

Sardar Sarovar injustices

by Rekha Oleschak

The Narmada Valley Development Plan – which involves the construction of 30 large dams (including the Sardar Sarovar dam), 135 medium and 3,000 small dams in Western India – is set to displace millions. Compensation, resettlement and rehabilitation mechanisms are non-existent, inadequate and/or unjust.

The plan to submerge large areas of the states of Madhya Pradesh and Maharashtra by the Sardar Sarovar Dam has been controversial ever since it was proposed by the Narmada Valley Development Authority.¹ In 1979 the Narmada Water Disputes Tribunal (NWDT) ruled on the compensation to be provided and stated that resettlement should be carried out at least six months before submergence of affected areas. Since the 1980s, the Narmada Bachao Andolan (NBA – Save the Narmada Movement)² has been campaigning for proper resettlement and rehabilitation of the thousands of families displaced by the Sardar Sarovar Project (SSP). As India lacks legislation to deal with resettlement and rehabilitation, displaced persons lack rights to resettlement and rehabilitation. The Land Acquisition Act does have provisions for compensation for land acquired for developmental purposes but does not apply to people not holding legal titles to land.

In 1996, the NBA filed a petition in the Supreme Court of India challenging the construction of the dam. The Court ordered work on the dam to be stopped. However, in 2000 the Court ruled that construction could continue provided that fair and equitable resettlement and rehabilitation support is provided to all project-affected persons. Presently the dam is 110 metres high and ultimately will reach 122 metres. Each additional metre means more displacement.

According to official estimates, the SSP is set to displace a total of 41,000 families. Those being displaced by the project's canal network are not considered project-affected and are therefore ineligible for compensation, let alone resettlement or rehabilitation. Of those officially

recognised as project-affected, many families have not been resettled or rehabilitated. Although the NWDT award and the Supreme Court explicitly call for compensation to be provided on a 'land for land' basis, the state of Madhya Pradesh is forcing people to take cash compensation – which, as studies have shown, generally leads to impoverishment. The NBA has repeatedly pointed out that rehabilitation is not taking place and that there is rampant corruption in the grant of cash compensation.

On 29 March 2006, Medha Patkar³, Bhagwatibai Patidar and Jamsingh Nargave (NBA activists) began a fast in support of a demand for an independent evaluation of the status of resettlement. On 4 April Patkar and Nargave were arrested and forcibly hospitalised. Several cases were filed against them, including a charge of attempted suicide. A further 300 activists were arrested. As the protests generated considerable media attention, the Prime Minister finally agreed to send a group of ministers to assess the status of resettlement. The NBA activists called off their fast. The ministers confirmed NBA's contentions that the reality of resettlement bore no relation to the plans on paper.⁴ In addition to the fact that rehabilitation and resettlement had not taken place in accordance with the orders of the Supreme Court, the report also found that there was no moral or legal justification for deducting 10% as income tax for every million rupees paid to displaced families. In any case, such cash compensation is not what was required by either the NWDT award or the Supreme Court.

Under the NWDT award, in case of an impasse, the decision-making power lies with the Prime Minister. However, despite the ministers'

report, the Prime Minister refused to take any position prior to the matter being decided by the Supreme Court. In May 2006, the Supreme Court all but threw out the NBA's case for a halt to further raising of the height of the dam unless those displaced were resettled. The Court stated that it would wait for the report of the Sardar Sarovar Relief and Rehabilitation Oversight Group (set up by order of the Prime Minister in April 2006 to evaluate the status of resettlement) and that the NBA should stop interfering with the construction of the dam. In effect, the Supreme Court has ruled that the construction of the dam and resettlement do not go hand in hand. In doing so it overruled its own statements of 2000 as well as the NWDT's ruling in 1979. The Oversight Group has recently submitted its report to the Supreme Court, which has to a large extent reiterated the concerns raised by the ministers' report. However, the Supreme Court and the Prime Minister consistently maintain there is no need to stop construction of the dam.

The insensitivity of the Indian judiciary and government to the plight of the project-affected people is shocking. India's poorest and weakest are being asked to pay the price for 'development'. By not suspending the construction of the dam, the Supreme Court has increased the likelihood that many more homes will be submerged and thousands of people left homeless by the 2006 monsoons.

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1. www.nvda.nic.in

2. For information about the NBA, see www.narmada.org and <http://narmada.aidindia.org>

3. http://en.wikipedia.org/wiki/Medha_Patkar

4. <http://www.hindu.com/2006/04/17/stories/2006041705231100.htm>