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NARMADA BACHAO ANDOLAN (PETITIONER)
VS.
UNION OF INDIA AND ORS. (RESPONDENTS)

**Supreme Court of India, Record of Proceedings,
I.A. NOS.18-22 in writ petition (civil) No.328 of 2002**

CASE NO. 328 OF 2002

ORDER OF 8 MAY 2006

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Narmada Bachao Andolan (Petitioner)

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CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

HON'BLE MR. JUSTICE S.B. SINHA

ORDER

We have heard learned counsel for the parties for considerable time. The dispute is about the rehabilitation of the oustees in terms of the Award of the Narmada Water Disputes Tribunal and decisions of this Court in *Narmada Bachao Andolan vs. Union of India* reported in (2000) 10 SCC 664 and (2005) 4 SCC 32.

One of the issues is whether the oustees are to be rehabilitated in the State of Madhya Pradesh pari passu with the completion of the dam or a year prior thereto.

Yet another issue is about the validity and the operation of Special Rehabilitation Package (SRP). There are certain other issues as well. During the course of hearing, Mr. Gopal Subramaniam, learned Additional Solicitor General, has brought to our notice an Office Order dated 24th April, 2006 issued by the Government of India constituting Sardar Sarovar Project Relief & Rehabilitation Oversight Group comprising of Shri V.K. Shunglu, retired CAG, Government of India, as Chairman and Prof. G.K.Chadha, Former Vice Chancellor, Jawaharlal Nehru University, and Dr. Jaiprakash Narayan, Convenor, Loksatta, as its Members. This Oversight Group has to report on the status of rehabilitation in the State of Madhya Pradesh of the Project Affected Families (PAFs) to the Prime Minister through the Minister of Water Resources. The specific terms of reference of the said Group are as under:

- (a) Based on the Reports of the State Government ascertain the number of project affected families affected due to submergence caused by the raising of the height of the dam.
- (b) Estimate, on the basis of sample checks, the number of Project Affected Families who may not have received so far, in full measure, the Resettlement & Rehabilitation package as per the norms laid down by the Award and the orders of the Supreme Court.
- (c) Ascertain, on the basis of sample checks, if offers of alternate land to eligible oustees were made in a fair and transparent manner.
- (d) Ascertain, on the basis of sample checks, if such offers were voluntarily refused by such oustees who preferred to accept the Special Rehabilitation Package of the Government of Madhya Pradesh.
- (e) Ascertain when all measures of rehabilitation, resettlement and civic amenities as mandated by the Award (para 152 of Supreme Court Judgement of October, 2000) will be in existence.
- (f) Recommend a system to ensure that all families affected by an increase in the height of the dam to EL 121.92 metre, receive within the next three months, the benefit of the Relief and Rehabilitation package as per the norms laid down by the Award, the relevant orders of the Supreme Court and of the Grievance Redressal Authority of Madhya Pradesh."

The said Group had its first meeting on 27-28th April, 2006. The summary record of discussions of the said meeting has been placed before us. The Group desired to have detailed account of PAFs between the elevation levels EL) 110.64 metre and EL 121.92 metre in the State of Madhya Pradesh and decided to request the Narmada Valley Development Authority to provide the same. The following decisions were taken in that meeting:

(i) NCA to (a) provide updated status of relief given to PAFs; (b) provide submergence area for different levels of dam; (c) design a draft questionnaire to be posed to the PAFs so that the NSSO can finalise the same by 9th May, 2006; and (d) set up a control cell at Indore for processing the data.

(ii) NSSO to (a) constitute 40 teams consisting of two members for conducting the field work and simultaneously processing the data commencing from 19th May, 2006 to complete the same within one month; and (b) enumerate particulars of non-listed persons who claim to be oustees.

(iii) Each team of NSSO to be accompanied by a revenue official of NVDA.

(iv) A separate mechanism to scrutinize the claims of the non-listed persons.

(v) Ministry of Water Resources to constitute four teams to visit R&R sites to report on its development.

(vi) OSG to visit some villages after 15th June, 2006.

According to the aforesaid decision, 40 teams are to be constituted; each team consisting of two members for conducting the field work and simultaneously processing the data commencing from 19th May, 2006 to complete the same within one month and also to enumerate particulars of non-listed persons who claim to be oustees. The Group has decided to visit some villages by 15th June, 2006. The next meeting of the Group is fixed for tomorrow, i.e., 9th May, 2006.

It was submitted by the learned Additional Solicitor General that the Group will submit its report by the end of June, 2006 to the Prime Minister through Minister of Water Resources in terms of the Office Order and that the Prime Minister would be in a better position and would be better informed of facts on receipt of the report from the said Group. We hope and expect that the Prime Minister will be able to take a decision on or before 3rd July, 2006. We also hope and trust that all concerned would fully cooperate with the teams and the work assigned to the Oversight Group and would not cause any obstruction in the project assigned to the Group. The decision taken shall be placed on record along with the requisite material by 6th July, 2006. We would also be in a better position of facts which are highly disputed on receipt of such report.

As at present, we are not inclined to restrain the continuing work of raising the height of the dam.

List these matters for further hearing on 10th July, 2006.

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