Brief on Visit to Surat

Dates/Duration of Visit: 7-8 December 2018 (2 days)
Destination: Surat
Places of Visit: Surat and Navasari Districts
Purpose of Visit: Meeting with protesting farmers and their representatives

Report of Visit:

JICA team visited Surat and Navasari districts. Representatives from Bharuch, Valsad (in Gujarat) and from Palghar in Maharashtra were also present to interact with JICA team.

Day 1(December 7):
Site visit around Surat
JICA team met with farmers who had assembled at the site in village Amodpore in Navasari (Sub district) 30 Kms from Surat. We also visited village Ghildoi and Kathor. The number of farmers who we met was approx.. 200 and 300 respectively. The common complaints and opinions were:

a) Farms were being divided in two-three parts due to acquisition. Value of land of balance parcels would go down as a consequence. Would create difficulties in irrigation and access for the farmer. Difference between jantri rate / circle rate (govt rate of land for a particular area) and the market rate is 10 times i.e in a particular case, compensation as per jantri rate is INR 22 lacs vis-à-vis INR 2 Crores (2.2 million vs 20 million).

b) Not only acquired farms, but also 30m plus ROW in both sides of rail alignment cannot be utilized for future private development, and no compensation is offered for this portion.

c) The land is used for multiple crops and trees plantations which yield for many years. Compensation offered is only one time.

d) Will lead to displacement of tribal agricultural workers and no compensation is being paid to the displaced workers. No information on compensation and RAP for agricultural workers has been shared.

e) Newspaper advertisement was issued only 1-2 days before consultation date as against requirement of 1 month prior notice. Consultation was not transparent, details of entitlement matrix not shared with affected families; the voice of the PAP’s was not heard. Police force used against people voicing their opinion.

f) Notices and information shared in English – farmers could not comprehend. The documents should be translated to local language.
g) No alternate site for house has been offered for families whose homes are being acquired.

h) Farmers interacting with District Land Acquisition Officer for their grievances, not NHSRCL people.

i) JMS has been initiated without RAP consultation. – village Pinjar/ Taluka Gamdevi/ Navasari distt.

j) No social impact assessment done – exercise done by ARCADIS is fake and futile without consultations with PAPs. As per Constitution, Gram Sabha Resolution is necessary for Schedule V areas for land acquisition. The gram sabhas have been coerced and compelled to agree to pass resolutions for acquisition.

k) Affidavit of Gujarat Govt in the High Court states that in lieu of RAP and R&R policy, govt shall pay 50% additional compensation instead of rehabilitation and recovery. This has an impact on livelihood, agriculture and small farmers who will get displaced.

l) PAP’s were misled stating that survey for sea level measurement of land is being undertaken. Notice of 2nd level consultation was issued without holding 1st level consultation.

m) As per 2013 RFCTLARR, SIA and EIA are mandatory. GoG has amended the Act and sought exemption from SIA – this amendment is arbitrary and is being challenged in High Court. EIA and SIA are done only to satisfy JICA’s requirements but have no legal sanctity for implementation due to the amendment of the Act by GoG.

n) Another Challenge in High Court is about adoption of jantri rate of 2018 (used as a substitute for market rate) as against the current practice of 2011 rate for determination of compensation.

o) GoG has also offered 7% additional compensation for land per year if farmer gives land by consent. The land acquisition act does not refer to conditions for acquisition and therefore this cannot be accepted by farmers.

p) Different rate of compensation in adjoining areas for ex in valsad district, Borigam village, taluka Umargao, compensation is offered at INR 16 per sq m but in neighboring Dadra and Nagar Haveli (DNH) area, compensation is at the rate of 1,210 sq m. In Bori village jantri rate is INR 65,000 per acre, but in adjoining DNH Jantri rate is 50 lacs.

JICA team was informed that as regards acquisition for National Highway (Vadodara-Mumbai), award on the basis of jantri rate of 2011 has been cancelled by the High Court and High Court has directed to pay compensation as per market rate (revised jantri rate of 2018).

Maharashtra Representation:
A team of activists came to Surat to meet with the JICA team. As such, we held a quick meeting with them, and they informed the following:

a) For Palghar, all gram sabhas have denied permission and passed a resolution stating that they are not in support of land acquisition and the project. This is on account of project not required by PAP’s in these area, not benefitting people of the area, leading to land alienation, affects livelihood etc. As per constitution, gram sabha resolution for acceptance of acquisition is required or Schedule V (Tribal Areas) in accordance with PESA Act (Panchayat Extension to Schedule Area).

b) As per ILO convention 169 and 107 (India is a signatory to 107), an equal amount of land is to be given to Indigenous people (IPP) if they are displaced. The same is being violated by GoM.

c) GoM has granted exemption from PESA Act which is illegal and anti-constitution. Public hearing has not been carried out. Draft reports on EIA and SIA have not been shared and website has information only in English.

December 8, 2018 (Day 2)
Meeting at office of Gujarat Khedut Samaj

First a meeting was held with the environment activists from Paryavaran Suraksha Samiti. Their complaints and opinions were as follows:

a) EIA report is based on 2010 data and figures. EIA is very sketchy.
b) EIA is not available in Gujarati and Marathi language.
c) Chapter from Joint Feasibility Report on cost are missing on website.
d) EIA report was not shared prior to consultation.
e) As per Environment Protection Act (EPA) of 1986- amended in 2006, EIA is exempt for linear projects. So EIA is being undertaken only to satisfy JICA’s guidelines and has no legal sanctity.
f) Minutes of EIA / SIA meetings are not being circulated after consultation.
g) As per JICA guidelines, consultation has to be informed and with prior notice and in language understood by the PAP’s.
h) As against Bullet train project (HSR), consultation undertaken by NH project was more inclusive, open, notice issued 30 days in advance, proceedings were minuted and reports shared on website.
i) Activist stated that they shall challenge the EIA exemption to linear projects in Supreme Court.

After the meeting with the environmental activist, some views on SIA concerned issues were conveyed as follows:
a) RAP is a sham exercise and not envisaged to be implemented. Monetary compensation is not enough. There is large scale involuntary displacement.

b) Section 10 A amendment of RFCTLARR 2013 Act by GoG exempts SIA. This violates JICA’s guidelines. Section 31 A – enables 50 % additional compensation in lieu of R&R. Both the above amendments are illegal in the sense that they are repugnant to the Central RFCTLARR Act of 2013. President of India has assented to these amendments but he was not informed about JICA guidelines and therefore the assent to these amendments of GOG is illegal and void in law.

c) Deadline by Prime Minister and other authorities for August 2022 completion means that irrespective of opposition to land acquisition the same shall be completed.

d) In multistate project, land acquisition is not State subject but Central i.e GoI subject. Notifications have been issued by GoG and GoM and are hence illegal.

After the meeting JICA team enquired about the willingness of above activist to share such information with NHSRCL and their willingness to participate in consultations for EIA / SIA, in the case a committee to review the EIA / SIA is formed. The activists stated that they would welcome the move to constitute a joint team and participate in EIA / SIA consultations.

(END)