



HOUSING AND LAND RIGHTS NETWORK HABITAT INTERNATIONAL COALITION

15 May 2007

Virginia Bonoan-Dandan
Chairperson
Committee on Economic, Social and Cultural Rights
Palais des Nations
Geneva, Switzerland

Dear Madam Dandan:

We would like to take this opportunity, first, to reaffirm our appreciation for the Committee's unwavering commitment to advance the cause of the human right to adequate housing and land worldwide. This letter represents part of our ongoing effort to support the Committee by reporting on the situation of economic, social and cultural rights, in particular the right to adequate housing and land in India.

We are pleased that the Government of India finally has submitted its long-overdue report to the Committee. In this context, we would like to commend the Committee for its efforts in encouraging India's compliance with its reporting responsibilities as State party to the Covenant.

The situation on the ground, with regards to the respect, protection, promotion, and fulfilment of economic, social and cultural human rights in India, in particular the progressive realisation of the human rights to adequate housing and land, however, remains dismal with violations being perpetuated at multiple levels. This has been emphasized in our letters to you of 4 May 2004, 8 November 2004, 22 April 2005, 18 November 2005, and 5 May 2006. We have consistently noted a disturbing pattern of increased violations and marked retrogressions in adequate living conditions and livelihoods, inconsistent with the obligations enshrined in Article 11(1) of ICESCR.

In light of the Indian Government's failure to issue a report on its treaty implementation, civil society organizations respectfully submitted a report, titled, *Acts of Commission, Acts of Omission: Housing and Land Rights and the Indian State*, in May 2004. Three years later, the realisation of housing and land rights for the majority of India's population has deteriorated further. As part of the current correspondence, we would like to draw the Committee's attention to some particularly egregious violations that we include for the Committee's consideration in the attached annex.

International human rights law obliges India to (1) fulfil the minimum essential level of the right to adequate housing and land, and (2) show that this realization is progressive since becoming a party to the ICESCR. As the Committee has emphasised, neither of these obligations is mitigated by a State party's political processes, domestic legislation, scarcity of resources, or agreements with other parties. The present degree of violations is wholly unacceptable and represents a flagrant dismissal of both India's obligations under the ICESCR and the guiding authority of the Committee.

In addition to this update, soon we also will be sending a list of issues for the Pre-session Working Group, in particular the India country rapporteur, to consider in the review of India.

In cooperation with Indian civil society and advocates of ICESCR-guaranteed human rights, we sincerely support and appreciate international efforts to encourage the realisation of economic, social and cultural rights. We remain committed to assisting the Committee by providing periodic updates on the implementation and realisation of the human right to adequate housing and land in India.

Madam Dandan, please be assured of our highest consideration,



Joseph Schechla
Coordinator
HIC-HLRN

For: *Habitat International Coalition - Housing and Land Rights Network (India)* and its partners: *Aashray Adhikar Abhiyan (AAA), Academy for Mountain Environics, ActionAid, Amnesty International, Andhra Pradesh Dalitha Bahujana Vyavasaya Vruthidarula Union (APDBVVU), Centre for Social Justice, Citizens Initiative, Ekta Parishad, Hazards Centre, Human Rights Law Network, Indcare Trust, India Centre for Human Rights and Law, Kalpavriksh, mines minerals & People, Samata, Muktidhara, Narmada Bachao Andolan (Save Narmada Movement), National Alliance of Peoples' Movements (NAPM), National Campaign for Dalit Human Rights (NCDHR), National Forum of Forest People and Forest Workers (NFFPFW), Navsarjan Trust, Nidan, Vigyan Foundation, and Youth for Unity and Voluntary Action (YUVA).*

Ongoing Violations of the Human Rights to Adequate Housing and Land in India

Update to the Committee on Economic, Social and Cultural Rights

15 May 2007

1. Violence and Death in Nandigram over Forceful Takeover of Farmland

Nandigram, in the east Indian state of West Bengal, has been the site of protest against land acquisition since the notification of a Special Economic Zone (SEZ) in the neighbouring port at Haldia.

On 31 July 2006, the State Government of West Bengal signed an agreement with an Indonesian company of the Salim Group, which included the creation of a Special Economic Zone (SEZ) in Nandigram for setting up a large chemical production plant covering approximately 4,000 to 8,000 hectares of land. The project is estimated to displace around 40,000 to 100,000 villagers, mainly small and marginal farmers, sharecroppers and agricultural labourers who depend on the fertile lands to grow paddy and vegetables for personal consumption, and a cash crop, betel leaves (*pan*). Without access to these lands, their livelihoods and the realisation of their right to food would be jeopardized in the absence of alternative livelihood opportunities and adequate rehabilitation. Approximately 80% of the population of Nandigram is claimed to belong to scheduled caste and minority communities who lack adequate access to education, health and other social services.

In January 2007, violent clashes erupted in Nandigram between members of the local Krishijami Raksha Committee (Save Farmland Committee) and persons linked with the Communist Party of India-Marxist (CPI-M), the ruling party in West Bengal. It is reported that, on 3 January 2007, the police attacked a peaceful demonstration, which resulted in at least four injuries. On the night of 6 January, an unidentified group attacked two villages (Sonachura and Tekhali) with bombs and guns, while the police refused to intervene. At least eight people, including children, died in January, while at least 20 others were injured.

On 14 March 2007, Nandigram witnessed more violence, bloodshed and death. Reports indicate that shortly after midnight, a force of around 5,000 men, consisting of state police, Rapid Action Force, Eastern Rifles and other West Bengal state security forces, entered the villages of Sonachura and Bhangaberia and fired tear gas and bullets against a group of protesters, mainly women who were trying to prevent their entry by forming a human shield. Over 15 villagers were killed and around 100 seriously injured in the ensuing firing. Reports also indicate that many women in the villages were raped and that huts were demolished and burned down by police forces and state government forces.

On 29 April 2007, Nandigram witnessed violence again, which resulted in the death of two persons.

In the wake of widespread dissent and organized resistance by the villagers, the Government of West Bengal has announced plans to revoke the creation of the SEZ in Nandigram, though claims it will be set up nearby.

In the absence of the consent of villagers, the takeover of agricultural land for the establishment of SEZs has generated widespread protests across India. In response to the resistance, the government has revised the SEZ Act 2005, making land acquisition the task of private companies rather than the state. This has, however, only created greater dissent as it absolves the state of its responsibility to uphold the rights of its citizens.

2. Struggle against POSCO, Orissa

Posco (Pohang Steel Company) the world's fifth-largest steel company, based in South Korea, signed a Memorandum of Understanding (MoU) with the Government of Orissa to set up a steel plant at Paradeep with a total investment of \$12 billion (Rs. 52,000 crore¹). It is supposedly the largest foreign direct investment in India. According to the MoU, the project involves building of a 12 million tonnes per annum (MTPA) integrated steel plant and a captive port in the Ersama Block of Jagatsinghpur district, Orissa. The Government of Orissa will grant POSCO mining lease rights for 30 years that will ensure an adequate supply of 600 million tonnes of iron ore to POSCO.

The construction of the steel plant and captive port are expected to have far-reaching socioeconomic and environmental impacts. As a result, there has been growing opposition to the project in the project-affected area as well as the state in general. The proposed plant and port will adversely affect 11 villages and hamlets in three *Gram Panchayats* (village councils) in Jagatsinghpur district, namely Dhinkia, Nuagaon and Gadakujang.

4,000 acres of land have been earmarked in Ersama block of Jagatsinghpur district for the purpose of setting up the steel project and associated facilities, including the port and a storage yard for coking coal by the company and the government. The land that would be required for the railway, road expansion and mines is not included in this.

A recent report of a four-member independent fact-finding team² states that a large section of the people in the villages to be affected by the proposed steel project fear they will lose their critical sources of livelihood as a result of land acquisition for the project. According to this report, POSCO estimates that 450 families are to be displaced. However, as per the local leadership of the movement against POSCO more than 4,000 families and a population of around 22,000 will be affected by the project. These include all those persons directly dependent on the betel vine cultivation, pisciculture,³ cashew nut cultivation and fishing in the Jatadhari Muhana, the proposed site of the port.

Since June 2005, Jagatsinghpur district, in Orissa, has witnessed frequent protests against the plant. In February 2006, protestors set up barricades in the area where the plant is to be established and have prevented officials from entering several villages. The area witnessed violence in February 2007 at the time of local elections. Since then, farmers in Jagatsinghpur have been regularly protesting against their proposed displacement by the state government.

Tension has been high in Jagatsinghpur district since the first week of April 2007, after 1,000 officers of the state police force encircled Dhinkia, Nuagaon and Gadakujang, apparently preparing to enter the area. Villagers opposed to the steel plant are worried

¹ A crore is an Indian unit of measure equal to ten million (10,000,000).

² Report of independent fact-finding mission on POSCO:

http://www.ncasindia.org/public/whatnew/sez/fact_finding_report_posco.pdf

³ The breeding, hatching, and rearing of fish under controlled conditions.

about state-sponsored violence against them, given the recent violence in Nandigram in the neighbouring state of West Bengal as well as in Kalinga Nagar in Orissa, where in January 2006 police shot down 13 tribals protesting industrial development on their lands. Fearful of the consequences of allowing government surveyors access to their lands, villagers of Dinkia, Nuagaon and Gadakuchang have barricaded themselves inside their villages, thereby restricting public access to the proposed project areas.

On 15 April 2007, a public hearing on environmental clearance for the steel plant and the captive port was held. It was reported in local newspapers that more than 20,000 people from the three affected *gram panchayats* (local councils) boycotted the hearing organised at Kujanga dubbing it a “farce.” The fact that the Orissa government deployed several platoons of armed paramilitary forces in the Jagatsinghpur District on 9 April, six days before the hearing, probably also had an impact on the low turnout.

On 18 April 2007, hundreds of children from Dinkia, Patna, Gobindpur and other villages marched through the streets, chanting slogans such as “Posco Hatao, Ama Bhitamati Bachao” (“drive away POSCO, save our land”). Amid this ongoing resistance, pressure continues to build on the state government at all levels to expedite the implementation of the project. In a meeting with Orissa Chief Minister Naveen Patnaik on 19 April 2007, Prime Minister Manmohan Singh asked the state government to expedite the land acquisition for the project. The situation in Jagatsinghpur continues to be tense.

3. Slum Evictions in Patna, Bihar

Bandar Bagicha Slum Burnt by Police

Police in the east Indian state of Bihar burnt thatched huts of Bandar Bagicha in the heart of the capital city of Patna, on 21 November 2006, in order to evict 274 families of slum dwellers from “Khas Mahal” situated on government-owned land. The police arson rendered homeless over a thousand people, including elderly persons, women and children, forcing them to spend winter nights under the open sky.

Under the guise of removing encroachments on government land, the police tried to bulldoze the slum, on 19 and 20 November 2006. However, they failed because of firm resistance of the slum dwellers organized under the banner of Jhuggi Jhopadi Sangharsh Morcha (JJSM) and Ashray Bachao Andolan (ABA), a subsidiary of “Nidan” (Patna, Bihar). Given this situation, the police resorted to arson and violence to evict the slum dwellers, on 21 November 2006.

Situated behind the sprawling Bankipur Jail, the marshy government-owned land of Bandar Bagicha was occupied, developed with landfill, and settled on by slum dwellers 12 years ago. The occupants belong to Muslim, Dom, Kahar, Kurmi, Lohar, Chamar, Sonar, Paswan, Bania and other Dalit and backward castes. They left their former villages in search of livelihood, as they had no land or any other means of subsistence. Most of them are labourers, while some are vendors. The eviction has uprooted them and rendered them homeless. In the absence of alternative housing sites, they are not prepared to leave Bandar Bagicha. The government, however, plans to use the land to build a “Buddha Eco[logical] Park” for the elite of the town at the cost of these slum dwellers.

Nearby, rich people have occupied a large plot of government-owned land, “Khas Mahal,” ostensibly on a lease, but the government has taken no steps to evict them, even though the lease expired long ago.

Jawaharlal Nehru National Urban Renewal Mission

Evictions across the city of Patna are being carried out under the auspices of the Jawaharlal Nehru National Urban Renewal Mission (JNNURM). Under the guise of “urban renewal” this central mission aims at acquiring thousands of acres of land for land developers and real estate dealers. Slums are the first target. All 72 slums of Patna town, scattered across every ward of the Municipal Corporation, inhabited by over 500,000 slum dwellers, constituting almost a third of the town’s 1.8 million population, are thereby threatened by the JNNURM. Not only slum dwellers, but many other sections of poor and lower-income groups also face threats of being pushed out of the city in order to apparently “reduce the burden of population on modern urban infrastructure.”

The Government of Bihar seems to be in a hurry to implement the JNNURM, so as to receive large amounts of money from the central government in the name of developing Patna into a “world class city.” The City Development Plan, a prerequisite for receiving JNNURM funds, has been prepared hastily, without people’s participation and adequate consultation.

In order to fulfil one of the conditions of the JNNURM, the Government of Bihar abolished the Urban Land Ceiling Act (1976) in April 2006. That Act had enabled slum dwellers to occupy vacant government land. They were enrolled as voters and given ration cards that amounted to legal recognition of their housing rights. With the annulment of the Urban Ceiling Act, all their rights have also been negated.

Organized Resistance

Local NGOs have been organizing and working with slum dwellers under the banner of Ashray Bachao Andolan (ABA) with the specific purpose of protecting people from the assault of the JNNURM. ABA, in alliance with the JJSM, which has been organising struggles of the slum dwellers for a long time, has prepared a short-term and long-term programme of creating awareness among and mobilising slum dwellers. As a result of this sustained campaign, Uday Narayan Choudhary, speaker of Bihar Vidhan Sabha and Ashwini Kumar Chaube, Minister, Urban Development, Government of Bihar, agreed to attend a slum dwellers’ convention, on 9 December 2006. The Minister announced that no slum would be evicted, and if any slum were to be evicted for development purposes, it would only be done only after rehabilitating the evictees. The slum dwellers in turn resolved not to vacate any slum before being rehabilitated with basic amenities and adequate housing within three kilometres of their original habitation.

Surprise Attack on T. V. Tower, Bahadurpur Slum

The Urban Development Minister, however, did not keep his word to refrain from evicting any slum before rehabilitating the evictees. Instead, on 13 January 2007, he opted for a surprise attack on T.V. Tower, Bahadurpur slum, without serving any prior notice.

Some 200 families had been residing by the side of a drainage canal for over 25 years in Bahadurpur. They are daily wage labourers. On the fateful day, most of the people had gone to work. Only the elderly and children were at home. A Circle Executive Office of the Patna Municipal Corporation (PMC) appeared in the slum and orally notified them one hour in advance to vacate the place with the excuse that flowers and plants had to be grown on that piece of government land.

Elderly men and women pleaded with the officials not to evict them in the cold winter season, as they had no shelter other than their thatched huts. Their pleas, however, were in vain, as the municipal corporation bulldozed all the huts.

Thereafter, workers of the JJSM and ABA helped the evicted slum dwellers to arrange for food and cooking utensils, and it was decided that they would not vacate their land until an alternative site for rehabilitation was provided. In the absence of state support and any rehabilitation, the evicted families decided to reconstruct their huts on the same piece of land even though they face ongoing threats by government officials.

4. Slum Demolitions in New Delhi

The capital city of New Delhi continues to face large-scale forced evictions and slum demolitions. Most of these are carried out under the guise of “urban renewal,” “development” or “city beautification.” Slum dwellers are consistently labelled as “encroachers” and judicial orders issued by the High Court and the Supreme Court drive the majority of recent evictions, which take place in violation of India’s international and national constitutional legal obligations.

Shankar Garden slum cluster, consisting of 1000 families is situated in Vikaspuri in West Delhi. The families have been living there since 1975 and possessed the required legal documents to prove their residence. On 3 January 2007, the Municipal Corporation of Delhi (MCD) demolished around 200 households on grounds of a High Court order for violating the “right of way.” The residents, however, did not receive any notice or information of such an order. Earlier on 29 November 2006, an eviction in the same cluster had been prevented with the support of activists and campaigners.

According to the High Court order, the slum had to be demolished in order to clear a 45-foot road that passed through the settlement. The families, who had been living in this slum for the last 40–45 years, had never seen any sign or demarcation that identified the land as an MCD road. As per the MCD, the layout plan of Shankar Garden was approved in 1957, which included this transit road.

The municipal authorities did not inform the people either of the demolition or of any form of alternative housing arrangement in the wake of the demolition. The date 3 January 2007 was another normal day for the community, and most of the residents had gone to work. Around 3.00 PM, two bulldozers reached the site and people were asked to vacate the premises. It is reported that the police and the MCD started the demolition within half an hour after they arrived at the site, without giving people adequate time to collect their belongings from their homes.

The bulldozers ruthlessly destroyed the small huts that had been built by residents over many years of hard work and saving. In this cruel process, a 12-day-old child, son of Pooja and Pappu of House No. 144 of the colony, died inside the house. According to the community, the child was sleeping inside the house when the bulldozer demolished it. The 20-year old mother was not even given enough time to rescue her baby from the house. The police, however, insisted that the baby died a natural death.

This abrupt and illegal demolition drive continued till midnight, also in contradiction of human rights standards that mandate that evictions must not be carried out at night. Furthermore, residents report that the drivers of the bulldozers were drunk.

MCD had planned to evict people from the 40metre stretch of land, which the officials claim was an MCD road. Instead of the stated demolition, they destroyed more than 120 metres of space, demolishing more than 280 huts in the process. The huts were uprooted when all were assured that no eviction would take place in the winter season. The demolition drive also left most of the evicted families homeless. While some of the affected families have moved in with relatives in other parts of the city, others moved back to Shanker Garden in the absence of any other alternative.

On Monday 16 April 2007, officers of the Vikaspuri police station informed the residents of Shankar Garden that they would have to vacate their homes again. In the absence of any official written order from any of the responsible agencies, the people were startled with this information. Some of the youth from the slum visited the area MLA (Member, Legislative Assembly) and requested his support in preventing the demolition but did not receive any. On 17 April 2007, some residents of Shanker Garden visited the office of the Deputy Commissioner (DC), West Zone, MCD, and Deputy Commissioner of Police (DCP), West. The DCP confirmed that police force had been requested for the demolition. The DC said that the houses located on the road would be cleared. It is reported that he also said that there was no need to inform the families living in the slum as they had "encroached on government land."

On 19 April 2007, 80 houses in Shankar Garden were again demolished without any written notice from the MCD. The ground for the demolition was the earlier High Court order calling for clearance of the MCD road. According to the community, however, the road is a dead end, and it was not clear why a second demolition was being carried out under the same order. The eviction was accompanied with a large police force of 942, consisting of officials from the Central Reserve Police Force, Rapid Action Force and the Delhi Armed Police. Though no force was used against the residents, as in the January eviction, people were not given adequate time to collect their personal belongings. The demolition again, rendered all the evicted homeless in the absence of any rehabilitation or compensation from the government.

The Shankar Garden demolition is just one of many such illegal demolitions taking place in Delhi. Municipal authorities, in collusion with the police, generally carry out such demolitions in haste and in complete violation of basic human rights and legal standards, including the absence of written notification or information of the eviction to the affected community, a lack of consultation with community members and the complete absence of compensation, rehabilitation and alternative housing for the evicted. Such demolitions are often accompanied with violence, leading to injury, loss of property and documents, and sometimes death.

Demolitions and forced evictions of this nature need special attention since families lose their assets, homes, access to basic services and livelihoods and also their legal documents such as voter cards and ration cards, in the absence of which. This has severe long-term psychological and social impacts. Also it is important to note that procedural formalities, including a survey and other identification of affected families were not done in these cases, which results in people being deprived of their right to resettlement.

Over the last six months, families living in the slums of Nizamuddin Basti, Chand Nagar, Nangla Machi and Wazirpur in Delhi also faced forced evictions and demolition of their homes. In the absence of adequate rehabilitation and alternative housing, the majority of these families have had to fend for themselves, while many have been rendered

homeless. The evicted families should immediately be provided alternative adequate housing and adequately rehabilitated.

5. Human Rights Violations in Slum Settlements in Lucknow, Uttar Pradesh

(a) Eviction of Aliganj Slum

On 9 February 2007, the Lucknow Development Authority (LDA) brutally evicted a six-year-old slum settlement, consisting of 150 households, without prior notice. The slum was located on land owned by the Raja Ram Mohan Roy Trust. A case regarding ownership of the property was pending in court.

Without any prior notice, LDA officials came and bulldozed the houses of the settlement, preventing inhabitants from rescuing their belongings. A 5-year-old girl was killed during the demolition, as she could not move out in time. Despite protests, the evicted slum dwellers have not been rehabilitated. Currently most of them have started living in temporary shelters at the same site as the LDA has withdrawn temporarily due to public pressure. A legal case is being fought for their right to return and live on that land.

(b) Sikander Nagar Eviction Case

The process of forced eviction of Sikander Nagar slum, a more than 25-year-old settlement of over 200 families, commenced in May 2006. It was reported that the slum was to be evicted due to some development work, which involved laying sewer lines by Jal Nigam under the "Gomti Action Plan." In order to confirm this, the residents filed an application under the Right to Information Act. Meanwhile, however, city authorities sent bulldozers to the slum twice, but due to strong public resistance, had to withdraw. Following a subsequent High Court order, 35 houses were forcibly demolished, on 3 August 2006.

In reaction, the people approached the District Magistrate and appealed for restitution. The High Court, instead, issued an order to deprive the "illegal" occupants of the slum of all basic services they had been enjoying for years. The court further ordered the cancellation of their names from the voters' list, as well as ration cards.

The people collected Rs. 80,000 overnight and filed a case against the authorities in an appeal for a stay order. A number of hearings ensued since then, but no final order has been given. The case is still pending in the court. The next hearing is scheduled for 22 May 2007.

Though the people still have their names on the voter list and, while other amenities have also been restored after a short period of suspension, the primary issue is the nature of forced evictions and the judiciary abuse of the people by the issuance of orders that deprive inhabitants of their basic human rights by labelling them as "illegal occupants."

6. Forced Evictions in Mumbai

The city of Mumbai continues to face ongoing forced evictions without any rehabilitation of the evicted slum dwellers. The massive evictions during 2004–05 rendered over 92,000 families homeless. Although the government promised to extend the "cut-off date" by legalizing all slum dwellers who arrived in the city before 1 January 2000, until now no Government Order has been passed to implement this decision. The survey of slum

dwellers that the government promised to undertake has also not been completed, and there has been no rehabilitation whatsoever of the evicted. In many places, people have had to occupy their original house sites and land again, but in the absence of a Government Resolution to guarantee them with security of tenure, they continue to live in constant threat of forced eviction.

Apart from this legal and administrative lapse, three major projects are contributing to the massive displacement of the city's working population. These include the Mumbai Urban Transportation Project (MUTP), Mumbai Urban Infrastructure Project (MUIP) and the Mithi River Development Project. Rehabilitation is supposed to be a major component of these projects, but in the event of displacement, a range of other issues remain unaddressed such as the nature of rehabilitation, the loss of livelihoods of the displaced, difficulties in finding sustenance in new areas, noninclusion in the rehabilitation package due to eligibility (1995 is still the "cut-off date" for development projects other than MUTP), and other types of exclusion, which include noneligibility for people who have transferred their property.

Major evictions in Mumbai in the last six months

(a) Netaji Nagar and Kamraj Nagar, Ghatkopar

On 24 April 2007, the city government demolished over 200 houses at Netaji Nagar and about 200 houses at Kamraj Nagar, Ghatkopar.

It has also been reported that, on 25 and 26 April, an employee of Anvil Company was found dumping debris in the Reti Bunder Nala, which is a tributary of the Mithi River. The dumping and reclaiming of land is being carried out illegally in violation of the rules, in the absence of permission from concerned authorities, while also posing a threat to the environment. Dumping debris in the canal also creates potential dangers of flooding during the monsoons, and threatens a small patch of mangroves, in violation of the orders of the Mumbai High Court and Environmental Protection Act 1996.

(b) Ambujawadi

On April 17 2007, city authorities demolished around 450–500 houses in Ambujawadi. The Ambujawadi area was allocated for the rehabilitation of those evicted from Babrekar Nagar (Kandivelli), on 14 July, 1997. The land, however, was occupied by another group. This resulted in conflict between the communities. The original residents of Babrekar Nagar filed a case for access to the land in Ambujawadi. A recent court order ruled in their favour, which resulted in the demolition of homes of the original inhabitants who displacement without any rehabilitation.

(c) Maharashtra Nagar

City authorities demolished about 150 houses in Maharashtra Nagar, on 23 April 2007. This was the second demolition faced by the community, as they were earlier evicted from the same site during the 2004–05 Mumbai evictions. In the aftermath of the demolitions, however, people returned and reoccupied the land and commenced living in the same area. Reports indicate that the community is facing threats of a collective notice for demolition.

(d) *Ambedkar Nagar, Tardeo*

In another instance of forced eviction, residents of Ambedkar Nagar, Tardeo thwarted a November 2006 attempt to illegally remove them from the quarters they had been staying in. The residents belonging to Waghela (Dalit community) from Gujarat, are conservancy staff workers of the Mumbai Municipal Corporation who have been residing there for the last many decades. The project is intended to generate a profit of Rs. 12,000 crores (Rs. 120 billion) for the builder conglomerate consisting of DLF, Akruiti Nirman and Shapoorji Palanji Builders. The project is being implemented in violation of the Environmental Protection Act and in contradiction of a Stop Work Notice issued by the railway authorities to the builders. One of the buildings was demolished in June 2006 and when a legal notice was served to the authorities by people's organizations, it was revealed that the builder and the local police station had carried out the demolition illegally.

(e) *Other Evictions*

There have also been forced evictions in the areas of Jai Ambe Nagar, Chembur; Rafi Nagar, Govandi; and Juhu Galli, Andheri. Jai Ambe Nagar consisted of 100 homes along a roadside that have been regularly bulldozed. The 100 families are from the Pardhi community, a nomadic tribe, and have been engaged in labour work for the Mumbai Municipal Corporation for the last many years. The residents of Rafi Nagar were evicted in order to construct a cemetery on the land. Juhu Galli, Andheri, is a settlement consisting of more than 3,000 families. Builders in connivance with the Collector and Slum Rehabilitation Authority have been carrying out demolitions forcibly and illegally in the area, while forging documents and indulging in other such malpractices.

After a long people's struggle, city authorities promised to rehabilitate slum dwellers who had arrived in Mumbai prior to the year 2000, as per the election manifesto of the Congress (I) Party. Though the government commenced with a survey of slum dwellers, that has not been completed, and only a few of the families have been given alternative housing plots.

Legal and Policy Framework

In October 2006, the Bombay High Court ordered the Maharashtra Government to acquire 1,009 acres of land under the Urban Land Ceiling Act, by March 2007. Meanwhile the Cabinet has taken the decision to repeal the Act ostensibly under pressure from the World Bank (WB) and in order to avail funds from the central government under the Jawaharlal Nehru National Urban Renewal Mission (JNNURM), which is being implemented with technical assistance and loans from the Asian Development Bank (ADB). This venture with WB/ADB is leading toward privatization of basic services in urban areas, as well the privatization of urban planning. This is evident in the fact that the City Development Plan (CDP) of Mumbai has been formulated by a private consulting firm, McKinsey International. In Mumbai, more than 15,000 acres of land are illegally held by landholders, violating the provisions of the Urban Land Ceiling Act, which if acquired, would be sufficient to house the several thousand low-income and middle-income families.

The nexus of builders-politicians-bureaucrats was once again exposed when it was discovered that twin 60-storey buildings are being constructed in violation of the law at Tulsiwadi. The towers are supposedly the tallest in the country and surprisingly are being constructed under the guise of a project to resettle slum dwellers. The minimum cost per flat in these buildings has been quoted to be to the tune of Rs. 10 crores (Rs. 100 million), and has gone up to Rs. 45 crores (Rs. 450 million). Documents obtained under the Right to Information Act have made the violations clear, as the towers have been constructed on

a 12-metre-wide road that is reserved under the Developed Plan of the city. The National Alliance of People's Movements (NAPM) has served legal notice to the Slum Rehabilitation Authority, municipal authorities and the builders (Shapoorji Palanji). While the government has been ordering demolitions of slums under the pretext of them being "illegal," such actual illegal constructions are rarely challenged.

The Slum Rehabilitation Scheme has been under the scanner of various investigation agencies like the Anti-Corruption Bureau, Economic Offences Wing, as well as the courts. Few officials of the Slum Rehabilitation Authority were even arrested, and an enquiry is being conducted in to 100 such projects by the Anti-Corruption Bureau under the orders of the Mumbai High Court.

In November 2006, a draft Housing Policy for the state of Maharashtra was declared. This is explicitly geared toward privatization of the housing sector. This draft was prepared even though the report of the Chief Secretary Committee, which was formed under directions of the Mumbai High Court to formulate a policy for affordable housing for the poor of the city, has still not been submitted to the Court.

7. Plight of Internally Displaced in Gujarat

Five years since the 2002 communal violence in the state of Gujarat, in which more than 2,000 people were killed, survivors continue to face discrimination in housing as well as serious challenges and obstacles in securing justice. An estimated 250,000 individuals were displaced as a direct result of the 2002 violence against the Muslim community in Gujarat. The vast majority of them has reportedly left the state, or has moved to other mostly Muslim localities within the state. An approximate 5,000 families are still living in what are being referred to as "relief colonies" in four districts of Gujarat: Panchmahals, Sabarkantha, Dahod, Anand, and in the cities of Ahmedabad and Vadodara. According to the latest update done in January 2007, 69 such relief colonies still exist in the State of Gujarat.⁴ These colonies do not have basic amenities, nor are they officially recognised by the Government of Gujarat. NGOs in Gujarat report that internally displaced people are still living in these camps in spite of the Government insisting that these camps have been shut down after all aid to the camps was officially suspended on 30 June 2002.⁵

According to a recent report "The Uprooted: A Document on the State of the Internally Displaced in Gujarat," all the camps have been constructed with resources contributed by resident camp dwellers and local NGOs. Most of the camps do not have electricity. Inadequate sanitation is a common complaint, which has resulted in gastrointestinal problems across the sites. Widows, orphans and single spouses in the camps are not receiving adequate attention.

Over the last five years, these camps have become permanent places of residence for those who are too frightened to return home. According to a survey conducted by *Aman Biradari*, there are 14 colonies that contain up to 15 families, about 15 colonies with 31–50 families, a further 15 colonies with 51–100 families, while the largest six colonies have 151–210 resident families.⁶ Most of the survivors living in these colonies lost land, housing, cattle, agricultural implements and other means of livelihood, and have not

⁴ *The Uprooted: Caught between Existence and Denial – A Document on the State of the Internally Displaced in Gujarat*, Centre for Social Justice and Anhad, February 2007.

⁵ Ibid.

⁶ *India: Five Years On - The Bitter and Uphill Struggle for Justice in Gujarat*, Amnesty International, March 2007. <http://web.amnesty.org/library/Index/ENGASA200072007?open&of=ENG-IND>

received adequate compensation and reparation, or restitution of their human rights.

The response of both the State Government of Gujarat and the Government of India has been disconcerting. The Government of Gujarat has not taken adequate measures to ensure the safe return and reintegration to the displaced people's habitual residence. The delay in acting on the findings of the National Commission of Minorities on the conditions prevalent in the relief colonies, and the failure to encompass the broad experiences of survivors in the framing of the Communal Violence Bill further reflects a glaring neglect of their human rights.

In October 2006, for the first time in five years, India's National Commission of Minorities (NCM) visited these relief colonies following an official complaint by Gagan Sethi from the Centre for Social Justice, an Ahmedabad-based human rights organization and Delhi-based social activist, Farah Naqvi.

The NCM's findings contested the Government of Gujarat's claim that all those displaced by the violence had been adequately rehabilitated.⁷ The NCM's report submitted to the Government, pointed out that:

- large numbers of internally displaced Muslim families in Gujarat were living in subhuman conditions in colonies entirely constructed by NGOs;
- abject poverty prevails in these colonies;
- these colonies lacked basic civic facilities including potable water, sanitation facilities, electricity, access to health services and education etc;
- the majority of families in the colonies were destitute but were given Above Poverty Line cards by the state authorities rather than being given Below Poverty Line cards, which entitles them to food grains, cereals, kerosene and other basic consumer items at subsidized rates;
- residents of these colonies were "frustrated by their inability to earn their own livelihood and to support themselves in the manner to which they were accustomed," and are finding it extremely difficult to survive;
- families were living there not by choice but because they were too frightened to return to their original place of habitation;
- even in these colonies, there was an air of insecurity and hostility from state agencies including the police.⁸

The NCM report also asserted that:

- the Gujarat government had failed to provide a safe environment for these people or facilitate their return to their homes;
- there has been no support from the state to compensate them for their loss of habitual place of residence.

The NCM also recommended that the Government of India:

- urgently provide a special economic package for the rehabilitation of those families living in camps and called on the Government of Gujarat to ensure that basic amenities are provided in the camps;

⁷ For a summary of the National Commission of Minorities findings on its visit to Gujarat in October 2006, see: www.ncm.nic.in/pressnote.pdf. Also see, *The Uprooted: Caught between Existence and Denial – A Document on the State of the Internally Displaced in Gujarat*, Centre for Social Justice and Anhad, February 2007.

⁸ See *India: Five Years On – The Bitter and Uphill Struggle for Justice in Gujarat*, Amnesty International, March 2007. <http://web.amnesty.org/library/Index/ENGASA200072007?open&of=ENG-IND>

- formally recognize those displaced as a result of the violence as internally displaced persons;
- draft a policy to deal with the displacement of individuals as a result of communal as well as other types of conflict.⁹

The Gujarat government has failed to provide full or, in most instances, any, reparations to victims and their families, including restitution, rehabilitation, satisfaction and guarantees of non-repetition, in accordance with international standards. This includes the failure to adequately recompense those families whose houses were partially or completely destroyed during the 2002 violence.

8. Violation of Tribals' Land Rights in Chhatisgarh¹⁰

The *Panchayat (Extension) to Scheduled Areas Act (PESA)*, 1996, enables tribal societies to assume control over their lives and to preserve and conserve their traditional rights over natural resources. The Act specifically debar any kind of transfer of tribal land (within Scheduled Areas) without the approval of *gram sabha* (village council) and other institutions of tribal self rule.

The State of Chhatisgarh has a tribal population of 34%, with one-third of the state falling within jurisdiction of tribal self-rule areas or PESA areas. There have, however, been extensive violations of PESA in the state, especially in natural-resource-abundant areas.

In the large Raigarh district, coal mining is rampant. Most of the coal mines fall within Scheduled Areas and were created after the enactment of PESA, in direct contradiction to its provisions. A similar case is seen in the villages of Gharghoda *tehsil* where 29.6 hectares of land have been allocated for the construction of a power plant by the company Jindal Steel and Power Limited (JSPL). Villagers' protests and objections of *gram sabhas* have been ignored by the Madhya Pradesh Government to ostensibly promote "economic development" in the area.

The 52 *panchayats* of the Scheduled Area of Tamnar unanimously passed a resolution that the villagers would not give up their land for the construction of the power plant. Despite this registered dissent, lands of the tribals were sold under fallacious terms, and almost all the common property land in the area, around 2000 acres, is now under the direct control of JSPL.

In its plan for expansion in Saraipali, JSPL has completely bypassed critical environmental norms. JSPL started construction at the proposed site even before it received clearance from the Ministry of Environment and Forests (MoEF). After opposition from local groups and movements, the company carried out an environment impact assessment (EIA) but that too was claimed to be skewed. Ecologically sensitive habitats like national parks, biosphere reserves, wildlife sanctuaries, archaeological monuments, health resorts and defence installations within the 25-kilometre radius of the site were not mentioned in the EIA report, which facilitated the grant of a clearance order for the company from MoEF.

An investigation team consisting of NGOs and social movement representatives found several cases in Raigarh district, where proceedings regarding land acquisition were not

⁹ Ibid.

¹⁰ Based on information provided by Ekta Parishad, 2007.

clear. Such instances have also been seen in the villages of Rabo, Kalami, Aamapali, Dokramuda, Vilaskhar, Harradih, Gadgaon, Charratagar, Dehradih, Barbhona Pakhadraha Poonjipathra, and Saraipali where the administrative machinery has facilitated land grabbing by private mining companies and other development projects, thereby violating the provisions of tribal self rule.

There has been tremendous pressure from peoples' organizations and movements to resolve disputes regarding land grabbing by industries. Bowing to this pressure, the government agreed to create a Land Dispute Board in November 2004 to resolve matters, but this has still to come into operation. Meanwhile, violations of tribals' land rights and of PESA continue unchecked in the state of Chhatisgarh.

9. Women's Struggle for Land in Uttar Pradesh

Around 4,000 landless tribals from 70 panchayats of Tyothar *tehsil*, Rewa district, Madhya Pradesh have staged a *dharna* (sit-in) on 168 hectares of land (Ghataya beat, Raja Bandh), in order to reclaim land that once belonged to the *gram sabha* (village council). All land in the area was agricultural land and was recorded as *gram sabha* land in 1969. However, by illegally declaring it as "forest land" a large population of tribals was evicted and, thereby, deprived of their land.

On 7 April 2007, reports claim that police illegally arrested ten people for demanding their land rights. It was also reported that members of the upper castes in the surrounding areas tried to throw a bomb on the struggling people in order to sabotage their struggle.¹¹

10. Police Fire on Tribals in Madhya Pradesh

On 19 April, 2007, police opened fire on 4,000 *adivasis* (tribals) in Ghateha village in Teothar *tehsil* in the Rewa District of the state of Madhya Pradesh in India under the supervision of the Divisional Forest Officer (DFO), and police officers. They also committed atrocities against women, children and members of the *Birsa Munda Bhu Adhikar Manch*, an affiliate of the National Forum for Forest Peoples and Forest Workers.

The tribal villagers had taken possession of a piece of forest land, which was denotified in 1974 and then claimed back by the Forest Department, thereby suddenly labelling the forest dwellers as "encroachers."

The struggle for this land gained ground during the past few months and around 1,500 families moved onto the land and built temporary shelters and huts. It is reported that the Divisional Forest Officer (DFO) and other forest officials had been threatening the tribals, and on 5 April 2007, 15 villagers were formally charged, and nine of them were jailed.

It is reported that, on 17 April 2007, forest officials and police threatened the tribals with dire consequences if they did not leave the land. The next day, the District Collector of Rewa came to the village and started negotiations with the villagers, assuring them that they would be compensated with land after ascertaining the nature of the land under contention.

¹¹ Information source: National Forum for Forest Peoples and Forest Workers (NFFPFW).

On the morning of 19 April 2007, however, the DFO and the district police started mobilizing a formidable police force in the village and, after surrounding the area for five hours, started firing tear gas shells followed by assault with batons (*lathi charge*) and firing. Officials are reported to have beaten up women as they formed the first cordon to protect the other villagers. It is further reported that police and forest officials also burnt and looted villagers' houses.

Around 100 people were reported to be injured in the incident, many with bullet wounds. In the absence of adequate medical facilities in the area, this is especially serious. The village is still surrounded by a strong police force, which continues to intimidate villagers.

11. Ongoing Violations in Vedanta's Lanjigarh Plant and Bauxite Mining, Orissa

M/S Vedanta Alumina Limited (Vedanta) is establishing a one-million-tonne per annum capacity aluminum project, together with a 75-megawatt coal-based captive power plant at an estimated cost of about Rs. 4,000 crores (Rs. 40 billion, or just under US\$ 1 billion) in Lanjigarh, Kalahandi District, Orissa, in east India. Vedanta also is establishing an associated bauxite mining project at Niyamgiri Hills, Lanjigarh. Since 2005, the authors of this update have been reporting the ongoing violations committed by Vedanta against the land and livelihood rights of tribals in the area.

Despite the Supreme Court of India's strong indictment of the Central Empowered Committee, the company has continued to proceed with its construction of the aluminium plant.

It is reported that the company did not seek clearance for the 29 hectares of village forest land that have been encompassed within the boundary of the refinery. Instead, it falsely informed the State Government that it would not encroach on the forest land in the area. The compound wall of the refinery, however, has encircled patches of village forest land in different parts. The State Government has accepted this with an undue alacrity (working even on Sundays) to enable Vedanta to circumvent the requirement of prior permission from the Central Government.

The Central Government, too, accepted this without raising any serious objections, as the company filed an affidavit saying that it would enable access ways for tribal communities to continue with their pastoral activities on these forest lands. The company's boundary wall, however, denied tribals access to their land. Villagers of Bangabudha protested against this violation of their human rights, and the company in collusion with the local administration and police, arrested 45 villagers on false charges. When the matter was raised by local activists, the arrested tribals were promptly released, but dispatched in two chartered buses to the holy town of Puri, under the pretext that, since they were in the lock-up, they had been "polluted" and needed to be cleansed at the shrine. They were forcibly kept outside the region for a week, by which time the boundary wall in that particular segment was completed.¹²

After conducting a mission to the area in November 2006, Amnesty International found that the area under the mining project is home to the 8,000-strong Dongria Kond community (living in about 90 scattered settlements with a distinct cultural heritage) and

¹² An Indian news channel has documented their plight: www.ibnlive.com/videos/38376/village-vs-corporate-in-orissa.html.

the 2,000-strong Majhi Kond communities (living in about ten settlements, mainly in the foothills). As this is their only traditional habitat, they will have to continue living in the same area, irrespective of the mining project. Mining is proposed to be done atop the Niyamagiri Hill and the mining project does not propose to directly occupy the common lands cultivated by them. Nevertheless, their right to water for domestic, agricultural and husbandry purposes, their right to free movement within the reserved forest land, and right to health are likely to be severely impacted by the bauxite mining activity, jeopardising their livelihood.

This is likely to lead to a situation of forced evictions of local communities. The mining and refinery activities are proposed to be high-tech processes, thereby precluding the possibility of local communities being fully employed in them.

Amnesty International also found that sporadic protests by local communities have been quelled by the local police. A large number of subsidiary criminal elements (around 100) from neighbouring towns such as Kesinga and Bhawanipatna operate in these areas using modern cars (numbering 25) and intimidate local communities who dare to protest.¹³ There have been numerous instances of strong surveillance, harassment and intimidation by these elements, who, it is alleged, act on behalf of Vedanta. Whether they are directly or indirectly employed by Vedanta or not, it is clear that their activities are beyond the purview of law.

In Lanjigarh, Amnesty International found an asymmetric power relationship between the activities of Vedanta and the local communities struggling to sustain their livelihoods. This situation is visible in other areas of Orissa too, where on the one hand, large mining firms are being wooed with various concessions to initiate operations in the area while on the other hand, the protection guaranteed to tribals under the Fifth Schedule (reserved forest lands) and to other marginalised communities under the 72nd and 73rd Amendments (elected local bodies) of the Indian Constitution are being actively dismantled. All over Orissa, at the ground level, there is very little monitoring by the government machinery to guarantee protection to the livelihoods of these already marginalised communities.

12. Failed Rehabilitation for Tsunami Survivors in Tamil Nadu

(1) Inadequate permanent housing for the majority of tsunami survivors in the absence of participation and consultation

Despite the passage of almost two and a half years since the tsunami, lapses in rehabilitation for the survivors continue. Across the southern Indian states of Tamil Nadu and Pondicherry, a fact-finding mission conducted by the *Housing and Land Rights Network – South Asia Regional Programme* in October 2006 revealed that almost 50% of the affected people were still living in uninhabitable temporary shelters made of tar sheeting or tin.¹⁴ The most glaring lapse on the part of most involved actors has been the failure to consult with and involve tsunami survivors in developing rehabilitation plans.

A large percentage of the people living in the inadequate temporary shelters had little or no information regarding when or where they would be allotted permanent housing. The government policy of providing one house for every one house lost, irrespective of the size

¹³ Amnesty International, South Asia desk, Report forthcoming in July 2007.

¹⁴ *Do People's Voices Matter: The Human Right to Participation in Post-tsunami Housing Reconstruction*, Housing and Land Rights Network, New Delhi, December 2006. <http://www.hic-sarp.org/peoples%20voices%20matter.pdf>

of the original house or the number of families that it accommodated, has been highly inappropriate, as it leaves out members of joint families and multiple family units. The absence of a comprehensive needs assessment was evident in all rehabilitation processes, including the construction of permanent housing. Furthermore, the lack of a proper policy on land acquisition for rehabilitation of tsunami survivors has resulted in excessive delays in housing reconstruction.

Although many families had rebuilt their houses along the coast, in some areas contention regarding the Coastal Regulation Zone (CRZ) Notification and its implementation still prevails. Where permanent housing has been provided, despite an investment of considerable resources and energy, most of it does not meet international human rights standards of adequacy. Instead, it largely compromised space, cultural requirements, special needs of women, children, persons with disabilities and older persons, privacy and security, location, as well as access to livelihoods and essential services such as water, sanitation, food, and healthcare. The lapses in reconstruction are a direct result of the failure to provide people with adequate and timely information, and to include them in planning and decision-making processes affecting rehabilitation, including housing reconstruction. While a few NGOs involved in housing reconstruction have adopted participatory practices, there is still much that must be done to improve people's participation and uphold human rights standards vis-à-vis permanent housing.

(2) Survivors forced into abject poverty in the absence of adequate livelihood restoration

Tsunami-affected people in Chennai and Thiruvallur Districts have been living in precarious and grossly inadequate housing conditions for over two years now. Their pleas have remained unheard, largely because these areas have been deemed as "lesser affected districts." The Government of Tamil Nadu has failed to provide adequate and timely rehabilitation. The absence of a comprehensive state housing policy and constant threats of forced eviction have resulted in their ongoing marginalization.

The people of coastal villages of Chennai and Thiruvallur organised to form the *Kadaloraval Makkal Padugapu Kulu* (Coastal Community Protection Committee – CCPC), a community-based group challenging the denial and persistent violation of their housing, land and livelihood rights, as well as the government's unplanned and inadequate relocation policies. The communities' efforts resulted in a *People's Tribunal on Housing Rights* that was held in Chennai on 12 January 2007.¹⁵

Testimonies presented at the Tribunal revealed several egregious violations of people's human rights to adequate housing, livelihood, equality, security and privacy, food, health, participation, information and education:

- The Government of Tamil Nadu has severely abrogated its legal commitments and responsibility to safeguard, promote and fulfil the human rights of tsunami survivors. Worse still, it has abetted the violations through acts of both commission and omission.
- Testimonies from communities living in Chennai and Thiruvallur districts revealed the State's complete disregard for the living conditions and livelihoods of tsunami survivors.
- Grave issues of forced eviction, failed rehabilitation, threats of violence, intimidation and violence against women by police officers and government officials, and use of

¹⁵ The report of the People's Tribunal, "Voiceless No More" is available online at: <http://www.hic-sarp.org/documents/Voiceless%20No%20More.pdf>

force to obtain signatures on legal documents, were exposed during the People's Tribunal.

- Even two years since the tsunami, the people are denied of their rights to access livelihoods, education and health services, residents of remote resettlement sites, such as Ernavore, Tsunami Nagar, have been forced into conditions of abject poverty. This has compelled several women in the community to take the extreme step of selling their kidneys and engaging in sex work in order to survive.
- This dire condition reflects a serious failure of the Government of Tamil Nadu, one that must be urgently addressed, investigated, rectified, and ameliorated.

The response of the Government endorsed its claim that Chennai and Thiruvallur are among the "lesser affected districts" of Tamil Nadu. Selective issues have been addressed by the Collector; whereas, glaring issues like those of Dalits, minorities, misconduct of officials and the unmet livelihood and housing needs of the people of Thiruvallur district, remain unanswered and unaddressed.

13. Displacement Resulting from the Omkareshwar Dam

The Omkareshwar Dam, one of the 29 large dams planned on the Narmada River in central India, is slated to submerge several thousand hectares of agricultural lands, as well as 30 villages, thus affecting 8,000 families. Over 40% of the oustees belong to Dalit and adivasi communities. An overwhelming number of these are small and marginal farmers.

While plans for closing the gates of the dam and, thus impounding the water were underway, the process of enumerating affected families and their rehabilitation has been extremely flawed and incomplete. It has resulted in hundreds of affected families being excluded from the rehabilitation process. For instance, in village Dharaji, of the 100 houses to be submerged, the acquisition process had been completed in the case of only 48 houses and only 15 families had received any rehabilitation entitlements. At the end of March 2007, despite rehabilitation being far from complete, state officials cut off electricity connections in the village but were forced to restore them due to intense pressure and public action by the women of the village.

There are grave questions not only about the process of rehabilitation but even about the extent of submergence. In this context, the Narmada Bachao Andolan (*Save Narmada Movement*) initiated public interest litigation drawing attention of the High Court of Madhya Pradesh to the fact that, on 11 March 2007, a meeting was held to review the situation of acquisition and rehabilitation of oustees of the Indira Sagar and Omkareshwar Dam projects, wherein the State officials admitted that the latest (repeated) surveys had found mistakes in previous surveys in at least 12 villages of the submergence zones and that the lands and houses thus found affected were yet to be acquired. Surveys are still underway to assess the number of villages to be affected at the back-water levels, and identification of affected properties and families is yet to be completed. Land acquisition of these properties and rehabilitation for these thousands of families is still far from complete.

In response to the public interest litigation, the High Court stayed the closure of gates and ordered the state government to restore electricity and water supply to the villages in the submergence zone. The High Court also directed that the Grievance Redressal Authority for the Omkareshwar project visit the area and submit a report to the Court on the status

of rehabilitation of the oustees, of the work accomplished and the work that is outstanding and also take a view on the impacts of closing the river-sluice gates and the 23 radial gates over the crest level.

14. Ongoing Struggle against the Sardar Sarovar Project on the Narmada River

The struggle against the construction of the Sardar Sarovar Project (SSP), also on the Narmada River has been ongoing for the last 21 years. Despite a sustained movement questioning such development and calling for just and humane rehabilitation of the over 35,000 affected families, the dam is nearing completion.

In complete violation of the Supreme Court orders of 2000 and 2005, which mandated that rehabilitation of all those affected at the present dam height must be completed before any further construction, the dam height has reached 121.92 metres without adequate provisions for rehabilitation. Currently, plans are underway to install 16 metre gates on the dam, which would raise the dam to its final height of 138.68 metres.

Nearly 200,000 project-affected people still have not received any rehabilitation whatsoever. Moreover, the horrific dam-related flooding during the monsoons of 2006 also submerged a number of rehabilitation colonies. The consequences of the raising of the dam would amount to gratuitous and criminal destruction of lives and livelihoods that violate a range of the affected families' human rights.

During a three-day-long sit-in (2–4 January 2007) by 500 adivasis and farmers, men, women and children from the Narmada Valley, the Chairman, Narmada Control Authority (NCA) assured the people struggling for the last 21 years against the dam that the NCA would not permit the Sardar Sarovar gates to be put up on the wall of 122 metres. It is a well-known fact that has been proved through a number of surveys, including one by the Shunglu Committee (Oversight Group) appointed by the Prime Minister, that 25,000 families in the submergence area of the State of Madhya Pradesh alone and a large number of “major sons” are yet to be considered as separate families and added to the list of affected families entitled to rehabilitation.

The NBA has repeatedly stated that there are at least 35,000 families in the 122 metre-affected area in the three states of Madhya Pradesh, Gujarat and Maharashtra. Rehabilitation is not in sight, since Madhya Pradesh has no cultivable land to offer. The special rehabilitation package (SRP) offered to some of the displaced as compensation has led to corruption, but not to land purchase by most of the project-affected families. Others, including adivasis of Jhabua have refused to accept SRP as an option, and demand land allotment by the government. They have, through not one but many petitions and applications, challenged the legality of SRP itself.

The independent report by Yashada (Pune), 2006 has proved that there are a few thousand affected families in Maharashtra, too, including the recorded, the undeclared and those residing or farming in the area to be marooned. Those living in the resettlement sites also face many difficulties, including the absence of land demarcation, irrigation facilities and civic amenities.

In Gujarat too, hundreds of adivasis are suffering due to the allotment of poorquality land, while many families still have not been allotted land. Those affected by Project (Kevadia)

colony, canal construction and the newly planned tourism project and Garudeshwar reservoir also have not been rehabilitated.

In this situation, central authorities also have agreed that no installation of gates can be allowed. The Prime Minister, too, had promised a complete review and compliance on rehabilitation before further construction while submitting the Shunglu Committee report to the Supreme Court. Minutes of a review meeting also indicate noncompliance and that at least 34,000 families are residing in the submergence area.

Furthermore, the promised benefits of the dam at 110 metres still have not been realised. Only 10% of the 2,500 claimed villages have received somewhat-regular drinking water, while all 8,265 villages could have received it at that height. While it was claimed that 550,000 hectares would be irrigated, only 57,000 hectares have received irrigation benefits. The power supply anticipated at 110 metres was not generated and calculations show that, even with the gates, the benefit to Maharashtra would be only a benefit equal to 0.2% of the state's present annual power consumption. Madhya Pradesh, too, will receive meagre benefits, while hundred thousands of vulnerable families in these two states will be displaced and suffer deprivation. The question being posed by peoples' movements and civil society organizations is that is the dam worth the human distress?

During the last monsoons (July 2006), Gujarat received heavy rainfall that resulted in destructive floods with no water released into canals aimed at supplying drinking water to the people. Moreover, the state government has started allocating large amounts of water and land to corporate entities in the command area of SSP, indicating that there is no urgency for drinking water to reach the people, as was originally claimed.
