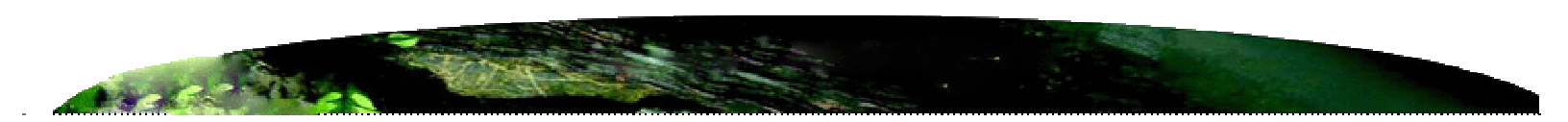


THE NARMADA VALLEY PROJECT



The Narmada River springs from a holy pool amidst Hindu temples on the Amarkantak plateau in the forested Shahdol district of Madhya Pradesh, and then winds westwards along a 1,300-kilometre course to drain into the Arabian sea. The Narmada is one of India's most sacred rivers. A verse in the ancient Matsya Purana commands those who wish to wash away their sins to bathe three times in the Saraswati river, seven times in the Yamuna or once in the Ganga, but if it is the Narmada that one visits mere sight of the river is cleansing enough.

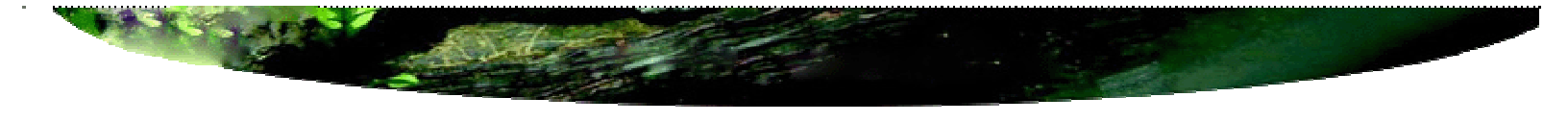
The Narmada basin drains an area of 98,796 square kilometers and is home to 21 million people, nearly 80 per cent of who live in villages. About a quarter basin is covered in moist and dry deciduous forests and about 60 per cent of black soils composed of silty clay with low permeability.



Although the Narmada Valley Project was conceived in 1946, final planning and work on it commenced only after the Narmada Water Disputes Tribunal passed its final orders in 1978. This tribunal was established in 1969 under India's Interstate Water Disputes Act of 1956 to resolve the dispute on river water sharing among the riparian states of Madhya Pradesh, Gujarat and Maharashtra. The tribunal also laid down conditions regarding resettlement and rehabilitation of the people to be displaced by the submergence-the 'oustees.'

The Narmada Valley Project, if and when completed, will rank as the largest irrigation project ever planned and implemented as a single unit anywhere in the world. By the year 2040, the project authorities hope to complete 31 major dams (11 on the Narmada and 20 on its tributaries), 135 medium dams and 3000 minor dams. Out of the 31 major dams, the ones most controversial are the Sardar Sarovar. Project (SSP) in Gujarat and the Narmada (Indira) Sagar Project (NSP) in Madhya Pradesh. The NSP, which has the largest submergence zone and will create biggest artificial reservoir in India, is years behind the SSP in construction. The SSP, however, is well under way and has become the rallying cry of internal and Indian NGOs as a symbol of everything that is wrong with the way big dams are built, from international funding to environmental impacts to displacement abuse of people.

The SSP is intended to bring drinking water to Kutch and other drought-ridden regions of Gujarat. The dam will impound water in a 455 foot high reservoir that will submerge 37,000 hectares of land in the three states of Gujarat, Maharashtra and Madhya Pradesh. It will also divert 9.5 million acre feet (MAF) of water into a canal and irrigation system. The canal is the biggest in the world-450 kilometer long. The aggregate length of the distribution network will be 75,000 kilometer and will require 150,000 hectares of land, more than four times as the land submerged by the reservoir.



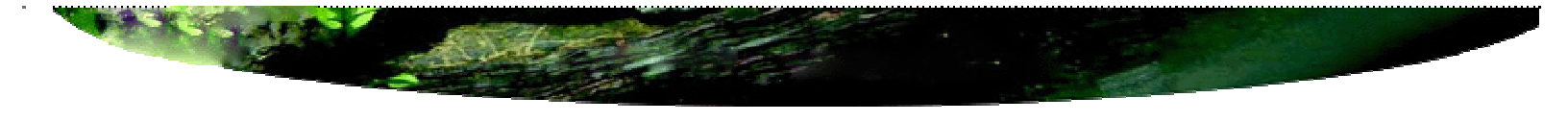



Recent Supreme Court Orders And Developments

The Narmada Water Disputes Tribunal (NWDT) established specific conditions regarding the resettlement and rehabilitation of the people that would be displaced by the creation of the Sardar Sarovar dam. The language of the tribunal award clearly states that all 'Project Affected Families' would be re-established as communities with access to water, education, and health (Clause 1V(1) on a 'land-for-land basis'. Clause IV (6) states that 'in no event shall any areas in Madhya Pradesh and Maharashtra be submerged under the Sardar Sarovar Project unless all payments of compensation and costs is made for acquisition of land and arrangements are made for rehabilitation.' This clause has served as the centerpiece for litigation by the Narmada Bachao Andolan (NBA).

The NBA focused its writ petition in the Supreme Court on the rehabilitation of the affected people. It presented a comprehensive review of the project and re-quested that no further submergence or displacement takes place. On 5 June 1995 the Supreme Court granted a stay, citing the questionable rehabilitation process. Construction was suspended at a height of 81.5 meters.

After four years of investigations and mounds of further litigation, the Supreme Court surprised many by issuing an interim order on 18 February 1999, which permitted the resumption of construction on the dam up to a height of 85 metres. One of the major reasons the court allowed work to resume was based on an affidavit provided by the states of Maharashtra and Gujarat that all oustees had been fully rehabilitated and indicating that arrangements had been made for those to be displaced by the increase of 3.5 metres in dam height. Overall, the court disregarded a great deal of the information prepared by the NBA. Instead, it used the government data as the basis for the deliberations. Although the court did allow work to continue, it also recognized a three member 'Grievance Redressal Authority', an independent committee appointed by Gujarat, which was to investigate two issues: (a) whether the rehabilitation of the resettled oustees had been completed in a satisfactory manner, in accordance with the NWDT







award and other government policies; and (b) whether the preparations to resettle individuals who would be displaced if the height were to be raised to 90 meters were adequate. This committee was to report on the state of the displaced in mid-April when the court would entertain the motion of raising the height of the dam to 90 metres.

Although the court did state in its decision that all those displaced by the increase to 85 meters needed to be adequately rehabilitated, what type of signal does the decision give to those displaced who now face the sudden and immediate threat of submergence? Do you believe individuals might end up accepting less advantageous rehabilitation packages than they might have otherwise? Why?

In this interim decision the court restricted itself to considering only issues of 'relief and rehabilitation.' Interestingly, the NBA argued strongly that the entire project ought to remain suspended until a full re-examination has been conducted. The NBA brought up environmental issues, cost-benefit issues, and constitutional and equity issues surrounding the displacement process itself. Is this narrowing of the issues problematic? Why? Do you believe the court erred in accepting the notion of displacement of individuals as long as they are rehabilitated? Can a community ever be 'rehabilitated'?

Not surprisingly, the court's 18 February 1999 decision to allow construction to resume touched off a flurry of activity within dam opposition groups. A series of marches, protests, and claims of government fraud ensued. Many opposition groups, with the NBA leading the cause, challenged the assertions that government officials made in court concerning land availability and the status of those currently displaced by the SSP.




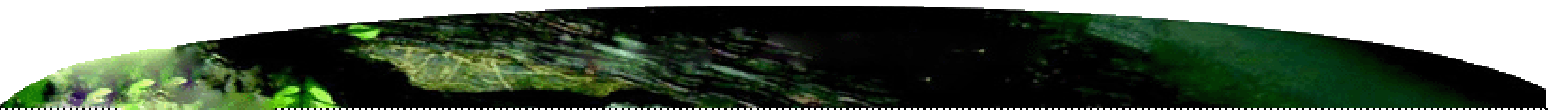


In order to fully expose the incorrect government claims, the NBA and a host of other concerned groups representing oustees, women, dalits, tribals, farmers and other downtrodden people, organized marches and sit-ins throughout India, aimed particularly at dam sites and government buildings. Their purpose was to force the government to admit its untruths concerning the availability of land for the displaced. Several such protests were carried out between March and September 1999. However, the most significant of these rallies, entitled the 'Manav Adhikar Yatra " or the Human Rights March, occurred in early April, 1999. This extensive march covered hundreds of kilometers and included thousands of participants. The march started in Badwani, Madhya Pradesh and wove through several dam-affected communities in the Narmada Valley, as well as numerous cities and towns before reaching New Delhi early April 8th.

The campaigns conducted by citizen groups are having some positive outcomes. In March, 1999 the government of Maharashtra admitted that there was not land to sufficiently rehabilitate the families who would be submerged by the court sanctioned five meter rise in dam height. Remember that Maharashtra authorities had made earlier claims in the Supreme Court that there was land available for project-affected families. Authorities have admitted that the number of displaced families they had cited in the affidavit submitted to the court was based on numbers of a survey conducted in 1983-1984. This figure represented only one tenth of the actual number of displacees.

Much of the recent controversy and litigation that has taken place is in response to the consideration of the court to allow building up to a height of 90 metres. However, recall the dam proponents admit that benefits will not accrue until the height of 110 metres (the final height planned is 138 metres). If completed as planned, opponents say that 320,000 people will be displaced by the SSP. Should the court be viewing the project in a more comprehensive





manner considering the difficulties the government is having locating land for displacees at these lower dam levels.

The Narmada planning process seems to have been replete with false claims of benefits, even aside from the deeply flawed scheme for resettlement and rehabilitation. The governments involved continued to spend public money without environmental clearances, and presumably will do the same with future projects unless harsh penalties are imposed on them. Meanwhile, in the United States and France, large dams are being decommissioned as their high maintenance costs and damage to fisheries have become intolerable. Mega-dams may be a symbol of development in India, but they are beginning to seem an obsolete technology elsewhere in the world.

