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THE INDIAN PEOPLE'S TRIBUNAL ON ENVIRONMENT AND HUMAN RIGHTS

THE SIXTH REPORT



THE FATE OF THE GUJARAT OUSTEES, NARMADA VALLEY
DISPOSSESSED, HUNTED, HUMILIATED AND CAST INTO OBLIVION!
BY JUSTICE S.M. DAUD (RETIRED JUDGE, BOMBAY HIGH COURT)

Justice S. M. Daud retired as a Judge of the Bombay High Court. He was born in 1931 and completed his schooling from Bishop Cotton School, Nagpur. In September 1954, after graduating with an M.A. in Political Science and obtaining an L.L.B. degree from Nagpur, he joined the sub-judicial service. He was appointed Judge of the Bombay High Court in July 1985, a position he continued to hold with honour till he retired in December 1992.

FOREWORD

Justice Daud spent two days visiting the resettlement sites in Gujarat where he met scores of project affected adivasis, who narrated their plight and the plight of hundreds and thousands of others who have been displaced by the Sardar Sarovar Project.

The Sardar Sarovar Nigam Limited (SSNL) authorities were asked to appear before the Tribunal but declined to do so. In spite of their non-cooperation, Justice Daud was able to consider their point of view by studying all the relevant government documents available and details of rehabilitation measures taken by the government.

We propose to submit the report as a petition to the National Commission for Human Rights. We believe this to be very important for two reasons:

- 1) To expose human rights violations unleashed by the state.
- 2) To show that the plight of these oustees is likely to be shared by millions who are yet to be affected by the SSP and other such 'development' projects.

'The Fate of the Gujarat Ousteers, Narmada Valley - Dispossessed, Hunted and Cast into Oblivion' is an account of an investigation which details:

- The ill-treatment and victimization of simple adivasis
- The disruption of their chosen way of life, loss of occupation and resultant impoverishment, indebtedness, starvation and even death.
- The progress of what has turned out to be a virtually useless effort at rehabilitating those affected.
- The dictatorial manner in which the government and its officers routinely deal with unempowered citizens.
- The way public money is squandered on dubious projects.

We hope and expect that this report will spur the concerned authorities to redeem and redress the injustice they have inflicted on innocent people. The oustees, after all, hardly deserve to be punished by the state, when the deemed purpose of the SSP is 'public purpose'.

We also expect that the project authorities will not allow ego problems to come in the way of a long-overdue review of the entire project. This is in the interests of the nation at large, the affected people and also the presumed beneficiaries in Gujarat.

In preparing this report we would like to thank Bharat Mansata, Nandini Oza, Seema Dhuru, Arundhati Dhuru, Trupti Soni, Deepika D'Souza and Pervin Jehangir without whose help the report would never have been completed.

The fact-finding mission as well as the publication of this report is supported by E.D.S.A; T.P.A. (Evictions and Displacement in South Asia; Towards Pre-emptive Action), an advocacy initiative which began in 1991 to study, monitor and pre-empt evictions and displacement in rural areas of South Asia. This initiative is presently co-ordinated by YUVA (Youth for Unity and Voluntary Action) Bombay, India.

We are greatly indebted to Justice Daud for undertaking this investigation. He expended an extraordinary amount of his time and undertook immense physical hardship in travelling from one inaccessible rehabilitation site to another.

ADVOCATE KERBAN ANKLESARIA
CONVENOR - IPT

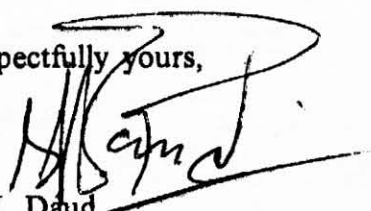
Justice S. M. DAUD
M.A. L.L.B.

TO:

**The Honourable Chairman and Members of the
National Commission for Human Rights, New Delhi.**

May it please the Chairman and Members of the Commission, the undersigned had been requested by the office-bearers of The Indian People's Tribunal on Environment and Human Rights, to inquire into the plight of oustees of the Sardar Sarovar Projects in the Districts of Baroda and Bharuch, in the State of Gujarat. The visit was made at four settlements and found a large number of the displaced persons, assembled there. Their versions given through different spokespersons, were recorded. On the basis of these oral and written statements and talks with social activists, I have formulated the following report. I believe there has been a large scale violation of the rights of the people - the affected and those desirous of giving voice to their grievances. May I submit my report for your consideration in the expectation that it will lead to a systematic and more detailed inquiry at the hands of the Commission. I am,

Respectfully yours,


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THE FATE OF THE GUJARAT OUSTEES, NARMADA VALLEY DISPOSSESSED, HUNTED, HUMILIATED AND CAST INTO OBLIVION!

I

I have done this report at the instance of The Indian People's Tribunal on Environment and Human Rights. It is based on four meetings I had with groups of the affected people from August 24 - 25, 1994.

One of the many tragic fall-outs of the Sardar Sarovar Projects is the ruination wrought upon thousands and thousands of industrious Adivasis.

On the first day, the meetings were held at Dabhoi Nada and Dhefa. The next day, the meetings took place at Kothi and Shamshehpura villages. Having only a short time at my disposal, the large number of people wanting to be interviewed and the incessant rain, improvisations had to be made. The method adopted was to meet the affected people in groups, let them choose their spokesman or spokeswoman, record what he or she had to say and supplement this record by the impromptu but relevant versions of the others present in the group. The narrations recorded, took a great deal of time and I was fortunate in having 2 to 3 persons who, though unacquainted with short-hand, recorded the narrations at my dictation with speed and competence.

Here, I would like to make it clear that the statements were given in Gujarati, with which I am familiar, apart from it being my mother-tongue. Certain colloquialisms with which I was unfamiliar were translated for me by the activists present.

As is usual with Adivasis, they spoke with great earnestness, without fanfare and without melodrama. But the sincerity, conviction and demeanour of the speakers lent strength to the narrations. Considering my long span of nearly 38 1/2 years in the judiciary, I am convinced that all that I heard was the stark truth. If anything, it was the moderation of the speakers' tone and the choice of their words, which lent credence to the proceedings.

At Dabhoi Nada, which is a new settlement, the spokesman was Kantibhai Shankarbhai Tadv. Including him, there were representatives from 24 resettlement sites who were present at the Dabhoi Nada meeting. Many of them also made written or oral submissions before me.

Inclusive of the said Kantibhai's family, a total of 9 families from Shurpan had been re-located at Dabhoi Nada. At Shurpan, the families were engaged in cultivating their own lands, or working as farmhands. The families according to the revenue papers, possessed 2 to 7 1/2 acres of land. In reality, the acreage cultivated by many of these families came up to as many as 15 acres. The cultivators and members of their families made an attempt to supplement their earnings by hiring themselves out as manual labourers to Government departments, contractors or small traders, as and when such work was available. The wage fluctuated with the occasion and when the oustees were just leaving their villages, the wage prevalent was Rs.31/- per day. The 9 families had come to Dabhoi Nada some 5 months ago. Life in the new settlement has driven them to the verge of virtual starvation.

The tribal concept of extended families cannot be compared with that of nuclear families, or even the joint families of the plains people. Therefore, though the number of families was given out by Kantibhai as only 9, each family comprised some 6 to 65 individuals. Take the case of Kantibhai. Aged 45 years, his parents were alive, and he had 4 brothers. Each brother had a wife and 3 to 4 children. Even at Shurpan, though Kantibhai and his brothers were separate in mess, residence and work, Kantibhai maintained that they constituted one single unit.

Kantibhai and his brothers had lost their agricultural land and homes. This property had been acquired for the reservoir. Not a single one of these 9 families in the sense in which Kantibhai understood the expression, had received any compensation in cash or kind except the sites granted to them for putting up their new homes. The residential sites lost by each unit of the family covered an area of 40 x 40 feet as against the much smaller sizes they had to make do with at Dabhoi Nada.

When the families had to be moved out of Shurpan, lavish promises were made about the benefits that awaited them by way of rehabilitation. They would get land in equal measure to that lost by them. Residential sites plus material to erect spacious structures would be provided. Jobs would be given to the able-bodied males and females desirous of work, even white collar jobs for those possessing the requisite qualifications!

It must not be supposed that the 9 families were without supplements in the shape of produce or income other than that accruing from farming or manual labour. Each nuclear family owned livestock comprising 10 to 15 heads of useful animals. The milk from the milk-giving animals used to be sold and this yielded a fair income. The families also raised crops like jowar, different kinds of pulses, corn and vegetables. The next supplement came from the forest which was about 1 km. from the hamlet in which the 9 families lived. The forest was spread over 80 hectares. Forest produce in the shape of gum, leaves, food, fodder, firewood, honey, medicinal herbs and timber etc. provided each family a steady source of material required for survival. A fourth source of livelihood was the river Narmada itself, which flowed close to the village. Fish, prawns, crabs and river fruits such as water-melons and musk-melons gave the families what they required for their personal consumption, as also an income in terms of cash to provide them with clothes, utensils, and for ceremonial expenses which tribal laws dictated. Life was a struggle but each nuclear family could save tiny amounts ranging from Rs.2,000/- to Rs.5,000/- per year. The savings came in handy in lean times and also when the family expenses would increase on the occasion of feasts, marriages and deaths. Having been brought in touch with the market system, the tribals had learnt to store wealth in the form of ornaments made of precious metals usually silver. On occasion, there could be gold also. Indebtedness was virtually unknown. If the family expenses overshot their earnings, it was by small amounts not exceeding Rs.500/- per year.

The soon-to-be refugees were given a glowing picture of their future life. Their homes would be 'pukka' houses getting piped water and electricity. Until they had got a grip on their new agricultural holdings, they would get the supplies required for current consumption almost free of cost. The government would see to it that the homogeneity they had enjoyed would be preserved in their new surroundings. The new settlements would have schools and hospitals. Shurpan, which they were leaving, had a primary school, which was attended by the children of the village.

At Dabhoi Nada, life from the very inception was difficult. For cartage, each family was given Rs.1,400/-, though free transport was provided for the livestock. The flimsy nature of the new homes would be evident from the fact that none required more than 8 to 10 days to complete. The agricultural lands which they had been promised in compensation for their lost land holdings were nowhere in sight. Jobs were not available. The settlers' only recourse was to eat into their meagre savings and make distress sales of the timber which they had been able to salvage from their old homes. As for the Sardar Sarovar Project, authorities and the government, not one gentleman had cared to visit the settlement to find out how the new colony inhabitants were faring!

The new settlers had neither friends nor relatives in the vicinity. The nearest primary school, which is made of tin sheets is at a 5 to 10 minutes walking distance. Not much, one would say but this overlooks the near impossibility for small children to be able to learn and study under such inhospitable conditions.

Their new homes also are monuments of discomfort. During the summer months, the tin sheet roofs turn the premises into furnaces. During the winter, the temperatures inside are at a perilous low, thus adding to the misery of the sparsely clothed tribals, rendered incapable of acquiring warm coverlets or mattresses. There was no nearby forest or river to which the new settlers could turn to for satisfying their needs. During the monsoons, the colony becomes water-logged, muddy and slushy. This has led to an increase in illnesses. The nearest hospital is at Dabhoi, and the medical expenses of each family has gone up by about Rs.200/- to Rs.400/- as compared to the sums they were required to spend in Shurpan. Malaria, typhoid, cholera and such diseases were frequent visitors to each family. The stagnant waters which criss crossed the new settlement and its neighbourhood had become a breeding ground for swarms of mosquitoes and pests. As a consequence, people could not sit, work or sleep peacefully either in their homes or outside. The settlers have frequently sought the small favour of their area being sprayed with D.D.T. No heed has yet been paid, resulting in the manifold increase of pests and insects.

The promised twinkling electric lights to illuminate their new homes and internal roads have not come. These were to be provided free, but each family has to spend as much as Rs.30/- per month to buy kerosene for lighting wicks or lanterns. The internal roads in the settlement, as also that which connected it with the main road 1 1/2 kms. away, was a dirt track. We had to go on foot to reach the new settlement and the track was narrow, muddy and slippery. At one stage a log barely 4 inches wide had been put across to connect a distance of about 3 feet. According to Kantibhai, the Sardar Sarovar Project had deprived the adivasis of even a straight road from their houses to the main road!

Bachiben of village Vadgam testified to her plight. Her husband owned 6 acres of agricultural land in which crops like pulses and jowar etc. were raised. This yielded an income of not less than Rs.4,000/- per annum. With the agricultural income, together with supplements from the forest and milk from their cows the fairly large family of 15 individuals faced no difficulties. The family members were well nourished and properly clothed. Special occasions were duly celebrated. Their entire land holding had been taken over, rendering unemployed Bachiben's husband and 3 able-bodied sons. In return, her husband had been given 4 acres and 33 gunthas

of land. The soil of this land is inferior. There is no forest near the new home or farm. In the region nearby, there is no employment for the people. Two of her sons have been given 5 acres each of arable land. Residential sites have been allotted only to her husband and one son. The roofs of the new homes consist of tin sheets. No other building material has been provided. People residing in the new settlements of Simalia, where Bachiben has been resettled, have to draw water from the same source which served the old habitation. Water from the source is inadequate, and there is no river nearby.

Healthwise, the new settlers consider themselves unlucky. A doctor had come temporarily to the new settlement and then left. For this reason, Bachiben and the others from the new settlement have to go to Dabhoi for medical treatment. Naturally, the costs have gone up.

Narju, from Turkheda, along with 3 brothers, owned 35 acres of arable land. His brothers and he lived separately. He himself has 5 adult sons, all of them also live separately from him. His brothers also have sons. The income from 35 acres sufficed for the somewhat large family. To compensate them, his four sons and he have been awarded 5 acres of land each. Neither his brothers, nor his remaining son has received any land. Narju asserts that the compensatory land given to him at Pancholi is very good. However, no entry has been made of the allotment in the Pancholi revenue papers. Applications made to the authorities to rectify the omission have not yielded any result.

Narju is possibly the only contented person from amongst the many who appeared before me, and his small request is that a temple should be constructed at the new settlement, and the settlement be connected to the highway with a tar road. Narju wants speed-breakers in the vicinity of the new settlement because vehicles are driven at great speed. Narju's other requests are of a minor nature and from the account given by him, it would appear that he at least has come to a Utopia which would turn into a Garden of Eden with minor changes, here and there.

Laxaman Bachu, now at Golagamdi, and originally from Vadgam, earned a living through manual labour. He came to the new settlement 2 1/2 months ago. At Golagamdi, employment was scarce. Only when he got some employment could he eat two meals a day.

Pitiable as was the position of the oustees from Shurpan, the simple but observant Kantibhai had not forgotten the plight of other sufferers. According to him, thousands upon thousands have been displaced to enable the coming up of the Project. Those uprooted had suffered immensely. Gone was the clean water with which they quenched their thirst. Gone also was the abundance of the forest which provided them with supplemental food and fuel. The new settlement has 2 hand pumps to cater to 40 homes. The pumps worked during the monsoons, only if there has been adequate rain. Within a month of the monsoons ending, the pumps would go dry. One of the pumps was gushing water having a high saline content, thus rendering it unfit for drinking. The livestock which had been brought over from Shurpan had no free pasturage. Feeding cattle at Shurpan had posed no problems, for the large forest always yielded something that the animals found edible in all seasons.

Even in death, the new settlers face a problem as no plot had been set aside for cremation purposes. Two deaths had taken place since the migration from Shurpan. The mourners had

to cremate the bodies at the new settlement itself. Many residents are without jobs and some were compelled to take to burglary. Jobs were not available as the lads do not have the minimum qualification of an S.S.C.

Kantibhai warned that if early arrangements were not made to rehabilitate the refugees, they would return to Shurpan, irrespective of the consequences such a move would have. The deception practised upon them had been terrible. They would not tolerate any further callousness on the part of the government. If armed struggle was the only effective way out so be it! Why, reasoned Kantibhai, should government servants exploiting the settlers get fat salaries and allowances when their small and reasonable demands were being ignored? Why indeed !

II

At Dhefa, the persons assembled were from 12 villages which had been acquired. Almost all these villages are from Gujarat, the exceptions being Dhankhedi and Manibeli, which are in Maharashtra. The spokesman was Sakarbhai Debambhai Tadvi of village Panchmuli.

This village had 150 houses. The inhabitants, apart from owning houses in the 'basti', also owned agricultural land, the holdings ranging from 1 acre to 20 acres. There were some persons who cultivated land encroached upon and cleared by their ancestors from the forest. These so called encroachers had been regularised by the yearly grant of leases called 'Eksali'. The population of Panchmuli numbered about 1200. The cultivators grew jowar and all kinds of pulses. In the vacant land adjacent to their homes, they cultivated vegetables. From the forest near their hamlet, came gum, leaves, fuelwood, Mahuva flowers, timber, fodder and even fruits like mangoes. About 50 % of the material required by a hamlet's inhabitants for survival came from the forests. Nearly half of the villagers consume fish and got their requirements from the river nearby. The residents of 5 villages, namely Panchmuli, Zer, Khalwani, Navagam and Nimdi, were made to leave their fields and homes in the early 1980's, when the same were acquired for rock-filled dykes.

Presently, the oustees are living in Jamalgarh which is in Taluka Naswadi. The 'land for land' principle was accepted by the Gujarat Government only in 1987. The cash compensation awarded to these oustees was at the rate of Rs.4,200/- per acre in the 1980's, as per the policy prevailing at that time. This was very inadequate, considering that the average net income per cultivator was Rs.500/-per annum. Also, the prices in Jamalgarh were very high. The oustees had to pay Rs.5000/- per acre.

The Jamalgarh settlement had oustees from a number of other villages, including Vadgam. For putting up their new residences, the oustees had been granted sites measuring 3 gunthas. For some unknown reason, the local panchayat was collecting Rs.12/- per annum from each grantee. The amount, though small, appears to have excited comment because of the inexplicable nature of the toll. The absence of a forest close to Jamalgarh made it difficult for the settlers to provide fodder for their cattle. Near the new settlement is a river, and floods occur every time it rains. The floods made it difficult for the settlers to cross the river for days together. Repeated requests for the construction of a bridge had not yielded any result. Infact, at the official level, there was not even a proposal for a bridge!

The nearest hospital is at Naswadi 7 kms. away. Given the condition of the roads and non-availability of transportation, this is a distance not easy to traverse for the settlers. After primary schooling, the children have to go to Naswadi. Their straitened finances do not permit travelling by bus. Journeying on foot is not easy during the monsoons and long absenteeism is common. The new habitation is unhealthy with the result that the inhabitants were constantly in need of medical aid. A private doctor from Naswadi is a daily visitor to the new settlement at Jamalgarh. Mosquitoes and other insects make it impossible for the residents to get unbroken sleep. According to Sakarbhai, there is a drastic decline in the quality of their lifestyle as compared to what they had enjoyed in their old homes. The displaced people are now exclusively dependent on the yield from their land and wages, if and when someone engaged

them. The oustees wanted rehabilitation in the fullest physical sense, acre for acre lost of agricultural land, and foot for foot lost of residential sites. The loss of forest is sadly irreplaceable.

No cash compensation has been awarded to them for expropriated residential sites. They could not understand the reason for this discrimination vis-a-vis other oustees. On principle, the government has accepted that the villagers affected due to the rock-filled dykes, should be given benefits in retrospective effect; however, the policy has yet to be implemented.

In the settlement, were groups of boys who have passed their H.S.C. exams who are fathers. However, they are jobless and ashamed to have their poverty-stricken fathers maintain them and their children. Inferior quality land has been granted. The accesses to the new settlements are little better than dirt tracks. The minimum requirement is for a proper approach to the main road.

Some 20 oustees from those present had been rehabilitated in Dhefa. They have not been awarded the full acreage of land which they were entitled to for that which had been lost. There is no hospital in Dhefa and no government doctor comes to their settlement. No Sardar Sarovar Narmada Nigam Ltd. officials ever visited their settlement. The settlement is full of mosquitoes, whose numbers were on the increase due to stagnant water and the filth piling up.

At the settlement site of Kolu, 45 families of oustees from Vadgam and Navagam have been accommodated. Very little agricultural land has been given to these persons or their adult sons. These oustees were not informed that the Sardar Sarovar Project network of canals would be passing through the agricultural lands allotted to them. Thus their holdings have been further fragmented and the arable land available to each family reduced to a bare 2 or 3 acres.

The new settlers have not been provided with Mangalore-type tiles to roof their new homes. Their livestock have no pasture grounds and the new settlers do not have a separate cremation ground. With the construction of the branch canals in progress, the oustees would have to suffer a further reduction of their holdings. The fragmentation would make agriculture an uneconomical occupation. The revenue papers did not reflect the reduction of holdings consequent to the construction of the canals. The government had promised the oustees that bamboos and other building material for new residences would be provided free of charge. These promises were not honoured. Tin sheets for roofing had been given, but there was talk that they would have to pay for these.

Some 45 families ousted from Vadgam had been settled at Rojia. Their major sons have not been given separate lands. The recipients of land complained that the soil quality was poor. The well in the new settlement was dry. There is no common pasturage for their livestock. One of the oustees was a widow with no one to look after her and having no other means to support herself.

The other settlements were at Kankuvasana, Krishnapura and Pantalavdi. They had the same grievances as the others. From a fairly comfortable existence, they had been reduced to a bare, brutish survival. All the promises given to them about a steady and glorious future have gone unhonoured. They and their children had little to look forward to.

There are no educational or health facilities. The new settlements were not provided with piped water, roads or electricity. The oustees had been promised a minimum of 5 acres of arable land but there are many who have not yet received their five acres.

Also present before us were the oustees from Dhankhedi and Manibeli, both villages from Maharashtra. Other members of their village had been dispersed at a number of settlements with the result that the homogeneity which is a great source of security has been lost. Land said to be meant for them could not be cultivated as the previous owners prevented them from doing so; claiming that they had not received full payment for their land from the authorities. The land given to them at Parvetha was useless and unfit for cultivation. Drinking water is not available for humans or animals at Parvetha. A true valuation of house material was not carried out. They received a meagre compensation. Also, in many cases, the promised amount has not been not fully given. They felt completely cheated.

Their adult sons were without land and jobs. The mindlessness of the authorities is epitomised in the case of Govind from Vadgam. The agricultural land allotted to him was located at Kaliapura while his new residence was at Kankuvasana, the distance between the two villages being 20 kms! Govind further complained that the agricultural land given to him was very inferior and impossible to cultivate.

III

Assembled at the home of Balibehn in village Kothi of Taluka Nandod, in District Bharuch, were people residing at Kothi, Gora, Kevadia, Vaghadia, Navagam and Nimdi. Almost all the agricultural holdings of the people were acquired for the construction of the Colony at Kevadia, to house the offices, staff-quarters and the infrastructure of the Sardar Sarovar Narmada Nigam Ltd. The affected families numbered about 800. This large section of people were dependent on agriculture and ancillary occupations. When the surveyors first arrived and went about their work, they excited only curiosity. It was only later that the inhabitants were told that they would be losing their agricultural land. Operation 'Take-Over' was sudden and it resulted in the standing crops being vandalised, going neither to the cultivators nor to the Nigam. For the loss of their crops, the cultivators were sought to be pacified by giving them small sums ranging from Rs.60/- to Rs.250/-.

Pandit Nehru laid the foundation stone of the dam in 1963. Construction began, but there is no sign of the government even wanting to provide compensation. The Colony has come up in all its majestic splendour but the dispossessed have received no compensation, either in cash or in kind.

Those whose names appeared on the revenue papers (Khatedars), had been made a flat offer of Rs.36,000/-, after 30 years of struggling for their rights. The losers were not to know why each one was being given an equal sum when the extent of their holdings differed from person to person. The compensation was to be paid to only one person in the family, thereby giving rise to friction between father and son and brother and brother. The lands were lost in 1963, while talk of giving cash compensation began barely 3 years ago! Even otherwise, the offer of compensation was conditional upon the recipients moving out of their homes - lock, stock and barrel. They wanted to know where they could go to and acquire land, when the price of land had risen to as much as Rs.2,00,000/- per acre. They also wanted to know why they were not being compensated in the same manner as those whose lands had been taken over for the reservoir.

A number of dignitaries including the Chief Ministers and Ministers have visited Kevadia. None of them had granted the villagers an audience. If so, said the dispossessed, why had they come repeatedly to Kevadia? On the occasion of these visits, they stayed in the luxurious Circuit House which is built on a hillock wrenched from these citizens, by a mixture of force and fraud!

The whole area used to be infested by policemen on the occasion of visits by the dignitaries. These policemen freely used their sticks, batons and the butt-ends of their guns to push away or beat the dispossessed agitationists and their leaders. Arrests, imprisonment in crowded jails, and all kinds of atrocities were let loose upon the aggrieved people and their supporters. The deprived people were warned against playing host to the activists of the Narmada Bachao Andolan. Who, asked the agitated people, were the policemen to dictate the choice of their guests to them?

Baliben's son Suresh, aged 22 years was arrested when he was at home. When Baliben protested, the Superintendent of Police warned her to stay inside her home. The boy was ailing and Baliben warned his captors that they would be responsible if his condition worsened.

Frightened at the likely consequences, the policemen released Suresh. Initially, Baliben was wrongly described as 'Babiben' by the police who questioned everyone as to the whereabouts of the person named by them. When those questioned, truthfully answered that they knew no such person, the police abused and beat the womenfolk present.

Manjulaben, was struck on the head with a baton. As recently as June 26, 1994, a police posse visited Kothi and caught hold of a number of persons gathered there. This was the police's manner of preventing them from participating in a meeting to protest against the eviction of people residing in Vadgam! As many as 35 women, 2 males and 18 minors were taken away from Kothi. In the words of Baliben, the police came like 'gundas' at the early hour of 5 a.m. The arrested persons were woken up and forcibly taken away from their homes.

The Kothi inhabitants faced persecution from another source. This was the establishment of J.P. Associates, one of the biggest contractors engaged for executing different tasks on behalf of the Sardar Sarovar Narmada Nigam Ltd. Their trucks were to be found all over the region. Driven at a furious speed, they were a menace to the pedestrians, cyclists and other users of public roads. One of their trucks had run over a child. Another had collided with an autorickshaw, killing one of the passengers in the latter vehicle. The infuriated spectators set fire to the truck involved in the killing. Its driver fled. The retaliation devised by the establishment of J.P. Associates was to come back with 8 to 10 jeeps and truckloads of goons, escorted for some distance even by the police. They rushed into the homes of the inhabitants of Kevadia village. Their huts and belongings were broken. People from the village on the roads and even those in their homes were given a merciless beating.

Kanchan, from Kothi, was returning from duty, when he was beaten up and spirited away to the establishment's camp at the dam site. It was the good offices of Dineshbhai, which resulted in the release of the injured Kanchan. No compensation has been awarded for the broken homes and broken bones! Ofcourse, the guilty have yet to be made to pay for their crimes!

True cases filed had been countered with false cases. The aggrieved had to go right up to the High Court to get basic justice. This compelled J.P. Associates to make attempts at a compromise. Kanchan worked as a Clerk in Kevadia Colony. His superiors and the police had tried to bring pressure on him to withdraw his complaint. He had refused to succumb. This refusal was met by a fresh beating inflicted on him. Realising that Kanchan's continuance at Kevadia acted as a symbol of the suffering imposed upon the dispossessed, the powers that be, had him transferred to Gandhinagar. The suffering imposed on Kanchan had impaired his hearing and made him dependent on medicines. When Kanchan's near and dear ones protested by raising their voices, the police retaliated by arresting a large number of persons who were taken in four buses to prison. The magistrate before whom they were produced, directed their release on personal bonds. Till date, no action has been taken against the guilty ones.

Visiting politicians, the most prominent being Babubhai Jasubhai Patel, Minister of the Narmada Projects, never had the time or the inclination to listen to the aggrieved persons. The people had to face difficulties all the way. First it was difficult for them to approach the Circuit House because of policemen obstructing them at every turn. Next, they would not be allowed to even approach the visiting ministers on the ground that only one delegate of theirs was to be

permitted to go up to him. When the processionists pointed out that they wanted to hear what the Minister said, the policemen used sticks and the butt-ends of their guns to push them about. 8 to 10 persons were beaten and they included Ambaben, Raijibhai and Manubhai.

Manubhai was only 16 to 17 years old. His injuries were serious and he had to be taken for treatment to the District Hospital at Baroda. Ordinary skiagrams did not suffice and the special type required cost the poor family Rs.800/-. Manubhai had to give up schooling, for his brain had been damaged. At times, he behaved like a mad man. Eventually, a delegation of 5 persons met the Minister who heard them out but did not say a word.

The assembled persons complained of the dam site being visited by corrupt politicians and policemen, all coming and staying in great style. On the other side was the spectacle of poor adivasis growing poorer by the day!

Baliben spoke of a meeting addressed by the late Chimanbhai Patel. On that occasion, he promised to give compensation in cash and kind to those who had lost their lands and to see that they also received an adequate employment. This was to come about if he gained power. If he lost, he promised to join the agitation of the suffering people wholeheartedly. Chimanbhai won the electoral battle and later died. Not even a part of the promised relief had found its way to the affected persons.

The Gujarat government brought the full strength of the MLAs in the State Assembly to view the dam-site. Rightly guaging that the affected persons would make an effort to reach the elected representatives, the police cordoned off the region. When the affected people protested, they were arrested and driven away to Garudeshwar, which is 4 kms. away from Kevadia Colony. They were released in the evening. With a view to quell the raised voices of protest, prohibitory orders under section 144 of the Criminal Procedure Code were passed. In fact, such orders are a permanent feature in the region. Till about 6 months ago, 'The Official Secrets Act' of 1923 was applied. This Act is basically applicable in war zones and is rarely applied in non-war zones. The sufferers shifted the venue of their protest against the application of this Act to Bhadarva of Baroda District. They were arrested on their return to Garudeshwar. Even the visiting lawyers of the agitationists who had come from Ahmedabad were arrested and taken to Rajpipla. The return journey was tragic, for half way, the police vans were stopped and the persons released. The released persons were forced to trudge the remaining distance of 22 to 25 kms. on foot. That there was no justification for declaring the region a prohibited area, was affirmed very recently by the Gujarat High Court.

Those whose lands had been acquired for the Colony purposes were not treated as 'Project Affected Persons' (P.A.P.s). For those who lost their land, no compensation was given or even offered. A bare 5% of those losing lands had been provided with jobs by the government. The remaining 95% had been reduced to working as beasts of burden, for that is what it came to, while loading and unloading cement in Vaghadia. The occupation itself gave rise to incessant coughing. A large number of those engaged in this occupation contracted Tuberculosis and died. The employment fetches a very small income of barely Rs.5/- per day. This amount is grossly inadequate and not even the stipulated minimum wage. The workers are unable to support themselves let alone their dependents on this income. A large number of persons had migrated to places as far away as Surat and Ahmedabad, in search of a livelihood.

Children could not be retained in school with the steep decline in incomes. The ailing adivasis had to be further humiliated and this last kick was administered by those who are said to be governed by the Hippocratic Oath. Amongst the doctors at the government hospitals, barring one or two, the rest did not even allow an ailing adivasi to come anywhere near them. They look upon the adivasi patients as pests who kept on visiting government hospitals for no reason. A once independent and confident people have been reduced to a state where their womenfolk had to work as domestic servants at the Kevadia Colony.

Jasuben had lost 65 acres of land. She was called to the Circuit House to be told that she would be given Rs.12,000/- more than the standard sum of Rs.36,000/- provided she also vacated her residence. Jasuben declined, saying that the sum offered could get her neither agricultural land nor a site for her residence. Whatever little remained appeared to be in danger of being lost when the Garudeshwar Weir would come up. Those assembled were indignant that the government did not treat them as P.A.P.s. They did not see how they were different from those whose land had been lost for the reservoir. The affected persons could see no reason for refusing the status of P.A.P.s to those whose lands had been lost for putting up the colonies, creation of weirs, land to which catchment area treatment was to be given, canals, compensatory afforestation, formation of Ilets, sanctuaries, power-houses etc. They also could not see why affected fisherfolk, shopkeepers, artisans etc. should not be treated as P.A.P.s. The people were indignant that they had to lose their valuable lands for the construction of luxurious offices, staff-quarters and Circuit Houses for pleasure loving politicians, officers and visitors. They wanted to know where was justice - reducing them to beggary whilst the politicians and big officers lived in splendour! Residents of the villages whose agricultural land had been lost, complained that they and their cattle had been left to fend for themselves, whereas the staff at the Nigam and the J.P. Associates enjoyed a comfortable existence. According to them, the contractors and government servants were even making ill-gotten gains through the afforestation programme. Those engaged in planting saplings were entitled to receive a particular sum. Barely half the saplings were planted while the rest were thrown away. However, when it came to collecting money for the work, false documents were created and full sums collected!

IV

At Shamsherpura were assembled representatives of those residing in villages spread over an area of 20 kms. from the Canal Head i.e. the beginning of the main canal. These people spoke through their spokesmen Devajibhai of Gargui, Manekbhai of Shamsherpura, Bhaijibhai of Undwa, Gordhanbhai of Songaon, Bhanabhai of Khaparia, Kuber of Jharakli and Mohanbhai of Shamsherpura. They had been affected by the canal. The status of 'Project Affected Persons' had not been conferred on those who had lost their lands consequent to the construction of the canal.

Generally, the compensation to these cultivators ranged from Rs.2,800/- to Rs.4,200/-. The people wanted to know what could be done with this measly sum, when a single buffalo costs as much as Rs.10,000/-. They complained about the meagreness of the sum given to them, when compared to the rate of Rs.22,500/- to Rs.40,000/- per acre given to those who had lands at Bodeli, Dabhoi, etc. Land was being acquired and irrespective of whether it went into the core sector or for the erection of a canal, the affected persons deserved equal treatment. They felt that the paltry sum offered to them reflected a distorted sense of justice when it came to dealing with matters regarding compensation for the adivasi farmers.

In the old settlement at Shamsherpura and elsewhere, had come persons who were landless. No compensation had been offered. In fact, no canal affected person is to be given land. In Shamsherpura, the people were not even given plots for housing. Those who had lost land for the construction of the main canal were left with fragments and pieces. Access to these fragments from the new settlement was not easy due to the intervening canal. An easy solution lay in the construction of an over-bridge. At most of the places, such a bridge had not come up. There were cases of bridges having commenced but left incomplete. The settlement had no arrangements for the supply of water or electricity. Internal roads are little better than patches of sand and stones piled up without any sense of alignment or evenness. No heed has been paid to the repeated requests for carrying out repairs. Canal affected oustees are denied land to compensate them for the land they have lost with the construction of the canal.

For the shifting of the salvage of their old structures from the old to the new settlements, no transport was provided. Grown up sons were not provided jobs. No compensation had been granted for the wells and trees lost by the oustees. The oustees were not left in peace even while being shifted from the old 'basti' to the new settlements. Sighting logs of fuel wood and timber, the staff of the Forest Department came running to recover fines and penalties from the dispossessed!

People from Undwa, whose lands had been taken over for the canal, were given compensation at Rs.4,000/- per acre. Apart from the value being grossly underestimated, the oustees complained of not being treated like the other P.A.P.s, and thus being deprived of land, livestock and compensation which the others had received. From the small compensation awarded, deductions had been made against loans outstanding from those who had borrowed money to dig wells! The affected persons wanted to know how they could start a new life with the small sums left in their hands. What was not understandable was that it was the destroyer of an improvement on the land, recovering the loan advanced, when it was in the first place the very agency responsible for the destruction.

From the core area, those who lost their residential sites had been awarded a compensation upto Rs.10,000/- per structure, described as a plinth area by the narrators. The people of Undwa had not been granted compensation in cash for the loss of their plinth areas. Similarly, no compensation had been awarded to them for the wells and trees - even for the fruit bearing trees they had lost. The people said that even an acre of irrigated land could help an oustee to survive. But how could a person survive, if having lost all land, no land was given unto him?

28 cultivators of Undwa, each required to maintain large families had lost almost all their land. Bhajikaka's case was peculiarly poignant. Of his holding, 17 out of 19 acres had been acquired. He was left with 2 acres, and would lose them also, after construction of the branch canal.

Songaon had 45 cultivators who had lost most of their agricultural holdings. Three residences were also taken over. This area was acquired for the construction of the canal, and the compensation had been assessed at the rate of Rs.2,800/- per acre. The people complained that the government had dared to award this measly rate because of the assumption that lands in adivasi villages, not being marketable, were valueless! No compensation had been given for trees. However the government had not forgotten to adjust loan outstandings from the compensation payable. The acquisition was so haphazard, that one cultivator's holding had been fragmented into three pieces. It was uneconomic to continue tilling the fragments. Some 6 persons had become virtually landless.

Eleven Adivasi cultivators of Jharakli had to suffer the loss of their lands for the canal. Compensation was assessed at Rs.4,000/- per acre. No compensation was offered for wells and trees. That the rate was paltry was evident from cultivators in the adjacent village of Khodia, who had been awarded compensation at the rate of Rs.22,000/- per acre.

Five adivasi cultivators of Nagadpur Kothi, lost their lands to the canal. The compensation awarded to them ranged from Rs.2,200/- to Rs.4,000/- per acre. According to the aggrieved persons, they should have been given compensation at the prevalent rate of Rs. 22,000/- to Rs.32,000/- per acre.

The construction of the Main Canal had some unforeseen consequences. Even flow of rain water is impeded by the construction of the canal and now causes water logging which has also led to an increase in the incidence of disease amongst the people. Farming in areas close by is adversely affected. Those who have lost lands in the Main Canal, stand to lose more when the Branch Canals come up. The new settlement of Nagadpur, is separated from the arable 178 acres by the canal. The cry for a bridge to negotiate the distance has fallen on deaf ears. Assurances given by the authorities to provide jobs to the landless and to adult sons of cultivators have not been honoured.

Fifteen Adivasi cultivators of Khaparia were awarded compensation at Rs.3,200/- per acre. This included the price for the 5 sweet water wells in the village. The compensation amount was inadequate. One of the residents complained of his home likely to be affected by the erection of a bridge close to his house. He also said that no compensation had been given for the fruit bearing trees in the compound of Bhanabhai.

Kashiram lost 2 acres of agricultural land which was taken over for the canal. The compensation assessed was Rs.500/- and the entire amount had been adjusted against a loan said to be outstanding by him. The correct price of the 2 acres could not have been as low as Rs.500/- seeing that the person was growing 2 crops per year, each crop yielding produce totalling 40 to 50 'maunds' (each maund is equivalent 20 Kgs.). The rate prevailing at the time of acquisition, was Rs.60/- to Rs.70/- per maund, for the crop.

Mohanbhai lost 30 to 31 acres of land on which was one well and 235 trees of teak, neem etc. One more piece of land was sure to be lost for the erection of a bridge expected to come up near the canal. No compensation had been given to Mohanbhai for the well and trees. The flow of rain water had been affected because of the construction of the canal, possibly due to a mis-alignment. As a result, 10 to 15 homes used to be inundated. Waterlogging has made mobility increasingly difficult.

The narrators complained that promises made by the government about employment for their children had not been honoured. The compensation for the loss of the standing crop at the time of taking possession was as good as nothing.

A great fear entertained by the relocated persons was that when the water from the reservoir was released to the Main Canal it would give rise to waterlogging, causing quagmires and an increase in the salinity of the soil.

To protest against the step-motherly treatment accorded to them, the Adivasi farmers began a peaceful 'padyatra'. One of the many obstacles they faced was an assembly of Patel Patidars, led by the late Chimanbhai Patel's brother. His objection was to the 'padyatris' daring to go through Chimanbhai's village! A prohibitory order u/s 144 Cr.P.C. was clamped. The spokesman felt that rights available to citizens in a democracy were being denied to them, because they were Adivasis. The telling comment was that in the eyes of justice, they did not even exist!

Having summarised the testimony given by the four groups through their different representatives, it is time now to make an appraisal. The first point to make is that from the hundreds who appeared before me, there was only one person who professed satisfaction at the compensation received. The Nigam, though requested to depute its representatives to give their version, did not respond. Even if Narju's version is accepted, it is not possible to hold that other affected persons are testifying falsely; glamourising their past lives and exaggerating their present difficulties. Neither can it be believed that those complaining have squandered the compensation received, or lack in thrift or prudence to make way with assets given to them by way of compensation.

Admitting that displacement, irrespective of whether it be voluntary or otherwise, is traumatic, it yet must be pointed out that the Narmada oustees have undergone a terrible ordeal. No matter whether the land has been lost in the reservoir, construction of the canals, colonies or what-so-ever, none of the oustees are free from a feeling that they have been cheated, looted and humiliated. Many have spoken of the discrimination between people identically situated. There has been great arbitrariness in the assessing of compensation.

The new settlements lack basic amenities like negotiable roads, not to speak of piped water supply, electricity, schools and hospitals. The small holdings awarded by way of compensation to those whose lands have been acquired for reservoir does not take into cognizance the quality of the soil and the supplements received by the oustees from the proximity of forests and a river vis-a-vis the old habitations. As one of the activists of the Narmada Bachao Andolan, Arundhati Dhuru, rightly said, "An Adivasi draws sustenance not only from arable land but also the forest and the river." The herd of animals which every Adivasi family owned stands in danger of being lost forever, as there is no pasturage available in the new settlements. With the livestock vanishing, an important source of food/cash income to the families will disappear. Manual or mental labour as a new source of income is virtually absent. I have heard the heartbreaking account of the displaced farmers of Kothi, who have been reduced to coughing T.B. patients in the vocation of manual labourers, loading and unloading cement. Even this alternative is not always available, and where and when it is available, yields a pittance.

Many of the consequences of the project appear not to have been foreseen or to put it more correctly, consciously ignored. Else there would not be the patent discrimination as noticed between the owners of the land acquired for the reservoir and lands lost in the main and branch canals, colonies etc. The activists of the Narmada Bachao Andolan point out that there will be a further encroachment resulting from the areas being acquired for a sanctuary, compensatory afforestation, national park, weirs, power projects, catchment area treatment, percolation tanks, etc. With the passage of time, more and more categories of affected and displaced persons will come to light. The resultant suffering is almost incalculable at this stage.

The downstream consequences will have to be faced by the 210 villages in the shape of flash floods and loss of fishing facilities presently enjoyed by as many as 10,000 families who depend upon fishing for a living. The increased salinity due to sea water ingress, will affect areas as far away as the cities of Ankleshwar and Bharuch.

Detriment to the environment should not be shrugged off as an elitist fad. The degradation of the environment will have serious long term consequences on the survival and quality of human life, availability of food and drinking water, health, incomes and security of the populations far beyond the command area and its vicinity.

The dry lands of Saurashtra and Kutch region will get only slight relief, if any, as is clear from the command area map furnished by the government itself. The major beneficiaries appear to be a few well-to-do cultivators and possibly the industries and inhabitants of areas from the districts of Ahmedabad, Baroda and Kheda. For so small a benefit, so many have suffered and many more will join the long army of sufferers if proper steps are not taken to mitigate the grievances of those already affected and those bound to suffer in the future.

It is unjust that about 80% of the water flowing from the project will be utilised to enhance the profits of the farmers intent upon raising cash crops like sugarcane and tobacco. This, according to the experts, will be the only way to meet the cost/benefit ratio. What is worse, waterlogging on account of irrigation for such cash crops, will lead to an increase in the degradation of the soil, consequent to an increase in salinity. Intensive irrigation which will be an irresistible attraction to the agriculturalists will lead to a further degradation of the soil.

A disturbing feature of the affair is the repression let loose on the affected people and their supporters. The measures taken and strategies adopted to confront the agitationists range from annoying surveillance to downright hooliganism. The affected people are arrested at any time. Their homes are invaded at unearthly hours. Their children and womenfolk are pushed about and insulted as if they are cattle. Taken in buses to distant places, they are left in jungles and lonely roads to make their way to their homes in the best way they can. Abused, followed, beaten up and confined by the establishment of J.P. Associates, they have no redressal against this terror. For minor favours they are compelled to go right to the High Court. Judicial verdicts proclaiming respect for the law and decency have no effect at the ground level, for no sooner is one injustice remedied, another is inflicted on the hapless people by the powers that be. Surely the affected people have a right to assemble peacefully, give vent to their grievances, take out processions and attempt to meet their elected representatives - Ministers and M.L.A.'s to put forth their point of view. The people come unarmed. Those officials visiting the dam site to refresh their tired minds, can surely give a small portion of their leisure to hearing the woes of the victims of this so called development.

One fails to understand why there should be prohibitory orders in force in the region at every conceivable occasion. As one of the aggrieved tribals put it, 'Are the constitutional freedoms unavailable to them because they are tribals?' If indiscriminate arrests, beatings, confinements and prohibitory orders do not cease, the victims may be tempted to take to arms and add to the troubles faced by an already beleaguered nation.

The Gujarat government and protagonists of the Narmada Projects have misled the people of Gujarat and those of Gujarati origin elsewhere, into believing that the State, in particular the dry regions of Kutch and Saurashtra are going to be transformed into lands flowing with milk and honey. On a closer examination, the claim is substantially false particularly in the economic,

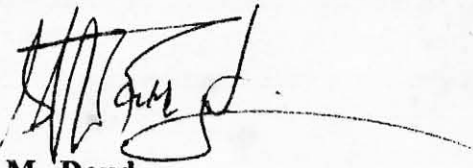
political, social, environmental and administrative areas. The truth is that the Sardar Sarovar Projects have ruined a large number and that many more await the same fate in the not too distant future.

What one cannot understand is the insistence on going ahead with the project in rigid adherence to the Narmada Water Disputes Tribunal - sanctioned technicalities, regardless of the many flaws that are now too evident to be ignored. Proposals to reduce the dam's height, to be more open to schemes for modification and responsive to the pleas for a more compassionate approach to rehabilitation - all these pleas and many more evoke either derision or silence. The most authoritative in the series of indictments has come from the Report of the Independent Review carried out on behalf of the World Bank. M/s Morse and Berger in their letter to the President of the World Bank, (The letter is in the nature of a preface to the Report) observes thus:-

"Important assumptions upon which the Projects are based are now questionable or are known to be unfounded. Environmental and social trade-offs have been made and continue to be made, without a full understanding of the consequences. As a result, benefits tend to be overstated, while social and environmental costs are frequently understated. Assertions have been substituted for analysis."

The unfortunate part of the whole affair is that the Policy of Resettlement and Rehabilitation is yet not final. This aspect of provisionalisation is on account of the magnitude of the whole project. One would have expected that the powers that be, should have thought out every single mile to be affected before venturing into the practical implementation. The scale of displacement and the consequent suffering in the states of Gujarat, Maharashtra and Madhya Pradesh are immense. What are the efforts of the authorities to minimise this? The thousands to be affected will create further problems. If ten years have led to deprivation on so major a scale, what will the future bring? Possibly ruin, disaster and calamities on a national scale!

To this may be added the comment that a calculated attempt is being made to shout down the protesters and drive out the affected people and their sympathisers from the vicinity of those determined to use their powerful perches to perpetuate monstrosities. There is yet time to retrace steps from the road to the precipice. Apart from a change in the Project to lessen the totality of the displacement and the consequential disaster, there is an urgent need to examine the plight of the oustees and devise an instant and effective relief for them.


S. M. Daud

For further details to support the IPT write to:

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The Indian People's Tribunal (IPT)

The IPT was formally launched on June 5, 1993, World Environment Day, at the *Workshop on Environment and the Law held at Bangalore*. The IPT will focus its attention on the survival and ideological issues being thrown up by people's groups throughout the country. It's secretariat is funded by such groups.

OBJECTIVES:

1. TO HIGHLIGHT THE IMPERATIVES OF EQUITY AND HUMAN DIGNITY IN THE SEARCH FOR TRUE DEVELOPMENT AND PROVIDE AN ALTERNATIVE VISION FOR THE BENEFIT OF OUR JUDICIARY, by interpreting existing legislation and documents such as the Constitution of India in a manner that protects individual and collective environmental and social rights, particularly those of adivasis and dalits — rather than the convenience of the establishment.
2. TO HIGHLIGHT THE ENVIRONMENTAL AND HUMAN RIGHTS ABUSES being perpetrated on communities and individuals by the ruling elite in pursuance of unsustainable 'development' objectives.
3. TO ENCOURAGE VICTIM COMMUNITIES TO FIGHT FOR THEIR RIGHTS by empowering them with information... putting them in touch with legal counsel... and presenting them with test cases against which they can evaluate their own varied circumstances.
4. TO SENSITISE PUBLIC OPINION through the media to the fact that issues of environment and human rights are inextricably linked.
5. TO HIGHLIGHT THE CONNECTIONS BETWEEN UNSUSTAINABLE CONSUMPTION PATTERNS AND DEGRADATION; so as to awaken the public to the fact that the spirit and letter of the law are often violated by vested interests to achieve their financial and consumerist ambitions. Needless to add, the IPT will also serve to network groups around the country.