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Despite SC Intervention, Those Displaced By Sardar Sarovar Dam Project Struggle With Uncertainty

BY [NIKITA AGARWAL](#) ON [15/07/2017](#) • [3 COMMENTS](#)

Resettlement and rehabilitation packages are being provided in an exclusionary and ham-handed manner, leaving out those who need it the most.



The Sardar Sarovar dam. Credit: PTI

In the wake of newspapers reporting the shutting down of gates of the Sardar Sarovar Project, several people displaced from the Narmada Valley during its construction made their way to the Indore bench of the Madhya Pradesh high court. These people expressed their discontent with the rehabilitation sites allotted to them and articulated serious lapses in implementation of the Supreme Court order (<http://www.reuters.com/article/india-landrights-court-idUSL5N1FV1LE>) dated February 8, 2017 which ordered the state to provide adequate cash package, in addition to bringing up the unavailability of basic amenities at the resettlement sites.

Advocate Tushar Mehta, representing the Narmada Control Authority (NCA), in response spoke of the crores of rupees spent on this large project and urged the court to recognise the sensitivity of the government. He alleged that this case was been filed with *mala fide* intent on the part of the displaced and opened his hands wide while declaring, “The facts speak for themselves”.

There are several facts which speak for themselves in this case: almost 40,000 families are being forced to evacuate their land at

the behest of an ideology which serves to destroy rather than build. For the last 32 years, the people of the Narmada Valley have stood strong, refusing to bow down to this destruction. They have negotiated with the government through policy changes, judicial processes and protests, all backed by the Gandhian ideology of non-violence. The decision of the state to invoke the National Security Act, which sanctions heavy police powers and grants impunity to arrest any protestor to collectors, on June 1, 2017 is an attempt to stifle the voices of these 40,000 families, whose land is under siege.

As several newspapers start to carry front-page advertisements celebrating the completion of the Sardar Sarovar Project, they fail to mention how the project has failed farmers in Madhya Pradesh, Maharashtra and Gujarat. Irrigable, fertile and cultivable land in MP and Maharashtra has been snatched from many farmers in the name of providing water to irrigate the drought-prone Kutch region, but in reality the underdeveloped canal system has been misappropriated to irrigate the treasuries of large MNCs

(<http://indianexpress.com/article/business/companies/narmada-waters-to-fuel-coca-colas-new-bottling-plant-at-sanand/>) such as Coca Cola.

Changing definitions of submergence

There are also thousands of families residing in the Narmada Valley in Madhya Pradesh, a large number whom belong to Scheduled Caste groups and are small farmers, who are refusing to move, for they have nowhere to go to. Several families are facing submergence but have been completely exempted from the list of the displaced . Many of them have land that has come under a '*tapu*' – which means the land is now an island. Bridges connecting these islands to the rest of the world are still to be constructed. Several families have not been surveyed and many have been exempted from backwater-level submergence through a vicious game of numbers.

The backwater levels – or the water that splashes backwards from the water stored in the dam reservoir – were decreased by a technical sub-group formed by the NCA, by ‘revising’ rather than ‘reviewing’ them, as was the mandate in 2006. These levels were revised through a new projection of the maximum water level of the dam. The Narmada Waters Dispute Tribunal Award (NWDTA) had fixed the maximum water level 141.21 metres, but the backwater levels were revised on the basis of a maximum water level of 137.21 metres. This led to approximately 16,000 families being declared as out of submergence. Backwater level submergence areas are entitled to resettlement as any occurrence of flood could cause untold damage to houses, kill cattle and poultry, and render children, the elderly or infirm and pregnant women particularly vulnerable.



Rally and aam sabha of Narmada Bachao Andolan in Manawar on June 20, 2017.

Credit: Nikita Agarwal

Land was thus acquired using the name of backwater level submergence, but despite the state providing an undertaking

to return the land of families who were declared out of backwater submergence, none of the land was returned. Some of these persons have shifted to new plots, a few powerful families have procured large houses. But the ones who remain confused and uninformed, and are still suffering the most, are primarily the most marginalised like the landless, women, widows and tribals.

On June 27, 2017, the sub-divisional magistrate Manawar visited the village Ekalwara. He was aghast to see that the recent backwater levels markings drawn on all sides of the village indicated that the entire village would be under backwater submergence, despite a significant part of the village having been declared to be out of submergence under the new definition. The SDM, a new appointee in the region, expressed helplessness at his inability to help the villagers, who were anguished by the thought of impending floods dispossessing them of the bare minimum they possess. The memory of floods in the Ghazipur district

(<http://timesofindia.indiatimes.com/home/As-many-as-13-villages-were-flooded-in-Ghazipur-following-floods-in-Ganga-Gomti-and-Karmnasha-rivers-which-pass-through-the-district-Rising-water-level-of-Yamuna-marooned-several-villages-in-Gautam-Budh-Nagar-and-Mathura-/articleshow/20689674.cms>) in 2012 and

2013s, where the water came almost till the backwater level even though the rain was not extravagant, haunts Ekalwara, even though it has been declared to be out of backwater submergence levels. Internationally, backwater levels are computed on the basis of the last 1,000 years' floods but in the Sardar Sarovar Project, the backwater level is being arbitrarily computed on the basis of the highest flood in 100 years – the flood in 1971.

For a farmer, his or her land is the primary source of sustenance. When the farmer in question is marginal, the dependency on the land is greater, as is their vulnerability when the land in question becomes a subject matter of dispute. Bearing in mind the specific vulnerabilities of such farmers, the Madhya

Pradesh government, while unilaterally and arbitrarily amending the rehabilitation policy to effectively exclude those whose lands are acquired for the purpose of construction of rehabilitation also as displaced persons entitled to rehabilitation, inserted a proviso to the policy saying that the land of small and marginal farmers, Scheduled Tribes and Scheduled Castes would not be acquired for this purpose as far as possible. Even if land was acquired from such persons, it would be ensured that each of the landholders in the family (includes adult sons, unmarried daughters and landholding daughters) would get a minimum of two hectares of land each of their choice as compensation.

Ignoring Supreme Court orders on resettlement and rehabilitation

The NWDTA puts the burden of rehabilitation entirely on the state of Gujarat, holding Gujarat liable to resettle and rehabilitate all displaced persons. In case the displaced prefer to stay in Madhya Pradesh, Gujarat is supposed to pay for their resettlement and rehabilitation. Post the amendment in the backwater submergence level, the Gujarat government has conveniently shirked its responsibilities, transferring the entire burden on to the farmers in Madhya Pradesh, many of them belonging to SC and ST communities, with little or no land left to cultivate. Several of these persons have filed claims in the grievance redressal authority, which has recognised resettlement and rehabilitation, and NWDTA entitlements to those who received the notice for land acquisition prior to the 2001. However, the authority has demonstrated confusion about whether persons who have received notices in lieu of such acquisition post 2001 are entitled to rehabilitation or to benefits of the tribunal award.

The Supreme Court Order dated February 8, 2017, clearly mandates the state to provide habitable resettlement options, with drinking

water, drainage, sewerage, primary medical facilities, cattle grazing land and schools, as per the NWDTA. No such facilities are present in the rehabilitation sites which have so far been constructed. Many sites have been allotted on black cotton-growing soil, which is difficult to level and construct on. There is no land provided for grazing cattle; the black soil does not facilitate even wild grass to grow. Some of the land is in a ditch and water from above will flow into the site. There are no proper roads, no drainage facilities, no sewage and, to top it all off, no provisions for water. The house plots allotted to the displaced persons are ridiculously far from their agricultural land and the resettlement sites either have tin sheds to accommodate the project-affected families or a meagre sum has been extended to families for house construction.



Activists from the Narmada Bachao Andolan protesting against the Sardar Sarovar project and the displacement it caused. Credit: PTI/Files

The Supreme Court order clearly mentions that 681 families are entitled to the final package of Rs 60 lakh per two hectares, in lieu of two hectares of cultivable irrigable land as per the NWDTA. However, the 60 lakh package has been extended only to 663 families, on the grounds that the remaining families are not

available. Until now, no complete list of the 681 families, the 663 families or the remaining 18 families has been provided.

The Supreme Court has, furthermore, gone into the calculations of how much money would suffice to enable affected families to purchase land and has fixed the sum of Rs 30 lakh/hectare.

Accordingly, it has arrived at the sum of Rs 60 lakh as the settlement for those entitled to two hectares of land, which is the minimum entitlement. The spirit of the judgement is clear – land in return for land or a sum of money creating the capacity to purchase the same amount of land. However, all families, regardless of the amount of land that has been acquired, are being given the Rs 60-lakh package as a blanket settlement, even if the land they gave up was more than two hectares.

Women who are widow mothers, minors and wives have been deemed to be dependants of the male head of the family as per the otherwise-progressive resettlement policy. Unmarried daughter who were majors on the date when the notice of land acquisition was issued have been deemed entitled to a separate landholding title of two hectare, as are landholding women, even if they are widow mothers, minors or wives. However, the rights of landholding women have been severely compromised even after a clear direction from the high court to provide to uphold the policy. Ninety-five percent of applications of such women are pending with the grievance redressal authority, on the pretext that the Narmada Valley Development Authority is going to file a case or has filed an appeal in the high court against the rights of the few women who actually have a landholding title. The grievance redressal authority has decided it would rather sit on these cases and reinforce the idea that women are ‘dependents’ and their property rights are not to be taken seriously.

Potters, fisherfolk and other landless people will, in all probability,



Narmada Bachao Andolan rally in Dhar on June 27, 2017

lose their livelihood and the cultural and economic systems that have until now sustained and nourished them. No alternative livelihood to prevent their destitution has been planned, going against the order of the Supreme Court in 1993. Those persons who have been living in the forests and other lands without a title for years have been provided rights under the doctrine of 'adverse possession' in the resettlement policy, but this entitlement is yet to find a just translation in the Valley as hundreds of such families are being coerced into leaving without any rights being ensured to them.

The Supreme Court on February 8 instructed the displaced persons to approach the grievance redressal authority in case of any trouble.

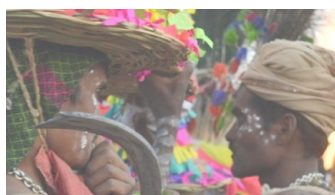
It has also laid down a solid timeline – all land in return for land (through the cash package) was to be provided by March 8, 2017, the resettlement and rehabilitation work was to be completed by May 8, 2017 and the project-affected families were allowed to be evacuated by force only after July 31, 2017. On June 13, there were a total of 6,752 cases pending before the grievance redressal authority. The estimate is that presently, the number has risen to about 8,000 cases. The entire Valley stands at the brink of drowning. The facts really do speak for themselves.

Nikita Agarwal is an advocate with the Jagdalpur Legal Aid Group.

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Amitabha Basu • 2 days ago

The people displaced by this dam project are sharing the same tragic fate as those displaced by many such dam projects over the past decades. Little or no compensation to the affected poor farmers and forest dwellers, while most of the water is redirected to large farms or big industries and the electric power generated from the dams goes to benefit big industries rather than electrifying villages or providing power to small and middle farmers for running their pumps for irrigation. An infamous example of the use of water from the Sardar Sarovar Dam project is to fill a short stretch of the Sabarmati river in Ahmedabad for 'beautification', while farmers in Saurashtra and elsewhere are thirsting for the water.

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alok asthana • 2 days ago

Nothing new in Indian state victimizing the poor. The whole game plan of the rich of India, and its 'investment friendly climate' has been steadily built on these severe injustices. A day will come soon when the dam of anger of the poor will burst and seep away the rich with it. I give it another 10 years.

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