



**OMCT/HIC-HLRN  
JOINT URGENT ACTION APPEAL:**

**Forced evictions, house demolitions, illicit use of force, arbitrary arrests and detention, deprivation of the means of subsistence: new developments related to the implementation of the Sardar Sarovar Project**

**Case IND-FE 180803**

The Coordination Office of the Housing and Land Rights Network of Habitat International Coalition (HIC-HLRN) and the International Secretariat of the World Organisation against Torture (OMCT) request your **URGENT** intervention in the following situation in **India**.

According to the information received from local, national and international sources, including the *Narmada Bachao Andolan* (NBA<sup>1</sup>, or *Movement to Save the River Narmada*), a member of HIC-HLRN, the waters of the Narmada River have been rising at alarming rates since 26 July 2003, resulting in the submergence of villages and acres of crops in Maharashtra and Madhya Pradesh states, in India.

The Narmada Control authority increased the height of the Sardar Sarovar Dam to 100 meters, and opened the Tawa Dam's floodgates, increasing the water level at Sardar Sarovar Dam to 108.3 meters and causing the submergence. Hundreds of people affected by the submergence when the dam's height was 80m, 85m, 90m, and 95m still have not been rehabilitated. Forced evictions, house demolitions, destruction of crops and other property by police forces, as well as arbitrary arrests and detentions, threats and beatings have also been reported in several villages, as in the case at Chimalkhedhi. The police are using force to remove the villagers in the absence of adequate rehabilitation and resettlement; therefore, violating the October 2000 decision of the Supreme Court of India, which mandated land-for-land compensation and rehabilitation.

OMCT and HIC-HLRN are very concerned about this continuing, grave situation, as the governments of Maharashtra and Madhya Pradesh have failed to act in order to guarantee the mandated land-for-land rehabilitation for the affected people and the ones threatened with submergence. Local and international groups have proposed rightful solutions and undertaken many actions to defend the affected people's rights, from peaceful demonstrations and hunger strikes to international missions and appeals; however authorities have been unresponsive. They have resorted to repression and illicit use of force against the Narmada Valley villagers. In addition, OMCT and HIC-HLRN

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<sup>1</sup> For regularly updated and detailed information concerning the situation in the Narmada Valley and the struggle of the people there to defend their lives and rights, you can read NBA press releases at this address: <http://www.narmada.org/nba-press-releases>.

fear that, as the water level is expected to go up to 120 meters soon, the 1,500 families in Maharashtra and 12,000 families in Madhya Pradesh affected by the Sardar Sarovar Dam Project (SSP) will have their homes and farms submerged this year, along with the four Jeevanshalas (schools of life) run by NBA since 1992. Meanwhile, no proper rehabilitation plan is in place and implemented.

### **The situation**

According to the information received, on 27 July 2003, while the Narmada River's level behind the Sardar Sarovar Dam was increasing alarmingly, the Government of Maharashtra sent police forces, along with hired laborers from the Kevadiya Colony, forcibly to evict the inhabitants of the Chimalkedi village and demolish their houses. They seized their belongings and removed the inhabitants to "relief" camps. On the night of 28 July, police forces arrested 74 people of this village, including 11 women and a number of children. The police had beaten the villagers during their detention. Police then took the 74 people to Akkalkuva, where they released them. There the villagers conducted a peaceful sit-in there, in front of the Nandurabar Collector Office on 1 August 2003 to protest against the Maharashtra Government's attitude and behavior and in order to get their demands approved, which included declaring the undeclared but entitled claimants, updating land records, identifying and sharing the alternative agricultural land sites and immediate relief for loss of property. One of the villagers, an adivasi, took to fast. At this point, the Nandurbar District police arrested 42 of them (41 men and one women activist), and sent them to Dhule Jail. There the authorities charged them with offenses under Indian Penal Code Section 353 (obstructing a public servant from performing his duty), Section 143 (member of an unlawful assembly) and Section 147\_(rioting). The Nandurbar police released the 42 people after four days detention.

It is reported that the Narmada waters have entered other villages located on the river's banks in Maharashtra, including Manibeli, Dhankhedi, Dhanale, Mokhdi, Bharad (also entering one of the jeevanshalas), Domkhedi and Nimgavan, resulting in the submergence of thousands of acres of land with standing crops and tens of houses. Dan waters have also inundated in villages located on the opposite bank of the river, in Madhya Pradesh, including Alirajpur, Jalsindhi, Sugat, Jalsindhi, Anjanwada, Kakrana, Jhadana, Bhitada, Dubkheda and Bada Amba, submerging houses and standing crops. Reportedly, waters were also just a few feet away from flooding the hamlets in Anjanwada, Dubkheda, Bhitada and Jhandana. Located on the nearby plateaus, each hamlet has an average of 30-40 houses. The villages of Pichodi, Bijasen, Sondul, Nisarpur, Chikalda, Rajghat Kasrawad, and the Adivasi (indigenous peoples) villages of the Nimad region with thousands of families and solid houses are also under the threat of submergence.

### **Background<sup>2</sup>**

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<sup>2</sup> Most background information quoted here are extracted from HIC-HLRN Fact-finding Mission Report No 7: "The Impact of the 2002 Submergence on Housing and Land Rights in the Narmada Valley," at: [http://www.narmada.org/sardarsarovar.html#rehab\\_status](http://www.narmada.org/sardarsarovar.html#rehab_status) and [www.narmada.org](http://www.narmada.org), as well as from OMCT previous appeals on this case (see IND 040603. ESCR and IND 040603.1 ESCR). A summary of further background details is also available at: [www.omct.org](http://www.omct.org)

The SSP is one of the 30 large dams of the Narmada Valley Development Project (NVDP) that began implementation in the late 1980s. The NVDP also counts 135 medium dams, and 3,000 small dams, in order to harness the Narmada River and its tributaries. On 18 October 2000, the Indian Supreme Court in its final verdict allowed construction of SSP up to its planned height of 139 meters. However, it stipulated that the dam height would be allowed to increase in stages of five meters at a time, and only after clearance by several controlling authorities. The Supreme Court also upheld the Narmada Water Disputes Tribunal Award that stipulates that the project-affected people must be awarded alternative land for the land that they will lose to the dam, and be resettled and rehabilitated six months prior to any increase in the dam's height. 35,000 families in Madhya Pradesh and 3,600 families in Maharashtra are affected by this project at full height. The majority has yet to receive rehabilitation. Nonetheless, the Resettlement and Rehabilitation (R&R) Subgroup on the Narmada Control Authority decided to raise the water height in the Sardar Sarovar Dam to 95 meters in May 2002, and up to 100 meters in May 2003. The concerned State governments have compromised the interests of the oustees.

### **Human Rights, International Law, and Treaty Violations**

Through its failure to respect, protect, promote and fulfill the affected people rights to land, housing, health, and the special rights of the indigenous peoples (as part of the affected people is tribal), the Indian State violates numerous articles of five of the six UN human rights treaties to which it is bound, especially the International Covenant on Economic, Social and Cultural Rights that it acceded to on 10 July 1979<sup>3</sup>. The application and consequences of the Narmada Valley Development Project blatantly deny entitlements that constitute the human right to adequate housing, including security of tenure; access to public and environmental goods and services; as well as location and cultural appropriateness in the rehabilitation sites; habitability; freedom from dispossession; damage and destruction; but also information; participation and capacity-building; resettlement; compensation; safe environment; and physical security. All these rights and entitlements are recognized in the international law and treaties to which India is a party.

### **Action requested**

Please write to the authorities in India urging them to:

- i. Put a stop to the forced evictions through illegal submergence of houses and fields without land based rehabilitation of village communities according to the law, policy and judgement of the apex court in India.
- ii. Respect human rights and do not resort to use of police force, demolition of houses, arbitrary arrests and detentions, as well as any form of intimidation, coercion, threat, harassment, and use of force against the affected people;

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<sup>3</sup> The UN Special Rapporteurs on the right to adequate housing, to health, and on the rights of indigenous people recently sent a joint letter of concern on this subject to Indian Prime Minister Vajpayee.

- iii. Update the land records and settle the land rights to include the families, especially the indigenous communities not recognised as oustees on to the list and bring them in the purview of rehabilitation.
- iv. order a thorough and impartial investigation into the allegations of ill-treatment and harassment against the affected persons in order to identify those responsible, bring them to trial and apply the penal and/or administrative sanctions as provided by law;
- v. respect, protect, promote and fulfil the right to adequate housing and alternative source of livelihood (mostly land) of the affected people, namely its following elements that are recognised in international law and treaties: security of tenure; access to public and environmental goods and services; as well as location and cultural appropriateness in the rehabilitation sites; habitability; freedom from dispossession, damage and destruction; but also information; participation and capacity-building; resettlement and compensation; safe environment; and physical security;
- vi. guarantee the respect of human rights and the fundamental freedoms throughout the country, in accordance with international human rights standards, especially the UN International Covenant on Economic, Social and Cultural Rights that India acceded to on 10 July 1979.

Please also write to President of the World Bank, urging him to:

- i. take his responsibility for the Bank's early role in the Narmada Dam projects;
- ii. intervene with the Indian authorities to insist on compliance with its policies, but also with the international standards regarding human rights.

Deleted: dam

The World Bank has assumed a significant role and responsibility in the dam projects, including funding, technical guidance, and investigation of the social and environmental impacts of the projects. It namely accorded a loan to the government of India in 1985 that allowed the Indian authorities to launch the Sardar Sarovar Project. The Bank cancelled the loan in 1992, but the World Bank Memorandum of 30 March 1993 stipulates that its policies—in this case especially those on involuntary resettlement and tribal people related to their well-being—and provisions of loan agreements continue in effect, even after any cancellation or suspension.

#### Addressees

- Mr. H.E. Atal Bihari Vajpayee, Prime Minister of India; South Block, Raisina Hill, New Delhi 110 011 India; Fax: +91 11 301-6857/301-9545 (O), +91 11 301-9334 (R);  
E-mail: [vajpayee@sansad.nic.in](mailto:vajpayee@sansad.nic.in) or <http://pmindia.nic.in/writetous.htm>
- H.E. President Abdul Kalam, Office of the President; Rashtrapati Bhavan, New Delhi 110 004, India; Fax: +91 11 301-7290 / 7824;  
E-mail: [Pressecy@Sansad.nic.in](mailto:Pressecy@Sansad.nic.in)

- Justice Adarsh Sein Anand., Chairperson of National Human Rights Commission; Sardar Patel Bhavan, Sansad Marg, New Delhi 11001, India; Fax: +91 11 334-0016; E-mail: [chairnhrc@nic.in](mailto:chairnhrc@nic.in)
- Shri Dilip Singh Bhuria, Chairperson of the National Commission for Scheduled Castes and Schedules Tribes; Floor 5, Lok Nayak Bhavan, Khan Market, New Delhi-110003, India; Tel: +91 11 462-3959, Fax: +91 11 462-5378
- Shri Dilip Singh Judev, Minister of Environment and Forests; Paryavaran Bhavan, C.G.O.Complex, Lodhi Road Institutional Area, New Delhi, India; Tel: +91 11 436-1748 or +91 11 436-1727; E-mail: [secy@menf.delhi.nic.in](mailto:secy@menf.delhi.nic.in)
- Shri Sushilkumar Shinde, Chief Minister of the State of Maharashtra; Mantralaya, Mumbai, Maharashtra 400 023; Fax: +91 22 236-33272, or +91 22 220-29214
- Ram Raja Nimbalkar, Maharashtra Rehabilitation Minister; Tel: +91 22 567-1836 (Office), +91 98 22 036-083 (Mobile)
- B.M. Lal, Principal Secretary Rehabilitation Maharashtra; Tel: +91 22 202-5274 (Office), +91 22 202-6565 (Residence), Fax: +91 22 285-5290
- Wajit Nimbalkar, Chief Secretary of Maharashtra; Tel: +91 22 220-25042/22 028-762 (Office), +91 98 210-92411 (Mobile)
- Shri Digvijay Singh, Chief Minister of the State of Madhya Pradesh; Vallabh Bhavan, Madhya Pradesh; Tel: +91 75 554-0500; +91 75 554-0361; +91 75 554-0502 to 0504, +91 75 566-1503; Fax: +91 75 554-0501; +91 75 555-1781; E-mail: [cm@mpchiefminister.com](mailto:cm@mpchiefminister.com) or [cm@mp.nic.in](mailto:cm@mp.nic.in)
- C. Gopal Reddy, Chairman of the Resettlement and Rehabilitation subgroup of the Narmada Control Authority; BG-79, Scheme No. 74-C, Vijay Nagar, Indore; E-mail: [ncarehab@sancharnet.in](mailto:ncarehab@sancharnet.in)
- The Indian embassies and representations in your country.
- James D. Wolfensohn, President of the World Bank; The World Bank, 1818 H Street, N.W., Washington, DC 20433/USA; Fax: +1 202 477-6391

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Geneva – Cairo – Delhi, 18 August 2003

Kindly inform OMCT and HIC of any action undertaken quoting the code of this appeal in your reply to: [omct@omct.org](mailto:omct@omct.org) and [mmignot@hic-mena.org](mailto:mmignot@hic-mena.org)

The joint urgent appeals of OMCT and HIC-HLRN are dedicated to the protection of the right to adequate housing.

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**Sample Letter 1: To the authorities in India.**

[Dear Sir/Your Excellency, etc., as appropriate]

We have learned from the World Organisation against Torture (OMCT) and Habitat International Coalition-Housing and Land Rights Network (HIC-HLRN) that 1,500 families in Maharashtra and 12,000 families in Madhya Pradesh, India, will have their homes and farms submerged this year, due to the Narmada Valley Dams project. As the Sardar Sarovar Dam has been rising dramatically in the past two weeks, the families are in very precarious conditions and remain unrehabilitated, despite numerous commitments on the part of Indian governments to guarantee this minimum provision for the project-affected people in advance of submergence.

On 18 October 2000, the Indian Supreme Court in its final verdict upheld the Narmada Water Disputes Tribunal Award that rules that the affected people must be awarded alternative land-for-land rehabilitation six months prior to any increase in the dam's height. At full height, 35,000 families in Madhya Pradesh and 3,600 families in Maharashtra have been victims of this project. The majority has yet to receive rehabilitation. Nonetheless, the Resettlement and Rehabilitation (R&R) Subgroup on the Narmada Control Authority decided to raise the water height in the Sardar Sarovar Dam on Narmada River to 95 meters, in May 2002, and up to 100 meters in May 2003.

Instead of providing for alternative solutions, the local authorities have sent police forces to the submerged villages to forcibly evict the people and destroy their homes. On 28 July, police arrested and detained 74 people from Chimalkhedi Village, later releasing them in Akkalkua. On 1 August, Nandurbar District police arrested 42 of them, as they conducted a peaceful sit-in in Akkalkua, in front of the Nandurbar Collector Office to

protest against the Maharashtra Government's abusive conduct. The police then sent them to Dhule Jail. There, the authorities charged them with offenses under Indian Penal Code Section 353 (obstructing a public servant from performing his duty), Section 143 (unlawful assembly) and Section 147 (rioting). The Nandurbar police released the 42 people after four days. On 5 August, 20 police vehicles entered the villages about to be submerged to conduct the forced eviction of the villagers, who are provided neither compensation nor rehabilitation.

We urge you to put a stop to forced evictions, through illegal submergence of houses and fields without land based rehabilitation of village communities according to the law, policy and judgement of the apex court in India. That should imply to update the land records and settle the land rights to include the families, especially the indigenous communities, who are not recognised as oustees on to the list, and bring them in the purview of rehabilitation.

We urge you to stop demolition of houses, arbitrary arrests and detentions, as well as any form of intimidation, threat and harassment against the affected people. We also request that you order a thorough and impartial investigation into the allegations of ill-treatment, coercion, harassment and abuse of the project-affected persons. That should involve the identification and prosecution of those responsible, bringing them to trial and applying the penal and/or administrative sanctions as provided by law.

Besides breaching the Supreme Court's decision, the Indian authorities fail to protect, promote and fulfill the rights of the affected people to land, housing, health, and the special rights of the indigenous peoples, as a large part of the affected people are tribal Adivasis. Therefore, the Indian State violates numerous articles of five of the six UN human rights treaties to which it is bound, especially the International Covenant on Economic, Social and Cultural Rights that it acceded to on 10 July 1979. The application and consequences of the Narmada Valley Development Project blatantly contradict the human right to security of tenure; access to public and environmental goods and services; as well as location and cultural appropriateness in the rehabilitation sites; habitability; freedom from dispossession; damage and destruction; but also information; participation and capacity-building; resettlement; compensation; safe environment, and physical security. All of these elements of the human right to adequate housing are recognized in international law and treaties. We urge you to discharge your duty to respect, protect, promote, and fulfill these rights and entitlements in the Narmada Valley, as well as throughout the country.

Thanking you in advance for your attention in this matter, we look forward to hearing from you regarding your remedial actions.

Yours Sincerely,

[Name]

[Organisation]

[CC]

## Sample Letter 2: To the World Bank.

Dear Sir,

We have learned from the World Organisation against Torture (OMCT) and Habitat International Coalition-Housing and Land Rights Network (HIC-HLRN) that the waters of the Narmada river have been rising at alarming rates since 26 July 2003, resulting in the submergence of villages and acres of crops in Maharashtra and Madhya Pradesh, India. The Narmada Control authority increased the height of the Sardar Sarovar Dam to 100 meters, and opened the Tawa Dam's floodgates, increasing the water level at Sardar Sarovar Dam to 108.3 meters and causing the submergence. Hundreds of people affected by the submergence when the dam's height was 80m, 85m, 90m, and 95m still have not been rehabilitated. Forced evictions, house demolitions, destruction of crops and other property by police forces, as well as arbitrary arrests and detentions, threats, and illicit use of force by officials have also been reported in several villages, as in the case of Chimalkhedi village. The police's use of force to remove the villagers is being carried out in the absence of adequate rehabilitation and resettlement, in violation of the October 2000 decision of the Supreme Court of India, which mandated land-for-land rehabilitation.

OMCT and HIC-HLRN fear that, as the water level is expected to go up to 120 meters soon, the 1,500 families in Maharashtra and 12,000 families in Madhya Pradesh affected by the Sadar Sarovar Dam Project will have their homes and farms submerged this year, along with the four Jeevanshalas (schools of life) run by Narmada Bachoa Andolan since 1992, while no proper rehabilitation plan is in place and implemented.

The World Bank has left a legacy of responsibility in promoting and financing the Narmada Dam Projects. It also conducted investigations into the social and environmental impacts of the projects. It namely accorded a loan to the Government of India in 1985, allowing the Indian authorities to launch the Sardar Sarovar Project. The Bank cancelled the loan in 1992, but the World Bank Memorandum of 30 March 1993 acknowledged also that its policies—in this case especially those on involuntary resettlement and tribal people related to their well-being—and provisions of loan agreements continue in effect long thereafter.

Consequently, we urge you to intervene to urge the Indian authorities to comply with the World Bank's R&R policies, as a minimum, but also to respect the applicable international human rights standards that are being flouted at this critical time.

Thanking you in advance for your attention in this matter, we look forward to hearing from you regarding your remedial actions.

Yours Sincerely,

[Name]

[Organisation]

[CC]