

**THE KAPTAI AND NARMADA DAMS:  
RESETTLEMENT AND REHABILITATION  
ISSUES**

**Dissertation submitted to Jawaharlal Nehru University  
in partial fulfillment of the requirements  
for the award of the Degree of**

**MASTER OF PHILOSOPHY**

**Sudhir Pallela**



**South Asian Studies Division  
Centre for South, Central, South East Asian  
and South West Pacific Studies  
School of International Studies  
Jawaharlal Nehru University  
New Delhi – 110067  
July 2002**



**JAWAHARLAL NEHRU UNIVERSITY**

**SCHOOL OF INTERNATIONAL STUDIES**

New Delhi - 110 067

**Centre for South, Central,  
South East Asian, and South  
West Pacific Studies**


**July 22, 2002**

**CERTIFICATE**

Certified that the dissertation titled, **The Kaptai and Narmada Dams: Resettlement and Rehabilitation Issues**, submitted by **Sudhir Pullela** in partial fulfillment of the requirements for the award of the degree of **Master of Philosophy**, has not been previously submitted for any degree of this or any other university. This is his own work.

We recommend that this dissertation may be placed before the examiners for evaluation.

  
**Prof. K. Warikoo**  
(Chairperson)

  
**Prof. Mahendra P. Lama**  
(Supervisor)

*Dedicated to  
displaced people everywhere*

# CONTENTS

<b>Acknowledgements</b>	<b>i</b>
<b>Abbreviations</b>	<b>iii</b>
<b>Preface</b>	<b>v</b>
<b>CHAPTER-I</b>	
<b>Development, Big Dams and Society:     Some Issues</b>	<b>1</b>
<b>CHAPTER-II</b>	
<b>The Kaptai Dam and Narmada Dams:     Profile, Issues and Controversies</b>	<b>31</b>
<b>CHAPTER-III</b>	
<b>Rehabilitation and Resettlement:     Issues in a Comparative Framework</b>	<b>78</b>
<b>CHAPTER-IV</b>	
<b>Conclusion</b>	<b>120</b>
<b>Bibliography</b>	<b>128</b>

## ACKNOWLEDGEMENTS

*It is indeed a boon to have worked under Prof. Mahendra P. Lama, South Asian Division, School of International Studies, Jawaharlal Nehru University, without whose wonderful guidance, I would not have been able to complete this project. My sense of gratitude towards him is boundless.*

*I also thank the other faculty members of the Centre and non-teaching staff for their ever-willing support.*

*I express my gratitude to Dr. Gobinda Chakraborty and Mr. Philip Gain for their timely help in sending materials and sources from Bangladesh.*

*I am also grateful to my friend (my roommate) Jabin for his timely help in all matters... words are not enough to say about him. Even though busy with his dissertation, he spared time for me in guiding, proof reading, in giving suggestions. He also provided his computer for typing my work that made my task easier in completing this work in time. It is great to have friends like him. I also thank my friend Jinju's encouragement throughout my work (whether it is in Delhi or from Belgium) who also helped me in proof reading. I am thankful to my friend Mohanty for his innovation of doing things and his timely help in doing tables and encouragement.*

*It is indeed great to have good bunch of classmates who always provided tremendous encouragement throughout my work and stay in Campus.*

*I wish to express my gratitude to the Library staff of the Jawaharlal Nehru University, South Asia Foundation Information and Documentation Centre, Nehru Memorial Library, Centre for Science and Environment,*

*World Bank, UNHCR, TERI, IDSA, Centre for Policy Research, Indian Institute of Public Administration, and Indian Social Institute for having helped me collecting the materials required to complete the work.*

*I also thank my seniors Surendra, Rubina, Saswatichandan, Subha, Sunny, Nihar, Madhavi, Ranjit, Mayil, Garima, Sarvesh and Manoharan for their valuable suggestions and encouragement.*

*I also thank my other friends Srinivas, Benerji, Meenu, Pari, Srikant, Beig, Nandu, Nikkila, Ajay, Robert, Sophia, Narasimha, K. Nageswara Rao, Kurien, Abhaya, Dharish, Pradeep, Shruthi, Rajesh Kapoor, Kamala, Khushal, Satya, Joy, Bhanu, Krishna, and Venky for their support.*

*I acknowledge my friends back home Ramana, Deva, Raju, Garimidi and Ramesh.*

*I am grateful to my parents whose moral support led me to reach this stage in my life and I am proud to have parents like them. I also thank my brothers Suresh, Sridhar and Sister-in-law Swapna and my niece Gayathri.*

*Finally, I thank God for giving me constant motivation and the strength to work on my dissertation*

*Sudhir Pallela*

## ABBREVIATIONS

AAPSU	- All Arunachal Pradesh Students Union
CCRCAP	- Committee for the Citizenship Rights of the Chakmas of Arunachal Pradesh
CHT	- Chittagong Hill Tracts
CYG	- Chakma Youth Group
ECHR	- European Convention on Human Rights
GOB	- Government of Bangladesh
GOG	- Government of Gujarat
GOI	- Government of India
GOM	- Government of Maharashtra
GOMP	- Government of Madhya Pradesh
ICCPR	- International Covenant of Civil and Political Rights
ICESCR	- International Covenant on Economic, Social and Cultural Rights
ICRC	- International Committee of the Red Cross
IDPs	- Internally Displaced Persons
ILO	- International Labour Organization
IR	- Independent Review
LAA	- Land Acquisition Act
MW	- Mega Watts
NBA	- Narmada Bachao Andolan
NBDP	- Narmada Basin Development Project
NEFA	- North East Frontier Agency
NGOs	- Non-Governmental Organizations
NHRC	- National Human Rights Commission
NRBDP	- Narmada River Basin Development Plan
NVP	- Narmada Valley Project
NWDT	- Narmada Water Disputes Tribunal
PAF	- Project Affected Families
PAPs	- Project Affected Persons
PCJSS	- Parbatiya Chattagram Jana Samhati Samiti
PCR	- Project Completion Report

PUCL	- Peoples Union of Civil Liberties
R&R	- Resettlement and Rehabilitation
SDO	- Sub Division Officer
SSP	- Sardar Sarovar Project
UDHR	- Universal Declaration of Human Rights
UNHCR	- United Nations High Commissioner for Refugees
WCD	- World Commission on Dams



## PREFACE

The idea of the right to the environment is a fairly new one in the human rights discourse. Environmental rights mean not only a guarantee to a clean and healthy environment for present and future generations, but also the right to homes and way of life, especially in the land occupied by the people to be displaced.

This work is divided into four chapters.

The first chapter titled, **“Development, Big Dams and Society: Some Issues”** briefly examines the types of dams and development through big dams. It discusses the right to environmental protection and the provisions for it in international conventions. It also, explains how the rights to political participation can be used to push for environmental rights through the political process. It highlights both the economic costs and benefits of dams as well as the ecological costs. It has been argued here that people displaced by the construction of dams or indeed any similar development enterprise, deserve to be classified as internally displaced persons.

The second chapter, **“The Kaptai Dam and Narmada Dams: Profile, Issues and Controversies”** provides a brief history of both dams. It looks into the issues of displacement and rehabilitation, and consequent problems faced by the Chittagong Hill Tract people as they moved in various parts of Bangladesh and India in the 1960s. It includes the Chakmas who fled to settle in the Indian North East states of Arunachal Pradesh, Tripura and Mizoram. This chapter discusses the development of the Narmada dams, especially the Sardar Sarovar Project and looks into the issues of displacement and conflict, legal aspects of the Land Acquisition Act and Indian laws.

related to displacement and rehabilitation. The World Bank's involvement and its withdrawal from funding the Narmada dams is also analyzed.

The third chapter titled, "**Rehabilitation and Resettlement: Issues in a Comparative Framework**" discusses briefly the rehabilitation and resettlement policies of both countries and also the policies of the three states involved in the Sardar Sarovar Project. It also highlights the possibility of translating Gujarat's rehabilitation and resettlement R & R policy into National Policy. The role of the Supreme Court in resolving the issues related to height of the dam and also the implementation of rehabilitation and resettlement packages has been examined. It analyzes the Report of the Daud Committee and World Bank Policies and its recommendations to the governments involved in the project for proper implementation of R & R packages. The demand for autonomy in case of Bangladesh and the R & R package that were announced in the Peace Accord of 1997 have also been looked into.

The **Conclusion** summarizes all the issues of development-induced displacement, and the R & R policies of both the Indian and Bangladesh governments. There is a need to have comprehensive National Rehabilitation Policy. The existing Rehabilitation policies are not able to resolve the problems related to dams. This also reflects the political differences among the states. Decisions on dams must respond to a wide range of needs, expectations, objectives and constraints.

# **CHAPTER-I**

## **DEVELOPMENT, BIG DAMS AND SOCIETY: SOME ISSUES**

Water is one of the most important natural resources on earth. In the past, there would be local or periodical shortages of water resulting in famine and migration. Continuing population explosion coupled with economic development has made it imperative to use all available water resources in all parts of the world. Construction of dams to store surplus river waters has thus assumed much urgency.

This chapter briefly deals with types of dam and its negative and positive impacts. It also discusses in general large dams in South Asia and particularly dams in Bangladesh and India. It further looks into measures taken by international development agencies such as the World Bank towards reducing the damage in various projects, and briefly discusses about Cernea's Impoverishment Risks analysis Model. It also examines about various international conventions in protecting environmental rights.

### **Big Dams**

Large dams are constructed across rivers to store and control vast quantities of water. For irrigation, electric power generation, flood control, navigation, public water supplies, industrial water supplies and recreation. Some dams serve only few of

these purposes. Most of the modern dams serve several other purposes and are therefore called multipurpose dams.<sup>1</sup>

A dam is constructed to intercept runoff and create a reservoir. The reservoir is utilized to regulate run off broadly for two purposes. Firstly, for conservation or the storage of surplus water at high flows and utilization at times of deficient flows. Such utilization could be for several purposes such as irrigation, hydropower and navigation. Secondly, dams are also useful for flood control. It is important to note that the function of a dam may have a bearing on its location and design. For example, a flood control reservoir may be subject to repeated rapid drawdown while conservation reservoir would seldom face such a situation.

### *Types of Dams*

Since ancient times, man has built dams made of earth, rockfill or big stones, materials that have always been readily available. As engineers learned more about other materials and began to build dams of various sizes, shapes and materials. There are now five principle types of dams:<sup>2</sup>

- earth dams
- rockfill dams
- gravity dams
- arch dams
- buttress dams

---

<sup>1</sup> *The Encyclopedia Americana* Vol.8, Grolier Incorporated Danbury, (Connecticut, 1983), p. 446.

<sup>2</sup> *Ibid.*, p. 448.

Dams may also be classified differently in the following categories:<sup>3</sup>

i) Rigid dams of concrete, masonry, steel or timber. The usual types in this category are straight Gravity, Arch and Buttress of various types e.g.,

- \* Flat deck or Ambursen type

- \* Multiple arch type

- \* Solid headed and other miscellaneous types.

ii) Embankment Dams, which are usually classified as.

- \* Earthen dams,

- \* Rockfill dams

- \* Composite sections.

While all these types of 'rigid dams can take bending moments, the embankment dams depend only on their shear strength for stability.

In the early years, environment and development were seen as the two sides of the same coin, but in practice it meant that environment was the limiting factor. Subsequently the concept of ecological development arose which emphasized development in harmony with the ecology. This has been replaced by the concept of sustainable development, which the Brundtland Report defines as "development that meets the goals of the present without compromising the ability of future generations to meet their own needs".<sup>4</sup>

Over the years however, it has been found that dams do not come without their drawbacks. This gradually brought development versus human rights debate to the

---

<sup>3</sup> E. Goldsmith, and N. Hildyard, *The Social and Environmental Effects of Large Dams, Volume. I, Overview*, A Report to the European Ecological Action Group (ECOROPA), (Cornwall: Wadebridge Ecological Centre, 1984). p. 12.

<sup>4</sup> *Our Common Future, (The Brundtland Report)*, World Commission on Environment and Development, (Oxford: Oxford University Press, 1987), p. 20.

forefront. When Nehru called dams the “temples of a new India”,<sup>5</sup> what was ignored in the rush to embrace this new mantra for ensuring development were the several long-term and short-term effects on the natural environment, as well as the distance between promise and reality with respect to the effectiveness of dams. In the aftermath of several decades of dam building around the world in the last century, several negative aspects have come to light.

### *Positive Impacts*

Dams and other water projects are popularly seen as playing a vital role in economic development. By supplying hydro-electricity, dams supply 'the power to progress'. By providing water for irrigation, they help to produce agricultural output. Thus, in theory, helping to feed the hungry, and by regulating the flow of rivers, they help combat flood damage.

#### a) *Hydroelectricity*

Being both renewable and non-polluting, hydro-electricity is one of the most important sources of energy available to man. However, a major potential of the world's rivers remains untapped. If all the rivers of the world were to be dammed, then an estimated 73,000 terrawatt-hours of electricity<sup>6</sup>- an output equal to that of 12,000 nuclear reactors- could be produced every year. Technical difficulties inhibit all of that energy from being exploited. For those countries which lack conventional

---

<sup>5</sup> Paramjit S. Judge, “ Response to Dams and Displacement in Two Indian States”, *Asian Survey*, Vol. XXXVII, No. 9, September 1997, p. 840.

<sup>6</sup> One terrawatt is equivalent to one trillion watt hours.

sources of energy and which must therefore import their fuel the lure of hydropower is evident.<sup>7</sup>

It is said that doubling the height of a dam increases the volume of water stored eight times and power potential sixteen times. Alternately, for a given amount of storage, the higher the dam, the smaller will be the area that will get submerged. Therefore, if the primary concern is to minimize submergence and consequent displacement of people, it is the best to construct the highest dam that is technically feasible.<sup>8</sup>

#### b) *Irrigation*

Dams are also seen as having a vital role to play in the battle against world hunger. Since much of the land is in arid and semi-arid areas, ensuring an adequate supply of water poses a major problem. With ground waters already severely depleted in many areas and rainwater's too diffuse and unpredictable a source to rely upon, dams offer an obvious solution. The reservoirs not only store water where it is needed but also ensures that it is always on tap for when it is needed.

However, dams impose several costs as well. Besides the question of the dislocation of people and in addition to the effects to the river's ecosystem, dams also have negative impacts. Dams are responsible for the submergence of tens of thousands of square kilometres of forests, the decimation of countless fisheries, the

---

<sup>7</sup> Nicholas Hildyard and Edward Goldsmith, "The Case Against Super Dams", in, Sunderlal Bahaguna, Vandana Shiva and M N Buch, (ed.), *Environmental Crisis and Sustainable Development*, (New Delhi: Nataraj Publishers, 1992), p. 307.

<sup>8</sup> P V Indiresan, "Dams and Drinking water", *The Hindu*, November 31, 1999.

opening of remote areas for resource extraction, and the loss of floodplain, wetland and estuarine habitat. The Tucuruí and Balbina Dams are World Bank-funded dams that have together drowned 6,400 sq. kms. of rainforest in the Brazilian Amazon. Akosombo flooded more land 8,500 sq.kms than any other dam in the world, around 4% of the area of Ghana. Such dams and irrigation schemes have also led to explosion in the incidence of waterborne diseases, especially schistosomiasis and malaria.<sup>9</sup>

### *Negative Impacts*

#### *a) Loss of Farmland and Forests*

Vast areas of land have been flooded as a result of dam projects. The International Commission on Large Dams estimated that up until 1981, an estimated 308,423 sq. km worldwide had been flooded by dams - the equivalent to the whole of Italy. Dams still under construction at the time or at the planning stage were expected to flood a further 32,753 sq. km.<sup>10</sup> Being valley land, the land lost to flooding is often extremely fertile.

#### *b) Increased waterborne Diseases*

The reservoirs of dams, together, with their associated irrigation works are a major cause of waterborne disease. When a river is dammed and an artificial lake is created, those forms of life that were adapted to the previous riverine ecosystem are

---

<sup>9</sup> "When the Rivers Run Dry – The World Bank, Dams and the Quest for Reparations", <http://irn.org>

<sup>10</sup> Hildyard, n. 7, p. 308.



likely to disappear. Some will thrive in the lakes, others in the irrigation channels. Among the species that proliferate in tropical areas are malarial mosquitoes and the snails that spread schistosomiasis. For instance, as a result of the Aswan Dam in Egypt, some villages near Lake Nasser have a 100% infection rate for Schistosomiasis. In Ghana, the prior to Volta Dam, the Schistosomiasis rate was just 2%, which rose to 80% after impoundment.<sup>11</sup>

### c) *Earthquakes*

Dams are also known to have caused earthquakes. The sheer weight of the water impounded in the reservoirs of the large dams has triggered earthquakes. Such earthquakes have occurred at a number of sites throughout the world, including Hsinfengkiang in China, Koyna in India, Kariba in Zimbabwe, and Kremesta in Greece. Even areas which were least at risk in geological terms have been affected. In 1981, the area around the Aswan Dam suffered an earthquake of magnitude 5.6 on the Richter scale. The Volta induced earthquakes despite being in 'low risk' areas.<sup>12</sup>

### d) *Sedimentation*

In mountainous areas, deforestation and poor farming can cause large amount of silt and other detritus to be washed away into local streams and rivers. Where rivers have been dammed, sedimentation can cause major problems. In temperate areas, the sedimentation of reservoirs is usually a slow process. In the tropics, however, the story is very different. Where the forest has been destroyed, the rate of soil erosion is

---

<sup>11</sup> Ibid., p. 309.

<sup>12</sup> Ibid., p. 310.

dramatic. In India, for example, the expected siltation rate at the Nizamsagar Dam in Andhra Pradesh was 530-acre feet per annum. The actual rate was closer to 8,700-acre feet a year. Few of the large dams now operating in India have escaped siltation problems. Most of them are experiencing sedimentation rates way above those predicted by their planners. In China, the Sanmexia Dam, Completed in 1960 had to be decommissioned in 1964, due to premature sedimentation.<sup>13</sup>

Obviously, the premature sedimentation of reservoirs has a serious effect on the economics of dam project, not least because the time over which the cost of the dam can be amortized is inevitably decreased. Once silted up, a dam is next to useless. The land beneath will not be suitable for agriculture. Only a small strips of land close to the dam - where the coarser and therefore less compacted- articles of silt are likely to have accumulated - will be cultivable.<sup>14</sup>

#### e) *Salination*

Among the less visible costs of dams among others is salination. Disruption of the salt balance of the soil can occur for a number of reasons, but rising ground waters and evaporation of saline surface waters are the principal causes. Groundwater is the main reserve and source of salts circulating in the soil profile. Perennial irrigation schemes- where land irrigated year after without ever being left fallow- is the major causes of salinisation in arid areas. Unless the land is well drained irrigation inevitably causes the water table to rise, thus triggering off the salinisation process. The problem is further exacerbated where irrigation water is drawn directly from

---

<sup>13</sup> Ibid., p. 311.

<sup>14</sup> Ibid., pp. 310-312.

rivers down streams of large dams. In India, the Punjab, served by the Bhakra Nangal, has such severe salinity problems that the entire area appears, as disaster area.<sup>15</sup>

*f) Loss of Flora and Fauna*

Loss of forests causes severe damage to rare species of birds and other animals. For example, The construction of Kalabagh Dam in Pakistan, is likely lead to more destruction of wild life, bird sanctuaries, riverine forests and natural lakes like Mancher, Kinghar, Hadero, Haleji and Chotiari. It will affect biodiversity, specially the migratory birds of Siberia and Kazakhstan and endangered aquatic as well as terrestrial species.<sup>16</sup>

*Mitigating the Negative Impact of Dams*

When hydropower is used for industrialization – which it is argued will lead to higher living standards in developing countries – there comes a serious competition between industry and agriculture for land and water. Agricultural land will invariably be lost to housing estates, factories, office blocks, roads and similar physical infrastructure of an industrial society. Also water that was meant to be used for agricultural production is lost to industrial and domestic consumption.<sup>17</sup>

The negative impacts could be mitigated if proper measures are taken. Besides conducting proper environment impact assessment for determining optimum height of

---

<sup>15</sup> Astri Suhrke, "Environmental Degradation and Population Flows", *Journal of International Affairs*, Vol.47, No.2, Winter 1994, p. 481.

<sup>16</sup> Palijo Ayaz Latif, "Kalabagh Dam: Politics, Environment, Social", <http://www.dams.org>.

<sup>17</sup> Giasddin Ahmed Choudhury, "Large Dams and Alternatives in Bangladesh", <http://www.dams.org>.

the dam and reservoir size as well as its location to minimize the extent of submergence, the following measures are usually suggested.

- Elaborate resettlement action plan should be prepared with active participation of the people right from beginning of the planning stage. Mostly the minority ethnic people live in the reservoir sites. They should be relocated with better housing. Electricity may be supplied to them at cheaper rate to raise their living standard and also during the implementation of the project, project-affected people should be given employment.
- Care should be taken in fixing the dam height to avoid submergence of cultural heritages. If unavoidable, these should be salvaged and relocated in suitable places.
- Rare species of plants, birds and animals should be identified and adequate fund should be allocated for research for their rehabilitation. Appropriate projects should be formulated and implemented with due earnest.
- The long time response on the river regime due to construction of the large dams should be studied by both physical and mathematical models for the whole river system and appropriate physical interventions should be made to prevent excessive aggravation or degradation of the river bed.
- Extensive afforestation programme should be undertaken in the catchment to prevent soil erosion and improve the physical environment.<sup>18</sup>

---

<sup>18</sup> Ibid.

## **The Issue of Displacement**

Displacement of people means uprooting them completely from their ancestral land and shifting them to new places. This kind of displacement causes not just economic loss but also results in social, cultural, political psychological problems.

Many countries in the world from the richest to the developing ones have undertaken major development projects to meet the growing needs of people, and almost all of these have had both positive and negative impacts on the peoples concerned. Thus, on the one hand these projects provide livelihood and employment, irrigation facilities, and so on. However, they also often cause large-scale displacement of people from project sites resulting in deprivation of livelihood. The word 'development', therefore, need not mean the same to everyone.<sup>19</sup>

Displacement has got an international dimension also. The involvement of international financial agencies in major projects is a case in point. Financial agencies like World Bank extensively fund the important schemes in various countries that are responsible for large-scale displacement of people. Various types of projects can cause displacement of people. It may be due to dams, power plants, steel plants, mines, industries, roads, railways, parks, sanctuaries defence activity, etc.

---

<sup>19</sup> Sumanta Banerjee "Development Projects and Human Rights", *Seminar 451*, (New Delhi), March 1997, p. 23.

According to Peter Penz, there are three major ethical perspectives that can be used to test justification of development-induced displacement. They are public interest, self-determination and equality.<sup>20</sup>

Public interest perspective is given concrete expression by cost-benefit analysis. The principle object is that of net benefits to all the people. When it comes to negative effects, displacement is treated as costs. Here the question is whether the benefits of the project exceed such costs. There are two important matters that were sidelined and treated as altogether a separate political matter such as compensation and distribution. If at they considered the costs into account to generate positive net that possible effects the displaced in large scale.

Self-determination is altogether a different aspect and it is more an issue of freedom and control. The major draw back of self-determination is that it ignores broader public interests and considerations, such as improved living conditions resulting from the power and irrigation provided by dams.

In case of equality, the development projects and policies can be justified on the basis of reducing poverty and inequality. It is very difficult to justify the equality perspective, Development induced displacement, can reduce inequalities on only one condition if it primarily benefits the poor and puts the burden on the better off. There is need for more cooperation from both sides and at the same time, equality means

---

<sup>20</sup> Peter Penz, "Development and Displacement and Ethics", *Forced Migration Review* (London) January 2002, p. 4.

that the development benefits are not only for displaced communities, but also for others.<sup>21</sup>

### *Indigenous People and Human Rights*

The word 'tribe' is generally used for a socially cohesive unit, associated with a territory, the members of which regard themselves as politically autonomous. Often a tribe possesses its own dialect and distinct cultural traits. Various anthropologists define tribal as people at an earlier stage of evolution of society. To avoid the underlying implication that the tribals are yet to develop and become civilized, in recent years, human rights activists have renamed tribals as 'indigenous people'. They have wanted to establish the rights of indigenous people to their land. The International Labour Organization (ILO) passed a special convention, No.107 regarding human rights of indigenous people. There are three important things to be noted about ILO No.107.<sup>22</sup> Firstly, it affirms the rights of tribal or indigenous people to their traditional lands. Secondly, it stipulates the causes for which tribal peoples may be removed: national security, national economic development, and the health of tribal population. And thirdly, it provides that tribal people who are displaced shall be provided with lands of quality at least equal to that of the lands provided with lands of quality at least equal to that of the lands previously occupied by them, suitable for their present needs and future development. This ILO convention No.107 regarding rights of indigenous people is ratified by the Government of India, though the term 'indigenous people' and the provisions therein do not suit the Indian situation.<sup>23</sup>

---

<sup>21</sup> Ibid., pp. 4-5.

<sup>22</sup> Vidyut Joshi, "Rehabilitation in the Narmada Valley: Human Rights and National Policy Issues", in Jean Dreze, Meera Samson, and Satyajit Singh (eds.), *The Dam and the Nation: Displacement and Resettlement in the Narmada Valley*, (Delhi, Oxford University Press, 1997), p. 169.

<sup>23</sup> Ibid., pp. 169-170.

### *Internally Displaced Persons*

While we have seen the technical and ecological aspects of the impacts of dams, both positive and negative, the impacts from the point of view of human rights is a much-ignored area. It is necessary at this point to define the important term of internally displaced persons and why dam oustees deserve to be classified so.

In legal terms, for the last half a-century, a refugee has been defined primarily with reference to the 1951 United Nations Conventions on the Status of Refugees and Stateless Persons, which stipulates that to be considered a refugee; the person has to be outside his or her country of Origin, for reasons, of "persecution" based on his or her "race, religion, nationality, membership of a particular social group or political opinion".<sup>24</sup> The Convention excludes persons, who for whatever reasons, are internally displaced. But with some 25 million people affected world wide, the problem of internally displaced persons far exceeds the dimensions of the world refugee problem. In India the number of IDPs were very high and estimation of various reports differs from each other. The latest World Refugee Survey put the total number of IDPs in India as 507,000; the Indian Social Institute in Delhi and the Global IDP project place it at 21.3 million.<sup>25</sup>

The UNHCR appointed a Special Rapporteur who presented in a report in 1993 that the phenomena common to internally displaced persons include a variety of violence and insecurity as causes and effects of displacement. They are in an

---

<sup>24</sup> "Basic International Legal Documents on Refugees", third ed., *UNHCR*, (New Delhi, 1999), p. 9.

<sup>25</sup> Mahendra P Lama, "Internal Displacement in India: Causes, Protection and Dilemmas", *Forced Migration Review* (London), August 2000, p. 24.



interdependent relationship with each other and their significance is not easy to determine in any particular case. Projects such as dams and power stations involve the relocation and resettlement of several hundreds of people once such schemes fail either because of government indifference or insensitive and faulty implementation.

Human rights violations associated with the displacement of people for the construction of massive dams is a growing, yet neglected, problem. The “reservoir refugees” are frequently poor and politically powerless. Many are from indigenous groups or ethnic minorities. The experience of more than 50 years of large dam building shows that the displaced are generally worse off after resettlement and more often than that they are left economically, culturally and emotionally devastated.

So far there has been no international agreement reached on an acceptable definition of Internally Displaced Persons (IDPs). A Report by the Brookings Institution and the Global IDP survey, provides a working definition of IDPs that states that these are “Persons or groups of persons who have been forced to flee or to leave their homes or places of habitual residence as a result of, or in order to avoid, in particular, the effects of armed conflicts, situations of generalized violence of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border.”<sup>26</sup> The above definition is one of the better definitions available in the concerned literature anywhere.

The United Nations is following new approaches to protect the IDPs, through emphasizing that human rights and physical safety must be integral part of protection

---

<sup>26</sup> Louise Ludlam-Taylor, “Recent Literature on IDPs” in Janie Hampton (ed.), *Internally Displaced People: A Global Survey*, (London: EarthScan Publications Ltd., 1998), p. 35.

and monitoring the ground situation, and at the same time intervening with respective authorities to take necessary steps to protect them. There are many non-governmental organizations (NGOs), such as International Committee of the Red Cross (ICRC) and the World Council of Churches which are taking initiative to protect the uprooted by extending moral support and legal aid. Some organizations like the ICRC and the International Organization for Migration have clear-cut mandates to protect the IDPs in whichever manner, if there are civilian victims. However, in some cases the UNHCR or ICRC has been restricted by the particular country involved and at times even denied access.<sup>27</sup>

So far there has not been much work undertaken on displaced peoples' perceptions. It needs comprehensive research to understand the problems that has been faced by the people during the migration from their homes.

It is stated that every year various developmental projects have in their wake, displaced more than 10 million people in 1990s. It is stated that "the displacement that caused by development projects is the direct outcome of a planned political decision to take land away from its current users....rationalized by beliefs such as 'the greatest good of the greatest number'. Such schemes reflect basic political choices concerning who should gain and suffer from development."<sup>28</sup>

In general, multifaceted displacement affects the lowest sections of society, especially those who are landless, most vulnerable and deprived in society and economy. And it is quite visible and frequent that these people are the first who get

---

<sup>27</sup> Ibid., pp. 36-37.

<sup>28</sup> L. K. Mahapatra, *Resettlement, Impoverishment and Reconstruction in India: Development for the Deprived*, (New Delhi: Vikas Publishing House, 1999), p. 3.

displaced in the very first stage of notification. It has happened on many occasions in India and Bangladesh and also in the rest of the world.<sup>29</sup>

In 1980s there was a greater urge for the development especially in the Third World countries to catch up with the developed. These countries very well know that the process of resource mobilization and utilization for the development of backward regions entails heavy sacrifices. However, what is usually glossed over in this process is the involuntary displacement of huge population for what is considered 'national development'.<sup>30</sup> This sort of development shows more the self-interests of those in government rather than consideration for the people. In the end, poor people have been the main losers due to huge displacement and environmental costs associated with development projects.

In the recent decades, most of the displacement that occurred in the South Asian region was in tribal and backward areas. One reason behind this situation is land in these cases are held under the control of tribal people mostly on the basis of customary rights rather than by what is known as *patta* (legally valid ownership record).

The World Commission on Dams considers that the end of any dam project must be the sustainable improvement of human welfare. It means there must be significant advancement of human development in terms of economically feasible, socially equitable, and environmentally sustainable.<sup>31</sup>

---

<sup>29</sup> Ibid.

<sup>30</sup> Ibid., p.2

<sup>31</sup> Dams and Development: A New Framework for Decision Making (*The Report of the World Commission on Dams*) November 2000, p. 2.

As far as demand for water is concerned, economic growth has two implications. Firstly, increased significance of economic activity will enhance the demand for water related services – irrespective of whether demand is satisfied by existing supply, or by increasing the level of supply. Secondly, both the developments brought about by economic growth and the technological changes that are produced by society in the pattern of goods and services. At the same time, the water demand per unit of Gross Domestic Product (GDP) will depend on how these two components of economic growth are united.<sup>32</sup>

In the last few years there was an estimated 1700 large dams were under construction in the world. Of this total, 40 % are reportedly being built in India.<sup>33</sup> To construct large dams require sufficient financial investments. And some estimates suggest that over the last century an estimated investment of US \$ 2 trillion was made worldwide. During the 1990s, an estimated \$32-46 billion was spent annually on large dams, four-fifths of it in developing countries.<sup>34</sup>

Development induced displacement has become an inseparable part of India's development. According to an estimate, during 1950 to 1990 alone 16.5 million persons were displaced, out of which only 3.95 million have been rehabilitated. Remaining is yet to be rehabilitated.<sup>35</sup> This displacement has been caused by land acquisition for projects such as construction of dams and canals, coal and other mines, industrial development, infrastructure, and the creation of protected areas. According to the figures provided by the Indian Social Institute, there has been 21.3 million

---

<sup>32</sup> Ibid., p. 4

<sup>33</sup> Ibid., p. 10.

<sup>34</sup> Ibid., p. 11.

<sup>35</sup> Sam Thangarajan, "Addressing Impoverishment Risks: Some Examples From World Bank Assisted Project" in Hari Mohan Mathur & David Mardsen (ed.) *Development Project & Impoverishment Risks Resettling Project-Affected People in India*, (New Delhi: Oxford University Press 1998), p. 79.

development induced IDPs include those displaced by dams (16.4 million), mines (2.55 million), industrial development (1.25 million) and wild life sanctuaries and national parks (0.6 million).<sup>36</sup>

In the past, one important reason for such a large-scale displacement was a lack of adequate attention on rehabilitation and resettlement (R&R) of the displaced and project-affected persons (PAPs). It is also attributed to insufficient use of social science knowledge in carrying out the projects. Earlier, development policies of most governments and major agencies, including the World Bank, did not have proper demands related to the involuntary resettlement operations. There were carried out without any stringent criteria, based on social knowledge. For the first time in 1979-80, there was a change in policy and World Bank started addressing the 'social issues associated with involuntary resettlement'.<sup>37</sup> This process continued till 1990 before the Operational Directive for involuntary resettlement was issued.

In last few decades, there have been a number of important policy steps in response to civil society demands and changing values. The World Bank initiatives offer a good illustration. In 1982, the Bank adopted an internal directive on indigenous peoples. As a consequence, in the mid 1970s resistance of indigenous peoples to four dams along the Chico River in the Philippines led the World Bank to withdraw from the project. In 1993, the World Bank took a significant step when it withdrew from the Sardar Sarovar Project (SSP) in India. It also withdrew from Arun III in Nepal in 1995.<sup>38</sup>

---

<sup>36</sup> Lama, n. 25, p. 25.

<sup>37</sup> Ibid., p. 80.

<sup>38</sup> Dams and Development, n. 31, pp. 19-20.

The revision of policies on resettlement and environmental assessment are other important milestones. In 1993, the World Bank established an appeals mechanism, and appointed the inspection panel. It allows the people affected by Bank funded projects to file claims regarding violation of its policies and agreements.<sup>39</sup>

When it comes to redevelopment of the region, the oustees should get same to compensate their losses and deprivations. Todaro, believes that “development is both a physical reality and a state of mind, in which society has through some combination of social, economic and institutional process secured the means for obtaining a better life”<sup>40</sup> He elaborates the objectives of development as follows:<sup>41</sup>

- To increase the availability and widen the distribution of basic life sustaining necessities such as food, shelter, health and production.
- To raise the levels of living including, in addition to higher incomes, the provision of more jobs, better education and a greater attention to cultural and humanistic values, all of which will serve not only to enhance material well being but also to generate greater individual and national self-esteem.
- To expand the range of economic and social choices available to individuals and nations by freeing them from servitude and dependence not only in relation to other peoples and nations, but also to the forces of ignorance and human misery.

---

<sup>39</sup> Ibid., p. 19.

<sup>40</sup> Mahapatra, n. 28, p. 6.

<sup>41</sup> Ibid.

*Social Impact*

DISS  
333.9130954153  
P966 Ka  
  
TH10361



According to Scudder and Colson, there is a four-stage development framework of project: recruitment, transition, potential development and incorporation. The importance of four stages depends upon certain analysis related to social, economic, cultural and political factors. However, it was not possible to go ahead with 'four stage' framework because the analysis restricts the success or failure of resettlement of the project itself. It was not possible to use the four stage model for planning until and unless there was proper issue of address related to loss of assets, access to sources of livelihood social relations, etc.<sup>42</sup> Therefore, there has been a need to have a model that address these and related issues so as to provide proper framework for analysis and tools for R&R planning.

TH-10361

The Scudder-Colson diachronic framework was built around the key concept of stage; it focussed on settlers' stress and their specific behavioural reactions in each stage. Initially, the model was formulated to apply to voluntary settlement processes. Subsequently, Scudder extended it to some involuntary resettlement processes as well.<sup>43</sup>

To meet these needs, Cernea's "Impoverishment Risks Analysis Model" is one of the best suitable options. The World Bank's policy has been to avoid or minimize displacement. When it is not unavoidable, at least the effort should be to ensure restoration of their former living standards, earning capacity and production levels through their own social and cultural institutions. There are eight dimensions of this

Dis  
XX(D,2).4436 N9  
p21

<sup>42</sup> Thangarajan, n. 35, p. 79.

<sup>43</sup> Michael M. Cernea, "Risks, Safeguards and Reconstruction: A Model for Population Displacement and Resettlement", *Economic and Political Weekly*, October 7, 2000, p. 3660.

Impoverishment Risks model. They are landlessness, joblessness, homelessness, marginalization, increased morbidity and mortality, food insecurity, loss of access to common property and social disintegration.<sup>44</sup>

The Impoverishment Risks and Reconstruction model however, has been formulated and developed relatively. It was first applied in a wide scale in the resettlement review of almost 200 projects carried out by the World Bank in 1993-94. According to Cernea, the origin of this model is both empirical and theoretical. Empirically, it is derived from the extraordinary accumulation of factual findings during the last quarter century, reported by resettlement studies in many quarters. Theoretically, it benefits from the new state-of-the-art achieved by resettlement research during the same period.<sup>45</sup>

This model suggests that preventing or overcoming the pattern of impoverishment would require risk reversal. It is part of internal logic of this model. This can be established through targeted strategies, backed up by adequate financing. The model on its head shows which strategies must be adopted and which directions should be taken: (a) from landlessness to land-based resettlement; (b) from joblessness to reemployment; (c) from homelessness to house reconstruction; (d) from marginalization to social inclusion; (e) from increased morbidity to improved health care; (f) from food insecurity to adequate nutrition; (g) from loss of access to restoration of community assets and services; and (h) from social disarticulation to networks and community rebuilding.<sup>46</sup>

---

<sup>44</sup> Thangarajan, n. 35, p. 81.

<sup>45</sup> Cernea, n. 43, p. 3661.

<sup>46</sup> Ibid., p. 3662.



Cernea's eight dimensions of Impoverishment risks analysis model is briefly discussed below:

*Landlessness:* Unless the land basis of people's productive systems is reconstructed elsewhere, or replaced with steady income-generating employment, landlessness set in and the affected families become impoverished. There are several instances to this effect. A sociological study of Kenya's Kiambere Hydro-power project found that farmers' average landholdings after resettlement dropped from 1 to 6 hectares and also there was a decrease in family income by nearly 82 per cent.<sup>47</sup>

*Joblessness:* The risk of losing wage employment is very high both in urban and rural displacements for those employed in enterprises, services, or agriculture. The employed may lose in three ways. In urban areas, workers lose jobs in industry and services. In rural areas, landless labourers lose access to work on land owned by others, sometimes leased and share-cropped. They also lose the use of assets on under shared common property regimes. And self-employed people lose their small business.

*Homelessness:* Loss of shelter tends to be only temporary for many resettlers. For some homelessness or a worsening in their housing standards remain lingering conditions. Loss of a group's cultural space tends to result in alienation and status-deprivation.<sup>48</sup> According to reports from China's Danjiangkou reservoir project, about 20 per cent of those relocated became homeless and destitute. In the Kukadi-Krishna irrigation sub-projects in Maharashtra, 59 per cent of the displaced families were

---

<sup>47</sup> Ibid., p. 3663.

<sup>48</sup> Ibid., p. 3664.

found living in temporary/semi-permanent houses even 10 to 15 years after their relocation.<sup>49</sup>

*Marginalization:* It occurs when families lose economic power. Economic marginalization is often accompanied by social and psychological marginalization, expressed in a drop in social status, in resettlers' loss of confidence in society and in themselves and also a feeling of injustice. It therefore deepens vulnerability.<sup>50</sup>

*Food Insecurity:* Food insecurity and undernourishment are both symptoms of inadequate resettlement. During physical relocation, sudden drops in food crop availability and incomes are predictable. Subsequently, rebuilding regular food supplies will take longer time in relocation site.<sup>51</sup>

*Increased Morbidity and Mortality:* Massive population displacement threatens to cause serious declines in health levels. Displacement-induced social stress and psychological trauma are sometimes accompanied by the outbreak of relocation-related illnesses, particularly parasitic and vector-borne diseases such as malaria and schistosomiasis. The weakest people are affected more strongly especially children, infants and elderly people. Empirical research shows that displaced people experience higher levels of exposure and vulnerability to illness and severe disease than they did prior to displacement. For example, in Sri Lanka, an outbreak of gastroenteritis occurred along the Victoria dam reservoir, and in Mahaweli System C resettlement site the incidence of malaria rose from 8.9 per cent to 15.6 per cent.<sup>52</sup>

---

<sup>49</sup> Ibid.

<sup>50</sup> Ibid.

<sup>51</sup> Ibid., p. 3665.

<sup>52</sup> Ibid.

*Loss of Access to Common Property and Services:* For poor people loss of access to the common property assets that belonged to relocated communities results in a significant deterioration in income and livelihood levels. Loss of public services can also be grouped within this category of risks.<sup>53</sup>

*Social Disarticulation:* Dismantled social networks that once mobilized people to act around common interests and to meet their most pressing needs are difficult to rebuild. This loss is greater in projects that relocate families in a dispersed manner, serving their priorities with neighbours, rather than relocating them in-groups and social units.<sup>54</sup>

### **The Human Right to Environmental Protection**

The question of protection from environmental damage is not new. Roman Law had rules protecting third parties from activities that could have such effects.<sup>55</sup> But this old question has taken on a new significance in the last few decades due to changes brought about by new technology and its massive use. These new problems cannot be fully covered by the traditional means of private law, e.g. property and tort law. For example, in the case of commonly held resources like air or water, or to identify causal links between victims and perpetrators, or even identify current victims at all, it is very difficult to establish private law remedies. As a result, we now

---

<sup>53</sup> Ibid.

<sup>54</sup> Ibid.

<sup>55</sup> Pavlos Z. Eleftheriads, *The Future of Environmental Rights in the European Union*, (Oxford: Oxford University Press, 1998), p. 267.

require better-focused tools of public environmental regulations, something that is reflected in the rapid expansion of environmental law over the past few decades.<sup>56</sup>

The idea of human rights related to environment raises many interesting questions. Most of these have to do both with the very idea of 'a right to the environment' and 'the general place of human rights in the international legal order'. Given the absence of a 'right to the environment' in existing catalogues of human right in international incumbents, the first and obvious question is what such a right could possibly be. Is it possible to make it relevant in practice? A second set of questions is about existing law. Does the international law of human rights recognize a right or a collection of rights to the environment? And is a 'right to the environment' a right of the first, second, or third generations of rights?<sup>57</sup>

Traditionally, fundamental or human rights have been associated with constitutional law. They have been bundles of claims, liberties, powers, or immunities against the state. These public law 'rights should be distinguished from private law rights that are raised against private parties and do not carry immunity against legislative interference. Private law rights are not necessarily fundamental, in the sense that constitutions (or international law) do not require that they are afforded unconditional protection by courts (domestic or international) or other implementing agencies.<sup>58</sup>

Hence, the question of environmental protection appears to be mainly a private law issue. Yet, in the light of the mounting evidence of the ability of present

---

<sup>56</sup> Ibid.

<sup>57</sup> Ibid., p. 268.

<sup>58</sup> Ibid., pp. 330-331.

technology to have extraordinary and unpredictable effects on the natural world and the difficulty of establishing a connecting link between polluters and victims, there is a fundamental duty of governments to put some system of administrative regulation in place that would protect citizens and future generations from particularly serious harm. This would require at least a system of standards-setting or prohibitions, the granting or withholding of licenses for environmentally problematic activities and the adequate supervision of compliance. Therefore, government's cannot remain inactive in the face of grave environmental threats posed by modern industry and engineering projects.<sup>59</sup>

This approach is reflected in some of the existing proposals for a 'human right to the environment'. For example, the UN conference on the Human Environment in Stockholm in 1972 adopted the Stockholm Declaration on the Human Environment. Its first principle stipulates that the general duty, presumably binding primarily on governments, is to protect the environment. This principle states that:<sup>60</sup>

*"man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well being, and bears a solemn responsibility to protect and improve the environment for present and future generations"*.

### **International Protection**

Although there have been efforts to introduce a direct right to environmental protection into the international law of human rights, such efforts have been

---

<sup>59</sup> Ibid., p. 345.

<sup>60</sup> *Our Common Future*, n. 4, p. 21.

unsuccessful. Neither the Universal Declaration of Human Rights (UDHR), nor the European Convention on Human Rights (ECHR), nor the International Covenant of Civil and Political Rights (ICCPR) have any reference to a human right to environmental protection. References to the environment can be found only in the International Covenant on Economic, Social and Cultural Rights (ICESCR) of 16 December 1966, in Article 12:<sup>61</sup> The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

The steps to be taken by the States parties to the Present Covenant to achieve the full realization of this right shall include:

- i) The provision for the reduction of the still birth rate of infant mortality and for the health development for the child;
- ii) The improvement of all aspects of environmental and industrial hygiene;
- iii) The prevention, treatment and control of epidemic, endemic, occupational and other disease;
- iv) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Moreover, due to the well known problems of implementation of the Covenant and difficult in classifying its justifiability, this provision has not done much to establish an international human right to environmental protection. However, the wording of this article puts clear emphasis on human health and hygiene, so that it

---

<sup>61</sup> A H Robertson and J G Merrills, *Human Rights in the World: An Introduction to the International Protection of Human Rights*, (Manchester: Manchester University Press, 1992), p. 58.

does not really address the full range of environmental concerns i.e., the problem of future generations, the possibility of as yet known effects on biodiversity, etc.

The aspects related of civil and political rights to private life and the right to property have been found to have at least some effects on environmental protection. The European Convention on Human Rights (ECHR), for example, provides in Article 8 that 'everyone has the right to respect for his private and family life, his home and his correspondence.'<sup>62</sup>

A further possibility is the use of rights to political participation to allow individuals and groups including NGOs to press environmental interests through the political process. This is a different avenue from the are pursued above, because it seeks to further environmental concerns politically and not through judicial decisions. It uses means, i.e., the right to political participation, only to gain access to the decision making process. Relevant political rights in this respect are a right to information to political participation and to fair judicial resolution of disputes.

The United Nations World Charter for nature, for example, provides in clause (a) 11 that persons in accordance with their national legislation, shall have the opportunity to participate, individually or with others, in the formulation of decisions of direct concern to their environment, and shall have access to means of redress within their environment has suffered damage or degradation. The Rio Declaration on Environment and Development, adopted on 14 June 1992 at Rio de Janeiro, includes principle 10, which states that '(e)nvironmental issues are best handled with participation of all concerned citizens, at the relevant level', and not only that 'each

---

<sup>62</sup> Ibid.

individual shall have appropriate access to information concerning the environment that is held by public authorities...and the opportunity to participate in decision-making process' but also that '(e)ffective access to judicial and administrative proceedings, including redress the remedy, shall by provided.<sup>63</sup>

The requirement for participation in decisions relating to the environment can be seen as just a specific application of broader principle of political participation enshrined in the international law of human rights. The International Covenant of Civil and Political Rights (ICCPR) Mentions under Article 25 that every citizen shall have the right 'to take part in conduct of public affairs, directly or through chosen representatives', to 'vote and to be elected at genuine periodic elections and' to 'have access, on general terms of equality to public services in his country.<sup>64</sup>

---

<sup>63</sup> Helmut Karl and Omar Ranne, "European Environmental Policy between Decentralisation and Uniformity: The Idea of Environmental Federalism", *Intereconomics*, July/August 1997, p. 27.

<sup>64</sup> Robertson, n. 61, p. 61.



## CHAPTER-II

### THE KAPTAI AND NARMADA DAMS: PROFILE, ISSUES AND CONTROVERSIES

#### The Kaptai Dam - Profile

The idea of constructing a dam in Chittagong Hill Tracts (CHT) in the present day Bangladesh was mooted as early as 1906 but the proposal was not operationalized till 1951. It was to be located at one of the four places where major rapids occur on the Karnafuli River. The partition of India and Pakistan had made it impossible to construct dam at the original site at Barkal, because this part of reservoir was extending into the Indian Territory.<sup>1</sup>

The state elite of Pakistan saw the Chittagong hills as a useful part of the country because it had exploitable natural resources – timber, bamboo, hydroelectric power, rubber and oil. By and large, the hill people were not considered useful. They were seen as a liability, except possibly for tourism.<sup>2</sup> Basically, in all these developments the hill people were excluded not only from positions of authority but also from the benefits of employment opportunities, for example, in the building and staffing of the paper mill and the Kaptai project.<sup>3</sup>

---

<sup>1</sup>Willem Van Schendel, Wolfgang Mey, Aditya Kumar Dewan, (eds.), *The Chittagong Hill Tracts Living in a Borderland*, (Dhaka: The University Press, 2001), p. 195.

<sup>2</sup> *Ibid.*, p. 212.

<sup>3</sup> *Ibid.*, p. 213.

In 1956, the construction of Kaptai Dam over the Karnafuli river began. As a result 54,000 acres of cultivable land and 18,000 homes would go under water, triggering off a massive human exodus to India. During the construction itself, the dam flooded an area of some 655 square kilometres (sq. kms.), which included about 22,000 hectares (ha) of cultivable land – 40 % of all such land in the CHT. It displaced 100,000 tribal people, of which 70 % were Chakmas.<sup>4</sup> The dam also flooded the original Rangamati town and the Palace of the Chakma Raja (King). Majorities of the displaced people were supposed to be rehabilitated on the upper reaches of the river Kaslong and Chengi during the early phase of the projects. But in reality, the newly created environmental refugees were resettled in low-lying areas of Langdu, Barkal and Bhaghaichari *thanas* as per the advice of the project officials. Much of this land then went under water by 1962 when the construction of the dam was completed.<sup>5</sup>

Finally, the Pakistani government decided to build hydroelectric complex at Kaptai on the Karnafuli between Rangamati and Chandraghona. Mostly the work was carried out by a United States construction company employing largely non-local labour. During 1960's, there were many development activities along with the Chandraghona paper mill and the Kaptai hydroelectric project.<sup>6</sup> There was also exploration for oil in the CHT by the Russian-supported Oil & Gas Development Corporation, near Rangamati in 1965.<sup>7</sup>

---

<sup>4</sup> A majority of them found their way to India. They went via Tripura and settled down in the area then known as North East Frontier Agency (NEFA) i.e., Arunachal Pradesh of today.

<sup>5</sup> Paper 11 "Damned Impact of Dam, a Case Study on Kaptai Dam in Bangladesh", <http://www.ywwf.net>.

<sup>6</sup> Schendel, n. 1, p. 204.

<sup>7</sup> Ibid., p. 206.

## **The Chittagong Hill Tracts**

The CHT are situated in the southeastern part of Bangladesh. This hilly region has become strategically important as it shares international boundaries with the Indian state of Tripura to the north and Mizoram in the east and Chin and Rakhain states of Myanmar (Burma) to the southeast and south.<sup>8</sup>

The total area of the CHT is 14,200 square kilometers including river and reserve forest areas. The CHT has three hill districts of Bangladesh namely, Rangamati, Bandarban and Khagrachhari. The entire region is divided into four valleys formed by the rivers of Feni, Karnafuli, Matamuri, Sangu and their tributaries.<sup>9</sup>

### ***Demography***

The first Constitution of Pakistan adopted in 1956, continued to recognise the CHT as an Excluded Area. This status was subsequently upheld by the Constitution of 1962. The CHT was referred to as Tribal Area whereby any amendment to the administration of such areas required presidential approval. But, in 1964, the National Assembly of Pakistan amended the list of tribal areas and the CHT was removed from the list. The CHT no longer had the official recognition of being designated as a separate home land for the indigenous peoples as it had done under its previous designations as Excluded Area and Tribal Area. Therefore, the area was now open to

---

<sup>8</sup> Subyasachi Basu Ray Chaudhury, "The CHT Refugees in India: Pawns in the Strategic Game?", p. 1.

<sup>9</sup> Ibid.

settlement by the people from outside. This also enabled the non-indigenous people to enter and acquire land in the Hill Tracts.<sup>10</sup>

**Table-1**  
**Growth Rate of Population, 1951-1981**

Year and date of Census	Population	Variation		Growth rate (exponential)
		Number	Percent	
1951-March 1	4,41,65,740 (4,20,62,610)	21,68,443	5.16	0.50
1961-February 1	5,52,22,663 (5,08,40,235)	1,10,56,923	25.04	2.26
1974-March 1	7,63,98,000 (7,14,79,071)	2,11,75,357	38.35	2.48
1981-March 5	8,99,12,000 (8,71,20,119)	1,35,14,000	17.69	2.32

Figures within parenthesis refer to unadjusted census counts.

Source: *Statistical Yearbook of Bangladesh, Government of the Peoples Republic of Bangladesh*, p.71.

The overall population of Bangladesh decreased between 1940 to 1950. In the early 60s there was a slight increase in the population in the country. The inter-censal growth rate of population is increased 1950-1960 census from 0.50 to 2.26. In 1981 there was slight decrease in population. The population of the country as enumerated in March, 1981 was 87.12 million however, after taking into account the census under enumeration in the total population of the country stood at 89.91 million. The inter-censal growth rate of population estimated by using adjusted population of both 1974 and 1981 census was 2.32 per annum. During 1961 to 1974 census was 2.48 per annum it was slightly higher than 1981.

<sup>10</sup> *Ibid.*, pp. 4-5.

According to the 1991 Census, the total population of the CHT was 9,74,445 of which 5,01,144 or about 51% were tribal. There are allegations that, the CHT refugees taking shelter in Tripura during this census were not considered for enumeration. There is a decreasing percentage of tribal population in the total inhabitants of CHT. It constituted 92% in 1950s and by 1991 census it had come down to only 51 %.<sup>11</sup>

### *Environment*

About 90% of fuel wood and 80% of all timber consumed by local consumers are provided by homestead forest. They are used as main source of domestic energy and construction material. A study estimated that 11% of homestead forest vanished in years. The estimated rate of deforestation was 3.3% or 8,000 hectares per year as against the average of 0.6% in South Asia.<sup>12</sup> The country's forest cover has therefore, shrunk rapidly. Reasons for deforestation include population increase, expansion of agriculture land, shifting cultivation, spontaneous settlers. Due to increasing landlessness and marginalization of farmers on the one hand, and unavailability of non-farm employment opportunity and lack of agricultural support facilities, on the other, people are compelled to intensify land-use, to increase their number of head of livestock, and to encroach into forests. This ultimately increases the volume and acceleration of the rate of soil erosion.

---

<sup>11</sup> Ibid., p. 2.

<sup>12</sup> "Natural Forest Destruction", <http://www.ecoman.une.edu.au>

To blame the settlers directly for forest destruction, as many official accounts do, avoids the underlying question of why these large population are poor. Poverty forces them to clear the forest in the first place. Huge government resettlement schemes, often with western finance, promoted as the solution to problems of poverty and landlessness, do not really have much effect due to faulty implementation.<sup>13</sup>

The Kaptai multipurpose dam, aside from the immediate ecological damages such as inundating crop lands, villages and forests has also resulted in other far reaching ecological effects due to the large lake that it created. Because the reservoirs inundated many of the best-forested valleys, most of the wildlife that once comprised of bison, *sambur*, barking deer, leopard, the Royal Bengal Tiger and the panther, are not seen anymore. In less than forty years after the construction of the Kaptai dam the tiger has virtually disappeared from the CHT. The elephant population too has decreased drastically.<sup>14</sup>

### *Land ownership and cultivation*

Land is one of the most important means of production determining all spheres of life of the people of rural CHT. Land ownership and cultivation patterns are some of the major aspects that differentiate lifestyles of the people living in this region from those living in other parts of Bangladesh.<sup>15</sup>

---

<sup>13</sup> Ibid.

<sup>14</sup> Raja Devasish Roy, Meghna Guhalhakurta, Amena Mohsin, Prashanta Tripura, Philip Gain, (eds.), *The Chittagong Hill Tracts Life and Nature at Risk*, (Dhaka: Society for Environment and Human Development Publications (SEHD), 2000), pp. 36-37.

<sup>15</sup> Debdulal Mallick, "Land Ownership and Cultivation" in Mohammad Rafi, A Mushtaque R. Chowdhury (eds.), *Counting The Hills: Assessing Development in Chittagong Hill Tracts*. (Dhaka: The University Press Limited, 2001), p. 75.

The people of this region depend on agriculture for their livelihood with subsidiary occupations such as pastoralism, weaving hunting and fishing. The eastern and western parts of CHT are entirely hilly and are suitable for *jhum* cultivation, and the hill people practicing it are known as Jummas. This type of cultivation is found in other parts of the world such as Philippines, Indonesia, Laos, Kampuchea, Vietnam, Nepal, Bhutan, Myanmar and India.<sup>16</sup>

The hilly region comprises 4.3 % of the total land of CHT barring the reserved forests, and the other parts of the region from the flat land which is suitable for plough cultivation of which 54,000 acres have already been submerged by the Kaptai lake permanently. The land use situation during 1960s is shown below.<sup>17</sup>

Table-2

Land Use Situation of the Chittagong Hill Tracts

Land	Acres	Percentage of total
Land suitable for rice cultivation	77,000	2
Land suitable for horticulture and tree crops	670,000	21
Land suitable for forest only	1,600,000	51
Reserve forests	800,000	26
<b>Total</b>	<b>3,147,000</b>	<b>100</b>

Source: B.P.Barua, *Ethnicity and National Integration in Bangladesh: A Study of the CHT's*, (New Delhi: 2001), p. 76.

<sup>16</sup> B.P.Barua, *Ethnicity and National Integration in Bangladesh: A Study of the CHTs*, (New Delhi: Har-Anand Publications Private Ltd, 2001), p. 76.

<sup>17</sup> Ibid.

The dam construction in the region led to the loss of more cultivatable land. Only 2% of the total 3.14 million acres of land in the Hill Tracts are available for rice cultivation and 21% acres of land are suitable for horticulture and tree crops. The rest of the land i.e., 51% and 26% are suitable for forests and reserve forests respectively.<sup>18</sup>

According to land-based economic activities the rural population can be divided into three classes: firstly, big land owners; secondly, peasant (flat land) producers; and thirdly, land less cultivators who practices slash and burn (*jhum*) cultivation on the hill areas.<sup>19</sup> The land ownership in CHT projects a number of peculiarities, which are not necessarily uniform throughout the region. Most of the hill people were not aware of the legal document required to claim the ownership of land. There are some ample examples on various issues amount of land owned, types of land, land cultivation, value of land of ethnic groups such as Chakmas, Marma, Mro, Tripura and also Bengali settlers in the CHT region.<sup>20</sup>

The amount of the land owned by the households of various ethnic groups in the region varied from each other. The table below clearly shows the average amount of land owned by various ethnic groups.

---

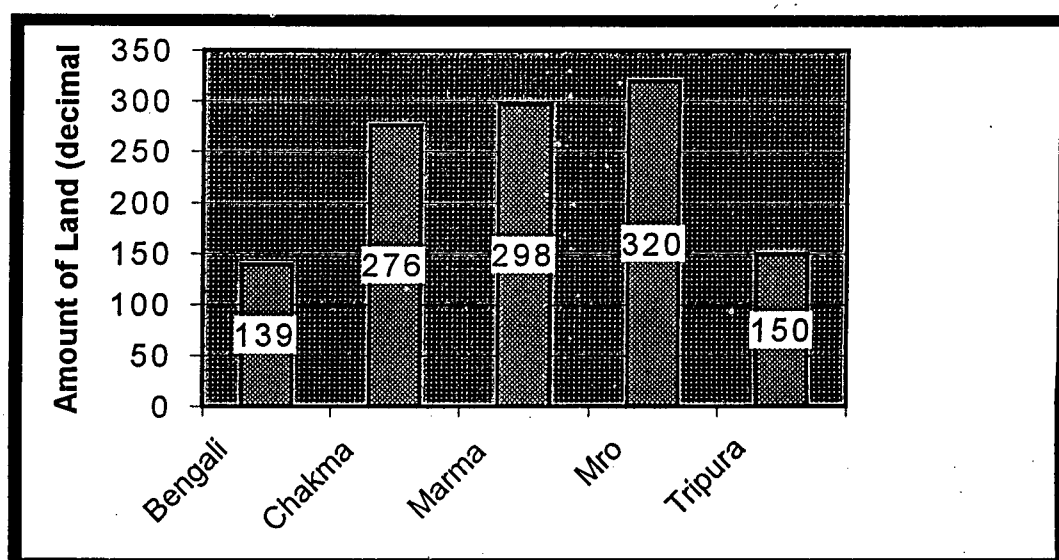
<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> Mallick, n. 15, p. 75.



Table-3



Average Amount of Land Owned by Ethnicity

Source: Debdulal Mallick, "Land Ownership and Cultivation" in Mohammad Rafi, A Mushtaque R. Chowdhury (eds.), *Counting The Hills: Assessing Development in Chittagong Hill Tracts*. (Dhaka: 2001), p. 75.

Bengalis and Chakmas owned considerably smaller amount of land compared to other ethnic groups except Tripura. The types of land owned by the households in the CHT have been classified into six categories: homestead, cultivated, orchard, fallow, pond and others.<sup>21</sup>

- The homestead land has been defined as the area surrounding their home.
- Cultivable land refers to a type whether plain or *jhum*-land where cultivation is practiced.
- Orchard has been defined as the type of land outside the boundary of homestead where timber or fruit trees are planted.
- Fallow land refers to the land where no cultivation or plantation is practiced.<sup>22</sup>

<sup>21</sup> Ibid., p. 76.

<sup>22</sup> Ibid., p. 77.

**Table-4**  
**Average Amount of Land Owned by Types of Land and Ethnicity**  
**(in decimal)**

Ethnic group	Type of Land					
	Homestead	Cultivated	Orchard	Fallow	Pond	Others
Bengali	33.1	49.4	21.5	31.4	1.3	2.0
Chakma	20.8	95.6	152.6	4.3	0.9	2.2
Marma	17.3	91.9	177.0	9.9	1.5	0.0
Mro	20.2	82.2	209.4	7.2	0.7	0.0
Tripura	22.3	58.9	59.4	8.7	0.7	0.02

Source: Debdulal Mallick, "Land Ownership and Cultivation" in Mohammad Rafi, A Mushtaque R. Chowdhury (eds.), *Counting The Hills: Assessing Development in Chittagong Hill Tracts*. (Dhaka: 2001), p. 77.

The average type of land owned by ethnic group varies from each other Mro, Marma and Chakma overall had owned more land as compared to Bengali and Tripura. Every ethnic group had more orchard and cultivated land except Bengali. But Bengalis owned more homestead and fallow land.

**Table-5**

**The Households Involved in Different Types of Cultivation by Ethnicity  
(in percent)**

<b>Ethnic group</b>	<b>Any type</b>	<b>Plain-land</b>	<b><i>Jhum</i>-land</b>	<b>Plain and <i>Jhum</i>-land</b>
Bengali	27.3	25.7	1.6	0.0
Chakma	79.5	68.4	26.2	15.2
Marma	68.2	44.4	40.1	16.3
Mro	98.4	27.8	96.5	26.1
Tripura	66.7	29.6	46.1	9.0

Source: Debdulal Mallick, "Land Ownership and Cultivation" in Mohammad Rafi, A Mushtaque R. Chowdhury (eds.), *Counting The Hills: Assessing Development in Chittagong Hill Tracts*. (Dhaka: 2001), p. 79.

Land cultivation practiced by these ethnic groups also varies from each other. Basically, the cultivation in CHT can be grouped into two kinds: *jhum* and plain-land cultivation. Mro households involved in cultivation of *jhum* land was nearly 96.5%, followed by Tripura and Maram respectively 46.1% and 40.1%. On the other had, Chakma's involvement in cultivation of plain-land was comparatively more than other groups. But Mro's in any type of cultivation are larger, followed by Chakma, Marma,

Tripura. Bengalis are more involved in plain land cultivation and they were lo  
*jum* land cultivation.<sup>23</sup>

**Table-6**  
**Per Decimal Value (in Taka) of Land owned by Ethnicity**

Ethnic group	Type Of Land					
	Homestead	Cultivated	Orchard	Fallow	Pond	O
Bengali	783.8	526.3	1,012.2	271.5	758.8	17
Chakma	824.4	806.0	292.6	303.3	1,380.0	13
Marma	758.5	1,010.9	499.1	281.1	697.7	-
Mro	496.7	919.2	434.0	209.6	1,246.1	-
Tripura	341.9	625.0	390.1	343.6	625.0	30

Source: Debdulal Mallick, "Land Ownership and Cultivation" in Mohammad Rafi, A Musht Chowdhury (eds.), *Counting The Hills: Assessing Development in Chittagong Hill Tracts*. (2001), p. 82

The value of land was calculated based on the information provided respondents. In general the value of land depends on two important factors; f and location.<sup>24</sup> In the above table Chakma owned land was overall more costl other groups, Bengali occupied second position. But in case of cultivated land M owned land carried a much higher value than the other groups. Tripura owned type of land was more costly but overall Tripura owned land was cheaper tha other group. Overall Bengalis were benefited with much value of land hold wi land comparatively with other groups. In that particular time ethnic groups had c more land. Later on most of the land in CHT region was submerged due to

<sup>23</sup> Ibid., p. 79.

<sup>24</sup> Ibid., p. 82.

construction. Most of them lost their cultivated and orchard land. After some point of time, government banned *jhum* cultivation in the region.

### **The Chakmas**

The history of CHT and that of the Chakmas are closely mingled with each other. Most Chakmas migrated from Burma between the 16<sup>th</sup> and mid 19<sup>th</sup> century. At present, the Chakmas are found in the states of Tripura, Arunachal Pradesh and Mizoram, and some other parts of northeast India, in the CHT in Bangladesh as well as in Arakan region in Burma. They are spread over all these places.<sup>25</sup>

The existence of Chakmas in CHT was largely peaceful until the first half of the 20<sup>th</sup> century. But since the partition of India various social, political and economic development issues particularly during the East Pakistan regime and after the emergence of Bangladesh have threatened their lives. In the CHT, there were around thirteen different ethnic groups including Chakmas, Marma (Mogh), Tippera (Tripuri), Mru, Khumi, Bawm, Pakhau, Mizo, Kiang, Sak Mrung, Banjogi and Kuki, of whom the Chakmas formed the largest group. Most of their languages belong to the Tibeto-Burman language family.<sup>26</sup> Chakmas practice Buddhism but since late in the 19<sup>th</sup> century there has been a large influence of Hinduism on Chakmas. Many Chakma families worship Hindu deities such as Mahalakshmi and celebrate Durga Puja and other Hindu festivals. They have their own mythology, history, folklore, script and

---

<sup>25</sup> S R Sankaran, "Chakmas in Indian Subcontinent – A Struggle for Human Rights", *Indian Journal of Human Rights*, Vol. II, No.1&2, 1998, p. 27.

<sup>26</sup> Ibid.

religious literature and their social customs are a mixture of Hindu and Buddhist practices.<sup>27</sup>

In 1760, the Chittagong was taken over by the East India Company from the Mughals by a pact concluded between the Nawab of Bengal and the Company. It maintained a strict policy of non-interference in hill issues. Initially, when British took over the Chittagong they also followed non-interference in hill issues but later on there was a change in British attitude. This led to the westward migration of new population groups on the eastern border of the hill tracts, known as the Lushai-Chin<sup>28</sup> that came into conflict with British domination in the region. The British were unable to resolve the problem for a long time, annexing the Lushai hills only in 1892.

The British government issued certain rules and regulations for the administration of the CHT in 1900. They appointed a Deputy Commissioner in charge of the district to restrict all migration to the district. The Government of India Act 1935 provided for separate dispensation for the tracts and the administration was left to the discretion of the Governor General, the representative of the British Crown.<sup>29</sup>

After the partition that took place on the basis of religion, the case of CHT became problematic. As most Chakmas were non-Muslims, the majority wanted the CHT to be a part of India and believed that this would eventually happen. But the Boundary Commission awarded the CHT to Pakistan. The inclusion of CHT in Pakistan showed the immense pressure brought on by and the direct domination of

---

<sup>27</sup> Ibid.

<sup>28</sup> Ibid., p.30.

<sup>29</sup> Ibid., p.31.

Bengali Muslims in the region. The tribals now became victims of persecution first of East Pakistan and then of Bangladesh.

### *The Chakmas as Environmental Refugees*

The Kaptai Dam was the first huge hydroelectric project that created “environmental refugees” in this part of the world. The Kaptai Dam on the river Karnafuli is the only hydroelectric power source of Bangladesh located in the CHT. It is 670 m long it was completed in six years and was inaugurated on March 30, 1962.<sup>30</sup> It produces approximately 5% of the total electricity consumed in the country. The dam initially was supposed to provide benefits in terms of hydropower, flood control, irrigation and drainage, navigation and forest resources harvesting. Most of these objectives have been served in various degrees except irrigation and drainage. Commercial fish culture and recreation activities were also later introduced in the lake.<sup>31</sup>

Over 40,000 “environmental refugees” migrated to India and another 20,000 and so migrated to Burma.<sup>32</sup> Today they live in Arunachal Pradesh as citizens neither of India nor of Bangladesh.

In the early stage of displacement there was inadequate rehabilitation programme. There was no proper plan of rehabilitation, resettlement and compensation to the displaced people. The hill people were displaced twice from their

---

<sup>30</sup> “Damned Impact of Dam, a Case Study on Kaptai Dam in Bangladesh”, <http://www.ywwf.net>.

<sup>31</sup> Ibid.

<sup>32</sup> S. Samad, “Dams Caused Environmental Refugees of the Ethnic Minorities in Chittagong”, <http://www.dam.org>.

original homes. But the Government claims that there was adequate compensation and rehabilitation programmes extended to the people. The District Gazetteer in this connection writes, “in consideration of the backwardness of the tribal people of this district as for the sacrifice that they made for good of the rest of the country, government took up the responsibility to compensate and rehabilitate the displaced persons. A majority of the displaced families have been rehabilitated on the upper reaches of rivers Kassalong and Chengi and also a certain percentage has been rehabilitated in other non-submerged areas of Bandarban and Ramgarh subdivision (now district). The rehabilitation scheme envisages the economic rehabilitation of the people on a sound basis”.<sup>33</sup>

However, the ethnic minorities too were not consulted before the hydroelectric project was started – a situation that has happened with respect to mega-projects in many other parts of the world. It angered the Jumma population that later on turned violent and demanded an autonomous state of the CHT. Ali Haider Khan, a retired Divisional Commissioner of Chittagong in one of his interviews in 1980s stated that “the tribal sacrifice for the project was not duly compensated”. He also stated that the Government of Pakistan resettled the displaced people with a poor budget at heights that were determined by the project engineers. In 1962, when the hydroelectric project came into effect and the increase of water level submerged the resettled hill people, the Pakistan Government is understood to have given up attempts to rehabilitate them again or compensate.<sup>34</sup>

---

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.



## *Migration and Conflict*

Meanwhile the Chakmas rarely resisted political authorities in an organized manner. In 1928, there was a significant resistance under the banner of Chakma Yuvak Sangha (Chakma Youth Group) led by Ghansyam Dewan, which resisted the political authority of the Divisional Commissioner. With the emergence of Pakistan, the CHT Students Association was established and later it evolved into Jana Samhati Samiti. Even though there was unrest among the displaced people, the Chakmas participated in the elections. Manabendra Larma was a member of East Pakistan Provincial Assembly. He presented a 16-point charter of demands, among which one of the important ones related to regional autonomy with separate legislature for the CHT region. In 1973, the same Chakma leader made two significant demands of the Parbatiya Chattagram Jana Samhati Samiti (PCJSS) – that of expelling of immigrants settled in CHT and compensation for the tribal families who were uprooted by Kaptai Dam.<sup>35</sup>

The refugees moved on foot in batches up to Pechartal from their original camp of Manughat in Tripura. From Pechartal, the refugees were moved to Dharmanagar by some hired lorries and from there they traveled by train and reached Ledo in upper Assam. Initially, only about 57 families of Chakmas and Hajongs were Abhaypur Block of Diyun circle of the erstwhile Tripa district of Arunachal Pradesh purely on “temporary and humanitarian grounds” by the then NEFA administration, which was directly under the control of the Central Government.<sup>36</sup>

---

<sup>35</sup> Sankaran, n.25, p. 41.

<sup>36</sup> Subyasachi Basu Ray Chaudhury, Ashis K. Biswas, “A Diaspora is Made: the Jummas in the North-East India” in Subir Bhaumik, Meghna Guhathakurta and Subyasachi Basu Ray Chaudhury, *Living on the Edge: An Essays on Chittagong Hill Tracts* (Kathmandu: South Asia Forum for Human Rights(SAFHR), 1997), p. 141.

The fact remains that, in consultation with the NEFA administration, about 4,012 Chakma families were settled there. Initially, they were also allotted some land in consultation with local tribals. The Government of India had also sanctioned rehabilitation assistance at Rs. 4,200/- per family. The state government records in Arunachal Pradesh indicated that between 1964 and 1969, altogether 2,748 Chakma and Hajong families, comprising some 14, 888 persons, went to NEFA. Initially, these refugees population in 1969 was as follows:<sup>37</sup>

**Table-7**  
**Chakma-Hajong Refugee Settlement in Arunachal Pradesh**  
**in 1969 (district-wise)**

Area	No. of Families	No. of Persons Settled
Lohit District	214 Chakma	1192
Subahsiri District	238 Chakma	1133
Tirap division of Changlang District	2146 Chakma 150 Hajong	11813 750
<b>Total</b>	2748	14,888

**Source:** Subyasachi Basu Ray Chaudhury, Ashis K. Biswas, "A Diaspora is Made: the Jummas in the North-East India" in Subir Bhaumik, Meghna Guhathakurta and Subyasachi Basu Ray Chaudhury, *Living on the Edge: An Essays on Chittagong Hill Tracts* (Kathmandu: South Asia Forum for Human Rights (SAFHR), 1997), p.142.

<sup>37</sup> Ibid., p. 142.

By 1979, these figures rose to 3919 families of 21, 494 persons. At present, the number of evacuees from CHT has gone up further to around 65,000 whereas the total population of the state, according to the 1991 census is 8,58,392.<sup>38</sup>

The Chakmas of Arunachal Pradesh belong to a tribal group that has for centuries inhabited the CHT of Bangladesh. Of the nearly 100,000 Chakmas displaced majority of them first settled down in the state of Assam and then shifted to areas which now falling within the state of Arunachal Pradesh. They have been settled there for about three and a half decades and have raised their families in the said state. Approximately 35,000 Chakmas refugees were given valid migration certificates as also nearly 1,000 members of the Hajong tribe and settled in what now are the districts of Lohit, Changlang, and Papunapare.<sup>39</sup> Since their resettlement in India, the Chakmas and Hajongs have built villages, developed the land granted to them. They established strong ties and also integrated into the social fabric of the region. Nearly 65,000 persons were born in India and thus have claims for citizenship.

Actually, Section 5(1)(a) of the Indian Citizenship Act of 1955 as amended by Act No-51 of 1986 states that: '(a) Persons of Indian origin who are ordinarily resident in India and have been resident for five years immediately before making an application for registration shall be eligible to be registered as citizens of India'. Also, Sections 3(1) and 3(1)(a) state that: 'Except as provided in sub-section (2), every person born in India, (a) on or after the 26<sup>th</sup> day January, 1950, but before the

---

<sup>38</sup> Ibid.

<sup>39</sup> Nathan A. Limpert, "People without a Country", *Seminar* 463, March 1998, p. 43.

commencement of the Citizenship Amendment Act, 1986, shall be a citizen of India by birth'.<sup>40</sup>

In 1972, under the Indira-Mujib Agreement it was determined that Bangladesh was not responsible for all the migrants who entered India before 25 March 1971. The Central government has often stated that the Chakmas and Hajongs have a legitimate claim to Indian citizenship. In a letter dated 23 September 1992, Minister of State for Home and Parliamentary Affairs M M Jacob stated, "Being new migrants", viz. "refugees from Bangladesh who came to India between 1964 and 1971, are eligible to the grant of citizenship according to the policy of the government on the subject and most of these migrants have already been granted citizenship".<sup>41</sup>

The rise of ethnic tensions in Arunachal Pradesh, which led to demanding share in political power between Khasis and other indigenous tribal groups, brought Chakmas into conflict with the local people. Chakmas for example, faced discrimination in educational institutions. There is not a single middle school or a high school in the Chakma inhabited area, except a few Primary Schools. In 1982, the All Arunachal Pradesh Students Union (AAPSU) launched a campaign demanding denial of admission to the Chakma students and regularly organized physical attacks on Chakmas. Most Chakma students thus had to go outside Arunachal Pradesh to pursue their studies.<sup>42</sup>

The "Refugee Go-Back" movement originally launched by the AAPSU, which consistently held the view that the refugees were "foreigners" and Arunachal Pradesh

---

<sup>40</sup> Ibid.

<sup>41</sup> Ibid

<sup>42</sup> Sankaran, n. 25, p. 53.

could not be made a “dumping ground”, gained momentum in the wake of the “People’s Referendum Rally” held on September 20, 1995 at Naharlagun, Itanagar. It was at this rally that AAPSU and the leaders of all existing political parties in the state including ruling Congress (I) under Gegong Apang, the Chief Minister of the State since 1979 had set December 31 as the deadline for the centre to evict the refugees from the state. Also the leaders who attended that rally vowed to resign from the primary membership of their respective parties and form a “Common Organization of Indigenous People” if their demands was not met by the Central Government before the expiry of the deadline.<sup>43</sup>

When in 1994 and 1995, severe outbreaks of malignant malaria have reportedly caused the death of at least 200 Chakmas, most actually died because they received no medical attention. The AAPSU was at least partly responsible as they prevented even economic aid and rations reaching the refugees.<sup>44</sup>

At the same time the refugees residing in Tripura also warned by Government of Tripura. Such incidence was happened in November 1995, the Sub Divisional Officer (SDO) of Amarpur warned that if refugees indulge in unauthorized movements, then those names of the concerned names of the refugees would be deleted from the official list and the assistance would be stopped. The leaders of the refugees camps were also not allowed to go out of the camps without prior permission of the SDO whose office was at least 35 kilometres away from the camps and this communication gap between these two was very great difficult at time needed.<sup>45</sup>

---

<sup>43</sup> Chaudhury, n. 8, p. 8.

<sup>44</sup> Ibid., p. 12.

<sup>45</sup> Ibid., p. 17.

### *Interventions by NHRC and Supreme Court*

This violence was brought to the attention of the National Human Rights Commission (NHRC) when it received a letter from the Peoples Union of Civil Liberties (PUCL) in September 1994. The Commission also received a representation from the Committee for the Citizenship Rights of the Chakmas of Arunachal Pradesh (CCRCA) and a Delhi based non-governmental organization also referred to the ultimatum, which was issued by the AAPSU to the Chakmas. This stated that the Chakmas had to quit the state on or before September 30, 1994 and later setting the deadline of 31 December 1995.<sup>46</sup>

The NHRC asked the state government to maintain the status quo. The state government delayed the matter and did not respond properly. Later the Commission decided to approach the Supreme Court through a writ petition. In the petition, the Commission claimed Chakmas in India could not be denied their basic right to existence.

The writ petition of the NHRC sought to enforce the rights of 65,000 Chakma tribals in Arunachal Pradesh. It was perhaps the first instance when the Commission felt constrained to invoke Section 18(2) of the Protection of Human Rights Act 1993 to move the Supreme Court.<sup>47</sup> The Supreme Court ruled against the forcible expulsion of Chakma refugees from the state of Arunachal Pradesh. It proved that the state had not taken sufficient steps to protect the rights of the Chakmas and Hajongs. The Supreme Court warned the Students Union and stated that in a judgment, which was

---

<sup>46</sup> Sankaran, n. 25, p. 54.

<sup>47</sup> Ibid, p. 55.

delivered on 9 January 1996, by Division Bench presided over by Chief Justice Ahmadi and Justice Sen stated that, except in accordance with law, the Chakmas shall not be evicted from their homes and shall not be denied domestic life and comforts therein.<sup>48</sup>

On the citizenship issue, the Supreme Court directed that the applications for registration as citizenship Act 1955 shall be entered in the register maintained for the purpose. These applications would be forwarded to the Collector or the Deputy Commissioner who after receiving them under the relevant rule and after proper inquiry would do, as the law required. The Supreme Court specified the role of Collector in the case of NHRC vs. State of Arunachal Pradesh. It stated that: 'On a conjoint reading of Rules 8 and 9 it becomes clear that the Collector has merely to receive the application and forward it to the Central government. It is only authority constituted Under Rule 8 that is empowered to register a person as a citizen of India. It follows that only authority can refuse to entertain an application made under section 5 of the Act'.<sup>49</sup> This explanation was necessary because, the state government's attitude towards the Chakmas was not satisfactory. One such instances was when the District Collector did not forward the applications to the Central government and it was backed by state government's excuse that the District Collector had the power to make initial determinations as to the merits of citizenship application.

Due to repeated threats from the AAPSU, Chakmas and Hajongs were scared to apply for citizenship that is why most of them submitted their applications directly.

---

<sup>48</sup> Ibid.

<sup>49</sup> Limpert, n. 39, p. 44.

to the Central Government in February 1997.<sup>50</sup> Nevertheless, after thirty years of statelessness, Chakmas and Hajongs of Arunachal Pradesh still remained people without a country. Even, in the case of Chakmas who were born on Indian soil, the Indian government failed to extend the protection of Indian citizenship to the Chakmas and Hajongs. This is not only a violation of Indian Municipal Law, but also International Law. The Universal Declaration of Human Rights provides that 'everyone has the right to nationality.' India is also a signatory to International Covenant on Civil and Political Rights, Under this, 'every child has the right to acquire a nationality'. The Convention on the Rights of the Child, Article 7(1) reads: 'the Child shall be registered immediately after the birth and shall have the right from birth to a name, the right to acquire a nationality, and as far as possible, the right to know and be cared for by his or her parents'. In case of Chakmas and Hajongs India has not fulfilled its obligations up to the mark in providing citizenship to children born since 1964.<sup>51</sup>

In the past three and half decades, there has been large-scale human rights abuses and discrimination of the Chakmas and Hajongs. In some cases, physical assaults also took place. In March 1996, the Arunachal Pradesh government issued a White Paper on the Chakma and Hajong migrants. In this it states: "The Chakmas worship evil spirits. They also believe in and perform witchcraft."<sup>52</sup> In such a regime of prejudice, it has been highly difficult for Chakmas and Hajongs to hope for equal treatment.

---

<sup>50</sup> Ibid., p. 45.

<sup>51</sup> Ibid.

<sup>52</sup> Ibid., p.46.



The recorded history of major dams in India dates back too as early as 1770s when the Jaismand Tank near Udaipur (Rajasthan) was built. The construction of modern day large dams began in 1930s. This was the time when dams were considered the symbols of technological advancement and development in the world. India constructed dam projects such as Hirakud, Bhakra, Nagarjunasagar, Damodar Valley, and Pong. All these became pillars of economic progress. By late 1980s, India had more than 1500 large dams.<sup>53</sup>

Rainfall in India is erratic. Most of the rainfall occurs in a few weeks in a year and that to varies substantially from year to year. The rivers are mostly seasonal in character. Unless water is stored for month, there is no hope for cultivating crops round the year.<sup>54</sup>

India being a tropical country, evaporation loss is a major problem. Typically, 1.2 metres of water evaporate in a year. Therefore, shallow storage systems will lose most of their water by evaporation itself. In the colonial days, famines were a frequent occurrence. It is only because of the secure availability of water from the many dams that have been constructed in this century we are now able to feed population.<sup>55</sup>

Crops require water at the right time and at right amounts. With the haphazard rainfall pattern there is no way of ensuring proper watering of crops without round-the-year water storage. Greening of desert areas is impossible using small check dams

---

<sup>53</sup> Enakshi Ganguly Thukral, "Introduction" in Thukral, *Big Dams Displaced People Rivers of sorrow River of Change*, (New Delhi: Sage Publications, 1992), p. 8.

<sup>54</sup> P V Indiresan, "Dams and Drinking water", *The Hindu*, November 31, 1999.

<sup>55</sup> *Ibid.*

and run of the river schemes. Only large dams can do so.<sup>56</sup> India's rivers discharge most of their water into the sea.<sup>57</sup> Unless such discharge into the sea is checked, there will not be enough water for cultivation. Only large dams can prevent such wasteful discharge into the sea.

### **The Narmada Dam – Profile**

Narmada is the largest west flowing river of India. The Narmada River originates in the Amarkantak Plateau located in the Shahdol district of Madhya Pradesh. It flows 1300 kms west through thick forests and broad valleys to merge with the waters of the Arabian Sea in the Bharuch district of Gujarat. Narmada Valley has been the home for a rich diversity of human culture. Large numbers of people depend upon the Narmada especially, a variety of tribal societies such as the Bhils, Gonds, Saigas, Kurkus, and Bhilalas.<sup>58</sup>

In 1946, for the first time the idea was mooted of tapping waters of the Narmada and its tributaries. In early stage there was disagreement on issues like sharing water, because it flows through three states – Madhya Pradesh, Maharashtra and Gujarat. In 1969, to resolve all these disputes Narmada Water Dispute Tribunal was set up. By 1978, it submitted its reports, when the actual planning and work started.<sup>59</sup>

---

<sup>56</sup> Ibid.

<sup>57</sup> The Cauvery is an exception –almost all of its water is utilized.

<sup>58</sup> *Sardar Sarovar Project-The Issue of Developing River Narmada, Current Environmental Issues-I*, (Thiruvananthapuram: Intach Series, 1995), p. 4.

<sup>59</sup> Enakshi Ganguly Thukral and Mridula Singh, "Dams and the Displaced in India" in Hari Mohan Mathur, Michael M Cernea, (eds.), *Development, Displacement and Resettlement Focus on Asian Experience* (New Delhi: Vikas Publishing House Pvt. Ltd., 1995), p. 96.

The objectives of the Narmada Valley Project are to provide enough water to irrigate about four and a half million hectares including the drought-prone areas of Gujarat, Maharashtra, Madhya Pradesh and a small part of Rajasthan. The Sardar Sarovar dam is alone designed to provide irrigation to 1.8 million ha and drinking water to 4720 villages and 131 towns in Gujarat. The dam is expected to generate 1450 mega watts (MW) of electricity on completion. The height of the dam was fixed at 455 feet, creating a reservoir that will submerge about 37,000 hectares of land in three states: Gujarat, Madhya Pradesh and Maharashtra, already 90 meters of height was constructed. Its canal and irrigation systems spread to 75,000 sq. kms. and submerge 80,000 ha of land, nearly 9.5 million acres feet (maf) of water divert from Narmada river to various canals linked to the dam.<sup>60</sup>

The whole idea of constructing a dam in the Valley to solve water problems of drought-prone area of Gujarat, like Kutch, Saurashtra and North Gujarat is admittedly addressed to real problems. However given the nature of the plans for Sardar Sarovar Project (SSP) – one of the costliest project ever undertaken in India – it is doubtful whether these problems can actually be solved. However, it is also unlikely that alternative schemes that would genuinely address these problems would be implemented. The contradictions of the SSP can be assessed from the fact that it takes over 80% of Gujarat's irrigation budget but covers only 1.6% of cultivable land in Kutch, 9% of cultivable land in Saurashtra and 20% cultivable land in North Gujarat, in its command area. In addition these areas are at the tail-end of the command and

---

<sup>60</sup> S.Parasuraman, "The Anti Dam Movement and Rehabilitation Policy" in Jean Dreze, Meera Samson and Satyjit Sing (eds.), *The Dam and The Nation Displacement and Resettlement in the Narmada Valley* (Delhi: Oxford University Press, 1997), p. 33.

would get water only after all the area along the canal path get their share of water, and that too after 2020 AD.<sup>61</sup>

Throughout the 1980s and beyond, different river valleys project – from Tehri in the north to Silent Valley in the south, Koel Karo in the east to Sardar Sarovar in the West – have been subject to bitter controversy. The critics of multipurpose river valley project have operated on several flanks. From an economic perspective, they have argued that the cost-benefit ratios derived by the government to justify various dams invariably overvalue benefits and undervalue costs. Using official data, they also show that siltation rates have usually been much higher than anticipated, thereby shortening the life of reservoirs.<sup>62</sup> From an ecological perspective, the high incidence of water logging and the wholesale submergence of forests and wildlife have been presented as examples of the unacceptable costs of dam building.

### *The Sardar Sarovar Project*

The SSP is a multipurpose Interstate Project of four States (Madhya Pradesh, Gujarat, Maharashtra and Rajasthan) being implemented by Government of Gujarat. The Project comprises construction of a 163 meters high and 1200 meters long concrete gravity dam across River Narmada near Village Kevadia of Baroda district. The live storage capacity of the Reservoir will be 5800 million cubic metres (4.73 maf). The 458 kms. long lined canal will irrigate 17.92 lakh hectares of land in Gujarat and will also provide 616 million cubic metre (0.50 maf) share of water to

---

<sup>61</sup> "The Sardar Sarovar Dam: A Brief Introduction", <http://www.narmada.org/sardar-sarovar.html>.

<sup>62</sup> Madhav Gadgil and Ramachandra Guha, "Ecological Conflicts and the Environmental Movement in India", in Dharam Ghai (ed.), *Development Environment: Sustaining People and Nature* (Oxford: Oxford University Press, 1995), p. 211.

Rajasthan. The installed capacity of the RiverBed PowerHouse is 1200M.W. and that of Canal Head Power House is 250 MW.

The Project will also cater domestic water supply needs of 135 towns and 8,215 villages of Gujarat. At full reservation level (el138.68m) the submergence will effect 193 Villages of Madhya Pradesh, 33 villages of Maharashtra and 19 villages of Gujarat; likely total submergence of land will be of 37,533 ha which includes 13,385 ha of forestland. The number of families likely to be effected due to submergence, based upon 1991 census, are estimated as 40,727; out of these 33,014 are of Madhya Pradesh. Gujarat will be required to resettle 14,124 families of Madhya Pradesh in the command area of the project in Gujarat. The remaining 18,890 families will be resettled in Madhya Pradesh.<sup>63</sup> The Project would cost to exchequer a sum of Rs.131, 800 million in 1991-1992 prices.<sup>64</sup>

**Table-8**

**The Narmada Master Plan Completed Projects**

<b>Name of Project</b>	<b>Estimated cost (Rs. Crores)</b>	<b>Irrigation potential (Lakh ha.)</b>	<b>Hydel Power (installed capacity MW)</b>
Matiyari (Dhoba Toria)	30	0.1011	-----
Bargi Headworks & Power House	256.53	-----	R.B.P.H. 90 M.W. (2 x 45 MW)
Barna	18.9	0.548	-----

<sup>63</sup> "Narmada Master Plan", <http://www.mp.nic.in/nvda/default0.htm>.

<sup>64</sup> D.C. Sah, "Resistance in Development: Involuntary Displacement and Rehabilitation", *Madhya Pradesh Journal of Social Sciences*, Vol.6, No.2, July-December 2001, p. 63.

Tawa	113	2.469	-----
Kolar	120	0.451	-----
Sukta	12.6	0.166	-----
<b>Total</b>	<b>551.03</b>	<b>3.7351</b>	<b>90</b>

Source: "Narmada Master Plan", <http://www.mp.nic.in/nvda/default0.htm>

Gujarat has allotted 6350 ha of Agricultural land and 2,682 house plots each of 60'x90' size to Project affected families (PAFs) while Madhya Pradesh has made allotment of house plots to 808 PAFs up to 3/2000. Out of 14124 PAFs 1042 PAFs have moved to Gujarat. So far there was only 6 projects completed out of 30 major projects proposed on Narmada valley. The remaining projects most of them were in second phase. The table gives clear picture how much land is going to benefit and also how much power generating by each project. In the above list of dams SSP is one of the major multipurpose dam estimated cost is 1492 crores and so far 826 MW installed capacity of power generation.<sup>65</sup>

**Table-9**  
**Projects Under Construction**

Name of Project	Estimated cost (Rs. Crore)	Irrigation Potential (Lakh ha.)	Hydel Power installed capacity(MW)
Bargi (R.A.B.S.) L.B. Canal	309.81	1.5700	CH PH – 2 x 7.5 = 1 Moscow
Bargi diversion, (R.B. Canal)	1554.50	2.4500	----

<sup>65</sup> Ibid.

Indira Sagar	5000.00	1.2300	1000 MW(8 x 125 MW)
Omkareshwar	1784.29	1.4700	520 MW (8 x 45 MW)
Maheshwar	1570.00	----	400 MW
Man	140.00	0.15	----
Jobat(Chandra Shekhar Azad)	117.45	0.0985	----
<b>Total</b>	<b>10476.05</b>	<b>6.9685</b>	<b>1935 MW</b>

Source: "Narmada Master Plan", <http://www.mp.nic.in/nvda/default0.htm>

**Table-10**  
**Projects Proposed in Second Phase**

Name of Project	Estimated cost (Rs. Crore)	Irrigation Potential (Lakh ha.)	Hydel Power installed capacity(MW)
Upper Narmada	211.92	0.1862	
Raghavpur	26.64	----	20 MW
Rosra	32.00	----	35 MW
Basania (Shingarpur)	165.72	----	60 MW
Upper Burhner	56.8	0.0942	
Halone	160	0.1173	
Ataria	30.16	0.1295	
Chinki	76.57	0.7082	
Sher	93.23	0.6476	

Machhrewa			
Sakkar			
Sita Rewa	4.00		15 MW
Dudhi	42.36	0.5060	
Morand	64.10	0.5220	
Ganjai			
Punasa Lift	672.98	0.2560	
Upper Beda	89.17	0.0990	
Lower GOI	164.45	0.1370	
Share of S.S.P.	1492.0	-----	826 MW
Total	3382.10	3.4030	956 MW
<b>Grand Total of Tables 8, 9 and 10</b>	14409.18	14.1066	2981 MW

Source: "Narmada Master Plan", <http://www.mp.nic.in/nvda/default0.htm>.

### *Environmental Destruction*

Over 42,000 adivasis would be displaced by Shoolpaneshwar Wildlife Sanctuary in Gujarat planned to compensate for the forests and wildlife lost to the reservoir. There are no arrangements to resettle or compensate these people. Two National Parks, which the Central Ministry of Environment has planned for Madhya Pradesh, would displace thousands more people. The dam is planned eventually to store and divert all of the water in the Narmada, except during the wettest monsoons. This will dry up the river downstream destroying the livelihood of at least 10,000



fishing families. It will also severely affect the water supply to over 700,000 people in 210 villages and at least five towns.<sup>66</sup>

The project disregarded the environmental regulations of both India and the Bank, most of which had been in place for at least a decade. By 1992, seven years after project approval, neither the Bank's legal requirements nor the conditions attached to the Ministry of Environment and Forests' 1987 environmental clearance had been met. After the independent review, the Indian government issued a comprehensive environmental overview for the project, together with studies on the upstream and downstream impact and a preliminary environmental impact assessment for the irrigation command area. The government made concerted efforts on several environmental fronts, including compensatory afforestation.<sup>67</sup>

Significant discrepancies in the hydrological data and analyses show that the projects will not perform as planned. A 1994 review by an independent team of experts appointed by the government of India could not reach a firm conclusion on likely river flows and recommended a re-examination of dependable water availability.<sup>68</sup>

There is 15-17 % less water in the Narmada today than was assumed when the SSP was designed. This means that there will be less water in the canals than the planners projected. The SSP depends on regulated releases of water from the proposed Narmada Sagar dam upstream in Madhya Pradesh. In its absence, the irrigated area of SSP will reduced by 17-30%. The SSP arbitrarily assumes an

---

<sup>66</sup> "Sardar Sarovar Project: An Overview", <http://www.narmada.org>

<sup>67</sup> "Learning from Narmada", <http://Inweb18.worldbank.org/oed>.

<sup>68</sup> Ibid.

irrigation efficiency of 60 per cent, when the highest efficiency achieved in India is around 40 per cent. So about half of the projected area will never be irrigated. In all these cases the tail enders are the losers.<sup>69</sup>

### *Displacement and Conflict*

The people that were displaced in Gujarat and Maharashtra were in most cases the tribals. In case of Madhya Pradesh, 40 % were tribals and rest of them was 'non-tribals'. The tribals are engaged in mixed economy; cultivating land, rearing cattle, collecting forest produce and fishing. The reservoir is going to submerge 297 villages around the dam site and spread to three states. Although accurate number of displaced are not available, but a minimum of 23,500 people in Gujarat, 20,000 in Maharashtra, 1,20,000 people in Madhya Pradesh are expected to be displaced.<sup>70</sup>

Since 1989, there has been campaign against Narmada Valley project, under the leadership of Medha Patkar and Baba Amte of the Narmada Bachao Andolan (NBA). The controversy over large dams on the river Narmada has come to symbolize the struggle for a just and equitable society in India. The NBA was formed in Badwani. Nimar its chief town continues to be a focal point of the current movement. It has been pointed out that of the submergence zone is spread over two distinct areas: more than two-thirds of displacement will be in the plains of Nimar valley of the Narmada and the remaining in the surrounding hills and forests of the Vindhaya and Satpura ranges. The submergence zone includes 140 villages of Nimar.<sup>71</sup>

---

<sup>69</sup> <http://www.narmada.org>

<sup>70</sup> Parasuraman, n. 60, p. 33.

<sup>71</sup> Susan E. Chaplin, "The Role of the World Bank India's Narmada Valley Project", *South Asia*, vol. XIX, no-2, p. 107.

This movement has wider representation and diverse people, who are actually involved in the movement, ranging from tribals, people who are about to be displaced, social activists, intellectuals, journalists, environmentalists and scientists. The NBA has been successful in coordinating all these groups and also projected the drawbacks successfully in the protest movement on to the state, national and international stages for debate. In the early 1980s, the first protests began, when some of the social activist groups started working with the tribals and villagers living in submergence area of the two major dams (SSP and Narmada Sagar). Most of these groups were concerned of issues related to rehabilitation and resettlement and the lack of participation in the planning process by people in the Narmada Valley. In 1988 the issues were diverted from concentrating on resettlement and rehabilitation policies to those on anti dam. The second phase initiated a more coordinated approach by the protest movement.<sup>72</sup> There was much more participation and cooperation from Urban environmentalists to activist groups in the Narmada valley. The environmental groups were more concerned about environmental impacts of the project (lack of information) Various organization issued ultimatum threatening total opposition of the SSP, because the demands for information were not met with in the discussions with officials from the state governments.

In May 1989, the activist groups working in the Narmada Valley merged to form the Narmada Bachao Andolan. There was first major demonstration by NBA with the support of other activist groups and they held a national rally 'Against Destructive Development' which was held at Harsud in Madhya Pradesh on 28 September 1989. Which was attended by forty thousand people across the country. To

---

<sup>72</sup> Ibid., p. 108.

strengthen the demands of NBA, in March 1990 there was another large rally that was held at Badwani in Madhya Pradesh. There was a *dharna* in May which was participated by thousands of tribal people and environmental and NBA activists in front of the Prime Minister's residence in New Delhi to meet the 10 May deadline for a response to their demand for a reappraisal had passed. It was only after meetings between NBA activists and officials from the Planning Commission and the Environment, Resources and Social Welfare Ministries that the possibility of a comprehensive review could be considered.<sup>73</sup>

In early 1991, there was growing anger between NBA and state governments. Later there was another attempt to halt construction on Sardar Sarovar dam site, which was led by Baba Amte and Medha Patkar with thousands of protesters on a 'people march' from Badwani to Ferkuva on the Madhya Pradesh- Gujarat border. The intention of the protest was due to arrival of Gujarat police and pro-dam supporters at the border. Both the leaders went on fast, but still government refused to compromise on their stand. Later the fast was called off. Immediately NBA started its non-cooperation campaign in the submergence zone of SSP with villagers. Basically this campaign was to prevent the entry of all government officials connected with the dam site.<sup>74</sup>

The NBA has built up a mass movement against the dam over the last few years using Gandhian non-violent resistance tactics such as rallies, marches, hunger strikes and refusal to cooperate. During the 1992 monsoon season, "Save or Drown Squads" of activists and people from submergence villages showed their

---

<sup>73</sup> Ibid., p. 109.

<sup>74</sup> Ibid., p. 110.

determination to face the rising waters by staying in the first two villages behind the partially-built dam.<sup>75</sup> The organization has proved itself a formidable opponent to the authorities, who have resorted to intimidation and violence to try and break the movement. A report in 1992 by the human rights group Asia Watch concluded that those opposing Sardar Sarovar have been subjected to “arbitrary arrest, illegal detention, beatings and other forms of physical abuse”. In July 1992, a tribal woman was shot dead by police in an attempt to force villagers to leave land, which was slated for the resettlement of people from the submergence zone. So far these abuses have only served to strengthen the resolve of the dam opposition movement.<sup>76</sup>

Another organization, the Arch-Vahini, however, finds significant progress being made where “oustees” have agreed to move and indeed believe that the projects have been a vehicle for significant improvements in resettlement and rehabilitation in India.<sup>77</sup>

Behind the politics of the dam project itself, there were other powerful reasons to explain the determination of the highest levels of Bank management and of some Western governments to keep Sardar Sarovar going. The Indian government, which is by far the Bank’s biggest client, is in the process of implementing a World Bank led package of economic reforms. Like most similar “structural adjustment” packages, the Indian program is widely unpopular, and Prime Minister Narasimha Rao’s minority government is in a relatively weak position. The Bank therefore has a strong interest in supporting the government and encouraging to stay the difficult course of economic liberalization. Bank management and several EDs made repeated references in the

---

<sup>75</sup> Patrick McCully, “Cracks in the Dam The World Bank in India”, <http://multinationalmonitor.org>

<sup>76</sup> Ibid.

<sup>77</sup> “Learning from Narmada”, <http://Inweb18.worldbank.org/oed>

weeks leading up to the Board vote to the “impressive commitment” of the “new” Indian administration.<sup>78</sup>

Also most of the beneficiaries were cities, rich farmers, industry, politically powerful lobbies, and not the people from drought prone areas. Before the water can reach Kachch and Saurashtra, it will have to negotiate literally. The water intensive cash crop growing, to the political powerful districts of Vadodara, Kheda, Ahmedabad, Gandhinagar and Mehsana. Against their own directives, the authorities have allotted Vadodra city a sizeable quantity of water. Sugar mills, water-parks, golf courses, and five –star hotels are already positioning themselves at the head of the canal, and many have already been issued licenses.<sup>79</sup>

#### **Legal Aspects – The Land Acquisition Act and Indian Law**

In India there is no specific Central legislation, which comprehensively covers the problem of displacement. Displacement and the related concerns of rehabilitation and resettlement are not familiar to vast areas of the law, which affect the rights and lives of the displaced persons.<sup>80</sup> The problem of displacement not only involves economic disability but it also causes damages to the cultural and social fabric of the displaced people. The existing law does not accommodate the implications it has for displaced communities, and in circumstances of mass displacement.<sup>81</sup>

---

<sup>78</sup> McCully, n. 75.

<sup>79</sup> <http://www.narmada.org>

<sup>80</sup> Usha Ramanathan, “Displacement and the Law”, *Economic and Political Weekly*, 15 June 1996, p. 1486.

<sup>81</sup> *Ibid.*, p. 1486.

Article 19 (1) (e) says that all citizens shall have the right to reside and settle in any part of the territory of India. In this provisions there are some restrictions. Article 19 (5) says that states can impose reasonable restrictions in the interests of the general public or for the protection of the interests of any Scheduled tribe. Most of the restrictions were unreasonable in case of displaced people because thousands of people were displaced without any alternative sources of survival which ultimately leads to the violation of Art 21 of the fundamental rights, which says that no person shall be deprived of his right to life or personal liberty except according to the procedure established by law.

The problem of displacement, rehabilitation and resettlement has been partially dealt with by a few Acts which include Land Acquisition Act 1894, Forest Act 1927, Army Maneuvers and Practice Act 1938 and the Wild Life (Protection) Act 1972. The legislation at the centre of the debate is the Land Acquisition Act 1894 which was amended in 1984 keeping in view the recent developments; “The Land Acquisition Act is a statutory statement of the state’s power of eminent domain, which vests the state with ultimate control over land within its territory”.<sup>82</sup>

Under the Land Acquisition Act, the displaced people have been given compensation mostly basing on the value of land. But, in case of urgency without making an award also land can be taken for public purposes (Sec.17). Under this Act compensation has been provided for the loss of land but in case of other losses due to displacement, like damage to the cultural and social base of the people were not at all considered in the act. In the Land Acquisition Act recognition is not given to the

---

<sup>82</sup> Ibid.

community rights. No special provisions have been incorporated in the Act addressing the needs of tribal populations. Except monetary compensation no comprehensive mechanism has been provided for resettlement and rehabilitation. This Act “neither contains any provision for allotting alternate land of a comparable quality to those whose land has been acquired, nor does it make it obligatory for the authority acquiring the land to assume the responsibility of resettling and rehabilitating those displaced by the acquisition.”<sup>83</sup> This act was framed by the colonial rulers and came into force during their governance. Even though it was amended in 1984 no concrete changes were brought about to meet the growing displacement problem.

Under the 1984 amendment of the above act, those persons who are displaced or affected by reason of the implementation of any scheme undertaken by the government (Sec.3 (f) (M)) are included in the category of ‘Public Purposes’- which means acquisition of land for the residential purposes. Again those who were displaced through acquisition of land for a public purposes are also considered as Public Purpose.

In many of the displacement cases people are shifted from one place to the other in large numbers groups that include landowners as well as landless people. The landless labourers mainly depended upon working for daily wages in the fields and other agriculture related work for their livelihood. These people were worst affected when displaced, under land Acquisition Act since they do not possess any legal title to the land Which is *sine quo non* for the payment of cash compensation can be claimed by those who have direct or indirect interest in the land, and those who do not have

---

<sup>83</sup> Kalpana Vaswani, “Rehabilitation Laws and Policies: A Critical Look”, in Enakshi Ganguly Thukral (eds.), *Big Dams Displaced People: River of Sorrow Rivers of Change*, (New Delhi: Sage Publications, 1992), p. 160.



any interest will not get any compensation which is the gravest shortcoming of this Act.<sup>84</sup> Afforestation schemes supposed to compensate for the trees lost to the reservoir are taking over large amounts of *adivasi* land. Although the advisees have been cultivating this land for generations they often have no legal rights to it and therefore receive no compensation for land lost to tree plantations.<sup>85</sup>

In India, some states have taken positive steps like providing 'land for land', subject to its being available. In this case, Maharashtra became the first to pass legislation on 'Land for Land' in 1976. This Principle was also stipulated by Narmada Water Tribunal (1979) and has a binding force for the state governments concerned. Doubts arise however about the effectiveness of this 'land for land' policy implementation because it is very tough to find same amount of cultivable land. In case of Kaptai dam, the East Pakistan government could not provide 40 %of land to resettle the displaced people similar is the case of Narmada Valley Project.

In the case of the Narmada dams, the Narmada Water Disputes Tribunal (NWDT) formulated a National Rehabilitation Policy for the Project Affected People (PAP) in 1979. The Rehabilitation of persons displaced by the Narmada Valley Project, especially the Sardar Sarovar Dam has over time become a very sensitive and complicated issue.

### **The World Bank's Involvement**

The World Bank is the greatest single source of funds for large dam construction, having provided more than US\$50 billion (in 1992 dollars) for

---

<sup>84</sup> Ibid.

<sup>85</sup> "Sardar Sarovar Project: An Overview", <http://www.narmada.org>.

construction of more than 500 large dams in 92 countries. Despite this enormous investment, no independent analysis or evident exists to demonstrate that the financial, social and environmental costs were justified by the benefits realized.<sup>86</sup> Critics have stated that the World Bank has to date been unwilling and incapable of reforming its lending for large dams and called for a moratorium on all World Bank funding of large dams including all projects currently in the funding pipeline.<sup>87</sup>

World Bank dam projects have performed poorly in economic and technical terms. A 1996 World Bank investigation found that construction cost overruns averaged 30% on 70 hydropower dams funded by the Bank since the 1960. Another World Bank study reveals that, of 80 hydro projects completed in the 1970s and 1980s, three-quarters had costs in excess of budget. On almost one-third of the projects, studied, costs exceeded estimates by 50% or more.<sup>88</sup> For example, the collapse of poorly designed tunnels during the construction of Guatemala's Chixoy Dam contributed to a nine-year delay and cost overruns of 250 per cent. In 1990 the country suffered a series of blackouts because of a lack of water of at the dam. Two years later, another power shortages because of low rainfall resulted in electricity rationing for more than a month, costing the country \$2 million a day in lost industrial production. The final cost of Chixoy \$1.2 billion, more than five times original estimate represented nearly 40 %of Guatemala's external debt in 1988.<sup>89</sup>

For the vast majority of dams it has funded, the Bank simply has no data on the incomes or living standards of displaced people, before or after resettlement, due

---

<sup>86</sup> "IRN's Internantional Finance Campaign", <http://irn.org>

<sup>87</sup> Ibid.

<sup>88</sup> "When the Rivers Run Dry – The World Bank, Dams and the Quest for Reparations", <http://irn.org>.

<sup>89</sup> Ibid.

to inadequate or non-existent resettlement plans. Even when a realistic estimate is made of the canals, transmission lines and other infrastructure, as well as people without land title, are often excluded from the totally overlooked 1,40,000 farmers who are estimated to lose at least some of their land to the project's massive network of canals.<sup>90</sup>

The Bank's support for the Narmada Valley dams took the form of a ten-year Dam and Power Project and a companion three-year Water Delivery and Drainage Project. Both projects were processed in parallel and approved in 1985.<sup>91</sup> In 1985, the World Bank made credits and loans totaling 450 million dollars to India to help finance the project. Alongside, India put forward two more applications, of \$350 million and \$900 million, to complete the canal work and for the Narmada Basin Development Project (NBDP).<sup>92</sup> The World Bank's involvement in the Narmada Valley project brought a financial boost to the project as well as in the same time due to the involvement of World Bank issue become more controversial. In the late 1989 the NBA decided to focus on the involvement of the World Bank in the project with the intention of forcing the bank to withdraw funding from the project. The NBA succeeded in forcing the withdrawal of Bank's support to project.

The involvement of the World Bank in funding for the project has brought the internationalization of controversy, as earlier mentioned, but in two distinct interrelated ways. In the first phase the NBA used the presence of the World Bank officials to monitor the actions of the all the three state governments and other project officials for proper implementation of resettlement schemes. The NBA activists were

---

<sup>90</sup> Ibid.

<sup>91</sup> "Learning from Narmada", <http://Inweb18.worldbank.org/oed>

<sup>92</sup> Thukral, n. 59, p. 96.

able to highlight the problem by providing proper information to World Bank officials and also other issues that were in contradiction to NWDT award on resettlement. Later on the NBA activists sought to pressurize the Indian government to undertake complete review of the entire project.<sup>93</sup>

There was a two fold impact on the above description, First was it got national and international attention through media for its global concerns about environmental degradation, the treatment of indigenous people and human rights abuse as clearly expressed by Indian and International non-government organizations. The media coverage helped to some extent to reduce of the attempts by the state governments to physically suppress the protest movement in the valley.<sup>94</sup> The Second impact has been on the World Bank itself, because it failed to adapt to global changes in environmental awareness and social justice. It has happened in case of Narmada Valley Project itself. The Policies that were laid down for the welfare of the tribal people was not implemented neither in the early stage of the project nor in the resettlement phase of the project. The NBA and other NGOs targeted World Bank because it was the single largest source of finance for international development.<sup>95</sup>

There were major setbacks to the World Bank policies and it had come across severe criticism from various NGOs and especially on the 1980 policy on involuntary resettlement and the 1982 policy on tribal people. The resettlement guidelines were revised again in response to mounting criticism. Michael Cernea, in his article on

---

<sup>93</sup> Chaplin, n. 71, p. 110.

<sup>94</sup> Ibid., p. 111.

<sup>95</sup> Ibid., p. 112.

*Putting People First*, has summarized the substantive elements of the bank's resettlement policy.<sup>96</sup> The following are sections of particular relevance.

- Involuntary displacement should be avoided or minimized wherever feasible, because of its disruptive and impoverishing effects. To avoid displacement all viable alternative project designs should be explored. Where displacement is unavoidable resettlement plans should be formulated with due care given to people's needs and to environmental protection.
- All voluntary resettlement should be conceived and executed as a development program providing sufficient investment resources and opportunities to assist resettlers in their efforts to improve their former living standards and earning capacity, or at least to restore them. Displaced person should be (a) compensated for their losses at replacement cost, (b) given opportunities to share in project created benefits, and (c) assisted with the move, and during the transition period at the relocation site.
- The existing social and cultural institutions of resettlers and their hosts should be relied upon in conducting the displacement, transfer, and resettlement process. Community participation in planning and implementing resettlement should be encourage.<sup>97</sup>

In 1985, when the loan agreement for the SSP was signed the bank did not use the above policies for appraising the project. The World Bank officials adopted the NWDT award, because the Indian project authorities had failed to produce socioeconomic impact assessments. Here the main question is that after knowing the facts why did the bank management approve the loan? The answer according to

---

<sup>96</sup> Ibid.

<sup>97</sup> Ibid., p. 114.

Bradford Morse and Thomas Berger, who had referred all the relevant documents, was that the bank officials in India and the members of appraisal missions were simply eager to get the project cleared. This clearly shows the disregard of bank policies. Actually the Banks appraisal reports on environmental issues were at its best. But when it came to the SSP in 1985 the Staff Appraisal Report was only just three pages of environmental assessment altogether in its two volumes, which clearly shows that there was no proper interest and consideration.<sup>98</sup>

This report also ignored the fact that the Indian governments Department of Environment refusal of clearance to the project in 1983, on the basis that information provided by the project authorities did not meet the environmental guideline requirements.<sup>99</sup> At the same time there were other issues like, at that time there were only three people in charge responsible for nearly three hundred new lending on-going projects. It was one of the major factor, which led to the failure of the Bank officials in taking proper steps at the right time.

Along with Lori Udall of the Washington-based Environment Defence Fund, Medha Patkar and Patel described the systematic violations of World Bank policies that were taking place during the construction of the Sardar Sarovar dam. It informed to a wider audience in the protest in the Narmada Valley. Members of the sub-committee sent a letter to the World Bank urging a reconsideration of its support for the project. The European Parliament passed a motion urging the World Bank to withdraw from the SSP. There was a tremendous pressure from environmental groups. Besides, donor countries also applied pressure to their representative to vote

---

<sup>98</sup> Ibid., p. 113.

<sup>99</sup> Ibid., p. 112.

for a withdrawal of funding.<sup>100</sup> Later in May 1990, the conditions forced the Japanese government to suspend funding (an estimated Rs.550 (crores) and it was used for the purchase of special reversible turbines from Sumitomo as part of the hydroelectric component of SSP.<sup>101</sup>

An independent review, commissioned by the Bank and completed in June 1992, found that the resettlement and environmental aspects of the projects were not being handled in accordance with Bank policies. Responding to the review, the Bank made its continuing support for the dam contingent on the borrower's achievement of performance standards for resettlement and economic rehabilitation of displaced people, and for environment protection. But in March 1993 the Bank canceled the remainder of its loan for the project at the request of the Indian authorities.<sup>102</sup>

---

<sup>100</sup> Ibid., p. 116.

<sup>101</sup> Ibid.

<sup>102</sup> "Learning from Narmada", <http://inweb18.worldbank.org/oed>

## CHAPTER-III

### REHABILITATION AND RESETTLEMENT: ISSUES IN A COMPARATIVE FRAMEWORK

Displacement and rehabilitation are two distinct features in a social process. Displacement refers to the process of expropriation of land and other assets in order to allow a project to proceed further for overall social good. It might be total or partial. As earlier mentioned, it was great loss of livelihood and also loss of home and hearth. Rehabilitation refers to the process of reconstruction of the livelihood of displaced persons. In a broader sense it has not been guiding principle so far. The emphasis has been more on cash compensation for loss of land and other causes of hardship.<sup>1</sup>

It is clear the cost of displacement cannot be possibly addressed in all the cases by cash compensation. To overcome several partial compensation measures, the draft policy has come up with the concept of 'total rehabilitation', which is a multi-dimensional response to displacement geared to the full rehabilitation of all persons living within the stipulated ecosystem.<sup>2</sup> It covers the entire community including the landless labourers, tenants, landless and houseless householders, unemployed and forest dwellers. It also covers all sorts of social and economic dimensions. This total rehabilitation extends to all members of the community until they attain a higher rank on the quality of life.

---

<sup>1</sup> B. K. Sinha, "Draft National Policy for Rehabilitation: Objectives and Principles", *Economic and Political Weekly*, June 15, 1996, p. 1455.

<sup>2</sup> Ibid.



Rehabilitation may be recognized as a fundamental right of the displaced persons/project affected peoples, in the spirit of Article 21 of the Indian Constitution which has been interpreted by the Supreme Court as the right to life with dignity. It has to be a legal obligation of the project authorities, so that there can be no displacement without rehabilitation being an integral part of the project.<sup>3</sup>

Often, people physically displaced by canals, powerhouses and associated compensation measures such as nature reserve are not enumerated and considered for resettlement.<sup>4</sup> There was no meaningful participation of affected in the planning and implementation of dam projects- including R&R – has taken place. Involuntary, traumatic and delayed relocation, as well as the denial of development opportunities for years and often decades have characterized the resettlement process.<sup>5</sup>

Resettlement sites are often selected without reference to the availability of livelihood opportunities or the preferences of the displaced persons themselves. They have often been forced to resettle in resource depleted and environmentally degraded areas around the reservoir. Such lands rapidly lost there capacity to support the resettled population.<sup>6</sup>

There is need to have mutually agreed mitigation, resettlement and development provisions should be prepared jointly with the participation of all the

---

<sup>3</sup> Walter Fernandes, “Development Induced Displacement and Sustainable Development”, *Social Change*, (March-June, 2001), p. 98.

<sup>4</sup> Dams and Development: A New Framework for Decision Making (*The Report of the World Commission on Dams*) November 2000, p.105.

<sup>5</sup> *Ibid.*, p.106.

<sup>6</sup> *Ibid.*, p.107.

affected people, government and the developers. Sustainable mitigation, resettlement and development provisions and opportunities include:<sup>7</sup>

- resettlement with land-for-land, sustainable non-agricultural employment and other development provisions;
- resettlement as a community or viable social unit.
- resettlement close to the original habitat for effective community recovery;
- protection against land alienation to secure negotiated entitlements; and
- other livelihood support measures including: agricultural support; access to forests, grazing lands and other common resources for all adult members including women; and livelihood resources with the potential to sustain future generations.

To implement these provisions there must be set up a high level multi-stakeholder committee representing the government, the developed and affected communities. The committee could be responsible for implementation of programmes and also to resolve the disputes by hearing complaints. In order to guarantee implementation, a performance bond should be considered as part of the master contract in the case of private sector developers.<sup>8</sup>

### **Rehabilitation and Resettlement Policy of Bangladesh**

The dam has caused immense human suffering. Most of those uprooted did not get any compensation. The displaced people had faced multiple effects due to submergence of vast forestlands. Because hill people were mainly dependent on forest

---

<sup>7</sup> Ibid., p.242.

<sup>8</sup> Ibid., p. 243.

for their livelihood and most of them are agricultural farmers. Many of the displaced had no other choice and they fled to India and some others to Burma

Resettlement of the displaced is the major issue. Like in India, most of the displaced are tribal people. There was a general lack of understanding of the tribal culture by the Government of Pakistan and the donor agencies. As earlier mentioned, basically the tribal people were dependent on *jhum* cultivation. Before land was flooded, the average cycle of *jhum* cultivation was to 7 to 10 years and in some cases 15 to 20 years. The flooding took away 40 per cent of the fertile land. This kept people in miserable life conditions and the cycle reduced to only 3-5 years due to loss of soil fertility caused by intensive agriculture. During the 1960s and 1970s the increased growth of population kept intense pressure in the entire area.<sup>9</sup>

Another important reason for lack of adequate R&R policy was the negligence by authorities and also lack of sufficient budgetary provisions. At initial stage some compensation was paid for the loss of land, trees and structures but there was little money available for rehabilitating 100,000 people.<sup>10</sup> One of the worst events was initially that the displaced people were given resettlement in the upper reaches of Kassalong, and within a short period there was an increase in dam height, which again displaced them. It was very clear the government was not interested in providing adequate rehabilitation and also people were displaced twice due to the sheer negligence and no poor knowledge of dam by the authorities.

---

<sup>9</sup> <http://www.db.idpproject.org>

<sup>10</sup> Ibid.

The large scale displacement of the tribal people of Chittagong Hill Tracts caused by the Kaptai Dam is one of the important factors that has contributed to the worsening of the relationship between the tribal and Bengali population in the region.<sup>11</sup> The influx of Bengalis increased due major industries like Karnafuli Pulp and Paper Mill, Karnafuli Rayon Mill and administrative offices of various departments of the government that came up in the CHT region. The Karnafuli Paper mill was established with the help of external resources of US \$13 million and also a World Bank Loan of US\$4.2 million. The mill had been given rights for 99 years to extract its raw materials from the forest areas. The mill helped the East Pakistan's economic development providing 10,000 jobs to the people. However, hill people got only 5 per cent of the total generated employment that too were of the lower rank.<sup>12</sup>

In early stage of displacement, the government took up the responsibilities to compensate and rehabilitate the displaced persons. According to Bangladesh District Gazetteers records Rs. 4,14,90,541 was spent on the compensation and a land under rehabilitation scheme.<sup>13</sup> The government publication admits that the hydro-project caused negative impact on agriculture and economy. However, the rehabilitation was inadequate. The District Gazetteers stated that, most of the displaced were rehabilitated on the upper reaches of rivers Kassalong and Chengi and some people in other non-submerged areas of Bandarban and Ramgarh subdivision. In the Kassalong area the forest has been de-reserved and provided rehabilitation to few people. And

---

<sup>11</sup> Ibid.

<sup>12</sup> Raja Devashish Roy, et. al., *The Chittagong Hill Tracts: Life and Nature Risks*, (Dhaka: SHED Publications, 2001), p. 32.

<sup>13</sup> Muhammad Ishaq, (ed.), *Bangladesh District Gazetteers Chittagong Hill Tracts*, Government of Bangladesh-1971, p.127.

also model town has been built up at Kassalong at a cost of Rs.11,00,000 with modern facilities of life to the displaced.<sup>14</sup>

Moreover, instead of providing proper rehabilitation, the US consultants and the government officials recorded in the document that the ethnic minorities are of nomads and practice *jhum* cultivation, which would take five to seven years. They shift from one hill to other. In that circumstance, it was very difficult to rehabilitate or to resettle the hill people in a permanent place. But the truth is, first of all there was no enough land to resettle and other was the people were displaced twice. Knowing these facts, the government gave silly reasons to sideline the rehabilitation issue.<sup>15</sup>

### *Demand for Autonomy*

People were frustrated on the stand of government for not responding in providing rehabilitation. Most of the people lost hope and fled to India and few people to Burma. Later, people who stayed back in the Chittagong Hill Tracts started demanding for the autonomy of the region. In one way the demand for autonomy helped the government in total sidelining the rehabilitation programme. After the Independence of Bangladesh, the government rejected tribal calls for autonomy of the Chittagong Hill Tracts. Slowly the whole issue took a different turn. It led to the creation of an insurgent group called the Parbatiya Chattagram Jana Samhati Samiti (PCJSS) with an armed wing called Shanti Bahini.<sup>16</sup>

---

<sup>14</sup> Ibid., pp.126-127.

<sup>15</sup> S. Samad, "Dams caused Environmental Refugees of the Ethnic Minorities in Chittagong", <http://www.dams.org>.

<sup>16</sup> "Bangladesh: Armed Confrontations between government forces and local insurgents start in the 1970s", <http://www.db.idpproject.org>.

Meanwhile, the government began relocating more Bengalis in the Chittagong Hill Tracts to dilute the dominance of the hill people. It led to the communal clashes between tribals and Bengali settlers. The government deployed more army in the Chittagong Hill Tracts to ease tense situation. At the same time, the tribal leaders ask for four basic demands: autonomy for the Chittagong Hill Tracts, together with provisions for separate legislative body; retention of the constitution which allowed a form of self government; the continuation of the offices of the traditional tribal chiefs; a constitutional provisions restricting amendment of the 1900 Regulation; and the imposition of a ban on the influx of non-tribals into the Chittagong Hill Tracts areas. All these demands were rejected and the government did not make any provisions for the tribals in its 1972 constitution.<sup>17</sup>

Since 1980, there was ten major massacres by Bengali settlers and the security forces which led to an exodus of the tribal population across the border to Tripura in India. In 1986, there was peace attempt between government and PCJSS, which also failed due to lack of interest.

The Bangladesh government policies on resettlement of the erosion displaced are limited to two specific programmes: inter-district relocation or redistribution of the population and resettlement on the newly emerged chars in the southern delta.<sup>18</sup> The inter-district relocation of population in Bangladesh has taken different forms. It was pre-planned policy of the government by relocating the landless and displaced population, particularly from Noakhali, Dhaka and Comilla districts, to the

---

<sup>17</sup> Ibid.

<sup>18</sup> Mazaman, "Population displacement and resettlement in flood plain Bangladesh" in Hari Mohan Mathur, Michael M. Cernea (ed.), *Development, Displacement and Resettlement Focus on Asian Experiences*, (New Delhi: Vikas Publishing House Pvt. Ltd., 1995), pp. 213-214.

CHT as part to diffuse the tribal conflict there. The situation in fact, became worse after the relocation of non-tribals into the region.<sup>19</sup>

### **Peace Accord and Rehabilitation**

After the general elections in 1996, the Prime Minister Sheikh Hasina appointed full-fledged committee to resolve the conflict and work out for proper solution. The 12-member committee consisted of parliamentarians from the ruling Awami League, the opposition BNP and Jatiya Party, retired government officials and other professionals. In December 1996, the first meeting took place between the National Committee of Chittagong Hill Tracts and the leaders of PCJSS. Later subsequent meetings were held and finally on 2 December 1997, an agreement generally known as the "Peace Accord" was signed by both parties in the presence of highest government authorities in Bangladesh.<sup>20</sup>

The most salient feature of the Accord is the establishment of the Chittagong Hill Tracts Regional Council comprising the local government councils of the three Hill Districts. It has 22 members and its tenure is for five years. It given special quota for each tribe and at least two thirds of the regional council members will be elected from the tribal population. One third of members will be elected from the non-tribal population who is settled in Chittagong Hill Tracts.<sup>21</sup>

In the Peace Accord the government mentioned rehabilitation package to the tribal refugees and internally displaced tribals. Land Commission will settle the

---

<sup>19</sup> Ibid. pp. 213-214.

<sup>20</sup> "Bangladesh: A Peace Accord which provides for the rehabilitation of the internally displaced is signed in 1997", <http://www.db.idpproject.org>.

<sup>21</sup> Ibid.

disputes in minimum of 3 years. Article D4 of the Peace Accord clearly states, “A Commission (Land Commission) shall be constituted under the leadership of a retired Justice for settlement of disputes regarding lands and premises. This Commission shall, in addition to early disposal of land disputes of the rehabilitated refugees, have full authority to annul the rights of ownership of those hills and lands which have been illegally settled and in respect of which illegal dispossession has taken place. No appeal shall be maintainable against the judgement of this Commission and the decision of this commission shall be deemed to be final.”<sup>22</sup>

Some of the announced rehabilitation package for refugees and internally displaced in the peace accord. Such as, it considered the entire Refugee persons who have returned from Tripura, India nearly 12,222 families. The government gave constitutional guarantee for the safety of life and property of all the returnees and their family members. The following facilities are being given to the returnees:<sup>23</sup>

- Every family will be paid a cash grant of Taka 15,000 (US \$ 335).
- Every family will be provided free ration at the following rates of entitlement:  
Adult member/5 kilogram of soybean oil, 4kg. Of lentils, 2kg of salt.
- Corrugated sheets worth 2-bundles/per family.
- Taka 8,000 per family of cash transfers for those families owning arable land and a pair of bullock for tilling the land.
- The landless will be provided with land grant and a cash transfer to Taka 3,000 per family.
- Debt. Forgiveness of up to Taka 5,000 per family in respect of agricultural loans.

---

<sup>22</sup> Ibid.

<sup>23</sup> “Bangladesh: The announced rehabilitation package for refugees and internally displaced”, <http://www.db.idpproject.org>.



- Similar loan forgiveness would be considered, on a case-by-case basis, for non-agricultural loans.
- Loans taken in the past from the Chittagong Hill Tracts Development Board would be written off.
- General Amnesty for the insurgents announced earlier shall remain in force. This amnesty shall be applicable in respect of cases registered during the state of emergency (when insurgency was on).
- Reinstatement in government service for those who were employed there prior to becoming internal and external refugees would be considered most sympathetically.
- Land will be returned to their original owners and they will not be rehabilitated in the cluster villages.
- Arrangements would be made for holding special examinations for High School and College Diplomas for those who had studied in neighboring countries.
- Create opportunities for the returnee students in schools in order that they could complete their courses of studies.
- According priority to the tribal youth in recruitment's for vacant positions in different offices of the districts and elsewhere.
- A general amnesty for those convicted in different criminal cases during insurgency all returnee 'Headmen' (of village councils) to be reinstated in their previous positions.

Even though, the rehabilitation package looks satisfactory but on the ground the announced rehabilitation package have not reached the people. In February 1999, the Chittagong Hill Tracts Returnee Refugee Welfare Association conducted a survey,

all the repatriated refugees concerning their rehabilitation under the leadership of Upendra Lal Chakma. According to the survey, 3,055 families have not yet received their lands back as promised, while 40 entire villages have not been returned to the refugees at all because they are still occupied by Bengali settlers. Complaints have been lodged with the authorities concerning all these cases.

The Survey found so many drawbacks on the implementation of agreed rehabilitation package. It clearly shows there this was lack of interest on the governmental part in its implementation. On the basic amenities front, out of 64,609 refugees who returned, nearly 50% of them have been unable to return to their own homesteads and native villages as they are still occupied by Bengali settlers. So far 942 families have not been returned their paddy lands, 774 families have not been returned their horticultural gardens, and 890 landed families have not been given a pair of bullocks or Tk.10,000. Even religious places including seven Buddhist and Hindu Temples are still occupied by settlers, two by security forces.<sup>24</sup>

### **Rehabilitation and Resettlement Policy of India**

Two issues, about the socioeconomic condition of oustees, need some elaboration. Firstly, when exchange relations and low level peripheral economy is replaced by markets, the displaced section of society will need support to visualize and get adjusted to competitive markets, and have resources and information so as to become active participant in technologically dynamic agriculture. Secondly, in the case of a tribal society, its traditional mechanism had enabled its members to retain

---

<sup>24</sup> "The government has yet to deliver the announced rehabilitation package", <http://www.db.idpproject.org>.

their command on consumption in worst of the agricultural situations in the submerging villages. After relocation, it is imperative for the policy makers to provide PAPs with short-term support to cope with scarcity in order to maintain their well being.<sup>25</sup>

The Rehabilitation and Resettlement issues of Sardar Sarovar Project were dealt with by the Narmada Water Dispute Tribunal (NWDT) constituted in 1969 under Inter-State Water Disputes Act, 1956. In 1979, the NWDT Award in its final order defined Oustee and the Family as follows:<sup>26</sup>

*Oustee:* An Oustee shall mean any person who since at least one year prior to the date of Publication of Notifications u/s 4 of the Land Acquisition Act has been ordinarily residing or cultivating land or carrying on any trade, occupation or calling or working for gain in the area likely to be submerged permanently or temporarily.

*Family:* A Family shall include husband, wife and minor children and other persons dependent on the head of the family, example. Widowed mother.

The NWDT Award stipulations deal only with the oustees associated with the submergence due to Sardar Sarovar Dam. Initially in 1979, the NWDT Award estimated project affected people (PAFs) associated with the SSP was 6147 PAFs in Madhya Pradesh and 456 PAFs Rehabilitation and Resettlement. In 1988 the Planning Commission gave its approval to the project and it estimated around 12,180 families would be affected in three states (Gujarat 3322, Maharashtra 1358, and Madhya

---

<sup>25</sup> D C Sah, "Resistance in Development: Involuntary Displacement and Rehabilitation", *Madhya Pradesh Journal of Social Sciences*, vol.6, No.2, July-December, 2001, p. 81.

<sup>26</sup> <http://www.nca.nic.in/faq4.htm>

Pradesh 7500). Basically, this assessment was to sort out the oustees category-wise and provide proper rehabilitation programme.<sup>27</sup>

During this period there was lot of confusion for both the people as well as the government. In 1979, the NWDT gave its verdict. With the Award, Government of Gujarat (GOG) started preparations for the initiation of the SSP, even before the Government of India and the Planning Commission gave permission to start work.<sup>28</sup> For the first time the R&R process was set in motion in 19 villages in Gujarat and 33 villages of Maharashtra. However, neither the government officials nor the people were aware of the R&R Provisions and entitlements. In the early 1980, the R&R Policy scene represented by the various parties of the SSP was as follows:<sup>29</sup>

The Tribunal's award set out the benefits and procedures of the resettlement of those persons in Madhya Pradesh and Maharashtra to be displaced by submergence in the reservoir are and apportioned the cost of their resettlement to the government of Gujarat. The NWDT Award declared that the amounted to an opportunity for economic and social progress.

The project-affected people in the submergence zone were to be given land to replace land they would lose, house sites, and short-term financial protection. Thus, besides providing cash compensation for the property lost, the award also made provisions for resettlement grants and grant-in-aid, as well as civic amenities in new or existing plots for new houses. Most important of all, the award mandated the states

---

<sup>27</sup> Ibid.

<sup>28</sup> S. Parasuraman, "The Anti-Dam Movement and Rehabilitation Policy" in Jean Dreze, et. al., (eds.), *The Dam And The Nation Displacement and Resettlement in the Narmada Valley*, (New Delhi: Oxford University Press, 1997), p. 34.

<sup>29</sup> Ibid., p. 35.

to provide agricultural land of equal size for all displaced families losing more than 25 percent of holdings, subject to land ceiling laws, with a minimum of two hectares of land. Further, the award provided that 'major sons' would also receive compensation benefits in their own right.

The award did not make provisions for encroachers, who, as a matter of fact, had customary rights to the land they were cultivating, and were also landless. The award did not mention the status of those whose lands were to become islands (*tapu*) rather than be submerged. In 1979, the NWDT Award was considered progressive, principally because it broke away from the earlier practice of giving 'money only' as compensation, and added 'land along with money' as compensation to those losing land.

The state governments prepared comprehensive plans for the execution of R&R, keeping the NWDT Award as the guideline, and submit them to the Government of India for approval. But all the three States had their own Government resolutions on the R&R, which differed from each other considerably.

In early 1980s, two voluntary organizations took interest in the Rehabilitation and Resettlement and close to the project area in Gujarat had started working with the affected people: *Arch Vahini* based in Mangrol, and Rajpipal Social Service Society (RSSS) based in Rajpipal.<sup>30</sup>

---

<sup>30</sup> Ibid., p. 38.

In April 1984, the Minister Promised new policy. But after long awaited the tribals and ARCH-Vahini concluded that there was not going to be any such new policy. They organized massive protests at the dam site in January 1985. ARCH-Vahini and tribals filed writ petition in Gujarat High Court but it was rejected on perfunctory grounds. However, the Supreme Court of India admitted their writ petition and issued an interim injunction not to displace. But this injection was violated with impunity.<sup>31</sup>

Later, there was a breakthrough for the encroachers in the loan agreement after the involvement World Bank. Thereafter, the Gujarat government was unable to put up much resistance. The formal victory came to the tribals, when the Minister made a formal announcement of the new policy. This new policy had direct reflections of the terms and conditions of Rehabilitation and Resettlement (R&R) in the Loan Agreement.<sup>32</sup>

### **R&R in Gujarat**

The issues of resettlement and rehabilitation in Gujarat fall into three parts. The early displacement was occurred in 1961 at six villages around Kevadia and later at five other villages. For these 11 villages, there was a different set of R&R norms. The earliest displacement clearly belongs to the ancient regime. In 1961 land compensation rates were said to vary between Rs. 90 and 250 per acre. By 1981-85

---

<sup>31</sup> Anil Patel, "Resettlement Politics and Tribal Interest", in Jean Dreze, et. al., (eds.), *The Dam And The Nation Displacement and Resettlement in the Narmada Valley*, (New Delhi: Oxford University Press, 1997), p. 76.

<sup>32</sup> *Ibid.*, p. 77.

compensation rates appear to have risen to Rs. 7,000 per acre whereas land values in 1992 were around Rs. 15,000-25,000 per acre.<sup>33</sup>

In the early stage of dam Sardar Sarovar Nahar Nigam employed 8,500 workers, nearly 2,100 labourers were earning Rs.36 and Rs. 25 per day as minimum wages for skilled and unskilled work respectively. And another 10,000 workers were engaged in on the main canal.

The World Bank interventions reflected the capital appreciation brought about by the project. Due to this, an enhanced package was announced by GOG by a resolution on August 19, 1992. This package provided additional cash assistance for the residents of the six Kevadia colony villages, nearly 36,000 exclusively for the purchase of land or productive assets. Major sons as of January 1, 1987 were also eligible for this benefit. In addition, each Khatedar was to be given a homestead plot and free transport to the relocation site.<sup>34</sup>

The replacement of agricultural land, basic services and infrastructure at resettlement sites has often failed to materialize and was inadequate. In some cases it was delayed for many years. Absence of livelihood opportunity forced affected people to abandon resettlement sites and migrate.<sup>35</sup> For example, the flight of the oustees of Gujarat which has taken the present form started when 24 families of Malu R&R site returned to their original village Vadgam in the year 1992 after their repeated demands to change their uncultivable land felt on deaf ears for four years. After long

---

<sup>33</sup> B G Verghese, *Winning The Future From Bhakra to Narmada Tehri, Rajasthan Canal*, (New Delhi: Konark Publishers Private Ltd., 1994), pp. 144-145.

<sup>34</sup> *Ibid.*, p. 145.

<sup>35</sup> *Dams and Development*, n. 4, p. 107.

battle the Gujarat High Court finally ordered Gujarat government to change their land. In spite of the high court orders, they were forcefully shifted from Vadgam with the aid of police and dumped in Dharampuri R&R site in 1994. But nothing much happened on the ground in providing rehabilitation for the oustees in R&R sites.<sup>36</sup>

Again in May 1994, the oustees of Mokhdi, Vadgam and Shulpan who were resettled in 10 R & R sites in the Dediapada *taluka* of Bharuch district between the years 1981-1994 went on for indefinite hunger strike in Kevadia Colony. At that particular point of time, government agreed to dialogue with oustees and promised their demands would be met within 6 months. But even after 8 months there was no response from the government side. Ousteas again sat for indefinite hunger strike. Once again government responded with as usual promises. But this time they came with their cattle and other belongings to their original villages in spite of the prohibitory orders. Later, false cases were registered against them. Due to this many of them migrated to Surat and Bharuch as daily wage labourers.<sup>37</sup> A marked withdrawal and decrease was witnessed in the activity of NGOs who had been instrumental in getting these PAPs to shift.

Due to lack of accountability on the part of the state for promised entitlements has led to poor (and incomplete) implementation of resettlement measures. Finally, the resettlement programmes have focused on the process of physical relocation rather than on the economic and social development of the displaced. Most of these problems have severely eroded the effectiveness of the R&R programmes in creating

---

<sup>36</sup> Nandini Oza, "Marginalisation, Protests and Political Action Tribals and Sardar Sarovar", *Economic and Political Weekly*, July 19, 1997, p. 1792.

<sup>37</sup> Ibid.



development opportunities for the resettled and have increased the risk of impoverishment for those being resettlement.<sup>38</sup>

The plight and level of displacement makes adequate rehabilitation and livelihood restoration is difficult. It is evident in case of Sardar Sarovar Project. Since the start of the resettlement process in 1984, less than 20 per cent of the recognize displaced people have been resettled.<sup>39</sup>

### *R&R Policy for the SSP-Displaced*

The Narmada movement is significant in terms of its achievements. It has been demanding the review of all the aspects of controversial SSP including displacement and rehabilitation in the project. In the initial phase of struggle, the NBA questioned the claims of resettlement. But later, it was realized the impossibility of rehabilitating thousands of Project affected families (PAFs) and also adverse impacts on social, environmental and economic costs of the project. NBA decided to oppose the displacement and the dam itself. Due to this there was a slight improvement in the R&R package of Gujarat in over a period of time but not satisfactory. Some of the R&R policies that existed in the states of Gujarat, Maharashtra and Madhya Pradesh in early 1993 are specified below:<sup>40</sup>

As of January 1993, heads of landed and landless households and those of encroached land were eligible for two hectares of irrigable land. By January 1, 1987,

---

<sup>38</sup> Dams and Development, n. 4, p. 108.

<sup>39</sup> Ibid., p.108.

<sup>40</sup> Parasuraman, n. 28, pp. 54-55.

all men aged eighteen and above were eligible to receive 2 hectares of irrigable land irrespective of their earlier land ownership position.

- Provide subsistence allowance - Rs.15 per day for twenty days a month - for a year after shifting, to each family receiving land and financial and transportation assistance to shift to resettlement sites.
- Facilitate the families to acquire income-generating assets through loans and subsidies. Assist men and women to acquire skills and facilities them to get loans for initiating self-employment ventures.
- Give preference to PAPs and their children in lower-category government jobs
- The landless and those with encroached land, major sons and unmarried major daughters of landed and landless households were eligible to receive one hectare of land.

In the above policies the respective governments have their own criteria in providing. Especially, the Government of Maharashtra (GOM) and the Government of Madhya Pradesh (GOMP) refused to alter their policies substantially to conform to those of the Government of Gujarat (GOG).

### *Quality of Rehabilitation Packages*

The crux of the problem has been whether the stipulation of the ILO Convention, is fulfilled in the case of SSP. By fixing the nature and quantum of compensation to be given to displaced persons, the NWDT Award has taken special

care to see that this stipulations is honoured. And the final R&R package that has been sanctioned by the Gujarat government goes much further than the tribunal award: as can be seen from the summary of the PAPs entitlements in the table below:<sup>41</sup>

**Table-1**  
**Rehabilitation Package for the Oustees of SSP as per NWDT Award and Gujarat R&R Provisions**

Category	NWDT Award	Gujarat R&R Package
<b>(a) Land</b>		
Landed PAP	Minimum 2 ha of irrigable agricultural land	Minimum 2 ha of irrigable agricultural land
Landed PAP's every major son	Minimum 2 ha of irrigable agricultural land	Minimum 2 ha of irrigable agricultural land
Joint holders	Nil	Minimum 2 ha of irrigable agricultural land
Forest encroachers	Nil	Minimum 2 ha of irrigable agricultural land
Landless labourers	Nil	Minimum 2 ha of irrigable agricultural land
Major sons of the last three categories	Nil	Minimum 2 ha of irrigable agricultural land

**(b) Other benefits to all PAP's**

R&R grant-in-aid	Rs. 570 inclusive of transportation charges	Rs. 750 with an increase of 12 per cent per year with January 1980 as the basis. Transportation free of charge.
------------------	---	---

<sup>41</sup> Vidyut Joshi, "Rehabilitation in the Narmada Valley: Human Rights and National Policy Issues", in Jean Dreze, et. al., (eds.), *The Dam And the Nation Displacement and Resettlement in the Narmada Valley*, (New Delhi: Oxford University Press, 1997), pp. 174-176.

Maintenance allowance	Nil	Rs.4500 in the first year
Development allowance	Nil	Rs.5000. In addition, tribal PAPs covered under the tribal sub-plan get a subsidy varying from 50 per cent to 100 per cent against 50 per cent admissible to them with a maximum of Rs.5000
Residential Plot	60'*90'	60'*90'
Housing Plinth for each plot	Nil	Rs.10,000 ex-gratia
Roofing tiles	Nil	Rs.2000 ex-gratia
Roofing tiles In	Nil	At highly concessional rates
Insurance (a) Personal		Rs.3000
(b)Household Materials		Rs.1000
Employment	Nil	One person form each family to be give preferential employment.

Source: Vidyut Joshi, "Rehabilitation in the Narmada Valley: Human Rights and National Policy Issues", in Jean Dreze, et. al., (eds.), *The Dam And the Nation Displacement and Resettlement in the Narmada Valley*, (New Delhi: Oxford University Press, 1997), pp. 174-176

In addition, the NWDT Award (which is incorporated in Gujarat's expanded R&R Package) requires the provision of the following civic amenities: i) one Primary school. (3 rooms) for 100 families; ii) one Gram Panchayat Ghar for every 100 families; iii) one dispensary for every 500 families; iv) one seed store for every 500 families; v) one children's park for every 500 families; vi) one village pond for every 50 families; vii) a drinking-water well with a trough for every 50 families; viii) one tree platform for every 50 families; and ix) an approach road to every colony.<sup>42</sup> These are some of the necessary needs of displaced people. The objective behind the

<sup>42</sup> Ibid., p. 176.

compensation norms of ILO is to see that displaced persons are able to achieve a better or, at least equal standard of living at the new place relative to what he or she enjoyed before displacement.<sup>43</sup>

### *R&R in Madhya Pradesh*

The situation in MP is somewhat different as compared to Gujarat and Maharashtra. There are three factors. Firstly, the MP submergence occurred much later than in the other two states; PAPs in the Upper reaches of the reservoir are physically and culturally more distant from Gujarat and therefore, preferred to resettle in MP itself; and lastly, although the number of affected villages in MP is far larger than the other two states most of these villages were partially affected.<sup>44</sup>

The Narmada Valley Development Authority (NVDA) set up by GOMP for construction of the Narmada Sagar Project complex and R&R of SSP oustees in MP was guided by Government of India norms relating to forest diversion and tribal resettlement and by the states Rehabilitation Act of 1985, the MP *Pariyojna Ke Karan Visthapit Vyakti (Punhsthapan) Adhinyam*, which was some extent modelled on an earlier Maharashtra enactment of 1976.<sup>45</sup> M P had delayed identifying PAPs in the first 17 to 23 SSP submergence villages in its territory who might wish to resettle in Gujarat.

In Saurashtra the situation is no different. Cash crops are being grown in plenty even in the worst water scarcity areas. One can find number of sugarcane fields

---

<sup>43</sup> Ibid.

<sup>44</sup> Verghese, n. 33, p. 154.

<sup>45</sup> Ibid., p. 155.

and sugar mills in Saurashtra. Also it is a known fact that the big industrial groups like the Tata Chemicals and salt works in Okhamandal, Rayon mills in Veraval Maradia Chemicals in Surendra Nagar have pumped out the precious water resource of Saurashtra. More and more high water-consuming industries are coming up at a very large scale in both Saurashtra and Kutch, like the Reliance in Jamnagar, some 11 cement factories in Kutch and many more.<sup>46</sup>

Everything seemed well initially, but gradually, the problems at the new sites, expected to be transitional, refused to go away. A recent survey conducted by the oustees themselves of 53 sites and 1,643 families reveal that 48 per cent of the oustees have been given uncultivable land, 40 per cent of the oustees were cheated in the land deals, 43 per cent allocated waterlogged land, 98 percent of the sites have no facility of fuel and fodder, 61 per cent of the sites face problem of drinking water, and 85 per cent face severe water shortage for their cattle.<sup>47</sup>

The Government of Madhya Pradesh constituted in January 1998, a Task Force to “look into the alternatives to the Narmada Valley Projects and in addition to have detailed discussions on an alternate model of development and give recommendations”. The reason given for this was “the size, nature and complexities of the present problems of the Narmada Valley Development”. This Task Force, consisting of the representatives of the NBA, independent experts and senior officers of the Government of Madhya Pradesh has just prepared its report. It shows that an

---

<sup>46</sup> Oza, n. 36, p. 1790.

<sup>47</sup> Ibid.

alternative vision of the development of the Narmada Valley is possible and desirable.<sup>48</sup>

The relocation from the submerging villages however, started before the acceptance of the R&R policy. Early resettlers did not immediately shift to new sites: over 70 per cent of them took over 5 years to make new site their home. During this period they commuted or members of households split between locations. By and large the social interaction between the host and new settlers have remained cordial. When social groups were dissimilar and unknown to each other, relationship between the two become occasionally tense. Since these oustees have been recognized as PAPs, they are in the process of acquiring all the benefits available to PAPs, including allocation of agricultural land. Barring a few exceptions like PAPs in Malu, Piparvati, Ambavadi, Chikda and Kali-Talavadi, the PAPs are satisfied with the quality of their land.<sup>49</sup>

After relocation traditional health care services are largely replaced by non-traditional service like sub-primary health centres, visit of health workers and private practitioners. Despite these, PAPs relocated in 45 out of 120 new sites have to travel about 6 to 10 kms before reaching a health provider. Another noticeable improved service is educational facility in the new sites compared to submerging villages. Not only schools were inaccessible in submerging villages, but also a sizeable population of school going children was engaged in cattle grazing and agriculture. Consequently, literacy rates were low. About 25 per cent of males and 6 per cent of females were literate in submerging villages. In new sites about 41 per cent males and about 18 per

---

<sup>48</sup> Shripad Dharmadhikary, "Displacement, Development and Large Dams", *Social Change*, Vol. 31, Nos.1&2, March-June, 2001, p.109.

<sup>49</sup> Sah, n. 25, pp. 76-77.

cent females are literate. The state was quick to solve these first generation problems.<sup>50</sup>

About 20 per cent of all the relocated households (2981) feel that their land quality is not adequate and needs mechanical or chemical treatment. About 13 per cent of the households believe that they received less land than what was due to them. About 9 per cent of the households had their land under canal or roads. About 4 per cent households reported that their agricultural land remains waterlogged during rainy season. In this adjustment mechanism, the state support has been marginal.<sup>51</sup>

### *Draft National Policy*

India has followed a development policy based on public sector investment, heavy industries, mega-dams and large scale of infrastructure since independence. All of these require acquisition of land, which has been acquired in exercise of the principle of 'eminent domain',<sup>52</sup> which bestows upon the government the power to take over private property for public purposes. In most cases, compensation for land acquisition has been paid in cash, based on prices below the existing market prices. It has happened in the case of tribals, that displacement has meant a loss of livelihood and habitat and above all social disruption. It meant a disaster with which they could not cope nor could they share fruits of sacrifice they were called to make in the name of the nation. These realities gave rise to growing protest movements, holding up the progress of the projects, affecting the lives and property and causing efficiency costs

---

<sup>50</sup> Ibid., p. 78.

<sup>51</sup> Ibid.

<sup>52</sup> Sinha, n. 1, p. 1453.



for the system. Basically, the Draft National Policy remains only an approach to rehabilitation.

Another key concept of draft policy, which recognizes that the displaced have often been forgotten as far as rehabilitation planning is concerned especially in the case of Project Affected Persons (PAPs). For the empowerment of PAPs, the draft policy states it would be required to organize themselves as a pressure group represented on the implementation committee for rehabilitation, along with NGOs and the district administration.<sup>53</sup>

The draft policy given a significant role to the PAPs in providing project related employment. It seeks to transfer the appropriate decision making powers to the project implementation committee (PIC) in which the PAP and NGOs play significant role. This committee would have major say in selecting candidates from amongst the PAPs and providing them with technical training so that they are in a position to apply for jobs by the time of displacement occurs. In the past, burden of direct employment is heavily on the projects. Every project has an acceptable investment-employment ratio, ratio of skilled and unskilled jobs. It also gives rise to a dependency syndrome, which imposes heavy efficiency burdens on the project and the economy as a whole. The draft policy makes another departure from the past by seeking to remove this dependency syndrome.<sup>54</sup> In this situation, there is a fear whether PAPs can bargain to get permanent jobs from the project officials. It mainly depends upon balance between PAPs and project officials. In this process NGO groups can play role of facilitators.

---

<sup>53</sup> Ibid., p. 1456.

<sup>54</sup> Ibid., p. 1457.

The most neglected aspect of displaced persons is social rehabilitation. The displaced people were put in hastily constructed and ill designed houses, with little social integration. To fulfil these needs the houses must be constructed on the same pattern as those left behind, except where the upgradation is sought. There is need to resume this type of situation through close interaction between the displaced persons and the planners. In the past, whenever people have been taken from one group and put them in a different population, conflicts have arisen. This situation created social disorder amongst the two groups, for them it is difficult to share common graveyards and religious places.

In case of cultural rehabilitation, the draft policy recognizes that cultural rehabilitation plan is necessary to overcome the loss of cultural moorings. This plan includes rebuilding of churches, temples and other institutions Masna, Sarna, Hargarhi, etc. The draft policy considers them as providing the fabric of tribal life and it also emphasizes the continuation and maintenance of the social order via such institutions.<sup>55</sup>

Another contentious aspect of rehabilitation planning is the provision of land-for-land, since most of the displaced persons were engaged in agriculture as a livelihood. The draft policy states that the persons, particularly those belong to scheduled castes and scheduled tribes, who have no means of livelihood other than agriculture are to be provided land on a proportionate basis subject to a prescribed ceiling limit. It also provides the tenants should be given land after their claim has

---

<sup>55</sup> Ibid., p. 1458.

been assessed by the PIC. The cost of development of the land allotted is to be borne by the project. The PIC would also assist the PAPs in the purchase of land, so that they are not cheated. They are also to be exempted from the payment of stamp duties and registration fee.

The draft policy is widely applicable. It is applicable to all public and private sector projects that require acquisition of more than 200 hectares of land under LA Act 1894 or lead to the displacement of 20 families. It covers all the major and medium projects. A few doubts arose whether the National Policy is justifiable in a Court of law. It has been argued that there should be a Central government legislation rather than a National Policy as presently envisaged. Unless there was a legislation enactment, the states may not feel obliged to implement national policy. But basically the national policy is a set of guidelines for the rehabilitation of displaced persons. The state governments' freedom to bring about appropriate work remains intact. Similarly, the courts have their own course of work to entertain public litigation and have demanded the preparations of appropriate packages for the displaced.<sup>56</sup>

The draft policies raise questions regarding its financing. The draft policy envisages that funds for rehabilitation will take the form of a charge on the project. At present, the Planning Commission broadly indicates the planning parameters regarding cost and financing norms for projects. The draft policy suggests that the financial cost of total rehabilitation be treated as the true cost of displacement.<sup>57</sup>

---

<sup>56</sup> Ibid., p. 1459.

<sup>57</sup> Ibid.

The draft policy suffers from a number of deficiencies. It ignored millions of PAPs who are currently waiting for rehabilitation. Another important fact was that the policy drafts have not been made formally available to concerned groups for their comments and it has been labeled secret.

### **Possibility of Translating Gujarat's R&R Policy into National Policy**

There is need for urgency for comprehensive National Rehabilitation Policy. In 1976, the Maharashtra was the first state to pass a law. But it applies only to irrigational projects and some extent it applies for other issues with discretion of the Government. In 1993, the National Thermal Power Corporation had announced its own policies. Till today however, there is no consolidated National Rehabilitation Policy or law applicable to all types of projects in the country. Later, the Ministry of Rural Development came out with a Draft National Policy for Rehabilitation of Persons Displaced as consequence of Acquisition of Land. "This national policy is meant to be an overriding document covering all forms of displacement."<sup>58</sup> This Draft National Policy is the result of the severe criticism against displacement without proper rehabilitation and resettlement and also the limitation of Land Acquisition Act in compensating displaced people for land acquisition. This draft policy is applicable to all forms of Displacement.

Whether there is a possibility of translating Gujarat's R&R policy into a national policy has to be examined thoroughly on various grounds. Because the policies that are followed by the states have their own constraints and local

---

<sup>58</sup> Walter Fernandes and, Samyadeep Chatterji, "A Draft National Policy", *Lokayan Bulletin*, March-April 1995, p. 29.

conditions. Policy on paper does not mean anything. It has to be translated into action and implement till all displaced people are rehabilitated.

There are many problems in the implementation of Gujarat's policy. The first among them is Government of Gujarat has to consider one major factor: a significant proportion of Maharashtra's and most of Madhya Pradesh's displaced people were expected to opt for resettlement in Gujarat due to R&R policy deficiencies in their own states as compared to Gujarat.<sup>59</sup> This poses difficulties to Gujarat to provide adequate land to other two states. Because the magnitude of displacement is very high in Madhya Pradesh. In Gujarat providing resettlement to the 30 to 40 families in one place is difficult to obtain. There is in fact the resettlement experience in Gujarat villages of families from 19 villages being resettled in over 150 locations.<sup>60</sup>

The problem in converting Gujarat's R&R policy into a National Policy is much debatable issue. There are two basic issues involve in translating R&R policy of the SSP displaced people into a national policy.

The special Sardar Sarovar R&R package is applied differently to three states. Even though all the people displaced by SSP an there are vast differences in R&R provisions. In this situation neither the Narmada movement nor the World Bank were unable to change the decision of the GOM and the GOMP.

The second issue is that the special SSP package is not available for people displaced by other irrigation projects in the respective states. People displaced by

---

<sup>59</sup> Parasuraman, n. 28, p. 56.

<sup>60</sup> Ibid., p. 57.

other projects in these states had many inferiors R&R package compared to SSP policy.<sup>61</sup> In this circumstance, it is not a suitable option to translate into a national policy. Even if such policy comes into existence, it is not possible in its implementation.

However, none of the government has shown the political will to acquire land for resettlement using legislative measures such as Land Acquisition Act, the Land Reform Act, and the Land Ceiling Act. These governments which did not hesitate to acquire land for projects, failed to use the same act to acquire land to resettle displaced people.<sup>62</sup>

The 1984 Amendment to the Land Acquisition Act of 1894, provides for the takeover of land to resettle people. But all the states approach land acquisition in three different ways. The GOM chose to resettle people in the forest areas and the GOG resorted to purchase of land in the open market. The GOMP has remained impassive. All these approaches were unable to put the displaced in a cohesive social unit.<sup>63</sup> Among most of the displaced people, caste, religion, language and kinship still continue to play a dominant role in determining there economic and social security.

### **Supreme Court and its Judgements**

The NBA with huge local mobilization kept pressure on the World Bank to withdrew its support from the dam in 1992 and also Japan suspended of monetary support. In 1994, the NBA filed a Public Interest Writ Petition in Supreme Court

---

<sup>61</sup> Ibid., p. 58.

<sup>62</sup> Ibid.

<sup>63</sup> Ibid., p. 59.

under article 32 of the Indian Constitution.<sup>64</sup> The NBA objections in the petition to the Project was non-completion of mandated environmental studies, failures of government on NWDT Award stipulations in providing R&R and also on cost and benefits. Based on this petition the NBA asked the court to order a halt to the construction work on the dam site and asked for total review of dam.<sup>65</sup>

In 1995, response to these pleadings, the Supreme Court stayed the construction of the dam at the height of 80.3 meters until further orders. Both the parties filed numerous affidavits in the court through the hearings and the most of the case was framed on issues of R&R. In February 1999, the court passed an interim order allowing for the raising of the height of the dam by an extra five meters to 85.3 meters. By May 2000 the court completed its hearings of the case and gave the its final verdict in October 2000, allowing the construction of the dam to a height of 90 meters. Thereafter it would require the clearance from the Narmada Control Authority for its increase in every five meters up to its full height 138.6 meters.<sup>66</sup>

There are few issues that require special attention in the Supreme Court judgements. But some issues look more difficult when the time passes and in court's message it was clearly mentioned there is necessity for the project to move ahead without wasting any more time. At the same time the Court has taken the considerations and safeguards to deal with all sorts of problems especially relief and rehabilitation of the displaced people.<sup>67</sup> The Supreme Court had pulled up Madhya

---

<sup>64</sup> Mathew John, "Interpreting Narmada Judgement", *Economic and Political Weekly*, August 11, 2001, p. 3031.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

<sup>67</sup> B. G. Verghese, "Get on with it," *Down To Earth*, November 30, 2000, p. 52.

Pradesh for not doing enough in providing R&R packages. At the same time one acceptable reason was the cost would go up due to the delay in the project.

The financial cost of the dam is more important and has been a hotly debated issue. It is clear that the dam will not provide enough returns comparable to the cost. By knowing these facts, what is the necessity for authorities in raising the height of the dam when the returns were less than the cost. They who have to provide adequate rehabilitation in for which there is no enough land compensation. It is happening due to lack proper knowledge on the issues. They were not taking people's needs into the account. To improve the livelihood of displaced people the policy should be to resettle them above or equal of their previous levels – that is the essence of the resettlement with development. To improve these conditions additional investments were needed to ensure recovery and development.

The majority judgement reveals several contradictions in itself. Here, rehabilitation is the central issue, but in the judgement it was left to the R&R sub-group to monitor rehabilitation process. But the same sub-group had failed so badly in the last few years.<sup>68</sup> The halt of the dam was not just because of the writ petition filed by the NBA. It was lack of proper assessment and infrastructure in the canal network of the project by the authorities which is going to affect more people than the actually. For these people, there was no rehabilitation package at all. The families downstream were also not considered for R&R despite of emerging opinion from experiences worldwide.<sup>69</sup>

---

<sup>68</sup> Anupam Mishra, "Living on archipelagos", *Down To Earth*, November 30, 2000, p. 54.

<sup>69</sup> Shripad Dharmadhikary, "No choice but to fight", *Down To Earth*, November 30, 2000, p. 55.



The argument of the NBA was the provisions of the NCA had clearly politicized the issue. Beyond NCA, the inter-state administrative body stipulated under the tribunal, that there should be an inter-state review committee consisting of the three Chief Ministers of Gujarat, Madhya Pradesh and Maharashtra and the Union Water resources minister. Above all in case of any dispute within the committee the Prime Minister becomes final arbitrator.<sup>70</sup>

Another important issue is related to the height dispute among the three states. Initially it began in March 1994 when the Chief Minister of Madhya Pradesh, proposed that the dam wall should be reduced from 138.68 meters (455feet) to 132.68 meters (436 feet). The Gujarat government out rightly rejected it. The Madhya Pradesh governments' concern was the reduction of the height would save six thousand hectares of fertile agricultural land in the Nimar region of the state. More over it would reduce 38,000 people from facing resettlement.<sup>71</sup>

In January 1996, the Supreme Court ruled that there was no point in continuing the hearings until the states resolve their own disputes over the height of the dam. The Court also ruled that there would no further construction on the disputed position of the dam until these differences were resolved. Instead of resolving the issue the states came to conclusion that they want to first examine of its performance and review within five years. The subsequent raising of the height of the dam would depend on the results of the hydrological study to be carried out by the Central Water Commission during this five year period.<sup>72</sup>

---

<sup>70</sup> Medha Patkar, "A kind of corruption", *Down To Earth*, November 30, 2000, p. 55.

<sup>71</sup> Susan E Chaplin, "The role of the World Bank in India's Narmada Valley Project", *South Asia*, Vol. XIX, No.2, 1996, p. 128.

<sup>72</sup> *Ibid.*, p. 129.

## World Bank Policy

By 1980, the World Bank had a well-defined policy on the resettlement of people affected by the projects it had funded. Following the Bank's first internal resettlement review specific guidelines for the economic and financial analysis of resettlement, components were prepared, discussed widely and finally issued as an attempt to adapt the general logic of economic and financial analysis in Bank assisted projects to the unique characteristics of dislocation and relocation. The major elements of the policy were as follows:<sup>73</sup>

All involuntary resettlements should be conceived and executed as development programmes with resettlers provided with sufficient investment resources and opportunities to share in project benefits. Displaced persons should be compensated for their losses at full replacement cost prior to the move; assisted with the move and supported during the transition period in the resettlement site; and assisted in their efforts to improve their former living standards, income-earning capacity, and production levels, or at least to restore them. Particular attention should be paid to the needs of the poorest groups to be resettled. Community participation in planning and implementing resettlement should be encouraged.

Resettlers should be incorporated socially and economically into host communities so that any adverse impact on the host communities is minimized. Land, housing, infrastructure and other compensation should be provided to the adversely

---

<sup>73</sup> Parasuraman, n. 28, pp. 36-37.

affected population, indigenous groups, and ethnic minorities who may have customary rights to the land or other resources taken for the project. The absence of a legal title to land by such groups should not be a bar to compensations (World Bank 1990).

In the beginning the World Bank neither estimated the R&R component nor motivated the states to come up with R&R policies in time with NWDT and its policy prescriptions. The World Bank realized R&R aspects had not been looked into at all. Then immediately World Bank appointed Scudder, an expert on resettlement issues, to analyze the situation related to the nature and extent of the displacement and R&R measures adopted by the state governments. He cited in his review, the NWDT's 1979 provisions did not meet the requirements of the World Bank Policy guidelines on involuntary resettlement.

### **Daud Committee Report**

Despite many difficulties, the Daud Committee submitted its report to the government on July 3, 2001. It revealed so many facts about the murky state of resettlement and displacement of the tribal SSP oustees in Maharashtra. To bring these facts out, the committee conducted interviews and inquiry in the villages and allowed Government officials and members of NBA to express their views. They brought forth few issues that were needed to be discussed in much length. The issues are whether there is land available for resettlement for PAPs, that irrigation facilities are insufficient, civic amenities are not up to mark, and that those affected at 90 meters were to be resettled by 31 December 2000. The Committee criticized the state

government on total failure to resolve the problems and sidelined the basic issues and also showing keen interest in shifting the tribals out of their villages. The same care and intensity is not reflected on their programme for rehabilitation.

False information and cheating of tribals has taken place in large scale in regular intervals. In 1987, there was incidence when Talathi took sum of Rs.1000/- each and in all collected 1,60,000/- and promised to provide them Khata Pustikas (legal land deeds). The Khata Pustikas were given to the people, but they do not contain any entries and so they are useless pieces of paper.<sup>74</sup> In case of major sons/daughters, they were wrongfully denied their entitlements, even though most of the category are married and having children. The cut-off date given by government has no connection with reality and should be replaced with the date of actual rehabilitation.<sup>75</sup> Several other incidents like these took place.

The Supreme Court's judgements appear not to reflect the ground realities and it has given authority to Narmada Control Authority in the matters of providing R&R policies and approvals for heightening of the dams, without taking into account the larger picture. These authorities have issued false clearances and allowed the governments go ahead with heightening of the dam without providing rehabilitation to the displaced people. Due to this recently the Supreme Court sought proof of the Narmada rehabilitation programmes and asked all the three state governments to inform it about the steps taken to rehabilitate oustees.<sup>76</sup>

---

<sup>74</sup> Report of the Daud Committee, *Government of Maharashtra*, August 2001, p. 11.

<sup>75</sup> *Ibid.*, p. 12.

<sup>76</sup> "SC Seeks Proof of Narmada Rehabilitation", *The Times of India*, May 31, 2002.

## *Recommendations of the Daud Committee*

The Committee put forward some important recommendations. Basically there is need to review these recommendations by the NWDTA and its sub groups for the betterment of R&R policies and also for proper implementation. First and foremost there should be change in the definition of PAF/Oustee, to include all categories of people affected by the dam.<sup>77</sup>

In case of major sons and unmarried daughters, the government should be treated them individuals and entitling them for equal rehabilitation facilities. This change has to come immediately in original villages as well as in the resettlement colonies. These *tapu* and isolated villages were also part of affected villages and also the state policy clearly says that affected persons from such villages to be declared as “affected” so as to become eligible for all rehabilitation entitlements.<sup>78</sup> Since, this has not been taking place there is need to carry out survey by the government with the help of NGOs to provide proper facilities in those regions.

The process of ex-parte allotment of lands, which is need for complete review, is believed to be in keeping with approval of the NCA. And the oustees cannot keep resisting and refusing eviction and rehabilitation for all times to come. At the same time the government has to consider the reasons for rejection and resistance. In the 59<sup>th</sup> meeting of the NCA decision was taken on ex-parte allotment of land, but it was enforced only after the Supreme Court passed its judgement in November 2000. The NCA knew it clearly, if they had initiated ex-parte allotment issue that time the NBA

---

<sup>77</sup> Daud, n. 74, p. 22.

<sup>78</sup> *Ibid.*, p. 23.

would have raised the issue in the Supreme Court.<sup>79</sup> That would have clearly revealed the loopholes of the authorities. Therefore, they got opportunity to immediately allot land and house plots without prior consent of the PAFs. The authorities delivered the ex-parte land allotment certificates at the house of the village leaders in the affected villages. When the Committee for Assisting Rehabilitation (CAR) visited the site of Amlibari and Rozva, the problems with ex-parte allotment was openly seen in the presence of the officials. The notices that are issued to the villagers were given in short notice without proper order. The villagers brought the issue before the CAR, and NBA expressed its dissatisfaction and demanded for total dismissal of such an arbitrary allotment process that is not in compliance with NWDTA and the state R&R policies. Later, the Committee took note of the issue and reissued the notices in accordance with NWDTA and state policies after rechecking and correcting the document. The reissued notices were not given to every PAF who was served initially.<sup>80</sup>

Therefore, the Committee suggested the government should immediately put an end to ex-parte allotment and instead adopt the following procedures:<sup>81</sup>

- Ascertain the choice of state of resettlement of every PAF [(either home state, Maharashtra or Gujarat as per NWDTA XI IV (2) (1)].
- The government should then identify available cultivable agriculture land in large chunks, so as to accommodate the balance PAFs from the villages and ensure community resettlement.

---

<sup>79</sup> Ibid., p. 49.

<sup>80</sup> Ibid., p. 50.

<sup>81</sup> Ibid., p. 51.

- The NWDTA stipulates (Clause IX IV (7) that, “Every displaced family from whom more than 25% 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... This land shall be transferred to the oustee family if it agrees to take it.” In accordance with this provision only land that has been seen and accepted by the PAF should be allotted to them.
- Cultivable irrigable agricultural land with irrigational facilities at the expense of the state of their own choice, from 3 options of cultivable land as according to state policy. The government officials should offer the PAF three valid choices of good cultivable land to chose from. If selected by the PAF, it should be then allotted and irrigational facilities should be provided.

It is very important that the government consider this suggestion, instead of continuing with its false ex-parte allotment policy without the consent of the affected people. These suggestions look more real in nature and better suited for the betterment of tribal people affected by displacement.

There must be strict implementation of laws that are made for the well being of ‘tribals’. The Constitution of India in its very preamble speaks of several values and it placed first that of Justice in social, economic and political context.<sup>82</sup> Here, what has to be done is both aspects has to provide equal treatment, if Justice is required to be done to the water-starved regions of Gujarat and at the same time people who were affected and displaced should get satisfactory compensation.

---

<sup>82</sup> Ibid., p. 28.

As mentioned in previous chapter, India is a signatory to an International Convention to safeguard the interests of the tribal and recognize their age-old rights. Some of the International Organizations considered the tribals has special issue and bought separate conventions exclusively for tribal and indigenous people. First among them is the ILO Convention 107 adopted in 1957 as it stated that, "Convention concerning the protection and integration of indigenous and other tribal and semi-tribal populations in independent countries."<sup>83</sup>

Article 11 of the convention mentions the safeguard the interest of the people. It says that, "The right of ownership, collective or individual, of the members of the populations concerned over the lands which these populations traditionally occupy shall be recognized."

Article 12 went further and clearly stated that,<sup>84</sup> "1. The populations concerned shall not be removed without their free consent from their habitual territories except in accordance with national laws and regulations for reasons relating to national security, or in the interest of national economic development or of the health of the said populations. 2. When in such cases removal of these populations is necessary as an exceptional measures, they shall be provided with lands of quality at least equal to that of lands previously occupied by them, suitable to provide for their needs and future development in such cases where chances of alternative employment exist and where the populations concerned prefer to have compensation in money or in kind, they shall be so compensated under appropriate guarantees. 3. Person thus removed shall be fully compensated for any resulting loss or inquiry:"

---

<sup>83</sup> Ibid.

<sup>84</sup> Ibid.



India is part of convention and failed to implement in regard to the tribals affected by the SSP. The land rights of the tribals are not only being denied but also the tribals are being denied but also the tribals are being short changed in resettlement too. Despite government efforts, the rehabilitation process has fallen much behind because there has been no perfect and realistic plan.

## CHAPTER-IV

### CONCLUSION

The construction of major dams has led to the large-scale displacement of people in various parts of the world, usually indigenous peoples. The issue of development often is of paramount importance in developing countries and therefore, human rights are usually ignored. However, countries like India and Bangladesh that subscribe to a democratic form of government – parliamentary though it is, where it is the numbers that count – cannot engage in such blatantly anti-people activity as is evident in the treatment of the *adivasis* in India or the Chakmas in Bangladesh.

The case of deliberate demographic changes being carried out in Bangladesh, and lack of economic opportunity afforded to the displaced in both countries are sore points. The lack of rights and the harassment of the Chakma refugees in India do not speak well of the democratic traditions of the Indian State, the protestations of the Supreme Court of India notwithstanding.

The magnitude of the problem of displacement can be appreciated by going into the past experiences of projected affected peoples under various development schemes. This problem comes up with almost every major project around the world, even though the magnitude may vary based on the type of people affected and the nature of the area where the project is constructed. The severity of the problem can be understood by looking at the large number of people that were displaced in these two dam cases. However, it is not only numbers, but also the nature of rights and the

people that are involved is important that will decided the seriousness of the problem. Because, the affected people were vulnerable sections of the society like tribals, women, children and other weaker sections. The displacement is not only just deprivation of land and shifting from the original habitats, but also involves social, political, and cultural repercussions. Its impact on mental and physical health, disintegration of community life results in life long trauma. The deliberate neglect of these issues by the project planners is making more complicated and painful in the most of the situations.

The absence of adequate legal framework to address the problem of displacement is one of the major burning issues in several countries. But the international agencies like the World Bank are very active and are in the forefront in funding major development projects, in certain cases it leads to massive displacement of people and human rights violations. There is no proper mechanism in international law to mitigate the sufferings of the displaced people. The Government of India, for example, has continued using laws promulgated during the colonial period. These laws, particularly the Land Acquisition Act 1894, have been applied to acquire land and resettle uprooted communities, but this does not address the modern day problems and needs arising during the dams construction. Despite modifications and changes in the existing laws, it still lacks a comprehensive treatment. The relief that is available is very limited under the Land Acquisition Act by providing money compensation to those affected people, which is not adequate.

As regards people displaced due to the Kaptai and Narmada dams, some of the important rights violated are the right to a home – in case of dam oustees when the

government fails to provide a satisfactory and permanent arrangement for housing the dislocated, cultural rights – encompassing tribal ways of life, rituals and folklore – and the right to a decent livelihood. In the case of both dam projects, there have been numerous complaints as regards these issues. Several thousands have returned to their original homes ready to be drowned than accept the miserable fare doled out by their respective governments. In India and Bangladesh, most of the oustees were tribal, who if taken off the land that has been their home for centuries would lose an important and vital part of their heritage and folk tradition.

The question though is difficult to answer amidst all the heat and dust raised about the rights of human beings to the environment is of how the balance can be struck, between environmental preservation, the rights of the so called indigenous peoples and the right to economic development. The debate over sustainable development especially in relation to the effects of dams continues to be fierce and controversial.

The lessons have to be learnt from the existing large dams to use as solutions for the future dams. Most of the countries have not realized the full benefits of existing large dams because of incomplete investments, lack of integration, lack of equity consideration in allocation of project benefits, poor maintenance and also in effective and outdated management. In many cases dam owners have not done systematic assessments of opportunities for optimizing or expanding facilities to improve the services of existing dams.

Decisions on dams must respond to a wide range of needs, expectations, objectives and constraints. Its matter of public choice and policy will always reflect competing interests and require negotiation. The competing needs and entitlements are among the most important factors in addressing conflicts associated with development. The right to development which was adopted in 1986 by the UN General Assembly, marked a significant step in the international community in developing a framework, which specifies responsibilities in applying a human rights approach to development. It also addressed different interest groups in society and their interaction with the state.

While the Pakistan government had declared the 1960's as the developmental decade, it failed to implement a comprehensive R&R policy with respect to the affected people of the Kaptai Dam. At that particular point of time there were major developments such as like construction of oil mill, paper mill, etc., that emerged in a short span but the oustees did not get proper employment in any of these industries. Even though there was a chance of reducing the impact of displacement and providing rehabilitation to the affected, the government failed due to sheer negligence.

The Sardar Sarovar Project has also not succeeded in implementing a common rehabilitation policy in all the three states concerned even though many of the problems are the same. The Government of Gujarat, had come up with one of the best R&R policy in the country ever before for any project, but when it comes to the implementation part the state government failed in most of the cases to respect the rights of the people to a home and livelihood, and it showed scant respect for their culture and traditions.

Human rights are continually violated when practices such as irregular land allotment, disregard of cultural differences, fraud and corruption take place. The forced stay of resettled people at the new sites constitutes another type of violation of their human rights. In order to protect displaced persons from a situation, in which they are forced to stay at resettlement sites against their wishes, land in the original villages should not be submerged unless and until the resettlement has been satisfactorily completed. A long period of adjustment is required before the final stage of rehabilitation is achieved. While waiting for the oustees to be fully rehabilitated may be administratively difficult, it is certainly possible to allow enough time for significant progress to be made on this front. Repression is often used as an instrument of control of the powerless by the more powerful. Evidence from the field clearly brings out that intimidation, threats and repression have frequently been used to evict people from the dam sites.

The protection of environmental rights as well as human rights needs to be strengthened with the help of various international conventions. A systematic effort has to be made to eliminate routine discrimination against rural residents in central, state/provincial and local laws and policies relating to resettlement in both countries. This will require a comprehensive examination of all relevant laws, regulations and policies, as well as current practice, prior to enacting the necessary legislative and administrative changes. It has to be remembered that dam oustees too deserve to savour the benefits of dams. In this respect, it is extremely vital to have the participation of private or non-governmental organizations, to mobilize both beneficiaries as well as victims of mega-development projects.

It is necessary to look for quick but lasting solutions to the grave drought situation in backward regions rather than pumping all available financial resources into mega-dams. There is need for conservation of monsoon water through reservoirs and use in dry season. Especially, in the GBM region, there is lot of potential resources, which can be used for the whole region, not only preserving water resources but also generating hydroelectric power without much damage to the environment as well as displacement of people. Some of the negative impacts can mitigate if proper steps can take in time, by the respective governments, which can reduce the damage. Some of the measures taken by World Bank have significance in promoting solutions to the problems outlined but need greater thrust in application.

In the light of this discussion there are many number of conclusions that can be drawn. The Gujarat comprehensive rehabilitation policy of Gujarat has serious drawbacks at the implementation level. The idea of converting Gujarat's R&R policy into a national policy is not a healthy sign even though Gujarat's R&R policy is one of the best in the country. Because the SSP special package of rehabilitation policy is not same as to all other two states which were affected by the same project for the displaced people. There is need to have comprehensive National Rehabilitation Policy which will useful for all sorts of affected people without differences that are existed now in various state policies. This reflects the political differences among the states. The Peace Accord in Bangladesh was the first sign that the government had thought of a comprehensive rehabilitation package for the tribals.

The Supreme Court's judgements do not reflect the ground realities and it has given authority to Narmada Control Authority in the matters of providing R&R policies and approvals for heightening of the dams, without taking into account the larger picture. These authorities have issued false clearances and allowed the governments to go ahead with heightening of the dam without providing rehabilitation to the displaced people. Due to this recently the Supreme Court sought proof of the Narmada rehabilitation programmes and asked all the three state governments to inform it about the steps taken to rehabilitate oustees.

Even after more than four decades of Indian independence there is no rehabilitation policy as such for the country as a whole. Till recently, the common central aspect of rehabilitation was the Act for land acquisition formed by the British government in 1894. Moreover, under this Act, there was provision for providing compensation for land but not for the other sources of livelihood such as forest and other common resources. In Bangladesh, too the Chakmas had long to wait before the issue was addressed.

However, there have been a number of disadvantages in the incremental approach in both countries in achieving satisfactory R&R of project displaced people. This approach pursued especially by the government demanded no planning of some basic aspects which are fundamental in implementing R&R, such as a survey of the submergence area, the identification and enumeration of the affected people, an estimate of the number of people affected by the reservoirs, canals and other irrigation structures, and an assessment of the nature and extent of resources and institutional mechanism required for resettlement.



In this approach, there is more emphasis on relocation and not rehabilitation, because the latter requires longer periods of involvement of R&R machinery. According to this strategy, agriculture land, resettlement sites, manpower and money for R&R work has to be identified on a year-to-year basis. This process is beset with a number of problems. Such as, when the land for resettlement has to be acquired from individual farmers, it depends upon the availability and its cost can make much more difference at times. And failure to acquire an adequate portion of resettlement land would put the displaced in uncertain position. In any project, R&R provision on a year-to-year basis cannot meet its needs effectively.

# BIBLIOGRAPHY

## Primary Sources

*Basic International Legal Documents on Refugees*, third edition, UNHCR, New Delhi, 1999.

“Dams and Development: A New Framework for Decision-Making”, *The Report of the World Commission on Dams*, November 2000.

“Draft National Policy for Rehabilitation of Persons Displaced as a Consequence of Acquisition of Land” *Ministry of Rural Development, Government of India*, *Economic and Political Weekly*, (June 15, 1996), pp.1541-1550.

Goldsmith, E, and N Hidlyard, *The Social and Environmental Effects of Large Dams, Volume 1: Overview*, A Report to the European Ecological Action Group (ECOROPA), Cornwall: Wadebridge Ecological Centre, 1984.

Ishaq, Muhammad, (ed.), “Chittagong Hill Tracts”, *Bangladesh District Gazetteers*, Ministry of Cabinet Affairs, Government of Bangladesh, 1971.

*Planning for Prosperity: Sardar Sarovar Development Plan*, Narmada Planning Group, Gandhinagar, 1989.

*Report of the Daud Committee*, Committee to Assist the Resettlement and rehabilitation of the Sardar Sarovar Project-Affected Persons (Narmada River Dam Project), Government of Maharashtra, August 2001.

Tyagi, D, (ed.), *Narmada Basin Land And People*, Anthropological Survey Of India Ministry of Human Resources Development, Government of India, Department of Culture (Calcutta: 1998).

## Secondary Sources

### *Books*

Alagh, Y K, Mahesh Pathak, and D T Buch, *Narmada And Environment: An Assessment* (New Delhi: Har-Anand Publications, 1995).

Alvares, Claude, and Ramesh Billorey, *Damming The Narmada: India's Greatest Planned Environmental Disaster* (Dehra Dun: Natraj Publishers, 1988).

Bahaguna, Sunderlal, Vandana Shiva, and M N Buch, *Enivornmental Crisis and Sustainable Development* (New Delhi: Nataraj Publishers, 1992)

Banerjee, Sumanta, (ed.), *Shrinking Space Minority Rights in South Asia* (Kathmandu: South Asia Forum for Human Rights, 1999).

Barua, B.P, *Ethnicity and National Integration in Bangladesh: A Study of the Chittagong Hill Tracts* (New Delhi: Har-Anand Publications Private Limited., 2001).

Baviskar, Amita, In The Belly of The River: Tribal Conflicts over Development in Narmada Valley (Delhi: Oxford University Press, 1995).

Bhaumik, Subir, Meghna Guhathakurata, and Sabyasachi Basu Ray Chaudhury (eds.), Living on the Edge: Essays on the Chittagong Hill Tracts (Kathmandu: South Asia Forum For Human Rights, 1997).

Dhawan, B D, (ed.), *Big Dams: Claims, Counter Claims* (New Delhi: Commonwealth Publishers, 1990).

Dogra, Bharat, *The Debate on Large Dams* (Delhi: Avon Printofast, 1992).

Dreze, Jean, Samson, Meera Singh, and Satyajit Singh (ed.), *The Dam and The Nation : Displacement and Resettlement in the Narmada Valley* (New Delhi: Oxford University Press, 1997).

Eleftheriadis, Pavlos Z., *The Future of Environmental Rights in the European Union* (Oxford: Oxford University Press, 1998).

Fernanades, Walter and Enakshi, Ganguly Thukral,(ed.), *Development, Displacement and Rehabilitation* (New Delhi: Indian Social Institute, 1989).

Gaan, Narottam, *Environment and National Security: The Case of South Asia* (New Delhi: South Asian Publishers, 2000).

Gaan, Narottam, *Environmental Degradation and Conflict: The Case of Bangladesh-India* (New Delhi: South Asian Publishers, 1998).

Gain, Philip, (ed.), *Bangladesh: Land Forest and Forest People* (Dhaka: Society for Environment and Human Development, 1995).

Gain, Philip, (ed.), *Bangladesh Environment: Facing the 21<sup>st</sup> Century* (Dhaka: Society for Environment and Human Development, 1998).

George, Sudhir Jacob, (ed.), *Intra and Inter-State Conflicts in South Asia* (New Delhi: South Asian Publishers, 2001).

Ghai, Dharam (ed.), *Development Environment: Sustaining People and Nature* (Oxford: Blackwell Publishers/UNRISD, 1995)

Goel R S, (ed.), *Environmental Impacts of Water Resources Development* (New Delhi: Tata McGraw-Hill Publishing Company Limited, 1993).

Govardhan, Veerlapati, *Environmental Impact Assessment of Tehri Dam* (New Delhi: Ashish Publishing House, 1993).

Hart, Henry C, *New India's Rivers* (Bombay: Orient Longmans, 1956).

Hampton, Janie, (ed.), *Internally Displaced People: A Global Survey* (London: Earthscan Publications Ltd., 1998).

Joshi, Vidyut, *Submerging Villages: Problems and Prospects* (Delhi: Ajanta Publications, 1987).

Kalindi, Rajkumari, Chandra, *Land Rights of the Indigenous Peoples of the Chittagong Hill Tracts Bangladesh* (Norwegian Agency for Development Corporation, 1996).

Luk, Shiu-Hung, and Joseph Whitney, *Mega Project: A Case Study of China's Three Gorges Project* (New York: M. E. Sharpe, 1993).

Lama, P Mahendra, *Managing Refugees In South Asia: Protection, Aid, State Behaviour and Regional Approach* (Dhaka: Refugee and Migratory Movements Research Unit, 2000).

Mahapatra, L K, *Resettlement Impoverishment and Reconstruction in India: Development for the Deprived* (New Delhi: Vikas Publishing House, 1999).

Mathur, Hari Mohan, and M Michael Cernea, *Development, Displacement and Resettlement: Focus on Asian Experiences* (New Delhi: Vikas Publishing House, Pvt. Ltd., 1995).

\_\_\_\_\_ and David Marsden, *Development Projects and Impoverishment Risks: Resettling Project Affected People in India* (New Delhi: Oxford University Press, 1998)

Muni, S D, and Lok Raj Baral, (ed.), *Refugees and Regional Security in South Asia* (Delhi: Konark Publishers Pvt Ltd., 1996).

Paranjpye, Vijay and, Walter Fernandes, (ed.), *Rehabilitation Policy And Law In India: A Right to Livelihood* (Pune: Indian Social Institute Econet, 1997).

Rajan, Govind, Mukund, *Global Environmental Politics: India and the North-South Politics of Global Environmental Issues* (New Delhi: Oxford University Press, 1997).

Robertson, A H and J G Merrills, *Human Rights in The World: An Introduction to the Study of the International Protection of Human Rights* (Manchester: Manchester University Press, 1992).

*Sardar Sarovar Project -The Issue of Developing River Narmada*, Current Environmental Issues – I (Thiruvananthapuram: INTACH, 1995).

Sawant, Prakash R, *River Dam Construction And Resettlement of Affected Villages* (New Delhi: Inter-India Publications, 1985).

Singh, Bharat, and H.D Sharma, *Earth and Rockfill Dams* (Meerut: Sarita Prakashan, 1976).

Singh, Chhatrapati, (ed.), *Water Law In India* (New Delhi: The Indian Law Institute, 1992).

Singh, Satyajit, *Taming The Waters: The Political Economy of Large Dams in India* (Delhi: Oxford Press, 1997).

Sudarsen, V and M A Kalam, (ed.), *The Uprooted: Displacement Resettlement Development* (New Delhi: Gian Publishing House, 1990).

Talukdar, S P, *The Chakmas: Life and Struggle* (Delhi: Gian Publishing House: 1988).

*The Chittagong Hill Tracts: Militarization, Oppression and the Hill Tribes Anti-Slavery Society, Indigenous Peoples and Development Series* (Report No. 2, London: 1984).

*The Encyclopedia Americana* Vol. 8, Grolier Incorporated Danbury (Connecticut, 1983).

Thukral, Enakshi Ganguly, (ed.), *Big Dams Displaced People Rivers of Sorrow Rivers of Change* (New Delhi: Sage Publications, 1992).

Vergheese, B G, *Winning The Future: From Bhakra to Narmada, Tehri, Rajasthan Canal* (New Delhi: Konark Publishers PVT LTD. & Centre for Policy Research, 1994).

Whittington D, and C Guarisa, *Water Management Models in Practice: A Case Study of the Aswan High Dam, Developments in Environmental Modeling II* (Amsterdam: Elsevier Scientific Publishing Company, 1983).

### **Articles**

Alagh, Yoginder, K, "Rehabilitation and Relocation Analysis: Comments From an Indian Perspective", *Sociological Bulletin*, Vol. 47, No. 2, (September 1998), pp. 221-228.

Asthana, Roli, "Involuntary Resettlement Survey of International Experience" *Economic and Political Weekly* (June 15, 1996), pp. 1468-1485.

Bhattacharya, B, and M Loganathan, "Social Forces Pervading Narmada Valley Development Project", *Journal of Rural Development* Vol. 8, No. 5, (September, 1989), pp. 485-496.

Banerjee, Sumanta, "Development Projects and Human Rights", *Seminar 451* (March, 1997), pp. 23-26.

Bidwai, Praful, "Sardar Sarovar and The Morse Report: A Damning Indictment", *Social Action* Vol.42, (July-September, 1992), pp.316-327

Cernea, M Michael, "Why Economic Analysis Is Essential to Resettlement A Sociologist's View", *Economic and Political Weekly* (July 31, 1999), pp. 2149-2158.

Cernea, M Michael, "Public Policy Responses to Development-Induced Population Displacements", *Economic and Political Weekly* (June 15, 1996), pp. 1515-1523.

Cernea, M Michael, "Risks, Safeguards and Reconstruction: A Model for Population Displacement and Resettlement", *Economic and Political Weekly* (October 7, 2000), pp. 3659-3678.

Chaplin, Susan E, "Role of the World Bank in India's Narmada Valley Project", *South Asia* Vol. 19, No. 2, (December, 1996), pp. 105-132.

Cullet, Philippe, "Sardar Sarovar Judgement and Human Rights, *Economic and Political Weekly*, (May 5, 2001), pp. 1503-1504.

Das, Veena, "Dislocation and Rehabilitation Defining a Field", *Economic and Political Weekly* (June 15, 1996), pp.1509-1514.

Datta, Chandan, " Narmada Sagar Project: Tragedy of Local People", *Mainstream* (New Delhi) Vol. 27, No. 55, (October 14, 1989), pp. 8-10.

Dietrich, Gabriele, "Dams and People" Adivasi Land Rights", *Economic and Political Weekly* (September 16, 2000), pp. 3379-3380.

Dharmadhikary, Shripad, "Displacement, Development and Large Dams", *Social Change* Vol.31, Nos.1&2, (March-June, 2001), pp.104-109.

Dwivedi, Ranjit , "Resisting Dams and Development : Contemporary Significance of the Campaign Against the Narmada Projects in India", *European Journal of Development Research* Vol. 10 , No. 2, (December, 1998), pp. 135-179.



Dwivedi, Ranjit, "Displacement, Risks and Resistance: Local Perceptions and Actions in the Sardar Sarovar", *Development And Change* No. 30 (1), (January 1999), pp. 43-47.

Fernandes, Walter, "Development Induced Displacement and Sustainable Development", *Social Change* Vol.31, Nos.1&2, (March-June, 2001), pp.87-103.

\_\_\_\_\_, "Power and Powerlessness: Development Projects and Displacement of Tribals", *Social Action* (July-September, 1991), pp.243-270.

Good, Byron J, "Mental Health Consequences of Displacement and Resettlement", *Economic and Political Weekly* (June 15, 1996), pp.1504-1508.

Goyal, Sangeeta, "Economic Perspective on Resettlement and Rehabilitation", *Economic and Political Weekly* (June 15, 1996), pp. 1461-1467.

Ghose, Arabinda, "Tactical Shift on Sardar Sarovar", *Organiser* (February 4, 2001), p.5

Ghosh, Arun, "Narmada: Waters of Despair, Waters of Hope", *Economic and Political Weekly* Vol. 31, No. 11, (March 16, 1996), pp. 643-646.

Iyer, Ramaswamy, " World Commission on Dams and India: Analysis of a Relationship", *Economic and Political Weekly* Vol. 36, No. 25, (June 23, 2001), pp. 2275-2281.

John, Mathew, "Interpreting Narmada Judgement", *Economic and Political Weekly* (August 11, 2001), pp. 3030-3034.

Judge, S Paramjit, "Response to Dams And Displacement in Two Indian States", *Asian Survey*, (September, 1997), pp. 840-851.

Kala, Pablo, "In the Space of Erasure Globalisation, Resistance and Narmada River", *Economic and Political Weekly* (June 2, 2001), pp. 1991-2001.

Kalathil, Mathew, "Satyagraha by Sardar Sarovar Oustees", *Economic and Political Weekly* (March 18, 1989), pp. 553-554.

Kumar, Krishna, "Narmada: State and the People Style of Suppression and Resistance", *Economic and Political Weekly* Vol. 31, No. 39, (September 28, 1996), pp. 2667-2667.

Lama, Mahendra P, "Internal Displacement in India: Causes, Protection and Dilemmas", *Forced Migration Review* 8 (August, 2000), pp. 24-26.

Menon, M S, "WCD Report: A Frame Work for Underdevelopment?", *The Hindu* (August 14, 2001).

Mukta, Parita, "Wresting Riches, Marginalizing the Poor, Criminalizing Dissent: The Building of the Narmada Dam in Western India", *South Asia Bulletin* Vol. 15, No. 2, (1995), pp. 99-108.

Ojha, R.K, "Environment Impact of Narmada Valley: Government of India Guidelines and Safeguards", *Folklore* Vol. 37 (7), No-349, (July 1989), pp. 150-157.

Oza, Nadini, "Marginalisation, Protest and Political Action Tribals and Sardar Sarovar Project", *Economic and Political Weekly* (July 19, 1997), pp. 1790-1793.

Parasuraman, S, "Development Projects, Displacement and Outcomes for Displaced Two Case Studies", *Economic and Political Weekly* (June 15, 1996), pp. 1529-1532.

Patel, Anil, Ambrish Mehta, Sudarashan Iyengar, Trupti Parekh, Rajesh Mishra, "Rehabilitation and Resettlement in Sardar Sarovar Project: Are the Critics Right?", *Social Action* (July-September, 1991), pp.327-344.

Phadke, R S Anant, "A People's Dam" *Economic and Political Weekly* (April 22, 1989), p. 865.

Prajapati, Rohit, "Narmada, the Judiciary and Parliament", *Economic and Political Weekly* Vol. 32, No. 14, (April 5-11, 1997), pp. 693-694.

Ramanathan, Usha, "Displacement and Rehabilitation: Towards a National Policy", *Lokayan Bulletin* (March-April 11-5, 1995), pp.41-56.

\_\_\_\_\_, "Displacement and the Law", *Economic and Political Weekly*, (June 15, 1996), pp.1486-1491.

Rodrigues, Denis, "Another Morvi in the Making?", *Economic and Political Weekly* (April 8, 1989), p.714.

Sandeep, "Will the People of Narmada Valley Ever Get Justice?", *Mainstream* Vol. 34, No. 19, (April 13, 1996), pp. 33-35.

Sangvai, Sanjay, "Re-opening Sardar Sarovar Issue Significant Gain of Narmada Struggle", *Economic and Political Weekly*, (March 18, 1989), pp. 542-544.

Sangvai, Sanjay, "Repression in the Narmada Valley", *Radical Humanist* Vol. 59, No-9 (December, 1995), pp. 28-32.

Sankaran, S.R., "Chakmas In Indian Subcontinent A Struggle For Human Rights", *Indian Journal of Human Rights* Vol. II, No.1 & 2, (1998), pp. 26-62.

Sathe, S.P, "Supreme Court and NBA", *Economic and Political Weekly* (November 11, 2000), pp. 3990-3994.

Sen, Jai, "National Rehabilitation Policy A Critique", *Economic and Political Weekly* (February, 1995), pp. 241-244.

Sims, Holly, "Moved Left No Address: Dam Construction, Displacement And Issue Salience", *Public Administration and Development* (August, 2001), pp. 187-200.

Singh, Awadhesh K and Harode R, " Narmada Through Ages", *Folklore* Vol. 30 (8), No-350, (August, 1989), pp. 175-179.

Singh, Gayatri, "Narmada Valley Project: An Epitome of Modernisation But At What Cost?", *Social Action* Vol-39, No-3, (July-September, 1989), pp. 298-307.

Sinha, B K, "Draft National Policy for Rehabilitation Objectives and Principles", *Economic and Political Weekly* (June 15, 1996), pp.1453-1460.

Souza, D Dillip, Mahesh Gavaskar, and Suresh Rajeshwar, "Bargi Dam: Oustees Pay Price of Development", *Economic and Political Weekly* (November 9, 1996), pp. 2984-2985.

Thukral, Enakshi, Ganguly, "Development, Displacement and Rehabilitation Locating Gender", *Economic and Political Weekly* (June 15, 1996), pp. 1500-1503.

Visvanathan, Shiv, "Supreme Court Constructs a Dam", *Economic and Political Weekly* (November 25, 2000), pp. 4176-4180.

Whitehead, J, "Statistical Concoctions and Every Day Lives Queries from Gujarat Resettlement Sites", *Economic and Political Weekly* (July 10, 1999), pp. 1940-1947.

## **Journals**

*Time* (New York)

*Down To Earth* (New Delhi)

*Economic and Political Weekly* (Mumbai)

*Forced Migration Review*, (Oxford)

*Frontline* (Chennai)

*India Today* (New Delhi)

*Mainstream* (New Delhi)

*Newsweek* (New York)

*Outlook* (New Delhi)

*Refugees*, UNHCR

## **Newspapers**

*The Hindu* (Chennai)

*The Indian Express* (New Delhi)

The Times of India (New Delhi)

## **Web sites**

<http://inweb18.worldbank.org>

<http://irn.org>.

<http://multinationalmonitor.org>

<http://www.bangladeshgov.org>

<http://www.dams.org>

<http://www.earthhopenetwork.net>

<http://www.earthscan.co.uk>

<http://www.ecoman.une.edu.au>

<http://www.globalcentres.org>

<http://www.idpproject.org>

<http://www.mp.nic.in>

<http://www.narmada.org>

<http://www.oneworld.org>

<http://www.rivernet.org>

<http://www.safhr.org>

<http://www.sardarsarovar.org>

<http://www.south-asia.com>

<http://www.unep.dams.org>

<http://www.wfa.org>

<http://www.ywwf.net>