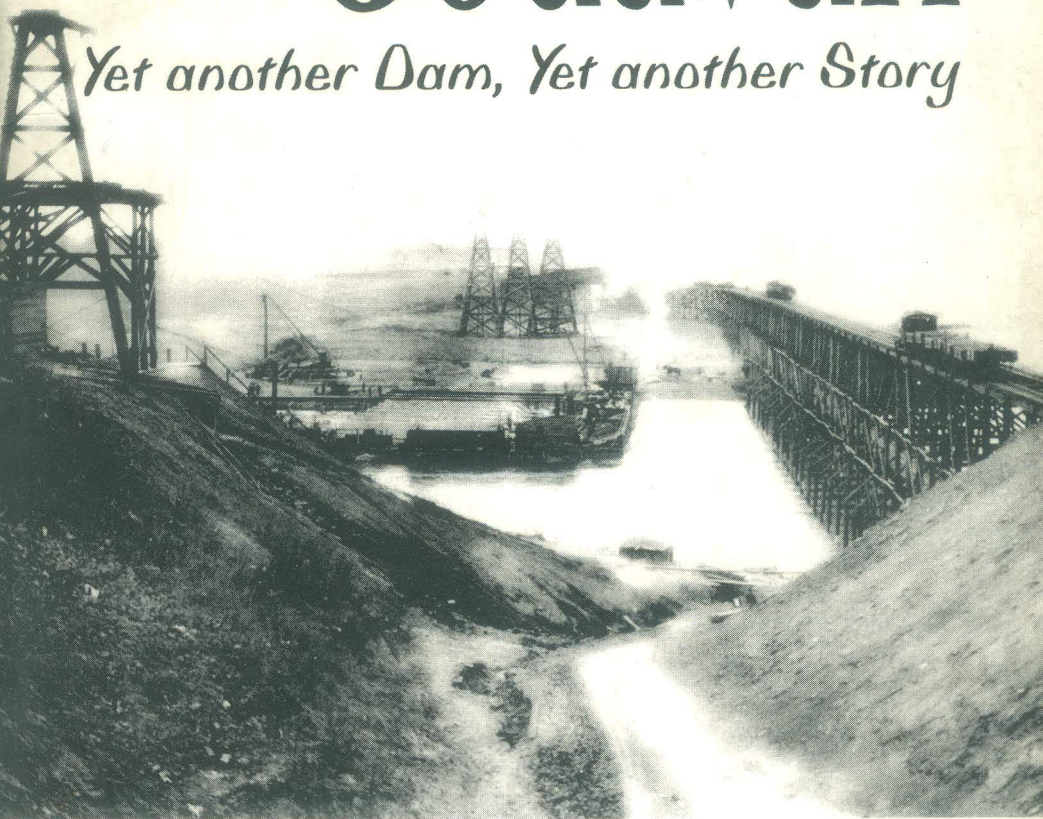


# Godavari

*Yet another Dam, Yet another Story*



■ R. Uma Maheshwari ■

***"Godavari comes once a year and goes. We have learnt to live with it. When that happens it is normal for us to climb on to higher reaches of our hills. But she never destroyed our homes and lives totally. We use the Godavari water through motors to irrigate our lands..."***

*Kotla Sitamahalakshmi, Kondareddi sarpanch of Sriramagiri panchayat, Khammam district*

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## **Godavari, the River**

The Godavari river flows for a total length of 910 miles from its origin (west) to the sea (Bay of Bengal in the east). Her origin is traced to Triambakeshwar in Nasik district of Maharashtra in the Sahyadri mountain ranges of the Western Ghats at an altitude of 1, 066.8 meters above mean sea level. After she has travelled around 432 miles she enters Andhra Pradesh at an elevation of 323 meters flowing through Nizamabad, Karimnagar and Adilabad districts (in the Telangana region of AP), Warangal, West Godavari, Khammam and east Godavari districts before joining the sea.

The waters of Wardha, Painganga and Wainganga together form the Pranahita which then joins Godavari. The northern side of this confluence is part of the Maharashtra state and AP comes in the southern side. Soon Indravati also joins Godavari. After this confluence, for around 15 miles is the Chattisgarh state and thereafter both sides of the confluence come in the state of Andhra Pradesh.

The last major tributary Sabari (previously called Saveri) joins Godavari by the side of Bhadrachalam, a temple town. Godavari then breaks through the narrow gorge of Eastern Ghats hill ranges (locally called the Papikondalu, which is a Wildlife Sanctuary) and finally flows through the delta regions to meet the Bay of Bengal.

The Polavaram project site is in the West Godavari district at some distance from the Papikondalu hill ranges.

### **People's Godavari - relationship between People's Livelihood and Godavari**

"Godavari comes once a year and goes. We have learnt to live with it. When that happens it is normal for us to climb on to higher reaches of our hills. But she never destroyed our homes and lives totally. We use the Godavari water through motors to irrigate our

lands..." **Kotla Sitamahalakshmi, Kondareddi sarpanch of Sriramagiri panchayat, Khammam district**

"For four months a year, Godavari feeds us, for three months, the agriculture feeds us by doing labour (both labour no others' fields and our own), and the rest of the months these hills and forests feed us - *naalugu nellalu Godavari mmamalni penchutundi, mudu nellalu vyavasayam, vyavasaya coolie pani, migilna nellalu i kondalu, adavi mammalni penchutayi...*" **Kunchaiah Varalakshmi, the Mandal President (MPP), Pydipaka Panchayat, West Godavari district**

Varalakshmi is a dalit, *Mala* sub caste. Godavari's arrival is very crucial for the dalits in these villages (Pydipaka is the nearest village to Polavaram). They make a living in the months when the Godavari swells up and lashes through these villages. The *mala* men gather the teak and bamboo logs that Godavari washes off in her rage, taking them along with her. The men go to the upper reaches during the floods and with the help of a log of wood tied to a rope navigate along the river, gathering the logs of wood. The broken down trees and logs they thus collect, is sold to make some money. They sell these for anywhere between Rs. 100 to Rs. 5,000 depending on the price they managed to strike. This, is how "the Godavari feeds" them in these months.

"We look forward to (Godavari coming "*Godaari take place edurchustuntaamu...*"). She sustains our crops, lives. Our agricultural activities in the three months after her coming. Rest of the months we make a living by daily wage labour on prawn farms (of upper caste Kammas, Kapus) here or go out to work in other places. If Godavari did not come, our agriculture will not be... Rain and Godavari give us our crops....Only when floods come we get some good water. If Polavaram dam is built we will not get that

water, Godavari will not come as she does now. **Vijayalakshmi, dalit from Bhairavalanka SC colony, East Godavari district**

The dalits here grow pulses and paddy on their 1 to 3 acre-lands. Their village is by the mangrove forests, close to the Godavari estuary in what is called I.Polavaram mandal in east Godavari district. When they are not cultivating, women work as wage earners, leaving homes at 6 am and returning at 7 pm. Vijayalakshmi says, "When the dam is built we will only have saline water and not the flood waters, which our crops need." For the sake of the records this village (of 150 *Mala* families) has nothing to do with the Polavaram dam directly. They do not come under submergence. But the dam will impact their livelihood patterns, which is something they perceive without expert opinions thrust upon them.

All these people recognise one basic principle. State policy which most of the times does not - the economics of Godavari's movement is linked to their lives and livelihoods. This economics is 'uninformed', ostensibly, of the crude mathematics that informs the statistical tables in, say, the Bureau of Economics and Statistics, published with regularity. Their economics is rooted in their everyday concerns, and is hard, grounded and in effect simple. It is the perspective of some of these women, living in villages by the banks of the Godavari in nine mandals of East, West Godavari and Khammam districts in Andhra Pradesh, threatened by submergence under the proposed Indira Sagar Polavaram dam, that I try to represent here.

## **Damming the Godavari**

### **The colonial history**

In mid 19th century, colonial rulers showed interest in the Godavari river. The **Godavari Anicut** was completed in 1852, under

the charge of the engineer Sir Arthur Cotton (1802-1899). Godavari delta region used to be the part of the Northern Circars of the East India Company in late 18th century. It was marked by its diverse crops. Under East India Company, drought and famine impacted the region between 1820s and 1840s. At the end of that period, measures were taken to improve agricultural economy (and increase revenue) through inundation canals. The **Godavari anicut** (Dowlaiswaram) was seen as the solution to famine and drought. The Godavari anicut was built with the objective of providing irrigation to the rice crop in the Godavari delta and part of the Krishna delta regions, besides allowing for sugar plantations. It was also meant to open up internal navigation on the river.

## **History of the Polavaram Dam**

In 1941, Diwan Bahadur L. Venkata Krishna Iyer, then Chief Engineer for irrigation department, made a proposal for a storage reservoir across Godavari near Polavaram, through two high level canals extending up to Tuni on the left and Elur (both in the east Godavari district) on the right, for irrigating around 2.5 lakh acres for the first and 1 lakh acres for the second crop.

In 1951 Sir S. V. Rama Murthy conceived of a scheme for construction of a 130 meter dam near Polavaram and a network of irrigation canals. The dam was proposed to be called Sri Rama Pada Sagar as it was expected to submerge lands around the region up to the feet of the deity Rama in the Bhadrachalam temple. It was surveyed when the state of Andhra Pradesh was not carved out.

After the reorganisation of the linguistic states, the proposed dam threatened to submerge parts of Madhya Pradesh and Orissa thereby giving rise to inter-state conflict. The neighbouring states in the Godavari Basin had stakes in the Godavari. Thus the Godavari Water Distribution Tribunal was constituted.

In 1978, a 50 - meter high Polavaram Dam plan was formulated. In 1982, again, the idea of the dam with a left main canal and a powerhouse was mooted at estimated cost of Rs. 884 crores. To this idea was added the plan of a right main canal at the estimated cost of Rs. 398 crores in 1984. The Central Water Commission (CWC) looked at the project proposal in 1985 and the plan was modified based on its recommendations.

In short, the Polavaram Dam as an idea existed for a long time in Andhra Pradesh with its ultimate aim to benefit the coastal, delta region.

### **Claims on the Godavari Waters - the Godavari Water Disputes Tribunal (GWDT)**

The catchment areas of the Godavari fall in 6 states - Maharashtra, Karnataka, Andhra Pradesh, Madhya Pradesh, and Chattisgarh and Orissa. The Godavari and its tributaries cover a total area of 1, 20, 777 sq.miles and the approximate yield at 75 per cent dependability is 3,000 TMC<sup>1</sup> .

Following is the state-wise break up of the catchment - area is as follows -

MAHARASHTRA -58, 764 SQ.MILES

KARNATAKA - 1, 701 SQ.MILES

ANDHRA PRADESH - 28, 263 SQ. MILES

MADHYA PRADESH (THEN INCLUSIVE OF CHATTISGARH) - 6,854 SQ.MILES

ORISSA - 6,854 SQ MILES

The above 5 (now six, after formation of Chattisgarh) riparian states are entitled for share from out of 3,000 TMC for utilisation in their respective states. To settle the share of each state and to adjudicate any dispute among them, the Government of India con-

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1. Thousand Million Cubic Meters



stituted the Godavari Water Dispute Tribunal under notification No. S. O. 1421, dated 10th April 1969....

After hearing the position taken by the five states on various issues relating to Godavari waters, the Tribunal advised them to reach bilateral and multilateral agreements on points of disputes and sharing of waters. The Tribunal (GWDT) pronounced its award directing all the states to implement the agreements and made these agreements as part of the award.

State wise Allocation of Godavari Waters as per GWD Tribunal are as follows -

MAHARASHTRA - 888.90TMC

KARNATAKA - 19.90 TMC

MADHYA PRADESH - 625.46 TMC

ANDHRA PRADESH - 1172.78 TMC

ORISSA - 292.96 TMC

## **Polavaram (Indira Sagar Dam) - facts and figures, official claims, official and realistic losses**

### ***Immediate Impact during, post construction of Polavaram dam***

Officially, over 276 tribal villages in the agency areas of East and West Godavari districts and Khammam district (of which 274 are in the V Schedule area) would be submerged. According to the 2001 census, 2, 37, 000 people will be displaced.

Of the total population to be displaced according to the government statistics, 47% are Adivasi, 15% are Dalits, 17% are Backward Castes and the remaining are Other Castes. However, as per 2001 census, 55% of the people to be displaced are tribals. A large part of the submergence area constitutes the homes and cultural context of the

Koyas, Kondareddis and Koyadoras, of which the Kondareddis are categorised in official records as a 'Primitive Tribal Group'.

Villages to be submerged first are in the Polavaram and Devipatnam Mandals (in West and East Godavari district, respectively), followed by Chintur, Kunavaram, VR Puram, Kukunuru, Velairpadu, Burugampadu and Bhadrachalam (in Khammam district). Major livelihoods that will be affected include agriculture (settled and shifting), forest-based livelihoods (collection of minor forest produce, etc), livestock rearing (cattle, goats, and backyard poultry), and fishing. Two-thirds of the cultivable land in the submergence area is under cash crops where significant extent of land produce yields up to maximum of Rs.50, 000 per acre under tobacco cultivation.

Even by the conservative official estimates 50 per cent of those to be displaced by the project will be women.

The larger plan to "link the Godavari and Krishna, thus reducing pressure on the Krishna waters; recreation facilities and pisciculture, etc" which the government plans, is bound to affect the traditional rights of the fishing community - who settle along the banks of Godavari in particular seasons. The effect on their rights to the river once it is dammed will at some point be in question.

**FOREST LAND TO BE SUBMERGED UNDER POLAVARAM DAM**

ACCORDING TO THE REPORT ON THE PROJECT BROUGHT OUT BY THE IRRIGATION AND COMMAND AREA DEVELOPMENT DEPARTMENT, GOVERNMENT OF AP, 3223 HA OF RESERVED FOREST LAND IS TO BE SUBMERGED BY THE PROJECT IN THE ELURU (248.60 HA), KAKINADA (112.31 HA), VIJAYAWADA (40.83 HA), BHADRACHALAM SOUTH (2271 HA), BHADRACHALAM NORTH (16 HA) AND PALONCHA (533.61 HA) DIVISIONS.

The governments in Orissa and Chattisgarh have stated their opposition to the Polavaram Dam, as tribal hamlets in Chattisgarh and Orissa also come in the submergence zone of the project.

## Other impacts

An EIA report of 1985 points out "every possibility of diseases like malaria, filarial, and guinea worm spreading in human beings... (and) bacterial and protozoan diseases also can spread or enhance in the region. Common diseases like diaorrhea, cholera and typhoid are few which are likely to spread in the domestic areas<sup>2</sup>"

## Papikondalu Wild Life Sanctuary - home to the Endangered Golden Gecko

According to WWF (World Wide Fund for Nature) State office, Hyderabad, Papikonda hills in Northern Eastern Ghats of Andhra Pradesh are home to the Golden Gecko (*Calodactylodes aureus*), a rare and endangered lizard species previously recorded in Andhra Pradesh only from the Seshachalam hills of the Southern Eastern Ghats. This severely endangered lizard, recognised in and protected by the Schedule I Part II of the Indian Wildlife (Protection) Act, 1972, was discovered by WWF India staff on one of its nature camps to the Papikonda Hills.

## Archaeological Heritage

Well-known scholar Prof. M.L.K.Murthy has noted, "From archaeological point of view, construction of Polavaram dam is a costly mistake..."He points out that human presence in submergence zone in the East, West Godavari and Khammam districts is about 1.5 lakh years old. Stone chipping tools, heavy-duty tools, of

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2. Source: M. Bharath Bhushan, *Activist (Telangana and tribal developmental issues)*, private circulated paper, quoting EIA 1985, para 4.03.4

3. In Biksham Gujja, S. Ramakrishna, Vinod Goud, Sivaramakrishna, eds, *Perspectives on Polavaram: a Major Irrigation Project on Godavari*, Academic Foundation, Delhi, 2006, pp. 135-7

stone, Mesolithic and Neolithic remnants are abundantly available in Polavaram submergence area. From 5000 BC onwards, the use of rice can be traced in this area. He also points out that at the villages Koida and Isunur in Khammam district near Papikondalu, several materials of Iron Age were found. At Ramavaram and Rudramakota, Iron Age burials were found.

Meanwhile, the Government, in its answer to the loss of this heritage, has been talking of setting up a museum in Polavaram town at some future time where these remnants would be placed - of course, out of their original context!

### **The Telangana Angle**

The advocates of Telangana state have many issues over the unequal development of the Telangana (Khammam, Medak, Nalgonda, Mahbubnagar, Adilabad, Karimnagar, Warangal districts) over Andhra (especially the coastal Andhra and delta regions). Access to irrigation facilities and water crucial in this discourse, as development here is seen vis-à-vis development of the irrigation facilities and infrastructure as most of the Telangana region (besides, Rayalseema) has been drought - prone and based on dry land agriculture.

"Prior to the merger of Telangana with Andhra State in 1956, Telangana was having a sown area of 1,19,47,000 acres out of which the irrigated area in Telangana was 17,55,000 acres constituting 14.69 per cent of its sown area. After about fifty years of this merger, the irrigated area in Telangana slightly increased to 18,40,000 acres. Whereas the irrigated ayacut of Andhra area was 34.5 lakh acres before 1956 and was increased to 99.0 lakh acres.. The Telangana region with cultivated area of more than one hundred lakh acres is being provided with assured irrigation facility to only 18 lakh acres with all the exiting and ongoing irrigation proj-

ects which is the lowest by any standard. This vast irrigational disparity, in spite of having considerable water potential, is mainly due to the deliberate neglect by all the governments which were in power from 1st November 1956. Today Telangana is one of the most under developed and economically backward regions in India. This is primarily due to the setback it received in the development of irrigated agriculture.<sup>4</sup>

So far as Polavaram dam project is concerned, a large part of the tribal submergence zone (30 tribal habitations according to government estimates) and around 1 lakh acres of cultivable area fall in the Khammam district of Telangana region. And its benefits are promised for the 7.12 lakh acres in East and West Godavari district. And this is being done in addition to the irrigation benefits that would come under the Tadipudi and Pushkaram lift irrigation schemes for the same farmers which is seen as giving undue advantage to these districts at the cost of the farmers in the Telangana region.

## **The Andhra Pradesh Government and Interest in Irrigation**

In a Press conference in Delhi in July 2006 the Andhra Pradesh Chief Minister Y. S. Rajasekhara Reddy announced some sops to potential industrial investors in AP. Of these, was a promise to earmark 5 per cent of water from all irrigation projects. There are at least 26 major and medium irrigation projects at the estimated cost of Rs. 46, 000 crores.

He had also said, "In Delhi I met the industrialists and explained to them the situation in AP and advantages offered by it. I told

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4. Umakanth Koride, "Effective Utilisation of Godavari Waters for the Development of Telangana", *Proceedings of a National Seminar on Regional Identity and Articulation, Department of Geography, Osmania University, March 18-19, 2005.*

them that if any industrialist is planning to start a new unit now, he should first think of Andhra Pradesh as a destination. There are several attractions. Lowest power tariff, which is being reduced every year by 3 to 4%, 75 paise per unit for new industrial units for initial five years, an additional incentive of 25 paise for food processing industries are some of the attractions. They were impressed with the advantages enjoyed by industry in AP and some of them assured me that they would consider AP as an investment destination. In the coastal region we have a very huge gas finds in Kakinada. We are planning a coastal growth corridor between Kakinada and Vizag. There is a great growth potential in that region. There is pharma city in Vizag. The advantage of it is that individual units in that city need not take Environmental clearances. It is a big advantage.<sup>14</sup> SEZs have been approved by GoI in the State.<sup>5"</sup>

### **Loss of Agricultural Work Days**

The AP Rythu Sangham and AP State Agricultural Workers Union estimate crop-wise distinction for wages and person days of work. For instance, cotton is grown in over 10,000 acres and gives an average of 150 person days of work per year (Rs. 32 per day as wages); paddy is grown in 10,000 acres and each acre gives 75 person days of work per year (Rs. 30 per day); Tobacco is grown in 6,000 acres and gives 250 person days of work per acre per year (Rs. 60 per day). Thus, a loss of Rs. 5 crores per year for cotton, Rs. 3 crores for paddy, and Rs. 8 crores for tobacco is hardly being compensated for in the government's R&R package

### **Unrecorded Losses - before the Dam**

I had met Sakkubai of Chegondapally, a Koya woman, when the

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5. Press Conference on 13th July held at the AP Bhavan.

## NUMBER OF WOMEN TO BE DISPLACED

OF THE POPULATION THAT WOULD BE DISPOSSESSED / DISPLACED, PERCENTAGE OF WOMEN FAR OUTNUMBER MEN. FOR INSTANCE, ACCORDING TO A CESS REPORT (BASED ON A STUDY OF THE TO-BE-SUBMERGED AREAS, AND 1996 CENSUS DATA THE PERCENTAGE OF SC WOMEN TO BE AFFECTED IS 67.3 PER CENT; ST WOMEN COUNT FOR 79.3 PER CENT, BC WOMEN TO BE AFFECTED WILL BE 58.1 PER CENT AND OC - 37 PER CENT<sup>6</sup> .

AGAIN, OF THE APPROXIMATELY 85,000 AGRICULTURAL WORKERS THAT STAND TO BE DISPLACED BY THE PROJECT, NEARLY 62 PER CENT COMPRISE WOMEN, ACCORDING TO B. VENKAT, STATE GENERAL SECRETARY, ALL INDIA AGRICULTURAL WORKERS UNION, AP CHAPTER.

"THE TOTAL POPULATION OF THE PROJECT AFFECTED VILLAGES WAS 2, 36,834 ACCORDING TO 2001 CENSUS. THE NUMBER OF MALES WAS 1, 17, 321 WHILE THAT OF FEMALES WAS 1, 19,513 INDICATING A SEX RATIO OF 1019 FEMALES FOR EVERY 1000 MALES<sup>7</sup>

THE TOTAL POPULATION OF THE PROJECT AFFECTED VILLAGES (ACCORDING TO 2001) CENSUS 2,36,834

NUMBER OF MALES 1,17,321

NUMBER OF FEMALES 1,19,513

SEX RATIO 1019 FEMALES FOR EVERY 1000 MALES

S.C. POPULATION 29,796 (12.58%)

S.T. POPULATION 1,25,934 (53.17%)

IN TERMS OF WORK DAYS WOMEN WILL LOSE OUT IN LARGER NUMBERS THAN MEN IN THE FARMING CONTEXTS.

spillway construction was on going (June 2006) despite a Supreme Court stay on works on the dam site. The loss suffered by this village, even before the all clearances were given to the dam, will never be compensated. She had said then, "The project is a loss

6. As interpreted by the Andhra Pradesh Vyavasaya Vruthidarula Union, presently one of the groups opposing the dam.

7. Source: Project affected persons economic rehabilitation plan (PAPERP) of Indirasagar (Polavaram) project, prepared by Agricultural Finance Corporation Limited, Hyderabad, September 200, p. 35. Table from same source

for us. They are dumping rubble on our fields and so much soil each day. We sought help from the MRO, RDO (revenue officials) many times. There is no compensation for us farmers who have lost cultivable land on account of this dumping." Chegondapally was among the villages that directly faced the effects of the same. Smoke from the dynamites used to envelope their village day and night. Their requisitions on the same were of no avail.

Muchika Suramma, the most vociferous opponent to the dam, had joined in by then. "Now they sweet talk, the moment we ask them questions they will put us in a vehicle and take us away!" And indeed, today Suramma, today housed in the Women's Cell in Rajahmundry under various charges including Sections 341, ("wrongfully restraining any person / official on duty"), 153 (A) ("promoting enmity between classes in places of worship") and 124 A ("sedition")! Suramma and her co-inmates in the prison had questioned the RDO and Joint Collector when the spillway work was under way.

## The dalits

The case of dalits is far more complex than any other. Brought in mostly by the upper caste landlords to cultivate tribal land over the years, the dalits are not even mentioned in the R&R pack-

### Loss of Cultural Context

THE TRIBAL SOCIO-CULTURAL SYSTEMS ARE NOT FAR REMOVED FROM THEIR ECONOMY. EACH RITUAL IS RELATED TO THE AGRICULTURAL PATTERN AND RHYTHMS OF THE SEASONS. THEY CELEBRATE THEIR FESTIVALS SAMAKOTTA (SOMETIME IN THE MONSOONS, CELEBRATING ONE OF THE CROPS); OFFER SAMALU, GONGURA, POTTALU, TOTAKURA (GREEN AND LEAFY VEGETABLES) OR KONDAJONNAKOTTALU (CELEBRATING THE HARVEST OF THE HILL MAIZE VARIETY), OR MAVIDIKAI PANDUGA (THE MANGO FESTIVAL). EACH OF THEIR GODS / GODDESSES (POLAM RAJULU, CHIKATI RAJULU, GAMUTYALAMMA, SAYILAMMA) HAS AN ASSOCIATED TREE. THOSE TREES ARE NEVER CUT DOWN. THEY ARE NOT HUMAN-MADE ICONS / FORMS. JUST A 'CONCEPT', PLACED UNDER A TREE AND PROPITIATED. FOR THAT FESTIVAL, THAT OCCASION, IN THAT MOMENT. THEIR FESTIVALS ARE RELATED TO THE HARVEST OR THE ONSET OF A PARTICULAR SEASON, A SEASONAL FRUIT ALSO IS A HARBINGER OF THE GOOD.



age reports. They may get meagre one-time monetary settlement, as landless agricultural workers. But even that is not guaranteed for those who have no ration cards to prove their identity. Some dalits managed to take lands on lease from the non tribal absentee landlords years ago, but the absentee landlords are suddenly returning in hordes to claim the compensation benefits.

An agitated and angry 70 year old Sarojinamma, of Marrigudem village (in Khammam district) says, "Where will we go? Drown in Godavari? What do we eat there? These packages will kill people like us, who have no land anyway. Will your government be happy then? May be Polavaram project will be happy if small workers like us die. We just have to cry holding on to these trees may be. The landlords will get their land. What about us?"

Varalakshmi, Sarpanch of Pydipaka says, "We are asking for a colony specifically for the SCs (in the R&R package). We also need three acres of land; because the dalits, who will be displaced by Polavaram dam, will become landless. At least here we own small pieces of land. Where else will we get this kind of environment? We know we will lose out. But if we have to leave ultimately, at least the government can make sure the dalits do not suffer. We are demanding (for dalits) free education. While all others (tribal communities) are getting Rs. 40,000 (for the houses) we are getting only Rs. 20,000.... The CM is distributing land everywhere else to the dalits and weaker sections. He should do similar things for the dalits displaced by Polavaram project."

Errapotu Chinipiri of Polipaka SC Colony says - "Surveys are being carried out only for STs. The Government will give pattas only to STs. We have about 1 to 3 acres of land (some of us have as less as half an acre land). There are many landless people too among us. In 1978 we were given Settlement pattas and got pass books in 1986.

We have been cultivating these lands since then. But the MRO and Collector only meet the tribal people. They do not consult us in the matter of compensation and R&R package. Three MROs visited us so far. They gave us Pass books, which we used for last 25 years, saying these were proof enough that these lands were ours. Now suddenly they are saying these pass books are not valid and only those with pattas will get the compensation. Government is causing conflict between us (dalits and tribal communities). We cultivated these lands. The Government should give us answers. They want pattas for podu lands. Why take away our lands? They are taking our land and giving it to STs. We are poor people. We live on daily wages since 2006 we lost crops. Since three months now we have had no regular work. We will not be given land to land compensation. We have not seen any R&R colony yet."

Pada Mutyam (a Mala) made a requisition to Sub Collector (Kunavaram, at the time of the requisition, Ms. Yogita Rana) and it read thus (someone read it out) - "For generations we worked and toiled on these lands. We were not given pattas. We could not go when the Settlement officers called us - we had no money for transport and someone was ill in my family. We want a patta for our land. We will have no other place to go than to commit suicide in front of your office. Signed : Pada Mutyam Survey No. 3 / 1 (2 acres land)"

The problem here is regarding pattas and lack of evidence as to how these 'Banjar' lands of State came into the possession of these dalits.

### **Tribal Land Alienation**

Most of the beneficiaries of the Polavaram dam R&R package have been the non tribal upper caste landlords,. Despite many cases pending in High Court against them they have managed to sell

their lands and leave in the lurch thousands of tribal communities and the dalits.

A Koyadora farmer Kosi Radha's land was part of the tribal community's land (in Pedabhimpally in East Godavari district) taken over by the Revenue officials for the Polavaram R&R colony. The compensation for the land, however, went to absentee landlords of the plains. Radha says, "For 15 years we have been cultivating on these lands. The RDO came and obstructed. He told us they have bought this land and we have no right to enter here. When we questioned him he sent us a notice... We used to grow millets, paddy, brinjal and cotton. We also go for agricultural labour or other kinds of wage labour. We sometimes go to pick cashew nuts from the forests (in April - May months)... We get Rs. 40 as daily wage per day. Rice costs us Rs. 5 per kg; we need 20 kg per family; some we get from ration shop, rest we have to buy from outside since what we get in ration is not sufficient for us. Kerosene costs Rs. 9.50 per liter; sugar Rs. 14 per kg. We survive on our lands for six months and the rest we work as daily wage labourers ..."

Some of the Koyadora men from here are in jail, again, on charges of criminal trespass and sedition. The R&R colony is built on around 22 acres of land which is under dispute in the High Court. A Konda Dora woman, Nagamani has set up a tea shack next to the R&R colony in Pedabhimpally. Ironically, it is her land that houses the R&R colony for tribal people from the submergence zone villages! Compensation for this land also went to non tribal absentee (Kapu) landlords. She still awaits justice for her case pending with the High Court. About the tribal people now settled in this colony she says, with a sense of sympathy, "The government should give them daily wages (promised in the package) but they have not got a single day's wage as yet. They are here since six months now. Men don't care - they thought they would enjoy the benefits from both places (their older villages and this new R&R colony)..."

Katakala Venkateswara Reddi of Kotaragummu in Khammam district says - "Around 40 years ago, the Forest department brought us to this part of the land, saying we were destroying the forests in Marepudi (up on the hills) by doing konda podu (shifting cultivation). Those days we were naive. But still we came here, and are just about seeing some development; we toiled and made this land the way it is. We cultivated fields. Now again they are asking us to leave. Even if they give us a crore of rupees we will not leave. We do not want the project."

M. Satyanarayana (former Ward member, Jeediguppa panchayat) says - "In the name of Jalayagnam the government is wiping out the 1 / 70 Act. Government is buying lands from non tribals who themselves bought lands here illegally. Some development was just about taking place. Now again government wants to push us backward. We shall lay down our lives, fighting this. The CM's Jalayagam will only benefit the crorepatis who anyways do not need this water. This water will be used for electricity generation, drowning all of us. Isn't the government ashamed? We will give our lives but not allow Polavaram dam to be built.

The government has allowed officials working on the Polavaram land acquisition to take Police protection. Even otherwise, many cases have been slapped on the small and marginal farmers in the last several months in the submergence zone villages and others affected by the R&R colony settlements.

Last year, the 2006 Godavari (or, Floods in official / scientific parlance) gave the officials a great opportunity to get consent letters from many farmers holding land in this area. For instance, the Deputy Tahsildar at the SDC (Sub Deputy Collector) Polavaram project office (a new establishment) at Bhadrachalam, Nageswara Rao, told me, "Farmers are willing to give land to the government. Since they have the constant fear of floods in the Godavari. They

are ready to leave. We went to Kunavaram since the people supporting the project called us to hand over their lands." He showed me a type-written consent letter with a signature (and thumb impression). Only, the letter stated (in Telugu) clearly, "Godavari mumpu baaditulu" - Godavari flood-affected families wanting to

SEETAMAHALAKSHMI, THE KONDAREDDI SARPANCH OF SRIRAMAGIRI IN V.R. PURAM MANDAL OF KHAMMAM DISTRICT REFUSES TO MOVE AN INCH FROM HER STATED POSITION AGAINST THE POLAVARAM DAM AND THE "PACKAGE" (THE R&R PACKAGE AS IT IS REFERRED TO HERE). HER HOME IS IN THE HAMLET CALLED GODAVARI GUMPU, IN CHUKKANAPALLY JUST BY THE BANKS OF THE GODAVARI. THERE ARE THREE HAMLETS HERE WITH KONDAREDDI SETTLEMENTS (THERE ARE A FEW KOYAS AS WELL) AND THE COMMUNITY OWNS, IN ALL, APPROXIMATELY 500 ACRES OF CULTIVABLE LAND (ACCORDING TO HER). THE POPULATION OF WOMEN IS MORE THAN OF MEN AMONG THE KONDAREDDIS. THE PANCHAYATS OF JEEDIGUPPA, TUMMULERU (BESIDES SRIRAMAGIRI) BOAST OF WOMEN SARPANCH. ALL THESE ARE TO BE SUBMERGED ONCE THE DAM IS BUILT.

SHE SAYS, "THE MRO HERE WENT TO ALL VILLAGES IN MY PANCHAYAT AND SEEMS TO BELIEVE THE PRESIDENT (SARPANCH) IS NOT NECESSARY FOR ANY OF THESE. ONE OF OUR COMMUNITY MEN IN KALTHANURU VILLAGE (SRIRAMAGIRI PANCHAYAT) IN FACT TOLD ME, THE VILLAGE ELDERS THERE SAID THEY WANT TO CONSULT THE PANCHAYAT PRESIDENT (SARPANCH) BEFORE DECIDING IF THEY WILL GIVE THEIR LANDS OR NOT. BUT THE MRO TOLD THEM, WE DO NOT NEED HER. THE MRO TOLD THEM, AS HE TOLD US THE OTHER DAY, 'MUNDU POINA VAALLAKE TIKKATLU, VENEKA OSTE TIKKATLU DORUKAVU' (IF YOU COME FIRST YOU WILL GET THE 'TICKET' - COMPENSATORY PACKAGE - NOT LATER ON). WE DON'T WANT TO GO. THERE ARE POOR LANDLESS PEOPLE WHOSE LIVELIHOODS ARE LINKED TO THE FOREST, COLLECTING NON TIMBER FOREST PRODUCE. WHAT WILL HAPPEN TO THEM? ...WHAT IS POINT OF ME AS A SARPANCH IF I AM NOT CONSULTED BY THE OFFICIALS? IN OUR GRAMASABHA LAST MONTH (JANUARY 2007) WE HAD RESOLVED WE DO NOT WANT POLAVARAM. THE MPP MEMBERS (MANDALA PRAJA PARISHAD) TOO PASSED A RESOLUTION IN FIVE MANDALS (KHAMMAM DISTRICT) THAT PEOPLE HERE DO NOT WANT POLAVARAM..."

SHE ALSO POINTED TO THE GOVERNMENT INDUCED CONFUSION BETWEEN 'GODAVARI -AFFECTED' AND 'POLAVARAM AFFECTED' TERMS USED IN THE GOVERNMENT SURVEYS. "MULAKALAPALLY AND JEEDIGUPPA WERE ALSO CONFUSED ABOUT THE GODAVARI VARADALU (FLOODS) MENTIONED. AT A MEETING IN THE MANDAL OFFICE RECENTLY I LEARNT THAT ONLY THE MULAKALAPALLY NON-TRIBALS HAD EXPRESSED CONSENT TO LEAVE. THE JEEDIGUPPA SARPANCH TOLD ME SHE THOUGHT IT WAS REHABILITATION FOR THE GODAVARI FLOODS. SHE DID NOT THINK THEY WERE GIVING CONSENT TO THE POLAVARAM DAM!"

shift to safer places giving agreement in writing to the Government!

Nageswara Rao said, "Polavaram (that is, as a term) is immaterial. They are anyways floods-victims. We are not using 'Polavaram'. We have to acquire the land by any means, in any case. Irrigation department has been surveying land and the land acquisition process is going on. This is easier. Entire village lands are being acquired (in the name of Godavari flood affected families)"

For matters of R&R the Government has formed a Negotiation Committee comprising the Collector, the Joint Collector, the SDC, and landholders. In cases of dispute or any other problem, there would be discussions held by the Committee and on mutually agreeable terms in the above case, the Committee has powers to enhance the compensation by around 50 per cent. Interestingly, the Gram Sarpanch is not invited, but can participate in the Committee proceedings only if the Sarpanch is also a landowner. If the Collector decides, she/ he can call the Horticulture Officer, Excise Superintendent, Forest Department officials and Roads and Buildings personnel to deliberate in the Committee sessions / negotiations, if necessary.

The Godavari (floods) of 2006 happened at just about the time the Government needed it. As one had predicted (based on one's interactions with government officials at the time of the floods) it has become the singular point of focus for the government to convince people they must leave these lands, prone to constant flooding, and move to better colonies constructed by the government.

But then, many people are giving up their lands out of no choice. One of the old farmers at Rudramakota (a dalit farmer who sold his land in February this year) told me "They arrested our MP, they aimed guns at our MLA, who are we? Can we fight this Government?" He was referring to the police firing (in January

2007) at a protest dharna organised by the CPI (M) at Khammam where the CPM MLA (Sunnam Rajaiah) and MP (Midiyam Babu Rao) were also present. An activist lost one of his legs in the firing, and several were injured.

Another dalit farmer, Babu said, "I have hardly 2 acres of land. At least with this money I can marry off my daughters. There is no other go. Everyone in my village is doing it. I do not know where we will live. We will probably live a dog's life somewhere when the project comes. Or may be even before it comes - who knows? Or even if it does not come - for our lands have gone. But tell me, do I have a choice?"

### **Mangroves of the east Godavari district - indirect impact of Polavaram dam**

"We bless the Godavari and look forward to her eagerly. It is only in the three months when she comes (floods) that we plant our crops; our agriculture, on our small pieces of land opens on Godavari talli (mother Godavari)."

"When Godavari comes, for us it is a time of plenty of fish. Very rarely some of the villages by the....get flooded. But we need the Godavari to get the best fish. Our best fishing happens immediately in the months of the Godavari coming."

If there is one place where the coming of the Godavari is looked forward to, it is in the villages along the estuary of the Godavari in east Godavari district, not only by the people living in these villages, but also the trees, birds and animals that reside in its habitat. The mangrove forests form part of the Coringa Wildlife sanctuary, which was earlier a reserved Forest.

At Coringa the fisher family of Mallada Narasamma, Narasimhamurthy and their 12 year old son, Mahalakshmi (belong-

ing to the caste of Agnikula Kshatriyas - BC - A category, locally referred to as vaddelu) like many others in the months before monsoons (April through June) set up their fishing boats on the creeks (locally called kaluvas) along the mangrove forests and virtually live on their boats. The Mallada family fishes from 6 am to sometimes late in the night. They earn anywhere from Rs. 30 to 100 a day depending on the catch. Narasimhamurthy says mangroves keep them safe from ravages of floods.

Palipu Sessa Rao, another fisherman fishing in one of the creeks of the Gautami Godavari on the way to Bhairavalanka and other fishing families like his, from near Bhairavalanka, Chimitamapaka, are dependent on mangroves for their livelihood in the lean fishing season (as it was, in April when I met them). He makes around Rs. 900 by selling logs of wood from the mangrove forest to a brick kiln near Kakinada. This is their source of income besides a lucky catch or two in the creeks. They hunt through the day and the boat becomes their virtual home on these creeks. The entire family can be seen on the boats, and you can spot quite a few such. However, there is a flip side - the Forest Department officials are always ready to slap cases, or leave them, for a price.

Golati Veeraraghavulu is a dalit farmer in Bhairavapalem, east Godavari district. So is Vijayalakshmi. They understand the importance of the Godavari 'floods'. They point out - "when Godavari comes, she stays 2 -3 days (Godavari vacchinappudu rendu-mudu rojulu untundi). Without that we cannot cultivate our fields."

About the dam Veeraraghavulu says, "When Polavaram barrage comes, we will only have this salt water, no fresh water. Only when Godavari comes we get good water. They are saying the dam will stop it. But then, there will also be no crops for us."

Vijayalakshmi joins in - "rain and Godavari give us our crops. We grow pulses and some paddy. We ready the fields by monsoon time.



Our cropping and farming happens in three months during and after Godavari comes. They say 'varadalu' and all that but for people here, 'varadalu' (floods) means a lot of good<sup>8</sup>. Godavari gives us water to drink, wash, grow our crops."

## **Of Polavaram Dam and Jail-terms<sup>9</sup>**

People affected by the Polavaram dam project directly, or indirectly are constantly being harassed by the police since the last one year, and when I was visiting the area in April 2007, some of them were housed in the Rajahmundry Central Jail, and the Women's Prison - Kunjam Rama Rao, Muchika Suramma and Geedi Pentaiah (the last two also members of the AP Rythu Coolie Sangham) were a few of these. Sections 143, 341, 153, 153 (A), 124 (A), 341, 447, 434, 427 IPC are being slapped on quite a few. Some of these sections mean "(being a) member of unlawful assembly" (143); "wrongfully restraining any person / official on duty" (341), "promoting enmity between classes in places of worship" (153 (A)), "sedition" (124 A).

In Polavaram, there are also others under different sections and liable to be arrested any time. Things, there, seem to be at a political head at least for those openly critical of the dam.

But in another village, not in the submergence zone, tribal farmers are being framed on false charges as well. 70-year-old Ekka Rajanna Dora was charged for 'criminal trespass' (Section 353 IPC) on his own land; and for 'obstructing officials on duty'. He is a Koya dora farmer who cultivates about one acre (or even less) of the community held tribal land in M.Ravilanka in Indukur

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8. *This is the first time I hear this distinction made by the people themselves. She specified the term and qualified it. All this happened in a spontaneous flow. I had not asked them any question to that effect.*

9. *For related article - see EPW, June 23-29, Vol.XLII No25, pp.2385-87*

Panchayat in Devipatnam mandal of East Godavari district. He had questioned the RDO (Revenue official) for digging up his land, which has now been handed over as part of the 'land to land' to tribal farmers of Bodigudem, Paragasanapadu and D. Rivilanka - among the first to 'settle' in the Polavaram R&R colony in Pedabhimpally in Indukur panchayat.

The tribal communities in this part of the Devipatnam mandal are being dispossessed of their livelihoods, their land and forest even before the dam is built. But if they question any of this, the officials are ready with a list of Sections that they can slap on these hapless people. It is a case of 'resettlement' of one section by unsettling another.

Ranga and Midiam Singaraju of Chegondapally say "We are so scared we are not going for the market (santa) on Tuesdays at Polavaram. Because you never know who they will get the next time!"

### **Yet, Tourism Thrives in Submergence Zone**

In just the last year the number of tourist launches plying on Godavari has increased phenomenally. People say on some Sundays there are as many as ten to fifteen launches in this between Rajahmundry and Papikondalu Wildlife Sanctuary. The tourist launches move from Rajahmundry via Pattiseema, Posammagandi, Papikondalu and Perantapalli. There are two-day 'packages' too, including, in addition, a night's stay at the bamboo huts in a tribal village, Kolluru (built by a non tribal landlord) and a visit to the Pamuleru waterfalls. These tours are authorised by the AP Tourism Department. Some sanctions also come from the Irrigation Department (AP) which perhaps also charges commission, as one of the launch staff revealed.

These unorganised, unregulated tourist operations have immense scope for exploitation and abuse of ad-hoc workers. Bhavya, a

petite girl aged 16. She dances in the launch everyday for a living. She dropped out of school after tenth. Her mother is an attendant in a hospital in Rajahmundry. She earns Rs. 250 per day for dancing to the tune of popular Telugu film songs with her 'master', a 20-something Saikrishna, who gets other 'students' to dance here occasionally. There are other children employed here too, such as Srinu, a 15-year-old illiterate from Vizianagaram, who earns Rs. 1500 a month. Son of agricultural labourers he has two sisters to marry off. He has been here for a year now. These children work non-stop through the journey and eat last. Here is tourism which 'consumes'. The forests, the hills and the Godavari are also sights to be consumed. You do not touch people's lives, except by exploiting labour and natural wealth for profit. Since colonial times, the Papikonda hills would have seen one unending sequence of land alienation, exploitation of forests and tribal people's labour.

These tourist launches on the one hand and Telugu film industry on the other have fed each other probably unintentionally. So the latest tourist launches, of course, came as an after-shoot of modern Telugu film industry making the most of the beautiful backdrop of Godavari and Papikondalu hills. Both do not connect to the real-life people or their problems. And despite the current threat of displacement and submergence, they continue to thrive with the tacit support of the State Government.

**Note: One has tried to present various aspects of the Polavaram dam project as observed over the last one year. These are just representative of the complexity of the Polavaram dam displacement issue. Meant to be a mere 'glimpse' of a mammoth displacement project threatening the lives of the people of East, West Godavari and Khammam districts in Andhra Pradesh.**

## Few Important Developments on the Polavaram Dam

### PWLS as National Park - CEC Questions

Based on the directions of the Central Empowered Committee that visited the Polavaram Project site the departments of revenue, irrigation and forest have begun working on a plan to consolidate and upgrade Papikonda Wild-life Sanctuary (PWS), informed sources said. The 591-sq km PWS that is spread over three districts Khammam, East Godavari and West Godavari is located 50 km from Rajahmundry. It is known as one of the finest representative forests of the Eastern Ghats.

The sanctuary area with moist forest patches is found on the banks of Godavari that flows through the Papikonda hill range. Besides the big cat, PWS is also known for marsh crocodile, huge ancient trees and orchids. Apart from migratory birds, the sanctuary is also host to pied hornbill and hill mynah.

The CEC discovered that about 1,700 hectare from PWS and an equal stretch from the

#### WILDLIFE BOARD CLEARS POLAVARAM PROJECT

HYDERABAD: THE NATIONAL BOARD OF WILDLIFE HAS CLEARED THE WILDLIFE ASPECT OF POLAVARAM (INDIRA SAGAR) PROJECT AFTER CONSIDERING VARIOUS ASPECTS OF LIKELY SUBMERGENCE OF THE PAPIKONDALU WILDLIFE SANCTUARY UNDER THE PROJECT.

THIS WAS DECIDED AT A MEETING OF THE STANDING COMMITTEE OF THE BOARD IN NEW DELHI, WHICH WAS ATTENDED BY UNION MINISTER OF STATE FOR FORESTS AND ENVIRONMENT A. RAJA. THE BOARD IS HEAD-ED BY THE PRIME MINISTER.

ANNOUNCING THIS HERE MAJOR IRRIGATION MINISTER P. LAKSHMAIAH SAID THE CLEAR-ANCE BY THE BOARD BECAME NECESSARY SINCE 187 HECTARES OF THE SANCTUARY WOULD FACE SUBMERGENCE UNDER THE PROJ-ECT.

THE WILDLIFE BOARD'S CLEARANCE WOULD HAVE TO GET APPROVAL BY THE EMPOWERED COMMITTEE OF THE SUPREME COURT. THE PROJECT WOULD HAVE TO GET FOREST CLEAR-ANCE TOO. THE MINISTER AFFIRMED THAT THE STATE GOVERNMENT WOULD ACHIEVE ALL THE CLEARANCES REQUIRED FOR POLAVARAM.

(SPECIAL CORRESPONDENT, THE HINDU, 9 JUNE, 2006)

## ENVIRONMENT CLEARANCE TO RIVER-LINKING PROJECT

INDIA'S FIRST RIVER LINKING INITIATIVE, THE MULTI-PURPOSE POLAVARAM PROJECT, HAS RECEIVED ENVIRONMENTAL CLEARANCE FROM THE CENTRE. A LONG-CHERISHED DREAM OF THE PEOPLE OF COASTAL ANDHRA PRADESH, THE PROJECT WOULD PROVIDE IRRIGATION FACILITY TO 7.5 LAKH ACRES SPREAD OVER FOUR COASTAL DISTRICTS OF VISAKHAPATNAM, EAST GODAVARI, WEST GODAVARI AND KRISHNA. BESIDES, THE RS 13,500 CRORE PROJECT WOULD ALSO LINK THE MIGHTY GODAVARI RIVER WITH KRISHNA BY DIVERTING 80 TMC OF ITS WATERS. THE MEGA PROJECT, NAMED INDIRA SAGAR, ENVISAGES CONSTRUCTION OF A DAM AT POLAVARAM IN WEST GODAVARI DISTRICT WITH 181.50-KM-LONG LEFT MAIN CANAL AND 174-KM RIGHT MAIN CANAL. THE PROJECT WOULD ALSO GENERATE 960 MW OF POWER AND PROVIDE DRINKING WATER TO THE PORT CITY OF VISAKHAPATNAM AND 540 VILLAGES EN ROUTE.

THE TRIBUNE, 26 OCTOBER 2005

redeemed forest area will be submerged in the Polavaram project. Of the 27 villages located in the sanctuary, 24 would be relocated. The CEC told State officials that the other three villages should also be relocated and 200 to 300 sq km of good forest land should be added to the sanctuary. Once that is done with boundaries marked out, PWS should be declared a national park with an area of 900 sq km. The sources said converting PWS into a national park would cost Rs 50 crore, which would be borne by the irrigation department

## CEC-QUESTIONS

The CEC after its visit to dam site on 28th and 29th July (2006) held a detailed hearing on the 8th August. The CEC has raised several queries and asked the state government to give written submission within 15 days.

1. Studies in respect of the extent of forest (both reserved and deemed forest) that would be submerged are incomplete and a detailed report may be submitted...
2. Total area of the wildlife sanctuary that would be submerged appears to be much larger than the stated area and

the figures furnished to CEC and Supreme Court do not tally.

3. Measures adapted to reduce the submergence of the forest.
4. Get an independent study on the impact of the project on wild life by a reputed institute.
5. Mechanisms adapted to relocate and rehabilitate the displaced people.
6. Economic rationale of the Polavaram project in the context of existing lift irrigation projects and their command area
7. How many clearances are needed and how many have been obtained.
8. Why not review the environmental clearance already obtained
9. The Stand of Chhattisgarh and Orissa states on the project.
10. Joint verification of submergence areas in Chhattisgarh and Orissa
11. Legal implications of the project as it would be partly in the wild life sanctuary.
12. Legal implications of the V Schedule area getting submerged and rehabilitating the tribals in Scheduled area.
13. Does +150 ft. reservoir level is FRL or maximum water level including back water submergence.
14. Dam break analysis, risk assessment and management plans in the event of dam break.
15. List of dates.

The CEC warned that it may be difficult for them to recommend forest clearance unless the governments of Chhattisgarh and Orissa apply for the forest that would be submerged in their states. Earlier the representative of the Chhattisgarh government maintained that their state would have no objection as long as the maximum water level including back water submergence is not

more than +150 ft, and it would oppose submergence of its territory. Orissa representatives maintained that they are against submergence in their state and stand by their

## **Written Submission**

Objections raised in written submission to the CEC (as on September 2006) : Excerpts from a 28- page document

"The Polavaram project construction has been started without clearance of the CWC which is a mandatory in respect of inter state projects. The Project once completed would submerge 276 villages in Andhra Pradesh, 7 villages in Orissa and 16 villages in Chhattisgarh displacing a total population of 1,95,357 (44,547 families as Per the R&R package of Andhra Pradesh alone and we suspect it be an under estimate). Among the people that would be displaced 50% are Scheduled Tribes, around 15% are Scheduled Castes and the rest others. These figures of submergence correspond to the Full Reservoir level of 150 feet. However, the number of villages coming under submergence and people likely to be displaced would go up significantly once the backwater details are worked out. It is suspected that more than 400 villages and 3.3 lakh persons would be affected with the contemplated back water level of +183 feet.

With the exception of 2 villages in East Godavari district all other villages that would get submerged are in the Scheduled Areas of the three States of Andhra Pradesh, Chhattisgarh and Orissa.

Out of total submergence area of 637 sq.kms by the Reservoir, 601 sq.kms is in Andhra Pradesh, 24 sq. kms is in Chattisgarh and 12 sq.kms is in Orissa with water level of +150 as per the E.I.A. & E.M.P. but actual submergence would be much more if real surveys are carried out. Out of this total submergence area, 3,223 hectares in Andhra Pradesh, 2,838 Chattisgarh and 178 hectares in Orissa is reserve forest area (according to the Government of

Andhra Pradesh. Real figure would be arrived at after joint surveys carried out). This forest area partly covers Papikonda Wild Life Sanctuary in Andhra Pradesh. Downstream of the Project site there is 300 sq.kms Coringa Mangrove forest which is a declared Sanctuary. This Mangrove forest too would be affected due to reduced fresh water flows in River Godavari due to the dam.

The Government of Andhra Pradesh is constructing this Project in violation of several Constitutional and Statutory Provisions and with out obtaining necessary statutory Permissions. Further the Government of Andhra Pradesh is violating numerous Judgments of the Supreme Court of India.

### **The Laws and Judgments given a go-by are:**

- The Environmental (Protection) Act, and the 1986 Rules framed there under
- The Environmental Impact Assessment Notification, 1994 r/w Notification, 1997
- The Forest (Conservation) Act, 1980.
- The Forest (Conservation) Rules, 2003, as amended time to time.
- The Wild Life (Protection) Act, 1972.
- Bachawat Award dt.07.07.1980.
- The Provisions of V Schedule of the Constitution of India.
- The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996, popularly known as "PESA".
- The procedure prescribed under Article 338 (9) of the Constitution of India.
- Supreme Court's judgment in State of Karnataka v. State of Andhra Pradesh, (2000). 9 SCC 572 at Para 52 P.No. 641 (f)
- Supreme Court's judgment in T.N. Godavarman Thirumulpad (87) v/s Union of India (2006). 1 SCC 1
- Supreme Court's Judgement in N.D.Jayal v/s Union of India reported in (2004). 9 SCC 362



- Supreme Court's Judgement in Narmada Bacho Andolan v/s Union of India (2000). 10 SCC 664
- Supreme Court's Judgment in Narmada Bachao Andolan v/s Union of India 2005. 4 SCC 32
- Violation of the Bachawat Award

Bachawat Tribunal after comprehensive hearing has passed an Award on 7.07.1980 vesting the CWC with absolute power to design the dam and issue the operation schedule, keeping in view of the back water affect and the area of submergence in the states of Andhra Pradesh, Chattisgarh and Orissa.

The Central Water Commission has made several objections on D.P.R. which have not been complied hither to by the Government of Andhra Pradesh.

The Chattisgarh Government on 30-9-1994 submitted a letter to CWC stating that it would be desirable to study the effect of Back Water in consultation with all these states.

An Inter-state meeting was convened by the CWC on 26.02.1997 to resolve the Interstate disputes regarding submergence area in Chattisgarh and Orissa States due to the construction of Polavaram Project. In that meeting it was decided to carry out joint surveys regarding Back Water affects, prepare a detailed Contour Plan with One (1) meter Contour interval showing the villages and other properties likely to be affected up to the anticipated back water level.

The Government of Andhra Pradesh submitted a modified report on Back Water Effects and submergence to CWC and the same was sent to Chattisgarh and Orissa Governments. However, the surveys made by Chattisgarh and Orissa on Backwater affects in their respective states did not tally with surveys made by Andhra Pradesh. Therefore, Chhattisgar and Orissa Governments have been

protesting against the construction of the Project and the same was conveyed to CWC.

The CWC on 25.05.2001 convened a high level committee meeting at New Delhi, wherein, the representatives of the Chattisgarh Government have submitted the details of area of submergence in respect of Reserved Forests and Protected Forests Area in their State due to this project which is higher than the submergence area arrived at by Andhra Pradesh.

Without rectifying the deficiencies pointed out by CWC the Government of Andhra Pradesh informed CWC that it has modified its earlier proposal and sought to convince CWC to clear the Project. The Government of Andhra Pradesh defying the legitimate instructions of the CWC and in violation of Bachawat Award issued a G.O.M.S.74 dated 27.07.2004 granting administrative approval for right main canal for Rs.1320 Crores. Further it issued a number of GO's G.O.M.S.no.129 dated 06.11.2004 and G.O.M.S.no.54 dated 24.03.2005 according administrative approvals to the various Project components at the state level. On 10.01.2005 the Government of Andhra Pradesh had called for tenders and entered in to agreements with contractors under various packages for the execution of the project. The contractors have commenced work on the Project in March 2005.

The Panchayat (Extension to the Scheduled Area) Act, 1996 [Act No.40 of 1996] popularly known as PESA makes it Mandatory for the State Governments to consult the Gram Sabha in Scheduled Area for acquisition of land, Rehabilitation and Resettlement. No State on its own without the consulting the Gram Sabhas can undertake developmental projects.

The Ministry for Tribal Affairs has so far not approved the Rehabilitation and Resettlement package. The Ministry for Tribal Affairs has addressed a letter to the Government of Andhra

Pradesh stating "land constitutes the most important resource for Scheduled Tribes, providing tenurial security and sustenance. Cash compensation, no matter how generous, cannot provide the same security and can easily and quickly be frittered away. "Land for land" compensation as proposed by the State Government is, therefore, extremely important. The displaced Scheduled Tribe families also need to be made stakeholders and beneficiaries of the development that is being undertaken in the Scheduled Areas. The "land for land" compensation should, therefore, be provided within the command area of the project. It is understood that State Government is considering this. This may please be confirmed and details provided".

## **Latest Update (July 2007)**

Writ Petition Nos. 17368, 17705, 18020, 19067, 19717 & 27095 of 2005

After the final hearings concluded on 18 February 2006, in a batch of writ petitions filed in AP high court the Hon'ble Chief justice of Andhra Pradesh disposed of the case on the 20 July, 2007. The operational part of the AP High Court judgment is below.

**HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI**

**AND**

**HON'BLE SRI JUSTICE R. SUBHASH REDDY**

Writ Petition Nos. 17368, 17705, 18020, 19067, 19717 & 27095 of 2005

### **Writ Petition No. 17368 of 2005**

In the result, the writ petitions are disposed of in the following terms:

1) The construction of Polavaram Project does not per se violate Clause VI of the Bachawat Award, provisions of the Environment (Protection) Act, 1986, Forest (Conservation) Act, 1980, Fifth Schedule of the Constitution and the provisions contained in Section 242-F of the Andhra Pradesh Panchayat Raj Act, 1994. However, the construction of dam would be subject to clearance by CWC and approval of the Central Government in terms of Section 2(ii) of the 1980 Act.

2) The CWC shall, within a period of three months from the date of receipt of a copy of this order, take final decision in terms of Clause VI (1) of the Bachawat Award. Within this period, the

Central Government shall dispose of the application made by the State Government in terms of Section 2 (ii) of the Forest (conservation) Act, 1980.

3) If the CWC does not approve the project within three months, then the State Government shall be free to avail appropriate legal remedies. Similarly, if the Central Government declines approval in terms of Section 2 (ii) of the 1980 Act, then 7500 acres of forest land shall not be used for implementation of the project. However, the State Government shall be free to avail appropriate legal remedies against the refusal, if any, of the Central Government.

4) The State Government shall not displace the people from 276 villages, which will get submerged in Polavaram dam and those living in the Scheduled Areas, which are affected by implementation of the project, without giving complete effect to the rehabilitation policy. This would necessarily mean that before the dam is filled and the villages are submerged, the affected persons will have to be rehabilitated, re-settled and compensation paid in accordance with the policy.

5) Wherever the State Government acquires land, it shall take possession only after payment of compensation to the land holder in accordance with Section 17 (3-A) of the Land Acquisition Act, 1894. This would necessarily mean that no person shall be dispossessed from the land without prior payment of compensation in terms of that section.

Sd.

June 2007

G.S. Singhvi, CJ

R. Suhash Reddy, J

*"Where will we go? Drown in Godavari?  
What do we eat there? These packages will  
kill people like us, who have no land anyway.  
Will your government be happy then? May be  
Polavaram project will be happy if small  
workers like us die. We just have to cry  
holding on to these trees may be. The land-  
lords will get their land. What about us?"*

*70 year old Sarojinamma, of Marrigudem village (in  
Khammam district)*