

ARE THE CRITICS RIGHT ?

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REHABILITATION AND RESETTLEMENT IN SARDAR SAROVAR PROJECTS : ARE THE CRITICS RIGHT ?

A storm rages over the Sardar Sarovar Project (SSP). Situated in the eye of the storm is the Rehabilitation and Resettlement (R&R). It began almost imperceptibly and in a fitful fashion 11 years ago in 1980. VAHINI - ARCH initiated the struggle. The tribals were unorganized, too stunned and dazed by the sudden and imminent threat of land acquisition to offer even a token resistance to bulldozing tactics of the government. They were highly fearful of the government and relied almost totally on the mercy of the Sarkar-Maibap. The Government displayed total indifference and callousness towards the plights and concerns of the tribal oustees with a customary arrogance and imperiousness. Little did they then realise that the small trickles of resistance and protest will swell into a big torrent in course of time to threaten the Project. Our urgent and impassioned plea then that if SSP was going to be the 'Lifeline' of Gujarat and was going to bring boon to the dry areas of Gujarat, why ruin the poor, helpless tribals, met polite but dishonest nod from the politicians and top bureaucrats.

In 1978 a highly placed politician had cockily blurted out when asked about the resettlement of the oustees, "we don't have to move a finger. When the water rises, these people will be flushed out like rats from their holes". While in 1984, another highly placed politician shaken by the rising tide of resistance of the oustees became more cautious. In an apparent show of sympathy but without really feeling it, he said, "when we are going to spend billions of rupees, why should we hurt the tribals? To give to the tribals what is their due (Minimum 5 acres of land per family) is to dispense with one foot of centipede".

The drastic change in words notwithstanding, there was little change in non-commitment to R&R in SSP in 1984.

Through the perseverance and doggedness of VAHINI-ARCH, 19 villages of Gujarat located in the inaccessible, hilly terrain stretching along 60 kms on the bank of river Narmada learnt to organize themselves, to know about their rights, enshrined in the Narmada Water Dispute Tribunal (NWDT) award and the Loan Agreement with the World Bank (WB) and to fight for their rights within the frame of law. A remote tribal area, sleepy and docile until now, rose to its feet by strength of sheer will-power to walk to Kevadia Colony, the Project headquarters on 8th March, 1984 in a massive show of defiance and in an act of solidarity which this area had never witnessed before. The struggle then gathered a momentum. A humble petitioner had got himself transformed into a defiant, if still vulnerable, rebel who dared to look straight into the eyes of a mighty State and demand his proper share which the power, in an unguarded moment, granted him with no intention whatsoever to honour it. Earlier R&R policy (G.R. of 11-6-1979) which was a truncated version of NWDT award, a reflection of pettiness and short-sightedness of policy makers, lay tattered and rejected by the oustees of Gujarat. A demand for new radical policy was now irresistible - Minimum 5 acres of land of choice to each major son, to each 'encroacher'. The struggle took various forms including the boycott of the Project Authority, a Rasta Roko to stop work on rock fill dyke, a writ petition in the Gujarat High Court from where to the Supreme Court of India, a massive international campaign to lobby with the WB with the active support and sustained involvement of an international NGO, Oxfam (UK) and of Survival International (UK) in the initial stages. For three years, the Government of Gujarat (GOG) fought back hard, knowing fully well that it could not stop birth of the new R&R policy which we were fighting for and which the WB was fully supporting. The GOG could take no more. The SSP had met a really threatening resistance on the R&R front in Gujarat for the first time. In December 1987, radically new R&R policy was announced by the GOG fully in line with our demands. We endorsed it publicly.

Meanwhile a movement centered on the R&R issue was spreading to Maharashtra villages and slowly taking roots in the last months of 1985, demanding better deal in the R&R. In Madhya Pradesh (MP), also there was some awakening and a little ground level activity all focusing on

R&R. A few articles examining the environmental aspects of the Narmada Valley Project including SSP had appeared in some English language journals. This was all. There was no visible linkage then between the environmental issues and the R&R centered movement, still less visible was any evidence that the R&R centered movement was about to adopt an environmental platform and transform itself into a movement against SSP. Indeed as late as Nov.1987 in a memorandum submitted jointly to the Chairman of the Narmada Control Authority (NCA) by the Maharashtra based Narmada Dharangrast Samiti (NDS) and MP based Narmada Ghati Navnirman Samiti (NGNS), who spearhead the movement against the SSP now, had put forward 38 demands virtually all related to R&R only. At the end of the memorandum they had given a warning that if before 15th Dec. 1987 a clear and definite decision was not taken on these demands then a movement will be launched to get these demands fulfilled.

In June 1987, the Central Government's Department of Environment and Forest (DOE&F), was forced to issue a clearance to SSP and NSP. A letter of clearance and DOE's note to P.M. regarding this clearance, sent before the clearance, was leaked out to a few chosen activists in N. Delhi. This provided first opportunity to open up an environmental plane. Serious environmental rumblings against SSP in N.Delhi and other cities begun but the activists in the field were still largely concentrating on R&R or so it seemed. The unexpected announcement of December 1987 Policy with its radically different contents and structure took everyone by surprise. It exposed for the first time the vulnerability of the GOG. The monolithic view of the World Bank, a front of the international capitalism working at tandem with the State Government pursuing the interests of the ruling classes, nurtured so assiduously by the radical activists, had received a severe jolt. A large hiatus between the WB and the GOG was clearly revealed. The scene began to be transformed rapidly. Environmental issues rushed to the forefront. The turning point (new R&R policy) was so sudden that these activists had hardly any time and opportunity to make a smooth and plausible shift from R&R focus to a new focus - No SSP. The published letters, notes of the time clearly show that this transition was clumsy, contrived and highly non-plausible. The struggle for better R&R in Maharashtra and MP was transformed into the struggle against SSP. Stopping the SSP at any cost became the objective. With that, R&R attained a new status - from the end to be achieved it became a means to fight the SSP. R&R that was worth attaining and possible goal until then got metamorphosed into R&R that was impossible in principle.

History of R&R in India and State's usual approach and style in dealing with such problems has been so dismal and discouraging that any worse-case scenario is immediately accepted. The government's credibility is extremely low. This all pervasive pessimism -realistic as it is- allows the activists such drastic transition of objectives and transformation of end to means smoothly and imperceptibly. Hardly a question is asked, an eyebrow is raised.

This brief historical overview provides insight into a process in which at a certain stage a goal came to be fixed as Rehabilitation is impossible, which is integral to the larger goal of "Stop SSP." Once this radical transformation of end into means is understood, it provides a vantage point of view to understand and analyse the pattern of ever-changing issues and shifting arguments regarding R&R while the goal remains fixed: Impossible R&R.

R&R by GOG

Soon after the December 1987 policy was declared and the movement in Maharashtra and MP shifted to No dam - R&R is impossible - position in the middle of 1988, the criticism of R&R has gone through several quite discernible phases.

Point - Counterpoint:

Once the initial element of surprise and even shock had worn off and the vulnerability of the GOG had become visible, the anti dam movement declared Rehabilitation to be impossible. The

immediate arguments offered to substantiate this were: there wasn't enough land, not only in MP and Maharashtra, but also in Gujarat. The new R&R policy was only a piece of paper, GOG had no will and ability to implement the policy. The movement then drew heavily upon what had happened, not only elsewhere in India, but also in Gujarat and in particular on what had happened in SSP itself. If past is an important guide to what will happen in future this was a weighty argument. Its impact was immediate and visible on others who were not directly involved but not on the oustees of Gujarat. They could not afford to fall into the quagmire of this pessimism. They had to give a hard and fair trial to the policy for which they had fought so long, so hard!

We reasoned and argued with the activists of the movement that oustees in Gujarat had in fact succeeded in identifying the private lands of their choice and that in MP this was a clear possibility. The counter-attack came in quick. "Poor and helpless oustees were being forced to roam and wander about day in and day out with empty stomach in search of the land which was clearly a responsibility of the government to find!" A bogey was raised that the oustees were forced to fix the prices with the land owners in the Land Purchase Committee (LPC). This would only ruin the oustees as they were no match to the land owners. It was further argued that land owners were demanding exorbitant prices. A demand of Rs.50,000 per acre was and has been repeatedly quoted to prove the point.

To each of this point and others left out, there is a counter-point.

* Identification of lands by oustees was primarily our move. This was initiated in pre-December 1987 days when the GOG was trying to stall our demand that minimum five acres of land of choice should also include private lands by blandly maintaining that there wasn't enough private land available for sale! The list of such private land available for sale was provided to the WB expert just in the nick of the time for him to successfully defeat the GOG's shortsighted and mean strategy at a crucial meeting in New Delhi in September 1985. The identification and selection of private lands by oustees, we believe, is the real exercise of choice. In the very early days of implementation of the new R&R policy, there is a grain of truth in the claim that oustees had to spend their resources to locate the private lands, but it is covered with a ton of exaggeration. The stories of exhausted, depressed, hungry oustees returning home empty-handed at night bears little relation to reality. Very soon, however, the oustees were being provided with vehicles to move and view the land of their choice and by the end of 1988, six months after the implementation had begun in right earnest, the spontaneous offers to sell good lands in large chunks began to pour in with Sardar Sarovar Nigam. This has surprised many people but this is no place to go into the dynamics of land market in Gujarat and possibly in MP. Now the situation has changed beyond recognition. Thousands of hectares of private agricultural land were offered for sale to Nigam directly and most of these lands were approved by the oustees and bought and allotted to them by the Nigam. However, even today, there are individual oustees who are identifying their own lands of preference. Their cases are being brought to the LPC for fixing the prices and once the prices are fixed, such lands are allotted to them. This must be viewed as exercise of free and unfettered choice by the oustees and not as an abdication of responsibility by the Government.

It is typical of the anti-dam critics to focus on difficulties and uncertainties of these first days of transition to condemn the entire rehabilitation process long after the difficulties have been surmounted and new healthy features have emerged in the evolving process. We will see again and again that an evolving process is ignored and criticism is rivetted to a selected one or two points in the process. This is puzzling. This puzzle disappears, however, if we recall that R&R is not a problem to be solved but a mean to an end - stop the dam.

* The Land Purchase Committee has been the focal point of severe criticism, most of which is either misinformed, unfair or a product of deliberate neglect of facts. The oustees have never been asked to bargain for the prices of the land either in LPC or outside. This has always been done by the members of LPC themselves. Where is the question of the poor oustee entering into

bargain with 'wily' and 'crafty' landowners? The evolution of this institutional arrangement and its true role has been deliberately misunderstood even by an expert of the WB, who was chiefly responsible earlier (Sept. 85) in forcing the GOG to widen the scope of choice to include private land. In April 1989, when he came again with the WB mission, he subjected us to torrents of searching questions in a long and intense discussion we had on the nature, scope and actual functioning of the LPC. He took copious notes of this discussion. Our hopes that he will provide an authoritative account of the LPC were dashed when we saw his report, prepared on the same day of our meeting, which however we saw after about ten months. He had totally ignored the intense discussion he had with us and had simply repeated the uninformed charge of the antidam critics. It is true that institutional arrangements like LPC are open to abuses of middlemen, touts, etc., but the actual working of the LPC should be a test against which such plausible apprehensions should be checked. The prices of lands of different qualities in different areas were fixed in an open and frank manner right before the eyes and ears of at least a hundred observers, oustees, members of LPC, officers and others. The LPC frequently went to day-long tours to view the lands and check the claims made by the landowners in various areas from where large offers of land had come. There was little scope for the middlemen and touts to influence all the members of the LPC including us to steer the process of price fixing in the direction of their liking. Once the price of selected, sizable land of an area, taluka was fixed in an open atmosphere of frank bargaining, that became the price for the whole area and all the subsequent sellers of the area got the same price, provided oustees selected their lands. One would have to invoke a giant conspiracy of not only first group of land owners, but also of the subsequent sellers of land with all the members of LPC and the middlemen to maintain that the middlemen had a field day!

The average price of the land fixed by the LPC turned out to be around Rs.13,000 per acre, far below the much flaunted and feared price of Rs.50,000 per acre. This was the price quoted for Dabhoi land which is a prime quality land of about 4,000 acres with assured irrigation. The ultimate price they got after two and half years of wrangling and arbitration of the Ex Chief Justice of the Gujarat High Court Mr. B J Diwan was Rs.23,000 per acre, less than half the price they had demanded. Again the same tendency of the anti-dam critics to pounce upon a selected point in the early stage of evolving process, a point according to their calculation and strategic consideration is a weak point in the whole process and to continue to hammer at that point only after a considerable time has lapsed and the process has evolved further is revealed.

* The anti-dam activists have persistently argued and the WB expert in 1989 has uncritically supported them that villages are broken down into fragments because private lands are not available in large - contiguous chunks. According to the WB expert even LPC is responsible for this!

This WB expert and even a noted supporter of the anti-dam movement Mr. B.D. Sharma have been astute enough to record that tribal villages are not homogenous entities and their social units are hemlets, not villages. Dr. Scudder has gone even further to say that cluster of their choice should be the unit of resettlement. This cluster approach is what one observes in the dispersion one sees. In many large sites where thousands of acres of contiguous or nearly contiguous lands were available for R&R, what one observes is several clusters from several villages, not even the whole hemlets have selected the land. One observes a mosaic of different no. of clusters from different villages whose traditional neighbours may have chosen to go to different sites although the option to settle at the same site was available to them. The mechanical approach of counting clusters of displaced village is obviously an unfruitful, wrong and misleading exercise. The real question is whether these clusters made a genuine choice to go where they did? We believe that in an overwhelming number of cases except perhaps in case of pre-1987 R&R the answer is in affirmative.

* The issue of non-availability of land in Gujarat and elsewhere has received a very curious treatment and has been a subject of serious distortions.

As soon as 'No Dam' became the objective of the movement, 'land is not available' became transfixed in the minds of anti-dam critics. It almost became gospel truth to them. Even while the LPC and its functioning was severely lampooned and the news of allotment of land of choice to the oustees was received with open ridicule, the critics continued to maintain that the land was not simply available.

Thus Baba Amte, in his now famous book, 'Cry, the Beloved Narmada', published in July 1989 when it was a public knowledge that more than 1,000 oustees including major sons, encroachers and landless were being allotted 5 acres each of the land of choice, resorted to quoting an outdated minutes of NCA meeting of June 3, 1988 to 'prove' his point that land for relocation of oustees is not available even in Gujarat !!

The WB expert, in April 1989 meeting who was informed that more than 900 oustees were soon to be given possession of the land, chose to ignore this information, like he did regarding LPC and dispersal of oustees, and resorting to sheer technicality observed in his report that only 5 persons' documentations were complete. (This report, like the NCA minutes and DOE notes, was selectively leaked out to the anti-dam activists who naturally made huge propoganda capital out of this report.)

Another supporter of the anti-dam movement, when confronted with these facts, reacted sharply to say that all the documentation was a fraud and nobody was going to get any land! Such a rejection of reality!

While land has already been allotted to about 3000 oustee families and the remaining families are in the process of allotment, some critics have sought to belittle this process involving oustees of all the 19 villages of Gujarat as being a showpiece of rehabilitation of only 2-3 villages by employing excessive resources.

In Maharashtra, at the time of writing this, many concerned and interested citizens, groups are still being fed with the false information that virtually nobody in Gujarat has been allotted land according to new R&R policy! At Ferkuva it soon became very obvious and clear that the oustees of Maharashtra and MP were being deliberately kept in dark about the new R&R Policy in Gujarat and its level and extent of implementation. So much for freedom of information!

Vijay Pranjape as late as in June 1990 in his book 'High Dams on Narmada' finally admits that 1718 families in Gujarat have been allotted agriculture land till February 1990. He proceeds, however, to raise another problem, 'out of 11,850 families, land has been acquired for less than 15% of the oustees.' But this is a different problem which we will deal with later on.

* While the denial of fact of availability and allotment of land in Gujarat to the oustees of Gujarat and MP continued unabated, the critics like Baba Amte opening another front of attack do not mind mixing the mistakes, blunders and malpractices of pre-1987 R&R process with that of post December 1987 to malign the whole R&R process in Gujarat. Baba Amte writing in July 1989 (op cit) quotes a dated report to make a point that in 5 resettlement sites created around 1983 some oustees had received lands which carried encumbrances of Bank debts incurred by the original landowners. Now this was a fact and a scandal, but their encumbrances were removed in August 1988 and the matter was reported in National Newspapers, a full one year before Baba wrote his book. This fact Baba either did not know or did not want to know because his objective was to attack R&R to attack the dam!

This all pervasive denial of facts, of forcing facts to fit into pre-conceptions have led the anti-dam critics to a queer and curious situation. It does not allow them to see an assertion of political will, hitherto conspicuous by its absence, to work for the R&R in Gujarat. Curiously enough, the critics have themselves argued repeatedly and forcefully that the new R&R policy is only a piece of

paper, because the political will to implement it is absent! If there was any case of 'head I win, tail You lose,' this is the case!

In an overenthusiasm to condemn the R&R in Gujarat by rejecting facts wholesale, the anti-dam activists have also condemned and inadvertently undermined the struggle of oustees of Gujarat and their judgment and ability to understand the problems and solve them.

R&R in Maharashtra: Impossible?

In Maharashtra, the issue of non-availability of land has taken even a more curious turn. We have already referred above that in November 1987, just a month before Gujarat's new R&R policy of Dec. 1987 was declared, NDS in Maharashtra and NGNS in MP had submitted to NCA a list of 38 demands related to R&R. One of the most crucial demands related to the release of denuded forest land for the resettlement. Within months of submission of these demands, these organizations changed their objective. No-dam became an objective and what was a goal until Nov '87 - R&R became one of the means to achieve the final goal of No-dam.

The demand for release of forest land came in very handy to prove that R&R was impossible in Maharashtra because land was not going to be available. The activists were fully convinced that the DOE&F will not release the denuded forest land of Taloda for R&R, taking shelter behind the Forest Conservation Act, 1980. The Environment Defence Fund (EDF), USA, which spearheads the anti-SSP movement in North America supported this demand before the Congressional Hearings in USA.

DOE&F, of course, having first leaked out to the selected activists of the movement in N. Delhi its note to the P.M. in April 1987 followed by two letters of clearance (June 1987 and Sept.87) to provide a major weapon to the movement, was fully in tune with the requirements of the movement and would most willingly oblige. In fact the DOE&F had gone to the extent of putting in a condition (No.vii) in its letter of Sept'87 (referred to 'above): 'No forest land will be utilised for the rehabilitation of oustees.' This was all very well in so far as the conservation of forest was concerned, but in May 1985 the Government of India (GOI) with other three concerned states had already entered into a Loan Agreement with the WB in which it was accepted by the GOI that it would take all action necessary to release forest land reserved by the Forest (conservation) Act 1980 within the boundaries of all three states if required for the purpose of implementing the SSP including the resettlement and rehabilitation program and plan. This is all very clear and unambiguous! Full 2 years after the Agreement was signed by GOI with the WB, the DOE&F (GOI's own department) put such a precondition in its letter which is directly in conflict with what GOI had committed before!

Due to the peculiarities of political dispensation then - nature of power equilibrium between the Centre and the States - the Maharashtra Government also did not even forward the demand for the release of denuded forest land of Taloda to the Central Government - DOE&F for quite some time. The non-availability of land could legitimately be claimed by the anti-dam movement. The state of suspense continued even when the Janata rule was installed at the Centre in Nov.1989. The DOE&F headed by Ms. Maneka Gandhi continued to stall the demand for release of forest land.

In April - May 1989 had come the WB mission. Prof. Scudder, the WB expert, in his scathing report of April 1989, cited three reasons for the unlikelihood of satisfactory implementation of R&R programme in SSP:

1. The impasse between the GOM and the GOG.
2. The unwillingness of GOI to release forest land for R&R.
3. The unwillingness of NCA to play a strong oversight role

and had then proceeded to list 9 recommendations to overcome these problems.

Prof. Scudder who had also recommended permanent or temporary suspension of loan, had clearly seen where a part of the important problem was, for in his final report of May 28 1989, he had this to say:

"Since the passage of the Forest Conservation Act in 1980, the Department of Environment and Forests has been unwilling to release denuded and degraded forest land for SSP oustees, even though tribal people, for example, could play a major role in the rehabilitation of such lands. Although it is stipulated in May 10, 1985 Agreement with the World Bank that GOI will release forest land if necessary, as recently as Dec 19, 1988 in the meeting of NCA R&R subgroup the Additional Secretary of Environment and Forests reiterated the Department's opposition to releasing forest land for oustee rehabilitation."

It was obvious for anyone, especially for the anti-dam activists, to see that the real, formidable, material block to satisfy Prof Scudder's stringent conditions to achieve satisfactory R&R was his second condition, i.e. release of Taloda forest land in Maharashtra.

In July 1989 the World Bank officials were 'gheraoed' in N. Delhi by the activists for among other things and mainly for asking the denotification of Taloda forest lands! The activists' hopes had soared however because they had some 'inside' information that "the GOI (i.e. DOE&F) had rejected the proposal, irrespective of the fact that it was a condition in the WB agreement". But later they realised that the hope was premature. The DOE&F was, in fact, being forced to consider the proposal. The activists who had so persistently and clamorously demanded this forest land and who had argued so vehemently that because of the non availability of land, R&R in Maharashtra was impossible (NDS Maharashtra had demanded this land at least five times before Dec.1987!.) thought nothing of such extraordinary somersault. Completely oblivious to the paradox they were in, the activists went on arguing that denotification of Taloda Forest land is not a solution because either it is encroached upon or degraded to the point of being non-cultivable. They went even further.: "Fifty to sixty thousand hectares of the SSP and 150000 hectares for NSP would be required...Obviously no People's movement would agree to such a huge environmental disaster." (No basis was given for arriving at such outrageously high figures. Only about 3000 Ha. was demanded by GOM!)

The activists waited with a bated breath. The WB had set a limit of June 1990. In June 1990, the Taloda forest land was released! On 31st July 1990 the same organization NDS, which had demanded this land on innumerable occasions before Dec.1987, submitted a memorandum to the District Administration rejecting 2769 Ha. of forest land identified for the rehabilitation of the oustees because 'the land was already used by 30-40 local tribal villages'. NDS went even further than what it and the other activists had done in N. Delhi in July 1989. "It is reprehensible that the Central government agreed to release forest land in Maharashtra for rehabilitation in clear violation of the conditional clearance given to the SSP which clearly stated that no forest land can be used for resettlement purposes..., the clearance is then tantamount to selling of India's ecological and social future at the behest of a foreign 'agency'.

Apart from the fact that the DOE&F had clearly crossed the boundary when such a condition was laid down in the first place, this episode is illustrative of the no holds barred technique adopted by the No-dam strategists. We now quote from the memorandum of NDS which it had submitted to the GOM in April 1986.

"For the oustees to be resettled in Maharashtra, if no other land is likely to be available in large quantity (to be able to settle them as village-units, as per the principle agreed to in the WB Agreement) forest land available in the near by talukas (near the present settlements) Akkalkuva, Taloda, and Sahada should be released for the resettlement purpose. This should be in spite of the

Forest Conservation Act 1980, as is agreed to in WB Agreement.

As late as June 1987 (but pre Dec. 1987) Medha Patkar of NDS read paper at a Seminar on Narmada Valley Project in Bombay. We quote: "The only alternative left is to buy private lands at a very high cost.....or to release large chunks of denuded forest land which the Centre is reluctant to do, taking a rigid view of Forest Conservation Act 1980. The tribal - forest linkage too is not viewed seriously or not considered in planning alternatives, whatever may be the state policy in the seventh five year plan!"

Contradiction between the first and the later two sets of statements, separated by 3-4 years but juxtaposed here for the readers to see for themselves. is fatal. No further comments are necessary.

As to the encroachment by local people in Taloda land we have checked from various sources that no encroachment worth the name has occurred in these lands. In Nov. 1990, four months after the NDS memorandum, the World Bank mission visited this area. They reported there is a great deal of misinformation among oustees in Maharashtra about the extent of encroachment in Taloda and the hostility of villages around it. Essentially there is no encroachment and no hostility of surrounding villages was evident - reported the WB mission.

In 1st April 1991 issue of Gujarati magazine 'Bhoomi-putra' Medha Patkar, the leader of NDS, argued that 60 tribal families living on this land were forcibly evicted by police in last two months i.e. in Jan-Feb. 1991.

In a previous paragraph, we have reported that in Nov. 1990 the WB mission had seen no encroachment and reported so. In April 1991 Medha Patkar reports that in Jan-Feb. 1991 the encroachers (60 odd families in 2600 ha of land) were forcibly evicted!

Obviously when in April 1986, June 1987 and Nov. 1987 the activists in Maharashtra were demanding forest land the goal probably was proper R&R. In a changed context of post 1987 period when the goal was shifted to 'No dam' and R&R in order to serve as a means to this end had to be rendered impossible, the forest land became a useful instrument to fight the dam. Then in June of 1990 suddenly the forest land was released and latent contradiction of 'head I win, tail you lose' came to surface again when the World Bank officials were 'gheraoed' in N. Delhi in July 1989 and when in July 1990, the NDS in its memorandum to District Officer Dhule branded the WB Agreement so viciously, renounced its own demand and reversed its verdict on DOE&F without batting an eyelid!

Madhya Pradesh: A Conundrum of R&R?

Now we are reaching the hard core of R&R imbroglio. Extrapolating from the figures of 19 villages of Gujarat, the critics have projected for 36 villages of Maharashtra and 193 villages of MP that 90% of the oustees obviously and logically belong to these two states and M.P., because of the sheer numbers, takes a lion's share. The argument is so intuitively appealing and persuasive that practically everyone has accepted this projection.

* Based on such projection, the Narmada Bachao Andolan (NBA) has put up a claim that not less than 50,000 hectares of land will be required for the resettlement of SSP oustees, which implies that about 45000 hectares will be needed for about 22000 families of MP and Maharashtra. No source for this information is cited by the NBA.

* Vijay Paranjpe in his book (High Dams on the Narmada) claims that even high officers of the GOMP have accepted that about 24000 hectares of land will be required for the R&R of MP oustees. He derives his information from Alvares and Billory (Damning the Narmada, 1988, Page 77.)

When we checked this source, to our great surprise and even dismay, we found out that whereas the figure of 24000 hec. is quoted correctly, this figure was mentioned by S.C. Verma in the context of the R&R of NSP and not SSP. There is no scope of misunderstanding here, because Paranjpe unambiguously writes about SSP while the other two are discussing R&R of NSP with Shri Verma. But Paranjpe's purpose is served. The huge magnitude of the problem of R&R (SSP) in MP is made apperant and even visible.

* Other leading activists -more careful and cautious- have altogether avoided the number quoting, but have adopted the less risky and much more readily acceptable argument from extrapolation. (i.e. 90% oustees in MP and Maharashtra.) And it has stuck, implying that R&R is impossible.

GOMP, far from conceding such figures was busy analysing the base line information it already possessed. The information it came out with in early 1989 was disquietening, if not so dramatic as the release of forest land in Maharashtra, for the anti dam activists. The basic force of M.P.'s revelation is that in as many as 116 out of 193 villages in M.P., very little agricultural land will get submerged (less than 20 hec. in each village.) and only in 77 villages, more than 20 hec. of agricultural land will be submerged. The devastating effect of this simple revelation is obvious. The argument from extrapolation - 90% of oustees in M.P., Maharashtra - simply collapses. Only about 6 to 7 thousand hec. out of about 50,000 hec. of agricultural land in these villages will be submerged. (about 13%) Prima facie the case of massive displacement in MP does not stand.

Only Vijay Paranjpe amongst all the activists has acknowledged this fact in his book. But he too merely mentions it. He neither questions the authenticity of the analysis, nor does he acknowledge the obvious significance of this on the quantum of displacement in M.P. Indeed not only he more or less skips this vital information but ignoring it, he continues to maintain later on in the same book that the total number of oustee families in SSP, who have to be allotted alternative land is 11850.

This has a direct bearing on the question of land requirement for R&R of SSP oustees and the availability/non availability of land and therefore of the highly surcharged slogan of impossible R&R.

We have done our own analysis of the basic village wise data, prepared by GOMP, which amongst other information gives the basic details regarding land and house submergence for each of the 193 villages. This basic data is widely available including to the anti-dam activists. The table below gives the salient findings:

TABLE
Pattern of Agricultural Land and House Submergence in 193 villages of MP (SSP)

Village categories based on % Agri. land going under submergence.	No. of villages.	Sub.Ag. land Hec.	Total land Hec.	% land Sub.	Sub. houses No.	Total houses No.	% houses Sub.
1.	2.	3.	4.	5.	6.	7.	8.
0%	34	0	5949	0.0	1870	2983	62.6
1 - 5 %	52	300	16000	1.8	4247	6377	66.6
5 - 10%	26	633	8676	7.6	2134	3191	66.8
10 - 25%	33	1770	10605	16.6	3883	4742	81.8
25 - 35%	8	668	2256	29.6	659	876	75.2
35 - 50%	12	1189	2828	42.0	997	1097	90.8
50 - 75%	15	1541	2582	59.7	1367	1456	93.8
75 - 100% ¹	13	724	841	86.0	395	509	77.6
TOTAL	193	6855	49937	13.7	15552	21231	73.3

* Out of total of 49937 Hec. of Agricultural land in these 193 villages only 6855 Hec. (13.7%) will be submerged. Whereas out of total 21231 houses 15552 (73.3%) will be submerged. This figure includes houses that would be affected by back water effect, i.e. the houses situated between 455 and 460 R.L.

* In 34 villages no land submergence will occur, but 1870 out of total 2983 (62.6%) houses will be submerged.

* In 78 villages (1 - 10% category) 963 Hec out of total 24876 (3.8%) will be submerged. As to the houses 6381 out of 9568 (66.7%) will be submerged.

* In the next category (10 - 25%) of 33 villages land submergence is 16.6% whereas house submergence is as large as 81.8%.

* Pattern continues in the 20 villages of next two categories.

* Only in 28 villages (last 2 categories of +50%) we find that 2265 Hec. out of total 3423 Hec. (66%) will be submerged and 1762 out of 1965 (89.6%) houses will be submerged.

The findings are striking, startling and even counter intuitive. The most outstanding feature is that a very high proportion of houses is going to be submerged and contrary to the common sense

^{1/} includes 7 forest villages, for which, as the details of total agricultural land were not available, it has been assumed here that 100% lands in these villages are submerged.

expectation the land submergence is very modest, if not low. (only 13.7% of total, i.e. 6800 Ha. out of about 50000 Ha.)

This somewhat unexpected submergence pattern of houses and agricultural land is because of the fact that the river bed is a deep gorge. As a result, the reservoir of SSP is a long, narrow but deep trough. As we go further upstream only, the houses on the river bank are affected, agricultural lands which are further away from the bank are spared. Therefore we see this peculiar pattern of more houses and relatively less land getting affected.

This peculiar submergence pattern has obvious implications for the R&R. Total number of families affected is indeed very high - about 15000 or more. But an overwhelming proportion of them would lose their houses only. They need to be relocated, no doubt. But all that will have to be done will be to get their houses shifted to a higher plane in the same village where their lands are located unsubmerged. Their main problem is to reconstruct so many houses and not that of non-availability of alternative land. This would mean that most of the affected families would be living near the edge of the reservoir, after submergence. This would help in mitigating, to a large extent, the problems of landless labourers, fishermen, boat-men etc, whose number in M.P. though unknown is likely to be significant. A big move is already on to develop fisheries in SSP reservoir. The affected fishermen and landless must be given proper legal fishing rights and they must be directly linked to market outlets so that they are not at the mercy of middlemen or government machinery for marketing their catch. Also most of the submerging lands (including the lands of river bank and present dwellings) in these villages will open up for draw-down cultivation as the water level begins to fall in late monsoon, through winter and summer. The legal rights for draw-down cultivation must also be given to these landless families who are affected. If these entitlements are legally given to these categories of people now, before powerful vested interests move in, this will go a long way to improve their standard of living.

The number of families who have to be given alternative land is bound to be much less than the figure of 11850 quoted by Vijay Paranjpe as the number of families affected by land submergence in M.P. would naturally be quite low, compared to the total affected families. GOG, basing its analysis on the GOMP data, gives a figure of 2100 families out of about 15000 families in these villages who will be substantially affected by land submergence. This may or may not be an accurate figure. Issue is not, however, that of exact number but that of a sense of proportion and of the peculiar pattern of submergence. Those who are losing substantially in terms of land are already making a silent move towards Gujarat. Of the 28 villages in which more than 50% of the total land is submerging, oustees of 7 villages have already viewed and selected lands in Gujarat, the din and dust of Ferkuva notwithstanding. As the process moves ahead, the true facts of R&R in Gujarat reach the affected people, in spite of the movement's effort to black out the information from them, and the fact of land availability is more widely known, more and more people from the really affected villages will take the next step.

R&R efforts in Gujarat thus fall in a proper perspective and the attempts to show them to be insignificant by Dr. Scudder or Prof. Vijay Paranjpe do not stand scrutiny as the village-wise land submergence pattern obviously has a very different tale to tell!

R&R is Impossible: Shifting of Ground

With the argument of non-availability of land becoming increasingly untenable in Gujarat and Maharashtra and faced with the fact that extent of human displacement in MP had shrunk, the argument is fast losing its potency and relevance. The protagonists of 'R&R is impossible' are facing the prospects that 'R&R might be possible after all!' The anti-dam movement has now come up with a new strategy. Who is oustee? How is he to be defined? They have started raising such basic questions, all of a sudden sometime from around middle of 1990 (Say June 1990.) By making out a case that the definition of the oustee is very restrictive and inappropriate and by

widening its scope they have sought to raise the number of oustees!. Their list of oustees now includes those who are losing their lands in the canal network of SSP, the tribals of the proposed Shoolpaneshwar Sanctuary and those who are going to be affected by compensatory afforestation etc. In the whole critical literature of Rehabilitation of displaced persons in irrigation projects beginning with Goldsmith's famous volumes on Big Dams, one does not see these categories of people included as oustees. And why look into the general literature? Even the overwhelming proportion of existing literature published by the anti-dam movement does not, until one time point, even mention these categories of people to be included as oustees!! Let us reemphasise a point of time when these latest additions were effected by unilaterally changing the definition of oustees!

Only after June 1990 or thereabout when the forest land for the Maharashtra oustees was released by the Central Government one sees this new definition of oustees and a new set of oustees making their sudden appearance. Almost all the major publications of anti-dam movement² published before June 1990 do not even mention these categories of oustees, whereas after that one suddenly finds these categories.³ Vijay Paranjpe provides the best evidence of this rapid switch around one time point in his two closely related publications, one before June 1990 in Sept 1989 and another in June 1990. The first one 'The Narmada Valley Project - A Holistic Evaluation of the Sardar Sarovar and Indira (Narmada) Sagar Dams', Intach - New Delhi, Sept. 1989 which is in fact the draft - an unabridged prepublication release of the second book, 'High Dams on the Narmada: A Holistic analysis of river valley projects', Intach - New Delhi, June 1990. The first (Sept. 1989) does not even mention the category of canal oustees while the second (June 1990) has a whole section on it. The fact of displacement by canal system must have been known from the very beginning, but it is made into a big issue only after June 1990! Paranjpe even gives a figure of 80000 without giving any supporting evidence!

One can not but get struck by such a well differentiated clustering of omissions and commissions of specific issues so sharply located around one point in time (when a significant event from R&R point of view took place.)! Coincidence? Hardly!

A yet another insight into the anti-dam strategists' thinking to turn R&R into a weapon - a means - to beat the dam. Implications of this well-planned and well-executed strategy for fair and humane R&R not only in SSP but anywhere in India in future are horrendous and frightening. Not only an opportunity, even if slender and tenous to begin with, to get a R&R Programme as reasonable as can be to be implemented is thrown away so callously and so coolly! Even more, R&R is turned into a potent weapon, without regards to human lives involved, to achieve a 'higher' objective of 'No dam'! The triumph of 'end justifies the means' is total!

We do not delve into deeper processes and finer teasing of the time frame to reject or ignore the case, if any, of human plight arising because of SSP. Our idea is to show, to what an extraordinary length, the anti-dam activists will go, repeatedly and relentlessly as we have shown, to use R&R as a weapon - a means to an end. If the problem is there, it must be recognised.

2/ 'The Narmada Valley Project - A Critique' by Kalpavriksh, April 1988, 'Sardar Sarovar - Vikas Ki Vinash' (Marathi) by Medha Patkar, November 1988, 'Narmada Yojna: Kona Mate? Kona Bhoge?' (Gujarati) by Girish Patel 1988, 'Cry, the Beloved Narmada' by Baba Amte, July 1989, 'Sardar Sarovar Narmada - Open Letter to Sanat Mehta' by Medha Patkar in the Economic Times, Mid-Week review, September 1989, 'Sardar Sarovar Controversy - are the Critics Right?' Buisness India, October - November 1989.

3/ 'Sardar Sarovar project - An Economic, Environmental and Human Disaster' by Narmada Bachao Andolan, Narmada ki Ghati men ab Ladaj Jari Hai' Dhule Jille Narmada Dharangrast Sahayak Samiti, July 1990.

acknowledged and dealt with as such.

A huge network of canals is going to hit an unknown number of small and marginal farmers very adversely. This human problem must be assessed properly and a solution to mitigate this problem must be given a proper and timely consideration. While the Nigam - may not react favourably to the demand put forward by motivated activists to treat them as project oustees and give them all the benefits of R&R programme, it is equally unacceptable and unbecoming of the Nigam to take shelter behind the technicalities of Land Acquisition Act and NWDT Award. It is well known that relatively well-off and organized farmers losing land in canals are successfully getting more compensation by taking recourse to litigation. The Nigam must and will have to come up with a better deal than that at present.

Regarding the tribals in the Sanctuary area, first of all there is not going to be any displacement of any person in these villages and secondly VAHINI - ARCH and the tribals of the affected villages are actively opposing the very idea of the Sanctuary as proposed so far. Where is the question of R&R when there is not going to be any displacement? At the same time we do acknowledge that there is a problem of wildlife and forest preservation in this area. A sensible way out of this delicate dilemma has to be found out. Fortunately the Nigam and the WB have initiated the process, keeping the tribal interest in the centre.

We started the story with the struggle we had to undertake against the GOG. We have described, if harshly but certainly not unfairly, the bureaucracy's style and method in dealing with such sensitive and delicate issues like R&R of the tribals. The situation in Gujarat in last three years has gone through a sea-change largely because of the continuing pressure from developing activism and growing awareness at the grassroot level in Gujarat, pressure from WB and also because of willingness and ability of the strategically placed individuals in politics and bureaucracy to see the situation in broader perspective and in a larger time frame than the politicians and senior bureaucrats are credited with. Between pre-1987 period and post 1987 period, the most outstanding difference is to be seen in the area of political will. This, we have discussed above. This, however, still leaves large gaps in the capabilities and functioning of administrative apparatus. Fatiguing delays, petty-minded dilations, petty corruptions, sheer apathy and incompetence, which are the hallmarks of state apparatus in India and the ills which afflict the larger system, affect its sub-system also i.e. Sardar Sarovar Narmada Nigam Limited (SSNNL). This is an important problem to be solved as well as one can and not a cause or an excuse to reject the Project, because then logically speaking practically everything must be rejected, stopped.

Prof. Scudder, the WB consultant, who wrote a scathing report in April 1989 for all his faults, can not be faulted for pointing out that if the GOG had taken the promise it had made to the GOMP in 1982-83 seriously and acted on it, the fund of good-will it would have created in MP villages, would have been great. The GOG thought of nothing in discarding the promise and losing the opportunity to build the good-will. Obviously, the GOG did not act in the best interests of the SSP. One could have thought that the government must have learnt its lessons painfully, but apparently not. In the post December 1987 period, a group of Maharashtra oustees had shown their willingness to resettle in Gujarat, the lands were shown and approved by the oustees. The Maharashtra administration provided the authentic lists and cleared all the administrative hitches for the allotment of these lands and for some inexplicable and unscrutinizable reasons, this was not done by the Nigam for a long time. Only recently this was done. One can quote many more examples to substantiate the contention that old habits die hard. We believe there is no room for complacency, let alone smugness and euphoria, that all is well with the R&R and with the bureaucracy. But then it must also be recognised that things are moving - even if haltingly and in the right direction.

If the SSP is not indeed a planned disaster, and if R&R is not to be used as a means to fight the SSP, but to be treated with respect as an end in itself and if the ground level reality regarding the

state administration being what it is, the implementation of the R&R programme calls for an objective, fair and continuous watch-dogging. Critical feedbacks and correctives are necessary, if reasonably good quality of R&R is to be achieved. But a much more serious and perhaps a lethal threat to inherently delicate and fragile R&R Programme arises from the radical critics of R&R or still better to say from those strategists who have no qualms to turn R&R into a weapon - a means to some 'lofty' end.

VAHINI - ARCH
MANGROL, Tal, Rajpipla.
Gujarat. Pin 393150
30 April 1991.

Open Letter To V.C.Shukla, Water Resources Minister

Narmada Dam- Tribals the Sacrificial Lambs

A succession of Congress(I) and BJP govts. in Madhya Pradesh have succumbed to political pressure and the lure of money in the fast developing tragedy for the people of M.P. in the shape of the Narmada dam. They have been aided and abetted by the partisan actions of the various govts. at the Centre as well as by the World Bank. In the 1950's a similar attempt was made by Punjab to bully Himachal Pradesh over the Pong dam, with the help of the Central govt. and the World Bank; an attempt which was fortunately foiled in time to save the fertile and beautiful Sundernagar valley in H.P. from being inundated. As Gujerat is doing in the case of the Narmada dam, there Punjab had planned to sacrifice the fertile lands and people of the valley under the backwaters of the Pong dam, in order to generate more power for the Punjab grid.

In the Narmada dam, there could be few worse examples of an elected govt. sacrificing the interests of its own state and peoples at the altar of greed and strangely more for the benefit of another state! Especially, when there were less harmful alternatives available for achieving more or even better ends. This was nothing short of criminal! An exercise is now supposed to be under way to cover up the crime but not to undo its consequences. The cry is to save the oustees only. What about the loss in perpetuity ^{of} nature's bounty which is mainly land that cannot be re-created! There seems to be no indication of rethinking of the suitability of the Narmada dam and its long term impact on the fortunes of M.P. and its peoples. At long last wisdom has dawned on the World Bank which has washed its hands off this ill-conceived project but the M.P. govt. is pursuing the same suicidal course.

Power generation, to benefit industries in Gujerat, seems to have been the primary reason for opting for the high level Narmada dam on the border with Gujerat, instead of series of a medium or low level dams spread over Narmada valley, which would have benefitted M.P. more than Gujerat and would perhaps yield more power and irrigation jointly and displace much fewer people than the Narmada dam. Technology for generating power from low dams has now advanced much to discount the importance given to high dams in the past for this purpose.

One other objection which is often voiced against a series of low level dams is the difficulty of finding suitable sites for impermeable foundations and consequent seepage. But even this objection does not hold good, because seepage from one dam would be trapped by the dam or dams lower down. The Narmada valley is fortunate in having several rock outcrops suitable for dam foundations, much more than in Rajasthan, where the system of gravity earth filled dams in tandem has been successfully in vogue since ages.

Let no further work be done on the Narmada dam until a detailed review is made by technocrats of M.P., without interference or "assistance" from Gujerat or the World Bank. A comparison should be made between the relative merits of having the Narmada dam vis-a-vis more than one low level dam. It should be comprehensive and include statistics to show: area likely to be submerged permanently, number of outstees, area irrigated, power generated. Fiscal and time of completion considerations should come in last because these are variable, although the history of large and small pfojects in this country shows that the larger a single work the longer the delays and the greater the increase in cost. Therefore, here also the Narmada dam suffers in comparison with a series of smaller dams. Likewise, the gestation period for larger dams is much more; consequently the benfits more delayed.

MORSE-BERGER REVIEW OF SARDAR SAROVAR PROJECTS: - A Counterview

In March 1991, the World Bank asked Mr. Bradford Morse to review the performance regarding resettlement and rehabilitation (R&R) of the oustees and environmental safeguards in the Sardar Sarovar Project (SSP). This was an unprecedented move by the World Bank, which had clearly yielded to the campaign built up by some Northern NGOs against the SSP. The critique developed by the anti-dam movement was seriously flawed. There was little reason for the Bank to appoint such a high level inquiry commission, but many NGOs like ARCH-VAHINI critically supporting the SSP welcomed the decision. We were primarily guided by the fact that Mr. Morse, an ex-Administrator, UNDP and his Deputy Mr. Thomas Berger, an ex-High Court Judge of Canada were highly reputed individuals and held in high esteem by international community for their robustness, experience and knowledge. We were sure that they will investigate and study the crucial issues thoroughly and with an objectivity the issues deserved. In the event, the Morse-Berger Review has completely negated such reasonable and sensible expectations.

In June 1992, when Morse-Berger Report was published, it provoked an instant protest in Gujarat. The denunciation and condemnation of the Report was immediate, swift, widespread and even impulsive. We were not so sure and declined to fall in line. We studied the bulky, nearly 400 page long Report as thoroughly as possible for the next six months. We also studied most of the major documents they have cited in their Report. We were surprised and shocked to learn that the Report suffers from grave deficiencies. Almost all major conclusions, which dramatically find their place in the Letter to the World Bank President and in the last chapter: 'Findings and Recommendations' of the Report, are not supported by the facts they have amassed in the text of the other chapters or they don't follow from the premise. At crucial places their facts are wrong, although there is ample evidence that they had correct facts at their disposal. The Report is littered with serious methodological errors. The ambiguities abound. The ultimate casualty is clarity, objectivity and the truth.

In a short space this article provides, it is not possible to take up all the issues arising from the Report, nor is it possible to describe in detail the finer aspects of their faulty reasoning, flawed logic and distortions of the facts. We deal only with those issues which have influenced major international NGOs and the Executive Directors of the Bank. Needless to say that the Report deserves a thorough-going and detailed public scrutiny of all the issues - major and minor - so that an unbridgeable gap between the expectations that were generated by the highly reputed, credible and respected team of Mr. Morse and Mr. Berger and their actual performance can be seen by all¹.

I ENVIRONMENTAL ISSUES:

1. Environmental Clearance and *Pari-Passu* Approach to Compliance of Conditionalities:

Morse-Berger have made a big issue that environmental clearance given by the Government of India's Department of Environment and Forests (DOE&F) providing for the environment impact studies and action programs to be carried out *pari-passu* with the construction work was a big mistake and that it has failed. Even some Executive Directors of the Bank have accepted this major indictment.

The detailed examination of their argument in the relevant chapter dealing with the clearance and compliance reveals that from February 1983 when the Project went to DOE&F for clearance until June 1987 when the environmental clearance was given, even the DOE&F was struggling to come to grips with the difficult issues of environmental impact as was evident by the changing guidelines over the period. Morse-Berger, while referring to the first guideline that was in operation in 1983, fail to give even the exact date of the guideline, they merely assert that the original application submitted by the Government of

1 a. Issues like *pari-passu* approach in environment clearance, hydrology, R&R in the three states are discussed in detail in 'Morse-Berger Review: A Search for Truth?'
b. Another important issue of adoption of incremental strategy in R&R by the Bank is thoroughly discussed in another document to be printed soon. (Summarized argument of this issue is given in this article.)

Gujarat failed to meet the guideline requirements. Moreover they do not say in what precise way it failed to do so. Morse-Berger team was shown by us the series of documents prepared by the DOE&F during this crucial phase revealing how the DOE&F was itself playing mischief with the clearance. This had a direct bearing not only on environmental clearance but also on the R&R of the tribal oustees and yet they chose to ignore the import of these documents in their assessment. In the context of evolving environmental consciousness in the DOE&F, it was inevitable that the Project could not be held up until the DOE&F gained full insight and competence in the issues. As such, the Project was held up for four long years apparently without adequate reason and logic. Morse-Berger failed to objectively assess the happenings in this phase and to see that *Pari-passu* approach was inevitable. Characteristically, they have instead turned round and castigated the government for adopting and the Bank for agreeing to the *Pari-passu* approach.

As to their assessment of the compliance with the conditions of the clearance, the deficiencies of their approach, method and sifting of crucial evidence are even more glaring. They report rivalry between the Narmada Control Authority (NCA) which is to monitor and oversee the compliance of the Project Authorities with the provisions of decisions of Narmada Water Dispute Tribunal (NWDT) and the DOE&F as to who was to judge and assess the compliance. Then they reproduce a summary of the compliance report prepared by the DOE&F in December 1991. They also report that the NCA maintained that despite some slippage the program was on track and would be completed *Pari-passu* with the Project. Having juxtaposed two positions, Morse-Berger do not give their own assessment of the conflicting positions and leave at that, but clearly implying that they accept the DOE&F Summary without again revealing their assessment as to the degree of failure of compliance and its significance to the *Pari-passu* clause. From the overall context, there is no mistaking that for Morse-Berger, this is an evidence of failure of compliance with *Pari-passu* position. Then they proceed to describe second major evidence of non-compliance. This time the source of their evidence is the NCA itself. They quote from the minutes of the 38th NCA meeting held in early 1991 wherein the Chairman of the NCA is quoted to say that major part of the environmental safeguard measures were not on going as per schedule. On examination of the relevant part of the minutes, one learns that the quoted remark of the Chairman is not there! The quotation apart, the Chairman never said anything even remotely connected to what is purported to be said by him. Not only this, if something resembling to this was said at all, the speaker was Secretary of DOE&F. What could be the reason and purpose of Morse-Berger to attribute wrongly to the Chairman of the NCA the remark actually made by the Secretary of DOE&F?

These two evidences, both in effect derived from one party to the dispute, constitute their only material evidence to prove non-compliance. They had access to another major source of information, in fact, more appropriate and in the circumstances the best possible source to assess the compliance *pari-passu* with the construction work - the minutes of the Environment Sub Group (ESG), which is the special group created in the June 1987 clearance letter to monitor the compliance of stipulated conditions. While they are not averse to citing the minutes of the ESG meetings elsewhere in their Report, they seem to be shy of using ESG minutes to assess for themselves the compliance.

Their major conclusions, which they rub repeatedly in their 'Findings and Recommendations' and 'Letter to the President' that *Pari-passu* approach to begin with was a mistake and that it failed in practice, are based on distortions, selectivity, unreasonable and biased selection of the information and significant omissions of other sources of information. They are seriously marred. Not satisfied with this questionable exercise, they go on to charge the Bank with gross delinquency with regard to the compliance.

2. Hydrology

Having thus 'established' non-compliance with conditions of clearance, they then move on to what they consider to be an over-arching issue - hydrology. Hydrology is not part of the terms of reference given to them, they examined it nonetheless, because they felt that there are serious questions raised about the available quantum of water in Narmada and this is the mother of all the environmental impacts.

From their consideration of the hydrology, they reached a momentous conclusion which has now become famous throughout the world that "there is good reason to believe that the Projects will not perform as planned". Having raised the issue of available quantum of water one expects that Morse-Berger will provide a closely-argued critique of the NWDT which has in its decision stated that 75 per cent dependable quantum of water at the site of SSP is 27 MAF (million acre feet). But they disappoint. At three places in the text, they have beaten a retreat and declared that it is neither their purpose, nor their

responsibility to resolve the issue of 75 per cent dependable water. And then very blandly, without giving any evidence and arguments, they assert that NWDT's assessment appeared to be unfounded or questionable and that the assumption of the NWDT award may not hold in future. A very vague reference is made to an independent hydrologist they had hired. Even his/her name is not given, nor his/her findings and assessments are described or discussed vis-a-vis the findings reported by the country's apex body - the Central Water Commission. And yet, in the Letter to the President, they argue with assurance that they had found discrepancies in basic hydrological information and they had done their own analysis and reached their famous conclusion that the Projects will not perform as planned.

The main issue is not that they strayed into hydrology which was well beyond the TORs. The issue is they strayed in; found little substance to refute the NWDT's well considered decision about quantum of water in Narmada and yet instead of keeping silence about it went on making assertions without any evidence that NWDT was wrong about its decision and that the changes in design parameters were therefore called for. In this they followed the tradition laid down by the DOEF and the NBA to make similar claims without solid evidence. This then became one of the important grounds for them to ask the Bank "to step back from the Projects and consider them afresh". Little did they realize that this was an unjustified slight to the competence and integrity of the NWDT. It meant little to them that by such criticism and demands they were undermining the judicial mechanism evolved in India to resolve the delicate and difficult interstate disputes without which the federal structure would be in serious trouble.

3. Health

In the chapter on 'Findings and Recommendations', Morse-Berger unambiguously state: "the existing threat from malaria within the command area is serious"; and by failing to adopt the measures to control the spread of malaria, assurances offered by the Bank and India have also failed. The situation in various parts of the Projects is described as 'death-traps' in the Letter to the President. Morse-Berger have almost exclusively relied on January 1992 report of Mr. N.L.Kalra, a consultant to the World Bank, to arrive at their conclusion that an explosion of malaria is imminent. Mr. Kalra reported that there has been a rising incidence of malaria in the vicinity of the damsite and that falsifarum malaria - a killer malaria - was also rising. Morse-Berger have jumped upon these findings with a great alacrity, but, like Mr. Kalra, forgot or neglected to check the corresponding figures for the areas away from the damsite. As it happens this methodological lapse has lent them into trouble, because malaria is rising not only at the damsite but all over Gujarat, as does the falsifarum malaria. For Morse-Berger, trouble does not end here, however, because Mr. Kalra's report quite categorically says at least at two places that in the command area of the SSP there is no risk of malaria because of the appropriate design for the command. How did Morse-Berger, in the face of such a categorical assertion by Mr. Kalra, reach their conclusion that there is a serious threat from malaria within the command area?

They also discuss the threat of Schistosomiasis in the Project areas citing the case of Egypt's Aswan Dam, where after the dam was completed in 1969, the disease increased by forty fold. They have little realised or understood the finer aspects of epidemiological considerations. In India, there is one small focus of the disease near Ratnagiri for more than 30 years and yet the disease has not spread. Biological characteristics of the worms which cause this disease are diametrically opposite to those of malarial parasite and determine the different epidemiological characteristics of the two diseases. The load of malarial parasites in the community, from even a microscopic focus, increases very rapidly in an exponential manner. As against this, Schistosomiasis worms cannot get foothold in the community easily and cannot build up themselves from a small focus a la malarial parasites in the community to a huge epidemic.

Morse-Berger ought to have paid more attention to these features before they drew superficially plausible parallels between post- Aswan Egypt and the Project areas. The reason is simple enough. Even before the Aswan dam was built, Schistosomiasis in Egypt was wide-spread in the community and therefore spread of the disease by the vector mollusks along the expanding networks of canals was inevitable.

The Morse-Berger Report characteristically suffers from significant omissions. They have raised the specter of water-borne diseases in the command area, but have not bothered to survey the latest epidemiological breakthrough about water-related diseases. It is now well known that bacteriological quality of the drinking water is less important than the quantity of water in the epidemiology of diarrheas and dysenteries. If the communities are given even 20 liters per capita per day (lpcd) untreated water, the incidence of diarrheas and dysenteries comes down significantly and crippling diseases like trachoma and high morbidity load diseases like various skin infections can be nearly wiped out. In the dry water-scarce

command and outside areas of the SSP, the drinking water availability in the 8000 villages is going to be minimally 70 lpcd. Morse-Berger had access to the relevant and authentic epidemiological literature. They have cited this in the footnote of the chapter, but totally ignored the contents in the report and beneficial effects of domestic water supply. They have pointedly ignored the fact that so many areas in Saurashtra, North Gujarat etc. have a serious threat of crippling like fluorosis. This problem will be completely eliminated. Having omitted these facts, they conclude the chapter with a sentence, "Omitting the prevention of disease from the assessment and implementation of the Projects is a perilous oversight". We wonder, who is omitting and whose perilous oversight?

II. RESETTLEMENT AND REHABILITATION:

1. The Bank's Incremental Strategy:

Morse-Berger's attack on the Bank for having adopted the incremental strategy in R&R is total, uncompromising and full-throated. The fury of the attack can be gauged by their assertion in the chapter on 'Findings and Recommendations' that both human and environmental assessment was absent ab initio, the considerations of engineering works subordinated the need of the people and environment affected by the Project and that the Bank's incremental strategy and its concurrence in India's Pari-passu policy has only strengthened this impression and readiness to bear with non-compliance thereafter confirms it. This point is rubbed again and again in different forms in the chapter and in the Letter to the President. Such a forceful and dramatic presentation in the crucial parts of the Report has even persuaded some Executive Directors of the Bank that Bank's incremental policy on R&R has failed.

This is, no doubt, perhaps the most serious and grave charge on the Bank. The complicated chain of arguments as set out in the chapter on 'Project Appraisal' which leads them to this serious charge begins with an argument that the borrower country did not gather detailed data on the population to be displaced and prepare a resettlement plan and none was appraised by the Bank; that only engineering and economic aspects of the Project were appraised by the Bank in 1982-1983 period; that from the very beginning of the Projects the Bank failed to implement its own policy.

In September 1983, Prof. Thayer Scudder, an internationally known expert on resettlement from California Institute of Technology, ~~who was engaged as a consultant to the Bank~~, came to India as a consultant to the Bank on R&R mission. Prof. Scudder's theoretical and practical contributions to the Bank's R&R policy of 1980 are well known and acknowledged by the chief architect of the policy - Mr. Michael Cernea, a senior adviser and sociologist at the Bank.

The Bank's Staff Appraisal Report (SAR) 1985 of the Projects and its Supplementary document treat this as an R&R appraisal and incorporate Scudder's findings. Incredibly enough, Morse-Berger unhesitatingly assert that this was a 'post-appraisal' mission and therefore not appraisal. Their insistence that September, 83 mission of Scudder was post-appraisal and not appraisal is beyond a point merely verbal - an exercise in semantics. Their formalistic response is surely not enough for the task they faced. The point is whether or not Scudder studied thoroughly the R&R problems in SSP and whether or not he studied it within the frame of the Bank's R&R Policy of February, 1980.

Morse-Berger's treatment of Scudder Report is a give away. All they do is to give summary findings of his eighty page report in four points. The most important finding they summarize and repeatedly use in the text of the Chapter 'Project Appraisal' is: "The information available on the magnitude and implications of displacement was inadequate and there had been little effort to carry out a full investigation." The rest of the Scudder Report is simply ignored which in fact is most relevant to the issue of the Bank's appraisal of the R&R component in the SSP. Morse-Berger's serious charge of 'lack of appraisal' rests on the severe truncation of Scudder Report of November, 1983 and, as we shall see shortly, on total suppression of other documents and exchanges.

On reading Scudder's tightly prepared Report of Nov. 1983, one fails to find even a hint that there was a problem of information, let alone a complaint that the information was inadequate. But by falsely attributing a "fact" of inadequate information to the Scudder Report, they very rapidly build up a case that Sardar Sarovar was appraised without consideration of human costs and the decision to proceed with the Project in near total ignorance of the people and the impact was, at worst, irresponsible and, at best, in contradiction to Bank's existing R&R Policy.

On these twin pillars of "absence of data" allegedly reported in the Scudder Report and "non-appraisal of R&R", both factually wrong, they base their case that Bank's R&R policy of February 1980 was violated ab initio. From here they have little difficulty to construct their case along the trajectory of their choice. They argue that in the face of absence of such basic compliance with the Bank's February 1980 policy, the Bank was pushed towards negotiating the loan in the year of 1984, with little choice but to allow attenuations of its requirements.

They further report that the Bank's India Department continued to negotiate the 1985 Credit and Loan Agreement accepting whatever India offered and in disregard of the requirements dictated by its February 1980 policy and its own expertise. The vacuum left by Bank's own lack of appraisal was filled by the NWDT Award to fashion R&R policy in the SSP. Thereafter, according to them, everyone in the Bank was left struggling to make the best of the bad job. Emergency was followed by another one, adhocism ruled. The genesis and installation of the incremental strategy in R&R is located by Morse-Berger in this situational logic. This is damning to the Bank, provided it is factually correct.

Morse-Berger's description of the genesis of incremental strategy and its antecedent chain of argument depends very much on their factually wrong assertion about absence of data reported by Scudder, and suppression of vital contents of his Nov. 1983 Report. The Nov. 1983 Report is, in fact, an excellent concrete elucidation of the abstract framework of Bank's Feb. 1980 policy. It is a slander on both Prof. Scudder and the Bank to argue that his mission was not an appraisal mission and that R&R policy and program was not appraised in violation of the Bank's policy. Further on it is also scandalous for Morse-Berger to selectively highlight the contents of April 1984 document of the NCA and to totally suppress its October 1984 document which contained resettlement plans in accordance with the Bank's policy and as required by Prof. Scudder. Moreover, Prof. Scudder was an active participant during the negotiations of Loan and Credit Agreement held in November 1984. When the Credit Agreement was finally signed in May 1985, it bore a distinct and overwhelming imprint of Scudder's labor. The R&R terms of the Agreement are fully consonant with the Bank policy. This is clear to anyone who cares to compare the components of the Agreement with the components of the Bank policy. It is also very clear that the Agreement is totally based on the NCA documents and Scudder document, which in turn, are based on the Bank policy. Morse-Berger have really no case. Prof. Scudder and the responsible officers of the Bank Department and the EDs like Mr. Tim Lancaster of U.K. continued to monitor the developments and actively intervene in the subsequent years to force Gujarat Government to fashion the R&R policy whose key-stone was to provide each oustee family, irrespective of his ownership title, an entitlement of minimum 2 hectares of irrigable land of his choice. This key provision fully coincides with the core part of the Bank policy and this was achieved in incremental fashion. ARCH-Vahini and Oxfam (U.K.) in close collaboration during those fateful months provided the most critical information to key authorities of the Bank - like Mr Tim Lancaster (ED - UK), Sr. Vice President Mr Hooper and others and to Scudder who was keenly watching the scene and intervening at critical moments. The GOG relying on the information gap that usually would exist tried heroically to wriggle out of the commitment it had made but had to finally accept R&R Policy acceptable to the oustees and us.

We have on our file the critical exchange of letters, documents and information which gave shape to new R&R Policy - an eloquent testimony to the success of strategy of incremental changes. It is inconceivable that Morse-Berger did not see these exchanges and the significance they had for the eventual emergence of new R&R Policy which even they have praised.

The incremental strategy, thereafter, has continued to secure better and better policy reforms not only in Gujarat but also in Maharashtra and M.P. Morse-Berger might have succeeded in creating a dramatic effect and to condemn the incremental strategy adopted by the Bank, but their success is based on suppression and distortion of facts. Moreover, they have not pondered over the implications of their approach and conclusion. They have not understood that the best hopes both theoretically and in practice lie in the adoption of incremental strategy. If this does not succeed, nothing ever will succeed. And finally this is not true only for India or other Third World countries, it is also true for the affluent countries from where they came.

2. R&R in Maharashtra and M.P.

Many who are watching SSP with great anxiety were obviously alarmed to know from the Morse-Berger Letter to the President that none of the oustees of 24 out of 33 villages in Maharashtra qualifies for 2 ha.

of agricultural land; that they all will be treated as landless and therefore eligible for 0.4 ha. only; that as a result as many as 80 per cent of the oustees face dispossession and since both M.P. and Maharashtra say that encroachers must be treated as landless with no entitlement to adequate land, in both the states thousands of tribal families cultivating forest land will not receive adequate land on resettlement.

On examining the text of the Chapter on Maharashtra, one finds that Morse-Berger themselves describe a policy document of Maharashtra Government giving minimum of 2 ha. of irrigable agricultural land to all the encroachers who encroached before 1978. The Report refers to other Maharashtra Government document from which it is easy to see that at least 70 per cent of the Maharashtra oustees are already entitled to minimum of 2 ha. of agricultural land. And yet 26 page later in the text, far removed from issue at hand, they suddenly make a statement that oustees of 24 villages will be treated as landless with a drastically reduced land entitlements. There are many other instances of logical non-sequiturs in the Report, but this perhaps is the most dramatic and crucial of all examples.

In MP also, they know and report that the policy gives 2 ha. of entitlement to pre-1987 encroachers. They also know and report that dependence on forest land cultivation is confined to villages of isolated tribal areas where some 40 out of 193 affected villages of MP are situated. 27 of these 40 villages are really affected because of submergence (10 per cent or more of the total agricultural land of the village under submergence). About 2000 of the total 23000 oustee families of MP live in these villages of tribal areas. Encroachers among these 2000 families of these 27 villages who may fail to be regularized under the existing MP policy form the hard-core problem of encroachers in MP. At the most, they number a few hundreds, and not thousands as stated so dramatically by Morse-Berger in their Letter to the President. In support of their contention and in order to negate the effect of government policy for the encroachers, they rely on submission made by some in MP to them that in practice the encroachers will not be able to benefit from the policy because they do not preserve and cannot produce the receipts of the fine they pay to the forest department for encroachment, which only can substantiate their claim of encroachment. They did not check with the encroacher oustees themselves to verify the fact, nor did they check with the records of the forest department.

In the Letter to the President, they say that 23,000 families are to be resettled. They choose to ignore an important fact of peculiar pattern of displacement in 193 villages of MP, due to which large majority of the families are affected primarily because only their houses go under submergence and relatively a small proportion loses both land and houses. So, although 23,000 families will have to be shifted (resettled), the word resettlement does not carry the same meaning and connotation as it does in Maharashtra and Gujarat, where resettlement is a complete uprooting far away from their present villages. Morse-Berger's reliance on ambiguity of the word resettlement in the Letter to the President is striking and disturbing. They clearly seek to convey the impression to non-suspecting readers of the Letter that all the 23000 families will experience complete uprooting and far away displacement.

Many in authority in India like India's Finance Minister, reeling under the heavy onslaught of the Morse-Berger Report, have meekly argued that India's performance should not be judged by the high standards of Europe and North America.

Morse-Berger have anticipated this argument and have countered by saying that the environmental and resettlement standards were determined by the NWDT and agreed to by India and the states in the Credit and Loan Agreement. These standards are India's own standards. Their contention is correct.

The point, however, is not that Morse-Berger have introduced the high standards of their own countries. The point is that their sweeping and dramatic conclusions that standards have been violated are completely devoid of factual evidence. They have merely asserted that the standards have been violated and thus themselves have violated the age old standards of rational, objective and fair inquiry.

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**MORSE-BERGER REVIEW :
A SEARCH FOR TRUTH?**

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MORSE-BERGER REVIEW : A SEARCH FOR TRUTH?

INTRODUCTION

The Sardar Sarovar Project (SSP) controversy has now entered in its fifth year i.e. if we disregard the mild rumblings that were taking place against the Narmada Valley Projects before 1988. The controversy has acquired new heights because of the publication of the Bradford Morse - Thomas Berger Report. This Report, contrary to widely held expectations, has, as we shall see, only added more twists to it. The SSP controversy is widely perceived as a battle between grass root resource poor activists on the one hand, and mighty government on the other. Involvement of powerful interests including parts of the Central government, powerful english language media and heavily tilted involvement of some of the most powerful international NGOs etc. has remained hidden from the view.

It is a multi-layered controversy wherein the layers frequently and freely intertwine with one another. When the attack on the SSP began, it was as a classical case study of the way things go wrong in large dams. A general critique built up against the large dams by Goldsmith and Hildyard in their now classic 'The Social and Environmental Effects of Large Dams' (1984) was applied to the SSP point by point and it was claimed that it fitted extremely well. It is still subjected to a wide variety of criticism along the lines laid down in the paradigm. But it is not unusual, in fact quite frequent, to come across an argument when factual criticism on various grounds of the SSP is seriously challenged: "but isn't SSP a large dam? and aren't all the large dams bad dams? The argument has a telling effect. Its purpose is served but it is forgotten that the SSP has to provide a detailed empirical corroborative evidence to the general theory of critique of large dams. The truth of the general theory cannot be assumed and invoked in the specific case of the SSP to prove that it is a bad large dam. Logical error in the argument is obvious but it is not noticed, the argument is readily accepted!

The critics of the Project have persistently pointed at the mistakes, lapses and inadequacies that were found at one stage of the evolution of the Project as an evidence to prove their point ignoring or even suppressing the later corrective developments which they knew. To our great surprise even Morse-Berger have not been able to avoid such a serious methodological flaw.

We have followed the critique through the time. We are struck by a fact that at certain time point the Project might have been found wanting on various counts, the damning facts were marshalled to reach the conclusion that the Project was a 'planned disaster'. And yet, with the passage of time the original facts allowing them to reach negative conclusion have been quietly dropped without any explanation or even acknowledgement, but the conclusion that the Project is a planned disaster remains. New facts are brought into play to prop up the conclusion. Morse-Berger Report is the last link in the pattern. They have faulted the Project on issues of Rehabilitation and Resettlement (R&R) and that of environment, their conclusion is identical to that of national and international critique of the Project; but their facts and reasons in many instances are of entirely different order. If there is any overlap, it is quite small. It would be interesting to inquire as to why they did not accept and incorporate the facts and criticism of the Narmada Bachao Andolan (NBA) in their Report. This itself of course, is not an argument to refute Morse-Berger conclusions or for that matter any conclusions. This must be done by critically examining their facts, by sifting the evidence they produce and by analysing the logical structure of their analysis. We have found them wanting on these scores. The point, however, is different. It is that the controversy is kept alive, given strength by various forces without regard to the sanctity of facts and reason.

Then a very potent argument is invoked to the effect that the corrupt, inefficient government cannot implement any programme (R&R, Afforestation, Catchment Area Treatment, construction and maintenance of water delivery system etc.), the good design/policy on paper notwithstanding. The argument of past performance is also raised: if the past is so dismal what guarantee is there that it will not repeat itself, that things will change for better?

It must be recognised again before it is countered that this is not a part of an empirical criticism to corroborate the paradigmatic critique of large dams. It is a different level of criticism. Never in the past the NGO like ARCH-Vahini had moved into the Project area before the actual construction began, the oustees had never got organized and waged sustained struggle for better R&R Policy for as long as seven years, moved the highest court of the country, lobbied intensely with the World Bank and obtained, almost verbatim, the Policy they had demanded. If greatly improved Policy had not been given to them, the Project would have come to a standstill in 1988. This had never happened in the past. The new R&R Policy of December 1987 with many subsequent improvements is a historic breakthrough, in India - unprecedented. As to its implementation, in essence allotment of minimum 5 acres of irrigable land of choice to each oustee family is quite satisfactory - nearly 4000 out of 4700 oustee families in Gujarat have been allotted land and it is in progress for the others.

Unprecedented is the fact that the SSP canal system is designed and planned in entirely different way to remove or minimise those very problems of land degradation in command and inefficient water use which the large dam paradigm critique predicts. Anti-SSP critique either ignored the details of planning and design, by passed them, suppressed them or continued to argue about the problem areas of command in a way as if these problems were not anticipated or that they will not be studied as planned so that corrective steps may be taken. Morse-Berger took note of these novel features of design and planning but concluded that they were at best intentions and no studies were being made to bring them into reality. There is no doubt that they had access to all these studies but chose to take no note of them and reach unfounded conclusion that the SSP was no different from other big irrigation Projects and it will face the same problems in command as predicted.

There is another important consideration against the seemingly potent argument of 'past determines the future' and its implicit pessimism. The tribal oustees of Gujarat when told of new R&R Policy in December 1987, did not reach the pessimistic conclusion, their historical experience notwithstanding. They opted, instead, to brace themselves up for its implementation. So much was at stakes for them that they could not afford the luxury of pessimism. And as we shall see presently the same applies to the tribal oustees of Maharashtra and Madhya Pradesh (MP).

While we argue against such a pessimism, we retain a strong measure of caution regarding government's working style and problems created by bureaucracy. However difficult as these problems are they must be solved. Otherwise what is the alternative?

The SSP is a target of serious criticism on another ground. According to this argument which was very prominent in 1989-90, the benefits of irrigation will go to command area, 3/4th of which is already richly endowed with water resources, only 1/4th of it is drought prone. The waters will thus only enrich those who are already rich. The Project was portrayed to be a conspiracy of rich farmers, industrialists, corrupt bureaucrats and politicians against poor, illiterate tribals. The activists boldly quoted the Narmada Nigam's documents and the Government of Gujarat's documents to prove their point. This no doubt created a major impact. The impression was created that to sustain and strengthen the life style of rich farmers, the tribal people, their culture and their economic base was being destroyed. When we thoroughly examined these documents, we found out that the documents simply didn't contain the clinching evidence purported to be there, or they were misquoted and misinterpreted. Moreover more relevant documents which could have shown the true extent of drought proneness of the command, were totally ignored.

The issue now is not merely whether R&R in the SSP is possible or not, nor merely whether it is environmentally and economically sound Project, the issue also is whether deeper issues like alternative life styles, developmental strategies etc. could be discussed on the foundation of the critique of the SSP built up by the anti-dam movement in India, Europe and North America and now given further boost by Morse-Berger team. This needs emphasizing because the debate seems to be moving on the plane of larger issues taking for granted the validity of the SSP critique. With Morse-Berger landing their prestige and credibility to the flagging anti-dam movement, the SSP is projected as a paradigm case study of the way things go wrong with large dams and how the development should not take place. We deny that the critique of the SSP, including that of Morse-Berger is such a paradigm case study. It is not right that momentous conclusions about development issues in countries like India be drawn on such case study when it is so fraught with errors, misinformations and distortions. In view of such serious doubts about the truthfulness of the critique being raised, it is not correct to put it beyond the pale of criticism and to include as a part of global environmental problem like Co₂ buildup, Ozone depletion, rain forest crisis etc. as some prestigious publications have tried to do.

ENVIRONMENTAL ISSUES, A CRITIQUE:

Specific criticism of the environmental aspects of the Sardar Sarovar Project surfaced in the second half of 1987. On June 24, 1987, the Department of Environment and Forests (DOEF) of Government of India (GOI) issued a joint clearance letter also known as conditional clearance letter to both the SSP and the NSP (Narmada Sagar Project) in Madhya Pradesh. This letter, together with other documents emanating from the DOEF around this period and documents involving the DOEF provide the core arguments of the environmental critique of the SSP.

A substantial critique has through out drawn its sustenance from this set of documents, but they have just been referred to in the critique, if at all, and buried in the appendices, annexures and foot notes of the various publications. Since their form, contents and context have never been a subject of close scrutiny, accuracy of the basic facts and analysis contained therein has remained unchecked.

Without doing this, it is not possible to assess and answer the pointed questions the critics have been asking. For example, is it true that the Project (SSP) was not ready for environmental clearance and yet in June 1987 it was given clearance because of political considerations? Or that active interaction was going on

with the Sardar Sarovar Project authorities for "almost three years" and "the absence and inadequacy of data on some important environmental aspects still persisted"? Or that the environmental clearance lapsed in September 1990 because conditions were violated? Is it true that the Narmada Water Dispute Tribunal (NWDT) has merely assumed the quantum of water available in the Narmada? Or that the economic viability of the Project is seriously jeopardised because the environmental costs of the submerging forests alone turns out to be Rupees 80 billion according to the computation done by the DOEF?

The Morse-Berger Team which conducted its inquiry in late 1991 and in early 1992, was not only shown these documents, but a detailed analysis which follows was shared with them in a number of long sessions. And yet, to our great surprise they have put it aside without even countering our reasoning and analysis. They have merely referred to these documents in the footnotes of their report, following the tradition laid down by the critics of the Project.

The DOEF Clearance:

The 24 June 1987 document (a joint clearance letter for both SSP and NSP) is barely a two page document.¹ It is said in this letter that the Projects were examined in detail and on the basis of the discussions with the central and state authorities more details were sought from them. There follows a list of eight broad topics: Catchment Area Treatment (CAT), Command Area Development (CAD), Compensatory Afforestation (CA), Rehabilitation and Resettlement(R&R), Survey of Flora and Fauna, Carrying capacity of the surrounding area, Seismicity and Health problems. This is a remarkable document. The SSP authorities had applied for the environmental clearance in February 1983 followed by that of NSP in October 1984. The SSP application remained pending for more than four years during which time, as stated in the clearance letter, it was examined in great detail. NSP went through a similar process for three years. It is obvious that after such a long deliberation when the clearance letter was given and if the DOEF still had questions about aspects of major environmental issues listed above and had wanted specific studies related to these to be done by the project authorities as a condition to the clearance, the letter should have reflected highly differentiated treatment of the issues they had presumably gone through and aspects related highly specific studies asked for. Moreover, both the NSP and the SSP would have obviously differed in details so much that separate letters of clearance or at any rate separate section for each would have been a logical necessity. The clearance letter obviously lacks this characteristics and specificity. What the DOEF thought it fit to issue instead was a joint clearance letter containing very general and vague conditions. Such an elementary scrutiny of this vitally important document with such striking and strange features has not been done so far. The anti-dam movement in its budding stage based in large cities like Delhi, Bombay etc. seized upon this document, disregarded its vague conditionalities and its lack of specificity, as a clinching evidence to declare that the SSP was "planned environmental disaster". This document has thereafter retained its central place in various critiques published in India and abroad. It remains a pivotal piece in Morse-Berger Report too.

Our criticism of non-specificity and the implied equivalence of SSP and NSP with regard to Project preparedness by the DOEF would have remained tangential and circumstantial only, had it not been for another document prepared by the DOEF in around May, 1987, a close predecessor of June 1987 clearance letter.

The DOEF's Note to the Prime Minister(PM) of India:²

Around May 1987, just prior to the environmental clearance of the SSP and the NSP, this Note was sent to the PM. It makes a fairly detailed analysis of the two projects separately. Major environmental concerns like CAT, CA, survey of flora and fauna, and R & R for each project is discussed separately. In each of these important areas except CA, the Note has specific and fairly serious criticism to make of the NSP. No criticism of SSP is made except a moderate criticism of it in the area of R&R. About the crucial issue of Compensatory Afforestation it states that the proposals submitted for the CA in both the projects are detailed and satisfactory. This clearly bears out our hunch described above that the environmental assessment of both the projects was indeed different and differentiated. The SSP had turned out to be better prepared on these counts. To make these points more clear as it were, in sections viii and ix of the Note it is repeatedly stated

1 Office Memorandum: Government of India - Ministry of Environment and Forests. No. 3-87/80-1A. June 24, 1987

2 Environmental Aspects of Narmada Sagar and Sardar Sarovar Multi-purpose Projects. (Note to Prime Minister from Department of Environment and Forests.) undated, Published in 'Damning the Narmada' Appendix.3 P.107-117 by Claude Alvares- Ramesh Billorey. Third World Network. Penang. Malaysia - 1988.

that SSP's state of preparedness is quite good and that it is in fairly advanced stage of preparedness and that NSP is not ready for clearance. The anti-dam movement dropped the word "the NSP" from the last sentence and substituted it with the word "the Project" using it in specific context of the SSP to make it appear as though it applied to the SSP - to read 'the Project is not ready for clearance.'³ Similarly the statement in the Note, about the "the absence and inadequacy of data on some important environmental aspects" in its total context applies to the NSP⁴ and yet the Morse-Berger Report has quoted this portion of the Note to apply it to the SSP.(P.224)

Compare these two closely spaced documents from the same department and the great contrast and inconsistency of the DOEF stand out.

It is not open to anti-dam movement to argue that this preceding document was not known to them at the time they were highlighting the conditional clearance letter to criticize the SSP. For, the simple fact is that the activists of the movement had access to this document at that time. Indeed this document was not only widely quoted by all activists, but it was published by them only.⁵ Strange but the true part of the story is that while the Note to the PM was widely circulated among the anti-dam activists here and abroad, the state governments did not get copies of this! Politics as alleged by the anti-dam activists was indeed at play but the real question is : Who was playing it? and why?

Morse-Berger's treatment of these documents in relation to the DOEF's environmental clearance deserves comment and analysis. In February 1992, we had a day long meeting with Mr. Thomas Berger, Vice-Chairman of the Independent Review. We showed him in the presence of his two senior advisers these two documents and others. Point by point minute analysis was presented to him. On seeing the clearance letter, he lost no time to grasp its central deficiency to remark, "this is only a list of topics without any substance... this is no conditional clearance." His inference only could have got strengthened when he saw the relevant parts of the Note to the PM. If he had any reservation about the meaning of the two documents, he did not reveal it then, nor is it revealed in the Report. What is described in the Report is very different. It says that the 1983 application for the clearance of the Sardar Sarovar Project was supported by a short term benchmark survey by the Maharaja Sayajirao(MS) University of Baroda. The information provided was not enough to meet the environmental guideline requirements. Environmental clearance was, therefore, not granted (P.222). The guideline it is referring to is mentioned very vaguely in the Report as "first prepared in late 1970s..."(p 216).⁶ Updated versions came in 1985 and 1989, at least two years after the application for clearance was made by the SSP authorities.

Apart from the fact that the Report should have described in more details in what way the MS University study fell short of the guideline requirements of late seventies,⁷ the Report had also to explain the relevance of this information, even if correct, to the report in view of the DOEF's later assessment of the SSP as contained in its Note to the PM, especially when the Note is discussed and, "a more advanced state of readiness of the Sardar Sarovar Project(in the Note) was acknowledged".(P 224). Clearly, between the date of application and the time when the Note to PM was written, quite substantial changes had taken place even by the DOEF's reckoning. This must be on record on DOEF files. How can Morse-Berger team not look for this, not record it in the Report and blandly declare, "information provided was not enough and environmental clearance was not granted"? By more or less following the line of the DOEF and the anti-dam activists, and by omitting to show inconsistencies in the DOEF's documents, Morse-Berger have abandoned the responsibility of throwing light on the tangled issue of conditional clearance and the circumstances surrounding it. It is also of crucial importance to know what precisely were the contents of these guidelines of 'late '70s' which were not being met by the SSP in 1983, which according to Morse-Berger compelled the DOEF to withhold the clearance. Similar criticism should be made regarding the new guidelines of 1985,

3 Medha Patkar in 'Bhoomlputra', a renowned Gujarati periodical on Gandhian and Vinoba thoughts, February 1991 issue.

4 The Note to the PM. (op-cit) Section IX - Page.115.

5 See Footnote 2. above

6 It is strange that they do not give the exact date year of the guidelines.

7 One of the senior advisers to Morse-Berger, Mr. Don Gamble during the course of leisurely discussions with us, had argued along the line of anti-dam activists that the MS university Report is not based on primary data but only on secondary data. We showed him that the Report was based on the primary data collected from the field in most of the investigations.

which became operational while the clearance was pending. It is obvious that from the beginning, the DOEF, the clearing agency, was itself not fully prepared to meet the task. Its own understanding about environmental impact issues was undergoing evolution as borne out by the succession of guidelines that emerged while the clearance application was being processed and even after that (late '70s, 1985, 1989.). Morse-Berger should have paid more attention to such a fluid situation wherein the ground rules for clearance themselves were in flux than they did. The salient features of 'late '70s' and of 1985 guidelines should have been described, especially those of the former because they were obviously inadequate; the missing information in the original application of the SSP authorities before making a final pronouncement that the clearance was not given because the guideline requirements (of late '70s) were not met. Their inability or unwillingness to focus on the evolution in the understanding of the DOEF and on its dubious acts of omissions and commissions did not allow them to comprehend and report their bearing on the tangled issue of clearance and on the *pari-passu* condition in the clearance letter which required that environmental measures were planned and implemented *pari-passu* with the Project Works. Ignoring the complexity and fluidity of the ground level reality Morse-Berger have launched a furious attack on the very idea of *pari-passu* requirement in their Letter to the Bank President (P.XXIV) and in their 'Findings and Recommendations' (P.335).

They ought to have noticed and recorded that a rapid turn of events was taking place in the early '80s. The NWDT had given its decision in 1978, ending the decade long uncertainty about the use of Narmada waters. By 1980 the Project preparation started in the earnest when the Bank really got involved to help modernize India's Irrigation Sector by helping to plan SSP in new ways. Tata Economic Consultancy Services did its Cost Benefit analysis in these years. In 1983 when the Project went to the DOEF for clearance environmental consciousness had just become reality, even with the World Bank. The DOEF itself was struggling with environmental issues as is evident from the fact that of a rather scatchy guideline (late '70s) it possessed at that time, which got changed in 1985 and then again in 1989. The World Bank guidelines were going through similar changes. Even the Terms of Reference given to the Morse-Berger Review enjoins upon them that they had to take the reality of rapidly changing guidelines into account. The logic of the rapidly changing situation could only dictate that the environmental studies and programme implementation had to be *pari-passu* with the Project works. Why this logic should elude Morse-Berger is difficult to comprehend.

They have continued to follow the same strategy of assessment marked by ambivalence and significant omissions in the section on assessment of compliance of conditional environmental clearance to which we will turn later.

The anti-dam critique while choosing to suppress major inconsistencies between the Note to PM (May 1987) and the clearance letter (June 1987) continued to make full use of other 'facts' given in the Note. The Note thus became a main source of other major environmental controversies.

Hydrology:

The Note to PM states in section vii that the 75 percent dependable run off in the Narmada has been estimated to be only 23 Million Acre Feet(MAF) instead of 27.2 MAF *assumed* by the NWDT. It not only does not cite any authentic source to back the new estimates, it also tacitly casts aspersions on the competence of the NWDT. One of the issues the Tribunal had to adjudicate was the quantum of water in Narmada. Gujarat and Madhya Pradesh were contesting each other with different estimates of the run off basing their contentions on different lengths of the same series. While the Tribunal's deliberations were on, the experts of the three states and that of Central Water Commission (CWC) of the Government of India met and agreed to adopt a series that was chosen by MP. This was then incorporated in an agreement of the four Chief Ministers of the concerned states. The Tribunal accepted all parts of this agreement including the agreed assessment of the annual run off in Narmada.⁸ Where is then the *assumption* of the run off in the Tribunal's award? If the two main contenders arrived at an agreement based on objective facts about one of the issues before the Tribunal and the latter if accepted this agreement and the issue was thus resolved, why should run-off estimate thus accepted by the Tribunal be dubbed as 'assumed' and be dragged into controversy? Assumption, if any, was that of DOEF which did not even source the runoff figure it cited. The Note went further to suggest design changes in the Project. These points including that of water quantity were then picked up by the anti-dam movement and amplified. While publication after publication claimed that water available in Narmada was less than *assumed* by the NWDT, each of these publications quoted different

8 Report of the Narmada Water Disputes Tribunal, Vol.I. P.38-39

sources but none of them were authentic. The SSP was widely portrayed as overdesigned creating avoidable adverse environmental impacts. The viability of the Project was called into question.

Morse-Berger on Hydrology:

When Morse-Berger started their inquiry, the issue of water availability in Narmada had already received many twists. Morse-Berger also felt very strongly that mother of all environmental impacts was in the hydrology i.e. water run off and declared at the end of first chapter 10 Environment: Context and Compliance, "but first it is necessary to review the overarching issues related to hydrology and water management" (P.234). In the next chapter on Hydrology and Water Management, which is an overarching determinant of all major environmental impacts - upstream environment, downstream environment and command area environment, there are two planks on which the whole critic rests. One plank is constituted by the possibility or impossibility of NSP (another major Project in MP about 350 kilometres upstream of the SSP) being built and the second plank of course is the availability of quantum of water. Reading this chapter very carefully, it is quite apparent that the authors have assumed all along that the NSP is not going to be built. The going argument is that the NSP being storage reservoir, regulating water discharge downstream, the SSP without the NSP will not work as planned or hoped. Towards the end of the chapter, however, the authors have been forced to confront the possibility that the NSP is coming up after all throwing all their arguments related to the NSP component out of gear. Even here if the authors had taken enough trouble to study the relevant chapters of the Tribunal award with care,⁹ they would have realised that the quantum of water allotted to Gujarat and Rajasthan was not likely to be adversely affected if the NSP was completely dropped.

Coming to more important component of the quantum of water in Narmada, nothing more may be said than to point out that having raised the issue of overestimation of water quantum in the beginning; at three different points Morse-Berger have declared that it is not their purpose (P.246) that there is little point for them (P.249) and that it is not their responsibility (P.252) to resolve the 75 percent dependable water quantum issue. And yet in the end portion of the chapter, the Report blandly declares, "many previous assumptions now appear to be unfounded or are questionable" (P.251), that the assumption of the Tribunal award may not hold in future (P.250). A very vague reference is made to an independent hydrologist who was asked to "assess the contentious issues" (P.253), but nowhere his/her critical findings are stated and discussed critically vis-a-vis the findings reported by the country's apex body - the Central Water Commission, the report prepared by an independent hydrologist cited and not even the name of the hydrologist mentioned. Not only this, nowhere it is explicitly stated that 75 percent dependable run off is less than given by the NWDT which even Morse-Berger label as *assumed* following the DOEF and the anti-dam movement (P.251). In the subsequent chapters on environment many important arguments are derived from the fact which is not even stated unambiguously in this chapter. The gaps in the reasoning and methodology followed by Morse-Berger are glaring. However, in the Letter to the World Bank President Morse-Berger continued to argue that they had found discrepancies in basic hydrological information, had therefore examined the stream flow data, had done their own analysis and found that the Project will not perform as planned. They further argued that the effects of Sardar Sarovar on upstream, downstream and command area will be different than what has been assumed (P.XXII). One should not expect in such letters the detailed analysis, reasoning and arguments to arrive at such momentous conclusion but the text of the Report from where such conclusions are brought into the letter must have all the facts, analysis and reasoning. We have seen that it is not there. We will also see that the style is repeated by Morse-Berger in the most crucial aspects of the R&R assessment in M.P. and Maharashtra.

Meanwhile, the anti-dam movement has seized upon this and other parts of the Morse-Berger Report as the clinching evidence that what they have been arguing all along has now been substantiated by independent investigators like Morse-Berger. Morse-Berger because of their experience and stature and since they had rare and unfettered access to all the documents on all the sides, had if come up with strong and hitherto unknown arguments solidly supported by facts and sound analysis, the boost they gave to the anti-dam movement would have been justifiable even if not liked by the governments. In the event what one finds in this chapter and other chapters of their bulky report not good arguments backed by solid facts but just opinions expressed with a sense of finality.

⁹ Report of the NWDT. Vol.II Chapter 15.

Environmental Costs:

The DOEF's Note to PM also contained another dubious claim that the environmental cost of the submerging forest in the SSP³ alone was about Rupees 80 billion (the total cost the SSP is Rupees 64 billion). The anti-dam movement did not lose time to adopt this additional cost to attack the SSP on the front of the economic viability. Between 1988 and end of 1989, this was a clincher argument. It enjoyed mega publicity in the media articles. The Environment Defense Fund(EDF) of the USA, the NGO leading the crusade in the North presented this argument to the US Senate in June 1988 to prove that the Project was economically non-viable.¹⁰ The environmental cost of the Project was incredibly based on the rule of thumb devised by the Forest Research Institute(FRI), Dehradun which was adopted by the DOEF in the form of a guideline it issued.¹¹ This guideline was issued in January 1986 three years after the SSP application reached DOEF. The environmental costs computed by the DOEF on the basis of the guidelines found place in the Note to PM and predictable storm ensued.¹² An economist connected with the NSP, Dr. S Pant, made inquiry with the FRI and the DOEF to find out the economic rationale of the guideline. He found none. But he also found out that there was no economist on the staff of either FRI or DOEF.¹³ The mischievous controversy initiated by the DOEF continued unabated until Vijay Paranjapye, a noted activist-economist punctured the whole argument by stating bluntly in his book that this was a magic figure and no justification or rationale had been provided by the DOEF.¹⁴ Silence fell on this issue of environmental cost and connected economic non-viability of the Project. Nobody has since even mentioned the economic costs of the environment. No doubt the Project still remains economically non-viable as before but now on different grounds as propounded by Vijay Paranjapye.¹⁵

Benefit-Cost exercise based on the DOEF guidelines was done by the GOG in 1986. The DOEF was then still sitting on the environmental clearance. Morse-Berger in the course of their investigation must have come across this guidelines and the benefit-cost exercise done by the GOG. They ought to have asked the DOEF whether this was a serious exercise in environmental monitoring? Did such considerations stall the clearance? Was there nothing more important on the DOEF's mind than such dubious exercises? How was this exercise which absorbed considerable time and energy of the DOEF, related to environmental Studies and Safeguards in the SSP? They must have seen this mischief played by the DOEF. But they maintain a discrete silence on this. And this is not the only silence they observe on the way the DOEF has conducted itself on the issue of environmental clearance at various stages. We will have more occasions to see how they turn blind eye to the DOEF's ways on issues of compliance and R&R. The assessment of the environmental clearance by the DOEF and related issues was also a part of the TOR. Morse-Berger have failed in doing proper justice to the TOR. What credence can one give to the DOEF and now also to Morse-Berger when they say that clearance was not given because the studies were not done or programmes not prepared? We will see in the next section of compliance that Morse-Berger Report is haunted by the same problem of credence if more seriously.

Compliance:

As we have seen above sizable controversy about the compliance still originates from the conditional clearance letter, associated documents and the circumstances surrounding it. The letter not only listed eight broad topics required to be studied, it also set time limit to it, i.e. 1989.

Morse-Berger team has made a major issue of the fact that the studies to be completed before 1989 were not completed in the time limit and even after that. This particular point is repeated throughout the text on

10 Statement by Bruce Rich of Environment Defense Fund, Washington before the subcommittee on Foreign Operations Committee on Appropriations, United States Senate - June 14, 1988. P.11.

11 Refer DOEF, GOI circular No. 11 - 61/85 - FRY (Cons) - Cost Benefit Analysis dated 13/1/86, Annexure II item 5.

12 The GOG had faithfully followed this dubious guidelines to work out costs in the SSP and also benefits. The Note to the PM ignores the GOG costs, puts its own costs and pointedly does not mention the benefits worked out by the GOG, op-cit. Page 117.

13 Calculation of Benefit-Cost Ratio - Interview with Dr. S.P. Pant - Part 2. Pages 90-100, in 'Damning the Narmada'- op-cit

14 "High Dams on the Narmada" by Vijay Paranjapye, INTACH, New Delhi 1990. P.225.

15 This argument for all its freshness and newness also suffers from equally grave defects. But it can not be taken up in this paper. The whole critique of economic viability deserves a thorough treatment in a historical perspective.

many occasions. The Report would have been more illuminating if it had also described in detail the status of each of the general studies that were asked for and the time point at which this assessment was done so that the degree of incompleteness of these studies and their impact could be assessed by all. In fact, another reason the clearance letter should also be criticized is to be found in very general and vague conditions it lays down because then there are no specific and objective criteria to assess the degree of compliance and their significance in terms of adverse impacts. The assessment then becomes highly subjective, arbitrary and prone to abuses. Morse-Berger team could have easily seen this gap and could have provided concrete details in their assessment to overcome the weakness of the letter and its serious mischief potentials. Instead they themselves made final announcements as it were without doing any detailed assessment themselves which has become a kind of hallmark of the report throughout. The Report easily lays itself open to serious charge which in fact, it has levelled at the NCA (P230.), i.e. the Report's major conclusions are in the form of *ipse dixit*.

More specifically, Morse-Berger could have easily judged for themselves the rationality and fairness of 1989 deadline if they had also considered DOEF's Note to PM sent just before the clearance was given in June, 1987. The Note is very clearly stating in at least two sections of environmental concerns, the CAT and flora-fauna survey (both for NSP) that the studies would take at least two to three years which means the DOEF failed to apply its mind in setting the deadline of 1989 ignoring its own assessment done one month prior to the issuance of Clearance letter. Only Morse-Berger can answer the question as to why they overlooked such significant lack of application of mind and arbitrariness of deadline set by the DOEF. More, they have to explain how did they adopt such deadline to pronounce judgments regarding compliance.

They then turn their attention to more substantive issue of compliance of the conditions (*pari-passu* with the Project Works). They begin with the difficulties they faced in assessing compliance because of the dispute between the NCA and the DOEF about who is to assess the compliance and who is to define progress (P.229).

According to Morse-Berger "There are differences between documentation available from the Narmada Control Authority and that available from the Ministry of Environment and Forests." (P.229)

Further "The 1987 clearance required 'complete details' in eight areas by 1989. The Narmada Control Authority maintains that despite some slippage, all are on track and will be completed *pari-passu* with the Project. The Ministry of Environment and Forests is less optimistic. A summary of its position as of December 1991 is as follows." (P.229). A 9 point summary of the DOEF position as of December 1991 follows. They obviously approve of this summary. They do not consider it necessary, in view of the conflict between the NCA and the DOEF, to even check with the NCA or to ask for their version, nor do they offer their comment or analysis of the meaning these findings can have for *pari-passu* clause of the clearance.

They then refer to the minutes of the NCA meeting in early 1991¹⁶ and say "The Chairman began with an enquiry about the scope of *pari-passu* implementation. He noted that 'some of the environmental safeguard measures are on going as per schedule and some others (a major part) are not'" (P.231). According to the statement of Morse-Berger quoted here it is quite clear that the Chairman of the NCA said in the meeting that while some of the environment Safeguard measures were progressing on schedule, the majority of the measures were not progressing so.

We have checked the Minutes of the 38th meeting of the NCA they have cited.

* No where, the quotation cited by Morse-Berger is to be found.

* Chairman of the NCA meeting - always secretary Ministry of Water Resources - did not say, even remotely, what is being quoted and attributed to him by Morse-Berger.

* Although exact quotation is not found in the document, something similar to what is quoted was said by the secretary Ministry of Environment and Forests (Even he did not make enquiry about scope of *pari-passu* implementation!)

16 Minutes of 38th Meeting of the NCA. March 1991. Item No XXXVII-6(417): Activities of the Environment Sub Group.

* The minutes records that Mr. D.C. Debnath, Executive Member of the NCA informed the Secretary MOEF that "As such *pari-passu* action was already underway on most of the major items of work required to be undertaken in the Environmental context."

* The minutes similarly did not record as Morse-Berger claim it did (P.231), that "the NCA had not applied for extension of time for compliance with the conditions of clearance as had been decided at the meeting with the Chief ministers held on September 18, 1990."

The discrepancies between what Morse-Berger say the document says, and what is actually said in the document itself are so big and unbridgeable that they can be described only as distortions introduced by Morse-Berger. By attributing critical comments, which was in fact made, if at all, by the secretary of the DOEF, about compliance in relation to *pari-passu* clause to the chairman of the NCA what are they trying to achieve? They of course know the best but one interpretation claims our attention. They have referred to the dispute between the NCA and the DOEF about who is to assess compliance? Who is to judge progress? They have also referred to conflicting documentations from both sides.

Then they quote from the DOEF document of December 1991 to show that compliance is lacking.

Then logically and to be fair they quote the NCA document of March 1991 to show again that compliance is faltering, with a crucial difference this time - by distorting the contents of the document at critical places.

Thus to a great satisfaction of Morse-Berger both the disputants, not only the DOEF but also the NCA have reached the same conclusion of non compliance of the conditions.

We have cited the most important 'factual' evidence Morse-Berger have gathered and reported about compliance in the chapter on - Environment: Context and Compliance. They and they only constitute their material evidence to prove that compliance regarding studies and implementation part of conditional clearance with its *pari-passu* clause is lacking.

Morse-Berger made enquiries at least up to March 1992 in India and thereafter they continued to ask for and to get information from Canada from various sources. They had access to most authentic documents, like those of Environment Sub Group (ESG) which was specially and specifically set up to monitor compliance of conditional clearance after June 1987. In this chapter and other chapters they have used information from this source. Why did they not consult the minutes of latest meeting of ESG to check and report the state of compliance? Why did they choose to rely on rather dated information of 1991, and that too in effect from only one source - the DOEF? Their reluctance to refer to ESG meeting reports is remarkable. No where in their report one can find convincing answers to these searching and relevant questions. Their conclusions are based on distortions and significant omissions of sources of information. They are marred.

In the last weeks of 1990 and early part of 1991 anti dam activists in the middle of their heightened struggle against the Project had made public a part of the Agenda Notes of the ESG meeting (August 1990) to claim that according to the DOEF the Conditional Clearance had lapsed. The minutes of this meeting held on 7 September 1990, tells a different story. Lapse of Clearance is not even mentioned. The minutes records the explanation offered by a high official of MP. Mr. N.B. Lohani that due to physical, financial, cost sharing and other constraints, the CAT works were lagging behind. He was referring to the unresolved problem of the extent to which the CAT works had to be done by the Project authorities i.e. Either to do works in the *directly draining* catchment areas as stipulated in the Planning Commission Guidelines or to do it in the *freely draining* catchment areas as insisted upon by the DOEF. (Even Morse-Berger have avoided to take a stand on this dispute in their Report.) The minutes further record that except for CAT works other studies/ implementation of Action Plans was going on normally. The anti-dam movement had deftly skirted the minutes of the meeting which is the authentic document recording what transpired at the meeting and highlighted only the agenda notes. The EDF leading other 40 NGOs of Europe and North America repeated this claim in the Memorandum they submitted to the World Bank President on March 20, 1991, obviously disregarding the minutes of the meeting. The movement still continues to argue that the Conditional Clearance has lapsed on the basis of the Agenda Notes. The prize, however must go to Morse-Berger. Because in their Report (P.230) they are referring to both Agenda and minutes of August-September 1990 of ESG meeting, but go on quoting, without clearly stating so, only from the Agenda Notes prepared by the DOEF itself that the DOEF's conditional approval "must be deemed to have lapsed" and quoting apparently from the agenda notes only that "the Project authorities should seek renewal of environmental and Forestry clearance." Clearly Morse-Berger have gone a step further from the anti-dam movement or the EDF. They refer to both agenda and minutes, quote only agenda but create an appearance that these quotations pertain to both the agenda notes and the minutes. Real truth of what happened in the meeting as recorded in the minutes is held back, to convey that conditional clearance has lapsed!

Careful reading of the environmental part of the Morse-Berger Report further reveals to us the length they are prepared to go to prove the point that the Project authorities are not complying with the conditions of the clearance. In the chapter on Upstream Environment (P.275) Morse-Berger argue " In India early considerations about the flora and fauna in the upstream area were based on general concerns of Sardar Sarovar and the Narmada Sagar Projects taken together. The 1987 briefing Note to the P.M. by the Ministry of Environment and Forest deals with the flora and fauna for *both Projects* and states the *need for a 'Master Plan'* showing just not the present status but also the likely scenarios after the Project is implemented." Since the two Projects are now considered separately, Morse- Berger seem to hint, the flora-fauna survey for both the projects and common Master Plan for both has fallen by the side and the compliance has suffered. It is clear to anyone who reads the relevant portion of the Note to the P.M. (section v) which Morse-Berger quote that the entire section unambiguously refers to the NSP only. The Master Plan naturally refers to the NSP. Again only Morse-Berger can explain how, what only applies to the NSP is made applicable to the SSP also? Morse-Berger have done it again. Ala anti-dam activists, they have also opted for the strategy of fixing on the SSP what was actually said about the NSP.

The sequence of arguments presented here show that Morse-Berger are clearly not after objective evidences to find out the actual status of compliance of conditions. They are out to prove some how that compliance is completely out of step and that compliance *pari-passu* with the Project Works is not possible. This conclusion is not explicitly stated in the text - it finds its place, as always in the Letter to the World Bank President (P.XXIV) and in 'Findings and Recommendations'(P.355). What is stated in the text instead is a serious charge of gross delinquency with regard to the compliance.

In the last but one paragraph of the Chapter 10 they quote Bank Office Memorandum dated *November 19, 1990*, " if one looks at what the Bank legal agreements state with respect to environmental studies and training, and the MOEF [Ministry of Environment and Forests] clearance requirements, those who are not fully familiar with the background might conclude that there has been gross delinquency". And then they add, " We did examine the background. We find it difficult to escape that conclusion". (PP.233/34)

We have also examined very minutely the background of Morse-Berger's charge of delinquency. We find that their scathing criticism is based more on unsubstantiated assertions (*ipse-dixit*) than on hard objective facts they have been able to unearth. They have time and again overlooked the mischiefs played by the DOEF which have serious implications. But most importantly they have introduced indefensible selections, suppressing in the process vital information, in their arguments and finally introduced their own distortions at strategic places to pursue their strategic goal to prove compliance has failed and that compliance *pari-passu* Project Works is impossible. Their assessment regrettably is seriously tainted by distortions and suppressions of facts.

And yet they in their abounding confidence are charging the Project authorities and the Bank staff with 'gross delinquency'.

And yet in the chapter on 'Findings and Recommendations' they argue with great eloquence and fervor that "we have been at pains in the sections of this chapter summarizing our findings to demonstrate how these problems of human and environmental impact encompass all aspects of the Projects, including the uncertainties of hydrology, the upstream questions, the impact downstream, the command area issues, the health risks, the deficiencies in resettlement policy and implementation in each of the three states as well as the canal. None of these issues can be ignored" (PP.355-56).

We fully agree with their conclusion that none of these issues can be ignored. But we argue how in the strategic chapter of Hydrology they fumble and avoid repeatedly to take on the central challenge of proving the quantum of water in Narmada to be less than what was decided by the NWDT and incredibly enough yet decree that NWDT *assumption* was proved to be wrong. We have also seen how on the issues of environmental clearance and the compliance with conditions they commit blunder after blunder, how they state their final opinions without substantiating them, how they turn blind eye to the DOEF's serious mischiefs on the issue of clearance, suppress relevant information and even distort crucial documents to prove their point that compliance *pari-passu* Project works has failed.

We will presently see that their reporting on R&R issues is similarly marred by serious methodological flaws, suppression and selection of evidence and even distortion of the evidence. We argue with a heavy sense of responsibility that the same traits hold supreme in other issues of upstream, downstream and command environment and of health that they assess and report.

RESETTLEMENT AND REHABILITATION (R&R)

THE R&R in SSP has a complex historical setting. In 1980, when the foundation work began, the historical experience of poor R&R performance of the states had become an issue. In large developmental Projects, especially Water- development Projects, the oustees had been given a raw deal and the prevalent ideology held that in the process of development and modernization, this was inevitable- for the benefits of many a few had to sacrifice. We found this logic inhuman and unacceptable. The implied rationale derived from inevitable historical march towards modernization and inevitable human costs was unacceptable to us - then and now. We also accepted the basic fact that Narmada Waters will go to predominantly water scarce command. In early 1986, a struggle began in Maharashtra and M.P. Its only focus was a better R&R policy. The principal demand of Maharashtra and M.P. oustees was also for minimum land entitlements as we have argued before.¹ In December 1987, Gujarat was forced to declare the new R&R Policy demanded by us. The GOG was facing a first real threat against the SSP. The R&R issue had become a major issue and it remains so even today. The December 1987 policy conceded all the demands we had made - a core demand being minimum two hectares of land entitlement to each oustee family (defined as 18 year old son - married or unmarried) irrespective of the nature of title of the land held or not held by the family. Moreover, a family had a clear right of choice of land. ARCH-Vahini and the oustees of Gujarat accepted the policy package.

Until this time, no grass root organisations active in the three states of the valley had raised any issue of the viability or desirability of the SSP on environmental or economic considerations. The oustees in each state were explicitly demanding land. They were extremely doubtful that such rights will be conceded. They were even more doubtful that in fact they will be given land as just compensation. Within a few months of the major policy breakthrough in Gujarat, the grass-root activists in Maharashtra and MP and the intellectuals in Bombay, Delhi, Ahmedabad etc. declared their opposition to the Project on the ground that the SSP was a planned disaster - social, economic and environmental. When in April 1991 #F Ibid we raised the question that the sudden shift in the objective from 'just R&R' to 'no dam' position lacked rational coherence and plausibility, the reply from the anti-dam movement was that we did not understand the process and experience which the organisations in Maharashtra and MP had gone through.²

Our argument in April 1991 relied on the published reports, articles, letters of the movement during that critical transition. The reply did not reveal any error in our analysis of the documents we had relied upon, nor did it reveal new sources which could give a coherent and plausible explanation in the shift made. Mere denial or assertion that we did not understand the process is not the hard argument our analysis of the situation around shift demanded.

It is very significant that the most important criticism the anti-dam movement offered in those days was non availability of land even for the oustees of Gujarat. The R&R was deemed to be in principle impossible because of the non availability of land. The issues of tribal life style, of destruction of their culture, of their dependence on the river etc, were not the most important issues on the forefront. This has happened only after the Morse-Berger report became public. And this makes sense, because the memory of the activists in Maharashtra and MP was still fresh that the oustees' overwhelming demand in those days (even now) was land. Indeed, the activists in MP had candidly conceded in 1988 that while they were opposed to the Project "for all the standard reasons that are too well known to require repetition", the tribals in MP would readily accept resettlement, if they were given adequate and good quality land and their opposition to the dam was rooted in the fact that they perceived that the land will not be given to them.³

After the opposition to the dam was declared in middle of 1988, for three years an idea had gained ground that the tribals of the valley were opposed to the Project, irrespective of the quality of R&R package. By the middle of 1991, the ground level reality was irrepressible both in Maharashtra and MP that the tribals' prime objective had remained better R&R policy. Majority of the tribals of Maharashtra villages had broken away from the anti- dam movement. And a group of most interior tribal villages had set up their own independent organisation to press for the policy reforms which the activist organisations had abandoned half-way. They

1 R&R in SSP: Are the Critics Right? April 1991. - ARCH-VAHINI.

2 Response to ARCH-Vahini's Critique of Narmada Bachao Andolan and Anti-dam arguments - Medha Patkar and colleagues - NBA. Undated.

3 Towards People's Power in Jhabua - SWRC - ATTHA in People's Action - May 1988 P.19. SWRC is the activist organisation in MP opposed to the SSP.

in fact organized a rally in April 1992 and gave a memorandum of demands for better R&R to the Chief minister of Maharashtra. In MP, amongst tribals, the same type of move is in the offing. The Morse-Berger report has acknowledged this process in a subdued manner. They have not analysed and examined the implications of this movement for the R&R with a thoroughness it deserves.

The Morse-Berger Report has also categorically declared that R&R is impossible. The detailed reasoning offered by them is substantially different from what the anti-dam movement has been offering to reach the same conclusion. They seem to agree with one another with regard to very high number of affected families in MP who ought to have land entitlement which is one way or other denied to them. Morse-Berger have also pointedly refused to acknowledge, let alone analyse, highly negative role played by the DOEF which gave a boost to the anti-dam movement during the critical years from before 1988 until now.

GUJARAT:

The anti-dam movement had raised a host of questions on the possibility of R&R in Gujarat. To begin with, they argued that enough land was not available, that the burden was on the oustees to find the land which was impossible task and that they were losing hope very fast, that only a handful of the oustees were going to get land and others were going to be left high and dry, that only a few villages in Gujarat were benefiting, serving as a show-case; that the Land Purchase Committee (LPC) - a key mechanism to buy private land for R&R - was reeking with corruption and exorbitantly high prices to the big land owners were being offered, that the oustee villages were splintering into small fragments and the tribal community was thus breaking apart, that the landless labourers working on the lands being allotted to the oustees were now being rendered jobless creating what was called 'Secondary displacement'; that the oustees who were allotted land were discovering that the land was not good and they had begun to return to their original place of submergence and that very soon the trickle of return was going to turn into flood of return.

Morse-Berger Team, in Gujarat, naturally went through the whole gamut of issues including those mentioned above. They accepted the basic fact that more than 3500 out of 4500 families in Gujarat had been given the land which they had chosen themselves and that it was not confined to a few chosen hand-picked families. The Report also freely praised the LPC for its energy and thoroughness and quietly ignored the charges of reeking corruption. They examined the issue of Secondary displacement and found no basis to it and omitted to even mention it in the Report. They raised no question of quality of land offered to the oustees, and pointedly ignored the prediction made by the anti-dam movement that the trickle of return will soon turn into a flood of return. They also accepted the fact that the most vulnerable tribal community of Bhils about whose welfare there was a legitimate and wide-spread concern was not fragmented because of resettlement, although they felt that scatter in terms of the number of sites where the oustees have got their lands is alarming (P.106). In the chapter on findings, the Report concedes that this is in part a result of choices made by the oustees and that the scatter effect was observed especially in case of Rock Fill Dyke villages.⁴

The Report records ARCH-Vahini's contention that the tribal communities have not been more scattered than they were in their original place, but fails to record our reasons and arguments for saying so. We had in fact argued that the number of sites, where the land was allotted was not a good criterion to determine the scatter effect, but the distances the individuals and their groups had to travel before and after the resettlement to their fields and to their friends and relatives of the same village is a sensible criterion to decide the scatter effect. In other words, we are arguing about the degree of closeness and separateness after the resettlement of the individual families belonging to the same villages. While Morse-Berger recognize the crucial factor of choice of the land the oustees have exercised, they should have also recognized more explicitly the effect this choice could have made in the distances amongst groups and individuals, because then they would have discovered that in village, even in each hamlet of the village, there were families and groups who were deliberately opting to go to a place away from those with whom they did not want to live as closely as they had in the original villages. This omission of Morse-Berger is somewhat unfortunate, because they have failed to capture a realistic picture of social dynamics at work and to probe more deeply the possible effect in future of this and other dynamics of population in flux. Morse-Berger have, no doubt, found other problems in Gujarat to which now we turn:

⁴ These 5 villages were displaced in the early 1980s because of the construction of Rock Fill Dykes and had been resettled in the vicinity of the dam site according to the old R&R Policy of June, 1979. The new policy of December, 1987 offers them enlarged package of land entitlements but the additional lands in the surrounding area is not available. Major sons have, therefore, to move further away causing the split in the extended families. This is reprehensible, but inevitable given the recalcitrance of the Government in early 80s.

* They argue that of the three tribal communities, Tadvis and Rathwas are more enterprising, and they look forward to new opportunity offered by the land of good quality and can cope with the new economic opportunity/challenge they are presented with. They are really worried about the future of the Bhils who they feel are the least enterprising and least integrated with the mainstream life. Their problems, they feel, are going to be immense. And yet, in each of the four detailed case-studies they cite (PP.109-115) to show that rehabilitation is not going to work out well, none pertains to Bhil community and their one of the chief worries regarding poor prospects of Bhil rehabilitation remains essentially unsubstantiated. Even the four case-studies that they cite suffer from their inability to distinguish the short-term, temporary problems of transition like fodder and fuelwood shortages or inconveniences of temporary and transit tin sheds the oustees were living in, from the long-term problems the oustees were going to face.

* Morse-Berger seem to draw their most momentous long-term conclusion about the impossible rehabilitation in contrast to successful immediate resettlement on the highly tenuous and wispy evidence of some oustees' reporting to them the promises that the Government had broken. 'The broken promises' is a constantly recurring theme, not only for R&R in Gujarat, but also for the R&R of oustees of MP and Maharashtra. So much revolves round these promises and yet when one tries to take a hard look at the broken promises, it is difficult to precisely locate these promises. After very careful and painstaking scrutiny, three promises stand out - promises of *pucca* houses, irrigable land, and electricity in the houses. They also give no information as to the proportion of PAPs who complain of broken promises. No policy decision has ever been taken to give *pucca* houses to the oustees. The team knew about it, and should have very clearly recorded this. If any officer at the field level was giving wrong promises to some oustees and if the Team came to know about it, they should have recorded this as such and criticized the Government for not taking disciplinary actions against erring officials. It could not have legitimately made a point that a promise about *pucca* house was given and broken. As to the promise of irrigable land, Morse-Berger should have known that most of the rehabilitation sites they went to see are in the first phase of the SSP command where the irrigation will begin by 1994-95. This, of course, they knew, but to deduce that the promise of irrigation is broken or will be broken, they have resorted to a speculation to conclude that even "the most optimistic schedules will not deliver water for irrigation until 1995 and possibly not until 1998" (P.114). This is a wild speculation, we are constrained to say, because they have not given any cogent reasons to indulge in such prediction. Finally, about the promise of electricity. They knew or should have, of course, known that the oustees were living in transit sheds. The electrification, when takes place, would be in the permanent houses the oustees will be building this year and the next. This is the status of the 'broken promises' on which hinges, according to Morse-Berger, the bleak prospects of future rehabilitation. On this rests their case that relocation in Gujarat has taken place, but rehabilitation is going to be impossible.

* Being investigators of great experience, they have known and recorded that "visitors can easily become an opportunity for the airing of problems and therefore can cause bias towards negative statements." (P.113). But despite being aware of this serious methodological pitfall, they have failed to evolve and to demonstrate the method they follow to avoid the trap. Even elementary methodological safeguards of checking and cross-checking the information they got from some oustees, they have not demonstrably followed. At some many critical points in their Report, they should have clearly relied upon a kind of a Sample Survey about which also they don't seem to be aware and have not followed the method and yet some of the conclusions they reach could be safely based only on use of such methods.

It is this type of elementary methodological problems which led them to untenable conclusions. For example they report of a large family of 5 brothers from Panchmuli (a Rock Fill Dyke village) which was resettled at Gadkoi in early 80s. The family reported that in Panchmuli they had 200 buffaloes, 200 goats, 10 pairs of bullocks and 90 cows and calves, but in Gadkoi they had only 7 or 8 buffaloes, 8 pairs of bullocks, 25 goats and 22 cows and calves (P.99). If Morse-Berger had bothered to even look up the relevant volume of the socio-economic baseline survey done by the Centre for Social Studies, Surat just before the village was displaced, they would have found out that in Panchmuli out of 45 families who owned buffaloes, only 10 had more than 5 buffaloes and cows. Total number of buffaloes in the entire village was no where near 200. Their total reliance on such exaggerated stories and habit of not cross-checking shows up most dramatically in this instance. Moreover, Morse-Berger give a long account of the woes of family to apparently demonstrate the plight that has befallen on the 5 Rock Fill Dykes villages, betraying their lack of awareness of nature of evidence one needs to arrive at broader conclusions.

* Similarly, to prove that as large as 50 per cent of the oustees (recognized to have land entitlements following 1987 Policy and a major amendment to it in June 1990) of 5 Rock Fill Dyke villages had not been allotted agricultural land, they cite *February, 1991* figures released by the Nigam, according to which 466 out of 929 families have had their lands. Interestingly enough Morse-Berger who submitted their

Report in *June, 1992* had asked for and received the latest figures from the Nigam which showed that till *January, 1992* 593 families of these villages had been allotted land. The Report not only ignored this latest figure which could have altered their percentages but also ignored to give the account of trend in land allotment which is the most important measure of the assessment. They could have also taken note that a large number of major sons had become eligible for land only after June, 1990. Thus, Morse-Berger seem to resort to selective citing of the data to fit into the conclusion, which is yet another kind of serious methodological error.

* Similarly Morse-Berger have repeatedly expressed their anxiety and lament that socio-cultural factors were neglected in the resettlement of Gujarat oustees. This, according to them, is another major undoing of the R&R process in Gujarat. They cite Report No 12 of CSS, Surat in support of this conclusion (P.106). This Report was published in March 1991. Table 2-20, from which Morse-Berger draw their conclusion, describes different reasons for selecting the land by different groups of tribals (only Bhils and Rathwas) in the four most interior villages of Gujarat. It is clear that of the 402 out of 637 total oustee families who had until then selected their land, only 2 cited social reason as a sole criterion of their choice of land, 33 did not know their reason and the rest had selected their lands for economic and social socio-economic reasons. There has been no coercion on oustees to select any particular parcel of land. They have exercised full freedom in their choice. This even Morse-Berger have accepted. At the end of such exercise, if the tribals chose their land predominantly on economic and socio-economic grounds, Morse-Berger should have recognized this preference as a part of socio-cultural preference of the tribals and not insist, as they did, that economic consideration the tribals made was divorced from and in opposition to their socio-cultural life. They have, instead, chosen to lament the fact without producing any evidence of coercion, that the tribals have given priority to economic consideration over other considerations. And there is nothing new about this as we have seen above in case of MP, Maharashtra and Gujarat. This also reflects the theoretical straight-jacket through which the reality is sought to be interpreted and if there is a misfit between the two, the reality is questioned rather than theory! This is perhaps the most serious methodological flaw the Report suffers from and which continues to recur throughout the Report.

* It is this type of conceptual rigidity which has not allowed them to assess the true significance of almost single-minded demand of the tribals in each of the three states for land entitlements in the memoranda and charter of demands they had submitted to the authorities.⁵ In the same way, Morse-Berger Report throughout describes and discusses the immense economic loss the tribals are going to suffer because of the loss of river and forest resources. But they fail to measure the true significance of charter of demands submitted by the activist organisations on behalf of tribals, of Reports published by CSS, Surat and those by Tata Institute of Social Sciences (TISS), Bombay at least upto the end of 1991, or the reports submitted by World Bank consultants and anthropologists like Prof. Thayer Scudder which attach a very modest importance to the tribals' economic dependence on Forest resources and virtually do not mention resources derived from the river. In the face of this mass of evidence gathered over the years it is not enough for Morse-Berger to merely assert their contrary position, they had to effectively refute the evidence by producing a concrete and credible evidence.

MAHARASHTRA

Availability of the suitable land was also a central problem of R&R in Maharashtra until at least Morse-Berger began their inquiry. From the beginning of 1986, the oustees of 33 villages of Maharashtra began organizing themselves under the banner of Narmada Dharangrast Samiti (NDS) which later on became a central piece of much bigger organisation known as Narmada Bachao Andolan (NBA). During the period of 1986 and 1987, the NDS and the oustees formulated their demands for better R&R Policy in Maharashtra. Similar set of demands was being articulated by another organisation Narmada Ghati Navnirman Samiti (NGNS) in MP. The main focus of these demands was on the provision of land to oustee families almost identical to the demands we were making in Gujarat. The main difference between the demands of Gujarat oustees and those of Maharashtra oustees was related to the fact that Maharashtra oustees were not demanding private lands like their counter-parts in Gujarat, but were demanding degraded forest land in the vicinity. One such area they had identified was the Taloda forest land. In a Memorandum submitted to the Government of Maharashtra (GOM) in April 1986, the NDS specifically demanded that " as per the principle agreed to

5 See the Memoranda by NDS and NGNS, 1986, 1987.

in the WB Agreement, forest land available in the nearby Talukas - Akkalkuva, Taloda and Shahada should be released for the rehabilitation purpose. They should be released, in spite of Forest Conservation Act 1980, as is agreed to in WB Agreement." In June 1987, Medha Patkar of NDS read a paper at a seminar on Narmada Valley Projects in Bombay in which she stated that the only alternative was "to release large chunks of denuded forest land which the Centre is reluctant to do, taking a rigid view of Forest Conservation Act 1980. The tribal-forest linkage, too, is not viewed seriously or not considered in planning alternatives." As late as November 1987, just a month before Gujarat's new R&R Policy was announced, NDS and NGNS had submitted to Narmada Control Authority (NCA) a list of 38 demands related to R&R, one of the most crucial of which was the release of denude forest land for the resettlement.

In June 1988, Mr. Bruce Rich of the Environment Defense Fund (EDF), USA which spearheads the anti-SSP movement in North America and Europe, made a submission to the US Senate that in Maharashtra even the Government has reached a conclusion that no land for resettlement is available except for denuded forest land, which the Forest Department has not agreed to release. The fact that the land has not been released is another violation of WB Loan Agreement."

Soon after the EDF had made this submission, the organisations in Maharashtra and MP declared their total opposition to the Project and claimed that the oustees were also opposing the Project. The anti-dam movement had changed its goal radically - from 'better R&R Policy' to the 'No Dam' position. With that, their strategy on R&R took a full U-turn. The R&R was no longer an attainable goal as it was during 1986-87. The R&R now was declared to be impossible not only in practice but also in principle. The principal reason for impossible R&R in those early days was impossibility of finding enough land for the oustees in the three states. In Gujarat, the movement fondly hoped the required private land was not going to be available. In MP, their main plank was total number of oustee families who would need land. This, they argued, was going to be 5 to 6 times larger than in Gujarat. There couldn't be enough land for 22000 plus families. In Maharashtra the NDS found a good ally in the DOEF, which was refusing to release the degraded forest land of Taloda despite the provision to release the forest land for R&R if necessary in the legal agreement that GOI and the three states had made with the WB. The DOEF, which was a target of strong criticism by the NDS and the EDF until then was now a great help in their pursuit of R&R being impossible.

We have already examined the DOEF's role on environment issues. The negative role of DOEF with regard to the R&R is now coming into the focus. In June 1987, it gave a joint conditional clearance to both the NSP and SSP. In September 1987, in a separate letter, it allowed the diversion of the forest land for the construction of SSP.⁶ A similar letter for the NSP followed in October 1987.⁷ Naturally, a question can arise - why in the matter of two months the DOEF thought it fit to write separate letters? A whim or a caprice could be one possible explanation. But a more substantial reason suggests itself, if we read the conditions attached to these letters more carefully. The SSP letter of September 1987 contains a clause the no forest land will be diverted for the R&R purpose. The NSP letter of October 87 fails to carry such a clause. The intent of this difference seems quite clear. The target was R&R in Maharashtra, because only in Maharashtra, the oustees were clamoring for Taloda forest land from the very beginning. The WB was generally aware of the reality that tribals would demand degraded forest land and had got therefore the clause for release of degraded forest land inserted in the LA in May 1985. The DOEF, of course, knew of the agreement the GOI had entered into, and yet without any hesitation or fear of contradiction had inserted this clause in the letter of September '87. And since in the NSP there was no WB Agreement, the DOEF calmly decided to exclude the clause in its letter of October 1987. This reinforces an inference that it was a willful act of the DOEF, specifically aimed at the SSP.

After this, the DOEF continued to ignore the WB Agreement insisting on the condition it stipulated in September '87 letter and with a great energy continued to resist the release of Taloda forest land. Indeed, it accused the Maharashtra Government that it was creating a crisis situation so as to resolve the issue as a special case. It also charged the GOM that it had not categorically told the oustees that forest land will not be available.⁸ It even went so far as to pressurise the GOM that they should actively encourage the oustees to go to Gujarat.⁹ The DOEF was completely oblivious of the fact that this was a gross violation of the

6 No.8 - 372/83 - FC. Government of India, Ministry of Environment and Forests - 8th Sept. 1987.

7 No.8 - 646/84 - FC. Government of India, Ministry of Environment and Forests - 7th Oct. 1987.

8 Minutes - NCA - Rehabilitation Sub Group meeting December 1989, P.3-4.

oustees' legal right to choose the State they wanted to settle as embodied in the NWDT Award and WB Agreement or they did not care. If there was a case of human right violation, this was the case!

All these documents and their analysis were submitted to Mr. Thomas Berger at Baroda in February 1992. All Morse-Berger do in their Report about these documents and analysis is just to keep them out of the Report and suppress their existence. The only tangential and passing reference to this explosive material is made not in chapters on R&R, but in one of the footnotes of first chapter on Environment (P.225). Morse-Berger have vexed eloquent on the human right violations done by the GOM and the GOMP - on often imaginary grounds, but have pointedly covered up the sins of omissions and commissions by the DOEF in this regard also. This raises a serious question mark on the sincerity of Morse-Berger's concern for human rights.

Then, under the WB pressure, the DOEF had to release Taloda land in June 1990. The NDS made a great somersault. On 31st July 1990, the NDS submitted a memorandum¹⁰ to the GOM claiming that this was a Memorandum on behalf of oustees of 33 Maharashtra villages and that they rejected the Taloda forest land. It further said, "It is reprehensible that the Central Government agreed to release forest land in Maharashtra for rehabilitation in clear contravention of the conditional clearance given to the SSP which clearly stated that no forest land can be used for resettlement purposes." and "the clearance is then tantamount to selling India's ecological and social future at the behest of a foreign agency". The EDF in U.S.A. picking up the cue soon followed it up barring the last sentence. In a Memorandum submitted to the WB in March 1991, the EDF together with 47 NGOs in Europe, Japan and Australia criticized the Bank severely that the oustees of 33 villages of Maharashtra had rejected the Taloda forest land and yet the WB was forcing the oustees the land they did not want thus violating the terms of the LA. Massive contradictions of the NDS and the EDF are there for anyone to see. The enormity of their manipulations and hollowness of their concern for the human rights of the tribal oustees came out in open April 1992, when the oustees of the 10 most interior villages of Maharashtra incensed by the manipulation committed in their name by the NDS and its supporters overseas, submitted a memorandum to the Chief Minister of Maharashtra exposing their falsehood to state categorically that they were cheated and had been never asked their opinion, and had not even been informed of the release of the Taloda forest land which they had always demanded and which they wanted even now. They, in fact, demanded that the 2700 ha. of released forest land may not be enough for their resettlement and more should be released. This is so far the best documented case of manipulation of tribals' wishes and aspirations. Amita Baviskar, a self-avowed supporter of the anti-dam movement, whose many observations Morse-Berger report frequently and with great approval, has also written in a forthright manner in one of her articles¹¹ that the NBA makes its own decisions, without consulting the tribals, that they are just the passive recipients of the decisions made at the top of the pyramid, that the tribal symbols are manipulated by the NBA to further its cause and their resource base is severely depleted contrary to the claims made by the activists of the NBA.

Faced with these massive manipulations intended to render R&R impossible in Maharashtra, Morse-Berger simply chose to ignore them and carried on, as it were, the task of showing the R&R to be impossible. Their line of attack is distinctly different from the one adopted by the anti-dam activists and the DOEF. The Report carries such dramatic statements as:

- As many as 80% of the Project Affected Persons (PAPs) are faced with some degree of dispossession as a result of existing R&R policy. (P.137)

- None of the oustees of 24 villages of Akrani submergence communities (in Maharashtra) identified as forest villages, qualify for 2 hectares of land. (PP.165, XIX.) Rather as landless, they are eligible to apply for 1 acre (0.4 ha) only. (P.165)

9 Office Memorandum No.8 - 29/89 - FC dated 15-3-1990.

10 Narmada - A Campaign News letter, December 1990, P.6., published by Narmada Bachao Andolan, New Delhi.

11 Amita Baviskar. 'The Researcher as a Pilgrim' in Lokayan Bulletin vol 9 3/4 1991 PP 91-97.

- * "Neither MP nor Maharashtra acknowledge any right of encroachers to adequate land on resettlement." (P. XVI) and "that encroachers must be treated as landless oustees with no entitlement of adequate land for cultivation on resettlement." (P XVII.)

Morse-Berger make the first statement categorically on the first page of chapter on Maharashtra. One naturally expects that a tightly argued case in support of this conclusion will follow immediately. Nothing of the kind follows. Instead, there follows an analysis of two relevant policy documents of the GOM - Government Resolutions dated June 29, 1989 and February 26, 1992. The June 1989 GR specifically provided that any oustee who had encroached upon the forest land prior to March 1978 as per the survey carried out in 1985 shall be eligible to get 2 ha. of land only.

- * The GR excluded major sons of these encroachers from any land entitlement i.e. they were not to be treated even as landless with entitlement of one acre of land.
- * All post - 1978 encroachers were treated as landless with entitlement of 1 acre (0.4 Ha) of land.
- * This way the June 1989 GR created various categories of oustees - 'those with land, regularized encroachers, major sons of land-holders and regularized encroachers, landless agricultural laborers, joint holders etc- with various types of land entitlements.

These categories created a lot of confusion. But more importantly it excluded a large no. of families of major sons of landed oustees and of regularized encroachers from any land entitlements.

The 26th February 1992 GR sought to streamline the categories and also to correct deficiencies related to major sons and others.

- * The category of landed now included two categories of June 1989 GR - land owning oustees and pre March 1978 encroachers.
- * A new all - embracing category of landless was created which now included major sons and major unmarried daughters of landed oustees - i.e. land owning oustees and regularized encroachers and post 1978 encroachers.
- * This GR gives explicit right of irrigable agricultural land to landless oustees.
- * The GR also removes injustice to the regularized encroachers by giving them the status of landed oustees, which entitles them to irrigated agricultural land of an area equal to that of land acquired, subject to the ceiling and minimum 2 ha. of such land. The previous GR gave them only 2 ha of land and did not specifically say whether it will be irrigated or not.

The net effect of this GR was to give a status of landed oustees to a majority of oustees in the 24 villages of Akrani taluka of Maharashtra, who were treated as encroachers by the GOM. A historical injustice to these tribals was finally set right. 855 out of 1485 oustee families of these 24 villages thus became landed oustees. Major sons of these oustees were now given land entitlement of 1 acre of irrigated land. Similarly, another GR of February 1990 pertaining to the acquisition of marooned (tapu) land gave entitlements of landed oustee to 192 families in Akrani, thus making total of 1047 out of 1485 (70.5%) of the 24 villages of Akrani taluka entitled to minimum 2 ha. of irrigated land. Morse-Berger have strangely not only ignored this GR and its beneficiaries but they have also raised a false issue of their plight in their Report.(PP.146-47).

All this was known or should have been known to Morse-Berger. They have analysed June 1989 and February. 1992 GRs in great details. (PP 138-39) They should have known a plain fact that 70.5 per cent oustee families of 24 Akrani villages have the entitlement of minimum 2 ha. of irrigated land, which should have been stated immediately after the GRs were analysed. But this was not done. For the following 26 pages of the text, other issues are discussed. Suddenly on P.165, the dramatic statement makes its appearance. " Since all of the Akrani submergence communities are identified as 'forest villages' none of their oustees qualify for two hectares of land at Taloda."

This statement stands in a stark contrast with the hard fact that 70.5 per cent of the Akrani oustees are treated as landed oustees with the commensurate land entitlements. Morse-Berger conclusion is not based

on credible facts and hangs as it were in the air. It is a classical case of non-sequitur, which, as we have seen before, occurs with a great frequency in the Report. This dramatic statement, taken as established, is lifted from the text to be incorporated in the letter to Mr. Preston which is read by many more readers than the whole Report, achieving its intended effect that things must be very bad on R&R front. The same strategy has been adopted about environmental issues and about R&R in MP.

Morse-Berger give a very strange treatment to some issues surrounding Taloda forest land. At three places in the Report, they bemoan the fact that 2700 ha. of Taloda forest land may not be enough to resettle all the families and this is the basis of their conclusion that implementation in Maharashtra will be limited by the availability of irrigable land. (P.351) It is difficult to understand their pessimism, because they could have easily made a forceful recommendation to release more of the degraded forest land, if necessary. This, they don't do. This is very strange also because they have themselves said in the Report (P.263) that the existing forest on the proposed Taloda resettlement area is degraded with low diversity of vegetation, that although some areas are well-wooded, most of the trees are a fast-growing species with a little value except for fuel wood and even for that purpose the trees are less desirable than most alternative species. NDS had in a memorandum of 31st July 1990, referred to above, had dubbed the release of this land as 'selling of India's ecological future at the behest of foreign agency.'

Morse-Berger, in the course of their visit to Taloda area, met with the local people who told them that they were not unduly alarmed by the prospects of resettlement site near to their village. (P.165) The Report then embarks on extraordinarily strange course of argument. It says : "These findings appear to contradict the conclusion arrived at by the Tata Institute research team. However, their work is more extensive and took them to all 10 of the villages directly at risk as a result of use of Taloda Forest for resettlement sites." (P.165) Morse-Berger then go on citing the *second* TISS Report of February, 1992 on Taloda Forest Land. They also refer to TISS's *first* May 1991 Report on Taloda Forest Land. Quoting the second 1992 TISS Report, they state that the 10 villages in Taloda forest area depend upon 800 ha. of forest for grazing and fire wood. Then they report that a large number of encroachers were already displaced to make way for resettlement. The February, 1992 Report also says that the host population is completely set against the proposed rehabilitation.

A number of disturbing questions arise about this argument. TISS had done a first comprehensive study of the area in May 1991 barely 9 months before the second study of the same area. The May 1991 Report while discussing all the relevant points does not talk of dependence on 800 ha. of forest of surrounding villages for grazing and firewood. It talks about eviction of the encroachers, but does not say large numbers and actually does not give the numbers of those who have been evicted. And lastly, it says nowhere in the Report, like the February, 1992 Report says, that the host community is completely opposed to the resettlement. The May 1991 Report of TISS sharply differs from its February, 1992 Report. Morse-Berger had to contend not only with what they were told by the people of the host villages during their visit to Taloda sometimes in February, 1992, but they also had to effectively contend with TISS's own May 1991 Report. By more or less ignoring the core contents of 1991 Report and quoting from 1992 Report, they can hardly achieve the end result they want to. In fact, the only course open to them, when the host villagers told them what they did and the May 1991 Report being what it was to investigate themselves the whole area more thoroughly, if they had any doubts as to the veracity of the statement made by the host villagers and of the findings of the 1991 Report. How could they entertain such serious doubts, and not investigate the situation more thoroughly to settle the issues that bothered them and strangely wait for the TISS second Report which was clearly not available to them then? It is also very difficult to understand why two Reports of TISS separated by an interval of nearly 9 months should contain such different information? And how did Morse-Berger decide to rely on 1992 Report to get their answers and reject if implicitly, the findings of 1991 Report? Indeed, it is difficult not to ask a question: what was the necessity for the TISS to undertake the second study on Taloda forest land so soon? It is also pertinent to note that the second TISS Report is not available to the public for scrutiny. To the best of our information it is not even available to the GOM. The Morse-Berger Report continues to reveal serious methodological flaws in the way enquiry was conducted, the evidences were gathered and sifted and the way they were analysed and processed to reach sweeping and dramatic conclusions that cannot bear scrutiny.

MADHYA PRADESH

In MP, the impossibility of R&R hinged on the claim that large number of oustees would be displaced and the impossibility of finding agricultural land they would require for resettlement. As we have seen above, the anti-dam movement has always argued that the submergence is by far greatest in MP. Out of 245 villages in three states to be affected by the reservoir, 193 are in MP. This means that by simple law of extrapolation, 80 % of the displacement will take place in MP. The argument thereafter was quite simple. If GOG had difficulty in finding land for 10 % of the oustees, what is the hope for finding the land for 23,000 oustees of

MP ? This argument from extrapolation has stuck. We had argued in 1991¹² that this argument is incorrect, because facts don't tally. The GOMP had carried out its first village-wise survey in 1987. Its salient findings were reported in the 30th meeting (January 1989) of NCA. Vijay Paranjapye has quoted these findings in his book.¹³ This brought out for the first time that out of 193, in each of 65 villages agricultural land submergence is going to be 20 ha. or more. In the remaining 128 villages, the submergence in each is going to be less than 20 ha. Paranjapye offered no criticism for this startling disclosure. Using the data published by the GOMP, we analysed and showed that whereas only 13.7 % of the total agricultural land (6,855 ha. out of 49,937 ha.) was going to be submerged, many more houses - 73 % (15,552 out of 21,231) were going to be submerged. The really heavy submergence, we showed, was going to be confined to 28 out of 193 villages. This analysis was criticized by the NBA who raised a fundamental question of reliability of this data. The GOMP then carried out a 64 column survey in all villages except 28 villages where the opposition was very intense. This survey brings out the same pattern of submergence as was brought out by the 1987 survey.¹⁴ The NBA has raised the problem of reliability about this data as well.

This was the issue on the top of the agenda of our presentation and discussion with the Morse-Berger team, when they began the inquiry. Various aspects of the quality and reliability of the government data in general and the data relevant to land submergence, land records, house submergence etc. were discussed threadbare repeatedly. Similarly, the issue of encroachment regularization in MP also came up for discussion.

In June 1992 when the Morse-Berger report came out, it basically adopted the NBA position on two most critical issues of R & R in MP. It accepted the basic contention of the NBA that the basic quality of the 64 point survey conducted by the GOMP was unreliable and took the GOMP to task for this lapse. It seemingly accepted a claim of the NBA about the number of displaced families who will need alternative agricultural land, i.e. 23,000 families. It also accepted the NBA claim that the encroachers in MP will be reduced to a status of landless with no land entitlement. In their letter to the World Bank President they wrote, "... Madhya Pradesh, with as many as 23,000 families to be resettled, are prepared to offer 2 ha. of land to landed oustees, but they are not willing to provide 2 ha. for major sons. Neither the Madhya Pradesh nor Maharashtra acknowledges any rights of encroachers to adequate land on resettlement." (P. XVI)

Further, "..... Madhya Pradesh and Maharashtra say that encroachers must be treated as landless oustees with no entitlement to adequate land for cultivation on resettlement. The dispute here is whether tribal people holding their land by customary usage are entitled to be treated as landed oustees. Madhya Pradesh and Maharashtra say they are not, that they are illegal occupiers.

The result is that, in Madhya Pradesh and Maharashtra, thousands of tribal families who are classified as landless but who are, in fact, cultivating land may not receive any or adequate land on resettlement.... We estimate that under the State's view at least 60 % of tribal oustees engaged in cultivating land in Madhya Pradesh and Maharashtra will not receive adequate land on resettlement." (P.XVII)

In fact, the issue of encroachers bothers Morse-Berger so much that the same point in different ways is repeated in the Letter at least six times. This is bound to leave a deep impact on the minds of the readers, who often read only such letters and not the whole report, that thousands of tribal families are going to suffer.

What is the evidence they marshal in the main body of the report in support of these dramatic and startling conclusions? In the first few pages of the text on MP, they observe that encroachers represent a much smaller proportion of oustees than in Gujarat and Maharashtra and that in the isolated tribal areas, where some 40 MP submergence villagers are situated, encroachment is integral to people's economic life. (P.176) The true import of this important insight that the encroacher problem is mainly confined to this area eludes Morse-Berger. As we shall see presently, out of 40 tribal villages, 27 villages with their 2000 families are badly hit by submergence (total land submergence greater than 25 %). Encroachers among these 2000 families who may fail to be regularized under the existing MP policy form the hardcore problem of encroachers in MP. The upper limit of the problem could be clearly in hundreds and not in thousands, which Morse-Berger letter will lead us to believe.

12 op cit

13 Vijay Paranjapye op cit P. 193-94.

14 Action Plan of Rehabilitation and Resettlement of Ousteers of Madhya Pradesh (Sardar Sarovar Project) Parts I and II - Jan, 1992. NVDA, GOMP.

Morse-Berger have recognized both in their Letter (P. XVII) and in the text (P.175) that according to GOMP policy, encroachers prior to 1987 will receive compensation for the land acquired from them and will be allotted a minimum of 1 ha. of land and maximum of 2 ha. of land. The puzzle, given such a policy of the GOMP, is why the Morse-Berger reach such a dramatic conclusion that encroacher families in thousands will be treated as landless. A clue lies in an advice they were given and which they accepted in MP that the proof of encroachment - i.e. receipts of fines paid to the forest guards are quite unlikely to be preserved by the illiterate tribals. (P.176) This constitutes a crucial finding for Morse-Berger to conclude definitively that encroachers face a bleak prospect of landlessness. The conclusion then finds its way in the critical portion of the Report - Letter to the World Bank President.

Their reasoning is, however, faulty, because before accepting the argument that receipts of the fines are quite unlikely to be preserved by the tribals, they ought to have carried out a kind of spot-checking amongst the oustees to satisfy themselves that a large number of such encroachers could not indeed produce the receipts, they obviously did not do this. More importantly, however, they ought to have known that the forest department also has records of encroachers who pay fines. The objectivity demanded that they should have checked the relevant records of the forest department. Since they have not even acknowledged the source of information in the Report, they have obviously not checked this source. Responding to this, the GOMP recently made a claim that 76 % of the tribal population in affected area is formally recorded as cultivators in official records, which secures for them the land entitlements that is due to them. Such basic methodological flaws - the characteristic of the Morse-Berger Report, severely undermine their findings. Meanwhile, the uncorroborated finding of encroachers in thousands being reduced to landless got established as proven fact. Morse-Berger missed a great opportunity like one in Maharashtra to examine GOMP's claim more carefully and critically, identify problem areas facing encroachers and make pointed recommendations which could lead to constructive and creative solutions.

Nature and Size of Displacement:

In the Letter to the World Bank President, Morse-Berger say that 23,000 families are to be resettled. This figure is nowhere directly quoted in the text, but a claim of this type is indirectly and ambiguously supported.(PP.174,184) Then they go on to seemingly accept the GOMP's estimate that about 50 % oustee families will move to Gujarat requiring 23,000 ha. of land implying that 11,000 families will be completely uprooted from their villages. The remaining 50 % villages, as claimed by the MP officials, who will not be losing their agricultural land, will stay back in MP and will require only 2000 ha. of land.(P.186)

Morse-Berger have displayed a staggering degree of confusion here. From the two statements accepted by them, which we have just cited, it is not clear at all what they really mean? The NBA claims that 23,000 families will need alternative land for resettlement, Morse-Berger Letter accepts this claim. But in the text they record and seemingly accept the claim of the MP officials that only 50 % of the oustees in MP i.e. 11,000 families require alternate agricultural land, that they will go to Gujarat and the remaining 50 %, since they don't lose agricultural land, will stay back in MP. Morse-Berger are thus caught in a contradiction. Only ambiguity about the meaning of "to be resettled" can soften a little the edge of the contradiction. 'To be resettled' in MP may mean that some families affected by the reservoir may just loose house, hence have 'to resettle' by shifting their houses and some may loose their land also, hence they have to be uprooted completely, and have 'to be resettled' at a distant place. Even this ambiguity about "to be resettled" can not be maintained much longer because they also admit that in each of the 79 out of 193 villages 10 percent or more land will go under submergence, whereas in each of the remaining 114 villages land submergence will be less than 10 percent.(P.185) They also admit that the most fertile villages of Nimad are not among these 79 villages since they are the farthest from the dam site, they suffer inundation of house sites rather than land. (P.185) This notwithstanding, Morse-Berger make a major issue of landless labourers of Nimad who fear relocation because their economic security based on long established web of human and geographical links will be destroyed. Further, " their sense of security comes from occupying a particular place in an integrated network of labourer-landowner relationships, which is threatened by resettlement process." (P.183) The paradox, if not contradiction, of Morse-Berger is apparent again. If Nimad villages are not going to experience submergence and only their houses are to be shifted to a higher plane in the same village, where is the question of "web of human and geographical links" being disrupted by relocation? How can there be a rupture of laborer - landowner relationships which can threaten the economic security of landless by resettlement process ? And yet the word relocation, resettlement read in the context leave no doubt that Morse-Berger mean total uprooting and displacement of these villages. Both the meanings in the ambiguous use of the phrase 'to be resettled' are used by Morse-Berger to convey factually wrong impressions at different places.

This particular pattern of submergence where majority of the villages do not lose their land but only their houses (114 out of 193) and 79 villages suffer loss of land and houses arises from the peculiar shape of the Sardar Sarovar Reservoir and the underlying morphology of the river. The Narmada river runs through a

deep gorge with a steep slope in this part of its course. Through its course in Sardar Sarovar reservoir up to dam site it drops by at least 100 meters. This results in a shape of the Reservoir which is long and narrow (225 by 1.75 Kms.). The reservoir does not spill out of its banks. Fields lying well beyond the river banks are spared but a large number of houses along the banks are inundated. The further upstream one goes, the more clearly the pattern of submergence becomes manifest, save some pockets in the upper reaches, the pattern holds as in Nimad. Thus in MP 114 villages lose 2.77 per cent of their total land but as many as 65 per cent of their houses. Morse-Berger knew of this pattern. They know of two types of displacement in MP. While acknowledging these peculiarities at different places in the text they continue to maintain ambiguity about resettlement/relocation and create impressions that 23,000 families require land, then 11000 families require land, then landless in Nimad will be relocated forcibly and lose the economic security they enjoy now because of the physical disruption of the communities etc. Why do they not clarify from the beginning the different types of displacement (and resettlement)? There is no clear answer to this in the Report.

The greatest ambiguity of Morse-Berger's analysis of MP problem lies in their scathing criticism of the MP's baseline data. They have accepted the NBA's basic criticism that the 64 point survey carried out by the GOMP is unreliable because of the opposition to it in MP villages. They have thus raised serious doubts about MP's 1992 Action Plan based on 64 point survey. They contend "such information as is on hand as a result of government questionnaire appears to be of little value. Findings are not sufficiently solid to ensure that plans based on them will address problems accurately" (P.194). In so far as MP's Action Plan assumed that all the oustees of 79 villages which lose 10 per cent or more of their agricultural land will go to Gujarat Morse-Berger's criticism is accurate. But that is not the main outcome of MP's Action Plan. MP's Action Plan is based on different pattern of submergence we have discussed above. Morse-Berger have to make it clear when they totally reject the baseline data gathered by the GOMP whether they also reject the fact that only 79 villages face a measure of uprooting and the remaining 114 do not get uprooted which is also a direct outcome of the 64 point survey. This is clearly set out in Annexure 5 of Part I of Action Plan 1992 (cited by Morse-Berger on P.186). Here is another contradiction Morse-Berger have set for themselves they have already accepted the basic features - parameters of the 64 point baseline survey as we have seen above. Option is not open to them to totally reject 64 point survey and still to accept the basic features of submergence pattern affecting villages, their lands and houses. (they have actually cited Annexure 5 of Part I of 1992 Action Plan.) Their trouble is logical error they have made. They admit certain facts but do not accept logical consequences of the facts.

On the page on which they reject GOMP's baseline data, they accept in the next para on the same page that large amount of information can be gathered by 'desk top' procedure which can achieve more or less adequate completion of questionnaire forms which "may well result in useful approximations, and an initial basis for assessing the scale of the problem. At the individual level - which is what ultimately counts for the oustee families themselves - 'desk top' data gathering can not be adequate" (PP.184-85). We see here again how Morse-Berger gain insight into the critical aspects of reality - reliable usefulness of the data at one plane which may not be useful at another plane and yet the true import of the insight eludes them. It should have been quite clear to them to ensure justice to individual oustees for which the Action Plan based on 64 point survey may not have been adequate, to identify and demarcate precisely those villages and communities which were going to be disrupted because of the inundation of their fields. This is "useful approximation" that MP data provided to "assess the scale of the problem". The irony of Morse-Berger Report is to accept this "useful approximation" set out in Annexure 5 and yet not to carry analysis through. We had argued this very case with them. Morse-Berger chose to reject and ignore the argument and yet we can not see how they can avoid it. The source of all the contradictions, the paradoxes and the ambiguities lies in the fact that they radically reject the whole data but accept the basic parameters of the data - what they call useful approximations to assess the scale of the problem. If they had thoroughly examined the implications of the useful approximations in the text they would have carried results of this analysis in the Letter to the WB President, in the chapter on Findings and Recommendations and elsewhere in the Report (for example in table on P 62) and not the ones that were carried. They would not have reached, if unwittingly, the final conclusion that R&R is impossible and that it is heading for a disaster.

The analysis based on the basic information provided by MP reveals that of the 23,180 oustee families in MP 11,931 belonging to 114 villages have land submergence of 2.8 per cent, remaining 11,249 (approximately 50%) belonging to 79 villages experience land submergence greater than 10 per cent. GOMP claims and Morse-Berger seemingly accept that these families will require 23,000 ha. of land (since for each family land entitlement is minimum 2 ha. in Gujarat). There is a further implication to this claim which is that each of the land holdings in 79 villages loses at least 25 per cent of land which only can give land entitlements to its holders, cosharers, major sons and landless labourers dependent on these holdings. Morse-Berger never arrived at this depth of analysis so they did not ask the question how plausible it is to hold such assumption about each land holding. They did not enquire and therefore did not know that 9148 families of the 58 villages

in this group will collectively lose 25 per cent of their agricultural land. (Very heavy inundation - 65 per cent of agricultural land - occurs in the remaining 21 villages.) Common sense dictates that obviously each of the land holdings in these villages cannot lose 25 per cent or more of its land. Therefore each of 9148 families can not have land entitlement of 2 ha. whether they settle in MP or in Gujarat. The main brunt of the land loss and major uprooting in 58 villages will be borne by only those who lose 25 per cent or more of their land and those landless who work on those land. The brunt will be also borne by remaining 2000 families including encroachers who live in the remaining 21 villages.

The MP data in all probability may not provide accurate enough information about the identity of these individual families in these villages and their needs. Morse-Berger could have accurately zeroed in on this group of oustees and recommended that they be located more accurately and their needs ascertained authentically. But to do that they had to see these "useful approximations and an initial basis for assessing the scale of the problem." Morse-Berger's failure to analyse Annexure 5 of the Action Plan 1991-92 to bring out the scale of problem in its proper perspective and to display this analysis boldly defies reason.

Their concern for the landless of Nimad should have induced them to do a further analysis. This would have revealed to them that in 103 villages of Nimad only 2.82 per cent of the total agricultural land goes under submergence leaving the long established web of human and geographical links within their communities and network of laborer - land owner relationships integrated and in tact. They could have clearly seen that the sense of security of landless in these villages is not going to be threatened. As to the other villages of Nimad, 33 villages lose 18.5 per cent of their agricultural land creating a major uprooting of relatively small proportion of land owners their major sons and landless laborers depending on these holdings. Only in a small number of remaining villages land submergence is between 40 to 63 per cent where uprooting is going to be of a very high order. The irony hits Morse-Berger because in acquiescing with the GOMP officials that 50 per cent of the oustees belonging to 79 villages will be uprooted they have not pondered over the implications this will have on the landless in these villages because as we argued above many land owners even in these villages will lose less than 25 per cent of their holdings. They need not be uprooted, will not be uprooted. The landless working on these lands will have their web of relationships left in tact. They need not fear economic insecurity. Morse-Berger should have identified these group of landless who are being threatened by the mindless policy of the GOMP to indiscriminately uproot all and send them off to Gujarat. Instead, they have acquiesce with the mindless approach of the GOMP in the 79 villages. Morse-Berger should have scrutinized the problem of landless who need not be uprooted and of those who will be uprooted and should have made appropriate recommendations. They should have also given a serious thought to those landless who exclusively depend on fishing for their livelihood to make appropriate recommendations. At this level of analysis they could have with a telling effect, raised the issue of quality of basic data. Because it is only at this level individuals who are going to bear the brunt of resettlement could be brought into a sharp focus and the ways in which MP's basic data may not be up to the mark. This failure also must be traced to the original ambiguity vis-a-vis the basic data and their failure to work out full implications of the useful approximations stated in Annexure 5.

Major Sons:

Morse-Berger have been rightly exercised about the lack of provision of land entitlement for major sons of land holders in MP and Maharashtra. They have repeatedly discussed this issue in the text. They have however failed to identify in Nimad a significant development taking place. While the existing R&R policies in MP and Maharashtra exclude major sons from land entitlement, an existing law in MP and Maharashtra does allow major sons to be registered in the revenue records as co sharers who have entitlements equal to that of landed oustees. In some severely affected villages of Nimad many influential and rich land owners have successfully used this law to get their sons names entered as cosharers (monitoring agency has documented this in its report and the GOMP has also acknowledged this reality in one of its response to the World Bank). Seen in this light the major son problem assumes radically different perspective. Maharashtra's and MP's stubborn persistence in their unfavorable interpretation of the NWDT's relevant portion of the award may cause irritation as it does to Morse-Berger. One may try to remove this irritant but at the same time a tentative approach to circumvent such a road block must also be explored. Morse-Berger could have easily stumbled into this reality had they been inclined to solve such hard problems. Their failure to do so has also resulted in their failure to make specific recommendations for the tribals because they may not be able to use this instrument of law in their favor as effectively as the rich peasants of Nimad are now doing. The cumulative effect of Morse-Berger's attitude of general lamentations and their failure to carry analysis to a deeper level are most visible for the tribal people and for the landless whose possible plight move them so much.

MORSE-BERGER REPORT AND THEIR CONCLUSIONS

We began the article with a statement that the SSP cannot be treated as a paradigm case study to corroborate the grand critique of large dams propounded by Goldsmith-Hildyard. We have examined a few critical issues of environment and R&R in this article and tried to show that anti-SSP critique remains unsubstantial and based on distortions. Morse-Berger have done their best to shore up the tottering case of anti-SSP movement. It cannot then become a spring board to discuss more abstract and deeper issues of alternative development strategy or life style. Morse-Berger intervention remains a pivotal issue in the discussion that follows.

Although we have not laid bare the analysis of all the chapters of the Morse-Berger Report, which we will eventually do, we have analysed enough material to bring out two types of characteristics of the Report which are general and to be found in practically all the important chapters.

One, the Report suffers from grave methodological flaws like conclusions not following from the factual premises, conclusions based on inadequate data-base or errors in reasoning or failure to carry the logical analysis far enough, sources of information not properly cited or not citing adequately from the unique Reports and studies to which only they had access. These could be broadly termed as intellectual errors.

Two, then there are errors which cannot be legitimately called intellectual errors. In this group, we found deliberate selection and omission of information, deliberate distortions of parts of documents, suppression of vital information which could lead to entirely different conclusions than were reached by them.

Only careful and dogged reading of the text reveals these characteristics and also how they reach staggering conclusions without matching facts, evidence, analysis or reasoning. Moreover, lack of matching facts or their distortions are deeply buried in the tortuous discourse in the text.

Then we realize the frightening implications of their style to carry these conclusions as 'established facts' to most critical part of their Report - i.e. the Letter to the President of the World Bank and the 'Findings and Recommendations' chapter, because most readers read these parts only. The conclusions can only leave a deep impact on the sensitive but unsuspecting readers. They naturally and understandably rely on the high credibility and objectivity of the persons of stature of Mr. Morse and Mr. Berger. Morse-Berger have unwittingly and also unintentionally seriously undermined the basis of trust on which major international human rights campaigns, which should also include the SSP campaign, are mounted.

Morse-Berger have zealously guarded, and rightly so, their independence from all the sources of Power including the World Bank. They have missed no opportunity to let it be known that theirs was an independent mission of enquiry. They were truly independent of the WB and the concerned governments. But were they impartial or objective in this enquiry? Serious question marks must be put on this score. Far from being impartial they have repeatedly gone out of way to 'prove' or 'establish' a fact that would show the Projects in negative light. They have similarly covered up or suppressed several facts which could seriously undermine the anti-dam case. Their patent partisanship to the DOEF has been repeatedly documented.

So the Morse-Berger enquiry was independent but not impartial and objective. Where does this lead us to? They have in the process seriously undermined the nascent notion of international enquiry to make the governments, especially in the third world, more accountable and responsible on the issues which transcend national boundaries. Experienced as they are, they ought to have known that the notion of national sovereignty can readily raise barriers against legitimate universalist concerns expressed internationally. Third world countries can now legitimately claim that such enquiries are guises to undermine their sovereignty to decide their own destiny and to humiliate them. By joining hands with highly vocal NGOs of Europe, Japan and North America and adopting their dubious methods they have dislocated serious efforts to democratize the states, to preserve and if possibly further human rights. It is unlikely that they understood or grasped the implication of their enquiry.

They fail to recommend deep, precise and thorough-going reforms which could have helped many tribal oustees for whom their hearts go out. Some encroachers in Maharashtra and MP would have got immense help from their recommendations and so would have the marooned villagers in Maharashtra. Similarly, major sons in the tribal areas of MP and Maharashtra would have secured decent means of livelihood, had they taken cognizance of the legal situation. They would have earned gratitude of agricultural landless laborers of Nimad area in MP, if they had effectively pulled up the GOMP for planning unnecessarily to uproot them and if the rights for draw-down cultivation had been secured for them. Similarly, the fishermen families would have been thankful to them for securing for them the rights of fishing in the reservoir and free access to the market.

Instead of pressing for such constructive and creative reforms, they decided that "it would be irresponsible for us to try to patch together a series of recommendations on implementation when the flaws in the Project are as obvious as they appear to us. As a result, we think that the wisest course would be for the Bank to step back from the Projects and consider them afresh."(P.XXV).

When the Bank decided about the Morse-Berger Review under the pressure of Northern NGOs campaigning against the SSP we welcomed it, although we disagreed completely with the NGO critique. We relied on their stature and reputation and hoped that they would straighten out complicated issues, set the record right deformed by the anti-dam NGOs by their falsehoods and distortions of facts. We had also hoped that some long-standing problems in MP, Maharashtra and Gujarat would be solved. We cooperated fully and with an open mind with the members of the Review Team. Even when the anti-dam movement publicly in press questioned their bonafides and raised doubts about their competence, even when we got unmistakable warning signals from the members of the Team about their strong biases and tilts against the Project, we chose to ignore them and relied instead on the objectivity and sense of fair play of M/s Morse and Berger, who, we assumed, would take care of these biases and tilts. We trusted them and their objectivity to steer the inquiry to find the truth. We admit, not without regret, that we were wrong. Their eloquence and fervor notwithstanding, their reputation for objectivity notwithstanding, they have abandoned the objectivity which only can lead to truth.

Mr. Morse's and Mr. Berger's reputation of being zestful reformers notwithstanding, they pressed on relentlessly their conclusion that even if R&R Policy in MP is improved, it is too late. R&R is impossible in MP (P.351). It is the same rush for such staggering conclusions which makes them conclude that "the Bank's incremental strategy and India's pari-passu policy adopted to deal with the resettlement and environmental problems have failed. A further application of the same strategy, albeit, in a more determined or aggressive form, would also fail." (P.355). The same conclusions are repeated in the Letter to the President. This strategic placement of conclusions has had a desired effect from Morse-Berger's point of view. The conclusions like "proven failure of 'incremental strategy' adopted by the Bank and of pari-passu approach adopted by the Indians to environmental assessment" and like R&R being impossible in MP or tribal encroachers in thousands going to suffer heavily etc. were readily picked up by the NGOs in North and even Bank's Executive Directors.

The final irony of the Morse-Berger Report is best captured in the last para of their Letter to the President :

"Our job has been to make an assessment. We have done so. We have, in the course of our work, made many friends in India. We wish to assure them that our sole desire has been to find the truth and report it. We hope that our assessment may advance the search for constructive and creative solutions." (P.XXV)

We hold this to be their ultimate failure.

November 8, 1992.

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Date: 8th April, 1992

Voluntary Shifting of Manibeli Village, Maharashtra:

1. A voluntary and peaceful shifting of Manibeli, the first village in Maharashtra going under submergence in Sardar Sarovar Project (SSP) began on 26th March 1992.

2. The operation of shifting was spearheaded by Manibeli PAPs who wanted to shift but were being prevented by the Andolan workers. ARCH-VAHINI with about 400 PAPS of Gujarat, and other NGOs active in R & R.

3. From 26th March to 4th April 1992, 25 fully built, old large houses and 7 small skeleton structures were dismantled and shifted away to resettlement village Parveta in Baroda district, Gujarat.

4. All 32 houses and structures belong to Tadvis. About 13 Tadvi houses and about 19 Vasava (Bhil) houses were not ready to shift. They were not touched. It is clear that about half of Manibeli shifted willingly during that fortnight. (10 houses had shifted in 1985 and 53 in 1986). This shifting must be viewed in the context of claims made vehemently and persistently by the Andolan at least during the last one year that nobody from Manibeli is willing to shift, the slogan that received a wide publicity here and abroad read "We will clash with the rising water, we will drown but will not shift."

5. Of the 19 Vasava houses who have not shifted and a section of whom was extremely vociferously opposed to the operation and even abusive, at least 7 houses are eager to shift, but dare not even express their desire for the fear of severe reprisal of the vociferous section of the Andolan activists. Similarly, more Tadvi families are ready to shift, but could not do so now.

6. ARCH, so far, had not involved itself directly in the affairs of Manibeli, but during the last 3 to 4 months we were receiving disturbing stories from those PAPS who were living in Parveta that they were under severe pressure and threat from the Andolan workers. Contrary to the wide-spread belief that the Manibeli was solidly behind the Andolan, there were definite indications that the PAPS wanted to shift, but were being prevented by the Andolan. At the entry point of the village the Andolan had set up a post which was constantly screening all the entries to the village. Trupti and Sudarshan of our group were physically prevented from entering the village on 10th January 1992. We had, however, very little knowledge of those PAPS who were still living in Manibeli. They approached us through their relatives in Vadgam and asked for our help. We had a meeting with some of them in Vadgam. They gave a list of willing PAPS who wanted to shift. Another list was obtained from PAPS of Parveta. They talked about their social boycott, (unheard of in these tribal villages but which we had heard in other Maharashtra villages also during our visit) of the fact that they were not

allowed to go to the surrounding forest to collect wood, of the fact that the village shop would not sell them grocery, of the fact that they were told to leave their homes behind taking with them only clothes and nothing else to go to new site where the government should give them new houses and that their houses in Manibeli will be occupied by the Adolan supporters of other villages. The essence of the story was repeatedly confirmed by other PAs of Manibeli during and after the shifting operation.

7. This background information and other events that took place including the role of Maharashtra Police before and during the operation are vital to the understanding of ARCH-VAHINI'S role in Manibeli operation.

8. The Press, nas from the very beginning, maintained that this was only a massive Police operation pointedly omitting the spearheading role of Gujarat PAs and NGOs. After the first day reporting which categorically stated that the shifting was voluntary, totally peaceful, the reporting on subsequent days became more and more biased and started repeating wild fictitious charges of the Adolan that the Maharashtra Police was being repressive and using force.

9. In fact, the role of Maharashtra Police, from the very beginning, even before the shifting operation began, was very dubious and even enigmatic.

On 25th March, 1992, when the details of the operation on 26th March were being planned at Kevadia Colony by Mr. Gill Mr. Babbar and Police officers of Gujarat and Maharashtra, the Superintendent of Police (SP), Dhule District suddenly announced that the operation was called off at the instruction of the DIG Police. Incredulous Mr. Gill made frenetic phone calls to Secretary R & R Mr. Chobe who insisted that the operation was on. He then made calls to the DIG who insisted that the operation was off and that he had a direct and unequivocal instruction from the Director General of Police (DG), Maharashtra to this effect. Thereupon Mr. Gill talked to the DG himself and had the story confirmed. (Four days later we heard that the DG had in fact threatened to resign if the operation was pushed ahead). There was Maharashtra Police force of about 350 policemen and women already stationed at Rajpipla.

This was a strange and most dramatic turn of event. At a critical juncture, the whole of the Maharashtra Police was decisively and effectively paralysed by as high an official as DG or more plausibly by somebody at higher level.

Although we were totally unprepared for such a dramatic turn of events on the eve of Manibeli shifting, we had been suspecting for quite sometime that there was something amiss in Maharashtra Administration's willingness to effect a voluntary shifting of Manibeli. Earlier moves to help PAs to shift their houses to Parveta with the help of Maharashtra Police had failed to go off the ground for some unknown reasons.

We knew that a significant number of Manibeli PAPS were willing to shift, but were fearful that the Andolan will prevent them from doing so, and the Maharashtra administration was lacking the adequate will to help them shift. We therefore argued that we and the Gujarat PAPS will go ahead and help them shift. We had also earlier argued that if Maharashtra Police tried to move in to help willing PAPS to shift, the Andolan will immediately cry 'Police repression.' The Maharashtra Police had beaten a retreat last September and had been the object of severe criticism ever since. With the Press so effectively backing the Andolan, it was an easy task for the Andolan to turn even a legitimate operation in support of the willing PAPS into a vicious Police repression.

A straw in the wind was a very strange and bold statement made by the NBA on 24th March 1992. (A Press copy of 25-4-92 is enclosed). The Andolan had filed a petition in Dhule Court demanding that nobody should be shifted from Manibeli village which was rejected by the Court on 3rd March, 1992. The Court had then allowed an appeal period of 7 days during which the stay order was granted. This expired on 10th March, 1992. The elaborate and reasoned Court Order, in effect, unambiguously stated that the Maharashtra government could shift legally not only the willing PAPS, but also the unwilling PAPS of Manibeli, if it so desired. It was obvious that the Maharashtra government after having obtained such legal clearance had for some reasons not acted, and now the NBA in its statement, twisted the operative part of the Court Order, making totally false claims that the Court had stayed the shifting operation until 31st March 1992, and that the Andolan had requested the Court to vacate the stay order, which it had, and threw a bold challenge to the Maharashtra government "to go ahead and evict the residents of Manibeli" and now that "the Court had vacated the Stay" (at the request of the Andolan it claimed) challenged the Maharashtra Government "to show its true colours."

The dramatic act of self inflicted paralysis by the Maharashtra Police and the bold if strangely worded challenge of the NBA "to evict the the defiant villagers" in a statement of 25th April, 1992 immediately convinced us that with or without Maharashtra Police helping the PAPS to shift, we had to move ahead in support of Manibeli PAPS on 26th Morning. Mr. Gill persuaded us not to precipitate action until half past ten next morning when the clear picture from Bombay would emerge. With great reluctance, we agreed to delay, but there was no Police force in sight. We all proceeded to Surpan village. There again we waited for Maharashtra Police to arrive on the scene, so that potentially ugly situation of clash between Andolan and us could be averted. It did not arrive.

A delegation of Manibeli and Gujarat PAPS went down the hill to Devganga river to negotiate with the Andolan, which was blocking the entry of the village with the help of tribals of non-submerging hemlets of village Turkheda (Budni and Handlabari) Gujarat, non-submerging tribals of village Mal of Maharashtra (this we discovered later on) and others. The Andolan put up unacceptable and even humiliating conditions like :

a) except the Manibeli PAPs, whose houses were to be shifted no one else from outside could enter the village ;

b) only the Andolan people would dismantle and carry the housing material upto Devganga river on labour charge of Rs. 40 a day and two meals per day ;

c) they would not start bringing the house material on that very day but any other day convenient to them;

d) that the decision as to whose house would be allowed to be shifted would rest with the Andolan people.

These conditions were immediately rejected by all PAPs.

The movement of Gujarat PAPs and others started at last at 2:15 p.m.. Maharashtra Police was still not in sight. They arrived in the nick of the time, when we were about to cross Devganga river to enter Manibeli. They stopped us, and worked out a hasty understanding with the Andolan which averted a clash. We were allowed to enter the village. We should stress that they were all Manibeli PAPs, Gujarat PAPs and NGOs. Not a single hired worker entered the village that day. Kashiram Mohan Tadvil of Patel Falia led the PAPs to his house, which was dismantled and carried away on head to waiting trucks on the river bed down the hill.

It is very clear from the detailed account given above that the Maharashtra Police was paralysed from the previous day by the top officials (politicians ?) in Bombay. Their paralysis and inaction continued until the last moment when they were obviously forced into action, not because they had to perform their legal duty to help shift those PAPs who wanted to shift in the face of the unreasonable opposition of Andolan workers, but because they were face to face with the situation of potential clash between groups of PAPs.

10. The Times of India and Indian Express reports omitted to inquire into these strange happenings, into the role of ARCH-VAHINI, and that of Gujarat PAPs. They maintained that this was a Maharashtra-Gujarat Police operation - albeit peaceful and voluntary.

11. Ms. Medha Patkar had left for New Delhi on 25th evening to attend a rally on 26th. The strange way in which the Maharashtra police acted that day and subsequently, it is more than probable that she knew of the Police inaction before she left for New Delhi.

12. In the subsequent days when the Newspapers carried the stories of Police excesses, bulldozers being used indiscriminately that were fed by the Andolan to them, the reality was that the Police was still more or less inactive. The Andolan activists pelted stones at the trucks carrying the house material. Many got hurt. The Andolan workers were identified by the Manibeli PAPs. The truck movements came to a halt. Official complaints were made to the SP himself and yet the Police took no action and sat with folded hands. Our complaints and those of Manibeli PAPs have constantly been that of total Police inaction, and yet the Maharashtra Police was viciously attacked in the Press. During the days of shifting the situation came to such a pass that 5

children aged 7 days to 7 months of shifting PAPS had to be taken to Parveta the day the parents shifted their houses because no overnight shelter was available. To remain totally inactive is an extremely strange behaviour of the Maharashtra administration. In the first place it disrupted the whole operation last minute obviously to help the Andolan, discarding its duty to help willing PAPS or Manibeli to shift, and when due to the unexpected move of the PAPS and Gujarat NGOs to go ahead with shifting operation, it had to intervene reluctantly to avert potential clash. It laid supine on the floor on the subsequent days in the face of grave provocation and abuses by the Andolan activists and yet took all the beatings from the Andolan for the excesses it never committed.

The momentous question is: Who is masterminding such a dangerous strategy in Maharashtra? We ask with a renewed force: Who is blocking the R & R and rendering it impossible? This is the crux of the matter.

13. Mr. V. C. Shukla, Union Minister for Water Resources who is technically in charge of the SSP had his mite to contribute to these strange happenings. On the night of 30th March 1992, presumably on receipt of complaints of the Andolan because he did not ask for and get any report from the Maharashtra or Gujarat governments on the so called Police excesses in Manibeli, unilaterally announced an inquiry into the Police excesses at Manibeli to be carried out by TISS, Bombay, CSS, Surat, Sagar University and others. The announcement was made on the Television News Cast. Needless to say, we opposed the move as a partisan, arbitrary and motivated and decided not to participate in the inquiry.

14. As the Press continued to carry one sided stories of Police excesses, of repressive use of bulldozers, of burning and arson, we requested Mr. B.G. Verghese, Ex-Editor-in-Chief Indian Express to come over to Manibeli as soon as he could to inquire into the affairs himself. Happily he could make it and saw the happenings in Manibeli on 2nd April 1992. He also visited Manibeli PAPS at Parveta and addressed a Press Conference in Baroda on the evening on 3rd April, 1992. He made categorical statement that the shifting in Manibeli was peaceful and voluntary, that he saw no misuse or abuse of Police force, that bulldozers were used to make only roads and in fact the Andolan activists were blocking the bulldozers to make roads in various falias(hemlets) and that the PAPS and workers had to carry heavy load on their heads to the trucks. He also referred to the social boycott and other use of force by the Andolan and also said that the PAPS were happy to be in Parveta. At least, some parts of his statement were reported in the Press. (Later Mr Verghese wrote a long letter to Indian Express Delhi giving details of his experience in Manibeli. Strangely enough this letter was not published in other editions of Indian Express, where as pro-andolan letters were published in other editions - a copy of his letter is enclosed.)

Post Script

All this time, when the peaceful and voluntary shifting of the Manibeli was going on, the Andolan workers were blocking the roads to the hamlets and individual huts, preventing the bulldozers to pave the way, so that trucks may not reach the distant huts.

The NBA's projection of these events to the outside world through the Press is in need of a detailed exposition and a counter reply.

Typically, the NBA has taken an ambivalent, if not contradictory, position regarding voluntary shifting. In the very early days after the shifting had begun, Ms. Medha Patkar had asked the press reporters in an ironical vein that: if the PAPs were indeed willingly shifting, why so much of police force? Then the same newspapers continued to carry the stories fed by Andolan that the affidavits the PAPs had signed requesting the Maharashtra police to assist them shift their houses in the face of opposition of the Andolan workers, were not genuine, were obtained by force or under duress, that the genuinity of the affidavits would be challenged in the Court. The press reporters who were regularly meeting the NBA workers could have easily verified the charges of the Andolan, but this was never done.

* If the Andolan knew that there were PAPs in Manibeli who wanted to take away their houses and that the Andolan had no interest at all stopping them, then why did the Andolan continue to raise unsubstantiated claims about false affidavits? They could have themselves identified these PAPs and helped them shift their houses. What we came across instead was those PAPs were subjected to social boycott and other forms of coercion and intimidation which also showed up clearly in the affidavits which they had signed.

* Then why did the Andolan throw a blanket challenge through the press on 25/3/92, the eve of Manibeli shifting, daring the Maharashtra government to try evict any PAP from Manibeli? Surely, they could have then known that there were at least 50% houses in Manibeli who wanted to shift their houses and other structures. How could they then claim as they did that "nobody will move- the dam will not be built."

* Then why did they not allow the road to be built across the small river Devganga for four years? At least when they knew that certain PAPs wanted to shift, surely they could have understood that such heavy structures of timber needed trucks to their door steps, which meant a road across the river upto the huts of the willing PAPs. And yet the Andolan took no initiative to help these PAPs. Not only this, when the Manibeli PAPs brought in, on the first day, the PAPs of Gujarat to help them shift, the NBA workers put up unacceptable and humiliating conditions.

* And when the bulldozers moved in to pave the way, they were blocked almost at the entrance point on the second day. Why did they do this? Why was Bachu Dalpa threatened and not allowed to go to his house by Andolan worker on the first day even after the first shifting had started.

Then why did they stop the bulldozer moving to many huts and compel the Gujarat PAPS, and other workers to carry the load on their heads up the hills or over the long distance, which also has been reported by Mr. B.G. Verghese ? Similarly why the situation was allowed to be created when 5 children had to be shifted by emergency arrangements to parveta because their houses had shifted.

With the press supporting the Andolan to the hilt, it can continue to weave and spread such fictions that those, who wanted to move, could move away unhindered, and at the same time creating all sorts of difficulties including intimidation, when they were indeed moving willingly. The press turned its benign back on such deliberate ambiguities and inconsistencies. The fact of the matter indeed is, that Andolan knew and was scared stiff that if the road making to difficult to reach hemlets was allowed to go ahead many houses including those of apparently vociferous vasavas would have, taking advantage of the road, shifted their houses !

Whenever the things did not go the way the Andolan had wished, it mounted severe criticism against the individuals and/or organizations, it thought to be responsible.

* When Mr. B. G. Verghese, Ex-editor-in-chief, Indian Express visited Manibeli and Parveta resettlement site and made it clear in a Press Conference at Baroda that Manibeli shifting was peaceful and voluntary, that he saw no evidence of police excesses and indeed he saw the Andolan workers blocking the bulldozer compelling the PAPS and other workers to carry the heavy housing material on their heads, he was immediately branded by the Andolan as one who had "turned an ARCH-VAHINI Spokesman at Baroda" and as one who had "posed as a free lance journalist".

* ARCH_VAHINI and Gujarat PAPS, who helped the Manibeli PAPS to shift were branded variously as goons, government agents, government dogs and the agents who were paying bribes and intimidating the Manibeli PAPS.

* When Mr. V.C. Shukla appointed Commission, ARCH-VAHINI publicly opposed the minister's move because it knew of V.C. Shukla stand vis-a-vis Andolan that it was constituted and sent to Manibeli to help the Andolan. The commission made its visit and made a report which did not support Andolan's wild charges and rejected all important charges made by the Andolan like police beating up the Andolan workers, using bulldozers to damage houses and fields. A very serious charge was made by the Andolan that a hill was set on fire to terrorise the people. Then the Andolan claimed that a house was set on fire by one Mr. S.P. Singh, a Nigam employee. This apparently inconsistent but serious charge also received a wide publicity in the press. When the Commission probed deeply into the alleged incident, it was informed that the fire was started by the bulldozer driver ! The Commission dismissed the charge stating " there were, however, conflicting views on who started the fire. An examination revealed that there was a fire on a very small part. It was of little consequence." In the face of such a damaging testimony of the Commission, the Andolan criticised the Commission by saying that it was not surprised that the Committee had said that there

were no atrocities during the Manibeli operation, because the Committee consisted of Government officials and those nominated by the government did not have the sensitivity or time to understand the plight of the people. It further tried to turn tables on the Commission by charging that "such reports would only embolden the government to get away with such acts and legitimise barbarism on hapless persons." It conveniently omitted to state that the Commission also included Dr S. Acharya, TISS, Bombay; Dr S.P. Funalekar, CSS, Surat; Dr N.K. Gouraha, HSG Univ, Sagar who are not only not government officials, but they also signed the report making it unanimous. Did they also not have sensitivity?

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September 19, 1992

To,
Mr. Lewis Preston
President,
The World Bank
1818 H Street N.W.
WASHINGTON D.C. 20433
USA

Dear Mr. Preston,

We will be as brief as we can. This letter is about Bradford Morse - Thomas Berger Committee Report to the Bank. After studying the Report carefully and sifting all the major evidences they adduce to support the important conclusions, we have reached a conclusion - backed by well supported facts and analysis, that most of the Morse-Berger critical findings must be rejected.

1. ARCH-Vahini, a Gujarat based NGO is active in the problem of R & R in Sardar Sarovar Project(SSP) for last 12 years. From 1983 onwards we have been interacting, alongwith OXFAM, U.K., with the World Bank on this and related issues with increasing intensity.

At first we worked to obtain a good R & R policy and after having obtained it in December 1987, we have been working to get it implemented in Gujarat with a measure of success.

2. We almost completely disagreed with the critique of the SSP by the NGOs opposed to the Project which apparently forced the Bank to appoint Morse-Berger Review. We however, welcomed the Review believing that individuals of stature and reputation of Mr. Bradford Morse and Mr. Thomas Berger will straighten out complicated issues, set the record right deformed by the anti-dam NGOs by falsehoods, half-truths and distortion of facts. We also hoped that some difficult problems in MP and Maharashtra may be solved with their help. We co-operated fully with an open mind with the members of the Review team even when the anti-dam movement publicly in Press questioned their bonafides and raised serious skepticism about their competence throughout the inquiry. Even when we got unmistakable warning signals from the members of the Morse-Berger Team about their biases and tilts, we chose to ignore them and relied on the objectivity and a sense of fair play of M/s Morse and Berger. We assumed that they will take care of biases and tilts of their associates and they will firmly and objectively steer the inquiry to find the truth. We now say with great sadness that we have been proven wrong. Morse-Berger, their eloquence notwithstanding, have abandoned the objectivity which only can lead to truth.
3. Morse-Berger letter to you bristles with dramatic and sweeping conclusions. These create a powerful impact on the readers of the Report who most often read covering letter only or at the most read, in addition, the Chapter on 'Findings and Recommendations'. This is

Vahini
30/11/92
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a usual practice and, we would agree, a normal practice because the readers implicitly rely on the authenticity and authority of the authors which is widely perceived to be highly credible and competent.

Morse-Berger have obviously been able to convince majority of the readers about the truth of the conclusions they make in the letter. This is one of the most worrying aspects of the Morse-Berger style of reporting because majority of the momentous conclusions in their letter don't follow from the facts they have assembled or not assembled in the text of the Chapters. At least some highly significant conclusions they reach in the Chapters curiously don't find place in the letter to you. And it is out of the contents of such letters that protest letters are formulated and sent off.

4. Although our letter concentrates on great issues of R & R in Maharashtra and MP raised in their letter to you and in the relevant chapters, we say without hesitation and with a sense of responsibility that the criticism we offer to the main conclusions related to R & R problems also apply to other conclusions on other issues including those on Environment. In this letter, we have avoided complicated maze of arguments, the detailed documentation of non-sequiturs they commit and of faulty reasoning they make. We have done all these. We will send you soon a copy of our letter to Mr. David Jones, Associate Director of OXFAM, U.K., which brings out these points in detail, and other critical notes.

5. **R & R in Maharashtra :** The Morse-Berger Report categorically says that 80 % of the Project Affected Persons will find their living standard declining (p 137), none of the oustees of 24 villages of Akrani will be eligible for 2 ha of land. (p xix and 165)

And yet the chapter on Maharashtra almost begins (pages 138-9) with the analysis of two policy documents of June 1989 and February 1992. The analysis unambiguously recognizes that oustees who encroached the forest lands before March 1978 have land entitlements equal to the landed oustees of minimum of 2 ha of irrigable land per family. Vast majority of the encroachers of Akrani taluka have their land entitlements equivalent to landed oustees secure (855 out of 1485 of Akrani oustees). This fact was known to the Morse-Berger Team. In the following 26 pages of the text this material fact is not seriously questioned and all of a sudden on page 165 the dramatic statement, identical in form and content to that in the letter to you, suddenly appears. This new conclusion is not substantiated by credible facts and it hangs as it were in the air. It is a classical case of non-sequitur. Similarly, the Morse-Berger Team, by failing to acknowledge and cite the GOM's policy recognizing a serious problem of marooned lands (February 1990) and giving them entitlements of landed oustees, falsely raises the issue of their plight and ignores the fact that 192 such oustees have also been given entitlements of minimum of 2 ha each in Akrani taluka. (Annexure XVIII Maharashtra Master Plan 1991). The plain fact is that 70.5 per cent (1047 out of 1485) of the oustees in Akrani taluka have entitlements of landed oustees. The bare facts deriving from the existing R & R policy of Maharashtra stand in stark contrast to the dramatic conclusion of Morse-Berger that none of the oustees in Akrani will qualify for minimum of 2 ha of land. It also belies their conclusion that encroachers in Maharashtra will have their living standard fall because of the policy.

6. **R & R in MP:** In case of MP also, we are afraid, that the Morse-Berger Team has its conclusion on encroachers factually wrong. The Morse-Berger Team, while recognizing that encroachers in MP upto 1987 have land entitlement upto 2 ha of land, have yet rushed to the dramatic conclusion that the encroachers in MP face ruin because they naively chose to rely on the advice they received in MP that the tribals do not preserve the receipts of the fines they pay for encroachments to the forest officials which only can prove their rights ! Incredible as it may appear, but it is a fact that the Team did not bother to check government records also as a measure of precaution before making up its mind. Responding to this defective finding, the GOMP officially claimed that 76 % of the encroachers have their rights confirmed.

Unmindful of non-facts or factual lapses, Morse- Berger are so haunted by the issue of encroachers in Maharashtra and MP that they repeatedly raise it in a letter to you - at least six times, prompting others to take up this issue with you.

Furthermore, Morse-Berger mount a severe criticism that apart from a defective R & R policy, MP have no reliable basic data without which R & R is impossible. Yet in a crucial admission about the data, they agree that the data they were given provide useful approximations and a basis for assessing the scale of the problem (p 184-5).

Having made this concession, they accept some more facts derived from data that:

- a. MP have to resettle 23,000 families. (But are prepared to offer 2 ha of land to landed oustees only.) (p xvi)
- b. Out of 193 affected villages, only 79 will suffer inundation of 10 % or more of agricultural lands. (p 185) In the remaining 114 villages inundation is less than 10 % (the figure is 2.8 % of agricultural lands).
- c. In fact, they have apparently gone on accepting the fact that 50 % of the oustee families, who according to GOMP will move to Gujarat, will require 23,000 ha of land.

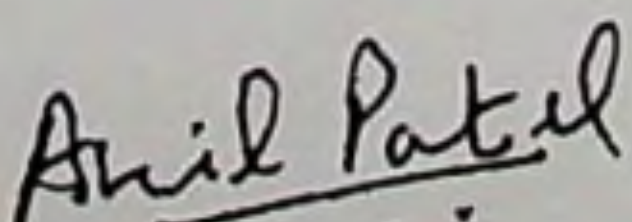
In the acceptance of series of these facts lies the major undoing of the Morse-Berger Report. 12,238 affected families of 114 villages, losing 2.8 % of their land, will not suffer major uprooting. Only their houses (65.6 % of all houses) will have to be shifted in the same village at a higher plane. Landless labourers, major sons and encroachers, if any, are obviously in no need of any land entitlements. That leaves out 11,142 families (about 50 %) belonging to 79 villages who will lose more than 10 % of land. GOMP claims that they all will go to Gujarat requiring 23,000 ha of land. Morse-Berger seem to agree to this. Of the 79 villages, 58 villages (9148 oustee families) will have 25 % of their land and 73 % of the houses flooded. Majority of the major sons, landless labourers and encroachers will not suffer displacement beyond shifting their houses at a higher plane. The main brunt of the land loss and major uprooting in these 58 villages will be borne by those who lose substantially because of submergence of 25 % of land including landless who work on this land and on those 2000 oustees living in the remaining 21 villages. Morse-Berger should have clearly assessed the scale of the problem, which in MP includes also the pattern of submergence (more houses and less land going under submergence) in all the 193 villages. This was possible as they themselves have accepted. They did not do this critical assessment and rushed to the unsubstantiated conclusion that majority of the landless, major sons and encroachers are lost in MP. What is more, in an uncritical acceptance of GOMP's claim that 50 % of the oustees(79 villages) will go to Gujarat,

Morse-Berger have unnecessarily, without application of mind accepted a massive uprooting of the landless labourers from their economic and cultural setting, which is their one major concern.

They have also overlooked another significant development taking place in MP. It is true that the existing R & R policy in MP excludes major sons of landed oustees, but the other existing law in MP - indeed, in all the states of India including Maharashtra - does allow their major sons to be registered on the government revenue records as co-sharers who have equal entitlements. In the severely affected villages of MP many land owners have got the names of their sons entered into the government land records as co-sharers. (GOMP has referred to this reality in one of the responses to the Bank.) Morse-Berger should have known this important fact and should have worked out the implications this has for apparently difficult problem of major sons. They should have also noted that in this tribal area, the affected people will not be able to use the law in their favour. A precise recommendation about this situation could save their major sons.

7. Their failure to get the facts right about the encroachers in Maharashtra and MP, their failure to correctly analyse the scale of problem in MP villages and its consequences for landless labourers and their failure to know about major sons who can and do get their names on revenue records as co-sharers has led them to declare in Findings and Recommendations that even if MP were to bring its R & R policy in line with Gujarat, it is too late and R & R in MP is impossible !(p 351) They have no other recommendation to make but to ask the Bank to step back from the Project and take a fresh look. This series of failure has led them to their ultimate failure: to reach the goal they set for themselves in the concluding part of their letter to you - to find truth and report it and to search for constructive and creative solutions.
8. Based on this concrete and irrefutable analysis, we urge you and we urge the Executive Directors of the Bank through you to disregard the major findings and recommendations of Morse-Berger. Over the years the Bank has secured good incremental reforms, there is still an ample scope to secure more to improve the R & R even further, Morse-Berger findings notwithstanding. We, therefore, urge you not to abandon the method of incremental reforms as recommended by Morse-Berger. It has served its purpose well. We also urge you to ensure that the Bank remains involved in SSP because it remains one of the best guarantees that constructive and creative reforms will be pushed and positive results achieved. This will also serve as healthy precedent for further displacements in India.

With regards,
Yours sincerely,


(Dr. Anil Patel.)
for Vahini - ARCH

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E2-7

SARDAR SAROVAR OUSTEES WHICH WAY TO GO: ACTIVISTS' DILEMMA

SEPTEMBER-1983

V A H I N I - A R C H

MANGROL, VIA RAJPIPLA

DIST. BHARUCH, GUJARAT - 393150

SARDAR SAROVAR OUSTEES WHICH WAY TO GO : ACTIVISTS' DILEMMA.

The issue of rehabilitation of the oustees of Sardar Sarovar Project (S.S.P.) in Maharashtra and Madhya Pradesh has arrived at a cross-road. They are now offered two very different choices :

- (1) To press for the comprehensive rehabilitation policy acceptable to them which is broadly in line with the new R&R Policy announced by Gujarat Government in December 1987 and to fight for its fair implementation. This is the line taken by the oustees of Gujarat and by Chhatra Yuva Sangharsh Vahini, Gujarat.
- (2) The second choice, is offered to them by the organisations Narmada Dharangrast Samiti (N.D.S.) in Maharashtra and Narmada Ghati Navnirman Samiti (N.G.N.S.) in M.P. These organisations have now taken a position that rehabilitation in Maharashtra & M.P. is impossible! Moreover according to them S.S.P. is fraught with serious environmental problems. The oustees are therefore asked to oppose the S.S.P. wholesale. In a statement recently issued they say, "We would prefer to be drowned by the rising waters of the dam if the Government insists on building the dam, rather than give our tacit approval to these destructive schemes by agreeing to shift".

These are brave words and it's a tall order. Speaking for Gujarat oustees we know that they will not be willing and able to incur such heavy risks and fight for such "lofty ideals". Their 8 year long and bitter fight has been to obtain better rehabilitation for themselves and for the oustees of other States. We deeply appreciate and understand their position.

because their's is the fight for sheer survival. We in Vahini also lack the courage and conviction to persuade, cajole and push these oustees to put their lives at risk and fight for such "lofty ideals".

Before we go into the issues raised by these organisations we would like to put on record the revolutionary nature of new R&R policy of December 1987 won by the Gujarat oustees. We state its two most outstanding features.

- (a) Each oustees family, defined as eighteen year son married or unmarried, will be entitled to minimum 5 acres of irrigable land of his choice and preference and this is irrespective of the fact whether the oustee family has titled land or is dependent on forest/waste land cultivation or is a landless family. The choice extends even further. Should they not prefer any other land but the forest land then under such circumstances Government of India will have to release forest land for their rehabilitation.
- (b) These families will not be asked to bear the cost of the land they choose to have, as that would be borne by the Project as an exgratia payment.

Even a noted lawyer knownto be not sympathetic to the Government was moved to describe this policy as unbelievable. His reservation with regard to this policy was not related to its content but was related to whether it will be fairly implemented or not. We will return to this justifiable fear about the Governments intention and ability to implement the policy later on, but first we must deal with the important arguments raised by these organisations.

Rehabilitation Is Impossible

- (a) Rehabilitation is impossible, they have said, because there is simply not enough land!

In 1985 when we were bitterly fighting for minimum 5 acres of land, one of the favourite arguments advanced by the Gujarat Government to stall our demand was : "But there isn't enough land". In view of the fact that the waste land offered by the Govt. to the oustees was useless oustees' choice naturally was for private lands. Ousteas quickly realised the game the Government was playing and promptly fought back by using their intimate knowledge of the surrounding areas and came up with the list of 6000 acres of land that the land owners in the area were ready to sell to the oustees. Govt's move was checked. The Government machinery could not have identified these lands, but the oustees did! Long after this had happened not only the officers of the Government and of the World Bank, but also other well-wishers were persistently and anxiously asking the question: "But are you sure that there is enough land available?" Relying on our Oustee friends' resourcefulness we always answered affirmatively. And our confidence in oustees' resourcefulness has been amply justified. The oustees of Gujarat have already identified more than 15000 acres of land of their choice and they still assure us that there are still more lands available for sale.

Recently we happened to meet small oustee farmers and landless oustees in M.P. Not surprisingly they did not know the types of the benefits Government of Gujarat was offering its oustees. When we explained to them the policy and asked whether they can also identify the land a la Gujarat oustees, the reply was prompt and clear, "Yes indeed, if the Government is ready to pay the cost". We have been informed by a friend working in Alirajpur that if good land in enough quantity is made available, all the tribal oustees of Alirajpur area would be ready to

be resettled even at far off places. Oustees are after all same everywhere. We feel from our experience in Gujarat, and a brief encounter in Rajghat, Badwani that given the right R&R policy and proper support and encouragement they will and should be able to bring to the fore their resourcefulness and identify land of their choice.

At present the argument of "not enough land" in M.P. & Maharashtra rests on the whatever the bureaucracy has been able to identify/not identify. It is not based on the active exploration of the situation by activists and oustees encouraged by them.

(b) "But this is unfair", they have argued, "Why should oustees be asked to undertake such hazardous exercise? In Gujarat they have made this mistake, but this will not be allowed to happen in M.P. and Maharashtra".

We wonder why not! The tribal oustees of Gujarat have shown how resourcefull and non vulnerable, atleast with regard to identifying lands, they are. If they can do it, oustees of Madhya Pradesh and Maharashtra too can do it with equall facility, provided ofcourse that they are given adequate facilities by the respective Governments. Another crucial point seems to have been overlooked viz. the question of land of oustees choice and preference. The terms and conditions of the World Bank loan agreement on which the new R&R Policy of Government of Gujarat is based, provides explicitly and repeatedly that each oustee family shall be provided land of his choice and preference. This crucial condition in conjunction with other conditions confers right on each oustee to settle in the areas and land of his choice, so that not only his economic preference is taken care of but also his social, cultural, religious and other considerations are taken care of. So much so that if some oustees prefer not to have best of the agricultural land but to have forest land so that they remain in their preferred environment,

the terms of the loan agreement provide that under such circumstances the Government of India will release Forest land for resettlement.

The full significance of this must be grasped. No resettlement scheme designed by the Government machinery alone at any level, given the best will and efficiency, will be able to take into account the complicated and delicate combination of factors that go into consideration of each such preference and choice. Of necessity, even the best scheme prepared by the enlightened bureaucrat cannot match the scheme that can emerge out of the choices exercised by each oustee. Nodoubt enough care and precaution must be taken to ensure that the oustees are not coerced, cajoled or deceived "to make their choices". Activists have to play this crucial role. This provision of choice and preference no doubt assumes the resourcefulness and intelligence of the oustees. We can only repeat our arguments to those who have genuine doubts on this score that there is no cause to fear on this count. In our anxiety to protect the vital interests of the poor tribals, we must not overstep the bounds, the boundary between concern and patronization is very thin indeed at times!

(c) "But aren't we leaving them to the mercy of the wolves - these land owners?"

This fear is unfounded because we must remember that the oustee's task is finished once he identifies the land of his choice and brings it to the notice of the rehabilitation office. The remaining tasks of fixing prices, ensuring clear titles, making payments and preparing the necessary documents will be the task of rehabilitation office, as is being done in Gujarat.

(d) "But why should we do this work. This is Government's job"?

This is a familiar refrain. We can only give our answer. If our bureaucracy were sensitive, responsible and accountable

enough, this question, this struggle, this debate and even this dilemma would not have arisen. We are all in this, deadly serious business precisely because we all know that there is not a slightest chance for the oustees to get their due if every thing is left to the initiative of the bureaucracy. To ask the bureaucracy to prepare the detailed blue print of rehabilitation without active involvement of the oustees and activists from the very beginning is to under-mine the provisions of choice and preference guaranteed to them to safeguard their vital interests.

- (e) "But the land owners will ask high price. We cannot agree to this, because this will enrich the already rich land owners and government, hard pressed as it is, might agree to this. But how can we accept escalation in the cost of the project? We are responsible citizens after all and should not allow the cost of the project to go high".

To say the least, this is a strange argument. We must not overlook some simple facts which seem to have been overlooked. If the land chosen by the oustee is really a good quality land it will cost more. How can it further enrich the land owner, unless of course he charges and gets exorbitantly higher prices? This can happen. But the role of the activists is precisely to check this. This argument strangely overlooks the fact that while land owner gets money the poor tribal oustee gets very high quality land which means the transfer of productive resources on a much higher scale, than could be ever imagined, to a poor farmer. A very important anomaly in the "developmental process" which we are all challenging is corrected. How can we take objection to this corrective process of transfer of resources to poor tribals? Further more isn't it a fact that both the organisations in Gujarat and Maharashtra, where land acquisition proceedings have been completed and awards made, have legally challenged the meagre compensation awarded for the lands acquired and have asked for much higher award? The real issue is not

the high land price, the real issue is that either through fraud or through other devious mechanisms the prices must not get artificially inflated. We again repeat that the safeguard against such happenings is the vigilance on the part of the activists. The argument of high project cost is also riddled with paradox. Right from the beginning when the struggle for just rehabilitation policy started both in Gujarat & Maharashtra we have argued with passion and vehemence that Government is spending too little on rehabilitation, giving it a third rate treatment, throwing out the oustees without providing means of decent livelihood. We have always lamented, and rightly so, that poor oustees are rendered destitutes and the people in command area get richer, - mockery of social justice is made. Now for the first time in the history when such dangerous process is seriously challenged and sought to be reversed such arguments are advanced!

Non-availability of the land is a contextual question. Looking at the reality from the bureaucratic point of view will only confirm us in our belief that there is no land available. The activists on the other hand can go deeper into the social reality, be more flexible and be in a much better position to encourage the freer exploration of the situation. Only when this has been done in all sincerity we can say whether enough land is available or not.

"Rehabilitation is impossible" is a complex argument and is based on the alleged fact that enough land is not available. This argument of non-availability is strengthened by taking up positions that oustees should not be asked or encouraged to identify the land they would prefer and that high prices of the land should also not be given to the land-sellers. Rehabilitation

would indeed be rendered impossible if the assumptions, alleged facts, and constraints invoked in the whole complex of argument are accepted! Needless to say, that we differ radically from this assessment and these assumptions.

With this let us return to the point of "justifiable fear of non implementation of the new R&R policy", raised in some quarters. This is another real hard question. There is no scope here for complacency, even less for naive faith and trust in the project authorities. We have had enough experience of betrayal, double-talk and willful distortions and misinterpretations of G.Rs, during last 8 years to keep our guards high and be on the constant vigil for even the tiniest symptom of back-tracking by the government. We however reject a policy of permanent irreconcilability with the government. To do so would be counter productive, irresponsible and immature. After all governments, Narmada Project authorities etc. are not the monoliths. To reject any policy a prior as impossible is not only a mark of irresponsibility but also of inadequate grasp of socio-political reality. After all we must not forget that our central responsibility is towards the poor helpless oustees. If they accept the R&R policy and want to give it a thoroughly fair trial as they are doing in Gujarat so be it. Besides a radical stand of permanent irreconcilability with the government appears in certain political perspective a very attractive proposition, but it hardly ever serves the interests of the poor people one is trying to work for. Beyond this the problem of possible/impossible is a practical question. Government has fought back hardest before announcing the truly just & fair R&R policy. The second weapon it always uses is to misinterpret the policy to suit its purpose. Right from the beginning there was never any derth of pious, generous and pro-oustees statements by the politi-

cians in power. They however always resisted the formulation of the policy in consonance with these statements and when they were forced to do so they always resorted to misinterpretation and distortions. Conversion of the pious pronouncements of the politicians into concrete policies and later on to get any misinterpretation and distortion removed was not a benign and voluntary act of the rulers. This has been achieved through a long, grim and determined struggle by the oustees, by us and by other individuals and organisations who espoused the cause of the oustees dodgedly through thick and thin. What appeared to be an impossible goal only a few years ago, has become a fact today. The combination of forces which brought this policy into existence are still there intact, better organised to see that the policy is implemented. We make this statement because we know that these forces have a concrete existence. In order that the instrument of misinterpretation to undermine the interests of the oustees is not brought into play again we have been keeping a close watch on the process of translation i.e. the actual implementation of the policy. The process of implementation of new policy has started in earnest since June 1988 only. (after we fought back the last and dangerous mischief of misinterpretation of new policy by convening a convention of Gujarat oustee's in May 1988). During the last two months 2 landless families have been given 5 acres each of land of their choice and many other families belonging to other categories of oustees have been given minimum 5 acres per family of their choice. In case of each of this oustee families orders to make exgratia payments are being made. Any one with even a little legal background would understand that a concrete interpretation acceptable to the oustees of a legal document has been made by the Government. Two most important weapons in the hands of the Government have been effectively removed. What is this if not a concrete evidence in favour of possible?

In any case the organisations in M.P. and Maharashtra have dubbed "Rehabilitation impossible" not because of the games the Government would play. Their case rests on very different grounds which we have dealt with above to the best of our ability.

(II)

"Dam Must Be Stopped"

Irrespective of the fact that the rehabilitation is possible or not these organisations have now given a call to the oustees & others to fight against the dam because "we would prefer to be drowned by the rising waters of the dam if the Government insists on building them, rather than give our tacit approval to these destructive schemes by agreeing to shift".

While we are aware and in know of the huge controversy that rages for and against the S.S.P., we must admit that we are not in a position to take any firm and unqualified stand because the nature and quality of evidence that has surfaced so far appears to us to be not strong enough. We would like however to pointout some pertinent facts because they have a close bearing on the lives of thousands of oustees, in Maharashtra and M.P., who will be displaced if the S.S.P. indeed goes ahead.

(a) It is worth remembering that the work amongst oustees of Gujarat and Maharashtra was started and has been carried on untill very recently to fight for the fair and just R&R policy. Ousteeg in these states were organised with this as an explicit objective. It was not that during those years and even earlier the various environmental problems were not raised

and discussed with passion. To best of our knowledge very few concrete facts and arguments have been added to those that were being made at that time. And yet the focus of work amongst oustees remained on the R&R policy only.

(b) It is significant to note in this context that on 5th December, 1987 a meeting of the activists, environmentalists, intellectuals, economists and lawyers etc. from all over the country, who were concerned about developments in Narmada Valley, was convened in New Delhi. This meeting was convened because there was a wide-spread concern and uneasiness that enough information regarding the environmental and related issues was not available. In a preliminary meeting with us to discuss the need, rationale, purpose and modalities of the above meeting, we were told clearly that S.S.P. now could not be stopped, but its critique was not properly documented by the activist movement, so such documentation must be prepared even if for the sake of documentation. 5th December meeting discussed at length various issues of concern, various cells were formed and assigned responsibility to prepare detailed critical documents. In a final session a view was strongly expressed by a few that enough evidence then was already at hand to straight away start a fight against these dams. A long discussion ensued and the consensus of the meeting was that still there wasn't enough hard evidence at hand to straight away start a fight to stop the dams. The representatives of all the organisations active in S.S.P. participated in the meeting. In the nine months that have lapsed, we know of no new concrete evidence that has been brought out and properly documented to alter the information basis that brought about the consensus.

(c) It is true that the states of Madhya Pradesh and Maharashtra have so far failed to satisfy the oustees by not announcing a new R&R policy which is broadly in line with G.O.G's and which is acceptable to the oustees. What intrigues us however is that in the middle of the struggle to obtain a better R&R policy a sudden turn has been given. A radical shift in the objective of the movement has been made. The struggle is no longer for the comprehensive R&R policy and its fair implementation. "Rehabilitation is impossible" is a redundant argument in the light of this radical shift. The oustees are now asked to shun the rehabilitation altogether even if it is acceptable to them. They are now asked to lead the battle against the S.S.P.

Disturbing set of a questions arise in our minds.

- (i) Do the oustee's of Maharashtra and M.P. fully know the provisions of Government of Gujarat's new R&R Policy?
- (ii) Can they or can they not identify lands acceptable to them if they know that they have a right to have minimum 5 acres of land of their choice at the place they want and that the cost of the land shall be borne by the State?
- (iii) Do the oustees know that this entitlement is due to all categories of oustee families including landless families?
- (iv) Have the landless oustee families and small farmers participated in enough numbers to understand the significance of R&R policy and the new. shift being made?.

(v) It is widely recognised that S.S.P. has near total social political support in Gujarat, that there are no obvious technical, legal or political hurdles in the path of the S.S.P. Even the opponents of the S.S.P. have conceded in private conversations and even in writing that the S.S.P. cannot be stopped. In view of this hard realistic assessment, if the S.S.P. really goes ahead what will happen to the thousands of oustees of Maharashtra and M.P.? If the movement to stop the S.S.P., repeat stop and not postpone, succeeds then off course the painfull question of human suffering of forced displacement will not arise. All will be well. But suppose if it fails, which is much more likely scenario, then what will happen? It is not difficult to imagine that as the waters begin to rise, slowly but surely, a panic will set in Maharashtra and M.P. villages. First in trickles then in floods people will want to move out. The resultant 'rehabilitation' would be haphazard, panic ridden, unplanned and grossly injurious to most of the oustees. We all know that even in the best of the times, given the best intentions and efforts, rehabilitation is an extremely difficult process. In case of S.S.P. it is even more so because of the size of the displacement, of difficult terrain and of inefficient and unmotivated bureaucracy. If the organisations fail to keep their focus on this difficult problem, there will be chaotic displacement leading to great avoidable human suffering. The movement will perhaps have the dubious satisfaction of saying, "you see! How callous and rutless is the state, its highsounding promises not withstanding. Yet another Disaster!" To us this will be an instance of self

fulfilling prophecy. 1

Those of us who have worked amongst the oustees and who are now making this radical shift must ask, "will we really ask these oustees to drown themselves in the rising waters of the dam.....?"

As we made it clear at the outset we lack that courage and conviction. If some of us are quite convinced that S.S.P. is unmitigated evil and that it must be fought, we believe, that, the issue of rehabilitation must be delinked from the battle on the wider front. We do not share the strategic perceptions of those who are wittingly or unwittingly using the issue of rehabilitation of oustees in the cause of fight against the dam. To us this is not responsible activism.

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Rehabilitation and Resettlement in Sardar Sarovar Project: Are the Critics Right?

Anil Patel
Ambrish Mehta
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[The Narmada Project and growing opposition to it have become symbols both of the destructive measures that displace people and of popular resistance to them. With many more people-displacing schemes being planned and the tribals and other marginalised sections of society becoming their main victims, SOCIAL ACTION has thought it necessary to encourage an ongoing debate on these questions in order to contribute to a people-oriented policy. The July 1988 issue was thus on "Development, Displacement and Rehabilitation." These papers together with several additional ones were published in book form, with the specific subtitle "Issues for a National Debate." In July 1989 we published an article by Gayatri Singh giving arguments against the Sardar Sarovar scheme. In October 1989 we dealt with the question of natural resource management in India. Continuing the same debate, we are presenting here the arguments of those who think that activists should work for a viable people-oriented R&R policy in Sardar Sarovar and not turn R&R into a tool in their "No Dam" struggle. We hope that these papers, together with the rest of this issue which is on the displacement of tribals, will be of assistance to our readers in their efforts to clarify the issues involved—Editor.]

A storm rages over the Sardar Sarovar Project (SSP). Situated in the eye of the storm is Rehabilitation and Resettlement (R & R). It began almost imperceptibly 11 years ago in 1980. VAHINI-ARCH initiated the struggle. The tribals were unorganised, too stunned and dazed by the sudden and imminent

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threat of land acquisition, to offer even a token resistance to the bulldozing tactics of the government. They were highly fearful of the government and relied almost totally on the mercy of the *Sarkar-Maibap*. The Government displayed total indifference and callousness towards the plight and concerns of the tribal oustees with its customary arrogance and imperiousness. Little did the Government then realise that the small trickles of resistance and protest would swell into a big torrent in course of time to threaten the Project. Our urgent and impassioned plea then that if SSP was going to be the "Lifeline" of Gujarat and was going to be a boon to its dry areas, why ruin the poor, helpless tribals, met with polite but dishonest nods from the politicians and top bureaucrats.

The Beginning

In 1978 a highly placed politician had arrogantly blurted out when asked about the resettlement of the oustees, "we don't have to move a finger. When the water rises, these people will be flushed out like rats from their holes." But in 1984, another highly placed politician shaken by the rising tide of resistance became more cautious. In an apparent show of sympathy but without really feeling it, he said, "when we are going to spend billions of rupees, why should we hurt the tribals? To give to the tribals what is their due (minimum 5 acres of land per family) is to dispense with one foot of a centipede."

The drastic change in words notwithstanding, there was little change in non-commitment to R&R in SSP in 1984. Through the perseverance and doggedness of VAHINI-ARCH, 19 villages of Gujarat located in the inaccessible hilly terrain stretching along 60 kms on the bank of river Narmada learnt to organise themselves, to know about their rights enshrined in the Narmada Water Dispute Tribunal (NWDT) award and the Loan Agreement with the World Bank (WB), and to fight for their rights within the frame of law. A remote tribal area, sleepy and docile until now, rose to its feet by the strength of sheer willpower to walk to Kevadia Colony, the Project headquarters, on 8th March, 1984 in a massive show of defiance and in an act of solidarity which this area had never witnessed before. The struggle then gathered momentum. A humble petitioner had got himself transformed into a defiant, if still vulnerable, rebel who dared to look straight into the eyes of a mighty State and demand his proper share which the powerful, in an unguarded moment, granted him with no intention whatsoever to honour it. Its earlier R&R policy (G.R. of 11-6-1979) which was a truncated version of the NWDT award, a reflection of pettiness and short-sightedness of policy makers, lay in tatters and rejected by the oustees of Gujarat. A demand for a new radical policy was now irresistible—a minimum of 5 acres of land chosen by each major son, and by each "encroacher."

The struggle took various forms including the boycott of the Project Authority, a *Rasta Roko* to stop work on the rock fill dyke, a writ petition in the Gujarat High Court and from there to the Supreme Court of India, a massive international campaign to lobby with the World Bank (WB) with the active support and sustained involvement of an international NGO, Oxfam (UK) and of Survival International (UK) in the initial stages. For three years, the Government of Gujarat (GOG) fought back hard, knowing full well that it could not stop the birth of the new R & R policy which we were fighting for and which the WB was fully supporting. The GOG could take no more. The SSP had met with threatening resistance on the R & R front in Gujarat for the first time. In December 1987, a radically new R & R policy was announced by the GOG fully in line with our demands. We endorsed it publicly.

Meanwhile a movement centered on the R & R issue was spreading to the Maharashtra villages and slowly taking roots in the last months of 1985, demanding a better deal in R & R. In Madhya Pradesh (MP), too there was some awakening and a little ground level activity, all focusing on R&R. A few articles examining the environmental aspects of the Narmada Valley Project including SSP had appeared in some English language journals. This was all. There was no visible linkage than between the environmental issues and the R&R-centered movement, still less visible was any evidence that the R&R-centered movement was about to adopt an environmental platform and transform itself into a movement against SSP. Indeed as late as November 1987 in a memorandum submitted jointly to the Chairman of the Narmada Control Authority (NCA) by the Maharashtra based *Narmada Dharangrast Samiti* (NDS) and the MP based *Narmada Ghati Navnirman Samiti* (NGNS), who were spearheading the movement against the SSP now, had put forward 38 demands almost all related only to R&R. At the end of the memorandum they had given a warning that if before 15th December 1987 a clear and definite decision was not taken on these demands, then a movement would be launched to get them fulfilled.

In June 1987, the Central Government's Department of Environment and Forests, (DOE&F), was forced to issue a clearance to SSP and NSP. A letter of clearance and DOE's note to the Prime Minister regarding it, sent before the clearance, were leaked to a few activists in New Delhi. This provided the first opportunity to open up an environmental front. Serious environmental rumblings against SSP in New Delhi and other cities began but the activists in the field were still largely concentrating on R&R or so it seemed.

The unexpected announcement of the December 1987 Policy with its radically different contents and structure took everyone by surprise. It exposed for the first time the vulnerability of the GOG. The monolithic view of the

World Bank, as a front of the international capitalism working at tandem with the State Government pursuing the interests of the ruling classes, had received a severe jolt. A large hiatus between the WB and the GOG was clearly revealed. The scene began to be transformed rapidly. Environmental issues rushed to the forefront. The turning point (new R&R policy) was so sudden that the activists had hardly any time and opportunity to make a smooth and plausible shift from their R&R focus to the new focus of No SSP. Thus the transition was clumsy and weak. *The struggle for better R & R in Maharashtra and MP was transformed into the struggle against SSP. Stopping the SSP at any cost became the objective. With that, R&R attained a new status—from the end to be achieved it became a means to fight the SSP.*

The history of R&R in India and the State's usual approach and style in dealing with such problems has been so dismal and discouraging that any "worse-case scenario" is immediately accepted. The government's credibility is extremely low. This all pervasive pessimism—realistic as it is—allows the activists to make such a drastic transition of objectives and transformation of end to means smoothly and imperceptibly. Hardly a question is asked, hardly an eyebrow is raised.

This brief historical overview provides an insight into a process in which at a certain stage a goal came to be fixed, which is integral to the larger goal of "Stop SSP." Once this radical transformation of end into means is understood, it helps one to understand the pattern of ever-changing issues and shifting arguments regarding R&R while the goal remains fixed: Impossible R&R.

R&R by GOG

Soon after the December 1987 policy was declared and the movement in Maharashtra and MP shifted to a "No dam—R&R is impossible" position in the middle of 1988, the criticism of R&R has gone through several quite discernible phases.

Point-Counterpoint

Once the initial element of surprise and even shock had worn off and the vulnerability of the GOG had become visible, the anti-dam movement declared Rehabilitation to be impossible. The immediate arguments offered to substantiate this were: there was not enough land not only in MP and Maharashtra, but also in Gujarat. The new R & R policy was only a piece of paper, GOG had no will and ability to implement it. The movement then drew heavily upon what

had happened, not only elsewhere in India, but also in Gujarat and in particular on what had happened in SSP itself. If past is an important guide to what will happen in the future this was a weighty argument. Its impact was immediate and visible on others who were not directly involved but not on the oustees of Gujarat. They could not afford to fall into this quagmire of pessimism. They had to give a hard and fair trial to the policy for which they had fought so long, so hard!

We reasoned and argued with the activists of the movement that the oustees in Gujarat had in fact succeeded in identifying the private lands of their choice and that in MP this was a clear possibility. The counter-attack came in quick: "Poor and helpless oustees were being forced to roam and wander about day in and day out with empty stomachs in search of land which was clearly a responsibility of the government to find!" It was stated that the oustees were forced to fix the price with the landowners in the Land Purchase Committee (LPC). This would only ruin the oustees as they were no match to the landowners. It was further argued that land owners were demanding exorbitant prices. A demand of Rs. 50,000 per acre was and has been repeatedly quoted to prove the point.

To each of these points and others left out, there is a counter-point.

- * Identification of land by the oustees was primarily *our move*. This was initiated in the pre-December 1987 days when the GOG was trying to stall our demand that a minimum of five acres of land of choice should also include private lands, by blandly maintaining that there was not enough private land available for sale! The list of such private land available for sale was provided to the WB expert just at the nick of the time for him to successfully defeat the GOG's short-sighted strategy at a crucial meeting in New Delhi in September 1985. The identification and selection of private lands by oustees, we believe, is the real exercise of choice. In the very early days of the implementation of the new R&R policy, there is a grain of truth in the claim that oustees had to spend their resources to locate these private lands, but it is exaggerated. The stories of exhausted, depressed, hungry oustees returning home empty-handed at night bears little resemblance to reality. Very soon, however, the oustees were being provided with vehicles to move about and inspect the land of their choice and by the end of 1988, six months after the implementation had begun in right earnest, the spontaneous offers to sell good lands in large chunks began to pour in with the *Sardar Sarovar Nigam*. This has surprised many people but this is no place to go into the dynamics of the land market in Gujarat and possibly in MP. Now the situation has changed beyond

recognition. Thousands of hectares of private agricultural land were offered for sale to the *Nigam* directly and most of these lands were approved by the oustees and bought and allotted to them by the *Nigam*. However, even today, there are individual oustees who are identifying their own lands of preference. Their cases are being brought to the LPC for fixing the price and once this is done, these are allotted to them. This must be viewed as an exercise of free and unfettered choice by the oustees and not as an abdication of responsibility by the Government.

- * The focus of the anti-dam critics has been on difficulties and uncertainties of these first days of transition to condemn the entire rehabilitation process, long after the difficulties have been surmounted and new healthy features have emerged in the evolving process.
- * The Land Purchase Committee has been the focal point of severe criticism. The oustees have never been asked to bargain for the price of land either in LPC or outside. This has always been done by the members of LPC themselves. The evolution of this institutional arrangement and its true role has been deliberately misunderstood even by an expert of the WB, who was chiefly responsible earlier (September 85) for forcing the GOG to widen the scope of the choice to include private land. In April 1989, when he came again with the WB mission, he subjected us to torrents of searching questions in a long and intense discussion we had on the nature, scope and actual functioning of the LPC. He took copious notes of this discussion. Our hopes that he would provide an authoritative account of the LPC were dashed when we saw his report, prepared on the same day but which however we saw after about ten months. He had totally ignored the intense discussion he had with us and had simply repeated the uninformed charges of the anti-dam critics.
- * It is true that institutional arrangements like LPC are open to abuses of middlemen, touts, etc. But the actual working of the LPC should be a test against which such plausible apprehensions should be checked. The prices of lands of different qualities in different areas were fixed in an open and frank manner right before the eyes of at least a hundred observers, oustees, members of LPC, officers and others. The LPC went frequently on day-long tours to view the lands and check the claims made by the landowners in various areas from where large offers of land had come. There was little scope for the middlemen and touts to influence all the members of the LPC including us to steer the process of price fixing in the direction of their liking. Once the price of selected, sizeable land of an area, or *taluka* was fixed that became the price for the whole area and

all the subsequent sellers of the area got the same price, *provided the oustees selected their lands.*

- * The average price of the land fixed by the LPC turned out to be around Rs. 13,000 per acre, far below the much feared price of Rs. 50,000 per acre. This was the price quoted for Dabhoi land (which is prime quality land) of about 4,000 acres with assured irrigation. The ultimate price they got after two and a half years of wrangling and arbitration of the Ex-Chief Justice of the Gujarat High Court Mr. B J Diwan was Rs. 23,000 per acre, less than half the price they had demanded.
- * The anti-dam activists have persistently argued and the WB expert in 1989 has uncritically supported them that villages are broken down into fragments because private lands are not available in large contiguous chunks. According to the WB expert even LPC is responsible for this!
- * This WB expert and even a noted supporter of the anti-dam movement Dr.B.D.Sharma has recorded that tribal villages are not homogeneous entities and their social units are hamlets, not villages. Dr.Scudder has gone even further to say that the cluster of their choice should be the unit of resettlement.
- * This cluster approach is what one observes in the dispersion one sees. In many large sites where thousands of acres of contiguous or nearly contiguous lands were available for R&R, what one observed is several clusters from several villages, not even the whole hamlet, have selected the land. One observes a mosaic of different number of clusters from different villages whose traditional neighbours may have chosen to go to different sites although the option to settle at the same site was available to them. The mechanical approach of counting clusters of a displaced village is obviously an unfruitful, wrong and misleading exercise. The real question is whether these clusters made a genuine choice to go where they did. We believe that in an overwhelming number of cases except perhaps in the case of pre-1987 R&R, the answer is in the affirmative.
- * The issue of non-availability of land in Gujarat and elsewhere has been a subject of serious distortions. As soon as "No Dam" became the objective of the movement, "land is not available" became transfixed in the minds of anti-dam critics.
- * Thus in the now famous book, published in July 1989 when it was public knowledge that more than 1,000 oustees including major sons, encroach-

ers and landless were being allotted 5 acres each of land of their choice, the author quoted an outdated minutes of the NCA meeting of June 3, 1988 to prove his point that land for relocation of oustees is not available even in Gujarat (Amte 1989).

- * In the April 1989 meeting the WB expert was informed that more than 900 oustees were soon to be given possession of land, chose to ignore this information as he did regarding LPC and dispersal of oustees. He resorted to sheer technicality and observed in his report that only 5 persons, documentation was complete. This report, like the NCA minutes and DOE notes, was selectively leaked to the anti-dam activists.
- * While land has already been allotted to about 3,000 oustee families and the remaining are in the process of allotment, some critics have sought to belittle this process involving oustees of all the 19 villages of Gujarat as being a showpiece of rehabilitation of only 2-3 villages by employing excessive resources.
- * In Maharashtra, at the time of writing this, many concerned and interested citizens' groups are still being fed with the false information that virtually nobody in Gujarat has been allotted land according to the new R&R Policy! At Ferkuva it soon became obvious that the oustees of Maharashtra and MP were being deliberately kept in the dark about the new R&R Policy in Gujarat and its level and extent of implementation.
- * As late as in June 1990 Vijay Paranjpye in his book, *High Dams on Narmada* admits that 1,718 families in Gujarat have been allotted agricultural land till February 1990. He proceeds, however, to raise another problem, "out of 11,850 families, land has been acquired for less than 15 per cent of the oustees" (Paranjpye 1990). But this is a different problem which we will deal with later.
- * Together with the denial of the fact of availability and allotment of land, the critics mix the mistakes, blunders and malpractices of the pre-1987 R&R process with those of post-December 1987 to malign the whole R&R process in Gujarat. For example, a dated report is quoted to make a point that in 5 resettlement sites created around 1983 some oustees had received lands which carried encumbrances of bank debts incurred by the original landowners (Amte 1989). Now this was a fact and a scandal, but their encumbrances were removed in August 1988 and the matter was reported in National Newspapers, a full one year before this book.

- * This denial of facts does not allow the anti-dam activists to see an assertion of political will, hitherto conspicuous by its absence, to work for the R&R in Gujarat. In their over-enthusiasm to condemn the R&R in Gujarat, the anti-dam activists have also condemned and inadvertently undermined the struggle of the oustees of Gujarat and their judgment and ability to understand the problems and solve them.

R and R in Maharashtra: Impossible?

In Maharashtra, the issue of non-availability of land has taken an even more curious turn. We have already mentioned above that in November 1987, just a month before Gujarat's new R&R policy of December 1987 was declared, NDS in Maharashtra and NGNS in MP had submitted to NCA a list of 38 demands related to R&R. One of the most crucial demands related to the release of denuded forest land for resettlement. Within months of the submission of these demands, these organisations changed their objective. No-dam became an objective and what was a goal until November 87 became one of the means to achieve the final goal of No-dam.

The demand for release of forest land came in very handy to prove that R&R was impossible in Maharashtra, because the activists were convinced that the DOE&F would not release the denuded forest land of Taloda for R&R, taking shelter behind the *Forest Conservation Act, 1980*. Mr Bruce Rich of the Environment Defence Fund (EDF), USA, which spearheads the anti-SSP movement in North America, supported this demand before the Senate Subcommittee of USA in June 1988.

DOE&F, had gone to the extent of putting in a condition (No.vii.) in its letter of clearance of September 87 (referred to above) "*No forest land will be utilised for the rehabilitation of oustees.*" This was all very well in so far as the conservation of forests was concerned. But in May 1985 the Government of India (GOI) with three other states concerned had already entered into a Loan Agreement with the WB in which it *accepted that it would take all action necessary to release forest land reserved by the Forest (Conservation) Act 1980 within the boundaries of all three states if required for the purpose of implementing the SSP including the resettlement and rehabilitation programme and plan.* Full 2 years after the Agreement was signed by GOI with the WB, the DOE&F (GOI's own department) puts such a precondition in its letter which is directly in conflict with what GOI had committed itself to before!

Due to the peculiarities of the political dispensation then—nature of power equilibrium between the Centre and the States—the Maharashtra Government

did not even forward the demand for the release of denuded forest land of Taloda to the Central Government—DOE&F for quite some time. The non-availability of land could legitimately be claimed by the anti-dam movement. The state of suspense continued even when the Janata rule was installed at the Centre in November 1989. The DOE&F headed by Ms. Maneka Gandhi continued to stall the demand for release of forest land.

The World Bank and R&R

In April-May 1989 had come the WB mission. Prof.Scudder, the WB expert, in his scathing report of April 1989, cited three reasons for the improbability of satisfactory implementation of the R&R programme in SSP:

1. The Impasse between the GOM and the GOG.
2. The unwillingness of GOI to release forest land for R&R.
3. The unwillingness of NCA to play a strong oversight role.

He had then proceeded to list 9 recommendations to overcome these problems.

Prof.Scudder who had also recommended permanent or temporary suspension of the loan, had clearly seen where a part of the important problem was, for in his final report of May 28, 1989, he had this to say:

Since the passage of the Forest Conservation Act in 1980, the Department of Environment and Forests has been unwilling to release denuded and degraded forest land for SSP oustees, even though tribal people, for example, could play a major role in the rehabilitation of such lands. Although it is stipulated in May 10, 1985 Agreement with the World Bank that GOI will release forest land if necessary, as recently as December 19, 1988 in the meeting of NCA R&R Subgroup, the Additional Secretary of Environment and Forests reiterated the Department's opposition to releasing forest land for oustee rehabilitation.

It was obvious then, that the real material block to satisfy Prof. Scudder's stringent conditions to achieve satisfactory R&R was his second condition, i.e. release of Taloda forest land in Maharashtra. In July 1989 the World Bank officials were gheraoed in New Delhi by the activists for, among other things, asking for the denotification of Taloda forest land. The activists had persistently demanded this forest land and had argued vehemently that because of the non-availability of land, R&R in Maharashtra was impossible. But now the activists

went on to argue that denotification of Taloda Forest land is not a solution because either it is encroached upon or degraded to the point of being non-cultivable. They went even further: Fifty to sixty thousand hectares for the SSP and 150,000 hectares for NSP would be required Obviously no People's movement would agree to such a huge environmental disaster.*

The WB had set a limit of June 1990. In June 1990, the Taloda forest land was released! On 31st July 1990 the same organisation NDS, which had demanded this land on innumerable occasions before December 1987, submitted a memorandum to the District Administration rejecting 2,769 ha of forest land identified for the rehabilitation of the oustees because "the land was already used by 30-40 local tribal villages." NDS went even further than that in July 1989:

It is reprehensible that the Central government agreed to release forest land in Maharashtra for rehabilitation in clear violation of the conditional clearance given to the SSP which clearly stated that no forest land can be used for resettlement purposes . . . the clearance is then tantamount to selling of India's ecological and social future at the behest of a foreign "agency."

In a Memorandum submitted to the GOM in April 1986, NDS had stated:

For the oustees to be resettled in Maharashtra, if no other land is likely to be available in large quantity (to be able to settle them as village-units, as per the principle agreed to in the WB Agreement) forest land available in the nearby talukas (near the present settlements) Akkalkuva, Taloda, and Sahada should be released for the resettlement purpose. This should be in spite of the Forest Conservation Act 1980, as is agreed to in WB Agreement.

Earlier, in June 1987 Medha Patkar of NDS had said in a paper she read at a Seminar on the Narmada Valley Project in Bombay:

The only alternative left is to buy private lands at a very high cost . . . or to release large chunks of denuded forest land which the Centre is reluctant to do, taking a rigid view of *Forest Conservation Act 1980*. The tribal-forest linkage too is not viewed seriously or not considered in planning alternatives, whatever may be the stated policy in the Seventh Five Year Plan!

* No basis was given for arriving at such outrageously high figures. Only about 3,000 ha. was demanded.

The first and the later two sets of statements, separated by 3-4 years are juxtaposed here for the readers to see for themselves.

As for encroachment by the local people in Taloda, we have checked from various sources and have concluded that no encroachment worth the name has occurred in these lands. In November 1990, four months after the NDS memorandum, the World Bank mission which visited this area reported that there is a great deal of misinformation among the oustees in Maharashtra about the extent of encroachment in Taloda and the hostility of villages around it. *Essentially there is no encroachment and no hostility of surrounding villages was evident*, reported the WB mission. But in the 1st April 1991 issue of Gujarati magazine *Bhoomi-putra* Medha Patkar, the leader of NDS, argued that 60 tribal families living on this land were forcibly evicted by the police in the last two months, i.e. in Jan-Feb. 1991.

Madhya Pradesh: A Conundrum of R&R?

Extrapolating from the figures of 19 villages of Gujarat, the critics have projected for 36 villages of Maharashtra and 193 villages of M.P., that 90 per cent of the oustees belonging to three States will need agricultural land for resettlement. M.P. naturally will have a very large porportion of them. The argument is so intuitively appealing and persuasive that practically everyone has accepted this projection.

- * Based on such a projection, the *Narmada Bachao Andolan* (NBA) has claimed that not less than 50,000 hectares of land will be required for the resettlement of SSP oustees, which implies that about 45,000 hectares will be needed for about 22,000 families of M.P. and Maharashtra. No source for this information is cited by the NBA.
- * Vijay Paranjpye (1990: 192) claims that even high officers of the GOMP have accepted that about 24,000 hectares of land will be required for the R&R of M.P. oustees. He derives his information from Alvares and Billorey (1988: 77). When we checked this source, to our great surprise we found out that whereas the figure of 24,000 ha is quoted correctly, this figure was mentioned by S.C. Verma in the context of the R&R of NSP and not SSP. GOMP, far from conceding such figures, was busy analysing the baseline information it already possessed. The information it came out with in early 1989 was that in as many as 116 out of 193 villages of M.P., very little agricultural land will get submerged (less than 20 ha in each village) and only in 77 villages, more than 20 ha of agricultural land will be submerged. Thus the argument from extrapolation—90 per

cent of oustees in M.P., Maharashtra—simply collapses. Only about 6 to 7 thousand ha out of about 50,000 ha of agricultural land in these villages will be submerged.

Only Vijay Paranjpye amongst all the activists has acknowledged this fact in his book. But he too merely mentions and continues to maintain later on in the same book that the total number of oustee families in SSP, who have to be allotted alternative land, is 11,850 (ibid: 212).

This has a direct bearing on the question of land requirement for R&R of SSP oustees and the availability or non-availability of land and, therefore, of the highly surcharged slogan of impossible R&R. We have done our own analysis of the basic villagewise data, prepared by GOMP, which amongst other information gives the basic details regarding land and house submergence for each of the 193 villages. (see Table below).

Table: Pattern of Agricultural Land and House Submergence in 193 villages of M.P. (SSP)

% of Agr. land to be submerged	No. of Villages	Land to be submerged (ha)	Total land (ha)	% land Sub.	Sub. houses	Total houses	% of houses Sub.
0	34	0	5,949	0.0	1,870	2,983	62.6
1-5	52	300	16,200	1.8	4,247	6,377	66.6
5-10	26	663	8,676	7.6	2,134	3,191	66.8
10-25	33	1,770	10,605	16.6	3,883	4,742	81.8
25-35	8	668	2,256	29.6	659	876	75.2
35-50	12	1,189	2,828	42.0	997	1,097	90.8
50-75	15	1,541	2,582	59.7	1,367	1,456	93.8
75-100	13	724	841	86.0	395	509	77.6
Total	193	6,855	49,937	13.7	15,552	21,231	73.3

1. includes 7 forest villages, for which, the details of total agricultural land were not available, and it has been assumed here that 100% land will be submerged.

- * Out of a total of 49,937 ha. of agricultural land in these 193 villages, only 6,855 ha. (13.7%) will be submerged. Whereas out of a total of 21,231 houses 15,552 (73.3%) will be submerged. This figure includes houses that will be affected by the backwater effect, i.e. those situated between 455 and 460 R.L. In 34 villages no land submergence will occur. In 78 villages (1-10% category) 963 ha. out of a total of 24,876 (3.8%) will be submerged.
- * In the next category (10-25%) of 33 villages land submergence is 16.6% but houses as high as 81.8%. The pattern continues in the 20 villages of the next two categories. Only in 28 villages (the last 2 categories of +50%) do we find that 2,265 ha out of a total of 3,423 ha (66%) will be submerged and 1,762 out of 1,965 (89.6%) houses will be submerged.

The most outstanding feature is that a very high proportion of houses is going to be submerged and land submergence is very modest, if not low. This somewhat unexpected submergence pattern of houses and agricultural land is because the river bed is a deep gorge. As a result, the reservoir of SSP is a long, narrow but deep trough. As we go further upstream, only the houses on the river bank are affected. Agricultural lands which are further away from the bank are spared. Therefore, we see this peculiar pattern of more houses and relatively less land getting affected.

This peculiar submergence pattern has obvious implications for the R&R. The total number of families affected is indeed very high—about 15,000 or more. But an overwhelming proportion of them will lose only their houses. They need to be relocated, no doubt. But all that will have to be done will be to get their houses shifted to a higher plane in the same village where their lands are located unsubmerged. Their main problem is to reconstruct so many houses and not that of non-availability of alternative land. This would mean that most of the affected families would be living near the edge of the reservoir, after submergence. This would help in mitigating, to a large extent, the problems of landless labourers, fishermen, boatmen etc. whose number in M.P., though unknown, is likely to be significant. A big move is already on to develop fisheries in the SSP reservoir. The affected fishermen and landless should be given proper legal fishing rights and linked directly to marketing outlets so that they are not at the mercy of middlemen or the government machinery for marketing their catch. Also most of the submerging lands (including those on the river bank and present dwellings) in these villages will open up for draw-down cultivation as the water level begins to fall in late monsoon, through winter and summer. The legal rights for draw-down cultivation should also be given to these landless families who are affected. If these entitlements are

egally given to these categories of people now, before powerful vested interests move in, this will go a long way in improving their standard of living.

The number of families who have to be given alternative land is thus bound to be much less than the figure of 11,850 quoted by Vijay Paranjpye as the number of families affected by land submergence in M.P. will be lower than expected. GOG, basing its analysis on the GOMP data, gives a figure of 2,100 out of about 15,000 families in these villages who will be substantially affected by land submergence. This may or may not be an accurate figure. The issue is not, however, that of exact numbers but of a sense of proportion and of the peculiar pattern of submergence. Those who are losing substantially in terms of land are already making a silent move towards Gujarat. Of the 28 villages in which more than 50 per cent of the total land will be submerged, the oustees of 7 villages have already viewed and selected lands in Gujarat. As the fact of land availability is more widely known, more and more people from the affected villages will take the next step. R&R efforts in Gujarat thus fall in a proper perspective.

R&R is Impossible: Shifting of Ground

With the argument of non-availability of land becoming increasingly untenable in Gujarat and Maharashtra and faced with the fact that the extent of human displacement in MP had shrunk, the anti-dam movement has now come up with a new strategy. Who is an oustee? How is he to be defined? By making out a case that the definition of the oustee is very restrictive and inappropriate and by widening its scope, they have sought to raise the number of oustees! Their list of oustees now includes those who are losing their lands in the canal network of SSP, the tribals of the proposed Shoolpaneshwar Sanctuary and those who are going to be affected by compensatory afforestation etc. In the whole critical literature of Rehabilitation of displaced persons in irrigation projects beginning with Goldsmith's famous volumes on Big Dams one does not see these categories of people included as oustees ((Goldsmith and Hildyard 1984). And why look into the general literature? Even the overwhelming proportion of existing literature published by the anti-dam movement does not, until this point of time even mention these categories of people to be included as oustees.

Only after June 1990 or thereabouts when the forest land for the Maharashtra oustees was released by the Central Government, one sees this new definition of oustees and a new set of oustees making their sudden appearance. Almost all the major publications of the anti-dam movement (Kalpavriksh 1988; Patkar 1988 and 1989; Patel 1988; Amte 1989; Anon 1989) published

before June 1990 do not even mention these categories of oustees, whereas after that one suddenly finds them (NBA 1990; DJNDSS 1990; Paranjpye 1990).

A huge network of canals is going to hit an unknown number of small and marginal farmers very adversely. This human problem must be assessed properly and a solution to mitigate this problem must be given a proper and timely consideration. While the *Nigam* may not react favourably to the demand put forward by motivated activists to treat them as project oustees and give them all the benefits of R&R programme, it is equally unacceptable and unbecoming of the *Nigam* to take shelter behind the technicalities of *Land Acquisition Act* and NWDT Award. It is well known that relatively well-off and organised farmers losing land in canals are successfully getting more compensation by taking recourse to litigation. The *Nigam* must and will have to come up with a better deal than that at present.

Regarding the tribals in the Sanctuary area, first of all there is not going to be any displacement of any person in these villages and secondly VAHINI-ARCH and the tribals of the affected villages are actively opposing the very idea of the Sanctuary as proposed so far. At the same time we do acknowledge that there is a problem of wildlife and forest preservation in this area. A sensible way out of this delicate dilemma has to be found. Fortunately, the *Nigam* and the WB have initiated the process, keeping the tribal interest at the centre.

Conclusion

We started the story with the struggle we had to undertake against the GOG. We have described, if harshly but certainly not unfairly, the bureaucracy's style and method in dealing with such sensitive and delicate issues like R&R of the tribals. The situation in Gujarat in the last three years has witnessed a sea-change largely because of continuing pressure from developing activism and growing awareness at the grassroot level, pressure from WB and also because of the willingness and ability of strategically placed individuals in politics and bureaucracy to see the situation in a broader perspective and a larger time frame than the politicians and senior bureaucrats are credited with. Between the pre-and post-1987 period, the most outstanding difference is to be seen in the area of political will. This, we have alluded to above. This, however, still leaves large gaps in the capabilities and functioning of the administrative apparatus. Fatiguing delays, petty-minded dilations, petty corruption, sheer apathy and incompetence, which are the hallmark of the state apparatus in India and the ills which afflict the larger system, affect its sub-system too i.e. *Sardar Sarovar Narmada Nigam Limited (SSNNL)*. This is an important problem to be solved as well as one can and not a cause or an excuse to reject the Project, because then logically speaking practically everything must be rejected, stopped.

Prof. Scudder, the WB consultant, who wrote a scathing report in April 1989 for all his faults, cannot be faulted for pointing out that if the GOG had taken the promise it had made to the GOMP in 1982-83 seriously and acted on it, the fund of goodwill it would have created in MP villages would have been great. The GOG thought of nothing in discarding the promise and losing the opportunity to build the goodwill. Obviously, the GOG did not act in the best interests of the SSP. One would have thought that the Government must have learnt its lessons painfully, but apparently not. In the post-December 1987 period, a group of Maharashtra oustees had shown their willingness to resettle in Gujarat, the lands were shown and approved by the oustees. The Maharashtra administration provided the authentic lists and cleared all the administrative hitches for the allotment of these lands. But for some inexplicable reasons, this was not done by the *Nigam* for a long time. Only recently was this done. One can quote many more examples to substantiate the contention that old habits die hard. We believe that there is no room for complacency, let alone smugness and euphoria, that all is well with the R&R and with the bureaucracy. But then it must also be recognised that things are moving--even if haltingly, but in the right direction.

If the SSP is not indeed a planned disaster, and if R&R is not to be used as a means to fight the SSP, but to be treated with respect as an end in itself, and if the ground level reality regarding the State administration being what it is, the implementation of the R&R programme calls for an objective, fair and continuous watch-dog. Critical feedback and correctives are necessary, if reasonably good quality of R&R is to be achieved. But a much more serious and perhaps a lethal threat to inherently delicate and fragile R&R programme arises from the radical critics of R&R or from those strategists who have no qualms to turn R&R into a weapon--a means to some "lofty" end.

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SARDAR SAROVAR OUSTEES WHICH WAY TO GO: ACTIVISTS' DILEMMA

SEPTEMBER-1988

V A H I N I - A R C H

MANGROL, VIA RAJPIPLA

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SARDAR SAROVAR OUSTEES WHICH WAY TO GO : ACTIVISTS' DILEMMA.

The issue of rehabilitation of the oustees of Sardar Sarovar Project (S.S.P.) in Maharashtra and Madhya Pradesh has arrived at a cross-road. They are now offered two very different choices :

- (1) To press for the comprehensive rehabilitation policy acceptable to them which is broadly in line with the new R&R Policy announced by Gujarat Government in December 1987 and to fight for its fair implementation. This is the line taken by the oustees of Gujarat and by Chhatra Yuva Sangharsh Vahini, Gujarat.
- (2) The second choice, is offered to them by the organisations Narmada Dharangrast Samiti (N.D.S.) in Maharashtra and Narmada Ghati Navnirman Samiti (N.G.N.S.) in M.P. These organisations have now taken a position that rehabilitation in Maharashtra & M.P. is impossible! Moreover according to them S.S.P. is fraught with serious environmental problems. The oustees are therefore asked to oppose the S.S.P. wholesale. In a statement recently issued they say, "We would prefer to be drowned by the rising waters of the dam if the Government insists on building the dam, rather than give our tacit approval to these destructive schemes by agreeing to shift".

These are brave words and it's a tall order. Speaking for Gujarat oustees we know that they will not be willing and able to incur such heavy risks and fight for such "lofty ideals". Their 8 year long and bitter fight has been to obtain better rehabilitation for themselves and for the oustees of other States. We deeply appreciate and understand their position.

because their's is the fight for sheer survival. We in Vahini also lack the courage and conviction to persuade, cajole and push these oustees to put their lives at risk and fight for such "lofty ideals".

Before we go into the issues raised by these organisations we would like to put on record the revolutionary nature of new R&R policy of December 1987 won by the Gujarat oustees. We state its two most outstanding features.

- (a) Each oustees family, defined as eighteen year son married or unmarried, will be entitled to minimum 5 acres of irrigable land of his choice and preference and this is irrespective of the fact whether the oustee family has titled land or is dependent on forest/waste land cultivation or is a landless family. The choice extends even further. Should they not prefer any other land but the forest land then under such circumstances Government of India will have to release forest land for their rehabilitation.
- (b) These families will not be asked to bear the cost of the land they choose to have, as that would be borne by the Project as an exgratia payment.

Even a noted lawyer known to be not sympathetic to the Government was moved to describe this policy as unbelievable. His reservation with regard to this policy was not related to its content but was related to whether it will be fairly implemented or not. We will return to this justifiable fear about the Government's intention and ability to implement the policy later on, but first we must deal with the important arguments raised by these organisations.

Rehabilitation Is Impossible

- (a) Rehabilitation is impossible, they have said, because there is simply not enough land!

In 1985 when we were bitterly fighting for minimum 5 acres of land, one of the favourite arguments advanced by the Gujarat Government to stall our demand was : "But there isn't enough land". In view of the fact that the waste land offered by the Govt. to the oustees was useless oustees' choice naturally was for private lands. Oustees quickly realised the game the Government was playing and promptly fought back by using their intimate knowledge of the surrounding areas and came up with the list of 6000 acres of land that the land owners in the area were ready to sell to the oustees. Govt's move was checked. The Government machinery could not have identified these lands, but the oustees did! Long after this had happened not only the officers of the Government and of the World Bank, but also other well-wishers were persistently and anxiously asking the question: "But are you sure that there is enough land available?" Relying on our Oustee friends' resourcefulness we always answered affirmatively. And our confidence in oustees' resourcefulness has been amply justified. The oustees of Gujarat have already identified more than 15000 acres of land of their choice and they still assure us that there are still more lands available for sale.

Recently we happened to meet small oustee farmers and landless oustees in M.P. Not surprisingly they did not know the types of the benefits Government of Gujarat was offering its oustees. When we explained to them the policy and asked whether they can also identify the land a la Gujarat oustees, the reply was prompt and clear, "Yes indeed, if the Government is ready to pay the cost". We have been informed by a friend working in Alirajpur that if good land in enough quantity is made available, all the tribal oustees of Alirajpur area would be ready to

be resettled even at far off places. Oustees are after all same everywhere. We feel from our experience in Gujarat, and a brief encounter in Rajghat, Badwani that given the right R&R policy and proper support and encouragement they will and should be able to bring to the fore their resourcefulness and identify land of their choice.

At present the argument of "not enough land" in M.P. & Maharashtra rests on the whatever the bureaucracy has been able to identify/not identify! It is not based on the active exploration of the situation by activists and oustees encouraged by them.

- (b) "But this is unfair", they have argued, "Why should oustees be asked to undertake such hazardous exercise? In Gujarat they have made this mistake, but this will not be allowed to happen in M.P. and Maharashtra".

We wonder why not! The tribal oustees of Gujarat have shown how resourcefull and non vulnerable, atleast with regard to identifying lands, they are. If they can do it, oustees of Madhya Pradesh and Maharashtra too can do it with equall facility, provided ofcourse that they are given adequate facilities by the respective Governments. Another crucial point seems to have been overlooked viz. the question of land of oustees choice and preference. The terms and conditions of the World Bank loan agreement on which the new R&R Policy of Government of Gujarat is based, provides explicitly and repeatedly that each oustee family shall be provided land of his choice and preference. This crucial condition in conjunction with other conditions confers right on each oustee to settle in the areas and land of his choice, so that not only his economic preference is taken care of but also his social, cultural, religious and other considerations are taken care of. So much so that if some oustees prefer not to have best of the agricultural land but to have forest land so that they remain in their preferred environment,

the terms of the loan agreement provide that under such circumstances the Government of India will release Forest land for resettlement.

The full significance of this must be grasped. No resettlement scheme designed by the Government machinery alone at any level, given the best will and efficiency, will be able to take into account the complicated and delicate combination of factors that go into consideration of each such preference and choice. Of necessity, even the best scheme prepared by the enlightened bureaucrat cannot match the scheme that can emerge out of the choices exercised by each oustee. Nodoubt enough care and precaution must be taken to ensure that the oustees are not coerced, cajoled or deceived "to make their choices". Activists have to play this crucial role. This provision of choice and preference no doubt assumes the resourcefulness and intelligence of the oustees. We can only repeat our arguments to those who have genuine doubts on this score that there is no cause to fear on this count. In our anxiety to protect the vital interests of the poor tribals, we must not overstep the bounds, the boundary between concern and patronization is very thin indeed at times!

(c) "But aren't we leaving them to the mercy of the wolves - these land owners?"

This fear is unfounded because we must remember that the oustees' task is finished once he identifies the land of his choice and brings it to the notice of the rehabilitation office. The remaining tasks of fixing prices, ensuring clear titles, making payments and preparing the necessary documents will be the task of rehabilitation office, as is being done in Gujarat.

(d) "But why should we do this work. This is Government's job?"

This is a familiar refrain. We can only give our answer. If our bureaucracy were sensitive, responsible and accountable

enough, this question, this struggle, this debate and even this dilemma would not have arisen. We are all in this, deadly serious business precisely because we all know that there is not a slightest chance for the oustees to get their due if every thing is left to the initiative of the bureaucracy. To ask the bureaucracy to prepare the detailed blue print of rehabilitation without active involvement of the oustees and activists from the very beginning is to under-mine the provisions of choice and preference guaranteed to them to safeguard their vital interests.

- (e) "But the land owners will ask high price. We cannot agree to this, because this will enrich the already rich land owners and government, hard pressed as it is, might agree to this. But how can we accept escalation in the cost of the project? We are responsible citizens after all and should not allow the cost of the project to go high".

To say the least, this is a strange argument. We must not overlook some simple facts which seem to have been overlooked. If the land chosen by the oustee is really a good quality land it will cost more. How can it further enrich the land owner, unless of course he charges and gets exorbitantly higher prices? This can happen. But the role of the activists is precisely to check this. This argument strangely overlooks the fact that while land owner gets money the poor tribal oustee gets very high quality land which means the transfer of productive resources on a much higher scale, than could be ever imagined, to a poor farmer. A very important anomaly in the "developmental process" which we are all challenging is corrected. How can we take objection to this corrective process of transfer of resources to poor tribals? Further more isn't it a fact that both the organisations in Gujarat and Maharashtra, where land acquisition proceedings have been completed and awards made, have legally challenged the meagre compensation awarded for the lands acquired and have asked for much higher award? The real issue is not

the high land price, the real issue is that either through fraud or through other devious mechanisms the prices must not get artificially inflated. We again repeat that the safeguard against such happenings is the vigilance on the part of the activists. The argument of high project cost is also riddled with paradox. Right from the beginning when the struggle for just rehabilitation policy started both in Gujarat & Maharashtra we have argued with passion and vehemence that Government is spending too little on rehabilitation, giving it a third rate treatment, throwing out the oustees without providing means of decent livelihood. We have always lamented, and rightly so, that poor oustees are rendered destitutes and the people in command area get richer, - mockery of social justice is made. Now for the first time in the history when such dangerous process is seriously challenged and sought to be reversed such arguments are advanced!

Non-availability of the land is a contextual question. Looking at the reality from the bureaucratic point of view will only confirm us in our belief that there is no land available. The activists on the other hand can go deeper into the social reality, be more flexible and be in a much better position to encourage the freer exploration of the situation. Only when this has been done in all sincerity we can say whether enough land is available or not.

"Rehabilitation is impossible" is a complex argument and is based on the alleged fact that enough land is not available. This argument of non-availability is strengthened by taking up positions that oustees should not be asked or encouraged to identify the land they would prefer and that high prices of the land should also not be given to the land-sellers. Rehabilitation

would indeed be rendered impossible if the assumptions, alleged facts, and constraints invoked in the whole complex of argument are accepted! Needless to say, that we differ radically from this assessment and these assumptions.

With this let us return to the point of "justifiable fear of non implementation of the new R&R policy", raised in some quarters. This is another real hard question. There is no scope here for complacency, even less for naive faith and trust in the project authorities. We have had enough experience of betrayal, double-talk and willful distortions and misinterpretations of G.Rs, during last 8 years to keep our guards high and be on the constant vigil for even the tiniest symptom of back-tracking by the government. We however reject a policy of permanent irreconcilability with the government. To do so would be counter productive, irresponsible and immature. After all governments, Narmada Project authorities etc. are not the monoliths. To reject any policy a priori as impossible is not only a mark of irresponsibility but also of inadequate grasp of socio-political reality. After all we must not forget that our central responsibility is towards the poor helpless oustees. If they accept the R&R policy and want to give it a thoroughly fair trial as they are doing in Gujarat so be it. Besides a radical stand of permanent irreconcilability with the government appears in certain political perspective a very attractive proposition, but it hardly ever serves the interests of the poor people one is trying to work for. Beyond this the problem of possible/impossible is a practical question. Government has fought back hardest before announcing the truly just & fair R&R policy. The second weapon it always uses is to misinterpret the policy to suit its purpose. Right from the beginning there was never any derth of pious, generous and pro-oustees statements by the politi-

clans in power. They however always resisted the formulation of the policy in consonance with these statements and when they were forced to do so they always resorted to misinterpretation and distortions. Conversion of the pious pronouncements of the politicians into concrete policies and later on to get any misinterpretation and distortion removed was not a benign and voluntary act of the rulers. This has been achieved through a long, grim and determined struggle by the oustees, by us and by other individuals and organisations who espoused the cause of the oustees dodgedly through thick and thin. What appeared to be an impossible goal only a few years ago, has become a fact today. The combination of forces which brought this policy into existence are still there intact, better organised to see that the policy is implemented. We make this statement because we know that these forces have a concrete existence. In order that the instrument of misinterpretation to undermine the interests of the oustees is not brought into play again we have been keeping a close watch on the process of translation i.e. the actual implementation of the policy. The process of implementation of new policy has started in earnest since June 1988 only. (after we fought back the last and dangerous mischief of misinterpretation of new policy by convening a convention of Gujarat oustee's in May 1988). During the last two months 2 landless families have been given 5 acres each of land of their choice and many other families belonging to other categories of oustees have been given minimum 5 acres per family of their choice. In case of each of this oustee families orders to make exgratia payments are being made. Any one with even a little legal background would understand that a concrete interpretation acceptable to the oustees of a legal document has been made by the Government. Two most important weapons in the hands of the Government have been effectively removed. What is this if not a concrete evidence in favour of possible?

-1101-

In any case the organisations in M.P. and Maharashtra have dubbed "Rehabilitation impossible" not because of the games the Government would play. Their case rests on very different grounds which we have dealt with above to the best of our ability.

(II)

"Dam Must Be Stopped"

Irrespective of the fact that the rehabilitation is possible or not these organisations have now given a call to the oustees & others to fight against the dam because "we would prefer to be drowned by the rising waters of the dam if the Government insists on building them, rather than give our tacit approval to these destructive schemes by agreeing to shift".

While we are aware and in know of the huge controversy that rages for and against the S.S.P., we must admit that we are not in a position to take any firm and unqualified stand because the nature and quality of evidence that has surfaced so far appears to us to be not strong enough. We would like however to point out some pertinent facts because they have a close bearing on the lives of thousands of oustees, in Maharashtra and M.P., who will be displaced if the S.S.P. indeed goes ahead.

(a) It is worth remembering that the work amongst oustees of Gujarat and Maharashtra was started and has been carried on until very recently to fight for the fair and just R&R policy. Oustees in these states were organised with this as an explicit objective. It was not that during those years and even earlier the various environmental problems were not raised

and discussed with passion. To best of our knowledge very few concrete facts and arguments have been added to those that were being made at that time. And yet the focus of work amongst oustees remained on the R&R policy only.

(b) It is significant to note in this context that on 5th December, 1987 a meeting of the activists, environmentalists, intellectuals, economists and lawyers etc. from all over the country, who were concerned about developments in Narmada Valley, was convened in New Delhi. This meeting was convened because there was a wide-spread concern and uneasiness that enough information regarding the environmental and related issues was not available. In a preliminary meeting with us to discuss the need, rationale, purpose and modalities of the above meeting, we were told clearly that S.S.P. now could not be stopped, but its critique was not properly documented by the activist movement, so such documentation must be prepared even if for the sake of documentation. 5th December meeting discussed at length various issues of concern, various cells were formed and assigned responsibility to prepare detailed critical documents. In a final session a view was strongly expressed by a few that enough evidence then was already at hand to straight away start a fight against these dams. A long discussion ensued and the consensus of the meeting was that still there wasn't enough hard evidence at hand to straight away start a fight to stop the dams. The representatives of all the organisations active in S.S.P. participated in the meeting. In the nine months that have lapsed, we know of no new concrete evidence that has been brought out and properly documented to alter the information basis that brought about the consensus.

(c) It is true that the states of Madhya Pradesh and Maharashtra have so far failed to satisfy the oustees by not announcing a new R&R policy which is broadly in line with G.O.G's and which is acceptable to the oustees. What intrigues us however is that in the middle of the struggle to obtain a better R&R policy a sudden turn has been given. A radical shift in the objective of the movement has been made. The struggle is no longer for the comprehensive R&R policy and its fair implementation. "Rehabilitation is impossible" is a redundant argument in the light of this radical shift. The oustees are now asked to shun the rehabilitation altogether even if it is acceptable to them. They are now asked to lead the battle against the S.S.P.

Disturbing set of a questions arise in our minds.

- (1) Do the oustee's of Maharashtra and M.P. fully know the provisions of Government of Gujarat's new R&R Policy?
- (ii) Can they or can they not identify lands acceptable to them if they know that they have a right to have minimum 5 acres of land of their choice at the place they want and that the cost of the land shall be borne by the State?
- (iii) Do the oustees know that this entitlement is due to all categories of oustee, families including landless families?
- (iv) Have the landless oustee families and small farmers participated in enough numbers to understand the significance of R&R policy and the new. shift being made?.

- (v) It is widely recognised that S.S.P. has near total social political support in Gujarat, that there are no obvious technical, legal or political hurdles in the path of the S.S.P. Even the opponents of the S.S.P. have conceded in private conversations and even in writing that the S.S.P. cannot be stopped. In view of this hard realistic assessment, if the S.S.P. really goes ahead what will happen to the thousands of oustees of Maharashtra and M.P.? If the movement to stop the S.S.P., repeat stop and not postpone, succeeds then off course the painfull question of human suffering of forced displacement will not arise. All will be well. But suppose if it fails, which is much more likely scenario, then what will happen? It is not difficult to imagine that as the waters begin to rise, slowly but surely, a panic will set in Maharashtra and M.P. villages. First in trickles then in floods people will want to move out. The resultant 'rehabilitation' would be haphazard, panic ridden, unplanned and grossly injurious to most of the oustees. We all know that even in the best of the times; given the best intentions and efforts, rehabilitation is an extremely difficult process. In case of S.S.P. it is even more so because of the size of the displacement, of difficult terrain and of inefficient and unmotivated bureaucracy. If the organisations fail to keep their focus on this difficult problem, there will be chaotic displacement leading to great avoidable human suffering. The movement will perhaps have the lubricus satisfaction of saying, "you see! How callcus and rutless is the state, its highsounding promises not withstanding. Yet another Disaster!" To us this will be an instance of self

fulfilling prophecy.

Those of us who have worked amongst the oustees and who are now making this radical shift must ask, "will we really ask these oustees to drown themselves in the rising waters of the dam.....?"

As we made it clear at the outset we lack that courage and conviction. If some of us are quite convinced that S.S.P. is unmitigated evil and that it must be fought, we believe, that, the issue of rehabilitation must be delinked from the battle on the wider front. We do not share the strategic perceptions of those who are wittingly or unwittingly using the issue of rehabilitation of oustees in the cause of fight against the dam. To us this is not responsible activism.

a. we are about 1000 people in this settlement

a. ..we came here in 1980...now it is 89 so we have been here for some nine years...officers come, we tell them our problems but they dont do anything about it...our village was Pachmadhi from where we were asked to leave because of the dam...we were each to get 5 guntas of land but we have been given only three..in our resettlement I can say that about 25% ~~waxhaxx~~ succesful, in other areas it is even less than this.. ..in the land we left behind, there is about 70 acres that have to still be bought by the goverment so we can recieve our full compensation but now it is 8 years since that land is not sold to any one, nor the Govt has taken it and nor do we have the money from it..so we have lost it in all practical purposes..

q; where is this land?

a; in our village left behind, Pachmadhi, our village land..belonging to various people sitting here...now they are saying it is not going to get submurged! But we have been ~~axxaxxaxxaxx~~ made to vacate it, now what are we to do? ...the water is going to go arround those 70 acres.. how are we to go there and work on our land, what will we do when the excess water is released? there is about 6 or 7 houses with families living arround there, they are called part of a 'Kharaba' land, so they dont want to buy it...what will happen to those families? They say you 6-7 families dont even have a survey number, what compensation can we give you...they used to live kind of off the village land...now we have been shifted here, they are in a dilema wether to stay there or to come here, they cant stay there because from that Kharaba land they cant make a living, they cant come here because the Govt will not allow anyone but those rehabilitated...

a. the biggest problem we face on these lands given by the Govt is for fuel and fodder, our animals used to graze in the firest, our firewood would come easely from there, those forests are going to be submurged, we have been put arround barren land, these two, fuel and fodder are our main problems now...scientists come and tell us take out fuel and fodder from your given land...what do you get out of three guntas? what are they talking about?

q; hasent the govt given you grazing land?

a. not one foot, not an inch...they say there is no more land...they should have seen to this before we were shifted here...the govt now says where can we get the land from?...look at them!...

q. in the newspapers they have announced that you people have been given all the facilities...

a; yes yes they have given facilities.....what have they given? they gave us bullocks, cattle and pumps....so far they have given to only 18 families....we are a 1000 people...I have given these myself as I am the village cheif, from the rest they have taken 25% advance (75% Govt pays)....where is all that money? no one knows, no one answers! What am I to tell my people? in this barren land we have 18 pumps, we are used to the waters of Narmada for god knows how many hundred years... we dont even know how to deal with barren land..the promise to give carts, they have taken 25% for that too, there are no carts, people are hassling me...I have no idea now which govt. I should go and tell our story...who will listen?...I will tell you another thing... one house was burnt down, I made an application to Baroda, Bharuch and Rajpipla all three districts and finally the answer was...its not really your land and so we'll think about the compensation...they say if you can prove that you have put in 10,000 rs. on your land we will consider giving you a loan for 10 thousand....we just dont understand them, 1st they say this will be your new land, then they say it is not yours, then they say you have to spend Rs.10k on it to prove it is yours...

2nd old man-

q.Kaka how much land did you have in Pachmadhi?

a.5 acres and 8 guntas

q; how much did you get here

a; three acres..

q;how many are you in the family?

a;we were ten but now...oh oh we have children of children so we are 15.. there is land here but land lords arround are not selling at the price the project has to offer and so we are hanging in the middle..how come we were never asked what the price of our land is...it was just taken.

Chief-

a.the collector, mamlatdar,project officers sit on the comittee to acquire land, when these land lords refuse to give it at their price, they just pack up their tables and move away.... its just a show, they dont want to get more land..when we were settled here we were told that a radius of 8 acres arround you we will buy land...now we are a settlement and there is nothing beyond it...our land was purchased for Rs.4500. we have been given 500 acres...for 1000 people it comes to half an acre per person while we lost five to seven acres per family in Pachmadhi..instead of working on our land we are spending time in making petitions, going to Gandhinagar (capital of Gujarat)and spending money on postage...

...people like you will take this film and go away..we'll be still here

q: you should continue to fight.....

a; in the middle of my life I am not interested in fighting for what I had, which was legally mine... I am a farmer and I just want to be with my land and not these dirty politicians...look at them, if I committed a crime, next day I will be in jail... not them...

q; they say lots of people will benefit from this dam....

a; what about our misery for the last 9 years... and when will the benefit come... and to whom?... we know where the canals are going... not to us... what will happen if the water doesnt reach our high lands? who'll we go to then?...what about right now...one canal was taken right thru our land here, three acres were taken away.. no compensation for that too... even our given lands are being treated like this..(this is because the project joined two canals) on top of this our land is divided by this canal..how are we to cross it..they say we'll see.. these three acres will be compensated.. we havent recieved comeensation for 9 years and now this new thing..

another old man-

I had 15 acres...three acres of mine went too.. I was given 20000 Rs. for my 15 acres in Pachmadhi...

q: at what rate?

a: rate? they just gave it, pressed my thumb on a piece of paper and and my family was ent packing here..you are also dumb, asking me the rate I was given!

q; have they given any jobs?

a; yes, on the dam site...lifting stones, making jelly, moving earth... young men and women are there... by the time this is over they will be old.. they dont have a permenant job tho... say ten to twelve days a month...the rest they stay in work camps or settlements..from being landed farmers we will die as labourers...

next interview at a settlement- a peasant in his 40's.

a; I come from Navagam, where the actual opening of the dam was done by Jawaharlal Nehru..in the euforia of his speach, my father donated, our land to the cause of the Narmada dam... so for giving away 9 acres we were compensated by four and so I came here....my father had been given a Rs.100/- as a token per acre--..Jawaharlalji himself personally had told my father-'you will get 4 acres of land, a house and a well' our family at that time was the proudest.. but look arround me, he died,

Indira died now there is Rajiv but I dont have a roof over my head.. somehow the six village group we belong to, Kevadia, Navagam, Vaghadia etc not one family has recieved anything... all this you see is done by us with our own resources.. this four acres we were to get its not there... from my own money I bought this few guntas... not the gov. 4 acres.. thats not even a dream for me.. I have been ~~x~~ here since years..

q; in this sttlement which is your house?

a; ...what saab, I dont have a house, that shed, thats all, open from all sides, open to the heat, rain and dust storms and hardly anything to eat.... thats our land.. this year there was 8 sacks of corn, 10 sacks of toovar and a few sacks of rice... thats all..

q; when your father had the land what did you grow?

a: Bajri, rice, toovar and corn.. we always had surplus that we sold, from that we got utensils, farming equipment and our women got jewelry,

q: hoe come this happened?

a: Its because of the Govt. the biggest cheats, and we were cheated by the leader personally-Jawaharlal Nehru's footsteps were crooked, so were Indira's and now this chchutt Rajiv is even more crooked- Thats the truth.

Jawaharlal Nehru personally made me a landless peasant- he took 60 acres and promised 4 - we fell for it and we have never recovered. It is needless to say my father died knocking his head at the corridors of these Govt. liars.....

q: what about the benefits of the dam?

a; see for your self.... this is the benefit. Its not going to benefit any of our village people, nor our taluk people, and at our cost..

q: why does the govt. do this?

a: because they want to benefit their own kin-Jawaharlal is a thief, so is Indira Gandhi, so is Amarsinh Choudhury (CM Gujarat) this is one other way of getting rid of poverty, take away the water.... yes, take away the water, simple isnt it?.... my elder kaka fought and once got violent with the Mamlatdar... poor man, he was fearless but his fate is worse, he is still in prison since four years...

if India would be blessed by peasants it would be a heaven... now its hell for all-

Int- woman at another rehabilitation site-

- a: I have been here for five years now..it was so much better there, we had plenty of water from the river (Narmada), our animals used to graze in the forest, we had no problem of fire wood..we had no well in our village but the river was so close... then this dam came and we were moved..no no, I was mistaken, its now been 7 years not 5... we were told that the river will turn into a big lake and our village Pachmadhi will submerge.. so we all must move to another place..I dont know what benefit there is to turn a river into a lake (Catchment) .. I am an illiterate woman and I dont understand what the Govt. people say.. al I can tell you now is that my life has become twice as hard.. if I look for fuel I cant make one meal after searching for one whole day...there I used to send my son out just beofre a meal and he would bring enough
- a: man- they had told us if you leave from here whithout making any trouble we will make all the fecilities for you available at the new site... give you land, buil you a house, make wells etc..now it has been more than seven years and there is no water, no pukka house and no one knows what land belongs to whom. The land owners arround here tell us..'just because the government shifted you it doesnt mean we will let them buy our land or let you use the land'..
- q; There are some more people from your village who have been given all fecilities at Sukha Settlement.. water, electricity, houses...why not to this settlement?
- a; The Givt is not stupid, Sukha is a model settlement and so that is shown to tourists and other big May-Baap who come to see no one is ever brought here... no one even knows we exists...when we find a project worker we ask him the same thing and he says.. you all find the land and we'll make plots for you... dont think the Govt is an endless pit of money so we can constantly spend on you all..we are nine families here... we were late and we were not allowed at Sukha..
- q; do your children go to school?
- a; only the big ones go as the school is very far...about 3.5 km... the official says you are all used to walking so let the children walk.. we cant build another school arround here..in Pachmadhi the school was just outside the village..so all these girls you see here..see..they all went to school.. those boys, see..they went to school too..
- woman- our relatives are in other settlements...we dont even meet them, if we go their house or they come here...what will we feed them? On festivals we do go...

we used to dance a lot.. slowly we have stopped this.. I dont have the spirit to dance anymore.. when we meet we only seem to talk about how great it was there and how awful it is here...

q; you were not given bulloks and carts? The newspapers say so?

a: man—the newspapers say so we know that too.. I havent seen a journalist here in five years.. how do they know.. from Govt handouts.. they gave some carts.. we insisted on wooden wheels... new scientists came and said tyres are better.. in this rocky land we are blowing tyres everyday.. look look at that cart... looks new.. look at those wheels... flat not only is new and arid land imposed on us.. even arid technology... I would like to give one of those scientists out atta chakki and take that machine he has from his wife... let him use my technology and see what happens to him ..(everyone laughs) (That machine=mixie) a wooden ~~ear~~wheel cart is cheaper.. there is hardly any mentainance and ideal for this land..

q; who found this land for you?

a; the project people... the patidars and Patels here ofcourse sold them land which they didnt want.. you see Patels and Patidars are educated.. not like us.. now here there is labour to work for.. we cant even work as agriculture labourers.. so many have gone back to the Dam site to work there..

ADIVASI-

a; all the people you spoke to had land once.. we never had land.. the forest was our land.. now here too we are left outside the settlement.. we are treated worse than animals.. sarkar has stolen our land our roti.. I think it is on purpose.. they do not want adivasees.. we have nothing to claim.. that suits them.. forty years after indipendance we dont have water to drink... those chaps they have water to wash their asses after shit.. we dont have water to drink.. in our land they have build houses for adhikaris, .. they have tapped water from our streams and lakes.. now our women line up outside their bathrooms to collect water that leaks.. our women sit outside their bathroom till the sethani has a bath and hope that her tap leaks more than others... and those sethanis scream at us to go away.. all we understand is that the law of the forest was JUST, the law of the Govt. is UNJUST-

some non govt. leaders are helping us fight- now the fight is no longer for our land and houses... it is because we want to EAT and Drink water. Thats all... go away from here, the fight is only to be able to eat and drink-

Copy to
Sundar.

E

The Sun of India, Bombay, August 20, 1992

'Narmada ecology won't suffer'

SURAT, August 19 (PTI): The Union minister for environment and forests, Mr Kamal Nath, has said that there is "no specific observation made by the Morse commission that could stop the construction of the on-going multi-purpose narmada project".

Speaking at the inaugural function of two industrial effluent plants at Bulsar in south Gujarat yesterday, he said the state government, on its part, is serious about maintaining the ecological balance at the dam site.

The Gujarat chief minister, Mr Chimanbhai Patel, said the scheme of setting up effluent treatment plants by any big industry in the state would invite a financial share of 20 per cent each from the Centre and state while 40 per cent would be given as loan and 20 per cent would be borne by the industry itself. The Rs 15-crore plants have been set up in collaboration with France and Holland.

An afforestation drive to plant about 32 crore trees in the state was taken up by the people including farmers and students, under the social forestry scheme this year, he said.

TOINS reporting from Ahmedabad states: The Union government will support the Narmada project which is one of the major developmental projects in the country. Giving this assurance, Mr Kamal Nath, said the Centre would if need be take up the matter with the World Bank.

Addressing a function at Hansul on the outskirts of the city after inaugurating a massive plantation of 40,000 saplings at Shaheed Smruti yesterday, he asserted that Narmada is a lifeline not only for Gujarat but for other states as well and on completion, the project would usher in economic prosperity.

DECCAN HERALD, Wednesday, July 15, 1992

Environmental tribunal to be set up

NEW DELHI, July 14. (UNI) — A proposal to set up a national environment tribunal to provide strict liability for damages arising out of any accident involving hazardous substances and also to provide for compensation and interim relief to the affected person is under the consideration of government.

This was stated by Environment Minister, Kamal Nath in the Lok Sabha today.

The Government has decided to constitute "Paryavaran Vahinis" to create environmental awareness and control pollution and environmental degradation and preserve forests and wild life through the involvement of non-governmental organisations and individuals, particularly the students and the youth, Mr. Kamal Nath said.

E2-12

DECCAN HERALD, Tuesday, August 4, 1992 7

Review of Sardar Sarovar ruled out

NEW DELHI, Aug. 3. (PTI) —

The Government does not propose to review the Sardar Sarovar Project on the Narmada in view of the findings of the Morse Commission Report, the Lok Sabha was informed today.

Water Resources Minister, Vidya Charan Shukla, told Mr. Rabi Ray that the Narmada Control Authority is required to ensure the implementation of environmental safeguards pari-passu with the construction of the Sardar Sarovar project.

In the report, the Morse review team had commented on the issues associated with the resettlement and rehabilitation of persons affected by the project and on some of the inadequacies in the studies associated with the environmental issues including backwater effects.

JUNE 22, 1992

Indian Express 11

Narmada projects to go ahead as planned

WASHINGTON — Dr M A Chitla, India's Secretary for Water Resources and Chairman of the Narmada Control Authority said here on Saturday that the Narmada projects would proceed as planned and on schedule unaffected by the US report of the independent review headed by Bradford Morse.

He said that Morse's views on specific issues would be considered on merits and in detail by the control authority but India will continue the "pari passu" approach, namely keep to the work schedule while dealing with any problems simultaneously.

He and India's Executive Director J S Baijal pointed out that World Bank President Lewis Preston had declared categorically after the release of the Morse review that "continued bank support for the Narmada projects is justified". They expected no problems with the bank.

• PTI

Activists discuss Morse report on SSP

By A Staff Reporter

NEW DELHI, August 2.

LEADING environmentalists, social scientists and activists discussed the Morse committee's independent review of the Sardar Sarovar Projects (SSP), here yesterday.

The committee, commissioned by the World Bank (WB) to review rehabilitation and environmental aspects of the controversial mega project, says the WB must stop the ongoing construction and "take a step back", because "issues of the human and environmental impact of the project" have so far been ignored.

The discussions were part of a two-day national convention on the rationale behind big dams. It was organised by the Narmada Bachao Andolan (NBA), a national network of opponents of SSP and other big dams.

Mr. Rajni Kothari, social scientist, linked the discussions to the emerging global search for development alternatives. He said the concept of a nation-state was gone and the age of multinationals and unipolar world order was here to stay. This threatens our sovereignty, he said.

Ms. Medha Patkar, NBA leader, echoed this. She said decisions about India and its people were

being taken by outside agencies in foreign countries.

Swami Agnivesh of the Bandhua Mukti Morcha said the non-Congress parties are silent on the Morse committee's report (released in June) though they have flayed the government for accepting the structural adjustment package of economic policies from the International Monetary Fund (IMF).

A WASHOUT: Mr. Shivaji Rao, president, National Forum for Environmental Concerns, said the Morse committee is silent on safety aspects of SSP and their implications. He said the environment ministry has been ignoring their plea for the preparation of a disaster management plan "because the SSP is a washout from the start."

The convention will finalise a strategy to intensify NBA's struggle in the wake of the Morse report. It will send a statement to Mr. Lewis T. Preston, the World Bank president, to comply with the Morse report. And an appeal to the Prime Minister, Mr. P.V. Narasimha Rao, to invest in "environment enhancing alternatives" rather than in large and medium projects.

A national policy on development projects, displacement and developmental resettlement,

prepared by human rights activists, lawyers, social scientists and environmentalists, was also released yesterday.

The Morse report says clearly: "We think the SSP, as they stand are flawed, that resettlement and rehabilitation of all those displaced by the projects is not possible under prevailing circumstances, and the environmental impacts of the projects have not been properly considered or adequately addressed. Moreover, we believe that the Bank shares responsibility with the borrower for the situation that has developed."

DAM EFFECTS: The SSP intend to bring drinking water to Kutch and other drought-prone regions of Gujarat, irrigate its vast areas. Plus irrigate two districts of Rajasthan. The Sardar Sarovar dam, under construction on the Narmada River, will submerge 37,000 hectares of land in Gujarat, Maharashtra and Madhya Pradesh, says the report. Submergence will affect "at least one lakh persons in 245 villages....In addition, 1.40 lakh farmers are likely to be affected by the canal and irrigation system. Finally, there are the people living downstream, below the dam, numbering thousands more, whose lives will be significantly affected."

The report advocates more analytical studies: "Lack of data meant the Bank was not able, in the early 1980s, to appraise the projects properly....Ecological realities must be acknowledged and unless a project can be carried out in accordance with existing norms of human rights — norms espoused and endorsed by the Bank and many borrower countries — the project ought not to proceed."

The report also advocates peoples' participation: "There is need to consider Sardar Sarovar in the social and environmental context of the Narmada valley as a whole, to consult, inform and involve the people affected by the projects throughout the Narmada valley, those affected in the command area, and those living downstream.

The opposition, especially in the submergence area, has ripened into hostility. So long as this hostility endures, progress will be impossible except as a result of unacceptable means.

"A means must be found to rebuild confidence, to demonstrate goodwill and to send out an unambiguous message that the Bank continues to be committed to its principles and its policies."

ER-13

NATION/WORLD

WB team coming: Narmada

WASHINGTON, June 23 (PTI).

THE World Bank vice-president, Mr Joseph Wood, has reiterated the bank's support for the Narmada Projects and said that its team would visit India next month to discuss measures to ensure that the pace of construction did not come in the way of appropriate rehabilitation.

He also said that in the proposed loans the bank planned to give for the projects, there would be some money for rehabilitation purposes as well.

Mr Wood reported to the executive board today on the independent review on Narmada by Bradford Morse and the steps the bank was taking to ensure that the rehabilitation aspect and environmental issues were taken care of.

However, he made it clear that the alleged human rights issues against the policy raised by the review and by Asia Watch were for the Government of India to deal with, not for the bank.

Mr Wood said that the resettlement of the oustees need not slow down the projects at all. He noted that it was the intention of both the Government of India and the state governments to see that the environmental and resettlement aspects were handled properly.

Where there were shortcomings, these would be handled, he added.

A bank statement put the total cost of the Narmada projects at about three billion dollars. The World Bank has lent India 450 million dollars, about 15 per cent of the total cost.

So far, 230 million dollars have been disbursed. About 200 million dollars of the loan for the dam remains to be disbursed but nearly all of the credit for the canal has already been drawn down.

Mr Wood said that he expected two follow-on projects. "One has to do with the expansion of the irrigation canal and, in relation to that project, we will be addressing some of the problems which remain to be dealt with at the first stage of the canal development.

"The other project will deal with such things as afforestation, watershed protection, additional measures relating to environmental studies and some village infrastructure which will help with the rehabilitation, not so much with resettlement, helping people get to a higher standard of living.

"Yes, we are prepared to provide additional support to the government's concern to make sure that the environmental and resettlement aspects are handled satisfactorily, Mr Wood told the board.

The bank gave correspondents at a briefing a gist of its approach to the independent review report on the Narmada which was being conveyed to the executive board. It said among other things:

The Morse Commission provided a draft of its report to the bank for management's comments several weeks prior to the final release of the document. About two weeks before the release, the commission provided a draft of its findings and recommendations. The final version of the report was the sole responsibility of its authors. The report was not cleared by the World Bank.

"On resettlement and rehabilitation (R and R), the bank management agrees with the description of the R and R situation in each of the three states and with the report's conclusions about the shortcomings in the preparation and appraisal of the project's R and R aspects.

"We also agree that work should have been done earlier on the issue of people affected by the canal in Gujarat. However, we do not share the view that resettlement would be virtually impossible even if Maharashtra and Madhya Pradesh adopted the liberal resettlement package provided for displaced people by the state of Gujarat.

STATEMENT ON THE MORSE REPORT.

- [1] Sardar Sarovar Project, under construction at Nawagaom in Gujarat on the Narmada river has been at the centre of controversy for many years now whether it is regarding rehabilitation of lakhs of outsees of three states of Gujarat, Maharashtra and Madhya Pradesh, the financial viability and cost benefit analysis, environmental destruction or even the benefits of the project towards solving the prone areas of Gujarat. Very serious questions have been raised by the critics of the project consistently. In absence of plausible answers and decisive processes, the credibility of all institutions concerned with the implementation of the project had become doubtful. Unable to withstand the pressure on its public accountability and questions on the just and sustainable soil and water management policies, the World Bank had to take an unprecedented step of instituting an independent review of Resettlement & Rehabilitation and environmental aspects of the projects. After ten months of exhaustive review, in which all parties whole heartedly participated, the report of the independent review was made public on June 18, '92.
- [2] We believe that the team review headed by Mr. Bradford Morse functioned in an independent manner and did a detailed analysis of all these aspects. It met and discussed with all the people and parties involved with the controversy.
- [3] Its findings are unambiguous, and we are greatly concerned with their implications. The report has concluded that the project (SSP) is fundamentally flawed, that R&R is impossible in present circumstances and that environment issues have not been addressed. We are greatly disturbed by these findings.
- [4] Of equal concern to us are however, the findings of the team concluding that the Sardar Sarovar Project will not perform as expected, that there are no plans for the domestic water supply (drinking water) and that serious problems are likely to arise in the command areas leading to large scale water logging and soil salinisation. The facts regarding the command area and hydrology outlined in the report clearly indicate that tail ends of the canal-Sausrashtra, Kutch, N.Gujarat will not get water. These bring into question the very benefits of the project.
- [5] We feel that the time has come for all the parties involved to rise above their narrow interests and respond open mindedly to the issues raised by the Morse Committee and other people who have been questioning the projects.
- [6] In particular, we urge the Government of India and the three states of M.P., Gujarat and Maharashtra to (a) call an immediate halt to the constructions of the dam. (b) Initiate comprehensive studies for the alternatives or rather true solutions of water problem of the scarcity hit areas of Gujarat esp. Sausrashtra, Kutch, N.Gujarat and others. (c) Initiate comprehensive studies for the Narmada basin planning as whole from the smallest watershed.
- [7] From the World Bank, we expect that it shall accept the recommendations of the report in toto, and step out of the projects, leaving the future in the hands of the people of India. We also urge that Bank re-examine its land and water management strategies that it is promoting and implementing through its projects all over the world.

ER-16

UPDATE

Damned against the dams

As the controversy over the Narmada dams reaches flashpoint, HARINI SWAMY reviews the troubled history of the project

THE Narmada project controversy has snowballed into a fierce confrontation, with thousands of protestors on either side of the Gujarat-Madhya Pradesh border stirring themselves up with battle songs and slogans, and the tension running high. This latest chapter in the Narmada saga was precipitated by Baba Amte's decision to march from Madhya Pradesh, where he had been staking out on the banks of the Narmada since March last year, to the Sardar Sarovar (SS) dam site across the border, in Gujarat.

As is commonly known, SS, 460 feet high, with a projected investment of over Rs 11,000 crores, is the biggest of the almost 3,200 small, medium and large dams planned as part of the project. It is also the one on which work is progressing the fastest.

Upon completion, it is expected to provide drinking water, irrigation and power facilities to large tracts of drought-prone north Gujarat, and at least potable water to some arid pockets of Saurashtra and Kutch.

Also while Gujarat, along with Madhya Pradesh and small parts of Rajasthan and Maharashtra, are expected to benefit from the scheme, which includes the Narmada (Indira) Sagar (NS), Omkareshwar and Maheshwar dams in MP, the major burden of submergence will be borne by MP. A good part of the roughly 1,45,000 hectares to be submerged by the dams is forest, and 47 per cent of the estimated 3,00,000 oustees are tribals, most of them from Madhya Pradesh. This explains why they have ranged themselves behind Baba Amte, Medha Patkar and the other anti-dam marchers.

International environmental agencies are also pressuring the World Bank (which has so far

given Rs 4,500 crores) to stop its contributions if the project plans aren't modified.

On the other side are the local politicians and most bureaucrats. And those who feel, in all cin-

cerity, that at a certain stage of a country's development, such projects are necessary, and that the West can afford to move away from them now — since its water and electricity needs have already

been met.

The government has dreamt of this project since 1947, when Sardar Vallabhbhai Patel first mooted the idea. Pandit Nehru laid the SS foundation stone in 1961. But a disagreement between the four participating states over storing the water delayed matters for 10 years — until 1979.

After that, the World Bank offered a loan, provided certain liberal rehabilitation programmes were agreed upon. A cost-benefit analysis was ordered, and the government was all set to go when the Forest Conservation Act, 1980, was passed, requiring special clearance for diversion of forest land. Even that came through, but surprisingly, the

ministry of environment and forests declared that it felt that the project's impacts had not been studied adequately. After much lobbying, this report was bypassed, and in late 1988, Rajiv Gandhi cleared SS in a hurried pre-election move. Work on SS had started in October 1987.

By this time, the greens had become a force to reckon with. Many of them felt the size of the project was unwarranted, considering its high costs and the harm it would cause to forests and wildlife.

The Gujarat government further liberalised its rehabilitation but declared all the other charges unfounded. Some of its reactions to the protestors, like issuing threats of dismissal from government-granted posts, further exasperated the activists.

In the present confrontation, several issues have become clouded. But what is clear is that the Gujarat government, which has already spent around Rs 600 crores on the dam, is not about to stop now.

Crossed currents

FOR

Sanat Mehta:

A prominent labour leader, Mehta is a high-profile politician respected even by his adversaries for his administrative acumen.

As a Praja Socialist Party leader, he offered *satyagraha* on the Daman border against the Portuguese regime. He rose fast up the political ladder once he joined the Congress (R), after the split in the Congress. He made his mark as civil supplies minister in the Ghanshyam Oza ministry and finance minister in the Madhavsingh Solanki ministry.

As chairman of the Sardar Sarovar Narmada Nigam Ltd, Mehta fought a prolonged battle with environmentalists, and also got the green signal from the World Bank for the controversial project. He not only successfully implemented the Narmada deposit scheme, but also mooted the idea of issuing Narmada bonds. He resigned as chairman in December 1989.

Babubhai Jashbhai Patel:

At 80, Babubhai Patel, now the minister for Narmada development, is remarkably active, and fighting for a cause dear to his heart. A freedom fighter, Patel has had a long political career, having been a member of the bilingual Bombay assembly, and

later having held several different portfolios, as a minister. He was chief minister of Gujarat in 1975-76 and again in 1977-78.

As chief minister, he strongly favoured the atomic power station at Kakrapar, but once out of office, he offered *satyagraha* along with environmentalists, against the project. He was with Baba Amte during his *Bharat jodo yatra*, but now he has turned the Baba's foe.

Chunibhai Vaidya:

Popularly known as Chunikaka, Chunibhai Vaidya is a veteran Sarvodaya leader of Gujarat engaged in constructive activities. A close associate of Gandhiji, Chunikaka was the moving spirit behind the stoppage of work on the Sipu irrigation scheme to protect the riparian rights of farmers in Banaskantha district.

Like his colleague in the Lok Swaraj Manch, the Narmada development minister, Babubhai J. Patel, Chunikaka is also a bundle of contradictions. On the one hand, he stopped the work on the Sipu scheme but on the other hand, he joined hands with Patel and others to oppose Baba Amte and other anti-Narmada project environmentalists.

Jagdish S. Jhaveri:

An engineer turned-businessman, the dashing Jhaveri, who is the president of the Gu-



Anti Narmada activists led by Baba Amte cross into Gujarat with hands tied to symbolise non-violence

AGAINST

Rajni Kothari:

Kothari, a former member of the Planning Commission, has been a critic of the country's development model for a long time. His strong criticism of big dams, despite his being a Gujarati, has earned him and his sons—Ashish and Smitu—who are at the forefront of the agitation, the wrath of his state. As a member of the Planning Commission in the previous government, he fought both the Tehri and Narmada dams.

An activist of the People's Union for Civil Liberties (PUCI), he is also a member of "Lokayan" which is concerned with human environmental protection. He was the recipient of the Right Livelihood Award or the "alternative Nobel" in 1985.

jarat Chamber of Commerce and Industry, has plunged deep into the pro-Narmada movement. He is also heading the newly formed Narmada Foundation Trust, which has the ambitious target of collecting Rs 3 crores by way of donations, to launch campaigns at the national and international levels, in favour of the project.

Harivallabh Parikh:

A known Sarvodaya worker, he has devoted his life to the betterment of the adivasis.

Bhai, as he is known among adivasis, has been able to solve thousands of disputes, over issues ranging from land tenure to marital and social problems of the adivasis through Lok Adalats.

But as the years passed by, he lost the love and affection of adivasis, and he is no more as popular among them as he once was, because he has turned a politician.

Kothari accuses the Gujarat government of blackmailing the Centre. He believes the Sardar Sarovar has eaten into schemes of rural development, electrification and education. While the anti-dam lobby is accused of having the foreign hand behind it, it is the Gujarat government that is going with a begging bowl—seeking aid from Japan, Germany and the World Bank, he says.

Swami Agnivesh:

Born in Andhra Pradesh, and educated in West Bengal, Swami Agnivesh began his career working with the Arya Samaj in Haryana. His inspiration was Gandhiji's ideology of service that would benefit the lowliest and the poorest. The Swami's career of social work began with the stone quarry and brick kiln workers.

He formed the Bandhwa Mukti Morcha and in the heydays of the Janata Party, was Haryana's education minister. He has opposed the plan for a Disneyland in Haryana on the grounds that it would disrupt the economy of small farmers of the area and disturb the ecology.

The displacement caused by the Sardar Sarovar and Narmada Sagar dams, Swami Agnivesh says, will reduce another lakh people to bonded labour. If the Swami is against the dams, it is because of the callousness and apathy towards the tribals and the poor living in the submergence areas of the dams.

The system encouraged extremism, says Agnivesh. "We want the dams reviewed — we want the government to sit down and talk to people whose lands will be submerged."

B. D. Sharma:

Sharma, the commissioner for scheduled castes and scheduled tribes, who has emerged as a new leader for the *Narmada bachao andolan*, was a collector in the Bastar district of Madhya Pradesh in 1968 where he witnessed the marginalisation of tribals. When he raised his voice against the injustice done to them, he was transferred.

After a six-year tenure as joint secretary in the Centre, he went back as a secretary of the Madhya Pradesh government, and again got into controversy. This time it was over a World Bank pine project for the tribal areas that he resisted. He has determined not to allow a single foreign penny to come into the tribal areas.

While the *andolan* has moved into Gujarat to physically stop the construction of the dam, Sharma, along with several hundred tribals, has been trying to open up new channels of communication with the Centre, over the last 10 days. He has been interacting with the government but beyond a point, the government refuses to move, he says.

—USHA RAI and ASRAF SAYED

ENVIRONMENT
NARMADA

E2-17

6 THE HINDU, Sunday, June 21, 1992.

India to go ahead with Narmada project

From R. Chakrapani

WASHINGTON, June 20.

India is preparing a paper rebutting the conclusions of the independent review commission on the Narmada projects to apprise members of the Aid-India Consortium of the facts and the measures taken by the Government to resettle displaced persons in comfort in their new habitats by compensating them adequately.

The Secretary of the Union Ministry of Irrigation and Power, Mr. M. A. Chitale, who is here for discussions with World Bank officials, will proceed to Paris to be present during the meeting of the consortium next week. The consortium will discuss the quantum of multilateral and bilateral aid to India for the fiscal year 1993. Members are certain to ask questions about some of the findings of the Bradford Morse Commission report recommending to the World Bank and the Government of India that the "step back" from further implementation of the project until more studies are made about environmental and resettlement aspects of one of the largest irrigation and hydro-electric projects in the world. (Mr. Morse is the former administrator of the United Nations Development Fund).

Mr. Chitale has been meeting the World Bank officials in the India division. He conferred with India's executive director on the bank's executive board, Mr. J. S. Bajjal, who will also be in Paris for the consortium meeting.

Mr. Chitale, in a chat with correspondents, used a mild language to express India's disagreement with the conclusions of the World Bank-funded commission. "They have given their perceptions with which we do not agree," he said. The project was proceeding satisfactorily and there was no question of stepping back or halting it. He conceded that the commission had made some valid points which would be taken into account in the further stages of implementation.

This was not the first major river valley project India was handling. He pointed to the expertise gained by his department in handling the Nagarjunasagar, Bhakra Nangal and Hirakud projects. All these had problems similar to those faced by the Narmada project and they would be handled on the basis of experience.

Further, in the case of the Sardar Sarovar project, the Supreme Court had stated the top dam on the Narmada would benefit the whole country

UPDATE

Narmada—Can the Greens win?

The Narmada uprising which has snowballed into a fight with Baba Amte's latest decision to march to the dam site, has spread far beyond the boundaries of the affected states, says

Harini Swamy



THE Narmada Project controversy has snowballed into a fierce confrontation, with thousands of protesters on either side of the Gujarat-Madhya Pradesh border stirring themselves up with battle-songs and slogans, and the tension running high.

This latest chapter in the Narmada saga was precipitated by Baba Amte's decision to march from Madhya Pradesh, where he had been staying out on the banks of the Narmada since March last year, to the Sardar Sarovar (SS) dam site across the border, in Gujarat.

As is commonly known, SS, 460 feet high, with a projected investment of over Rs 11,000 crore, is the biggest of the almost 3,200 small, medium and large dams planned as part of the project. It is also the one on which work is progressing fastest.

Upon completion, it is expected to provide drinking water, irrigation and power facilities to large tracts of drought-prone north Gujarat, as well as at least potable water to some arid pockets of Saurashtra and Kachchh. No wonder the Kachchhis and the rich farmers of the north, who consider this project their state's lifeline, are prepared to defend it with their lives.

Also, while Gujarat, along with Madhya Pradesh (MP) and small parts of Rajasthan and Maharashtra are expected to benefit from the scheme, which includes the Narmada (Indira) Sagar (NS), Omkareshwar and Maheshwar dams in MP, the major burden of submergence will be borne by MP. A good part of the roughly 1,45,000 hectares to be submerged by the dams is forest, and the dispute has spread far beyond the boundaries of the affected states. Because of the many areas of human life that will

be affected by it, activists of many divergent camps have approached the human and environmental aspects of the issue.

International environmental agencies have also indicated their support, and are pressuring the World Bank (which has so far given Rs 4,500 crore) to stop its contributions if the project plans aren't modified.

On the other side are the local politicians and most bureaucrats, and those who feel, in all sincerity, that at a certain stage of a country's development, such projects are necessary, and that the West can afford to move away from them now — since its water and electricity needs have already been met. Mr B.D. Gupta, the commissioner for Scheduled Castes and Scheduled Tribes, who sympathises with the oustees, is acting as an unofficial mediator.

The government has dreamt of this project since 1947, when Sardar Vallabhbhai Patel first mooted the idea. Pandit Nehru laid the SS foundation stone in 1961.

After that, the World Bank offered a loan, provided certain liberal rehabilitation programmes were agreed upon. A cost-benefit analysis was ordered, and the government was all set to go when the Forest Conservation Act, 1980, was passed, requiring special clearance for diversion of forest land.

Even that came through, but surprisingly, the ministry of environment and forests declared that it felt that the project's impact had not been studied adequately. After much lobbying, this report was bypassed, and in late 1988, Mr Rajiv Gandhi cleared SS in a hurried pre-election move.



Baba Amte committed to care

SECOND IMPRESSION

M.P. not dogmatic on Narmada

DESPITE its apparently tough stand in favour of the controversial Narmada projects, the Madhya Pradesh Government is not dogmatic about sticking to the presently stipulated heights of the Indira Sagar and Sardar Sarovar dams. It is not averse to their reduction provided Gujarat is persuaded by the Central Government or any other agency to agree to it, according to the M.P. Minister for Irrigation and Narmada Projects, Mr. Shitla Sahai, a senior member of the Patwa Cabinet and the ruling BJP.

In an interview he disclosed that soon after coming to power the BJP Government of Madhya Pradesh made an earnest attempt to get the heights of the dams lowered and requested the Government of India in April 1990 to hold discussions with the four States concerned (Gujarat, Maharashtra, Rajasthan besides M.P.). But Gujarat was not prepared for any change in the heights of the dams. So, according to him, Madhya Pradesh has no choice but to fall in line in order to safeguard its interests in terms of the Award of the Narmada Water Dispute Tribunal (NWDT) which is legally binding and has decreed that if 18 MAF waters are not utilised within 45 years — (now reduced to less than 35 years because of the delay in implementation) — the M.P. State would lose all control over the waters of Narmada, its life line.

Even at this stage, Mr. Sahai said, Parliament can pass an amendment to the relevant Act in favour of a review to get the heights of the dams lowered in the light of the changed circumstances, despite the rigid stand of the Gujarat Government. But it is for the Central Government to act and persuade its own party Government now ruling Gujarat as well. He virtually endorsed the views of the Congress Opposition Leader and former Chief Minister, Mr. Shyam Charan Shukla, who has repeatedly called for reduction of the height of the Sardar Sarovar dam from 455 feet to 410 feet, so as to minimise the massive displacement and hardships of the people as also the environmental hazards.

Mr. Shukla has offered unstinted support to the BJP Government if it makes a serious move in this regard. Mr. Sahai for his part chides the previous Congress regimes, in-

cluding those of Mr. Shukla who was thrice Chief Minister, for doing nothing in the past decade and half. He wants the initiative to come from the Governments of India, Gujarat and Maharashtra which are all under the Congress party. Rajasthan under BJP rule will readily agree as its interests, like those of Maharashtra, are only "peripheral" in the Narmada schemes. (Mr. Shukla conceded recently that not much could be done in the past because of difference of opinion on the issue in the Congress party itself but he urged that the process of damage must be halted before it became irreversible).

The Narmada Minister Mr. Sahai asserts that the relief and rehabilitation scheme drawn up by the Madhya Pradesh Government is "the best in the country." It is the most comprehensive and offers liberal terms even to "encroachers" on par with others. The Government, he says, is determined to implement it fully and firmly. To achieve this goal under the present administrative severe limitations and shortcomings would be little short of a "miracle," he agrees. "But we are committed to work out this miracle," he affirms. He dismissed the adverse report of Morse Commission set up by the World Bank as biased and unfair.

The Narmada, originating in the Amarkantak range near Jabalpur in Eastern Madhya Pradesh, is the fifth largest river of the country, running 1312 kilometres, draining a basin of 98,800 square kilometres, mostly in M.P., marginally in Gujarat and sparsely in Maharashtra. The river has more waters than those of Beas, Ravi and Sutlej put together. The planning of the Narmada valley development began in the fifties but got bogged down in water sharing dispute between Madhya Pradesh and Gujarat. It was referred to a Tribunal for adjudication in 1969. Its Award came after ten long years — in 1979 — and became the law. With two-thirds of the waters allocated to it under the NWDT Award, Madhya Pradesh has conceived a grandiose scheme which envisages, in the course of next few decades, 29 major projects, 135 medium scale dams and 3,000 minor works. The waters of the Narmada would be re-allocated if not utilised by M.P. in 45 years as stipulated in the Award.

The Narmada Sagar Reservoir near Khandwa (also-known as Indira Sagar), if and when completed, would be the biggest reservoir in India and would change the face of backward Madhya Pradesh.

Mr. Sahai admits that it is a stupendous task, "a big challenge and costly adventure" with severe financial and administrative constraints. However once the process takes off, funds for further progress would be found through sale of electricity generated, he feels. In any case the giant projects would be executed with or without World Bank aid. (According to latest reports, the world bank itself is under tremendous pressure from European parliament and other international agencies to "step back" from its aid commitments even while the Narmada Control Authority (NCA) plans to lodge a formal protest against the Morse Commission report).

Some facts and figures:

When and where is the "first" submergence scheduled to begin:

Jalsindhi with 45 families in M.P. on Maharashtra border in 1994 as a result of the Sardar Sarovar project in Gujarat.

(According to reports, the cost of all the projects has increased from Rs. 11,000 crores to Rs. 22,000 crores since 1989. That is doubled in four years).

Projects taken in hand under the Narmada Valley Development Authority (NVDA) in Madhya Pradesh (with costs). Expected to be completed in the 8th, 9th and 10th Plans.

- (i) Narmada Sagar (also known as Indira Sagar) — Rs. 2167.67 crores.
 - (ii) Onkareshwar — Rs. 788.03 crores.
 - (iii) Maheshwar — Rs. 465.63 crores.
 - (iv) Sardar Sarovar — Rs. 828.80 crores (M.P.'s share).
 - (v) Bargi Diversion — Rs. 1,005.65 crores.
 - (vi) Maan — Rs. 44.10 crores.
 - (vii) Jobat — Rs. 30.75 crores.
- Total — Rs. 5,330.62 crores.

Size of the 8th Plan of Madhya Pradesh (92-97) — Rs. 15,000 crores.

Annual Plan of Madhya Pradesh (92-93) — Rs. 2,400 crores.

Total Plan Budget provision for 92-93 (whole State) — Rs. 2,991 crores.

Allocation for NVDA projects in the 8th Plan — Rs. 1526 crores.

Budget Allocation for NVDA projects in 92-93 — Rs. 310 crores.

Project costs will be revised every five years. Doubling of project cost assumed appears to be sheer speculation.

It is incorrect to say that the progress of the Narmada Sagar project has been held up for want of finance. The clearance of the project was accorded as follows: Environment clearance was accorded in April 1987, forest clearance in October 1987, Planning Commission clearance in September 1989. Some time was required for completing preliminary works and fixing agencies for the dam and the power house. Now the agency for the dam and power house has entered the project site.

Since the World Bank (WB) aid covers only 20 per cent of the cost the lion's share of burden has to be borne by the State itself. The question before us was whether development of Narmada water resources should be delayed while waiting for the WB assistance or it should be pushed ahead without it. The circumstances had reached a stage any further delay would have marred the prospects of the State. A decision was therefore taken to proceed without waiting for WB aid. The WB has (inter alia) put a condition that it would consider the Narmada Sagar project if the rehabilitation under Sardar Sarovar proceeds in a satisfactory way. It was felt that such a condition was artificial and had no connection with Narmada Sagar. Therefore it would be incorrect to say that the decision of the present Government to proceed with the project is a fraud with the people.

V. T. Joshi

Special Correspondent in Bhopal

08-11

Narmada project: From discord to disaster

PERHAPS the most obnoxious feature of the confrontation over the Narmada in evidence today is the increasingly belligerent tone adopted by the Gujarat government in dealing with the activists of the anti-dam Narmada Bachao Andolan. Not satisfied with physically intimidating them, Mr Chimanbhai Patel has now branded the activists foreign-funded malcontents.

Coming as it does from a senior politician, this intemperance is distressing enough — notwithstanding the faults, shortcomings and tactical mistakes of the NBA activists. What makes it grotesque is that Mr Patel himself desperately wants foreign funds for the Sardar Sarovar project. Indeed the project cannot possibly have any future in the absence of foreign funding.

Therein lies a contradiction. But it is not the only one. As I shall try to show below, the greatest contradiction is that the very project — Sardar Sarovar — which the vocal majority of Gujaratis consider as their route to a bright, modern, prosperous future, is liable, if completed, to become the economic undoing of that state. It is likely to spell ruin for Gujarat's finances, or alternatively, make agriculture itself unviable in the cultivable command area of the planned reservoir.

This is what gives the present confrontation its truly tragic character. The pro-dam agitators have the backing of the state and of powerful business and farmers' interests. They are, besides, convinced that Sardar Sarovar is for Gujarat what Bhakra-Nangal was for Punjab — indeed that the Sarovar represents a redemption of Gujarat's violated honour.

The anti-dam activists are equally convinced that they are right. They have a formidable case in respect of rehabilitation of those who will be uprooted by the projects. They also command tremendous moral force as personified by Mr Baba Amte. Dr B.D. Sharma and by some others. But they have little support within Gujarat and cannot claim to represent the perceived interests of any of its people.

This anomaly may well be an indication of the shape of the contentions to come on a series of environmental issues in the country, especially where there is war-like hostility and antagonism between the opposing sides, and where the agitators' appeal to the local population remains limited. This should underscore the need to create a mechanism for conflict resolution.

To return to the entire Narmada valley development project — a conglomerate of 30 major, 135 medium and 3,000 minor dams on the Narmada and its tributaries, to be built at an estimated cost of Rs 30,000 crore or more — there are at least four incongruities or imbalances which deserve

The Narmada project is not only questionable on ecological grounds, it is actually a prescription for economic bankruptcy too, holds Praful Bidwai.

special discussion here. First and foremost, there is a major imbalance between the Gujarat and M.P. sides of the scheme.

Narmada Sagar, to be located in M.P.'s Khandwa district, is in some ways the precursor to Sardar Sarovar. It is to cost upwards of Rs 2,000 crore (at 1989 prices, excluding the environmental costs of forest submergence) and when completed irrigate 1.23 lakh hectares, install 1,000 mg of power generation capacity (with firm power of 140 to 256mw), and meet some domestic and industrial water needs, besides provide water to Sardar Sarovar now under construction in Gujarat.

There is such a narrow gap between the area to be submerged — over 91,000 ha — and the irrigation potential — 1.23 lakh ha — and so low is the power generation target, that the NSP cannot possibly be justified except because it would supply 835 million cubic metres of water a month to the SSP. M.P. therefore has only a marginal stake in the project's benefits but is expected to commit massive resources against public opposition and grass-roots resistance to it. This is wholly unrealistic.

Secondly, the SSP is nothing if not a huge white elephant. It is estimated at 1987-88 prices to cost about Rs 11,150 crore (excluding the cost of forest submergence) and irrigate 18.7 lakh hectares, as well as generate 1,450 mws of power (installed capacity) while submerging 39,000 ha of land, including nearly 14,000 ha of forests, and a total of 237 villages. Although Gandhinagar claims that the SSP is the only hope for drought-prone Saurashtra and Kutch, disaggregated data show that the project will exclude four-fifths of the talukas of Saurashtra, and provide only minimal quantities or no water to about two-thirds of drought-prone pockets of the state as a whole.

The benefit: Cost ratio of the project has been estimated by a consultancy firm appointed by the Sardar Sarovar Nigam itself at 1.12:1. This is well below the norm of 1.5:1. Some others estimate the ratio to be even lower.

There is no way that Gujarat can raise the Rs 11,150 crore — a sum larger than the state's entire proposed Eighth Plan, almost double the size of the last plan; or about 40 per cent of the Eighth Plan's total outlay on irrigation for the whole country. The World Bank has pledged no more than Rs 700 crore (and that too at 10.75 per cent). The proposal to borrow from the market is

fraught with high interest costs or with a heavy burden on the exchequer by way of tax exemptions. And only the romantic can persuade themselves to believe that Gujarati-speaking NRIs will, despite their numbers and prosperity, contribute to the project unless offered competitive rates of interest or other incentives.

ALL these spell higher financing costs. Including interest during construction. However, even assuming — favourably for the project — that the interest is nil, that there is no cost escalation, and that the power generation capacity costs about the same as that for coal-burning thermal stations, the cost of irrigating a hectare of land works out to be Rs 50,000 to Rs 60,000 depending on how the remaining, drinking water component is costed.

The interest and depreciation on a capital cost of Rs 50,000/ha will, at the very least, be Rs 8,000 to 10,000/ha. This is the

The cost of the project in human terms, because of the inability to relocate the oustees, is not just unacceptable, it is loathsome.

true annualised total social cost. There is no reasonable way of meeting even a decent fraction of this cost given the three to four tonnes/ha yields on irrigated land today — themselves worth Rs 10,000 (usually much less) or thereabouts in value.

The conclusion should be self-evident. The state will simply go bankrupt in the process of raising this huge sum of money and meeting the obligations arising therefrom. Or alternatively, if the farmer is asked to pay even a fraction of the annualised capital cost of irrigation, agriculture itself will become unviable. In either case, the consequence is cataclysmic for Gujarat's economy.

This staggering fact is not all. A third aspect of the Narmada project is the gravity of the problem of oustees, between the NSP and the SSP alone. They probably number over 2.5 lakh and for the Narmada

Valley project as a whole their number could be of the order of 14 lakh or so. What is involved here is a qualitative problem too. The oustees tend to be among the most vulnerable, poor, culturally oppressed and economically exploited segments of Indian society. Where tribals are involved, displacement means nothing short of separation from life-support systems represented by forests and watersheds. This makes it unrealistic and unfair even to talk of rehabilitation which does not inflict heavy costs upon these people and indeed which spells the end of normal life as they know it (ethnocide as Mr Amte calls it).

The only means of limiting such unconscionable damage is to minimise submergence. Or where that is simply impossible, to relocate people through comprehensive watershed reforestation programmes which acknowledge the land-for-land principle. Today, however, the concerned state governments lack such programmes for most oustees. This is a wholly unacceptable, in fact loathsome, situation in which the human costs alone make the whole project undesirable.

Finally, the true ecological costs of the Narmada project must not be underestimated. Besides submergence of high-quality land, destruction or disruption of the watershed, loss of wildlife and precious irreplaceable flora, and of historical and archaeological sites, and the more notorious problems of flooding, waterlogging and salinity, it must be understood that the cost includes the loss of virgin forest. This loss can never be fully made up even with vigorous compensatory reforestation: a forest is infinitely richer than a plantation, and a virgin rain forest is nothing less than a marvel of nature which cannot be recreated.

An even larger question pertains to the wisdom of tapping water from thousands of square kilometres to supply it to a minuscule fraction of that area. All this creates avoidable forms of destruction and a series of problems related to imbalances in the micro- and macro-environment of the concerned area.

Admittedly, some of these problems are amenable to solution. At any rate, their effects can be minimised if a serious and timely effort is made. However, leave alone making such efforts, the Gujarat and M.P. governments have not even bothered to furnish adequate data pertaining to the conditions under which the ministry of en-

vironment cleared the project in June 1987.

These conditions included assured planning and implementation by the Narmada control authority of environmental safeguard measures, drawing up of detailed rehabilitation and catchment area treatment plans and studies and progress reports on compensatory reforestation, command area development, flora and fauna, carrying capacity of surrounding areas, seismicity and health effects. Going by the minutes of the NCA's ninth meeting, the earlier clearance lapsed in December 1989 and the project authorities were asked to seek renewed clearance.

There is no evidence that this has been done so far. And if the Gujarat government persists with its irrational, hysterical, and paranoid approach to the agitation, then it is even more unlikely to make sincere efforts to comply with the conditions. The project is likely to roll on without environmental safeguards. And that would be an even greater catastrophe — not just for the Narmada but in respect of other future projects as well.

How has such a situation come about? As with so many economic projects, with Narmada too, the key lies in politics. What was at work here was the overzealous advocacy of the project by Gujarat, the pressure brought to bear upon the Planning Commission and the government, and the role played by key figures such as Mr Madhavsinh Solanki, Mr Chimanbhai Patel and at another level, Dr Yoginder K. Alagh, the commission member in charge of irrigation — himself a well-known Narmada enthusiast.

The pre-National Front Planning Commission put its seal of approval — and closure — upon the project, evidently without satisfying itself that it was viable. When we came upon the scene, says Prof A. Vaidyanathan, the eminent agricultural economist who took over as member concerned with irrigation, the project had already been approved. We never once formally discussed it.

Political equations have changed today. The central government is now headed by a leader who has been closely associated with the dependent on Mr Chimanbhai Patel. Mr Chandra Shekhar cannot be expected — whatever his Maneka Gandhi might do and say in her own ministry — to oppose and overrule an important ally such as Mr Patel.

But is it unreasonable for us to expect that he will intervene in the present confrontation, if only to prevent its further aggravation and to promote a return to sanity — a condition essential to the agenda of development without wanton destruction?

19 ER

SPECIAL REPORT

A DAMNING INDICTMENT

As the Morse report shows, the Narmada project authorities are not merely uprooting tribals, brutalising peasants and offending human rights. Backed by the World Bank, they are violating every rule in their own book.
Praful Bidwai on the implications of the independent review report on Sardar Sarovar.

AFTER the elevated rhetoric at Rio — where no Indian leader lost the opportunity to preach sustainable development to the rest of the world — the abysmal reality at home — in the Narmada valley.

The reality can no longer be denied. Sardar Sarovar, said to be the world's highest irrigation project, could also turn out to be its biggest human, environmental and economic dam disaster.

This is not the view of the Narmada Bachao Andolan and its proxy activists, but the implication of the findings of an independent review which submitted its report ten days ago to the World Bank. Whatever one's view of the commission, its 363-page report undeniably constitutes a landmark. (See Box)

It shows that something is seriously, fundamentally wrong with the way we have planned, designed and executed one of the most ambitious, gigantic and spectacularly expensive projects undertaken anywhere to dam a river for irrigation, power and drinking water. It is so serious that we may no longer be able to rectify the wrongs.

Sardar Sarovar will in all likelihood end up violating human rights on a horrifying scale, destroying whole communities and their relationship to a major river, forests and waterheds, disrupting balances of nature without setting corrective mechanisms in place, indeed injuring a centuries-old river valley civilisation.

And in the process, it may not even add a good proportion of the benefits it is meant to bring.

How has this come about?

The Morse commission's report is the first comprehensive effort to analyse Sardar on the basis of officially stated policies and projections on the one hand, and the actual performance, on the other. Its method emphasises internal consistency, or compliance with norms and standards derived from the government's own stated policies and commitments or specific commitments made to the World Bank as part of credit agreements.

The principal conclusion that emerges from the review is that Sardar Sarovar, as it stands today, is seriously flawed both in respect of its resettlement and rehabilitation (R & R) programmes and its plans to ameliorate adverse environmental effects.

The flaws in R & R policies and programmes have a direct bearing on the lives of some of the poorest and most vulnerable people living in the Narmada valley. The project will displace no fewer than 100,000 of them, living in 245 villages which are to be submerged. In addition, another 140,000 people will be affected by the canal and irriga-

tion system — said to be the largest in the world.

This represents a huge social cost which both the Central and the governments of the three immediately concerned states, Gujarat, Maharashtra and Madhya Pradesh, and the World Bank, are duty-bound to offset through a comprehensive R & R programme.

This obligation derives from: * a 1957 covenant (number 107) of the International Labour Organisation, which India ratified in 1958. This commits the government not to remove indigenous and tribal people from their habitual territories, except by providing them with "lands of quality at least equal to that of the lands previously occupied by them, suitable for their present needs and future development."

* the Narmada Water Disputes Tribunal (NWDT) award of 1979, which provided for compensation for property lost, for civic amenities, house plots and most important, agricultural land of equal size for every displaced family losing more than 25 per cent of its holdings, with a minimum of two hectares for each family — which is defined so that any son above 18 is treated as a separate unit.

* the World Bank's policy of 1980 on involuntary resettlement, which is meant to ensure that displacement is minimal and the displaced "regain at least their previous standard of living."

* the World Bank's policy of 1982 on tribal people which says it will "not assist development projects that knowingly involve encroachment on traditional territories being used or occupied by tribal people, unless adequate safeguards are provided."

* the credit agreement of 1985 with the World Bank which extends the definition of "oustees" to include all those affected by the project, not just by submergence, and which says that rehabilitation plan must ensure that the oustees "improve or at least regain the standard of living they were enjoying prior to their displacement."

* the World Bank operational directive of June 1990 which emphasises minimisation and avoidance of displacement to the point, eg. of reducing dam height. It also calls for "special treatment" for tribals and "grievance procedures."

* the Bank's operational directive of September 1991 which encodes "full respect to their dignity, human rights and cultural uniqueness".

All these obligations represent a growing worldwide awareness of the very special, indeed unique, nature of tribals and the vulnerability of other dam-affected people. They reject as unacceptable and abhorrent the idea that the interests and rights of a minority, however small, can be

sacrificed at the altar of the development of large numbers.

However, in practice, the Sardar Sarovar authorities, and the Gujarat, Maharashtra and M.P. governments have behaved in contravention of these obligations.

To this day, the Maharashtra and Madhya Pradesh governments refuse to implement the Tribunal's 1979 directive to treat all major sons as families and to accept that tribals may not have legal title to the land they actually cultivate and hence acknowledge that there is a compelling reason to treat "encroachers" on a par with landholders.

The Gujarat government has failed to draw up plans for those to be affected by the canal and the people living downstream of the dam. While Gujarat's record is a shade better than the other two states in respect of resettling some of the oustees — it broadened its policy in 1987-88 — it has violated major norms, not least by scattering families and villages, not buying adequate land at resettlement sites, by its failure to consult the oustees, in particular tribals.

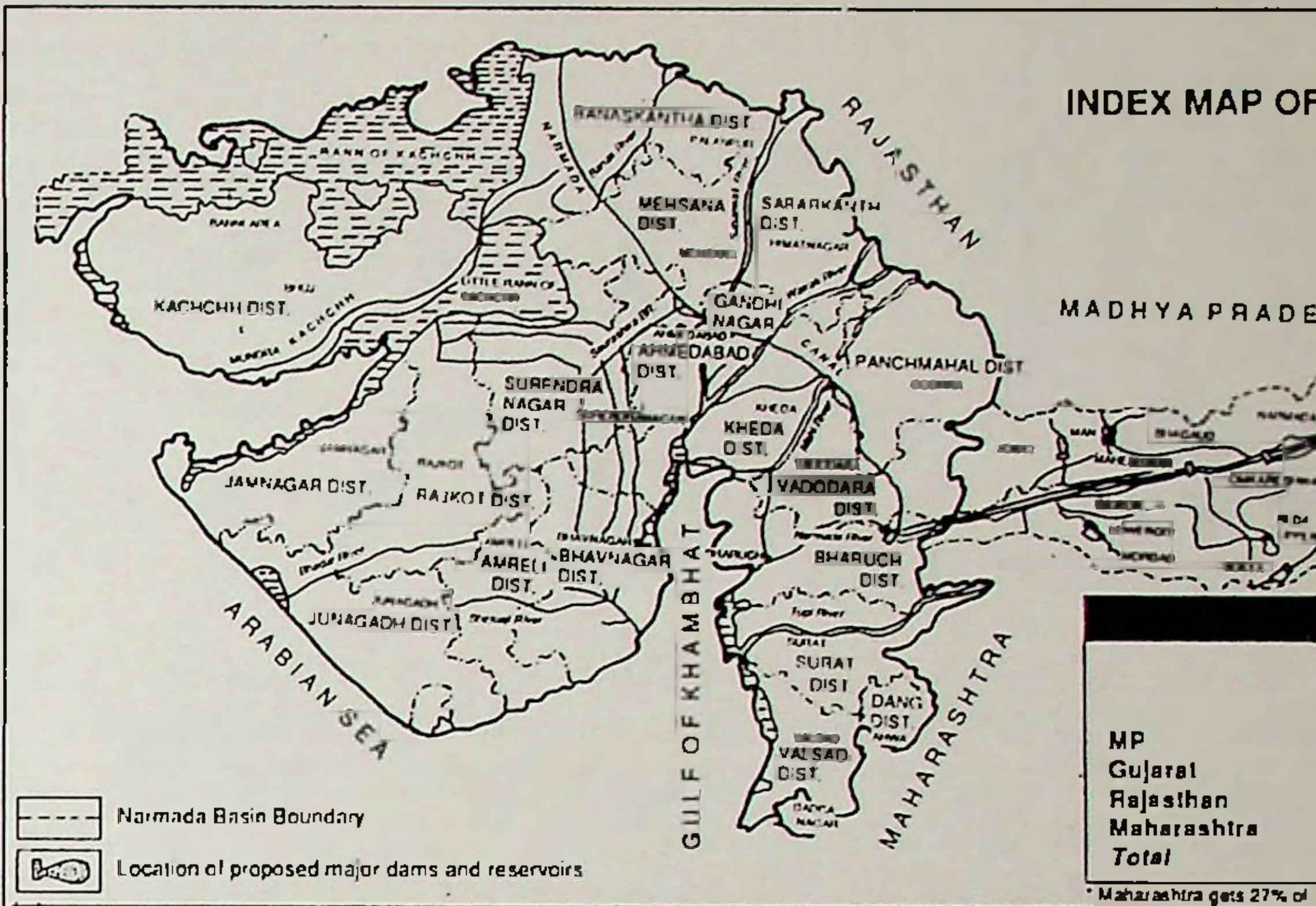
Today the government and the Sardar Sarovar Nigam are engaged in coercing oustees — as the violence at Manibeli, and the presence of bulldozers and reserve police battalions, shows. So much for consultation, "humane approaches" and "grievance procedures."

The M.P. government shows no interest in rehabilitation and has failed even to draw up an elementary plan. The situation there is so bad that "even if M.P. were to adopt a policy with benefits equal to Gujarat's, such a policy could not be implemented." In other words, it is too late.

In Maharashtra, the record of resettlement remains appalling, despite the highly controversial allocation of Taloda forest land.

THE World Bank has been no less guilty. In the first place, it failed to carry out adequate assessments of the human impact of SSP. It failed to consult the project-affected people. It refused to take account in the 1985 credit agreement of its 1982 policy on tribal people. It failed to insist on the overarching criterion that oustees must improve on or at least regain their standard of living — although it had adequate powers to do so.

This is not all. The Bank repeatedly failed to consider the effects on the people downstream of the dam and to ensure that those affected by the canal would be entitled to resettlement benefits. Even worse, its India country department did its utmost in 1983 to scuttle a mission by Professor Thayer Scudder, a well-known resettlement expert,



VINDICATING THE ENVIRONMENTALISTS: Medha Patkar by the Narmada

to the project area.

Scudder found that basic information on human impact was inadequate, that India's past record on reservoir-related relocation violated Bank standards, that "bureaucratic apathy" towards oustees prevailed and that the state governments were not serious about honouring the NWDT award.

This should have sounded alarm bells in Washington. But the Bank diluted its own R & R requirements by accepting a specious stage-by-stage breakdown of rehabilitation plans. This placed "approval of the project over compliance with the Bank policy."

All this was done when the earliest experience, with some 5,000 SSP oustees in 1960-61 at Kevadia, was an extremely unpleasant one. They are yet to be rehabilitated.

The World Bank has sought to foist upon the SSP oustees a patchwork of measures based on data marked by discrepancies and inconsistencies. It has failed to take into account the experience with other irrigation projects in India and proved unable "to turn a recognition of persistent fundamental difficulties (with resettlement plans) into an effective demand for compliance" with agreed measures. It has wilfully accepted vague assurances and promises as adequate and as recently as this year made attempts "to soften ... criticism" and refrain from threatening "suspension of the loan," which, says the Morse report, was under consideration.

All this amounts to a searing indictment of the project authorities, the concerned governments and the World Bank. The government of India and irrigation engineers have sought to pretend that these flaws and

failures are not fundamental, structural or inherent in the manner in which the project is designed.

The Review's conclusion is the exact opposite.

Dogmatic defenders of the project have also tried to suggest that the problems highlighted in the Review pertain to rehabilitation alone. However, the Morse report contains a scathing indictment of the lack of adequate environmental and health safeguards and confirms the worst suspicions of Indian environmentalists.

The chapters on the environment are a shameful story of "non-compliance" with standards and norms. Unbelievable as that might seem, to this day, there has been no comprehensive environmental impact assessment.

The most outrageous feature of the SSP is that it has proceeded apace without an unambiguous and specific environmental clearance. Its proponents have managed time and again to deceive both the public and regulatory agencies. The project failed in 1983 to receive clearance from the Ministry of Environment and Forests (MEF) because it had not complied with even the most elementary of the information requirements.

Subsequently, in 1985, the World Bank finalised credit for the project but its principal documents suppressed the fact that SSP was refused clearance. The Bank has been complicit from the early stages. It demanded a detailed workplan by the end of 1985 from the three governments but relaxed the deadline time and again. The workplan is still not in place.

In 1985-86, under public pressure, the MEF asked the project authorities for the requisite

information. It was told it would take two to three years longer; meanwhile it was necessary to begin construction, now that the Bank loan was in hand. The MEF noted that "the absence and inadequacy of data on some important environmental aspects still persists."

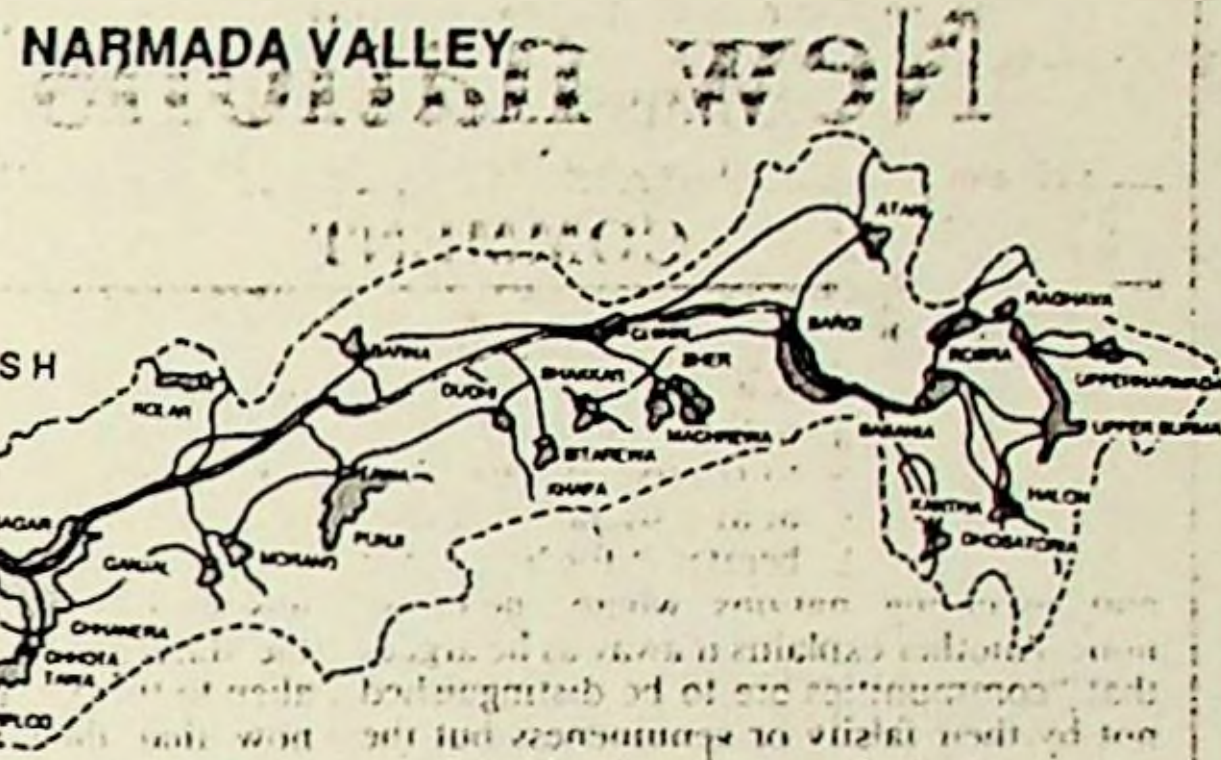
But a compromise was reached. T.N.Seshan (no less), then environment secretary, granted conditional clearance to the project in June 1987. It noted that "field surveys are not yet complete..." but details are assured by 1989. Meanwhile, delaying work on the project would add to the cost; hence a *fait accompli* must be accepted. The project was cleared on four conditions. The most important was that environmental measures would be implemented *pari passu* with the progress of construction.

Three of the four conditions are still to be fulfilled.

Subsequently, in 1988 the Planning Commission too cleared the project, subject to seven conditions. These have not been fulfilled in their entirety. But the SSP juggernaut has rolled on and on. As the Morse report notes, "there appears to be an institutional numbness at the Bank and in India to environmental matters."

The net result is that mandatory and recommended measures have been implemented in a token, piecemeal and irrational fashion; the *pari passu* condition has been cynically exploited for its ambiguity; and the whole purpose of providing safeguards has been successfully defeated.

"It is now too late to develop and implement many of the mitigative measures." Most of the Bank's 1985 legal requirements for the environmental clearances have not been met.



Benefits from Lower Narmada Projects

Annual Irrigation (m ha.)	POWER			Drinking Water
	Installed Capacity (MW)	Annual Production (10 ⁸ KWh)		
2.90	1,920	3,880		Yes
1.80	1,450	3,500		Yes
0.076				Yes
0.04				Yes
4.815	3,370	7,380		Yes

450 MW of installed capacity of SSP.

Most of the conditions attached to the 1987 environmental clearances by the Government of India have not been met.

THE Morse report finds significant discrepancies (of the order of 30 per cent) in the hydrological data and estimates of likely water flows on which the benefits of the project were calculated. It concludes that the project "will not perform as planned with or without the upstream Narmada Sagar projects." What this means is that the promised quantity of water or power is unlikely to materialise.

These uncertainties are not theoretical. A technical analysis estimates that a 28 per cent error in annual run-off of water would reduce the economic returns to zero. Similarly, since Narmada Sagar is not being built concurrently with SSP, there will be a 25 per cent decrease in power and 30 per cent fall in irrigated area under the project.

This is not all. The authorities have not only not bothered to study the cumulative impact of SSP with that of other associated projects, but have begun to operate ill-designed schemes. Thus the afforestation and catchment area programmes, already inadequate, are unlikely to have even limited results because of lack of consultation with oustees.

Equally startling, the Morse commission concludes that the compensatory afforestation being undertaken by Gujarat is such as "would lead to a steady decline in the quality of forests." The government is destroying high or medium value forests but replanting marginal, arid land in a desert ecology.

The Morse report concludes that the backwater effect of sedimentation in the upper reaches of the reservoir has not been considered. It will be significant.

Thus the follow-up to the early work on upstream environment has been "disappointing."

Destruction caused by the canal and water delivery system is likely to be no less severe.

As if this were not bad enough, the project will aggravate health problems, especially the existing threat from malaria. A report to the World Bank forecasts "an explosion of malaria", the creation of "death traps" in the form of waste-filled dykes and "taking malaria to the doorsteps of villagers."

Gross as it is, the Bank's failure is partly explained by the willingness of its officials to sabotage their own policies.

There is clearly a lesson for all of us here. A predilection to look for magic remedies and technological fixes in the form of mega-projects has dangerous implications which justify a malevolent, negative, misanthropic kind of utilitarianism and sanction cruelty to the environment and to ordinary people, particularly the underprivileged, the weak, and those innocent of the corrupt ways of official and commercial predators.

Adopting such an approach in the name of "realism", "progress", "development" and rapid "change" is not only immoral; it makes nonsense of the rationale of the project itself. That brings us to cost-benefit analysis. If even, say, a quarter of the conservative estimates of the Morse report on water flows, irrigability, power generation, submergence, sedimentation, salinity, destruction of forests and fisheries, are correct, then the cost-benefit ratio as calculated by MEF guidelines would turn wholly unattractive.

The project would lose its economic rationale and viability altogether. We still do not have the final figures of costs or the precise breakdown of benefits.

But it would be only reasonable to suppose that so far as irrigation is concerned, the SSP costs would be at least as high as those of the average major irrigation project in recent years.

To irrigate a hectare it costs roughly Rs 1.5 to 2 lakhs. This is mind-boggling. What it means is that the annualised cost in interest and depreciation alone (of the order of Rs 20,000 to 30,000 per hectare) would make agriculture completely unviable.

The Narmada projects could then be outrageously expensive too — besides being violative of human rights and menacing to the environment. Such an evaluation is no longer in the realm of speculation.

It is not an independent Indian agency or commission but a World Bank-appointed body that has produced the report. But that only reinforces the case for an independent review by a commission of Indian environmentalists, scientists, biologists, anthropologists, energy economists, sociologists, and rehabilitation specialists and human rights activists.

And secondly, it clinches the argument for immediately suspending work on the project. Allowing anything to proceed pari passu is to encourage cheating and destruction.

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SEPTEMBER 7 1992

NATION

More funds for Narmada project likely

The Times of India News Service
BARODA, September 6.

THE World Bank reappraisal mission on the Sardar Sarovar project on the Narmada river has come to the conclusion that there was no severe environmental consequences due to the delay in completing the environment and health-related studies. It has however expressed certain reservations about the successful implementation of the rehabilitation and resettlement policies of the project-affected people in the current conditions.

The 14-member mission, headed by Mrs Pamela, was sent to India in July this year after the independent review mission headed by Mr Bradford Morse had severely criticised the project implementation and recommended to the World Bank to hold up financial assistance till an overall review of all its rehabilitation and environmental aspects had been completed.

While the Morse Commission had felt that proper rehabilitation of the affected would be impossible, some measure of rehabilitation and resettlement was possible.

With the board of directors of the World Bank scheduled to take a final decision on continuing assistance to the project on September 10, the partly favourable report of the mission could help to tilt the balance in favour of the Gujarat and other concerned governments in securing further World Bank aid for the project.

The mission has so far submitted only an interim report and oral briefings to the World Bank and said it was still awaiting a response and information from some concerned governments before finalising its report.

The mission praised the construction schedule and rehabilitation and environmental protection measures being taken by the Gujarat government but was critical of the rehabilitation efforts of

the Madhya Pradesh and Maharashtra governments. The Morse Commission had criticised the Maharashtra and M.P. governments for not adequately implementing the rehabilitation and resettlement policies.

The mission said the construction of the dam and power house was proceeding on schedule and the construction standards were high and among the best in India. Construction work had to be slowed down from January, this year, to keep in step with the submergence schedules till June, 1994, but in the worst floods since 100 years many houses were affected.

The mission was however happy that the project authorities were taking necessary measures through flood-warning systems and temporary shelters for the flood-affected to mitigate the sufferings of the affected persons.

The mission placed on record that the slowing down process might cause the Sardar Sarovar Narmada Development Corporation to pay financial penalties to the contractors.

According to the mission, some structural problems had appeared in the rock walls of the machine hall cavern of the canal head power house, which had halted the progress in construction. The mission had advised the corporation to seek international expertise to take remedial measures. Except for that snag, construction work was progressing smoothly and the power house might be completed ahead of schedule. In fact, the first unit may be commissioned in August, 1995.

It pointed out that the disputes between Gujarat and M.P. over the construction of the irrigation bypass tunnel to enable Gujarat to use water storage capacity of the dam in case of drought however still remained unresolved.

On the environmental and health issues, the mission said the project authorities had completed

22 studies before the Central government had given environmental clearance. Eleven more studies had been completed while 15 more studies were in hand. But there have been no severe environmental problems to date because of study delays, it concluded.

The corporation had accepted the mission's recommendations to take up as soon as possible a detailed environmental management plan, including a synopsis of all studies completed, planned and underway, and details of further work needed in the estuary and on health issues.

The Gujarat government, it said, had also accepted the findings of the World Bank mission of January, 1992, on malaria in and around the construction site and the risk of cerebral malaria, and was working in accordance with its recommendations to set up a health planning and monitoring cell in the corporation, preparing environmental health management plan, and setting up of an anti-malaria unit at the Kevadia colony, and other areas in the command area.

The mission said it was seriously concerned about the question of rehabilitation and resettlement both in the area of policy and implementation. Under current conditions and policies, successful and timely rehabilitation and resettlement is unlikely. However, with improvement in policies and implementation capacity, the mission believes that successful rehabilitation and resettlement was possible.

The Cox mission pointed out that issues and performances on rehabilitation and resettlement differed among the three concerned states but in implementation, all share the same common problems, which in its opinions were bureaucrats, too inflexible to handle the myriads of small problems and expenditure demanded, insufficient staff, lack of basic resources,

particularly in Madhya Pradesh, lack of procedures to handle grievances, lack of reliable and easily accessible data on families to be affected, for proper planning and monitoring and limited and sometimes ineffective consultations with the Project-Affected People (PAPS) and Canal-Affected Families (CAFs).

Complimenting the Gujarat government, it commended the state for its performance to date having resettled about 3,700 out of the total of about 4,700 people, besides resettling another 1,100 PAPS from Maharashtra and M.P. But it had doubts whether the state would be able to handle 3,000 to 4,000 PAPS each year in the next four years as it was committed to resettle 11,500 PAPS from M.P. though all these families might not agree to be resettled in Gujarat. It also complimented the voluntary organisations in Gujarat for the role they had played in co-operating with the government in rehabilitating the PAPS.

The M.P. performance was the biggest drawback in the rehabilitation policy. Significantly, it would have 23,500 PAPS on its hands. So far it had done little by way of rehabilitation and resettlement. Its policy of not granting land as compensation to the affected had been a sore point. A decision had to be taken about the compensation to be paid to those losing less than 25 per cent of their land holdings.

The mission informed the World Bank that the Narmada Corporation by accepting its recommendations on the canal had agreed to carry out a review of its data on land records and acquisitions, a socio-economic study and rapid rural appraisals to determine the situation and needs of the CAFs in the next few months, it would develop its rehabilitation and compensation packages on the basis of its fresh reviews.

THE TIMES OF INDIA, BOMBAY, SATURDAY, JULY 4, 1992.

Warning on Sarovar project

The Times of India News Service
NEW DELHI, July 3: The Sardar Sarovar Project (SSP) should not be carried on "unless it is in accordance with the existing norms of human rights", said Mr B. D. Sharma, chairperson of the Bharat Jan Andolan, at a news conference here on Tuesday. Mr Sharma is the former chief of the commission on scheduled castes and scheduled tribes (SC/STs) and an activist with the Narmada Bachao Andolan.

"The violations of human rights has many dimensions," said Mr Sharma. "But the most distressing features are the omission of tribals from the 1985 World Bank (WB) agreement (on SSP) and the implicit reasons for that studied omission." The WB agreement was entered "without adequate data, studies and understanding of the human situation", said Mr Sharma, quoting the recently-released independent review report of the WB.

Mr Sharma also demanded that the government come out "with full facts" about rehabilitation and resettlement (R and R) plans and provisions for other projects undertaken in tribal areas.

The "unequivocal conclusion" of the review, said Mr Sharma, is "as things stand rehabilitation for the bulk of the oustee families (by the SSP) is impossible". India is bound by the International Labour Organisation (ILO) convention 107 not to "impair these (R and R) rights on grounds of national sovereignty or national interest".

Human rights also means taking the permission of the oustees to go ahead with a project, said Mr Sharma. He quoted the ILO convention 107 again: "The population concerned shall not be removed without free consent". The 1982 manual of the WB says, "The bank will assist the project only when it is satisfied that the borrower or the relevant government agency will effectively safeguard the integrity and well being of tribal people." Mr Sharma said these provisions should have stopped the WB from proceeding further.

Mr Sharma said the "original sin" lay the Narmada water disputes tribunal award.

DECCAN HERALD, Tuesday, July 28, 1992

WB in a fix over Narmada project

DH News Service

BHOPAL, July 27. — The World Bank, which has landed itself in a dilemma by conducting an inquiry by an independent commission led by Mr. Bradford Morse into Narmada and Sardar Sarovar projects, has suggested various ways to the Madhya Pradesh Government to improve environmental and rehabilitation conditions of the dam oustees.

The WB is not only trying to bail out itself from the messy situation but also the two governments of Madhya Pradesh and Gujarat.

The WB team comprising Mr. Oktay Yenel and Ridley Nelson which recently visited submergence areas in MP has reportedly told the officials of Narmada Valley Development Authority (NVDA) that the oustees, whom they met, were willing to settle in new places in Gujarat but the activists of the Narmada Bachao Andolan had been trying to obstruct their movement.

VESTED INTERESTS: The team has pointed out that the rich farmers in Narmada basin in Khandwa, Khargone and Barwani were behind the anti-dam movement as they did not want ouster of landless labourers from the area. The team which has flatly refused the demand of Environmental Defence Fund (EDF), Asia Watch and Narmada Activists to stop funding Rs. 13,000 crore Sardar Sarovar Project in Gujarat, has told the state government that in an attempt to harass the landless labourers, the rich farmers had lowered their wages.

The team has also come to the conclusion that the activists led by Baba Amte and Ms. Medha Patkar had no base in the submergence areas. The NVDA has also geared up its publicity machinery to counter the anti-dam agitationists. While the WB team which not allowed entry into Kukshi town, which will be totally submerged after the construction of the dam, NVDA Chairman S.C. Jain has refuted this and said there was a warm welcome to the team in entire area. The people of Kukshi opposed to the visit of the team on the ground that the Morse team had already done exhaustive survey and there was no need for the WB to conduct another investigation.

CRITICISM: It may be mentioned that after the presentation of the Morse report, there was sharp criticism of the WB about the funding of these mega projects. The bank hurriedly announced to send another team to verify the findings of Morse Commission. According to anti-dam activists, the team had been virtually trying to whitewash the earlier findings and give a clean chit to con-

cerned states.

The bank has already disbursed \$230 million to SSP and remaining \$120 million are yet to be disbursed. However, the SSP authorities are hopeful that the recent visit of bank team would help them in pleading for further disbursement. The chances of Madhya Pradesh getting WB assistance also depends on the clearance of Gujarat case. The bank will take up the MP case in March next year.

Meanwhile, the anti-dam agitationists have chalked out a plan to launch stir in Vadgam and Manibeli villages in Gujarat and Maharashtra respectively. These two villages are to be submerged first after the water level rises in the SSP. In MP, at least 80 villages apart from two towns — Harsud and Kukshi — are to be submerged with the construction of Narmada and Sardar Sarovar Projects.

NARMADA PROJECT

Centre holds talks with WB team

DH News Service

NEW DELHI, July 2. — The Indian Government, worried over the implications of the Morse Commission report indicting the Narmada River Valley Project, has held extensive consultations with a visiting World Bank team.

The team, headed by the Director of the India Country Department at the Bank, Mr. Heinz Vergin, arrived in New Delhi last week enroute to New York from the Aid India Consortium meeting at Paris.

Though official sources said there were other items on the agenda of the visiting team, it appears that the Morse Commission report came in for extensive discussion.

The Morse Commission set up by the World Bank last year to review the Sardar Sarovar Project has identified a number of deficiencies in the Bank's appraisal of the project, in India's implementation and in the Bank's supervision work. The team's report was made public last week.

While making it clear that the World Bank would not curb its aid to the Narmada Project, Mr. Vergin told Indian officials that further aid would accrue to India only after a thorough review of the resettlement and relief programmes for those who would be displaced.

TRANSPARENT: The senior

officials, who supervise all aid that flows to India from the World Bank, said the World Bank has insisted that the rehabilitation programmes would have to be "transparent" and information on its progress would have to be easily accessible to those interested.

Mr. Vergin also indicated that if the relief plans were not to the satisfaction of the Bank, aid to the project would definitely be reconsidered.

While the total cost of the project is estimated at three billion dollars, the World Bank has so far lent India 450 million, about 15 per cent of the total cost.

Of the 450 million, 250 million has been disbursed. A sum of 200 million dollars remains to be disbursed, but nearly all of the credit for the canal has already been drawn down.

Though the Bank has announced that the Morse report would not come in the way of the aid to the project, the report is far from being dismissed. According to Mr. Vergin, the facts brought out in the report are acceptable to the Bank.

PESSIMISTIC: But, the conclusions drawn from the facts have not been accepted by the World Bank as in its view they are "pessimistic," and do not give scope for improvement, especially in the rehabilitation sector.

The visiting World Bank team, while recognising that it would be difficult for it to actually monitor ground-level relief measures undertaken by Gujarat, Madhya Pradesh and Maharashtra, has suggested methods by which it would be possible for it to maintain overall supervision on this front. It was in this context that the Bank has asked for more transparency and openness in the implementation of the relief measures.

The World Bank team pointed out the reasons for the setting up of the Morse Commission in the first place, and said the former Bank President Barber Conable had commissioned it in June 1991 following growing public controversy over the project.

In fact, the setting up of an independent commission of this sort was unprecedented in the history of the Bank, and the reason for it according to the Bank, was its "commitment to public accountability."

IMPARTIAL: Through the Morse Commission, the World Bank wanted to obtain an impartial assessment of the implementation of the resettlement, rehabilitation and environmental aspects of the Narmada Project.

Headed by Bradford Morse, former administrator of the United Nations Development Programme,

the independent review commission was assisted by two Canadians and one from the United Kingdom. While one Canadian was a lawyer specialising in relief issues, the other was an engineer and the UK expert, an anthropologist.

The Morse team was given unrestricted access to all files both at the World Bank and in India.

The Bank has completely agreed with the Morse Commission's description of the shortcomings in the relief measures undertaken in all the three States and with the team's conclusions about the shortcomings in the preparation and appraisal of the project's relief aspects.

The Bank also agreed that the work should have been done earlier on the issue of people affected by the canal in Gujarat.

DISAGREES: But, where the World Bank disagrees with the Morse Commission report is on the latter's stand that even if Maharashtra and Madhya Pradesh adopted a liberal resettlement package for those displaced by the project, it would virtually be impossible for a satisfactory resettlement.

According to Mr. Vergin, the Bank is optimistic that before the project ends in 1996-97, there is time enough to modify and improve the relief packages in consultation with the affected people.

ENVIRONMENT / Narmada Valley project

The river and the damned

The independent review report says the project is highly flawed. Now the MP government counters charges.

POINT: The failure to consult the people has resulted in opposition to the Sardar Sarovar projects on the part of potentially affected people, supported by activists. This opposition has created great obstacles to successful implementation.

Counterpoint: This is not correct. The activists are mainly those who do not belong to the area and are not affected by submergence due to the project.

It was bound to stir a hornet's nest. When an independent review mission delved into the status of the Sardar Sarovar projects in the Narmada Valley and severely indicted both the Indian government and the World Bank for fundamental failures in its implementation, it only vindicated what environmentalists had been saying for long: that both the government and the Bank (which is funding the project to the tune of around \$ 400 million out of the total anticipated cost of \$ 11-odd billion) have been negligent in carrying out an adequate study on the human impact of the projects. At least one lakh people live in the area which could be submerged by the damming of the Narmada.

The Morse Commission headed by a former UNDP administrator, Bradford Morse, has thus put the ball fairly and squarely in the government's court. The World Bank says it will not stop funding the project but is unlikely to increase the degree of its financial participation. It also says that it is up to the Indian government now to decide how to proceed.

The government of Madhya Pradesh has prepared a point-by-point rebuttal of the Morse Commission's report. While the comments are of the Madhya Pradesh government, which pertain to the resettlement and rehabilitation (R&R) measures it has taken, in parts it mentions the efforts of the government of Gujarat as well. Here's a sample of the Commission's comment:

Accusation: "Bank policy has not been respected. The projects were not appraised in accordance with Bank requirements. Basic information had not been gathered and adequate plans for resettlement and rehabilitation were not in place."

Defence: "It is incorrect. We are accepting the Bank's policy as agreed."

The Bank, it appears, is most vexed over the issue of oustees. Rightfully so. The project will displace no fewer than a lakh of people, living in 245 villages which will be submerged. Moreover, an-

other 1.4 lakh people will be affected by the canal and irrigation systems, among the largest in the world.

Says the Commission on page 19 of its 363 page report: "...it is important, we think, not to leave the matter there. The fact is that in Madhya Pradesh virtually no steps have been taken towards resettlement and rehabilitation (R&R).

"Even if Madhya Pradesh were to alter its policies, would it be reasonable to expect that Madhya Pradesh could implement a policy con-

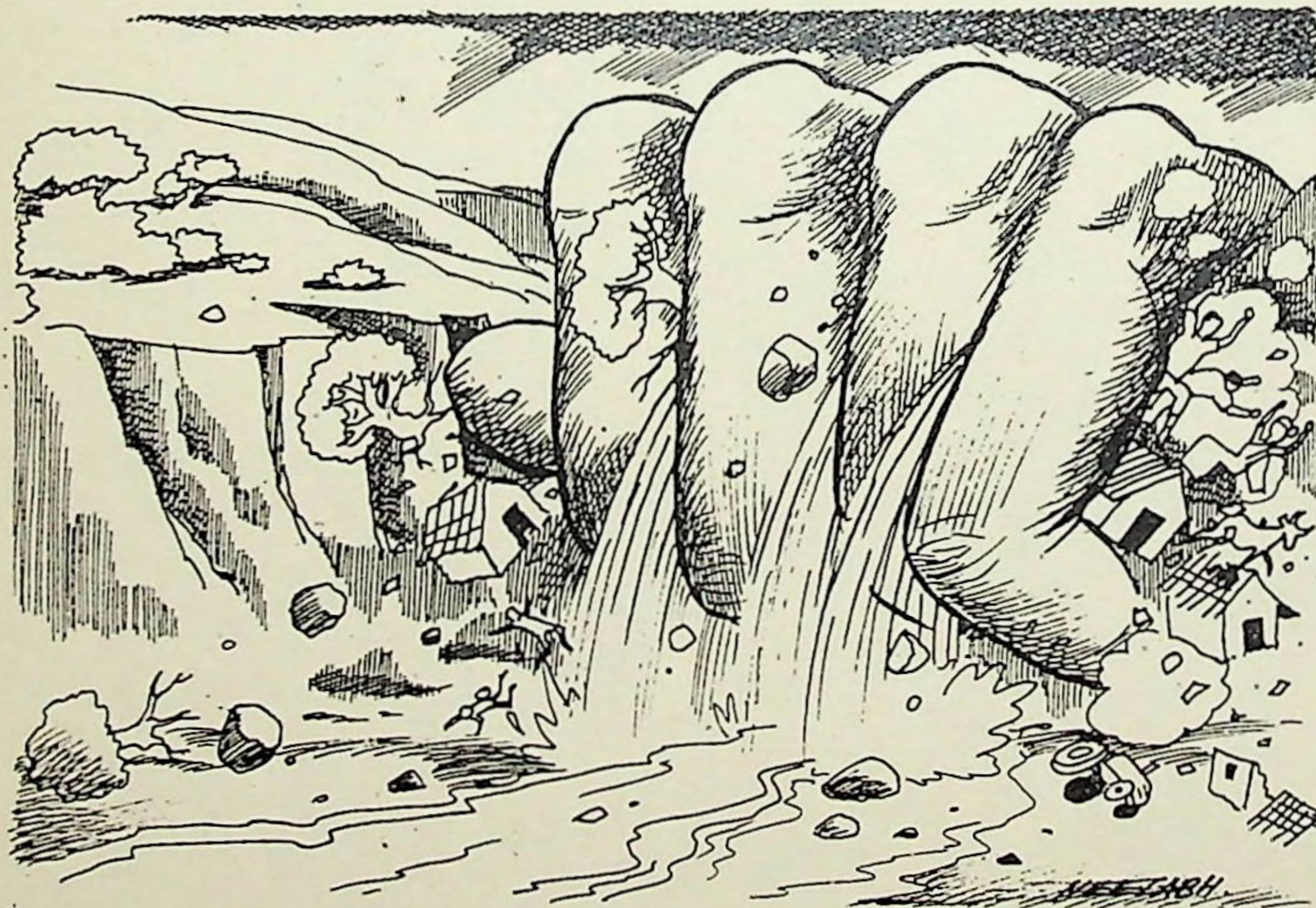
sistently losing more than 25 per cent of its holdings, with a minimum of two hectares for each family. This is defined so that any son above 18 is treated separately.

But to this indictment by the Commission on the issue of oustees, the MP government takes a rather belligerent stand. Says the government in its counter to this charge: "We are very clear in our policy. Our policy is based upon the Tribunal award and Bank agreement so there is no question of changing the policy except by a con-

the targets fully or they are marginally less. In some activities we are ahead. This we have done by constant persuasion despite obstruction by the activists."

That is just one face of the argument as it pertains to landed oustees. What of the encroachers, of whom there must be several thousand?

According to the Commission, the states of Madhya Pradesh and Maharashtra say that encroachers must be treated as landless oustees with no entitlement to adequate



forming to the Tribunal award and Bank agreements, if it were prepared to adopt one, within the time remaining before inundation? Could the implementation of R&R be done in time? We have reluctantly concluded that the answer must be 'no'."

The Tribunal award the report refers to is the Narmada Water Disputes Tribunal (NWDT) award of 1979, which provides for compensation for property lost, for civic amenities, house plots and most importantly, agricultural land of equal size for every displaced fam-

scious decision by the government of Madhya Pradesh. We have already prepared an action plan of R&R and submitted it to the World Bank.

"The World Bank recently in its report dated February 22, '92 expressed its satisfaction with it and implementation of the plan in general. A copy of this plan was also given to the Commission pertaining to the resettlement programme for 1991-92, with the targets and achievements shown.

"This shows that in most of the activities we have either achieved

land for cultivation on resettlement. The dispute here is whether tribal people, holding their land by customary usage, are entitled to be treated as landed oustees. MP and Maharashtra say they are not, that they are illegal occupiers.

But MP has a different story to tell. In its counter, though it reiterates that encroachers and legal land owners are different, it is giving land to encroachers also from one to two hectares as per the size of the encroachment and treating them as land owners for the purposes of resettlement only.

But the significant points that the Commission raises relates to encroachers and how they should be resettled. Sample this:

Point: "...in Gujarat and Maharashtra almost all are tribals. A great many of them are encroachers, that is, they have no formal title to their land. There are thousands of tribal people in the submergence area of Madhya Pradesh as well, many of whom are encroachers..."

Counter: The number of encroacher families is estimated to be not more than 306 out of a total of 23,250. Final figures can be given by July-end. According to our definition, encroachers are those in unauthorised occupation of govern-

Bank policy has not been respected. The projects were not appraised in accordance with Bank requirements.

ment land before April 13, 1987. The Commission seems to have taken the number as of date.

Point: India and the three states, Gujarat, Maharashtra and Madhya Pradesh, take the position that under the Tribunal award, land for land was only intended for the benefit of land owners holding a formal title, i.e. having what is known in India as revenue land. They say that the Tribunal did not intend tribal people cultivating encroached land in the forest, to which they have no formal title, should receive any land on resettlement.

Counter: In forests also there are two types of agriculturists: (a) Patta holders and (b) encroachers. For (a) we are treating them as landed and giving all benefits which

available in revenue lands. For (b) we are giving lands from one to three hectares depending on the size of the encroachment.

The other issue which the Commission has dwelt on at length is that of resettlement. It says that Maharashtra, which may have as many as 3,000 families and Madhya Pradesh with as many as 23,000 families to be resettled, are prepared to offer two hectares of land to landed oustees. But they are not willing to provide two hectares for major sons, says the report. Neither Madhya Pradesh nor Maharashtra acknowledge the rights of encroachers to adequate land on resettlement.

To that the the MP government's counter is that in the case of encroachers there is no provision to provide land to them but for the "maintenance of their standard of living in MP, we are providing land of one to two hectares depending on the size of their encroachment".

In another section of the Commission's report, it has come out more strongly when it refers to the resettlement of tribals in Madhya Pradesh and Maharashtra.

The Commission states that in its view that the two states "in failing to provide adequate land on resettlement for rehabilitation of encroachers, have not complied with the Bank credit and loan agreements".

But the MP government refutes this, saying that in MP, 74 per cent of tribals are land owning, while encroachers form a minuscule figure of 4 per cent while the landless in MP are only 22 per cent.

An issue that the Commission has referred to is related to major sons (above 18 years). It says that the policies of the riparian states have failed to anticipate the needs of major sons and adopted "what we regard as an unduly restrictive interpretation..."

But the MP government is quite clear on that point. In reply to this charge it says, "Any major son of landed oustees will be treated as a separate family and be given agricultural land only if has a legal recorded title over land. If he is a co-sharer he will also get the benefit."

The Commission has recommended the government immediately suspend work on the dam till issues related to resettlement are sorted out. But the MP government has fired the first salvo against the Commission's findings. This could only be the beginning for further tussles.

■ Vinay Kamath

8 THE TIMES OF INDIA, BOMBAY, TUESDAY, AUGUST 4, 1992

No review of Narmada project

NEW DELHI, August 3 (PTI).

THE government does not propose to review the Sardar Sarovar Project on the Narmada in view of the findings of the Morse commission report, the Lok Sabha was informed today.

The water resources minister, Mr Vidya Charan Shukla, told Mr Rabi Ray and seven others in a written reply that the Narmada control authority is required to ensure implementation of environmental safeguards *pari passu* with the construction of the Sardar Sarovar Project.

In the report, the Morse review team has commented on the issues associated with the resettlement and rehabilitation of the persons affected by the project and on some of the inadequacies in the studies associated with the environmental issues, including backwater effects.

AUGUST 26, 1992, THE TIMES OF INDIA, BOMBAY 7

Narmada oustees can appeal

BHOPAL, August 25 (PTI): The Madhya Pradesh government has further liberalised its rehabilitation policy to benefit families affected by submergence due to the Narmada projects.

As per the new provisions incorporated under this policy, an oustee can go in appeal against the decision of the rehabilitation officer, according to the state minister for water resources, Mr Sheela Sahay.

The oustee can appeal to the district collector, who will take a final decision within three months, an official release said.

The appeal can be filed by the affected family in respect of demarcation of the area, identification of displaced persons, publication of their lists, facilities in new places and all other decisions taken by the rehabilitation officer in respect of other procedures, the release said.

AUGUST 8, 1992, THE TIMES OF INDIA, BOMBAY 9

Morse report on dam assailed

The Times of India News Service
BHOPAL, August 7.

THE Morse report on the Sardar Sarovar Project (SSP) is full of factual errors, according to the Madhya Pradesh minister for water resources, Mr Sheetal Sahay.

He told the TOINS here on Wednesday that the independent review commission's (IRC) apprehension that at least 60 per cent of the tribal oustees engaged in cultivation in Madhya Pradesh would not receive adequate land for resettlement was unfounded. "In fact, 76 per cent of the tribal population in the affected areas is recorded as cultivators in land records and all of them will get compensation, including land due to a landed oustee," he added.

Mr Sahay said all 306 tribal encroachers (prior to April 13, 1987) were entitled to resettlement benefits. There was no basis for the commission's claim that there were no records of encroachments as land records were updated every year.

He said the commission had come out with sweeping statements, such as observing that virtually no steps had been taken in Madhya Pradesh for resettlement and rehabilitation. He pointed out that submergence of villages would only begin in 1994. Plans had been prepared and it did not make sense to uproot people years in advance, he added.

Mr Sahay described as totally incorrect the commission's comment that the people had not been consulted, resulting in opposition to the projects. All members elected to the assembly from the affected areas had supported the project. On the other hand, activists opposing the dam were mainly those who did not belong to these areas, he observed.

He said another point of criticism raised by the commission related to the rights of adult sons in the rehabilitation policy adopted by the Madhya Pradesh government. "The IRC wants us to follow the Gujarat pattern wherein all

major sons are entitled to two hectares of irrigated land. But in our policy, a major son will be treated as a landless labourer if he is not recorded as a co-sharer in the records. This is a rational decision because it makes room for the fact that a major son may not be dependent on agriculture. Besides, there is no bar on anyone being recorded as co-sharer in the land even now," he added.

Mr Sahay said the state could not follow Gujarat's policy in toto because there were several other projects in the state where rehabilitation issues had to be settled.

Referring to the environmental concerns voiced by the commission, Mr Sahay said these had come up recently and were not discussed when the project was formulated in the sixties. Studies on the environmental impact related to flora, fauna, monuments of archaeological importance and other aspects were underway and would be completed by June 1993, he added.

SPECIAL REPORT

As the Morse report shows, the Narmada project authorities are not merely uprooting tribals, brutalising peasants and offending human rights. Backed by the World Bank, they are breaking every rule in their own book, playing havoc with the environment, creating a situation whereby the dam becomes an example of unsustainable, undesirable development.

A DAMNING INDICTMENT

Praful Bidwai on the implications of the review of the Sardar Sarovar Project

DETAILS OF SUBMERGENCE OF SSP

State	Land area submerged (in Hectares)				Villages (nos.) submerged	
	Agriculture land	Forest land	River bed/waste land	Total land	fully	partly
Gujarat	1877	4523	1069	7469	3	16
Madhya Pradesh	7883	2737	10208	20828	—	193
Maharashtra	1519	3459	1592	6570	—	36
Total	11279	10719	12869	34867	3	245

SUMMARY OF PROGRESS REHABILITATION & RESETTLEMENT (UP TO JAN. '92)

Item	Unit	Achievement			
		Guj.	Mah.	M.P.	Total
1. Total No. of PAPs		4500	2462	23180	30142
2. Allotment of Agricultural land	(a) No. of PAPs	3347	316	320	3983
	(b) Area	6685	743	650	8078
3. Allotment of Residential plots	No. of PAPs	2306	228	232	2766
4. Civic amenities provided					
a) Primary schools	No.	13	1	1	15
b) Tin-shed	No.	2417	161	498	3076
c) Well	No.	24	3	6	33
d) Hand Pump	No.	90	6	10	106

What's so special about tribals, anyway?

Of the 199,500 people estimated by the Morse commission to be affected by the Sardar Sarovar projects, 56 per cent or 117,000 are tribals or adivasis. These are mostly Bheels, a four million-strong community which lives in all three riparian states of the Narmada and extends into Rajasthan as well. The Bheels are divided into linguistic and ethnic sub-groups such as the Tadv, Vasava, Rathwa, Paura, Bhilala, and Nayak and have a distinct culture of their own.

A characteristic of tribal societies is their connection with land and forests in their religion,

economy and day-to-day activity. Anthropologists are now virtually unanimous that Indian tribals are not backward Hindus but ethnically different people.

Indeed, the tribals themselves argue that they are the original inhabitants of India. As Indian civilisation advanced, the tribal homelands shrank. This ancient process of deprivation is one of the subterranean mainstays of Indian history. This long history of exploitation forms the backdrop to the constitutional provision on reservations. There is a strong case in terms of human rights and democratic pluralism for preserv-

ing the specific identity of tribals and retaining for them the option to choose how to live. Tribals usually live in geographically relatively-isolated areas, are unacculturated into the norms of the dominant society, and operate fairly stable, low-energy, sustained-yield economic systems.

These systems are often poorly monetised but based on production largely for subsistence. Most tribals have loose tenure over traditional lands, which is rarely recognised by formal legal systems.

From the point of view of cultu-

ral pluralism, the unique characteristics of tribals are intrinsically worth preserving and defending. Independent India has tended to do just the opposite. Mainstream society has encroached into and colonised tribal spaces and in the name of development, undermined their integrity.

Tribals are particularly vulnerable where irrigation and mining projects are concerned. Those watersheds and mountain ranges are precisely where the bulk of them live.

— P.B.

After the elevated rhetoric at Rio — where no Indian leader lost the opportunity to preach sustainable development to the rest of the world — the abysmal reality at home — at Kevadia and Gadkoi in Gujarat, Parveta and Manibeli in Maharashtra, Harsud and Morkhala in Madhya Pradesh. The reality can no longer be denied. Sardar Sarovar, said to be the world's biggest irrigation project, could also turn out to be its biggest human, environmental and economic dam disaster.

Going by the experience of villages where people have been uprooted like weeds, by the pathetic state of hydrological and watershed planning, by repeated breaches of norms set by the project authorities themselves, by numerous flaws in their environmental assumptions, and by the World Bank's complicity in their actions, that conclusion seems difficult to resist.

This is not the view of the Narmada Bachao Andolan and its fiery activists but the implication of the findings of an independent review which submitted its report ten days ago to the World Bank. Whatever one's view of the commission, its 363-page report undeniably constitutes a landmark. (see box)

It shows that something is seriously, fundamentally wrong with the way we have planned, designed and executed one of the most ambitious, gigantic and spectacularly expensive projects undertaken anywhere to dam a river for irrigation, power and drinking water. It is so serious that we may no longer be able to rectify the wrongs.

Sardar Sarovar will in all likelihood end up violating human rights on a horrifying scale, destroying whole communities and their relationship to a major river, forests and watersheds, disrupting balances of nature without setting corrective mechanisms in place, indeed injuring a centuries-old river valley civilisation.

And in the process, it may not even yield a good proportion of the benefits it is meant to bring to Gujarat, Maharashtra, Madhya Pradesh and Rajasthan. There is every reason to believe that each one of the basic premises about costs and benefits on which Sardar Sarovar has been planned, funded and sold to the public is unduly optimistic or simply wrong.

How has this come about? The Morse Commission's report is the first comprehensive effort to analyse Sardar on the basis of officially stated policies and projections, on the one hand, and the actual performance, on the other. Its method emphasises internal consistency, or compliance with norms and standards derived from the government's own stated policies and covenants or specific commitments made to the World Bank as part of credit agreements.

The principal conclusions that emerge from the review is that Sardar Sarovar, as it stands today, is seriously flawed both in respect of its Resettlement and Rehabilitation (R and R) programmes and its plans to ameliorate adverse environmental effects.

The flaws in R and R policies and programmes have a direct bearing on the lives of some of the poorest and most vulnerable people living in the Narmada valley. The project will displace no fewer than 100,000 of them, living in 245 villages which are to be submerged. In addition, another 140,000 people will be affected by the canal and irrigation system — said to be the largest in the world. This excludes thousands more living downstream of the dam whose lives are also liable to be significantly affected.

This represents a huge social cost which both the central and the governments of the three immediately concerned states, Gujarat, Maharashtra and Madhya Pradesh, and the World Bank, are duty-bound to offset through a comprehensive R and R programme.

This obligation derives from a 1957 Covenant

bilited.

The World Bank has sought to foist upon the SSP a patchwork of measures based on data marked by discrepancies and inconsistencies. It has failed to take into account the experience with other irrigation projects in India and proved unable to turn a recognition of persistent fundamental difficulties (with resettlement plans) into an effective demand for compliance with agreed methods. It has wilfully accepted vague assurances and promises as adequate and as recently as this year made attempts to soften ... criticism and refrain from threatening suspension of the loan, which, says the Morse report, was under consideration.

All this amounts to a searing indictment of the project authorities, the concerned governments and the World Bank. The government of India and irrigation engineers have sought to pretend that these flaws and failures are not fundamental, structural or inherent in the manner in which the project is designed.

The review's conclusion is the exact opposite. Dogmatic defenders of the project have also tried to suggest that the problems highlighted in the review pertain to rehabilitation alone. However, the Morse report contains a scathing indictment of the lack of adequate environmental and health safeguards and confirms the worst suspicions of Indian environmentalists.

The chapters on the environment are a shameful story of non-compliance with standards and norms. Unbelievable as that might seem, to this day, there has been no comprehensive environmental impact assessment. Even the nature of the environmental problems involved remains obscure and basic information is lacking. The typical solutions are irrational, inadequate and piecemeal — in one word, counterproductive.

The most outrageous feature of the SSP is that it has proceeded apace without an unambiguous and specific environmental clearance. Its proponents have managed time and again to deceive both the public and regulatory agencies. The project failed in 1983 to receive clearance from the Ministry of Environment and Forests (MEF) because it had not complied with even the most elementary of the information requirements.

Subsequently, in 1985, the World Bank finalised credit for the project but its principal documents suppressed the fact that SSP was refused clearance. The bank has been complicit from the early stages. It demanded a detailed workplan by the end of 1985 from the three governments but relaxed the deadline time and again. The workplan is still not in place.

In 1985-86, under public pressure, the MEF asked the project authorities for the requisite information. It was told it would take two to three years longer. Meanwhile it was necessary to begin construction, now that the bank loan was in hand. The MEF noted that the absence and inadequacy of data on some important environmental aspects still persists.

But a compromise was reached. T.N. Seshan (no less), then environment secretary, granted conditional clearance to the project in June 1987. It noted that field surveys are not yet complete ... but details are assured by 1989. Meanwhile, delaying work on the project would add to the cost hence a *fait accompli* must be accepted. The project was cleared on four conditions. The most important was that environmental measures would be implemented *pari passu* with the progress of construction.

Three of the four conditions are still to be ful-

This is not all.

The authorities have not only not bothered to study the cumulative impact of SSP with that of other associated projects, but have begun to operate ill-designed schemes. Thus the afforestation and catchment area programmes, already inadequate, are unlikely to have even limited results because of lack of consultation with oustees.

Equally startling, the Morse Commission concludes that the compensatory afforestation being undertaken by Gujarat is such as would lead to a steady decline in the quality of forests. The government is destroying high or medium value forests but replanting marginal, arid land in a desert ecology. This is at best irrational, at worst, a prescription for disaster.

Anyway, the achievements in afforestation have been of the order of 20 per cent in M.P. and 35 per cent in Gujarat. Maharashtra is worse: there is no target. And the Taloda forest remains mired in serious problems.

Catchment area treatment remains a joke. It has been interpreted to mean less and less, the latest figures being only 6 per cent of the high priority direct draining portion to be treated before reservoir filling starts. There are disputes about definitions and Maharashtra still has to submit maps and drawings.

The Morse report concludes that the backwater effect of sedimentation in the upper reaches of the reservoir has not been considered. It will be significant. Thus the follow-up to the early work on upstream environment has been disappointing.

The downstream story is even more worrisome. These ecological implications have not been considered, but will be significant — greater siltation, salinity, decreased water quality, greater pollution and severe damage to, if not the elimination of, the last important *hilsa* fishery in western India.

Destruction caused by the canal and water delivery system is likely to be no less severe. Plans for its amelioration are based on suspect assumptions. Serious problems with waterlogging and salinity in most of the 13 zones of the concerned area are unlikely to be effectively tackled.

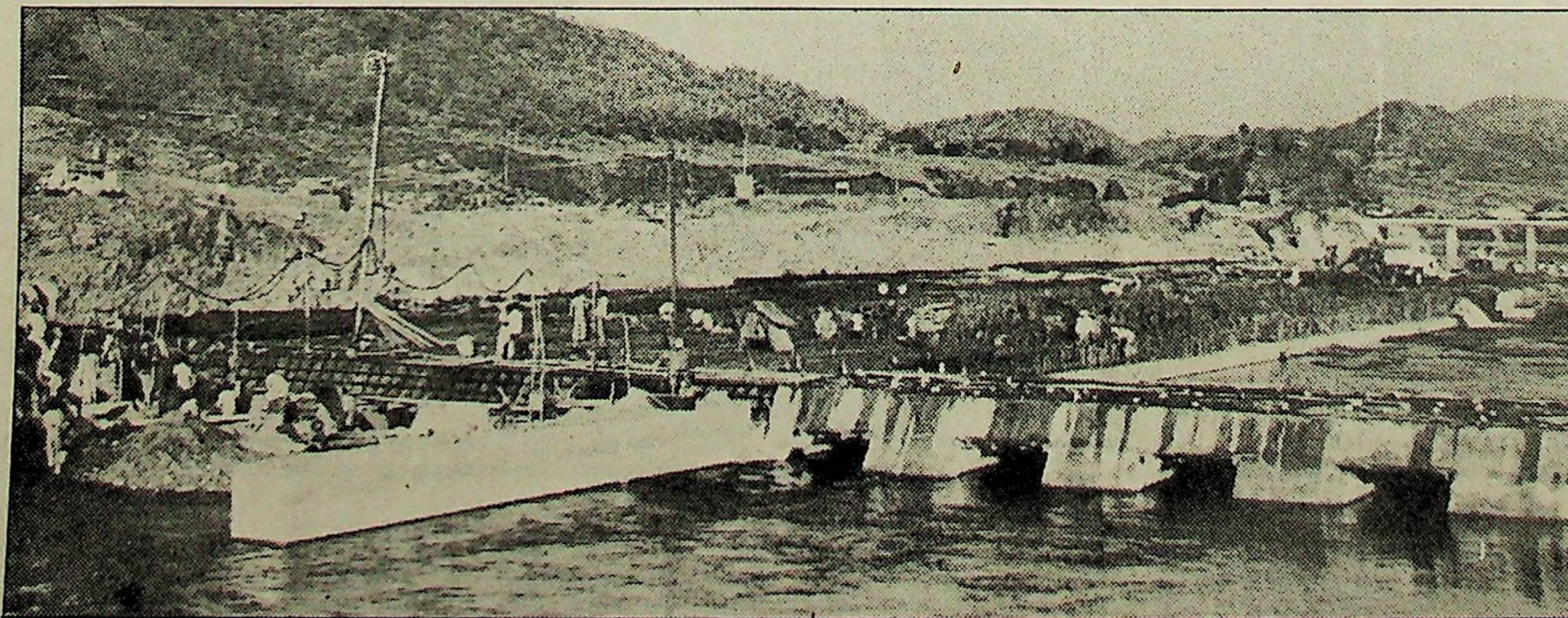
As if this were not bad enough, the project will aggravate health problems, especially the existing threat from malaria. A report to the World Bank forecasts an explosion of malaria, the creation of death traps in the form of waste-filled dykes and taking malaria to the doorsteps of villagers. This is in direct contravention of the commitment to minimise the risk of malaria, filaria and other water-borne diseases as per who guidelines.

Remedial measures have not been taken although people have died. (Yet the bank's status reports simply say that the preventive measures required by the formal agreement seven years ago are not yet due.)

Faced with the growing awareness of their comprehensive failure, the Narmada Control Authority and the government have now floated yet another project, the Narmada Basic Development Project, which is meant — so to speak — to clean up after SSP. The Morse report finds that it too fails to address key issue ... adopts a piecemeal approach, falling far short of the work that the bank's missions have said is needed ...

The bank is considering it sympathetically. Gross as it is, the bank's failure is partly explained by the willingness of its officials to sabotage their own policies. There developed an eagerness on the part of the bank and India to get on with the job. Both, it seems, were prepared to ease, or even disregard, bank policy and India's regulations and procedures.

There is clearly a lesson for all of us here. A predilection to look for magic remedies and technological fixes in the form of mega-projects has



What's so special about tribals, anyway?

Of the 199,500 people estimated by the Morse commission to be affected by the Sardar Sarovar projects, 56 per cent or 117,000 are tribals or adivasis. These are mostly Bhils, a four million-strong community which lives in all three riparian states of the Narmada and extends into Rajasthan as well. The Bhils are divided into linguistic and ethnic sub-groups such as the Tadvi, Vasava, Ratthwa, Paura, Bhilala, and Nayak and have a distinct culture of their own.

A characteristic of tribal societies is their connection with land and forests in their religion, economy and day-to-day activity. Anthropologists are now virtually unanimous that Indian tribals are not backward Hindus but ethnically different people.

Indeed, the tribals themselves argue that they are the original inhabitants of India. As Indian civilisation advanced, the tribal homelands shrank. This ancient process of deprivation is one of the subterranean mainstems of Indian history. This long history of exploitation forms the backdrop to the constitutional provision on reservations. There is a strong case in terms of human rights and democratic pluralism for preserv-

ing the specific identity of tribals and retaining for them the option to choose how to live. Tribals usually live in geographically relatively-isolated areas, are unacculturated into the norms of the dominant society, and operate fairly stable, low-energy, sustained-yield economic systems.

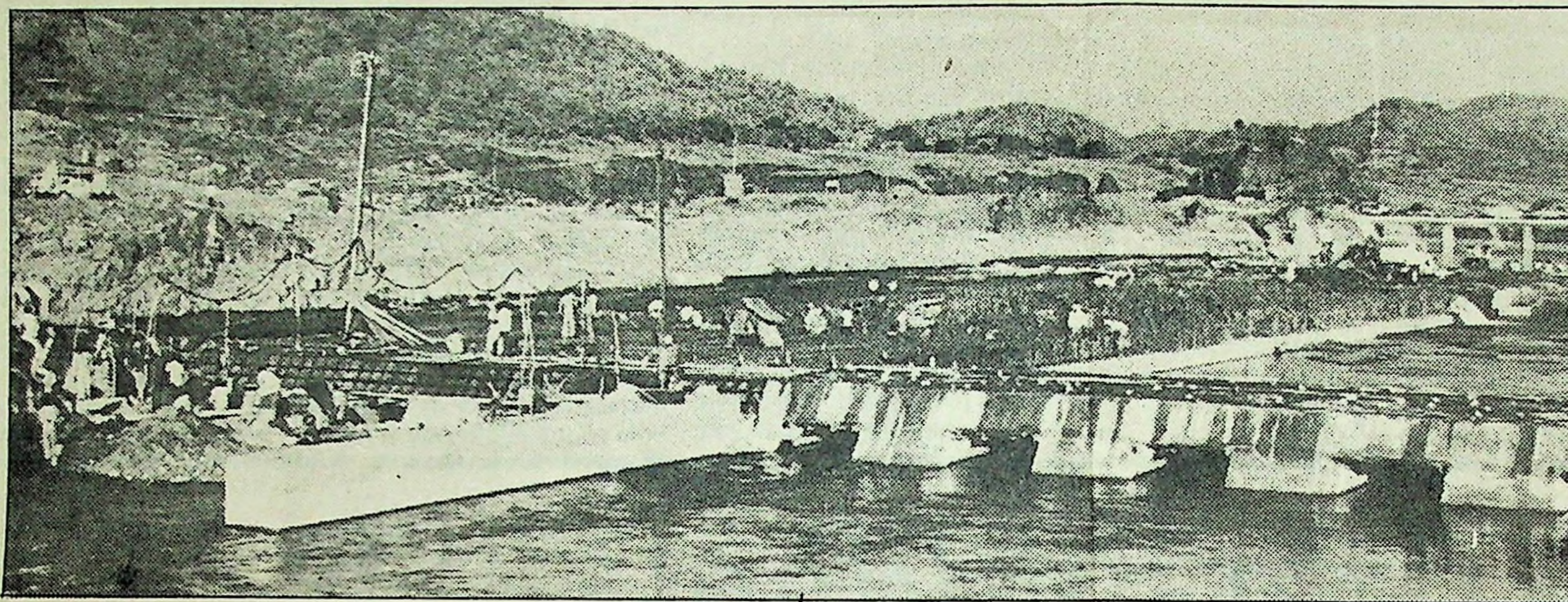
These systems are often poorly monetised but based on production largely for subsistence. Most tribals have loose tenure over traditional lands, which is rarely recognised by formal legal systems.

From the point of view of cul-

ral pluralism, the unique characteristics of tribals are intrinsically worth preserving and defending. Independent India has tended to do just the opposite. Mainstream society has encroached into and colonised tribal spaces and in the name of development, undermined their integrity.

Tribals are particularly vulnerable where irrigation and mining projects are concerned. Those watersheds and mountain ranges are precisely where the bulk of them live.

— P.B.



HOW INDEPENDENT IS THE MORSE COMMISSION?

Is the Morse Commission really independent? Could it be so when it was appointed by the World Bank?

The commission says that it was wholly free to work as it chose within its terms of reference, themselves broad, and a budget, itself liberal.

It consisted of four men — all westerners but each one of them distinguished in his field: Bradford Morse, a former head of UNDP and under-secretary general of the UN, with experience of famine relief; Thomas Berger, a Canadian lawyer known for his work on Aboriginal and human rights; Donald Gamble, an environmental engineer, with experience in water development issues and Hugh Brody, an anthropologist and specialist in

resettlement and rehabilitation issues.

According to the commission, "We made it quite clear wherever we went that we would conduct a truly independent review, that though our terms of reference are quite properly set by the president of the Bank, none of us work for the bank nor have any of us ever worked for the bank. We made it plain that we intended to travel wherever we thought it important to go, and to talk with whomever we thought it appropriate to speak ... the bank has provided all the necessary financial support, but we have designed and administered our own budget, having retained editorial control of this report, we are fully and solely responsible for its content."

For the project's proponents

and executors, however, the Morse Commission is biased, pro-environmentalist and unsympathetic to the project. Chimanbhai Patel has condemned the report. Yogendra Alagh, an economist and staunch ideologue of the project, has accused the commission of reaching totally erroneous conclusions.

And M.A. Chitale, the central irrigation secretary, has politely said he disagrees with the report. Gujarat political leaders and Sardar Sarovar Nigam supporters can be expected to use strong language against the independent review, which they do not employ against the World Bank.

But the report has not spared the World Bank from criticism. Not surprisingly, the bank has re-

sisted to accept its recommenda-

tion that it steps back from Sardar Sarovar till thorough-going corrective measures are taken.

The Narmada Bachao Andolan has not commented on the independence or otherwise of the report but stresses that it vindicates its own stand on the issue. One thing is plain though. The Morse Commission is quite unprecedented. Never before has an international agency gone so far as to constitute an external review committee of competent professionals to sit in judgment over the execution of a major project in which it has itself a large stake. Evidently, the World Bank has had to bow to growing public pressure and green opinion.

— P.B.

other dam-affected people. They reject as unacceptable and abhorrent the idea that the interests and rights of a minority, however small, can be sacrificed at the altar of the development of large numbers.

However, in practice, the Sardar Sarovar authorities, and the Gujarat, Maharashtra and M.P. governments have behaved in contravention of these obligations.

To this day, the Maharashtra and Madhya Pradesh governments refuse to implement the tribunal's 1979 directive to treat all major sons as families and to accept that tribals may not have legal title to the land they actually cultivate and hence acknowledge that there is a compelling reason to treat encroachers on a par with landholders.

The Gujarat government has failed to draw up plans for those going to be affected by the canal and the people living downstream of the dam. While Gujarat's record is a shade better than the other two states' in respect of resettling some of the oustees — it broadened its policy in 1987-88 — it has violated major norms, not least by scattering families and villages, not buying adequate land at resettlement sites, by its failure to consult the oustees, in particular tribals.

Today the government and the Sardar Sar-

var Nigam are engaged in coercing oustees — as the violence at Mamibeli, and the presence of bulldozers and reserve police battalions, shows. So much for consultation, humane approaches and grievance procedures.

The M.P. government shows no interest in rehabilitation and has failed even to draw up an elementary plan. The situation there is so bad that even if M.P. were to adopt a policy with benefits equal to Gujarat's, such a policy could not be implemented.

In other words, it is too late.

In Maharashtra, the record of resettlement remains appalling, despite the highly controversial allocation of Taloda forest land. The government has shown no commitment to rehabilitate anyone and is only too glad to be able to get rid of oustees, and drive them into Gujarat. M.P. and Maharashtra together will ensure that 60 per cent of the oustees will suffer a lowering of their standard of living.

The World Bank has been no less guilty. In the first place, it failed to carry out adequate assessments of the human impact of SSP. It failed to consult the project-affected people. It refused to take account in the 1985 credit agreement of its 1982 policy on tribal people. It failed to insist on

the overarching criterion that oustees must improve on or at least regain their standard of living — although it had adequate powers to do so.

This is not all. The bank repeatedly failed to consider the effects on the people downstream of the dam and to ensure that those affected by the canal would be entitled to resettlement benefits. Even worse, its India country department did its utmost in 1983 to scuttle a mission by Professor Thayer Scudder, a well-known resettlement expert, to the project area.

Scudder found that basic information on human impact was inadequate, that India's past record on reservoir-related relocation violated bank standards, that bureaucratic apathy towards oustees prevailed and that the state governments were not serious about honouring the NWDT award.

This should have sounded alarm bells in Washington. But the bank diluted its own R and R requirements by accepting a spurious stage-by-stage breakdown of rehabilitation plans. This placed approval of the project over compliance with the bank policy. All this was done when the earliest experience, with some 5,000 SSP oustees in 1960-61 at Kevadia, was an extremely unpleasant one. They are yet to be reha-

suspicions of Indian environmentalists.

The chapters on the environment are a shameful story of non-compliance with standards and norms. Unbelievable as that might seem, to this day, there has been no comprehensive environmental impact assessment. Even the nature of the environmental problems involved remains obscure and basic information is lacking. The typical solutions are irrational, inadequate and piecemeal — in one word, counterproductive.

The most outrageous feature of the SSP is that it has proceeded apace without an unambiguous and specific environmental clearance. Its proponents have managed time and again to deceive both the public and regulatory agencies. The project failed in 1983 to receive clearance from the Ministry of Environment and Forests (MEF) because it had not complied with even the most elementary of the information requirements.

Subsequently, in 1985, the World Bank finalised credit for the project but its principal documents suppressed the fact that SSP was refused clearance. The bank has been complicit from the early stages. It demanded a detailed workplan by the end of 1985 from the three governments but relaxed the deadline time and again. The workplan is still not in place.

In 1985-86, under public pressure, the MEF asked the project authorities for the requisite information. It was told it would take two to three years longer. Meanwhile it was necessary to begin construction, now that the bank loan was in hand. The MEF noted that the absence and inadequacy of data on some important environmental aspects still persists.

But a compromise was reached. T.N. Seshan (no less), then environment secretary, granted conditional clearance to the project in June 1987. It noted that field surveys are not yet complete ... but details are assured by 1989. Meanwhile, delaying work on the project would add to the cost hence a *fait accompli* must be accepted. The project was cleared on four conditions. The most important was that environmental measures would be implemented *pari passu* with the progress of construction.

Three of the four conditions are still to be fulfilled.

Subsequently, in 1988 the planning commission too cleared the project, subject to seven conditions. These have not been fulfilled in their entirety. But the SSP juggernaut has rolled on and on.

As the Morse report notes, the SSP's fundamental compliance problems ... go beyond a failure to address a check-list of environmental requirements. There appears to be an institutional numbness at the bank and in India to environmental matters. The tendency seems to have been to justify rather than analyse to react rather than anticipate. The net result is that mandatory and recommended measures have been implemented in a token, piecemeal and irrational fashion the *pari passu* condition has been cynically exploited for its ambiguity and the whole purpose of providing safeguards has been successfully defeated.

It is now too late to develop and implement many of the mitigative measures. Most of the bank's 1985 legal requirements for the environmental clearances have not been met. Most of the conditions attached to the 1987 environmental clearances by the government of India have not been met. By any reasonable standard of the bank or the government of India, this ought to be unacceptable. A bank office memorandum of November 19, 1990 states: "If one looks at what the bank legal agreements state with respect to environmental studies and training, and the MOEF (ministry of environment and forests) clearance requirements, those who are not fully familiar with the background might conclude that there has been gross delinquency."

The Morse report finds significant discrepancies (of the order of 30 per cent) in the hydrological data and estimates of likely water flows on which the benefits of the project were calculated. It concludes that the project will not perform as planned with or without the upstream Narmada Sagar projects. What this means is that the promised quantity of water or power is unlikely to materialise. The canal will probably flow at less than half its capacity two-thirds of the time and the desired flow rate would be achieved less than 6 per cent of the time.

These uncertainties are not theoretical.

A technical analysis estimates that a 28 per cent error in annual run-off of water would reduce the economic returns to zero. Similarly, since Narmada Sagar is not being built concurrently with SSP, there will be a 25 per cent decrease in power and 30 per cent fall in irrigated area under the project.

some. These ecological impacts have not been considered, but will be significant — increased salinity, decreased water quality, greater pollution and severe damage to, if not the elimination of, the last important *hilsa* fishery in western India.

Destruction caused by the canal and water delivery system is likely to be no less severe. Plans for its amelioration are based on suspect assumptions. Serious problems with water logging and salinity in most of the 13 zones of the concerned area are unlikely to be effectively tackled.

As if this were not bad enough, the project will aggravate health problems, especially the existing threat from malaria. A report to the World Bank forecasts an explosion of malaria, the creation of death traps in the form of waste-filled dykes and taking malaria to the doorsteps of villagers. This is in direct contravention of the commitment to minimise the risk of malaria, filaria and other water-borne diseases as per who guidelines.

Remedial measures have not been taken although people have died. (Yet the bank's status reports simply say that the preventive measures required by the formal agreement seven years ago are not yet due.)

Faced with the growing awareness of their comprehensive failure, the Narmada Control Authority and the government have now floated yet another project, the Narmada Basic Development Project, which is meant — so to speak — to clean up after SSP. The Morse report finds that it too fails to address key issues ... adopts a piecemeal approach, falling far short of the work that the bank's missions have said is needed ... the bank is considering it sympathetically.

Gross as it is, the bank's failure is partly explained by the willingness of its officials to sabotage their own policies. There developed an eagerness on the part of the bank and India to get on with the job. Both, it seems, were prepared to ease, or even disregard, bank policy and India's regulations and procedures.

There is clearly a lesson for all of us here. A predilection to look for magic remedies and technological fixes in the form of mega-projects has dangerous implications which justify a malevolent, negative, misanthropic kind of utilitarianism and sanction cruelty to the environment and to ordinary people, particularly the underprivileged, the weak, and those innocent of the corrupt ways of official and commercial predators.

Adopting such an approach in the name of realism, progress, development and rapid change is not only immoral, it makes nonsense of the rationale of the project itself.

That brings us to cost-benefit analysis. If even, say, a quarter of the conservative estimates of the Morse report on water flows, irrigability, power generation, submergence, sedimentation, salinity, destruction of forests and fisheries, are correct, then the cost-benefit ratio as calculated by MEF guidelines would turn wholly unattractive.

The project would lose its economic rationale and viability altogether. We still do not have the final figures of costs (which keep rising and changing) or the precise breakdown of benefits, such as power, drinking water and irrigation. But it would be only reasonable to suppose that so far as irrigation is concerned, the SSP costs would be at least as high as those of the average major irrigation project in recent years. (Indeed, they would probably be higher thanks to longer delays, top-heavy management, new technology, and other transactional costs, as well as higher R and R costs.)

To irrigate a hectare, it costs roughly Rs 1.5 to 2 lakh. This is mind-boggling. What it means is that the annualised cost in interest and depreciation alone (of the order of Rs 20,000 to 30,000 per hectare) would make agriculture completely unviable. The average foodgrains yield from irrigated land cannot generate a profit to meet even a fourth of this.

The Narmada projects could then be outrageously expensive too — besides being violative of human rights and menacing to the environment. Such an evaluation is no longer in the realm of speculation. After the Morse report, there is a strong basis, more than *prima facie* foundation, for it.

It is not an independent Indian agency or commission but a World Bank-appointed body that has produced the report. But that only reinforces the case for an independent review by a commission of Indian environmentalists, scientists, biologists, anthropologists, energy economists, sociologists, and rehabilitation specialists and human rights activists. And secondly, it clinches the argument for immediately suspending work on the project, allowing anything to proceed *pari passu* is to encourage cheating and destruction.

Handwritten notes and scribbles at the bottom right of the page, including the number '20' and some illegible characters.

9521 Koramangala
Bangalore

The Narmada Dam
Indians vs. Aryans !

Dt: 26.8.93

Dear Sir,

Much has been spoken and written of the damaging effects of the Narmada dam: destruction of forest wealth, damage to ecology-flora-fauna, submergence of fertile land with permanent loss of underground wealth, large scale displacement of population -mainly tribal, destruction of their homes, livestock and fields as well as means of livelihood, etc. Added to that is the adverse green house effect of large expanses of water behind high dams, as experienced in Canada etc.

But the colossal human tragedy and trauma of those whose ancestral homes will be destroyed has not been fully appreciated. Why this inhumanity when other less damaging alternatives are available ? The answer is rapacious greed of well-to-do politicians, bureaucrats and rich business, compounded with racial-cum-religious intolerance. Did not Manu say that the scheduled tribes and scheduled castes were not fit to exist other than to serve the interests of the brahmins and their right and left hand props - the thakurs and the banias ! So, wherever the former come in the way of the well-being of the latter kill them, burn them and their homes, failing that, ^{burn them} ! This has been going on right from the time the savage Aryan marauding tribes invaded India some 3500 years ago.

But still it is not too late. Let the voice of reason and humanity overcome the overweening lust for wealth of the Money-baggers, which seems to have become the order of the day. Even larger benefits than from the Narmada dam would accrue through the alternative of low and medium level dams or barrages, without the harmful effects of high dams. It is not the exercise of the cold, self-centered and calculating religion imported with the Aryans through the Vedas, but the humane and truly Indian philosophy of the Buddha that is needed.

Who pays? Who profits?

A SHORT GUIDE TO THE SARDAR SAROVAR PROJECT

The SSP is one of five mega dams proposed in the Narmada Valley Development Project. Located in Gujarat, its reservoir also submerges villages in Madhya Pradesh and Maharashtra. Altogether, it affects about 500,000 people, only half of whom are officially considered 'project-affected'.



Its promoters say it is the only solution to the drought in Gujarat. Its critics say it is a social and environmental disaster.

In October 2000, following six years of litigation, the Supreme Court of India conditionally cleared the construction of the dam. In 2003, while rehabilitation and environmental conditions continue to be flouted by the Government, construction continues.

**Some answers to
frequently asked questions**

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Some answers to
frequently asked questions

Q1 Isn't it true that the SSP is the only way to take drinking water to millions of people in the thirsty villages of Kachchh and Saurashtra?

No, better options do exist. The SSP is simply not a sustainable choice. The facts are as follows:

- The SSP was never designed to provide drinking water to the villages of this region. This "benefit" was added as a political ploy when the project ran into trouble. Feasibility studies for drinking water supply were initiated only in 1998.
- While the Government of Gujarat spends 85% of its annual irrigation budget on the SSP, allocation for drinking water continues to be meager. Issues of public finance and accountability remain unanswered: drinking water is claimed as a "benefit" of the SSP, but expenditure on it is not reflected in its financial statements.

Q2 Isn't the SSP the only way to irrigate the drought-prone regions of Kachchh, Saurashtra and North Gujarat?

This is a falsehood perpetuated by the Government to convince people that the SSP will be the "lifeline" of Gujarat. Its canal system, according to their own plans, is designed to irrigate less than 2% of the cultivable land in Kachchh, less than 9% in Saurashtra, and only 20% in North Gujarat.

By diverting money from the maintenance of existing structures, as well as from more realistic, local solutions for the region, the SSP actually makes the problem of drought in Gujarat much worse. One instance: instead of strengthening irrigation infrastructure damaged by the earthquake in Kachchh, the Government recently diverted the Asian Development Banks' Post Earthquake Reconstruction assistance towards funding the Narmada based pipeline project.

Q3 So when will the Narmada water reach the projected areas of Kachchh and Saurashtra?

Water from the Sardar Sarovar dam may never reach the tail end of the canal system because

- There is 15-17% less water in the Narmada today than was assumed when the SSP was designed.
- The SSP depends on regulated releases of water from the proposed Narmada Sagar dam upstream in Madhya Pradesh. Till that dam is complete, the irrigated area and the power generation of SSP will be reduced by 17-30%.
- The SSP assumes an irrigation efficiency of 60%, when the highest efficiency achieved in India is around 40%. So about half of the projected area will never be irrigated.



MAP BASED ON SEVENTH FIVE YEAR PLAN 1985-90 GOVT OF GUJARAT

"A glance at the map of the command area clearly indicates that large areas of water deficit regions would not get any water. As many as 35 out of 53 talukas having dark or over exploited status of groundwater development, are outside the command area."

GUJARAT ECOLOGY COMMISSION REPORT / MARCH 2001

Q4 There must be some benefits from the project? Who profits?

Cities, rich farmers, industry, politically powerful lobbies - not the people from drought prone areas. Before the water can reach Kachchh and Saurashtra, it will have to negotiate the water-intensive, cash-crop growing, politically powerful regions (and Municipal Corporations) of Vadodara, Kheda, Ahmedabad, Gandhinagar and Mehsana. Against their own directives, the authorities have allotted industrial and commercial users in Vadodara and Ahmedabad city a sizeable quantity of water. Sugar-mills, water-parks, golf courses, and five-star hotels are already positioning themselves at the head of the canal.

Q5 Now that the Supreme Court says that the Dam must be built, why doesn't the Narmada Bachao Andolan (NBA) work constructively towards the rehabilitation of displaced people?

It is simply not possible to rehabilitate such a vast number of people, except on paper. That's what the NBA has learnt in the 18 years that it has worked in the Narmada Valley. Since construction began, the authorities have not come up with a

comprehensive rehabilitation plan, even though the Narmada Water Disputes Tribunal (NWDT) requires that rehabilitation arrangements for all project affected families be complete before water is impounded in the reservoir.

- Over 80% of the 200,000 people 'officially' considered Project-affected live in MP. In the Supreme Court the MP Government has declared on oath that it has no land to re-settle the project affected people, and the State has not provided a single hectare of cultivable and irrigated agricultural land for its oustees.
- The MP Government has no land to rehabilitate 75,000 people displaced by the Bargi dam in 1990; more than 50,000 people to be displaced by the Maheshwar dam; it has not resettled even one of the 252 villages that will be submerged by the proposed Narmada Sagar dam, or by the Omkareshwar dam.
- In Maharashtra alone, Adivasi families who collectively lived on 20,000 hectares of land have been provided only 4200 hectares of denotified forestland. Half of this land was found to be unavailable or uncultivable, and rehabilitation is incomplete.

Q6 But isn't it true that the Government of Gujarat offers one of the best rehabilitation packages in the world?

Only on paper. It has not been able to settle a single village according to the directions of the Narmada Water Disputes Tribunal. For example, the Tribunal stresses the importance of preserving the social fabric of Adivasi villages through 'community' rehabilitation. Instead 19 Adivasi villages displaced in Gujarat have been scattered in 175 different 'sites'. Communities, even families, have been split.

Amongst those not counted as "project affected" are:

- 950 Adivasi families displaced in 1961 in order to construct the Project colony at Kevadia
- 8,000 Adivasi families (from 104 villages), to be displaced from the Shoolpaneshwar Sanctuary, created to "mitigate" the submergence of 13,000 hectares of forest land
- 10,000 fisher families who live downstream and whose livelihoods will be destroyed when the project is completed
- 23,500 families who will lose a major portion of their lands to the Narmada canal
- Families who are being evicted by 'compensatory afforestation' and 'catchment area treatment' schemes, as well as those of artisans, traders, and other non-agriculturists have not even been officially estimated.

Q7 Surely the Supreme Court took all these issues into account before allowing the construction of the Dam to continue?

No, it did not. In his dissenting, minority judgment Justice Bharucha lays out the evidence produced before the court. He clearly says that when the Project was given conditional clearance in 1987, no environmental impact studies, or assessment of rehabilitation had been done. Today, 16 years later, none of the conditions of clearance have been fulfilled: no comprehensive assessment of the various impacts have been completed. There isn't even a rehabilitation master plan. So Justice Bharucha categorically said that construction ought to be stopped immediately, and the project subjected to a comprehensive review.

The majority judgment however dismissed the issue of a comprehensive assessment as an "administrative detail" and permitted the construction to continue in accordance with the guidelines laid out by the Tribunal.

This despite the fact that:

- the Tribunal Award has been violated for 24 years
- not a single village has been resettled according to its directives
- the M.P. Government has said it has no land to resettle 'oustees', nor has the Maharashtra or Gujarat Government been able to offer adequate, cultivable land
- even families displaced by the dam at its current height of 103 mts have not been rehabilitated.

The Tribunal Award clearly states that under no circumstances will anyone's land be submerged before rehabilitation.

While permitting further construction beyond 90 mts, the Supreme Court too directed complete rehabilitation before proceeding. No one has cared to comply with this condition.

In effect, this is contempt of court.

Q8 The Government says that it has already spent Rs 12,000 crores of public money. Can we afford to waste this money?

The current expenditure is almost a quarter of the final project cost, said to be Rs 44,000 crores. To continue with the project would mean throwing good money after bad. If the project were reviewed and restructured even today, it would not be a waste:

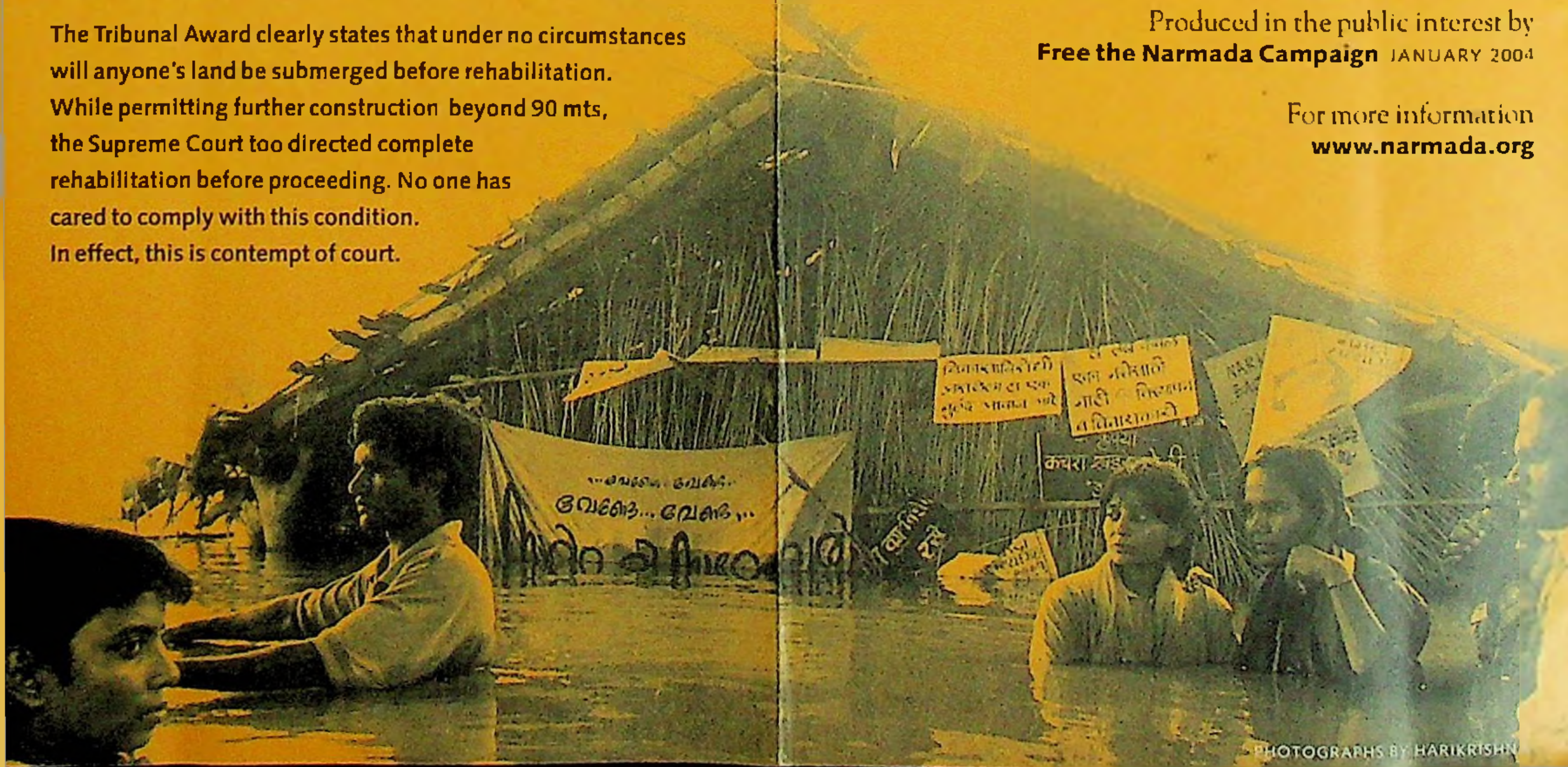
- Expert studies show that the SSP can be restructured, with the bypass tunnel constructed as a lower level channel, using the current dam height to carry water to Kachchh and Saurashtra.
- Instead of one large reservoir at the Dam, Gujarat can receive its full share of Narmada waters at the present height by building de-centralized storage systems in the Command area.

By continuing without review and restructuring, the Government will spend another Rs 32,000 crores, and still fail to deliver its promise. The money will instead only go towards servicing debt liability on indiscriminate market borrowings. And restructuring the project would save money that is more than adequate to fund water harvesting schemes in every one of the 9,000 drought-prone villages of Gujarat, as well as for other decentralized solutions and alternatives.

Restructuring the project now would save prime forests and agricultural lands from submergence, and save hundreds of thousands of oustees from displacement.

Produced in the public interest by
Free the Narmada Campaign JANUARY 2004

For more information
www.narmada.org



Main Identity

From: "Pervin Jehangir" <pjehangir@rediffmail.com>
To: "smruti koppikar" <smruti@koppikar.net>
Sent: Monday, December 08, 2003 3:23 PM
Attach: ATT00263.txt
Subject: Fw: victims

Narmada Bachao Andolan
B-13 Shivam Flats
Ellora Park, Baroda, 390007

Press Release, 7/12/03:

**Attempted Suicide of 15 Narmada Oustees
Dire Situation in Gujarat Resettlement Sites**

(BARODA, Gujarat) On December 5, the attempted suicide of 15 Project Affected People (PAPs) at the Sardar Sarovar dam site brought to public attention the grave injustice and destitution faced by dam-affected people in Gujarat. The PAPs are adivasis displaced from villages in Nandod and Naswadi talukas (District Narmada and Baroda respectively) by the Sardar Sarovar Project reservoir and other project-related works and shifted to resettlement sites as early as the 1980s, but not yet adequately rehabilitated. The government promised, among other things, that at least one member of each family would receive jobs from the government upon displacement. After this and other promises of rehabilitation failed to materialize and numerous appeals went unanswered, the desperate PAPs felt they had no options left.

While the NBA in no way condones the attempted suicide, the issues raised by the PAPs are genuine. As the Gujarat government repeatedly claims that it has rehabilitated all 4,600 PAI's from Gujarat and seeks approval to increase the dam height to 110m, the ground reality of the resettlement shows that people displaced at the dam heights of 80, 90, and 100 meters haven't even been adequately rehabilitated. Both the NWDTA as well as the Supreme Court Order (2000) made it mandatory to provide dam-affected oustees with a minimum 2 hectares of irrigable and cultivable land, house-plots, and resettlement sites with amenities, before submergence and displacement.

However, surveys conducted by the NBA and petitions of oustees from R&R sites indicate the complete violation of these provisions. Many declared PAFs have not actually received the promised minimum of 2 hectares of cultivable land. Among those who actually received 2 hectares of land, many report that their lands are partially of fully uncultivable and of lower quality than the fields in their original villages. Some PAI's who received land are yet to get their title deeds, and others have not been provided with irrigation as required by subsequent court rulings. Moreover, many sons above the age of 18 and thus entitled to land compensation are yet to be recognized. Many sites also still lack approach roads, clean drinking water, grazing lands, and civic amenities. Consequently, many families have gone from a situation in their original villages where they could support themselves from the forest, river, and fields, to one where they no longer have resources upon which to subsist in a secure and dignified manner.

9/12

9/12

There are also scores of people affected by the dam who are still living in the villages of Mukhedi, Gadher, Hateshwar, Turkheda, and Antras who are facing submergence but have not been declared as projected-affected. Other people have gone back to the original villages because survival has proven so difficult in the R&R sites.

It is thus evident that the rehabilitation of PAFs in Gujarat is incomplete, contrary to the claims made by the Government of Gujarat, and in gross violation of the NWDTA, the Supreme Court Decision of 2000, and fundamental human rights. The unfortunate incident this week should compel the governments to take cognizance of the gravity of the situation, stop submitting erroneous reports, and halt construction on the dam until all Project Affected People are resettled. The NBA expects the Courts, including the Apex Court, to take cognizance and legal action to insure that this happens.

M.K. Sukumar

Sanjay Sangvai

Narmada Bachao Andolan

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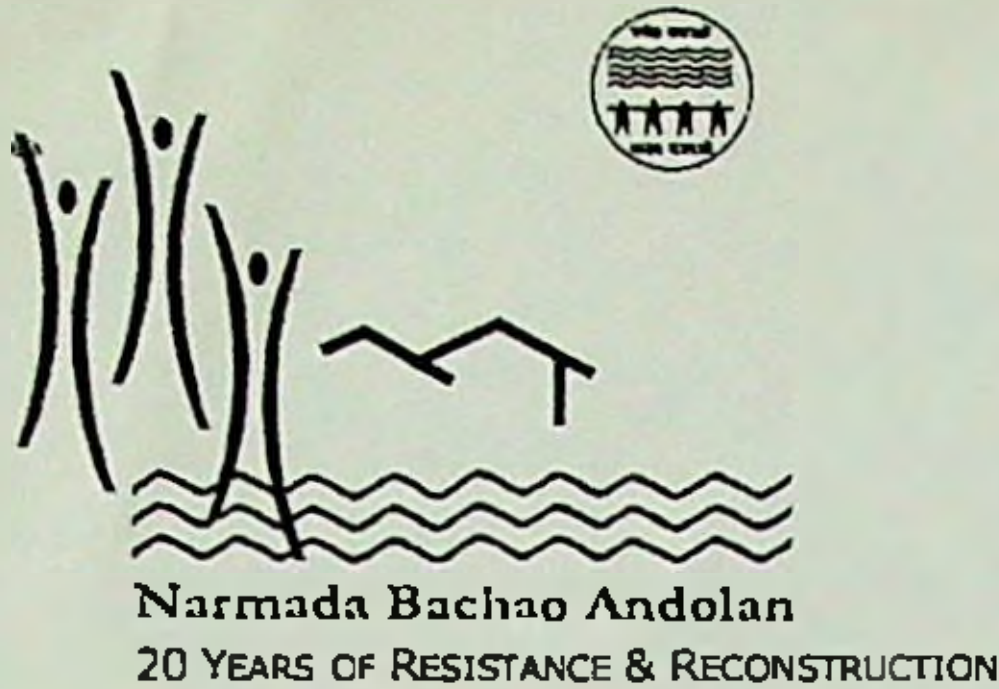
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12/9/03



Narmada Bachao Andolan Invites You to Join The Commemoration of 20 years of Resistance & Reconstruction

It's 20 years since we began organising, mobilising, and questioning the big dam, 'Sardar Sarovar' and the destruction in the Narmada Valley. The two decades of struggle, with mass actions, challenged and exposed the designs of the governments and the World Bank. The struggle also witnessed state repression, illegality and inhumanity of forceful eviction of living communities, severe environmental destruction and the falsehood in the overestimated benefits. We have tried to bring to the attention of the civil society as well as the planners, the unjustifiability of large dams and the need for decentralised, non-destructive management of land, water, and forest.

Today, even when the construction of the Sardar Sarovar has stopped (and so are the big dams in the Valley, Narmada Sagar, Maheshwar, Goi, Veda) the sword is still hanging... other large dams and the interlinking of rivers is pushed ahead...the World Bank and other players are privatising and looting our water resources. The water policy and the national rehabilitation policy is still to be radically transformed as per our vision of equity, justice, sustainability, and self-reliance. The challenge is on and so is the struggle.

The reconstruction — through Jeevanshalas (the life-schools), the micro-hydel project, the training and action related to health, water projects, PDS, EGS and Panchayat Raj — too is on! We continue to be active in alliance building of peoples' movements challenging globalisation and liberalisation, Enron and Coca Cola, and contribute to policy making — national and international, like the World Commission on Dams, to the extent possible. The supporters, activists from all over have been with us through thick and thin.

Deep woods and long roads call upon us to cry halt to the destruction in the valley of the oldest human civilisation, the nature and living human communities, to strengthen our steps and commitment, to broaden and deepen our vision and to keep walking to the horizon! This is time to not just rejoice over and celebrate our humble attainment but also to reflect and to review.

We invite you to the Narmada Valley for a series of programs to commemorate the past two decades. These programs would bring together the people who valiantly fought the might of the State for past two decades, as well as a host of supporters from all walks of life, who walked with the movement for different distances at different phases of the struggle and who have contributed in very many ways. The planned programs are:

November 23-24, 2005: Visit to Gujarat Rehabilitation sites and tribal areas of Gujarat, Maharashtra and Madhya Pradesh (One team to start from Baroda and another to start from Dhule on 23rd morning)

November 25: Visit to Nimad area (plains in Madhya Pradesh)

November 26: Narmada Convention in Badwani

November 27: Mass rally and public meeting in Badwani

What To Bring: Please carry with you good walking shoes, socks, torch, dry snacks, water bottles, sheets (chadar)/ sleeping bag, whatever medicines and personal items

you need. Please note that for the first two days you will be in an interior area and will not be able to buy anything you need. Travel light since there may be some walking involved.

Travel Plan: To those who come by train, Baroda, Indore and Dhule are the nearest railheads. Baroda office would assist those who reach there. From Indore, regular buses are available for Badwani (5 hours). From Dhule, Dhadgaon is 5 hours by bus. (Kindly see below the addresses). Baroda and Indore are connected by air. Overnight buses are available from Mumbai to Badwani (via Julwania). Kindly contact any of the centers below to get more information.

Volunteers / Appeal for Funds: Before and during the programs we would require large amount of human power. If any of you can come to the Valley earlier and help us with planning and preparing for the event, we would welcome your help. The program would require significant funds. We would appreciate donations to help us for this event. For donations, contact Ms. Pervin Jehangir in Mumbai - (022) 22184779, 9820636335.

Contact Information:

For any information about the program, please write to nba20yearprogram@gmail.com or to Pervin Jehangir pjehangir@gmail.com / Maju-Joe initiative@riseup.net

NBA offices contact information:

BARODA office - contact Dipti, Jiju, Biniwale
c/o B-13 Shivam Flats, Ellora Park, Bhagwan Mahaveer Marg, Baroda, Gujarat 390023
Email: baroda@narmada.org; Phone: 0265-2282232, 09879536407

BADWANI office - contact Ashish, Asit, Rakesh, Devarambhai, Kailash
62, Mahatma Gandhi Marg, Badwani, Madhya Pradesh 45155. Phone: 07290-222464

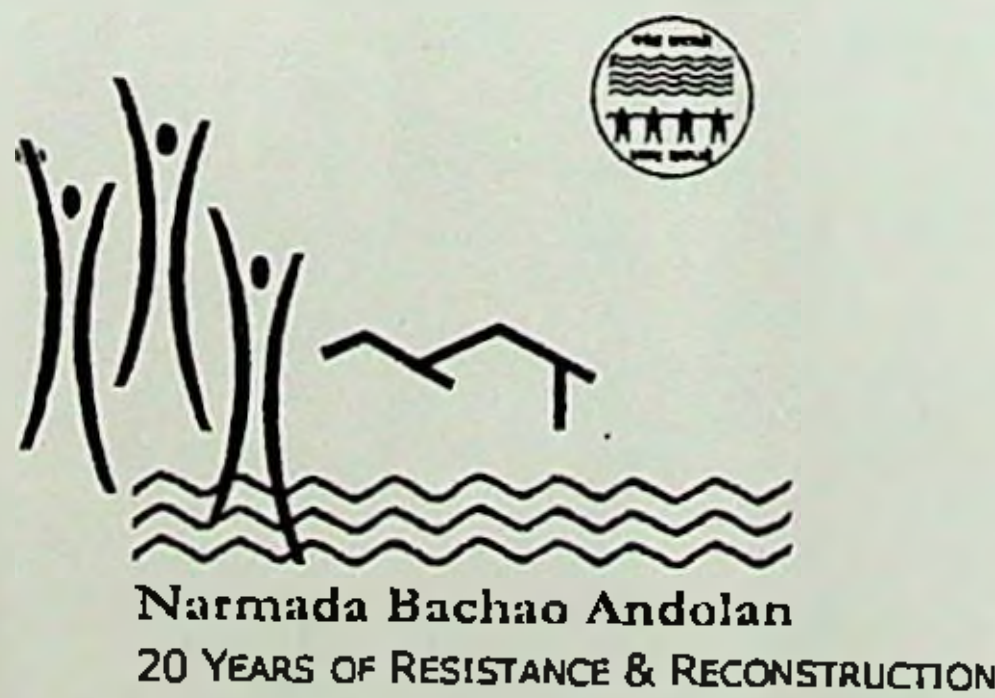
DHADGAON office - contact Gita, Yogini, Rohan, Chetan
Maitri Niwas, Tembewadi, Behind Kakawadi, Dhadgaon, district Nandurbar, Maharashtra.
Phone: 02595-220620

Dule contact: Shyam Patil, 16 Ashok Nagar, Phansi Pool, Dhule. Ph: 02562 246419

We would welcome your confirmations, suggestions and comments.

In solidarity,

Devaram Kanera **Kamala Yadav** **Noorji Padvi** **Prabhubhai Tadvi**
Baba Maharia **Ashish** **Gita** **Dipti** **Medha Patkar**



Narmada Bachao Andolan
c/o B-13 Shivam Flats, Ellora
Park, Bhagwan Mahaveer Marg,
Baroda, Gujarat 390023

From -

E-2.

Jagadeesh BNF

Dt. Aug. 14, 2003.

What is the Maheshwar Project and why has it been a subject of controversy ?

The Maheshwar Project is one of the 30 large dams in the Narmada valley. It will be built on the river Narmada upstream to the Sardar Sarovar Project at the village of Jalud near Mandleshwar in District Kargone in Madhya Pradesh. Since 1997, the affected peasants, fisherpeople, boatpeople and agricultural workers of the area have waged an intense struggle to challenge and stop this controversial Project. Thousands of local people have barricaded roads leading to the dam for months, peacefully captured the dam site at least 11 times, taken over the jails and refused to leave, and demonstrated, fasted and protested in every way possible. Why have they done so ?

Social issues

If this dam is ever built, the 42 km. long Maheshwar reservoir will submerge both a rich land economy - black cotton soils irrigated by pumps from the river on which grow wheat, cotton, spices, etc, as well as a rich river economy - scores of sand quarries, fishing, draw down agriculture, ferrying, etc which supports upwards of 5000 Kewat, Kahar and Dalit families.

As per the MoEF clearance given to the Project promoters in 2001, the dam will submerge over 8000 families in 61 villages in the area either fully or partially, i.e. lands, homes or both. This excludes those thousands of landless Kewat, Kahar and Dalit families who will lose their entire livelihoods of sand quarrying, fishing, etc, although their homes may escape being submerged in the project and who should be identified as Project affected as per Madhya Pradesh govt rehabilitation policy for oustees of Narmada Projects. Similarly, it excludes the large number of people who may be additionally affected because of the under estimation of the extent of submergence and the large numbers who may be additionally affected by large scale expected waterlogging in the adjoining area as per an environmental study commissioned by the S. Kumars and submitted by them

3/20/03

The Rehabilitation policy of the Madhya Pradesh govt. for oustees of Narmada Projects as well as the conditions of the environmental clearance of the MoEF require that the affected people be settled with agricultural land in the lieu of agricultural land that they are losing, and that it was only in very exceptional cases that a oustee could receive cash compensation. Yet, till today, not a single affected family has been given agricultural land. But the S. Kumars have forced several people to accept cash compensation by dumping truck fulls of stones on their land. This complete absence of land and the failure of the rehabilitation process has been documented again and again in the Report of the Task Force Committee set up by the State govt. that came out in 1998, the Four Report of the Ministry of Environment and Forests of 1999, the Report of the German Development Ministry in June 2000. The situation continues and the Monitoring Committee of the MoEF have reported in their recent most report of 2002 that not a single condition of the environmental clearance including land based rehabilitation has been complied with.

Technical issues

Maheshwar Project. Myth of power production

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24/8/03

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To Dr. CRF / R.N. + Election 5 me pl
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Technical issues

Maheshwar Project: Myth of power production

The Maheshwar Project site is at a point in the river where there is no river gorge and where river flows through the plains. Because it is situated in the plains of the Narmada valley with a low rim, there is a technical and design bar to higher production of power.

In fact, as per the 28-year river flow data from 1951 to 1977 used in the Updated Project report of the Maheshwar Hydro-Electric Project (1993), **the average electricity generation in the 8 non-monsoon months from November to June each year, when peaking power is in demand because of Rabi is only 193.86 MU.** This data shows that the large part of Maheshwar power (nearly 79%) will be produced during the 4 monsoon months. In fact, for the 8 non-monsoon months of the year the Project will produce an average of only 1.5 hours a day. Yet, the high tariff of the power to be produced by this Project is sought to be justified by claiming that this is a peaking Project.

Thus, although the Maheshwar Project has an installed capacity of 400MW, it will **have a firm power production of only 92 MW initially and 49 MW finally** since the actual extent of firm power in a Hydel Project is based on the available water flows and may actually be only a fraction of the proposed installed capacity. If there is a drought and they do need power, hydel power will not suffice because of inadequate flows, illustrated by the abysmal record of Hydel Projects in Madhya Pradesh in the last five years.

Expensive power , PPA rip off

Since 1994, when the Project was only Rs. 465 crores, the estimated Project outlay has been increased upwards by a factor of five to around Rs.2233 crores today. That this huge increase in outlay, combined with the "deemed generation" clause, that means compulsory payments at deemed generation levels, irrespective of actual production, guaranteed rates of return on equity ranging from 16 % to 32 % and a PPA that is valid for 35 years, has increased the cost of power from this project to make it prohibitively expensive. As a result, the power tariff, as a proportion of project costs, has gone up enormously. Based on the tariff formula in the Power Purchase Agreement, it may be conservatively estimated that the average cost of power from the Maheshwar Project will be around Rs. 4- 5 per kWh at bus bar, and the cost of peaking power will be much higher.

Comparing this with the cost of the power produced at bus bar by the State Electricity Board today (Rs. 1.25 per kWh for thermal and Rs. 0.25 per kWh for hydel) and the cost of the NTPC produced power (Rs. 1.67 per kWh), it is clear enough that the cost of Maheshwar power will be prohibitively expensive.

After including the cost of T&D (49% losses in Madhya Pradesh today – so the cost of power will be exactly doubled when it reaches the consumer and reach a level between Rs. 10 per kWh), the cost of this power at the point of consumption will be so high as to be completely beyond the reach of power consumers in the state – agriculture, domestic, commercial or industry. This is the fundamental flaw in the Project – that the power it will generate is so expensive that the cost of power production cannot be recovered through sale of power either by the MPEB (Madhya Pradesh State Electricity Board) or by the Project promoters. This makes the project extremely vulnerable to and crucially dependent on the overall financial position and other sources of revenue of the MPEB, which is deeply in the red. It is also a concern

that the PPA , the escrow account and the state guarantee to the debenture issue that that the GOMP is planning to grant is likely to destroy the State Electricity Board, if the Project is ever built.

Meeting of 4th march 2003 organized to arrange financing for S.Kumar promoted Maheshwar project:

On the 4th of March, 2003 a meeting was organized by the Ministry of Power, which was attended by Union Power Minister Shri Geete, Chief Minister Madhya Pradesh Shri Digvijay Singh, Minister of State for Finance, Govt. of India, Chairman, IFCI, MD, LIC , MD, SBI, MD, IDBI and several others. The major agenda in the meeting was how the privatized Maheshwar Hydro-Electric Project in the Narmada valley in Madhya Pradesh promoted by the S.Kumars group was to be financed with public money.

The apex politicians were meeting with the heads of financial institutions in order to tie up the finances of the Maheshwar Project to the extent of Rs. 2233 crores through loans and debentures to be financed by the Indian financial institutions. This included subscriptions for the debentures to be issued by the Shree Maheshwar Hydel Power Corporation Limited – the S.Kumars company implementing the Project for the purpose of picking up equity – an amount between Rs. 330 to Rs. 400 crores.

It is rather ironical that except for a small amount, the rest of the finances of this privatized Project are being sought to be mobilized from public money, making nonsense of the original argument for the privatisation of the power sector as the need for ' additionality of resources". The Project that had to be privatized for the want of public financial resources when it was costed at Rs. 465 crores is now being sought to be financed with over Rs. 2000 crores of public money after the total cost of the Project has been increased five fold to Rs. 2233 crores in a decade after privatization.

What transpired during the meeting :

Some of the crucial highlights of the meeting was that the SBI said that they had formally cancelled a foreign currency loan of Rs. 110 crores that it had committed to earlier (which to be given by SBI Frankfurt), but were prepared to renew it. The IFCI was directed to firm up subscription agreement for equity from others as well as LIC, and to tie up or reconfirm balance debt/equity from the FI's. Thus very clearly, except for a small amount from the S.Kumars, the entire project was to be financed by public money.

The Power Finance Corporation CMD Shri Khan stated that PFC is the largest lender to the Project **beyond its normal exposure limits** but will still be " providing the credit enhancement guarantee to facilitate the raising of funds through OFCDs" provided the SMHPCL defaults on the PFC are paid.

It may be recalled that till very recently, the SMHPCL were the PFC's third largest defaulter. Obviously, since the S.Kumars had defaulted on the money already borrowed by them from the PFC on a very large scale, it would be completely illegal for the Power Finance Corporation to give the S.Kumars a credit enhancement guarantee, any sort of default guarantee or any more public monies.

Pressure on LIC :

The Managing Director of LIC stated that the LIC had agreed to contribute to the subscription of Rs. 100 crores to the debentures proposed to be issued by the SMHPCL on the condition that a) the OFCDs are rated by the CRISIL at AAA(SO), b) provided the PFC provides credit enhancement guarantee to the Project, and c) if the lenders confirm their support to the Project.

Unfortunately, instead of insisting that the S.Kumars must pay back these defaults on public money of the SMHPCL on the PFC at once, especially, if they were seeking to receive a credit enhancement guarantee from the PFC, the Minister of State for Finance, GOI said that he " he " desired " that the LIC should "reconsider" its decision and should hand over Rs. 100 crores of public money to the S.Kumars so that the company can pay off its huge outstanding default in repayments to the Power Finance Corporation. It is only after this repayment that the PFC would offer the S.Kumars company – the SMHPCL the further facility of a credit enhancement guarantee. The Rs. 100 crores to be given by the LIC will be in the shape of "advance" subscription to an Optionally Fully Convertible Debentures to be issued by the SMHPCL. The LIC Board had earlier refused to make any such advance payment.

The Secretary Power also states in the Minutes that " Considering the fact that PFC cannot issue the credit enhancement guarantee without the clearance of default dues, LIC to reconsider payment of Rs. 100 crores in advance for clearing the dues and to mobilize site for resumption of work."

Thus, although the a priori condition of the LIC contribution to the S.Kumars debentures was the PFC credit enhancement guarantee must be in place, the LIC is being forced to pay the entire sum in advance at the "desire" of the Honorable Minister so that it becomes possible for the PFC to issue such a credit enhancement guarantee.

It may be recalled that the Tarapore Committee that had been set up to investigate the UTI imbroglio that had cost millions of small investors very dearly and had resulted in the imminent collapse of the Indian economy, had identified and censured the "evergreening" practices of various financial institutions in which they extend loans to corporates who have defaulted on previous loans in order to wipe off their defaults, as one of the major reasons for the UTI crisis. These evergreening practices are also responsible for the huge accumulation of Non-performing assets in this country. However, now a Minister of the Central government responsible for public finance has virtually ordered another public financial institution – the LIC to pay out crores of rupees of public money to wipe out the existing huge defaults of the private company – the S.Kumars on the Power Finance Corporation, rather than asking the defaulting company to pay up. Clearly this is not only highhanded and dictatorial, it also blatantly illegal.

Debt – Equity ratio below norms

The FI's also expressed concern that the equity for this Project is being sought to be raised by debentures, which could be converted into equity at a later stage, at the option of the equity holder. The required debt equity ratio for private power projects is 4:1, that is at least Rs. 440 crores of the financial outlay must come from equity. In this

context, Mr. Batra, MD, SBI cautioned the meeting against taking any steps that could reduce the debt – equity ratio below the established banking norms.

Promoter's equity in due course ?

The meeting minutes also record that the Managing Director of SBI also insisted that it was imperative that in addition to attempts to tie up funds for equity through debentures, the **Promoter must infuse its own share of balance equity of around Rs. 82 crores**. The Policy on Private Participation in the Power sector issued by the Ministry of Power through gazette notification of 22nd October 1991 stipulated that " at least 11% of the total outlay must come through promoter's contribution." That is a project outlay of Rs. 2233 crores necessitates a minimum promoter's contribution of Rs. 245 crores. The SEBI also requires that for any public issue, at least 25% must be the promoter's share – ie. at least Rs. 100 crores out of Rs. 400 crores for this issue. Must come from the promoters. However the S.Kumars seem to have a completely different view of how much contribution they need to make. The meeting minutes record that " with respect to equity being brought in by the promoter, Shri Kasliwal informed that **only an amount of Rs. 41 crores** remained for which also arrangements had been made and that the amounts would be infused in due course."

Political pressures privilege corporate interest over public interest :

There seems to be no discussion in the meeting about the order of magnitude difference in the estimate of promoter's contribution between the Promoter and that of the financial institutions. In fact, the Secretary (Power), GOI merely concludes that the Promoter will infuse balance equity in a **time bound** manner. Thus, the promoter will pay his contribution " **in due course**" and " **in a time bound manner** ", but the LIC is to be milked for an **advance** subscription to the debentures, without fulfillment of any of its stipulated conditions, so that the S.Kumars defaults can be paid off and the guarantee provided. Clearly, the promoter is let off the hook both in respect of bringing in the adequate amount of promoter's contribution as well as taking responsibility for and paying up its defaults because of strong political patronage it seems to enjoy. It is also not clear as to why the Power Finance Corporation has overexposed itself to this Project but it seems that it is for the same reasons of political pressure.

Why is any decision to provide the S.Kumars corporate group with further injections of public money for loans and equity (not just from the LIC) illegal ?

A. SMHPCL 's Maheshwar Project properties are attached

There are ongoing legal proceedings against the S.Kumars group companies Induj Enertech Limited and Shree Maheshwar Hydel Power Corporation Limited and that **the movable and immovable properties of the Maheshwar Project have been under attachment since the 20th of December of 2002.**

In 1999-2000, the holding company of the SMHPCL – the Induj Enertech Limited had taken a short term loan of Rs. 44.75 crores for the financing of the Maheshwar Project. As a result of this default by the S.Kumars, in September 2001, the MPSIDC ordered that the recovery of the outstanding sums should be made from the attachment and sale of the movable and immovable properties of the Maheshwar Project under the

Madhya Pradesh Public Money (Recovery of Dues) Act 1987 and the Madhya Pradesh Land Revenue Code, 1959. The MPSIDC is the state industrial development corporation of Madhya Pradesh.

The attachment of the movable properties was done by the District administration in February 2002 and of the immovable properties, including Project lands on the 20th of December 2002. The S.Kumars have now moved the High Court to stop further proceedings, and the case is pending. In the meantime, on the 14th of February, a two member bench of the Indore High Court has restrained the S.Kumars from "**creating any further charge on the property under attachment**" pending final decision. Thus clearly the attachment of the properties continues.

In the circumstances that the promoter company- the SMHPCL that is to issue the above mentioned debentures and mobilizing the loans from the Indian public financial institutions **does not even have possession of the movable and immovable properties of the Project, including the dam site lands, since the last number of months**, because the said properties are attached, and **that any possible rating can only be D- for default**, it would be illegal and absurd to jeopardize any further public money – in the shape of loans or equity into the Project or the promoter company ?

The NBA has issued a legal notice to all the banks and financial institutions who have put money in this project to cancel all existing agreements, recall the public monies that have been defaulted on. In the circumstance that the movable and immovable properties of the Project including Project lands are no longer with the S.Kumars, and that this constitutes the securities for the said loans, the NBA has asked that the personal guarantees of the Promoter Directors and the corporate guarantees of their Associate companies with which their loans had been additionally secured be invoked. However, instead of this, the S.Kumars are attempting to mobilize further public funds with the help of political patronage and support .

B. Pre – disbursement condition of IFCI of the return of Rs. 106.4 crores with interest yet to be fulfilled

That the Project promoters of the S.Kumars promoted Maheshwar Project is being envisaged to be largely funded with public money from the Indian public financial institutions and banks, and that the IFCI or the Industrial Finance Corporation of India is the lead agency responsible for the continuing appraisal and monitoring of the Project on behalf of all the other public financial institutions and banks, involved in financing the Maheshwar Project. As per the IFCI Reappraisal Report of March 2000, by the end of 1999, the SMHPCL had borrowed around Rs. 122 crores of public money from various banks and institutions including the IFCI, IDBI, SBI, LIC, GIC, Bank of India, Dena Bank, etc. It had also put in around Rs. 136.4 crores of its own money as promoter's contribution that was a requirement for the public financing. Together this money constituted the project funds, the expenditure from which has to be with the prior approvals from the financial institutions. The IFCI March 2000 Reappraisal Report clearly states that out of this money, Rs. 106.4 crores was given to agencies that neither did any of the assignments on the Project nor had any approved contracts for the Project. Clearly, therefore these public monies were not used for the purposes of the loan, ie. the construction of the Project.

The IFCI Report also notes that Rs. 19.3 crores of this money was given to SMHPCL's holding company – Induj, although the said company had no contracts, or any experience to work in the Project. As a result, the IFCI Report stipulates in its special pre-disbursement condition for all public banks and financial institutions financing this Project that " **SMHPCL shall bring back the capital advances of Rs. 106.4 crores , with interest, given to various agencies who have not been awarded with any project contracts "** .

The SMHPCL has recently admitted in a case in the Mumbai City Civil Court that out of this sum of Rs. 106.4 crores **plus interest** that they were to bring back, they have been able to bring back only Rs. 68 crores. By their own admission, therefore over Rs. 36 crores with interest is yet to be brought back. Clearly, then there can be no further question of any more public funds going into the project as loans, as debentures or as advance subscriptions.

SMHPCL guilty of diversion and siphoning ?

The 30th May circular of the RBI defines "diversion" under Section 4.1 Among other things, it defines diversion as " deploying borrowed funds for purposes/activities or creation of assets other than those for which the loan was sanctioned" (Section 4.1(b) or as " transferring funds to the subsidiaries/ group companies or other corporates by whatever modalities".(Section 4.1(c))

The IFCI Report makes it clear that the entities who were given the Rs. 106.4 crores did no assignments regarding the Project. Thus since the Project funds including the Rs. 122 crores of borrowed funds were **not** deployed for purposes that the loan was sanctioned for – i.e the construction of the Project, they were deployed for purposes other than the stipulated purposes, and by RBI definition given under Section 4.1(a) this constitutes "diversion".

It is also clear that these monies amounting to Rs. 106.4 crores were transferred to group companies and other corporates, without there being any contracts or approvals for the same, thus attracting the definition of " diversion" under Section 4.1(b) of the 30th May 2002 RBI notification.

The 30th May 2002 RBI notification also defines " siphoning" of public funds to be " construed to occur if any funds borrowed from banks/ FIs are utilized for purposes unrelated to the operations of the borrower to the detriment of the financial health of the entity of the lender". It has been established on the basis of the IFCI Report that the Project funds that included borrowed public financial institution/bank funds were utilized for purposes unrelated to the Project. The press cuttings shown at page 241-242 of the Compilation on Finance state that the telephone and electricity connections of SMHPCL has been severed due to non-payment. Thus the financial health of the entity has suffered even as Rs. 106.4 crores of Project funds including public funds were diverted to entities without contracts and who did no work on the Project. This can only be regarded as the "siphoning" of funds.

The SMHPCL has sought to argue that these diverted monies of Rs. 106.4 crores were not from public funds as according to them, by October 1998, when the said amount of 106.4 Crores was disbursed, only Rs. 19 crores had come in from the Dena Bank by the way of public funds. Therefore by implication they have sought to suggest

that these monies had been disbursed from their promoter's contribution and therefore it was not public funds that the SMHPCL was distributing to agencies unconnected to the Project either by work or by contracts. This contention is not acceptable because firstly, by 31st December 1998, as per the Balance Sheet of the SMHPCL, only Rs. 65 crores had come in as shareholder's funds. Obviously, Rs. 106.4 crores cannot be conjured from Rs. 65 crores, and therefore it is a mixture of shareholders funds and loan funds that was diverted. Secondly, because the SMHPCL is a 100 % held subsidiary of a listed company ie. a public company, it is under the Section 43 A of the Companies Act, a deemed public company, implying that its shareholder's as well as loan funds are public funds.

Thirdly, the Policy of the Ministry of Power on private participation in the power sector. Gazette notification 22.10.1991 states that "at least 11 % of the total outlay must come through promoter's contribution" in any private power Project, especially one that is seeking public financing such as the Maheshwar Project. At the level of outlay cleared by the techno-economic clearance of 1996 of Rs. 1569 crores, the promoter's contribution at 11% needs to be at least Rs. 172 crores.

Thus, this minimum level of promoter's contribution as a proportion of the public funds is legally required (Please note that the infused Rs. 136.4 crores is lower than the required Rs. 172 crores) as the basis of any further public financing, and once public financing comes in, the promoters equity is inextricably mixed up with the public funds that have come in, and the entire amount becomes a domain for the scrutiny by the public financial institutions participating in the Project and approval about the use of these monies need to be taken from them. The SMHPCL cannot then claim that if it has given away Rs. 106.4 crores without adequate justification it has done so out of its own money. This is the reason why the IFCI Report states that "the company has also not taken any approval from the Institutions in this respect before appointing them" and stipulates the return of the entire sum of Rs. 106.4 crores along with interest as an important pre-disbursement condition for any more public funds to be infused into the Project. Thus for the SMHPCL to claim that the Rs. 106.4 crores was given out of its promoter's contribution cannot be justified by any means. It may be regarded that the Rs. 106.4 crores was given out of Project funds, a very substantial part of which was public borrowings.

Thus, if the S.Kumars have defaulted to the Power Finance Corporation on one hand, on the other they have diverted crores of rupees out of the project which has not yet been fully recovered. Had this money been available, they would not have needed to default on their payments.

The Section 7 of the RBI notification of May 2002 stipulates that no additional facilities should be granted by any bank/ FI to the listed willful defaulters. In case of siphoning and diversion of funds, **the entrepreneurs and promoters of companies** ...should be debarred from institutional finance, and the lenders may initiate criminal proceedings against willful defaulters, wherever necessary. However, instead of stopping all institutional finance to the S.Kumars for the abuse of public money and initiating criminal proceedings against them, they are being given further amounts of public money, at the insistence of the state and Central governments.

Track record of wilful default

It must be noted that the S.Kumars group have a track record of willful default. In addition to the Rs. 18.97 crores outstanding on a Rs. 44.75 crore loan taken in 1999-2000 from the MPSIDC that is the cause of the attachment of the Maheshwar Project properties, the S.Kumars Power Corporation Limited now known as the Induj Enertech Limited was declared "willful defaulter" by the MPSIDC through a public notice in the Economic Times on the 13th of September 2002 for defaulting on a loan of Rs. 8.02 crores plus interest taken from the MPSIDC in 1997-98. That by the public notice of the 13th September, 2002 another S.Kumars company – M/s Modak Rubber and Textile Industry Private Limited was also declared a willful defaulter. The notice reveals the utter contempt that the S.Kumars have for public money. It says "*Despite several intimation, lots of opportunities and demand notices given by them, the aforementioned Companies have not bothered to pay or respond.*"

That yet another IFCI Report of 10th June 2002 notes that another S.Kumars company – the S.Kumars Nationwide Limited – their flagship company has willfully defaulted on its loans despite being able to pay when it states " Even after restructuring, it (SKNL) is defaulting to IFCI as well as to other institutions despite having cash accruals of Rs. 63 crores for the year ending September 2001". The SKNL has defaulted in the repayment of the principal and interest to IFCI even after the restructuring of the loan. The institution has stated that the company has diverted substantial funds without permission from lending institutions from the SKNL to their Ready to Wear business division.

(See Annexure : IFCI Note of 10th June 2002)

That, as per media reports, in April 2002, the SBI Caps has filed a winding up petition under Section 434 of the Companies Act, 1956 against the SMHPCL for non-payment of dues worth Rs. 3.7 crores plus interest in the Indore High Court. That the SBI Caps has filed a winding up petition under Section 434 of the Companies Act, 1956 against S.Kumars Nationwide Ltd. in the Mumbai High Court. In May 2002, the SBI Caps also started separate legal proceedings under Section 138 of the Negotiable Instruments Act against the diversified textile firm for issuing post date cheques that have bounced.

That since the S.Kumars have been guilty of diversion of funds both in SMHPCL (106.4 crores and 19.3 crores) and in SKNL, and willful defaults in the case of SKNL, Induj Enertech Limited and Modak Rubber and Textile Company Limited as well as defaults by the SMHPCL, it is not a single instance of financial irregularities, rather there seems to be a clear track record. That since the rating that can be given under these circumstances to the Project can only be a D – (for default) and since the IFCI is a public financial institution there can be no question of it giving public money or supporting a bonds issue for the S.Kumars.

Project properties never paid for :

In addition to a record of multiple willful defaults and actions that can only be interpreted as diversion and the siphoning of public funds, the S.Kumars have not even paid for the Project properties that they took over at the time of privatization in 1992 and have enjoyed for more than a decade since then. The **Reports of the CAG of India of 1998 and 2000** note that the Promoters are yet to pay crores of rupees to the state government for these properties.

It may be recalled that when the NBA brought all these issues in to the public domain, the S.Kumars responded by trying to gag public criticism by bringing a Court injunction against the NBA since October 2002. However on the 29th of March, 2003, the City Civil Court disposed off the injunctions and the contempt cases brought in by the S.Kumars.

Enron, all over again

Tragically, these very same public financial institutions had reposed a similar confidence as lenders in the Enron's high cost Dabhol Project. The results are there for all to see. Today more than Rs. 6250 crores of public money from the financial institutions lie locked in this Project. The FI's have now proposed that they write off Rs. 1500 crores of loans given to the Dabhol Project out of public money in order to make the Project viable.

The Godbole Report that had investigated the Dabhol Report said " The Committee is surprised at the breadth of governance failure which has occurred time, across governments and across agencies. Organs of both the Centre and the State level appear to have been remiss in their functions. .. every one of the assumptions relating to the benefits of the project have proved to be false, and indeed were false at the time of the assertions.." The Report also states that " the Committee also finds that the financial institutions showed poor judgment and lack of due diligence ... the decision of the financial institutions to fund this Project seems to have been based primarily on escrow account given by MSEB , guarantee by the state government and the counter guarantee by the Central government rather than an independent and meticulous appraisal of the project..." The story of Maheshwar is eerily similar. The same story of the collusion state and Central governments at the highest level and pressure on all institutions including the financial institutions in order to favor an undeserving corporate is being repeated in the case of the Maheshwar Project.

The Narmada valley demands

The Narmada Bachao Andolan and the people of the Narmada valley condemn these attempts of the state and Central governments to squander public money and force Indian public financial institutions such as the LIC to take decisions to invest in a Project whose promoters are guilty of willful default, diversion and siphoning of funds, and whose properties are under attachment. The NBA calls on the LIC and the other public Financial institutions to refuse to comply with the illegal and illegitimate demands of the apex political leadership and not to put another paisa into this flawed and controversial project. The NBA asks them to immediately recall public money already invested in the Project and initiate criminal proceedings against the Promoters in consonance with the RBI rules. It also asserts that they will launch a mass movement through out the country exposing and condemning the blatant malpractices of the state and Central governments and their unholy alliance, and reiterates its resolve and determination not to allow another Enron be built - in the shape of the Maheshwar Project.

**THE SSP
 WITHDRAWN FROM
 THE WORLD BANK
 -ARCH-VAHINI'S
 VIEWS**



Action Research in
 Community Health & development

10/11/1975
 11/5/75
 10/11/75

On 30th March, 1993 Dr. Bimal Jalan the Indian Executive Director of the World Bank informed his colleagues in the Board that GOI was withdrawing the Sardar Sarovar Project (SSP) from the World Bank.

First reports including that of PTI coming from Washington failed to inform the readers of the English Newspapers the reasons Dr. Jalan gave for GOI's withdrawal. The English media, by and large critical of the SSP, had little difficulty in jumping to the conclusion that for the GOI there was no other choice left because the governments had failed to satisfy the benchmark conditions set by the Bank in October 1992. In the lengthy editorials and detailed analysis that followed one failed to find the nature, contents and the background of the conditions which were the focal points of critical comments.

The Prime Minister Mr. Narasimha Rao speaking to the Press in Ahmedabad on 3rd April '93, said that this was a question of self-respect; the GOI could not accept the Bank loan at the expense of self-respect. The Chief Minister of Gujarat echoed the feeling. However, it is interesting to know that the analysts, commentators and editors of the Newspapers made little first hand inquiry to find out the actual benchmark conditions and the extent of failure to fulfill these conditions. There was little evidence of deeper probing of the event or even a recognition of a need for it. Their source of information seemed to be the Narmada Bachao Andolan (NBA).

There are strong reasons to believe that the GOI's final withdrawal is a logical culmination of a process that began when Mr. Bradford Morse, the ex UNDP chief was appointed to head the Inquiry Commission on the SSP. In early 1991 the Inquiry was instituted at the behest of the Executive Directors

(EDs) of Northern Europe and America. Majority of them were under political pressure from some MPs, Congressmen and Senators of their respective countries who in turn were all too ready to accept whatever adverse criticism about the SSP that was fed to them by the Northern Environmental NGOs-NBA combine. There was little attempt by them to cross check from other sources the facts and analysis they were being fed. The submissions made to the Senate Sub-Committees, to the Ministries and to the EDs of the World Bank by these environmental NGOs since 1988 were full of fallacies, half truths, distortions, misinformation and misinterpretations about the SSP. Neither the GOI nor the GOG did anything to effectively counter the propaganda blasts against the SSP. There lie the roots of institution of Morse-Berger Inquiry Commission.

We and many others in Gujarat had anxieties about the reasons for which the Morse-Berger Inquiry was set up and the way it was set up. This was also conveyed to the Bank. But once the Inquiry began, many like us, accepted it. We were told that both Mr. Morse and Mr. Berger were well-known for their experience, knowledge and robustness, and that they were highly reputed individuals. We were assured that because of their robustness they will be able to conduct the Inquiry in an objective and fair manner. Once the Inquiry was under way we discovered on several occasions that other team members showed marked tilts towards the anti-dam cause. We however relied on the objectivity and fairness of Mr. Morse and Mr. Berger and ignored the manifest tilts. Given their solid background of law and their reputation, we felt assured that the concrete evidence of documents and reports we were giving them and the unique access they had to the information from all the sides concerned, they were bound to sift the evidence fairly and skillfully, weigh

the counter arguments carefully and arrive at objectively balanced conclusions. We did not take very long to discover that we were completely wrong.

In June 1992, their bulky Report was made public. A quick reading through some important chapters including the 'Letter to the President' and 'Findings and Recommendations', warned us about the sweeping and dramatic conclusions they had reached and serious problems these contained. An in depth study of each chapter along with all the documents they had cited and which we could lay our hands on, confirmed our worst fears. The whole of the Morse Report is riddled with serious factual errors, logical fallacies, innumerable non-sequiturs, serious methodological flaws, distortions of documents and facts, suppression of important facts and mischievous ambiguities to prove only one point that the project authorities and the officers of the Bank working in collusion have ignored the human and environmental factors and that the SSP is non-viable. In a clear transgression of their TORs they raised the issue of hydrology unconvincingly and in the process cast serious aspersions on the integrity and competence of the judicial body like the Narmada Water Dispute Tribunal (NWDT) without really giving any cogent reasons for doing so, to make a dramatic recommendation in the 'Letter to the President', "we think that the wisest course would be for the Bank to step back from the Projects and consider them afresh." Through their massive Report, they have thrown their heavy weight behind the Northern environmentalists-NBA combine with complete abandon. Their conclusions about the impossibility of R&R, about the heavy environmental cost of the Project and it being nonviable are completely those of environmentalists-NBA combine. The interesting aspect of such identical conclusions is

that both give vastly different sets of reasons for almost same conclusions! Morse-Berger have doubtlessly taken a calculated gamble that in the West, save the supporters of the environmentalists, there will be very little attention to the Report and the interested environmentalists will simply endorse them and their Report; in India it will pass the muster very easily and it will be subjected to very little scrutiny by the antagonistic Indian Press. Their gamble has paid off. In their own countries they could not have taken such a gamble.

The Northern EDs who had originally forced the appointment of Morse-Berger Review were inclined to accept the Report fully. Those in the Bank management who were in live and direct contact with the SSP however had a very different assessment of it. The serious errors in the Report were quickly detected by them. It was clear that the conclusions were flawed. A way out was probably sought to be found. On Sept 11, 1992, the Bank President sent to the EDs a document known as Next Steps, which avoided head on collision with the Morse-Berger Report and concentrated on much needed hard headed vital reforms. Morse-Berger were intensely unhappy with the Next Steps. They took an unusual step. On October 13 1992, they sent a fax letter to the Bank President with copies to all the EDs. The fax letter in its first part stated "We believe this Next Steps document, along with its Annexes is misleading. It ignores or misrepresents the main findings of our Review ... Given the many projects before the Bank, *we cannot expect you or the Executive Directors to have the familiarity with the Sardar Sarovar Projects issues that we gained during the course of our work.* But we do want to ensure that the senior decision makers at the Bank are not left with an account of our findings that is at variance with what we wrote" (emphasis added).

The letter then went on to recapitulate what they considered to be the crux of their findings in the Report which they alleged the Next steps had 'ignored' and 'misrepresented'. They were:

- failure of Bank's incremental strategy to achieve successful resettlement and rehabilitation.
- problem of canal affected persons in Gujarat.
- problems of plans to deal with landless in MP.
- violation of standards of environmental requirements by the project.
- problems of *Pari-passu* approach for environmental measures.
- Hydrology issue.
- Sedimentation.

They admitted at the end of the letter that their Review had 'no longer any formal existence', and yet asked for a meeting with the EDs to discuss their Report. Interestingly enough, the recap quietly dropped their Report's most damaging findings and conclusions related to R&R of tribals of Maharashtra and Madhya Pradesh. The Letter to the President in the Report repeated at least six times that the encroacher oustees in both the states constituting thousands of families will be seriously harmed by the existing R&R policy. This finding alone had provoked strong response from some Northern NGOs. This major contention incidently was vigorously refuted with reasons by us in our letter to Mr. Preston on 19th September, 1992.

The World Bank President Mr. Preston did not think he needed any help from Morse-Berger to adequately assess their Report. Reacting to their serious allegations he wrote to Mr. Morse on October 16, 1992 that "The common theme... that the findings and conclusions of the Report you submitted last June have been misrepresented or ignored in the document which I circulated to the Executive Directors on September 11 is *highly disconcerting assertion.*" (Emphasis ours). He went on to argue forcefully "that the notion that senior decision makers in the Bank may be in danger of acting without a full appreciation of what is said in the Report is simply wrong."

We do not know whether or how the EDs reacted to this obviously patronizing help to offer them summary of the Report's main findings so that they were not misguided by misrepresentations. Surely they could easily find out for themselves whether the Bank management was really misguiding them about the main findings of the Report. After all they had forced the Inquiry in the first place. They were bound to read the momentous Report with the thoroughness it deserved.

In the event however the Morse team met only the EDs of Northern nations (G10 nations) on 22nd Oct, 1992, a day prior to the Board meeting and all the EDs on the day of meeting. Not surprisingly the Northern EDs almost unanimously accepted what Morse-Berger considered to be their major findings, brushing aside the explicit and implicit critical analysis contained in the *Next Steps* and other antecedent documents, briefings and discussions.

In the crucial Board meeting on 23rd October 1992, these EDs spoke.

- ★ Ms. Herfkins of Holland forcefully asserted that Morse was commissioned because the Board couldn't trust the Bank staff.
- ★ Mr. Rill of Austria castigated the management for excessive lobbying of EDs and claimed that management had not proven trustworthy.
- ★ Mr. Peretz of U.K. expressed concern that all was not well with the Project, that the Morse Report had confirmed that there have been serious failings in the design and implementation of the Project from the outset, that the Report is a serious indictment of the Indian authorities and of the Bank management, that it presented clear evidence that the Bank's own guidelines for the resettlement have been repeatedly ignored and there has been consistent failure to meet time table of work on environmental impact assessment. He seemed to accept what Morse told Eds of the G10 Nations on the previous day that Bank's incremental policy on resettlement and *Pari-Passu* approach adopted for environmental assessment have failed.
- ★ Mr. Patrick Coady of US spoke with greatest eloquence in support of Morse-Berger Report. He obviously did not need quick and ready help Morse-Berger gave to the EDs. He said "We have all read the Morse Commission Report, which focuses on a specific Project..... *I think it is fair to say that their concerns and their recommendations are substantive, detailed, clear and have withstood scrutiny.*" Then he said:

"After all of these, we have come to this position:

- ⊛ *The Independent Review has prepared a serious objective and intellectually honest analysis and has recommended an approach that is appropriate and offers a best chance to turn this project around. We accept the findings of the Independent Review. We recommend that the Bank step Back and reappraise the Project.*
- ⊛ *We strongly reject the approach Bank management has asked us to endorse. It is an explicit repudiation of the central finding of the Morse Commission: that the incremental approach employed for the past seven years has failed, and that a continuation of this approach cannot resolve, and may even compound, the project's fundamental problems. We want to be recorded as opposing voting against option three."* (Emphasis ours)

Mr Codey's bold and unambiguous assertions of having read the Report and having found it objective, well scrutinised and intellectually honest notwithstanding, it is quite striking to note a fact that alongwith Morse-Berger he also dropped the issue of thousands of encroacher PAPs in Maharashtra and MP being left without resources after resettlement. Morse-Berger, by repeatedly raising this issue in "Letter to the President" section of the report, had in fact raised it to a level of one of the central issues of R&R.

How did Mr Codey miss this central issue? Of the seven major issues discussed in the faxed letter he chose only one issue - failure of incremental strategy in R&R - to extend his whole hearted support to the Report. All others including those on the environment were omitted.

What M/s. Morse-Berger consider to be their central finding i.e. failure of incremental strategy in R&R is based on a string of arguments / findings; each of its links is either unrelated to the factual reality or is based on suppression of facts.

- ⊛ Did Mr. Codey really agree with them:
 - ☆ that from the outset there was no Bank appraisal of Resettlement Component in SSP in violation of the Bank's own R & R Policy of 1980?
 - ☆ that the Scudder mission was not really an appraisal?
- ⊛ What did he think of the fact that the Staff Appraisal Report (1985) of the SSP specifically mentions Scudder mission as appraisal and did he find suppression and distortions of contents of Scudder's 1983 report and other vital documents on which "the central finding" of the Report is based?

If he didn't, this can be readily shown. If he did- then what can be said about his bold assertions?

In the concluding part of his speech he said " what is at stake is the credibility of the Bank and the various governmental authorities in India. I believe it is fair to ask that they earn back the trust of this Board. If this Board accepts the Bank's option (as contained in the 'Next Steps') I believe the consequences will be as follows:

- ⊛ It will be rejection of the Independent Review, which will bring into question the integrity of this process and the Board's willingness to exercise its responsibilities.

- ⊕ It will signal that no matter how egregious the situation, no matter how flawed the project, no matter how many policies have been violated and no matter how clear the remedies prescribed, the Bank will go forward on its own terms."

Then he urged the Directors "to accept Independent Review, its recommendations and not continue down the path of incremental actions. "In fact" he said, "I do not see how any other approach than that identified by the Morse Commission can, in good conscience, be adopted."

Then followed a close vote at the end of which a statement was released by the Board favoring continuing support for the Projects because they wished to give the "benefit of the doubt to the Government of India." Key benchmarks based on the Next Steps for assessing the performance in the resettlement and environment areas had been worked out. A special Bank Review mission would visit India during April 1993 to assess the progress. If there was a recommendation to continue to support the Projects, it was to be submitted to the EDs for approval.

But the message Codey gave was loud and clear. A clear signal had gone out of the Board room that the Northern EDs had extended a full support to Morse-Berger who had fully supported environmentalists-NBA combine. Their approval received wide publicity in Europe and America. They provided not only a huge credibility to the Morse-Berger Report but also provided yet another potent tool in the hands of the environmentalists to beat down the Project and the Bank management in total disregard of the facts. Morse-Berger had poured ridicule and heaped unjustified humiliations on the SSP.

Now the Northern EDs played their role.

In the last quarter of 1992, a massive campaign was unleashed in India and abroad that the Next Steps was a big fraud; that it was a sham to deceive the EDs; that it was a desperate coverup exercise of the Bank management to marginalize Morse-Berger Report. Parts of Mr. Codey's speech unreservedly supporting Morse-Berger Report and stinging criticism of the Project and the Bank management were freely noted with approval. Powerful campaign was unleashed that the Bank management will continue to fund the Project no matter how badly India performed. The Northern EDs had given crucial clues, although Mr Peretz (U.K.) had noted in his speech that Government of India had strongly indicated its willingness to go ahead with or without Bank support. He expressed his worry, "Whether our social, environmental and technical concerns are likely to be better met if the Bank remains engaged with the Project or whether there is a good chance of meeting them if the Project continues without Bank support."

However, Mr. Codey representing the dominant thinking amongst Northern EDs had given strong signals about their intention in the future, no matter what were the findings of the April 1993 Bank mission.

A stage was set for the smarting government to turn away from the Bank. During the course of subsequent 5 months the central government was probably forced to conclude that Codey line rather than Peretz line would prevail and that the benchmark performance was only a temporary tactical retreat. Another unwarranted and worse humiliation was probably in the offing. The withdrawal from the Bank was almost inevitable from the day when Mr. Codey - supported by the EDs of G10 nations -

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declared that he had read the Report and had found it intellectually honest and well scrutinised. The mystery is not that the GOI pulled out, the mystery is why did they take so long?

The EDs have failed to see the central points of R&R. Though they have praised and endorsed the Morse-Berger Report for its objectivity, truthfulness and intellectual honesty and have taken Bank management to the task for adopting the incremental strategy for R&R, they have obviously not read the Morse-Berger Report critically enough.

Had they done so, and had they also referred to the other important documents Morse-Berger truncate or suppress, they would have understood and appreciated that it is the Bank's continuous involvement and interaction with the pro R&R NGOs like Oxfam (U.K.), ARCH-Vahini and individuals like prof. Scudder and ironically enough the then Executive Director Tim Lancaster (U.K.), which has shaped the R&R policy in incremental fashion firstly in Gujarat, the best so far, and then in Maharashtra and MP better than any other in India. Not only this, they would have known that the Bank's close monitoring of the R&R with critical feed backs from the same NGOs has resulted in the good implementation of the policy in Gujarat and that this would ensure a strong possibility of this happening in Maharashtra and MP. They failed to see that this has strengthened the hands of pro R&R NGOs and oustees and those in the administration who wanted a fair R&R for the tribals.

By uncritically rejecting the success of incremental strategy in the SSP, by wrongly condemning the World Bank's involvement in the SSP and by humiliating the SSP, the Northern EDs supported Morse-Berger-Environmentalists-NBA tirade against the Projects and created conditions which forced the GOI to withdraw. In lending their uncritical support to the Morse-Berger Report and through that to the motivated environmentalists of the North, they have unwittingly and necessarily created clouds of uncertainty for the tribal oustees of Maharashtra and M.P. and brought down the nascent process of building much needed reforms of policy changes at macro level and of implementation at micro level. The EDs have probably overlooked the grave implications for other Bank financed Projects in the World with the cluster of Northern Environmentalists bent upon opposing the Bank supported Projects every where in the World irrespective of the facts.

This has created a piquant situation for groups like ours. We largely share the assessment of the governments with regards to Morse-Berger Report, its gross unfairness, ineptness and interference. We know how the Northern EDs acted, and forced the situation. We do not know what precisely happened around the final crucial decision of the GOI. However in the background have, described above it has little significance. We are, however, not all together very comfortable with the situation the EDs have inadvertently created in which unmonitored resettlement will be done by the state government of Maharashtra and more particularly of MP.

The NBA and its Northern allies have long ago abandoned the cause of R&R in the SSP. The vast majority of tribals in Maharashtra and in MP who were kept in dark about the true goals and methods of the NBA supported them for sometime

but eventually found out that their first concern - a proper R&R - was not really the concern of the NBA. In fact as in Maharashtra their basic demands were being manipulated by the NBA while keeping the tribals in dark. Anybody who is familiar with the grass-root situation in Maharashtra and tribal villages of MP know that ground is fast slipping away from under its feet. The tribals want proper R&R. They have little use for victories implicit in suspensions and withdrawals. Yesterdays high profile resistance symbols of Manibelli and Bamani are no more so

The environmentalists - NBA having abandoned the goal of R&R will do nothing else but clamor that R&R is impossible and work for the fulfillment of their prophecy. So that they might be able to claim with a sense of triumph "we told you so, yet another R&R disaster".

Until the first quarter of 1988, for the parent activist organizations of NBA in Maharashtra and M.P., the R&R policy affecting tribals was the object of serious criticism and concern. The SSP itself was not under attack. Then after December 1987 the scene suddenly got transformed. The SSP became the target and R & R the weapon against the SSP. One of the first public attacks on the SSP was mounted before the U.S. Senate by the U.S. environmentalist group EDF in June 1988. The environmental cost of the SSP was shown to be in fact higher than the total Project cost, rendering it economically crippled. This attack derived its charge from sketchy and mischievous information provided by some in the Department of Environment and Forest of India. This environmental-cum-economic argument which reigned supreme for about 3 years was decisively shown to be fictitious by many economists, Vijay Paranjapye being one of them. The standard of arguments against the SSP, including that of Morse-Berger, has shown no

improvement. Yet the SSP remains a maligned Project and R&R remains a weapon to fight it.

The SSP at the most can be delayed. It cannot be stopped, postulated resource crunch notwithstanding. Morse-Berger were the Environmentalists-NBA's best bet to mount a credible attack on the SSP. Morse-Berger have failed and so has the violent irrational intellectual attack on the SSP.

In September 1988, when we knew little of this extensive network of motivated alliance, national and international, we had asked NBA's predecessor activist organizations :

"Those of us who have worked amongst the oustees and who are now making this radical shift must ask, 'will we really ask these oustees to drown themselves in the rising waters of the dam'?"

We had further argued,

"we do not share the strategic perceptions of those who are wittingly or unwittingly using the issue of rehabilitation of oustees in the cause of fight against dam. To us this is not responsible activism."

Our appeal was rejected. From the very beginning, before Gujarat declared its liberal December 1987 policy, and after that we have always taken view and publicly stated that given the nature of administrative apparatus in India their ability to implement a policy with care and fineness is lacking. An objective and fair monitoring and goading of section of administration is required. In our opinion the World Bank staff together with pro-R&R NGOs and other forces were doing this difficult job well inspite of the unfair and relentless attack on them by environmentalists.

Thanks to the strategic perceptions of the key Northern EDs and Morse-Berger we are face to face with a vital question: now that the Bank is out and the tribal oustees in Maharashtra and MP in increasing numbers are demanding a fair R&R, if the GOI fails to keep its promise and to force the states to implement R&R policies in fair manner, what will happen then ?

ARCH-VAHINI

At & Po. Mangrol,

Tal. Rajpipla,

Dist. Bharuch,

Gujarat.

INDIA - 393150.

April 13, 1993

**WHY DOES ARCH-VAHINI
NOT PARTICIPATE
IN THE SSP REVIEW
DISCUSSIONS?**



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**Why does ARCH-VAHINI not
Participate in the SSP - Review
Discussions ?**

**An Exchange of letters between the
Group on the SSP and ARCH - VAHINI.**

October 2, 1993

ARCH - VAHINI

At & Po. Mangrol
Tal. Rajpipla, Dist Bharuch
Gujarat, India - 390 150.

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8/11/93
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Preface

The Sardar Sarovar Project (India) on the river Narmada continues to be surrounded by controversy. However, as the time goes by, it becomes clearer and clearer that very potent and powerful interests within the Central Government of India and outside are fuelling the controversy for their own ends. It is also becoming clearer that issues like human rights, environmental conservation etc. are being used more as fronts than the real issues of concern.

Mr. V.C.Shukla, Minister of Water Resources, Government of India has finally chosen to reveal his hand behind the controversy and the powerful impetus he has been giving to the controversy. Earlier this year he had stalled the further release of 1500 hectares of degraded forests lands for the rehabilitation of tribal oustees in Maharashtra by not putting up a note to the Cabinet as a minister he was required to do. He went further to declare that no more degraded forest land shall be released for rehabilitation. This was not for him to say, this being the jurisdiction of the Ministry of Environment and Forests (MOEF). As a Minister, he hasn't hesitated to use vital institutional mechanisms, which should be employed to resolve deep-seated, conflicts in a democratic frame, to further his own political calculations. In the long chain of demands for the Review of the Project initiated first by the "six intellectuals" at the clear instance of the MOEF in December 1986, Morse Report added its own impetus by relying on dubious assessment of hydrology of the river, which apparently relied on the MOEF's shaky arguments. Now Mr. V.C. Shukla at tandem with the Narmada Bachao Andolan (NBA) has joined their game of "Review", his categorical Statement to the Contrary in the Parliament notwithstanding, by appointing the Group headed by Dr Jayant Patil, member Planning Commission. There are strong parallels between the Group he has constituted and the appointment of Bradford Morse Commission at the behest of powerful Executive Directors of the World Bank.

Much more important issues like further improvement in the R&R policy of Madhya Pradesh and functioning of the administration of the Government of Madhya Pradesh which is effectively now being controlled by Mr. V.C.Shukla himself,

other issues and the critical monitoring these areas require have gone into the background.

ARCH-VAHINI continues to send out its analyses and perceptions as the events unfold. We were invited by the Group headed by Dr. Jayant Patil, member Planning Commission, to present our views. We have politely refused to participate in the proceedings, realizing it as yet another move in the deep game of politics against the SSP. In this publication, we reproduce the exchange that took place between ARCH-VAHINI and Dr. Jayant Patil, Chairman of the Group. We remain deeply concerned about the way the basic issues are being handled, the institutional mechanisms to resolve such issues are being manipulated and strategically-placed individuals are using such mechanisms and such issues to further their own ends nationally and internationally

October 2, 1993.

ARCH-VAHINI

Mangrol.

Dr. Jayant Patil
Convenor, Group on
Sardar Savovar Project

MEMBER
PLANNING COMMISSION
YOJNA BHAVAN, NEW DELHI-110 001

NO. PC/M(JP)/SSP/93
DATED AUGUST 19, 1993

To,

The Director,
Action Research in Community
Health & Development,
At & Post Mangrol,
Taluak Rajpipla, Distt. Bharuch,
Gujarat - 393 150

Sub: Meeting of the Group on Sardar Sarovar Project-
September 8, 1993

Sir

As you must be aware that the Ministry of Water Resources has set up on 5th August, 1993 (copy of the Office Memorandum is enclosed) a Group comprising of five members including myself as Convenor, on Sardar Sarovar Project. Accordingly, the Group will meet on Wednesday, the 8th September, 1993 at 10.00 A.M. in my chamber (Room No. 115) in the Planning Commission, Yojana Bhavan, New Delhi. I request you to kindly make it convenient to come over here to present your views in this meeting on Sardar Sarovar Project. You may also bring the necessary written material/documents in support of your presentation.

A line in reply confirming your participation will be appreciated.

Thanking you,

Yours faithfully,

Sd. (Jayant Patil)

VAHINI-ARCH
P.O. Mangrol
via Rajpipla - 393150
Distt. Bharuch
Gujarat

September 1 , 1993

To
Dr. Jayant Patil
Convener, Group on Sardar Sarovar Project
Member,
Planning Commission
Yojna Bhavan
New Delhi 110 001

Sub: Meeting of the Group on SSP -September
8, 1993.

Dear Dr. Patil,

Thank you for your letter dated 19th August inviting us to present our views on the Sardar Sarovar Project. An opportunity to share our views and analyses on this important developmental issue with such eminent persons like you and other members of your group would have been a matter of immense pleasure and privilege. But we are sorry to say that the manner in which the Ministry of Water Resources (MOWR) has formed this Group and various aspects surrounding its formation make it impossible for a group like ours to participate in its proceedings.

Firstly, we think that your Group is concerned with the discussions between the MOWR and the Narmada Bachao Andolan (NBA) only and as such there is hardly any scope for other independent groups like ours to participate in its functioning. The Office Memorandum dated 5th August 1993 makes it clear when it states that this Group has been set up by the MOWR to "continue the review discussions initiated during the end of June, 1993...". You and other members of your Group have also emphasised this point in your appeal to the NBA of 5th August by explicitly stating that your group has

been set up by the MOWR to "continue the discussions with the Narmada Bachao Andolan". All along the MOWR had thought it fit to involve only the NBA in the process of formation of this group and to exclude all other groups. Not only did it hold lengthy discussions with the NBA in the end of June 1993 to work out the modalities and scope of this group, it went out of its way to accommodate all the conditions put forward by the NBA to participate in this process. We have all witnessed the fact that the wordings of the Office Memorandum dated 3rd August 1993 were changed within two days at the instance of the NBA and the all important word 'Review' was added. On the other hand, not even preliminary discussions were held with the other groups who are as involved in this controversy as the NBA. And this, despite the fact that the various groups of Gujarat had submitted a memorandum to the Hon'ble Minister of Water Resources and had specifically asked for a meeting with his ministry. Thus, it is clear that all along this has been an affair between the MOWR and the NBA only.

Secondly, the all important question of the scope of functioning of this Group has become highly ambiguous. The Office Memorandum of 5th August states that this Group has been formed "to continue the review discussions... of all issues related with the Sardar Sarovar Project". This gives virtually an unlimited scope to the functioning of this Group and has been interpreted by the NBA as the actual beginning of the process of 'Review' of all aspects of the Sardar Sarovar Project, implying that the MOWR has already accepted that there is a prima-facie case for such a 'Review'. On the other hand, subsequent to the formation of this group, the Hon'ble Minister of Water Resources has made repeated statements in the parliament that there is no question of Review of the Project as it is not permitted by the Award of the Narmada Water Disputes Tribunal (NWDT) and that the group will only discuss the ecological and rehabilitation aspects of the Project. Similar statement has been categorically made by the Hon'ble Prime Minister. It is clear that these two interpretations of the scope of functioning of this group are poles apart and both of them cannot be true at the same time. And yet as far as we are

aware the MOWR has to date not taken any action to clear this confusion. Even the joint statement that was to be released at the end of June discussions has yet been not released and as a result we do not even know as to what was discussed and agreed upon in that meeting!

That the final Award of the NWDT which is binding on all the concerned Governments has categorically ruled out the review of the basic parameters of the Project prior to completion of 45 years from the date of the Award has been acknowledged by the Hon'ble Minister of Water Resources himself. And yet his Ministry has unilaterally, arbitrarily and without any legal authority initiated a process, which has the dangerous potentials of reopening all the issues of an inter-state water dispute which were fairly and squarely settled by the Hon'ble Tribunal after thoroughly examining all the aspects of the Project. What is more, this has been done without even examining whether the NBA has produced a well documented factually correct critique of the Project or not and at a time when our country is faced with the crisis of such inter-state disputes threatening to divide the various states and their people. The whole process smacks of petty politics and malafide motives. This is a very serious and grave matter and we are very sorry to say, Dr. Patil, that we can not be a party to this.

While struggling first to obtain a good Rehabilitation Policy for the tribal oustees of the SSP and then for its proper implementation over the years, we have also studied and minutely examined the other aspects of this Project. We have examined in detail the critique of the Project produced by the NBA and other anti-dam groups and have found that in all important aspects the critique is completely devoid of factual basis and most of their crucial contentions - whether it is the question of 'rehabilitation of the oustees' or the 'economic viability of the Project' or 'environmental costs of the Project' - are simply not true. And yet the myth persists, largely due to effective propaganda and media support, that the NBA and other groups have produced a well documented comprehensive critique of this Project!

We had hoped that the Morse-Berger Review, which was appointed by the World Bank in circumstances not dissimilar from the ones in which your group has been formed, would examine the intricate web of issues in an objective and fair manner and thus set the record straight in this long and involved controversy. They had a unique opportunity to do so as their review was accepted by all the concerned parties and had received co-operation from all sides. We also cooperated fully with them, even when the anti-dam movement had publicly in the Press questioned their bonafides and raised serious doubts about their competence. We had submitted massive evidence and arguments which clearly refuted the anti-SSP case of 'Rehabilitation being impossible' and 'Environmental costs far outweighing the benefits of the Project'. They had all the evidences before them to arrive at an objective and true assessment of the Project. However, they belied this expectation when, their eloquence notwithstanding, they chose to abandon the standards of the objectivity and fairness and produced a report which is full of sweeping conclusions not based on the facts or based on distortions and half truths. Our well-argued and well-substantiated critique of their Report has till date received no refutation.

Despite such negative experiences, we would have liked to take this opportunity of presenting our case to a group of distinguished persons, but as we have already stated above, the various aspects of the formation of your Group compel us to protest and abstain ourselves from participating in this process. We simply cannot recognise this review group and present our views before it.

With best regards,

Your's Sincerely,

Sd (Ambrish Mehta)

MEMBER
PLANNING COMMISSION
YOJNA BHAVAN
NEW DELHI-110 001

D.O. NO. PC/M(JP)/SSP/93
September 8, 1993

Dear Shri Mehta,

I am in receipt of your letter dated September 1, 1993. We take note of the reservations expressed by you. While appreciating the strength of your sentiments, may we only mention two points for your consideration? The first is that we understand that a representative of ARCH-VAHINI had, in fact, been included in the group of eminent persons invited as observers to attend the meetings on June 29-30, 1993 and that for some reasons ARCH-VAHINI did not participate in those meetings. Secondly, the Office Memorandum constituting this Group says specifically that "the Group will hold discussions with different Opinion Groups". This Group will greatly value your views on the important matters before us. Your participation will be of great assistance to the Group in completing its task. May we, therefore, request you to reconsider your decision and come and talk to us ?

We would appreciate an early response to this letter.

With regards,

Yours sincerely,

(Jayant Patil)

Shri Ambrish Mehta,
VAHINI-ARCH
P.O. Mangrol,
via Rajpipla - 393150
Distt. Bharuch
Gujarat.

VAHINI-ARCH
P.O. Mangrol
via Rajpipla - 393150
Distt. Bharuch
Gujarat

September 20, 1993

To,
Dr. Jayant Patil
Convener, Group on Sardar Sarovar Project
Yojna Bhavan
New Delhi 110 001

Dear Dr. Patil,

We very much appreciate your reply to our letter dated September 1, 1993. We also appreciate the fact that you recognize the strength of our feelings. Following is our response to the points you have asked us to consider.

It is true that Minister (Water Resources) Mr. V.C.Shukla did invite Dr. Anil. Patel of ARCH-Vahini to attend the meeting on June 29-30, 1993 as one of the eminent persons from the government side. I am surprised that you have not been told that the meeting was basically held with the NBA and its sympathisers and supporters. At no stage of preparation of this meeting ARCH-Vahini or any other responsible NGOs in support of the SSP was taken into confidence and was involved in the formulation of Agenda. If you had an opportunity to see the invitation letter and other relevant documents on the file of the Minister, it would become as obvious to you as it was to us that invitation to us and other eminent persons from the government side was an after-thought and at best a window dressing. This was directly communicated to Minister himself by Dr. Anil Patel as one of the members of the delegation which met him just before the start of the meeting and day after at his residence. The same delegation also requested him to hold separate discussions with the NGOs who are in support of the SSP. But he did not think it necessary to grant this request.

As to your point regarding the statement of the Office Memorandum which talks about holding discussions with

different Opinion groups, I have already discussed at length in my letter dated September 1 the remaining aspects of the Memorandum and the events which clearly show that your Group has been formed by the MOWR primarily to continue the discussions with the NBA only. All along during the formation of this Group the Hon'ble Minister has been concerned only about the participation of the NBA in this process. His lack of concern about the participation of the other NGOs is so glaring that one can hardly assign any significance to the statement of the Office Memorandum which talks about holding discussions with different Opinion Groups.

All the events leading to the culminating act of appointment of your Group clearly show the unfair and injurious politics being played against the Project. This is wholly unbecoming of the Hon'ble Minister who heads the Central Ministry of Water Resources. The Group such as yours should not be dragged into such controversies unilaterally and with palpably ulterior motives. Politicians are now with much greater facility and much less inhibitions using and abusing vital institutional structures for their petty ends. Mr. Morse's Report underscores the abuse of these institutional mechanisms at an international level. Little do they realize that they are rendering such instruments ineffective and thereby making the fair and just resolution of deep, genuine conflicts plaguing the federal structure of our republic nearly impossible.

In the circumstances, I cannot but humbly reiterate our position to you. We are sorry to say that the Hon'ble Minister's culminating act of appointment of your Group, in the context of unhealthy process he has initiated, has cast serious shadows on the proper and balanced functioning of your Group itself. Let me hasten to repeat that ARCH-Vahini holds you in the highest esteem and in other circumstances we would do everything in our capacity to fully appraise individuals in public life like you of our views. But in presenting our views to this Group, clouded as it is in the unfair politics, we feel that we would have endorsed the unhealthy process initiated by the forces unmindful of the well-being of the democratic processes and institutions of this unfortunate country.

With best regards.

Yours Sincerely

Sd (Ambrish Mehta)

ARCH - VAHINI Publications on the Sardar Sarovar Controversy

1. *Displacement in the Sardar Sarovar Project :
a Gujarat Experience -*
— April 1988
2. *Sardar Sarovar Oustees: Which way to go ?
An Activist's Dilemma.*
— September 1988
3. *Resettlement & Rehabilitation of the Oustees in
the Sardar Sarovar Project :
Are the critics right ?*
— April 30, 1991
4. *Voluntary Shifting in Manibelli (Maharashtra)*
— May 8, 1992
5. *A letter to the World Bank President on
Morse-Berger Report*
— September, 1992
6. *Morse - Berger Review of SSP-
A Search for Truth ? (DRAFT)*
— November 8, 1992
7. *Morse - Berger Review of SSP -
A Counterview.*
— January , 1993
8. *The SSP Withdrawn from the world Bank :
ARCH - VAHINI's Viewpoint.*
— April 13, 1993
9. *The Sardar Sarovar Project :
An Intellectual Fashion.*
— July 5, 1993

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THE SSP
WITHDRAWN FROM
THE WORLD BANK
-ARCH-VAHINI'S
VIEWS



Action Research in
Community Health & development

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DISPLACEMENT IN
SARDAR SAROVAR (NARMADA) PROJECT :
A GUJARAT EXPERIENCE

Vahini - Arch
Mangrol Via - Rajpipla 393150
INDIA

April - 1988

Narmada File

RN
1/12/93

Displacement in SSP :

A Gujarat Experience:

VAHINI - ARCH.

Post: Mangrol, Tal: Rajpipla

Dist: Bharuch, Pin: 393150 India.

In December 1987, the Government of Gujarat (GOG) declared a new Rehabilitation and Resettlement (R and R) policy, embodied in 3 crucial Government Resolutions (GRS). The first phase of the struggle for the just and right R and R policy for the Gujarat oustees of the Sardar Sarovar (Narmada) Project (SSP) that was launched in July 1980 has borne fruits. Outside Gujarat, relatively little is known of this struggle, even less is the understanding about the nature of this policy and its true import. Through this note, we try to disseminate information about this policy, highlights of the struggle to achieve this policy and some important implications of this policy for the future struggle of the displaced people in the country.

(I)

A Short History of the Struggle for the New R & R Policy :

The story begins with the Narmada Water Dispute Tribunal (NWDT) Award. In the Award made public in 1978, the NWDT broke a fresh ground for the rehabilitation of the oustees affected by the avowedly public purpose projects like the SSP. Never before in the history of independent India was so radical a treatment given to the problem of rehabilitation of the displaced persons. Before we go into the salient features of the NWDT Award, it is necessary to record that this revolutionary break-through was not made because the disputing states were concerned about the well-being and welfare of the people going to be affected by the SSP. It was more an outcome of rivalry amongst the contending states and expediency of politics at that time. Maharashtra and Madhya Pradesh (M.P.) were trying to put in as many obstacles in the way as possible. Rehabilitation issue was quite a potent tool in their hands. Gujarat state, equally determined and cynical if not more, wanted

to remove these obstacles singlemindedly and at any cost. In a bid to remove this seemingly formidable hurdle of rehabilitation, the GOG took a bold gamble. It accepted the total responsibility of settling all the oustee families of Maharashtra and MP in the command area of the CSP. Each oustee family as defined clearly and unambiguously in the Award as a major son- married or unmarried - was to be given minimum of 5 acres of irrigable land in the command of the CSP, irrespective of the size of his individual land-holding. It further provided that the oustees had a choice to resettle in their own respective states with the same benefits and that the total cost of their rehabilitation was to be borne by the Gujarat State. The GOG very smugly and cynically assured that rehabilitation of the poor and ignorant oustees would pose no serious problem, the revolutionary provisions of the Award notwithstanding. The GOG relied very heavily on the past experiences where masses of the poor people were displaced callously and ruthlessly, without provoking resistance of any kind. The Governments of Maharashtra and MP could be relied upon to create a few disconcerting manents in the air-conditioned chambers of the Sachivalayas or the palacial Circuit houses, but nothing of real substance and stuff that would seriously worry the Gujarat State. However, unfortunately for the Gujarat State, there was not going to be such a smooth sailing as was assumed so smugly.

The NWDT Award, although a product of such cynical calculations, has some salient features which provided an important foothold for the future struggle.

- (1) The Award has a force of Statutory Law. It can be enforced through the Court of Law.
- (2) It defined an oustee family clearly and unambiguously. This is decisively going to work for the benefit of the oustees, especially tribals, who almost always happen to have joint land-holdings.
- (3) Each oustee family was made eligible to obtain minimum of 5 acres of irrigable land. This, in conjunction with the above two, is a truly revolutionary step forward.

A significant and negative aspect of this Award is that it says nothing about the oustees who live off exclusively on the Government waste land and forest land- i.e. the so-called encroacher oustees. It also unfortunately does not recognise the existence and right of the truly landless oustees' entitlement to either minimum certain amount of land or a permanent source of livelihood. These omissions can only corroborate a conjecture that the whole exercise of rehabilitation was an exercise in cynicism, where poor people's lives didn't simply matter !

The GR of June 1979 :

A further evidence of GOG's bad faith came to light, when the GOG issued a GR of June 1979 (11-6-1979) for the rehabilitation of the oustees of SSP and other major and medium irrigation schemes in Gujarat. This GR didnot even refer to the NWDT Award. A natural expectation from the GOG was that it will at least extend the benefits of the Award to the Gujarat oustees also. But this was not to be so! With an attitude befitting a profit-minded, petty trader, it slyly introduced a tin- but crucial change that effectively destroyed the right of the minimum of 5 acres of land to each oustee family. The entitlement of minimum of 5 acres of land was now given to each land-holding and not to each oustee family. This was a lethal change. In the tribal areas in Gujarat and elsewhere, the land-holdings are almost always joint land-holdings. Each such land-holding contains a two, three or even more families as defined in the Award. This fact is the result of unpleasant past history, administrative ineptitude and corruption. The GOG, knowingly, decided to take undue advantage of this fact. This was mean. All our representations to the GOG to abolish this GR was rejected out of hand. Our argument, that this GR was a gross discrimination between the oustees of Gujarat on the one hand and the oustees of Maharashtra and MP on the other, was treated with derision. Even such water-down policy as the GR of June 1979 was not implemented in true spirit. The displaced oustee land-holders of the first five villages who lost their lands because of the Rock fill Dykes were offered minimum of 5 acres of worthless Government waste lands more than 100 Kms away - away from their society and culture. This was, of course, immediately rejected by the oustees. The

Government's response was swift and even cruel: "If you don't accept this land, you forfeit your right to minimum of 5 acres of land". (Please remember 5 acres per land-holding and not per family). The real choice, therefore, for the oustees was to buy private land in whatever measure they could from the compensation money paid to them. The GOG refused to even consider the case of rehabilitation of the so-called encroacher and landless oustees. All that was offered to this unfortunate group was measly two guntha plot for house-site. The GOG could not be bothered about the source of livelihood of these people. Such a narrow and inhuman outlook in the name of development! While such a mean and petty cost-cutting exercise in R & R was going on, the NDD was building one after another luxurious guest houses at Kevadia Colony, where rapidly a township of concrete blocks was emerging. In the project proposals, the GOG had allotted Rs.49 Crores to build and maintain the township of Kevadia Colony to be used for 10 to 15 years by the staff of at the most a few hundreds. As against this, the total cost of rehabilitation of all the oustees of 3 states was estimated to be Rs.19 crores only! Money flowed like water -only for the project staff! Nothing was farther from the minds of top-brass of the Irrigation Department than the R and R. The future of the oustees seemed bleak. This was the year 1981. Politicians in power pretended that they were concerned. They made several sympathetic utterances in public. Hopes were raised for a while to be dashed in a short time.

Then in the last quarter of 1983, we first came to know that for some reason, the World Bank (WB) was taking keen interest in the R and R of the SSP oustees. We wrote a long letter to the WB detailing the plights of the oustees. This elicited a short and a cautious reply from the WB, stating categorically that the proper R and R was indeed one of the most important concerns of the WB. In those days of nearly total hopelessness, with all the doors firmly closed upon us, this was an opening we needed so badly.

At about the same time, another process of organised resistance amongst the oustees was gathering momentum. We could discern that slowly but steadily the oustees in all the villages of Gujarat were

beginning to see the dirty game the Government was playing. The oustees, who had so far meekly surrendered to the arbitrary dictates and the soulless policy of the Government, decided to take these crumbs no more. They rose with one voice to fight out. On March 8, 1984, a big rally marched to Kevadia Colony from the dam site village, Vadgam. The oustees from all the villages of Gujarat and those of first 9 villages of Maharashtra joined the rally. In a Memo submitted to the GOG, the oustees demanded a right to have land according to the N:DT- not only for the landed oustees, but also for those who depended on the cultivation of waste land and forest land. Never before this, such a demand was ever raised in Gujarat by the affected oustees themselves. This was a shattering experience for the complacent GOG. The rattled Irrigation Minister rushed to the affected village to publically offer them promises which the oustees had never heard conceded before.

Here, it is impossible to go into the history of all the major events that followed one after another in the following 3 years. They were the years packed with events, some dramatic, some not so dramatic. Lavish promises from the then Irrigation Minister in public, Government's back-tracking from these promises, Government's illegal occupation of the private lands of the oustees of Vadgam Village, a 'Rasta Roko' Andolan, by the oustees to stop carrying of black top soil from the private lands to build a Rock Fill Dyke, a public interest litigation in the High Court and later on in the Supreme Court, a willful violation of the interim stay order of the Supreme Court by the Government followed by an appointment of an enquiry commission of Srilata Swaminathan and Mahendra Chowdhari by the enraged Supreme Court, the loud and clear report of the Commission indicting the Government for its misdeeds and illegal occupations constitute one sequence of events.

Parallel to these and intertwining with this sequence runs another chain of events. This relates to a truly massive international campaign that was unleashed abroad on the R and R issue of SSP mainly by Oxfam, U.K. and Survival International, U.K. The WB headquarter in Washington became the focal point of the massive lobbying. In the words of one of the staff members of the WB, the R and R problem of SSP oustees became a 'Cause Celebre'. It became almost impossible

for the Bank to ignore the plight of the oustees of the SSP. Way back in 1984, the WB had obtained a good idea about the specific and concrete demands for R and R through a meeting we had with the Bank Consultant, an anthropologist from California, Dr. T. Ceudder, who has spent the best part of his life studying the problems of displaced population all over the world. He felt strongly about the displacement issue and was very much worried that the Bank might not take the R and R issue seriously. His commitment to the oustees was unquestionable. He came to know about Vahini's activities amongst the oustees of Gujarat in 1983. This was an opportunity he was looking forward to. He insisted and got the GOG to agree to have a meeting with us. His long experience of issues of rehabilitation coupled with our specific and concrete feedback was more or less incorporated in the Loan Agreement (LA) the Bank entered into with the GOG, Government of Maharashtra (GOM), Government of MP (GOMP) and Government of India (GOI) formally signed in May 1985. The LA constitutes a distinct improvement on the NWDT Award in so far as it includes many new provisions which reflect the reality at the ground level much better and thus it safeguards the vital interests of the 'encroacher' oustees and landless oustees concretely and in a much better form than the NWDT Award ever did. The WB Missions that were coming to Gujarat every six months were making sharper and sharper inquiry on the basis of the specific information they had been receiving from us.

Reeling under the impact of the determined and organised resistance of the remaining oustees, the massive campaign of the lobbying with the WB and the Supreme Court case, the GOG began to make one after another grudging and halting concessions. Gone were the days when the GOG had averred with the customary arrogance in one after another affidavits filed before the Gujarat High Court and the Supreme Court that the encroachers were thieves, Law-breakers etc. and deserved no compensation whatever. The GR of 30th May 1985 was the first major breakthrough. This was slyly inserted as one of the annexures of one of the affidavits. The encroachers now were entitled to minimum of 3 acres and maximum of 5 acres of Land. It did not, however, specify which land and how they were to be allotted this land. Obviously, the available non-occupied waste land of the GOG was not going to be

acceptable to these oustees. The struggle had scored a major victory, but it had to go on.

The GR Of 1st November, 1985 :

In the similar fashion, the GOG made other concessions to the landed oustees in the GR of 1st November, 1985. Reflecting in part the provisions of the LA, this GR conceded the principle of application of the NMDT Award to the landed oustees of Gujarat. It also included in principle a major concession to the landed oustees to have minimum 5 acres of irrigable land of their choice. This right of choice of land was even not available to the landed oustees in the Award. The GR made each oustee family as against each land-holding entitled to minimum of 5 acres of irrigable land of his choice. Here again, the GOG came up with the same old tricks, trying to prove as it were that public announcements of the then Irrigation Minister notwithstanding, the GOG was bent upon denying the vital benefits to the tribal oustees. This was in stark contrast to the extravagant expenses being incurred by the Narmada Development Department (NDD) and the way in which the cost estimates of the project were being revised upwards. In the beginning of 1980 the total cost estimate of the Project was Rs. 3300 Crores, which was raised to Rs. 6000/- Crores in 1983-84 and which now has shot up to Rs. 12000/- Crores. If the GOG was showing any cost-consciousness at all, it was confined only to the rehabilitation cost. The GR of November 1985, while conceding the principle of minimum of 5 acres of irrigable land to each oustee family and that of his choice, was worded a bit too cleverly. The mischief was that the Government was continuing choices only to one of the 3 types of lands available or would-be-available with the Government. This was a fraud, to us a transparent fraud, but to many others including the WB then, this was not seen as such. The oustees were sure not to choose and indeed did not choose the Government lands of various kind that were offered to them. The same GR then offered a cruel option to the oustees: should they fail to choose one of the three kinds of Government lands, they forfeited their right of choice of their land and with that their right of minimum 5 acres of land. Thereafter, they could buy private land to the extent of their existing land-holdings. The Government would help them buy the land. Any discerning person could see that this was in effect a resurrection of that notorious anti-poor June 1979 GR. The GOG was bringing the old, dead GR back into life through a back-door, except for a small mitigatory

change. Unlike in the June '79 GR, the oustees were not being asked to buy whatever amount of land they could with their compensation money only. They were now offered ex-gratia money to cover the difference between market prices of private land to the extent of their land-holding and the compensation amount they were paid. The meanness of one kind after another was piling up on each other. Meanwhile, in the Supreme Court case, the GOG was maintaining its self-righteous moralistic stand that they were doing the best possible they could and that Vahini was a trouble-maker and obstructing the process of development which would immensely help the poor of Gujarat. This twist in the GR was clearly a foul trick and a flagrant violation of the LA. Remember, this was the end of 1985. For the next two years we argued and fought hard through the affidavits in the Supreme Court and through letters and memoranda to the WB.

Cutting this long story short, we jump to April 1987. This is the time when the sanction for the SSP withheld, by the Department of Environment for a long time, was granted by the Central Government, no doubt, for the political reasons. An important road-block for the GOG was removed. Then the WB Mission arrived, fully armed with facts and information regarding the foul tricks the GOG was playing with the oustees. The WB Mission, who visited the deep, interior villages which were not even visited so far by the Government higher officials, corroborated the information and the complaints we had communicated to the Bank through our support group in the U.K. An argument of mega size ensued between the GOG and the WB. We have information that the GOG was so taken off the guard and so incensed with the unpleasant exposure at the stage of this heated argument, that it asked the Bank to pack off and to pack off with their money ! The Mission, on the other hand, was so annoyed that it wanted to cancel the loan as well. A tense silence punctuated by brave public utterances by the Chief Minister of Gujarat followed the next six months. "If the situation so demanded", said the Minister, "Gujarat will raise the entire amount of money". The oustees, waiting with anxiety for so long, were getting more and more restive. Everyday that passed by increased their struggle and lowered their morale to go on fighting in the same measure. The panic was almost palpable. Unfortunately for the oustee

struggle, our petition in the Supreme Court that was listed for the final hearing before the bench of the then Chief Justice Mr. P.N. Bhagwati in the closing months of 1986 was not taken up for the final hearing-the hearing on which the oustees and we have pinned so much of our hopes. We missed the hearing by hair-breath-a cruel play of chance or a well-time scheming of human beings ?- We do not know and perhaps shall never know. And then on 21st December, 1986, the then Chief Justice Mr. P.N. Bhagwati retired. A new Chief Justice took over. The whole pile of pending cases was obviously reshuffled by the new incumbent. We never thereafter heard of our case !

The Bank stopped the disbursement of the loan. This gave us a little comfort, but the gnawing question was : if the GOG indeed did decide to revoke the LA, what would happen to the oustees ? The doors of the Supreme Court were now closed. We waited with a baited breath, bearing the tension of uncertain future for the oustees and so did the oustees and started preparing ourselves for the long drawn-out, grim battle that laid ahead. In November, 1987, Mr. B. Conable, the new Chief of the Bank came to visit India. We were invited to meet him. This meeting, however, for all intent and purposes, turned out to be a public relation exercise. However, we had a reliable information that the Bank had adopted a very tough posture in private regarding the R and R policy. And the GOG had developed cold feet. There were now no brave talks of revoking the LA. The GOG's options were closed.

Our anxiety and tension finally ended on 23rd December, 1987, when the GOG officers handed us a set of new GRs which transformed the whole policy of R and R beyond recognition. It gave more than we had asked for ! The Chief Minister made a claim-perhaps justifiable - that this was a revolutionary policy of R & R not only in India, but perhaps in the world. He seemed to make it sound as though this was a spontaneous and generous act of GOG for the benefit of the oustees. The 7 year long history of struggle for this policy, however, belies this hollow claim. The only saving grace of this proclamation is, however, that it is not blighted with the customary meanness which had been the hall-mark of the GOG's policies so far !

(II)

The New Rehabilitation Policy:The G. Rs. of December, 1987(1) The G. R. of 4th December, 1987:

This is a very brief G. R. But its significance lies in the fact that it removes all the mischief, the Government of Gujarat (GOG) had played in the November, 1985 GR. It accepted the fact that the landed oustees were eligible to get minimum 5 acres of land of their choice. More importantly and interestingly, it also granted that the difference between the compensation paid to an individual oustee for his private land-holding and the market price of minimum 5 acres of his choice will be borne by the Government by way of ex-gratia payment. It must be stressed that this we had never asked, because even the legally binding NWDT Award contemplates of interest-free loan only to be paid in 20 yearly instalments. The oustees were prepared to bear the burden of loan. We were, nonetheless, worried about the burden of debt they would incur. This is a great relief. We have reasons to believe that although the LA does not carry this provision so clearly and explicitly, the jointly agreed interpretation of the LA had incorporated this understanding. Once again, it turned out that the Government of Gujarat (GOG) had no real choice.

Another important component of this GR is that it extends all the benefits of this GR to the oustees who were uprooted before the LA was signed in May, 1985.

(2) The GR of 14th December, 1987:

This important GR replaces the non-starter 30th May, 1985 GR. It provides that the so called unauthorised cultivators of Government waste land / forest land (the "encroachers") will

be provided 5 acres of land of their choice and that they will also get the same kind of benefit of ex-gratia payment.

(3) The GR of 17th December, 1987:

This GR covers the landless oustees and extends the benefits of 5 acres of land of their choice with ex-gratia payment to such oustees. This is a far-reaching GR, far-reaching not so much for the oustees of Gujarat, but for the oustees of MP where the exact number of landless oustees is not known so far, but is believed to be very high. According to the exhaustive list of all the oustee families we have prepared in Gujarat, about 65 families out of 3000 and odd are truly landless families. The fact, that the GOG had to issue this GR in all probability, signifies that the MP Government will have to follow the suit. This is so both because of the provisions of the LA and also because the financial cost of this policy for both MP and Maharashtra will be borne by the GOG and not by the GOMP and GOM. It stands to reason that the GOMP and GOM cannot have any valid reason not to accept this GR as their own.

(4) In addition to these GRs, the GOG issued two more GRs which make the travails of the rehabilitation more bearable and lessen the pains of uprooting. We will not go into the details of these GRs here, as they are essentially peripheral to the Central issue of rehabilitation i.e. viable and permanent means of livelihood i.e. in the context of SSP - land.

(III)

Displacement Problems and the Implications
of the new R and R Policy

By any reckoning, this is a massive step forward in the otherwise bleak area of displacement in India. The CM of Gujarat was not far off the mark, when he said that this was truly a revolutionary R and R policy. And yet the critical feed-

backs we started receiving soon after the announcement of the policy did not acknowledge the scope of the truly massive victory and pointed to other issues we had allegedly ignored ! We intend to discuss these issues in this third and the final part of the note.

(A) But what about implementation ?

As soon as the policy was announced, the friendly critics said that this was only a piece of paper ! This policy will not be implemented. The oustees' condition after resettlement following the new policy will be no better than that of the oustees already resettled. There are simply no private lands of this size available on sale; the Government will not move a finger to locate and acquire such lands; it is unfair and unrealistic to expect tribal oustees to identify and locate the lands which they will be able to purchase without being cheated; the Government is shunning its responsibility and so we should force the Government to identify new lands and it should not be the oustees' responsibility. There was even uninformed criticism that the oustees will incur heavy debt, making the whole process of rehabilitation a mockery. There were others who were critical because they simply could not believe that the Government, under the heavy pressure of the Bank, had actually done it and felt vaguely uneasy about it.

A long experience of cheating and deceiving by the Governments has contributed quite a lot to such caution and scepticism. Nobody and least of all, the groups like ours who have had such an intense, long and close experience of Government's double-talk, cheating and deception would discount these fears and cautions as totally imaginary. There is a lot to say for such scepticism. We, however, believe that there is a failure of distinguishing different issues, which results in the massive confusion.

In the early period of our struggle, when we were fighting for the proper implementation of the then existing R and R policy (June, 1979 GR), the same critics and others had said that we ought to be fighting for the change in the policy and not just help implement the policy; and that useful though this was in a limited scale this was like fighting a fire and not preventing a fire. Thereafter, ^{when we started fighting for} the change in R and R policy in the right earnest, the critics said that we were confused and naive to believe that we could win through the instrumentality of law. When we started focussing on the WB policy-making process through our friends and supporters in the U.K., we were told that ^{how we could believe that} the WB which is only the instrument of domination could come to assistance of the poor tribals and when the crunch comes, it will look the other way, when the Government destroys the oustees, and it cannot but do such things. The policy instrument we were after was a mirage and it only showed our immaturity and poor political understanding. We were incurable romantics who refused to see the writings on the wall. In short, the R and R policy that is now in existence was an impossibility before the event. And after the event? All this is forgotten and new sets of questions are posed. What was once considered impossible almost unanimously has become possible.

The point is not that since the R and R policy has come into existence, a satisfactory implementation will follow automatically. This would be smugness. The rehabilitation policy became possible and even inevitable in retrospect, because a combination of powerful forces was working towards that end. The SSP would have become an impossible proposition. The GOG's hands were forced. This is not solely a victory of one organisation however organised, or of a person however strategically placed, or of an institution however exalted. If anything, this is a combined victory of all forces, small and big, scattered in time and space, who sincerely believed in the cause of the oustees. These forces are still in place, better informed, better organised and reinforced since the announcement of the new R and R policy

in their conviction and determination that the oustees shall get what is justly due to them. The Government's back of resistance has been effectively broken. The Government is keen that the SSP work goes ahead in full speed without any hindrance. The GOG knows that the R and R issue, if remains unresolved, will stop the Project in track. This, it cannot afford. The oustees know fully their rights and they will demand their rights, which are now embodied in the legally enforceable GRs. The WB for its own strategic reasons will not want to appear back-tracking from or side-lining the R and R issue. Even for the WB, the stakes are too high. There are friends in the Bank, who called the Narmada issue a 'cause celebre' will fight and will fight tooth and nail. International groups are even more watchful.

Coming now to more pragmatic and down-to-the-earth situation, the issue of availability of land in all probability is not going to be a significant issue in Gujarat because the oustees-repeat-the oustees themselves have upto now located more than 10,000 acres of land. Our role, in this exercise, has been secondary, and that of assistance only. We are emphasising this point, because one criticism has been that the tribal oustees cannot even identify and locate the land, available for sale. All the four communities of the tribals in Gujarat have taken initiative in locating the private lands. Given a minimal support system, encouragement and assistance, we do not see how these tribals cannot find land. The question of cheating is real, but again given the above-mentioned support and watchful eyes on the rehabilitation machinery, this problem must be and can be minimised. Those critics, who have been raising these doubts, we believe, have never been part of such exercise as we have been. Their is an exercise in speculation, to say the least. The question of debt simply does not arise because of provision of the ex-gratia payment.

At the risk of repeating ourselves, we say again that this does not guarantee a proper rehabilitation in as fluid a situation as India's, where anything can happen, anything can go wrong, and so could the rehabilitation. Our effort is to help dispel in some measure this wide-spread pessimism and raise the prospects of possible by degree higher than that was thought possible a few months ago. It is difficult to resist a temptation to say that the situation today would not have been so hopeless, if this tendency of viewing all efforts to fight the domination of all kinds of power, especially that of State, with so thorough-going scepticism as to deny them even a fighting chance of success, was kept in check !

(B) What about the R and R of Maharashtra and MP Oustees ?

There were dark hints that now that the R and R policy for the Gujarat oustees were announced, we were no more interested in the fate of the oustees of other two affected States. This is a mean charge. Our record throughout the struggle clearly shows that we have always thought about the displaced people of not only Gujarat, but of all the three States and also of the displaced persons in similar other Projects in Gujarat and in India. In 1984, when the struggle took a higher turn, we realised that this was a fight for much bigger issue. One of the constantly recurring themes while interacting with the oustees of Gujarat has always been that we are fighting not only for Gujarat oustees only, that we are fighting for the oustees of all the three States and also possibly for the similarly displaced people in India. True, the goal seemed so distant and even perhaps unrealisable then, but this goal was never lost sight of. In the beginning of the intensified phase of the struggle, we tried to establish contacts with activist groups and interested individuals in both Maharashtra and MP. There was some success, but because of the lack of resources and differing priorities and perspectives, this process did not gather momentum. Given these limitations, strategically also it was necessary

to focus on the GOG, because the GOG is the main party. If the GOG was forced to adopt appropriate R and R policy, other States will have to simply follow the suit. The GR of 17th December, 1987 for the landless oustees lends a strong, if indirect, support to this argument, because as we have argued above, the problem of landless oustees of Gujarat is insignificantly small. The GOG could have easily accomodated these oustees without announcing such specific GR. This GR, we believe, is a powerful cue to MP to come out with similar policy for the landless oustees of MP where this problem is very big. The LA also clearly provides for the similar policies for all categories of oustees in all the 3 States. It seems inconceivable at this stage atleast that the Bank should force the GOG only and allow the other two States to get away. If the GOG is going to pay for the total cost of rehabilitation, it would be very hard and absurd for MP and Maharashtra not to adopt a better new policy. No doubt, a sustained pressure would be required to force the slumbering bureaucracy of Maharashtra and MP to adopt this policy with suitable modifications to meet specific needs of the oustees of these States.

(C) But where is the land ? And are you not facilitating the construction of the dam which ought to be opposed ?

There are some who have criticised us on the practical ground that we have fought for and achieved a policy which cannot be implemented because there is simply no private land on such a big scale available in MP and Maharashtra. We will postpone the discussion of this question for a little while, but before that we must turn to a second question, linked to the first one and in a sense a deeper question. Some of those who have posed the first question have done so in the context of the second question. To them, we suspect, the primary objective is to stop the dam or atleast to delay the dam. The non-availability of private land (which is possibly going to be the land of choice for most oustees in MP) can become a powerful instrument to stop

the dam. At this stage, we would categorically like to say that if it is really going to be so, then the further work on dam must stop. There cannot be the SSP at the cost of inadequate rehabilitation. We are also somewhat familiar with the range of problems connected with SSP. However, we would sharply like to distinguish a difference between the two objectives, i.e. objective of proper R and R of the oustees and that of stopping or delaying of the SSP because of its supposed disadvantages. Those groups who have worked for the R and R policy in Gujarat and Maharashtra have so far done this with an avowed objective of achieving just R and R. It so happens at this stage that the R and R issue has become huge and a powerful instrument in its own right, which can be used to delay the dam, if not stop it altogether. It would be morally wrong and also illegitimate to use this instrument to delay or to stall the Project. This is so because the oustees in Gujarat, Maharashtra and MP, in so far as we could ascertain, want to be rapidly resettled at the alternative sites. Their will and ability to fight the dam as such is either non-existent or extremely limited. It is wrong to ignore their limitations and their desires. Even if the dam construction is stopped or delayed, the oustees will be left in a state of suspension, wait and anxiety as to their future. Their desire is for just and proper R and R and ^{not} for the stoppage of the dam as such. It bears repetition in this context that no activist group in any of the 3 States has organised oustees and fought against the dam as such so far. Their aim has always been just and proper R and R of the oustees. If the dam needs to be stopped, we must build up a strong case against it on other grounds, mount a campaign against it, build a strong movement against ^{it} and stall it.

A crucial question now is : are the lands, which would be accepted by the oustees of MP and Maharashtra, available in enough measure ? In Maharashtra, we have been informed that private land is not available for sale in the vicinity. But according to our information, the oustees have shown their preference for the

denuded forest land which is available in a sufficient measure. The rub there, however, is that because of the Forest Conservation Act, 1980, these lands cannot be released for the purpose of R and K of the oustees without permission of the Central Government. It is clear to all concerned by now that the COM or GOI has really no choice in this regard, because the GOI has agreed with the WB that if all else fails, it will release the forest land for the oustees of Maharashtra. As to the problem of land in MP is concerned, there might well be a problem of release of forest land in some areas and in others the question of identifying adequate private land for sale. We have no first hand experience of the situation in MP, nor do we believe that any activists there have a fair assessment of the situation. It is not irrelevant here to recall our experience in Gujarat. In the year of 1985, when we were fighting tooth and nail for minimum 5 acres of land of the oustees' choice as stipulated in the LA, the GOG had taken a very convenient stand, that private land for sale on such a scale was simply not available. It is from then on the tribal oustees of Gujarat had begun to go out in the surrounding areas to look for private land and even in those days we could submit a list of 6,000 acres of private land for sale. But we go beyond speculation in the case of MP. Mr. S. C. Verma, the Ex-Chairman of the Narmada Valley Development Authority (NVDA) has gone on record to say that the Government land for resettlement is not available, but the NVDA has already got the offer of 30,000 acres of private land for sale. There is a strong case, therefore, for the need of taking much stronger initiative by the oustees' organisations to identify more private land for sale.

This leads to a final question.

(D) But do you not oppose the present style of development ?

Our short answer to this is : 'Yes, we do.' A little longer answer is : the activists and public-oriented intellectuals

and professionals must not only criticise and denounce the present mode of development from the Conference rooms and Seminars. The point is to oppose it actively by forging and activating the democratic alliances, organisations and institutions—national and international. The development projects, harmful to the poor people, must be opposed in their entirety or in part, depending on our strengths and weaknesses. We believe that if all the 3 States are forced to formulate R and R policy acceptable to the oustees and are made to be implemented in more or less full measure, it will set a powerful precedent. Hopefully, when the Supreme Court takes up the case for final hearing, it will put a seal of approval which will do immense good to the cause of displaced people. It will make much more difficult, if not altogether impossible, for the State Governments to ignore and violate this precedent. It will become mandatory for all the Projects financed by the WB, which are not inconsiderable in number, to implement the core of this policy. This will make for a major advance. The R and R issue then will be raised to a much higher place in the list of priorities by the planners. They will not be able to give a cursory and a third-rate treatment to the R and R, as they have been doing uptill now. This will immensely complicate the Project Schedule and may well make Project not worthwhile, if prospects of adequate R and R are not bright enough. The dynamics of such or similar R and R policy have the potential of posing a big challenge to reckless planning of huge projects that pass as development. It does not necessarily have to become a show-piece for the WB to show off or for the three Governments to boast about.

But the crucial component of this process is that activists everywhere must check their scepticism, avoid meticulously the confusion of objectives and work for the net-working of the democratic forces within and outside the establishment, within and outside the national boundaries, without any ideological hang-ups. The R and R policy of Gujarat carries the seeds of all India policy for displaced people and possibly provides an additional tool in the hands of the movement which is rightly worried about the purpose, direction and impact of the currently fashionable development.

THE
SARDAR
SAROVAR
PROJECT

**Experiences with
Resettlement and
Rehabilitation
1987-93**

**Tata Institute of Social Sciences
Bombay**

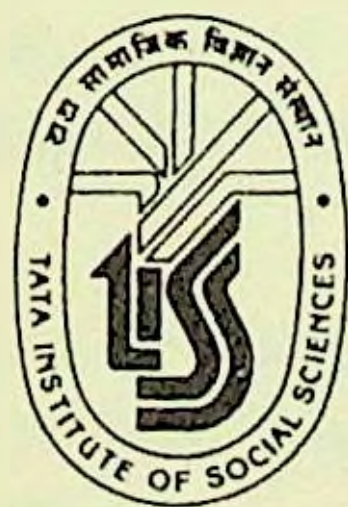
The Sardar Sarovar Project

Experiences with Resettlement
and
Rehabilitation

A Summary Prepared

by

The Monitoring and Evaluation Team
for Maharashtra
1987-93



Tata Institute of Social Sciences

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INTRODUCTION

This report summarises the findings of six years of work completed by the Tata Institute of Social Sciences, in its capacity as the Monitoring and Evaluation (M and E) Agency, for the Maharashtra submergence villages of the Sardar Sarovar Project. Tata Institute of Social Sciences was appointed for this task by the Government of Maharashtra as required by the terms of the contract with the World Bank. The report presents the team's perspectives on the rehabilitation of the displaced, based on the analysis of their own data (not influenced by the opinions of the Narmada Bachao Andolan or the Government). These experiences have been documented in 19 reports, that have been circulated among the officials of the Government of Maharashtra, the World Bank and other organisations related to the project. Reference is also made, for comparisons, to some findings of the Centre for Social Studies, Gujarat, the official M and E Agency for the project affected villages in Gujarat. These have been incorporated for illustrative purposes so as to indicate the commonalities in the displaced persons' experiences across the two States. No claim is, however, made to summarise the Gujarat situation.

The plan of the report is as follows:

1. The size of the problem is first examined, followed by an elaboration on the policy package for Resettlement and Rehabilitation (R and R).
2. An assessment of the socio-economic condition of the people prior to their displacement is then made. This reflects the tribals' perspective of their own situation.
3. Finally, details on the various aspects of R and R, including the implementation, the Government procedures, the situation in the resettlement colonies, and the R and R as it stands today, are presented.

4. The policy implications which emerge, from the above, are presented.

Throughout our association with the Project, we have urged the Government to place the findings within the broader perspective of the entire scope of the rehabilitation of the Project Affected Persons (PAPs). This initial micro-level feedback was regularly provided so as to give useful pointers to issues likely to affect the policy at the macro-level.

THE PROJECT

1. Direct Displacement

The Sardar Sarovar Dam is expected to impound water to the full reservoir level of 455 feet. It will submerge 37,000 hectares (92,500 acres) of land in three states: Gujarat, Maharashtra and Madhya Pradesh. The canal and irrigation systems aggregate to 75,000 km² submerging 85,000 hectares (2,12,500 acres) of land. The length of the water catchment of the dam is slated to be 123 kms. Conservative estimates place the number of displaced at approximately 152,000 persons (about 27,000 families as per Government estimates), residing in 245 villages of these States, to be affected by the submergence. The break up by States is: Gujarat - 23,500; Maharashtra -13,500, and Madhya Pradesh - 115,000.

2. Indirect Displacement

In addition, about 140,000 farmers are likely to be affected by the canal and irrigation systems, some in a major way and others marginally. The latter, however, will stand to gain from the irrigation when it becomes available. The land purchased from absentee landlords in Gujarat to relocate the PAPs is likely to displace an almost equal number of tenant farmers. Further, people living downstream, numbering thousands more, and those located in the backwater zone, will be affected. Compulsory afforestation, and the development of a sanctuary, will displace hundreds of families, since the consequences of the destruction of the environment are sought to be compensated through these means. One estimate places this category of project affected persons at 42,000 (approximately 7,000 families).

These figures reveal the magnitude of direct and indirect dislocation. No one really knows the exact magnitude of the likely displacement in all its dimensions, and the spin-off effects are yet to be measured. The existing figures on the amount of surplus land available in these states for compensating even the directly displaced are far lower than

the required amount. Therefore, whether in fact, sufficient land will be found, is not known.

THE PACKAGE

The Sardar Sarovar Project has undergone many financial and economic cost-benefit exercises. As per the Government records, the cost-benefit ratio is positive. However, most of these exercises have been conducted without fully accounting for the social and environmental costs. The Narmada Water Disputes Tribunal (NWDT) Award of 1978 gave its report on R and R based on the critical minimum requirements of resettlement for the displaced. It is not clear whether a detailed costing of the R and R had been undertaken.

The Award was hailed as a breakthrough in rehabilitation as it made provisions far beyond those of earlier projects where only cash compensation (often under valued) had been provided. It stated that the Project Affected Persons (PAPs) must:

- (a) improve or at least regain the standard of living they were enjoying prior to displacement;
- (b) be relocated as village units, *padas* (hamlets) or families, in accordance with their preference, as far as possible;
- (c) become fully integrated within the community in which they are resettled; and,
- (d) be provided with appropriate compensation and adequate social and physical rehabilitation infrastructure.

The general compensation package, designed for this purpose, is characterised by state-specific variations with regard to certain aspects. It comprises the following:

1. A minimum of two hectares (5 acres) of irrigable land has to be provided to each land holder. In Maharashtra, one hectare of irrigable land has to be provided to all the landless families, post-1978 encroachers (i.e., those not in possession of title deeds for their lands), major sons, and major unmarried daughters of PAPs. All persons are defined as 'major' if they have attained the age of 18 on 1 January, 1987. In Gujarat, the provision of two hectares of irrigable land has been made to all persons of the above categories except the major unmarried daughters. In Madhya Pradesh too, the landed are to receive a minimum of two hectares of land. Those who encroached land before April 4, 1987, are eligible for a minimum of one hectare and a maximum of two hectares of land. Landless major sons from all

the families and those with land encroached after April 4, 1987, do not qualify to receive the land. The Maharashtra and Madhya Pradesh PAPs can opt to resettle in Gujarat according to NWDT Award. In reality, however, this disparity in policy reduces the choices available to the PAPs who wish to move to areas where cultural affinity exists, but the rehabilitation package is less attractive.

2. There is non-uniformity in the policy across Maharashtra and Gujarat regarding the compensation for land. The PAPs of Maharashtra are entitled to Rs. 3,750 to Rs. 4,500 per hectare as opposed to the Gujarat figure which is placed at Rs. 10,000 (1990-91 reporting).

3. In Maharashtra, the PAPs are provided with food ration for a three month period after shifting. In contrast, in Gujarat (for Maharashtra PAPs) a subsistence allowance of Rs. 4,500 is to be paid to all PAP families by the first year after resettlement. In both Gujarat and Maharashtra a resettlement grant of Rs. 750, with January 1980 as a base and a rise of 8 per cent for every year; and a grant-in-aid of up to Rs. 500 for each family. All this is in addition to compensation for the land.

4. In Maharashtra, PAPs are entitled to house plots measuring approximately 60 sq. mts., while those in Gujarat are entitled to about 68 sq. mts. House building loan and subsidy, and free transportation of all salvaged and household material, are also to be provided.

5. Within agriculture, during the initial period, land is to be developed by the Government. There is also to be diversification towards horticulture and cash cropping. Secondary and tertiary activities are to be initiated, including dairy, supported by training and marketing.

6. Areas have to be demarcated for fuel wood and fodder cultivation.

7. In the resettlement colony, physical infrastructure is to be provided through the construction of approach and internal roads, transport facilities, drinking water, domestic and street lighting, and residential and day schools.

Several policies were not included in the original package. For instance, financial compensation is now provided to the PAPs for a year after they move to the new location site. This was introduced when it was realised that it takes some time to clear rocks and roots/ground level growth, so as to permit cultivation. Another problem was of "tapu" lands, i.e., lands becoming surrounded by flood waters, thus becoming islands rendered inaccessible to the owner.

The landless and major sons were not eligible for R and R provisions. Policy changes to incorporate this group came in 1987. The cut-off date to determine major sons was moved in 1988 from January 1, 1980 to January 1, 1987. Some of these policy changes have resulted from the R and R monitoring feedback and several others from the organisation of people by NGOs demanding change.

It is evident from the above package that the Governments of Maharashtra and Madhya Pradesh do not have policies equivalent to that of the Government of Gujarat. Therefore, non-parity between packages across States has created complications for the PAPs in terms of the real choices available. Even then, the provisions currently available to the Sardar Sarovar PAPs in these states are relatively better compared to the benefits available to similar categories of people affected by other such projects.

Moreover, prior to completion of negotiations on the issue of the loan, the World Bank had not appraised the R and R component. It, therefore, asked Prof. Scudder, an expert on resettlement issues, to analyse the situation related to the extent of displacement, and the R and R measures adopted by the State Governments. After his review in 1984, he concluded that the resettlement of the displaced was likely to occur in a very unfavourable environment. India's past record of reservoir related relocation did not meet the World Bank standards. The provisions of the Award represented a major advance in India, yet they did not meet the requirements of the World Bank policy guidelines on involuntary resettlement.

Six years later, in 1991-92, the World Bank deputed the Morse Commission (The Independent Review) to conduct a further appraisal of the progress of the project with specific regard to the R and R and the amelioration of the environmental impact of all the aspects of the project. The Commission concluded that environmental and social trade-offs have been made without a full understanding of the consequences. The social and environmental costs were understated; as a result, the financial benefits of the dam tended to be overstated. Further, it was maintained that the rehabilitation of all the displaced would be impossible under the present circumstances. The World Bank agreed to continue funding the project on the condition that the Indian Government met six benchmarks related to the R and R component by April 1993. These were:

1. Satisfactory improvement of the data describing the number of PAPs in the reservoir area, including an analysis of the affected tribal

people. The Governments of Maharashtra and Madhya Pradesh were expected to agree on the interpretation of eligibility criteria applying to various PAPs, including the landless agricultural labourers and major sons.

2. Preparation of satisfactory resettlement and rehabilitation plans in all the three States.

3. Adaptation of strengthened institutional arrangements for the implementation of R and R, including an appropriate role for local non-governmental organisations.

4. Satisfactory demonstration of improved consultation practices.

5. Satisfactory demonstration of the feasibility of getting land in Maharashtra and Madhya Pradesh.

6. Development of a satisfactory policy package for canal affected families.

All these tasks should have been completed before the Government of India gave clearance to commence work in 1987. The tasks were not completed even by March 1993, creating conditions under which World Bank funding became impossible.

This summary seeks to examine the extent to which it has been possible for the Governments to meet the terms and conditions elaborated in the Award and as per R and R related World Bank benchmarks.

THE TRIBAL SITUATION

No attempt is made here to glorify the tribal situation, as life in these areas is both arduous and rigorous. Instead, their well-being is defined as seen from the point of view of the tribals themselves. Thus, social values and lifestyles preferred in non-tribal locales need not always coincide with those subscribed to by the tribals of the Narmada Valley. Since the Award envisages the assurance of continuity of life for the displaced, rehabilitation has to be examined in terms of the social, cultural and technological matrix of the community and the extent to which the tribals can continue to utilise known practices and skills while coping with a new environment.

A few universal factors can be observed across all tribal sub-groups of Akkalkuwa and Akrañi Talukas (the two affected talukas in Maharashtra) as well as those in Gujarat. These are:

1. The existence of an integrated, self-sufficient and essentially non-monetised economy. Agriculture, cattle rearing, forest and the river provide the main sources of sustenance.

(a) Table 1, which pertains to select Maharashtra villages, indicates that land ownership and entitlement in these villages are quite different from those put forth by conventional definitions. People have access to land through a range of methods (owned, shared, and encroached land) which vary across villages. Thus, landlessness in the real sense of the term is virtually non-existent. In Maharashtra, as well as Gujarat, this is as little as two to four per cent. In Maharashtra, the average land owned per family ranges from 2.82 to 5.25 hectares while in Gujarat, it ranges from 1.6 to 10 hectares. More than half the land under cultivation in Gujarat is of the non-revenue category (so called encroached). In Maharashtra, a large quantum of land was not treated as revenue land because the 1975 land survey remained incomplete and till 1980, no land survey had been undertaken in these villages. The second reason for land not being registered in a family's name is related to non-transference of title deeds. Though the number of families has increased and the lineage expanded, no effort was made to transfer the divided land to the name of the inheritor. This was unimportant in the prevailing tribal context. In actuality, the notion of encroachment is alien here, as the output from encroached land does not differ from owned land.

(b) The average yield per hectare meets the food requirements of the people. The major items cultivated are indicated in the section on consumption. The fertility of this (semi-grade) soil has not deteriorated due to minimal application of chemical fertilisers; instead manure is utilised, especially since the people own large livestock.

(c) Table 2 indicates that an average family in Maharashtra owns up to nine to ten animals. In Gujarat, as well, on an average, families possess 11 animals. Poultry too are owned in abundance. The output from agriculture is thus substantially supplemented by livestock (milk, meat, eggs etc.)

(d) Proximity to the river and forest has provided additional supplements. Most households catch fish at least four times a week. The forest provides a range of food items and adequate fuel and firewood. Every household in Gujarat and Maharashtra consumes a minimum of five to eight kgs. of fuel wood per day, with an increase in the winter and monsoon months.

(c) Bamboo and wood are also gathered for house construction. In Gujarat, 27.31 per cent of the people are engaged in cattle grazing, 30 per cent in firewood collection, and one fifth in collection of minor forest produce. Existence of these complementary production sources has prevented the emergence of unemployment.

Table 1
Percentage Distribution of Households by Land Holding Status
(Only of families present at the time of survey)

Particulars	Village Names								All
	Dhan- khedi	Chim- alkhedi	Sin- duri	Bamni	Danel	Mu- khadi	Mani- beli	Ga- man	
No. having only own land	5.0	28.6	40.3	5.6	9.5	3.7	—	30.8	14.8
No. having only encroached land	36.7	—	24.2	24.1	20.3	16.7	91.9	17.9	29.2
No. having only shared land	3.3	30.2	9.7	—	9.5	22.2	—	—	9.7
No. having own land + encroached land	10.0	20.6	28.5	22.2	21.6	25.9	—	51.3	20.5
No. having shared land + encroached land	25.0	17.5	7	44.4	39.2	29.6	—	—	21.6
No. having no land	3.3	3.1	5	3.7	—	1.9	8.1	—	3.6
No. having satbara	3.3	—	—	—	—	—	—	—	—
No. having satbara + encroached land	11.7	—	—	—	—	—	—	—	—
No. having sharing + Satbara + encroached land	1.7	—	—	—	—	—	—	—	0.2
Unspecified	—	—	2	—	—	—	—	—	0.4
All households	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Average land owned per family	5.25	3.35	2.82	3.12	4.22	3.28	3.86	3.12	3.81

2. The consequence of such an economy is a fairly high consumption level. The consumption patterns are varied and fluctuate across seasons. The principal source of consumption is

land, while cattle, river and forest produce play a significant role. For example, in one village up to 16 per cent of the total consumption comes from the forest in the monsoon months. It needs to be mentioned that wage labour is not an important source of income in these villages. This is significant as it implies adequacy and self-sufficiency of the economy.

Table 2
Cattle Population Per Family In Eight Villages (in Akkalkuwa Taluka)

Animals	Village Names							
	Dhan- khedi	Chim- alkhedi	Sin- duri	Bamni	Danel	Mu- khadi	Mani- beli	Ga- man
Bullocks	2.4	2.1	2.6	2.8	2.5	2.8	2.8	2.8
Cows	1.7	1.3	1.5	1.7	1.3	1.8	1.0	1.2
Goats	4.8	2.0	7.4	3.5	1.9	3.8	6.4	3.3
Buffaloes	0.3	0.3	0.3	0.8	0.2	0.6	—	0.7

Table 3 indicates that the per capita calorie intake is about 2527 in Maharashtra while in Gujarat it is 2418 calories. Considerable diversity too, is noted in the items of consumption: maize, jowar, bajri, a range of local millets (badal, banti, mor) til, mahua seeds and pulses (udid and tur), milk and its products, fruits, fish and meat. There is virtually no hunger, even in the summer, as the river-bed is used for cultivating vegetables and for catching fish in shallow waters. Leaves, tubers, stems, fruits and vegetables from the forest, also make up the tribal diet.

3. This community is minimally dependent on the market as most items produced are largely consumed locally. A major portion of til and a small quantity of udid and tur, harvested by the households, is sold in order to purchase essential items such as clothes, utensils, tobacco, sugar, salt and jewellery. Ambadi seeds are exchanged for salt and spices. The people also visit the market to sell their surplus livestock. The house is constructed of material obtained from the forest; tiles are prepared by each family; and basket making and pottery are skills every family possesses for its utensils and storage requirements. All of these indicate a high degree of self-sufficiency in the submergence villages. Even if there is no saving, there is no indebtedness, since this is a largely non-monetised economy.

4. People reside in spacious and comfortable houses made out of teak wood, thatch, mud and bamboo. These are not the stereotyped concept of the village hut. The size of the houses range from 50 to 100 sq.mts.

Table 3
Per Capita Calorie Intake in the Eight Villages
(in Akkalkuwa Taluka)

Village Names	Average Consumption (Calories)
1. Dhankhedi	2942
2. Chimalkhedi	2618
3. Sinduri	2359
4. Bamni	2375
5. Mukhadi	2583
6. Danel	2178
7. Manibeli	2482
8. Gaman	2682
Total (average)	2527

5. These villages are characterised by close family ties and strong intra- and inter-village networks. Relationships of patronage and exploitation are absent. Instead, reciprocity permeates all interactions, evident during the agricultural season, at the time of house construction, or on ritual occasions (including marriage). This is evident from the fact that the component of wage labour, referred to earlier, never exceeds three to five per cent of anybody's major activity. Services are not hired but exchanged and only food and tobacco are provided for the days when such help is used. Strong inter-village networks also result from the establishment of affinal tie across village boundaries. Leadership is customary (i.e., the headship usually is located within a single family), but the head is chosen based on his capability. Decision-making is not entirely his prerogative; every single adult has the right to express his/her view.

6. The women occupy a special position in these villages. This is evident from the roles performed by them, their contribution to the economy, decision-making powers vested in them, and the nature of interaction with men and with the wider society. An open admission

of the high premium placed on women, is the payment of bride price at the time of marriage. The women perform a multiplicity of roles as they shoulder a large burden of the agricultural work, look after the livestock, do all the housework, make utensils, fetch water, gather minor forest produce, etc. Rather than being exploited, they are valued for their capability. They are seen taking important decisions within the household and outside. These decisions are wide ranging, pertaining to agriculture, selection of spouses, opting for resettlement, etc. High fertility rates and a good health status have prevailed. No incidents of wife battering have been recorded, despite regular alcohol consumption. The women consume alcohol and smoke bidis, against which there is no social sanction. Unequal power equations between genders are not evident.

7. There is poor access to the formal health care, child welfare and educational facilities, due to isolation. Such facilities have not been adequately extended to them. This is a definite lacuna, yet people's health status is not very poor. They avail of an array of medicinal plants from the forest and only in the case of serious illness, they go many kilometres to seek medical help. Their current lifestyle precludes the need for formal education. This, however, restricts their opportunities while attempting to move beyond their isolated surroundings.

The above description indicates the nature of the community being dealt with and the rehabilitation programme required.

REHABILITATION AND RESETTLEMENT IN TERMS OF THE AWARD AND WORLD BANK TERMS

1. Survey of the PAPs

The project work was to be preceded by a comprehensive appraisal regarding displacement and plans for rehabilitation; but the Government of India granted permission for the commencement of work on the condition that such studies will be commissioned and comprehensive plans will be submitted by 1989. This did not occur. Even subsequent to the World Bank conditions (1992), no comprehensive studies were commissioned between October 1992 to April 1993. As mentioned earlier, according to Prof. Scudder's report, the extent of displacement was not known and, hence, no clear plans for resettlement could be envisaged. The Award and certain World Bank benchmarks assume relevance only if these aspects are clearly explicated.

As the State Governments are still not aware of the exact extent of displacement, assurance cannot be provided that all PAPs would be appropriately rehabilitated. A simple calculation, based on the Maharashtra and Gujarat baseline village studies, shows that each family, on an average, owns or has access to two to five hectares of land. Hence, even at the minimum norm, for the Maharashtra PAPs alone, about 7,000 to 8,000 hectares of cultivable land is required. This is evident from some sample data in Table 4.

The Government of Maharashtra obtained 2700 hectares of forest land, to be cleared for purposes of resettlement. Since additional land was required for persons newly designated as PAPs, due to policy changes, another 1500 hectares is being considered for this purpose. However, it should be noted that the PAPs also subsisted on cattle rearing, forest and river produce. In the past, as their families grew and older sons established nuclear families, they could clear additional forest land. In the new settlement colonies, there is no river and access to forest is restricted. Also, expandability of land is not a feasible proposition. Thus, even if a total of 4,000 hectares of land is released by the Government, it will prove to be inadequate as families grow and have to seek an alternate livelihood for which there is no provision in the resettlement colonies. It is anticipated that they will be reduced to landless and, possibly, even migrant wage labourers.

Table 4
Quantity of Agricultural Land Required for Compensation

Particulars	Village Names						All six villages total
	Dhan-khedi	Chimal khedi	Sin-duri	Bamni	Danel	Mu-khadi	
1. Number of landed and landless adults and major sons as on 1981 cut-off point	63	69	98	62	93	75	460
2. Agricultural land required as per 1. (in hectares)	126	138	196	124	186	150	920
3. Number of landed and landless and major sons as on 1988 cut-off point	75	96	131	83	116	106	607
4. Agricultural land required as per 3. (hectares)	150	192	262	166	232	202	1204

It is also doubtful whether Gujarat would be able to make available the required land for *all* those from the other two states, who indicate their preference for relocation in Gujarat, in view of the fact that Gujarat *buys* land at a rate of Rs. 35,000 to Rs. 75,000 per hectare, and the land prices are expected to continue to escalate since Government is acquiring so much land. The per family financial allocation for rehabilitation is in the range Rs. 1 to 1.25 lakh only. This is clearly not adequate to meet procedural and incidental costs and other expenses, in addition to land costs.

2. Maintaining the integration of the village community

An important element of the Award was the relocation of PAPs in units of their preference. However, due to the non-availability of large land plots, they are unable to express their preferences. In most resettlement colonies, there is no possibility of relocating an entire village. (The Taloda forest in Maharashtra provides such an option but due to non-parity of packages between Gujarat and Maharashtra, those opting for this site stand to lose in economic terms.) In fact, even pada members (group of inter-dependent families), and major sons and daughters have not been resettled together with their families. This poses new problems in an inter-dependent society and economy. For the Maharashtra PAPs, the most striking example, in this regard, is in the first resettlement colony of Parveta (Gujarat), which is inhabited by families from Manibeli (a submerging village in Maharashtra), but the major sons had to go elsewhere — Lunadra and Sihandra (Gujarat).

Maintaining village also community integration has been problematic as there are factors beyond economic imperatives influencing the PAPs' decision-making: (a) proximity to forest, and (b) retaining inter-group ties by resettlement at the same sites. For example, the *Vasavas* and *Tadvīs* (sub-tribes) have expressed the desire to be relocated together. The *Tadvīs* have been more inclined to avail of the Gujarat option while the *Vasavas* are interested in residing near the forest. Thus, people have been compelled to opt for one choice or the other, while both aspects are equally important. The outcome of this is that the villages have been split; in some cases members of the same pada have been resettled in different colonies, inter sub-group ties have been broken and families have been divided. Gujarat is resettling its 19 villages in 175 different locations*. From a single village, Khalvani,

* The Gujarat data, in this report, pertains only to the 22 resettlement colonies surveyed by the centre for Social Studies.

a group of 46 oustee families were resettled in three different sites: 26 in Chhindiapura; 17 in Khadagada; and 3 in Thapavi. Similar problems are occurring in Maharashtra villages.

3. The non-submerging hamlets

There exist problems at yet another level as except a few villages in Gujarat and Manibeli village in Maharashtra, all other villages will not be entirely submerged. A few hamlets are to be left out in each village. People residing in these non-submerging parts are not being resettled but will be left behind in inaccessible mountain areas around the rim of the reservoir. For the non-submerging hamlets in Maharashtra, access to Gujarat will be completely cut-off. Villages along the Narmada river are dependent on Gujarat for its market and for a range of social reasons. Markets on the Maharashtra side are located at a great distance from these hamlets. People living in these truncated villages are also likely to be affected by water borne diseases generated by the reservoir. They will have no access to health care, because the nearest PHC or sub-centre will be over six hours walk across the Satpura ranges, and even those would become inaccessible during monsoon. These isolated hamlets will not constitute viable units wherein survival itself cannot be assured.

4. Procedures

The R and R procedures require that the PAPs be served eviction notices, detailed asset surveys conducted, compensation notices issued and amounts fixed, and submergence notices issued. As people of this region are illiterate, they are to be explained the meaning of these processes.

In Akkalkuwa taluka (first phase submergence villages), various problems have occurred in the process of application of the minimum requirements. Resistance to eviction is still evident and consultation with PAPs has not been possible in most villages. This is possible only when there is mutual trust and confidence between the affected people and the Government. Even persons who have agreed to move, have not opted for it as a desired shift. They are virtually compelled to undertake this step through lack of choice: they see the walls of the dam rising before their eyes and fear that moving will become inevitable. They were never consulted in the first instance when the plans were being prepared for the sharing of the Narmada waters. Now, the Government has to exert considerable pressure on the PAPs to relocate in view of the imminent submergence.

In Akkalkuwa again, it has been noted that not all persons whose lands are to be submerged have received the required notices. The level of awareness is also not very high as a number of people who are to be affected by submergence do not know this. There are others who believe that their lands will be submerged but do not feature in the submergence list of the Government. There are 97 persons who maintain that they are to be exposed to submergence but have not received notices. At least 31 PAPs from these villages have also not received compensation notices. Even among those who have received them, some are yet to receive compensation. A total of 107 persons, out of 391, did not receive any form of compensation, till early 1993. In Akrani taluka, an entire village did not receive compensation notices (Sikka); in Paula village, the eviction notices were left at the headman's house, and were consumed by white ants.

5. In Gujarat, the PAPs who moved to Tentlav and Ambavadi settlements maintain that they received an equal amount or more agricultural land than owned by them in their original villages. However, in Parveta about 18 per cent claimed that they received less land. In Chhindiapura and Khadaga all the PAPs received smaller plots as compared to their original holdings. In 1991, 27 per cent of persons resettled in Khadagada and 9 per cent of the Parveta inhabitants were yet to receive land, while 65 per cent of the Gujarat oustees resettled in Parveta stated that they were dissatisfied with the land quality. Moreover, most of the major sons in 11 of the new sites have not received agricultural land and house plots. Forty-eight oustees in Sandhia, Chhindiapura and Vaghavali have been given less than the requisite 68 sq.mts. for housing purposes.

With regard to the process of land selection in Akkalkuwa, 126 persons are still in the process of selecting land; 40 have selected land but are yet to receive title deeds; and 63 have received title deeds but are yet not cultivating their new lands as they have not been completely rehabilitated.

6. A series of discrepancies have been noted in the land selection and identification process in Gujarat. Persons have been shown a specific piece of land but allotted an alternative one, of poorer quality. In some cases, the land allotment has been cancelled after being sanctioned. There have also been instances, wherein more than one person has been allotted the same piece of land. In general, the choices offered to PAPs have been minimal, if at all. The PAPs are compelled to wait for long periods outside the rehabilitation office for submitting applications and collecting documents to which they are entitled.

In Parveta, the first batch of 81 Maharashtra PAPs received the first instalment of subsistence allowance as late as 1988, although they had shifted in 1985. The shifting allowances in most cases were paid only after a lapse of at least two years. This led to an unwarranted financial burden on the PAPs, because they had to finance the land clearance as well. Each PAP in Parveta incurred an average expenditure of Rs. 18,000 in the process of resettlement, which was not reimbursed as it exceeded the amount earmarked for this purpose.

A series of problems have also been related to the payment of compensation. The people who have received the amount are dissatisfied as they maintain that the 1985 land survey for regularising encroached land was not complete; hence, all their lands were not recorded and it was difficult to prove that they had been cultivating the land prior to 1978.

Due to non-uniformity of policy across states, the PAPs of Maharashtra received only Rs. 3,750 to Rs. 4,500 per hectare of land as opposed to Rs. 10,000 received by the Gujarat PAPs. This created a feeling of deprivation among the former. A number of cases (at least nine) have been recorded, wherein, people feel that they have not been given adequate choice in land selection. Bureaucratic delays in attending to complaints have further aggravated the problem.

5. Strategy for Shifting

People from Manibeli were motivated to shift to Parveta, unfortunately by adopting the policy of 'first come *best* served'. The first set of families received good quality of land while those who moved in later were allotted poorer quality of land, sometimes too rocky for cultivation. Thirty-four per cent of the Parveta households (from Maharashtra) applied for alternative lands because of poor quality. Land clearance too was slow; in some cases it took up to three years. Up to 15 per cent of the families were affected by this slowness of procedures, while 18 households have returned their lands to the Government as they were not willing to shift out of Manibeli. In January 1992, 52 eligible persons were still waiting to receive land. Factional feuds have also been recorded, and there is a polarisation, as a few have become richer while the majority have not reaped the same benefits.

In some cases, persons have found plots allotted to them to be unsuitable, but their applications for alternative plots are yet to be considered. The applications of the major sons of a number of PAPs have also to be attended to. In Gujarat too, it has been noted that

though the major sons have been declared "oustees", yet many of them have not received land or house plots (a point mentioned earlier). As birth certificates cannot be produced and, therefore, disputes have arisen as to whether a person is 18 years or below. In a tribal society, birth certificates, or any other method of marking births or deaths, does not exist.

Such problems have created disenchantment among some who have opted for resettlement, and is compelling others to move back to their original villages *after* shifting. Tension occurred in March 1992, when efforts were made to forcibly evict people from Manibeli by deploying a large battalion of policemen. The people did not move, and the force had to be withdrawn under public pressure. Prolonged confrontation has injected bitterness between the parties.

5/ The process of resettlement is itself traumatic, and adjustment to a new environment requires a congenial and supportive atmosphere. This needs sensitive handling by trained and committed personnel. In its absence, it is no coincidence that families that have shifted to new locations for over a year continue to maintain two abodes: one in the new resettlement colony and the other in the submerging village. They need to buttress the loss of agriculture in the initial stages through cultivation in their original village. This has been noted among the Gujarat PAPs as well. They cultivated land in both old submerging villages and new sites for a period of almost five years. Some families are fractured for several years between the new and the old villages. Often, women and older persons are left behind. Family life is disturbed and it is difficult on the women for whom responsibilities increase with divided household and parallel activities in both locations.

6. Changes in the Economy

5/ The dislocation from the valley has eliminated access to river and forest produce. This has resulted in a change in the consumption pattern in the new colonies. Fish and meat have vanished, and while cereals are available and some good crops have been harvested, a general shortage of pulses and vegetables has been noted in some resettlement colonies. In Parveta, about 23 per cent of the Maharashtra PAPs were recorded to be below the poverty line in 1989. In the resettlement colonies inhabited by the Gujarat PAPs, the average calorie intake per adult is 2629. Though this is above the required minimum, it is not uniform across the resettlement sites. In Dhefa, Ambavadi, Bhilvashi, Jemalgadh, Kukarda, Parveta and Vaghrali, the average intake per capita is less than 2400 calories and

16 to 28 per cent of the population in these colonies consume even less than 2000 calories. This has been attributed to low yields and poor employment opportunities outside agriculture.

In 1992, in Parveta (the Maharashtra PAs resettlement site) with a poor monsoon, wage labour became the only alternative, if and where it could be found. On the aggregate, up to 46 per cent of the households engaged in agricultural wage labour in this village in contrast to only 5 per cent earlier. Contract labour too has begun to surface. In the pre-resettlement situation, the option of expanding land under the plough and availing of forest produce existed to tide over such periods. Wage labour may continue to rise in the future since there are few alternatives/cushions available.

The Gujarat situation is also similar, wherein, 87 per cent of the PAs maintain that there are less work opportunities in the new sites, except for those resettled in Khadaga. It has been noted that 17 per cent of the population is engaged in casual wage labour for a period of 220 days per year as their main occupation, while 65 per cent of the people are self-employed agriculturists. In addition, 46 per cent are engaged in casual labour as a subsidiary occupation. Approximately, 150 days of employment are generated per year. This is less than the pre-resettlement situation owing to narrowing of the occupational base. Dependency upon agriculture has thus risen, but its ability to absorb people has narrowed.

Regarding the agricultural occupation itself, a few changes are evident. Eighty per cent of the Gross Cropped Area is under food grains. On the one hand, there has been the introduction of two new high value crops: wheat and paddy, while, on the other, there has been the loss of local millets such as nagli, bhanu and bhadi which added variation to their diets. There has been use of HYV cotton seeds, and fertilisers such as di-ammonium phosphate, and plant protection chemicals. Despite this, higher yields have been recorded only in 10 per cent of the irrigated cropped area. Yields in the dry lands of Ambavadi, Bhilvashi, Dhamadra, Dhefa, Gora, Parveta and Vaviyala (all in Gujarat) have been extremely low. The value of the average yield per acre is Rs. 1,032 which is lower than the district yield value of Rs. 1,500 to Rs. 1,800 per acre. The farm economy is, thus, weak in the sites which do not have irrigated agricultural land. Out of the 21 colonies monitored in Gujarat, in four there are no irrigation facilities; in nine, less than 10 per cent of the area is irrigated while in the remaining seven, less than 20 per cent is irrigated.

In Defa, it is feared that farming households will transform to casual labouring ones. A decline in reciprocal labour has also been noted, bringing a new dimension into the agricultural system. People in these resettlement colonies have not gone in for serious investment in land as there is some confusion regarding the interpretation of land allotment rules, shortchanging of land, and canal or road expected to pass through the allotted plot.

The maintenance of large herds of cattle and goats by both the Maharashtra and the Gujarat PAPs has become problematic due to inadequate pasture lands. This is particularly acute for the latter, as in many colonies no grazing has been reported. The grazing land that exists in the resettlement sites, has to be shared with the people of the host village. A large number of persons have also sold their cattle due to this problem. They have reduced the numbers in their livestock and feed them on the stubble after harvesting the crops. A number of PAPs have left considerable livestock in their original villages where adequate pasture is available. Among the Gujarat PAPs, a decline in milk consumption has been recorded. In fact, sheep-herding as an occupation has become insignificant in most Gujarat settlement colonies.

Excessive dependency on land and integration into the market economy, has reduced the earlier self-sufficiency and, thereby, created indebtedness in a market economy where only cash can obtain their requirements. People now have to purchase certain items (both food and non-food) which were earlier obtained *gratis* from the local environment; e.g., grain, oil, vegetables, pulses and seeds. Expenditure on new items has also been recorded: e.g., fertilisers and pesticides. In Parveta, 80 per cent of the Maharashtra PAP households have taken loans in the range of Rs. 1,500 to Rs. 3,000, partly for meeting their agricultural needs and partly for shortfalls in consumption. In the other four Gujarat resettlement sites where families from Maharashtra have settled, six out of the eight (families) studied, have become indebted. Loans ranging from Rs. 1,000 to Rs. 26,000 were taken from relatives and money lenders. Hence, while increased availability of cash is cited as an improvement over their earlier living, in fact, their standards have fallen because it is insufficient to meet their needs.

7. Problems of Encroachers

Families in the submergence villages have cultivated these lands since generations without *pattas* (title deeds). Whenever a family expanded, the members took up additional land, cleared and began to cultivate

it. No Government official ever visited these areas till the beginning of the project. However, now the non-*patta* holders are termed 'landless' for purposes of rehabilitation. They are called the encroachers. Since such persons would get only one hectare, their standard of living would be severely affected in a cash economy. This would be against the basic principle of the Award: that all displaced should regain at the least, if not improve, their standard of living. This is in contrast to the Gujarat package, wherein, two hectares of land are available for the same category.

8. Housing

Some PAPs have been residing in tin sheds for up to 18 months in a Maharashtra resettlement site (Somaval). These sheds were meant for a transitional period not exceeding six months. They are small, hot in summer and cold in winter and cannot house cattle. The size of the plot, to be given to PAPs, is about 60 sq.mts. which compares with, perhaps, the smallest of the house plots in the submergence villages (where the houses could be as large as 100 sq.mts.) They can dismantle and bring their old houses from the original village only after they get the titles to their house plots, agricultural land and the necessary compensation. Until then, they are compelled to leave their houses and some members of the family in the original village. These processes are lengthy; as a result, people are compelled to stay in tin sheds for extended periods.

An expense of about Rs. 1,500 has been incurred on house construction by the Maharashtra PAPs (in Parveta) which was not compensated. It would be much more if they did not use the original (indigenous) materials. Besides, for the major sons, new houses need to be built on the land allotted to them. There are schemes under the tribal sub-plan which have yet not been implemented in a co-ordinated manner for the allocation of homesteads and construction of houses.

In Gujarat, several PAPs in 11 new sites complained that they had not been allotted houseplots. In Dhefa, the plinth construction work is still not complete. In Jemalgadh, the people are dissatisfied with the plinth construction and wish to undertake the task themselves. The early settlers in the Gujarat sites are disgruntled because they had constructed the plinth at their own expense and have not been compensated for it.

Though the policies provide for housing loans, no such benefit has been extended so far in Maharashtra and Gujarat. People who lived in hill areas, had specific structured houses. Such structures in the

resettlement (which are located in the plains) areas are not protective. People have been waiting ever since they shifted for the subsistence from government to make concrete houses. In fact the tribals are also eligible for house construction assistance due to their scheduled status.

9. Status of Women

A series of changes have been observed in the life and status of women in the resettlement colonies. Earlier, the women were agriculturists and did not have to leave their villages for wage labour. After moving to rehabilitation sites, they have had to engage in wage labour, especially as activities related to tending cattle have reduced and collection of forest produce disappeared. In 36 per cent of the Maharashtra PAP households in Parveta, women's contribution to the total household income through wage labour (mainly in sugarcane cutting) was significant. However, they receive a lower wage as compared to men (only Rs. 7 to Rs. 10 per day). This is the first expression of gender inequality in the relocation sites. The need for wage labour has resulted due to the growing requirements of cash to meet consumption needs, in addition to being exposed to drought without a cushion; a dramatic change from the earlier situation.

The women are now expending less energy and time on certain types of housework such as collection of water, which is available close by, and the flour mill has reduced the drudgery of grinding grain. They are unfortunately no longer using the skills of pottery, basket-making, etc. The Maharashtra PAP women who are availing of gohar gas facility (in Parveta) maintain that the time gained from firewood (non) collection is diverted to the collection of cow-dung for the gohar-gas plant. The availability of firewood is a major problem, for households which cannot install gohar gas plants. The consumption of firewood has decreased to one kg. per day. This extends to the Gujarat PAPs as well.

Efforts have been made to provide alternative opportunities for income generation for women in the Gujarat resettlement colonies through introduction of training in non-traditional skills e.g., soap making and weaving. Most women in the older age category have resisted this. Some of the younger ones have come forward but the effort has not yielded additional income or improved their status as the programmes have not been efficiently adapted. There have been no links between subsidised purchase of raw materials and efficient output marketing.

The status of women in the host villages is not high. This will undoubtedly influence the position of women who are relocating, over a period of time, as cooption occurs. The type of economy reducing them to wage labour and non-parity of values in the two situations, will affect their status adversely.

10. The Host Population

In Maharashtra (Somaval settlement), a forest is being cleared for R and R purposes. This forest contains unrecorded settlements wherein the original residents depend upon the forest for their subsistence. The PAPs are required to adjust to both, the host villages and the unrecorded settlements, as members of the latter now have to share their minimal sources with an additional set of people. Clearing the forest has already reduced their access. Hence, incidents of tension have been noted in these areas. In Somaval, the crop of one of the PAPs was stolen in 1992. Some PAPs have also been physically threatened by the earlier inhabitants. In one incident (in 1992), the tension culminated in a firing incident, in which the life of a tribal woman was lost.

The PAPs are receiving benefits in the form of agricultural implements, fertilisers and other infrastructural support, as specified in the compensation package. Even though these are under-used, it has created feelings of jealousy and hostility among the original inhabitants. Non-advancement of these benefits to host populations, has generated tension.

In most resettlement colonies inhabited by the Gujarat PAPs, integration with the host villages is yet to be attained. Except the site of Khadaga, problems have been identified in the other sites. These relate to a variety of factors. A large number in the host population, employed as labourers on the sites purchased by the R and R Department, suddenly lost all employment. The PAPs, unlike the absentee landowners (their previous employers), do not require their services as they cultivate their fields with the help of family labour. In addition, the arrival of so many persons has created a situation of surplus labour, reducing job opportunities for them. Further, people associated with the land in a share-cropping capacity have been reduced to landless labourers. In 1991, this problem was the most acute in Chhindiapura, Ambavadi and Parveta. Moreover, fodder and fuel shortages were exacerbated by the arrival of the new entrants.

The host population was also not involved in the process of R and R. They got to know of impending changes only through hearsay. The

interaction in most sites is minimal. There is virtually no exchange or interaction on a daily basis. Some amount of interaction on ceremonial occasions (births, deaths, marriages and festivals), though, has been noted.

11. Preparation of site before resettlement and availability of infrastructure

It was envisaged, under the terms of the Award, that when villages or sections of villages relocate, infrastructure of school, primary health centre and transport would be provided.

In the case of the Maharashtra PAPs who moved to Parveta, due to batch-wise shifting at the initial stage, infrastructural facilities were inadequate. The tin sheds were leaking, only one hand pump was functional, there was no electricity, roads, health facility, toilets or grazing ground. The first batch of persons experienced serious health problems due to nutritional deficiency and lack of proper health care. In 1988, 17 deaths (a number of them children below 5 years), were recorded out of a total of 350 persons in this settlement. With improvement in the sites, the number of such deaths recorded has decreased. Initially, the most serious problem was water, which was solved after the people were organised by the Narmada Bachao Andolan. Ironically, the Award requires that two hectares of *irrigated land* should be given. Till irrigation facilities commence, hand pumps and wells are required.

Approach roads have now been constructed to some colonies, but the bus transport is inadequate, creating a problem of accessibility. Somaval (in Maharashtra) has one dirt road on which only one bus plies per day. Among the colonies inhabited by the Gujarat PAPs, only 12 have *pukka* approach roads.

As per geological reports, Somaval is located on the hill slope at the foothills of the Satpuras, wherein, due to the topography of the land, surface run-off could prevent adequate recharge of ground water at the site. It is in the future that water shortages are anticipated unless watershed development is commenced early. At present, all the colonies are provided with adequate drinking water, but in some, water is released only at particular hours, unlike the perennial Narmada. Moreover, in the future, a cost will be attached, as electricity bills will have to be paid for lifting and pumping water. Further, pumps are prone to break down. In Gujarat, PAPs are encountering a water problem in some sites. In Ambavadi, Parveta, Dhefa, Khadaga and Thapavi one of the two sources of drinking water has become

dysfunctional. In Bhilvasi and Chhindiapura, due to only one source being available, and that too non-functional, the PAPs have to carry water from the adjoining villages located three to four kms. away.

Regarding educational and medical facilities, there appears to be improved accessibility in both Maharashtra and Gujarat. In Somaval and Parveta, schools exist. The PAPs are availing of these facilities and sending their children to school if not required for domestic work and minding cattle. In the newer resettlement colonies in Gujarat, however, the total number of PAPs from Maharashtra is too small to qualify for the infrastructural facilities, according to the laid down norms. Therefore, the children of the Maharashtra PAPs are expected to avail of the schools of the host villages, where they have to traverse a distance of at least four kms. everyday. This affects small children.

The Gujarat PAPs have access to a health sub-centre in only three colonies. In 13 new sites, services are available at a distance of one to five kms. In the remaining four, the closest sub-centre is 15 kms. away. The PHCs and the sub-centres of nearby villages are poorly equipped and the people no longer have access to medicinal herbs earlier procured from the Satpura forests.

CONCLUSION

1. The above discussion highlights that, given the baseline situation, the resources available, and the approach adopted, the implementation of the Award is far from satisfactory, across both the States reviewed in this paper. It is also doubtful whether the Governments can take on the full dimensions of the task, given the problems highlighted at the micro-level with the rehabilitation of just a few families. The tense situation in the Narmada valley region is the outcome of the serious problems relating to rehabilitation of this tribal community. A project symbolising development has caused deprivation to a group of people who lived beyond 'development' strategies for centuries. Bringing people into the main-stream should not adversely affect their life situation. The claim is now being put forward that they have access to Government services in the resettlement sites. This is unjustified since they were supposed to be entitled to these services even in their original villages as these areas have been demarcated for coverage under the tribal sub-plan. They had a basic right to services such as health or education. Moreover, they are now being moved to sites which will not be similarly covered under the tribal sub-plan provision. Earlier neglect cannot be sought to be made up by this claim. It is accepted that some of the services

are now more accessible such as the PHC, school, roads, and transport, yet observed that their overall position has actually deteriorated in both economic and social dimensions as documented by this report.

2. Problems have emerged due to a variety of reasons. At the macro-level there was clearly the need to : (a) gauge the exact dimension of the total impact of the project (on the people, flora and fauna) at the stage of project formulation; (b) determine the exact number of PAPs at the very outset; and (c) determine the nature and the extent of resources and finance required for resettling the displaced. None of these were fully undertaken before commencing the construction of the dam. At the very outset, it needs mention that there is need for a systematic review wherein an effective cost-benefit exercise needs to be undertaken with a major emphasis on accounting for the social costs and not only the cusecs of water likely to reach a certain number of beneficiaries.

3. With specific regard to R and R, there are problems with the policy package as well, which have been documented in this summary. The basic problem pertains to non-parity of the package across the three States. Though people in all the three States are exposed to the same situation, there are vast differences in the R and R provisions which have not been modified by the Governments of Maharashtra and Madhya Pradesh to bring them on par with the Government of Gujarat. The R and R provisions of these States do not provide adequate support for people to regain their previous standard of living. It is anticipated that the displaced from Madhya Pradesh (especially) will have no alternative except to move to Gujarat.

4. If the people from these two States do opt to resettle in Gujarat, non-availability of land in sufficient quantities is going to pose difficulties due to the magnitude of displacement in Madhya Pradesh. The experience of all the three States clearly reveals that land for cultivation and resettlement cannot be acquired easily. Claims being put forward regarding the availability of land lack authenticity, as much of this land has been proved to be non-arable.

The Governments have not acquired land for resettlement using legislative measures such as the Land Acquisition Act, Land Reform Act and Land Ceiling Act. The 1984 amendment to the Land Acquisition Act, 1894, provides for land acquisition to resettle people. Instead, in Gujarat, land is now bought in the open market in small bits and pieces. Thus, it may be difficult to obtain land of adequate size to resettle even 30 to 40 families in one location. This prevents

effective relocation of groups which represented cohesive social units. The resettlement experience of Gujarat villages is already available as evidence: families from 19 villages are resettled in over 175 locations. The Government of Maharashtra has chosen to resettle people in the clear felled forest area. Private purchase of land cannot permit large-scale resettlement due to limited availability. Forest land cannot be a source of agricultural land for the resettled, given the magnitude of displacement caused and depleted forest reserves. The options of the Governments of Maharashtra and Gujarat, thus, have limitations as also repercussions and, in conditions of large scale R and R they cannot be justified or sustained.

5. In order to effectively operationalise the R and R policies of Gujarat, the Government must account for the unwillingness of people from different cultural and linguistic backgrounds (from Maharashtra and Madhya Pradesh) to settle in Gujarat. For most of the displaced people, caste, religion, language and kinship, continue to play a dominant role in determining their economic and social security. Education and the formal sector employment do provide people with the capacity to break away from the ties related to social attributes, to a certain extent, but only a small minority come under this category. Hence, the non-availability of suitable and adequate land in their own State, and the unwillingness of people to move to unknown areas, easily gives rise to the use of external pressures or force, besides leaving no options for the concerned person to choose between alternatives. The choice is, then, between being wiped out or accepting whatever is offered without protest.

6. The adoption of the policy of 'divide and shift' in the villages has devastating effects on the welfare and community life of the originally cohesive groups. In the process, the original villages are divided into non-viable social units and relocated. Further, the Government is attempting to resettle people by marginalising the advocacy groups spearheading the anti-dam movement. In the absence of advocacy groups, it is possible that the people will not be able to put the necessary pressure for resettling them with the full provisions of the Award and its subsequent modifications in the light of experience in implementation.

7. The Sardar Sarovar Project has highlighted one point very clearly: large scale displacement of people from land cannot be sustained. It may be easy to design an appropriate R and R policy framework, similar to the policies the State and Central Governments have evolved for the social and economic development of tribals, harijans and other weaker sections. The M and E experience for a period of

six years has revealed the magnitude of procedural problems associated with R and R.

8. The time has come to look for alternatives to large dams, in order to minimise submergence of land and displacement of people. High population density on land implies large displacement. When the area of submergence is large, the problem of displacement assumes serious dimensions. Moreover, when the people displaced are dependent on land for livelihood, and if they happen to be tribals, then the alternative provision has to be land. At least for the first generation of resettlers, provision of land can be the only method of compensation. All other methods have their shortcomings. As discussed earlier, land is not available or the State is unable to acquire land for the displaced.

9. Divisive policies will trigger serious social and political consequences in society. As displacement progresses and dissatisfaction increases, the affected people will regroup to challenge the State. This process is gaining momentum. The Narmada Bachao Andolan has sown the seeds of assertiveness and it has taken firm root in the minds of the affected people. The activists view their work basically as facilitation to enable the people to awaken them to their dormant capacities to decide and act for themselves.

10. Given these observations from M and E work, it is incumbent on the State Governments, and the Centre, to review not only R and R but the entire issue of creating development with deprivation as these data show. This is particularly crucial at this stage as, ultimately, there are a very large number of PAPs from Madhya Pradesh who are yet to be resettled. Hence, decisions taken now will be crucial for thousands who will be displaced by this project.

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E 2.

Monsoon Satyagraha 2001

Why have We Chosen
the Path of Struggle.....

Narmada Bachao Andolan

July 2001

President of India concerned over Large River Valley Projects

President K R Narayanan on Wednesday voiced serious concern over large river valley projects uprooting tribals and causing them untold miseries.

In an apparent reference to the Narmada Valley project, he said in his address to the nation on the Republic Day eve that only through enlightened development policies the country could resolve dilemmas of development.

"But the development path that we have adopted is hurting them (the tribals) and threatening their very existence," he said.

"Let it not be said by future generations that the Indian Republic has been built on the destruction of the green earth and the innocent tribals who have been living there for centuries."

PTI

Source: Rediff News, January 26, 2001

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I. Narmada Valley Development Project At a Glance

- ⇒ 30 Large Dams, 135 Medium Dams and 3000 small dams on the river and its tributaries
- ⇒ 2 dams out of these are the gigantic ones - Sardar Sarovar and Narmada Sagar (Indira Sagar)
- ⇒ All of these, except Sardar Sarovar are in Madhya Pradesh
- ⇒ Sardar Sarovar Project is in Gujarat, with impacts and benefits in four states namely Madhya Pradesh, Gujarat, Maharashtra and Rajasthan
- ⇒ Four of the large dams are already completed - Bargi, Tawa, Barna, Sukta. Ongoing ones include Sardar Sarovar Project, Indira Sagar, Maheshwar, Maan, Jobat, Kolar
- ⇒ Maheshwar is the first privatised Hydropower project in the country
- ⇒ Narmada Water Disputes Tribunal Award of 1979 decided allocation of Narmada waters between various states, fixed height of Sardar Sarovar Project, Indira Sagar, gave orders for R&R

Water Yield of River Fixed at 28 Million Acre Feet (MAF)

Allocation of Water (From all dams)

Madhya Pradesh	18.25 MAF
Gujarat	9.00 MAF
Maharashtra	0.25 MAF
Rajasthan	0.50 MAF

Sharing of Power Benefits (from Sardar Sarovar Project)

Madhya Pradesh	57 %
Gujarat	27 %
Maharashtra	16 %

II. Sardar Sarovar Project : Salient Features (As per Official Documents)

Length of Main Concrete Gravity Dam - 1210 m
Maximum Height above deepest foundation - 163 m
Catchment Area of the river above the dam site - 88,000 sq.km
Live Storage Capacity - 4.7 Million Acre Feet
Length of Reservoir - 214 km
Maximum Width Reservoir - 16.1 km
Average Width - 1.77 km
Full Reservoir Level - 138 m (455 Feet) MSL
Riverbed Level - 18 m MSL
Spillway Gates - 23 Nos. 65' x 60'
7 Nos. 60' x 55'
Full Supply Level (FSL) of Main Canal - 91.44m (300 feet)
Length of Lined Canal - 460 km
Base width of Main Canal - 73.1 m
Full supply Depth in Head reach - 7.6m
Design discharge capacity - 40,000 cusecs
Number of Branches - 42
Length of Distribution Network - 75,000 km
Annual Irrigation - 17.92 lakh Ha in Gujarat
73,000 ha in Rajasthan

Power Generation(Installed capacity):
Riverbed Power House - 1200 MW
Canal Head Power House - 250 MW

Drinking water
8215 Villages, 135 Urban Centers
30,000 ha, 210 Villages including Bharuch city.

Benefits to
Dhumkhal Sloth Bear Sanctuary Wild Ass Sanctuary,
Kutch Black Buck Sanctuary, Velavader Great Indian Bustard Sanctuary, Nal Sarovar Sanctuary.

III. The Complex Case of Sardar Sarovar Project

The Cost:

DISPLACEMENT: Between 250,000 (an official figure- only including, and almost certainly underestimating, those displaced by submergence) and 1 million (NBA figure, including those displaced by all aspects of the project - colony, canal, sanctuary, down-stream, catchment area treatment, compensatory afforestation etc.) will lose their homes and livelihoods to Sardar Sarovar.

OFFICIAL FIGURES are a shambles and resettlement plans have as a result been based on mistaken estimates of the number of people to be displaced. In many villages some people have received submergence notices, whilst others in houses below theirs have not!

RESETTLEMENT has been totally inadequate so far, with many oustees not receiving the 'land for land', which they are entitled to under the NWDT award. Some tribal people are receiving nothing because they do not have legal ownership of the lands which they have cultivated for centuries. Many more have received stony, uncultivable land and as a result have been forced to work as wage labourers (Rs 15-20 per day), or migrate to the slums of cities. Despite official claims, there is barely any decent land available for future oustees, and the land which the state governments propose to give to them is rocky and uncultivable. (One official was heard saying: 'We can put them here- if we do they'll manage somehow, people always do manage somehow!'). No Master Plan for rehabilitation till date.

CONSULTATION with those affected by the dam, concerning resettlement plans, has been almost entirely absent.

COMMUNITIES have been split up and dispersed to many

different resettlement sites, in contravention of the NWDT award.

TRIBAL LIFE depends heavily on the forests and the river. Their daily life, nutrition, religion and whole culture are closely interwoven with these resources. They are almost entirely self-sufficient, and are not used to the ways of the market economy. Resettlement sites have neither forest nor river, and will lead to the destruction of their culture.

NO RESETTLEMENT was given to the 950 families whose land (much of it remains unused) was taken for the construction of Kevedia Colony, or those whose land was taken for the main irrigation canal (23,000 families will be *seriously* affected if this is completed). They now live as impoverished squatters on their own land, and could be evicted at any time.

4

SHOOLPANESHWAR SANCTUARY- The presence of 38,000 villagers in 104 villages in the area designated for the enlarged Shoolpaneshwar Wildlife Sanctuary (where all the animals who will be drowned by the reservoir are supposed to flee to!) is regarded as a "Limiting Factor and Threat". Their activities will therefore be severely restricted (eg. No goats, almost no use of forest, etc.), such that they will be 'persuaded' to leave, without resettlement. Tourists will be encouraged to visit the sanctuary!

VILLAGES slated for submergence have had no government funded development. The only schools that have appeared are NBA funded.

FOREST SUBMERGENCE- Around 14,000 ha of prime forest land, along with all the complex and delicate ecosystems which it contains, will be submerged. This is being compensated for by planting a few saplings (often on land belonging to farmers and tribals, as in Shoolpaneshwar!). Over 4000 ha. of forest

is already chopped down to rehabilitate the oustees.

ENVIRONMENT - SSP never received clearance from the Ministry of Environment and Forests, as it was supposed to, yet it went ahead.

DOWNSTREAM EFFECTS- The dam will have severe impacts on the downstream ecology of the river (although Gujarat State has not bothered to conduct a survey to find out what they might be). One effect will be a severe depletion in the population of Hilsa fish, on which 10,000 fisher families depend for a living.

HEALTH- Water borne diseases incidence will continue to increase near the reservoir. Malaria has increased six fold already.

ANCIENT AND HISTORIC SITES have been, and will continue to be, submerged (eg. Shoolpaneshwar Temple; Maheshwar Ghats). The site of the oldest found civilisation on earth - over 40,000 years old will be submerged at Navatoli.

SEISMIC RISKS- There is good evidence from independent experts that the presence of the Sardar Sarovar reservoir will increase seismic activity in an already seismically unstable area.

The Claimed 'Benefits':

THE RIVER has 17% less water than was originally estimated by project planners which, along with other considerations such as the likely non-existence of the Narmada Sagar dam upstream, will lead to a serious reduction in any benefits of the project.

DRINKING WATER- The government of Gujarat claims that Sardar Sarovar is the "lifeline of Western India", and that it will permanently solve drought problems in the drought prone regions of Kutch and Saurashtra. This is complete and utter non-

sense. Even the people of Kutch have now filed a court case against the project authorities for making this false claim. The truth is that Kutch and Saurashtra are not, as the government itself says, supposed to get water until 2025, and that even then only a tiny percentage of the villages there will get water. According to the dam authorities: 9% of Saurashtra and 1.97% of Kutch. But even this won't happen because: (A) The Narmada has less water than they thought; (B) They have ignored basic considerations like evaporation from the canal; (C) They will run out of money a long time before the water gets anywhere near Kutch and Saurashtra; (D) In contravention of original plans and the NWDT award, water is now going to be diverted to major cities (esp. Baroda and Ahmedabad), to water guzzling sugarcane estates, and to tourist developments like 5-star hotels, golf courses, industries and even water parks! (Did somebody say something about 'development'?!). Kutch and Saurashtra are at the far end of the canal system, beyond this immense obstacle course; (E) There will be no water in the canal beyond Mahi from March - May: leaving the people who are to rely on this 'solution' to their drought problem to find some other means to quench their thirst during the driest part of the year before the monsoon!

6

IRRIGATION- It seems very unlikely that the money will be found to complete the irrigation plans of the Sardar Sarovar project, which in any case will be monopolized by rich farmers. Even if the money is found much of the land will become useless as a result of waterlogging and salinisation within the space of a few years. Furthermore, irrigation efficiency (amount of water reaching its destination divided by the amount released from the reservoir) is only 40%, not 60% as assumed. This means that a third of the command area won't get any water.

ALTERNATIVES which really could solve the drought problem in Gujarat do exist (eg. Local water harvesting, groundwater developments programs and water management-locally based initiatives). But the Gujarat government is busily pouring 80%

of the state's entire irrigation budget into Sardar Sarovar. As a result these alternatives are being ignored, and the people of Kutch and Saurashtra are left with their thirst.

ELECTRICITY HYDROGENERATION- It is often claimed that Sardar Sarovar will produce 1450 MW of electricity, but in fact this is only the total installed capacity. It will actually produce only 439 MW of firm power in the early stages, dropping to 50 MW once all upstream development is completed. On balance Sardar Sarovar will consume more power than it will produce for Gujarat!

FLOOD CONTROL- In Bihar state the flood prone area increased from 2.8 million ha (in 1952) to 6.82 million ha (in 1998), after its dam building program. What more can be said?

LIFE EXPECTANCY of Sardar Sarovar is only 70 years. After that the reservoir will become silted up and the generating equipment etc. will start to deteriorate.

THE WORLD BANK withdrew funding from Sardar Sarovar, after the Independent Review which is commissioned (The Morse Report, 1992) heavily criticized all aspects of the project after conducting extensive research in the valley. This was the first time the World Bank had ever been persuaded to pull out of a project.

FINANCIAL - The total cost of the Project is expected to be more than Rs.44,000 crores .

IN THE WEST big dams are becoming increasingly unpopular- many are being decommissioned and no new ones built. Truly sustainable alternatives such as Wind and Solar power; Local water harvesting; and 'Demand Side Adjustments', hold out much greater promise for the future of Gujarat, India and the World.

It's not too late to stop the dam rising any further and destroying thousands more lives. Detailed plans have been prepared by experts for how the water can be used even at the current height of 88m. The dam must be stopped.

IV. Overall Displacement

In Gujarat :

Colony affected 950 PAFs in 6 villages

Submergence affected 4600 PAFs in 19 villages

Canal affected 1,69,493 PAFs owning land titles out of these 24,000 will lose either whole or major chunk of their land holding and become landless or marginal farmers.

Shoolpaneshwar Sanctuary affected 38,000 PAPs in 104 villages

Downstream affected 10,000 PAFs making their livelihood fishing in the 150 kms stretch of river downstream of the Sardar Sarovar dam

Drainage affected Large areas will be required for drainage. Just for the main drains in Zones 4-13 it is estimated that 18,000 hectares of land will have to be acquired and those losing land will have to be compensated. (Estimates for other areas not available)

Compensatory afforestation / Catchment area treatment

There is no estimate for the number of families being affected by these environmental protective measures.

(approximately 3000-5000 tribal families)

Secondary displacement due to loss of lands to resettlement sites There is no estimate for the number of families being affected due to this.

(Note: PAF: Project Affected Family. PAP: Project Affected Person.)

In Madhya Pradesh:

Submergence affected 33014 PAFs in 193 villages (Balance as on today – 30,000 +)

Compensatory afforestation / Catchment area treatment

There is no estimate for the number of families being affected by these environmental protective measures.

(approximately 3000-5000 tribal families)

Secondary displacement due to loss of lands to resettlement sites There is no estimate for the number of families being affected due to this. In a number of cases it has been seen that land is being acquired from adivasi / dalit families.

In Maharashtra

Submergence affected 3300+ PAFs in 33 villages (balance as on today approximately 2000)

Compensatory afforestation / Catchment area treatment

There is no estimate for the number of families being affected by these environmental protective measures. It is being carried out in atleast 49 adivasi villages in Akrani tehsil and tens of villages in Akkalkua tehsil of Nandurbar district over adivasi lands. (approximately 3000-5000 tribal families)

Secondary displacement due to loss of lands to resettlement sites This is a serious issue here. The PAFs are being relocated in adivasi lands where the rights of the original adivasis who have been living there have not been recognized. This has led to serious conflict and even the death of two original inhabitants at one of the R&R sites.

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V. Rehabilitation at 93 mts: The Ground Reality

The number of families falling in the 90 m affected zone are far from rehabilitated, for whom the master plan for rehabilitation too is not ready as yet, surveyed by us, is 1912 in Madhya Pradesh, 1061 in Maharashtra and 195 in Gujarat. These include

those to be affected at 90 m, as per our ground level assessment and comparison with the flood level in 1994.

The purpose of the surveys conducted by the NBA is to review the situation persisting in the villages affected at 90m, as also the situation of the project affected families residing in the original villages. Contrary to official reports, such as the Action Plan prepared in November 2000, the clear picture that has emerged from the surveys, as one will see, is that there are at least 3084 families, who face an uncertain future in the long run, and likely submergence at 90 mts in the coming two months at 1:100 year rainfall. The surveys have forced us to raise several vibrant questions again, which we raised before, regarding the rehabilitation process and most importantly, the very purpose of rehabilitation. We fear, as is proven now quite evidently, now that the rehabilitation of families has been reduced to an exercise on paper, the main aim being, reaching zero in the balance column. This farce, being paraded as complete rehabilitation has reached further ludicrous extent with one sided, 'ex-parte allotment' being resorted to, with the sanction of the NCA. The people in the valley have firmly rejected this ad hoc and violative way of allotting land that has not been seen, let alone selected by the project affected person. NBA believes, now, that a point has been reached where the three states and every concerned authorities, especially the NCA, need to review the entire rehabilitation process and the feasibility of providing fair and complete rehabilitation as per NWDTA, state government policies and the Apex Court judgment to the PAFs. This is something that emerges from the findings of the survey, which may seem startling revelations inspite of the fact that NBA has repeatedly pointed out this ground reality to every single authority, the State and even to the Supreme Court. This survey proves beyond doubt without such a comprehensive review exercise one can't presume that the governments concerned would ensure the rights and entitlements to the affected families, on the brink of illegal and inhuman displacement.

The Narmada Water Disputes Tribunal Award has explicitly stated, among other detailed provisions for the resettlement that under no circumstances can submergence precede rehabilitation. The NWDTA also enshrines the essence of community rehabilitation to safeguard the social fabric and prevent the fragmentation of these close knit communities. Sadly the states have made a mockery of these stringent provisions that serve to safeguard the present assets and properties of the affected people until the time when the state, fulfilling its legally bound responsibility, provides total rehabilitation including alternate land, civic amenities, community resettlement, etc. The surveys conducted by the NBA clearly prove the numerous blatant violations of the rights of the project affected families and non compliance with the NWDTA.

Some Special features of the survey-data collected are given below:

i. Gujarat:

It may be noted at this point of time, that there are hundreds of families at the sites who too are 80 or 90 meters affected, who are relocated but no rehabilitated. This is clear from the thousands of complaints received by the Grievance Redressal Authority (GRA), majority of which were related to land allotted for resettlement. GRA has not been able to take care of serious land problems, unlike the problems with civic amenities, in most of the cases, till date.

Mokhdi, the site of construction of the Sardar Sarovar dam, the first affected village in Gujarat on the Southern bank of Narmada is a glaring example of the failure of the state. Faced with submergence year after year 42 declared families (alongwith 35 non-declared eligible project affected persons) are still residing in this village. These families have either returned from or never

gone to Ambavadi, Chikda, Chikda2 and Piparvati resettlement sites. These families have been supposedly rehabilitated in these R&R sites. However, a visit to Mukhdi will bring one face to face with these families totally unwilling to return to these sites. Similarly in Gadher there are 7 families that have returned from R&R site within Gujarat. Similarly there are also families in Vadgam, Antras and other villages in Gujarat, all of which we haven't surveyed as yet. The government of Gujarat has maintained that they have rehabilitated every single family upto 110 meters. This is a blatant lie and they should be forced to acknowledge the fact that there still remain families affected at 90 meters who are yet to be rehabilitated. This is important because the government also ignores various other falias of villages that may come under submergence of this monsoon, like the Budni falia of Turkheda.

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One can't but mention here the inhuman treatment to the thousands of families affected by project - related works such as canal and project colony as even sanctuary. We have written to NCA and concerned authorities earlier on this and need not say that the families from whom land is acquired for the purpose of the dam (although not reservoir) but with no other rehabilitation provision but cash-compensation, are the victims of unjust policy. With or without the readiness of the authorities and intervention of the Court, the Minister of Social Justice can't ignore them, mostly the tribal and other backward castes and classes, but ensure justice through a well defined just policy and plan for rehabilitation to be finalised with them, as they too are organised under the banner of NBA. A few hundred of rock-fill-dykes affected families displaced since 1979-80, for whom alternative land allotment is officially provided for since 1985, are also not yet fully rehabilitated.

ii. Maharashtra:

In Maharashtra too repeated violations of the NWDTA and

now the Supreme Court order are seen from the fact that lands have been repeatedly submerged without any rehabilitation of the affected families. Lands of Manibeli, the first affected village in Maharashtra, has been repeatedly submerged year after year from 1993 onwards. Thirteen houses in Manibeli had flown away with all the belongings, with floods in 1993 itself. Even today the families affected at 69 meters remain to be resettled. There remain 41 declared families besides 39 undeclared ones in Manibeli who will be affected by the submergence this year. Their rehabilitation, obviously does not seem likely even in the near future. This is the case with all the villages in Akkalkua and few of the villages in Akrani. Today there are atleast 1016 families in Maharashtra that will be affected by the 90 meters submergence. The government continues to show a less number of families affected in Maharashtra. This is grossly untrue as shown by the surveys, and can be further proven by an independent un-biased assessment of this grim situation. Included in these affected families are those aged between 18-31 years, most of whom are married and have their own houses. Since their houses are to be affected they too are, obviously, affected and will lose property in submergence hence entitling them to be declared as project affected. Further the cut-off date that is being adopted, that is 1987 is, to put it very lightly, un-realistic and needs to be changed to the actual date of displacement. This issue and many others including the serious legal violation in non-granting of land rights, to the tribals have been repeatedly pointed out by the NBA. Without settling all those, there can be no just rehabilitation possible. It is in this situation that major tribal villages in Maharashtra will face floods this monsoon.

The serving of notices to 90m affected families is such that PAFs at a higher level get served notices and not houses at lower levels. In fact this ad hoc nature of serving notices is clear evidence of the faulty level surveys of the government. This has been in every single village. In fact, the villages of Maal and

Savaria where the lower lands have submerged every year have not been served a single notice indicating 90 meters affect! This is further seen in the village Bhadal where families whose lands were submerged in 1994 are not being served notices.

As in Gujarat, there are a few hundred families at Maharashtra resettlement sites too, who are relocated but can't be called rehabilitated as they have not yet received all the entitlements especially agricultural land and houses-plots.

iii. Madhya Pradesh:

14 This state has the largest submergence to face while the tribals PAFs to face submergence this monsoon and thousands of families (above 30000 as per official figure) yet to be displaced at the higher dam-heights have no place to go. As the Chief Minister himself has openly declared 'No land' situation on resettlement in the state while almost all the remaining families have decided not to shift to Gujarat but to stay in their own state, and are entitled to, under the NWDTA. A small amount of land identified by GoMP, out of grazing land and government waste land over years, is proved through joint panchanamas (with official's signatures on the reports) to be uncultivable.

It is amazing that the Government of Madhya Pradesh has the audacity to actually claim total resettlement of families affected at 90 meters. This is so since even today there still is not a single square foot of land available and the fact is that the government of Madhya Pradesh has not rehabilitated a single family to date. The government has forced the PAFs to choose from the choices of either accepting land in Gujarat or cash compensation in lieu of land for land. The adivasi families are being forced to accept cash when they are unwilling to go to Gujarat since the option of receiving land in Madhya Pradesh does not realistically exist. Several PAFs complained to the Grievance Redressal Authority about this. The government has now

served notices to several such PAF's demanding them to deposit 50% of the cash compensation received and thereafter avail of the land option.

It is important to note that when this issue was brought before them the direction order issued by Retd Justice Shri. G. G. Sohani, chairperson GRA (Madhya Pradesh) implicitly states that cash compensation is in violation of the NWDTA. Referring to the grievance of Shri. Kuwarsingh Bhangda of village Kikarwas that he was given cash compensation in lieu of land for land he directed:

"During the pendency of this case, a copy of the letter dated 19.1.2001 sent by the Rehabilitation Officer to the complainant has been filed. That letter does not indicate that any parcel of land as provided by the Award has been allotted to the complainant. He has been directed by that letter to deposit 50% of the amount of compensation paid to him for acquisition of his holding, within a week from the date of receipt of that letter, so that further action as regards allotment of land could be taken. The manner in which the State has proceeded to discharge its obligation under the provision of the Award is not that which is contemplated by the Award. Sub clause (iv)(7) of Clause XI of the Award lays down that an oustee family entitled to land according to that clause shall be allotted irrigable land as provided by that clause and the same shall be transferred to the oustee family if it agrees to take it."

Further, the GRA directs the State to allot land to the PAF immediately. The GRA very unambiguously states that the present policy of the State is not in compliance of the NWDTA. The obvious inference that can be drawn, then, is that this is in violation of the NWDTA. For this, the State should be strictly prohibited from continuing with this violative policy. This should

be done by the NCA.

There are 1912 PAFs affected at 90 mts iself who still remain to be resettled in Madhya Pradesh. They include 108 PAFs who have returned from / or have not been shifted to the Gujarat R&R sites. At 90m, there are about 290 families in all who have been forced into receiving cash compensation as a compromise. Their resettlement is still due with no land having been allotted to even one PAF.

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In Alirajpur tehsil, District Jhabua, atleast 913 families will be affected by submergence if there is a good monsoon. However, only 370 of these families are officially declared as project affected families. The remaining non declared families are so due to irregular baseline surveys. These families have submitted their claims to the Narmada Valley Development Authority (NVDA) in March 2000 by way of a process that was mutually agreed upon. Due to the absence of any documented data indicating their age, the NVDA agreed to accept resolutions passed by the respective Panchayats verifying and certifying the ages of each of these claimants. The NVDA it seems has not indicated any further movement in this process of granting declared status eligible families. Therefore, these families having their own houses and agricultural lands will be forced to comprehend with impending unpredictable submergence. Still the outstanding issues such as updating the land records which is pending for years as remains to be done further becoming a cause alienating the rights of these affected adivasi families.

It is still difficult to assess the complete situation and statistics related to 90mts affected and to compare our surveys with the official surveys.

The difficulties are as follows:

- a) There is no complete and correct survey of the hamlets and

villages to become tapu (island) at 90 mts or higher level, who too are entitled for rehabilitation benefits as per the R&R policies. NBA surveys too haven't covered all tapu lands/villages.

- b) NBA's checking of the government survey marking of submergence levels through engineers has concluded that there is 3 mts difference in the benchmarks now used in Madhya Pradesh amount to wrong calculation / estimation of PAFs at any level.
- c) Madhya Pradesh govt has over last few years, acquired PAFs' lands and properties upto 436 feet only and the same are being cancelled and fresh notices under section 4 of Land Acquisition Act are being issued 455 feet. The official picture of each PAF's (including the 90 mts affected) total property to be affected by the project is thus not yet final.
- d) There are enormous obvious mistakes found in the official lists and surveys of PAFs. Eg. In certain villages, the marking stones in the midst of thickly populated village, have houses on both side, at the same level and yet one side houses are shown as 'affected' and not the other.

To conclude, the grim situation, to say the least, of the PAFs at 80 and 90 meters SSP-affected area with no rehabilitation of balance families now possible to attain before the coming monsoon, is obvious. The illegality and violation of the NWDTA involved in the dam construction pushed to this stage and displacement without rehabilitation having been made inevitable, is obvious. The atrocity that would occur through inhuman flooding would again amount to nothing less than atrocitiy against scheduled tribes, which is a cognizable act. Not only the people but the governments concerned and the NCA will also have to face the disaster this year itself.

It is imperative that the R&R sub-group and the NCA as a whole to take truthful cognizance of the whole situation and fulfil its duty under NWDTA and the Apex Court judgment.

The precondition for permission to be granted, after such a clear history of violation and injustice, must be :

(i) Preparation of a master plan with the total amount of land - suitable and cultivable, required for resettling all the PAFs at the full dam-height level, to be approved by all concerned state and interstate authorities and the organisations of people to be affected, i.e. Narmada Bachao Andolan (NBA) and Punarvasan Sangharsh Samiti (PSS) before finalisation.

(ii) Completion of R&R of all PAFs affected or to be affected at 93 mts.

VI. Satyagraha 2001 :

A Challenge To The People And The Government Both.
Ban NBA – Move of Unholy Alliance Against Democracy

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A fiery fight with the rising waters is what thousands of tribal families in the Vindhya-Satpudas and farming communities in the West Nimad are prepared for, this monsoon. The impending submergence being absolutely illegal and immoral, against every human right and constitutional guarantee of life and livelihood, the struggle is not only inevitable but totally justifiable as a people's movement against the destruction and destitution of farmer communities let lose by the State and allied forces. Sixteen years long battle by the people in the Sardar Sarovar affected region, now spread to other big dams – Man, Maheshwar Bargi, Veda, Goi, supporting those affected by Narmada Sagar in the Narmada – and all over the country allied with similar thinking people's movements across the world feels proud to announce 'Satyagraha to Nyayagraha' at Jalsindhi (Jhabua), Domkhedi (Nandurbar-Maharashtra) beginning from July 5th and Chhoui Kasaravad (Baba Amte's residence) to be inaugurated on July 9th with thousands of people participating. Baba himself has taken a pledge 'not to move' and be the first Satyagrahi.

Amidst State repression, taking away not just the market space for local agricultural produce or land and other resources or livelihoods, but even life, as witnessed in Kashipur (Orissa), Koel-Karo (Jharkhand) and Dewas (M.P.), the perseverant struggle challenges the concerned state and the central government to dare flood the homes and farms of 5000 + families. The same is being imposed without even land for rehabilitation, with skewed distribution of benefits to the Ahmedabad-Baroda at the cost of the drought affected in Kutch, Saurashtra or even the Narmada Valley and with an unjustifiable social, environmental costs as also economic extravaganza.

A colossal waste with a human cost: the game of 'power'

The politico-economic vested interests, in India least bothered about a permanent solution to drought and deprivation of the large majority of natural resource-based communities, continue to neglect 162 major dams and 74 extension schemes left incomplete since 2nd five year plan onwards requiring a colossal sum of 79,000 + crores. They are bent upon stating New gigantic projects with old vices which are sources of huge corruption - much more serious than tehelka - and misappropriation of water and power by the elite population as evidence in Enron. Sardar Sarovar, that will cost not less than 2.5 lakh rupees per hectare of irrigation and 3 to 4 crores per MW of power is 'another Enron', to be exposed and admitted sooner or later. Madhya Pradesh state is not fulfilling its duty, neither towards the citizens in the bountiful Valley of Narmada nor the population at large. The costliest electricity (much of which SSP will produce for less than 10 to 15 years and much less than estimated) 56% of which is the only benefit for MP to be obtained at the cost of life of the Valley.

No land, No dam

On the displacement front, while it's more than proved that

there is no agricultural land and no adequate & appropriate sites for resettlement of 32 to 35000 families residing in the affected zone of SSP, as there is no land even for the 3000 + tribal families to be affected by Man (another of 30 big dams in Narmada), the SSP dam construction has had to be stopped again, in spite of the Supreme Court's verdict at 90 metres. As Jayanarayan Vyas, Sanat Mehta, Urmilaben Patel and other ex-ministers of Gujarat has now admitted, the Supreme Court Judgement has not been the final word as they expected. NBA never expected it to be one since the judgement has exhibited ignorance of the ground reality and deliberately concealed the facts well presented before it.

NBA, the people in the Valley, inspite of the politicians – bureaucrat's tactics to vacate the villages have stayed put and fought the untruth, proving that the submergence at 90 mts + 3 mts level (full height 138.68 mts not reached) yet will come and come with a fatal impact on the thickly populated to vast stretched communities both, which will be faced as a movement does, with the onslaught on life of the living populations. Large rainfall this year would certainly prove the truth, even if through a likely sacrifice for the same. No land, no dam is the only just and reasonable position. We demand an immediate announcement towards indefinite suspension of a dam-work and a decisive dialogue and master plan for rehabilitation of those already affected.

Ban NBA – move of an unholy alliance against democracy

The exposure of the misdeeds and falsehood in the big dam propaganda and strength of the people's struggle has, however, disturbed the peace of the political and economic interests who appear to be at their worst, leading to a malafide and vicious campaign against not the vision and values, facts and issues posed by NBA but NBA itself. The commercial means of advertisement, used by one Mr.V.K.Saxena, sponsored apparently

by some industrialists, is only such move. Who is behind this waste of lakhs of rupees on ads. All the allegations in those are either fake, distorting the facts or deliberate concoction of linkages between NBA and its supporters. NBA can't be proved to be violent, based on a long list of false cases clamped upon it by the State during its agitational programs. Our alliance with international people's organizations and NGOs and submissions to the multinational companies, lenders or export credit guarantee agencies is perfectly justifiable in the present context of global power's encroachment on people's life and resources, hand in gloves with the State, misusing our laws and indigenous agencies. We are unregistered people's movement, as was the first freedom movement of India. Our actions to accounts are not only legal but constitutional. We have therefore filed a criminal complaint against V.K.Saxena and Indian Express in the Delhi Magistrate's Court. We are issuing notices to other dailies too.

Jamunadevi's public campaign trying to incite people against NBA is non-sensical and motivated with petty political gains. She seems to have given a commitment to Gujarat to sacrifice the interests of the people of MP and especially Nimad which she will have to pay a heavy political cost for, if not today, tomorrow.

The latest move by ex-chief ministers of Gujarat and Jamunadevi with her stooges in MP is nothing else but a nexus symbolic of the unholy alliance politics dominant in the country. It's also an expression of the State's attempt, in the privatization era to take away the space for people's protest and be intolerant to any democratic dissent. The special area Securities Act of MP and moves by some other states as also the easy resort to repression indicates this. NBA will expose the attempt to do away with non-violent but strong people's organizations while the corrupt communal and criminal political outfits are let loose. Digvijay Singh must make his arms and the party's position on this clear or will be proved to be a party to this!

At one level, such politics and its accusations such as NBA is responsible for human rights violation is to be ignored as immature and a game they always play, it's also simultaneously a warning and an appeal to all democratic forces, especially working with the downtrodden, to come together and fight to protect the space for protest against valueless politics. We can't even be trapped under the Unlawful Activities Act, except through lawlessness by the rulers. What is more dangerous and to be challenged, however, is valuelessness. While the Summit comes closer, when it's a great statesmanship and openness, love for peace with the neighbourhood and non-violence is what the Prime Minister is posed with, NBA would like the people to also judge this government from their attitudes and actions towards the inside protesters, its own people.

Maan Project — A Valley Rises

The Man Project is one of the 30 large dams being constructed in the Narmada valley. This dam will inundate the homes and lands of over 5000 adivasis in 17 villages in District Dhar in Western Madhya Pradesh. It is being constructed on the river Man (that drains into the Narmada River) as an irrigation project in the Dhar district of Madhya Pradesh. This year these thousands of adivasis and the lands they live on are slated for submergence without any arrangements for the restoration of livelihoods or provision of alternative agricultural land.

The Man Project received the legally binding environmental clearance from the Central Environment Ministry in 1984. The condition of the clearance was that the affected tribals must be resettled with non-forest agricultural land. The state government policy for the oustees of the Narmada Projects that was made in 1987 and firmed in 1992 also required that the affected people must be resettled with land for land. Despite this from

1991 to 1994, the state government completely violated the conditions of the environmental clearance and the provisions of its

own policy and finished the rights of the people with paltry amounts of cash compensation.

As a result, in 1994, the Appraisal Committee of the Central Environment Ministry blacklisted the Man Project for complete violation of the conditions of the environmental clearance. In 1997, when the oustees were given eviction notices, they organized themselves under the aegis of the Narmada Bachao Andolan and raised their voices. After a long struggle, in April-May 1999, the Madhya Pradesh government agreed to constitute a committee for the rehabilitation of the affected people. This committee which was constituted under the chairmanship of the Narmada Minister of Madhya Pradesh comprised of the affected people, elected representatives, government officials and two members of the Narmada Bachao Andolan. The government order of 2nd May, 1999 that constituted this committee clearly stated that no construction work on the dam would be allowed to be carried out that would endanger any affected person whose rehabilitation had not been completed. But despite this clear order, from October 2000 onwards, the state government began work on the spillway section of the dam, thus creating a situation of imminent submergence of hundreds of tribal families who are yet to be rehabilitated.

On the 24th of January this year, the Man-affected tribals then took out a protest rally in Dhar demanding immediate stoppage of work and rehabilitation of the affected people. Subsequently after representations to the NVDA, a government order of 30th January stopped the work on the spillway section of the dam. The actual physical work had to be stopped by demonstrating people at the dam site demanding that the order be carried out.

The Madhya Pradesh government did not rehabilitate any adi-

vasi family by providing it with agricultural land. On the contrary, the Madhya Pradesh government began rapid work on the spillway section of the Man dam since November, 2000, thus increasing the dam wall. Since the past six months, we, the hundreds of Bhils and Bhilalas affected by this dam have moved in to a new and intense phase of struggle where we have been on the streets incessantly trying to stop the destruction that threatens to engulf us this monsoon. We have demonstrated in Dhar, Indore and Bhopal, captured the Man dam site and met officials at all levels. In fact in February this year, more than 200 adivasis had to stay in jail for around 15 days, because we had dared to ask for rehabilitation and our legal entitlements. This is a sad commentary on the state of our troubled democracy.

In the monsoon that is almost upon us, 5000 adivasis affected by the Man Project will have to face the rising waters of the Man reservoir which will inundate hundreds of houses and most of the lands of these 17 villages. We have decided that we will face this unjust and illegal submergence with courage and determination. We will fight the attempts of the government to flood us out like rats and will struggle for our right to resources for life as well as the right to live a life of dignity. The Satyagraha in the first village to be affected by the Man dam - Khedi-Balwadi, District Dhar has started from the 2nd of July, 2001.

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GUJRAT

MADHYA PRADESH

Baroda

Alirajpur Tah.
Jhabua Dist.

Kevedia
Wagadiya

KAVAT

KADIPANI

HAPESHWAR

Jalsindhi

KAKRANA

SSP
PAM

N A R M A D A

MAKTOI

MANIBELI

SIKKA

DANKHEDI

NUNGAVAN

BADAL

KASARWAD
DAPHWANI

M. P.

Akkalkuva Tahsil
Nandurbar dist.

Akrani Tahsil
Nandurbar Dist.

GUJRAT

MAHARASHTRA

MAHARASHTRA

Extracts from the Address to the 29th Annual Meeting of the Central Board of Irrigation and Power on 17th November 1958 by India's first Prime Minister Shri Jawaharlal Nehru

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

"I think that while, inevitably, we shall have to undertake big schemes or tasks in this country, we should always remember that it is the ten thousand small tasks that count ultimately much more than a few big ones. It is, as you also referred to it, Mr. President, **the small irrigation projects, the small industries and the small plants for electric power, which will change the face of the country far more than half a dozen big projects** in half a dozen places.

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

"Thus the social value of a vast number of small projects is much greater than that of one, two, three, four or five big projects....

"I merely wish, if I can, to replace the **balance in our thinking, which has shifted too much towards gigantic schemes.** State Governments are constantly pressing our Government, our Planning Commission, for various schemes - all huge schemes - But this is all the relic of gigantism to which we have fallen a prey. We have to realise that we can also meet our problems much more rapidly and efficiently by taking up a large number of small schemes, especially when the time involved in a small scheme is much less and the results obtained are rapid."

E-34

**Sardar Sarovar Project :
an Intellectual Fashion**



**Action Research in
Community Health & Development**

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**Sardar Sarovar Project :
an Intellectual Fashion**

ARCH-VAHINI

**Action Research in
Community Health & Development
At & PO. Mangrol,
Tal. Rajpipla, Dist. Bharuch,
Gujarat, India-393 150**

Introduction

A terminal dam in Gujarat on peninsular India's largest rainfed river Narmada has been half built; civil work on its large underground hydroelectric power station is nearing completion; a main canal - largest in India - upto 144 kms and its intricate network of canal system is proceeding apace so that by 1995 irrigation begins in the first segment of irrigation command of nearly half a million hectares.

Resettlement and Rehabilitation (R&R) of tribal oustee families spread over three involved states of Gujarat, Maharashtra and Madhya Pradesh is going ahead with the same pace. Gujarat has resettled, with the active help of NGOs like ARCH-Vahini and others, 4200 out of 4500 oustee families. Similarly out of about 3000 families of Maharashtra, all tribals, 1200 have been allotted agricultural plots and other legal entitlements, 50 % of them in Gujarat. About 1200 families of Madhya Pradesh (MP) have been resettled in Gujarat. Although MP has the largest number of villages affected by the reservoir - 193 out of 245 total villages, submergence of agricultural land is disproportionately low because of the peculiarities of the geomorphology and shape of the river basin. As a result, a peculiar and unusual submergence pattern is emerging in MP. Whereas only 13% of the agricultural land of the affected villages is going under submergence, 65% of the houses, standing right on the river bank, will be inundated by the reservoir. Our critical analysis of the MP data accepted even by Morse Review reveals that at the most 7500 families, most probably lower than that number, lose substantial amount of their land and therefore suffer total uprooting requiring R&R away from their original place. Seen in this perspective, nearly about 20 % of the MP oustee families have been resettled in Gujarat, whereas most sizable submergence in MP does not

begin before 1997.

Environmental safeguard measures like Compensatory Afforestation (CA), Catchment Area Treatment (CAT) of directly draining areas in to Narmada and Command Area Development of second phase of command beyond the currently planned command area are also proceeding apace.

And yet, the Sardar Sarovar Project (SSP) is in the eye of the storm of controversy. It has been maligned and vilified unfairly by Morse-Berger Commission and by influential Executive Directors (EDs) like Mr. Patrick Codey of USA. Egged on by some influential environmental groups in Europe and North America, they have heaped unjustified and unsubstantiated serious charges on the SSP which is going to provide immense benefits to the long suffering, water-starved command of two million hectares and provide drinking water to about 15 million people, mainly outside the command, of saurashtra, Kutch and North Gujarat where availability of drinking water in long months of summer reduces to a few litres per person per day and in large number of these villages, crippling disease of fluorosis is rapidly emerging.

The criticism of the SSP without factual basis to it has thus become an intellectual fashion of the day. It is a critique which has lost its head. The US Congress has been warned of disastrous consequences of the Project, if it goes ahead. The critical supporters of the Project like us have been branded as stooges of the Government and accused of being numb about sensitive issues like human and environmental costs. It is not our case that there are no human problems or environmental problems that need close scrutiny and monitoring. We argue that the massive attack on the Project is without any basis and that the critique has lost a sense of proportion. ARCH-Vahini also argues that the critics have failed to prove their case that the SSP as a large dam is a good specific case study to prove a generic case of how things go wrong in large dams. The task facing us is to identify crucial problem areas in the project implementation and to get effective and quick remedial actions.

The ongoing onslaught on the SSP still necessitates a detailed, well-substantiated factual point by point reply to some crucial criticism which is doing rounds.

Resettlement and Rehabilitation.

1. How many persons will have to be resettled?

Point.

The anti-dam movement spearheaded by the Narmada Bachao Andolan (NBA) has argued that 1,50,000 tribals will be affected in the 245 villages of submergence zone; that in MP alone 30,000 families (1,50,000 people) will be affected; that 1,70,000 farmers will be affected because of the canal network of the Project; that Shoolpaneshwar Sanctuary will displace about 40,000 tribals in Gujarat; that thousands of families will lose their lands due to land acquisition for Catchment Area Treatment (CAT) and Compensatory Afforestation (CA); that there would be secondary displacement of thousands of landless laborers from the private lands which are allotted to the oustees. Thus, in all, according to the NBA "million people will require resettlement in the SSP alone."

Counterpoint.

- According to MP's Action Plan of R&R (1992), 23,000 families are going to be affected by the reservoir. Morse-Berger Report of June 1992 quotes the same figure. As argued in the beginning, further analysis of MP data clearly shows that a large majority (about 67%) of these families are not being uprooted from their original place. They do not require alternative agricultural land and therefore they are not to be resettled in the usual and traditional sense of the term. The ambiguous use of the word 'affected' used by all, including Morse-Berger, connotes much bigger uprooting than is the case.
- Virtually all the 40,000 persons (7500 families) affected and to be uprooted in Gujarat and Maharashtra are tribals. In MP, at the most 15,000 tribal people (2000-3000 families) from the 37 tribal villages are going to be uprooted. The Morse-Berger Report also supports this. So, it is difficult to comprehend the NBA figure of 1,50,000 tribal peasants being affected.
- The NBA literature does not quote the source from which they derive their figure of 1,70,000 farmers being affected

by the canal network. This figure is nearest to Indian Institute of Management (IIM), Ahmedabad study of canal affected people (October 1991). The study reported that 2,22,000 farmers will be affected by the canal network. The NBA had accepted this crucial finding with alacrity, without realizing that this finding was based on grave methodological mistake. The Morse-Berger team was shown this fatal flaw and wisely avoided the trap. They have given their own figures, according to which 1100 families will become landless, about 6000 are left with 1 ha. or less and 7500 with less than 2 hectares. They do not give the full details of their calculations. But then they also give three different estimates at different places in their Report, which is intriguing. However, by their estimate at the most 14,000 farmers are losing their land to a sizable extent. Since these farmers are scattered over a vast irrigation command area, and since they are not going to be uprooted enmasse as submergence communities, their standard of living can be restored to that which was previous to the canal construction by a package which offers them replacement land. The Gujarat Government was finally persuaded to accept the principle. The details of the package, however, are not satisfactory and are being revised.

In Shoolpaneshwar Sanctuary, no tribal is going to be displaced. This fact is well-known. In fact, in the Sanctuary villages, the procedure to regularize the encroachment of the vacant cultivated forest land upto 1980 is on. But the NBA finds it convenient to ignore this fact.

As to the land acquisition of thousands of families because of CA and CAT, all one can say is that no lands are being acquired for these purposes from the farmers and not only that the vacant forest lands encroached upon and occupied by tribals are in the process of being regularised as per the recent Government Resolution. Moreover, in case of CAT, on the lands used for agriculture, tree planting is not called for; shaping of the land and other soil conservation measures are the mainstay of it. In the SSP, CAT by far involves much larger area than the CA. (1,00,000 hectares against about 25,000 hectares.) The scary figures of thousands of families losing their livelihood are obviously

not rooted in reality.

As to the secondary displacement of thousands of landless laborers because of the private land allotment to the oustees, we can argue that number of studies carried out by us in major resettlement sites revealed that no such displacement is taking place. We had discussed these studies and the dynamics of the labour market at length with the Morse team and as a result this problem is not even discussed in the Morse-Berger Report.

Similar scar of displacement in Taloda resettlement site in Maharashtra has been raised by the NBA which has received a surprising support from the Morse-Berger Report. A close scrutiny of the Morse-Berger Report revealed that their assessment is critically dependent on an arbitrary selection of an unofficial document not open to public scrutiny and equally arbitrary exclusion of another public document from the same source. The two documents produced by the same institution are mutually inconsistent in crucial matters.

With all these facts in mind, when the number is totalled up, it cannot even reach 1,00,000, let alone 1 million. It is also noteworthy that from 1988 upto 1991 the NBA was quoting figure of 1,00,000. Their main reliance on R&R being impossible then was on the non-availability of the agricultural land in all the states and on the alleged fact that 80% of the oustees requiring agricultural land were in MP where nothing was happening. The issue of other categories was hardly raised, let alone their number, although the facts of canal network, CAT, CA, Sanctuary etc. were well-known.

2. Resettlement Experience in Gujarat.

Point.

In Gujarat, the critics argue that, oustees have been scattered widely; they have not been given land or given uncultivable, waterlogged lands; a steady stream of oustees has returned to their original villages; and natural resource based social, economic and cultural life of the tribal communities is being destroyed.

Counterpoint.

- The critics have consistently refused to acknowledge that oustees of all the submergence villages have freely exercised their right to choose the group, the place and the land they wanted for resettlement. The leading NBA activists in the early years, when they were also struggling for just R&R, had forcefully argued that tribal villages are not the proper units of resettlement, that tribal communities are far from homogeneous, monolithic communities. Prof. Scudder, a World Bank Consultant on R&R who played a pivotal role in formulating the R&R part of the World Bank Loan Agreement (LA) had also clearly grasped this social reality. The Loan Agreement, therefore, provided that the tribal communities should be resettled as a village, hamlet or a group of their choosing. The tribals in Gujarat have freely formed their own groups and settled at different sites. Even the Morse-Berger Report acknowledges, even if grudgingly, the exercise of unfettered choice by all the tribals. Moreover, the scatter effect is apparent only if the number of sites is taken as a criterion of scatter. If it is measured in terms of distances the tribals have to travel for their social and economic activities, the scatter effect is no different than before, if anything less, because distances traversed are on the plain land and not in the mountainous terrain as was the case in their original villages.
- The NBA has overlooked an overwhelming fact that so far 93% of oustees in Gujarat have been allotted land of their choice. They ought to give actual figure of those who have been allotted uncultivable land. This will put the whole picture of resettlement in a proper perspective and will impart a much needed sense of proportion. The NBA also overlooks the fact that the Project Authorities had acknowledged the mistakes made in land allotment in some cases and had already instituted remedial measures following our presentations, long before the NBA even knew of the problem. Thus about 200 oustees out of 4200 who have been allotted lands (less than 5%) have had various types of problems with their land which were changed. The sense of proportion is constantly missing

even from the very serious observers who have been uncritically supporting the NBA campaign in the press nationally and internationally. The Committee of officers and involved NGOs formed to look into the complaints of the land is receiving complaints and examining each case individually and recommending appropriate remedies. Such institutional mechanisms must also be recognized, appreciated and consulted before adverse criticisms are made publicly.

In August 1991, 24 families of village Vadgam at the instance of the NBA after having taken 3 years' crops on their allotted lands went back to their original village. The crop statistics of each of the 3 years collected by us revealed that they had the same yield as the other oustees of the same site who have continued to cultivate their lands. The NBA then had predicted a flood of return. Nothing of the sort has happened thereafter. About 60 Bhil families returned to Mankadkhada. They have repeatedly stressed that the quality of the land is quite good. They feel threatened by the thieves who visited them at the site. They will resettle once the perception of threat goes or they are given land at different site.

Of late, following the Morse-Berger Report, the issue of dependence of the tribals to the tune of 60 to 80% of their house-hold requirement on the natural resources like forest, like fish in the river and their cultural life being a major factor in their economic well-being has been raised to a new height. In the plethora of the NBA publications before Morse-Berger arrived on the scene, the agricultural land was the main issue. Dependence on minor forest produce, to an extent, was often mentioned, but their heavy dependence on fish was not to be found in any of the publications. In fact, there was clear recognition that these tribals were settled farmers and their main demands were also about the land. Paradoxically enough, even the Morse-Berger Report acknowledges explicitly that in case of the Sardar Sarovar submergence area, forest is already degraded with lower biodiversity and productivity. They were also constrained to record that the loss of these forests has no ecological impact. So much for the natural

resource base of the tribals living in the submergence zone.

- The fact of the matter is that the tribals in each of the three states are clamoring for good quality agricultural land. There is a clamor in Gujarat, Maharashtra and possibly in MP among tribals of non-submergence area to be included as oustees, so that they may also get minimum 2 hectares of land which constitutes the core part of the R&R policy. This, more than anything else, speaks volumes of harsh geographical, biological and economic reality of the tribals of the valley, arguments about rich biodiversity and cultural life integrated to the forests and aesthetically pleasing and bountiful environment notwithstanding.
- We do not wish to enter into the speculation about the fate of these tribals, but we can safely foresee, seeing their strong burst of initiative, eagerness to get on with their land and their strong reservoir of entrepreneurship, that they are not going to end up in the urban shanty towns as predicted by the NBA.

3. Resettlement in Maharashtra.

Point.

Morse-Berger, in their Report, categorically stated that all the encroachers in 24 out of 33 villages of Maharashtra will be treated as landless with paltry entitlements and will face ruin after resettlement.

Until very recently, the NBA argued and their supporters endorsed that the oustees in Maharashtra are well-organised and are challenging displacement.

Counterpoint.

- There is no doubt that Morse-Berger made such a dramatic statement not once, but six times in their 'Letter to the President' and achieved a desired result. But a finer combing of their text revealed gaping holes between their conclusion and the factual evidence they were able to marshal. We documented this in our letter to the World Bank President as the best case of non-sequitur committed by them. As a matter of fact majority of the encroachers

(pre 1978 encroachers) were entitled to minimum 2 hectares of land each. With the further improvement in the policy, post 1978 encroachers also have entitlement for 1 hectare of land.

In the submergence villages of Maharashtra, the oustees were originally organised for better R&R policy. Their demands were almost identical to those of the oustees of Gujarat and ARCH-Vahini prior to December 1987. After Gujarat Government yielded to the intense and sustained agitation, the activists in Maharashtra and MP inexplicably and suddenly turned anti-dam. Environmentalist groups like Environment Defense Fund (EDF) and others who were supporting us and the precursors of the NBA in our struggle for just R&R did not lose much time to turn against the Project itself. The oustees in Maharashtra were kept in total dark about the radical shift in the objective of the activists who were leading them. The oustees and activists, from the very beginning, had demanded degraded forest land in Taloda for resettlement. This land was not released by the Government of India's Ministry of Environment and Forests (MOEF), despite the fact that the World Bank Loan Agreement had clearly stipulated this at the instance of Prof. Scudder in May 1985. The activists including EDF, in their pro-R&R frame, had criticized MOEF for violating the World Bank Agreement. The same combine, in the post December 1987 anti-R&R frame, turned against the World Bank for forcing the MOEF to release the degraded forest land and to undermine the ecology. This combine even went further. They started making statements to the U.S. Congress, to the World Bank and to the Maharashtra Government that the oustees of Maharashtra had themselves rejected the Taloda forest lands. The oustees of Maharashtra, of course, were in total dark about this double-cross. They discovered this after about 3 years in 1991. Their right to know and to participate meaningfully in the movement was denied to them for as long as 3 years when the NBA was complaining to the world that oustees were denied these rights.

The oustees of Maharashtra have grasped the real nature of the NBA and their goals. There is little support to the

NBA in Maharashtra villages. Large majority of the oustees want proper resettlement. They are not resisting displacement.

4. Resettlement in MP.

Point.

In MP also, Morse-Berger claimed that thousands of tribal oustees will face ruin and that intricate network of inter-dependent relationship between land owners and landless laborers in the rich and fertile region of Western Nimad will be completely destroyed because of the submergence. Taking a cue from Morse-Berger, the NBA has also claimed that the large chunk of prime agricultural land in Nimad and a variety of crops it produces will be destroyed and it will disintegrate well-knit communities, most of them socially disadvantaged.

Counterpoint.

- Morse-Bergers' concern for landless of Nimad is touching, but they forgot to take account of a vital fact they have recorded in their Report that a large number of the Nimad villages, farthest from the dam site, will have mainly house-sites going under submergence rather than land. We have asked them : "How under such condition the fertile lands of Nimad will be inundated, undermining the integrated web of laborer-land owner relationship and disrupting socially disadvantaged communities in Nimad?"

We also ask : "How production of Nimad region will be disrupted and supply to large cities of Indore and Delhi will be affected as claimed by the NBA when only about 6000 out of 50000 hectares of agricultural land of the affected villages go under submergence?"

5. Incremental Changes in R&R.

Point.

One of the most prominent criticisms of Morse-Berger Review is that the strategy of incremental changes in R&R adopted by the World Bank has failed and that it must be abandoned. In fact, from all the important criticisms on environmental issues and R&R issues made by the Report, Mr. Patrick Codey, ED, U.S. picked up only the criticism on the

Bank's strategy of incremental changes to severely criticize the Bank staff and the Project authorities in the crucial Board meeting of 23rd October 1992, which eventually forced the Government of India to withdraw the SSP from the World Bank.

Counterpoint.

- * Morse-Bergers' criticism on this score is false. They seem to have accepted without proper checks the NBA activists' claim that R&R component of the Project was not appraised by the Bank before the Loan Agreement in May 1985 was signed in gross violation of Bank's own guidelines of February 1980. They misquoted and misconstrued the Scudder Report of April 1983 which was in fact an R&R Appraisal. Their failure is glaring, because the staff Appraisal Report (1985) of the World Bank explicitly refers to the Scudder Mission's Report as R&R Appraisal and quotes extensively from the Report. Their failure to assess a final emergence of the R&R component of Loan Agreement is even more glaring. They failed to examine and study extensive exchange of information and communication between Scudder, John Clark of Oxfam, U.K., ARCH-Vahini, Gujarat, Tim Lancaster, ED of U.K. and many others in the Bank staff which finally shaped the contents of the LA and R&R policy of Gujarat at first and those of Maharashtra and MP later on. Their ignorance of the process is incredible and frightening. Their stinging criticism that the Bank had violated its own R&R guidelines of February 1980 and had indulged in panicky adhocism lacks substance. Their appraisal of the Bank's R&R appraisal is a big blunder. Mr. Patrick Codey's brave words in the Board meeting of 23rd October that he had read the Morse Report and had found it objective and intellectually honest notwithstanding. The R&R policies in Gujarat, Maharashtra and MP are examples of success of strategy of incremental changes in R&R.

6. Human Rights violations in Maharashtra - 1992.

Point.

The NBA has claimed that in March 1992, 500 armed policemen and women attacked a tiny village of Manibeli in Maharashtra with bulldozers and trucks and let loose the reign

of terror in the village razing everything in sight with bulldozers, arsoning and molesting women activists - on the pretext of removing the houses of some residents who had left Manibeli during 1983-86.

Counterpoint.

- At least, 33 tribal families of Manibeli who were cultivating lands both at the resettlement site and at Manibeli had wanted to shift their houses for at least 2 years. But the NBA had used intimidating tactics including social boycotts to prevent their shifting on their own. They had effectively prevented Maharashtra police to intervene to help remove their belongings and houses (large wooden frames) by crying police repression which was immediately picked up by the English press and environmentalists abroad. Hordes of video cameramen from abroad descended on Manibeli to portray the 'police repression' and to show how defiantly Manibeli as one was fighting dam and 'police repression'.
- The oustee families finally approached us to help them shift. About 500 oustees from Gujarat, ARCH-Vahini and other NGOs with the willing oustees of Manibeli entered Manibeli on 26th March 1992. Maharashtra police, for some mysterious and inexplicable reasons, was totally paralysed from the previous night by none other than the highest ranking police officer of the state - IG. The state of paralysis of Maharashtra police lingered on even during the voluntary and peaceful shifting of 33 families, when the trucks carrying the household material were attacked by the NBA supporters. The wild charges of forcible demolition of houses by bulldozers, of arson and police repression had no basis whatever. A commission, appointed by Mr. V.C.Shukla, Central Minister of Water Resources at the behest of the NBA, and consisting of independent academicians of reputed social institutions like Tata Institute of Social Sciences, Bombay and Centre for Social Studies, Surat investigated these charges and found them to be without substance. The NBA's own publications published at 3 different time points showed glaring inconsistencies and contradictions.

As to the molestation, even if we ignore different and

mutually inconsistent reports in the friendly newspapers published at the time, the published documents of the NBA describing the events in those days show similar inconsistencies.

7. *Human Rights violations in Gujarat and Maharashtra - 1993.*

Point.

English language newspapers like Times of India, Indian Express and news magazine like 'Mainstream' have recently in their editorials argued that police repression has been let loose in Gujarat and oustees were forcibly evicted. Similarly, they argued that in Manibeli, people were forcibly evicted in violation of the stay order of Gujarat High Court.

Counterpoint.

- In Gujarat, no oustee was forced to shift. Police force was not even deployed, let alone used to force eviction. The English newspapers helped to create the news of forced eviction in their local editions two weeks before the damning editorials appeared. They were promptly refuted by the Project Authorities to no avail. The editorials used the 'facts' none the less, to prove their point of human rights violation in Gujarat.
- In Manibeli, obviously stay order given by the Gujarat High Court cannot apply. There, the ruling of the Dhule District Court given in March 1992 applied. The three editors chose to ignore these facts and declared that human rights have been violated in Manibeli because one family was removed from the place which is coming under permanent submergence this year. The family has been given agricultural land at Parveta in Gujarat since 1986 which he has been giving to a sharecropper. Moreover, he was shown lands at 3 different places, if he did not want to go to Parveta. If, after all this, he was evicted, this was a perfectly legal eviction as per the ruling of the Dhule Court. (His house has been rebuilt at a higher point in the village.)
- R&R related provisions of the Narmada Water Disputes Tribunal (NWDI) were misquoted. The NWDI award says

that at least 6 months before the submergence, the oustee should be given legal notice to evict the area. The editorials said that the NWDT stipulated that oustees should be informed at least 18 months before their land is submerged. It is quite disturbing to note that these editors of national press chose to raise the chorus of human rights violation in Gujarat and Maharashtra disregarding reality on the ground and facts of law.

Environment

8. Environmental Clearance.

Point.

*The Morse Report said that the MOEF did not give environmental clearance to the SSP in February 1983 because the proposals did not meet the MOEF's guidelines; that when the clearance was finally given in June 1987, a condition was attached requiring the environmental measures to be planned and implemented *pari-passu* with the Project works. This *pari-passu* clause has been severely criticized by Morse-Berger. According to their assessment, this condition has been violated and that conditional clearance had lapsed in August 1990. The NBA has repeated these arguments claiming that the Bank was clearly wrong in entering the Agreement with the Governments in 1985, when the Project was still not cleared by the MOEF; that the clearance was wrongly given and that the MOEF was forced to give clearance under political pressure which renders the whole basis of the Project fragile.*

Counterpoint.

- The Project was sent for clearance in February 1983 and was given clearance in June 1987. Morse-Berger's claim that this happened because the Project failed to meet the existing guidelines is itself fragile. They vaguely refer to the guidelines of 'late 70s' without giving any specific details like even its title and precise date of publication. The Report does not even describe the salient features of the guidelines which were not met by the proposals.
- It is obvious from the Morse-Berger Report itself that there were no guidelines worth the name in 1983. The first

concrete guidelines came into existence in 1985 only when the Loan Agreement was made by the Bank. The Morse-Berger Report failed to bring out any concrete considerations related to environment which were holding up the Project in 1985. It is clear that the MOEF was sitting on the Project only for political considerations in 1985 and for two more years thereafter.

- Morse-Berger's attack on *pari-passu* clause is also contrived, because they themselves failed to give any concrete details as to why the Project was held up for four years and also because they describe how the guidelines were themselves emerging during those years. It is inconceivable that they thought it correct for the MOEF to continue to learn about the environmental monitoring of irrigation projects, while the Project remained pending with it. *Pari-passu* clause was inevitable only on this consideration.

- Their contention that compliance with the *pari-passu* condition is lacking is based on severe selection of the source of information and documents on the one hand and suppression of others on the other. More seriously, it is based on mutilation of a vital document.

- The NBA had maintained in 1991 and still maintain, quoting the Agenda Notes of Environmental Sub Group (ESG) of the Narmada Control Authority (NCA) meeting of August 1990, that according to the MOEF, the conditional clearance had lapsed. The minutes of this meeting held on 7th September 1990 does not even mention the lapse of clearance.

Morse-Berger went much further than even NBA. In their Report, they refer to both Agenda and Minutes of the ESG meeting, but go on quoting, without clearly stating so, only from the Agenda Notes prepared by the MOEF, creating an appearance that these quotations pertain to both Agenda Notes and Minutes. The true content of the minutes regarding the lapse of clearance is held back to convey that conditional clearance had lapsed.

9. *Hydrology.*

Point.

The NBA has argued that annual run-off in Narmada at 75% dependability is 23 million acre feet (MAF) only. They have attacked the NWDT to have assumed under political pressure the 75% run-off to be 27 MAF. The Morse-Berger, following the footsteps of the NBA and the MOEF, have also charged the NWDT to have assumed under political pressure the annual run-off and have made their chief recommendation that the design parameters of the Project be reviewed.

Counterpoint.

- The NBA first raised this issue in 1988, citing as a source the MOEF Note of May 1987 to the Prime Minister of India just before the clearance to the SSP was given. The MOEF, of course, did not cite the source. Thereafter, the NBA has cited several other authors without giving any detailed information about the estimates. The NWDT had not assumed the water yield as alleged by the MOEF, NBA and Morse-Berger. Its Award contains complete details including the water series tables they relied upon to reach the figure of 27 MAF.
- Morse-Berger undertook a strange maneuver. They raised the issue of water yield in their Report, although it was outside their TOR. They, however, refused to go into the consideration of run-off and stated at 3 different places that it was not their task or their purpose to find out the run-off, and yet they managed to ridicule the NWDT's assessment, to raise doubts about its competence and to level a serious charge that it had assumed the run-off because of the political pressure. They did not consider for one moment that the NWDT was a statutory body to adjudicate upon delicate and politically explosive issue of inter-state water distribution. For a body of this stature to intervene in India's affair in such a cavalier manner is unbecoming. They further asserted without giving substantial reasons that the annual run-off was less than 'assumed' by the NWDT and echoing MOEF's recommendation contained in the Note to the PM went on to their chief

recommendation that the design parameters of the Project like height of the dam, level and size of the main canal be reviewed. Morse-Berger had access to the latest estimates of Central Water Commission (CWC) which is very much in tune with the NWDT estimate. They obviously rejected the Report of the CWC without giving their reasons and went on to reach their dramatic conclusion and recommendation.

10. *Environmental Costs of the Submerging Forests.*

Point.

The NBA, at one stage of their campaign against the SSP, had made a huge hue and cry about colossal environmental cost of lost forest. The cost of Rs. 80 billion was sought to be imposed on the SSP in addition to its original cost of Rs. 64 billion. This, they vehemently argued, rendered the Project economically non-viable. Strangely enough, Morse-Berger have quietly skirted this explosive issue.

Counterpoint.

- * As with other environmental issues, the MOEF provided ammunition to the NBA on this issue also. In the May 1987 Note to the PM, the MOEF, for the first time in the controversy, introduced an argument that environmental cost of the forest in case of the SSP was Rs. 80 billion. As usual, it failed to give further details of the computation of this staggering cost.

Further inquiry made by a concerned economist led to no further illumination. The rationale of this cost remained secret. The Project was maligned and severely castigated by the NBA activists and supporters including EDF for 3 years on this count as economically non-viable. Then, the explosive issue was quietly dropped, because the NBA was sternly advised by an economist, a supporter of the NBA that the argument was untenable. The mischief initiated by the MOEF was given a burial here and abroad and with that was buried the argument. The Morse-Berger team was shown by us all the relevant documents, but they chose to keep totally silent about it. In fact, the Report categorically states that the forests in the submergence

zone are severely degraded and there is no ecological cost to it, although incredibly enough the NBA as late as in October 1992 continues to argue that the 'SSP would cause incalculable destruction of the precious forests in the Narmada valley, with loss and in some cases extinction of flora and fauna...". This is a staggering assertion but where is the evidence to corroborate it?

11. *Drinking Water.*

Point.

The NBA has contested the claim of the Government of Gujarat that about 8,000 villages and 135 towns - mostly outside the command of the SSP - in Saurashtra, Kutch and North Gujarat will be provided drinking water. They have argued that the number of villages to be provided with water has been increasing mysteriously from nil when the NWDT was deliberating to 4700 in 1983 to now about 8,000. There is no rationale to this while water allotted remains fixed at 1.06 MAF. The NBA doubts that there is sufficient water to provide 140 litres per person per day for towns and 70 litres per person per day for villages. They contend that distribution losses amounting to 40% have not been taken into consideration. They have angrily argued in the recent past that the Project, while claiming the economic benefits of drinking water, does not include the costs of the pipelines to the villages and towns.

Counterpoint.

The NBA having taken a cue from the MOEF had ignored for years even to mention the benefits of drinking water to thousands of villages in Saurashtra, Kutch and North Gujarat. They have at last taken note of these benefits. The rationale of water balance and water distribution has not surprisingly eluded the NBA. In the earliest acknowledgement of the water benefits, they had accused the Gujarat Government of fraud and deception, because according to their calculation, the cities were to be given 1.5 liters per person per day, and the villages nearly 0.6 liters per person per day. The clue lied in the simple arithmetical mistake they had made. It was a mistake of placement of decimal points.

In 1983, Gujarat Water and Sewage Board had included Projected water demands of big cities and towns in command like Baroda, Gandhinagar etc. The per capita norm adopted for cities was 230 litres per day, whereas that for villages was 55 liters per day. Judicious mixing of the ground water to the fresh waters of Narmada was not contemplated. In 1990 the whole thing was reviewed. Big cities of the command area like Baroda, Gandhinagar were excluded. The per capita norm in the cities was rightly lowered to 140 litres per capita per day. Mixing of the ground water with the fresh water was taken into consideration and most importantly, norm for the rural area was revised upwards to 70 litres per capita per day. It is not correct as NBA claims that the transmission losses have not been considered. Twenty percent of such losses have been taken into account which is more reasonable than the 40% quoted by the NBA because all the canals upto and beyond off-take points are going to be lined, reducing drastically the seepage from canal system.

There is thus no mystery about more numbers of villages being included as beneficiaries and there is no reason to doubt on this score that the norms of the water will be maintained.

In the first burst of reaction after the NBA could no longer suppress the fact of drinking water benefits to millions of people in Saurashtra and Kutch, they reacted angrily to say that economic benefits were being claimed but the cost of the pipe lines from off-take points to the villages was wrongly excluded. They did not understand the rationale of the cost-benefit analyses undertaken by both Tata Economic Services in 1983 and that carried out by the World Bank in 1985. They both had in their different ways taken costs into account, they were right in taking net benefits in their analysis. The NBA apparently received some wise advice, after that they have quietly dropped this criticism. Both the economic analyses have explicitly ignored the tremendous health benefits the drinking water will impart to millions of people: the drastic reduction in all pervasive skin infections like scabies, boils, sores, ring worms, in the crippling diseases like trachoma which

blinds, fluorosis which cripples large number of people and reduction in other water-washed diseases like gastroenteritis. The NBA has always suppressed these large benefits. Well-done epidemiological studies have shown that even 15 to 20 litres per capita per day of the untreated, but assured water supply brings sizable health benefits to the community. The norm of 70 litres per capita per day for the rural area is by any standard quite generous. The requirements of the cattle can be met within the limits of the improved norm. The NBA has hardly any case.

12. Irrigation Benefits.

Point.

The NBA's first position with regard to irrigation benefits in the command was that only 1/3rd command was drought prone while the remaining was well endowed with water and that it mainly would benefit the rich farmers of Central Gujarat, industrialists and contractors.

They have apparently dropped the issue of extent of drought - proneness in the command. They now argue that the most industrialized and commercialized districts of Bharuch, Baroda, Kheda, Ahmedabad and Mehsana are taking away the largest share of the water.

Counterpoint.

- * Relying on the inappropriate documents, sidelining the crucial documents and by making simple mistakes of counting, miscounting and misquoting, they had reached a dramatic conclusion to counter the GOG's case that 3/4 th of the command was drought-prone. Similarly, when it was shown conclusively that the command was dominated by small and medium farmers, the argument of rich, big farmers of the water-rich central districts of Gujarat cornering all the benefits was dropped. The argument that industrialists cornering sizable benefits has also lost its force because hardly 2% of the water is to be allotted to the industry.
- * A large proportion of command in Kheda, Bharuch, Ahmedabad and Mehsana suffer from grave shortages of

water. It is not correct and fair to argue that because small areas adjacent to the main Railway line in these districts are experiencing industrialization, the whole districts are also industrialized and commercialized. By and large they remain underdeveloped and backward.

13. Power Benefits.

Point.

Like drinking water benefits, for first few years there was hardly any critique of power benefits. At first, the NBA argued that from the installed capacity of 1250 MW at River Bed Power House (RBPH) the firm power generation would be only 415 MW. From the installed capacity of 250 MW at Canal Head Power House (CHPH), they argued that, the firm power generation for the first 30 years would be 91 MW. This would go on decreasing as the whole canal network is built.

Forty seven European and North American NGOs who submitted a Memorandum to the World Bank President, Mr. Conable in March 1991 argued that the SSP would initially provide firm power of 415 MW and as the water would be increasingly diverted for irrigation purposes, the firm power generation would decrease to 91 MW.

The latest NBA position with regard to power generation is same with regard to RBPH, but with regard to CHPH the firm power is now shown to be 24 MW. It is also argued that if C.C.Patel recommended shortened schedule of the construction of the Project is accepted, then the RBPH would stop generation power earlier than envisaged.

Counterpoint.

- Firm power is always less than installed capacity. Therefore, it is no criticism to say that out of 1250 MW installed capacity, only 415 MW firm power is to be generated.
- It is strange to hear their argument that CHPH is going to generate 91 MW of firm power for the first 30 years and thereafter it will suffer decline as the canal network is developed. This betrays lack of understanding of how CHPH is going to work, because with full development of

canal network, Gujarat will in effect be using all the water allotted to it. This water of necessity will go through the CHPH and will produce the same amount of firm power. So it is beyond comprehension how the firm power generation at CHPH will decline.

- The Northern NGOs, who wrote the Memorandum in close consultation with the NBA, have simply forgotten that firm power will be generated both at RBPH and CHPH. They apparently were given to understand that in the first thirty years only RBPH will generate power and inexplicably CHPH will remain idle and will become active only after 30 years!

- The NBA, after revising their earlier position, continue to make similar mistakes about CHPH. Their critique regarding the C.C.Patel construction schedule also reveals critical lack of understanding. Even if Gujarat constructs the dam and the canal system and begins to utilize 9 MAF water for irrigation purpose, how would RBPH stop generating power? RBPH is not to generate power from the water allotted to Gujarat in any case. It is through the water which MP cannot utilize that the RBPH will generate power. So it all depends on MP. The C.C.Patel recommended schedule and its implementation has no bearing on the RBPH power generation.

14. Utilization.

Point.

Utilization in the irrigation Projects in Gujarat is said to be 45% of the established capacity, according to the NBA. To support this, they quote Suresh Mehta Committee Report.

Counterpoint.:

- Suresh Mehta Committee reported that excluding irrigation potentials of Narmada waters, *ultimate irrigation potential* in Gujarat was 1.8 million hectares. Out of this, by June 1987 in 1.12 million hectares of *irrigation potential was created*. Out of this, *utilization* was achieved in 0.8 million hectares; thus utilization achieved was 69% (0.8 M.Ha./ 1.12 M.Ha.)

The NBA achieved its damaging figure of 45% again by false calculation. They divided utilization achieved by ultimate irrigation potential (0.8 MHa/1.8 MHa.) This is yet another instance of misleading calculations. It is significant that this mistake was pointed out by us in 1991. The NBA still persist with their error, which is mischievous.

15. Budget Allocation: SSP v/s Other Irrigation Schemes.

Point.

The NBA and other critics have been arguing, which on the face of it is quite convincing, that over 80% of the irrigation budget in 8th plan is being spent on the SSP which will benefit only 14% of the total cultivable land in Gujarat, while 86% of the land is allocated 20% of the irrigation budget.

Counterpoint.

- * It is important to remember that whereas total cultivated land in Gujarat is about 9.7 million hectares (MHa) the ultimate surface irrigation potential in Gujarat is only about 4 MHa, which is 40% of the total cultivated land. The SSP with its 1.8 MHa of cultivable command constitutes nearly half of the irrigation potential. Of the remaining half of the irrigation potential of 1.8 MHa, in 1.22 MHa (June 1991) i.e. 2/3rd area irrigation potential has already been created. This simply means that apart from the Narmada command only 17% of the area remains to be surface irrigated, for which 20% of the irrigation budget of the 8th plan has been allocated which is fair. Narmada command constituting 75% of the remaining ultimate potential rightly gets 80% of the budget. For the NBA, to focus on the total cultivated land in Gujarat while discussing budget allocation for irrigation is not only incorrect but highly misleading.

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