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REPORT OF THE FACT FINDING TEAM THAT VISITED NARMADA VALLEY AND RELOCATION SITES IN JULY 1994

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INTRODUCTION

Worldwide the Narmada dam has become a symbol of all that is wrong with development projects which in the name of “public interest” violate the rights of thousands, of the most vulnerable sections of society, in this case, the adivasis, the indigenous peoples of India. It is a symbol of crores of the World Bank funds being spent on a project, the environmental and social costs of which have not only been grossly underestimated but are still to be determined.

As against the 7000 odd families which were identified as Project Affected Families(PAF) when the Narmada Waters Disputes Tribunal Award was made in 1979, the official figure for PAF is today over 41,500 PAFs. This does not include the 140,000 families to be affected by the canal and irrigation system. Just taking the PAFs, the Narmada dam project will result in the displacement of over 2 lakh people, the largest for a single development project.

According to government sources about 15% of the affected families have been resettled. Resettlement of 41,500 PAFs will require the availability of over 85,000 hectares of land even at the rate of min. 2 hectares of land per family. In Madhya Pradesh, the director(Rehabilitation) of Narmada Valley Development Authority(NVDA) had in 1993 said that Gujarat is not believable when it says that the land is available for rehabilitation. In Maharashtra the Government has made forest land available, but even that land is not uninhabited. In the resettlement sites of Simamli and Somaval there have been reports of tension between the Narmada oustees and the oustees of the Ukai dam who had been resettled there earlier or the tribals staying on or depending on the forest land for many of their essential needs. Unscrupulous landlords had sold the same land set aside for the Ukai oustees for resettlement of the Narmada oustees.

Gujarat Government sources put the cost of resettlement of a PAF at Rs. 145,000 that is Rs. 600 crores for only the reservoir affected persons.

What is not costed is the reduction of over two lakh tribals into a victim population. A community which was already most vulnerable has been once again made to shoulder the costs of development for “others”. The displaced oustees of the Rihand dam can be met in railway stations and bus stops. The Narmada oustees will now join them. To think of relocating a hill people who have lived in self sufficient communities into plains area near townships is to set them on the path of land alienation, and loss of community and identity as they join the legion of wage labourers.

It is this underestimation of the human and environmental costs which made the World Bank appoint an independent Commission to review the project. When it became evident that proper Relief and Rehabilitation was not possible, the World Bank made history-it withdrew funding for the project.

The Report of the Independent Review appointed by the World Bank on the Sardar Sarovar while it was financing the project, clearly states that in 1985 when the credit and the loan agreements were signed, “No basis for designing, implementing and assessing resettlement and rehabilitation was in place”. The report further noted that the only resettlement policy applicable to all the three states-Gujarat, Madhya Pradesh and Maharashtra is that of the Bank. But the Bank’s policy had never been respected. To cite the report again, “The project were not appraised in accordance with the Bank’s requirements. Basic information had not been gathered and adequate plans for resettlement and rehabilitation were not in place”. Significantly, the Report noted that “The history of environmental aspects of Sardar Sarovar is a history of non-compliance”. The report predicted that although properly integrated studies are lacking, it had found that there were likely to be serious problems of water-logging and salinity. The health front presents a woeful spectacle since January, 1992. The Bank’s consultants stated that the Sardar Sarovar Projects had been planned, designed and executed without incorporation of health safeguards since parts of the project would only take malaria to the door steps of the villages.

Narmada is the symbol of a peoples movement spearheaded by the Narmada Bachao Andolan which has forced the world to take notice of the neglected environmental and social costs of big dams. While the Andolan has forced the World Bank to review the project, it has failed to move the Gujarat Government to reconsider even the height of the dam. For Gujarat, the Narmada dam is never referred to, without the suffix, “the life line of Gujarat”. Channels of communication between those opposed to the dam and those for the dam seem to have altogether broken down.

In this polarised atmosphere any democratic protest against the dam is suppressed. At any sign of democratic protest, the authorities resort to the use of section 68 and 69 of Bombay Police Act, 1951. (Note: S 68: Persons bound to conform to reasonable order of police... S 69: Power of police officer to restrain, remove, etc...)

From conception to completion, dam construction is a process. It is concerned with more than engineering feats and technological excellence. In the Narmada context, especially, given the drastic underestimation, of the social and environmental costs, the perception that it is a process needs to be emphasised. Democratic protest as part of that process need to be recognized.

THE FACT FINDING TEAM

The fact finding team of three independent observers comprising Usha Ramanathan, a law researcher, Krishan Mahajan, a Supreme Court Lawyer and Rita Manchanda, a journalist went to the Narmada valley from July 8-11. We went in mid-monsoon when some 1200 families were expected to face the crisis of submergence. It was an opportunity to see against the backdrop of the reality of submergence, the response of the government and that of the Project Affected Families. There had been reports in the media about the arrests of activists including Medha Patkar and the forcible eviction of oustees to resettlement sites.

At Vadodara and Kevadia Colony we had easy access to NBA activists. But the Chief Executive Officer of the Sardar Sarovar Rehabilitation Agency Mr. Rajagopalan and his assistant Ms. Shobha Asthana refused to see us on our way in or out of the valley. On our return when we again requested a meeting, Mr. Rajagopalan arrogantly asserted: "I am not prepared to meet you".

We visited Manibeli facing its second submergence. It is the base of the agitation against the dam. We wanted to see how the 34 families who had stayed on were coping.

We also went to three resettlement sites in Gujarat, Dharampuri, Wadaj II and Sidhpur. There had been reports about massive water logging around the house plots and the lands said to have been allocated to the oustees. Dharampuri was where the oustees from the first submergence village of Gujarat, Vadgam, had been resettled under a court order. Wadaj II was an example of resettlement for twice displaced people. Sidhpur was where oustees from Maharashtra were resettled but the Patel, the original owner refused to let them cultivate the lands which they were supposedly given because the state was yet to pay him for the lands. These resettlement sites were in an upper caste plains area just 33 km. from Baroda next to the township of Dabhoi.

We had to come back half way from the resettlement sites at Somaval in Maharashtra and Simamli in Gujarat as the road had been washed away.

We went carrying with us the guidelines of the World Bank on resettlement which said;

"The main objectives of the plan for resettlement and rehabilitation of the oustees are to ensure that the oustees will promptly after their displacement:

- (i) improve or at least regain the standard of living they were enjoying prior to their displacement;***
- (ii) be relocated as village units, village sections or families in accordance with the oustees' preference;***
- (iii) be fully integrated in the community to which they are resettled, and***
- (iv) be provided with appropriate compensation and adequate social and physical rehabilitation infrastructure, including community services and facilities."***

What we saw a travesty of these norms.

The active hostility of the authorities towards our fact finding mission gave us a taste of the kind of oppression that the people were facing in their legitimate exercise of democratic protest.

Constitutional Promises

The constitutional document, and the judgements of the Supreme Court have together explicated the rights of the people in India. These include the minimum of a life with dignity; the fundamental right to housing (Shantistar Builders vs. Noraj Khema Lal Totama); the fundamental right of the local population to benefit from development and to be rehabilitated (NTPC case); the fundamental right to education, housing, clothing, shelter, medicine and livelihood (Francis Coralie Mullin); the fundamental right not to be deprived of one's livelihood except according

to procedure established by law (DTC vs. DTC Mazdoor Congress) and the fundamental right to clean air and clean water (Subhash Kumar vs. Bihar).

We were to witness the breach of every one of these constitutional promises. For instance, in Dharampuri, the socio-economic-cultural life of the tribal oustees has been completely broken up, as this project of modernisation and development has pushed them out from the natural habitat of their forests to thrust them within touching distance of cities and in waterlogged fields which till recently were farmland. The tribals have been put up in tin sheds which provide little escape from the smoke of the chullah. The leaking tin sheds are tolerable in the monsoon but they will become ovens under the unsparing heat of the summer sun. The worst affected are the children. There were children who were ill, and need of urgent medical care but for whom there was no facility at all for medicare. There is no provision for their education either in spite of the Supreme Court judgement deciding that all citizens have a fundamental right to primary education (Mohini Jain's case).

The vacant looks of the tribals was testimony to the state's violations of the numerous Supreme Court judgements on rehabilitation, livelihood and State care for the tribals. Democratic protest, and the role of dissent in a democratic polity are integral to constitutional functioning. The crackdown on tribal dissenters and Andolan activists, the discernible hostility to anyone asking questions about the project or about rehabilitation; the widespread use of police force, and constricting legal provisions, to quell even the beginning of dissent, belie any hope of constitutionally endorsed treatment.

The project has raised numerous questions. The most affected persons are tribals who, by their very nature, are vulnerable. Their fundamental rights are being affected, and state policy is supposed to ensure a compensation exercise which will restore to them a life as imagined in the constitutional eye. Yet, with all the unanswered questions at large, there is no legal aid anywhere in evidence in the area. Reaching out of state legal aid would be minimal expectation to ensure the rights of the world's largest number of people displaced by development project. It is tragic that Gujarat which claims itself to be the pioneer of legal aid in the country, would be found so wanting in terms of its high courts who entirely man the legal aid fund both of the Committee of Implementation of Legal aid Schemes as also the funds provided by the state government.

As the movement questioning the dam has grown, there have been a spate of cases from the Dhule district courts in Maharashtra right up to the Gujarat High Court and the Supreme Court. Hardly any of these cases has reached any finality or conclusion to give relief to the millions affected by this project. There is evidently no awareness at the district level to the suo moto powers available to it both under Criminal Procedure Code and the various Supreme Court judgements not only to prevent the commission of cognisable offences but also to the entire corpus of Supreme Court judgements spelling out the rule of law for the women, children and the poor displaced by the project. Since the movement has focused and projected upon the larger issue of stopping dam construction, the use of grass root courts and law to prevent suffering through the courts in the daily life of the tribals is almost non-existent. The police therefore, for instance, continue to travel freely between the borders of Maharashtra and Gujarat, the Maharashtra police arresting people in Gujarat and taking them to Maharashtra while the Gujarat police looks on almost in collusive silence.

That the need for legal aid is essential was shown by the treatment to which the team was subjected at Dharampuri resettlement site. The police outpost which regulated visitors to Dharampuri, the gun-toting police escorts who insisted on accompanying the team, and the detaining of the team till orders from above spoke volumes on the curbing of freedom of any citizen to move freely. That this was the treatment meted out to the lawyers and journalists from the national capital indicated that the plight of the tribals, and dissenting activists can only be imagined.

Resettlement sites

The fact finding team, between July 8 and 11 visited three resettlement sites in Gujarat, located near the township of Dabhoi, in an upper caste area, 33 kms from Vadodara. While the Gujarat and Maharashtra oustees at the Dharampuri and Wadaj II resettlement sites had been dumped there less than a few weeks ago virtually as their villages were getting submerged in the 1994 monsoon, at the Sidhpur site, the Gujarat oustees had been there for about eight months while the Maharashtra oustees had arrived about three months back. For most of the oustees this was not their first displacement, as they had rejected their first resettlement site.

At the Dharampuri site, were 22 families from Vadgam, the first village in Gujarat to be submerged in the 1994 monsoon. According to the Gujarat Government, rest of the project affected families(PAF) of the 19 villages in Gujarat to be affected by the Narmada dam, have already been resettled. And of the 550 odd original families of

Vadgam more than 75 percent had been voluntarily resettled by 1993. In March 1992, 24 of the families relocated in Malu site returned to Vadgam. They appealed to the Gujarat High Court in March 1993 for alternative resettlement site and the inclusion of 8 oustee families.

- a) Dharampuri is an example of the blatant violation of the rights of the Narmada oustees even where resettlement is being done within the framework of a Court directive. The court ruled that there would be no forcible eviction and that resettlement must be done six months before submergence. The land must be readied for cultivation before settlement.
- b) Dharampuri is also an example of the crisis response of the state and the NBA when faced with the reality of submergence. The Vadgam oustees had not been with the Andolan till March 1992. Today the Vadgam oustees represent one of the NBA's first attempts at getting involved in the rehabilitation issue.

On June 25, 1994, 19 tribal homes were demolished in the pouring rain at the original site. Tribal families recognised as PAF were dumped at Dharampuri while others, not recognised, were left to fend for themselves in the open rain. By June 27, all the 24 families lost their land and houses and the whole "phalia" was evicted, to be submerged later in the monsoon. Vadgam as a settlement had ceased to exist. And the Gujarat government on June 27 broke up the road links to Vadgam hills.

Dharampuri, a model resettlement site - July 8

A kilometer off the main road near the township of Dabhoi, about 33 km from Baroda a cluster of 22 tin sheds gleamed in the watery light. There is a tented police picket at the foot of a "kutcha" road which is being made hastily "pukka" in the pouring monsoon rain. Dharampuri, projected as a model resettlement site is being readied for august visitors. But visitors like us were not welcome.

It was tough going wading calf deep in the squelchy sticky black mud and puddles which had transformed the house plots into tin sheds floating on mud and water. Inside the tin shed of Shankar Kagda, a Tadvi tribal, the cemented floor was dry. Against the 16 foot width of the rectangular tin shed rested a huge carved teak door, all that remained of their once spacious four "room" (spaces) hut in Vadgam. They had managed to salvage it when the police came on June 25 and forcibly demolished their home. Shankar Kagda, his wife and their 3 children were detained for the day. After their satyagraha on the 26th, they were hustled with whatever they could rescue in the pouring rain on to a truck and dumped them in waterlogged house plots with tin sheds adjacent to the village of Dharampuri. The teak door had survived these misadventures.

Shankar Kagda and his three brothers and fourteen other families had, after inspecting the site, agreed last May to resettle subject to the Nigam fulfilling three conditions:

- land to be in a cultivable state
- families provided with legal documents
- proper infrastructure like water, fodder and house.

On June 10, eight families did move to Dharampuri but the others held out as the area was waterlogged with no infrastructure to speak of. They had not returned from Malu, their first resettlement site, for this. Last year Shankar Kagda's house and lands were submerged. He moved higher up, proposing to stay on till proper resettlement was possible.

But on June 25 their houses were demolished and they were forcibly evicted by hundreds of policemen, without notice. The tin shed, 24 ft long by 16 ft wide and 13 ft high with a tin partition, was now home for Shankar and his wife Champaben, their three children and their 3 cows and 3 calves with room to stand back to back. Smoke from the kitchen space, which takes up a third of the shed, was clouding up the shed. Champaben's son lay ill. No doctor, for that matter no functionary, had cared to visit them since that brief encounter when they were first dumped there. The Dharampuri villagers had also left them alone.

Was Champaben's youngest child to become yet another casualty? From the Simamli resettlement site in Gujarat had come reports of three children who had died of water born diseases in the period of just one month. There had been no assured supply of water when they first came to Dharampuri as the PVC pipe had burst. At the time a hand pump could be seen working.

In Vadgam the five brothers had between them 13 Acres on record. Not to mention the recognised practice of encroachments. A grown up male was expected to make his own hut and clear land. They had learnt of the dam and the submergence of their land and home when they had watched the activities at the dam site begin. His brother Premabhai had worked for 14 years as a wage labourer at the dam site just a few kilometres away. In 1989 they had willingly been resettled at Malu. Three years later they were back in Vadgam asking for alternative resettlement.

“There was confusion over land deeds”. Prembhai said. Did the original owners of the land not let them cultivate? We knew from the complaints they had made on affidavit that there were clashes and allegations of theft of crops. But Prembhai was reticent to talk. We were to learn that, that reticence was due to a remarkable degree of stoicism among the tribals. Their frame of reference also seemed to make our language alien to their understanding.

In Dharampuri, the four brothers had been given “pattas” or deeds for 20 acres of land. They were signed by the original land owners. It was spring when they had been shown what were to be their lands in Dharampuri. Today the whole area was waterlogged, impossible to think of cultivating even if the land had been cleared of last year’s stubble which it had not been. It meant that they would have to forgo harvesting a crop this year.

The state had given Premabhai’s family Rs. 4500 plus Rs. 1470 for resettlement. But that money was nearly all gone when they most needed it. In Vadgam they had needed money only to buy slate and cloth. And the women could always make bamboo mats and charcoal from burning sticks for selling. But here they had to buy even fodder for their animals. They needed cash for everything, from beedies to fodder for cattle, for there was no community land open to them.

The Kagda brothers were at least together along with 22 other families from Vadgam. The 550 families of Vadgam had been dispersed over about 27 sites. So much for the World Bank Resettlement and Rehabilitation guidelines of keeping the community of the village together.

Despite the directives of the Court, the case of the oustees who have not been recognised as Project Affected remains unaddressed. With their homes demolished, some have gone to stay with relatives on other resettlement sites, others like Bhulabhai was staying in Dharampuri. There are some like Bhulabhai who has been living in Vadgam for 23 years, working much of that time as a labourer on the SSP. He is not on the PAF list probably because he was not present in Vadgam the year the village was surveyed. More fortunate have been the two widows Amartibehn Kashiran and Kashiben Mansukh. Land had been allotted to their late husbands in Malu. They have been given land in Dharampuri site.

Wadaj-II July 10, 1994.

Near Dabhoi, is to be found the tin sheds of Wadaj I Wadaj II. From the main road the cluster of tin sheds of the 44 families in Wadaj II are clearly visible, the symbol of the resettlement of the Narmada oustees. The dirt track into Wadaj II has for weeks been impassable. The low lying house plots and lands were in a bed of mud and water. We step on the sandbags lining the tracks.

Damjikila Vasawa (45) is reclining on a cot in this shrunken shed which is a third less in size than those in Dharampuri. He and his family came two and half months ago from Makadkheda in Gujarat. Unlike the Vadgam oustees, he understands no Hindi and very little Gujarati. He had been told that he had been allotted five acres, but had received no papers to prove ownership. A woman in a thin sari suckles her child in open view, looking up at us in bewilderment. To think that she will have to learn to cope with living in the midst of a nearby township and villagers in this upper caste area.

Govind Jidea, (30) an oustee from Makadkheda was our local guide. He was 7th class pass and was hoping to make some money as a tailor. There were 45 families in Wadaj II from Makadkheda village which once had been the hope of more than 500 families. In May before the monsoons, they had come to see the resettlement site. According to Jidea, they were not shown any demarcated land plots, merely a broad sweeping gesture to indicate vaguely where their lands were. They were not given any land deeds.

We had not expected to find many men about mid morning, thinking they would be tending their lands. But they were all there. The area all around was waterlogged. Near the house plots could be seen the dried remnants of last year’s crop in the waterlogged fields. There was a field which was on higher ground and well tended. It belonged to the Wadaj village. Jidea had heard talk of a factory being set up in the low lying land flanking the house plots.

“There is no hope of growing a crop this year”, said Jidea. But “mazdoori” had turned out to be difficult to find in this semi-urban upper caste area. The tribal oustees were looking to the government for food aid. But for over a month since they had been brought there, nobody from the Nigam had showed up. During the first week of their stay a doctor had visited the site. Two hand pumps had been installed but only one was working.

When they had been trucked to Wadaj II, the 45 families from Makadkheda had brought with them their livestock, 111 goats, 45 bulls, 14 calves, 13 cows and 3 buffaloes. But the Nigam had made no arrangements for livestock grazing. The fodder that they had brought was all gone. Worse still their animals were getting stuck in the sticky black clay of Wadaj II. On July 5, in desperation they chose to take their livestock back to Makadkheda. It meant a long trudge, of three days and nights, but they had no money to hire trucks.

The livestock was being looked after by some 25 grown up boys who had stayed back in Makadkheda to tend to the lands. They had not been considered eligible for land in the resettlement sites.

Adjacent to the independent tin-shed house plots, was an extended row of adjoining cramped tin barracks barely 12 feet square with a dirt floor. Tediya Nanji (33) had strung up a “mezzanine” floor, to store his baskets and caskets of grain and other household items. Sad relics of times when the family lived in a house with large spaces. He had been assured that it was temporary. Once the monsoon was over, in four months he would be relocated. Tediya Nanji’s family along with 35 other families, had last year left their first resettlement site at Chandanagar and moved back to Makadkheda. For three years he had toiled in Chandanagar. But the water was bad there. Their children were constantly falling ill with dysentery. Finally they moved back. In May they were trucked out to Wadaj II.

In the adjoining shed was Wanji Govinda(SO). He too had tried out resettlement at Chandanagar to return to Makadkheda he had 8.2 acres of land and 15 acres of encroached land. Of his four sons, two had been given land but two others had not. Stalled in his cramped shed were his two calves and two cows. They were too old or too young to make the journey back to Makadkheda.

Sidhpur: July 10

The jeepable road into Sidhpur, is on high ground while the house plots and fields lie waterlogged. About 61 families have been resettled in Sidhpur. Eight months ago the oustees from two villages in Gujarat were resettled here. Their tin sheds are tiled. Not so the tin sheds of oustees from Dhankhedi in Maharashtra who came about two to three months ago. About 5 PAF’s from Dhankhedi were given land. But no work has been done on the lands. There was a palpable difference between the Gujarat and the Maharashtra oustees. The small numbers of the “outsiders” made them appear more vulnerable. Though they seem to be able to speak Gujarati, their dialects and accent were a giveaway. Tension is latent between the Gujarat and the Maharashtra oustees.

No official has visited the site for over two months. There are three hand pumps at the site. But the only two are working. According to NBA sources since our visit, five families from Sidhpur have moved back to Dhankhedi.

While we stood around talking to the villagers, discovering that they had no papers of the lands allotted to them, Bhupinder Singh Patil strode into view. Curious, he paused. The villagers introduced him as their land owner. He boasted of owning 300 acres, and having sold 30 acre to the government. To give to the oustees, he said condescendingly. What had brought him? We wanted to know. The Government owes me Rs.22500/- per acre, and I have not received my cheque, he said. I come every day to make sure they do no work on the land - not till I get my money, he added. Another dimension of the rehabilitation saga.

Manibeli: July 9,1994

Manibeli is the symbol of the grassroots support for the dam. It is also the base of the Narmada Bachao Andolan which since 1988 has been spearheading the agitation against the dam. In 1993 it was in Manibeli that tribals and activists including Medha Patkar took the Jal Samadhi vow. This is the second submergence Manibeli was facing. With the water level at damsite upto 86 metres, the Shoolpaneshwar temple, 82 houses and fields of over 115 families are under water in the affected villages of Maharashtra alone.

According to the figures given by the Additional Collector (Rehabilitation) at Dhule (Maharashtra), upto 5th June 1994 of the families to be affected in the 1994 monsoon, 28 PAFs are to be permanently affected and 6 PAFs were to be affected temporarily. Only four of the PAFs had been relocated by early June in Gujarat.

‘Temporary Submergence’ needs some explaining. The Tribunal’s Award required the state to rehabilitate the oustees at least year and a half before submergence. That would give the oustees an opportunity to experience the 4 seasons at the relocation site and to have time over for shifting to another location. If the site proved inhospitable. Inexplicably, the Supreme Court in August 1991 reduced the period to six months. The State has placed an interpretation on submergence which now actually negates altogether the logic of rehabilitation before submergence. In Manibeli, for instance, when the waters inundated the homes and fields of the villagers in the 1993 monsoon, it was termed as “temporary submergence”. The logic was that the waters would rise drowning their homes but would recede sufficiently to bring their houses back above water. This then, the state said was not submergence. This meant moving the tribals to temporary shelters set up on higher grounds, while they watched a sheet of water cover their houses, and asking of them that they return to the shell of their original house, with all individuality and their belongings having been washed away. The oustees we met at the resettlement sites had, in fact only been relocated there after the monsoons had set in (as in Wadaj II) or at best a few days before the monsoon started (as in Dharampuri).

In Manibeli 34 tribal families were present, when the backwaters of Sardar Sarovar dam washed over the village. On June 16, eight houses were submerged in Manibeli when the water rose for the first time in 1994. In the protest that accompanied this submergence, nine people were arrested.

On June 30 when the waters had risen a few feet below the first house to be submerged, the police arrested Medha Patkar and seven other Satyagrahis stacking out at the house. After detaining tribals & supporters of the Andolan, they were moved to higher ground into temporary shelters.

We set off for Manibeli in the Andolan’s country sail cum row boat carrying relief supplies for families still in Manibeli. Even as we stepped into the boat we were hailed by a vend of man lead by a uniformed police officer whom we later learnt was Circle Inspector, Rathore. They insisted on noting down who we were and what we were doing. Midstream, Balu our boatmen who is a Andolan stalwart, said, “We will not move from here till the problem is solved. We had faced submergence twice and we will face yet a third time if necessary”.

As Medha Patkar later told one of us, the people of Manibeli as of Mokhadi and Dhankhedi argue that they have much more resources available to them in their submerged villages than in the resettlement sites. At Bombay where tribal representatives practically from every family still staying on in Manibeli and others from affected villages of Maharashtra and Madhya Pradesh were there, the Chief Minister had agreed to provide relief to affected families but on one condition, that they agree to be relocated next year. In one voice they refused, Patkar said.

Pending a positive outcome from the Supreme court, Review and the government intervening to stop the dam, the strategy was to seriously assess the resource base available to the tribals in their villages even after the submergence. The experience of the rehabilitation had made the tribal representatives all the more firm against resettlement, Patkar said.

As we moved away from the towering dam site at Navagam, on the left bank was where the village of Vadgam had been, or so Balu told us. There was nothing left to suggest that till a couple of weeks ago it had been a village where 44 families had been staying with a couple of poles, the remnants of a development initiative to generate solar energy, before the idea of the dam hijacked all development aid from these doomed villages.

On the right bank was Manibeli. As we approached, the flag of the temple was still visible. Here and there were the roofs of the submerged houses. The Manibeli hills stood green and lush through the constant rain. The families had shifted to huts which they had built on higher ground with the materials they had salvaged from their submerged houses.

Kavitaben’s hut built on high ground was spacious and airy—a skeleton of what her home now submerged had been. On June 30 Kavitaben, her husband Natwarbhai and her four children had been forcibly evicted, detained overnight and finally made to occupy these huts which they had built before the submergence. Natwarbhai’s three brothers had chosen to relocate. A month and a half ago they had left for Kalidoli. His father Magankaka and his teenage sister had stayed behind. Magankaka had in his name 13 acres in Manibeli. He was not moving. What would he do when the water rose even further? He would settle on the ‘tapus’ or islands which would be formed when the backwaters reached 116 metres or more. No, he was dismayed by the idea of being cut off on a Tapu.

Magankaka (60) had not visited the site where his sons have been relocated. First they were shown land in Havadasela (that’s how it sounded as he said it) and, later other land at Kalidoli itself, but it turned out too expensive. “Eventually they had to settle for worse land,” he said. They had been given land papers.

Ask a question to the families who had stayed on in Manibeli and prompt comes the response, “the samiti will decide”. The government was distrusted. But the dependence on the NBA was disturbing. It highlighted the heavy burden of responsibility on the NBA of not turning the victims of development into victims for being part of a movement. It also showed up the responsibility of the state in a democracy to not victimise people who were exercising their legitimate right of protest.

At Manibeli the tin sheds of the police camp stick out, a reminder of the state power which they last year let loose on the village. At Manibeli, there were routinely posted 22 policemen and 18 SRP jawans. The SDM Ganesh Patil in Kevadia Colony told us that there were 16 such camps in the 33 affected villages in Maharashtra. At Manibeli the camp also had two irrigation officers, a revenue official and a doctor.

At Manibeli there was no sense of the terror and the oppression reportedly wreaked by the police last year. Hiruben an old women did not find it at all odd that she should sell beedies to the police who came by her shop. There had been an incident of the policemen using the same area for bathing as the village women and girls did, but that had got ironed out. It was different where they had acted in their official capacity to evict them. That they resented. There were no women police persons when we visited it. And the women spoke of having been forcibly evicted by policemen who pulled them out of their homes.

The revenue official said that he had been sent to maintain law and order and provide food for the police and the adivasis under the Integrated Tribals Development Programme. When asked whether under the existing conditions it was not necessary to give them free food and supplies, Patil said they were being provided food at highly subsidised rates.

The families who had stayed on in Manibeli were dependent on the relief supplies brought in by the NBA. Balu had bought 3 kilos of rice from the camp supplies for Rs.5 a kilo. But he was an exception. In Manibeli where the people had no need to buy anything other than salt and may be cloth, a cash economy was something that was alien to them. But with their lands submerged what option did they have?

The doctor while available, was handicapped by non availability of the drugs vital for the region. For instance, when a resident of Manibeli had suffered a snake bite, the doctor had only been able to administer first aid because the anti-venom serum was not available with him. The SDM was at pain to explain that the lack of storage facilities for such drugs made it difficult to equip the doctor in the matter of drugs.

The irrigation officials were there to monitor the water level, and to raise an alarm when it reaches the danger mark. Had they alerted the villagers about the rising waters on June 30? “We only came a few days ago. We don’t know what happened before”, the irrigation officials said. But they had alerted the villagers about a flood warning six hours before flood on July 6.

The lush, green hills in which the hamlet is spread out was a striking contrast to the site of the cluster of tin sheds visible from the main road that we had seen at the Dharampuri resettlement site. The anonymity and natural protection that the hills offered was a world away from the exposed, open, clustered, tin shelters in the plains. We saw no sign at the resettlement sites that this had been recognised and taken care of by the rehabilitation authorities.

The Hostility to our Visit

The atmosphere of official suspicion and hostility dogged us throughout the trip. At Vadodara, the Nigam officials arrogantly refused to meet us. At Dharampuri Resettlement site there was an armed outpost at the main road where a kucha road turns off to lead to the site. We were compelled to give our name and our purpose before being allowed to go to the site.

The policemen insisted on escorting us to the site. Our protests that we should be allowed to talk to other citizenry without the threatening shadow of the police was unheeded. It was, it appears, the relentless monsoon slush which made every black, clayey footstep a giant task, that sent the policemen back. When we returned to the main road, the policemen ‘requested’ us to stay put till their superior came by. There were no explanations; only ‘requests’. After a further radio message, we were allowed to leave.

At Kevadia, the only available residence is the Circuit House. An unreasonably antagonistic manager, Mr.Chawda refused to let the 2 women members of the team who had remained back in Kevadia, stay. This was despite Rita Manchanda showing her Press Information Bureau Card to establish her credentials as a journalist. It was nearly

midnight. Desperate, we made our way to Manager's house, to appeal to him. He was out. Back at the Circuit House, we stretched out on chairs. Finally, he phoned in a grudging permission. It carried a warning that we were to leave by 7 the next morning. The following night he categorically refused us room. There were no explanation, only blatant hostility.

The hostility of the police to unofficial visitors to the submergence sites was translated into a refusal to let us ride back to the mainland from Manibeli. Manibeli is virtually cut off, and it is only the police motor launches which are able to reach there and beyond, through the rain and the rising waters. The policemen in the launch had no objection to the others who were also waiting, but the three of us apparently represented to them anti-dam people. "Go back the way you came", "get written permission or we cannot take you on", "we are not responsible for you". Our protestation that at the Manibeli police camp we had been given permission to go back on launch, fell on deaf ears.

We waited under the open sky drenched to the skin in the potential rain, while they sent someone to enquire whether we had been given permission. He returned, the police denied any knowledge of our understanding. Finally, it was intended threat to stay right there in the rain till they returned (or did not), with permission which made them let us on board. In the launch there were pointed questions of whether we intended to meet the NBA activists. We said "sure; same as we wish to meet your official". Yet when we were met by NBA activists as we had arranged we would be, their reaction signified that we had cheated them and got a lift back under false pretences.

Mr. Rathore, the CPI, who had intercepted us earlier in the day and got down our identities did not see the need for a law or any legitimate authority to insist on revealing our identifies.

At the SDM Ganesh Patel's office where the CPI Mr. Rathore was present, the refrain was that we should have come through the "proper channel". Reaching out to the oustees was obviously not viewed with kindness.

All this was instructive of the hounding and harassment which the NBA activists had told us about. The regular use of S. 68 and 69 of the Bombay Police Act, 1951 and S. 151 of Cr.PC and keeping the activists in the perpetual shadow of arrest, the impounding of the motor launch the NBA had acquired, so that they would be unable to move about in the submergence area and other such obstacles became easier to understand.

Our experience is a reflection of the widely reported treatment meted out even to official visitors who may cause a threat to the Project by exposing its deficiencies, such as the environment minister's proposed team which was refused access to the Gujarat Government, the Chairman of the National Commission for SCs & STs and to the Independent Review Group which had been constituted following the 'Jal Samarpan' agitation in August 1993.

Manibeli is the first village in Maharashtra to be submerged following construction of dam. The experience of "temporary" submergence, second submergence, resettlement, return from the resettlement site, protest, activism, dam work.....are all symbolized by this village. It represents one more opportunity for learning from experience, and humanizing the process of development.

CONCLUSIONS

We found that –

- The distinction between 'submergence' which entitles oustees to rehabilitation and temporary submergence is artificial, and does grave harm to the oustee population. Resort to the device of 'temporary submergence' to defer rehabilitation should be dropped.
- If it is not possible to make rehabilitation keep pace with construction, it may be necessary to slow down or even stop, construction and let rehabilitation catch up. This seems a basic requirement to humanize the process of dam construction.
- The link between the dam construction, submergence and rehabilitation is tenuous, and almost opportunistic. There is for instance no knowledge with the oustees of what they can expect will happen to them – particularly during the monsoon- a detailed, developed plan incorporating time schedules, site approval and allocation which will precede submergence has to be put in place. It needs to be well defined and capable of being monitored.

- The battle around the dam has pitted the state against dissent. The hostility of the state is unmistakable, and unfortunate. It is a carte blanche for violations of human rights of the oustees population, of visitors. The use of laws provisions to suppress into silence needs to be tackled. It may require independent monitoring with people's participation.
- The relocation of the people during the monsoon deprive them of their crop in both their original villages where monsoon is sowing time – and it the relocation site. The non allotment of the land, non-cultivability of allotted land are two of the reasons why they cannot get a crop in their relocated site. There is no provision for survival till they can raise and harvest their crop. Proper provision must be made which must be immediately communicated to the oustees.
- Relocation is not equal to rehabilitation, it would be disastrous not to see this, and there were no signs that there was this recognition.
- While a dependence culture which may be born out of bewilderment and helplessness has to be averted, the vulnerability of the relocated population has to be confronted and answered. There were no signs of the administration dealing with this.
- The absence of access to community land, and to sharing rights of the community which belongs in those areas, is a serious problem. Grazing land, for instance, is inaccessible to 'outsiders' of the community. The need to meet firewood requirement is unmet.
- The breaking down of the oustee population into small batches, apparently according with land availability leaves them exposed, and without the potentiality of creating their own community. This has to be recognised in assessing the rehabilitation.
- The oustee population is largely tribals and largely originally resident in Scheduled Areas which are specially protected for Constitutionally recognized reasons. They are now being resettled outside these protected areas. The reality of the removed protection has to be addressed.
- Legal aid and assistance should be immediately and actively extended to the oustee population.
- Untiring communication and a two way, continuous exchange is imperative, but the bureaucracy seems to work up a one way street.
- Submergence of the first two villages is virtually complete and the rehabilitation efforts are obviously needed in much larger proportions that the state is able to summon up. The commitment to rehabilitate beyond providing miscellaneous tin shelters in the relocation sites, was not in evidence at all. A re-appraisal of the rehabilitation programme to see if that can be any meaningful, effective action has to be undertaken even at this stage, before any more oustees are displaced.
- A master plan for resettlement and rehabilitation of the oustees from all the villages must be made public if the sense of insecurity, and doubts about the seriousness of the state are to be dispelled.

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