

# **WITHOUT LAND OR LIVELIHOOD**

*The Indira Sagar Dam: State Accountability and Rehabilitation Issues*

**Report of the Independent People's Commission**

**October 2004**

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## THE COMMISSION AND THE REPORT

*In August 2004, the National Campaign for People's Right to Information constituted an independent people's commission to investigate the present situation of displacement, resettlement, relief and rehabilitation, in the villages and towns affected and submerged as a result of the Indira Sagar Pariyojana multipurpose project (alternatively, the Narmada Sagar Dam) in western India, and those that are due to submerge in the future.*

*The two person commission (henceforth referred to as 'People's Commission' or 'Commission') was convened by **Naresh C. Saxena**, Member of the National Advisory Council of the Government of India and former Secretary of the Planning Commission of India, and is comprised of **Angana P. Chatterji**, Associate Professor of Social and Cultural Anthropology, California Institute of Integral Studies, and **Harsh Mander**, Member, National Campaign for People's Right to Information and Right to Food Campaign.*

*Dr. Chatterji and Mr. Mander undertook a visit to the areas affected by the Indira Sagar Pariyojana in Khandwa district in Madhya Pradesh in early August of 2004. During that time, Dr. Chatterji and Mr. Mander attended 7 public hearings across Khandwa district, in Bangarda, Barud, Bhavarali, Chanera, Harsud, Kala Patha and Purni. The public hearings were organized by local people, independent organizations and the Narmada Bachao Andolan (Save the Narmada Movement).*

*At the public hearings Commission members (henceforth referred to as 'we') met with approximately 1,400 people from diverse caste and tribal groups of varying gender, class, age and ability, and religious affiliations. The people who attended the public hearings were residents of one town, 11 villages and 6 resettlement sites. Town -- Harsud; Villages -- Ambakhal, Balladi, Borkheda, Bhavarali, Chikli, Dabri, Jalwa, Jhabgaon, Jhingadhad, Khudia Mal, Purni; Resettlement sites -- Bangarda, Barud, Bedani, Borkheda Kala, Chanera, Kala Patha. Additionally, in attendance at the hearings were people originally from Abhera, Gulas, Jabgaon and Nagpur -- places that are now submerged. At the hearings people offered testimonials of their experience of displacement, resettlement and rehabilitation and narrated the human rights violations that have taken and are taking place connected to the Indira Sagar Pariyojana.*

*The testimonials and documentary evidence offered during the Commission's visit to Khandwa district, as well as case studies and surveys conducted prior to and following the visit, and relevant government and Supreme Court records and documents form the evidentiary basis of this report. These documents have been referenced, as necessary, in the text and in footnotes. When using testimonials in the report, as appropriate, quotations are anonymous or pseudonyms have been used and place names listed or omitted at the request of the contributor. Insertion(s) within [ ] have been added in the quotes as necessary.*

*The Commission thanks all individuals and organizations that have contributed to and enabled the report. This report, authored by members of the Commission, will be presented to the Prime Ministers' Office and the National Advisory Council, and will be made available to the public, translated into relevant languages. The purpose of this report is to focus attention on the injustices in displacement, resettlement and rehabilitation taking place due to the Indira Sagar Pariyojana and to make recommendations for restorative justice. This report confines its observations to the situation of displacement, resettlement and rehabilitation of persons affected or to be affected by the Indira Sagar Pariyojana, even while it refers to other areas of malfunction within the project. The first section of the report lists the recommendations of the Commission while ensuing sections further detail the reasons and examples upon which these recommendations are premised.*

*The benchmarks relied upon include principles of human rights and justice, the Narmada Water Disputes Tribunal Award, the Rehabilitation Policy of the Government of Madhya Pradesh, the reports of the Union Ministry of Environment and Forests, the orders of the Supreme Court of India, and judicial rulings. The report does not seek to offer generic benchmarks for resettlement and rehabilitation, purport to justify large dams, or support and sanction displacement connected to large-scale development. The recommendations of the Commission address issues of those affected by the Indira Sagar Pariyojana, even as the reality of social suffering and ecological devastation, and the failures of the state in the construction of the Indira Sagar Dam must inform all continuing, new and proposed projects both on the Narmada River and elsewhere.*

**RECOMMENDATIONS**

*"They stood there, the guards, and ordered me to tear down my home. It felt  
like my bones were breaking."*

Sunder Bai, Harsud, August 2004

*"We are like waste to the government. You do not rehabilitate waste, you  
bury it. Our town and souls are being buried. We have appealed to the  
government, to the courts, to the country. Our pleas are thrown away. We are  
left to decay as this development proceeds. Our futures are drowned out."*

Atma Ram, Harsud, August 2004

*"We are living out our days, focused on survival. The Narmada gave us life.  
They have turned her against us."*

Parbati Bai, Chanera, August 2004

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Significant research demonstrates that large dams incur considerably more costs than benefits, and it has been amply confirmed that the social and ecological damage that results from large dams is prohibitive and disproportionately borne by marginalized peoples and cultures (see section entitled 'Introduction and Context'). This Commission finds the Indira Sagar Pariyojana in Khandwa district in Madhya Pradesh to be no exception.

In India, the state remains intent on building large dams even as other nations undertake to progressively decommission them. The Indira Sagar Dam, according to government documents, will fully submerge 69 villages and partially submerge between 180-186 villages. It is important to note that the state habitually differentiates between partially and fully submerging villages to deemphasize the scope of displacement and state responsibilities to affected peoples. Typically, in time, most partially submerged villages are either fully submerged or rendered uninhabitable. Therefore, for purposes of this report, we will withhold such differentiation.

The Indira Sagar Pariyojana is one of the 30 large dams in the Narmada Valley and part of the Narmada Valley Development Project. The Indira Sagar Pariyojana is administered by the

Narmada Valley Development Authority (known as the NVDA) of the Government of Madhya Pradesh, implemented by the Narmada Hydroelectric Development Corporation (known as the NHDC), formed on 16 May 2000 and incorporated as a private company on 01 August 2000, as a joint venture of the National Hydroelectric Power Corporation (a Government of India enterprise founded in 1975 and known as the NHPC) and the Government of Madhya Pradesh, and monitored by the Narmada Control Authority (known as the NCA).

We note that the human rights record of both the Narmada Valley Development Authority and the National Hydroelectric Power Corporation reflects a history of egregious neglect and misconduct. From all accounts, the National Hydroelectric Power Corporation, and through it the Narmada Hydroelectric Development Corporation, have been given de facto powers to act as feudal policing authorities in the Indira Sagar Project, sanctioned by the Government of Madhya Pradesh, with complete and paternalistic jurisdiction over the life and finances of project affected and displaced persons, including the involuntary acquisition of their lands. The Government of Madhya Pradesh, through its actions and, in other instances, its failure to act, has been complicitous in human rights violations. This has been compounded by the government's refusal to insure the participation of marginalized peoples in decision-making related to the Indira Sagar Dam, and the myriad issues of its development and implementation.

We note with grave concern the magnitude of state mistreatment and the grievances recorded by citizens during the Commission's visit to Khandwa district. The investigations of the People's Commission confirm that local project, state and central authorities, and the corporations they have endowed, have been negligent with regard to their administrative, legal and moral responsibilities to project affected persons in crucial ways. As a result, they have inflicted a significant measure of avoidable human and social suffering. This is primarily the result of the failures of government agencies to adhere to the letter and spirit of the Narmada Water Disputes Tribunal Award (known as the NWDTA), the 1987 Rehabilitation Policy of the Government of Madhya Pradesh, and internationally accepted norms and standards for displaced peoples.

Through the Commission's investigations, including a visit to the town of Harsud, neighbouring villages and resettlement sites in Khandwa district, we were witness to the extent of devastating and forcible displacement, and the absence of adequate resettlement, rehabilitation and livelihood opportunities. We find that the manner in which laws and policies are being implemented and the apparatuses of law and order are being deployed violates the rights

guaranteed under existing laws and policies. In particular, the development of the Indira Sagar Project denies the right to life and livelihood as mandated by Article 21 of the Indian Constitution.

We find that the Narmada Water Disputes Tribunal Award, mandating rehabilitation of all impacted families one year prior to submergence and land-for-land rehabilitation for land owning families that stand to lose more than 25 percent of their lands, has been systematically contravened. We find that the existing principle of providing land-for-land compensation for project affected peoples, required by the 1987 Rehabilitation Policy of the Government of Madhya Pradesh has been deliberately violated. Most people have not been made aware of this provision, and those who are, have still been denied due compensation.

The Commission notes that the legal framework for land acquisition by the state is decidedly prejudiced against the citizen, and requires urgent amendment to include democratic process and the institutionalization in law of principles of social justice. Laws that currently prevail call for vital revision as they permit the non-consensual and even deceitful land acquisition and unilateral state action, and contain few safeguards in defence of the rights of the people.

The Commission finds that the provisions for resettlement and rehabilitation in the Indira Sagar Pariyojana are inadequate and that even these inadequate provisions have been violated. We find that the promise of elusive and future benefits for the 'greater good' fails to justify the infliction of present torment on the marginalized.

We charge that the Indian state must make certain that the intersections of development, modernization and industrialization intrinsic to nation building in the 21st century ensure the cultural survival of adivasi (tribal peoples), dalit (erstwhile 'untouchable' caste groups), and peasant communities.

Based on our findings we recommend that the Government of Madhya Pradesh treat the situation in the Indira Sagar Project at par with a natural disaster and act expeditiously to address the injustices perpetrated on displaced and project affected persons.

Acknowledging the gravity and enormity of social suffering, we urge that the following recommendations be acted upon immediately:

**Dispossession and Rehabilitation:**

1. We note that government records state that the Indira Sagar Pariyojana is scheduled to displace 30,739 families and 80,572 people located in the state of Madhya Pradesh, based on the 1981 census. It is important to point to a factual incongruity, in that 30,739 families would approximate an average of 1,75,212 people, at an average of 5.7 members to each household, rather than 80,572 people (each family unit is considered a 'household'). Further, we note that the number of displaced does not correspond with the number of project affected. If the records were to reflect, without prejudice, *all* people, landed and landless, who are displaced and adversely impacted by the dam, the number of project affected people would increase substantially. We recommend that an accurate census of all affected and displaced people be undertaken by the relevant authorities, in a transparent manner and monitored by independent bodies, and that resettlement and rehabilitation processes be amended to include *all* affected people.
2. We recommend that no further displacement in the remaining villages be permitted until all project affected persons are guaranteed housing and gainful employment. We note that the only acceptable way in which this may occur in an agrarian economy is by implementing a 'land-for-land' policy. We recommend that the 1987 Rehabilitation Policy of the Government of Madhya Pradesh be amended to allow for land compensation to the landless, ensuring the eligibility and assured access of all cultivators, including landless workers, to housing and cultivable agricultural land. We recommend that a number of people who own small patches of land and are *de facto* landless labourers not be treated as landowners. We note that if a land-for-land policy for all were implemented, this would ensure that *all* rural oustees (those evicted and displaced), the landed, small farmers and the landless, cultivators and/or agricultural and other labourers, would find reemployment in their traditional vocations in the post-resettlement phase.
3. We find that the Government of Madhya Pradesh has not included numerous categories of affected persons in defining who has access to rehabilitation and what form it should take, even while, in some instances, their inclusion is stipulated by the government's own policies. We note that numerous categories of displaced persons are not accounted for in

- determining rehabilitation, including, but not limited to, those displaced due to the construction of the canals and the relocation of the railway tracks, those that are dependent on the river for navigation and sand, those who cultivate portions of the riverbed in non-monsoon months, as well as those that would be affected in the downstream areas, and recommend that they be included. We find that the single women, married women staying in their natal villages with their husbands, divorcees, widows, sex workers, the elderly and the disabled, deserted persons, families dependent on forests and living on what the state defines as forest and/or revenue encroachments, and other marginalized groups, are being excluded from rehabilitation processes, and recommend that they be fully included. We recommend that each adult son and unmarried adult daughter be counted as separate family, that women be listed as co-title holders to new land, and that wage labourers be provided livelihood opportunities. We recommend that socially marginalized communities such as Muslims be actively included in assessing displacement and providing rehabilitation. We recommend that certain groups, including, but not limited to, fisher folk (primarily from *Kevat* and *Kahar* castes) be accorded rehabilitation, and that people engaged in certain occupations, including, but not limited to, tailors, cycle shop owners and paan (betel leaf) shop owners be considered landless labourers, and that seasonal migrants be included in compensatory schemes. We recommend that submerged and impacted land owned by the government be assessed for the livelihood resources that these lands provided the disenfranchised, and the users/affected be compensated for such losses. We recommend that all project affected persons who do not own homes be included in rehabilitation and each oustee family be given a house plot. Further, we recommend that the resettlement sites be established in such a way as to settle the village as a unit, and with all basic amenities and infrastructure.
4. We recommend that the Government of Madhya Pradesh amend a distinction that is not recognized by the Narmada Water Disputes Tribunal Award, between families affected by the Full Reservoir Level (FRL) and Maximum Water Level (MWL), whereby the Government of Madhya Pradesh is acquiring only residential lands of those at the Maximum Water Level and lands between Full Reservoir Level and Maximum Water Level have not been acquired, and are in the process of submergence without landowners being compensated.

5. We recommend that the Government of India set up a one-person commission immediately, with S. C. Behar, former Chief Secretary, Government of Madhya Pradesh, as the member. This Behar Commission should be empowered to look into all existing and anticipated problems related to displacement, dispossession, resettlement and rehabilitation, including, but not limited to, those listed in this report and faced by people whose lands, livelihoods and/or homes are adversely affected by the Indira Sagar Project, to determine retributive and restorative measures, both retroactively and with regard to the impending submergence.
6. We recommend that the water levels not be allowed to further rise till these problems and grievances are adequately resolved, and it is confirmed by the Behar Commission that proper rehabilitation has been accomplished in conformity with the Narmada Water Disputes Tribunal Award, the 1987 Rehabilitation Policy of the Government of Madhya Pradesh, and the orders of the Supreme Court according to the Writ Petition (Civil) No. 1201/1990, with any relevant amendments.

**Displacement:**

7. We find that the vast displacement undertaken during the current monsoons further multiplies human suffering. We recommend that all future displacements in the rainy season should be stopped forthwith and people be relocated only after the monsoons have ceased.
8. We note that some people and communities are subjected to multiple displacements. We note that Section 4 notices under the Land Acquisition Act of 1894 are routinely issued a few months prior to displacement to people who often have little information about the totality of, or specific areas demarcated for, submergence. Numerous families displaced in an earlier phase of the submergence have utilized the entire sum of compensation they received to build homes and resettle their families in new villages that are assigned for submergence in a later phase of the Indira Sagar Project, subjecting these people to multiple displacements. Further, we note with grave concern that in August 2004, two women and a young man sought to commit suicide by consuming pesticides after police attempted to evict them from resettlement sites (see section entitled 'Land Acquisition and Compensation'). We recommend that the Government of Madhya Pradesh not be active or complicit in fostering multiple displacements, and make reparations in instances

where they have occurred. We recommend that these reparations be determined through a public and participatory process involving the affected persons and/or community.

**Compensation:**

9. We recommend that the Government of Madhya Pradesh assume responsibility to modify the rehabilitation package to ensure that: the base rates for calculating compensation for land match current market rates and conform to the registration rates for the year in which Section 12 notices under the Land Acquisition Act were issued, and not those of 1997-98, as is being currently practiced; the base rates must be for *irrigated* land, as project affected persons are entitled to irrigated land under the directives of the Narmada Water Disputes Tribunal Award and the 1987 Rehabilitation Policy of the Government of Madhya Pradesh; and the minimum rehabilitation package be designated at 2 hectares even if the oustee family owns or previously owned less land in the submergence zone.
  
10. We note that through the 'Special Rehabilitation Package' introduced in 1999, the Government of Madhya Pradesh is permitting the disbursement of cash compensation in lieu of land. Further, the Special Rehabilitation Grant agreement, as signed by the oustees, states that the grant of cash compensation is made in lieu of land, and that oustees, in accepting the Special Rehabilitation Grant, relinquish their entitlement to land. We find this to be duplicitous and recommend that land be made integral to the compensatory regime, and that monetary compensation be allocated only in special instances on the submission of a written application and with the explicit, and free, and informed consent of all members of the oustee family as mandated by the 1987 Rehabilitation Policy of the Government of Madhya Pradesh. Further, we recommend that oustees may not be given cash without verification and certification by the district collector that cash disbursement will not adversely affect the interests of the family. We recommend that cash compensation may be awarded only in retroactive cases, where land has been purchased with individual funds.
  
11. We find that the compensation rates have been determined at levels that do not enable people to purchase alternative agricultural land. We observed that the market price of irrigated land in, for example, the adjacent command area (in Harda) is between Rupees (Rs.) 80,000 and Rs. 1,00,000 per acre, whereas the declared compensation is Rs. 60,000 per acre for irrigated land and Rs. 40,000 per acre for unirrigated land. We note that the

- compensation offered to landless labourers and small and marginal farmers do not enable them to purchase alternative agricultural land. Neither does the compensation make possible the purchase of land for larger landowners, nor often the purchase of houses. We recommend that the government acquire cultivable private land as necessary in the command area. We recommend that the Government of Madhya Pradesh constitute a Purchase Committee to acquire agricultural lands for farmers as per their choice, in accordance with the 1987 Rehabilitation Policy of the Government of Madhya Pradesh.
12. We note that the compensation process is hampered because compensation is paid in instalments, for which there is no legal basis or justification. We recommend that compensation be paid in a single instalment. We urge that injustice and corruption, in both the calculation and distribution of compensation, be remedied and effectively prevented in the future by making the entire process transparent and participative. Further, we recommend that the National Hydroelectric Power Corporation, the Narmada Hydroelectric Development Corporation, and state agencies such as banks not be empowered and authorized to subtract outstanding loans from compensation amounts, without the explicit consent of project affected persons. We recommend that people not be penalized for being poor and be allowed to access compensation monies as these funds arrive at the bank.
  13. We recommend that the state make allowances for communities and cultures that operate on the basis of oral traditions and different understandings of land ownership and that do not have access to modern infrastructure. We note that disputes over land titles are often unresolved, and must not form the basis for depriving landowners of due compensation.
  14. We find that the '*Sauda Chitthi*' device (agreement to sell) under which 50 percent of the compensation amount is paid in cash and the project affected farmer is asked to enter into a purchase agreement for the land of her/his choice anywhere in the state of Madhya Pradesh, is a process by which the government has in effect absolved itself of the responsibility of identifying and purchasing land for the farmers. We note that the use of *Sauda Chitthi* is legally unsound and detrimental to the interests of the people and recommend that this practise be abandoned.

**Resettlement:**

15. We recommend that resettlement be undertaken through processes that are communitarian when the resettlement concerns people whose lives are organized in family and community, in order to support cultural integrity, political and spiritual survival.
  
16. We note that the process of resettlement and rehabilitation in the 85 villages that have been submerged between 2002-03 has been fundamentally flawed and that resettlement and rehabilitation is yet to take place in the 32 villages that are scheduled for submergence in 2004. Further, we note that oustees from 17 villages, whose homes and lands were submerged this year, even as these lands were not due for submergence at 245.17 metres, are also awaiting resettlement and rehabilitation. We recommend that these affected people be resettled and rehabilitated immediately, and that past and current grievances be addressed.

**Rehabilitation and Project Construction:**

17. We recommend that the 132-138 villages yet to be submerged be rehabilitated prior to the completion of the dam, even if it requires halting construction. In so doing, we urge that the state respect the linkages between dam construction, resettlement and rehabilitation, and act in compliance with the stipulations prescribed by the Supreme Court Writ Petition (Civil) No. 1201/1990. We note that while construction of 4 of the 20 gates has been completed, the state might consider available options, such as dismantling the existing gates as was undertaken in the case of the Man Dam, and keeping them open until the rehabilitation process is complete. We note that the construction and closing of the remaining 16 gates will result in the flooding of 132-138 villages, and recommend that such construction follow only *if and after* rehabilitation is completed. Further, we recommend that the construction of the remaining gates be assessed in relation to the impact of the 2004 monsoons on the Narmada Valley projects, particularly the Indira Sagar Pariyojana and the Sardar Sarovar Dam.

**Social Health:**

18. We note with grave concern that on 26 December 2003 a dalit community member committed suicide on account of his son not receiving compensation for his house (see section entitled 'Land Acquisition and Compensation'). We note with apprehension that

such actions bear testimony to the compromised conditions of social and psychological health of the community and advocate that the state take appropriate and compassionate action. We observe that extensive trauma has been experienced by displaced people and recommend that a taskforce of trained professionals experienced in such matters and acceptable to the local communities be set up to conduct an evaluation, with the participation of the community, to determine the psychological and social health of the community. We urge that the recommendations of the taskforce be acted upon in ways that are culturally respectful and take into account social and gender differences.

**Resettlement Sites:**

19. We note that people are being forcibly resettled in resettlement areas without minimal facilities of clean drinking water, health care, electricity, sewerage, drainage, primary education, roads and crematoriums. Such neglect contravenes humanitarian principles, and the explicit injunctions of the Supreme Court Writ Petition (Civil) No. 1201/1990 that resettlement be *completed* in all respects *at least* six months in advance of any likely submergence. We recommend that this be strictly adhered to in the future, transparently organized and supervised, and that it impact decision-making in the present to ensure that rehabilitation occurs in ways that allow for culturally and economically sustainable communities. We recommend that in all existing resettlements sites, the Government of Madhya Pradesh prioritize making available adequate facilities for clean drinking water, health care, electricity, sewerage, drainage, primary education, roads and crematoriums, and ensure that these facilities are operating. In addition, we note that the oustees are often unable to fully relocate their livestock and recommend that adequate stalls are provided and grazing lands demarcated.
20. We note with grave concern that the failure of the authorities to take minimum safety precautions has resulted in fatal accidents, among them a dalit landless worker who was electrocuted by a live electrical wire outside his home (see section entitled 'State Impunity: Displacement and Dispossession'). We recommend that the relevant authorities provide minimum standards of safety in daily life and that an assessment of damages due to existing conditions be undertaken and reparations made.
21. We note that project affected persons are currently forced to live in extremely unhealthy conditions. In Chanera, the resettlement site demarcated into nine sectors and known as

'New Harsud', people are forced to use unsanitary and insufficient water, and to use open fields as latrines, leading to outbreaks of chronic gastrointestinal diseases. We found that a disproportionate number of children were unremittingly sick, and that the local Primary Health Care Centre and the hospital facility in New Harsud are inadequate in providing outpatient and inpatient facilities including insufficient staff and beds, and operating and treatment equipment. We recommend that this be remedied immediately and adequate medical staff and provisions be provided to healthcare facilities, and mobile water trucks and medical units that are free of charge be commissioned to travel throughout the affected areas.

**Livelihood:**

22. We note that there is no livelihood planning in the resettlement sites. Further, we find that many who are affluent among the displaced are moving to Indore, Gwalior, Bhopal, Udaipur and other places. The resettlement camps are therefore primarily populated by the economically marginalized, constituted primarily of disenfranchised caste and adivasi groups, and lower income families from other communities. This reconfigured stratification allows authorities to dismiss the concerns of the economically disadvantaged in a society steeped in caste and class discrimination. We recommend that in the short run, an employment guarantee programme be undertaken in all resettlement sites on a year round basis for a minimum of three years. We recommend that all people who seek employment through manual labour in public works be provided employment throughout the year.
  
23. We note that the work currently undertaken to develop the nine resettlement sectors in Chanera uses migrant labour without also offering employment opportunities for the newly arrived oustees. We recommend that this practise be amended to include the newly arrived oustees.

**Law and Order:**

24. We advocate that police brutality in relation to the process of displacement, resettlement and rehabilitation, which is prevalent, be acknowledged and stopped. We recommend that prosecution of such acts occur through the judicial process.

**Education:**

25. We note that approximately 25 percent of school going children in Harsud and nearby areas have discontinued their education after displacement (see section entitled 'State Impunity: Displacement and Dispossession'). We recommend that education facilities be constructed immediately and the appropriate staff hired. We recommend that schooling packages be made available to all children in the submergence zone at no cost, along with support for books and other materials during the next five years. Further, we advocate that education be carefully monitored to minimize attrition and ensure quality.

**State Accountability:**

26. We find that the Government of Madhya Pradesh has abandoned its responsibilities toward ensuring the rights of the dam affected peoples, transferring them instead to the Narmada Hydroelectric Development Corporation, an interested and for-profit entity that is motivated to acquire land in the least time and at minimal cost. In so doing, the state has, in effect, been negligent in its legal and ethical responsibilities, producing a conflict of interest and thereby compromising the interests of the people. We caution that the agency entrusted with the construction of the dam cannot ethically be entrusted with the implementation of resettlement and rehabilitation. We therefore recommend that there be a transparent and deliberate separation of power.

27. We recommend that the Rehabilitation Subgroup and Environment Subgroup of the Narmada Control Authority be given the charge of monitoring the resettlement and rehabilitation arrangements, and ensuring the prompt and full rehabilitation of all project affected persons.

28. We recommend that a White Paper be drafted to allow for public disclosure on the status of displacement and social rehabilitation, deforestation and compensatory forestation and other environmental rehabilitation. We recommend that the White Paper detail the villages and populations that are already affected and submerged, as well as villages impacted or scheduled for submergence, and record the full and exact height of the dam and the status of construction.

29. We recommend that the Government of India authorize a Central Bureau of Investigation inquiry to scrutinize the conditions under which the dam height was raised to 245.17

- meters without undertaking and completing the necessary arrangements for the resettlement and rehabilitation of those affected at that level. We recommend that this inquiry investigate the fiscal irregularities, charges of corruption and extortion, and financial mismanagement prevalent in the determination and disbursement of rehabilitation.
30. We recommend that monitoring mechanisms be instated to ensure that resettlement and rehabilitation processes are undertaken in ways that are transparent, principled, and in accordance with the law. We recommend that the rehabilitation procedure involve and operate with the consent of project affected peoples.
31. We recommend that all awards, measurement procedures and *ganana patras* (measurement books) be made public.

**Sectoral Assessments:**

32. We note that it is apparent from our investigations that other arenas such as the environmental and power components of the Indira Sagar Pariyojana require careful scrutiny. While it is not within the scope of this Commission to undertake such assessments, we recommend that such assessments be undertaken expeditiously through transparent procedures, and that the findings be made public and acted upon.

In conclusion, we find that vast human rights abuses have taken place and that the Government of Madhya Pradesh in the construction of the Indira Sagar Pariyojana has perpetrated indefensible social, political and economic injustices on the people of the Narmada Valley. Affected people across cultures, classes and genders continue to endure conditions that are dehumanizing and cruel in a context bereft of processes allowing an acknowledgement of the enormity of the decimation and resources necessary to heal from it. It is of particular concern that poor and disenfranchised people are treated with contempt by the state, as groups to whom the nation is not accountable. The violence of the everyday experienced by individuals and communities is incomprehensible, as brutality and oppression are administered through the state's mistreatment of the affected. These injustices also highlight the severe and existing hierarchies of caste, tribe, religion and gender in the state, and compound social suffering and cultural violence in the name of development.

## INTRODUCTION AND CONTEXT

*“They [government officials] said we were getting in the way of their building the dam. They said we did not know what is for our own good. Look at me. I have no home, no water to bathe my body, no food to give my child. My husband travels looking for mazdoori [wage labour], he is often sick. There are no forests here in which children can play, or for firewood, for roots to cook. Us women, we try to make a life. Biji [sister],<sup>1</sup> it is very hard. Sometimes I think it would be easier to drown, easier if my children were not born. Yesterday the water tanker was to come and bring us water. It did not come. I have no water at home. My son has fever and he keeps crying. There is no doctor here. I have to walk 5-6 kilometres to see him [doctor] and by the time I can get away, it is almost dark and I am afraid. We were getting in the way of the dam, they say. What good has the dam done?”*

Dalit Woman, Bhavarali, August 2004

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The Indira Sagar Pariyojana is one of the 30 large dams in the Narmada Valley and part of the Narmada Valley Development Project administered by the Narmada Valley Development Authority (known as the NVDA) of the Government of Madhya Pradesh. The Narmada project was first broached in the 19th century. In October 1969, the Government of India constituted the Narmada Water Disputes Tribunal (known as the NWDT) to adjudicate interstate water disputes. In 1979, the Narmada Water Disputes Tribunal gave its Award (known as the NWDTA), mandating rehabilitation of all impacted families *at least* one year prior to submergence. The Narmada Water Disputes Tribunal Award specifically directs land-for-land rehabilitation for land owning families that stand to lose more than 25 percent of their lands.

The Narmada Control Authority (known as the NCA) was assembled in December 1980, under the orders of the Narmada Water Disputes Tribunal as a mechanism for monitoring its directives. The Narmada Valley Development Plan, formulated in the late 1980s, determined that the Narmada River, extending 1,312 kilometres through the west-central states of Gujarat, Madhya Pradesh and Maharashtra, and its tributaries, would be the site of 30 large, 135 medium

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<sup>1</sup> As told to Angana Chatterji.

and 3,000 small dams. These dams, if constructed, will reconstitute the river into a series of lakes.<sup>2</sup>

The Indira Sagar Pariyojana is being implemented by the Narmada Hydroelectric Development Corporation (known as the NHDC), formed on 16 May 2000 and incorporated as a private company on 01 August 2000, as a joint venture of the central National Hydroelectric Power Corporation (a Government of India enterprise founded in 1975 and known as the NHPC) and the Government of Madhya Pradesh. The Memorandum of Understanding signed in May 2000 by the Government of Madhya Pradesh and the National Hydroelectric Power Corporation declared that the Indira Sagar Pariyojana would be built as a joint venture project between these two parties. The National Hydroelectric Power Corporation is the majority shareholder with 51 percent equity in the project and the Government of Madhya Pradesh is the second shareholder with 49 percent equity.<sup>3</sup>

### **Indira Sagar Pariyojana: History and Present Concerns**

Construction of the Indira Sagar Pariyojana began in 1984. The dam is being built on the Narmada River, approximately 10 kilometres from Punasa village, in Khandwa district in western Madhya Pradesh. Beginning in 1985, the Government of Madhya Pradesh failed to negotiate a loan from the World Bank. In 1987, the Ministry of Environment and Forests in New Delhi gave conditional environmental clearance to the Indira Sagar and Sardar Sarovar Projects. In 1999, the Government of Madhya Pradesh halted construction temporarily and agreed to a review of the project in response to a 21-day fast by affected people and Narmada Bachao Andolan activists.<sup>4</sup> The review was never undertaken.

The dam when completed will stand at a height of 92 metres from the foundation. The height of the dam will be at 262.19 metres above sea level. In January 2003, the Government of Madhya Pradesh gave permission for the dam height to be raised to 238 meters. In September 2003, the Government of Madhya Pradesh gave permission for the height of the dam to be raised

<sup>2</sup> Friends of the River Narmada (2004). See URL (consulted September 2004): <http://www.narmada.org/nvdp.dams/>

<sup>3</sup> As stated in the Memorandum of Understanding between National Hydroelectric Power Corporation and the Government of Madhya Pradesh, drafted between the Government of Madhya Pradesh and the National Hydroelectric Power Corporation on 16 May 2000 in New Delhi.

<sup>4</sup> Since 1985, through the Narmada Bachao Andolan, adivasi and peasant communities, and other activists in the Narmada Valley have been contesting the inequities of land alienation, displacement, resettlement and rehabilitation experienced by project affected people.

to the current elevation of 245.17 meters. In April 2004, the National Hydroelectric Power Corporation commissioned the installation of 20 radial crest gates measuring 17.2 metres, the completion of which will raise the height of the dam to 262.19 metres.

Thus far, four radial gates have been constructed. From our investigations, we were able to ascertain that there are two sluices in this dam at an approximate height of 220 metres. One sluice has been blocked and the other is manipulated for the release of waters. The length of the dam is 815 metres. The Full Reservoir Level of the dam is 262.13 metres and the Maximum Water Level is 263.35 metres.

In November 2003, one sluice gate was blocked and the diversion tunnel was closed to commence impoundment. In December 2003, when the Bharatiya Janata Party government assumed power in the state of Madhya Pradesh, the height of the dam was at 238 meters. The new government proceeded with construction without seeking a review of the construction process.

After the closing of the sluice gate of the Indira Sagar Pariyojana in November 2003, the Narmada riverbed was dry as the reservoir was being filled, resulting in the death of fish and other aquatic inhabitants downstream of the dam near Badwah, Maheshwar and Omkareshwar. This damaged the ecosystem leading to livelihood scarcity with people experiencing severe water shortages, along with pollution in the downstream flow of the river due to the stoppage of freshwater. While this was in process, people were displaced without rehabilitation upstream of the dam.<sup>5</sup>

The Indira Sagar Pariyojana will have the largest impoundment among all mega dams in the country.<sup>6</sup> The Indira Sagar Dam will submerge 91,348 hectares<sup>7</sup> of land, 40,332-41,444 hectares of which are deciduous forests. Even as the Narmada Valley Development Authority states that compensatory forestation has been completed to 85 percent and catchment area

<sup>5</sup> Himanshu Thakkar, Bipin Chandra and Ganesh Gaud (2004) Narmada Riverbed Dry After Closing ISP Gates. In *Dams, Rivers, and People*, 2:2-3-4, June 2004. URL (consulted October 2004): <http://www.janmanch.org/newsletter/sandrp-june-2004.htm>, also see Arundhati Roy (2004) The Road To Harsud. In *Outlook*, 26 July 2004, URL (consulted October 2004): <http://www.outlookindia.com/full.asp?fodname=2040726&fname=Cover+Story+%28F%29&sid=1>

<sup>6</sup> See Mukesh Jat and Swathi Seshadri (2003) *Jabgaon: Displacement Without Rehabilitation. The Case Study of A Village to be Affected by the Indira Sagar Pariyojana*. Barwani: Manthan Adhyayan Kendra; Narmada Bachao Andolan (2004) Gigantic Human Tragedy Created by Indira Sagar Project Unfolds with the Monsoons, 20 Villages Submerged without Rehabilitation. *Press Release*. 06 September 2004, URL (consulted September 2004): <http://www.narmada.org/nba-press-releases/september-2004/Sep06.html>

<sup>7</sup> Hectare: A unit for measurement of land. One hectare equals 2.47 acres, and one acre equals 0.40 hectares.

treatment is completed to 70 percent, there has been no full and public disclosure on the actual status of environmental rehabilitation.<sup>8</sup>

As per the Detailed Project Report of 1982, the dam will affect 249-255 villages in Khandwa, Harda-Hoshangabad and Dewas districts, as well Harsud town, which is a tehsil (administrative subdivision of local government) headquarter.<sup>9</sup> The dam, according to government documents, will fully submerge 69 villages and partially submerge 180-186 villages. It is important to note that governments habitually differentiate between partially and fully submerging villages to deemphasize displacement and state responsibilities to affected peoples. Typically, in time, most partially submerging villages are either fully submerged or rendered uninhabitable. Therefore, for purposes of this report, we will withhold such differentiation. Thus far, 85 villages have been submerged between 2002-03, and 32 are scheduled for submergence in 2004. With the construction and closing of the remaining 16 gates an additional 132-138 villages will be submerged.

The Indira Sagar Dam is scheduled to displace 30,739 families and 80,572 people, all located within the state of Madhya Pradesh.<sup>10</sup> The government bases this assessment on the 1981 census. It is important to point to a factual incongruity, in that 30,739 families would approximate an average of 1,75,212 people rather than 80,572 people, at an average of 5.7 members to each household.<sup>11</sup> As per the official records, about 16 percent of the displaced are adivasis, and almost 80 percent of the total population engage in cultivation, with 20 percent engaged in other occupations.

The number of displaced does not correspond with the actual number of project affected. Numerous categories of displaced persons are not accounted for, including, but not limited to, those displaced due to the construction of the canals, those that are dependent on the river for

8 Narmada Valley Development Authority (2004). URL (consulted October 2004): <http://www.mp.nic.in/nvda/indirasagar.htm>

9 The census records 55,392 villages in Madhya Pradesh, 52,143 of which are populated. See Census of India (2004) *Total Number of Villages by States and Union Territories*. New Delhi: Government of India, URL (consulted October 2004): [http://www.censusindia.net/results/no\\_villages.html](http://www.censusindia.net/results/no_villages.html)

10 See 'Indira Sagar Project', Narmada Control Authority (2004). URL (consulted September 2004): [http://www.ncaindia.org/isp\\_index.htm](http://www.ncaindia.org/isp_index.htm). Also see, Narmada Bachao Andolan (2004).

11 Each family unit is considered a 'household'. Therefore two such family units sharing the same physical space of a house are considered two separate households. For references to the 5.7 member average per family, see Indian NGOs (2004). URL (consulted October 2004): <http://www.indiangos.com/factfile.htm>

navigation and sand, and those who cultivate portions of the riverbed in non-monsoon months, as well as those that would be affected in the downstream areas.

If the records were to reflect, without prejudice, *all* people, landed and landless, who are displaced and adversely impacted by the dam, the number of project affected people would increase substantially.

### **The Rights of Marginalized Peoples**

Significant and sustained research on big dams, including the report of the World Commission on Dams and the India Country Study of Large Dams for the World Commission on Dams, demonstrates how large dams incur significantly more costs than benefits.<sup>12</sup> It has been amply confirmed that the social and ecological damage that results from large dams is prohibitive and substantially borne by marginalized peoples and cultures.<sup>13</sup>

It must be noted that a disproportionate percentage of affected persons in the Narmada projects are from adivasi and dalit communities, economically disenfranchised people who face direct submergence and/or are impacted by the structural disarray and general inhabitability induced by the upheaval in population and culture due to the construction of the dams, and the resultant changes they force in livelihood patterns, and social and economic conditions.<sup>14</sup>

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12 See World Commission on Dams (2000) *Dams and Development: A New Framework for Decision-Making. The Report of the World Commission on Dams*. London: Earthscan Publishers; World Commission on Dams (2000) *India Country Study for Large Dams*. London: Earthscan Publishers; Sehkhari Singh and Pranab Banerjee (2002) *Large Dams in India: Environmental, Social and Economic Aspects*. New Delhi: Indian Institute of Public Administration; Arundhati Roy (1999) *The Cost of Living*. New York: The Modern Library.

13 See Claude Alvares and Ramesh Billorey (1988) *Damming the Narmada: India's Greatest Planned Environmental Disaster*. Kuala Lumpur: Third World Network, and Patrick McCully (1996) *Silenced Rivers: The Ecology and Politics of Large Dams*. London: Zed Books. Also see, Walter Fernandes and Enakshi Ganguly Thukral (1992) *Big Dams, Displaced People: Rivers of Sorrow, Rivers of Change*. New Delhi: Sage Publications.

14 See Dilip D. Souza (2002) *The Narmada Dammed: An Inquiry into the Politics of Development*. New Delhi: Penguin Books; World Rivers Review (1988) *Narmada Valley Development Project*. World Rivers Review. 3(2): 7,11. May/June. Also see Jean Dreze, Meera Samson, Satyajit Singh (eds.) (1997) *The Dam and the Nation: Displacement and Resettlement*. Delhi: Oxford University Press; L. C. Jain (2003) *Dam Vs Drinking Water. Exploring the Narmada Judgement*. Pune: Parisar; Kalpavriksh (1988) *The Narmada Valley Project: A Critique*. New Delhi: Kalpavriksh; Bradford Morse and Thomas Berger (1992) *Sardar Sarovar: Report of the Independent Review*. Ottawa: Resources Futures International; Todd Nachowitz (1988) Repression in the Narmada Valley, India. In *Cultural Survival Quarterly*. 12(3):23-25; Sanjay Sangvai (2002) *The River and Life. Story of the Narmada Bachao Andolan*. Kolkata: Earthcare Books.

Further, it must be noted that the scope of the impact induced by the dams is extensive in the state of Madhya Pradesh, as, according to the Census of 2001, of a total population of 66.18 million, 12.2 million adivasis from over 40 tribes<sup>15</sup> and 9.2 million dalits<sup>16</sup> from 47 castes live in Madhya Pradesh. Adivasis in Madhya Pradesh are 23.3 percent of the state population and approximately 40 percent of India's total tribal population<sup>17</sup> and dalits constitute 15.2 percent of the population in Madhya Pradesh.

Dominant development and structural adjustments have displaced millions of adivasi, dalit and peasant communities from their lands and livelihood across India without consent and without adequate resettlement and rehabilitation. In postcolonial India, where 350 million people live in poverty,<sup>18</sup> 4,300 large dams alone have displaced over forty-two million people since 1947, even as one thousand more are being built.<sup>19</sup> The state appears to understand cultural genocide as an unavoidable outcome of development.

The right to life and livelihood of adivasi peoples, for example, is affirmed in principle through the right to self determination charted in the Schedule V and VI of the Indian Constitution,<sup>20</sup> protected by Article 21 of the Indian Constitution which confers the fundamental right to life, and endorsed through the Government of India's ratification of Convention 107 of the International Labour Organization.<sup>21</sup> In practise, such affirmation is contradicted through the

15 See Government of Madhya Pradesh (2004). URL (consulted October 2004): <http://www.mpgovt.nic.in/culture/tribe.htm>

16 See Planning Department, Government of National Capital Territory of Delhi (2004). URL (consulted October 2004): <http://delhiplanning.nic.in/Economic%20Survey/Ecosur2003-04/ch18-tab.pdf>

17 See Government of Madhya Pradesh (2004) URL (consulted October 2004): <http://www.mpgovt.nic.in/tribe.htm>

18 See Naresh C. Saxena (2000) How Have The Poor Done? Mid-Term Review Of The Ninth Plan. In *Economic and Political Weekly*, 07 October 2000. New Delhi, pp. 3627-630.

19 See Peter Bossard (2004) *The World Bank at 60: A Case of Institutional Amnesia?* Berkeley: International Rivers Network, and Roy (1999).

20 The 73rd Constitution Amendment, aimed at achieving grassroots democracy guaranteeing adequate representation to the marginalized groups such as Scheduled Castes, Scheduled Tribes and women. However, the 73rd Amendment was not automatically applicable to the Scheduled Areas (geographic area where the adivasis are concentrated) because of their unique characteristics and special needs. An amendment act was subsequently enacted in December 1996 entitled, The Provisions of the Panchayat (Extension to the Scheduled Areas) Act, 1996. The Scheduled Areas and the Tribal Areas are specified in accordance with the provisions in Article 244 and the Vth and VIth Schedules of the Indian Constitution. The Provisions of the Panchayat (Extension to the Scheduled Areas) Act is a legislative measure of recent times which recognizes tribal people's aspirations, cultures and traditions. Taken from Angana Chatterji (2004) *Land and Justice: The Struggle for Cultural Survival*. In press. Also see Naresh C. Saxena (2002) *Government Policy for NTFPs [Non Timber Forest Produce] in Orissa*. (Draft, Copyright author).

21 In September 1958, India ratified the International Labour Organization (ILO) Convention 107 of 1957 relating to Indigenous and Tribal Populations. Convention 107 is integrationist in character and attests to tribal rights based on a framework of indigenous

state's aspirations of monolithic development where disenfranchised communities and traditional subsistence cultures are perceived as inadequately 'productive' and socially anachronistic.

### **Indira Sagar Pariyojana: Costs and Benefits**

The estimated cost of the irrigation component of the Indira Sagar Project is Rs. 591.98 crores<sup>22</sup> at the 1990 price level (at which point the power component cost was Rs. 1,575 crores), while unofficial estimates list current costs between Rs. 2,500-5,000 crores. The estimated cost of the power component of the Indira Sagar Project is Rs. 3,527.54 crores at the September 2000 price level and has since increased.<sup>23</sup>

The Government of Madhya Pradesh contends that the Indira Sagar Project will resolve the power shortages in the state. Through our investigations, we remain unconvinced that the Indira Sagar Project is the best and most cost effective option before the state to fulfil the rightful and justifiable power needs of the people of Madhya Pradesh. The National Hydroelectric Power Corporation maintains that the dam will produce approximately 1,980 million units of power. Recent figures given by the Madhya Pradesh State Electricity Board for 2003-04 show that current power consumption in Madhya Pradesh is at 15,770 million units. A study of available official documents reveals that the total electricity generated by the Madhya Pradesh State Electricity Board and Madhya Pradesh's share from Central undertakings add up to 22,880 million units.<sup>24</sup> This is the availability in Madhya Pradesh without additional purchases from other states. It demonstrates that supply exceeds consumption by approximately 45.1 percent. Yet there is a shortage of power in the state of Madhya Pradesh due to leakages in the transmission and distribution system. Approximately 44.2 percent of the State's electricity, according to the Madhya Pradesh State Electricity Board, is lost during transmission and distribution. Due to high

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'populations' rather than 'peoples'. In 1989, the International Labour Organization revised the provisions of 107, and issued Convention 169, concerning Indigenous and Tribal Peoples in Independent Countries. The International Labour Organization Convention 169 acknowledges indigenous cultures as distinct organized societies with specific identities and recognizes them as 'peoples'. The recognition of indigenous 'peoples' allows tribes the right to negotiate for sovereignty with states in which they are situated. India is not a signatory to 169. Taken from Angana Chatterji (2004) The Biopolitics of Hindu Nationalism: Mournings. In *Cultural Dynamics* 16 (2 & 3): 319-372. London: Sage Publications.

22 One crore =10 million rupees.

23 See Narmada Hydroelectric Development Corporation (2004). URL (consulted October 2004): <http://www.nhdc.nic.in>

24 Figures stated in the Annual Revenue Requirement Proposal of December 2003 submitted by the Madhya Pradesh State Electricity Board (MPSEB) to the Madhya Pradesh State Electricity Regulatory Commission (MPERC). Note: Madhya Pradesh announced that the dissolution and division of the Madhya Pradesh State Electricity Board would take place in October 2004, and this date has been extended to 31 December 2004.

losses, Madhya Pradesh required 27,220 million units last year to meet the consumption demand of 15,770 million units.<sup>25</sup>

These serious and structural problems will not be resolved through the construction of the Indira Sagar Dam, but only through a transparent and sustainable reorganization of the power sector and its priorities. While it is not within the purview of this Commission to make recommendations connected to power sector reforms, we urge that citizens, professionals and the state address issues of increased efficiency, universal access, sustainability and equity in the power sector.

The Indira Sagar Project will have eight turbines of 125 megawatts each. The dam is expected to have an installed power generation capacity of 1,000 megawatts of electricity and have a cultivable command area of 1,23,000 hectares of land (while submerging 91,348 hectares) in the command area in Khandwa, Khargone and Badwani districts. The firm power will be generated at 212 megawatts, declining to 118.30 megawatts as the canals start functioning.

The injustices in resettlement and rehabilitation and the environmental impact are masked by the claim that the Indira Sagar Dam will provide low cost power. According to the National Hydroelectric Power Corporation, the stated cost per kilowatt is Rs. 4.59, an already prohibitive figure that at the dam site would calculate at over Rs. 6.90 when the power reaches consumption point. The market price per unit has been Rs. 1.36 in the current year, which the National Hydroelectric Power Corporation has been able to provide as the production is ahead of schedule. This year, the Indira Sagar Dam will generate about 750 million units of electricity, 4.8 percent of the total requirement of 15,770 million units for the state of Madhya Pradesh. When the dam is completed, the average annual production of electricity will be 1,950 million units. This would reflect an increase from 4.8 percent to approximately 12.4 percent of the total electricity requirement for Madhya Pradesh at 15,770 million units annually.

In contrast, if the transmission and distribution losses of 44.2 percent presently incurred in Madhya Pradesh were to be recovered, this would be equivalent to approximately, on average, 3.5 times the electricity to be produced by the Indira Sagar Dam. In April 2004, the Narmada Hydroelectric Development Corporation projected a maximum, and critics maintain, exaggerated,

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<sup>25</sup> Figures stated in the Annual Revenue Requirement Proposal of December 2003 submitted by the Madhya Pradesh State Electricity Board to the Madhya Pradesh State Electricity Regulatory Commission.

generation capacity of 2,698 million units annually, without offering any justification for such increase.<sup>26</sup> Even at this rate, if the transmission and distribution losses presently incurred in Madhya Pradesh were to be recovered, it would be equivalent to approximately 2.5 times the electricity to be produced by the Indira Sagar Dam.<sup>27</sup> Further, water logging will impact 40 percent of Indira Sagar and Omkareshwar Dams. To clarify, the mega dam will submerge an area equivalent to 74 percent of its command, and is likely to waterlog 40 percent of the command. In 1982, around 20 percent of the command was already irrigated, which may have increased substantially in the last two decades. Today, it is estimated that a third or more of the area is already irrigated. Such information invalidates the rationale for the Indira Sagar Pariyojana.

At present the construction of the Indira Sagar Project is highly advanced, as is the displacement. The National Hydroelectric Power Corporation currently records the present status of the dam as one where Units 1, 2, 3 and 4 are “*synchronized successfully and are under commercial operation*”.<sup>28</sup> The Narmada Valley Development Authority had originally scheduled completion of the Indira Sagar Project in 2007. The Memorandum of Understanding accelerated completion to 2005.<sup>29</sup> The Narmada Hydroelectric Development Corporation has since determined December 2004 as the new time limit for completion, five months prior to the time limit of May 2005. Such escalation is unjustifiable as resettlement and rehabilitation of project affected people have not been completed, violating the conditions stipulated in the Narmada Water Disputes Tribunal Award, the orders of the Supreme Court, the environmental clearance for the project, and the 1987 Rehabilitation Policy of the Government of Madhya Pradesh.

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26 National Hydroelectric Power Corporation (2004) *Narmada Hydroelectric Development Corporation Ltd. Synchronizes 4th Unit of Indira Sagar Project*. URL (consulted October 2004): <http://www.nhpcindia.com/english/press/synchronizes%20Indira%20sagar.htm>

27 This draws on communications in Khandwa district, and Narmada Bachao Andolan (2004); and National Hydroelectric Power Corporation (2004) URL (consulted October 2004): <http://www.nhpcindia.com/english/press/synchronizes%20Indira%20sagar.htm>

28 National Hydroelectric Power Corporation (2004). URL (consulted October 2004): <http://www.nhpcindia.com/english/map.htm>

29 The Memorandum of Understanding between National Hydroelectric Power Corporation and the Government of Madhya Pradesh was drafted between the Government of Madhya Pradesh and the National Hydroelectric Power Corporation on 16 May 2000 in New Delhi.

**LAND ACQUISITION AND COMPENSATION**

*"Where will we go? We have lived here [Harsud] for generations. Here I am somebody. When something happens, people come and stand by us.*

*Elsewhere, we are nothing.*

*From my house you can see the ruins next door. Our neighbours used to live there. We knew them for so long. No one has received the land they deserved.*

*We are a well known family so we have been offered land. It is of poor quality and much less than we had. We have understood that this development is not for us – it makes us poor. And those who are poor already, they are less fortunate, they are treated with contempt by the government."*

Laloo Bhai, Harsud, August 2004

*"I was divorced through talaq but the authorities have refused me compensation. I was given talaq years ago. I have a small child. The officials treat me rudely, with disrespect. They say he [husband] will have to come to claim compensation, but he does not live here. I feel ashamed to ask for what I should be given. Why is it like this?"*

Chhoti Bibi, Chanera, August 2004

We find that the manner in which laws and policies are being implemented and the apparatuses of law and order are being deployed violates the rights of people as envisioned under existing laws and policies and ethical governance, and, in conjunction with the development of the Indira Sagar Project, acts against the right to life and livelihood as mandated by Article 21 of the Indian Constitution.

Further, the legal framework for land acquisition by the state is decidedly prejudiced against the citizen, and requires urgent amendment to include democratic process. Laws that currently exist permit non-consensual and deceitful land acquisition and unilateral action on the part of the state and contain few safeguards in defence of the rights of the people.

### Notifications

A notification under Section 4 of the Land Acquisition Act, formulated in 1894 under British imperial rule, is intended to inform people about the state's intention to acquire land for what it claims to be a 'public purpose', and to enable the people to challenge this intention with informed objections. However, in the Indira Sagar Project, the Commission found state authorities in Madhya Pradesh to be negligent in informing, and doing so in a timely manner, project affected people about the state's intention to acquire land and commence displacement. The state did not utilize various modes of available communication, such as walking announcements (where people travel with megaphones using loud drumbeats to circulate the message), extensive distribution of flyers and pamphlets, accessible advertising in relevant languages, and public meetings. The legal obligation of the state has been considered to have been met merely through a gazette notification and publication in certain newspapers, most of which are well beyond the reach of the average affected person.

We found that notices under Section 4 of the Land Acquisition Act have generally been issued close to the time of physical displacement in the Indira Sagar Project. This formalistic and instrumental adherence to the bare letter of the law becomes farcical and obstructs the citizen's right to information, decision-making and informed dissent. While the construction of the dam and acquisition of land has continued apace for decades, the people are formally notified under the provisions of the law only at the last minute, thereby compromising the notification procedure. This does not permit adequate time for due process whereby people may acquire requisite knowledge with which to challenge the state's intention to acquire land in an empowered manner through informed objections. It also compromises the people's right to give consent to their displacement or dissent its implementation. We also note that in several villages that are marked for displacement subsequently, notices under Section 4 of the Land Acquisition Act have not been issued.

The disarray is aggravated by methods used to arrive at the initial estimation of people and lands affected by submergence. Officials admitted they determined the extent of impact on the basis of contour maps and without site visits. Actual site visits were undertaken often many years later, mainly in preparation for the Section 4 notification under the Land Acquisition Act, and not to prepare a census for displacement or to inform and prepare those awaiting displacement. As a result, affected people lived for years and continue to live in uncertainty and

with unnecessary anxiety.<sup>30</sup> The misfortune caused by flawed land acquisition processes has been greatly aggravated because written land records, especially in tribal areas, are for the most part unreliable. Often, for generations, land titles are not updated after the death of the landowner, and requisite documentation such as death certificates are not available. We encountered many cases in which current landowners could not access compensation or rehabilitation because their names were absent from land records that had not been updated for generations or because disputes over land titles are unresolved. The state refuses to acknowledge that India today is simultaneously governed by pre-modern, non-modern and modern practices in record keeping entangled in a corrupt and byzantine bureaucracy, and influenced by powerful local interests. The state makes no allowance for communities and cultures that operate on the basis of oral traditions and different and communitarian understandings of land ownership, and that do not have access to modern infrastructure.

Land records are undependable and incomplete not only in rural areas, but also in towns like Harsud. In August 1984, the Government of Madhya Pradesh issued a notification for the acquisition of 1,461 hectares of land in Harsud town for the Indira Sagar Pariyojana. This process continued and later lapsed without any formal cancellation. The legal requirements of a Section 4 notification under the Land Acquisition Act were met by reissuing a notice for acquisition of land in Harsud as late as 06 August 2001. On 24 October 2001, the Superintendent of Land Records *Abadi/Nazul* Survey,<sup>31</sup> Harsud, wrote to the District Collector in Khandwa stating that the land records of Harsud were incomplete, and those that were available had not been verified, and those that had been physically verified were found to be flawed. It took almost two more years for the local administration to take the next step, when, on 14 August 2003 certain revenue officials were given the responsibility for determining property rights.

### **Conflict of Interest**

However, on 13 November 2003, in a meeting of the Narmada Valley Development Authority and the Narmada Hydroelectric Development Corporation, the Narmada Valley Development Authority appropriated the responsibility of determining ownership and property rights from the revenue authorities, and conferred the same to the land acquisition officers of the

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30 See Jan Sangharsh Morcha, SANDRP, Manthan, Sandarbh, Abhivyakti (2004) *Savaging A Civilization: NHPC and Madhya Pradesh Government at Indira Sagar Dam. A Report on the Violations of the Human and Legal Rights of Indira Sagar Dam Oustees, Madhya Pradesh*. Jan Sangharsh Morcha, SANDRP, Manthan, Sandarbh, Abhivyakti: Chattisgarh, Delhi, Badwani, Indore, Nasik.

31 Abadi refers to residential lands.

Narmada Hydroelectric Development Corporation. It is significant that the for-profit authority now made accountable for acquiring land, determining title and numerous other matters related to the status and value of acquired land, was simultaneously responsible for the construction of the project, ensuing a conflict of interest. This is evident in the decisions made at the November 2003 meeting, where it was determined that:

- Narmada Hydroelectric Development Corporation officials would be empowered to determine the property rights of all the residents of Harsud, in place of the revenue officials, and that this would be the basis for determining compensation by the same officials.
- Narmada Hydroelectric Development Corporation officials would examine and determine the property rights of all homeowners who have constructed houses after 1959. This would be the basis for subsequently determining compensation by the same officials.
- Narmada Hydroelectric Development Corporation officials would reclassify all diverted lands, and determine compensation at agricultural or diverted rates depending on whether they were being used for agriculture, *abadi* and/or commercial uses.

In transferring these charges to the Narmada Hydroelectric Development Corporation, the Government of Madhya Pradesh abdicated its duty to identify, record and defend the rights of affected peoples, contradicting accepted principles of business ethics, social justice and fair play. The supposed constitutionally impartial state abandoned its responsibilities toward ensuring the rights of the dam affected peoples, transferring them instead to an interested, partial, corporate and for-profit entity that is motivated to acquire land in the least amount of time and at minimal cost. In so doing, the state has, in effect, been negligent of its legal and ethical responsibilities, severely compromising the interests of the people.

### **Compensatory Amounts**

The processes by which land prices are fixed and calculated and objections and appeals are heard and disposed of are not transparent or non-discriminatory. One recurrent problem that we encountered is that landholders were paid compensation for irrigation wells and tube wells, yet they were not paid (at all or adequate) compensation for unirrigated lands. Numerous landholders have been paid compensation at rates fixed for unirrigated lands, even while the rates

themselves for both irrigated and unirrigated lands are well below the prevailing market price. During our visit, villagers that we consulted mentioned that the market price of irrigated land in the adjacent command area (in Harda) is between Rs. 80,000 and Rs. 1,00,000 per acre. Yet, the compensation declared for irrigated land is Rs. 60,000 per acre, and that for unirrigated land is Rs. 40,000 per acre. In addition, these are registration prices for 1997-98, even while, as people have been relocating in 2003-04, these monies are insufficient for the purchase of land at the present market price. It is therefore evident that the land in the submergence zone has been undervalued. Further, the quality of the land has also not been taken into consideration while assessing the value of land; those whose lands are of higher quality have been paid the same compensation per acre as those whose lands are of inferior quality.

Another occurrence that compounds the instability is the escalation of land prices, as a large number of displaced and to-be-displaced people began a search to purchase land at the same time. This, combined with the low rates of compensation, made proportionate land purchase unduly improbable for both poor as well as wealthy farmers. The direct outcome is that people have been unable to purchase land that equals their present holdings in quantity or quality. They have either purchased less land than they have at present or have been forced to purchase land of much lower quality.

The Narmada Water Disputes Tribunal defined the principles and procedures for the rehabilitation of project affected peoples, and provided for payment of compensation in two instalments. Whereas 50 percent is to be paid in cash immediately on the conclusion of land acquisition processes, another 50 percent is withheld to purchase agricultural land for the oustee. We will observe in a subsequent section that no land has been actually provided by the Government of Madhya Pradesh. Instead, the 50 percent compensation was withheld as a device to coerce the landowners to vacate their lands expeditiously. Further, since the people received money in the amount of only a few tens of thousands of rupees at a time, they were unable to utilize the sum to purchase agricultural land or house plots.

The situation of landless labourers is particularly dismal. The total amount of compensation due to them is in itself a very meagre sum (less than Rs. 1,00,000 on average), and even this is disbursed in instalments. Without collateral and therefore with no opportunities to receive additional monetary support in the form of loans, etc., landless people are unable to purchase even homes with the money they receive as compensation. The money is

disproportionately used up on day-to-day living expenses and the repayment of past loans. This has been the case as well with small land owning farmers. Many displaced farmers had also taken loans during the course of the years for various reasons from scheduled banks. The dues (with interest) to the banks are also routinely deducted from the compensation amount, without the explicit consent of the farmer. From all accounts, the Narmada Hydroelectric Development Corporation has been given de facto powers to act as a feudal policing authority, sanctioned by the state, with complete and paternalistic jurisdiction over the life and finances of project affected and displaced persons.

### **Surveys and Valuation of Land**

Villagers testify that after surveys of existing properties were conducted during 1994, no verifications were undertaken. The surveys of the houses have been conducted in an arbitrary and ad-hoc manner, where no more than the length and the breadth of houses were measured. The number of rooms in the house, the timber and the materials used for the construction of the house has not been evaluated. The monetary appraisal of house plots has been undertaken as well in a seemingly casual manner. Due to these reasons, the price of homes has been grossly undervalued. Houses, which are similar in structure and kind, have been valued differently and arbitrarily. Therefore, members of a family<sup>32</sup> living in similar houses on similar sized plots have received varying compensation. Since existing house plots have been undervalued and inadequate amounts allocated as compensation, people have had to invest their own money to purchase new land for homes. As a result, people regularly do not have money for the actual construction of houses. Small landowners are also mortgaging their lands for additional loans to aid with the purchase of new lands or for subsistence purposes, which in all likelihood they will be unable to repay, resulting in chronic debt burdens and, in certain instances, in debt bondage.

When land is allotted, it is frequently substandard to the point of being of no value. We note that, for example, a man in a resettlement sector in Chanera, the New Harsud, had been issued a plot beneath high tension wires and in the path of run-off water from fields, making it unfeasible for him to construct habitable housing on the land allocated him. At times people have not been compensated for their homes. On 26 December 2003 Ramsingh Kunjilal, a Dalit community member, committed suicide. Mr. Kunjilal was deeply troubled that his son Sushil

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<sup>32</sup> Each household unit is considered a 'family'.

Ramsingh had not received compensation for his house. Mr. Kunjilal had attempted to secure such compensation from the authorities on behalf of his son but found his efforts to be of no avail. Mr. Ramsingh is yet to receive compensation. We also note with grave concern that such actions bear testimony to the compromised conditions of social and psychological health of the community.

A survey conducted by the Narmada Bachao Andolan in collaboration with independent organizations in August-September 2004, demonstrates that 8,285 oustee families from 31 villages and Harsud town own 7,499.19 hectares of land to be submerged by the Indira Sagar Dam (for details see Appendix I). Each of these villages testified that they had not been offered land compensation. Of these 32 settlements, 19 villages testified that they would have accepted land, if offered. Only one village testified that most of its residents would have opted for cash compensation, with the understanding that when people receive cash for plots they are expected to self relocate. Further, 23 of the 32 settlements responded that they had not been guided to apply for cash compensation either. Two villages said that the government had forced them to declare that they do not want to relocate to a resettlement site offered them. Fourteen villages responded that they have not been allotted a resettlement site. One village said that they have been provided tin sheds in lieu of resettlement. Only one village responded that in the resettlement site they had been provided with electricity, water, a school and road.

### **Multiple Displacements**

In addition, Section 4 notices as required under the Land Acquisition Act are routinely issued a few months prior to displacement to people who often have little information about the totality of, or specific areas demarcated for, submergence. Numerous families displaced in an earlier phase of the submergence have utilized the entire sum of compensation they received to build homes and resettle their families in new villages that are assigned for submergence in a later phase of the Indira Sagar Project. For example, people affected by submergence in Mohaniya Khurd village this year have already experienced the immersion of their original homes in Borkheda and are undergoing a second displacement. Mohaniya Kala and Mohaniya Khurd villages are scheduled to submerge partially in the third phase of submergence in 2005. We note with grave concern that in August 2004, two women and a young man from Mohaniya Kala and Mohaniya Khurd villages sought to commit suicide by consuming pesticides after the police attempted to evict them from their villages.

**RESETTLEMENT AND REHABILITATION**

*"I am landless, so they said they are not responsible. My sons are far away. I am old and very poor. My wife passed away. They have given me nothing."*

Male Adivasi Elder, Bangarda, August 2004

*"They have stolen my land and given me a house plot that is drowning from the water that comes from the fields. I went to meet the officer. He said I was wasting his time, so many had not even received land and I was complaining about the land I was lucky enough to be given. How will I build a home here? It will be washed away."*

Landless Worker, Chanera, August 2004

An incriminating finding of this Commission is that the Government of Madhya Pradesh has not secured adequate and cultivable agricultural land for even a single oustee family within the state, through an elaborate subterfuge and subversion by state authorities of their own agreed upon, written and legally binding commitments.

In 1979, as the Narmada Water Disputes Tribunal allocated the Narmada waters to various states, it also delineated the framework for resettlement and rehabilitation of oustee families in Gujarat whose lands would be submerged by the Sardar Sarovar Dam. Given that the Indira Sagar Dam in Madhya Pradesh is also mandated and regulated by the Narmada Water Disputes Tribunal and its Award, these provisions of rehabilitation must therefore also apply to the Indira Sagar Project.

In February 1985, the Government of Madhya Pradesh also drafted a Rehabilitation Policy for the oustees of the Narmada projects. After modifications, the Rehabilitation Policy of the Government of Madhya Pradesh was ratified in November 1987. This policy specifically applies to the Indira Sagar Project, following the guidelines and provisions for rehabilitation stipulated in the Narmada Water Disputes Tribunal Award.

**The Narmada Water Disputes Tribunal Award and the Madhya Pradesh Rehabilitation Policy**

Clause IV (7) of Chapter IX of the Narmada Water Disputes Tribunal Award, which in due course formed the basis of the land-for-land principle of the 1987 Rehabilitation Policy of the Government of Madhya Pradesh, states that:

*“Allotment of Agricultural Lands: Every displaced family from whom more than 25 percent of its land holding is acquired shall be entitled to and be allotted irrigable land to the extent of land acquired from it subject to the prescribed ceiling in the state concerned and a minimum of 2 hectares (5 acres) per family, the irrigation facilities being provided by the State in whose territory the allotted land is situated”.*

Further, Clause IV (2) (iv) and Clause IV (6) (ii) of Chapter IX of the Narmada Water Disputes Tribunal Award stipulates that rehabilitation must strictly precede submergence and be undertaken at least a year before submergence. Clause IV (2) (iv) of the Narmada Water Disputes Tribunal states that:

*“Gujarat shall acquire and make available a year in advance of the submergence before each successive stage, irrigable lands and house sites for rehabilitation of the oustee families from Madhya Pradesh.”*

In addition, Clause IV (6) (ii) states that:

*“In no event shall any areas in Madhya Pradesh and Maharashtra be submerged under the Sardar Sarovar unless all payments of compensation, expenses and costs as aforesaid is made for acquisition of land and properties and arrangements are made for the rehabilitation of the oustees there from in accordance with these directions and intimated to the oustees.”*

The significant tenets of the 1987 Rehabilitation Policy of the Government of Madhya Pradesh are:

- That land-for-land rehabilitation is *mandatory*.
- That land owning families that stand to lose more than 25 percent of their lands be awarded a minimum of two hectares of land, subject to a land ceiling of eight hectares.
- That every adivasi and dalit oustee family receive a minimum of two hectares of irrigated agricultural land in lieu of lands lost to submergence.
- That irrigated land is provided by the government or irrigation be provided at government cost.

- That each adult son and unmarried adult daughter will be counted as a separate family.
- That each oustee family be given a house plot, with the resettlement sites being established so as to settle the village as a unit, and with all basic amenities and infrastructure.

The 1987 Rehabilitation Policy of the Government of Madhya Pradesh also has specific protections and safeguard measures for the displaced in that the decision to accept land or cash compensation must be made by the project affected person with full consent, and cash compensation may be given only after the receipt of a written application from the oustee. In addition, not only the head of the family but all members of the family must concede to the transaction. The 1987 Rehabilitation Policy of the Government of Madhya Pradesh also clarifies that oustees cannot be given cash without verification and certification by the district collector that cash disbursement will not adversely affect the interests of the family.

According to the directives of the 1987 Rehabilitation Policy of the Government of Madhya Pradesh, the financial responsibility for ensuring that oustees receive irrigated agricultural land in lieu of submerged land lies with the Government of Madhya Pradesh. The environmental clearance given to the project on 24 June 1987 was subject to several conditions as well, including a stipulation that the Narmada Control Authority ensure that environmental safeguards are put into practice *pari passu* with the development of the project, and that the catchment area treatment and rehabilitation programmes are completed before the reservoir is filled. This was further endorsed through the Memorandum of Understanding of May 2000. According to the letter and spirit of these provisions, the overwhelming majority of families engaged in agriculture in the submerged villages are entitled to irrigated agricultural land in lieu of submerged lands under the Narmada Water Disputes Tribunal Award and the 1987 Rehabilitation Policy of the Government of Madhya Pradesh.

The Memorandum of Understanding signed in May 2000 by the Government of Madhya Pradesh and the National Hydroelectric Power Corporation declared that the Indira Sagar Pariyojana would be built as a joint venture project between these two parties. The Memorandum stated that: *“The joint venture would comply with the provisions of the NWDTA [Narmada Water Disputes Tribunal Award] and the directions of the Narmada Control Authority, its various subgroups and the Review Committee of the Narmada Control Authority.”* However, we find that

the Narmada Control Authority has failed to monitor the rehabilitation and resettlement of the oustees of the Indira Sagar Project.

In a meeting of the Review Committee of the Narmada Control Authority on 10 January 2001, the Union Minister, Ministry of Environment and Forests, took the responsibility of setting up a reliable mechanism for the monitoring of the process. This mechanism was in fact never established. On 19 March 2002, the matter was put up before the Central Cabinet. A decision was taken to allow for the rehabilitation of the oustees of the Indira Sagar Project to be monitored by a committee comprising of the Secretary, Ministry of Water Resources, the Secretary, Ministry of Social Justice and Empowerment, and the Secretary, Ministry of Power. However, this committee has neither visited the area nor monitored the situation to date.

In January 1994, the Resettlement and Rehabilitation Action Plan of the Narmada Valley Development Authority for the oustees of the Indira Sagar Project stated that the estimated land required for resettlement of project affected persons would be 49,772 hectares (47,728 hectares of land for cultivation and 2,044 hectares land for *abadi* and grazing). The Action Plan also stated that 44,772 hectares of land is available for resettlement, which included 4,600 hectares of government land available for resettlement, and 40,172 hectares of private land likely to be available for purchase for resettlement.

Thus far, we find that not a single oustee has been offered or allotted adequate cultivable agricultural land by the Government of Madhya Pradesh.

Initially, some of the oustees *were* offered plots of land, which were uniform in being of extremely poor quality. When prospective oustees refused to accept this land, they were informed primarily through oral communication that the state did not have other and better land available, or any land, to offer them and that the state would issue cash compensation in lieu of land. The state continued with the performance of ritual land showing for future oustees, so it might claim to have fulfilled the provisions of the 1987 Rehabilitation Policy of the Government of Madhya Pradesh. From the testimonies of the villagers, it is apparent that even this strategy was abandoned thereafter, following which cash compensation has been offered routinely and represented as the norm.

As early as 1988, the Director (Rehabilitation) of the Narmada Control Authority visited the Indira Sagar precinct on 25<sup>th</sup> and 26<sup>th</sup> of March. The tour report stated that eligible oustees were neither informed about the land-for-land rehabilitation clause nor was land being offered to them, and that the compensation offered was insufficient to purchase comparable land elsewhere, in breach of the 1987 Rehabilitation Policy of the Government of Madhya Pradesh.

A decade later, a report based on a visit undertaken on the 22nd and 23rd of December 1998, was issued by the Joint Secretary, Ministry of Environment and Forests, ascertaining the status of compliance with respect to the environmental clearance issued by the Ministry of Environment and Forests to the Indira Sagar Project in June 1987.<sup>33</sup> The report states that: “...*the rehabilitation package provides land-for-land lost, (however), PAFs (project affected farmers) were paid cash compensation, (and) land-for-land was not offered at all.*”

The report also found that the Government of Madhya Pradesh was offering compensation through a process called 'Sauda Chitthi' (agreement to sell) under which 50 percent of the compensation amount is paid in cash, and the project affected farmer is asked to enter into a purchase agreement for the land of her/his choice anywhere in the state of Madhya Pradesh. On production of this *Sauda Chitthi*, the remaining amount, i.e., 50 percent of the cash compensation, is released. The amount of the difference in the cost of the land acquired by the government and that purchased by the project affected farmer is made available through a long term and interest free loan to the project affected farmer.

The report of the Ministry of Environment and Forests indicated that villagers were being given cash compensation against their wishes. The report also recorded that the system of *Sauda Chitthi* by which the state sought to justify the distribution of cash compensation in lieu of agricultural land was legally unfounded.

Further, the report of the Joint Secretary, Ministry of Environment and Forests, stated that in Sarlia village:

*“It was mentioned that many of the agreements to sell are fake. The PAFs have no option but to produce these agreements in order to obtain the balance compensation amount. Given the high price of land vis-à-vis compensation, it would not be possible for PAFs to purchase viable land holdings. This has led to fake agreements being produced. This is a serious matter requiring*

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<sup>33</sup> This visit was undertaken in response to a petition by the Narmada Bachao Andolan.

*immediate attention in order to avoid alienation of land from PAFs and their consequent pauperization.”*

### **Rehabilitation Guidelines**

In November 1990, Dr. B. D. Sharma, then Commissioner for Scheduled Castes and Tribes, Government of India, dispatched a letter to the Supreme Court that was subsequently converted into a Writ Petition under Article 32 of the Indian Constitution (B. D. Sharma Vs. Union of India and Others, Writ Petition (Civil) No. 1201/1990).

The Supreme Court ruled that resettlement must be *completed* in all respects *at least* six months in advance of any likely submergence. Rehabilitation, the Supreme Court stated, should be complete with respect to homestead lands, agricultural property and other substitutions, and all other arrangements as authorized under the rehabilitation plan.

The principle authorized by the Supreme Court through this decree continues to have the power of law. This significant ruling unmistakably delineates humanitarian and legally binding principles in that rehabilitation of the oustees must take place well *before* the submergence of their properties, and by implication, well before the related phases of construction of the project that will lead to this submergence. We note that it is imperative that this decree of the Supreme Court be acted upon as such in undertaking rehabilitation.

### **Violation of Rehabilitation Provisions**

The Government of Madhya Pradesh has acted in systematic violation of both the State's Rehabilitation Policy of 1987 and the Supreme Court Writ Petition (Civil) No. 1201/1990, by forcefully uprooting and removing project affected people from their homes to undeveloped resettlement sites, barely months, and at other times, weeks or even days, before submergence. We find it of serious concern that displacement is primarily executed during the monsoon rains, which further compounds operational difficulties, increases costs and human suffering.

The Commission's investigations evidence that the infringement of the land-for-land rehabilitation clause by the Government of Madhya Pradesh continues unimpeded up to the present day. The Government of Madhya Pradesh has actively promoted cash compensation, and allowed oustees to obtain cash compensation in lieu of land without making any exceptions as required by the 1987 Rehabilitation Policy of the Government of Madhya Pradesh. We found that

most of the villagers we interviewed during the visit to Khandwa district were not aware of the land-for-land prerogative available to them until now.

### **The 'Special Rehabilitation Package' and Land-for-Land Issues**

The Government of Madhya Pradesh introduced a new 'Special Rehabilitation Package' in 1999, permitting the disbursement of cash compensation in lieu of land. Under the Special Rehabilitation Package, while the amount of compensation increased it still remained inadequate for the purchase of agricultural land. Although land prices were to be based on the land registration prices of villages in the Tawa command, the Special Rehabilitation Package came to be based on land registration prices in villages in the final stages of, as well as outside, the Tawa command where irrigation was deteriorated and prices were deflated. Registration rates of land prevailing in 1997-98 were used to determine the rate of compensation, making it impossible for oustee families to replace their lands, as the official registration rates of land are reported at less than market price. The compensation rates, fixed at 1997-98 prices, remain substantially below that required by the present standard of living and market prices. Further, the Special Rehabilitation Grant agreement, as signed by the oustees, states that the grant of cash compensation is made in lieu of land, and that oustees, in accepting the Special Rehabilitation Grant, in effect relinquish their entitlement to land.

### **Questions of the Rehabilitation Procedure**

By not offering oustee families' adequate irrigated agricultural land in lieu of the land marked for submergence, and by not compensating families with a minimum of two hectares of land, the state government has violated the rights of the project affected persons in several ways. Such violation directly and adversely impacts small and marginal farmers with holdings below two hectares, who in the event of cash compensation, were/would be compensated only to the extent of the size of their holdings. Whereas, if small and marginal farmers with holdings below two hectares were being given land-for-land in accordance with the policy, they would be entitled to two hectares of irrigated agricultural land. Such violation also impacts families with more than two hectares of land, as the rates of compensation are remarkably depressed and families are unable to buy land-for-land with the amount of cash compensation granted them.

Families of oustees are not always in a position to utilize cash compensation for the purchase of land and other productive resources. Displaced families in primary occupations, when given cash, utilize such monies for subsistence, or for the purchase of consumables and

transportation vehicles such as motorcycles. Adivasi cultures in India are particularly disadvantaged, as these cultures are at times unfamiliar with the intricacies of managing monetary transactions, as a substantial part of their economy remains non-monetized or semi-monetized. In addition, as outstanding loans are deducted from the compensation amount made available to people, the possibility of rehabilitation with the aid of the available monetary compensation is improbable. As a result, families have been able to buy far less land, typically of inferior quality or none at all. Those with 10 acres of irrigated land have been able to buy five acres of unirrigated land. Those with five acres of irrigated land have been able to buy two acres of unirrigated land and those with less than five acres have largely been unable to purchase land. Frequently, small and marginal farmers have been rendered landless, having to resort to working as daily wage labourers.

Although no official information is available for the dispersed families, the surveys conducted by the Narmada Bachao Andolan for nine resettlement sectors in New Harsud, seven of which were settled by the government and two of which were settled by the affected oustees themselves, show that families who owned land were unable to replace their land resources with the cash compensation that they received. Farmers of Sonpura Raiyyat village privately settled themselves in Rewapur and were able to replace only 8 percent of the land they owned in their original villages. The most 'successful' example is Kala Patha, a rehabilitation site where farmers replaced approximately only 38 percent of their original lands.

### **Exclusions**

The Government of Madhya Pradesh has further curtailed its responsibilities for rehabilitation by departing from the Narmada Water Disputes Tribunal Award in other and illegal ways. The Government of Madhya Pradesh has made a distinction that is not recognized by the Narmada Water Disputes Tribunal Award, between families affected by the Full Reservoir Level (FRL) and Maximum Water Level (MWL)/Back Water Level (BWL). The Government of Madhya Pradesh is acquiring only *abadi* or residential lands of those at the Maximum Water Level. Lands between Full Reservoir Level and Maximum Water Level have not been acquired, thus these lands are in the process of submergence without landowners being compensated.

The only relief provided to landless affected people is cash compensation. On average, the total amount of compensation is less than Rs. 1,00,000 and is disbursed in instalments. The compensation consists of a rehabilitation grant, subsistence allowance and a grant for productive

assets. Of necessity, this package is higher for landless than for landed families. However a number of people who own small patches of land and are *de facto* landless labourers have been treated as landowners. The resultant compensation they have been awarded makes it impossible for them to purchase as little as one acre of land or any substantive assets for income generation.

Further, the government has discriminated against the various classes of landless labourers. While people involved in traditional occupations such as ironsmith, barber and blacksmith, have been considered as landless labourers, those involved in more contemporary means of income generation, including, but not limited to, tailors, cycle shop owners and paan shop owners have not been considered as landless labourers, but as business owners. The outcome is that those listed in the second category, i.e., business owners, are not eligible for the compensation available to landless labourers.

Another group that has been excluded from rehabilitation packages are fisher folk (primarily from *Kevat* and *Kahar* castes). Single women, divorcees, widows, sex workers, young adults, the elderly and the disabled are discriminated against in the rehabilitation process. Contrary to the policies of the state government, women have not been listed as co-title holders to new land.

The landless are not being provided agricultural land as displacement leaves them without access to livelihood resources. Labourers are not provided livelihood opportunities. Seasonal migrants are often not included in compensatory schemes. Submerging land owned by the government is not being assessed for the livelihood resources that these lands (such as forests) provide the disenfranchised -- grazing for livestock, fruit, food, firewood and other sustenance, nor have the poor been compensated for such losses.

In innumerable instances, people are waiting for compensation cheques, while others are penalized for being poor and held under suspicion, and not allowed access to their money even when it has reached the bank. It is our finding that resettlement is being undertaken on an ad-hoc and individual basis, in ways that erode family, community and the cultural survival of groups and peoples.<sup>34</sup>

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<sup>34</sup> It is our understanding that the individualization of rights weakens the social organization of various adivasi, dalit and other groups that continue to function within collective structures. See B. K. Sinha and Pushpendra (eds.) (2000) *Land Reforms in India*. An

In summary, it is the Commission's finding that:

- The Government of Madhya Pradesh and its implementing organizations have actively subverted the policy of land-for-land resettlement in order to evade the responsibilities of rehabilitation, and in so doing have shifted the burden of rehabilitation to affected peoples.
- The compensation offered to landless labourers and small and marginal farmers do not enable them to purchase alternative agricultural land, and, in many instances, house plots. Neither does the compensation make possible the purchase of adequate land for larger landowners.
- The process of disbursing compensation in the form of instalments undermines the rehabilitative purpose of compensation, since the amount received in each instalment does not make the purchase of land, house or equipment viable.
- The creation of the process of the *Sauda Chitthi* is a device by which the government has in effect absolved itself of the responsibility of identifying and purchasing land for the farmers.
- The government has excluded numerous categories of affected persons in defining who has access to rehabilitation and what form it should take.
- The rehabilitation procedure makes no provision for the consultation and involvement of the people in the process.
- The government's policies do not provide for a clear linkage between the completion of rehabilitation and the construction of the dam.

We note that in 1987, a Gujarat Government Order directed a change in rehabilitation policy entitling landless families to land compensation. We find that the 1987 Rehabilitation Policy of the Government of Madhya Pradesh must be similarly amended to allow for land compensation for the landless, ensuring the eligibility for all cultivators, including landless workers, for agricultural land. If implemented, this would ensure that *all* oustees engaged in farming, the landed, small farmers and the landless, cultivators or agricultural and other labourers, would find reemployment in their traditional vocations in the post-resettlement phase.

## STATE IMPUNITY: DISPLACEMENT AND DISPOSSESSION

*"If we protest, the police beat us. They threaten us, our families".*

Youth Activist, Kala Patha, August 2004

*"There are police camps in each resettlement colony. Why do they need guns for resettlement? What are they afraid?"*

Local Activist, Purni, August 2004

*"What shall I do? I received 25,000 rupees and no land. I was forced out of Harsud. My adult sons were listed as minors. They are 23 and 25. They did not receive land or money. I showed authorities ration cards, voter identification. They ignored us. I am alone. My husband left a long time ago. How will I survive? I was a mazdoor [wage labourer]. In Harsud I paid 300 rupees rent. Here I have to pay 700. I have been using the compensation money to live. It will run out very soon. After that?"*

A Mother Of Three, Chanera, August 2004

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In recent months, considerable media attention has been drawn to the process of displacement of the residents of Harsud town in preparation for its submergence in the Indira Sagar Pariyojana.<sup>35</sup> In addition, the continued and forcible dispossession of approximately 117-134 villages between 2002-04 has taken place in relative distance from the public eye. These people subsist scattered among undeveloped resettlement sites, forests and slums, living under inhumane conditions as the dam waters submerge their lands.

During the visit to Khandwa district, we were witness to the suffering produced by the brutal treatment of affected peoples by the Madhya Pradesh state authorities during the process of displacement and dispossession. We find that state apparatuses have been diligent in their coordinated and precise execution of forcible displacement, as, over the last few months,

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<sup>35</sup> See Lalit Shastri (2004) Harsud Residents: Holding On To Their Homes Despite Facing Submersion. In *The Hindu*, 01 July 2004, URL (consulted October 2004): <http://www.hindu.com/2004/07/01/stories/20040701110480100.htm>, also see Roy (2004).

bulldozers have demolished homes across Khandwa district, belongings have been dragged out and destroyed, and people have been evicted.

In all the villages and resettlement sites that we visited, distressing testimonials were offered by almost all of the approximately 1,400 affected persons whom we met, informing us of the extent of state repression before each displacement. In villages assigned for submergence this year, we encountered police pickets as the only visible signs of state presence. Dispossessed families were notified a few days, and on some occasions, barely a few hours prior to the demolishing of their homes by bulldozers. For many families who resisted or were unable to relocate for other reasons, their belongings were crushed along with the walls and roofs of their homes. Public dissent was suppressed through the consistent presence of police forces, the display of police weapons and the periodic use of batons. We found that police camps in resettlement sites have used force to intimidate citizens into submission and that police pickets are placed in villages marked for future submergence.

### **Harsud and 'New Harsud'**

Harsud, the 700-year-old town where 22,000 people from 6,166 families reside(d), was razed on 01 July 2004. The town remains partly vacated and partly occupied as some of its citizens have refused to leave, believing that Harsud will not submerge for another one to two years. The Commission notes that the government had announced the rehabilitation of Harsud oustees in 1984, two decades before the actual displacement ensued.

In August 1984, the Government of Madhya Pradesh issued a gazette notification under Section 4 of the Land Acquisition Act, to acquire 1,461 hectares of land in Harsud town for the Indira Sagar Project. The same notification assigned 214.99 hectares of land at Chanera for the proposed settlement of 'New Harsud'.

A decade later, in January 1994, the new 'Resettlement and Rehabilitation Action Plan' of the Narmada Valley Development Authority reiterated that Harsud town will submerge due to the Indira Sagar Pariyojana and the oustees will be rehabilitated to the Chanera resettlement site.

Despite the allocation of the Chanera resettlement site 17 kilometres from Harsud 20 years earlier, no arrangements were undertaken to prepare for the dissolution of Harsud and no preparations were undertaken for the building of resettlement infrastructure. Even as the state

government began to acquire land for resettlement since 1984, infrastructural work toward rehabilitation commenced only in March and April of 2004.

Chanera, the 'New Harsud', is demarcated into nine settlement sectors set in an isolated location, eight of which are allocated for residential purposes for oustees and one for official purposes. The distribution of resettlement plots began as late as June and July of 2004 and the distribution of compensation began in late May of 2004, and both are yet to be completed.

The government set the deadline of 30 June 2004 to vacate Harsud, and approximately two months prior to the deadline, state authorities took steps to vacate Harsud. Police forces marched the streets, sometimes on horseback, to suppress public resistance. Electricity connections were terminated and water supply was discontinued. Plot disbursements began in June and July, and many people received their plots only a few days prior to the 30 June deadline, making it impossible for them to build their homes and relocate before the 30<sup>th</sup>. For some residents, plot disbursements are yet to take place. Of the total 6,166 families, 1,318 oustee families (21 percent) were still in Harsud a week after the 30 June 2004 deadline.<sup>36</sup> Compensation amounts were offered from the end of May, and grants were allocated only after the 30<sup>th</sup> of June. Rehabilitation sites in Chanera were not habitable at the time when the citizens of Harsud were forcibly relocated there.

In May 2004, the Government of Madhya Pradesh ordered that the residents of Harsud destroy their own homes. A 'special package' was announced through which families who demolished their own houses and moved before 30 June 2004 would get an additional benefit amounting to 10 percent of their compensation, with a minimum of Rs. 25,000. This prompted some of the poor families, for whom Rs. 25,000 was several times their compensation, to start demolishing their houses. We received testimonials corroborating that at 10.30 pm one night, loud speakers announced that families would forfeit the Rs. 25,000 to which they are entitled, if they refused to participate in demolishing their homes within the next few hours. Influenced by the offer of monetary compensation, that night the people of Harsud, most of whom did not have a place to relocate, turned on themselves and used crowbars, handles, iron rods, picks and shovels to break their homes. After their homes were broken and rendered inhabitable, the evacuation began.

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<sup>36</sup> Affidavit submitted by the Government of Madhya Pradesh on 05 July 2004.

Even after significant emigration, many families remained in Harsud. From 27 June 2004 onwards, the Government of Madhya Pradesh resorted to using police and armed forces and mounted police, rapid action forces and paramilitary forces staged a flag march in Harsud.

As of 05 July 2004, the affidavit of the Government of Madhya Pradesh states that 716 families are now residing in Chanera. This was confirmed by independent sources on 30 July 2004. The remaining 5,450 families of the total 6,166 families originally resident at Harsud are dispersed in nearby towns and villages, while some have remained in Harsud. It is our assessment that the number of residents currently residing in Chanera has increased as well. As of 30 July 2004, of the 2,571 families who applied expressly to settle at Chanera, only 716 were able to construct houses while 1,855 families were unable to build housing there.

During our visit to Chanera in August 2004, there were no provisions for water, electricity, drains, roads, public transportation, sewers, bazaars, health care or crematoriums. The resettlement site is haphazardly assembled and not a planned township. On uneven and rocky hillsides and in streambeds, white stones mark undersized housing plots for relocated residents. People lived and many still continue to live in the absence of habitable housing and basic amenities. It is our finding that the residents of Chanera have attempted to build housing without adequate materials, which was made more difficult due to the monsoon rains. Given the deplorable and inhumane conditions, many residents of Chanera have visited nearby towns and villages attempting to lease houses at rents that are range from 100 to 250 percent higher than in Harsud, in order to ensure shelter during the monsoons. We note that land in Chanera is four times as expensive as in Harsud, making it exceedingly difficult for people to purchase comparable house plots or agricultural land. In addition, we found that oustees are often unable to fully relocate their livestock, leading to further economic hardship.

During our visit, we noted that a home constructed of inadequate materials had imploded into itself. We observed another makeshift shelter of a few rectangular tin sheets and saris stretched into walls that do not protect residents from the elements and collapse in the event of rain, necessitating repeated reconstruction.

We also noted the extremely unhealthy conditions in which oustees are forced to use unsanitary and insufficient water and open fields as latrines, leading to the spread of chronic gastrointestinal diseases. We found that a disproportionate number of children were unremittingly

hungry and sick. We found that both the Primary Health Care Centre and the 6-bed hospital located in a godown (warehouse) in New Harsud have inadequate outpatient facilities, unsanitary conditions, and a conspicuous shortage of inpatient facilities including staff, beds, operating and treatment equipment.

We visited the family of Prakash Durgalal, a dalit landless worker, who had stepped out of his makeshift home in the heavy monsoon rains in Chanera and was electrocuted by a live electrical wire strung on bamboo poles. Mr. Durgalal's relatives and neighbours protested outside the offices of the National Hydroelectric Power Corporation after discovering that there was no place available for him to be cremated, as the authorities had not provided a cremation ground. On hearing the complaint, an official is reported to have said: *"You expect us to provide for you when you die. Next you will even expect us to be responsible for more of you when you breed"*. In the end, Mr. Durgalal's body was removed to the abandoned portion of Harsud town and consigned to flames. Mrs. Saroj Durgalal, Mr. Durgalal's young widow, was in shock when we visited her, unable to conceive how she will find the emotional and economic resources to raise four small children. Her relatives testified that it was economically difficult for the family to make ends meet when Mr. Durgalal was alive and struggled to find regular work in Harsud, sometimes on construction sites or in nearby farms. But after the Durgalal family was forcibly evicted, Mr. Durgalal joined more than three thousand new daily wage-workers in search of employment in his resettlement sector, which is already saturated with other agricultural labourers with no factories or income generation opportunities. Under these circumstances, the Durgalal family had been forced to use the compensation money that they had been provided.

The original residents of Chanera refer to their unwelcome new neighbours as *'Ai Muavze!'* (Oh 'Compensation!'). We note that the new residents of Chanera experience a great deal of hostility from the original residents who live around the resettlement site. The resettlement units are disrespectfully labelled *'Phokatvada'* (village where residents receive everything free). We found that many among those who are affluent amid the displaced are moving to Indore, Gwalior, Bhopal, Udaipur and other places. The resettlement camps therefore are primarily populated by the economically marginalized, constituted primarily of disenfranchised caste and adivasi groups, and lower income families from other communities, making it easy for the authorities to dismiss their concerns in a society steeped in caste and class discrimination.

A survey of 121 families in New Harsud conducted by the Narmada Bachao Andolan, in collaboration with independent organizations in August-September 2004, demonstrates that only 5.7 percent have employment and income generation opportunities. Like most non-industrial towns, Harsud residents were part of a multilayered informal sector, reliant on trade, commerce and agriculture that has collapsed with the submergence. We note that the work currently undertaken to develop New Harsud uses migrant labour without offering similar employment opportunities for the newly arrived oustees.

We note that the temporary schooling provided in New Harsud is inadequate and that the facilities are ill-staffed and ill-equipped. Around 6,000 children were enrolled in public (government) and private schools in Harsud. There were eight government primary schools, three government middle level schools, three government higher secondary schools, and six private schools in Harsud, and one state college. The 14 government schools in Harsud have now been consigned to two school buildings and a few tin sheds in New Harsud and a nearby village. Since all the school buildings are not yet constructed, eight schools are held in the two school buildings in shifts. Seven other schools are being held in the makeshift tin sheds. A survey of 299 families living in the five sectors of New Harsud conducted by the Narmada Bachao Andolan, in collaboration with independent organizations in August-September 2004, indicate that 25 percent of school going children in New Harsud have discontinued their education after displacement.

We find that while there are pockets of resistance, in the absence of a sustained people's movement to dissent the injustices perpetrated in the construction of the Indira Sagar Dam, there is little organized resistance to the state's mistreatment. We note that the Narmada Bachao Andolan has begun working in Khandwa district during the past few months seeking to mobilize people to nonviolent dissent to protest ongoing injustices.

### **The Madhya Pradesh High Court Case**

The Harsud affected have filed a case with the Madhya Pradesh High Court on the issue of their displacement without rehabilitation. Harsud residents, Harakchand Sand and Dharamraj Jain, filed a case in the Jabalpur High Court in May 2004. On 23 August 2004, the petitioners submitted a new affidavit in the High Court asking for the appointment of a commissioner to investigate the process by which Harsud residents were displaced. The petitioners also documented the problems at the New Harsud resettlement site at Chanera. They filed an

investigation report of the health conditions conducted by independent health professionals.<sup>37</sup> The report documented three epidemics in Chanera – gastroenteritis, malaria and chronic fever, as well as a prevalence of skin conditions. The report stated that 97 percent of the 61 households surveyed were suffering from these ailments. The report also stated that in the absence of water facilities, oustee families were living with small supplies of water provided daily by tankers, and that in the absence of sewage and public toilet facilities, and the ban on constructing private toilets, oustees were having to travel 3-4 kilometres several times daily due to stomach related diseases.

The two-member bench directed that the Government of Madhya Pradesh file its response by the 31 August 2004. On 31 August 2004, the Government of Madhya Pradesh and the Narmada Hydroelectric Development Corporation filed a progress report detailing onsite conditions and contending that due progress was being made.

On 31 August 2004, in a hearing on the Harsud case at Jabalpur, a two-member bench of the Madhya Pradesh High Court comprising of Chief Justice Ravindran and Justice K. K. Lahaouti directed the petitioners to file a listing of problems and needs of the oustees living in Chanera. The Advocate General of Madhya Pradesh, R. N. Singh, gave an undertaking that the state government would take immediate action on these issues.

At the hearing held on 04 October 2004, the Jabalpur High Court ordered that the Grievance Redressal Committee (for Indira Sagar and Omkareshwar affected persons) appoint its members to inspect the resettlement provisions at New Harsud and prepare a status report documenting the present conditions, and submitting proposals outlining possibilities for improving the current situation.

The Court also requested that the Grievance Redressal Committee take into account the grievances put forth by oustees from Old Harsud who are currently residents of New Harsud and extend amenities and services available within the jurisdiction of the Grievance Redressal Committee. The Court also stated that: *“We permit the petitioners as also the State to furnish*

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<sup>37</sup> See Rinchin, Ashish Gupta and Amulya Nidhi (2004) *Planned Epidemics, Unplanned Resettlement: Report on the Status of Health in New Harsud of Madhya Pradesh*. Investigation Report, August 2004, Khandwa. In this report, Dr. Ashish Gupta, Mr. Amulya Nidhi and Ms. Rinchin document the health conditions and women's issues in New Harsud.

*necessary details to the Grievance Redressal Committee and assist it so as to complete its inspection and submit its report within six weeks to this Court”.*

### **Villages in Khandwa District**

Beyond Harsud, surrounding villages are likewise devastated. In a resettlement colony, a woman stated: *“What we most cannot bear is to see our children hungry. I wish they had just given us all poison. It would have been better than this living death”*. It is our finding that oustees from 32 villages due to be submerged in 2004 are yet to be rehabilitated. In addition, oustees from 17 villages whose homes and lands were submerged this year, even as these lands were not due for submergence at 245.17 metres, are also awaiting resettlement and rehabilitation.

In Barud, where people from various submerged villages have resettled, residents have been told that they are not entitled to land compensation as half the village awaits submergence and the rest is dismantled by a railway line that required relocating due to the submergence. At Bangarda, a house had collapsed injuring and leaving the male head of the family temporarily bedridden and unable to provide for his relatives. In Jhingadhad, the authorities issued contradictory messages and public services were destroyed and disrupted. People were informed that Jhingadhad village would partially submerge and half its residents were ordered out. A villager stated: *“Adivasis and harijans [dalits], they left. They are afraid”*. In the other half, state workers demolished hand pumps even as residents were told that their portion of the village was not scheduled for submergence.

The Narmada Water Disputes Tribunal Award requires that the government provide a minimum of two hectares of irrigated land to all those classified as landed, and adequate cash compensation to others. It is our finding that this has not taken place. Also, based on our inquiry into the standard of living in Khandwa district, it is our finding that cash compensation, Rs. 40,000 per acre for unirrigated and Rs. 60,000 per acre for irrigated land, is inadequate to purchase new land (see section entitled ‘Land Acquisition and Compensation’).

It is also our finding that people have often not been provided even the authorized sum. Many have received indiscriminate amounts such as Rs. 28,000, Rs. 37,000 or Rs. 55,000. Compensation/ex-gratia has not been issued in many instances. In the absence of livelihood opportunities compensation monies are utilized on subsistence leaving people destitute, compelling them to resort to middlemen and loan sharks, and to alcohol and gambling. During

our investigations, people reported that those who offered bribes to the project officials are able to enhance their compensation amounts while those who did not or could not offer bribes are being allocated less than the amount of their entitlement, indicating that the relevant authorities are engaging in extortion.

We were informed that a sizeable contingent of Shiv Sena (Mumbai based organization, literally 'Army of Shiva' affiliated with the Sangh Parivar, a group of Hindu nationalist and extremist organizations) members from Maharashtra visited Harsud, promising assistance to affected people. We note that this is of concern and that the Sangh Parivar must not be permitted to repeat their performance in Gujarat (after the earthquake in 2001) and Orissa (post cyclone in 1999), where relief work undertaken in an explicitly sectarian manner by Sangh Parivar organizations provided them with a foothold through which to exploit disaster to foster communal politics.<sup>38</sup>

In conclusion, we note that while public authorities charged with the responsibility of forcibly displacing people cannot eliminate human suffering, they are ethically and legally obligated to act with integrity, to ensure that displaced people are informed of and accorded their rights and receive requisite resettlement and rehabilitation without harassment and without being subjected to extortion and violence.

We find that the human rights failures in the Indira Sagar Pariyojana raise fundamental questions about the nature and structure of state sponsored and large-scale development, and within it, the viability of mega dams. Connected to the implementation of development also reside issues of state responsibility to uphold people's right to give or withhold consent to interventions that affect their lives, to information and decision-making, and to life, livelihood and cultural survival. Failure to ensure these rights furthers civic and political discontent and the conditions in which oppositional movements are compelled to organize. We find that the deliberate abandonment of the rights of the project affected people and their mistreatment on the part of the Government of Madhya Pradesh, central and corporate authorities, have gratuitously

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38 See Awaaz, South Asia Watch Limited (2004) *In Bad Faith? British Charity & Hindu Extremism*. London and Mumbai: Awaaz — South Asia Watch Limited and Sabrang Communications & Publishing Private Limited. URL (consulted September 2004): <http://www.awaazsaw.org/ibf/>; and The South Asia Citizens Web (2002) *The Foreign Exchange of Hate: IDRF and the American Funding of Hindutva*. France and Mumbai: The South Asia Citizens Web and Sabrang Communications & Publishing Private Limited. URL (consulted September 2004): <http://www.stopfundinghate.org>

escalated people's experience of dispossession and disenfranchisement in conjunction with the construction of the Indira Sagar Dam. Further, we find that the failure of state and corporate authorities to ethically carry out their responsibilities and uphold the rights of the project affected in the Indira Sagar Pariyojana evidences the breakdown of governance with affiliated and far-reaching consequences.

**APPENDIX I: SURVEY OF DISPLACED PERSONS AND SUBMERGED LANDS**

*Survey conducted by the Narmada Bachao Andolan in collaboration with other organizations and independent researchers in August-September 2004.*

<b>Villages (30) &amp; Town (1)</b>	<b>Oustee Families</b>	<b>Submergence (Land in Hectares)</b>
1. Ambakhal	332	322.95
2. Bandria	454	250.16
3. Banjari	425	191.02
4. Bhaiswada	69	49.72
5. Bhartar	85	25.87
6. Bhawarli	293	151.86
7. Bicholamal	57	146.36
8. Billodmal	397	584.46
9. Brahmogaon	160	362.89
10. Chikli	411	580.90
11. Dabri	252	141.99
12. Darkali	116	80.00
13. Dhanwani Mafi	430	404.43
14. Durjanpura	0	13.18
<i>Might indicate government land to be submerged.</i>		
15. Harsud (Town)	6166	1019.10
16. Hathnora	25	250.27
17. Igria	166	498.92
18. Jamkota	750	106.02
19. Jhagdia Mal	320	173.63
20. Jhingadhad	252	311.04
21. Khamkheda	300	178.68
22. Lahadpur Raiyyat	160	122.30
23. Navalpura	300	296.30
24. Piplani	597	117.55
25. Piplia Mafi	94	06.61
26. Pratappura	145	109.26
27. Purni	1005	934.86
28. Siralia	150	101.29
29. Siwar	120	207.92
30. Sonpura Khurd	225	349.42
31. Sonpura Raiyyat	195	178.43

**APPENDIX II: COMMISSION MEMBERS**

**ANGANA P. CHATTERJI** has been working with postcolonial social movements toward enabling participatory democracy for social and ecological justice for nearly two decades. An associate professor of Social and Cultural Anthropology at the California Institute of Integral Studies, her work focuses on issues of globalization, development and cultural survival; land rights, community governance and public policy; identity politics, nationalisms and gendered violence. Professor Chatterji serves on the board of directors of the International Rivers Network and Earth Island Institute, and the editorial board of the *Journal of Peace and Democracy in South Asia*. Recently a guest editor for *Cultural Dynamics*, a Sage Journal, for a special issue entitled, 'Gendered Violence in South Asia: Nation and Community in The Postcolonial Present', her publications include *Community Forest Management in Arabari: Understanding Socioeconomic and Subsistence Issues*, two forthcoming books, *Land and Justice: The Struggle for Cultural Survival*; *Violent Gods: Hindu Nationalism in India's Present*; and a co-edited volume, *Contesting Nation: Gendered Violence in South Asia. Notes on the Postcolonial Present*. **E-mail: a chatterji@ciis.edu**

**HARSH MANDER** is a writer and social advocate. He has served in the Indian Administrative Service in the predominantly tribal states of Madhya Pradesh and Chhatisgarh for almost two decades, mainly as a leader of district governments in tribal areas. He has also served as Country Director of ActionAid, a development organization, from September 1999 until March 2004. Currently a visiting fellow at the Centre for Law and Governance at Jawaharlal Nehru University in New Delhi, Mr. Mander is associated with various social movements, working with issues of communalism and communal harmony; nationalism, violence and the law; tribal, dalit, and disability rights; the right to information; custodial justice, and homelessness and the rights of homeless people and bonded labourers. He travels frequently, and writes and speaks regularly on diverse issues of social justice. His publications include *Unheard Voices: Stories of Forgotten Lives*; *Cry, My Beloved Country: Reflections on the Gujarat Carnage 2002 and its Aftermath*; and *The Ripped Chest: Public Policy and the Poor in India*. **E-mail: harshmander@vsnl.net**