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### **RESPONSE TO THE REPLY BY THE PMO TO LETTER BY NBA- FACTS AND MYTHS EXPOSED**

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Dear all,

Namaste!

We have received by post, a letter with a detailed note that indeed took us by surprise. It was a response to our letter to the Prime Minister, Shri Narendra Modi Ji, on Resettlement & Rehabilitation issues related to Sardar Sarovar Project on Narmada. The same is sent to few others who wrote to the PM in support of the Narmada struggle, defending people's rights. The letter says that PMO (or PM himself?) examined the matter, in consultation with Narmada Control Authority & views/comments evolved thereby are annexed. We are forwarding to you, the letter with the 'Note: the views/comments' as well as our Rejoinder which the letter shows is also on the PMO portal but of which we are unaware.

This, we are sure, will indicate not just the inadequate information but incorrect data and distorted analysis and false claims made by the Apex Authority. We leave it to you to conclude from the correspondence and disseminate this to the largest readership urgently; when Satyagraha on the river bank in MP starts on 30<sup>th</sup> July, with readiness to face waters against illegal submergence.

Our point wise response follows:

#### **1 SARDAR SAROVAR PROJECT (SSP): Facts & myths**

The statistics given pertaining to the SSP as a multi-purpose inter-state project, very cleverly avoids referring to the share in the benefits of the Dam. The fact is that Maharashtra and Madhya Pradesh will have no right to a drop of water from the Sardar Sarovar reservoir and would only get 27% and 56% of the total power generated, which is bound to be different from the projected power generation capacity which is mentioned in the note. The uncertainty of the only benefit for 2 states is clear from a recent happening. The state of Maharashtra, as per authentic press reports, has demanded 1800 crores as compensation for the loss of power since closure of the River bed power house by Gujarat. The state of Madhya Pradesh then must have lost 3600 crores yet it has observed political silence.

The claims about the irrigation and drinking water benefits have already proved to be unattainable and the scale is also changing with the Government's decisions on various kinds of diversions of forest and lands in favor of the corporate and industrial projects. It is no more a concealed fact that the Government of Gujarat has already taken a decision to de-command 4 lakh hectares of land from the Total Command Area, mostly in favor of Industrial Areas and Investment Regions; as part of the Delhi-Mumbai Industrial Corridor (DMIC). These planned projects including those of Adani and Ambani, being adjacent to the Canal Network, are obviously also going to be the first beneficiaries of the water supply from the Dam.

Moreover, not more than 30-35% Canal Network is built over last 30 years since the Project received clearance. Obviously, the Government is not taking more than 25-30% of water ponded in the partially built Sardar Sarovar.

Since, this has deprived them over years, already begun; the farmers of Gujarat have taken to agitation against such unjust diversion and modification of the original project, thus, staking their claim and Right to Water. The drought prone and drought affected areas of Kutch and Saurashtra have been receiving least amounts of water which is insufficient to even satiate their thirst!

Moreover, the claims including drinking water to 8215 villages and 135 urban centres is an inflated one, since not only that the number of villages are doubled over the years but this figure also includes non-habitated villages where there is no one available to drink water! Out of the 135 urban centres, which did not initially include the large cities but only townships, the Government has diverted a major chunk of the reservoir waters to Gandhinagar, Ahmedabad and Vadodara with an additional scheme of 40 crores. It is not a surprise that the real needy areas in Kutch, Saurashtra and parts of North Gujarat are receiving pittance a few hours per week, with irregularity, not adequate to satiate their thirst.

It is in the public domain that the Government of Gujarat has entered into an agreement to supply 30 lakh litres of water per day to Coca Cola and 60 lakh litres to Car industries at Anand. All this at whose cost? Those in Gujarat who have been promised heaven over decades. It is worth pondering over what Rajasthan, the state on the periphery and at the tail-end of the beneficiary area will receive out of the actual claimed benefits!

The reply itself states clearly that the cost of the Project sanctioned by the Planning Commission as 6400 crores in 1988 has gone up to 39,000-40,000 crores at price level of 2008-09. Imagine what it would be today? It conceals two other points: 1 - That the cost benefit analysis was carried out in 1983 when the cost was 4200 + crores and the official statement of June, 2014 states that the cost as on today is 90,000 crores! and 2 - Such a huge escalation (even if the cost is 40,000 crores) is not merely due to change in the price level but due to original under-estimation or exclusion of costs of various parts of the Project including Rehabilitation, Garudeshwar weir, networks of Canals as well as pipeline for drinking water supply. Environmental losses and their true valuation of prime lands and forests are of no concern and hence not included in the costs. The escalation of budget allocation for the compensatory measures is hardly mentioned in the official documents. Moreover, the most striking fact is that there has been no review of Cost Benefit Analysis over the decades. Of course, if reviewed, the planners could always resort to the game of numbers as they have amply

demonstrated, through overestimation of benefits and underestimation of costs!

## **2. SUBMERGENCE IMPACT ON VILLAGES AND FAMILIES:**

It is shocking that the Reply refers to 244 villages as Sardar Sarovar project affected in the 3 states; excluding Dharampuri, one township that has always been on the list of Project Affected Villages. Not less than 1387 families in Dharampuri have received compensation for their houses over years while many were yet to be included. Even after spending crores on Dharampuri rehabilitation site for which land was purchased, much remains to be done to complete rehabilitation as per law. The official figure was brought down to about 88, when back water levels were reduced and those houses are even numbered as “affected”. However now, the whole of the township stands excluded! No one is informed about such a change, nor is their property rightly vested back in their name!!

It is a ridiculous statement made by the Authorities time and again, that only 4 villages out of 244 are getting fully submerged; which only means that in case of most other villages, even if all the houses and most of the land (agricultural land) and/or all the houses are to be affected; even a small chunk of land at the top of the hill or hillock being out of full submergence, these villages will be considered as only ‘partially affected!’

## **FRAUDULENT EXCLUSION OF 4374 PAFS IN 2008 AND FURTHER EXCLUSION OF 15900+ PAF THEREAFTER WHICH THE REPLY AVOID MENTIONING!**

It’s the worst of the frauds and also a crime that has been committed by the Governments, at least Madhya Pradesh and Centre who are hands in gloves. In MP, 4374 families were suddenly excluded from the list of 51000+ PAFs (3 states) reducing the number for no reason and years after they were initially declared “to be affected”. Field surveys have clearly established that there is no real reason for exclusion in most of these cases and whosoever were really wrongly declared also have received part of the benefits at least.

Who else but the officials are to be blamed for such corrupt practices? Mostly those unjustifiably excluded are women landholders, as surveys prove!

The figure of 46,806 families as Total Number of Affected Families due to submergence at old Back Water Level (BWL) at full height (138.68m, in table on page-2, point-2) is astonishing since MP has already excluded 15,900+ families on fictitious ground, after 30 years, by an unscientific reduction in the BWLs!

If 46,909 is the figure before the exclusion of 15,900+ families as per the table in 3.1 in the Reply, why does this Reply avoid or hide the exclusion? Is it because it is unscientific and unjustifiable? One of the two tables, within such a short Reply mentions that this figure is at the old BWL, while another table does not!

The same is based on a report by an Expert Committee appointed in place of the Central Water Commission (CWC) by NCA, which used a different mathematical model without even conducting field surveys! They violated the NWDTA (which is law) by not following the basic criteria parameters stipulated for computing BWL. This report was soon rejected by a Central Expert Committee appointed by MoEF as unscientific and yet the MP government as well as the Grievance Redressal Authority (GRA – chaired by retired judges of the High Court) continues to take that as a basis to deprive these thousands from R&R benefits.

One may also note that a footnote below the table in 2.1.3 indicates that the number is open and addition or even reduction from the list of Declared Project Affected Families (PAFs); there are thousands of families who have not been counted properly and at least hundreds in each state, who are not even declared as eligible PAFs. They still, after years, have to pursue the process of Grievance Redressal which is on!

## **2.1 RESETTLEMENT AND REHABILITATION OF PROJECT AFFECTED FAMILIES (PAFS) : FLAWED CLAIMS OF COMPLIANCE**

### **2.1.1 Resettlement and Rehabilitation Principles: But are those followed?**

The Response refers to but doesn't quote the principles and only lists down the provisions. The principles covered in the official Action Plan & Policy for Narmada-Sardar Sarovar, includes "Better standard of living than before displacement, for every oustee family." When no source of livelihood is provided to thousands as yet, is it operationalised and fulfilled? Other principles are 'no promotion of middlemen and no cash in lieu of entitlements.' These are totally flouted. The Special Rehabilitation Package in cash in lieu of land promoted by government of MP since 2001 and then 2005 has resulted in a few thousand fake registries. 686 of those are admitted by the GoMP itself. Whatever number to be proved by the Jha Commission report is that of families who are yet to receive land. There are hundreds of others who received only half of the cash but are demanding land ready to return the cash. This has left thousands of families in M.P. deprived of the same. Why is there no discussion of the same?

This reply boasts of liberal R&R policy which is exemplified by Maharashtra now allotting 1hectare of agricultural land free of cost to landless oustees. This is a decision of 1992. What is not pointed out is that in Maharashtra as well as in the hilly communities of Gujarat and Madhya Pradesh, almost 100% of PAFs are adivasis-many of who have been categorized as landless only since they don't have record of rights but hold and cultivate land. Gujarat and M.P. too offer 2 hectares of land to so-called encroachers since the intervention of the World Bank, but many of them are left out. While the claim here includes certain beneficial provisions and grants, they haven't uttered a word about decades long people's resistance at all! The non-compliance in meeting the targets is also concealed.

Furthermore, the fact of this letter being outdated is also demonstrated in the fact that the letter refers to the old plan changed years ago as 'The Present Action' explained below May we call it an indicator of one of the frauds committed in statistics or a height of callousness on the part of the

Authorities towards the affected people? The reply stands to be rejected on these very grounds!

There is no doubt that about 14,000 families have received alternative land over the period when the legal and mass battle was on. The judgments of the Supreme Court however remain to be complied with. Thousands others are yet to be rehabilitated.

### **2.1.2 DIRECTION ISSUED BY HON'BLE SUPREME COURT AND ITS FOLLOW UP**

Directions issued by the Supreme Court's judgment (NBA vs. Union of India and Ors, 2000); except the first, are violated since these acknowledge that there prevails slackness in the work of the authorities even in matters pertaining to identification and R&R of oustees.

The Directives are clearly to ensure that the NWDT Award as well as each state's R&R policy is to be implemented fully and fairly. These have also made clear the sequence and related the GRAs role in approving further construction on the basis of attainment of assurances. The judgment also indicates in its first and last directives that any expedition of construction work is **pre-conditional upon complete rehabilitation**. Despite these directives, the respective governments of Gujarat and Madhya Pradesh are rushing towards the closure of gates while also falsely claiming that rehabilitation is completed. Contempt of court case filed in 2008 is yet to be heard by the Supreme Court. Where is the channel to prove it?

### **2.1.3 'PRESENT ACTION PLAN?!' OUTDATED!!**

The Supreme Court, through its judgment dated 18/10/2000 (NBA – I judgment), directed the NCA to present an action plan for PAFs upto the final height of the dam. However, the Action Plan mentioned here, prepared on 17/11/2000, merely gave a time schedule proposed for Resettlement & Rehabilitation, that too for PAFs upto 100 metres and not beyond till 138.68 metres, except targeted years. That document has no details either of the

land that was to be located and allocated livelihood for the landless or establishment of R&R sites!

A much more shocking yet revealing fact is the tabulated schedule for the completion of the Dam, totally outdated, and never followed, that is presented as the 'Present Action Plan'. This shows 121 metres height with afflux-water rising to 134.32 metres as planned to be achieved by June 2003 which also states that all PAFs below 138 metres are to be rehabilitated by December 2004! According to this table, the R&R subgroup is yet to clear construction upto 138.68 metres dam height!

Since the permission for 121.92 metres was granted in March 2006 and for 138.68 metres in June 2014, it's obvious that what the NCA is supplying as Present Plan is indeed an outdated one. It also brings out that NCA on behalf of the Prime Minister and the Water Resources Minister is sending fake documents, to all the concerned citizens from different states who have written to the Prime Minister, Narendra Modi on this issue. One must indeed ask if this is a deliberate insult or inhuman callousness. Or is it misleading of the PM by the authorities and also of the Governments' advocates and through them, the Apex Court?

#### **2.1.4 PROCEDURE PRIOR TO NCA CLEARANCE FOR RAISING SARDAR SAROVAR DAM: AN EXERCISE ON PAPER?**

The pointed procedure mentioned here is no doubt based on the 1987 clearance granted by the Ministry of Environment as well as the Supreme Court's Judgment of 2000. However, the same is either violated due to no truthful information on R&R status taken into consideration at the time of the decision taken to raise the Dam height to the next stage from 110 to 121.92 metres, in March 2006. There is ample number of documents and evidence to show that thousands of families below 121.92 metres (with

water to rise upto 134.32 metres at the Dam site) were not rehabilitated when this decision was taken, nor are they rehabilitated, till date!

There are 177 villages in MP that are reported as affected at 121.92 metres height with back water levels, mentioned in official documents of the Gujarat government, which anyone may access and conclude that at least 125 of these villages are densely populated and houses, fields with prime agriculture and horticulture, schools, government agencies and Panchayats and thousands of trees with wide trunks, temples, mosques exist there even today waiting to be drowned and destroyed when the flood level is reached.

This didn't happen since 2006 as there was no flood; yet in 2013, there were maximum farms in the hilly areas belonging to adivasis in about 100 villages across the 3 states in addition to about 800 houses in the plain areas of MP which were affected merely due to waters released from upstream dams, even without floods. Not less than 30,000 families live even today in 176 villages and 1 township affected below 122 metres, without full rehabilitation even today in the 122 m affected area!

Rehabilitation as per the Narmada Water Disputes Tribunal Award and the State level R&R policy stipulates minimum of 5 acres of irrigated land for the severely affected landholders as well as their major sons and house plots with civic amenities, at the R&R sites. With no data and information regarding the Project Affected Families in each of the villages and the township provided in the Reply, it's a superficial, rather false statement of "R&R completed" and "no balance families to be rehabilitated" or "0 balance" made herewith as also in the Annual Reports of the Narmada Control Authority (NCA). The numbers game is the best strategy adopted by the Authorities and endorsed by the politicians, to their convenience, which has been of changing numbers of total families as well as rehabilitation and resettlement of families. When there are thousands of families not shifted to R&R sites, there are also major flaws and backlog, especially in Madhya Pradesh, where land, house plots and amenities together is hardly provided to anyone. Not more than 50 PAFs in MP are allotted land in MP but even

those without house plots and some being petitioners before the apex court who recently benefitted, are still without R&R sites provided, near their allotted agricultural land. There are hundreds who are allotted house plots near the original village while land is 150 to 200 kms away! All of them continue to struggle, staying put in the original villages.

There are 791 families identified in Joint Survey of Maharashtra; while the rest about 300 are yet to be declared. There are a few hundred adivasis in Gujarat too who are yet to receive full and good land. Hundreds of major sons are without livelihood after having shifted to the cash economy. A few thousand adivasis from different R&R sites and about 100 in the original villages on the river banks, are agitated and have begun a sit-in dharna near the Dam site, in the project colony (Kevadia), in Gujarat since June 15 this year, which continues till date. Why? Many R and R sites in Gujarat don't have drinking water supply and other amenities, promises of employment have not been fulfilled nor can those oustees be satisfied with the land where ever it's less than the due share (5 acres), without irrigation, and even partially bad or water logged land.

These include Dharampuri township where 1387 families have already received compensation for acquired houses but later only 88 families continued to be taken as affected and the latest is that the whole township is shown as above/out of submergence. This too, when many houses in 2 wards of the town were already affected till 2013, and there can be no way, either people from Dharampuri or other villages (all 15900+ families) to be saved during high floods, causing back water effect.

The critically crucial fact is that the document and data maintained by Government and Authorities of Gujarat, show the old, CWC computed BWL which is consistent with the field situation, yet Gujarat and the Union keep mum when the Government of MP excludes such a large number of families and the total number of PAFs is reduced to claim '0' balance! Such a scandalous fact is not even mentioned in the Reply! Can it be an inadvertent happening? Never!

## **Pari-Passu principle stands violated!**

The procedure to be followed, prior to NCA clearance, was formulated to ensure that before any raise in the dam height, the environmental and rehabilitation sub-groups ensure that the environmental and rehabilitation measures respectively are fully complied with, for families and areas affected at that height. This was violated at the time of every decision to raise the dam height, right upto the latest decision of June 12, 2014 taken under the Prime Ministers initiative and intervention!

The only way they could push the project was to permit the raise, manipulating the number of affected families as rehabilitated, showing '0' balance for each state, the sub-groups and the apex body, the Narmada Control Authority (NCA), permitted raising the dam to the next level! History was repeated in June, 2014 as well. So, the crisis due to illegal and inhuman submergence without rehabilitation continues.

In this Reply, as in all recent documents and reports, the official claim is that almost all of 46,806 (except 310 i.e. 302 in Maharashtra and 8 in Gujarat) are rehabilitated! With total number, as per 2011 census being much higher, this is false! There are more than 40,000 families at least in MP submergence village are alone and altogether at least 45,000 families, including those at the R and R sites, who have not received full and fair rehabilitation as per law.

## **Why no mention of Corruption, Justice Jha Commission and the Report?**

A major happening with regard to SSP has been that of 'corruption', it getting exposed and enquired into over last more than 7 full years! When the people's movement dug out the truth and complained time and again, with no attention and response from the authorities; it was the High Court of MP that appointed the Justice Jha Commission, using its power under

Article 226 of the Constitution. This enquiry into 5 aspects of rehabilitation was carried out over a period of 6 years.

The report is expected to bring out 2000 as the number of fake registries, corruption in house plot allotment and re-allotment as well as construction at R&R sites. Massive irregularities and related corruption is clear from the Report by MANIT, Bhopal and IIT, Mumbai prepared for Jha Commission. It indicates inhabitability of Madhya Pradesh R and R sites!! no doubt this is the only dam where 88 sites in M.P., 11 in Maharashtra and about 240 in Gujarat are planned and partly or fully established. However, when all amenities are not available, irrigation (a legal entitlement) not received by all and corruption leading to problems in house plots allotment. In M.P.- How can the affected people, evicted from generations old habitats and environs be rehabilitated? Can they be declared 'rehabilitated' without being resettled? All this indicates that R&R is incomplete.

One of the aspects in which corruption is identified by the Andolan is that of 'Livelihood Grant to the landless'. This reply in paragraph 2.1.1 presents a wrong version of the policy and provision. The Govt. of MP has deliberately misinterpreted the Policy measure of livelihood grant against the Action Plan, 1993; where in Occupational Rehabilitation was vividly described as a scheme to ensure that every landless oustee receives material aid as a source of livelihood and not just the grant.

The Reply casually talks of the Phase I and Phase II in construction of the Dam beyond 122 metres. The 1<sup>st</sup> phase would cause water level to rise 1.5 metres higher as discussed in official meetings till 2010, but later the government started denying and refusing their impact.

Under Phase II, the closure of gates is certainly on the agenda while simultaneously turning a blind eye to the great human tragedy if and when all 45,000+ families will face deprivation and destitution too.

## **GRIEVANCE REDRESSAL AUTHORITIES-AN ACHIEVEMENT BUT NOT WITHOUT BARRIERS**

It was during the NBA's case before the Supreme Court that Gujarat and other states were compelled to notify and establish GRAs for redressal. In spite of problems, GRAs functioned and granted relief directing rehabilitation to many. Not less than 13900 orders were passed by GRA till 2014. However, thousands out of those are yet to be complied with. The full list of orders is not available till date, even under RTI, from either GRA or Narmada Valley Development Authority, M.P.!

The Governments have presented wrong data many a times before even the apex court, underestimating the harassment caused to the oustees even after the orders in their favour.

Most important is the flawed and biased process followed by GRAs especially in Madhya Pradesh and Gujarat. The five retired judges appointed by Madhya Pradesh have sometimes not listened to the affected people and rejected their claims. Reports of their field visits are not at all truthful.

## **CONCLUSION**

The question is, when it's a question of life and death for lakhs of people, when the legal and constitutional mandate before the State is to be fulfilled, can the Narmada-SSP issues be taken so lightly and dealt with casually? Can false affidavits filed before the apex court even ensure justice? Can the 'development' projects to paradigm be at the cost of the farmers, labourers and other; adivasis and dalits? Can the PM ignore such a massive corruption scam and conceal the Jha Report while making public campaign against corruption? Can the SS gates be closed when the life in the densely populated submergence villages is on as rehabilitation is incomplete?

If not, why couldn't the PM respond to our request for a dialogue, face to face, instead of handing over the task to the officials? When all the former PMs, Chandrashekharji, Narasimha Raoji, V.P. Singhji, Devegowdaji and Manmohan Singhji could have a dialogue with us on the serious human and environmental issues, why not the Prime Minister Modiji?

**-NARAMADA BACHAO ANDOLAN TEAM**