

**IP
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Report

The Bargi (Rani Avantibai Sagar)
Project

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**THE INDIAN PEOPLE'S TRIBUNAL
ON ENVIRONMENT AND
HUMAN RIGHTS**

FIRST REPORT

**BY JUSTICE S. M. DAUD
(RETIRED JUDGE, BOMBAY HIGH COURT)**

The Bargi (Rani Avantibai Sagar) Project
Salient Features

1.	Date of commencement	1974
2.	Date of reservoir filling	1990
3.	Height	62 meters
4.	Length	5.4 km
5.	Total water spread	308 sq. km
6.	Irrigation capacity	4.4 lakh hectares
7.	Proposed electricity generation	105 megawatts
	Actual electricity generated	35/40 megawatts
8.	Estimated cost	566.34 crores in 1991 (Rs. 64 crores in 1968)
9.	Bargi diversion cost	Rs. 1100 Crores
10.	Estimated submergence	26,729 hectares (62 villages)
	Actual submergence	80,860 hectares (84 villages)
11.	Estimated displacement of people	1,00,000
	Actual displacement	higher not calculated.

Justice Daud retired as a Judge of the Bombay High Court. He was born in 1931 and completed his schooling from Bishop Cotton School, Nagpur. In September 1954, after graduating with an M.A. in Political Science and obtaining an LLB degree from Nagpur, he joined the sub-judicial service. He was appointed Judge of the Bombay High Court in July 1985, a position he continued to hold with honour till he retired in December 1992.

NOTE ON JUSTICE S. M. DAUD'S VISIT TO BARGI
by Advocate Mihir Desai (Convenor IPT)

On behalf of the IPT, I requested Justice Daud to visit the Bargi area, in response to disturbing reports that the condition of the oustees of the Bargi dam was such that some were facing starvation. Also that almost all had been deprived of their rights and property without adequate compensation or consultation. Bargi held particular significance as it was a part of the Narmada Project and the conditions here would be indicative of what was in store-for the many other dams being planned in the Narmada Valley, including the Sardar Sarovar Project which is currently at the centre of a storm of controversy. I accompanied Justice Daud on his two-day field investigation between July 7 and 9, 1993. Before the visit, we undertook two weeks of background research on the Bargi Project in Bombay. What follows is, of course, a preliminary investigation. What is called for now is a thorough investigation by the Central Government into the execution of the entire project. The IPT was assisted in its investigations by the representatives of the *Bargi Bandh Visthapit Sangh*.

We reached Bijasen, or what remained of it, after an adventurous journey through slushy, inhospitable territory, which the oustees had to live with as a matter of routine. Anurag Mody, an activist working with the oustees had informed us in Bombay that he would arrange for us to meet the affected people on our arrival. We were taken aback to see that more than 1,000 ousts, who had travelled various distant affected areas, came to share with us their tales of woe. It was at Bijasen that we recorded most of the statements, which could only be collected through their spokespersons.

In looking at the Bargi Project, we were concerned with the extent and adequacy of rehabilitation and the performance of the dam in relation to the promise it had held out to the nation.

From Justice Daud's Report it becomes clear that:

1. Many oustees have not been paid any compensation and where it has been paid the compensation has been very meagre;
2. Many of the oustees owned large plots of agricultural lands and all of them owned houses prior to the submergence. Only a few of them received any alternative land after the submergence for tilling or residence. Many of those who did receive alternative sites had to suffer a second round of submergence.
3. Not only have they lost their land, but also their livestock, which perished for lack of alternative grazing, pastures.
4. The present living condition of the oustees is not just deplorable but positively dangerous to their health.
5. In the 'ideal' villages set up by the Government for rehabilitation, conditions are so dismal that some have actually died of starvation.
6. The dam itself has failed to irrigate its potential area and has not been able to generate its rated capacity of electricity worse, it has caused a reduction in crop yields as it has caused massive waterlogging and salinity thanks to its leaking canal system.

It goes without saying that no investigation can be deemed to be truly complete unless both sides of the issue have been carefully looked into. This is why we sent special fax and hand delivered messages requesting the following people to meet with Justice Daud at the Circuit

House at Jabalpur at 8 AM on July 9, 1993: Mr. S.S. Mathur, Divisional Commissioner, Jabalpur and Mr. B.B. Ghosh, Chief Engineer of the Bargi Project, Jabalpur and Mr. Ajit Singh, Advisor to the Governor, Bhopal. We had asked that they depute representatives in case they were not able to make the appointment, or at the very least send us a written response to our queries. Not only was our request ignored, but even the Circuit House booking had mysteriously been cancelled, causing great inconvenience to Justice Daud who reached Jabalpur at 1.00 A.M. on July 9,1993, only to be forced to return the same night for Nagpur. We must regretfully conclude that the authorities had no interest in cooperating with this people's fact-finding mission. Despite this lack of response, we were able to rely on various official documents and correspondence relating to the Bargi Project on which we placed extensive reliance.

I acknowledge the assistance of Sonali Ojha, Deepika D'Souza, Varsha Chawda and Dilip D'Souza in helping to prepare this report and hope that on receiving it the authorities will send us their measured response.

Meanwhile, we intend to bring the facts to the notice of a wide cross-section of Indian society in the expectation that this will focus light and attention on an issue which the authorities would obviously prefer remained forgotten in the realm of darkness.

Advocate Mihir Desai
Convenor - IPT

**REPORT ON THE STATUS
OF THE OUSTEES OF THE BARGI PROJECT
by JUSTICE S.M. DAUD**

INTRODUCTION

When the Secretariat of the Indian People's Tribunal on Environment and Human Rights first approached me to travel to the Bargi Dam project site to assess what was described as 'the pitiable condition of the oustees' I wondered what might be the purpose... since the dam had already been built. I felt that it was too late to turn the clock back even if I came across any evidence of injustice or faulty planning. When I came to learn that this was only the first of many dams being built across the Narmada, however, I realised that an investigation was indeed necessary. Not merely to ameliorate the condition of the Bargi oustees, but to shine a light on the future of millions who I understand await displacement at the hands of the Narmada Project.

I travelled to meet with the oustees and came away deeply distressed at their condition, and at the apparent apathy of the authorities towards their plight. I have appended some of the hundreds of pleas and complaints for justice that were placed before me by people who asked that their case be brought to the notice of those who might be able to mitigate their problems. I trust that citizen's groups, or conscientious government servants who may not have been aware of the Bargi problem, will take up cudgels on their behalf of the victims on reading what follows.

It appears to me, in this instance at least, that the benefits of development were never intended to be shared with those who were forced to pay the highest cost. On the face of it, the human rights of the people affected by the Bargi Project were violated and their environment callously and irreparably damaged. I can only hope that theirs is the exception and not the rule where India's development projects are concerned.

Those looking for more details on the Bargi Project than becomes apparent from my report could obtain a background note titled "The Bargi Project" from the IPT Secretariat.

THE PROMISE

The Bargi (Rani Avantibai Sagar) Project is one of the firsts of the 10 large dams planned across the Narmada River, of the Narmada Project. It was in 1947 that the Central Water & Power Commission (CWPS) undertook its preliminary investigations for multipurpose projects in the Narmada Basin. An ad hoc Committee was then set up by the Government of India which recommended detailed investigations in regard to four projects, in the first instance, one of them being Bargi. The matter remained in limbo until 1960 and it was only in 1968 that a modified report emerged.

At the time, the Project was universally supported and designed to be a great asset to the country with 1.99 lakh hectares of land to be irrigated so as to produce an additional 10 lakh tonnes of food, plus 90 megawatts of non-polluting, renewable, hydroelectric power.

PERFORMANCE

Government data available to me from reports I inspected reveals that the Bargi project has failed to live up to its expectations. Instead of the promised 1,99,000 hectares, a mere 12,100 hectares of land is being irrigated by the project today! Instead of increasing food production by 10 lakh tonnes, the yields have actually fallen! It seems that the canal system was not properly constructed and water therefore began to seep into adjoining lands, causing waterlogging, salinity and the growth of unpalatable weeds. The performance on the electricity generation front is no better. The figures put out by the State Government suggest that the actual generation work out to 35 to 44 megawatts as opposed to the projected 90-megawatt capacity. .

That the benefits fall short of the estimates is bad enough. To my dismay I discovered, however, that a still greater cost had been paid by the country in terms of irreparable damage done to its affected citizens who were asked to make major sacrifices in the national interest.

To begin with, owing to 'miscalculations' instead of 162 villages, 184 villages were submerged. This is extraordinary. I can only put down to incompetence and negligence the fact that whereas the government estimated a total of 26,729 hectares would be submerged, the actual submergence amounted to 80,860 hectares!

The 162 villages, which were to be submerged, included 11 villages situated on unalienated land, which was still Government property. The remaining 151 villages were located thus: 19 from District Jabalpur, 87 from District Mandla and 45 from District Seoni. The work of acquisition of land started as early as 1978 and was to be completed in 1984. When the State intended to acquire so much land and dispossess such a large number of citizens, it should first have devised a scheme of relief and rehabilitation. This is a complex process, requiring openness, trust and cooperation of all concerned. The only way to conduct such a delicate and sensitive operation would be through almost constant interchange of ideas and incessant dialogue between the representatives of the affected people and the administration. This, however, did not take place. Even as intimately connected a person with the Administration as the Commissioner of the Jabalpur Division had this to say:

"What really appears about the project is the situation of the proverbial cart having been placed before the horse. Any such project requires meticulous planning and careful - implementation including complete and accurate information of all the important variables to be dealt with - socio-cultural environmental, economic and the rest of them. A plan for the resettlement of the persons to be displaced should be ready before the work starts on the project. In the instant case the dam is more or less complete and is expected to attain full reservoir level this year. But the plans for resettlement are being thought of now - a clear example of placing the cart before the horse. Rehabilitation of a people uprooted from their lands and homes is a delicate matter and requires a good deal of understanding and dedication. The socio-cultural patterns of the oustees the level of the economy, their cultural ethos and psychological make-up and all such other aspects need to be studied and understood before any scheme for their resettlement could be thought of."

At another place in his report the learned Commissioner comments upon the amount spent on the rehabilitation as compared to the total cost of the project. The rehabilitation amount is as niggardly as Rs. 16.98 lakhs when the cost of the project is Rs. 409 to Rs. 412 crores.

I would further emphasise that from what I could establish that even this amount was spent on an *ad hoc* basis without any planning much less any consultation with those affected.

According to the 1981 census, the proportion of cultivators was as high as 66 per cent of total working hands, agricultural labourers constituting a further 20 per cent. Surely, the valuable members of society who feed the nation should have been better treated. At the very least, a viable scheme for rehabilitation should have been designed to relocate the displaced persons on arable land. If this was not available and if, as was pointed out, the people could not be settled in the command area "since it fell outside the ethnic zones of the oustees," then the project itself should have been reconsidered.

In so far as the preference of the oustees is concerned, 74 per cent of those from Mandla wanted to remain in the same District, while the remaining 26 per cent wanted to move to the adjacent area of Jabalpur District in the same ethnic region. In Seoni 93% of the oustees wanted resettlement within the District itself, while the remaining desired resettlement in the adjacent ethnic regions of Mandla and Jabalpur Districts.

The government seems quite aware of the basic considerations, which should be followed when displacing people. Ministry of Home Affairs guidelines vis-a-vis the rehabilitation of tribals displaced by irrigation and other projects reads thus:

"For tribals there is no rehabilitation more effective than providing them with land as a source of livelihood. Even if quantity of land lost by a tribal family cannot be entirely made good by alternative land it must be ensured that some land is provided so that the family is not completely uprooted from its traditional occupation. "

The Ministry goes on to recommend to other State Governments that they follow a law enacted by the Maharashtra Government which provides for economic rehabilitation to oustees on the basis of grants of arable lands.

MADHYA PRADESH OUSTEES ACT

As late as 1985, the Madhya Pradesh Government enacted the Madhya Pradesh Prayojik Visthapith Adhiniyam. The preamble suggests that the Act be designed to provide for resettlement of persons displaced from lands, which are acquired for irrigation projects or public utility projects. The Act does contain provisions, which would give some measure of relief to those losing their properties, but, unfortunately, Section 10 states that the State Government must specifically notify a project for it to be governed by the Act.

Therefore the precedent condition is that the State Government has to form an opinion of it being necessary or expedient in the public interest to provide for the resettlement of the displaced persons that are going to be affected by any project. Next, the State Government has to issue a notification declaring the project to be subject to the provisions of the Act. There is no logical reason for it, but the Bargi Project was not so notified.

REPORT OF THE COMMISSIONER FOR SC/ST

I note that Dr. B.D. Sharma, the ex-Commissioner for Scheduled Castes and Scheduled Tribes, had been in constant touch with the problems of persons displaced because of the Bargi Project. He had carried out a survey and prepared a note in June 1986. His incisive observations make interesting reading. In paragraph nine, for instance, he refers to some unresolved problems. These are listed below:

1. *Those allotted lands have not been conferred Bhoomiswamy rights (i.e. ownership rights). The compensation to which they are entitled thus remains unfixed.*
2. *Certain persons had encroached on revenue lands and had been tilling those lands for generations. According to the Government circular the encroached upon land could be settled upon eligible persons. Rules laying down the eligibility and priority had not been framed with the result that the occupants were declared not eligible for compensation.*
3. *Dhimars had been cultivating lands in the Kachhars of the Narmada raising watermelons and other crops. These lands were being cultivated based on annual leases. No compensation had been assessed in their cases.*
4. *The Kotwals had been tilling the service tenure lands. Their lands had also been submerged but they were not held eligible for compensation.*

STATEMENTS OF OUSTEES

In preparing this Report, I have referred to on a joint statement of the assembled oustees at Bijasen on July 8, 1993. The representative of these persons, Chatarsingh, son of Parmoo, was the sarpanch of a group of gram panchayats comprising 11 villages.

Chatarsingh's village was wiped out in 1990 as the reservoir filled to capacity. Prior to its obliteration, the village must have been a place of great productivity, peace and happiness. The village had about 300 households and the cultivable land came to about 500 acres. Each cultivator had a holding ranging from 10 to 150 acres. Homestead and holdings were submerged, compelling the population to migrate to new habitations. It is worth examining Chatarsingh's story somewhat closely for the fate of other villages was similar and this gives us some idea of the terrible injustice meted out to the people in the name of development; particularly when contrasted to the abject failure of the project to meet its stated goals. ,

Chatarsingh states and I have no reason to disbelieve him, that "the initial promises of the administration was to give each landed family five acres of land. They also promised a constructed house in the new area to each family. Artisans were promised an interest-free loan of Rs. 5000/-to start anew in their vocations. As cultivators could only be given small patches of land, they were promised interest-free loans for livestock and agricultural inputs, of which half were to be written off as subsidies. However we were shown were patches of *abide* (barren) land on which we were to put up houses. Neither any funds nor any material was supplied for the construction of new houses. The promised five acres of land were never given." As I read the retinue of complaints, a picture began to emerge of a lack of intent, to deliver justice to the affected, not just of inability.

Loans, where advanced, were given to five or ten persons from each village and that too on interest ranging from 12 to 13 per cent per annum. Recoveries of the installments have been effected for 1990-91. There have been no recoveries in the subsequent period. This was not, as Chatarsingh was at pains to tell me, a concession to the Bargi oustees, but something,

which they enjoyed in common with all agricultural debtors favoured on account of drought conditions. The land submerged was very valuable. According to Chatarsingh the utility was 20 grains to each grain sowed. The crops raised by the tribals covered a wide range, from millet of the coarse variety to rice of the finest variety. The principle food crop was wheat. Every acre of land had *palas* trees, which are exceedingly valuable as, apart from their leaves, which furnish building material for the impoverished cattle shed and huts of the adivasis each tree yields shellac worth about Rs. 1,000/- per annum.

Chatarsingh went on to say that the village had about 200 *mahua* trees whose flowers and fruit were the mainstay of the people, serving to supply food, oil and even liquor. The estimated yield per mahua tree was between Rs.4000/- to Rs.5000/- per annum. There were about 204 mango trees, each yielding fruit worth Rs.5040/-. The 500 tamarind trees in the precincts together with other fruit trees met all the nutritional needs of the village, particularly the young children and the elderly: Additionally, lemon, bananas, jamun and papaya harvest yielded handsome returns to the village at mandi sales. Teak trees provide timber enough for the construction of house supports, ploughs and other simple yet vital requirements. All 11 villages had an independent pond, stocked with fish, which supplemented the diet of the villagers. Their fields were layered with fertile black cotton soil, which delivered crops with virtually not application of chemicals.

There can be absolutely no doubt that the quality of life of the people was high, if simple as compared to the luxuries we have become used to in large cities. For this rich legacy -- handed down from father to son and nurtured collectively by a people who Gandhiji had pleaded should at the centre of all development -- the villagers received paltry sums ranging from Rs. 500/- to Rs. 5,000/- per acre. The only person who was compensated at the rate of Rs. 5,000/- per acre had to go to court to obtain justice. One of the villages, Karaiya, was actually paid the ridiculous amount of Rs.300/- per acre! No compensation was paid for the trees, except in the case of *palas* for which some retrieved Rs. 10/- per tree... after fighting for nearly three years with the concerned authorities.

DOUBLE DISPLACEMENT

The plots allocated to the oustees for construction of new homes were chosen in cavalier fashion by the authorities. This became apparent when one learns of the fact that their carefully re-established homes -- such as they were -- fell victim to submergence once more without the slightest hint of a warning from the engineers and planners of the dam. Traumatized once, the loss of their security for the second time was unimaginable. For this second displacement, no compensation was paid to the villagers, compounding several times over the original injustice of forcing them to occupy plots barely one-tenth the size of their original holdings. The villagers had no choice but to put up the money to re-house them, as they had no alternate shelter or place to stack provisions and stores safe from the vagaries of weather. In the process almost all have lost their most prized possession by which their wealth was once counted -- livestock

The Indian villager is a hard working and thrifty individual. Despite their entire adversary, the Bargi oustees had been able to scrape together a few assets and securities. Now, in one fell swoop, all this was taken away as the hard-earned savings of people were diverted to buy fresh housing materials. However, not even transport charges to shift to newly allocated sites were paid to these unfortunate people. This second displacement completed the devastation

of the oustees. Now, without arable land, without any assets, a once-self reliant people were reduced to the status of manual labourers with men, women and children taking up any and all employment, just to feed themselves. Most are now rickshaw pullers, coolies, or construction, workers. Not used to this kind of labour, the displaced are best with an assortment of ailments ranging from gastric and lung conditions to general debilitation and malnutrition. In the words of Chatarsingh, those who were once prosperous and self-employed are now beggars.

The new homesteads situated at higher levels were in some cases reduced to the status of islands. One person compelled to live on such an island, Lalaram, spoke of being forced to live with his family within two to three terrifying metres of swift flowing water. According to him fear was a constant companion for he never knew when the flowing water would submerge his home and carry away not only his meagre belongings but members of his family. Lalaram had been given only 4.5 acres of land and had to feed nine mouths. Under the circumstances he was surprised, amused and upset at the question as to whether or not his starving children were receiving any education. In fact, he stated bitterly, children from several other homes who were studying in the high school also had to be withdrawn.

These were not isolated instances. Nanibai Raiyyat lost two houses in quick succession both built at great expense. Minia, whose husband expired 10 years ago, lost her house twice. No compensation was paid to her. Basantibai, an articulate woman, indignantly said that the Government had given all manners of assurances, but had not the decency to honour even one. She spoke of the displaced getting neither the employment nor property nor even alms.

Annilal, a landless labourer, spoke of some of the landless having been given 'pattas' (strips of land) but without adequate compensation having been negotiated. The duplicity or, if one wishes to be charitable, the inefficiency of the administration, was commented upon by Bhausingh of Batiwad. He said the Land Acquisition Officer pointed out sites, which the oustees were to occupy. They acted on his direction only to be faced with prosecutions, initiated by the Forest Department! Between 60 and 70 persons faced such prosecutions with the attendant harassment of lengthy trials. The persons prosecuted had to attend the distant Mandla court resulting in the waste of one full day's wages for each one of several hearings. This in addition to the actual expenses, which amounted to at least Rs.100/- per person, a king's ransom for a people already, pauperised by the State. On one unconscionable occasion, the whole lot was arrested. To secure bail each had to incur an expenditure of about Rs. 5, 000/-.

Sakarsingh of Kudwar even disclosed of instances where the administration refused to honour awards passed by the Civil Courts! Bupatsingh was one among many who were not compensated for wells, which had cost as much as Rs.30, 000/- to build. Kondi, relying on the word of the *patwari*, occupied a site pointed out by the latter. In fact, the site belonged to someone else and Kondi was thrown out. No alternative site was ever provided to him.

Dhansingh was promised compensation in two installments, the first of which was paid on June 16, 1990. He still awaits the second installment! Endless letters complaining of the non-payment have inspired no response. The plight of those eking out a living, as fisherman is best exemplified by Munna Barman. He is from Piparia in Mandla district and apart from catching and selling fish he grew and sold vegetables. His income ranged from Rs. 1000/- to Rs. 1500/- per month. His area of operation became submerged and this has caused his income to fall to between Rs. 500 to 600/- per month. Adding insult to injury, even the right

to catch the fish in the resultant reservoir has been denied such people. Worse, he is subjected to constant threats of violence and prosecution by the employees of contractors and those of the State Government.

A large number of those displaced have been forced into vocations to which they are temperamentally and physically unsuited. Social workers suggest this has adversely affected the health of many. Some such as Dabble and Gangaran are even said to have expired; though, this would be difficult to establish post facto.

Those in search of new lands acquired with the meagre compensation they received have not found the going easy either. The new habitations are at desolate locations, some accessible only by boat. Villagers say that the crafts are old, leaky, and unreliable and that they fear for the lives of their near and dear ones who must perforce use them to get around. Even travelling has become a nightmare said Harishchandra who narrated how, while being ferrying to work, two of his co-villagers drowned.

While negotiating, the road to Bijesan I was able to witness first hands the trials and tribulations of the villagers who had to get from one place to another. The road surface, is virtually non-existent, dotted by huge craters and is washed away in places. During the rains, the route is slushy and muddy. Off the road, quicksands and quagmires abound and several heads of cattle are said to have perished as a result. From a life in virtual paradise, the villagers have been delivered tragically to one characterised by penury. They have been done a grave injustice and it ill-behooves our nation to presume they can be ignored, while continuing along our path towards development.

By any measure, the plight in which the oustees find themselves is grim. Yet, the government continues to mislead us into believing that it is creating 'ideal villages' for the resettlement of the oustees. To establish the truth for myself I visited one such village, Gorakhpur. Even from a distance, it looked for all purposes like a ghost village. It was only after we had reached the heart of the village and called out, that some tired and suspicious faces emerged from behind scrappy huts nearby.

Upon enquiry, we learned that the people had virtually no means of livelihood save for the collection and sale of deadwood, which yielded a mere Rs.6/- per day, per family. Gorakhpur did boast of one hand pump. However, that was all it had to show in terms of amenities provided to the people. One structure, which was supposed to house a school and a dispensary, was in a state of extreme disrepair.

I could not conceive of any teacher or medical personnel ever agreeing to spend extended periods working at the village. Little wonder then that the oustees's children attended no functioning school and that the people had no hospital or market available to them. To treat an ailment they had to cover a long distance by boat, cart and bus -- a marathon exercise at best. The so called ideal village did not provide employment easily and at Five starvation deaths were reported from Gorakhpur leading residents to make a plea for yet another alternate site to which they said they would migrate no sooner the 1993 monsoon was over.

CONCLUSION

It is strange that Narmada Project, pride of the Government of India and the largest multipurpose project of its kind in the world cannot even ensure something as basic as the adequate resettlement of the people it has decided to displace. While claiming to be the harbinger of prosperity, it has revealed itself, at Bargi, to be the graveyard of its most illustrious and innocent children. A callous administration has made matters worse by pretending that it is unaware of the steps expected of it to mitigate damage already done. What is even more appalling is that we seem poised to inflict a similar fate on many, many more people in the near future.

I am not surprised that the people I met were sullen and angry. I hold out a word of caution to the highest authorities in the State and Central governments. The situation I witnessed at Bargi cannot continue for long. I am deeply concerned that in the not-too-distant-future the patience, fortitude and non-violent attitude of the victims of Bargi might metamorphose into frustration and violence, prompted entirely by the forced breakdown of their social fabric. I dread to think of the consequences. In addition, dread even more to consider that Bargi might well be representative of the situation that prevails in thousands of places in India where our desire to 'develop' has left a trail of social and environmental destruction.