coastal area at Bolghatty Island from kilometer (km) 9.450 to km 15.300 which is a stretch of 5.85 km of backwaters. As per the Coastal Management plan of Kerala, this stretch falls partially in CRZ-III and partially in CRZ-I. The report also said that the alignment will pass through temporary waterlogged areas at 7 places and through paddy fields at 3 places. The extent of the area affected or the number of people affected were not mentioned. The report was confined to defining these lands as having a ‘distinct

---

133 Delphi is the process of defining the opinions of a group of people, who are representatives of various disciplines background and or different points of view. Delphi process is synthesis of professional judgments and interactive way of determining the impact of the project corridor (EIA Report 2002: 4.2)

134 In the impact assessment using Matrix method the project gets a score of 3885 which makes it fall in this category. Only if the score goes above 4000 the project will fall in the category ‘Permanent irreversible impact, look for alternate project’ (EIA 2002: 4.2). The nominal difference between the values should be noted here. Also should be noted the reduction of environment values that result when they are quantified. Later after suggesting the mitigative measures the matrix value was given as 335 with the intention to mean that the project will have no considerable impact once the mitigation measures are implemented.

135 The mud banks have abundant fish wealth, are breeding sites for the fishes, crabs etc.

136 The chainage of this portion was marked from 10.600 to 11.660 km and from 12.400 to 12.600 km in the alignment (EIA Report 2002)
and diverse ecosystem of its own’. In spite of the understanding no preventive measures or mitigative measures were taken to address the destruction of the wetland ecosystem.

Rather than focusing on the reclamation of wetland regions and their impact on the ecological framework of the region the report centred around the existing water, air and noise quality aspects \(^{137}\) of the project. The Environment Management Plan \(^{138}\) detailed the mitigation measures \(^{139}\) to be followed in the design phase, construction phase and the operation phase to address surface water pollution, water and land pollution, ground water pollution, air pollution and loss of vegetation. The focus was on water, air, sound quality considering them as the only environment parameters. The use of refined technologies for dredging, introduction of drainage facilities etc was advocated but the recommendations remained in paper without implementation. No concrete plans were envisaged to prevent or reduce the ecologically sensitive areas getting reclaimed as part of the project. Whatever positive suggestions \(^{140}\) that came up to sustain the wetland resources were not followed or were violated in many occasions. The gap between the critical issues identified, the mitigation measures

---

\(^{137}\) The report identified high fluctuation in water quality of the area, reporting it to be highly polluted at Bolgatty south and at Periyar river near Ammonia Plant. It said that turbidity would be a major impact of the project resulting in rise of the Biological Oxygen demand and obstruction of sunlight. Also in the operational phase the increase in oil level may lead to death of aquatic species. The water quality will be affected by the chronic pollution of the surface runoff from exhaust emissions, pavement and tyre wear, petroleum product drainage and corrosion of metals. Air quality and noise quality level of the area was reported as within permissible limit of CPCB except in Kalamassery.

\(^{138}\) In the Environment Management Plan (EMP) an Environment Management System consisting of representatives of various official bodies was designed for monitoring of the implementation of the project. An Environment Management Unit was envisaged to supervise the dredging and reclamation operation, felling of trees, organizing training for its members, environment assessment, internal coordination, monitoring of air, water and noise quality in the region etc.

\(^{139}\) Dust suppression, aesthetics and landscaping, erosion control along high embankments, effluent discharge and fly ash management were the major plans proposed for maintaining the water and air quality of the region during the construction work. Control measures for ensuring water quality and monitored sewage and waste disposal during land reclamation and construction were also envisaged. Controlled dredging was suggested. Compensatory afforestation, planting of flowering shrubs at the median was planned since about 4652 trees were also being affected due to the proposed alignment. Monitoring of air, water, noise and soil quality was envisaged for the operational phase. The approximate cost of the environment protection measures was set as 17.51 million.

\(^{140}\) a) Water flow not to be disturbed by the disposal of debris/effluent b) Excavated material to be transported and dumped away from water bodies c) Hot mix plant to be located away from human settlements and sensitive/critical habitat
envisaged in the Environment Impact assessment report and what was really implemented is explicit.

Public consultations

The report claimed that public consultations were held with state and local officials, Non Governmental Organisations (NGOs), community people, Panchayat members etc in 2001. The consultants claimed to have held interviews with 35 individuals in the project area to gather public opinion about the project. The report said the questions asked in the primary survey were about water quality, noise quality and air quality of the area, presence of archeological sites, incidence of natural disasters, presence of rare species of animals and plants and existence of cultural sites. The questions were general in nature and cannot be called in specific to the project. A statement in the report itself points out this fact.

*The views of people on existing scenario reveals that majority of people were comfortable with existing noise and air quality. But more than half of the people consulted were of the opinion that water quality in their areas was disturbing and irritating (EIA report 2002: 5.1)*

The report also claimed to have held community consultations in three different locations – Kalamassery, Moolampilly and Bolgatti. The general concerns of the people were on compensation and alignment of the road. People demanded compensation to be given in advance and change in alignment to reduce acquisition of land. The report claimed that a request came from the people in Mulavukad to reclaim more land from backwaters so that no private structures would be affected. As per the report 23 officials of different Government institutions were consulted on environmental issues of the project. Following decisions were taken based on this consultation.

---

141 The meeting in Kalamassery was attended by 24 people including members of the local Merchant Association. In Moolampilly around 65 people was said to have attended including the Panchayat representatives. In Bolgatti, 19 Panchayat representatives and 24 villagers attended the meet.
142 KSPCB, Divisional Forest Office, District Soil Conservator Office, District Hydrology division, National Hydrology project, Cochin Port Trust, Mining and Geology Department, Kerala Water Authority, Envirochem Laboratories Pvt Ltd, SGS India Ltd, Sterling Farm, College of Fisheries KAU, FACT, GCDA, CMFRI, Cochin Corporation
- Stringent control over dredging and reclamation operation
- Alignment to pass through backwaters as far as possible to minimise acquisition of land area
- Fishing ponds should be protected as far as possible

The second decision can be considered an anomaly to be seen in an environment impact report. An assessment which was intended to reduce environmental impact itself suggested the reclamation of water bodies without considering the ecological consequences. The recommendations and suggestions to improve the quality of environment were not in par with the real ecological issues that may result from altering the terrain of a wetland ecosystem. The recommendations confined itself to the air, sound and water pollution aspects in the region once the project got implemented. At times the suggestions were abstract for e.g. mentioning ‘Pollution causing activities should be controlled’ without specifying the measures to be taken for the same. Also the suggestions given were mainly directed at treating the pollution caused by the existing factors like factories and industries. At times the recommendations for improving the quality of environment even went to the verge of being nonsensical when suggestions like provision of smooth traffic flow, periodic maintenance of roads etc were given to improve the quality of the environment. The suggestions/recommendations given were for the improvement of the environment quality in general and failed to capture the consequences of a massive project disrupting an agro-ecological zone.

Public Hearing

The public hearing in which about 116 people attended was held at the Conference Hall in the Collectorate on 23rd July 2005, four years after EIA was done. The notice regarding project and public hearing was published in local dailies, one month back on 18th June 2005. The authorities claimed that the EIA report and the executive summary of the project were made available for perusal at District Collectorate, District Industries Centre, affected Grama

---

143 Few examples of such suggestions were a) Constructing waste water treatment plant at the factories b) Factory waster/effluent quality should be within permissible limit before discharging it into water bodies c) Shifting industries from the area d) By increasing the height of the Chimneys air pollution can be controlled
Panchayats, Science Technology and Environment department, Regional Office, KSPCB and Head Office, KSPCB. According to an evictee the main participants were the Panchayat representatives and party leaders than the affected locals. The Public Hearing which started at 11 AM winded up in two hours. The people present in the meeting were generally unaware of the nature of the project to be implemented.

How an impact can be studied without knowing what kind of project is coming. You don’t know the exact road alignment - where the bridge is coming, where the filling is done, where the paddy field is reclaimed, how many are evicted no one knows. The assessment is being discussed with an ignorant group. Public hearing is held to understand the issue. If I don't know the subject then how can I formulate my opinion and express it properly? (Kunju Mohammed, Evictee and Struggle Committee leader, Cheranallur. Interview, 26th January 2010)

Most of the people in the locality came to know that an impact assessment was held in the region only when a copy of the EIA report came to the GP office before public hearing. Mostly the affected people did not come to know about the Public Hearing also, though the officials claimed that notices regarding public consultation were pasted in the concerned village offices. An evictee and struggle leader from Eloor said he never heard of any public consultation that happened in the area. He also said the people were not aware of the public hearing meeting that happened in the Collectorate. The Struggle committee in Cheranallur was not formed when Public Hearing was conducted in 2005 and none of the affected people had participated in it. The demands for alternative alignments suggested by the people for protecting the wetland regions or the demand for rehabilitation for eviction raised during the meeting were not considered in the meeting. In spite of the people’s demand for rehabilitation and the fact that R&R plan was included in the EIA report, the authorities announced that there would be no rehabilitation package in the project. The major highlights of the discussion (14 people were said to express their views) are given below, along with the solutions that came up and also the follow up done.

---

144 Thrikkakkara, Kadungalloor, Eloor, Varapuzha, Mulavukad, Kadamakkudy, Cheranallur, Kalamassery
145 Minutes of the Public Hearing meeting for ICTT Road Connectivity held at the Collectorate on 23rd July 2005 from 11AM to 1 PM says 116 people attended the meeting
146 Proceedings of Environmental Public Hearing for Development of Vallarpadam – Kalamassery Road Connectivity to Cochin Port, NHAI, Ernakulam
Table 4.12

Suggestions/complaints during Public Hearing and the solutions/recommendations

<table>
<thead>
<tr>
<th>Major Suggestions/Complaints</th>
<th>Solutions/Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>If the alignment of the proposed road is changed substantially, fresh notification and fresh public hearing is required</td>
<td>If the alignment of the road based on which the EIA was made is subjected to major alteration, public hearing or at least consultation with the people concerned should be done. Though alignment was changed substantially later on no consultation was done with the people.</td>
</tr>
<tr>
<td>Community consultations should have been held at Cheranallur, which is going to be the worst affected area</td>
<td>No response</td>
</tr>
<tr>
<td>The bridge for the road will divide ecosystem of the Kayal into two; bridge may be constructed on pillars without acquiring kayal land; The biodiversity/ecosystem of the area should be protected</td>
<td>No response</td>
</tr>
<tr>
<td>Due to the construction of bridge/bund, the industrial wastes will stagnate there and in the rainy season the bund will cause flood.</td>
<td>Aqueducts or cross drainage facility should be provided at appropriate stations to prevent wastewater stagnation and floods. No follow-up</td>
</tr>
<tr>
<td>The marine fish wealth would be affected and the fishermen will lose their employment</td>
<td>No response</td>
</tr>
</tbody>
</table>

Source: ICTT Road Connectivity File, Pollution Control Board, Ernakulam

A public hearing panel\textsuperscript{147} had been previously constituted for hearing the public on environment aspects. After the hearing the panel decided to recommend to MoEF to issue environment clearance for the project. The EIA report and the Public Hearing only served to meet the procedural requirements.

\textsuperscript{147} Panel members present – Member secretary KSPCB chairman, ADM District Collectorate, Principal Scientific Officer - Science, Technology & Environment department, Superintending Engineer (National Highway) PWD, President Mulavukad GP, President Kadambady GP, President Cheranallur GP, Mathew Pinheiro Vallarpadam; Panel members absent – President Eloor GP, Chairman Kalamassery Municipality, Standing committee chairperson Kalamassery Municipality; SEE of head and regional KSPCB, EE, Environmental scientist, Assistant engineer KSPCB were present.
for obtaining an Environment Clearance for the project and failed to address the concerns on ecosystem degradation and biodiversity loss raised during the meeting. The environment clearance from MoEF came in November 2006 that is long after the 6(1) and 4(1) notifications got published.

**Manifestation of multiple forms of environmental change in the region due to the project**

The total area acquired (45.38 Hectares or 112.14 acres) for the ICTT Road connectivity project was negligible when compared with other industrial or infrastructure development projects. The extent of wetlands\(^\text{148}\) part of acquisition amounted to 19.6362 Ha or 48.52 acres. But the conversion of even a portion of the wetlands resulted in cumulative conversions and the subsequent loss of the entire polders or paddy fields across the villages through which the road passed. This was especially due to the ribbon form of the road project which went forward cutting across various polders and paddy fields in these villages. Further in Mulavukad village, for six kilometers the road passed through backwaters. Towards this, backwaters at a length of nearly 6 kilometers and 60 meter width (amounting to more than 100 acres) was dredged and reclaimed. As per the Coastal Management plan of Kerala, the present stretch fell partially in CRZ-III and partially in CRZ-I, which according to the existing provisions should not be reclaimed at all. In addition to this, near Bolgatty region where the road ends, backwaters was reclaimed massively which was not shown in any Government records. The google maps of the road cutting through the pokkali polders and backwaters reclaiming them are attached as **Annexure 5**. The local narratives on loss of *pokkali* polders, paddy fields and water resources explain the environmental destruction caused by various external interventions by different stakeholders. Photographs of wetland reclamation are attached as **Annexure 6**. The following table details the external interventions, the stakeholders involved and the nature of resistance or lack of resistance during the process.

\(^\text{148}\) Source NHAI file: Land Acquisition Report in the Collectorate, Ernakulam - ‘The alignment of New Connectivity to Cochin Port traverses through built up commercial areas of Kalamassery, existing road, gypsum dumping yard, Cheranallur, Kothad, Moolampilly and Bolgatty islands... The terrain is interlaced with backwater channels, marshy lands, waterlogged areas, fish farms and shallow portions of Arabian sea’.
### Table 4.13

External interventions in the environment with regard to the Road Connectivity

<table>
<thead>
<tr>
<th>No.</th>
<th>External interventions</th>
<th>Primary Stakeholders</th>
<th>Nature of Resistance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Acquisition and conversion of wetlands for the Road project</td>
<td>Government</td>
<td>• No resistance against wetland acquisition in general&lt;br&gt;• Struggles mainly for resettlement and rehabilitation&lt;br&gt;• Initial protests in Mulavukad and Cheranallur repressed by the Administrative and Judiciary</td>
</tr>
<tr>
<td>2</td>
<td>Cumulative conversions</td>
<td>Government, Road Construction company</td>
<td>• No resistance</td>
</tr>
<tr>
<td>3</td>
<td>Dumping of construction waste resulting in filling up of the land,</td>
<td>Government, Construction company, Land owners</td>
<td>• Protest by local environmental activists&lt;br&gt;• Court cases, rulings mostly favourable to the Government</td>
</tr>
<tr>
<td>4</td>
<td>Real estate development</td>
<td>Land Mafia, locals, land owners</td>
<td>• No resistance</td>
</tr>
<tr>
<td>5</td>
<td>Reclamation of wetland areas for rehabilitation</td>
<td>Government, evictees</td>
<td>• Full cooperation and no resistance</td>
</tr>
<tr>
<td>6</td>
<td>Indiscriminate functioning of Crusher and Quarry</td>
<td>SOMA Construction Company, Government</td>
<td>• Protest by locals&lt;br&gt;• Court cases, rulings mostly favourable to the project</td>
</tr>
</tbody>
</table>

Source: Table constructed from field data

**Unscientific acquisition and cumulative conversion of wetlands**

From the time of project notification in 2005, the protests that erupted against the project solely aimed at the rehabilitation of the project evictees. The deterioration of the agriculture sector in the region was also a reason contributing to the general silence against acquisition of wetland regions. Keeping apart the acquisition of wetland area for project purpose, cumulative conversions have occurred during the construction phase of the project. This happened because in many cases the road passed diagonally across a polder or through its centre resulting in the destruction of the entire polder area. The result
was that even if only a small percentage of the polder was directly affected by the project, it indirectly affected the functioning of the entire polder systems. In Kothad island in Kadamakkudy village the road passed through the centre of a 5 acre kettu making both sides useless for paddy or shrimp cultivation and the polder stopped functioning soon after. Before acquisition there were 4 such pokkali polders in Kothad where alternate cultivation used to happen. After the road came passing through the polders, two polders went into disuse.

In Kothad and Moolampilly there are hundred plus acres of pokkali polders. Around 100 acres has been reclaimed because it went through the centre of the polders. So when the road passed through it either side became useless. In Cheranallur around 50 acre was filled for the project. Then the unfilled area also becomes useless. If 9 acre is reclaimed from an 18 acre polder then it stops functioning as a polder. When it gets reclaimed it becomes impossible to do cultivation in other places (Kunju Mohammed, Evictee and Struggle Committee leader, Cheranallur. Interview, 26th January 2010)

Incidences of water logging, saline water intrusion etc due to the unscientific construction of road in a wetland region were also narrated by the people.

This ICTT road has divided pokkali polders in Moolampilly into two. On both sides most of the land is pokkali polder. There are some regions of about 10 acre or maybe more than that which is water logged even now. Earlier this was a land where there was ebb and flow. Now during low tide water won’t flow away. So a good quantity of water logging is there. If it is monsoon then there will be good water. If it is not rainy season then salt water will enter and get logged there. Then the coconut trees will start decaying. The land won’t be strong then. The foundation of the houses may get weakened. They have constructed drainage. But it doesn’t have the depth to drain the entire water away (Justin, Farmer Evictee and Struggle Committee Leader, Moolampilly. Interview, 27th October 2010)

Another issue was the reclamation of the canals in the area resulting in water logging as well. The long term impacts of these external interventions are yet to come. Another impact of road construction was the reclamation of backwaters at a 6 kilometre stretch (60 metres width) causing not only a large scale reduction (more than 100 acres) in coastal area, but also affecting the livelihood prospects of the fisher folk (around 300 families) living in Mulavukad village. The destruction of water bodies in the name of port development was

---

149 Pokkali cultivating polder which is now mainly used for prawn cultivation
150 Source NHAI file: Land Acquisition Report in the Collectorate, Ernakulam - ‘To combat the effects of LA on the economic status of the locals, the alignment at stretches has been proposed to pass through the backwater by way of backwaters reclamation with the result that area to be acquired has been reduced considerably along with the corresponding reduction of cost of land acquisition’.  

198
also expected to affect the prospects of the functioning of the Port itself in long term. Large scale dredging for reclamation of the massive waterbody and the consequent silt accumulation in the region had severely affected the fishing practices in the region. During an interaction with the fisherfolk in Mulavukad, the people narrated how the road created a divide between their homesteads and the backwaters making it difficult for them to anchor their boats on return from fishing. Also due to siltation from the reclaimed land it turned difficult for them to take the boats to the shore. Now they keep their boats tied near the ICTT rail bridge and to reach there they had to wade through the mushy waters accumulated with silt. This had created health problems for many of them like itching and allergies.

Protests were launched by the locals of Cheranallur and fisherfolk from Mulavukad against the acquisition of paddy fields and backwaters but were suppressed in the initial stage itself through development propaganda and legal manipulations. A petition was filed by few of the Cheranallur locals against the conversion of wetlands citing CRZ norms for which the High Court gave a stay order against the project. But the Government extended the regulatory power of CPT till Cheranallur which meant that any activity undertaken by CPT within this region will be considered as port activity. Any form of port activity was legally exempted from the CRZ norms. Following this the stay order was vacated by the Court.

Wetland reclamation due to siltation and construction waste dumping

In addition to the loss of polders due to unscientific and unplanned implementation of the project, the wetland regions were also lost due to the

---

151 ‘There are many environmental issues - CRZ violation, dredging of backwaters, soil from hills in the eastern part of the district, thousands of loads of soil dumped into the backwaters reducing the area..Then the backwater had been reclaimed in other places not just for road..They have reclaimed 50 acres, marine area. They said it is for the development of the port. But for a port to develop a good water body is required. If that is destroyed than there is no port. For berthing the ships the water body is required...Also they are planning to deepen the water body and then the land area will collapse...So CPT is commercially dredging and reclaiming the land. It is a worse impact that is created. So with these developmental activities water body is declining and the port activity is being affected. When the road is made and other developmental activities are done the roots of port activity itself is affected’ (Kunju Mohammed, Evictee and Struggle Committee leader, Cheranallur. Interview, 26th January 2010)

152 Details based on an interview held with Cheranallur Struggle Committee members
surface run-off and siltation and dumping of the construction waste of the road during the construction phase. Many wetlands regions got destroyed in this manner in Mulavukad, Moolampilly, Kothad, Cheranallur regions. There is no exact data on the lands which got destroyed in this manner. This had happened due to the apathy of the concerned authorities as well as the construction agency. Even those who wanted to continue with agriculture practices in the remaining area were helpless since restarting cultivation required large investments for removing the waste which was unaffordable for an ordinary farmer. One farmer in Moolampilly had lost 68 cent pokkali land for the project out of a 3 acre polder. Till 2007, when the project was announced, he used to do rotation crops of paddy and prawn. The rest of the land belonged to his brothers. But after the 68 cents of land was taken the remaining land was lying idle with vegetation. One reason for the loss of cultivation was the flow of silt and dumping of the construction waste into the polder region.

No cultivation is happening in that area, neither prawn nor pokkali rice. It is all lying fallow. The waste is falling in it and the polders are getting reclaimed. You can also see waste dumping in the western part of my area. When the bridge was constructed they had demolished some things and big circular concrete waste was dumped in my polder area. How can we now remove it from that place? They are doing a lot of destruction. Lakhs of rupees have to be invested to make it cultivable again as before by removing the waste. It is all destroyed (Justin, Farmer Evictee and Struggle Committee Leader, Moolampilly. Interview, 27th October 2010)

With the destruction of these pokkali polders, the practice of pokkali rice cultivation, shrimp cultivation as well as the fishing in these polders which served local food security needs was permanently lost to a good extent. The Construction Company SOMA had dumped the construction waste in many polders in Moolampilly, Kothad and Cheranallur. One local from Moolampilly said the company had dumped broken concrete beams, piling waste, remaining concrete mix etc in the backwaters as well. Also cases were reported where the farmers were silently supporting the siltation and waste dumping with the intention of filling up of the land since the polder functions were already lost due to the unplanned construction of the road. Further with the road, the land value

153 The farmer’s or the land owners’ perspective on the loss of paddy fields/pokkali lands is detailed in a later part of this section
of the regions had increased and people expected to get good value for the filled up land.

The Construction Company had dredged from the river. That silt is flowing down to the field. That is why the polders got reclaimed. People want it to get reclaimed. Then the land price will increase. So no one created any issue. People want to put more soil and get it reclaimed. No one desired that it should remain as a field (Roy, Evictee, Moolampilly. Interview, 1st November 2010)

Some people gave permission\(^{154}\) to dump waste into their lands possibly with the intention of their wetland regions getting reclaimed freely. This was in response to the Collector’s directive\(^{155}\) that permission of the neighbours should be taken before waste dumping in any wetland regions. One woman even negotiated\(^{156}\) with the Collectorate by telling that she will allow the dumping of waste by SOMA into her plot if she gets permission for house construction in her 4.90 cent land. The CPM Local Secretary in Cheranallur had suggested\(^{157}\) 5 acres of land in different parts of Cheranallur for waste dumping. The Tahasildar Kanayannur had suggested\(^{158}\) two areas to the extent of 1.22 acre in Cheranallur for waste dumping purposes. The gravity of the waste dumping issue is obvious from the above cases.

The various political parties, the local Self Government or the Agriculture office kept silent when such destruction was happening in the area. The argument of the people was that they were in connivance with the land mafia for such activities. The Pollution Control Board (PCB) refrained from taking any action even if complaints were given against the open environment violations that happened in connection with the Project work.

We have called PCB many times. The construction company did metal piling for road in the polder areas. Then the silt flowed down to the river. Dumping of the piling waste into the river should not be done after all this environment clearance. When we called PCB and complained they said this is Government project and if they give show-cause notice to the company then there will be pressure on them. They argue like that. No one will take a strong decision here. Everyone will look for

\(^{154}\) Letter from K K Supran Edayakkunnam to DC dated 8th May 2009; Letter from TS Sunil Vaduthala to DC; Letter from PC Joseph Pachalam to DC dated 8th May 2009; Letter 42650/09 dated 25th July 2009 from M K Stanley Cheranallur to DC

\(^{155}\) Letter No. C69857/08 (2) dated 29th April 2009 from DC to PD NHAI

\(^{156}\) Letter No.49699/09 dated 13th August 2009 from Mary Mathew Cheranallur to DC

\(^{157}\) Letter from CPM Local Secretary to DC dated 5th January 2010

\(^{158}\) Letter No.A4-431/10 dated 6th January 2010 from Tahasildar Kanayannoor to DC
their security (Sumesh, Evictee and Struggle Committee leader, Cheranallur. Interview, 7th October 2010)

The waste generated during the road construction was also huge. A letter from the Construction Company to the District Collector during the construction phase confirmed this.

Of the 17,200 km project about 7 km consist of several major and minor bridges and culverts. We have to do piling works for about 2500 piles for bridges, culverts and other such related works in addition to about 200 pile caps. Each of this pile displaces approximately 8 truck loads (nearly 65 cubic metres) and per pile cap approximately 9 truck loads (nearly 75 cubic metres) of pile muck, waste soil and earth. Total waste averages to nearly 22,000 truck loads. By contract it is in our scope of work to find area to dispose waste materials of the work site…alignment is fully surrounded by wetland and backwaters for several kilometers…We are almost at a halt as the pile muck and excavated waste earth of pile caps are heaped up at the work area.

The Construction Company in the same letter had requested the Collector to grant permission to dump waste materials from the work site in a wetland region in Cheranallur village which according to them had been granted permission for conversion in 1996 itself under the clause 6(2) of Kerala Land Utilisation order 1967. The permission was granted by the District Collector but due to strong protest from the locals the plan had to be dropped. But waste dumping and wetland reclamation happened in other regions in Cheranalloor with the consent of the district administration. There was the case of a Panchayat canal called Chakyath, which SOMA tried to reclaim in 2009. The area of the canal was around 10 acre, with 8 metre width and 2 kilometre length. There existed a private property behind the canal and this canal came in between the property and National Highway and so if it got reclaimed the land will get direct access to the NH. This property was given on lease to SOMA by its owner for establishing

---

159 Letter No. SUNCON-SOMA JV/HR/08 dated 9th December 2008 from SUNCON-SOMA JV to District Collector
160 The Order mandating that agricultural lands should be used for agriculture purpose only, with conditional exceptions
161 The property was written off as dryland though there used to be pokkali cultivation before. Though now planted with coconut, the land maintained the features of a wetland with a network of canals across the area. In the resurvey sketch Chakyath canal was not recorded. As per the land documents the canal was marked as private. Also it was missing in the resurvey documents. The activists who opposed the reclamation gave an application to the Collector citing the details and asking for a sub division of the land to be done to assess the status of the canal. One surveyor came for survey and said that since the canal was not there in the resurvey sketch he is unable to do anything. Then the activists submitted a petition to Revenue Divisional Officer to include the canal in the resurvey, but no response was received.
a concrete mixing plant. SOMA tried to reclaim the canal in the name of the mixing plant, but the activists and the locals opposed the attempt.

Another issue of reclamation was for the base station for SOMA in 2006. Permission was given to SOMA for the labour camp construction in a wetland area in Cheranallur. The Collector gave special permission to reclaim 58 cents of wetland paddy area at ½ feet depth on a temporary basis as per the recommendation of the Revenue Divisional Officer (RDO), Ernakulam. The RDO reported that the 186 cents of land in Survey numbers 464/10, 465/2 in Cheranallur was a wetland area lying forested without cultivation and if reclaimed using the waste materials as per the demand of SOMA the land will get leveled. The Collector gave permission to SOMA to dump the waste materials in this land but the attempt met with local protest. The local activists filed a petition in the case against reclamation of 1.5 acre paddy field in this issue but to no avail. There were also attempts to reclaim other paddy fields in the area in 2008 with open support of the administration and police escort.

In Cheranallur junction SOMA had kept the piling waste on both sides like a hill during the time of road work. Then they had to dispose it. They went with police force as escort. The people opposed when reclamation started. Many people were arrested (Rahman, Farmer, Cheranallur. Interview, 12th October 2010)

In Eloor SOMA had tried to dump the piling waste in wetland regions but the people prevented them from doing it.

SOMA directed the piling waste through the canal to the river. Then there will be piling work in the river. To bring the equipments they would put sand there. Many areas were reclaimed like that. Even after work is over they won’t remove that. Then people will take over and land will be in their hand. Also water flow gets disrupted. Like that a canal had been reclaimed here. To construct a culvert a little area was reclaimed and the width reduced. Now there is waterlogging here. People have to pass through private land during monsoon. We talked with the Collector and they said they will address it but they didn’t do anything (Nelson, Evictee, CPI member and Struggle Committee Leader, Eloor. Interview, 16th October 2010)

---

162 Letter No.C6-9857/08 (1) from DC to Secretary Cheranallur GP
163 Letter No.K652/09 dated 19th February 2009 from RDO to DC
164 Letter No.C6.9857/08 dated 17th June 2009 from Deputy Collector to MD SUNCON SOMA
In cases of reclamation, the activists had given petition to the Collector and had opposed the reclamation directly. Those who opposed received threats from various quarters. Also they were lured with money to stop opposing the reclamation activities. The Company used their power and influence of the project to move forward with the reclamation activities. The permission for reclamation of the wetlands was mostly obtained in the name of the Vallarpadam project from the administration. People were approached by the Construction company officials who promised that they can easily avail the order from the Government for reclaiming the wetland, since otherwise the conversion was prohibited by the Wetland and Paddy land Conservation Act of Kerala. The provision of environment clearance for the project and its sustenance, should be seen in the context of destruction of wetlands and polders in large scale even by the Construction company of the project. Environment clearance here gets confined to merely a procedural requirement.

**Benami transactions of land**

Land transactions in Benami names were rampant in the project area during the pre-project phase and the construction phase of the project. Even before the land acquisition notification was issued many outsiders had purchased land in the sides of the highway extending from Kalamassery to Mulavukad. The locals in the villages shared how lands, especially *pokkali* lands and other wetland areas were bought in large scale by the outsiders even before they came to know about the project. At that time the people could not comprehend why the outsiders would want to buy polder areas in bulk. Later on with the notification of the project they related this bulk purchase to the profit motive behind it.

The polders and other lands were bought by the bigwigs from the city even before the survey. Local people had lost their land. They were given Rs 7000 - 8000/cent for the polder. People didn’t know why these people are buying these lands. Now the polder areas cost Rs 4-5 lakhs (Roy, Evictee, Moolampilly. Interview, 1st November 2010)

---

165 There is no data on the exact area of land (wetland and dryland) under real estate and Binami transactions. The illicit land transactions had started even before the project but with the project it became rampant and continuous. The argument on the land transactions is built up based on the narratives of the evictees, farmers and the locals.
Land on either side of the road had been purchased by the outsiders. Both wetlands and reclaimed lands were bought like this. In Moolampilly many such purchases happened in the initial stages of the acquisition, especially the pokkali lands. Many farmers gave away their land at nominal prices because of ignorance regarding the project. Few evictees claimed that it was to protect these purchased lands that the road went zigzag rather than going straight.

In Moolampilly most of the pokkali lands had been with the outsiders than with the locals for years. With the illicit transactions that happened prior to the notification a good extent of the agricultural land in Moolampilly came to be vested with outsiders with commercial interests in land. One evictee from Moolampilly narrated how his neighbours had sold 25 acres of wetland to a private party when the land acquisition process was happening to meet the expenses of the marriage of his daughter.

Another evictee who was still living in a small hut in the remaining portion of the acquired land said how a big team of about 15 people from Vallarpadam approached him and his neighbour to purchase their plots at the time of eviction. His plot was near the road and they wanted it to get the frontage of the road. He disagreed to give since he did not have any other land to live. The same team bought a 2.5 acre paddy field near to his plot which people claimed was purchased for a total amount of nearly 3.5 crores. This land was bought from a local Gulf returnee who had previously purchased pokkali fields in the region. In Cheranallur and Kothad also paddy fields were bought by outsiders. The locals in Cheranallur claimed the real estate groups spread wrong information regarding the project to make the people sell the land. One rumour was that the road will go elevated without touching the ground and then the value of the land will decrease instead of increasing. In Cheranallur the land transactions at the time of the project was in the range Rs 25000 – Rs 50000 per cent. The price later went up to 4-5 lakhs per cent.

People were not aware of the private firms which bought land though they heard some names like Maruti, Toyota Company, Abad Plaza etc. A local from
Cheranallur told that MGF group had bought land on either side of the road for freight station. Other groups that were mentioned were that of the PSM group and Reliance. Locals from Kothad said many bigwigs from Ernakulam city including Toyota, Biofarma, IUC etc had bought land in Benami names. Another rumour that had come up was that the former Collector and his relatives had bought land in the project area. In many cases they did not even know the real interest groups since most of them were Benami transactions. One local from Kothad detailed how various agents had approached his uncle to sell the kettu but he had declined the offer. His neighbour had sold 1.5 acre kettu area near to the National Highway at the rate of Rs 98000/cent during the period of acquisition. People claimed that those behind the land dealings had played a major role in designing the alignment of the road.

People want the road to go as per their convenience. Many builders bought land in Mulavukad even before the road alignment was published for a minimal price of Rs 500 or so. Then people thought why this land is being bought since there is not even a road. After 1 year the road came suddenly. This is a pre arranged drama. Big builders decide first and then in ministerial level they decide. It is not about the utility of the people or the country. Some influential people decide here a road should come, here not. (Mohammed, Evictee, Farmer and Struggle Committee member, Cheranallur. Interview, 13th October 2010)

The people consider that this large-scale purchase had resulted in the change of alignment in Moolampilly as well leading to the eviction of 22 families and loss of agricultural property.

Even as the land acquisition process by the state was going on many companies and individuals also engaged in speculative land deals, realising the increasing significance of private land near highway and the terminal. Reclamations of wetland areas had occurred in and around the project area of the Container Terminal and the highway. One local detailed how hundreds of country boats used to stealthily reclaim the wetland areas using silt at night near the project area. The issue was also raised through the newspapers at that time and had the silent consent of the local politicians. The stories of reclamation of the wetland areas at night using country boats were narrated by the locals in Moolampilly too. This practice continued rampantly till 2008 when the Wetland

---

166 Shrimp cultivating polder
and Paddyland Conservation Act was passed by the state Government. A demand being made by the land mafia after 2008 was for reclaimed lands to circumvent the legal issues. They used to pay exorbitant prices to the reclaimed land since otherwise the legal formalities make the reclamation process difficult for them. Bits of land remaining from state acquisition of land were being bought by private firms and individuals across the highway. Many evictees shared the experience of how different parties had approached them for land from the initial stages of land acquisition. The strategy of the land dealers in purchasing these bits of land to get the road frontage is detailed below.

Even if we go there now there will be brokers in the region. Every day a group will come for a resort or a hotel. What they do is that they buy the interior lands first. The price of this land is less. Then like that till the front portion to get the frontage of the road. Suppose one group is not giving. Then they give a dream price [mohavila] for land. Once we give away the land we can’t buy land elsewhere. Those in the front portion with bits of land remaining after acquisition like ¼ cent, ½ cent have no other way out than to give away the land (Rajan, Evictee, Cheranallur; Interview, 13th October 2010)

Even if the groups paid 2 lakh for a ½ cent land it was never a loss for them since the land value will increase when they get the NH as frontage. The people who lost land for the project were at the receiving end since they lost the compensation they rightfully deserved for the bits of land. The Government had initially promised to acquire these bits as well but had backed out. Those bits of land were useless for the people since the land was not sufficient for house construction or any other ventures. Most often even if people were not inclined to give away the land they were forced or continuously pestered by the land brokers till they agreed.

The construction company for the road project, SOMA constructions had also bought acres of land including paddy fields especially in Cheranallur near the Highway. Though local struggles had come up in many instances against land filling in places bought by SOMA in Benami names the district administration had stood together with the construction company to remove the hurdles. The permission for reclamation of the lands they had purchased was mostly obtained by SOMA in the name of the Vallarpadam project from the Collectorate.
Showing the papers related to Vallarpadam they get the order for reclamation. 10 acre would be reclaimed but things will happen only in 0.5 acre. So they sell the remaining land and make profit (Omanakkuttan, Former Panchayat member and local environment activist, Cheranallur. Interview, 7th November 2010)

The activist claimed that people were approached by the Construction company officials for land promising that they can easily avail the order from the Collector for reclaiming the land. The arguments were mostly against the former Collector, who according to him had given the larger number of permissions for paddy field reclamation. The support rendered by the officials and even the Judiciary which facilitated the real estate interests of the Construction Company is obvious in the narrative below.

An application was sent to the RDO by SOMA for permission for reclamation of a plot here. A petition was filed in the Court against reclamation. When the application was in the table the RDO went to Court. The Court gave order to RDO to take decision. When the RDO enquired through Village Officer and Tahasildar it was found to be agriculture land but as per resurvey it was dryland and so an order for reclamation was given. The order was not for direct reclamation but was directed as if to maintain the coconut grove. The land owner came with some people and made a fake report that the people in the locale opposed when he came with the vehicle to reclaim. He went to High Court with that and an order was availed to reclaim the land with police protection (Balakrishnan, Local activist, Cheranallur. Interview, 7th November 2010)

The base station of SOMA was situated in a 6.3 acre partly wetland area. The road to this base station was built by reclaiming a paddy field. A case was filed against them by a concerned local group but the court verdict was in support of the company. They also bought land in Cheranallur to start a crusher unit. One farmer from Cheranallur narrated how he was approached by the SOMA Company for the remaining paddy field under his ownership after acquisition. SOMA had bought around 70 cents of land behind the property owned by him from 3 families and wanted his land as frontage. They offered 1 ¾ lakh but he demanded for 2 lakh per cent following which the transaction did not happen. His plot was landlocked by the property of the real estate groups but he refused to give his land. Also agents of SOMA had bought land at least from 8 farmers in the region who had bits of agricultural land remaining after state land acquisition. Attempts made to reclaim the paddy fields using the road construction waste by SOMA were at times unsuccessful because of the local protests in Cheranallur. The local activist group sought protection from the
police and the Court to prevent the reclamation many times. Later on their attempt was to buy reclaimed land. A farmer lost 30 cents of paddy land for the project from the polder named Cherenallur Karappadam. The land was taken at a rate of Rs 9000/cent. He had 90 cent remaining but the cultivation stopped altogether in the region after land acquisition. The SOMA construction company had approached him for the land and he offered to give it if they would give 5 lakh per cent. SOMA offered to give him 10 lakhs per cent if he would reclaim the land before selling it, but the offer was rejected by the farmer.

In Moolampilly, the evictees were being approached by private parties interested in building resorts or people with similar interests. The rehabilitation site had a touristic value since it has backwater frontage. In Thuthiyur also the evictees were approached by many builder groups like NEST for using the land for flat construction. But due to the restriction in land transaction it was not possible for them though some were interested to give away the land. Also there were vacant spaces in the whole rehabilitation plot not yet assigned which makes a bulk selling of land difficult.

A note\footnote{portion of this land is part of notified land. The alignment of the notified land was fixed during July 2005 and the survey work completed and the survey records sent to the survey superintendent in October 2005 itself. The 4(1) notification came during October 2005 in the regional newspapers. This document was registered on 7\textsuperscript{th} November 2005. Since the registration happened after obvious knowledge of the notification this document is not considered for assessing the land price. The registration has been done considering the development in this region in future after the completion of the road and the subsequent increase in land value. The registration has been done by including the land under notification considering the increase in land value when the six line road is built... ’} made by the LA Tahasildar in the Basic Valuation Report\footnote{C17.25766/04/LV – Mulavukad (2) cited in E2-4172/07 Note to Award for Mulavukad village; Basic Valuation Report (BVR) is brought by the LA office, which is the land value report of the land to be acquired} for Mulavukad, based on a sale deed consulted for land valuation, stands proof of the land transactions that have happened in the area in speculation of the development coming up in the region. The protest leaders had initially made an attempt to study the real estate transactions that are happening in the region under Benami names. According to them Benamis of Ministers and Government officials were also purchasing the land in the area. But since it was difficult to collect documentary evidence and was time consuming they dropped the attempt
in between. One leader said since the struggles were ongoing they did not have enough time to concentrate on the issue. When these land dealings were happening there were official enquiries from the Chief Minister’s office and Vigilance according to the locals. The officials had met the locals for enquiries but no follow up occurred since the dealings were done by powerful lobbies and it was difficult even for the Government to intervene. The former District Collector acknowledged that Benami land transactions had occurred in and around the project area which according to him should have been opposed in reality, but was not done. The EIA report had mentioned that stringent control should be exercised on induced development to avoid adverse effects but to no avail.

A major reason for the real estate transactions was the low value attributed to wetlands in monetary terms. In the present mode of development the criterion of valuation of land is its soundness for infrastructure building and not the inherent ecological or productive features of the land. The wetlands need further investment in it (expenses for reclamation, piling etc) for making it suitable for construction which makes it cheap and accessible. Reversely, the cheap valuation of the wetlands fosters the transaction of wetlands in expectation of future land development and profiteering.

Reclamation of wetlands for rehabilitation

Wetlands and paddy fields in and around Ernakulam were reclaimed investing large amounts of money for the purpose of rehabilitation by the district administration. CPT was selected \(^{169}\) as the expert agency for supervising the reclamation and dredging work in connection with the landscaping work at Moolampilly, Kothad and Mulavukad villages. CPT was the expert agency \(^{170}\) for work in Kothad, Moolampilly, Mulavukad areas and DRDA Ernakulam was the expert agency for work in Thuthiyur. The site development of Moolampilly and Kothad were entrusted \(^{171}\) with the CPT since the sites in these places required

\(^{169}\) Letter L1-3857/08 dated 25\(^{th}\) October 2008 from DC to Chairman CPT

\(^{170}\) Letter No.L1-9857/08 dated 25\(^{th}\) October 2008 from DC to Principal Secretary Revenue Department

\(^{171}\) L1-9857/2008 (2) dated 5\(^{th}\) September 2008 from DC to Chairman CPT
dredging for reclamation. The reclamation responsibility of the river *purambokke* (government owned river region) and road connectivity to it in Kothad was given\(^{172}\) to Kadamakkudy *Panchayat* after the examination of the plot by KWA and KSEB towards provision of amenities. The RSP constructions\(^{173}\) was given the responsibility of reclaiming the wetland areas in Kakkanad which were allotted as rehabilitation plots. The rehabilitation expenses were taken by the CPT as per the Government order. Citing the different hurdles like mass protest and judicial interventions for rehabilitation and the deadline set for providing the rehabilitation the authorities decided\(^ {174}\) to go for limited tenders by giving short notice newspaper advertisements. The claim was that the usual tendering process will take months to get completed. The available data\(^ {175}\) showed that reclamation of 27 acres of wetland regions of varied nature for rehabilitation met with an expenditure\(^ {176}\) of 8.37 crores from the state exchequer. Another Government report\(^ {177}\) said 12 crores were spent on 'warfoot' basis for reclamation and land development work for rehabilitation by CPT. In some cases the waterbody which got reclaimed had a depth of around 10-12 feet and required extensive filling which escalated the reclamation costs. There were ten rehabilitation plots which were paddy fields, river, pond or backwater regions. Few cases\(^ {178}\) of reclamation included 11.47 *puzha purambokku* in Vazhakkala village, 2 acre *puzha purambokku*\(^ {179}\) in Cheranallur village, 3 acre *kayal purambokku* in Kadamakkudy village, 50 cent *kayal purambokku* in Mulavukad village and 12.85 cent pond\(^ {180}\) in Cheranallur village. Details\(^ {181}\) of some of the

\(^{172}\) Letter L1-9857/08 dated 3\(^ {rd}\) February 2009, Proceedings of DC
\(^{173}\) Letter No. L1-9857/08 dated 28\(^ {th}\) July 2008 from DC to Ex. Engineer, DRDA, District GP, Ernakulam
\(^{174}\) File No. L1-9857/2008 dated 5\(^ {th}\) September 2008
\(^{175}\) Reference No. C6-9857/2008; Letter from District Collector to Advocate General dated 22\(^ {nd}\) February 2010

\(^{177}\) Land Acquisition Report: Source NHAI File Ernakulam Collectorate – Data collected during May- June 2010
\(^{178}\) Letter No. C6-57033/07 dated 19\(^ {th}\) June 2008 from DC to Secretary Cheranallur GP – Request from the Collector for reclaiming the pond
\(^{179}\) The ‘*puzhapurambok*’ mentioned refer to River wetland and the ‘*kayal purambok*’ refer to Backwater wetland which is demarcated as Government property
\(^{180}\) Letter No. C6-57033/07 dated 19\(^ {th}\) June 2008 from DC to Secretary Cheranallur GP – Request from the Collector for reclaiming the pond
\(^{181}\) File No. L1-9857/08 dated 15\(^ {th}\) September 2008, Proceedings of DC; W0: C2-71615/07 dated 5\(^ {th}\) July 2008 from RSP constructions to DC; File No. L1-9857/08, Proceedings of DC; Letter L1-9857/2008 (2) dated 5\(^ {th}\) September 2008 from DC to Chairman CPT; WO:C2-71616/07 dated 17\(^ {th}\) November 2008 from RSP constructions to DC; Letter No.L1-9857/2008 dated 19\(^ {th}\)
sites with area, nature of the land and expenses incurred are given in the table below.

Table 4.14
Rehabilitation plots, nature of land and expenditure for reclamation

<table>
<thead>
<tr>
<th>Region/Village</th>
<th>Area (in acres)</th>
<th>Nature of land</th>
<th>Expense (Approximate) (in lakhs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vazhakkala</td>
<td>4.662</td>
<td>Paddyfield</td>
<td>112</td>
</tr>
<tr>
<td>Vaduthala</td>
<td>5</td>
<td>Backwater</td>
<td>140</td>
</tr>
<tr>
<td>Cheranallur</td>
<td>4.22</td>
<td>Pond, River</td>
<td>48</td>
</tr>
<tr>
<td>Moolampilly/Kothad</td>
<td>3</td>
<td>Backwater/River</td>
<td>140</td>
</tr>
<tr>
<td>Mulavukad</td>
<td>2.1</td>
<td>Backwater</td>
<td>75</td>
</tr>
</tbody>
</table>

Source: Various Government records, ICTT file, Ernakulam Collectorate

Though reclamation of wetlands was done with the objective of rehabilitating the evictees, it only added to the environmental destruction in the area. One aspect of it was that the evictees were provided with poor quality land with no strong foundation since it was reclaimed from river and backwater areas, while the other aspect was that the wetland resources got destroyed forever. The destruction caused to the water resources in the region was evident from the

---

December 2008, Proceedings of DC; Letter D1.4367/2007/PAU dated 4th August 2009 from Executive Engineer to DC; Letter No.C6-9857/2008 dated 7th August 2009, Proceedings of DC; Source: ICTT Rehabilitation File, Collectorate; Letter No.NH/LA rehab/08-C dated 15th December 2008 from Chief Engineer CPT to DC - RSP constructions reclaimed using red earth the 2.41 acres in Kakkanadu at a cost of Rs 37, 67, 283/- (37 lakh plus). Another case of expense was the 75 lakhs allotted for reclaiming 2.252 acre land in Vazhakkala village. The land development of 498.842 cents with an average depth of 2.082 metre (volume of filling 42029.700 metrecube) in Vaduthala amounted to Rs 14079949.50/-. The reclamation of 4.22 acre land in Cheranallur village was met with a cost of Rs 48,62,593.50/-. Administrative sanction of Rs 2,18,00,000/- was received for reclaiming the 11 acre plot in Thuthiyur in Vazhakkala. The expense of advertisement of the limited tenders for the second plot in Thuthiyur in Vazhakkala published in 5 newspapers on 10th July 2009 amounted to Rs 3,24,683/-. The RSP constructions won the tender for the reclamation of this plot as well. The reclamation expenses in Moolampilly and Kothad comprised of construction of reclamation wall and also for filling by dredging. The reclamation wall in Moolampilly extended to 400 metre and Kothad 370 metre. An approximate expense of 2.4 crores was envisaged for the same. The work was carried out by ABC & Sons in Mulavukad and Kothad. In Mulavukad the reclamation work was taken up by Jaison Shipping Company as part of ongoing work for the embankment formation for the NH connectivity. Around 75 lakhs from the Land Acquisition fund under District Collector was used for the reclamation of 2.1 acre in Mulavukad.
following criticism that people in general have about the activities of the Government.

In Vaduthala acres of land has been filled and levelled with the river. How deep the river is! How much laterite soil has been used to fill it. If the crores of money they had spent for it is there then the people could have been compensated adequately (Fr. Martin, Local Parish Priest, Moolampilly and Struggle Support Committee member. Interview, 27th October 2010)

Also the reclamation of the *puzha purambokku* for rehabilitation was done by the administration inspite of an existing High Court Order (1995) that *puzha purambokku* cannot be given as *patta* land. It was also interesting to see how the same officials make use of this law interchangeably to meet their needs. While the land acquisition process was going on, a case came up where *puzha purambokku* coming under Survey Number 628/23-24 in Cheranallur village was notified for acquisition. But this land was already distributed to an individual as *patta* land even before the notification which the officials were not aware of. In a letter they refuted the credibility of the distribution stating that the land is *puzha prambokku* and cannot be given as *patta* land. But the same administration stood with the reclamation of *puzha purambokku* lands to be given as *patta* lands for the evictees.

Interpreting laws for convenience by the authorities was a major feature that can be observed in the process. One another example was how the Coastal Regulation Zone (CRZ) norms were manipulated for facilitating the conversion of wetlands for rehabilitation. The lands identified for reclamation were mostly ‘*puzha prambokk* and *kayal purambokk*’ lands that fall in the CRZ which as per norms could not be reclaimed. To get the CRZ sanction the strategy was to proclaim the reclamation work as port activity and thus the existing norms could not be reclaimed.

182 Letter No. E3-534/06 dated 22nd September 2006 from Sp. Tahasildar ICTT to District Collector Ernakulam

183 Letter No.L1-9857/08, Letter from DC to Chairman CPT dated 27th January 2009 - ‘For the purpose of rehabilitation of evictees of the ICTT project about 182 families have been allotted with plots in various sites...The sites at Moolampilly, near Kothad bridge, Vaduthala and Mulavukad comes within the CRZ limit. The norms of CRZ forbid the construction of any permanent/semi permanent building/structures within its limits.... the Apex court of India have categorically declared in various judgments that rehabilitation is a part of the acquisition. The court has maintained that a portion of fund not exceeding 20% of the cost of acquisition can be
were overruled. There was also a High Court Order\textsuperscript{184} to take permission from MoEF for reclaiming the land for rehabilitation. Since MoEF clearance was a time-taking process and asked for at least 6 months to get the required sanction the Government strategy was to proclaim reclamation work as port activity which helped to circumvent the clearance process.

**Environmental issues indirectly generated by the Road Connectivity project**

The Construction Company SOMA Enterprises Ltd had bought 7 acre land in Manjana and 10 acre land in Potta in Ayyampuzha Panchayat falling in the highland region of the Ernakulam district for quarry and crusher activities to meet the needs of the ICTT road construction work. Majority of the families in Ayyampuzha are evictees from Idukki Catchment area, where they were evicted for Idukki Hydroelectric project in 1969. Crops like coconut, arecanut, rubber, plantain, ginger, pepper, paddy etc are cultivated in the region and also the place was densely inhabited. Nearly 70 labourers from Kerala Plantation Corporation was also living in the area. The crusher and quarry lands fall in the agricultural and settlement area. Potta – Manjana Anti-Quarry Action Council comprising of the locals were agitating against the crusher and quarry activities on account of the following reasons\textsuperscript{185} - loss of productivity of crops, destruction to the houses, loss of freshwater sources, sound and air pollution, health issues to the elderly and children. The bureaucracy (Pollution Control Board (PCB), District Collectorate, Police Department) was in support\textsuperscript{186} of the crusher and quarry

\textit{earmarked for the rehabilitation of those affected due to acquisition.....All these points out that rehabilitation is an inseparable part of acquisition. Here acquisition for ICTT Vallarpadam project had been done for CPT and as such its rehabilitation component also needs to be considered as the Port activity. Also the rehabilitation work at these places have been carried out under the direction and supervision of CPT...Therefore it is humbly requested to consider this rehabilitation as a port activity and to give a certification to that effect so as to circumvent issues related to CRZ norms.}

\textsuperscript{184}Order of WP (C ) No.21765/2008 (N) dated 18/12/2008; Judge Pious C Kurikose (38 petitioners from chenanallur who were the first to give permission note), The order is applicable to WP (C ) No.21765, 22704, 20902, 25373, 25775, 23916 & 27112 of 2008, dated 18\textsuperscript{th} December 2008; Reference about this High Court Order in the Affidavit in CCC No.369 of 2009 dated 28/8/2009 by Shanavas S, Deputy Collector, dated 28\textsuperscript{th} August 2009

\textsuperscript{185}Petition to the Health Minister by Potta – Manjana Anti Quarry Action Council dated 30\textsuperscript{th} July 2007

\textsuperscript{186}A circular issued by the PCB in October 2007 modified the regulations of the PCB circular issued in May 1998 to meet the distance requirements of the crusher unit of SOMA. The 1998
activities since it was defined as a temporary project to meet the needs of the acclaimed Vallarpadam project. In spite of a stay order from the Court the Quarry was functioning informally with the support of the Government agencies.

Section 5: Role of multiple stakeholders

The current section deals with the role of different stakeholders in the entire land acquisition process and people’s struggles. The role played by people - a significant stakeholder - in the entire process was dealt with in the previous sections. Five other major stakeholders - Church, Political parties, Bureaucracy, Media, Court – were identified to have played a major role in determining the political processes that directed the land acquisition process from the beginning. Each stakeholder had their own agenda when they either chose to listen to the people’s woes or ignored them. But the common thread that tied all of these stakeholders was that they were all actors in a neoliberal setup conforming to the existing discourse of development.

circular mandated that there should be a clear distance of 250 m from the centre of the proposed crusher unit to the periphery of the structure of any residence, public building or place of worship. The 2007 circular reduced it to 200 metre.
Table 4.15

Involvement of different stakeholders in the Road Connectivity Project

<table>
<thead>
<tr>
<th>Stakeholders</th>
<th>Road connectivity ICTT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Church</td>
<td>Forced to intervene after Moolampilly eviction; Acted as a mediator; Legitimised the struggle</td>
</tr>
<tr>
<td>Political parties</td>
<td>Centre – State politics; no political opposition on rehabilitation, wetland destruction, illicit land dealings, Fear of anti-development image; Individual support to the struggle</td>
</tr>
<tr>
<td>Bureaucracy</td>
<td>Multiple strategies – Manipulating norms, verbal promises, threatening, Labelling people in struggle as Maoists, Forced eviction</td>
</tr>
<tr>
<td>Media</td>
<td>Grand development narratives, Tool of the Bureaucracy, Pro-people post-Moolampilly, Negation of environmental issues</td>
</tr>
<tr>
<td>Judiciary</td>
<td>Legal support on matters for rehabilitation, Grand narratives determining judgments on environment; power transfer to Governments for decisionmaking</td>
</tr>
</tbody>
</table>

Source: Information constructed from field data

The Church

Latin Christians or the *dalit* Christians form a predominant community in Moolampilly. Eighteen out of twenty two evictees from Moolampilly belonged to this community. Initially, the Church did not intervene, though the protests were going on. Even the local priest had restrictions to intervene in the agitation. The reservation of the Church was said to be because of the involvement of SUCI with communist leanings in the struggle. Due to an ideological crisis to support a struggle with SUCI leaders the Church kept aloof. But after the forced eviction the Church was forced to extend its support for the evictees and the struggle. Since most of the evictees were believers under their Parish and since the brutal eviction in Moolampilly gained wide publicity, the Church had no other option than to intervene. The involvement of the local priest in the protest on the day of demolition and the insult meted out to him by the authorities was also a reason behind this initiative.
The evictees were put up in the Parish Church for 42 days. The priests and other Church officials used to come and participate in the various protest events organised in Ernakulam. Fr Daniel Acharuparambil, Bishop, released a statement of protest to all the newspapers on the day of eviction itself which made an impact among the public. The authorities had to respond to the issue soon after that.

The first reaction of the Government came after the intervention of Varapuzha Diocese. They strongly protested. It was on that basis that the initial 3 cent package came within 2 days. That was a strong intervention. There was discussion in the Bishops’ House with the Fisheries Minister, Revenue Minister and Collector (Fr. Martin, Local Parish Priest, Moolampilly and Struggle Support Committee member. Interview, 27th October 2010)

After the furore that followed Moolampilly demolition there was none to mediate between the Government and the people. The Coordination committee was not in a position to mediate since the Left Government was reluctant in holding discussions with the committee which was led by SUCI. The difference in the political positions of CPM and SUCI as well as the disinterest of the CPM led Government to yield to the force of a committee led by a smaller organisation like SUCI was the reason for the reluctance. It was at this juncture that the Varapuzha Diocese under which the Moolampilly region falls intervened. A ‘douthya sangam’ (Messenger Team) was formed under the initiative of the Diocese and the Bishop to hold discussions with the Government regarding the package within 2-3 days of demolition. Later the name of the team was changed to jagratha samithi (Care committee). The committee acted as a mediator between the people and the Coordination Committee and the Government to share decisions and seek opinions. The inclusion of priests in the Care committee was a strategy adopted to get easy acceptance of the Government. The main objective of the Committee was to meet the Ministers, Collector and other officials with the demands of the people. The meetings used to happen at the Bishop’s house as well. The effort taken by the committee

187 The Jagratha samithi or the ‘Care Committee’ had as its members, the local priest of Moolampilly, Director of Kerala Latin Catholic Association (KLCA), General Secretary of KLCA state committee, General Secretary of KLCA Varapuzha Diocese, General Secretary of Kerala Region Latin Catholic Council, General Secretary of Christian Social Services (CSS), Public Relation Officer of CSS, Chief editor of Jeevanadam a Christian magazine, President of KCYM, Panchayat Vice President of Moolampilly, Panchayat member of Moolampilly and two evictees from Moolampilly.
culminated in the Moolampilly package announced on 19th March 2008. The Care Committee instituted by the Bishop’s house ceased to exist once the Government order was issued on March 19th 2008 announcing the Moolampilly package.

The members of the Care Committee continued its support informally till ‘pattayamela’, the event of distribution of the land documents which was planned in February 2009. But the people under the instigation of the Coordination Committee refused to accept the land documents since the basic amenities offered in the rehabilitation plots were not yet provided by the Government. The Care Committee asked the Coordination committee to accept the land documents and then continue with the struggle. But the idea was not accepted on account that once land document is accepted by the people the Government will lose interest in providing the amenities as promised. Once the event was announced the Care Committee dispersed citing that they have lost scope to function again. No meetings took place after this with the involvement of the Care Committee.

According to the Coordination Committee convenor, the Church tried to keep aloof in the initial stages but was forced to involve later.

When we look back we can see that the Church never supported the movement in the initial stage. One, they were not aware of the consequences of this eviction. Here the people are of lower middle class, working class. They never had a role in the decision making of the Church. So their complaints never get to the higher bodies of the Church. The official stand taken by the Church bureaucracy to the stand taken by the Parish priest was that, ‘You should not have involved in this movement’. This church had expressed several times. As a Priest he was not send there to organise struggles, but to look after the spiritual matters of the community. This reply was given to him by the Bishop house initially. Since he is young and he understood the issue, the response he gave was, ‘Out of 22 families 18 families come to the Church. I can’t take the stand that I can’t discuss their issues’. It was helpful for the struggle that the Parish priest came to the movement (Francis Kalathunkal, Coordination Committee Convenor and SUCI (C) Local Secretary. Interview, 14th September 2010)

The people involved were in the lower strata in terms of power/wealth which was one reason why their interests stood neglected in the initial stages. What connected the Church to the plight of the people was the individual interest taken by the Priest from the Moolampilly Parish. The Church tried to play a compromising role in the initial stage, when soon after the Moolampilly eviction
the Government came with a 3 cent rehabilitation package to appease the people. The Church tried to mediate with the people with this package but the people and the Coordination committee remained adamant that they need a better package. Following this, the Church officials kept away for 3-4 days before the Coordination committee could convince them of the peoples’ demands. From then on the Church seeing the consistency of the movement stood with it to regain the confidence of the people. The Church also took initiative to signify the role of the Coordination committee in the dialogue process.

Church didn’t come on its own interest but it was brought to the movement. Church understood if they have to stand with the people, to renew the confidence, they have to stand with the movement. After that the Church has stood in the movement. We had handled that situation of the Church. I should use the term handle, which is correct here. We tried to create situations so that the Church can relate to the movement and along with that we tried not to take any stand that will provoke the Church. Unlike the Coordination committee, we formulated a Struggle Support Committee which is a platform in which they also can participate. In that committee people of different political affiliation could come together and work. In that too the Government took the stand to paint us extremists and tried to create a split between us and the Church, but failed miserably…The Government had a face saving formula that they were discussing with the Church and not with the Coordination committee. Then the Church said it is not enough to discuss with us, discussion should be held with the Coordination committee (Francis Kalathunkal, Coordination Committee Convenor and SUCI (C) Local Secretary. Interview, 14th September 2010)

Though the Church kept away from any direct confrontation with the Government, it had helped to set a space for dialogue between the people and the Government. Also it provided a moral support for the people and the Coordination committee at adverse situations.

Church was not interested in a direct confrontation with the state. Though they joined the struggle, there was liaison work and Care committee. The role of the Church is not to confront the state directly. That was a right thing to do. But the Church was a moral support to the protesters. In one stage when the Government said that all these are Naxalites, the Church quickly said ‘No’. The stand taken by Fr Acharuparambil, Fr Edayanthrath, Fr Immanuel and the Bishop Varki Vithayathil made us strong. They came to the meeting, took a stand and gave statements. All this happened in front of their eyes. No stone was thrown. In 42 months no violence happened from the side of the protesters. No intimidation happened. The struggle was 100% non violent. Against us many things have happened. This was its strength. That is why the Church supported. The Church intervention was very effective, in many places for the protesters. The Church has stood as a protection, as a shield, as mediator. Political leaders couldn’t avoid the struggle in many instances since the Church was there with us (C R Neelakandan, Environment Activist and Struggle Support Committee Chairperson. Interview, 4th November 2010)
The role of the Church was confined to mediation, but the intervention of the Church had helped to a large extent to legitimise the struggle and remove any suspicious eye. It also attracted the intervention of various social and political organisations which were initially reluctant to join the struggle. Also the intervention of the Church fastened the process of formulation of the rehabilitation package. The strong stand taken by the Church made the authorities’ speed-up the decision making and dialogue process.

When the Church in Ernakulam took a strong stand, there arose a situation that the Government couldn’t refrain from taking a stand. They are afraid of the Court. But they are more afraid of the Church (Fr. Augustin Vattoli, Activist and Struggle Support Committee member. Interview, 20th January 2010)

Though the Government was taken aback by the combined effort of the Church and the SUCI-led protest in the matter, they were left without a choice than to enter into the dialogue process. Though the Church has played a significant role, it was also claimed that they did not intervene with all their power and rigour. The Church, which otherwise respond to matters concerning them strongly had taken the situation lightly. The credit of the rehabilitation package goes to few individuals in the Church who took up the matter strongly. The Church was soft towards the Government initially and even tried to bring a package proposed by the Government with minimum benefits to the people without any critique. It was only because the people were adamant in their demands that the Church had to relent and confront the Government along with the people. It can be seen that the Church took an opportunistic position in the whole process.

**Political Parties**

When the protest groups were being formed against acquisition without rehabilitation, UDF was ruling the state and LDF was in opposition. When the land acquisition process started local CPM members had extended their support for the protest activities. One example was the inauguration of the struggle activities in 2005 in Eloor by the *Panchayat* President who was from CPM. Another incident was in Cheranallur in 2005 when the people had protested against the alignment of the project by removing the survey stones. This had the support of the local CPM faction. In Cheranallur the struggle initially was
against the project citing environmental concerns which included the loss of
paddy fields and some of the CPM leaders had supported their argument. But
when the rule changed from UDF to LDF in 2006 the CPM leaders withdrew
from participating in the protest events. The Congress, who became the
Opposition in the state was not against the project and as a party did not support
the struggle. But some of the local Congress leaders extended their support for
rehabilitation benefits. In the Cheranallur Panchayat ruled by Congress, though
a resolution came up against the project in the initial stages, it was not passed. In
general there was no political opposition against the project or the mode in
which it was implemented. Also the parties had no political will to stand
strongly for the cause of rehabilitation or against the destruction of wetlands.
Another major criticism against political parties was that they were agents of real
estate groups in the region and hence kept a blind eye on the illicit and Benami
transactions that took place across the villages.

The majoritarian politics of development stood in the way of the political
parties, irrespective of their political ideologies, against participating in the
people’s struggles for justice. The people who were in the struggle and anyone
who gave even a nominal support were treated with an anti-development image.
One of the leaders in struggle commented that the absence of critique among the
political parties had multiple reasons – anti-development image of the struggle,
lack of commitment towards issues that affect people and lack of publicity since
media support was absent in the initial stages of the struggle.

The political parties couldn’t involve. In their view this movement was in general
branded anti-development by the media and the administration, or the
administration had branded through media that this is an anti-development agitation
that has come to disrupt a national project bringing development in the country. So,
all those who are in touch with the movement in any way became untouchables.
Then they might have political reasons. Then they may not be ready for this
painstaking work. Their lifestyle and culture is not like this. Also the media don’t
give us coverage. The work we do is very silent. Only concerned people know. So
there is no media publicity. So these people can’t do such work which won’t get
media publicity. For these reasons all mainstream political parties had kept apart.
But after Feb 6th it became a media sensation. Then even the name Moolampilly is
news. Even if you support or oppose the cause it is news in print media. Then if the
parties or organisations keep away then this may affect their existence and
credibility. From this point of view they came to support the struggle (Francis
Kalathunkal, Coordination Committee Convenor and SUCI (C) Local Secretary.
Interview, 14th September 2010)
The people’s struggle was unsuccessful in lobbying the various political parties into the protest for rehabilitation prior to Moolampilly issue. Even during the Moolampilly demolition no party intervened. After the demolition of the first 12 houses in Moolampilly on 4th February 2008 there was an impending threat that the houses of the remaining ten families will also be demolished. The struggle leaders spoke with various political leaders and the Revenue Minister who gave the assurance that forced eviction will not happen. But the promise was broken.

The first operation of demolition of the houses happened on February 4th. Then people became suspicious and leaders spoke with senior political leaders and the Revenue Minister. Then they gave assurance that the houses who haven’t given permission note won’t be evicted. The houses will be demolished only after the issue is solved after discussion. This assurance was given but on 6th February they started the operation. Then when we called, the mobile phones of all the district leaders were switched off. Either they didn’t take the phone or it was off. So it was all preplanned (Hashim, Activist and Coordination Committee Member. Interview, 29th January 2010)

The struggle leaders criticised that the forced eviction was preplanned and was done in connivance with the administration and the political leaders. Though representatives of various Political parties came in after Moolampilly eviction, it was not based on Party decisions, but due to individual and genuine concerns or vote politics. Even the rehabilitation package announced by the state Government after continuing struggles can be termed only as a victory of the evictees.

What is to be understood is that mainstream political parties didn’t struggle to formulate this package. Ruling or opposing party didn’t contribute much, though they came in after a particular stage. They were not there in the agitation from beginning to end…They knew that houses will be demolished. This is the most important issue of Kerala society. Politicians, religious leaders, media no one understood the concept of rehabilitation. For them rehabilitation was only a policy document (C R Neelakandan, Environment Activist and Struggle Support Committee Chairperson. Interview, 4th November 2010)

After Moolampilly eviction, support came from various quarters owing to the uproar generated in the public against human rights violation and repressive tactics of the state government. According to the struggle proponents individual leaders of Congress, Kerala Congress, CPI, BJP, Youth Congress, PDP, RSP, RSP (B) had extended their support post-Moolampilly eviction, especially during the protests staged in Menaka Junction. They used to come and speak in
the meetings conducted by the Coordination Committee. Even local leaders of CPM came from Cheranallur on their personal interests to share their solidarity with the struggle in opposition to the stand taken by their party. Senior Congress leader V M Sudheeran supported the struggle with his participation in the protest meetings in Menaka. Youth Congress leaders like Hyby Eaden and Mohammed Shiya also participated in these events. Also when the pattayamela was boycotted by the Coordination Committee, the Congress also extended support by asking the Kadamakkudy Panchayat President from Congress not to attend the meet. The protest by absence was significant since the meet was presided by the Chief Minister of the state. Another form of protest during the pattayamela was by the Youth congress workers who showed black flag when the Chief Minister arrived in the venue of pattayamela and courted arrest. Some of the congress ward members in the respective villages had extended support to the evictees in writing petitions, arranging meetings with officials etc in matters of rehabilitation. But the support extended was mainly individual in nature, not in the backdrop of a party policy but out of humanitarian or electoral interests. CPM which was in power in the state kept out of any kind of involvement. CPI who was part of the LDF extended support, but as defined by one of the struggle leaders, ‘a qualified support’, in that the state leaders were not present but only leaders of the district or local level participated in the protest events.

The major (political) parties didn’t cooperate with this. The major parties in ruling or in opposition were not there. Some small parties were there. Many leaders used to come individually. Madani of People’s Democratic Party, a faction of congress, a faction of BJP, some leaders like that. But those from the mainstream kept away. (Fr. Martin, Local Parish Priest, Moolampilly and Struggle Support Committee member. Interview, 27th October 2010)

CPM, as a party in the local and state level raised no protest against eviction without rehabilitation. The absence of support of the CPM in the struggle was highlighted by many.

All parties small and big and religious and cultural organisations have come and participated in the struggle, irrespective of religion and caste, except for CPM (Fr. Augustin Vattoli, Activist and Struggle Support Committee member. Interview, 20th January 2010)

In the state level they refrained from taking a political position since the CPM-led Government was a major stakeholder in implementing the project and did not
want the project to get delayed. The district and local leadership of the CPM were naturally under pressure from the state wing against joining the protests. Not only did they refrain from extending support but also stood against the demand for rehabilitation by the evictees.

CPM people stood against the demands of the struggle group. They didn't stand openly against it since there will be public anger against them. The CPM local secretary said there is no rehabilitation, they can go living on rent. A CPM Minister said there is no need to give rehabilitation initially (Kunju Mohammed, Evictee and Struggle Committee leader, Cheranallur. Interview, 26th January 2010).

The CPM leaders in these locales also initially involved in a campaign that DLPC package won't be given if permission notes were not submitted within the specified dates, in support with the authorities, which resulted in the surrendering of the land by many families. Many of the CPM followers also lost land and property for the project. But the party lured them away from participating in the struggle by offering land for them. People surrendered their land believing this but the promise was not kept. The silence of even the local faction of the CPM during and after Moolampilly eviction was highlighted by the people.

The local CPM factions were implementing the party perspective without considering those people as fellow human beings which understated their helplessness. They gave importance to party policy. They understood that the party made a mistake. But they were not ready to admit it. The local party members did not make any attempt to force the party leaders for rehabilitation. In an institution we should have the freedom to tell the leaders that what was done was not right. Nothing of the sort happened there... CPM was completely against the struggle and self mockingly spread lies about the struggle (Roy, Evictee, Moolampilly. Interview, 1st November 2010).

According to an evictee the local party workers of CPM were merely echoing the words of senior leaders without critique. Criticism was mainly against CPM when compared with other political parties for not standing along with the people since the image of the party was as the one which had stood for the landless masses from the time of its formation. CPM had played a major role in implementing the land reform laws in the state leading to land redistribution among the landless people. CPM was criticised more since they were in power during the eviction, but all the mainstream parties came under the scan of
people’s scrutiny. The political parties were criticised that votebank politics determined their political position than any ideology.

They won’t learn any issue. The political parties only think about what they will get. If Vallarpadom is implemented then they can ask for vote in that name across Kerala. They want to implement the project fast. When we talked to the Congress spokesperson we understood the stand. He said we should not say that we won’t give land. The objective of any party is to say that they brought development. More than the eviction of 183 families what matters to them is profit (Sumesh, Evictee and Struggle Committee leader, Cheranallur. Interview, 7th October 2010)

Congress, though some of its leaders extended support after Moolampilly eviction was not out of the blame. Though the eviction happened under the Left Government rule in the state, ICTT being a Central project the pressure for its fast implementation had come from the Central Ministry ruled by the Congress. The Left Government was solely under criticism for the forceful eviction but the people seem to realise the role of the Central Government in eviction as well. People perceived that there was no difference between the conduct of political parties, whether it be Congress or CPM, when it comes to the implementation of the project.

The Government doesn’t have any knowledge of what is happening in the local. There is no relation with the people. They are not ready to understand the difficulty of the people even after 2.5 years of eviction. The Government here has become a cheating fake company that sides with those who are robbing the people. Even the party who was in Opposition is also not excluded. We were giving petitions to MLAs and MPs but no one moved a finger…It is to make sure that this cheating is not understood by the people that they say development again and again. Development in a democracy should consider the interest of the people (Justin, Farmer Evictee and Struggle Committee Leader, Moolampilly. Interview, 27th October 2010)

To be read with this is the negativities faced by the evictees from both Congress and CPM when the Coordination committee decided to field one of the evictees as candidate against the mainstream political parties in the Parliament elections of 2009, as a mark of their protest against their silence in the issues concerning people. The fear of losing votes brought in the wrath of the mainstream parties against the evictees. The posters of the evictee candidate were destroyed and the evictees were under social isolation during the election time.

The support of BJP was acknowledged by the struggle proponents but was not considered one with political relevance for the struggle since they were
nowhere in power. The position of BJP was seen in the background of vote politics than any strong ideological base.

SUCI leaders played a major role in facilitating the struggle, though the party element in action wasunderplayed to ensure the participation of people from different political parties and other religious and cultural organisations. They did this to subvert any political antipathy towards the struggle owing to their involvement. SUCI had made available its human resources and assets for promoting the struggle activities without projecting the party image in it. Many of the meetings of the Coordination committee used to happen in SUCI office in Ayyappankavu, just a few kilometers away from Moolampilly.

**Bureaucracy**

The major Government institutions involved in the land acquisition process included the Cochin Port Trust which was the requisitioning agency, National Highway Authority of India (NHAI) for which the land was acquired, Land Acquisition Office (LAO) which was working in the field level for acquiring the land, the District Administration or the Collectorate which coordinated the land acquisition procedures and the Revenue Department in charge of decision making regarding the land acquisition procedures. Of this the LAO and the Collectorate played a direct role in the land acquisition process. The officials from the Tahasildar to the Collector were under criticism for the lethargic attitude taken towards the plight of the people during the entire land acquisition process.

Several tactics were adopted by the district administration to fasten the land acquisition procedures without considering the brewing protest against acquisition without rehabilitation across the villages. False promises regarding rehabilitation and compensation, threat or warnings with binding dates that the compensation will be deposited in Court if permission notes were not given, threatening that those who haven’t moved out will be forcefully evicted by the police etc were the techniques employed by the authorities to fasten the land acquisition procedures. Warnings indicating legal action were also given forcing people to quit the struggle and give away their property.
Offer of attractive rehabilitation benefits was a major tactic employed by the district administration to appease the people and lure them to submit the land records. In a meeting 188 held with Anavathil Manjummal locals in December 2007, the administration made attractive offers to the people. The offers included provision of rehabilitation land even by acquiring additional land from FACT, employment, supporting the request to make the evictees shareholders of the forthcoming company, relaxation of construction norms in the remaining land, ensuring rehabilitation before moving out etc. All these were promises made without any legal backing to it and was never given. Another attempt from the administration to get the permission notes from the people were to send letters containing promises of benefits to each family in the name of the Collector personally signed by him. The main arguments against the former Collector was that he had either made wrong promises or threatened people to give away the land for the project. Initially many people had given permission notes on the verbal promise that they will be provided rehabilitation in the Government lands. On the day of forced eviction in Moolampilly when the protest was going on against acquisition, the officials offered the evictees Government land for rehabilitation. A handwritten note 189 of promise was given to the land owners by the Special Tahasildar during this occasion citing that recommendation will be made regarding rehabilitation plots to the DC. The handwritten document was given to lure the people to sign the permission notes when the houses were being demolished. In it was mentioned that they will be provided Government lands for rehabilitation without providing any details.

The people were also lured by saying that DLPC rates were double the amount of the existing market price. The Government used to give news in the media that the people are being offered double the market value for the land.

---

188 C6-45212/06 (3), Minutes of the meeting held at DC’s chamber with Anavathil Manjummal locals, dated 24th December 2007; Attended by the local MLA, Panchayat President Eloor, Panchayat Secretary Eloor, Tahasildar, Special Tahasildar, Deputy Collector, Officials from NHAI and the locals

189 Handwritten promise of recommendation for allotting 4 cent land to Moolampilly evictees by the Special Tahasildar, dated 4th February 2008 – “On the basis of the discussion held between the locals and Sp.Tahasildar (LA) ICTT, Tahasildar Kanayannur, NHAI officials regarding the land under Ponnumvilla proceedings in Moolampilly in Kadamakudy village, it is promised that recommendation will be made to the DC to give 4 cents of Purambakk land in Kadamakudy village limits to each of the families in the 11 DLPC registration cases against which warrant has been issued by Sp.Tahasildar for land acquisition’.”
being acquired without mentioning the actual value. A deadline for availing this DLPC package was fixed and people were warned that if they don’t submit permission notes within this period the package will be lapsed. Also at that time Government adamantly stated that rehabilitation will be given only if DLPC was opted.

One strategy of the District Collector was to create split among the people who were losing land for the project. In order to get the permission note from as many as possible, the Collector had offered some of the land owners who were not directly participating in the struggle, that they will be extended the same benefits if a settlement is reached between the Government and the agitating land owners. Following this, 38 families from Cheranallur village moved out giving permission notes and accepting only the compensation at DLPC rates offered by the authorities. They gave the permission note believing this promise but were not provided with the said benefits when the package was announced. In a petition to the Collector they wrote that ‘We were given an undertaking that as and when a settlement [for rehabilitation] is reached between the government and agitating land owners, the benefits of the same would be extended to us’. Later they had to file writ petitions before the High Court to avail the benefits. Following a favourable stand from the Court the Government had to issue an order extending the benefits to all.

Another strategy was to acquire lands from affluent people who own large extents of land offering DLPC rates in the initial stage itself. For these people the compensation amounted to a large sum of money and many people succumbed to this offer. This helped the administration to project that the acquisition of a good percentage of the land is over. But the reality was that only 3-4 people had surrendered the land whereas majority of the families with small areas of land (below 5 cents) were still resisting the acquisition.

If there are 100 people here, 6-7 people will have acres of land. Their homesteads may not be affected. They were the ones to surrender first. For the Government 60-70% land will be with them then. That is how the struggle was disrupted (Rajan, Evictee, Cheranallur. Interview, 13th October 2010)

190 Petition from CP Ramankutty and others (38 families) to the DC dated 11th December 2008
191 Government order (Go (Rt) No. 8849/08/RD) dated 6th December 2008
The extent of acquisition done was calculated by the District administration in terms of the percentage of area at hand than the number of land owners yet to give permission note for acquisition. This substantiated their claim that land acquisition was nearly complete when they had to resort to legal measures to acquire the land. That is the Government was able to depose before the Court that this much percentage of land has been acquired. The tactics also helped to undermine the protest of a good majority of the people against displacement without rehabilitation. In Eloor also most of the land that was acquired belonged to FACT and so the acquisition procedures were relatively smooth. This also helped the Government to create an impression that most of the land acquisition work was over.

In another strategic move the Government gave compensation amount in advance even before registration of the land to around 5 families who lost property in Cheranallur to fasten the acquisition procedures. According to one of the evictees this was done on the Collector’s personal risk. In Kothad also this strategy was followed by the administration. By giving advance amount to two people who gave the permission note the administration succeeded in creating a break in the unity of the struggle.

Strategies like threatening and forced consent were continuously used by the administration. The evictees said people were threatened by the officials even over phone to surrender their land.

Strong threatening was there to make people withdraw from the struggle. Therefore many people have withdrawn also. In Cheranallur those who were strongly in the struggle were threatened and verbally abused. We have believable evidence, since otherwise they wouldn’t have withdrawn from the protest (Roy, Evictee, Moolampilly. Interview, 1st November 2010)

The officials used to threaten that the NH office will stop their functioning soon and the people will have to go to Delhi to collect their compensation. During the forced eviction in Moolampilly the people were forced to sign the consent notes in the midst of the turmoil.

There was a dalit family among the evictees. On the day of eviction they acquired it by making a family member sign the consent note while lying unconscious. These officials have done such cruel things. The land should be given on self interest.
They scared them and made them sign to create the effect they were giving it on their own accord. It is fabricated. Voluntary submission is only in the papers. The administration brought the police force there and threatened that they won’t get any benefits and would have to go to the Court. They threaten like this and make them sign. And it is written in the consent note that without any external pressure and in my personal interest I am giving away the land (Fr. Augustin Vattoli, Activist and Struggle Support Committee member. Interview, 20th January 2010)

False development propaganda was also a major form of threat. The people were made to believe that if delayed the ICTT project will go to other states in India or even a neighbouring country. A strategic move by the Government machinery in this context was the labeling of the people, who were in struggle for rehabilitation, as anti-development. Along with this was the attempt was to call those who were leading the struggle as ‘Maoists’ or ‘Naxalites’ to create a ‘negative’ impression about the struggle among the public. Statements were given through media to create such an impression in the public realm.

The Government said Naxalite groups were in play behind this struggle to create insecurity, to instigate revolution in the nation etc. There were many advertisements of CPT and Government to this effect. They wanted to push the project. The hindrance for it was the resistance of the people. To project them as Maoists and criminals was the best option to destruct the struggle. So they were called anti-development and as those who stand against the progress of the nation. The Government used it intelligently. If someone spoke against Government or the ruling party then a fascist style was adopted so that another person would hesitate to come to the scene. So, all the legitimate democratic protests were being suppressed (Kunju Mohammed, Evictee and Struggle Committee leader, Cheranallur. Interview, 26th January 2010)

After the Moolampilly eviction, the Chief Minister of Kerala had accused that the struggle was instigated by ‘Naxalites’ which created a furore among the protesters and he was made to withdraw his statement. The campaigns of this nature were intended to demoralise the struggle. But after the Moolampilly eviction similar campaigns did not sustain since the public had seen the forced eviction of the families in Moolampilly and the social and political response it generated across the socio-political milieu. Another threat was the deposit of the compensation money in the Court without the permission of the evictees. One farmer from Cheranallur said that the people were threatened that the compensation amount will be deposited in the Court if they don’t surrender the land. Once compensation money is deposited in the Court the people won’t have the right to demand the DLPC rates. The compensation of the ten families of
Moolampilly who were forcefully evicted was deposited in the Court by the Government against which those families filed a case after eviction. The Government was criticised even by the Court in this case.

In another devised strategy the Government chose Moolampilly for forced eviction since the number of families resisting against acquisition was less in number in the island. The authorities selected this island for forced eviction though there was no road connectivity and they had to make a makeshift raft for the JCB and police vehicles to cross the backwaters and enter the island. In Cheranallur or Eloor there were many more families in struggle who had withdrawn their permission notes but a forced eviction would not have been as easy as that in Moolampilly. Lack of local support in Moolampilly for the evictee families, in expectation of a road to an otherwise isolated island, was also perceived as a reason why the authorities chose to act first in Moolampilly. The eviction in Moolampilly was a strategic move by the authorities, one to weaken the morale of those in struggle and to fasten the acquisition procedures.

The various strategies adopted by the administration were acknowledged by the former Collector who was in charge of the land acquisition process.

I am an administrator. I am a strong administrator. I have to undertake many tactics to take forward the interests of a district or a state. The threatening here means setting a deadline. If even that was not there then will Vallarpadam succeed this way? Isn’t it because of the effort that this land was surrendered and all this work is being done? Tomorrow or next year the headline will come that Vallarpadam project is country’s pride (Former District Collector, Ernakulam. Interview, 17th October 2010)

The undemocratic strategies adopted to coerce the people to part with the land were legitimised here through the development narrative of the Vallarpadam project. The plight of the people and the destruction of the common property resources during the process were sidelined when the greater objective was set in as infrastructure development in the run towards ‘development’. The demand of the people in matters like alignment fixing, rehabilitation etc was considered to be an audacity from their side. No significance was attributed to the matter of human right violation or the right of the people to dissent in matters concerning their sustenance.
The Collector defined the land acquisition project as his official duty with a social objective. By defining the work done by him as ‘statecraft’ he legitimised the coercive processes and procedures adopted. The Collector took the position that it was his responsibility to implement the decree of the Government and not go deep into the rationality or merit of the existing laws and development processes. So even if the policy was inadequate or missing, he considered himself responsible for implementing the directions from above and doing the ‘unpleasant duty’. He refrained from calling the LA Act 1894 as outdated, defining that there was no such thing as an outdated law. According to him till the Government decides to modify it, it is the law. Even while accepting the shortcomings of the law, he was not ready to go beyond his official limits to criticise the existing laws or exert pressure to bring about a change in the laws. A typical bureaucratic rationality was at work here and not the rationality of the process in which one is involved.

While bureaucratic apathy demands criticism it was also a fact that the officials were helpless to an extent in the absence of a policy framework for rehabilitation. The former Collector who was in charge of the land acquisition process expressed his helplessness in taking initiative for giving rehabilitation citing the absence of clear guidelines from the Central or State Government.

The state and Central Government is taking an ambiguous and restricted approach. What can the district administration do? I am a person who was fallen in that classical fight. People’s aspirations are sky-high. But the response of the Governments, state and central, to the aspirations of the people were found to be absolutely inadequate and I was caught in the middle. As an officer I believe I have very limited powers. And all think that I have unlimited powers. That is the difference between the expectation of the people and my situation (Former District Collector, Ernakulam. Interview, 17th October 2010)

According to the Collector, he was caught between the agitating people who were demanding rehabilitation and the state and central Governments which were forcing him to fasten the land acquisition process.

When the heat of the land acquisition was happening in 2007, in every two months I used to be summoned to Delhi to the Surface Transport Minister’s room. The Minister scolded me so much. You guys in Kerala don’t know how to acquire even a cent of land. You keep pandering to every human rights group, every environmental group. If you can’t do then I will take it away. He was insisting like this (Former District Collector, Ernakulam. Interview, 17th October 2010)
The following statement from the former Collector also throws light into the role played by the senior bureaucrats and politicians in the forced eviction in Moolampilly. But finally the Collector was the one who was sacked for ordering the eviction.

In truth I was made a scapegoat in the Moolampilly issue. All that was done was by those in the higher positions. India Government is giving warnings. Principal Secretary of PM says, ‘You have to get the land by 15th February’. My senior officers, five of them, in the CPT office, PWD secretary, Chief Secretary, Principal Secretary of PM. They all gave directions to me for doing this (Former District Collector, Ernakulam. Interview, 17th October 2010)

That the district administration was directed from above to acquire the land was evident from the secondary documents available. The Collector justified the forced eviction in Moolampilly by citing that the District administration was forced to work under pressure from the state and central ministries and without legal support. At the same time he also agreed that what happened in Moolampilly was not ethically correct and that the state and central Governments should have taken a more liberal view on rehabilitation considering the plight of the people.

As per rules I was exactly right, but according to a humanitarian view, which is much beyond law, which was much beyond the existing canons of established law, it was not right (Former District Collector, Ernakulam. Interview, 17th October 2010)

The administration (including the Collector and Surface and Road Transport Minister) involved in acquisition were also under the scanner by the people for corruption and linkages with the land mafia in the region. People believed that the land transactions that started even before the notification of the project cannot happen without the knowledge of the concerned officials and local politicians. They accused the concerned Minister of having Benami shares in the Construction Company involved in road construction. People perceived that the interest of the officials were only to meet the profit motives of political and financial bigwigs. A major criticism against the officials was that they lacked

---

192 C6-57033/2007, Letter from District Collector to Chief Secretary, GoK, dated 8th February 2008. ‘In the meeting held on 25/1/2008 by the Cabinet committee at Ernakulam Guest House it was directed that the land of those who haven’t given permission note should be urgently acquired and transferred to NHAI and the land suitable for rehabilitating them should be urgently identified’
conceptual clarity regarding the issues of the people and acts against their wellbeing. According to the affected people, the Government withdrew from taking possession of the illegal landholdings owing to the power dynamics with individuals or agencies with vested interests of profiteering, while it intervened with all powers at hand to acquire land from a lower middle class community who were legally owners of the property. The provision of good service entry to those officials who were involved in Moolampilly demolition had drawn criticism from all quarters. This should be read in the light of a criticism that arose against the administration during the forced eviction in Moolampilly. During eviction some of the police personnel who came for demolition had taken away the furniture and other household items from the houses. Protests were raised against this and a case was filed in the Court following which the Court ordered the administration to give back the materials taken away from the demolished houses.

Media

There had been an obvious change in the approach of the media – print and electronic - after the Moolampilly issue in the whole land acquisition process for the rail and road connectivity for ICTT. Moolampilly issue was the benchmark with which the political position taken by the media can be defined.

Pre-Moolampilly

The media explicitly did not want to portray an anti-development image by siding with a struggle. Further, media was a major tool used by the administration to put their campaigns across in favour of the project. Irrespective of the differing political affiliations of each media group they stood along with the development narrative of the administration.

Because of the strong advocacy by the then District Collector, media was prejudiced against the movement. Usually the right wing media or the so called media in the Kerala would make use of any opportunity they could use against the Left Government. But instead of doing it they actually supported the stand of the Government… Media was in a biased state. Media has got extensive links with the Corporate houses. If we take each project, the advertisements, the media publicity is there. So they have invisible links with the media. The media wouldn’t want to lose this. So they tried to avoid the news that comes against the project… There shouldn’t
be any hindrance to the construction of a project with national importance that is coming in a district like Ernakulam. Signals like these were given to them by the political leadership - both state and centre. And they imbibed it correctly (Francis Kalathunkal, Coordination Committee Convenor and SUCI (C) Local Secretary. Interview, 14th September 2010)

Before the Moolampilly eviction happened, both print and electronic media generally used to avoid the news of the struggle or they used to put up only those items which glorified the project and which were mostly given to them by the Collectorate. One of the struggle leaders said the media wouldn’t put the news about the agitation even if it was directly given to them.

None of the papers would put the news about the agitation. They would write supportively of the project. They will write headings like these - Vallarpadam project is in the verge of being lost, Will kerala lose Vallarpadam project? Etc. Then those who read it will think that nothing will be allowed to come here. No development will come. Common people will think like that (Sajid, Evictee and Struggle Committee member, Cheranallur. Interview, 7th October 2010)

By covering up the struggles for rehabilitation and by projecting the grand narrative of development the media stood with the Government. In the initial stage the authorities did several tactics to make the people surrender the permission notes for the taking over of land. Media was the tool used by the Collector to make the people yield to the interests of the Government. Fake promises about rehabilitation and compensation, warnings and threats of dire consequences on not surrendering the land on declared dates etc were publicised through the media. The Government attempt to demoralise the struggle by labelling the struggle leaders as anti-development and ‘Maoists’ at different occasions was also done through the media. More than the merit of the struggle, the media focus was on the news value of the item at hand. This attribute of the media was evident in an experience shared by one of the struggle leaders from Cheranallur.

In Mathrubhumi it was written that Maoists have established themselves in Cheranallur and they are the force behind these agitations. It was a banner headline. When the news came we went to the newspaper office. We asked them from where they got the news. We said, ‘Tell us where in Cheranallur the Maoists are and we will catch them. Then they said they got the report from intelligence. Then we said we will meet the intelligence IG, since it is our responsibility to catch the Maoists if some extremist activity is happening here. We said we will ask the Managing Director of Mathrubhumi also how the news came. Then the reporter got scared. He said Kakkanad reporter who reports the Collectorate provided the news. We asked
him about the source of the news. The collector had called and told him. When he published the lie he got a sensational news. It is beneficial for the newspaper. The circulation of the paper increased. We understood the nature of the media from this. They got sensational news and also they pacified the Government and CPT. Also they get many advertisements of CPT and Government for publishing it (Kunju Mohammed, Evictee and Struggle Committee leader, Cheranallur. Interview, 26th January 2010)

The attempt of the authorities here was to destroy the credibility of the struggle by projecting them as Maoists, using media as a tool. The media also played along since they also stood for marketeering and profit than for the credibility of the news or the merit of the issue. The failure of the media as a strong medium for projecting the social and political realities of the times results from the commodification of the media to the core. In this process of commodification, the media modifies itself from a tool for political transformation to a tool for profiteering. In a situation when media becomes a product for consumption and further profiteering, the news is constructed, manipulated or ignored as and when desired.

Post-Moolampilly

The forced eviction of the people in Moolampilly changed the scenario in one day. The information about the forced eviction was given to the electronic media by the Coordination Committee and the news was covered. The heart rending visuals of forced eviction of ten families by the authorities were shown across Kerala by the electronic media which impacted the public. Electronic media like Asianet, Indiavision, Jeevan TV covered the news in detail on the day of eviction and did the followup of the news as well in the following days. The major Malayalam dailies like Malayala Manorama, Mathrubhumi, Mangalam also covered the news continuously for days. One of the struggle leaders gave a description of the media intervention on the day of eviction in Moolampilly. Though he appreciated the media intervention there was also the criticism that if they had telecasted the programme from the morning, the eviction itself could have been avoided.

The visual media in the beginning was acting reluctantly. If they had telecasted it from morning then this issue wouldn’t have happened. They started telecasting it from the afternoon. All the visual media didn’t come there. One visual media came, Jeevan TV. Others got the clippings from this mainstream visual media. Manorama
is a group which always taken a stand supporting such projects. But when such an incident happened they couldn’t refrain from showing their opposition. All the scenes were haunting – demolition of the house, the cries of women and children, the people losing everything (Fr. Augustin Vattoli, Activist and Struggle Support Committee member. Interview, 20th January 2010)

The visuals made the public empathise and sympathise with the people affected and it helped to accelerate and strengthen the struggle for rehabilitation. The sustenance of the media is based on news with sensational value. The struggle had been continuing for three years but the media took a stand strongly supportive of rehabilitation only when the forced eviction in Moolampilly happened.

Media is after incidents. When an incident happens media will come. When Moolampilly incident happened they came. Till then they didn’t know that there is a rehabilitation issue in Vallarpadam. From 2005 the struggles were happening. For three years they didn’t know. They will come only when Medha patkar or Mahaswetha Devi come here. Other than that they won’t come (C R Neelakandan, Environment Activist and Struggle Support Committee Chairperson. Interview, 4th November 2010)

In spite of the criticism everyone acknowledged the role played by media in initiating a political debate on rehabilitation and also in influencing the Government decision towards a rehabilitation package.

**The Judiciary**

The Court had been a major stakeholder in the land acquisition procedures for both rail and road connectivity projects. The Court dealt with cases of environmental violation, provision of compensation and rehabilitation, disputes on rehabilitation plots, delay or denial in provision of rehabilitation benefits etc from the initial stages of acquisition. The intervention of the Court had determined the course of land acquisition, people’s struggles and rehabilitation and resettlement procedures. The Court Cases in connection with the Road Connectivity project were in plenty. The nature of the cases also varied from individual grievances to group grievances.

Cases related to environmental violations were filed by various local interest groups/struggle committees in the initial stages of acquisition as well as during the construction work. The Cheranallur village Struggle Committee filed a
case against the Road Connectivity project in 2007 citing CRZ violation. In Mulavukad village, the road was passing through backwaters which saw the reclamation of more than hundred acres. Also from Mulavukad to Cheranallur, the land was rich with Pokkali lands, which also fell under Coastal Regulation Zone II (CRZ II) and the proposed road connectivity was designed to pass through, destructing these wetlands. The contention of the petitioners was that violation of CRZ II is happening, following which the High Court stayed the project. CRZ II is the most ecologically sensitive coastal area zone and except for port facilities or oil terminals, any construction activity is strictly prohibited. Though the road construction work got stayed, the land acquisition process for the project continued during this period. According to the petitioners the CPT delayed the hearing of the case, during which they tried to overcome the legal complexities. As per their contention, the laws of the state were manipulated to meet the interests of the Government. The Government agencies in connivance with each other extended the port limit as per Major Ports Act. Whereas earlier the port limit was till centre of Mulavukad, as per the new regulation the port limit was extended to Varapuzha village. The area under question, that is, the total alignment area came to be declared as port area this way. Later on the argument in the Court was that since for port activity CRZ II was exempted and since the upcoming road was part of the Port facility and falls in the port limit there was no legal violation in continuing with the reclamation work and road construction. Following this the case was disposed by the Court without considering the legal manipulation that had occurred. The Struggle committee representatives who filed the case criticised that the Court stopped short of taking a strong stand in similar issues.

The Court is pro-project. All Courts are like that. They are scared whether their action will affect big projects. They are concerned that they will have to face any humiliation arising out of it. They say that they are not ready to enter into the merit of the Project. It doesn’t matter whether environment will be destroyed or people will be displaced. They just look whether any procedures are violated. Even where there is specific legal violation the Court openly supports it. When we said CRZ 11 violation is there, they said for port, CRZ 11 is exempted (Kunju Mohammed, Evictee and Struggle Committee member, Cheranallur; Interview, 26th January 2010)

193 Case constructed from in-depth interview with the Cheranallur Struggle Committee, who were also the petitioners in the Case
Even the stay order they received in the first stage, the petitioners perceived as exceptional, since no Court would prefer to project an anti-development image. The struggle committee members criticised the judgment to be biased from the first sentence of the judgment which started with the sentence ‘*This is a dream project of Kerala*’. The interesting thing was that the same Judge who gave the stay was also the one of the two Judges who later on passed the verdict in favour of the project. Legal positions that contradicted themselves form a major feature of the case. Even when a stay order of the project was issued by the Court citing environmental concerns there was no legal or ethical binding for the state in continuing with the land acquisition process. The stay was considered just as a technical inconvenience which needed to be surpassed through manipulation of existing laws or formulation of new regulations. The formulation of new regulation extending the Port limit as per Port Act to win the case by the authorities was an example. Another manipulation done was the interpretation of the Road and Rail Connectivity as part of Port Activity, which was an opportunistic action for tackling the criticism of reclamation of wetland areas. The Court took an open stand that it purposefully would not go to the merit of the case since it involved a dream project of the state, thereby favouring the project irrespective of the understanding that it may result in a serious violation of existing laws concerning CRZ and wetland conservation.

Group petitions on compensation/rehabilitation started from the time of Moolampilly eviction when the ten evictee families from Moolampilly filed a case against the State of Kerala against forced eviction without provision of compensation. The Court criticised the Government for depositing the compensation of the families in the Court without their permission and directed the Government to provide the families with the compensation within a stipulated date. Later after the announcement of the Moolampilly package by the Government several evictee groups outside Kadamakkudy village had filed cases for equal treatment regarding the rehabilitation package. As per the Government package only the evictees coming under Moolampilly and Kothad in Kadamakkudy village offered 5-6 cents of land whereas others were offered 4 cents. This led to the Common Judgment which directed equal treatment of all
the evictees across the villages and made them eligible for the rehabilitation package like that of the Moolampilly evictees.

A Review Petition was filed was against a clause in the Common Judgment that rehabilitation benefits were to be given to all except in those cases where Award had already been passed. Since Award was already passed in the case of many people they became naturally out of the purview of the rehabilitation benefits. The case was filed by those who were in struggle in Cheranallur and the Court corrected the judgment that those cases in which Award has been passed but possession not done and compensation not given can be considered eligible for the rehabilitation package. So many more people came under the purview of the rehabilitation package, but many were denied the rehabilitation rights only for the reason that their land was already taken over by the Government. Thirty eight families in Cheranallur who had given the land in the initial stage filed a case for rehabilitation rights and finally they too were granted the rehabilitation benefits by the High Court. Another case that was filed by the 38 families was for the transaction right of the rehabilitation plot after 5 years. As per the present policy of the Government the transaction right can be given only after 25 years for the patta lands given after 2010. The transaction of the lands given before 2010 can be done only after 10 years. These 38 families in Cheranallur had gone for 4 cases altogether – for rehabilitation rights, for rent, against the Government of Kerala for providing rehabilitation plot mired in legal dispute and for transaction right of the rehabilitation plot. Fourteen families in Eloor who were displaced had stood in the struggle for long. Later they submitted their permission notes opting for DLPC but the authorities converted their case to LA compensation citing technical issues. This meant they won’t get the benefits of the rehabilitation benefits as per the Government and Court Orders. So for revision of the LA compensation and for rehabilitation benefits the 14 families had to approach the Court.

Another combined case was to extent the rent period since basic amenities were not provided in the rehabilitation plots. The evictees had received rent for a period of 13 months in the period after forced eviction. The ten evictee families in Moolampilly had together filed a case for extending the rent period. They had
spent together more than Rs 50000 for proceeding with the case. This they say was an additional burden to the families. People around had helped them to raise the money for meeting the Court expenses in additional to the shares taken by the ten families. A similar case for extending the rent period was filed by people from Cheranallur also. They also received the patta, but the case for rent was filed on account that the basic amenities for house construction were not provided. Twenty families from Kothad also filed case for extension of the rent period.

Individually, cases have been filed for enhanced compensation as per LA, change in category of land, for compensation as per DLPC rates, injury affection in the instance of any harm done to the property during eviction and acquisition etc. Only those who were financially sound and could afford the expenses of the Court proceedings took up such cases. Individual cases came up also in the case of partial demolition of houses. In Eloor there were two cases where the houses where partially demolished for the project. They were offered the rehabilitation plots and the full value of the structure by the Government on a condition that they demolish the whole structure. Being financially unable to construct a new house and also since the rehabilitation plot given was not sound enough for house construction they contested the clause regarding demolition of the entire house. They filed a case to sustain the remaining structure.

The people went to the Court as a last resort after the forced eviction in Moolampilly. The people feared that the Court may not stand up to the interests of the evictees and may even negate rehabilitation measures citing that the land was being acquired for the development of the nation. This thought emerged also from the previous experiences in which the Court had given verdict in support of the Projects, though they cause human right violations and environment destruction, for the sake of ‘development’. Though Judiciary was expected to be an independent entity impartial to the state processes it could be seen that the Judges played along with the interests of the Government. Ironically on many instances it was seen that the judgments in the petitions filed against the Government of Kerala was done after consulting the Government itself so that the interests of the Government stand unaffected. A communication between the
Revenue department and the Court in the context of controversy regarding equal provision of rehabilitation to all evictees substantiated this. After the Common Judgment which advocated equal treatment of all evictees, the Government extended other rehabilitation benefits in the package equally to all but shied away from giving the rehabilitation plots in a similar manner citing that land was not available for all. A letter\textsuperscript{194} from the Revenue Department in August 2008 to the High Court stated that

\textit{Government has no objection in principle on giving the same benefits ordered as per the Government orders} \textsuperscript{195} \textit{and also the benefits ordered by the High Court in its common judgment} \textsuperscript{196} \textit{to the petitioners except the additional land allowed therein as there is no land available for allotment, provided that the Land Acquisition awardees sign the contract in favour of requisitioning authority and the requisitioning authority only agrees to meet the cost.}

So mainly three points come up here, the first one was that only 4 cents will be allotted to families other than those in Kadamakkudy. The Land acquisition awardees were expected to sign the DLPC contract for availing the benefits so that they won’t move the court in future. Also there was no clarity as to whether the cost of additional land will be met by the requisitioning authority. Since the letter was vague in its approach, the court directed\textsuperscript{197} the Government Pleader and the Standing counsel for the CPT to clarify two things - One was that whether the Government agree that the petitioners in all the writ petitions and similarly evicted people who may approach the court in future can be conferred with the benefits as per the two Government orders and also the common judgment i.e whether the Government will allot land for rehabilitation at the rate of 4 cents and 5 cents respectively. The second was a clarification to the requisitioning authority whether they are prepared to pay the cost of additional land i.e. one cent or at least half cent to each of the parties. Here the Court sought approval directly from the Government before judgment in the matters of compensation and rehabilitation undermining the fact that the State of Kerala

\textsuperscript{194} Letter No.18518/B1/08/RD, dated 28\textsuperscript{th} August 2008

\textsuperscript{195} GO (MS) 62/08/RD dated 19\textsuperscript{th} March 2008 and the GO (MS) 163

\textsuperscript{196}WP ( C ) No.25373/2008

\textsuperscript{197} WP ( C ) Nos.20902, 21704, 22765, 23916, 25373, 25775/2008 dated 2/9/2008, Pious C Kuriakose dated 2\textsuperscript{nd} September 2008
was a major respondent in the petition filed by the evictees. In the case of the additional acquisition of land in which the evictees were denied rehabilitation by the Government also a similar stand was taken by the Court. The evictee family had approached the Court against the Government decision against provision of rehabilitation to the additional acquisition cases. But the Court in its judgment referred to the Common Judgment given previously and redirected the power to the district administration to take a decision regarding provision of rehabilitation to the evictees. In this situation rehabilitation was again denied to the family by the Government.

Another case in which the Court sought approval from the Government in spite of the fact that the Government was the first respondent was in a petition on environmental grounds filed by few activists from Cheranallur against the paddy field reclamation in Cheranallur by SOMA, the construction company to establish its base station. A former Panchayat member in Cheranallur Panchayat who was also an advocate had taken up many issues in relation to conversion of paddy fields and wetland areas in connection with the road project. In his leadership people had openly confronted the conversion of paddy fields by SOMA and in cases beyond their control they had approached the Court. His narrative about the role played by the authorities and the Court in their petition against reclamation of wetlands for Base station is given below.

Initially SOMA constructions decided to construct a base camp here. So a 6 acre 50 cent agricultural land - half paddy and remaining coconut cultivation – was bought. It is also an area with good biodiversity. They bought this land in the name of Aruna promoters, a Hyderabad based company from private parties. It was a real estate business. The District Collector gave an order to reclaim it. The direction was given to NHAI which was redirected to SOMA in the name of basecamp. They received the order for reclamation but we resisted. If that land is reclaimed then the surrounding land will be water logged. When the people got organised against it, as per the order of the Collector, they tried to hinder it using police force. We challenged the DC order in the Court through Advocate Shivan Madathil. So after moving the Writ petition when the case was in the Court, the Revenue Department issued a stay order for reclamation. Then the Court said that since the Government had taken a decision we won’t give a verdict on it and the case was disposed. But the Court said that the petitioner, that is me, should be heard. It was directed like that to the Government. But the Government vacated the stay order by evening. So we didn’t get the stay from the Court for stopping the Collector’s order and the temporary stay by the Revenue Secretary was withdrawn by evening. We were cheated then. Then we approached the Court again. Then the Court directed that the Government should take decision on hearing the complaint of the petitioner. So
after the hearing in front of Revenue Principal Secretary, Government gave an order that the land is being reclaimed temporarily and when the function of the base camp is over, the land will be reverted to the previous condition. Thus both cases were disposed. Then the base camp started and the road, canal, wetland area all got destroyed (Omanakkuttan, Former Panchayat member and Local Environment Activist and, Cheranallur; Interview, 7th November 2010)

The Court overtly sided with the Government since it does not want to create an anti-development image by making a verdict in support of the petitioners. In the narrative it can be seen that twice the Court redirected the decision to the authorities against whose action the petition had been filed. The discrepancies in the Judgments of the Court are obvious here. Inspite of all these, there were few things which Court had done to ensure justice to the people affected. While the Government order announcing the Moolampilly package was vague and treated the evictees with differentiation, the Court on availing the petitions against the package announced a Common Judgment which demanded equal treatment in rehabilitation of all the evictees concerned. The Court also set a deadline for the provision of rehabilitation. Also later on when the rehabilitation process got delayed due to the apathy of the Government the Court gave rulings to provide the evictees with further compensation in the form of rent.

Section 6: Conclusion

The International Container Transshipment Terminal (ICTT) was a Central Government project initiated to attract huge international private investments which also transferred the existing Container Terminal (RGCT) to the international firm DPW for Container Terminal Development and expansion. Agreement for facilities like Road and Rail connectivity and arrangement of environment clearance made to the developer was part of the facilitation of the investment climate by the Government to attract and sustain the foreign investments. But the auxiliary projects taken up by the state Government to ensure the facilitating conditions and appease the investors saw the destruction of common property resources to a good extent and displacement of families in large numbers without proper rehabilitation in Ernakulam district in Kerala.

The pre-project phase of the Road Connectivity project across seven villages in Ernakulam was void of people’s consultation and consensus. The
Environment Impact assessment of the project (EIA) did not reflect field reality of impending destruction of the ecology of the region. The Social Impact assessment (SIA) failed to capture the loss of traditional agrarian systems in the region. The rehabilitation plans made in the SIA remained in paper. The EIA report served only the purpose of availing environment clearance for the project. Public Hearing for the project happened four years after the EIA was done. The participation of the project affected was minimal and the environmental concerns raised during Public Hearing were neglected. Even after Public Hearing most of the project-affected remained uninformed about the forthcoming project and the impending land acquisition. The land acquisition notifications were made without field survey and based on Basic Tax Register by overruling the land acquisition norms. The Government also made use of the Land Acquisition Act instead of National Highway Authority of India Act for land acquisition to fasten the land acquisition process by promoting acquisition through onetime settlement.

The resistance of the Government to initiate a dialogue process on rehabilitation, the strategies and violence used by the Government to grab land from the people, apathy shown by the officials even after Government order for rehabilitation was released, various issues related to the rehabilitation plots, the illicit land grab by private players that started in the region even before the project notification was made, a nearly complete silence on the destruction of wetland and water resources among farmers and other stakeholders etc were the major features of the land acquisition process for the ICTT Road Connectivity project. The people’s struggles had erupted soon after the notifications started coming but mainly focused on compensation and rehabilitation. The farmers who lost land refrained from participating in the struggle owing to deterioration of agriculture in the region as well as the prospect of increase in land value in the immediate future. Also the illicit land dealings that had started even before the project notifications saw to it that the ownership of the land was with private business interests outside the village which left only very few with land ownership in the project region. This was another reason for silence regarding the loss of traditional agricultural regions.
The forced eviction in Moolampilly became a land mark event in the process of land acquisition for the Road connectivity project. The struggles which were latent in the pre-Moolampilly phase became active after Moolampilly eviction and gained support from across the social-cultural-political milieu forcing the Government to surrender to their demands for rehabilitation. But the discriminative position taken by the Government in rehabilitation led to further struggles and court proceedings. The Court acted as a major stakeholder in ensuring justice with regard to rehabilitation provisions following people’s petitions. But even after 3-4 years the rehabilitation process was not complete mainly due to bureaucratic apathy and political opportunism.

The project implementation phase saw displacement of people without proper resettlement and rehabilitation. The opposition of the people with regard to compensation was for many reasons – lack of consultation with people in price fixation, low valuation, delay in compensation, reduction of tax from compensation etc. Rehabilitation plots were also marred with multiple issues like legal disputes in the plots provided, criticism regarding poor quality of land for construction, denying construction in the rehabilitation plots citing CRZ norms, denial of transaction rights of the rehabilitation plots etc. The project implementation phase also saw destruction of common property resources due to absence of scientific planning or purposeful action. Unscientific planning of the road design resulted in loss of pokkali-polders in large extent and flow of construction waste to the polders resulting in their destruction. Also polders and paddy fields were destroyed when the construction waste was dumped in them by the Construction Company with the support of the authorities. Illicit land dealings in the pre-project and post-project phase also resulted in the shift of possession of the lands from the locals to the outsiders fostering reclamation of the polders. Even for rehabilitation of the project evictees paddy fields, river, pond, backwaters etc were reclaimed. More than hundred acres of backwaters were reclaimed for road construction in Mulavukad affecting the livelihood of the fisherfolk in the locale. The protest against the destruction of wetland sources were minimal and mostly had the support of the local populations as well. The Agriculture Department did not have any role to play in the whole process inspite of the acquisition and destruction of agricultural lands for the project.
Their consent or recommendation regarding the land to be acquired was not sought in any stage of the acquisition process. Also the existing laws of conservation in the state are not sufficient for the protection of the wetlands. The Wetland and Paddy land Conservation Act permit small scale conversion of wetlands for house construction and even large scale if it is for public purpose. These loopholes were mostly exploited by vested individuals as well as real estate agencies. Legal action taken up by local groups against wetland destruction in the initial phase in the Court was mostly dismissed in the context of the development narrative that was coming in.

What happened in the Road Connectivity project was the facilitation of an open land grab in the name of development by state and non state actors even by abusing the existing land acquisition as well as environment laws of the state. Irrespective of the political affiliation the Governments in the state and central level stood along with the land acquisition process with no concern for the plight of the people or the destruction of the common property resources. The violation of social and environment justice that emanated from the processes was legitimised and perpetuated by various stakeholders in the backdrop of the grand narrative of development that was expected to bring in economic development in future. The local narratives of social and environmental injustice were sidelined in the process.