

ON the afternoon of January 30, 1989, 18 people discreetly slipped into Kevadia Colony — where the engineers and officials of the Sardar Sarovar Project (SSP) live. In groups of threes and fours, these people slowly moved towards the central crossroads of the colony, near the bus stand, mingling with the usual crowd that always hangs around this place.

However, January 30, 1989, was not a usual day at all. There was tension in the air. Over a thousand policemen and women had occupied the colony. While the colony residents were somewhat bewildered, they knew that “something” was going to happen. And that something can only be related to the oustees’ agitation. They were right. January 30 was the day the oustees of the SSP planned a major symbolic protest against the Official Secrets Act declared at the Sardar Sarovar Project site.

The Official Secrets Act

“The Official Secrets Act (OSA)? For a public project like the SSP?” This question was posed by an eminent professor of law and human rights activist when the programme was declared. Like him, many people did not believe that it could be done.

The OSA was originally enacted by the British. The Act was meant to protect “national secrets” against spies and other enemies of the state. The Act allows the Government to declare certain areas as “prohibited”. Then, entering these areas, obtaining information about them, talking to any one inside them, and even talking *about* them can be violative of the law.

The SSP dam site was declared “prohibited” as soon as the work on the project started. However, in 1988, as the people’s struggle took root, the

REPORT

“Confidential And Secret”

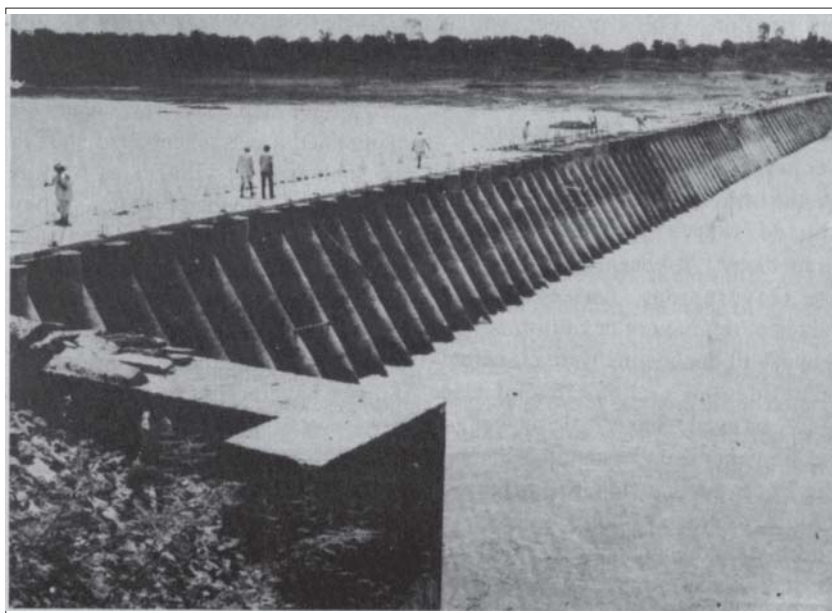
The Sardar Sarovar Project And Access to Information

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Act was extended to cover 12 of the affected villages around the dam site, including the bustling township of Kevadia colony. Big blue coloured boards were put up on approaches to the area proclaiming it as “prohibited”. Hundreds of ordinary people, though unaware, technically became violators of the OSA. Of course, the police did not bother to trouble them. But, for the activists and the villagers taking part in the struggle, it was entirely a different story. Harassment began; activists were threatened with violating the OSA. The old access roads to the villages were blocked off; villagers

were threatened. The police told them that they would be stopped if they tried to pass through.

The Narmada Bachao Andolan (NBA) decided that the Act had to be opposed, which led to the planning of the protest on January 30. Hundreds of people were stopped and arrested before they could enter the “Prohibited” area. It was then decided that 18 people would slip inside to protest. As hundreds of policemen were watching, these 18 people gathered in the centre of the colony, and started shouting slogans



Narmada Dam

condemning the OSA. The police, taken aback at first, recovered and arrested them for violating the OSA.

The arrests attracted widespread attention and condemnation. The then Chief Minister, Shri Amarsingh Chaudhari, was forced to announce in the Assembly that the Act would be withdrawn from the area around the SSP. However, it took more than five years before the Act was actually withdrawn.

A Secret Project?

The use of the OSA, however, is only the blatant and obvious strategy to stifle opponents of the project. The whole project is marked by a total lack of transparency, a lack of publicly available information, and a secretiveness which is a far more serious obstacle to an objective evaluation of the project than the OSA.

This was obvious from the way the project design and conceptualisation was carried out. The term “people’s participation” was not in vogue at that time and the planners and bureaucracy were very reluctant to share information. For a project, which claimed to be for a “public purpose” to benefit “millions”, surprisingly few hard facts were known.

In the early days of the struggle, in the mid-eighties, the Andolan started searching for the facts. Immediately, it became obvious that the Government was extremely reluctant to give out any information. Almost all documents were classified “Confidential”, “For Official Use Only” or even “Secret”. It seemed to be the general understanding among the bureaucracy that the affected people would be interested only in information related to the resettlement aspects. Therefore, that was the only information they were allowed to obtain.

The Andolan challenged this, saying that the people whose land was being forcibly taken away, people who were asked to make sacrifices in the “public interest” certainly had the right to get information about the project. But even information about the project’s resettlement aspects was not fully forthcoming. The example of the Monitoring Agency reports, described below, was typical.

Monitoring Agencies

Three independent agencies were appointed at the behest of the World Bank for Monitoring and Evaluation (M & E) of the resettlement process in the three states. These were Centre for

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Social Sciences, Surat (Gujarat), Tata Institute of Social Sciences (TISS), Bombay (Maharashtra), and H.S. Gaur University, Sagar (Madhya Pradesh). This was certainly a progressive step. The M&E agencies maintained a permanent field staff in the submergence villages as well as in the resettlement colonies. They collected detailed information, including family data, and brought out reports every six months. Ironically, the government then classified these reports as confidential, and the oustees did not have access to them. Thus, here was an example where information was gathered from the oustees themselves, information concerning a life and death issue for them; nevertheless, they were denied access to these reports. TISS was a notable exception, maintaining that the oustees had first right to the reports, and insisted on sending copies

of the reports to the Andolan, inviting the ire of the government. The issue exploded when the government of Maharashtra decided to remove TISS from the M&E work, unless it signed on a confidentiality clause. TISS refused and was thrown out.

Extreme callousness and insensitivity was displayed in refusing to provide an advance schedule of the dates for construction and submergence. Even when public pressure finally made them publish a schedule (the so-called Blue Book), it was never followed, making the whole thing meaningless.

On February 22, 1994, the government obtained clearance, in a most underhand manner, to close the construction sluices at the bottom of the dam. The direct impact of this would be a total drying up of the river below the dam for at least a few days, as well as submergence of some areas upstream of the dam. A few hundred families would be severely affected. And yet, the sluices were closed without even a word, notice or warning to these people.

The Review Report

This obsession with secrecy was even more severe in the case of issues other than displacement. The governments involved, especially the Gujarat government, would go to any lengths to ensure that critical information be withheld from the public.

In August 1993, the government of India constituted a five member independent group to review all aspects of the SSP. The group, headed by Dr. Jayant Patil, member of the Planning Commission, looked at the project in detail, heard numerous presentations, and finally issued its report in July of 1994. Yet, even as the

work of the review was still in progress, the government of Gujarat, which had boycotted the review, was becoming more and more concerned about the final report of the review committee. In Gujarat, some politicians went to the Gujarat High Court in September 1993, requesting the scrapping of the group. The High Court granted them a stay on the publication of the review report, until the case was heard. The case dragged on for 10 months with hardly a hearing taking place for months together.

The report was submitted in July 1994, but was kept in a sealed cover. All that was necessary to make it public would have been a statement by the government of Gujarat or by the petitioner to the High Court that they would have no objections to this. But, of course, they had. Ultimately, the NBA had to move the Supreme Court, which made the report public on December 13, 1994. Interestingly, before making the report public, the Supreme Court had expressed its surprise as to how anyone would want to prevent the publication of this report. The report upheld many of the Andolan's contentions regarding the project's lack of viability, the impossibility of resettlement, and other assertions. Making the report public resulted in a dramatic turn in the whole SSP controversy, including the case currently being heard in the Supreme Court.

“In the National Interest”

All these different incidents of secrecy are the manifestations of a far more deep-rooted flaw in the system. The basic fact is that so many so-called



Members of “Bharat Ekta Andolan”, a pro-Narmada group who are against any review of the project

“development” projects have been implemented for years now without any public debate or scrutiny. Criticisms have slowly mounted, not just of the displacement or the environmental issues, but also of the very viability and desirability of such projects. The governmental agencies involved have responded by the blanket argument that these projects are *for a public purpose* and *in the national interest*, thereby implying that mere assertions by politicians and bureaucrats should be sufficient to brush aside any questions that people raise.

However, the NBA challenged this very premise. The Andolan raised a fundamental issue - what really constitutes *public purpose*, and how is it determined whether a project is *in the national interest*? Is a declaration by the government enough? The Andolan believes that the project's “public purpose” ought to be established by a process that is

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transparent and public. For this, of course, the people's access to the necessary information is the single most crucial component.

Because the officials were holding all the information to themselves, and the government machinery was propagating only half-truths, the Andolan challenged the government to a public debate. The operative word was, of

course, “public”. The government was called on to come to a public forum with its engineers and experts, and put its claims in front of the public. The Andolan, too, would come with its experts, and argue its case. The public would then decide for itself. Of course, the important thing was that it would be an informed decision. The Andolan felt that this would be the start of a process by which the project authorities could be made accountable. Predictably, the government refused to participate. After many years of refusal, the Gujarat government did agree to participate in a debate in Jamnagar. However, the experience must have proved too dangerous to them; they have never participated again in any such event.

The idea of the public debate broadened into the idea of a public review of the project. Independent members of a committee would sit and listen to presentations from both (or more) “sides”. The public, the press, and concerned citizens would be free to attend the proceedings. And a report of the proceedings would be made public. The terms of the proposed review would span the whole range of issues from relief and rehabilitation to the project benefits. Again, predictably, the government refused to

participate. Finally, after an intense agitation during the monsoon of 1993, the demand for the review was conceded. However, the review would be held *in camera*. Anyone could make presentations to the review group. What happened to the report was indicated earlier. The Gujarat government (as opposed to many of its citizens and NGOs) boycotted the review.

Thus, by demanding a public debate and review, the Andolan tried to force the project to become more open, transparent, and participatory — to help the public decide if they should support this project.

Public Hearings

In the case of SSP, the demand for review came after the project plan was finalised. In the future, this process must be done before decisions are made. This is the practice in many countries where any project of public importance and significant impact must go through a series of public hearings, preceded by full disclosure of relevant information. In India, the public hearing concerning the Enron project held earlier this year by the Ministry of Environment and Forest is an indicator of the things to come — even though the hearing itself was a charade with the outcome already decided.

Of course, public hearings are only the first step to make the whole decision-making process more transparent and participatory. Today, it is only agitations and strong expressions of public opinion that have made examinations possible of “public purpose” projects. This struggle needs to be intensified so that openness becomes the norm rather than the exception. After all, access to information is crucial because information is power. And only when this power reaches the people — the poorest, and the most exploited people — only then can we really move towards just and sustainable development.

Tell us a Story

Each of the regional languages of India has a vast and rich repertoire of grandmother’s tales, folk stories, poems, sayings, jokes, witticism, etc. Unfortunately, these are inaccessible to those of us unfamiliar with languages other than our own mother tongue.

We invite Manushi readers to share with us what has struck you as significant from this repertoire in your mother tongue, that has not previously appeared in English. Please send us the original with a fresh English translation, identifying its oral or written source.

Editor