

## Rehabilitation: where the truth lies

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*It is about people's lives. A route to accountability is surely not too much to ask for.*



**SEEKING ONLY THEIR DUE: Narmada Bachao Andolan leader Medha Patkar and activists, with the former Prime Minister, V.P. Singh, stage a demonstration in New Delhi, on Monday. — Photo: V. Sudershan .**

MASS DISPLACEMENT has emerged as an unfailing companion of the development project. With impoverishment, social disruption, and loss of access to land and resources staring the displaced people in the face, rehabilitation has been held out as a measure in mitigation.

The *pari passu* principle is an important aspect of rehabilitation: that is, the project can be allowed to proceed only as, and after, rehabilitation of the displaced is completed. In the

Narmada Valley, this would mean that raising the height of the dam will have to be preceded by the rehabilitation of those whose lands and homes will go under water. That land and houses should not be threatened with submergence before providing for the project affected would seem to need no further explaining. Yet, every step of the way, the process has been fraught with conflict between those who dwell in the valley and who face, and experience, submergence, and project authorities.

It has become commonplace to blame those resisting displacement for not allowing the dam construction to continue unhindered. But when the distance between promise and performance is not bridged, but opens up into a widening chasm, are the displaced to be damned for demanding that they not be abandoned?

In clearing the way for raising the height of the dam to 121.92 metres, the Narmada Control Authority (NCA) has indicated that all those whose lands will then be submerged have been rehabilitated. Saifuddin Soz, the Water Resources Minister, has felt impelled to doubt this averment. Project affected people, including Adivasis, who face eviction and submergence, challenge the NCA's assertion citing inconsistencies even in Maharashtra's own telling. For instance, in April 2000, the State filed an affidavit in the Supreme Court where the amount of land available in various villages for rehabilitation sites was listed. Against 'Borgaon' it read '0', that is, there was no land there. Yet, in the ATR which gives clearance for construction up to 121.92 metres, a list of oustees is shown as having refused land in Borgaon! Since they 'disagreed', they were treated as having lost their entitlement to land! Again, the Government of Maharashtra appointed a Monitoring and Evaluation (M&E) Agency, Yashada, which in its report dated February 14, 2006, said that, "on the basis of investigations and studies carried out so far the M&E investigators have come to the conclusion that at least 1174 declared project affected persons are yet to be resettled."

Where does the truth lie?

The documented history of dam construction makes it difficult to deny the States insincerity in implementing the promises of rehabilitation. In 1989, Thayer Scudder, reporting to the World Bank after a field visit, wrote: "To date, no town and country planning has occurred and no compensation has been received. [The] Government of Madhya Pradesh has completely lost its credibility and the village position today is just not anti-relocation but anti-dam. Hence they are the 150 (out of approximately 193) Madhya Pradesh villages that have come out in opposition to the dam."

In 1992, the Morse Committee was advising the World Bank to withdraw from the project, in good measure because of the non-performance on rehabilitation, leaving the affected people in dire straits. In 2000, the Supreme Court was saying: "There seems to be no hurry in taking steps to effectively rehabilitate the Madhya Pradesh PAFs [Project Affected Families] in their home state. It is indeed surprising that even awards in respect of 6 villages

out of 33 villages likely to be affected at the 90m dam height have not been passed ... Even the interim report of Mr. Justice Soni, GRA, for the State of Madhya Pradesh, indicates lack of commitment on the State's part in looking to the welfare of its own people who are going to be under threat of ouster and who have to be rehabilitated."

In 1979, the Narmada Water Disputes Tribunal in its award made no distinction between temporary and permanent submergence, for the obvious reason that when the waters overrun land or a house, the fact that water recedes after a period does not detract from the fact and effect of submergence. Yet, over the years, to reduce the numbers to be rehabilitated, temporary submergence has been offered as an alibi for non-performance.

### Temporary submergence

So, for instance, when the dam was to be cleared up to 100 metres, on August 29, 2001, the agenda of the 50th Meeting of the R&R Subgroup acknowledged 7,913 project affected families as facing submergence; by using the device of temporary submergence, in the Minutes of the 55th Meeting of the R&R Subgroup dated May 13, 2003, the numbers had been brought down to 3,692. Playing with numbers had the 50th Meeting of the R&R Subgroup acknowledging 12,681 project affected families; on May 31, 2003, this had reduced to 5,607; this was upwardly revised to 8,406 in a Half Yearly Report of the NCA. On March 15, 2005, the Supreme Court had to direct that this distinction of convenience between temporary and permanent submergence could not be sustained.

These merely illustrate the thorny and uncertain path that the dam affected have had to tread. In all this time, despite the many lapses, and worse, no one has been held to account. The clearance for raising the height of the dam is being made amidst protest, and a hunger strike, by the affected people and their supporters, who have travelled out of the valley so that they may be seen, heard, and their concerns addressed. Proponents of the dam would merely see them as impediments to construction. But for those facing displacement and submergence, the absence of rehabilitation means inestimable loss and abandonment.

Also, if rehabilitation indeed has not been done in whole or in part, it constitutes a clear violation of the orders of the Supreme Court.

The least that the situation demands is a clear line of authority settling where the buck will stop, and where non-delivery on rehabilitation, and misrepresentation of facts on the ground, will attract a stated penalty.

For, this is about people's lives. A route to accountability is surely not too much to ask for. If, in fact, the task has been completed as is being claimed, there should be no need to fear that the hand of the law will reach out to punish.