



MANAGING REHABILITATION AND RESETTLEMENT OF THE INVOLUNTARILY DISPLACED PEOPLE: LESSONS FROM THE NARMADA PROJECT IN INDIA

Hinal Pandya

Abstract

This paper discusses the issue of indigenous development, displacement, rehabilitation and resettlement policies, and the implementation strategy of Gujarat State, India. This study is based on an anthropological approach, conducted among the indigenous communities displaced by the Narmada Project. These groups are traditionally shifting cultivators and famously known as “tribal” or “Adivasi” in the government records. This paper also focuses on the issue of indigenous displacement and land alienation due to the construction of massive Narmada Dam project, without proper rehabilitation and resettlement (R&R), although there are well defined guidelines, norms and procedures for the rehabilitation of displaced people.

Keywords: *Indigenous development, R&R policies and practice, displacement*

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Introduction:

Displacement of human populations as a result of massive development projects is a world-wide problem and more often seen in developing countries like India. Development in India as in the rest of the world is evaluated by various development projects such as expansion of industries, dams, mining, thermal power stations, roads and communication and other juggernaut projects. Involuntary displacement not only affects the people but can also invalidate the whole poverty reduction efforts of such projects.

The establishment of irrigation dams, expansion of high ways, and hydro power plants are often associated with the displacement of huge numbers of the indigenous communities. In India, public disagreements and individuals concerns about internally displaced people (IDPs) are stronger than in many other developing countries. This is quite reasonable since- India is the third largest dam building nation in the world with some 4,290 dams and, possibly, it has the largest number of development induced displaced people in the world¹ Taneja and Thakkar (2000)² point out that estimates of displacement in India from dam projects alone range from 21 million to 40 million people. The World Bank Environmental Department (WBED) report notes that, in 1993, World Bank projects in China accounted for 25 per cent of people displaced in Bank-assisted projects, while Bank-assisted projects in India accounted for 50 per cent of the Bank total. According to one estimate 15 per cent of the world's large dams 1947-1979 were built in India that now has more than 4,000 such dams today³.

In India, the indigenous peoples⁴ and tribal peoples displaced by various infrastructure development projects have experienced landlessness, unemployment, indebtedness, and hunger. This study will further document the adverse impact of displacement on displaced persons. The following table indicates an overview of displacement by infrastructure development projects in India.

¹ Samad, 'Land Acquisition and Displacement', Human Rights documents, Indian Institute, New Delhi, 2007, p.123

² Taneja, Bansuri and Thakkar, Himanshu, "Large Dams and Displacement in India", Cape Town, South Africa: Submission no. SOC166 to the World Commission on Dams, 2000.

<http://www.dams.org/kbase/submissions/showsub.php?rec=SOC166>

³ Fernandes Walter, "Internally Displaced Persons: Displacement and Rehabilitation in the tribal Awards of Orissa", India Social Institute, 2007.

⁴ Historically, the scheduled tribe people called 'Adivasi' or indigenous people have lived in hilly, and forest areas. The term "indigenous people", "Tribal group", "ethnic minorities" "schedule tribe" describe social groups with a social, culture & ethnic identity different from the dominant society that makes them vulnerable to being disadvantaged in the development process. For the purpose of this research study, "indigenous people" is the term which will be used to refer to these groups.

Development Projects and Displacement (Approx. Fig) in India Up to 2001- An Overview

Category of Projects	No of Displaced tribal Families In Lakhs ⁵ (Approx)	Percentage of total Displacement
Dams	63.21	74
Mines	13.30	16
Sanctuaries	4.50	05
Industries	3.13	04
Others	1.25	01
	85.31	100

Sources: Ota A.B: July 2009:03

India's population includes almost one hundred million "tribal people⁶ (Kurup: 2008:01)."Of all the displaced Schedule Tribes (STc), 64 per cent are yet to be rehabilitated⁷.

Empirical data collected over the years has indicated that, in most cases, displacement has resulted in deprivation and huge poverty. In India, protests by the individuals such as *Narmada Bachao Andolan* (NBA)⁸ (Save Narmada Movement) and others such those relating to the Sardar Sarovar Project (SSP) clearly point to such conclusions. It is argued that rehabilitation and resettlement of people affected by the project are falling behind and lacking in respect of international policies and standards, procedures and to the decisions of India's own Narmada Dispute Tribunal which was constituted in 1979, resulting in- "considerable suffering and injustice" to many Internally displaced People (IDPs). Many of these studies focus on the short-term consequences of involuntary displacement and their adverse effects. To date only brief research has been conducted on the long-term impacts on resettled people in the new relocation sites with the possibilities of socio-economic and civic amenities, improved access to basic infrastructure facilities and opportunity for improving their livelihoods generating advantages in the long run that could compensate for their losses acquired in the short time. The present paper examines the long-term impacts of shifting of the IDPs in the selected irrigation project in India.

Socio-Economic Profile of indigenous Communities

The indigenous people have been living in the forest and hilly regions, in the close vicinity of the forest. The indigenous economy has involved shifting cultivation and farming. The majority (96%) of the indigenous are cultivators and 4 per cent are wage laborers and almost all depend on the forests and forest produces for their livelihood. The indigenous rights to the forest-lands have adversely affected. There is reduction in the number of respondents doing cultivation and poultry work after shifting to the new places. Similarly, the number of daily laborers has increased after displacement. It has been observed from the collected data that the respondents' income remained almost the same even after their resettlement.

⁵ 10 Lakhs = 1 million (Lakh or Lac is a numbering unit in India and widely used in official and other contexts).

⁶ According to Government of India Census 2001, 8.2 per cent of India's populations are tribal.

⁷ Fernandes (2004), " Rehabilitation Policy for displaced", Economic and political weekly, Vol.xxxix No:12 pp.1192

⁸ Narmada Bachao Andolan is social movement consisting of tribal people, *adivasis*, farmers, environmentalists and human rights activists against the Sardar Sarovar Dam being built across the Narmada river, Gujarat, India.

India's Domestic Framework

- *The Indian Constitution and the rights of livelihood and housing*

The Constitution of India was drafted 61 years ago to maintain the rights of its citizens. We have to go back to understand a few legislative amendments that have been accepted in international agreements, treaties, and memoranda. The state's R&R policy should address: Human Rights, Rights to Livelihood, Rights of the Indigenous, Rights of Women, Rights of Children, Rights of Orphans and Rights of the Aged⁹.

Constitutional Rights of the Indigenous Peoples

The Constitution of India provides for Fundamental Rights under Chapter III of the Constitution. These rights are guaranteed by the Constitution.

IDPs must rely on their country's own laws and guidelines with regard to R&R. This is because there is no, worldwide legal and institutional scheme. There are no separate laws pertaining particularly to the state's legal responsibility to its internally displaced¹⁰. Thus, displaced persons must rely upon the Fundamental Rights provisions of the Constitution and the decision of the courts for resources. Actually, the Indian Supreme Court has supported complex human rights in India by incorporating the ethics of international declarations and treaties in support its interpretation of the Constitution¹¹.

One of the most significant human rights provisions in the Constitution is, Article 21¹², which provides the framework for securing the rights to life.¹³ The Supreme Court has interpreted this as life with dignity. But the advantages suggested in the policy for displaced people can at best keep the indigenous deprived and at worst drag them (further) below the poverty line. No draft has stated the minimum number of families for the policy to apply. (Fernandes: 2004:1191). Similarly, another significant article 39 (a) in the Constitution tells the state that citizens have the "right to an adequate means of Livelihood".¹⁴ Similarly, Article 41 of the Constitution, states that, "the state shall make efficient provision for securing the right to work"¹⁵. Similarly, articles 12(2) and 12(3) have a provision on equality of land replacement. It states that the state should, "provide a land of quality at least equal to that of land prior occupied by the displaced people¹⁶"

The Indian Constitution also has further articles related to the protection the tribal citizens. These include:

⁹ See The Constitution of India

¹⁰ See Mehta Pooja, (2005)"Internally Displaced Persons and the Sardar Sarovar Project: A case for Rehabilitative reform in rural media", American University International Law Review, 20, no.3:613-647

¹¹ See also, Sripathi, supra note 21, 14 468 commenting on the influence of international human rights law on Indian constitutional jurisprudence.

¹² See Constitution of India. Article 21 (stating that "no person shall be deprived of his life or personal liberty except according to procedure established by law"); See also the preamble of the Indian constitution

¹³ See Indian Constitution. Art.21 See also the preamble of the Indian Constitution.

¹⁴ See Indian Constitution art.39 and also see the Directive Principles. (It states that the state should govern its policy toward securing, among another thing, a right to enough livelihoods for men and women equally, and equal pay for equal work.

¹⁵ Refer Article 41 of the Indian Constitution and also see, the case of Olga Tellis vs Mumbai Municipal corporation (1986) 2 S.C.R. 51, 83 stating that the right to life conferred by Article 21 of the constitution containing the rights of livelihood.

¹⁶ See ILO Convention 107, supra note 54, Article 12 (2), mention that, replacement land should be suitable to give for the tribal people needs and future growth'.

- ❖ Right to equality (Article 14)
- ❖ Culture & Education Rights (Article 30: The Rights of minorities to establish and administer educational institutions is established here)

The Article dealing with Compulsory acquisition of property has been repealed through the Constitution Act, 1978 under 44th Amendment)

Initially the Constitution of India included provisions under Article 19(f) and Article 31, which constituted Rights to Property. But there were many complexities that the state was confronted with, Articles 24, 19 and Articles 31 of the Constitution interpreted in tandem by the Courts proved to be anti-developmental, as the courts struck down various acts of the state¹⁷.

Evolution of Rehabilitation and Resettlement Policy in India: A History

The evolution of the rehabilitation policy in the country is very interesting. In 1985, a committee under B D Sharma, Commissioner for the Schedule Castes (SCs) and Schedule Tribes (STs), was shaped to an outline schemes for displaced indigenous communities. The committee recommended a standardized policy for all people displaced by various infrastructure development projects. In 1994, the outline was modified, but did not acknowledge rehabilitation as a right of the displaced people. This draft was extensively scrutinized among different groups and a substitute draft was formulated. Still the government never gave its approval to the policy document.

In 1998, the Ministry of Rural Development designed a draft Land Acquisition Bill and the draft National Rehabilitation and Resettlement Policy for the people who were displaced from the various development projects. This was also widely opposed by various voluntary groups who arranged a meeting to argue this draft should go further in its provisions. In 2000, after a number of consultations, with the related ministers, divisions, the States and the Union Territories, the business groups, groups enthusiastically involved in R&R grass roots groups and the community at the large, and of course, with great struggle, another yet another draft-The Land Acquisition, Rehabilitation and Resettlement schedule was framed¹⁸.

The Ministry of Rural Development formulated the National Policy on Resettlement and Rehabilitation in 2003. Up until the present (2011), India does not have any National Rehabilitation and Resettlement policy. Only selected states i.e. Maharashtra, Madhya Pradesh and Punjab have their own policies. Karnataka and MP have laws for water resource displaced people and the Maharashtra Act includes all displaced people. Rajasthan and Andhra Pradesh have policies for irrigation displace people and Orissa has one that applies to all¹⁹. In addition, The Maharashtra Project Affected People's rehabilitation Act was passed in 1976, and revised in 1986. Other States have issued Government Resolutions (GRs) or Government Orders (GOs). The National Thermal Power Corporation and Coal India have formulated their policies in the 1990s and the

¹⁷ An article published on "The Process of Land Acquisition", in www.legalserviceindia.com/article/1257/process-of-land-acquisition.html (last visited 25/05/2011)

¹⁸ <http://indlawnews.com> Tuesday, July 27, 2010.

¹⁹ Fernandes Walter, "Internally displaced Persons: Displacement and Rehabilitation in the Tribal Awards of Orissa, New Delhi, India Social Institute, (2007) and Fernandes Walter, "Rehabilitation Policy for the Displaced", Economic Political weekly March 20, New Delhi, 2004

National Hydro-Power Corporation in 2006 (Fernandes: 2007:06). Through the interest groups against involuntary displacement and for R&R, a variety of problems such as the right to a livelihood, the right to education, the right to proper housing, the basic rights of communities came to be considered²⁰. Whereas there is no state level R&R scheme, land acquisition is covered by a countrywide law in India, the Land Acquisition Act (1894) and its numerous modifications. The Land Acquisition Act (LAA) permits land acquisition in the case of countrywide importance for irrigation reservoirs, canals, transmission lines, hydro-plants and national highways to be taken over by the individual States, in agreement with its provisions. Under LAA²¹, reimbursement is in cash for the loss of land, other useful property such as existing crops and trees and fruits and the land plots for housing.

National Rehabilitation and Resettlement Policy 2004

After two decades of writing several drafts, the National R&R Policy for Projected Affected Families (2003) was published on 17th February 2004 by the Ministry of Rural Development. The original outline of this policy was published in 1993; it has been modified periodically since. The 2003 policy reflects a great effort within and out side the government. The Central government endorse the National policy on Rehabilitation and Resettlement, 2007, to restore the National Policy on Rehabilitation and Resettlement of Projected Affected Families, 2003²².

The draft policy has been criticized on the following grounds:

- It was pushed through-in confidence;
- It did not address problems raised in the draft policy planed by individual groups in 1995;
- It continued to acknowledge displacement as a given;
- It is weak in details and specific provision for R&R;
- It is a benefit approach rather than a right approach;
- It continues to have a cash-based element

The major difficulty in 2004 policy was that it did not resolve the problem of land acquisition. This was widely debated at consultations in 2004-05. The groups then gave their efforts to the National Advisory Committee to incorporate in the draft National Progress, Displacement and Rehabilitation Policy in December 2005 on its website²³.

²⁰ Engendering Resettlement And Rehabilitation Policies And Programmes In India, Report of the workshop held at the India International Centre on September 12 and 13,2002 organised by the Institute of Development Studies and Action Aid, India with support from DFID, URL <http://www.ids.ac.uk/ids/KNOTS/PDFs/NarmadaWshop.pdf>

²¹ See Land Acquisition Act 1894

²² Fernandes Walter, "Internally displaced Persons: Displacement and Rehabilitation in the Tribal Awards of Orissa, New Delhi, India Social Institute, 2007

²³ <http://nac.nic.in/>

The NPRR had always appeared as a super-diluted, pro-industry sudden fix²⁴. Walter Fernandes, director of the North Eastern Social Research Centre, Guwahati, had then noted: (The 2003 policy) will drive thousands of families into deprivation. An estimate suggests the number of families displaced by infrastructure development projects alone was more than 20 million up to 1991. A variety of research studies have their own statistics which suggests that the number of could be 56 million. Out of these, 75 per cent of families (as per government records) are awaiting rehabilitation²⁵. A study was conducted in Andhra Pradesh, Kerala, Goa, Gujarat, Orissa and Bengal by the North Eastern Social Research Centre, which suggests that over 15 Lakh IDPs were affected by various infrastructure development projects between 1951 and 1995; this has been increased to 25 lakhs till 2000. Orissa and Andhra Pradesh account for 80% of the projects. In Goa the number is 60,000, in Kerala they were 600,000 and would be million up until 2000. North West Bengal it is 69.5 lakhs and in Assam 19 lakhs. In Gujarat the number of IDPs is 50 to 60 lakhs. This gives total of 60 million for the country²⁶. This information is enough to understand the India wide image of the displacement. Most of the thinkers, academicians and policy planner believe that this policy just overlooks this vast section of the people, whose basic human and constitutional rights have been abused, by denying addressing any method of granting them a hugely delayed justice²⁷. They further argue that there are many drawbacks and loopholes in this policy. The policy was appropriate only for projects affecting more than 500 families in plain-land, and 250 families in mountainous regions. To establish a minimal number limit in policy is illogical. Although the policy pays attention especially to scheduled tribes - which is admirable - some problems still linger and are poorly tackled. One is compensation in terms of cash for the loss of basic rights and utilization of forest and natural produce, and for person settled outside the district or Talukas. Money cannot recompense for such losses. Moreover, the policy has no provision for the involvement of the people, most of them are already marginalized, and this was largely debated and scrutinized in the 1990s by various Non-Governmental Organizations (NGOs), academicians, and think tanks, was finalized without any public consultation²⁸. Therefore, this policy was considered an insufficient after a period of such a long wait and great effort.

According to the eminent sociologist²⁹ Dr. Lancy Lobo, "The influence of this National Policy is yet to be seen is "practice". This policy may prompt State Government to come up with more attractive rehabilitation package in order to get green light from different ministers of Union Governments".

²⁴ <http://www.actionaid.org/india/> "Discussion" 2010 and also see <http://displacement.net/members/content/view/12/68/>

²⁵ <http://www.actionaid.org/india/> "discussion" 2010

²⁶ Fernandes Walter, "Internally displaced Persons: Displacement and Rehabilitation in the Tribal Awards of Orissa, New Delhi, India Social Institute, 2007, p.1

²⁷ Manju Menon, Resettlement and rehabilitation: Moving from an inadequate policy to a bad one, URL : www.infochangeindia.org/analysis33.jsp - 64k

²⁸ Manju Menon, Resettlement and rehabilitation: Moving from an inadequate policy to a bad one, URL : www.infochangeindia.org/analysis33.jsp - 64k

²⁹ Dr.Lancy Lobo is the director of the Centre for Culture and Development and an eminent scholar and sociologist in India.

National Rehabilitation Policy (NRP-2006)

The National Rehabilitation Policy was published by the Ministry of Rural Development on 4th of October 2006. This is a draft policy and it is still under the consideration by various ministers and departments. The government still has not accepted any of the drafts proposed by earlier consultations and the deliberators of several committees' and inter-sectoral consultations. Each time a new draft has been introduced with much the same set of weaknesses as in the earlier one³⁰.

The Union Cabinet of India gave its consent for the National Policy on Rehabilitation and Resettlement, 2007, to swap it with the National Policy on Resettlement and Rehabilitation for Project Affected Families, 2003. A Gazette Notification will be issued in a while to bring into produce the new policy. The Government has also determined to pass legislation on the outline of the new R&R policy, and to appropriately revise the Land Acquisition Act, 1894³¹.

The newest policy³² is generally different from NPRR-2003, although is it similarly condemned and scrutinized. According to the press release by the Government, the new policy and the related governmental actions plan for a balance between the need for land for national development and, simultaneously, protecting the interests of land owners, and such others, like tenants, the landless, agricultural and non-agricultural laborers, and un-skilled laborers whose livelihood depends on the land concerned. The profits under new policy shall be hopefully offered to all affected communities whose land, livelihood and property is badly affected by land acquisition or by involuntary displacement. Another good benefit under the provisions of new policy is a life-time monthly pension to disadvantage persons, such as the disabled, orphans, widows, unmarried girls-, poor, abandoned women, persons above 50 years of age, special provision for the STs and SCs categories include preference in land-for-land for STs and SCs', land-for-land, to the extent Government land would be obtainable in the relocation site; preference for employment in the project to be for at least one person from each nuclear family within the definition of the affected families, subject to the viability of vacancies and suitability of the affected people; training and capacity building for taking up appropriate employment and for self-employment; scholarships for education of the eligible persons form the affected families; preference to groups of cooperatives involving the affected people in the allotment of agreements and other economic prospects in and around the project site; wage employment for the affected people in the construction work in the project; housing benefits in both rural and city areas and other such advantages. A powerful well-built redressal mechanism has also been provided for by the policy including standing R&R committees at the district level, R&R committees at the project level, and an Ombudsman duly empowered in this matter³³.

It is argued that resettlement and rehabilitation is essential to the right to life guaranteed under Article 21 of the Constitution of India. The formulation of policies for rehabilitation of people displaced in different disasters and by various projects is

³⁰ A paper was published by Manshi Asher and Rift Mumtaz and that was free to be used and commented upon, undated.

³¹ <http://www.indlawnews.com> Tuesday, July 27, 2010

³² A draft National Policy has been prepared by the Ministry of Rural Development, but is still at the stage of consideration by different ministers.

³³ See National Rehabilitation Policy 2007, F.No.26011/412007-LR

therefore a legal duty of the State. Some State Governments and various circumstances in the water and energy sector have concentrated problems of to Resettlement and Rehabilitation long-ago.

Article 8 of the-, Declaration on the Right to Development, 1986 General Assembly Resolution 41/1228 also states that,”

*States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income. Effective measures should be undertaken to ensure that women have an active role in the development process. Appropriate economic and social reforms should be carried out with a view to eradicating all social injustices”.*³⁴

The rehabilitation and resettlement of displaced people from SSP is a very sensitive and complicated. In the absence of a National Policy, the R&R policy at SSP has gradually evolved, over a decade. The gradual evolution of this policy has shaped the most liberal policy of R&R in the country³⁵.

It is also observed in the field that when, asked a question as to what would be that right steps to improve R&R, 7% of the respondents answered that people should be consulted and community participation should be invited before formulation of the policy on displacement.

The new policy is different from the Land Acquisition Act, which provides only compensation for Project Affected Families (PAFs) limiting itself to the landowners. Amendments to the Land Acquisition Act 1984, allow the state to provide alternative land as compensation, but the provision of land is not legally binding-the amended act merely facilitates it³⁶. This R & R policy would allow not only landholders but also the other affected persons to get compensation or alternative sources of employment. Through this R & R policy people have been given rights by the projects. It has become mandatory for the large projects to effectively resettle and rehabilitate the people. But-, this R & R policy may not be applied in linear projects such as Irrigation Canals, Railways, Roadways and Gas lines etc. This lacuna in policy needs to be addressed by the Government. This policy drafted by the Central Government needs to be adopted in spirit by the State government in order to have effective R & R policy for the people.

Since the project started in the early fifties, various agencies, govt. organizations, and institutions played significant role in the process of policy formation. The following are the main actors who have been involved actively in the modern time.

Before the formulation of the National Policy on Rehabilitation and Resettlement of Project Affected People (NPRR 2003) by the Government of India (GoI), there was no standardized and inclusive R&R policy on people displaced by the development projects. R&R policy was made by the concerned Ministers as well as State Governments as and when necessary. The Secretary-, Irrigation in the erstwhile Ministry of Energy and Irrigation, Department of Irrigation, Government of India, in his letter No. 27(9)/80-P.I,

³⁴ Human Rights Standards on Post-disaster Resettlement and Rehabilitation, 2005, A working document

³⁵ Joshi, Vidyut "Rehabilitation is Impossible: A Promise to Keep", Ahmadabad, 1997, p 177.

³⁶ See Land Acquisition Act 1984 for details

dated, 19 May 1980, to all states Governments, requested them to make sure of protection to the deprived people of the nation while structuring projects in the state³⁷. It was also required that they provide government lands and wastelands to the affected indigenous people and if it was not vacant then land from the Command area had to be provided from the bigger landholders and allocated to them.

The Ministry of Industry, Department of Public Enterprise, Bureau of Public Enterprises, Government of India, in their office Memorandum No.15/13/84 B.P.E (C), dated. 3 February 1986 issued a copy of principles on land acquisition and resettlement in main development projects. The Ministry of Water resources, Government of India, in their letter No. 6.71/84-P.II, dated., 27 May 1986, to all State Governments issued a copy of guidelines to follow up the above memorandum³⁸. Prior to this, The Ministry of Home Affairs, GoI prepared a law on rehabilitation of the indigenous communities on the reference of the Conference of Chief Ministers arranged by the Union Home Ministry on 17th February 1982. The Operational Body for the development of indigenous communities during the country's 7th Five- Year plan, in their statement, issued by the Ministry of Home Affairs (GoI), devoted one section to "Rehabilitation of displaced indigenous". Subsequently, in 1989, a committee of Secretaries of GoI, issued a draft- "National Policy on Rehabilitation of Displaced Indigenous Communities" the mega development projects but it was kept suspend.

Most of the human rights activists believed that the policy of Rehabilitation for the affected indigenous communities is fine but its implementation is impossible. In 1997 Joshi ³⁹ pointed out that till now approximately, 7000 projected affected persons have been resettled. There may be a few cases of human rights violations, but these are individual cases. There is no institutional or systematic violation of human rights. Initially as the project phase begin, some cases were found and focused on the international level but after that all that cases have been gradually resolved.

The Union Government of India set out the first National Policy on Resettlement and Rehabilitation (NPRR) in 2004 (Gazette of India 2004) for the families affected by development in the country. The Policy had been formulated after extensive consultations with the concerned Ministers, Departments, the states and Union Territories, the industry groups, persons/group actively engaged in the field of R&R and the public at a large. There are several drafts of a "national rehabilitation policy" prepared by the government and in "private" circulation, and critiques have begun to appear and it is still under consideration of various ministers.

After three years of the First National Policy, the Union Cabinet of India gave its approval for National Policy on Rehabilitation and Resettlement in 2007 to replace the National Policy on resettlement and rehabilitation (R&R) for projected affected families, 2004.

³⁷ Dash Satya Prakash, "Rehabilitation and Resettlement in Orissa: A study of the upper indravati hydro-electrical project, Social Change, Vol.338, No. 4, 2008, p.661-688

³⁸ Dash Satya Prakash, "Rehabilitation and Resettlement in Orissa: A study of the upper indravati hydro-electrical project, Social Change, Vol.338, No. 4, 2008, p.661-688

³⁹ Joshi, Vidyt "Rehabilitation is Impossible: A Promise to Keep", Ahmadabad, 1997, p 177-178.

The cabinet also decided to bring in focus the legislation on the new R&R policy, and to suitably amend the Land Acquisition Act 1894.

The main drawback of the old colonial Land Acquisition Act (LAA) 1894 is that it doesn't have provisions for rehabilitation⁴⁰. Surprisingly, no Union government in the country has ever made an effort to incorporate a provision for the rehabilitation of project-affected families through legislation; although in early 1985 Madhya Pradesh had enacted a law for R&R that did not apply to central government projects but to irrigation and power projects of the state. Similarly, Karnataka also enacted a rehabilitation law in 1987 similar to that for Madhya Pradesh. Furthermore, four other states of India, vis-à-vis Andhra Pradesh, Tamil Nadu, Orissa and Gujarat issued government Orders (GRs) and resolutions on the rehabilitation of families affected by development projects⁴¹

The policy also provides that land acquired for a purpose cannot be transferred to any other purpose but a public purpose, and only with prior approval of the Government. If land acquired for a public purpose remains un-used for the purpose for five years from the date of taking over the possession, the land shall revert to the Government concerned⁴².

The guidelines and norms used by international funding and development agencies to govern the processes of resettlement have played a crucial role in addressing issues of compensation in land acquisition. However, despite national (also provincial/regional) policies, and even legislation governing the process of resettlement that has been developed over the past decade, the power of the State's interpretation of public purpose continues to maintain its sanctity. In spite of the largely progressive changes, "any disinclination of the person interested (the potentially displaced) to part with land" is not accepted. This continues despite being contradictory to other laws and policies.

The role of international institutions such as the World Bank has been a major theme in several of the submissions received by the World Commission on Dams. The Bank has been the most influential funder of Dams across the world. By 1994 it is estimated that the World Bank had disbursed around US\$ 58 billion dollars in Dam related loans and supported construction of nearly 600 dams around the world⁴³.

Policy implementation is not the end of policy-making. It is rather a continuation of framing further policies through other means. A new policy is derived on the basis of the experience of implementation. It then turns out to be a revision, or rather improvement on the present one or the previous one. It is thus a process of gradual enhancement of the policy-vision to help further impoverishment in the implementation to ensure eventual enhancement in the conditions of the affected people, the environment, people's well-being and the overall economic strength of the country. So, all efforts must

⁴⁰ Sah, D.C., (1999) "Selectivity and Bias: Rehabilitation of Narmada Dam Oustees," *Economic Political Weekly*, A Sameeksha Trust Publication, Vol.xxxiv, no.51, December 18-24

⁴¹ Fernandes Walter, "Internally displaced Persons: Displacement and Rehabilitation in the Tribal Awards of Orissa, New Delhi, India Social Institute 2007.

⁴² Hari Mohan 'New India Rehabilitation and Resettlement Policy', INDR, 2007 and Resettlement News 'development-Caused forced displacement and resettlement in Urban India', Issue 19, January, Delhi 2009

⁴³ Colajacombo, Bratislava, *Displacement, Resettlement, Rehabilitation, Reparation and development*, Argentina, University of Missioners, 2000.

be made to improve upon the implementation process so that not only the best results of the existing policies mode could be attained but also the exercise proves to be more fruitful for making the best policies in the times to come.

Implementation of the Resettlement Policy

After Narmada Water Dispute Tribunal (NWDT) award it, the GoG started to execute the project. In the 1990, the shifting of the villages near the dam site to new areas was started. The construction of the dam was depending upon the evacuation of the submerging villages. Various NGOs were engaged in this evacuation process to help a speedy process. After 1992, people accepted the policy and resettlement work gradually progressed further.

Earlier the project authority was building the new settlements, but now the work is assigned to various NGOs and it is faster and more efficient. The researcher visited some of these sites recently to get the response of the people, and found that people, Gujarat PAFs by and large, are satisfied and have improved their income and living standards over the last 10 years. Whereas-, affected families from Maharashtra and Madhya Pradesh were much less satisfied with the relocation process and also not satisfied with the compensation provided by the Government of Gujarat.

It was also found in the field that people were not actively involved in the process of rehabilitation and resettlement⁴⁴. Most of the respondents (around 85 per cent) told us that “we were not actively involved but GoG has done everything and whatever GoG has done for us we acted accordingly”. The researcher personally feels that when affected people feel they are part of the process, the programme has a superior chance of success. But if affected people are not engaged, the programme fails and people will criticize the government, bureaucrats and the agencies.

Global institutions such as the World Bank, the Asian Development Bank, and the World Commission on Dams have been forced to pay attention to the problems of the affected families due to various infrastructure development projects with which they have been associated. Although the state does not have a rehabilitation and resettlement policy or law, Gujarat’s irrigation department has made remarkable modifications in its R&R package since the inception of the Sardar Sarovar Project (SSP).

Policy: on Paper and on the Ground

The Government of Gujarat’s policy on displacement associated with the Sardar Saorvar Project has the most progressive benefits⁴⁵, but resettling of 25 per cent of the affected families by the project has taken nearly 15 years and there is still a wide space between the promises by the government and the reality in the field⁴⁶. Once affected people are moved from the original villages, official do not bother about their complaints and problems and the affected people are often left to fend for themselves. For instance, the policy at times has terms for a “choice” between cash or land for land reimbursement.

⁴⁴ Surprisingly, in the field it was observed that project authorities from day one wanted people to be involved in selecting the site and village planning. Special buses took people to the new habitat sites and they visited various places before coming to the final choice.

⁴⁵ This is because of strong people’s struggle and movement, early NGO involvement and also involvement of World Bank (see Parshuram 1997 & Patwardhan 2007) also log on <http://www.dams.org>

⁴⁶ See the report of Bhatia: 1997 and TISS: 1997, Dhawan: 1999.

But the projected affected people (PAPs), as in case of SSP are not informed about these provisions, thus, forcing the people to take whatever is offered, under the threat of implementing submergence⁴⁷. According to Patwardhan's text (2007)⁴⁸, the state policy of MP has a provision for the affected people to get land in the command area of the project, but, there is not a single case where this clause has been implemented, relocating people near command area of the project. Most state level policies or indeed the National policy, have provisions for land for land compensation, but due to ambiguities, in many cases families are just given random cash compensation. In most of the surveyed villages, it has been observed that affected people are seems happy with this type of reimbursement. This was because most of the respondents were not aware of the other provisions available in the policy. They told the researcher that, "GoG offered us and we took the benefits, because GoG did not disclose such other benefits and we are illiterate so we grabbed whatever they offered us". They further said that NGOs helped us in regard to the GoG's benefits offered to us.

Another problem is that the lack of National R&R policy and lacunas in the present policy are major problems. Besides this, there are severe difficulties at the execution level too. In most of the cases, there is an "ample gap between the framed policy on paper and what gets translated in reality".

The displaced persons were promised but not given many things in close alliance with the decision makers and implementers which resulted in to nullifying many of the fundamental objectives set in while visualizing the project. The affected people were promised alternative land and work for their sustenance but, as described in this case this remained far from the reality. Their hopes were shattered by sad reality. Yet being down-trodden, illiterate, deprived and with no political resources, they- haplessly depended on Medha Patkar, a leader of NBA for justice. The respective governments tried everything to suppress her movement but were never fully successful. The delay in the project was attributed to 'adivasi' (Indigenous) agitation and political factors. Still, it is a fact that the project has not yet fulfilled the goals of bringing about a transformation in the agriculture, power generation and overall economic development of the state. On the other hand, the poor, who were ousted are still struggling to achieve justice for themselves under the circumstances, it is true that there is a big gap between, 'hope and reality' for the displaced people.

2010 Survey

Selection of Study Area

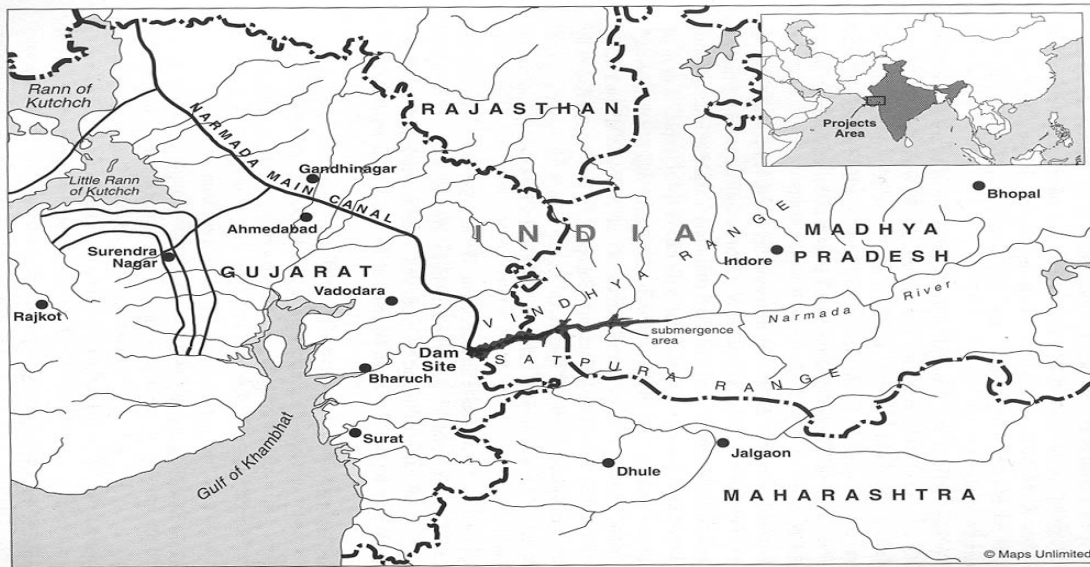
The project areas in Vadodara district of SSP in Gujarat sate has been chosen for this study .The study aims to understand the adverse effects of the project on the displaced people and possible violations of their basic rights. It also provides scope for examining how the 2007 draft rehabilitation policy has been adopted, and understanding how the displaced people have benefited from this process of rehabilitation. Another major reason for choosing this project is that-, the project is located in remote socially deprived areas and affecting more than 1, 00,000 people which is very huge number of

⁴⁷ Amrita Patwardhan, "Dams and Tribal People in India", a contribution paper to the world commission on dams, New Delhi, 2007, p7-10.

⁴⁸ Ibid.

IDPs in the history of the country. Thus there is ample scope for examining the state R & R process under the SSP.

Figure: 1 Location of Sardar Sarovar Project in India



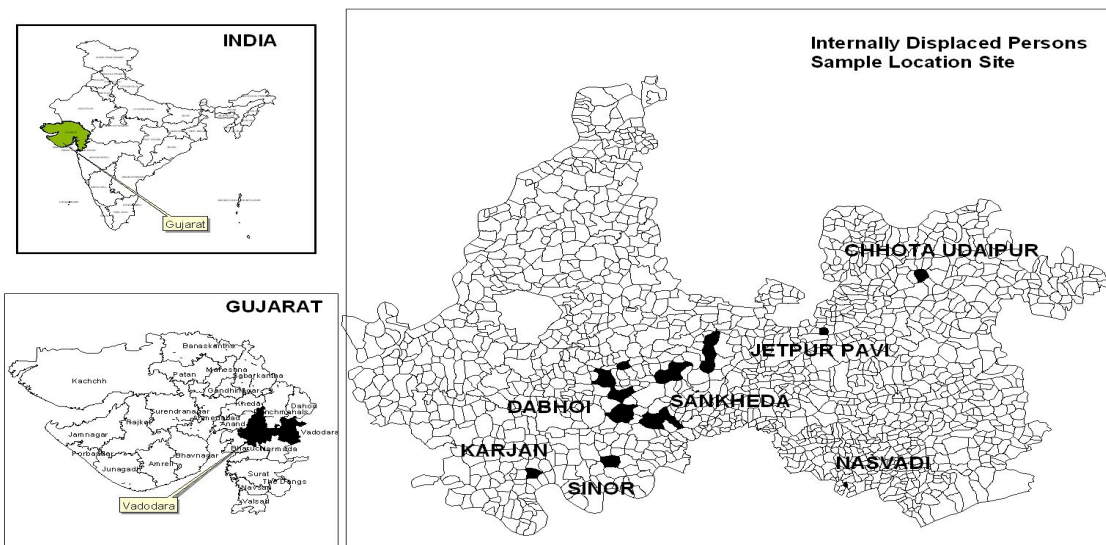
The Sardar Sarovar Projects Area

Source: www.sardarsarovardam.org (Permission has given to use this map)⁴⁹

Selection of Communities

The analysis of displacement and rehabilitation and the policy on displacement has been made in this study on the basis of one broad community, namely tribals. The tribals are economically weaker of the community and it is very hard for them to settle in new locations.

Figure 2. Location of visited sample sites.



⁴⁹ Permission has been given to use all maps used for this article. The Commissioner of Rehabilitation and Resettlement from Vadodara division has given approval to use the maps.

Study Area Covered:

The study was undertaken in seventeen villages with resettlement sites in Gujarat state. *Adivasi*, *Bhils*, and *Rathwa* tribes have been rehabilitated in these villages from submerged areas of Gujarat State and Madhya Pradesh and Maharashtra. The rehabilitation sites or Resettlement Sites are located on outskirts of the host villages in complete segregation. The layout of the resettlement sites is well planned, as houses are identical in size and equally spaced. Every individual member of the family above 18 years of age is supposed to be allotted a house as well as 5 acres of agriculture land. Among the three villages selected for this study, in Vadaj-I around 200 resettled families were living. Malu happens to be oldest rehabilitation site with around 250 resettled families. Gujali rehabilitation site is new and has around 70 families of which some 40 have already occupied the allotted houses and land. The Vyara Vasahat of Waghodia taluka of Baroda district has two parts, one for the Gujarat and other for the Madhya Pradesh PAFs. About 30 household from each of the four resettlement sites were chosen for detailed Investigation. For the sake of comparative evaluation a similar number of host households were also drawn.

Table: 1 Break up of affected villages and number of affected families from Narmada Dam

States	Villages Affected			Families to be rehabilitated including major sons/daughters as per December '94	Population affected
	Full	Partial	Total		
MP	1	192	193	33014	89796
Maharashtra	33	33		3113	19650
Gujarat	3	16	19	4600	18000
Total	4	241	245	40727	127446

Sources: Sardar Sarovar Narmada Dam report, Government of Gujarat May 2006

These figures will give an idea of the magnitude of the displacement caused by the Narmada Project.

Salient Features of Resettled Families

Table 1 above indicates that SSP would affect a total of 127446 families from the three states i.e. Gujarat, Madhya Pradesh and Maharashtra. Almost all of them affected families, come from the scheduled castes (SCs) and scheduled Tribes (STs). The dam was originally to submerge 19 villages in Gujarat, 33 villages in Maharashtra and 193 villages in MP. All these villages are located in tribal areas. At the current height of 121.92 meters, the dam has affected 32,600 families from 300 villages in the state of Gujarat (4,726 families from 19 villages), Madhya Pradesh (24, 421 Families from 177 villages), and Maharashtra (3,452 families from 32 villages).

Compared to the urban areas, people in the tribal areas do not have access to facilities such as health, sanitation, markets etc. However, the Government has provided such facilities to the IDPs as per the R&R policy. Displaced families are settled in colonies with

civic amenities such as approach roads, primary schools, dispensaries, children’s parks, tree platforms, drinking water facilities, electrification as well as services such as registration in electoral rolls, issuance of ration cards, etc.

Most of the people use medical facilities available in the colony and every host village has a primary health centre with further medical facilities in the nearby villages. Private Doctors are also available in the nearby villages. Most of villagers visit the surrounding villages or cities for shopping and have to walk one or two kilometers to visit ration shops. None of these colonies are equipped with Banks, Post Offices, Shops, and hospitals. For these facilities settlers have to go to the nearby villages or the cities. The *oustees* are mainly farmers and cultivators of land. Formerly, they did not face the problem of wood, fodder, etc. as their villages were in the vicinity of forest regions. Most of them complained that this is becoming a problem now. They have to resort to stall feeding, which is not their habitual method of feeding

During the questionnaire survey conducted in the relocation sites, respondents were asked to assess how their family circumstances had changed over a period of time from the year they were moved to the present site. The assessment was made on a scale of +5 years -5 with 0 signifying the living standard during the time of shifting. A rating in between these extremes indicated different levels of improvement or decline in the living standard of the PAPs.

Figure: 1 Timeline of Family Circumstances, SSP Gujarat

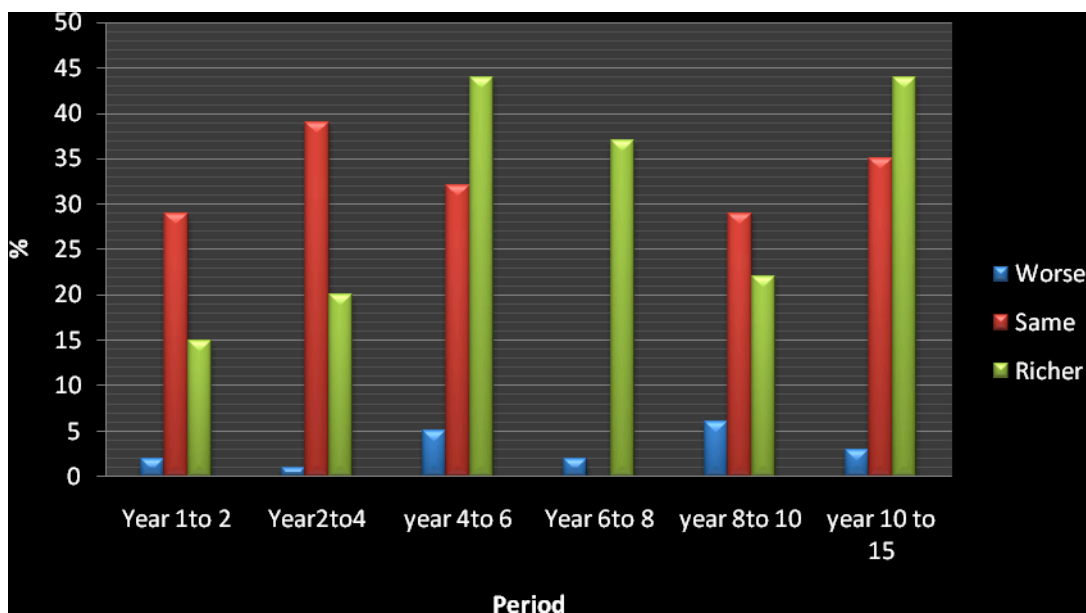
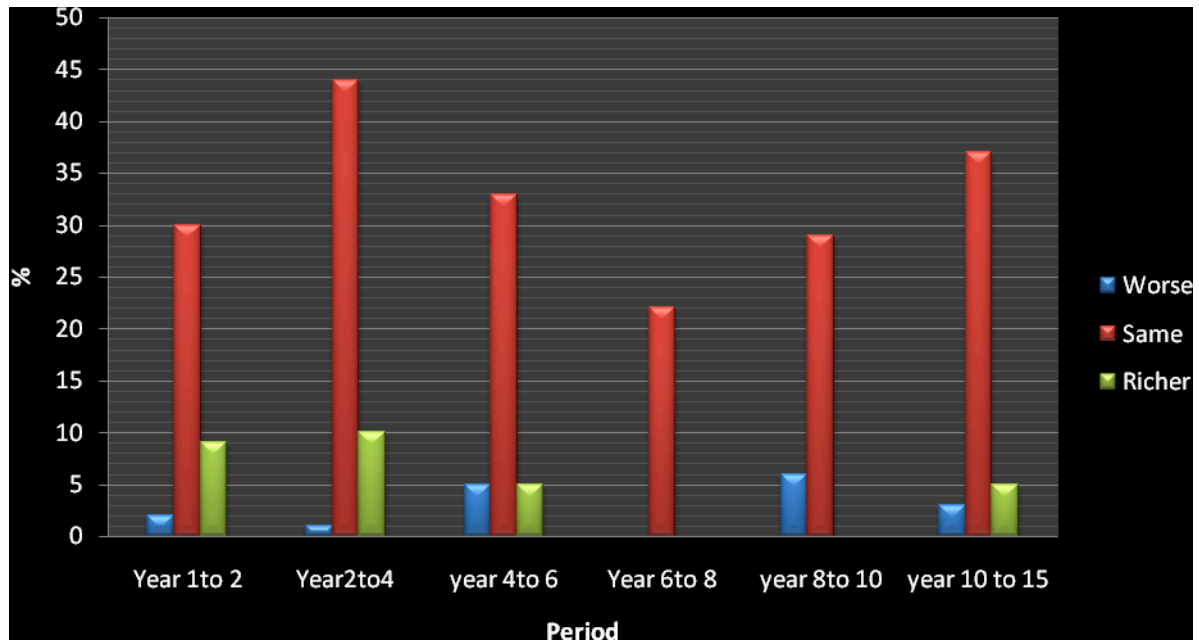


Figure: 1 gives PAPs perceptions of changes in family circumstances over a period of time. 49% of PAPs in Gujarat claimed that they had the same standard of living as compared to the past in the years between 2 to 6. It is also noteworthy that only 44% enhanced their standard of living after 10 to 15 years. 9% of the PAPs have experienced a decline in their standard of living in the first 1 to 4 years. A significant 6% had a worse situation after 10 to 15 years.

Figure: 2 Timeline of Family Circumstances, SSP Madhya Pradesh



The achievements of MP in term of living standards are much lower than those of Gujarat. The shifting process (R&R) of MP is ongoing. Most of the MP PAPs are happy with their standard of living and are also satisfied with the land provided by the Gujarat government. As compared to the other PAPs, MP PAPs have received a good quality of land.

Ten per cent of the PAPs have restored their life in 1 to 4 years while others have same standard of living as before. It is also observed in all MP sites that they have very good quality land also they are earning well after shifting to Gujarat. MP PAPs opined that they are well equipped with all modern agriculture equipment and felt happy to move to Gujarat but they missed their homeland. However, 7% of the people had very pitiable conditions over a period of time. In a nutshell, the positions of M.P. PAPs are now better than earlier.

It is important to note here that the conditions of M.P. PAPs are a little bit different. Three main factors differentiate R & R pertaining to SSP in M.P. from that in Gujarat and Maharashtra. Firstly, submergence occurred much later than in the other two states; Secondly, PAF, in the upper reaches of the reservoir are physically and culturally more distant from Gujarat State and may therefore prefer to resettle in MP itself; and finally, although the number of affected villages in MP are far larger than in the two other states, the bulk of the villages are only very partially affected with only government lands coming under submergence in some cases.

In Maharashtra⁵⁰, 98 per cent of PAPs claimed that they have very pathetic conditions after settling in Gujarat. After 10 years of resettlement, they did not restore their standard of living. It has been observed that Maharashtra's PAPs situations are not good

⁵⁰ Due to the limited data available on Maharashtra PAPs, it was difficult to feed in the data in the separate chart.

as compared to the situation of those from Gujarat and Madhya Pradesh. Surprisingly, only 10 per cent of PAPs has restored their standard of living within 1 to 4 years and after than it declined due to the problem of cultivation on the land. Gujarat is mostly a drought prone area as compared to Maharashtra. Maharashtra PAPs told us that they had very good land and got good yields in Maharashtra but after moving to new areas in Gujarat they lost their livelihood and became deprived. Maharashtra PAPs were asked who they blame for their condition; some people blamed the Maharashtra government because they sent them in to Gujarat a tempted them that good land will be provided by the Gujarat government. Some people blame fate.

As is evident from responses to the researcher during the present study the rehabilitated population suffers from economic, social and at times political difficulties. Broadly speaking;

- ❖ Under the present set-up, the displaced segment of the tribal population finds itself in the midst of a completely alien society where occasions to adjust, assimilate and absorb are rare.
- ❖ The policy of allocating land and dwelling units to every individual adult member of a family is much misunderstood and frequently not properly implemented and has caused much harm to the social ethos of the rehabilitated population.
- ❖ On certain occasions the *oustees* find no place in the power structure/decision-making body of the host village.

Conclusion:

This paper highlights the important social issues associated with displacement of people from their productive assets (particularly land) and homesteads, caused by large river valley projects. The present study tries to assess the impact of relocation on the living standards and livelihoods of projected affected families. It is a fact that in the short run, there has been a very significant decline in livelihood security, directly attributable to displacement from a resource-rich forest, and disruption of a well-established livelihood pattern. The resettlement sites covered in the study area present the outcome of one set of policies adopted by the project authorities, although there are proponents of other approaches. Rehabilitation in the present case has generated significant lessons for the implementing agency, which have been accumulated through trial and error causing numerous avoidable hardships to the displaced communities. The framework of rehabilitation adopted was denied national consensus among the social scientists and activists, and Government of India is making a similar attempt through the Draft National Rehabilitation Policy (2003). Concern for the tribal societies was absent in the draft. The critique of the policies related to the tribal regions of the country is still pending with the latest draft still on the table of the House. The policy of rehabilitation of tribal people following the construction of large-scale mega projects must pay enough attention to all aspects of their life and culture.

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ABBREVIATIONS:

M.P	: Madhya Pradesh
R&R	: Rehabilitation and Resettlement
IDP	: Internally Displaced People
WBED	: World Bank Environmental Department
STc	: Schedule Tribes
SSP	: Sardar Sarovar Project
NBA	: Narmada Bachao Andolan (Save Narmada Movement)
SCs	: Schedule Castes
GRs	: Government Resolutions
GOs	: Government Orders
LAA	: Land Acquisition Act
NGO	: Non-Government Organization
MH	: Maharashtra
PAP	: Project Affected People
NWDT	: Narmada Water Dispute Tribunal