

DAM REFUGEES

SUBMERGING PEOPLE

[An Independent People's Tribunal (IPT) led by Hon'ble Justice (Retd.) A P Shah (Retired Chief Justice, Delhi and Mumbai High Court), Dr Devinder Sharma (International Researcher and Agriculture Policy Analyst) and Prof Jaya Sagade (Faculty, Indian Law Society, Law College, Pune) concluded their two-day visit and mass public hearing in the Sardar Sarovar Project (SSP) affected region in Narmada valley. The Tribunal released its report on 23-24 June, 2010 at Bhopal. Following are some excerpts :]

The public hearing was attended by about a thousand people, representing the two-lakh displaced people by SSP alone in the three states of Madhya Pradesh, Maharashtra and Gujarat. Having heard the hundreds of people in their villages and at the hearing in Badwani, the People's Tribunal was shocked to note as to how the Narmada Control Authority (NCA) and the Narmada Valley Development Authority (NVDA) can state that there are 0 families who are to receive rehabilitation, when in fact, in village after village, hundreds of people welcomed the Tribunal and demonstrated to them as to how the full community life is on; with houses, panchayat bhavans, schools, temples, masjids, trees etc.

The Panel of eminent persons was in the Narmada Valley as part of the Independent People's Tribunal on Environment and Human Rights, which is a national network of over 500 judges, lawyers, human rights activists and people's organizations facilitating fair and independent investigations into cases of gross human rights and environmental violations of socio-economically marginalized communities.

Amongst other things, some of the main Terms of Reference of the Panel was to hear the concerned parties (affected people, State, Narmada Andolan) and make its observations on :

- Whether raising the height of the SSP dam beyond the present height of 122 mts is consistent with law, policy and Supreme Court judgements, when gross non-compliance on the rehabilitation, environmental measures is established and the entire scenario of costs and benefits of the project is in doldrums?
- Whether the canal-network of Indira Sagar and Omkareshwar canals should be reviewed to exclude the irrigated river-bank villages, minimize displacement and save the best of agricultural land and can the land acquisition and excavation of canals proceed any further without the full plans, complete data and guaranteeing full rehabilitation?

Panel visits SSP-affected villages in Nimad : Paper Rehabilitation exposed. The Tribunal visited the canal-affected villages of Pandhania (Dhara-mpuri Tehsil) and Mandil (Rajpur Tehsil) where the Justice Shah and other panel members saw for themselves the cruel juxtaposition of the prime irrigated lands and also huge portion of lands excavated and destroyed. The people requested the Tribunal to opine as to why their well-irrigated lands in the river-bank villages should be destroyed for the sake of the massive canal network? They also brought to the Panel's notice the numerous illegalities in the process of land acquisition such as forced signatures on 'consent letters' and appealed that the Madhya Pradesh Government has a constitutional duty to save their best agricultural land and minimize displacement, which is also the mandate of the National Rehabilitation policy and the directive of the Hon'ble MP High Court.

After being welcomed at Anjad, the Panel moved into the Sardar Sarovar submergence affected villages of Pipri where it saw the full community life in swing, while not even a handful of families have shifted to the R&R site for village Pipri. The falsity and claims of

'rehabilitation' were clear before the members of the Tribunal. Shantabehen and Sajjaniji narrated the history of violations at Pipri village and asserted that they shall part with their loves, but not with their lands. In the adivasi village of Pichhodi, hundreds of women and men demonstrated to Justice Shah and others as to how they were betrayed again and again and the State miserably and deliberately failed in purchasing and providing cultivable, irrigable and suitable agricultural land (with house plots) to the PAFs who have been affected from 90 mts. In virtually every village, people, led by the women, questioned with anger and pain, "We are agriculturist and nature-based communities. A few thousand rupees cannot feed our families and sustain our livelihood for a lifetime nor can it kill our entire-river valley culture. When the State cannot give us land and livelihood, it has no right to displace and submerge us".

Welcoming the Tribunal with 'Mashaal Juloos', hundreds of people in Chilakda village, which is affected at 95 mts exposed the fake claims of rehabilitation and pointed out as to how corruption has crept into the entire R&R process with at least 2,000 fake registries unearthed and crores of rupees wasted due to corruption in allotment of house plots and livelihood grants and payment of compensation to ineligible persona and properties etc. When people are punished for even a single comment on any judge or judgement, how and why is the State, which has been committing gross contempt of the Supreme Court's judgements not punished? Are the Courts not concerned about contempt of their judgments when it concerns the rights of thousands and thousands of marginalized people, questioned Bhagirath of Chikalda. The Tribunal received similar response in villages such as Khaparkheda, Kadmal, Nisarpur etc. where the people asserted that the MP Government is ready to submerge the people, without land, without rehabilitation.

Hundreds of persons affected by the Sardar Sarovar Project including the hilly adivasis from Alirajpur and Bhadal who have lost their lands since early 90s, but have not been guaranteed land and livelihood based rehabilitation, farmers of Nimad who have a right to agricultural land and house plots, but have been betrayed by the state government due to the massive corruption of crores of rupees and fish workers and potters whose only source of livelihood is the river and river bank land deposed before the Tribunal, pouring out their woes and seeking implementation of the Tribunal Award, Rehabilitation policy and the Court's judgements.

"The State has always pushed the dam ahead, by cheating us with false promises and looting us with fake assurances of rehabilitation", stated Bava Mahariya. After all these years, the Madhya Pradesh Government has not exhibited the political will to purchase and offer a single inch of private agricultural land and establish rehabilitation villages while it has thousands of acres of land for SEZs, companies and religious institutions.

Noorji Padvi and many other adivasis from the submergence-affected villages of Maharashtra also deposed before the Tribunal and asserted that there were still hundreds of families in the state awaiting rehabilitation, while corruption in the land purchases ways only on the rise.

Adivasis and farmers affected by the Indira Sagar and Omkareshwar canals who are already living with good agriculture in the irrigated river-bank villages, their lands being destroyed due to the massive canals, also deposed before the Tribunal and strongly demanded that their agricultural lands must be saved, at any cost. Adivasis affected by Jobat Project in Alirajpur district also presented their case before the Tribunal and sought full rehabilitation as per the Policy.

Along with the people, activists also deposed and brought to the Panel's notice other pressing issues such as gross non-compliance on various environmental measures and asked as to why the dam and canal works should not be stopped, as recommended by the Devender Pandey Expert Committee. Rohan from *Kalpvrksh*, Pune, Rehmat from Mathan

Adhyayan Kendra, Badwani and Vimalbhai from Matu Jan Sanghathan, Delhi presented the poor state of environmental compliance in Narmada and other large dams and stated the issue of environmental impacts, as a critical issue linked with people's lives, must be fully considered by the Tribunal.

When the Project has failed to deliver the promised benefits of irrigation, drinking water and power at the present height, why not freeze the dam at the present height? How and why should the communities in the Narmada valley face further submergence, people questioned. At the end of the hearing, it became amply clear to the Tribunal that the whole process of R&R has been derailed and corrupted due to the encashment. If anyone has benefited, it is the officials and the touts and not the people.

The Tribunal also received hundreds of individual applications from the dam and canal oustees who stated their grievances of poor to nil rehabilitation. Despite the officials of NCA and NVDA having been invited in advance, it is unfortunate that none of the officials from either of the Authorities deposed before the Tribunal. This once again, re-affirms people's position that neither does the State have answers to their questions nor to offer in rehabilitation.

Having visited the villages and heard the people, the Tribunal members expressed their pain and shock at gross non-compliance on various rehabilitation and environmental measures and stated that they will very shortly bring out their Report on the reality of rehabilitation in the Narmada valley vis-à-vis the provision and promises in the Narmada Tribunal Award, Rehabilitation Policy, Supreme Court's Judgements and Action Plans. □□□