Development-induced Displacement and Issues of Resettlement

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ABSTRACT: Compulsory land acquisition and forced displacement of communities for a larger public purpose bring to the fore the problematic nature of development in the contemporary and modern State. Growing public concern over the long-term consequences of this has led to greater scrutiny of the rehabilitation and resettlement process, particularly for large development projects. In recent decades a new development paradigm has been articulated, one that promotes poverty reduction, environmental protection, social justice, and human rights. In this paradigm, development is viewed as both bringing benefits and imposing costs. Among its greatest costs has been the displacement of millions of vulnerable people. The gaps in current policies and their implementation fail to address the impoverishment and social disarticulation of the displaced persons. Emphasis should be laid on Human Rights approach to address effectively the issues of development, displacement and resettlement.

Keywords: Development, Displacement, Resettlement, Modernisation, Impoverishment

Compulsory land acquisition and involuntary displacement of people for a larger public purpose capture the tension of development in the modern State, with the need to balance the interests of the majority while protecting the rights of the minority. In India, informal estimates of involuntary resettlement are around 50 million people over the last five decades, and three-fourths of those displaced still face an uncertain future. Growing public concern over the long-term consequences of this has led to greater scrutiny of the rehabilitation and resettlement process, particularly for large development projects.

During the last few decades, the dominant view of those involved in the “development” of traditional, simple Third world societies was that they should be transformed into modern, complex, westernized counties. In view of this, large-scale, capital-intensive development projects were considered to hasten the pace towards a brighter and better future (Perera: 2011). If people are to be uprooted along the way, that was deemed a necessary evil.

In recent decades, however, a new development paradigm has been articulated, one that promotes poverty reduction, environmental protection, social justice, and human rights. In this paradigm, development is viewed as both bringing benefits and imposing costs. Among its greatest costs has been the displacement of millions of vulnerable people.

As W. Courtland Robinson (2003) pointed out, there may be many categories of development-induced displacement.

1. Water supply (dams, reservoir, irrigation)
2. Urban infrastructure.
3. Transportation (road, highways, canals)
4. Energy (mining, power plants, oil exploration and extraction, pipelines)
5. Agricultural expansion.
6. Parks and forest reserves.

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Assessments sponsored by the World Bank have estimated that every year since 1990, roughly 10 million people worldwide have been displaced by infrastructural development projects for a variety of reasons. Though India gained its independence in 1947, the displacement once associated with colonialism persists in the name of development. Estimates of the total number of those displaced by “development” since independence is as high as 40 million people. India’s recent policy of globalization will also accelerate the displacement.

Development projects are handed down without any concern for the cultural, historical and ecological complexities prevailing in various regions. Development has become a label for plunder and violence. Development project encompasses a whole gamut of territorial resources taken away by the State, powerful individuals, private enterprises and transnational corporations, as well as displacement from one’s own culture, creativity, community power and knowledge systems through involuntary superimposition of the values and institutions of the globally and nationally dominant societies.

Many view that hydroelectric and irrigation projects are the largest sources of displacement and destruction of habitat. Other major sources, as have been identified by Smitu Kothari(1996) are mines, thermal and unclear power plants, industrial complexes, military installations, weapons testing grounds, railways, roads and the expansion of reserved forest areas, sanctuaries and parks.

In India, the worst victims of displacement are the tribals, dalits, minorities, women and children. Though India’s tribal population makes up roughly 7.5 percent of the population, over 40 percent of those displaced from 1950 to 1990 were from tribal communities. Since 1990 the figures has risen to 50 percent.

Michael Cernea, a sociologist who has been associated with research relating to development-induced displacement and resettlement for many years, observes that “Like becoming a refugee, being forcibly ousted from one’s land and habitat by a dam, reservoir or highway is not only immediately disruptive and painful, it is also fraught with serious long-term risks of becoming poorer than before displacement, more vulnerable economically and disintegrated socially.” Cernea’s(2000) impoverishment risk and reconstruction model (IRR) postulates that “the onset of impoverishment can be represented through a model of eight interlinked potential risks intrinsic to development.”

These are:

1. Landlessness
2. Joblessness
3. Homelessness
4. Marginalization
5. Food insecurity
6. Increased morbidity and mortality
7. Loss of access to common property
8. Social disintegration

Others have suggested the addition of other risks such as the loss of access to public services, loss of access to schooling for school age children and the loss or abuse of human rights.

Displacement results in dismantling production systems, severing trade and market links, desecrating ancestral sacred zones, graves and temples, scattering kinship groups and extended families, and weakening culture systems of self-management and control. The consequences are especially severe for women. They lose access to the fuel, fodder and food they traditionally collected for their households from common lands. They thus face increased...
pauperization and are thrust into the margins of the labour market.

Dams in independent India have become the new icon of development. India happens to be the second most dammed country in the world. However, big dams in India continue to be one of the major sources of involuntary migration. It is estimated that owing to construction of over 1500 major irrigation development projects since independence, over 16 million people were displaced from their habitat, of which about 40 percent belongs to tribal population. The World Bank notes that though large dams constitute only 26.6% of the total WB funded projects causing displacement, the result and displacement makes up 62.8% of the total number of people displaced. It is also apparent that project authorities do not consider the problems of displacement and rehabilitation as important parts of the project. The primary concerns are engineering specifications and electricity and irrigation benefits. Concerned authorities seldom undertake detailed and systematic surveys of the population to be displaced.

As a multi-year study of development-induced displacement by the World Commission on Dams (WCD) concludes, ‘impoverishment and disempowerment have been the rule rather than the exception with respect to resettled people around the world.’

Evidence suggests that for a vast majority of the indigenous / tribal people displaced by big projects, the experience has been extremely negative in cultural, economic and health terms. The outcomes have included uselessness, unemployment, debt-bondage, hunger, and cultural disintegration. For both indigenous and non-indigenous communities, studies show that displacement has disproportionately impacted on women and children.

Any discussion on the problem of development and displacement has to focus a little more on the tribals because they are the worst victims of the entire process of development. A common feature shared by most of the tribal habitats is their remoteness and marginal quality of territorial resources. In the past, exploitation of such poor regions was both difficult and uneconomic. But, the rapid technological advancement and the economic and political strength of world capitalism have created favorable conditions for the extraction of natural resources from the ecologically fragile territories of the tribal people. Thus, forced evictions of tribals to clear the room for huge capital-intensive projects have become a routine and ever-increasing phenomenon.

The extraction of water and sub-surface minerals have accelerated the tribals, dispossession from their lands, forests, wildlife and water resources. The Land Acquisition Act, 1894 (and the amendment of 1984) is indiscriminately invoked to alienate tribals’ lands in the name of public purpose. Thus, for the greater good of the Indian people, few should have to make sacrifices in terms of surrendering their survival bases and accept the development projects as fait accompli. Development projects entail the possession of territorial resources by the State, powerful individuals, private enterprises and transnational corporations as well as displacement from one’s own culture, creativity, community power and knowledge systems through involuntary superimposition of the values and institutions.

The increased commercial extraction of timber, establishment of numerous forest-based industries and the so-called development projects have depleted the forests, polluted water resources and eventually devastated the tribal livelihoods, Agribusiness, plantations, refugee settlements, villagification, highway projects, some land reform measures, biosphere reserves, national parks, reserved forests etc.
have displaced the tribal people from their survival bases and sustainable use of the forest resources.

It is not a mere coincidence that there is a heavy concentration of industrial and mining activities in the central tribal belt. Disinformation and suppression of dissent are integral dimensions of these developments. The process become acute ever since the adoption of New Economic Policy in mid – 1991,

Despite large industrial activity in the central Indian tribal, the tribal employment in modern enterprises is negligible. Apart from the provisions of apprenticeship Act, there is no stipulation for private or joint sector enterprises to recruit certain percentage of dispossessed tribal workforce. They are forced onto the ever-expanding low-paid, insecure and destitute labour market. Besides, many more are facing oblivion in their homeland or in urban slums. This, some analysts say is nothing but ethnocide. Their economic and cultural survival is at stake.

There is no reliable and complete information on the number of tribals displaced in the country since independence. But as has been pointed earlier, mostly the dams, followed by mines and industries, displace them. Nearly 60 percent of the large dams are located in central and western India where about 80 present percent tribals live. Approximately one is every ten tribals has been displaced by different development projects. The enormous magnitude of involuntary tribal displacement along with the sacrifice of collective identity, historical and cultural heritage, and the survival support receives special concern. One notices higher incidence of poverty, malnutrition, mortality, morbidity, illiteracy, unemployment, debt bondage and serfdom among the tribals.

Issues of Rehabilitation and Resettlement

While people ejected out of their homes by an earthquake or war usually receive sympathetic attention and international aid, the victims of development-induced displacement receive no such sympathy. This is so even if the negative effects of development-induced displacement may be more serious than those faced by people displaced by other forces.

The indiscriminate involuntary displacement of people especially the tribals, violates several national and international instruments. For instance, the UN Convention on Civil and Political Rights (1966) holds that ‘in no case may a people be deprived of its own means of subsistence’ (Art 2). Similarly, the UN Declaration on Racism and Racial Discrimination (1978) specially mentions, “The right of indigenous people to maintain their traditional structure of economy and culture” and stresses that “their land, land rights and natural resources should not be taken away from them (Art 21).”

Since in recent years, the problem of development-induced displacement has attracted wide attention, various ideas have been put forward to minimize the problem or mitigate its consequences. Key among these are the ‘Guiding principles pm Internal Displacement’ formulated by a team of international legal scholars and presented to the United Nations in 1998. These were the first guidelines developed within the context of human rights and humanitarian law to address internal displacement and development-induced displacement.

Principle 6 states that ‘Every human being shall have the right to be protected against being arbitrarily displaced from his or home or place of habitual residence,’ this prohibition against arbitrary displacement includes displacement in cases of large-scale development projects which are not justified by compelling and overriding public interests.
In the planning and implementation of development projects, the Guiding Principles maintain that it is incumbent on the authorities first to explore all feasible alternatives to avoid displacement altogether. Where it can not be avoided, development induced displacement should be minimized along with its adverse consequences. Moreover, authorities must demonstrate that such displacement is justified by compelling and overriding public interest. In all instances, displacement should not threaten life, dignity, liberty, or security and it should be effected in conditions of adequate shelter, safety, nutrition and health.

According to these principles, the displacement must be lawfully mandated and carried out; it must seek the free and fully informed consent of those affected, as well as their active participation: it must guarantee compensation and relocation, where applicable; and it must be subject to the right of judicial review and effective remedy. Finally, the authorities must take special care to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists, and others with special attachment to their lands.

India happened to be one of the worst countries with regard to the rehabilitation of the displaced. It took a long time to formulate a national policy for the relocation and rehabilitation of project oustees. For each project, separate policies were made in an adhoc manner. Faced with the national and international pressure, the Indian government sought to have a national policy. A National Policy on Resettlement and Rehabilitation for Project Affected Families was formulated in 2003 and it came into effect from 2004. However it had many loopholes. To redress these, the National Rehabilitation and Resettlement Policy of 2007 was notified on 31st October, 2007. Unfortunately, this policy was not free from some serious lacunae. Some of these are discussed below.

### Burden of the concept of “eminent domain”

The 2007 policy upheld the sovereign power of the State to apply the concept of “eminent domain” to forcibly acquire any private property in any part of the country in the name of “public purpose”. The 2007 Policy deleted previous provisions of the 2006 Draft Policy which provided that emergency provisions under Section 17 of the Land Acquisition Act of 1894 should be “used rarely” and should be applied only after considering “full justification” of the proposed project.

### No benefits in case of small-scale displacement

The 2007 Policy stated that the appropriate Government shall declare a locality as an “affected area” only if there is likely to be involuntary displacement of four hundred or more families en masse in plain areas, or two hundred or more families en masse in tribal or hilly areas. In short, the 2007 Policy only applies to large-scale displacements.

### No right to say “no” to a project

The 2000 policy denied the affected persons the rights to take informed decision relating to the usage of their lands with regard to development projects. Only in the case of the Scheduled Areas, the concerned Gram Sabha/Panchayats/ Village Councils shall be “consulted”. However, “consultation” does not imply “consent”.

### No representation of the affected groups in Social or Environmental Impact Studies

The 2007 Policy had no provision for the inclusion of the affected persons or their representatives in the preparation of the Social Impact or Environmental Impact Assessment report of the project. The policy is also not clear about who conducts the social and environmental Impact Assessment. There must be a rethinking on the prevalent model of development that results in displacement, deprivation and destitution in the name of “greater common good”.

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Inadequate safeguards to displaced persons

The 2007 Policy provided that the Scheduled Tribe families, who are or were having possession of forest lands in the affected area prior to the 13th December, 2005 be included in the survey of the Administrator for the Resettlement and Rehabilitation. However, it does not guarantee land-for-land compensation to the displaced families.

To avoid these pitfalls, it was thought that a comprehensive national policy on socio-economic and cultural rehabilitation and resettlement should be there which should focus on certain key matters.

The choice of technology for development must be such that it creates more livelihood opportunities and will cause least destruction of natural resources as well as least displacement of people.

- The Government of India and each state must urgently initiate a wide social consultation involving different sections of the population, especially the marginalized communities, through mass-based people’s organization, to formulate a sectoral policy with a clear vision, purpose and objective.

- The current interpretation of the principle of “eminent domain” should be given up.

- For every project, the concerned government must publicly justify the “public interest” sought to be served by the proposed project or activity, prior to clearance by the concerned authority and consent by the affected community. This should be legally challengeable.

- There should not be any forced or involuntary displacement. In case of a project affecting dalits and tribals, no displacement should be permitted without concurrence of the Commissioner for Scheduled Castes and Scheduled Tribes.

- The objectives of any project or plan should be to minimize displacement. All options and alternatives for a project must be carefully weighed and the least displacing or non-displacing option must be chosen.

- No project should be finalized unless each of the affected communities is properly informed of the social, environmental and economic costs and benefits of a project/plan and its consent is sought through gram sabhas in rural areas and ward sabhas in urban areas involving all communities and families.

- After weighing all options, if displacement is found inevitable in a certain project, it must be kept at the minimum level. It must be ensured that all affected people are properly rehabilitated, ensuring that they are not worse off than they were before displacement.

- Land reform for equitable redistribution and recognition of common property rights over natural resources should form an integral part of any development plan.

- Alternative livelihoods must be ensured for all project-affected non-agriculturists and urban poor in the affected area.

- Compensation for any property should be based on replacement value at actual market prices. Compensation must be for lost property and for lost livelihoods or opportunities.

- The community (as define by the affected people themselves), not individuals or families, should be the basic unit for resettlement and rehabilitation.

- No physical displacement of any families should take place until one year or more after providing the basic...
means and resources for social and economic rehabilitation. The process of selecting R&R sites as well as agricultural land for rehabilitation must be done along with the consent of the project-affected families (PAFs).

- PAFs must have the first right to, and be granted an appropriate share in, the benefits arising out of the project, including livelihood opportunities, irrigation, water, power, fisheries, etc.
- It must be ensured that no individual family is displaced more than once between two decades, on account of any developmental project or land acquisition for public purpose.
- The Land Acquisition Act of 1894 (amended in 1984) must be abolished and replaced by a National Enactment, which defines all development parameters, processes of planning, the least-cost technological option, along with the objective of minimizing displacement and ensuring just rehabilitation of people whose lands are acquired.

Special Commissions on Displacement and Rehabilitation should be constituted both at national and state levels with judicial powers in certain cases and quas-judicial powers in others. In due course of time, these should be made constitutional authorities. The rehabilitation plan for all projects causing displacement must be approved by these bodies.

Following the liberalization policy, the Government has been meticulously trying to attract investments in practically all sectors of development, ranging from manufacturing cars to retailing toiletries. The investor-friendly development scenario has led to huge demand for land on an unprecedented scale. The demand for land is not only restricted to tribal and rural areas but in urban areas also. SEZs, to function effectively need to be connected to ports, airports, roads, power stations, that also in one contiguous region. The land in tribal-dominated regions, richly endowed with natural resources, retains great appeal for parties interested in mining and related industrial projects. The Government of the day is largely perceived to be on the side of big corporations and completely oblivious to the basic livelihood needs of the common people.

Though millions of people have been displaced involuntarily in India since Independence and consequently reduced to a state of poverty and marginalization, the resettlement of the displaced people owing to the development projects had always remained a neglected issue. The increasing protests by the affected people against acquisition of their land has forced the Govt. to view the resettlement issue with some seriousness and urgency. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is the outcome of that concern.

**Recent Policy on Land Acquisition, Rehabilitation & Resettlement**

The primary objective of the Land Acquisition, Rehabilitation and Resettlement Act is to provide fair compensation, thorough rehabilitation and resettlement of those affected, adequate safeguards for their well being and complete transparency in the process of land acquisition. The Act provides for land acquisition as well as rehabilitation and resettlement. It replaces the Land Acquisition Act, 1894.

The most important features of the Act are

(a) The consent of 80 per cent of landowners concerned is needed for acquiring land for private projects and of 70 per cent landowners for public private projects

(b) The term ‘public purpose’ which was left vague in the Land Acquisition Act 1894 is restricted to land for strategic purposes, infrastructural projects, PAFs, planned
development or improvement of village or urban sites or residential purpose for weaker sections and persons residing in areas affected by natural calamities or displaced
(c) Compensation has been increased to four times the market value in rural areas and twice the market value in urban areas
(d) R&R package for the affected families with additional benefits to the SC/ST families

The process for land acquisition involves a Social Impact Assessment survey, preliminary notification stating the intent for acquisition, a declaration of acquisition, and compensation to be given by a certain time. All acquisitions require rehabilitation and resettlement to be provided to the people affected by the acquisition. In case of acquisition of land for use by private companies or public private partnerships, consent of 80 per cent of the displaced people will be required. Purchase of large pieces of land by private companies will require provision of rehabilitation and resettlement. The provisions of this Act shall not apply to acquisitions under 16 existing legislations including the Special Economic Zones Act, 2005, the Atomic Energy Act, 1962, the Railways Act, 1989, etc.

Key Issues and Analysis
It is not clear whether Parliament has jurisdiction to impose rehabilitation and resettlement requirements on private purchase of agricultural land. The requirement of a Social Impact Assessment for every acquisition without a minimum threshold may delay the implementation of certain government programmes. Projects involving land acquisition and undertaken by private companies or public private partnerships require the consent of 80 per cent of the people affected. However, no such consent is required in case of PSUs. The market value is based on recent reported transactions. This value is doubled in rural areas to arrive at the compensation amount. This method may not lead to an accurate adjustment for the possible underreporting of prices in land transactions. The government can temporarily acquire land for a maximum period of three years. There is no provision for rehabilitation and resettlement in such cases.

The modernisation paradigm that influenced predominantly the development discourse in the 1970s and 1980s provided a theoretical foundation for the involuntary resettlement policy of World Bank. The involuntary resettlement policy borrowed some key principles from the modernisation paradigm. The important principle among them was that ‘......large scale, capital intensive development projects accelerate the pace towards a brighter and better future. If people were uprooted along the way, that was deemed a necessary evil or even an actual good, since it made them more susceptible to change’ (Robinson 2003:10). During the 1990s, however, a new development paradigm brought to the fore both the benefits and costs (or ill effects) of such large-scale development programmes which led to the displacement of millions of people every year, without their consent or without paying adequate attention to their human rights.

The traumas which result from the human displacement are mainly due to disjunction between policy and practice. There is the assumption that the living standards of project-affected people are expected to rise, not down; but this hardly ever takes place. This disjunction results from a failure to appreciate and incorporate displaced people’s perspective while designing projects that cause resettlement. Involuntary resettlement, as has been observed is an impoverishing process. The project displaced people end up worse off than before which is contrary to the objectives stated by the development projects.

A lot needs to be done to lessen or minimise the deleterious impact of
displacement and even improve the living standards of the displaced people. A sympathetic understanding of the issues involved is, however, required if resettlement is to be addressed in a way that projects yield benefits but do not cause harm.

**Need for Human Rights-Based Approach**

There are very few development interventions that have been able to at least restore the pre-intervention income and livelihood standards of the displaced people (Schudder 2005). In this context, Jayantha Perera’s (2011) observations seem very apt. He feels it is essential to shift the focus of resettlement and reconstruction models from ‘resettlement and rehabilitation’ to ‘physical and economic displacement’, and ‘strategies of avoiding or minimising displacement’. Such an approach would focus upon the plight of displaced persons and the critical need for redressing their rights. As a matter of fact, a comprehensive human rights-based approach is needed to deal with the problem of displacement in a comprehensive manner. In such kind of approach to involuntary displacement, ‘losses’ of persons to a development intervention would become ‘triggers’ of violation of their human rights. This would propel the governments and development agencies to avoid or minimise development-induced displacement, and to mitigate the losses adequately and swiftly.

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