

THIRTY-FIFTH REPORT

STANDING COMMITTEE ON ENERGY (1995-96)

(TENTH LOK SABHA)

REHABILITATION POLICY OF TEHRI HYDRO ELECTRIC PROJECT—A CASE STUDY

MINISTRY OF POWER

Presented to Lok Sabha on 22 DEC

Laid in Rajya Sabha on 22 DEC



LOK SABHA SECRETARIAT
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CORRIGENDA TO THE THIRTY-FIFTH REPORT OF
THE STANDING COMMITTEE ON ENERGY (1995-96)

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relating to the subject

* Not printed. One cyclostyled copy laid on the Table of each House and 5 copies placed in Parliament Library.

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** Nominated with effect from 25.7.1994.

INTRODUCTION

I, the Chairman, Standing Committee on Energy having been authorised by the Committee (1995-96) to present the Report on their behalf, present this Thirty-Fifth Report on the Subject, 'Rehabilitation Policy of Tehri Hydro Electric Project—A case study'. The Committee had selected for examination the subject, 'Energy-Large Hydel Projects—An Evaluation' and entrusted the task of examining the subject to a Sub-Committee of Standing Committee on Energy (1994-95). Subsequently, it was decided to change the title of the subject as 'Rehabilitation Policy of Tehri Hydro Electric Project—A case study'

2. The Sub-Committee held 5 sittings in all out of which 2 sittings were devoted to personal hearing of experts and three sittings for in-house deliberations.

3. The Committee wish to express their thanks to the Ministry of Power for placing before them the requisite material in connection with examination of the subject.

4. The Committee also wish to thank, in particular, the following experts who appeared before the Sub-Committee for personal hearing and placed their considered views before them :

- (a) Prof. Y.K. Alagh, Vice-Chancellor, Jawaharlal Nehru University, New Delhi.
- (b) Shri N.D. Jayal, Director-General (Natural Heritage), Indian National Trust for Art and Cultural Heritage, New Delhi.
- (c) Shri B.G. Verghese, Expert from Centre for Policy Research, New Delhi.

5. The report was considered and adopted by the Standing Committee on Energy at their sitting held on 18th December, 1995.

6. The Committee place on record their appreciation for the work done by the Sub-Committee (1994-95) of the Standing Committee on Energy.

NEW DELHI;
18 December, 1995
27 Aগ্রহায়ণ, 1917 (Saka)

JASWANT SINGH,
Chairman,
Standing Committee on Energy.

PART I

PART A

BACKGROUND ANALYSIS

Introductory

The Committee received a representation regarding rehabilitation of displaced persons in Tehri Hydro Electric Project.

2. The Eighth Plan document has indicated that a comprehensive Policy was being evolved for the rehabilitation of families displaced by Power Projects. Further, that the Eighth Plan would place considerable emphasis on implementing such a Policy. To a query whether this policy had been evolved, the Ministry of Power stated in a written reply (13th October, 1994) that "individual project authorities evolve rehabilitation packages for project displaced persons in consultation with the State Government where the projects are located". Taking the Ministry's reply into consideration, the Committee decided to examine the Rehabilitation Policy of Tehri Hydro Electric Project as a case study.

A. Tehri Projects and Rehabilitation Policy

(i) Tehri Project

3. The Tehri Dam & Hydroelectric Project had originally been accorded investment approval by the Planning Commission in June, 1972, as a State Sector Project, for implementation by the Government of Uttar Pradesh, with an installed generating capacity of 600 MW. Subsequently, in 1983, the installed capacity was increased to 1000 MW. The scope of the project was further revised to include new components. As at present the proposed Tehri Hydro Power Complex envisages four components, including the Associated Transmission System, with an installed generating capacity of 2400 MW. Formal approval of the Government to initially implement the Tehri Dam & HPP Stage-I (1000 MW) by the Tehri Hydro Development Corporation (THDC) has since been accorded on 15.3.1994.

4. Since the progress of work of Tehri Project in the State Sector had been slow, it was decided in November, 1986 to implement this Project as a Joint Venture of the Government of India and the Government of Uttar Pradesh with financial participation in the ratio of 75:25 for power component of the Project. The irrigation component was to be funded entirely by the Government of Uttar Pradesh. Accordingly, a joint venture, Tehri Hydro Development Corporation

(THDC) was set up on 12.7.1988 for executing the Tehri Project. The rehabilitation work of the Tehri Project was, however, transferred to THDC by the UP Government only in February, 1990.

(ii) Evolution of Rehabilitation Policy

5. Rehabilitation work on the project had been commissioned by the Irrigation Department of the Government of UP from the year 1976. The Government of UP had constituted a high level body, known as "Tehri Control Board" headed by the Chief Minister of the State, with the other members being the concerned Ministers and Secretaries of the various Departments. Under this Board, a "Standing Committee of Tehri Control Board", headed by Minister of Irrigation, Government of Uttar Pradesh (GOUP) was also constituted. For on the spot decisions at the project site, a "Project Execution Committee" headed by the Administrator and Commissioner of the Area, was also constituted by the State Government. All the Rehabilitation Policy decisions, whether it involved the location of the New Tehri Town, or the quantum of allotment of agricultural land to oustee families, sanction of other grants such as rehabilitation grant, shifting allowance, exgratia payments etc., were taken by the State Government at the project level, Commissioner level, Minister level and at the Chief Minister's level, after interaction with the affected people. With the formation of the Tehri Hydro Development Corporation and the transfer of Project works to THDC in February, 1990, Rehabilitation Policy, as evolved by the State Government has been largely followed. The Corporation has, at the same time, upgraded the compensations so as to account for escalations in costs.

(iii) Extent of Villages/Families affected by the Project

6. Due to construction of the Tehri Dam and the downstream Koteshwar Dam, a total area of 5200 hectares and 265 hectares, respectively, is estimated to get submerged. With this, the Old Tehri Town and 24 villages will come under full submergence, while another 88 villages will only be partially affected. In addition, 13 more villages are being shifted for the construction of the New Tehri Township being developed for rehabilitating the displaced urban population.

7. The current Rehabilitation Plan has been broadly divided in two parts : Rural and Urban Rehabilitation. Affected families under Rural Rehabilitation are categorised as "Fully Affected" or "Partially Affected". Families who lose 50% or more land to submergence are treated as Displaced/Fully Affected. Those with less than 50% land coming under submergence are categorised as "Partially affected". In all, there are 5012 Fully Affected rural families, including 103 of

Koteshwar Dam, which are to be rehabilitated. Another 4278 rural families are Partially Affected but are not going to be displaced; they would be paid cash compensation for their land under submergence or would be allotted equal land above submergence level acquired from the Fully Affected families. In Urban Rehabilitation Programme, a total of 4551 families, which are covered within the cut-off date of June, 1985, are to be paid compensation and rehabilitated at alternative sites.

(iv) Rehabilitation Package

The Committee have been informed that the basic principles that have guided the formation of the Rehabilitation Policy are as follows:

Rural Rehabilitation Plan

9. Rural oustees to be compensated through allotment of agricultural land instead of cash.

- Rural oustees should be settled in large blocks so that the fabric of their social life remains intact.
- Ousteas or their representatives be involved to the extent possible in selecting the rehabilitation centres.
- To the extent possible, consideration be given to the preference of the oustees for settlement at a particular centre.
- Community facilities be provided at each of the rural rehabilitation centres at the cost of the project even if those did not exist at their earlier settlements.

Urban Rehabilitation Plan

10. The Committee have been informed that a separate Urban rehabilitation package has been evolved under which the affected families are being rehabilitated at the New Tehri Town, or at Rishikesh and Dehradun as per their option. Apart from compensation for their existing houses, shops and structures at the Old Tehri Town, oustees are also to be provided with plots.

The Committee have been informed that it has also since been decided to construct 100 one-room flats for the landless, economically weaker sections for being allotted free of cost. For the shop-keepers, shops have been constructed at the New Tehri Town (NTT) and in Dehradun.

11. According to the information provided by the Ministry of Power the present status of rehabilitation is indicated below:

(a) *Rural Displaced Families*

Activity	Total Fully Affected Families	Families Rehabilitated/ Paid Compensation	%age Progress
Tehri Stage-I	2064	2034	98.7
Tehri Stage-II	2845*	445	15.7
Koteshwar	103	—	—
Total	5012	2479	48.5

* In addition to these fully affected families, 4278 families are partially affected who have not to be rehabilitated but are to be paid cash compensation for their part-land coming under submergence.

(b) *Urban Population: Total Families—4551*

Description	Required	Developed/ Constructed	Status	Allotted
Plots	2278	2418	100%	2234
Flats	2542	2028	79%	1613
Shops	784	652	83%	451

12. According to Ministry of Power Phase-I rehabilitation process is at a very advanced stage and is nearing completion. It is planned that all the works connected with urban rehabilitation and first stage rural rehabilitation shall be completed by June '95.

(vii) *Conclusions of the Socio Economic Study conducted by Administrative Staff College of India*

13. As required by the Ministry of Environment & Forests, a socio-economic study of the families affected due to construction of Tehri Dam was entrusted to the Administrative Staff College of India, who have offered their conclusions broadly as under:

- The value of assets of the oustees have increased after they got rehabilitated.
- Income from agriculture has increased after rehabilitation. No one is engaged as agricultural labour after rehabilitation.

- The annual income of the household after rehabilitation has risen by 34.67%.
- The new settlements created by THDC are provided with pucca buildings with furnishing and electricity in Schools as against inadequate educational facilities provided earlier.
- The new settlements provided very good medical facilities which are not available to the rural households in the hilly area.
- Drinking water facilities have been provided in the new resettlements and LPG connections have been made available as against the traditional collection of water from springs and would from the forests in the hills.
- The new houses are modern and bigger than what were used by the oustees in the hills.
- Agricultural land allotted to the oustees is in consolidated holdings as against fragmented holdings earlier.

The Administrative Staff College of India have started in their report that "these are some of the facts and realities which show that the quality of life of the rehabilitated families is far above and better than what was the situation before rehabilitation".

The Committee have not independently verified these assertions.

B. Issues Raised by Displaced People

14. The Committee received a representation from project affected people regarding rehabilitation works underway at Tehri. The important points raised in the representation and the response received from the Ministry of Power and brought out below:—

(i) Commencement of Construction work on Project and Rehabilitation

Observation

It is wrong to state that the work on the Tehri Dam Project (TDP) started during the year 1976-78. Work on the TDP commenced in the year 1962. By the end of the year 1972, the State of U.P. had started issuing notification U/S. 4 Sub-Section (I) of the Land Acquisition Act.

Ministry's reply

The Tehri Dam and Hydroelectric Project had originally been cleared by the Planning Commission in June, 1972 for implementation in the State Sector by Government of UP. Before that, investigations for preparation of detailed project report were carried out by Government of UP in association with the Geological Survey of India, from 1962 to 1969. The actual work of construction on project structures began in 1978 (diversion tunnels).

Actual work had not, thus, commenced either on the project or rehabilitation before 1972. Process for evolving the rehabilitation policy by the State Government commenced in 1972, though it took concrete shape much later. However, for project infrastructural purposes, an initial notification under Section 4 for acquisition of 12.65 acres land had been issued by the State Government in August, 1972.

The notification under Section, dated 6.12.1972, was issued by the State Government for the Village Malideval Chak Saur but action was not further pursued and the notification lapsed. A new notification was issued for this area (18.5733 acres) on 25.01.1992 under Section 4, and on 15.9.1993 under Section 6.

(ii) Rehabilitation work to proceed pari-passu with Execution of Project

Observation

The Ministry of Forests and Environment had mentioned in its order, on 19.7.1990 that only conditional clearance was being given to the TDP and the TDP was to undertake socio-economic study in the matter of rehabilitation and the measures needed to improve the living of the oustees. This had to be got done by a reputed organisation by 30.6.1991. A disaster Management Plan had also to be worked out by the THDC by 31.3.91. None of these conditions were fulfilled within the prescribed limits of time. It was as late as March, 93 that an appraisal of rehabilitation and resettlement was made by the 'Administrative Staff College of India, Hyderabad'. This organisation is reported to have made a study of the Tehri Hydro Development Corporation, Uttar Pradesh and Sardar Sarovar Narmada Project, Gujarat. There was no such condition laid down by the concerned Ministry for making any such appraisal. It is a biased report. Its members did not contact a single oustee of the Tehri Dam Project to our knowledge.

Ministry's reply

It is an accepted principle for all hydro and irrigation Projects, or for that matter for any project, to take up both rehabilitation and

construction activities concurrently and plan their execution in a manner that rehabilitation is completed before actual submergence starts. MOEF, in their clearance letter, had indicated that 'completion of studies, formulation of action plans and their implementation would be scheduled in such a way that their execution is *pari-passu* with the engineering works'. Non-fulfilment of target dates set in the environmental clearance letter from MOEF in no way conveys that environmental conditions have not been fulfilled or rehabilitation is not being carried out *pari-passu* with the the execution of the project. It may be mentioned that the process of identifying suitable agencies and carrying out of studies required by MOEF required certain minimum time, and time extensions had been sought from MOEF accordingly. All the Studies desired by MOEF have been satisfactorily completed. Recommendations of these studies are under execution and shall be completed well in advance of submergence.

One of the conditions of environment clearance accorded by MOEF in their letter dated 19.07.1990 was that THDC would through a reputed institution undertake a socio-economic study on the measures needed to ensure that the standard of living of the oustees is not affected due to the Project. Administrative Staff College of India (ASCI), Hyderabad, which is a renowned institution, was accordingly engaged by THDC to carry out a socio-economic study of the affected population and they submitted their report titled 'Socio-economic study for the Tehri Hydro Development Project Area' in March, 1993. This Study exclusively dealt which the oustees of the Tehri Dam area and had concluded that the quality of life of the rehabilitated families is far above and better than what was the situation before rehabilitation.

The Administrative Staff College of India (ASCI) team had visited the Project area and various rehabilitation colonies and had held discussions with the representatives of the local population. The report of the ASCI submitted in March, 1993 clearly brings out the methodology adopted by them in conducting the Survey, which included sample household survey and seeking information through a questionnaire. The status of rehabilitation at various colonies had been assessed by the team during their visit to the sites. The report even brings out the demands made by different sections of the oustees. Contention that members of the team had not contacted a single oustee, is as such not borne by facts.

The report referred to by the Petitioners was a separate study undertaken by ASCI at the instance of THDC and this study is not connected with the conditions of environment clearance accorded by MOEF.

*(iii) Family as the Rehabilitation Unit***Observation**

The word FAMILY does not do justice to the oustees as it means somewhat differently from the family of the common man. A family in the terms of the TDP means a 'REVENUE FAMILY'. A grandfather recorded in the revenue records would, for the TDP constitute a family even if his number of grandsons may have fathered so many sons and daughters. Thus the actual number of the persons, their ages, sexes, occupations, education etc. will never be known as no survey for collecting such data was ever made by the THDC, the Government of U.P. or any other organisation. We wish to lay stress upon the fact that there are more than one lakh people who are to be ousted by the submergence of the TDP. The number of the other category of the affected people residing in the villages situated above the submergence line who are being thrown out as their land is being acquired for the New Tehri Township, if ascertained will also run into so many thousand.

Ministry's Reply

The rehabilitation policy evolved by the UP Government and adopted by THDC with certain improvements is based in the 'family' as the unit for rehabilitation and not the 'individual'. Therefore, all the surveys were carried out in terms of families. A detailed survey for the families of the old Tehri Town was conducted by the State Government in 1985 which has formally become the basis for the rehabilitation of the urban population. Revenue records as applicable on the date of issue of notification under section 4 of Land Acquisition Act determine the eligibility of the families for rehabilitation for rural families.

Since ownership of land/house as per revenue records determines the entitlement of oustees for rehabilitation benefits, sons/daughters if they do not own land/house separately are not taken as separate units. However, in case of death of father/head of family before publication of notification U/s-4(1) of L.A. Act takes place, all sons (major and minor) become separate family units and get entitled to rehabilitation benefits.

*(iv) Rural Rehabilites***Observation**

The oustees who have been sent to the plains in Dehradun or Haridwar districts have a sad plight. They were Bhumidhars in their Tehri villages but in the Bhaniawala and Raiwala areas they are

occupants at the mercy of the TDP owning practically no rights over the land. Bhumbra Committee appointed by the Government of India submitted a detailed account of the miseries faced by these oustees.

Ministry's reply

Rural families rehabilitated under Phase-I, connected with construction of Coffor Dam, have been settled in Dehradun and Haridwar Districts as per their option. The resettlement colonies are provided with all civic amenities, like piped drinking water, water for irrigation, electricity, roads, schools, dispensary, community centre etc. Action has been initiated by the State Government to complete land revenue formalities for giving titles of land to the resettled population.

In case of Bhaniawala and Raiwala, Notifications of Revenue villages have already been issued by the Government of UP and the record operations/bandovasta activities for land transfers in the names of rehabilitees are in progress. The land titles will get transferred to the oustees from the district authorities as per the policy and directions of GOUP.

The report of the Environmental Appraisal Committee of MOEF, under the Chairmanship of Dr. D.R. Bhumbra, referred to by the petitioners, which had also, *inter-alia*, dealt with the aspect of rehabilitation, was submitted to MOEF in Feb., 1990. After due consideration of this report, MOEF had accorded Environmental Clearance to the project in July, 1990. Under Rehabilitation, the MOEF had laid down that a socio-economic study be made through a reputed institution to ensure that the standard of living of the oustees is not affected due to the project. As already indicated, the desired study was got done through the ASCI, Hyderabad wherein it is concluded that the quality of life of the rehabilitated families is far above and better than what was the situation before.

(v) *Rates of Compensation paid to oustees on acquisition of land in different villages*

Observation

There is, as a matter of fact, no established rehabilitation policy which may be universally applied to all the oustees. The farmers in Athoor Patti, whose villages fall in the submergence area were paid compensation @400/- per Nali. But some people in the Sarjula Patti (whose land was acquired only marginally leaving the bigger shares for their continued occupation) have been paid @30,000/- per Nali.

Ministry's reply

The acquisition of land in villages falling under submergence, or in villages where land was required for the project and rehabilitation activities was undertaken in phases, predominantly under the Land Acquisition Act. Rates of compensation to be paid to the concerned persons were decided by the SLAO (State Land Acquisition Officer) of the local administration under the provisions of the Land Acquisition Act. In cases of acquisition, compensation is paid on the notified circle rates as applicable on the date of issue of notification under Section 4 of the L.A. Act. Since acquisition was done in stages and the dates of issue of notifications under Section 4 were different for various villages, the rates of compensation paid had, therefore, been different. However, rates of compensation given in case of villages under Athoor Patti were not widely different from the villages under Sarjula Patti upto a certain stage.

Subsequently, however, value of land in case of Sarjula Patti appreciated with the declaration by GOUP in May, 1983 of Sarjula villages and some other villages (areas between Old Tehri Town and New Tehri Town) as urban development areas, whereas increase of compensation rates in case of Athoor Patti areas was comparatively low. Thus, in case of Bagi village (Sarjula Patti) in which case notification under Section 4 was issued on 12.10.1988, the notified rates of compensation per Nali were Rs. 8347.80 for irrigated land, Rs. 4173.90 for 1st class (unirrigated), and Rs. 272.60 for 2nd Class (unirrigated) land.

Circle rates were last revised by DM Tehri under his Order dated 26.10.1993, by which the rates have been further increased considerably. The rate for these areas in Sarjula Patti now is Rs. 15,000/Nali for land 200 meters away from road, and Rs. 30,000/nali for land within 200 meters from road. Only a small portion of land for road construction has been paid at the applicable notified rate of Rs. 30,000/Nali.

The payment for land acquired is strictly made in accordance with the Land Acquisition Act and is paid to the oustees by or at the instructions of the concerned revenue authorities of the Government of U.P. and the project authorities (THDC) do not have any role in determination of compensation for the land acquired through the SLAO.

(vi) Allotment to a family

Observation

The same is true as to the definition of family. A living grandfather can be given share but in some cases all sons of a living father are

entitled to have separate shares while the father's right to have a separate share remains intact.

Ministry's reply

As per the norms laid down in the Rehabilitation Policy for Tehri Project, ownership of land/property as per the revenue records determines entitlement for rehabilitation benefits. Thus, in case land is in the name of father, allotment of land is given to father (for this purpose, husband and wife are taken as one unit). However, in case father dies before the publication of notification under Section 4 (1) of the L.A. Act takes place, all his sons, whether major or minor, become entitled to rehabilitation benefits. No case has come to notice where allotment of land has been given to sons when father is alive and holds land in his name.

(vii) Observation

The rights we enjoyed for centuries in the matter of grazing cattle in the pastures, free use of water for irrigation and drinking, free slate-stones and stones from given quarries etc. are supposed to have been extinguished as the THDC officials do not give any thing to the oustees for the deprivation of all these rights in the new settlements.

Ministry's reply

Rehabilitation, does affect some existing facilities like grazing rights etc., but these are more than offset in new resettlement sites where all civic amenities, some of which did not exist in the old places are being provided under the rehabilitation policy. This also ensures that the standard of living of the oustees goes up after rehabilitation. The facilities include better communication, better educational facilities, improved health care, piped drinking water, irrigation water etc. Every effort is as such made to adequately settle the families and at the same time provide them fair compensation as per norms for their earlier holdings.

The partially affected families, whose land coming under submergence is less than 50%, would not be relocated and they would be able to continue in the same environment. For the portion of land coming under submergence, they would either be given compensation for the affected land or would be given land vacated by fully affected families as per their option. In addition, they would be allowed to cultivate adjoining reservoir land during the low reservoir periods. One crop in that land would provide them much better yield than what they are presently getting from their entire land.

It should also be mentioned that most of the Phase-I rural oustees who have all been allotted land and paid compensation are continuing to live both in the old places and the new resettlement colonies and are carrying on cultivation at both sites for the last many years, thereby deriving additional benefits. Thus, the point made about deprivation is not based on facts.

(viii) Observations

National Policy for Rehabilitation of Persons Displaced as a consequence of acquisition of land should be prepared and made applicable to the oustees of the Tehri Dam Project. Pending such acceptance, work on the Tehri Dam Project be stopped. Hill people should be treated at par with the Adivasis as the physical conditions are similar.

Ministry's Reply

The demand of the petitioners, made in their letter, for stoppage of work before rehabilitation is completed is unfounded and untenable. The standard of living of the oustees who have already been rehabilitated has considerably improved. Every effort has been, and is being, made to rehabilitate them at nearby places like Rishikesh, Tehri, Haridwar Dehradun etc., in large rehabilitation centres so that their social fabric is least disturbed. Amenities like pucca roads, electricity, drinking water supply, irrigation water, post-office, bus stops etc. have been provided at these sites.

While it has been ensured that the rehabilitation of the people is carried out well in advance of impoundment of the reservoir, the work on the project need not be stopped as this would have serious consequences for the project viability and economic development of the region, as each day's delay will cost the nation about Rs. 2 crores. Effective and speedy rehabilitation requires efforts not only from THDC but also close cooperation is needed from the rehabilitees themselves. For this, all efforts are made by THDC to seek the cooperation of the affected people.

C. Comparative Study

15. According to a comparative study on displacement by Sardar Sarovar and Tehri Projects by the Multiple Action Research Group ('Displacement by Sardar Sarovar and Tehri-A comparative study of two dams', Mridula Singh), both the multipurpose projects have very little similarities in regard to policies adopted for the project displaced persons (PDPs). Some of the disparities in the rehabilitation policies

adopted by the project authorities concerned/States involved as brought out in the above cited study are given below:

- For SSP all the three States, Maharashtra, Madhya Pradesh and Gujarat are responsible for the displaced from their own state and for Tehri, Uttar Pradesh is. In both cases Government Orders (GOs) and decisions taken in meetings of the Executive Body govern the rehabilitation of those displaced.
- In Tehri the first Government Order was issued in 1973; in Gujarat it was issued in 1979; Madhya Pradesh in 1987; and Maharashtra in 1989. Till today they are still being amended.
- Till 1978, the oustees of the Tehri Project were entitled to only monetary compensation. Fortunately for the people affected by SSP, certain guidelines were laid down in the Narmada Water Dispute Tribunal (NWDIT) to provide for land based settlement. Based on these guidelines, the three States formulated their own policies for the affected from within their States. Maharashtra and Madhya Pradesh are offering much less than what is being offered by Gujarat.
- In Tehri, the authorities have included in the category of PDP, not only those who lose their land due to submergence but also those whose land is acquired for purposes of the project, such as a housing complex for the officials, rehabilitation of people from Tehri town, and setting up an electric sub-station. But in the case of SSP only those who will be ousted by the submergence will be eligible for the rehabilitation package. People whose lands were acquired to build Kevadia Colony (Residential-cum-office complex) are not even being considered:
- Even to be identified as a project displaced person (PDP), the cut-off percentage of the total landholding acquired is different. In Tehri it is 50 percent and in SSP, 25 percent.
- In Tehri and in Madhya Pradesh, the authorities have not considered that the land may not have been legally partitioned between the family members. Hence, they will continue to be recognised as joint holders. Each composite unit will therefore be entitled to the rehabilitation package. The fact is that in rural areas the families may in fact have separate cultivating units without having formally partitioned their land. The position then is that the government does

not take cognizance of such informal partition and counts for its purposes the entire land as one unit for providing the rehabilitation package. The other two states, Gujarat and Maharashtra, recognise joint holders as separate units. Thus each unit will receive a rehabilitation package stipulated in these policies. This eligibility criteria will leave many of the oustees dissatisfied.

- The biggest shortcoming of all these policies is that women are not recognised as a separate entity unit. A widow, unmarried adult daughter and a deserted woman will be considered as dependents.
- In the absence of a Central Act of Displacement and Rehabilitation, the whole process of dealing with the issue of displacement remains adhoc and piecemeal, even today.

D. Views of Experts

16. The Committee heard the views of three leading experts on issues relevant to rehabilitation of project affected persons. Their views are brought out in the succeeding paragraphs.

17. Shri N.D. Jayal, Director General, INTACH, pointed out during personal hearing on 16.12.94 that the aspects of displacement (of project affected persons) among village communities are quite unlike those in the urban areas and also, there is wide disparity between the rehabilitation packages offered by one project and the other. Citing Tehri and Sardar Sarovar projects in this regard, Shri Jayal stated during personal hearing:

“For instance, in Tehri, people have access not only to agricultural land out they have access to alpine pastures for grazing and forests for fodder, fuel, timber, etc. that are available. When resettlement is done, they found that all these elements are missing. Their life style is completely altered. The whole cohesiveness of communities was disturbed. Merely giving monetary compensation or merely giving an acre of land does not help them. This is a very important aspect that cannot be ignored by those who plan rehabilitation. Also, there is a wide differential between the promised benefits to the Sardar Sarovar Project and Tehri Dam oustees. The rehabilitation package for Tehri oustees is that only one head of the family, no matter how many adult sons he has, will get two acres of land as compensation. Whereas in the case of Narmada it is five acres of land for the family head, and also every adult son will get five acres of land. So there is such a vast disparity between one project and the other.”

18. On the problems pertaining to rehabilitation works at Tehri, Shri B.G. Verghese, Centre for Policy Research New Delhi, pointed out during personal hearing :

"One of the problems in Tehri is that as many phases and cycles of the project have been put on the shelf, because of lack of money or changes in design, the whole project has extended over a long period of time. Hence, rehabilitation packages have been given at different points of time from 1972 to 1992. Obviously, comparisons of the various rehabilitation packages will come into play. People will compare their package with that of a previous package and say that the other man has got more benefits by way of compensation."

19. Pointing out that land cannot be the only form of compensation, Shri Verghese, stated that "we must depart" from the practice of promising land for land even in a situation of non-availability of land. He stated in this connection:

"Land cannot be the only form of compensation. It can be money; it could be training education and providing equipment so that they can stand on their own feet. If you give money, you must ensure that it is not swallowed up. NGOs and other bodies can see to it that the money is husbanded and is used for the education of the children and also for developmental activities like setting up of a business or industry. This, it is ensured that everyone is being provided for well."

20. Making a suggestion that rehabilitation can be effected in developing the upper catchment area, Shri Verghese stated during personal hearing:

"The argument is often heard that the cost of dams is borne by upstream people whereas the benefit-flood control, irrigation, etc. go to downstream people who are involved in agriculture, industry etc. Therefore, there is some justification for equalising the distribution of costs and benefits...we have command areas and command area authorities vested with vast powers. They take care of schooling, marketing, animal husbandry etc. It makes sense to capture some of the benefits by a 'betterment levy' say, one paise per Kwh on the energy consumption. Whatever the charge one paise or five paise percent of energy cost could go to the catchment area authority. For providing irrigation facilities, could we have a national charge? This fund could be utilised by the Catchment Area Authority for developing the upper catchment area above the dam...If a reversal could be brought about by regeneration,

upper catchment people who migrated from the hills to the plains would start returning to the hills again. At least those who are there would continue to stay because, as things begin to happen there, there would be a bright future for them. That is the reversal, one should try to make."

21. Prof. Y. K. Alagh, Vice-chancellor, Jawaharlal Nehru University pointed out during personal hearing that rather than leaving the implementation of rehabilitation policy to the irrigation and power engineers, the Government should also involve other agencies in the process. Prof. Alagh expressed the view that construction of a dam should be synchronised with the rehabilitation works and that it would be required on the part of Planning Commission to grant approval to a project only with the *Pari-passu* clause.

22. Quoting a Dutch Economist, Mr. Jean Dreze, who recently attended a seminar in Delhi School of Economics, Prof. Alagh said:

"Mr. Jean has argued that since the rate of return to Sadar Sarovar Power is very high, let the project authorities negotiate the alienation of land from the oustees."

E. Findings of World Bank Review

23. The World Bank in its report dated 8th April, 1994 on the subject "Resettlement and Development" has analysed involuntary resettlement operations under Bank assisted development projects between 1986 and 1993 based on a Bankwide review.

24. The important finding of the World Bank Review are given below:

- Inadequate resettlement induces local resistance, increases political tensions, entails extensive project delays and postpones project benefits for all concerned; the benefits lost because of such avoidable project delays sometimes far exceed the marginal cost of a good resettlement package.
- The review comes to the conclusion that although the data are weak, projects appear often not to have succeeded in reestablishing resettlers at a better or equal living standard. Performance in income restoration is of particular concern in some country portfolios, such as India and Indonesia, which have numerous projects entailing displacement but do not have a country-wide policy or legal framework for resettlement with income restoration.

In the Gujarat Medium Irrigation project, which totals a displacement of over 140,000 people, "...above all, the poorest and tribal people, representing more than 50 percent of all affected families, have not recovered their living standards." The Farakka II thermal project affected some 53,500 people: "in total, 353 families have been employed by National Thermal Power Corporation (NTPC) and about 3,000 families obtained temporary jobs with the contractors. The condition of the remaining 7,000 families is not known to the Borrower." In the Upper Indravati Hydro Electric Project, which displaced some 16,000 people, most of them tribal farmers, affected families have been able to purchase only 1.2 acres of non-irrigated land on average, whereas the state-recognized viable minimum is 3 acres. In the Maharashtra composite Irrigation III project, which totals a displacement of nearly 168,000 people, "landed families have regained a reasonable standard of living but the landless families, representing more than 50 percent, have been severely affected."

As far as projects in India are concerned available evidence indicates that until 1992 most affected families may have not been able to regain their previous standard of living.

PART B

RECOMMENDATIONS AND CONCLUSIONS OF THE COMMITTEE

1. The Committee's examination of Tehri's Rehabilitation Policy establishes that there is no national policy regarding rehabilitation of project displaced persons. Individual project authorities evolved their own rehabilitation packages, in consultation with State Governments concerned. In consequence, there exists wide disparity between rehabilitation packages offered by one project and another, also in the same project at different times, resulting inevitably in local resistance and social tension. This was aptly pointed out by Shri N.D. Jayal, Director-General of Indian National Trust for Art and Cultural Heritage and also brought out by the study conducted by the Multiple Action Research Group (MARG). This clearly underlines the need for an uniform approach to the entire rehabilitation problem. The World Bank in its report on "Resettlement and Development" has also highlighted the absence of a country-wide policy or a legal framework for resettlement with income restoration. The Committee regret to note that though the Eighth Plan speaks about evolution of a comprehensive policy for rehabilitation of families displaced by power projects, no policy has so far been formulated. The Committee urge that a National Policy for Rehabilitation of persons displaced by various projects must be formulated at the earliest and guidelines issued to States for implementation.

2. The Committee are also distressed to note the finding of the World Bank Review that most people affected by projects in India have not been able to regain their earlier standards of living after resettlement. The Committee hold that rehabilitation should not only simply extend to financial compensation or providing means of livelihood, it must be multi dimensional. It should, amongst others, include social, economic, educational, environmental, occupational and cultural aspects. The Committee, therefore, desire that the national rehabilitation policy should aim at improving the living standards and earning capacities of displaced persons and should be governed by the principle of "total rehabilitation".

3. Inadequate resettlement induces local resistance, entails extensive project delays and postpones project benefits for all concerned. Benefits lost because of such avoidable project delays at times for exceed the marginal cost of a sound and adequate

resettlement package. The Committee agree with Prof. Y.K. Alagh's comment about Sardar Sarovar project that "since the rate of return is very high, let the project authorities negotiate the alienation of land from the oustees". The Committee observe that this being altogether a different philosophical approach to rehabilitation must be examined. The Committee hold that recognition of the rights of the citizens who are being displaced must be central to our concerns. The Committee emphasise that displaced persons must be given opportunities to share in project benefits and should be involved in the execution and monitoring of their own rehabilitation.

4. Regarding Tehri and other hydro-electric and irrigation projects, an expert (Shri B.G. Verghese) has suggested that development of catchment areas of the dam need to be taken up as a part of rehabilitation process by constituting separate authorities for which funds could be generated by 'betterment levy' from the beneficiaries of the project. Apart from equalising the distribution of costs and benefits, this could induce people who had migrated to plains to return to hills. The Committee agree with the suggestion and recommend that development of catchment areas be made as a part of rehabilitation process.

5. The Tehri Project was originally accorded investment approval by the Planning Commission in 1972, for implementation in the State Sector by the Government of Uttar Pradesh. Subsequently, the scope of the project was revised more than once and the project converted into a joint venture of the State and Union Governments in November, 1986 and the Tehri Hydro Development Corporation (THDC) set up in July, 1988 for executing the project. The rehabilitation work, which had been commenced by the Irrigation Department of Government of Uttar Pradesh from the year 1976 was transferred to THDC in February, 1990. Consequently, rehabilitation packages have been given at different points of time by different agencies. This has led to disparities in various packages and misgivings on the rates of compensation given to the affected persons, as is evident from the representations received by the Committee. The Ministry of Power have explained that the disparity in the compensation rates is owing to acquisition of land at different stages and due to appreciation of the value of land in certain areas. It has been stated that the rates of compensation to be paid to affected families is decided by the State Land Acquisition Offices (SLAO) of the local administration under the provisions of the Land Acquisition Act. The Committee urge that the lacunae, if any, in determining the compensation rates payable to the affected families as also administrative problems in determining the compensation

rates must be overcome and justice ensured speedily to all the affected people.

6. The Committee's attention has been drawn to the sad plight of the Tehri displaced people who have been rehabilitated in Dehradun and Haridwar Districts and the villages of Bhaniwala and Raiwala. According to Power Ministry, action has been initiated by the State Government to complete land settlement formalities for giving titles of land to the resettled population in Dehradun and Haridwar Districts. In respect of Bhaniwala and Raiwala Villages the Ministry have stated that the land documents will be handed over to the outstees by the district authorities as per the policy and directions of the Government of Uttar Pradesh. The Committee urge that there should be no administrative delay in transfer of title deeds of land as well as other documents to the oustees and it should be ensured that such beneficiaries are not put to any inconvenience or suffering on this score. The Committee would again stress that there should be no displacement before the rehabilitation arrangements are complete.

7. The Committee observe that compensation procedures appear to exclude a number of affected people. The rehabilitation policy adopted by Tehri Project is based on the 'family' as the unit for rehabilitation and not the 'individual'. According to the Comparative Study conducted by Multiple Action Research Group (MARG), in regard to Sardar Sarovar Project the Gujarat and Maharashtra Governments have reportedly recognised joint holders of land as separate units and each unit would be eligible for rehabilitation package. Another shortcoming of the rehabilitation policy is that women are not recognised as a separate unit. A widow, unmarried adult daughter and a deserted woman are considered as dependents. The Committee desire that all these shortcomings be looked into urgently and appropriate corrective steps taken to provide rehabilitation to all the affected people, without any discrimination or disparities.

NEW DELHI;
18 December, 1995
27 Agrahayana, 1917 (Saka)

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