

The report of the fact-finding committee sent to the Sardar Sarovar Project site, Kevadia, Gujarat. The team was in Baroda for two days 24 and 25 of February 1989. The team comprised Mr. P R Shah, advocate, member of the PUCL, Mr. Sanjeev K Peter of the Free Press Journal, member of BUJ and Mr. Ranvir S. Nayar of the Indian Post, representing the CPDR.

Tempers are fast approaching the flash-point at Kevadia in Bharuch district of Gujarat, one of the sites of the nation's largest irrigation system. Tension between various social groups is increasing and the unrest is quite obvious.

There is a growing discontent among the construction workers employed at the Sardar Sarovar project site where not a day passes when allegations and counter allegations are not traded between the management and the workers

The main issues involved in the controversy are the working and living conditions of the workers, the future rehabilitation of the 1.5 million oustees and the larger question of whether there should be a dam of this proportion at all.

While the workers claim that the management, JP Associates, a giant of a construction firm, is making them work under inhuman conditions with working hours stretching for more than 14 hours every day, having been kept as temporary workers for over 7-8 years and being made to stay in concentration camps', the management asserts that the claims of the workers are highly exaggerated and that it offers one of the best working and living conditions in the construction industry in the whole country.

If the union is to be believed, the whole area is in the grip of a Dhanbad type mafia rule where everything happens only with the Al Capone's permission. The police acts on his orders, the judiciary wins its cases, the press takes the cue from the boss and government officials are on the pay-roll of the JP. Company officials scoff at such allegations.

The actual situation, however, is somewhere in between. But, the issues are serious and will have far reaching implications for all similar projects in the rest of the country.

The Sardar Sarovar, rather the whole project, has been under fire from environmentalists and workers alike for quite some time now and almost every day a new controversy spews. There have been many demonstrations also, all of which have been quelled by the police.

A section of workers on the SSP site has been on strike since January 30 against what it calls the oppressive and colonial methods employed by the contractors in getting the work done fast and with least care for the welfare of the labourers.

While the union, the Baroda-based Vadodra Kamgar Union led by Thakorebhai Shah, claims that the work has come to a standstill ever since the strike started and that a majority of the workers have joined the strike, the management claims that the work is progressing quite normally and only 200 of the 3000-odd workers are on strike.

However, most independent observers at the site feel the real situation is quite serious and that the company has been able to put up a show of normality for the visitors only by pressuring the workers with the use of police force. According to one of the officers of JP, the normal concreting which used to be around 1300 cubic metres per day has fallen to about as less as 250-300 cu.m. per day, and this too only by threatening the 'loyal' workers that their service contracts would be terminated if they were to sympathise with the strikers.

The trouble between the workers and the management started sometime in 1987, when some of the workers approached Thakorebhai for help in dealing with the company's 'atrocities'. Of the 57 workers who attended the meeting, 26 were summarily sacked the next day. But on the intervention of Father Mathew, an advocate of the Free Legal Aid Cell, Rajpipla, whom the workers first went to, and Harivallabh Parikh, an influential Congressman, a compromise was effected and the workers reinstated.

The VKU has got a stronghold among the workers of another contractor, Mahalingam Shetty, and there was slippage in the work schedule which led to the cancellation of the contract. The union says it was done by the government at the behest of the JP Associates, while the Narmada Corporation Chief Sanat Mehta ridicules the suggestion. How can anyone make such a ridiculous charge. The World Bank, which is financing the whole schedule insisted that the contract be cancelled due to prolonged delays. We cannot influence them, let alone JP,

Thakorebhai says he had put a proposal before the corporation that if the workers were allowed to form a co-operative they would complete the work according to a new schedule. Mehta turned down the request saying when giants like Hindustan Construction do not have the equipment or skill to handle to such a large operation, where will a workers' co-operative lead.

According to Thakorebhai, in November-December '87, another attempt was made at unionising the workers. This time the organisers spoke openly against the company and were in retaliation sacked and prevented from taking their belongings from the labour colony. When the workers approached PSI Jadeja, in-charge of the Kevadia colony police station, they found him to be hand in gloves with the management and the leaders were packed off to their home-towns, he alleges.

In January 88, Satyanarayan Dubey, Anil Kumar Singh, Rohiniprasad Upadhyay and Gyan Singh, all staffers of the JP, made another bid to form a union. On February 7, they held a meeting outside the campsite which was attended by 350 of the staffers. The police was informed by the management and they asked the meeting to disperse as it violated the Official Secrets Act.

In March, the nominated office bearers of the union decided to participate in the March 15 all-India bandh. "Here, management bared its teeth," says Thakorebhai. On the day of the bandh, Gyan Singh was sacked while the other office bearers were locked up in a room for the whole day and then in the presence of the Sub-Divisional Magistrate R J Patel and also the DSP, they were forced to sign a bond saying that they accepted a transfer and were proceeding on three months' leave. The union alleges that the bond was signed at gun-point, but General Manager Mohan Mishra ridicules the allegation.

In April, three social organisations, Lokadhikar, Parivartan and Sahiyar filed public interest litigation in the Ahmedabad High Court against the violation of human rights and labour laws at the dam site. The High Court appointed a commission to probe the charges. The commission had a representative each from the petitioners, the company and the High Court.

The commission functioned on paper only, as even though the deadline for the presentation of its report is long past not a single bit of information has come from the commission. The commission visited the camp only once, on August 13 and 14, and even then could not go to the labour colony worst affected by the 'atrocities'. The representative of the high court has since been transferred and thus there have been no further meetings of the commission.

Another widely prevalent malpractice, according to the union, is the employment of workers on a temporary basis. Some of the workers have been kept on a temporary basis for 13-14 years. Most of the labourers are given a 'labour card' but it is allegedly issued only just before the salary is distributed and once the workers receive the salary, the labour

Mishra claims that all the 903 employees of JP are permanent. He even produced files on two of the union activists where gratuity and other monies due to them were shown. He, however, failed to produce the file on an employee who claims to have been with the firm on a temporary basis since 1974.

Mishra says the sub-contractors prefer to keep labour cards with them as the workers lose them often and claims that the workers are free to keep them. The cards are destroyed as it is not possible to store thousands of new cards every month.

Executive Director P K Jain also refuted all the charges made against the company and said that most of the permanent employees of the company are shareholders and that only 10 percent of the workers were on strike.

Replying to the allegations of non-compliance with the labour laws, Jain said that regular working hours were fixed at 8 and those working for longer periods were paid overtime. He, however, admitted that certain anomalies had been found in the rates of payment and that the labour commissioner was enquiring into it.

Another aspect of the workers' exploitation is the "creation" of several new companies in the camp site in order to keep rotating workers. According to Mathew, JP has created companies like Jaypee and JP Ltd and it keeps workers transferring from one company to the other and thus denying them the benefits of permanency.

A very large number of workers is kept on temporary employment using a very ingenious method. The work is divided into several "jobs" and each job is assigned to the "sub contractors" or petty contractors. Thus the workers are directly employed by the petty contractors and even there they are transferred from one sub-contractor to other at the sweet will of JP.

This arrangement is only on the paper as the work is actually done by JP, monitored and supervised by their engineers and managers, but just to circumvent the labour laws, they have given the work on sub-contracting, alleges Thakorebhai.

About the frequent transfer of workers among the sub-contractors, Jain says workers were voluntarily seeking transfers to those cob-contractors who came from their own states or shared common caste or religious background and that it was not for JP to interfere in the matter. "The loyalties of these workers keep on fluctuating," he asserted.

The union alleges that the living conditions in the camp are almost inhuman. "Six to seven of us are made to live in a small tin hut and made to sleep on ground which is not even concreted. There are inadequate sanitation facilities. There is no first aid or any medical treatment available even though there is a hospital on the site. The hospital is solely for the management's use. We have to go all the way to Rajpipla to get medical assistance and sometimes there is not enough time for that," say the workers.

They also relate a particular incident where a worker pushing sand into the sand pit slipped and fell into it. He then was carried off by the conveyor belt and got crushed to death in the concrete mixer. The workers say that timely action could have saved the man. Dr. M P C Rao, head of the hospital at the site, however, has another version. "We were the first to reach the accident site with relief supplies, but the crowd over there only worsened the situation as the sand from the top fell on the worker trapping him even more and before anyone could do anything, he was carried over by the conveyor belt and got killed".

This still does not absolve the management of its responsibility. There are many charges that no safety precautions are being taken at the work site which is highly accident prone. A project of this size should have more safety measures to prevent accidents, because once they occur the

damage can be immense. Like in the above case, if power had been shut off the conveyor belt would have stopped and the man could have been extricated from the said pit.

The hospital on the site is a nine-bed one with fair supplies of medicines. There is an operating theatre, too, but it is not used as the atmosphere is not dust proof. This needs to be corrected as the nearest hospital is at Rajpipla, about forty minutes drive and in case of emergencies the time may not be there.

But, the hospital was being used by many workers as this team witnessed. During the 20 minutes that they were there, at least 5 patients had come in. When told of the charges of the workers, Rao is seemingly hurt. "I work here for almost 15-16 hours here everyday and the hospital is manned 24 hours. We have tried to give as much assistance as possible to the workers, but if they are still not satisfied, it is a sad thing" he says.

A positive feature of the health conditions existing at the camp, according to Dr. Rao, is the fact that not a single malaria-related death has occurred on the camp, despite the fact that the whole area is malaria-prone and a lot of deaths took place in Baroda and other areas in the last year due to malaria.

The other aspect of the controversy is the implementation of the Official Secrets Act at the dam site and surrounding villages. While the activists and the workers insist that the OSA has been enforced only to "victimise" the union members and those opposed to the dam. According to some of the workers we spoke to, there exists a JP Raj in collusion with the local police on the dam site. The management has been accused of using force to curb any activity that finds going against its interests. The OSA was applied to intimidate the workers who joined the Bharat Bandh on March 15, 1988. Workers have been allegedly cut off from the outside world and the conditions at the camp are supposed to be something similar to those in the Hitler's concentration camps.

The OSA was then also used against the demonstrating oustees and environmentalists, clamping a total ban on outflow of any information from the dam site to outside. The visitors to the dam site were being turned away and anyone found speaking with the workers or anyone showing some interest in was considered a spy and was immediately locked up.

Accordingly to many persons the only idea behind the implementation of such laws is harassment of the dissidents. "Where do they have the proper machinery for the implementation of the law? They have not even issued passes to each of the residents of the affected villages. Even the administration and the police personnel do not have the proper passes," says Mathew, adding that it is mockery of the whole law.

Three professors from Baroda had gone on a fact-finding mission and had obtained prior permission from the district collector for visiting the site. The permission was granted and the professors went in. But when they started talking to the workers, the management immediately asked them to leave and their permission was cancelled and they were packed off.

The matter raised a lot of heat and dust and the government, along with the management, came in for a lot of flak from all quarters. As Sanat Mehta put it, "That was a wrong decision. They should not have done this. I have written to the professors and apologised to them about the event. Instructions have also been issued to the police not to arrest any activists under OSA. They will now be dealt with the normal laws".

However, there are reports from some of the activists that the arrests under OSA continue and anyone seen approaching the workers is immediately questioned and packed off from the site.

Another issue that is perhaps more far reaching in its consequences is the rehabilitation of the oustees. Both the officials and the activists agree that the number of the oustees in this project is the largest ever. The activists maintain that the government has done nothing to alleviate their problems.

The SSP alone will displace 1.7 lakh people of over 237 villages from the three States and submerge 39,134 hectares of forests and cultivated lands. The cost in terms of ecological damage works out to over Rs.8,200 crore even by the most conservative estimates. The NVP, as a whole, will uproot over 1.5 million people from the different parts of the peninsula.

Sanat Mehta has promised 5 acres of land for each of the family uprooted. We will give them land of their choice. Also, for the adivasis, we have decided to give 5 acres of land to each male over 18 years of age in the family. This is because the tribals do not divide their ancestral land among the inheritors and for that reason larger portions of their land will be submerged. The corporation has also agreed to give employment to atleast one person from each of the households affected", asserts Mehta. The Gujarat Government has already finalised the deal for 5500 acres of land for resettling over 1100 families, says Mehta.

We have formed a committee consisting of MLAs, taluk panchayat presidents, Zilla Parishad presidents, 2 surpanches of the submerged villages. This committee will purchase the land and will co-ordinate with the affected families and allot the land according to their preferences," says Mehta.

The activists are, however, sceptical. "Where is the land for distribution? Where is the list of families who have been resettled?" they ask. Most of them feel that these are only empty promises of the government which cannot ever be fulfilled even if they were sincere about them.

Mehta is furious when asked to comment on these reactions. "In this country, anyone who seeks to do something good is always laughed at and discouraged. Where were these activists when the oustees of the Upper Krishna project were dismissed with only Rs. 30,000 as compensation? Then none of them raised even an eyebrow," says Mehta.

On February 22, about 8,000 tribals from Maharashtra and Madhya Pradesh converged at the site to demonstrate against the project and asking for proper redressal. This was one of the largest demonstrations against the dam. For once, the police and the JP were caught off guard and they just did not know how to handle the situation.

The handling of the issue by the local press has come in for a lot of flak from most of the activists. Save for a few 'bold' articles in the beginning, most of the stories now appearing in the Gujarati newspapers appearing from Rajpipla or Baroda read more like a handout of the JP Associates, allege the activists. Most of the journalists are reported to have been granted favours by the company and are forced to keep their mouths shut.

According to M. Jayantibhai, editor of a weekly, Lokrah, the press in Kevadia is all sold out to JP. "There is no independent reporting at all from here and the press from Baroda rarely comes here. Thus there is no coverage to the genuine problems of the labour. There is also a lot of corruption," he says.

According to some sources, Rajpipla and Kevadia are under total control of the company where not one decision is taken without the consent of the company bosses. They maintain that the judiciary, the police and the administration, all are on the payroll of the company which then manages to get away with any crime and can get anyone arrested or harassed by the police. The same thing goes for the strike also. If the cops are removed from the site, there will be a total strike, they maintain.

Jayantibhai flays the corporation and the government for maintaining an indifferent attitude towards the miseries of the labour. "The government says the strike and the union problems are the internal problems of the company. But don't they realise the follishness of keeping aloof. Isn't the work on the dam going to be affected and isn't that going to harm the interests of the government and the state," asks Jayantibhai. He says atleast on the government projects a tight vigil over working conditions and exploitation of workers must be maintained.

About the strike, he says most of the non-Gujaratis are on strike. He says till recently the company had been preferring outsiders as they could not exploit the locals so openly. But since the threat of the strike was issued, they have been recruiting locals.

Manoj Skaria of the UNI at Baroda opined that the strike was a grim reality and not 'a figment of imagination' as claimed by the management. The workers are becoming increasingly militant, especially those from outside Gujarat. If the situation is not defused at the earliest, the entire project would be threatened, he said.

That there is good support for the dam among the people at large is quite obvious. Most of the journalists also support the dam as they believe that the dam will bring water to the water-starved areas of north Gujarat and South Rajasthan. They feel that the hue and cry of the environmentalists is in vain and misdirected as these areas have been experiencing drought from decades and it has been intensifying leading to a rise in deaths of cattle and human beings each year.

Sanghani, the PTI correspondent in Baroda, termed the dam as life-line of Gujarat. "People living in Rajkot and Ramnagar have to travel great distances to fetch water. In Jamnagar, it is worse where it is not available even on payment".

According to Kirit Bhatt of the Indian Express, large parts of Saurashtra and Kutch would get water once the pipelines are laid over the Bay of Cambay. He also pointed out the apparent paradox about the anti-dam movement which on the one hand supports the cause of the workers and on the other fights against the dam. "And if it succeeds in stopping the dam work, it will deprive the workers of their means of livelihood."

However, when confronted with the environmentalists' claim that Narmada will not have enough water in the summer time, a time when the drought-prone areas most need water, so that it can reach the northern fringes of the state, the dam supporters are answerless. The environmentalists say it would benefit only the central areas of the state, which are already prosperous. Government official at these claims and say the project will benefit entire north Gujarat and parts of Rajasthan.

CONCLUSIONS: The team, after taking into account all the circumstances of the case, has come to the conclusions enumerated as under:

- 1) That the conditions of the workers at the camp site need immediate attention. Though, as JP claims, the conditions of the workers are far worse at most of the construction sites in this country, it cannot become a reason for not meeting the genuine demands of the workers, for unlike other construction sites, this is a very large one affecting far more number of workers and for a very long time.
- 2) That the workers are badly treated and there exists cause for concern at the extent of opposition to the basic right of the workers to unionise. The company has been found to be indulging in actions that amount to coercing the workers to ensure that they don't support the union. This has led to the rise of militancy among them.
- 3) That the company has indulged in certain unfair practices as regards the confirmation of the workers, even though they have been working for more than 4-5 years.

- 4) That the company has been sub-contracting the work, in order to deny the benefits of service conditions to the employees.
- 5) That the government has been turning a blind eye to the pathetic conditions of the workers and has been treating the strike or the issue of formation of union as a private matter of the company. The government must ensure that there is no such large-scale exploitation of the workers at the sites where it is involved.
- 6) That the newspapers in the area have been unusually partisan and biased against the workers. The reasons for that are not for us to guess, but the connection is not too diffused either.
- 7) While We cannot take the company's statements at face value, we cannot even dismiss them as mere propagands. For what the team actually got to see in the camp was quite different from the popular view but the company cannot be totally blamed for the problems faced by the workers.
- 8) That the company cannot be forced, beyond a point, to improve the workers' lot, as there do not exist enough legal provisions, for that. The government must take a wholistic view of the situation and seek to change the labour laws as applied to the construction industry and ensure that the construction workers get a far better deal than the one at present.
- 9) The question of oustees is certainly an important one and the one that perhaps deserves most attention. If the government is to be taken seriously and if their efforts are even half as much sincere as their words, Gujarat will have achieved what no other state in this country has so far even tried to do. We have heard of the woes of the oustees from other states and projects like Salal, Godavari and Tehri. But, one must not at this point forget the large number of people involved and the government will do well to shelve any other massive irrigation projects that it might have planned.

The past record of the rehabilitation schemes in the country has not been a very happy one. For instance, the Cholanaicker community of Kerala became extinct to following the rehabilitation programme. Uprooted from their traditional forest homes and rehabilitated in a totally alien environment, the tribe lost its roots and in the course of a generation or two faded into oblivion.

The government must appoint a committee to go into the question of dams of such proportions and also on how to counter the ecological damage caused by them, taking into account the work done in this field by scientists from Latin America, US and Europe, all of which are now turning away gigantic projects.

- 10) The question of the Official Secrets Act has led to many problems. We suggest that the law be not applied at all. But, if the government considers it necessary, the law must be updated. Its colonial aspects be dropped and the aim of law modified from protecting the government to protecting the interests of state and inter alia, those of the people. For that purpose the government must change the law suitably and make it applicable in the present context.

- 11) The government must amend the law to make it applicable only in the cases where the interests of the country are genuinely threatened and not every case of dissent. For this purpose, we suggest appointment of a commission headed by a sitting high court judge to look into the matters of OSA. Also, the responsibility of proving that a particular case falls under the OSA must lie with the government and not with the accused.

The government must ensure that the police and vested interests do not misuse the law to forward their interests and to harass and silence the protestors.

- 12) That the commission, appointed by the Ahmedabad High Court to look