

**DEVELOPMENT, DISPLACEMENT AND REHABILITATION:
EVALUATING THE GOVERNMENT POLICIES ON DAMS IN
ORISSA**

Dissertation submitted to Jawaharlal Nehru University
in partial fulfillment of the requirements for the award of the Degree of

MASTER OF PHILOSOPHY

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Certified that the Dissertation entitled "**Development, Displacement and Rehabilitation: Evaluating the Government Policies on Dams in Orissa**" submitted by me in partial fulfillment of the requirements for the degree of **Master of Philosophy** has not been previously submitted for any other degree of this or any other University and is my original work.

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We recommend that this dissertation may be placed before the examiners for evaluation.

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Dedication

**I dedicate this work to my Parents whose Affection,
Encouragement and Support took me to
carry forward my dreams**

And

**At the same time I extend my dedication to the millions
of displacees, who have been the victims of
different developmental projects**

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Last but not the least, any shortcomings of this work are solely mine.

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Abbreviations

ADB	:	Asian Development Bank
CBO	:	Community-Based Organisation
CPRs	:	Common Property Resources
DAC	:	Development Assistance Committee
DANIDA	:	Danish international development assistance
DFI	:	Development Finance Institution
DFID	:	Department for International Development
DIDR	:	Development Induced Displacement and Resettlement
DoWR	:	Department of Water Resources
DP	:	Displaced Person
EIA	:	Environmental Impact Assessment
FAO	:	Food and Agriculture Organisation
GoI	:	Government of India
GoO	:	Government of Orissa
GWE	:	Growth with Equity
GWJ	:	Growth with Justice
HABITAT	:	United Nations Centre of Human Settlements (UNCHS/Habitat)
HAL	:	Hindustan Aeronautics Limited
IAS	:	Indian Administrative Service
IFAD	:	International Fund for Agricultural Development
IGA	:	Income Generating Activities
IGSS	:	Indravati Gana Sangharsha Samiti
IPDP	:	Indigenous People Development Plan
LAO	:	Land Acquisition Officer (India)
M&E	:	Monitoring and Evaluation
NGO	:	Non-Governmental Organisation
NORAD	:	Norwegian Government International Assistance
NTPC	:	National Thermal Power Corporation
OECD	:	Organisation for Economic Co-operation and Development
ORG	:	Operations Research Group

PAF	:	Project Affected Family
PAP	:	Project Affected Person
PIA	:	Project Implementation Authority
PIA	:	Project Implementation Authority
R&R	:	Resettlement and Rehabilitation
R&RO	:	Rehabilitation and Resettlement Officer
RAC	:	Resettlement Advisory Committee
RAP	:	Rehabilitation Action Plan
RAPs	:	Rengali Affected Persons
RO	:	Resettlement Officer
UN	:	United Nations
UNCESCR:		United Nations Committee on Economic, Social and Cultural Rights
UNCHR	:	United Nations Commission on Human Rights
UNDP	:	United Nations Development Programme
UNFPA	:	United Nations Fund for Population Activities
UNICEF	:	United Nations Children's Fund
WCD	:	World Commission on Dams
WCD	:	World Commission on Dams
WCU	:	World Conservation Union
WFP	:	World Food Programme

ORISSA

Major Projects



Introduction

**Conceptualizing Development, Displacement
and Rehabilitation: A Review of Literature**

Introduction

CONCEPTUALIZING DEVELOPMENT, DISPLACEMENT AND REHABILITATION: A REVIEW OF LITERATURE

The dominant ideas about development have been perceived through the prism of modernization theory. It conceives of development as a movement towards a better state. It simply speaks development as a process, which can be achieved through a balanced economic growth. This theory is regarded as a model for development as it became the dominant theory and it explained how development should be achieved. This theory gives primacy to three factors, which includes interdependence with capitalist economies, accumulation of wealth and also emphasizes upon the universalisation of the output of this model. The theory assumes the interdependence, but does not pay much heed to the aspect of polarization or unbalanced growth which suggests that economic growth does not take place uniformly between different economic sectors or geographical regions. This happens, as there are many states and countries, which really lack adequate administrative capacity, entrepreneurial skills and financial resources to carry forward the project of development that can be spread evenly between regions from the outset.

The problem is identified at the level of conceiving the idea of development itself. Development both in matured developed as well as underdeveloped countries is loaded with a handful of economic criteria's. A developed country is one which is characterized by high per capita income and marked by less of inequity in contrast to poor, marginalized and underdeveloped countries. In 1970s, the concept of sustainable development has come to the forefront of international arena. This term had stronger connotations of self-reliance. It caters to the basic and minimum needs of the poorer sections of the society with the help of appropriate technology to achieve a minimum level of sufficiency in the village by being self reliant. This term advocated the use of village resources to enable prosperity for current and future generations. This idea of sustainable development has come up bring about increased economic growth and which would address the problem of inequality prevalent in the village community.¹ It includes both inter-generational and intra-generational equity and equity

¹ William F. Fisher (ed.), *Towards Sustainable Development: Struggling Over India's Narmada River*, (Jaipur: Rawat Publications, 1997), p. 12.

between the so called 'developed' and 'developing' countries and also called for class equity across class and gender barriers.

In search of a comprehensive and inclusive and accommodative definition about development, scholars are confronted with the intricacies and distortions within the discourse of development itself. In its long journey, development has been defined in various ways and finally it has reached at a certain stage where scholars like Amartya Sen has described development as freedom from hunger, poverty and human sufferings. His notion of development encompasses the idea of human capital and use of human capability through widening and deepening of human choices.²

This dissertation would examine the various models of development, which is largely the offshoot of modernization model, and it would also trace the lacunae in this particular type of model, as it does not accommodate the historical specificities of the countries where it has been imposed. At the same time, this work is basically designed to look into the displacement that is being created by the construction of large dams which are considered to be harbingers of developmental model. Even The World Commission on Dams (WCD) has accepted that the debate on dams is simple as well as a complex one. It is simple because behind the array of economics, statistics and engineering calculations lay a number of basic and easily understood principles. It is complex as issues are not confined to the design, construction, and operation of dams themselves but embrace a whole range of social, environmental and political choices on which human aspirations to development and improved well-being depend. Still, the WCD is interested to conduct an independent review of the development effectiveness of large dams to assess alternatives and to propose practical guidelines for future decision-making.

The development model has in many cases inevitably resulted in the displacement of millions. So before knowing about the problems of displacement, let us try to conceptualize it .

² Living in a world marred by remarkable deprivation, destitution and deprivation, we can overcome by a developmental model which takes into account the aspect of freedom to counter the multiple afflictions. Expansion of freedom is viewed as a principal means of development. So removal of unfreedom through freedom is crucial in development. Development thus can be seen as a process of expanding the real freedoms that people enjoy. See for a comprehensive and detailed analysis about the issue of development as freedom, Amartya Sen, *Development As Freedom*, (New Delhi: Oxford University Press, 1999), p. 145.

Displacement basically means physical dislocation of people from their habitat and their social networks. This particular involuntary or forced displacement is usually a consequence of large development infrastructure including the construction of mega-projects, reclamation of public spaces, war and famine and also due to the setting up of mining industries. The displacement through these ways involves the loss of economic livelihoods and community life. Though this type of displacement may be temporary, but it is more likely to be permanent, especially when one's place of origin is no longer habitable or is given over to other uses. Subsequent phase of displacement occur when the people living in receiving areas are placed at risk usually with insufficient indifferent attitude of the state.

Displacement exacerbates or aggravates rather than mitigates economic insecurity, alienation from community, and rights to land and other forms of private and common property. While physical mobility may be voluntary and accompanied by economic security, but the displaced people reveal that such movement is fraught with questions about identity, personal insecurity and the lack of rights that usually accompany citizenship. The sense of belonging or rootedness in a place that provides the security of membership, resources and feelings is often displaced by a sense of isolation and alienation in the new location.

The other problems associated with displacement are the issue of rehabilitation and resettlement of the forcefully uprooted people. Here rehabilitation refers to the process of reconstruction of the livelihood of displaced persons. After being displaced by developmental projects the original inhabitants of that area lose everything. They lose their livelihood, cultural heritage and right to natural resources. Hence it becomes the responsibility of the state and project implementing authority to rehabilitate them properly. Despite large-scale displacement, the resettlement and rehabilitation³ of project affected people has been minimal. Among the reasons for dismal record of rehabilitation are the biases of project designers, their emphasis on engineering and financial aspect and non-recognition of human sufferings. Besides administrative weakness, ad hoc rehabilitation planning and lack of proficiency capacity to cope with such challenges are other reasons for the abysmal record of resettlement of displaced people. Empirical evidence shows that over the decades, less than 25 per cent of the uprooted people have been rehabilitated

³ Rehabilitation refers to the process of reconstruction of the livelihood of displaced persons.

properly.⁴ In other words, 75 per cent of the displaced people have not been rehabilitated and their incomes and livelihoods have not been restored which implies the vast majority of development resettles in India have been impoverished.⁵

This particular work is based on the idea that the present pattern of development is deeply flawed as it does not take into account various aspects and hindrances which are so crucial within the development.⁶ It is flawed because the developmental model has caused massive uprooting of people from their habitat in many ways and mostly this kind of displacement is involuntary. Though there can be displacement, which is also agreed and approved by people, yet the kind of displacement that has happened in states like Orissa is involuntary. The displacement resulted not just in asset and job losses but also in the breakdown of social and food security, credit and labor exchange networks, social capital and kinship ties. It also evoked a sense of the affected people's social-political disempowerment and loss of cultural identity and heritage as well as economic impoverishment.⁷

The issue of displacement is significant as it provides a platform to understand the modalities of economic, political and social formations and interventions. Apart from this, it also reflects an interest to examine the new meanings of belonging, livelihood, identity, citizenship as well as rights aspect. The renewed and heightened interest in the issues like displacement and rehabilitation, which are clearly associated with the enterprise of development, has conditioned for an urge to re-examine and redefine the concept of development itself. In this context, development is referred as a comprehensive process of change that is economically developed, materially progressive, politically participative, socially just, ecologically sustainable, culturally compatible and also morally and aesthetically fulfilling.

⁴ Michael M. Cernea, "Public Policy Responses to Development Induced Population Displacement", *Economic and Political Weekly*, 33(12), June 15, 1996, p. 1024.

⁵ Michael M. Cernea, "The Risks and Reconstruction Model for Resettling Displaced Populations", *World Development*, 25(10), October 1997, p. 1568.

⁶ As the present pattern of development has not accommodated the hazards, which are being created by itself, so it is branded as flawed and deficient. The basic hazards are uprooting of trees, submerging of forests and massive displacement of people, which leads to their loss of habitat. Large dams account for major displacement of teeming millions.

⁷ Amita Baviskar, *In the Belly of the river: Tribal Conflicts over development in the Narmada Valley*, (New Delhi: Oxford University Press, 1995), p. 6.

The concern for displacement arose because of a dramatic rise in development-induced displacement in the 1970s and 1980s propelled mainly by various developing countries and coupled with painful and disastrous outcomes in resettlement experiences. A corresponding increase in popular resentment and a proliferation of public actions, campaigns, protests and resistance to displacement brought issues of participation, legitimacy, accountability and transparency to the fore and into the policy domain, by questioning the authority of planners and policymakers at different levels.

Development through the construction of mega projects has been questioned as these projects have caused displacement of millions of people and again it is being questioned because amongst the displaced people, most of them belong to scheduled castes and scheduled tribes who are regarded as disadvantageous sections of the society. Though in many cases, the rehabilitation process has been initiated yet they are not rehabilitated suitably and properly and their earlier livelihood have not been restored. So the meagre and dismal performance of the rehabilitation and resettlement schemes has aggravated the problem of displacement. This absence of full-fledged rehabilitation has pushed the affected people to marginalisation, impoverishment and more backwardness.

Review of literature

Innumerable books and articles are available on development and displacement. Only the selected and relevant ones have been reviewed for this purpose.

Walter Fernandese and Enakshi Ganguly Thukral⁸ contribute a lot to the national debate on 'development, displacement and rehabilitation'. A deliberate effort has been made by the editors to give various positions particularly those concerning rehabilitation. No special provision has been taken, though the editors have their own conviction concerning these issues. What the book does is to give the background of displacement and suggestions made on rehabilitation.

⁸ Walter Fernandese and Enakshi Ganguly Thukral (eds.), *Development, Displacement and Rehabilitation: Issues for a National Debate*, (New Delhi: Indian Social Institute, 1989).

Amartya Sen⁹ provides an excellent work on the enlarging and ever expanding definitions about development. The book is also important from the point of view of deconstructing traditional notion of development by identifying it only in economic terms. It also makes an account of the individual agency and how it is important to challenge the dominant ideas about development.

David Marsden and Hari Mohan Mathur¹⁰ deal with impact of displacement in various regions of India. This book brings together a series of case studies developed to examine the risks of impoverishment resulting from involuntary resettlement. They outline that inadequate resettlement in the past led to the impoverishment of large numbers, but the affected persons are unwilling to accept the inevitability of impoverishment any longer. It says that the institutional capacity to deal with Resettlement and Rehabilitation (R&R) issues still requires considerable strengthening.

Satyajit Singh¹¹ outlines and evaluates the economic and ecological change of large dams in India. He views that the evaluation of dams has conditioned to argue that the return from investment in irrigation has been constantly falling. Though the dam's functions including water storage to compensate for fluctuation in river flow or in demand for water and energy, generating electricity, supply water for agriculture and facilitate river navigation and control flooding, yet the amount invested in these dams is huge and the output as well as benefits are not upto the mark. Finally, he has branded the irrigation dams as unsustainable dams

Amita Baviskar¹² gives a detailed analysis about how the consciousness of the *adivasi* community is transformed from the pursuit of honour to action against the state, fighting to secure access to the land and the forest. It also gives an analysis about Sardar Sarovar Project where *adivasis* have become a part of a larger, more diverse, movement against the Sardar

⁹ Amartya Sen, *Development as Freedom*, (New Delhi: Oxford University Press, 1999).

¹⁰ David Marsden and Harimohan Mathur (eds.), *Development Projects and Impoverishment Risks: Resettlement Project-Affected People in India*, (New Delhi: Oxford University Press, 1998).

¹¹ Satyajit Singh, *Taming the Waters: The Political Economy of Large Dams in India*, (New Delhi: Oxford University Press, 1997).

¹² Amita Baviskar, *In the Belly of the river: Tribal conflicts over Development in the Narmada Valley*, (New Delhi: Oxford University Press, 1995).

Sarovar Project. The anti-dam movement has raised the broader questions about development and its critique.

L.K. Mohapatra¹³ says that Acts and policies those are prevailing in India are not enough to accommodate the diverse communities who have been the victim of development in the post-independence India. Bureaucratic apathy has also aggravated the problem of displacement in India and has also made the rehabilitation and resettlement projects inadequate and insufficient.

Ramaswamy R. Iyer¹⁴ provides a broad and compendious survey of the legal and institutional structure, setting ambience within which large dam projects in general have come into being and functioned in India. As there is no separate law or set of laws relating specifically to dam projects, but the planning, approval, financing, construction, operation and maintenance of such projects take place within the constitutional and legal framework of the country and in particular the provisions relating to water.

Janie Hampton¹⁵ gives synoptical versions of the analysis of displacement in various countries of the world. The book seems to be important because it also gives the data on displaced people in various states including the north-eastern India. He says that the absence of a national policy for resettlement and rehabilitation makes it difficult to count development-induced internally displaced people in India. He laments with the fact that even the census reports give a low priority to statistical data on inter-state displacement. Figures are mainly based on the estimates of NGOs and independent researchers. While official government figures are often underestimates, figures given by special interest groups tend to be inflated.

Ramaswamy R. Iyer¹⁶ observes that on environmental grounds, large dams should not be abandoned. Rather the priority should be accorded to the utilization of the potential of water management. Considering the heavy financial, human, social and environmental costs

¹³ L. K. Mohapatra, *Resettlement, Impoverishment and Reconstruction in India*, (New Delhi: Vikas Publishing House, 1999).

¹⁴ Ramaswamy R. Iyer, *Water: Perspectives, Issues, Concerns*, (New Delhi: Sage Publications, 2003).

¹⁵ Janie Hampton, *Internally Displaced People: A Global Survey*, (London: Earthscan Publications, 1998).

¹⁶ Ramaswamy R. Iyer, "Large Dams: The Right Perspective", *Economic and Political Weekly*, 52(17), November 2, 1989, pp. 4107-4115.

involved in large dams, governments should be highly selective and extremely cautious regarding giving approval to the large dams in India.

Balgovind Baboo¹⁷ outlines about the sufferings inflicted to the affected people. He says that all the affected people even till today in case of Hirakud Dam, all of them are living below the poverty line. He delineates that the rehabilitation policy has not contributed to the all round economic, social, psychological and cultural reconstruction of the community that was being destabilized. He has gone to the extent of saying that the status and conditions of the dam oustees of the project and tried to reconstruct the social space of the oustees and record their survival strategies. He writes that oustees are not properly compensated for their agricultural land, houses and trees. He, however, in this article questioned the credibility as well as the benefits of the Hirakud dam. He gives a reference to the environmental aspects of the dam projects as well.

L.K. Mohapatra¹⁸ says that Orissa Resettlement and Rehabilitation of Project Affected persons Policy, 1994 formulated by Orissa Government though an innovation yet it is deeply flawed. He distinguished between project-affected persons and physically displaced. His study reveals that the affected persons have been widened to include not only those whose land for agriculture, house, home stead land and structures thereon, but also those who may lose trade and occupation due to construction of the project within the affected zone. So he says that the compensation policy has not mentioned in the proper manner in which the rights over trees and compensation to be paid for these rights are to be assessed for payment of compensation. Another lacunae are to take as its basis-depreciated value of house structures or equipments on landed property. The policy emphasized that evaluation by an independent agency should be undertaken at least twice in the minimum; once in the mid-stream of Resettlement and Rehabilitation(R&R) activities before evacuation; second, on completion of R&R activities and they will have to assess the sustainability of R&R inputs and this independent agency should not be associated with the project in many manner.

¹⁷ Balgovind Baboo, "The Big Dams and the Tribals: The case of the Hirakud Dam Ousteers in Orissa", *Social Action*, 35(3), July-September, 1991, pp. 112-135.

¹⁸ L. K. Mohapatra, "The Orissa Resettlement and Rehabilitation of Projects Affected Persons Policy 1994: A Critique", *Social Action*, 45(6), July-September, 1995, pp. 318-326.

Walter Fernandes¹⁹ says that absence of a policy on rehabilitation becomes more serious when we realize that the majority of the Displaced People are tribals, dalits and other landless persons, all of whom are powerless. He says that the areas in which displacement occurred are resource-rich regions. He says that in Hirakud Dam, according to the report of the Government of Orissa, 110,000 were displaced and state government says all have been compensated. But according to the other studies, more than 180,000 persons had been displaced by 1956 and only 35% of 96.6 million allotted for rehabilitation was distributed as compensation. He outlines that compensation is inadequate and inappropriate, since it is considered as rehabilitation. People are being compensated on the basis of their land document.

So, in those who had traditionally dependent on common property resources and the dalits and other landless labourers whose services to the village as a community got no compensation though they were deprived of their livelihood. He is also raising the “land for land” policy issue. He also laments for lack of exact and proper data regarding this. There is lack of proper planning, which resulted in multiple displacements.

Michael M. Cernea²⁰ concisely summarizes the methodology for identifying and measuring impoverishment risks inherent in involuntary resettlement processes through the application of the Impoverishment Risks and Reconstruction Model proposed by the author. Three basic concepts are highlighted: risk, impoverishment, and reconstruction. The paper emphasizes that risk reduction in resettlement should be pursued not only through technical and economic measures focused on each individual risk but also through policy measures, such as better demand-management policies in the energy field, introduction of social safety nets, and others.

¹⁹ Walter Fernandese, “Power and Powerlessness: Developmental Project and Displacement of Tribals”, *Social Action*, 45(5), July-September, 1991, pp. 103-118.

²⁰ Michael M. Cernea, “The Risks and Reconstruction Model for Resettling Displaced Populations”, *World Development*, 25(10), October, 1997, pp. 1569-87.

Anita Agnihotri²¹ begins with various risks model of Michael Cernea. These models include landlessness, joblessness, marginalisation, increased morbidity, food insecurity, loss of access to common property and social disarticulation. After briefly discussing these principles, she goes on to apply these principles in various dam projects such as, Harbhangi, Badanala, Rengali, Hirakud etc.

Purpose of the Study

The main objective of the dissertation is to examine both the insights as well as the inadequacies of the paradigm of development particularly through dams and to look into the magnitude or intensity of displacement that is being in most cases accompanied by this particular developmental model. The study questions the whole discourse on present pattern of development. This work would examine the the development ,the problems of displacement and the process of rehabilitation of various dams in orissa which are small, medium and large in size . These dams which would be included in this particular work are Hirakud ,Rengali ,Indravati ,Harabhangi and Badanala .ably same. Broadly the objectives of this work are as follows :

- To ascertain whether the project affected families have regained their pre-displacement status through various rehabilitative measures.
- To examine the various risk factors in the rehabilitation and resettlement process.
- To evolve strategies to counter and overcome the risks in future projects.

Scope of the study

The present study seeks to explore and identify the paradigms of development and the antinomies of the model of development along with the issue of displacement. While examining the issue of displacement, the work has been generally restricted to important dam projects in Orissa. Though the references would be made to other projects and the infrastructures where the displacement is more clearly visible and prominent, yet that will be only a context-specific reference.

²¹ Anita Agnihotri, “The Orissa Resettlement and Rehabilitation of Projects Affected Persons Policy, 1994: An Analysis of its Robustness With Reference to the Impoverishment Risks Model”, Paper presented in the workshop on *Impoverishment Risk Analysis*, Social Development Unit of World Bank, March 12-14, 1994, New Delhi, pp. 1-26.

The dam projects that are being undertaken for this study are quite important as it gives us a space or ideal setting to compare the problems of displacement in three different sizes of projects. All the projects are also quite important as these are surrounded by sizeable number of tribal population as well as all these are located in the underdeveloped regions of Orissa. To explore the issue of displacement in these areas is also significant as the people who are affected by the projects are neither able to question the model of development nor do they have the capability to know about the intricacies of the developmental projects and also their objectives.

Hypotheses

This work has the following hypotheses:

- A thorough examination of developmental model that is being followed in India is exclusionary, as it does not take into account the reverse side of development. It has been apprehended that the imitation of the modern and western model of development has caused involuntary displacement of people from their productive assets including land and home as setting up of large dams are considered to the part of development in India. In other words we can say that the state included the displaced people in its development agenda.
- The project affected families have overcome the risks through the developmental policy of the state.
- Large number of Non-Governmental Organization (NGOs) have helped for the wide ranging rehabilitation and resettlement process.

Methodology

This study is based on the survey of both primary and secondary sources. For this purpose, the work largely incorporates the thorough examination of government and non-government publications, books, reports, newspaper clippings, and relevant journals those are available at our disposal. The reports include, Council of Professional social Workers, Government of Orissa, Directorate of Economics and Statistics, Planning and Coordination Department, Gram Vikas and Independent Group, Ministry of Labour, Ministry of Rural Development (Department of Monitoring and Evaluation of Resettlement and Rehabilitation

OWRC of Land Resources), The National Campaign for Peoples Resource, World Commission on Dams etc.

Chapterisation

Besides introduction and conclusion, the work has been divided into four chapters.

In the introductory part an attempt has been made to understand the very concepts of development, displacement and rehabilitation. This part also deals with review of literature, the main objectives, hypothesis, methodology and Chapterisation. To get into the real thrust of this dissertation, some dam projects have been referred in the context of development, displacement and rehabilitation.

The first chapter entitled “Development Discourse: A Critique” deals with the aspect of conceptualizing development where the insights of development would be a major focus. However, the scope of this chapter is limited in a sense that development is strictly restricted to the building of large dams. It does not exactly explain the development in an economic sense. Along with this, the chapter will also make a journey to identify the antinomies or inadequacies while explaining about the nature and process of development that is followed in India.

The second chapter titled “Dams, Displacement and Rehabilitation in the Context of Orissa” proceeds with an understanding of the issues and concerns of displacement induced by the developmental projects more particularly the references in relations to the dams in Orissa. The second part of the chapter looks into the evaluation of issues on rehabilitation in Orissa.

The third chapter titled “The Orissa Resettlement and Rehabilitation of Projects Affected Persons Policy, 1994: A Critical Evaluation” makes a critical assessment of the Rehabilitation Policy in Orissa. In Orissa, there was no such rehabilitation policy till 1994. Earlier, the Orissa government followed the patterns of rehabilitation through the dictum of government orders that is not uniform to every region. The Department of water Resources has come up with this policy only in 1994 and since then it has been followed as the model for rehabilitation.

The fourth chapter entitled “Role of Civil Society and State’s Response” makes an analysis of the state strategies and people’s resistance to the various dam projects in India in general and Orissa in particular. It also makes an assessment of the various movements and Non-Governmental Organizations (NGOs) those are spearheading on behalf of people and their rights in Orissa.

The concluding part is a suggestive one to minimize displacement in Orissa. It makes an attempt to redefine the concepts of development, displacement and rehabilitation in India in general and Orissa in particular.

Chapter One
Development Discourse: A Critique

Chapter One

DEVELOPMENT DISCOURSE: A CRITIQUE

The concept of "development" is basically an abstract term, which does not have any universally accepted definition. It varies from discipline to discipline and each of them tries to construct development in its own perspective. The concept differs from time to time and place to place according to the demanding circumstances. For instance, there is a significant difference in the understanding of the term development among the developing and developed nations. Similarly, development was understood as economic growth or rise in GDP in the earlier part of twentieth century, but this definition has become more comprehensive in the present times. Presently it has been identified with human capabilities and capacities. But, much of confusion of the term 'development' seems to stem from the multiplicity of disciplinary perspectives, differing ideological premises, varying usages by international and national development agencies, and above all, the changing connotation of the term.

The emergence of new nations out of colonial experience and the urgent need for their socio-economic reconstruction impelled a radical break in governmental organizations and operations. It also aims at two developmental goals, i.e., nation-building and socio-economic development of the newly independent nations of Asia, Africa and Latin America. To improve the conditions of the people and for rapid economic growth, planners in India like other third world countries perceived development in terms of economic growth measured by the growth of GNP or increase of per capita income. To achieve this target they emphasized on "big push model"¹ and focused on heavy industrialisation, modernisation and urbanization.

Though some progress was made in agricultural, economic and industrial front, development on the other side has pushed indigenous people and weaker sections of society into poverty and backwardness. From the moment of independence, the ideology of development served to unify the Indian nation-states. A true consensus existed among all social classes that development would result in the improvement of their social class position.

¹The Theory of 'Big Push' was formulated by P.N. Rosenstein Rodan. The theory emphasised that under developed countries need large amount of investment to break the shackles of backwardness and launch upon economic growth. It also focuses on heavy industrialisation like power, transport and communication for economic development in underdeveloped countries, P. N. Rosenstein Rodan "Notes on the Theory of Big Push" in Howard S. Ellis (ed.), *Economic Development for Latin America*, (London: Macmillan & Co., 1961), p. 57.

For the poor and marginalized classes, the state's development programmes promised the deliverance from their extreme impoverishment. Even when development projects extracted great costs from the poor, they were consented to because of the widely accepted understanding that these were necessary to the very survival and growth of the whole country and the costs were inevitable. This chapter begins by defining the concept of development and its changing connotation over the years. Besides that, the Indian approach to development and how displacement is the offshoot of present pattern of development in India has also been discussed in this chapter.

The Concept of Development

Development is a term that has been appealed to almost a huge chunk of masses in the entire world. Development is a multi dimensional having both qualitative and quantitative ramifications and effects. The development of some areas led to the neglect of others, which may lead to social lag and unbalanced growth among people and regions. It produces both tangible and intangible results and involves materials and non-material elements. The total development or well being has to be measured in terms of facilities and services that are available and the fulfillment of all basic needs of human being in terms of food, shelter, clothing, education and health and also freedom from poverty, disease, illiteracy, ignorance, unemployment and malnutrition. Development has to be understood as freedom from all kinds of exploitation and awareness about one's social and economic position.

The idea of development stands like a ruin in the intellectual landscape. Delusion and disappointment, failures and crimes have been the steady companions of development and they tell a common story that it did not work. Though doubts are mounting and uneasiness is widely felt, development talk still pervades not only in official declarations but also even in the language of grassroots movements. Development is much more than just a socio-economic endeavor and it is considered to be a perception that models of reality are a myth, which comforts societies, and a fantasy that unleashes passions perceptions, myths and fantasies.²

²Wolfgang Sachs, (ed.), *The Development Dictionary: A Guide to Knowledge as Power*, (New Delhi: Orient Longman 1997), pp. 1-2.

Several studies try to define the concept of development from their own perspective. The development or evolution of living being, in biology, referred to the process through which organisms achieved their genetic potential. It was between 1759 and 1859 that development evolved from a conception of transformation that moves towards the appropriate form of being to a conception of transformation that moves towards an ever more and more perfect form.³ During this period, evolution and development began to be used as interchangeable by scientists.

The transfer of biological metaphor to the social sphere occurred in the last quarter of the 18th century. . A few decades later, all possibilities were opened to the human subject. Development became the center of Marx's work, which reveals as a historical process, which unfolds with the same necessary character of natural law. Both Hegelian concept of history and the Darwinian concept of evolution were inter-woven in development, reinforced with the scientific aura of Marx.⁴

Sometimes development has been attested with the idea of accelerating economic progress. Joseph Schumpeter's model of development underlines the importance of inflationary financing and innovations as the main factors in economic development.⁵ Development as Schumpeter has observed is spontaneous and discontinuous change in the channels of the circular flow, disturbance of equilibrium, which forever alters and displaces the equilibrium state existing previously. These changes in economic life arise by its own initiative from within the economy and appear in the sphere of industrial and commercial life.

Development consists in the carrying out of new combinations for which possibilities exist in the stationary state and new combinations come about in the form of innovations. He assigns the role of innovator to the entrepreneur but not the capitalist. According to Schumpeter, capitalism can maintain itself only so long as entrepreneurs behave like knights and pioneers. But these innovators are destroyed by the capitalist system itself. Schumpeter's model of development certainly gives clues to problems that may arise in developing

³ Gastovo Estava, "Development" in Wolfgang Sachs (ed.), *Op. Cit.*, p. 11.

⁴ Gastovo Estava, *Op. Cit.*, p. 12.

⁵ Joseph A. Schumpeter, *Capitalism, Socialism and Democracy*, (New York: Harper, 1976), pp. 269-283.

countries like India. However, the concept of 'development' claims different meanings according to the demanding situation.

Changing connotation of Development

The debris of metaphors used throughout 18th century began to become part of ordinary language in the 19th century, where the concept 'development' interpreted in a variety of connotations. The commentators on development did not agree to a particular meaning of development. Some prefer 'evolution' and some others put it as 'growth'. In the writings of early social scientists the term development was used to offer the course of 'social evolution'. The implication of this perspective was the metaphor of growth.⁶ Development was, thus, conceived as organic, immanent, directional, cumulative and irreversible. Also it entails the idea of structural differentiation and increasing complexity. This idea is also explicit in writings of Emile Durkheim, Herbert Spencer, H. Tonneir, Morgan and other-hose names are associated with evolutionary sociologists.⁷

With the rise of industrial system and emergence of capitalism, the notion of development was defined in a more radical way. The central element of capitalist thinking of development was the idea of economic growth, measured by the growth of GNP or per capital income, industrialisation and urbanization. This shift in the meaning of development gained further impetus during the later half of 1940s and the beginning of 1950s when so many third world under-developed countries attained political independence from colonial rule and confronted the problem of economic reconstruction. In this period, economic growth emerged as a new gospel and neo-classical growth theories retained their pro-capital basis-promoting capitalization with reviewed vigor. The third world becomes the favoured receipts of large shift of foreign aids and western technology and skill transfer, in a top down process and state led industrialisation to become modern. Thus, the term development acquires a strong economic connotation, so strong as to become synonymous with economic growth.⁸

⁶ S. L. Sharma "Changing Connection of Development: An Analytical Search for a Missing Dimension" in S. L. Sharma (ed.), *The Issues in Asian Rethinking on Development*, (Jaipur: Rawat Publications, 1986), p. 1.

⁷ S. P. Verma "Models of Development: Search for Alternatives" in Iqbal Narain (ed.), *Development Politics and Social Theory*, (New Delhi: Sterling Publications, 1989), p. 16.

⁸ S. L. Sharma (1980), "Criteria of Social Development," *Social Action*, January-March, p. 65.

During this period, President Truman of USA also emphasized on the economic aspect of development and pointed out, "We must embark on a bold new programme for making the benefit of our scientific advances and industrial progress available for the improvement and growth of under developed areas". In continuation to this, American policy towards Europe put emphasis on economic reconstruction after the destruction of the Second World War. The best element in this policy was the so-called "Marshall Plan" through which loans and massive transfers of resources to Europe was proposed.⁹

In the 1950s, the economists did not generally accept the distinction between 'growth' and 'development'. Rather they conceived economic growth as the supreme goal in itself. They believed that it was economic growth that the poor countries needed. Thus, economic growth and its determinants were natural focus for theory formation. The work of W. W. Rostow bears ample testimony to this. W. W. Rostow presented his 'Non-Communist Manifesto' in 1960.¹⁰ He has provided a historical approach to the process of economic development. He distinguishes five stages of economic development, namely, the traditional society, the pre-conditions for take-off, the take-off, the drive to maturity and the age of high mass-consumption. A traditional society is one whose structure is developed within limited production functions based on pre-Newtonian science and technology and on Pre-Newtonian attitudes towards the physical world. There were little economic changes in such societies. It lacked the tools and the outlook toward the physical world of the post-Newtonian era. The second stage is a transitional era in which the preconditions of sustained growth are created. The pre-conditions for take-off were initiated by four forces, viz., the new learning or Renaissance, the New Monarchy, the New World and the New Religion or the Reformation. These forces led to the reasoning and skepticism in place of faith and authority, which brought an end to feudalism and led to the rise of nation states, new discoveries and consequently the rise of the bourgeoisie.

Rostow defines the third stage, i.e. take-off, as an industrial revolution, tied directly to radical changes in the methods of production, having their decisive consequence over a relatively short period of time. The fourth stage, the drive to maturity, is the period

⁹ Colin Leys, *The Rise and Fall of Development Theory*, (Bloomington: Indiana K. Press, 1996), p. 8.

¹⁰ Richard A. Higgot, *Political Development Theory: The Contemporary Debate*, (London and Canberra: Croom Helm, 1983), p. 156.

technology to the bulk of its resources. It is a period of long and sustained economic growth. In the age of high mass consumption, the fifth stage, the balance of alienation of the society is shifted from supply to demand and from problems of production to problems of consumption and welfare.¹¹

The development defined in terms of economic growth was the core of development thinking in the 1950s. Having enjoyed mounting importance in the fifties, this view has been facing rough weather since 1960s. This is because, despite economic growth, inequality and poverty remained higher in many countries. While the target of economic growth more or less met, the equivalent success was by no means achieved in the income distribution. It has been conjectured that in some countries increase in per capita and GNP have actually been accompanied by raising levels of absolute poverty among the lowest income groups.

Development is not undertaken to provide opportunities exclusively for any particular group. The purpose of development is to promote wider national interests for the benefit of all. In this manner, this way of defining development is iniquitous. The main achievement of the development decade of 1990-2000 has been to put people at the centre of the development discourse. During the last two decades of the previous century, the magnitude of forced population displacement caused by developmental programmes has increased in a massive manner. Such projects include the construction of dams, irrigation schemes, and urban renewals and housing schemes, water or transport supply systems, energy generation projects, and open caste mining.¹² The current development is problematic in its multidimensional form has also added new aspects to the state's responsibilities by focusing sharply on a wide variety of political issues such as democracy, social integration, human rights, human security and survival.

Development is defined as much the same as modernization; a far reaching, continuous, and positively evaluated change in the totality of human experience. Development is much wider than modernization as modernization refers to juxtaposition of something new

¹¹S .P Srivastava, *The Development Debate: A critical perspectives*, (Rawat Publications, New Delhi, 1998), pp. 216-218.

¹² De Chris Wet, *Economic Development and Population Displacement: Can Everybody Win? Economic and Political Weekly*, December 15 2001, pp. 4637.

with a pre-established order, where as development goes beyond this. Development in Third World requires fundamental change in attitudes, values and institutions, which have to be planned and organized. Conflict and struggles are inherent in the process and both the people and the state must play their parts. Thus while the modernization may be considered as an integral part of the developmental process, it is not necessarily the reverse, because ethical considerations and normative judgments are implicit in the concept of development.

The problem of alternative development in the context of a plural and the divided societies of the post-colonial world highlight the inadequacy of the western construct of development embodying the process of modernization from so-called traditional or archaic societies to the modern industrial nation-state. It is pertinent to focus on modernization and its linkage with development as they are related to each other in various cases. The modernization paradigm delivered easily by the west to the ruling elites of a majority of post-colonial states hardly leaves any scope for the diverse ethnic identities to shape their destiny as per their social and cultural ethos. The difference between the development and modernization is that while there need be no argument about modernization, about what is actually happening, there will be inevitably be strong disagreements as to whether or not development is also occurring. Development is always a valued state, which may or may not have been achieved in some other social context and which may not even be achievable. Modernization is what is "up-to-date" in a specific place at a given time, so any reference to modernization implies juxtaposition of something new with a pre-established order. The continuous process of industrialization, capitalist or socialist, is a clear example of modernization and a key feature of development. Modernization theory emphasizes and approves of the trend towards western capitalist modernity. In the years following the Second World War, social scientists, planners and politicians, both in the west and the Third World, generally accepted modernization.

Acknowledging the increase of poverty, inequality and unemployment in the midst of growth-many development theorists, practitioners and institutions grew disillusioned with economic growth as a panacea. They turned their attention to 'growth with equity' (GWE) and 'growth with justice' (GWJ). In 1962, the Economic and Social Council also recommended a kind of 'balance' between 'economic growth' and 'social development'. That year, the proposal for Action of the first United Nations Development Decade (1960-70) established that: "The

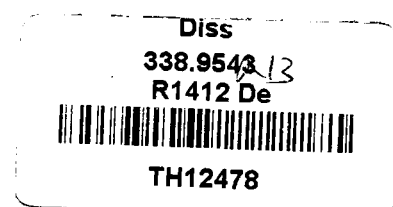
problems of the underdeveloped countries are not just growth, but development. Development is growth plus change, change in turn, is social, and cultural as well as economic, and qualitative and quantitative".

While the first decade considered the social and economic aspects of development separately, the second decade involved merging the two. A new paradigm i.e., the integration of the two, formulated after recognising the necessary interaction of physical resources, economic aspects and social change. The international strategy, proclaimed on 24 October 1970, called for a global Strategy, based on joint and concentrated action in all spheres of economic and social life. The turning point, however, was not the strategy but in almost simultaneous United Nations Resolution establishing a project for the notification of a united approach to development and planning, which would fully-integrate the economic and social components in the formulation of policies and programmes.

In 1975, the seventh special session of the United Nation General Assembly, asked for an approach more effective than that of the international development strategy, adopted in 1970 for achieving social objectives of development. The conference on Employment, Income Distribution and Social Progress organized by the ILO in June 1976 offered the 'Basic Needs Approach' for social development, which focuses the achievement of a certain specific minimum standards of living. Development here defined as an endeavor to provide for the basic needs of the people. This approach specified the basic needs of the people included not only certain minimum requirements of family for private consumption such as adequate food, shelter and clothing, but also minimum levels of essential services provided by the government. This approach to poverty alleviation emphasizes that delivery of a basket of "basic needs of the target groups".¹³

Though the basic need strategy figured prominently in the international debate in the later half of 1970s, it became controversial later. Some developing countries regarded industrial countries support for "Basic Needs" as a means to divert attention from discussion

¹³ C. H. John Fei and Gustav Raws, *Growth and Development: From an Evolutionary Perspective*, (Oxford: Blackwell Publications, 1997), p. 345.



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of international policy and the need for a New International Economic order.¹⁴ Secondly, the basic needs approach focuses on providing material goods and services to deprived human population rather than on enlarging human choices in all fields.¹⁵ Whether or not these criticisms were valid, the Basic Needs strategy was soon over taken by events. In the late 1970s and early 1980s the slow down of growth, the debt crisis and worsening terms of trade in many countries pushed human-centered development to the background and the programmed of 'stabilization' and 'structural adjustment' took the centre stage.¹⁶ Structural adjustment programmes emphasized on reducing the role of state, removing subsidies, liberalizing prices and opening of economies to flow of international trade and finance. During this process of liberalization, adjustment and privatization, concern for the poor was relegated to the background. Thus, many voices were raised in protest and called for adjustment with a human face.

In search of a comprehensive and convincing definition of development, scholars are confronted with the intricacies and distortions within the development itself. In its long journey, development has been defined in various manners and finally it has reached at a certain stage, where scholars like Amartya Sen has described development as freedom from hunger, poverty and human sufferings. His notion of development also encompasses the idea of human capital and human capability by widening the human choice or range of choices. In his view a society's standard of living should not be judged only by average level of income, but by people's capabilities to lead the lives they value. Nor should commodities be valued in their own right, they should instead be seen as way of enhancing such capabilities such as health, knowledge, self-respect and the ability to participate in community life.¹⁷ Sen also emphasized that the core of human well-being is freedom of choice. The expansion of human capabilities implies greater freedom of choice, so that people can explore a wider range of options that they find worthwhile.¹⁸

¹⁴United Nations Development Programme, *Human Development Report*, (New York: Oxford University Press, 1996), p. 47.

¹⁵United Nations Development Programme, *Human Development Report*, (New York: Oxford University Press, 1995), p. 45.

¹⁶ United Nations Development Programme (1996), Op. Cit., p. 48.

¹⁷ Ibid., p. 49.

¹⁸ Jean Drez and Amartya Sen, *Economic Development and Social Opportunities*, (Delhi: Oxford University Press, 1995), p. 10.

Sen has argued that freedom is not only the goal of development but also the means to achieve it. He called underdevelopment as unfreedom, which the people are enslaved with. Development is the path through which these unfreedoms can be removed and the capabilities of the people will be maximized which will lead them to live the kinds of lives they value. This freedom of the people is the basic path of development which he has abstained from the normal method of understanding and used it in measuring the term development through the growth of GNP and rising per capita income. As freedom is linked closely with the economic well-being, the study of this concept will not lead to flawed predictions. Sen in his theory develops elegantly, compactly and in an elaborate manner explains how economic development increases freedom by the expansion of choices of individuals.

Closely linked with Sen's approach, the UNDP published Human Development Report in 1990. The Report defined 'human development' as a process of enlarging people's choices.¹⁹ Obtaining income is certainly one of the main means of expanding choices and well-being. But too often the expansion of income is confused with the enhancement of human capabilities. The Human Development Report also defines the relationship between human development and economic growth. It centered the conventional wisdom by asserting that there is no automatic link between the two. Economic growth is essential for human development but specific policy measures are needed to translate economic progress into human progress.

The above analysis shows that the concept 'development' has acquired different connotation with a change in emphasis from economic growth to human development over the last fifty years. In spite of this gradual shift in the emphasis of development, in the underdeveloped third world countries, the concept of 'development' largely continued to be perceived as 'economic growth'. After getting political independence, various Afro-Asian countries put emphasis on economic development.

Since the economic growth and per capita income in all these countries happened to be conspicuously low, they decided to accord a high priority to programmes, which could realize the maximum possible growth rate under given condition. Though some other objectives were

¹⁹United Nations Development Programme (1995), Op. Cit., p. 46.

also listed in the development plans, the basic thrusts of the plans were invariably on sustained increase in the GNP per capita income. It was assumed that once economic growth was accomplished, other objectives, such as elimination of poverty, unemployment, and income inequalities would be realized automatically. The policy makers were also confident of the 'trickle down' effect of economic development and elimination of poverty and unemployment. Because of this conviction, the concept of development got identified with the concept of economic growth.²⁰

There is no doubt that during past four decades newly liberated Afro-Asian countries have managed to break their stagnation. The record of some developing countries is quite impressive, as their rates of growth have surpassed the average growth rate, but these countries hardly made any headway in the goal of eliminating poverty. Income inequalities in some countries have increased. In most of these countries progress on the employment front is very disappointing.

Like other third world countries, Indian planners since independence have focused more on economic aspects of development. In the next section of the chapter, we will make an endeavor to discuss the choices made by Indian State to develop the nation and improve the lives of its people followed by the issue of development, its related problems of displacement and rehabilitation of people uprooted by various development projects.

Approaches to Development: The Indian Experience

Unlike the other third world countries, from its inception, the Indian state was confronted by two different versions of reconstruction: the Gandhian project of reviving the village economy as the basis of development and the Nehruvian plan for prosperity through modernisation and industrialization. Gandhiji was of the firm opinion that India should not ever take to industrialisation in the manner of 'west' or western design of development. The central element of Gandhiji's programme was of revitalising village communities and craft production by employing indigenous and simple technologies to provide jobs and decent

²⁰ S. K. Mishra and V. K. Puri, *Development and Planning*, (Bombay: Himalayan Publishing House, 1991), p. 23.

livelihood to a predominantly rural population.²¹ The liberation that Gandhiji promised was not merely an economic independence; it was most profoundly, an assurance that the cultural traditions of the Indian peasantry would rein ascendancy.

Despite the deification of Mahatma in the pantheon of nationalism, his vision eclipsed in independent India. Gandhiji's vision struck no chords in the mind of Jawaharlal Nehru, who thought, "A village, normally speaking, is backward, intellectually and culturally and no progress can be made from a backward environment". Most of the nationalist believed that India's reconstruction could only come about through an emulation of modern science and materially through the adaptation of large-scale industrialization.

Nehru's faith in modern science and industry led to the drawing up of the famous Nehru-Mahalanobis model²². The model proposed a capital-intensive, heavy industrialization strategy run by the public sector. The public sector was to build key industries that would take the economy to commanding heights, leaving the private sector in this mixed economy to play a complementary role.²³ This strategy was followed in subsequent five-year plans with little variations after independence.

Thus, to bring economic prosperity, to overcome the handicap of its colonial past and to catch up with the west, a euro-centric model²⁴ of development was adopted by planners. Development was excessively defined in terms of growth of GNP, increase in real national income.²⁵ The objectives and processes were viewed in economic terms and great reliance was placed on economic factors and centralised decision-making to achieve the result. So far as the problems of poverty, unemployment and income distributions were concerned, these were given secondary importance. It was believed that rapid economic growth could take

²¹ Satyajit Singh, *Taming the Water: The Political Economy of Large Dams in India*, (Delhi: Oxford University Press, 1997), p. 59.

²² P.C. Mahalanobis was a key advisor to Nehru and architect of the second five year plan -1956-61.

²³ I. J. Ahluwalia, *Industrial Growth in India: Stagnation since the Mid-Sixties*, (Delhi: Oxford University Press, 1985), p. 147.

²⁴ It is western worldview which lies on "Positive" economic, which claimed to be value-free but which nevertheless works to concentrate wealth income in the west. It operates through market force, which is pro-capital or capitalistic bias. Western technology is capital in terms and its application rewards capital at the expenses of other inputs.

²⁵ C. P. Bhabri, *Indian Politics since Independence*, (New Delhi: Shipra Publications, 1994), p. 3.

place and the cumulative gains from the growth of GNP would automatically 'trickle down'²⁶ to the poor in the form of increased employment and income opportunities. But contrary to the expectations of the planners, the euro-centric paradigm that was at the core of the post-independence, failed to result in form of development due to three reasons i.e. (a) population and labour force grew at a faster rate than expected;(b) adaptation of labour saving technologies in the urban capitalist sector only increased out put per man without creating additional job; and, (c) focus only an growth without equity.

As a result, the benefits of the economic growth have not 'percolated-down' to the vast majority of the people and this model of development has disadvantaged more people. What happened in reality is that a substantial part of the development gains are concerned by the thin upper crust of society consisting of those who controlled the means of production, and a new parasitical class grew around it. While the core directing the new economic activity reaped tremendous advantage, the periphery remained untouched. The latter comprised the masses that were at best minimal beneficiaries of the development.

According to Rondinelli, the development theories of the 1950s and the 1960s, "was reflected in two somewhat different, but not mutually exclusive, approaches."²⁷ One group of development theorists felt that policy implementation in the developing countries could be improved through the transfer of administrative procedures and techniques from industrial countries. It was assumed that these held promise for administrative viability. They followed the Weberian model. They attempted to establish within developing countries administrative procedures that were rational and politically neutral. They were concerned with methods used by governments to attain their development objectives through the implementation of national plans and policies. They emphasized the role of bureaucracy as an instrument of development.

The other group argued that political processes and administrative structures had to be thoroughly transformed and modernized before the developing nations could achieve economic and social progress. Known as political modernists, they felt that the transfer of the

²⁶ Trickle down theory (Trickles) is undoubtedly the most promise of post 1945 western economic theorizing. It states that "rapid gains in over all and per capital of jobs and other economic opportunities and creation of necessary conditions for wider distribution of the economic and social benefits of growth. In other words this national income growth trickled down to improve levels of living for the very poor. (Tadaro: 1981,68; 131).

²⁷ D. A. Rondinelli, *Development Projecis As Policy Experiments: An approach to Development Administration*, (London: Methuen & Co., 1983), p. 16.

administrative procedures and techniques from western democracies, although necessary, was not sufficient. They looked at development as 'social engineering' and national government as 'the prime mover of change.' Development theory was, thus, viewed as an instrument for transforming traditional societies into modern ones. The function of development was that of a midwife for western development creating 'stable and orderly change.' The west would produce external inducements thought necessary to bring about the change. Thus, one group, as projected by D.A.Rondinelli, emphasized the need for transfer of administrative procedures and techniques while the other laid stress on transformation of traditional societies into modern ones.

The consequence of the prevailing conception of development as a process of growth of real national income has proved to be non-beneficial for the masses. For instance, though India has registered a significant over all growth rates, poverty level fell little. In 1977-81, rural poverty declined from 40 percent to 37 per cent and urban poverty from 40 percent to 33 per cent. By 1994, rural poverty in India has gone up to 39 per cent, and urban poverty has reduced a little bit to 30 percent.

In agricultural sector, substantial achievement has been made in the increase of total food production but it failed to remove hunger and 53 per cent of children under the age remain under nourished. The efforts to achieve a more even distribution of land holding has failed and various land reforms measures have proved to be favourable for the promotion of a class, capitalist workers from erstwhile landlords and relatively better section of tenants.²⁸ Similarly in the educational sector, in 1961-91 though literacy level has more than doubled, yet half of the population is still illiterate. And female literacy aged 7 and above, is 60.8 percent. Though the emphasis was given on per capita income, the growth over the year has not been satisfactory. In spite of the emphasis on growth of capita income, the growth of per capita income over the years is not encouraging. According to UNDP Report, 1998, the real GDP per capita PPP of India at 1995 level stood at 1, 422 which is much below than Pakistan²⁹ and among 174 countries the Human Development Report placed India at 139,

²⁸ P. C. Joshi, "Land Reform Movement in India" in A. R. Desai (ed.), *Rural Sociology*, (Bombay: Popular Prakashan, 1988), p. 445.

²⁹ United Nations Development Programme, *Human Development Report*, (New York: Oxford University Press, 1998), p. 16.

which is just above Cambodia. To put it in another way even countries like Myanmar and Pakistan are placed ahead of India.

The problem of alternative development in the context of a plural and the divided societies of the post-colonial world highlight the inadequacy of the western construct of development embodying the process of modernisation from so-called traditional or archaic societies to the modern industrial nation-state. It is pertinent to focus on modernization and its linkage with development, as they are related to each other in various cases. The modernisation paradigm delivered easily by the west to the ruling elites of a majority of post-colonial states hardly leaves any scope for the diverse ethnic identities to shape their destiny as per their social and cultural ethos.

In India, the paradigm of development started with the Nehruvian model and secular ideological terms that regarded the dams as the temples of modern India. The old paradigm of development was based on the assumption of active involvement of the state and considered it as essential for economic development and poverty removal. Over the decades, this justified the intervention in and entry of state into every sphere of economic activity and this has also been accompanied by the pervasive deterioration of governance. Though this deterioration started with specific areas of government operations and specific regions of the country, by now it encompasses the entire country. In some states and in some regions of other states, government failure has now reached a point at which government has become non-functional. It cannot even fulfill the basic role, the provision of public goods, which it has played for centuries; leave alone the grandiose development role envisaged for in the old development paradigm of the second half of the 20th century.

India sought to shape a developmental State through an ambitious strategy of economic planning wherein the State played a pivotal role. An effort was made to give a certain amount of autonomy to economic decision making by establishing a prestige laden Planning Commission. The problem of development came to be perceived in technical terms and was largely seen as a problem of correct policy formulation and design. The Nehru-Mahalanobis strategy that became the hallmark of the fifties and sixties was dominated by the discussion of privatization of investment allocation, trade and industrial strategies etc. As pointed out by many commentators, this was the time when development economy was

coming on its own and Indian experience had much to offer. It is not too much to say that Indian planning was remarkable in the early use that was made of planning models, the sophisticated development of those models which planning engendered, and in the extensive utilization of such models with respect to plan formulation.

The successive five-year plans took it for granted that the rationale of the plans would be accepted and people would behave accordingly. If difficulties arose, they were seen as difficulties of implementation. The development policy was seen to be designed as technocratically correct and failures were seen as those of social and political constraints and implementation. Even in 1991, it was being written that the 'primary failure in several developing countries, including India, has been in implementation,³⁰ the technical argument was extended to implementation and the professional thrust of development administration immediately attracted attention of Indian planners and policy makers.

This was also the period when the potential of being a strong State was seen in terms of the State's dominance in the economic sphere and its 'ideological advantage as the presumed defender of collective interest and socialist purpose and as the economy of private and partial gains.³¹ Rudolph and Rudolph point out that the Indian state has sought over the decades of sixties and seventies to insulate itself from the exigent pressure of mobilized society and suggest that the Nehruvian state of the 1950s provided a credible if partial embodiment of relative autonomy.³² On the other hand, Myrdal in *Asian Drama* saw the feeble development record of Indian State by drawing a distinction between soft and strong state. He argued that if Indian poverty was to be overcome what was needed was a strong State that could divest itself of the influence of special interests and enforce social discipline. The failure to effect structural changes in the Indian economy in heydays of Nehruvian State have been well documented.³³ This has been described as the fundamental paradox of the Indian political economy: the commitment to radical social change and yet an equal determination to avoid a direct attack on existing structures.

³⁰ Bimal Jalan, *The Indian Economy: Problems and Prospects*, (Delhi: Viking Press, 1991), p. 87.

³¹ L. I. Rudolph and S. H. Rudolph, *In Pursuit of Lakshmi: The Political Economy of Indian State*, (Huderabad: Orient Longman, 1987), p. 13.

³² *Ibid.*, 99.

³³ Gunnar Myrdal, *The Asian Drama*, (London: The Penguin Press, 1968), pp. 1310-1311.

Development is not undertaken to provide opportunities exclusively for any particular group. The purpose of development is to promote wider national interests for the benefit of all. In this manner, this way of defining development is inequitable. The main achievement of the development decade of 1990s has been to put people at the centre of the development discourse. During the last two decades of the previous century, the magnitude of forced population displacement caused by developmental programmes has increased in a massive manner. Such projects include the construction of dams, irrigation schemes, and urban renewals and housing schemes, water or transport supply systems, energy generation projects, and open cast mining.³⁴ The current development problematic in its multidimensional form has also added new aspects to the state's responsibilities by focusing sharply on a wide variety of political issues such as democracy, social integration, human rights, human security and survival.

In post-independence India, economic progress was envisaged through a strategy of planned development. Such development took the form of rapid industrialisation and this involved the exploitation of the natural and mineral resources. One of the main tenets of these programmes was the maximization of productivity of land, water, forests and mineral resources. Dams for irrigation and hydel power and mines to exploit the mineral resources, were an offshoot of this approach. Hydel power and irrigation projects displace the largest number of people because they submerge vast tracts of land. In the absence of a national policy, whenever a new venture is undertaken, an ad-hoc rehabilitation for the oustees of that particular project is formulated. This leads to severe economic and social disruption of the lives of the oustees. They result in important changes in the lives of the people who have till now depended on these resources for a living, since they are displaced or in other forms denied access to their livelihood. Lack of proper planning resulted in multiple displacement.

While the thrust of planned development was productivity, at the policy level the planners who were committed to national development were also aware of the possibility that their approach could destabilize the communities that have lived in the regions that were considered backward. Tribals mostly have been the victims of the menacing march of

³⁴ De Chris Wet, *Economic Development and Population Displacement: Can Everybody Win? Economic and Political Weekly*, December 15 2001, pp-4637.

development and their habitat has been broken through, forests has been moved down and thus leading to systematic deprivation.

The discourses about development increasingly reflect an interest in displacement in the conceptualizations about modernity and in understanding modes of economic, political, and social formations and altogether these experiences of third world propel to make displacement a crucial aspect of experience as well as challenging. The process of displacement is important as it characterizes the restructuring of states and economic subsistence, and the buildings of modern infrastructure or mega projects, which is not limited to dams and roadways. In India, while the state in its ongoing role as modernizer, inventor, and mediator has acquired an extensive administrative and institutional presence, it has demonstrated a remarkable weakness in defining the developmental agenda by taking into consideration of the issues of displacement and re-location. Since Independence, Indian state has intervened extensively with a plethora of policy packages aimed at promoting development and improving the living standards of its inhabitants, but in reality, the entire project of development does not accrue benefits to the people, at the expense of whom, the project is being carried out. It is really worth exploring the deceptions including the political, economic and cultural in the enterprise of development.

Politicization of Development Thesis

The imposition of the West as the model of the 'developed' has come under vehement criticism wherein political analysts like Rajni Kothari emphasize that continues the culture of colonialism. While others reflect on the alienated and atomized society of the West by insisting that it cannot be a model for the Third World. Changes across the world are constantly challenging the rubrics of development and calling into question not only what it does and who does it, but also whether it should be done at all. The decline of the state as the principal agent of development has opened the field for new agents of development, including the NGOs, multilateral agencies and local social movements.³⁵ Such a model of development creates or adds to widespread inequalities in society, erodes traditional source of livelihood, uproots people from their community way of life into atomized individuals pitted against each other in an opportunistic economic system. It creates a consumer culture resulting in a

³⁵ Jenny Robinson, (ed). *Development and Displacement*, (The Open University Press in Association with Oxford University Press, New York, 2002), pp. 17-18.

depletion of natural resources, increases economic dependence on outside financial organizations, and reduces political economy of the host society. Thus non-sustainability of such a model of development, given the context of third world societal formulations and conditioning of the social order to suit the economic order emerge as two implications with far-reaching consequences.³⁶ Development undertakings should provide the affected people with an enhancement of their material circumstances and range of their choices or options and the control over their day-to-day affairs.

The critiques against the development discourse has formed the basis of many new demands by the disaffected, such as sustainable development, participatory development, appropriate technology, basic needs, respect for indigenous knowledge, and gender sensitive development etc., which in fact demonstrates the contentious ground on which the discourse of development operates. The voices of contention have only multiplied in recent years and the high turn over of activists and workers in local level development projects attests to this. Through this mushrooming growth of various organizations and activists, the dominant discourse of development has changed to some extent and at least a space has been created for some kind of negotiation between various organizations, policy-makers and people at large. So, it seems that the spectacular state-controlled development processes in a society are no guarantors of the societal development, even it sounds paradoxical. So, the project of development should be progressive, rather than repressive. The role of various movements is really significant to the study of development hegemony because these have emerged through a process of conflict and antagonism with the institutions and ideologies of development.

The past few decades have witnessed rapid economic growth in the country and the process forms a part of planned development. This is manifested in the setting up of large scale projects in power generation, mining, industry, infrastructure development, irrigation and even in creating new urban settlements, which entails a large scale land acquisition and even demolition of homesteads. The project implementing agencies, which used to be mostly public sector organizations in the past but have recently included the private sector in a big way, opt for compulsory acquisition of land or homestead. The intensity of such land acquisitions has grown so high that many rural communities are threatened with separation

³⁶ R. N. Sharma, *Involuntary Displacement: A Few Encounters*, *Economic and Political Weekly*, March 1, 2003, Pp-908.

from their traditional source of livelihood and social networks. Rajni Kothari observed that the current patterns of economic development, which have been constantly invoked to justify the forced eviction of people all over the country, are themselves incompatible with the goals of creating wider conditions of equity and social security. These patterns have been equated with national progress where public purpose and national interest have been used interchangeably and based on the political premise that nation-states are sacrosanct political entities and possess exclusive rights to political sovereignty and the power of eminent domain. The issue of displacement and resettlement has to be viewed within the broad question of distribution of power.³⁷

The basic reason behind questioning the paradigm of development is that displacement is an offshoot of the present pattern of development as the displaced pay price for the development. Probably, this is the reason, the debate on developmental strategy in India has mirrored and provided a lot of controversy. The reason for the suspicion of the project of development is that it impoverishes the already powerless people in the society. Though the compensation is given to them, yet that is woefully inappropriate and inadequate. Michael M. Cernea has over the past decade has developed a two level model, (a) of the various socio-economic impoverishment risks inherent in involuntary resettlement and of the ways in which they relate to and reinforce each other, and (b), of the ways in which these risks could be inverted and turned into opportunities for development and reconstruction. While Cernea's model shows us how involuntary resettlement impoverishes the displaced people, it seems that the way the question about whether and to what extent impoverishment risks can be turned into opportunities for reconstruction, and how to set about achieving this, will in large measure hinge on how we understand why involuntary resettlement causes impoverishment and why the record for involuntary resettlement projects should be so much more positive.³⁸

Displacement and Rehabilitation in the Context of Development Paradigm

This section is based on the assumption that displacement is an offshoot of the present pattern of development. It explores, analyses and examines the question of displacement that is caused by developmental projects. It is a necessary to work on the displacement issue, as it has been ignored by the technocrats, who are assigned with the responsibility of acquiring

³⁷ R. N. Sharma, *ibid.*, pp-909.

³⁸ See no-2, pp-4637-4638.

economic progress through the construction of mega projects. A study of the detailed Project Reports of most development schemes show that while the technical aspects of the projects are worked out meticulously, the nature of displacement and of rehabilitation is studied only perfunctorily. Development was considered to be a misconceived enterprise because even its promoters only to economic growth impoverished it. Development is not just about growth; rather it refers to growth plus change. In this juncture, change refers to social, cultural as well as economic, and qualitative and quantitative. Eventually the ultimate objective of development is to improve the quality of people's life.

All forms of development and change seem to entail some measure of displacement, which in turn calls for readjustment and resettlement. While dams have been built primarily for the provision of electricity and drinking water for industrial purposes and urban growth, and for the supply of irrigation for agricultural development. They have also been seen as cornerstones of national and often even nationalistic projects. If Nehru has anchored the slogan of 'dams as the temples of modern India', then subsequently it has been seen that, the same dams have created colossal displacement of people for whom the dams are being built. The development projects require displacement of people from their traditional habitats, and voluntary or involuntary resettlement in other locations. The process of disruption of life and traumatic experience of being marginalized begins not when the people are displaced physically but at the very first announcement of the scheme, with having psychological insecurity. They go through a lot of mental trauma. If they are displaced, then their resettlement should be reasonable and just.

The harbingers of development lead to dislocation and in this sense development becomes so distant and placed on such a high pedestal that greed of only a few could reach it. Large numbers of people displaced by projects that are ostensibly for national development. Lack of reliable qualitative and quantitative data on displacement has made the issue more problematic. Though no governmental data is available on extent of displacement, but there have been some private attempts to quantify displacement caused by various development projects since independence. According to one conservative estimate various developmental have displaced about 213 lakhs of people and infrastructure programmes in India during

1951-91.³⁹ Out of this, 25.5 lakhs of people have been displaced by mining operations, 6 lakhs by parks and wild life, 12.5 lakhs by industries, 164 lakhs by dams and 5 lakhs by other projects.

Involuntary displacement causes profound economic and cultural disruption to the people affected by it, and the social fabric of the communities of the area also gets disrupted. In as much as relocation involve the movement of communities from one place and environment to another, it brings about a modification of the physical and social environment in which people find themselves and to which they have to adapt after relocation. The kind and degree of physio-cultural environmental modification that relocates undergo, seem to hold a part of the clue to the total understanding of the stress and strain they undergo; a complete submergence of settlement, land and other immovable assets involve greater stress than partial submergence of agricultural lands. The nature of modification of the physio-cultural environment determines oustees' new demographic, economic and social circumstances. This in turn will influence the behaviour patterns that develop in the new setting, as the relocates, having gone through the more stressful phase of relocation.

The nature and range of modifications brought about through resettlement seems to provide clues to an understanding of relocatees' post-settlement behaviour and style of life. But the problem is that individual relocatees find the course of their life transformed in different ways. Circumstances of the life of the people and the environment of the project area change through displacement and involuntary relocation; but these occur in conjunction with other ongoing wider processes of social change, which are in operation in the area. Nevertheless, the major factors that affect the life of the oustees are their displacement and relocation.

The renewed and heightened interest in the issues like displacement and rehabilitation, which are clearly associated with the enterprise of development, has conditioned for an urge to re-examine and redefine the concept of development itself. In this context, development is referred as a comprehensive process of change that is economically developed, materially progressive, politically participative, socially just, ecologically

³⁹ Walter Fernandese and V Paranjepi, *Rehabilitation Policy and Law in India: A Right to Livelihood*, (New Delhi: Indian Social Institute, 1997), p. 53.

sustainable, culturally compatible, morally and aesthetically fulfilling. The issues like displacement and rehabilitation are not new, but the issues have gained momentum because of recent upsurge in the movements, which are constantly engaging themselves in redefining the concept itself by incorporating the issues of people's rights.

The dams are the biggest agents of displacement. Among the displaced people or project-affected people (PAP) often called a very large number of people belong to Scheduled Tribes, Scheduled Castes and other backward communities of the society. Particularly, the Scheduled Tribes are the worst affected by the construction of mega dams and industries since they live in the region of rich natural resources. Though they share only 7.5 per cent of the total population of India, the percentage of their displacement is as high as 40 per cent of the total oustees.⁴⁰ In the case of India's development models, displacement caused by large projects has actually resulted in a transfer of resources from the weaker sections of the society to more privileged ones. Mega dams, in particular, create victims of development, mainly tribals who never share the gains of development. This is what Xaxa says "the legitimization of domination of Indian State."⁴¹ He says that in the name of development and extending political reservations to the tribals, the State legitimizes its systematic control over their land and resources. Similarly though the Scheduled Castes form only 15 per cent of the country's population and their proportion among the displaced people (DPs) are much higher, though the exact figure is not available. So the 'temples of modern India', as projected by Jawaharlal Nehru, become 'the temple of doom' for the forced uprooted people.

Even it is a national problem that there is lack of awareness of the situation. Policy makers and planners do not know the extent and seriousness of displacement. It is a cruel joke that for 50 years the state did not wish to promulgate a National Policy on Rehabilitation and Resettlement (R and R) and skilled institutions to carry out adequate resettlement for those who have been displaced for Nation's prosperity. It needs to be highlighted that there is neither special federal legislation nor explicit policy statement to define country's general resettlement norms. Within the federal structure of government resettlement has been

⁴⁰ Ministry of Home Affairs, *Report of the Committee on Rehabilitation of Displaced Tribes due to Development projects*, (New Delhi: Government of India, 1985), pp; 18-19.

⁴¹ Virginius Xaxa, "Electoral Reservation for Scheduled Tribes: The Legitimization of Domination" in Stephanie Tawa Lama-Rewal (ed.), *Electoral Reservations, Political Representation and Social Change in India*, (New Delhi: Manohar Publications, 2005), pp. 119-135.

regarded as a state, not a federal matter. Nevertheless, most states in India are still lacking state-level resettlement policy. Till date, rehabilitation and resettlement are being done project wise and on ad hoc basis. Nearly 50 years after the departure of the British, this shameful legacy of social injustice continues to exist. After 1947, displacement continues under the same colonial law of 1894. This Land Acquisition Act of 1894 has till recently been used to provide only cash compensation to the PAPs whose lands have been claimed for public purpose. Though this Act was amended in 1984, which allowed the state to provide alternative land as compensation, this Act was not legally binding. Both of the colonial government's act and its recent amendment do not acknowledge the rights of the landless (e.g. those who do not have formal land titles or pattas but have been customarily cultivating the land, actually landless but with user right to land) and wage labourers, artisans and communities and castes that are not impendent on agriculture.

Thus lack of national policy on rehabilitation and resettlement, skilled institutions and above all, lack of commitment on the part of the state to rehabilitate uprooted people causes a profound unraveling of the existing patterns of social organization, impoverishment and brutal violations of human rights.⁴² This implies de-facto lack of social justice and equity involuntary resettlement process. This is nothing but pathology of development. The displaced people who are already poor and living in a backward region of the country end up worse off for a long period. The over all result is that some people enjoy the gains, while displaced share only pains of development. Even though some degree of population relocation is at times unavoidable, this inequitable distribution of gains and pains, benefits and losses, it is neither inevitable nor justified. It is in fact contrary to the very goals of development. This scenario raises the fundamental question: "Development for whom?"⁴³

In the process of displacement, it is the poor more particularly the tribals who bear its brunt most at all. The dislocated of the life of the poor is total stripped off their possession; they are compelled to move in search for livelihood to unknown destination. On the other hand, the affluent groups do not loose so completely. They are in a better position to adjust to

⁴² Michel M. Cernia (1995), "Public Policy Response to Development Induced Population Displacement," *Economic and Political Weekly*, XXXI(24), June 15, p. 1517; Michel M. Cernea (1995), "Understanding and Preventing Impoverishment's from Displacement: Reflection on the State of Knowledge," *Social Action*, July-September, p. 265.

⁴³ L. K. Mohapatra (1991), "Development for Whom? Depriving the Displaced Tribals," *Social Action*, July-September, pp. 271-287.

the change.⁴⁴ In sharing benefits from development also the poor lag behind the rich. The rich are quick to seize opportunities, which open up with the inauguration of development project, while the poor bear the cost of development. Since the poor who lose most from displacement, critics see development projects are some kind of conspiracy to promote the interest of the rich at the expenses of the poor. In their view development projects that cause displacement and hence disruption in the lives of the people, reflects the interests and power of an elite minority. It is a model of development in which there is no place for poor majority. The way development has been carried out by the state over the years is making the rich richer and poor poorer.

Thus, all over the country, more and more people are being disadvantaged by this version of development. Among the people marginalised in this way of development are many indigenous communities, the inhabitants of forest and rural poor. Hence, the western path of development has not only produced a more and more wasteful civilization, but also it has given rise to an increasing iniquitous and conflict ridden social structure. The model that our planners are following bears no relation to the real needs of the majority of the people. In fact, it has given rise to a techno-economic progress that rendered millions of human being obsolescent, redundant and has greatly eroded resources and opportunities that could have sustained productiveness in countless human settlements. The model thus has not only uprooted millions of people from their ancestral homes but it has widened the gap between rich and poor people. Consequently, throws up grass-root movements, organized, marginalized and subaltern groups against the statist policies of the state. The anti-dam movement for instance has captured the deep-rooted resistance of indigenous people against big dams all over the country. The marginalized people have shown that "damming a river is damming the poor". Big dams are not 'temples' that Nehru promised, but 'burning ghats' (cremation ground) for the indigenous people.⁴⁵ The anti-dam movements are not luxury of the rich but are a survival impetus for the majority of the tribal whose survival is not taken care by the state.⁴⁶

⁴⁴ Hari mohan Mathur, *Development, Displacement and Rehabilitation: The Asian Experience*, (Delhi: Vikas Publications, 1995), p. 20.

⁴⁵ Pramod Parajuli (1991), "Power, Knowledge in Development Source: New Social Movements and the State in India," *International Social Science Journal*, February, p. 180.

⁴⁶ J. Bandopadhyaya and Vandana Shiva (1988), "Political Economy of Ecology Movements," *Economic and Political Weekly*, June 11, p. 1223.

Chapter Two
Dams, Displacement and Rehabilitation
in the Context of Orissa

Chapter Two

DAMS, DISPLACEMENT AND REHABILITATION IN The CONTEXT Of ORISSA

The Indian state, immediately after independence, was busy in conceiving the paradox of development. In this sense, it has been primarily moved by the desire to safeguard and further its own interests and its allies including capitalists, merchants and industrialists, and rich farmers. The decades since independence have witnessed an accelerated pace of economic development in the country and there has been a tremendous spurt in the number of projects that are undertaken by the state. Buildings of large dams are one of the components of the development projects.

While dams have been built principally for the provision of hydro-electricity and drinking water for industrial purposes and urban growth, and for the supply of irrigation for agricultural growth and development, they have also been seen as cornerstones and epitome of nationalistic projects. Jawaharlal Nehru even declared the development through the setting up of dams and he regarded these as 'temples of modern India'.¹ The development model of Indian state was legitimized through the prism of modernization even though it was against the will and interests of the weaker sections of the society in the name of national interests. The urge for development was consistently pursued, as modernization was central to the project of national development even though it legitimated exploitation of the people in the Indian subcontinent. Development has a hidden ecological, social and human cost, which is paid by the people residing near the project site.² Since independence, there has been a progressive deterioration in the financial

¹ Sunil Khilnani gives a detailed account of the vision of Nehru in his commendable work in *The Idea of India* recently published by Penguin. In this book, he also adds to the view that how Nehruvian goal was further carried by subsequent rulers of the Indian nation.

² Shah D. C. "Development and Displacement: National Rehabilitation Policy", *Economic and Political Weekly*, December 2, 1995, p. 3055. He outlines deficiency within the paradigm of development that was followed immediately after independence and feels that it could be minimized through an effective appropriate instrument of policies.

returns from irrigation works or dams. Instead of profits, these works have been showing increasing losses and imposing a growing burden on the general revenues of the states.³

The votaries of development thesis have considered displacement as inevitable with the project of development. Because in planned development, India adopted the sophisticated technology based capital-intensive western approach to development. The five-year plan documents acknowledge the need to combine productivity with social justice. In reality, however, GNP growth has got priority over justice. With development in view, sophisticated technology was imported. Such modernization without changing the power structures and land ownership pattern strengthened those who already owned productive assets since they took control of the new power structures and technical inputs. Where as this development evaluated in per capita and GNP based statistics hides the fact that a few have power to convert all increases in production into benefits and hide inequalities. The policy of liberalization has also further intensified this trend. Based on the assumption that large scale Indian and foreign investment is essential for progress, this approach accepts as intrinsic to it as such inevitable, mechanization and profit orientation as well as massive land requirements with concomitant displacement.

Planned development in post-independent India has resulted in economic resurgence, particularly in the core sector including mining, heavy industry, irrigation and related infrastructure developments. In last few years, the intensity of displacement caused by dams is giving unbearable impact upon the masses. For those who are displaced, these developmental projects including the dams have overwhelmingly negative consequences, resulting in social and psychological disruption, and long-term impoverishment.

This chapter tries to examine different debates on large dam projects. In this context it also looks various issues concerning displacement and rehabilitation. An attempt has been made to bring these issues to the forefront through the study of various dam projects in Orissa.

³ Ramaswamy R. Iyer, "Large Dams: The Right Perspective", *Economic and Political Weekly*, 30 September, 1989, p. A-109. As the dams mostly face the frequent and inherent dangers and the possibility of cracks and dambursts and the consequent inundation of large areas particularly in regions prone to seismic activity and also the problem of the reservoir. The problem of public health is also arising from the large scale impounding of water through the spread of diseases and possible climatic changes. The government by responding to all these problems is becoming overburdened.

Debating the Dam Projects

It is a matter of deep concern that the fruits of the development could not be percolated to the oustees and poverty-stricken people, despite the planned efforts of the policy makers. In the name of development in all irrigation projects, hydro electricity projects, industrial and mineral belts, the local inhabitants have been victimized. The interests of the uprooted tribal weaker sections have been relegated to the background because of defective rehabilitation and compensation policy.

India has taken up a variety of development projects and one such project is the construction of dams across the rivers. In the fifties, the damming of rivers was seen as a good way of managing water problems and was conceived as the effective way of preserving and distributing water resources as well as generating electricity. During times of heavy rainfall, dams help in control flooding. They are also a source of drinking water. However, the last three decades have shown that the benefits that dams are supposed to brought about, have conditioned a great loss by jeopardizing the environment and to the health and lifestyle of the people living along the banks of rivers.

Dams, which are seen as 'the temples of modern India' and symbols of development and prosperity as projected by Nehru,⁴ are actually displacing huge number of masses inhabiting in the nearby area of the location where the construction of the dam is started. The debate on displacement through construction of dams has come into forefront by creating much apprehension and animosity amongst the people as well as the activists and this is more discernible in case of two dam projects, i.e. Sardar Sarovar Dam Project and Indravati Project in Orissa.

Estimates of National Resettlement forced by development projects in India shows that during 1950-90, the number of people affected were 18.5 million.⁵ According to the Central Water Commission, over 3,300 dams have been built since independence and some 1,000 more are under construction.⁶ Another study of 54 large dams done by the Indian

⁴ Walter Fernandes, "The Price of Development", *Seminar*, no. 412, 2003, p. 19.

⁵ Ministry of Rural Development, 'National Policy for Rehabilitation of persons Displaced as a Consequence of Acquisition of Land', (New Delhi: Government of India, 1994).

⁶ <http://www.dams.org/report> (Access on 21st February 2005).

Institute of Public Administration concluded that the average number of people displaced by a large dam is 44,182.⁷

Large dams are not separate phenomenon but it should be looked at as a part of the kind of developmental process that has come to prevail.⁸ But this has happened at an enormous cost borne by lakhs of persons, who have been involuntarily displaced or otherwise deprived of their livelihood. To concretize the enterprise of development, uprooting trees, submerging forests and displacing people have become the accepted hazards. The building of large dams have led to a 'crisis' as it has led to seemingly inevitable series of unintended and unanticipated problem outcomes on the both local and national levels. The development induced displacement projects impose a host of administrative, institutional, financial and personnel demands.⁹

For those who are displaced, these dams have overwhelmingly negative consequences, resulting in social and psychological disruption, and often long-term economic impoverishment. Most large dam projects particularly those undertaken in recent decades have been characterized by certain problems such as substantial environmental and social costs, the thin and sub-optimal spreading of resources on a large number of projects, inordinate delays in completion, large increases over a sanctioned project costs, a persistent gap between the created irrigation potential and utilization, failures to achieve the projected benefits in full, inequities and injustices in the incidence of costs and benefits and in the distribution of the benefits and so on.¹⁰ Even though, it is unfortunate, but have been justified as expedient for the sake of the nation by inflict sufferings and sacrifice to others. By

⁷ Ramaswamy R. Iyer, *Water: Perspectives, Issues, Concerns*, (New Delhi: Sage Publication, 2003), p. 129.

⁸ With having some sort of disagreement with the established notion of anti-development model, it has been argued that if we attack dams and reservoirs on the ground of interference with nature, we shall have to go further and attack the totality of the kind demand-based, demand-multiplying, technology-driven and growth oriented development that is relentlessly marching forward, and turn to modest ways of living which make much less of a demand on natural resources and have a relatively low impact on the environment. See for details about the social, human and environmental aspects of large dams and the controversies regarding the dams, Ramaswamy R Iyer, Op. Cit., p. A-107.

⁹ Wet Chris De, "Economic Development and Population Displacement: Can everybody Win?", *Economic and Political Weekly*, 36(50), December 15, 2001, p. 4638.

¹⁰ Sekhar Singh and Pranab Banerji (ed) *Large Dams in India: environmental, Social and economic Impacts*, (New Delhi: Indian Institute of Public administration, 2002), p. 276.

criticizing the dams in terms of economic returns of large dams, it has been observed that the irrigation priorities are dictated by the sub-system rather than the system itself.¹¹

Among the significant adverse social impacts of dams are those that result from forceful or involuntary displacement of human populations from their homes, fields, towns and regions. Apart from the displacement because of the dam itself, canals and other dam structures and infrastructure also cause displacement. Though the social impacts of all such displacement are essentially similar, often the project-affected persons of dams get better rehabilitation packages than those of canals and other works. This is partly because sometimes the canals and other structures are completed much before or after the dam and the attention focused on the dam is much greater than that focused on them. Large dams are destined to produce benefits primarily through the enhancement of the availability of water for irrigation and other purposes like generation of electricity for industrial, agricultural and domestic purposes and the regulation of floods.

But, since last few decades, it has been largely seen that these dams have many adverse impacts, which are not imagined and acknowledged thoroughly. A complete irrigation project may ultimately lead to crop diversification, increased agricultural intensity and more wage days, but often there is a time overrun in project completion and the time gap becomes a significant factor in contributing to impoverishment and this is clearly the case in the Harabhangi medium irrigation project. As these adverse effects were neither assessed prior to dam construction nor looked at after construction, it is difficult to determine the intensity of displacement. Even today, only some adverse impacts are being internalized into the process of planning for and assessing large dams.

The sort of displacement that is occurred through large dams goes beyond the paradigm of rehabilitating it through the mechanism that is employed by the state. It is really difficult to lay down the standards for social impacts, as most social impacts do not lend themselves to quantification. It is difficult to measure trauma, alienation, fear and insecurity

¹¹ As after a concrete demand for water has been made, a selection of irrigation technologies are made which ideally should not be the case. Dam sites are usually selected by taking into consideration the factor of technological and geographical implications and it is only after the selection of the site is done, then the factors related to irrigation and power generation are taken into account. See for details Satyajit Singh, *Taming the Waters: the Political economy of Large Dams in India*, (New Delhi: Oxford University Press, 1997), pp. 100-101.

and it is also difficult to prescribe how much of psychological trauma is acceptable and to what extent the social and cultural estrangement is bearable. There are at least two theories regarding this; the first view says that if at all these sufferings are unacceptable then all large dams will become unacceptable and the second view says that though some social costs are inevitable, such costs must only be permitted under the 'rarest of rare' circumstances and all efforts must be made to minimize them and to compensate for those that still occur.

Issues and Concerns of Displacement

The focus of this chapter has been largely on displacement that is being caused by irrigation projects or dams in India in general and Orissa in particular. The examination of the issue of displacement provides a vantage point to capture the contentious ground on which the discourse of development operates. At the first hand it is very clear that the experience of displacement is traumatic. Displacement leads to the community's loss of ability to manage its socio-economic and cultural affairs due to the weakening of traditional authority, leadership and other means of social and political control.

The causal factors of displacement are manifold and complicated. Activities undertaken in the name of development leads to the largest amount of displacement. Displacement always may not be physical displacement but it may be displacement from existing life styles and sources of livelihood without alternatives. Because of displacement induced by the developmental projects, people loose their habitat along with their socio-cultural and economic position. As the identity of these affected people is based on their socio-cultural position and simultaneously this particular aspect is really generation old, it really becomes difficult to restore immediately. People uprooted from their habitat and relocated into a new place are not able to restore their pre-displacement socio-cultural, environmental and economic status.

The trauma of displacement begins well before the event. As soon as the project is announced, all developmental work in the area comes to a halt. No one wants to invest in land that is to be submerged, banks refuse to give loans, no civic amenities like schools and health centers are constructed. Even the withdrawal of existing facilities is peculiar. Since the gestation period of dams is much longer than other projects, the suffering of the people is

more intense. The psychological preparedness for displacement is never given due consideration.

The term involuntary displacement is basically employed in the context of people displaced by big dams where both land and houses are lost. But this is not the sole category in cases where either land or houses are whether partial or full is lost. Because of involuntary displacement, the socio-cultural and economic base of the displaced families, which has been built over generations, gets dismantled. This indirectly breeds some sort of impoverishment. The dismantling of social organization structures, the dispersion of informal and formal networks, associations etc are an expensive and unquantified loss, which causes impoverishment.

There can be displacement without loss of livelihood or loss of livelihood without displacement. There can also be a partial loss of livelihood on the one hand, and the cases of outsiders who identify themselves as the affected people on the other. But all these affected people have different social, cultural and economic background and for this reason the degree of impoverishment caused by displacement varies. The problems of displacement will also be different in terms of the kind of project that is being undertaken and the kind of displacement that takes place along with the eruption of the problem.

Though millions have been displaced in the name of national development, no authentic and reliable database exists on the extent of displacement and unless and until the intensity of displacement is known, the aspect of rehabilitation will not be full-fledged and complete and genuine.

The problem of development of tribals is mainly linked with the backwardness of the tribal areas, the poverty of the people and the nature of the development policy. The fact that development projects are usually located in remote villages, hills and forests means that those displaced tend to be the indigenous people who have been the traditional agents of conservation. Here displacement has meant a loss of livelihood, habitat and assets, social disruption and disorder and distance from an eco-system, which had sustained them. Most critically, these displacements threaten the poor and the weak with even greater

impoverishment. It is only those cases of 'involuntary resettlement'¹² which come to the attention of social and environmental activists, and are thus highlighted that lead to some measure of state intervention. In most cases total displacement with loss of home and livelihood has resulted.

The tribals have traditionally depended upon common property resources like forests and community land, which the present law considers government property. As such no compensation is paid for them. The regions they inhabit have been administratively neglected and consequently considered backward. Even in the non-tribal areas where land document or patta is the main form of holdings, using this as the criteria for compensation deprives many to get compensation as well as sometimes considered to be erroneous and leads to substantial under valuation of land.

In the tribal regions, common property resources are the dominant form of holdings. Besides their regions have been as administratively neglected, as such the market value is extremely low. Apart from these aspects, the law even does not allow transfer of tribal land to non-tribals.

In India various positions have been taken in the debate both around development-induced displacement itself and the rehabilitation of displaced people. One way of looking at the issue is that all projects that cause displacement should be stopped completely and the other way of imagining is that all projects cause displacement should minimize the damages caused by displacement. But a third way or school of thought believes that given the growing needs of our society, it is true that not all projects can be brought to a halt, but it has become imperative to put much more thought into the planning process so that displacement is kept to the absolute minimum and if possible avoided. The fourth approach is that while the alternatives are adopted and displacement avoided in some projects, infrastructure projects are indispensable.

¹² 'Involuntary resettlement' is something, which is done against the urges and wishes of the affected people through compulsory acquisition of land for the construction of dams. Compulsory acquisition of land for public purpose including infrastructure projects displaces people, forcing them to give up their home, assets and means of livelihood. Though the government says at the policy level says that it will go for a negotiation between different sections of affected people and the administration during the time of resettlement, yet it never happens like rather the civil society organizations intervene and they put resentment against the resettlement that is not chosen by the affected people.

Issues on Rehabilitation in Orissa

The history of rehabilitation is a dismal one in most of the cases and it has been often a story of a long struggle. It begins as a fight for just compensation and becomes one for survival. Apart from psychological consequences of insecurity, the oustees suffer economic and social consequences because of loss of material assets, multiple displacement and environmental deterioration. With no participation in the planning or share in the benefits of the project that has completely disrupted their lives, in most cases the oustees move from a state of poverty to pauperization. It is only the rich and wealthy who manage to survive with some dignity. Due to lack of proper surveys, the number of displaced persons or of those eligible for compensation is often underestimated. The surveys for assessing the extent of displacement are often haphazard and undertaken by untrained personnel. Great confusion existed and also still exists in the minds of the oustees as to the basis of the evaluation of their cultivable lands. Although they were vaguely aware that lands were evaluated on the basis of type or grade of land, no one knew how the actual gradation took place. From the situation of displacement one can identify the norms on which a rehabilitation policy should be based. The first is decision-making concerning displacement. From this it can be said that there should be no displacement without rehabilitation being an integral part of the project. Its cost should be included in the project, which is rarely included in the project. In most cases, only the economic component is taken into consideration.¹³

The absence of a national policy for resettlement and rehabilitation makes it difficult to count development-induced internally displaced people in India. When the Indian government document contended that internally displaced people often found their own means without state support, forced displacement sets in motion a succession of events, which may lead to years of economic deprivation and psychological trauma. Statistical data on interstate displacement have a low priority in census reports. Figures are based mainly on the estimates of NGOs and independent researchers. While official government figures are often underestimated, figures given by special interest groups tend to be inflated.

According to the Indian Social Institute figure, the 21.3 million development induced Internally displaced include those displaced by dams (16.4million), mines (2.55million),

¹³ Bosu Mullick S. and Samyadip Chaterji, *Alienation, Displacement and Rehabilitation*, New Delhi: Uppal Publishing House, 1997), pp. 99-101.

industrial establishments (1.25million), and wild life sanctuaries and national parks (0.6 million). Large-scale development projects such as mines and hydroelectric projects are located in remote villages, hills and forests, often-tribal habitats. Tribal people make up to 40 percent of the total number of internally displaced peoples though only 8 percent of the total number of Indian population. Uprooted from kin and their forest based livelihood systems, traditional cultivators and mostly tribals lose their identity and means of living. Oxfam India believes that the present mode of compensating only those who have lost material access is not equitable, leaving out the landless, women and children.

In the eastern state of Orissa, those displaced by the Hirakud Dam between 1949 and 1958 got too little cash compensation and their descendants are still fighting for proper compensation. Official records show that 110,000 people were affected and that more than 6000 received no compensation. Many internally displaced peoples live on land belonging to government or private owners, and face eviction if it falls within a reserved forest area. About 100 Hirakud families have been displaced for the third time to make way for different development projects.¹⁴ The construction of high dams and irrigation structures have been India's greatest cause of displacement. Internally displaced peoples protests at incomplete or badly implemented rehabilitation continue. Floods, droughts, cyclones and earthquakes strike various states of India, affecting an average of 63 million people every year. Flood alone displaces more than 30 million people. India is prone to annual cyclones hitting the east coast states of Orissa and Andhra Pradesh, damaging 30,000 hectares of paddy fields, killing hundreds of people and blowing away homes. In addition, of the total cultivable area of India, an estimated 68 percent is drought prone and earthquakes are very frequent.¹⁵

Large dams cannot be examined outside social and political process. It is unfortunate that irrigation and power generation, which could play an important role in alleviating poverty and promote greater social justice, is in fact doing just the opposite. The privileged landed

¹⁴ Orissa did not have any rehabilitation policy before 1994 rather the entire affair was being managed through the several government orders beginning from 1977. All of them were put together into a policy for irrigation displaced persons, which was promulgated in 1994. See for the details regarding the rehabilitation policies for the displaced, Walter Fernandes and Vijay Paranjpye (eds.), *A Right to Livelihood*, (New Delhi: Indian Social Institute, 1997).

¹⁵ Hampton, Janie (ed.) *Internally Displaced People: A Global Survey*, (London: Earth Scan Publication, 1998), pp. 144-146.

classes, because of the power they enjoy and the vote banks they control are successful in diverting nearly all the benefits of large irrigation projects to themselves.

The extraction of surplus, crucial for capital accumulation among the Indian ruling class has become typical with the project of development. Displacement for development is the process of physically uprooting large number of people from their land, economy, resources and culture. Through this act, the resources, which had been the basis of the livelihood and sustenance of the uprooted communities, come to be monopolized by the ruling classes. The ideology of development is used to strengthen inequitable social relations in society through activities like displacement. The oustees being the victim of development, through the loss of their livelihood and sustenance economy are forced to depend on the market economy for survival. The entry of the displaced into direct market relations without the necessary capital or skill places them at a disadvantage from the very beginning. Displacement thus leads the pauperization and increased impoverishment and marginalisation of communities.

This particular section will weave out the scattered debates on rehabilitation that also includes resettlement and demonstrate the inadequacies and flaws in it. To substantiate this particular position, the case study of some dams and projects will be referred but it will be done context-wise.

Hirakud Dam

The Hirakud Dam on the Mahanadi river was the first multi-purpose planned development project of the newly independent Indian state. The Hirakud dam, the largest multipurpose river valley project in Orissa was built with having three major purposes, irrigation, power generation and flood control on the river Mahanadi. It was originated in the Raipur district of Madhya Pradesh and flows southeast through the districts of Sambalpur, Dhenkanal and Cuttack into the Bay of Bengal. The main river has a length of 90km but along its tributaries it has a total length of 853 km. The Hirakud Dam was primarily conceived as a flood control measure whereby the waters of the Mahanadi if stored can be used for irrigation and power generation.¹⁶

¹⁶ Enakshi Ganguly Thukral (ed), *Big Dams Displaced people*, (New Delhi: Sage publications, 1992), p. 28.

In March 1946, the foundation stone of the Hirakud dam was laid by the Governor of Orissa, Sir Harthrun Lewis. But the actual work on the dam commenced only in mid-1948. The dam was completed finally in 1956. In this project, around 200 villages were affected and 110,000 people were displaced and Orissa government said that all have been compensated. However, as per the report of Walter Fernandez is concerned, more than 180,000 people had been displaced and by 1956 only 35% of Rs 96.6 million, which was allotted for rehabilitation was distributed as compensation.¹⁷ The Government of Orissa for land acquisition, evacuation, compensation, resettlement and rehabilitation of displaced persons set up a new department under the name of 'Hirakud Land Organization' in 1948. Compensation for these displaced people was inadequate and often inappropriate, particularly since till a few years ago compensation itself is regarded as rehabilitation. Compensation is given to the affected on the basis of patta or land document. But the tribals did not have the document, as traditionally tribals were dependent upon the village community by rendering service through the common property resources. As a result, the tribals who did not have the land document did not get any compensation. In 1988, compensation amounting to Rs. 1541146,994, which has been sanctioned, was still to be paid to claimants in 9913 cases of land acquisition.

Due to illiteracy, tribals did not even question the grossly inadequate compensation. Tribals never had received such an amount even if it was meager as compensation. So they squandered the entire compensation on consumer goods, cycles, tickets and on gambling and liquor. This again resulted in their impoverishment and great mental and emotional strain. There has been still apprehension about the project affected people as rehabilitation policy has not contributed to the all round economic, social, psychological and cultural reconstruction of the community that was being destabilized.

Harabhangi Project:

Harabhangi Medium Irrigation Project is one of the seven OWRCP sub-projects of Orissa. The project is implemented with funding support from World Bank. The project is

¹⁷ Walter Fernandes and S. Anthony Raj (eds.), *Development, Displacement and Rehabilitation in the Tribal Areas of Orissa*, (New Delhi: Indian Social Institute, 1992). This report is the imprint of critical survey on the Hirakud dam in Orissa and suggests that the data provided by the Government of Orissa regarding the displaced in Hirakud dam is faulty and subjective. In case of Hirakud, displacement was more traumatic as it displaced huge number of people and the process of disruption of life and traumatic experience of being marginalized begins not only when the people are displaced physically but at the very first announcement of the scheme of the project which indirectly contributed for psychological and material insecurity.

located near Adava in Gajapati district. A total number of 116 villages are affected from where land is getting acquired. For this reservoir system, a total number of five villages are fully affected and, six villages are partly affected. Similarly for construction of canals, the project is partly affecting 105 villages.¹⁸ The project has the potential of irrigating 9150 hectares of land. For construction of reservoir and canal systems of the project, about 2192.528 hectares of land is required. Out of which 16.53 per cent constitute govt. land, 44.21 per cent constitute forestland and rest 39.26 per cent are privately owned land.

The Harabhangi medium irrigation project proposes to transfer water from Vansadhara basin to augment water requirement of the command area of adjacent Rushikulya basin. The project consists of an earth dam, one dyke, a water conductor system and a pick-up weir to affect the water transformer. The head works area of this project only bears the negative impact as people either loose land or gets affected. Since it is an inter basin transfer, they will not benefit from the irrigation development as a result of the project.

The impounding of water by the reservoir will submerge an area of 1215 families as enumerated in 1993. Three villages have been submerged and three are yet to be relocated. The headwork's area of this project bears only the negative impact as people either loose land or gets adversely affected. Since, it is an interbasin transfer, they will not benefit from irrigation development as a result of the project. An additional 535 hectares of forestland and 495 hectares of revenue wasteland are getting submerged in the project headwork's. As many as 94 percent of the project affected people are tribals and 68 percent are engaged in agricultural and related activities. Nearly 80 percent of agricultural land has been acquired and 107 families have already been displaced. It was observed here that land for land will not be a viable option and most of the project affected peopled expressed an inclination towards other options such as mat making, diary and bamboo work. The area is undulated, hilly and terrain is difficult. It will not be possible for the displaced tribals to get either suitable government land or purchase private land in the vicinity. Relocation far away will disrupt their social configuration. For tribal cultivators, the forestland occupied or encroached, formed a substantial part of their holding but this will not be compensated. The direct losses

¹⁸ Council of Professional Social Workers, *Socio-Economic Survey and Rehabilitation for Project Affected Persons of Harabhangi Irrigation Project*, Report submitted to Water Resources Department, (Bhubaneswar: Government of Orissa), p. 1.

of land as a result of the project have seriously accentuated the problem of suffering of the tribals along with rural indebtedness.

Badnalla Project

Badnalla is a medium irrigation project is located in Rayagada and this particular project involved huge time and cost overruns. Even though this has been the case, displaced people who were instructed to evacuate their earlier habitat ional places without proper rehabilitation assistance. Tribals, who have strong community leadership ties have yet to get into the mainstream market economy, feel threatened by the government power hierarchy. After relocation, they get fragmented, weakened and inherently unable to organize. The disappearing community ties caused by geographical dispersal and threats of commercial forces are being the victim of such forces subsequently. At this project, the rehabilitation action plan is still under implementation to resettle those displaced in 1989 without the full involvement of any NGOs. The demands for provision of infrastructure facilities like roads, tanks, schools, electricity and portable water have become strong in recent months.

Badanalla Irrigation project submerges two villages-involving 104 families in two villages of Kandha Chakunda and Saura Chakunda. The project is located in Rayagada district, which was a part of original Koraput till 1992- an area infected with endemic malaria, having high IMR& MMR rates.¹⁹

Rengali and Upper Indravati Project

The Rengali dam project has submerged 265 villages and displaced 10,847 families in two districts, three sub-divisions and nine blocks. A total of 6,639 families out of 10,847 were resettled in 156 project sponsored resettlement colonies and clusters.²⁰ The Upper Indravati project is basically a hydroelectric project and located in southern Orissa on the trijunction of Koraput, Nawarangpur and Kalahandi districts. It envisages inter-basin transfer of water from Godavari to Mahanadi basin. It covers the two dams on two rivers on Indravati and Muran rivers respectively and along wit this two other earthen dams across the Podaguda and Kapur

¹⁹ Report submitted under title “ Socio-Economic survey and rehabilitation Action Plan For Project affected Persons Of badanalla Irrigation Project” to water Resources Departmewnt, GoO prepared by GRABIKASH and Independent Research Group, MoHuda, Ganjam,p-38,2002.

²⁰ A. B. Ota, *Countering the Impoverishment Risks: The Case of Rengali Dam Project*, (New Delhi: Prachi Prakashan, 1996), p. 25.

rivers. A total of ninety-seven villages have been affected, with sixty-five villages fully submerged (thirty-four from Kalahandi, eighteen from Nawarangpur and thirteen from Koraput districts). A total of 5448 families out of total population of about 17000 from these sixty-five villages have been assisted with resettlement and rehabilitation benefits in addition to the compensation they received for the loss of their assets such as land, houses, trees, wells etc. the resettlement policy in Indravati is quite appreciate as it was getting revised from time to time by taking into account the views of displaced people. Another notable achievement aspect of the Indravati project is that orphans and divorcees were given special preference. The displaced people received a monthly allowance of Rs 500 for one year after being evacuated from submersible villages. The registration fees and stamp duty admissible at the time of registration of land are being also reimbursed since December 1992. A total of 3259 displaced people have so far been reimbursed. The displaced were being provided with the government conveyance for their evacuation with loading and unloading charges paid for or evacuated them receiving a consolidated amount of Rs 300.

Rights and Risks

The World Commission on Dams (WCD) links risk with the concept of rights in advocating that an "approach based on 'recognition of rights' and 'assessment of risks' (particularly rights at risk)" be elaborated to guide future planning and decision-making on dams.²² The global review of the WCD stressed the need to address the five values of equity, efficiency, participatory decision-making, sustainability, and accountability as justification for the elaboration of a rights and risks approach to dam construction. Rights that were seen to be relevant in large dam projects included constitutional rights, customary rights, legislated rights, property rights (of both landholders and developers and investors).

These rights can be grouped by their legal status, spatial or temporal reach or their purpose. In the case of spatial or temporal dimensions, rights of local, regional or national entities or the rights of present or future generations can be perceived. In terms of purpose rights are cited that pertain to material resources such as land, water, forests, or pasture or to spiritual, moral or cultural resources such as religion, dignity, and identity.²³

²² Report of the World Commission on Dams, 2000, p. 206

²³ Ibid.

In terms of risk analysis the contribution of the WCD global review lies in distinguishing between risk takers and risk bearers or the voluntary and involuntary assumption of risk. Criticizing the traditional interpretation of risk as being born solely by developers and investors in terms of return on capital invested, the WCD highlights the differences between these risk takers and those who have risks imposed upon them by others. These risk bearers typically have little voice in water or energy policies, the choice of projects or in their design or implementation. The risks they face affect their well-being, livelihoods, standard of living and their cultural identity and cosmology; in sum, their very survival as individuals and as communities.²⁴

Thus, the WCD hopes that by combining the consideration of rights and risks in the same approach, the inadequacies and simplifications of traditional cost-benefit analysis can be avoided and better planning and decision-making can result, based on the complexity of the considerations involved and the values that societies place on different options.²⁵

The importance of a rights and risks approach to DIDR is that it allows for the inclusion not just of material concerns, but of the issues of the symbolic and affective domains as well. As such, it provides not only an approach to improving planning and decision-making for dam projects, but also the template for an approach to understanding and analyzing resistance to DIDR in general. A rights and risk approach to DIDR resistance may be developed through three possible perspectives: advocacy, stakeholder analysis and political ecology ethnography.

Michael M. Cernea has developed a theoretical model of development-induced displacement and resettlement process: the impoverishment risks and reconstruction model. Using this model can help on preventing, at least mitigating and gradually reversing the risks of impoverishments embedded in development projects that involve forced population resettlement. His model has identified the dominant regularity of impoverishment of most settlers. The displacement caused by development remains to be a significant social pathology. During the last two decades of the twentieth century, the magnitude of forced

²⁴ *ibid*, p. 207.

²⁵ *Ibid* p. 206.

population displacements entailed by development projects is estimated at about 10 million people annually, or some 200 million people over two decades. For Cernea, at the core of the impoverishment risks and reconstruction model, there are three basic concepts: risk, impoverishment and reconstruction. The central issues of risks in development can be addressed with a set of more specific risk-related concepts such as risk exposure, risk prevention, risk reduction, risk reversal, risk coping etc. The theoretical underpinnings of the impoverishment risks and reconstruction model are informed by various disciplines like political science, sociology and economics and all these disciplines reflects concern for equity, rights and social justice in development, rather than for economic efficiency alone.

Michael Cernea's model has provided a conceptual template to the circumstances of each development project. More particularly, it ensures that no major risk to resettlers is overlooked during the feasibility of planned developments. The model also allows for the different intensity of each risk to be distinguished like high risks from low risks, in the given project context rather than treating all risks uniformly and it demands a pro-active risk-reversal orientation in project design and financing. The modeling of main displacement risks emanates from deconstructing the multi-faceted process of displacement into its essential and most widespread risks of landlessness, joblessness, homelessness, marginalisation, increased morbidity and mortality, food insecurity, loss of access to common property and social disarticulation.

- *Landlessness*: It basically refers to expropriation of land needed for the project's 'right of way' removes the main foundation on which many people build productive systems, commercial activities and livelihoods. Often land is lost forever; sometimes it is partially replaced and only seldom fully replaced or fully compensated. This is the main form of de-capitalization and pauperization of the people who are displaced as observed by Cernea and in this process, both natural and man-made capital are lost. The loss of land is recognized as the principal form of impoverishment, because land is the foundation upon which the productive systems, commercial activities and livelihood are constructed.
- *Joblessness*: Loss of wage employment occurs both in rural and urban displacement. People losing jobs may be landless agricultural laborers, service

workers or artisans. The unemployment or underemployment of resettlers may linger long after physical relocation. Creating new jobs for them is difficult and requires substantial investment, new creative approaches and relying also on the sharing of project benefits with resettlers.

- *Homelessness*: Loss of housing and shelter may be only temporary for many people, but for some it remains a chronic condition and is felt as loss of identity and cultural impoverishment. Loss of dwelling may have consequences for family cohesion and mutual help patterns if neighbouring households of the same kinship group get scattered. Group relocation of related people and neighbors is therefore preferable over dispersed relocation.
- *Marginalisation*: Marginalisation occurs when relocated families lose economic power and slide down towards lesser socioeconomic positions: middle-income farm households become small landholders: small shopkeepers and craftsmen lose business and fall below poverty thresholds. Economic marginalisation is often accompanied by social and psychological marginalisation, expressed in a drop in social status, in resettlers' loss of confidence in themselves and in society.
- *Increased Morbidity*: The vulnerability of the poorest people to illness is increased by forced relocation, as it tends to be associated with increased stress, psychological traumas and the outbreak of parasitic and vector-borne diseases. Serious decreases in health levels result from unsafe water supply and sewerage systems that proliferate epidemic infections, diarrhea, dysentery etc, and may lead to higher mortality rates particularly among children and elderly.
- *Food Insecurity*: forced uprooting diminishes self-sufficiency, dismantles local arrangements for food supply, and thus increases the risk that people will fall into chronic food insecurity. This is defined as calorie-protein intake levels below the minimum necessary for normal growth and work.
- *Loss of access to common property*: Poor farmers lose access to the common property assets belonging to communities that are relocated (e.g., loss of access to forests, water bodies, grazing lands). This type of income loss and livelihood

deterioration is usually overlooked by planners and therefore tends to remain uncompensated for.

- *Social Disarticulation*: The dismantling of community structures and social organization, the dispersal of informal and formal networks, local associations, etc, is a massive loss of social capital. Such disarticulation undermines livelihoods in ways not recognized and not measured by planners and results in disempowerment and further pauperization.

Development is not free from risks and adverse impacts. Such risks of potential impoverishment regularly surface in development projects that require involuntary resettlement, and sometimes in other projects as well. If project planning and execution fail to anticipate the potential risks, and to prevent them from becoming reality, severe problems in resettlement operations will inevitably occur. This is why socio-economic and moral principles embedded in poverty reduction policies must be translated into targeted action oriented against adverse impacts and few against new impoverishment processes.

Issues and the rehabilitation and resettlement policy of Government of Orissa responded to the felt needs of the people. Regular feedback was obtained by the research and rehabilitation unit and the unit was given sufficient amount of functional autonomy to suggest changes in policy, which were given due consideration by the government from time to time.. Resettlement and rehabilitation has to be done through the inter-related elements of planning, financing, compensation, implementation and monitoring. Pre-move surveys are usually inadequately done, with the size of the affected populations of being underestimated and their resource base not being adequately understood or evaluated, and the risks confronting the project affected people are not being systematically addressed.

Inadequate information and understanding of the issues results in resettlement being under-financed. Resource allocation and prioritization are at the as well as political issues are seen as lacking in the necessary political will to push through develop-oriented policies, administrative structures and to take on the various interest groups who stand to lose from such approach. The impoverishment risks are demonstrably preventable. The general risk pattern inherent in displacement can be controlled through policy response that mandates and finances integrated problem resolution. It requires improvement in the project design and

planning process as because benefit sharing has to be planned for from the outset. Applying the resettlement as development approach consistently and redesigning policy, planning and finance accordingly can invert the risks posed by displacement inverted into opportunities for reconstruction. If resettlement is to be resettlement-with-development, that is, if it is to ensure that resettled people have viable livelihoods after relocation, we need to face the problem of securing the availability and regular flow of the necessary resources. Unfortunately it has been seen in many cases that resettlement costs tend to be underestimated, partly because the research necessary for proper planning and provision has not been done. The resettlement component of development projects needs to finance and it is usually the budget assigned to resettlement that is reduced whenever the global project runs into financial problems. Once people have been displaced and physically relocated, funds for economic and social rehabilitation programmes tend to dry up, and they are all too often abandoned incomplete or not implemented at all.

The relentless protests by various groups have helped to consider the changes in rehabilitation policy. These protests are fore grounded upon the issues of rights of the displaced people who have been the victim of developmental projects. The problem of displacement can be responded through appropriate policy measures. So the constant efforts should be maintained to minimize the magnitude of displacement. The Orissa rehabilitation policy and its practice have been thoroughly discussed in the next chapter.

Chapter Three

**The Orissa Resettlement and Rehabilitation of
Projects Affected Persons Policy, 1994:
A Critical Evaluation**

Chapter Three

THE ORISSA RESETTLEMENT AND REHABILITATION OF PROJECTS AFFECTED PERSONS POLICY, 1994: A CRITICAL EVALUATION

Development projects come into existence after a long period of planning. The problem of displacement caused by such projects is known among those who initiate the projects. Despite this prior knowledge of the extent of displacement, that in-charge of development projects pays little attention to the processes of resettlement and rehabilitation of the displaced people. Rehabilitation - primarily the process of reconstruction of the livelihood of displaced persons - has never been a guiding principle of the 1894 Land Acquisition Act (still in use), which instead emphasizes cash compensation for loss.¹ The government has taken the firm stand that rehabilitation would not be a prime consideration when acquiring land for 'public purpose' (the definition of which has not been made public). The government has even sought to take away the right of appeal by those whose land stands to be confiscated by making the Supreme Court the only appellate forum.

It is quite unfortunate that till date, India has not yet formulated with a comprehensive national policy on rehabilitation. In 1985, a committee was appointed under the chairpersonship of Dr B. D. Sharma, the then the SC and ST Commissioner, to formulate a rehabilitation policy for the displaced persons. The committee suggested a national policy to cover all displaced persons tribal or otherwise. Eight years later, the Ministry of Rural Development prepared a draft in 1993 and revised the same in 1994. Both drafts point out the need for Resettlement and Rehabilitation but do not mention rehabilitation as a right of the project affected people.

Subsequently, an alternative policy prepared by a group of more than 1500 social activist groups and presented to the Secretary, Rural Development in October 1995. This draft emphasized equal justice to all displaced persons and suggested regional planning to avoid multiple displacements. It made a case for rehabilitation being a right of the displaced persons. Only in November 1997 the Committee of Secretaries approved a new draft but it

¹ L. K. Mohapatra, "The Orissa Resettlement and Rehabilitation of Projects Affected Persons Policy, 1994: A Critique", *Social Action*, 45(6), July-September 1995, p. 320.

has not yet been finalized. Because the new draft assumes that displacement without the prior consent of those displaced is to be taken for granted, the affected people and those active among them do not accept the draft which does not also make any provision for minimizing in the first place the displacement itself.

In January 1999, there was to be a dialogue between the Minister for Rural Development and he NGO active in R and R field but before the process could begin the then Government was voted out. Finally, the Government of India has come up with a National Policy on Resettlement and Rehabilitation for Project Affected Families-2003, which was published in the Gazette of India on 17th February 2004.

During the past fifty years, thousands of poor rural people have been displaced as a direct result of large-scale development projects in Orissa (hydro dams, mining projects, forestry or industrial schemes). Most of these were tribal people, with relatively little political or economic power. While the problem of displacement upsets not only the tribal population but also the general population who come within the submergence of acquisition. There is also another phenomenon of multiple displacements, which renders the oustees even more impoverished than ever before.

L. K. Mohapatra's study shows that in some villages of Koraput, the tribal people were originally displaced by Hindustan Aeronautics Limited (HAL) were again displaced because of Upper Kolab Multipurpose Project.² The issue of compensation and rehabilitation of the displaced communities emerged in many individual projects as an important one over this period. Yet there has been no comprehensive study of the effects of development and displacement.

The larger objective of this chapter is to explore the genesis of policy of 1994 and to examine the merits as well as deficiencies within the policy of Government of Orissa in relation to resettlement and specifically 1994 policy. An attempt has also been made to understand and explore whether the policies by the government in case of few projects

² L. K. Mohapatra, "Resettlement with Participation: The Indian Experience", *The Eastern Anthropologist*, 53(1&2), January-June 200, p. 131.

particularly Harabhangi, Badanalla and Rengali Project are the only solution or any other progressive measures are essential by other agencies by taking into account the intensity of displacement. Are these policies sufficient to restore the pre-displacement quality of life of the relocated people? Before making an attempt to analyze these policies, it is quite essential to know the constitutional provisions related to these issues.

Constitutional Provisions

The Constitutional perspective, which is related to the problem of displacement and resettlement as seen by the policy refers to Schedule VII of the constitution of India, Article 19 (i) (e) of the constitution and the decision of the judiciary in relation to various cases related to this issue. The policy also refers to human rights and international law, the universal declaration of human rights, the two declarations of political and civil rights as well as the international labor organization revised section 107.³

The Constitution has also provided for certain basic approaches to these issues through the Directive Principles of State Policy in Article 39 (b), which states: "The ownership and control of the material resources of the community are so distributed as best to sub serve the common good" and the Fundamental Rights in Article 21 which has been juridical interpreted as ensuring a life with human dignity in association with clauses (e) and (f) of Article 39 and Articles 41 and 42. Thus, the deprived displaced, have adequate constitutional protection under Article 31A, the acquisition of land, building or structure provides for payment or compensation at the rate, which shall not be less than the market value there of.²¹

All these factors make it imperative according to the policy to formulate a comprehensive National Policy on Rehabilitation of Displaced persons as a consequence of acquisition of land.

³ Samyadip Chatterji, 'Displacement and the Rehabilitation Policy' in S. Bosu Mallick and Samyadip Chatterji (eds.), *Alienation, Displacement and Rehabilitation*, (New Delhi: Uppal Publishing House, 1997), p. 83.

²¹ Government of India, *The Constitution of India*, (ed.) P.M.Bakshi, (New Delhi: Universal Press, 2003), pp. 29-31.

Department of Water Resources: 'Rehabilitation of Project Affected Persons' Policy, 1994

In states like Orissa, there was never a comprehensive policy on Rehabilitation and Resettlement or even a sector-wise policy for rehabilitation the manner in which it was already there in West Bengal. But apart from West Bengal, Madhya Pradesh, Maharashtra, Punjab and Karnataka had already enacted their state wise R&R policies. Prior to 1994, and particularly in between 1977-1993, Orissa had developed and issued only Government Orders and Resolutions. But in 1994, the Government of Orissa has formulated a policy for the Water resources consolidation project, which was to be used in water resources development within the state. The genesis of 1994 policy can be traced to the earlier circulars and resolutions as the concepts and definitions were already there in the earlier circulars. This policy has evolved from the Government of Orissa policy of mere compensation for acquired land in the 1948 Orissa Act. Though the Rengali Dam oustees agitated over decades, still the policy was not formulated after that, but the present policy forms the shape on the basis of agitation though in late.

In 1994, in consultation with the World Bank and the NGOs, the State government presented a revised version of the 1990 policy for R&R in water resources projects. The present policy pertains to projects of water resources development, its implications for other departments in undeniable.⁴ The Act introduced the concepts of 'affected person' and 'affected zones'.⁵ The new policy recognises that economic compensation for the lost assets is not enough when it lays down land-for-land as the core of rehabilitation measures and also supplemented by a host of other rehabilitation options.

For the first time, it recognised all PAPs with putting limitations on the definition of project-affected persons as eligible for R&R assistance. The policy considered displaced persons are those if the person considered are physically displaced or landless labourers. This

⁴ Mohapatra, L.K., Op. Cit., 1995, p-318.

⁵ Affected persons means a person who is affected in respect of his/her land including homestead land and structures thereon, trade and occupation due to construction of the project within the affected zone. A displaced person is a project-affected person, but a project-affected person may not necessarily be a displaced person. Affected zone means the area comprising the lands already acquired under Land acquisition Act, 1894 or through other procedures as determined by the Govt. by notification for the purpose of project activities. Along with this, villages isolated due to construction of any water resources projects and thereby becoming socio-economically unviable may be declared as affected village. Source-The Orissa Resettlement and Rehabilitation of Projects affected Persons Policy, 1994, Government of Orissa, Department of Water Resources, p. 1.

category included those who had lost businesses and trade livelihoods. Any villages rendered socio-economically non-viable through isolation, for example, could be declared as 'affected zones'. PAPs were to include unmarried daughters aged 30 or more, widows with no livelihoods, sharecroppers, and even 'encroachers'⁶. Also for the first time, the policy emphasised the need for socio-economic baseline data, identity cards and project information handouts. Norms were set for the prompt payment of compensation.

Rehabilitation and Resettlement Policy Practice in Orissa

The availability of state policy is not necessarily an indication that it will deal more successfully the rehabilitation and resettlement issues, because states with not having explicit policy can and do follow rehabilitation issues more carefully. The national policy may not be sufficient as different states are having problems at different levels. So common policy might amount to failure.

Any kind of R&R activity of the project affected families will depend on the reliable and adequate socio-economic details of the affected area and population by taking into account the ethnic composition, educational level, occupation, skill possession and different sources of affected families.

Orissa is the poorest state in the Union of India. It is also the state with the highest proportion of tribal people.⁷ It has an unusually good set of policy resources by the standards of other states. It has the most detailed of all state level policies for DIDR - specifically for the water resources development sector, a sector in which a state's irrigation engineering department provides the Project Implementation Authority (PIA). It has also evolved a set of District Administration/Revenue Department Guidelines on R&R - mainly for the various mining developments in the state. Hirakud dam uprooted over 22,000 families from 250 villages in Orissa and nearly 40 villages in Madhya Pradesh.⁸ Pandey shows the very ad hoc

⁶Department of Water Resources, *The Orissa Resettlement and Rehabilitation of Projects Affected Persons Policy, 1994*, (Bhubaneswar: Government of Orissa, 1994), p. 2.

⁷ Census of India, 2001.

⁸www.swan.ac.uk/cds/pdffiles/Rewper cent20Alan.pdf (Access on 29th March 2005).

way in which (the largely self-managed) rehabilitation of the displaced population took place.⁹

A completed irrigation project may ultimately lead to crop diversification, increased agricultural intensity and more wage-day but often there is a time over-run in project completion and the time gap becomes a significant factor contributing to traumatic condition of the displaced people which is sometime known as 'secondary displacement'.¹⁰ Cernea's model is also quite significant to understand the intensity of sufferings and helplessness contemplated during the time of displacement in Orissa.

Case Study of Harabhangi Project

In Harbhangi Project, 206 families have lost their dwellings and have been displaced.¹¹ Also 4863 Project affected persons (PAPs) have lost their land in 102 villages, which is 91.86 per cent of the total affected persons of the project, are affected without getting displaced.¹²

Out of the project-affected people, 94 per cent of them are tribals and 68 per cent are engaged in agricultural and related activities. The Planning Commission's Report shows that out of the total number of displaced persons in Orissa, about 40 per cent are the tribals.¹³ The two villages, which are deeply affected by this project, are Adapanka and Gunduripadar as nearly 80 per cent of agricultural lands in these two villages have been acquired.¹⁴ Though the affected people have lost their land, yet land as a means of compensation was not considered as a viable option as most of the displaced people expressed inclination towards other options like mat-making, Diary, Bamboo work. This particular area is undulated, hilly

⁹ Balaji Pandey, "Impoverishing Effects of Coal Mining Projects: A case Study of Villages in Orissa" in Hari Mohan Mathur and David Marsden (eds.), *Development Projects and Impoverishment Risks: Resettling Project-Affected People in India*, (New Delhi: Oxford University Press, 1998), p. 14.

¹⁰ The project-affected people are known and acknowledged by the criteria like loss of livelihood caused by natural resources extraction or degradation. But there is another type of displacement which is called as secondary displacement, means those whose livelihoods are adversely affected either as a direct and indirect consequence or as a short-term and long-term result of development but they are not acknowledged as 'project affected peoples' ((PAPs). See for the details, Biswaranjan Mohanty in 'Displacement and Rehabilitation of Tribals', *Economic and Political Weekly*, XL(13), 26 March, 2005, pp1318-1320.

¹¹ Ibid.

¹² Ibid.

¹³ Planning Commission, *Orissa Development Report*, (New Delhi: Government of India, 2002), p. 466.

¹⁴ There are inadequate data on the subject as well as some data are also not from the government sources. So what can be relied is that the survey conducted by few professionals. This particular information is based on the source of a report submitted to Water Resources Department, Ibid., p.

and terrain is difficult in this area. So it will not be possible for the displaced tribals to get either suitable government land or purchase private land in the near vicinity.

The affected families were compensated properly and even they were paid in terms of cash. But with the compensation money, the affected families would not be in a position to buy their earlier holdings, as the land was not available around their new localities as per their needs. Money does not last long as well and they soon become destitute. In case of the tribals, they spend the substantial amount of compensation money in celebration and tribal rituals.¹⁵ People in the nearby area inflated the price of land as they realized that the illiterate tribal PAPs have already cash and they would definitely feel tempted to buy land even at higher prices. Since the tribals could not afford that much amount, so they were compelled to buy land at distant localities where the price was moderate enough.

Table 1

Project Name	Before	At Present
Badanala	2.7	2.5
Harabhangi	3.2	2.3
Baghua	3.0	2.7
Rengali	2.9	2.2

Source: Monitoring and Evaluation of Resettlement and Rehabilitation OWRC, *Final Draft*, M & E Consultancy, Bhubaneswar: Utkal University, p. 13.

The project accelerated the process of land alienation and marginalization of the poor. The number of landless families increased considerably and the land holding status of families changed. As a result, the land holding patterns of the displaced persons has changed. For instance, the average amount of land holding before and at present the establishment of the Harabhangi Project was 3.2 acres and 2.3 acres respectively (table 1). Once, the command area is transformed into an irrigated belt, many of the families having small land holdings will be forced to sell away their land, as it has happened in case of other irrigation belts.

¹⁵ Nadeem Hasnani, *Tribal India Today*, (New Delhi: Harnam Publications, 1983), p. 111.

Relocation far away, on the contrary, will disrupt their social synthesis. For the tribal cultivators, area of forestland occupied or encroached formed a substantial part of their holding and this is not going to be compensated. Local interaction reveals that dispossession of tribals by non-tribals mainly the money lending caste that is the *Panas* is quite high. Small indebtedness of the past snow balls into huge imaginary debit and the innocence of the *Kandhas* is exploited by the money lending families by imposing an embargo on him and of never entering his land.

The direct loss of land as a result of the project will seriously accentuate this problem. Even an unusual pattern of division of labour is visible amongst the *kandha* women and young girls. The men only plough the fields and contribute rather little in terms of labour. The women are responsible for all ancillary agricultural operations, including *podu* or shifting cultivation on the hill slopes. The joblessness in the area that will be caused directly and indirectly by landlessness will severely reduce the work input of women in the agrarian sector and will have a more than proportionate effect on child health and mortality. It will be difficult for these large sections of women workers to find alternative employment at a distance as child rearing and domestic responsibilities severely impound their mobility.

Construction of the water conductor system and a mini hydel project near the submerged area has temporarily expanded the prospects of daily wage labour. It is shocking to note that women not only work in the paddy fields during the day but also wage labourers at night. But soon these opportunities will disappear as prospects of supplementary wage opportunities are rather constrained.

Displaced people have become increasingly dependent on sale of wood from the near by forest. The falling of trees has led to increased phenomenon of land slides in the hills in the recent times and the entire environmental existence of the tribals looks threatened. The new policy provides for compensatory land for the land lost but unfortunately the rehabilitation per hectare of land lost is fixed in the policy. The area of the land scarcity like Harabhangi threads up the problem of steep price rise over a short time. The policy should either ensure freezing of land price though regulatory orders or expand the amount of assistance per unit keeping in view land price.

Though it has been observed that the project would benefit families in terms of having access to irrigation facilities and the access to employment of the landless, still a massive land sale especially from marginal and small farmers takes place in the command areas as these farmers are unable to afford the cost of cultivation with modern inputs. It has been observed that once the project has been established, the migrant labourers have overtaken the skill jobs and the local oustees have been victimized in Orissa.

Hence, the process results in landlessness and impoverishment of the poor. Even, the medium and big farmers sell part of their land to meet the cost of cultivation of other lands. It is the *telugu* and *keralites* who come and take the benefit. It has been observed that to a large extent centre plays prominent role in the construction of large developmental projects. Therefore, the State legitimizes its role on the control of the land and resources of the weaker sections, who do not even share the developmental benefits.¹⁶

It is the future of apprehended that is a totally underdeveloped hilly area like that of submerged villages of Harabhangi where even minimum communication facilities have not come up after a half century of independence merely listening out alternative strategies to land holding as the policy has envisaged will not suffice. The need is to call for substantial investment in the road projects, building of communication links setting up forests or agro-based industries or processing facilities through public or private sector investments. Otherwise the threats of landlessness or joblessness will not be counted merely through individual oriented interventions with the limited rehabilitation amount available per displaced people.

It is interesting to mention here that the rehabilitation of encroachers of even 'objectionable' categories of land that is forestland has been made mandatory through a separate executive instruction, including the OWRCF project agreement. This is not a part of original policy document if this provision is exercised in its right spirit in favour of traditional encroachers like tribals; a significant impact of joblessness is reduced.

¹⁶ Biswaranjan Mohanty, Op. Cit., p. 1320.

Another important intervention contemplated in OWRCP in all sub projects with substantial tribal component is Indigenous People Development Plan (IPDP).¹⁷ An innovative Programme that contemplates community or individual intervention to enrich the socio-economic existence of all tribals in the project area directly or indirectly affected. One of the steps envisioned has already been experimented in the World Bank assisted International Fund for Agricultural Development (IFAD) project in Kashipur, with the help of local NGO called Agramee. This is the grant of joint *patta* of hill slopes land under *Podu* cultivation in the favour of tribal cultivators and their wives. This investigation is also very sensational in an area like Agramee.¹⁸ It is desirable that the policy should incorporate these area specific innovations in its body through suitable environments in near future so that things are not left to the chances.

Sequential exploitation of natural resources in Orissa had led to project activities in remoter and difficult areas of states. Displacement fragments a single village into several splinters. Resettlement in the absence of the time bound consultative process can be long and tiresome. This is the time when morbidity risks are highest. Govt. assistance is the most important support that DPs can seek in order to establish support with health care delivery system in the new settlement.

Rehabilitation plans are usually prepared to minimize empowerment risks that the Project affected persons usually face once they loose land for the project. The objective of rehabilitation is to ensure that the affected people are afforded opportunities to establish and become economically self-sustaining in the shortest practicable time. Rehabilitation should be taken as a model development programme.

The Rehabilitation and Resettlement policy of Government of Orissa was followed in the sense that the PAPs whose land has been acquired after 1994 will be eligible for the rehabilitation action plan that was formulated in case of Harabhangi project. The rate was fixed as Rs. 10,000/- per one acre of unirrigated land and Rs. 20,000/- per acre of irrigated

¹⁷ This plan tries to define the term 'indigenous peoples'. I terms it 'groups with a social and cultural identity distinct from the dominant society-example STs/hill peples etc; have a distinct cultural identity; they are often vulnerable to being disadvantaged in the development process; and indigenous people plan is dedicated to protect the cultural identity and provide appropriate assistance/resettlement to the indigenous peoples if affected.' See Monitoring and Evaluation of Resettlement and Rehabilitation OWRCP, Op. Cit., p. 18.

¹⁸ Anita Agnihotri (1996), Op. Cit., p. 10.

land subject to a maximum of Rs. 40,000/-. This was revised with effect from 1st September 1998. Those PAPs whose land is acquired after that will be eligible to get Rs. 12,797/- per one acre of unirrigated land and Rs. 25,594/- for one acre of irrigated land.¹⁹

The rehabilitation policy should envisage setting up of a community health care system in every micro settlement, with mothers identified/trained as health workers. Potable water may become an acute scarcity for a disintegrated relocated community. It would need specific public intervention. Some highlights are available from the joint reconnaissance study made by the two NGOs, OPDSC and Agramee in Badanalla medium project RAP.

Case Study: Baghua Project

Shardhapur is the largest village with 396 DP families among the -villages, submerged by the Reservoir of Baghua Stage II project. For inadequacy of funds in the past, full disbursement of R.A. has not been possible. The villages have staged repeated protests by holding up work of the spillway, till their full resettlement is effected.

Prior to acquisition of land for the project, the DPs had 6.50 Acs of homestead land available for all of them, which included 1.51 Ac. of government land. When asked about their resettlement options, it is revealed, 92 per cent of them want to be resettled in a cluster of villages with their own relatives or fellow villagers. Only 23 DP families want to be rehabilitated in places of their own choice and alone. Three have opted for a resettlement colony.²⁰ It is interesting to note that even with disbursement of R .A. pending, 135 DP families have purchased homestead land in nine different villages near about. Except for 24 families, all others have purchased land within a radius of 13 Kms. from the original village. It is seen that average holding of homestead land may go down after relocation which may be an account of higher land price and non availability of preferred land nearby but this does not seem to affect mental or material well being.

¹⁹ Source- Report Submitted to water resources Department, Government of Orissa, under title "Socio-economic survey and Rehabilitation Plan for PAPs of Harabhangi Irrigation Project", p. 22.

²⁰ Anita Agnihotri, "The Orissa Resettlement and Rehabilitation of Projects Affected Persons Policy, 1994: An Analysis of its Robustness with reference to the Impoverishment Risks Model", paper presented in the workshop on *Improvement Risk Analysis*, Social Development Unit of World Bank, March 12-14, New Delhi, p. 17.

Rengali Dam Project

It was the Rengali Dam project that crystallized opinion about R&R in the state. The Rengali project was a highly controversial forerunner of other dam projects in which the displacement of rich peasants led to considerable 'R&R' political protest and revealed the way in which post resettlement communities progressively 'unravelling', lost social and economic cohesion, and were impoverished. The evolution of a Uniform R&R Policy for irrigation projects in 1990 grew out of policy developments in 1973 and 1977 which, in turn, had responded to the Rengali outcry. The Revenue Department - the land acquisition authority - had anticipated the search for standard R&R procedures in the year before (i.e. 1989), and urged districts to adopt uniform guidelines for all mining projects. The 1990 Uniform Policy for irrigation projects was then revised, in consultation with NGOs and the World Bank, and a 1994 Act was introduced to replace it. The Revenue Department gave some suggestions. The Revenue Department's responsibility for land acquisition led, through the need to implement many major projects, to its adoption of a set of guidelines on post-acquisition rehabilitation. The 1989 Revenue Department guidelines allow compensation for unmarried sons, eligibility for rehabilitation based on land-take and homelessness, employment entitlements, homestead entitlements, immediate cash needs, and community facilities.

Rengali Dam Project had submerged 265 villages and displaced 10,842 families in 2 districts of Orissa.²¹ The R & R activities were completed 12 years back. Then there was no R&R policy. Despite good intents, Rengali is a case, which shows very high risk of loss of common property resources, not compensated by rehabilitation till date. This, coupled with other related factors, broke the economic backbone of the DPs as a whole. The reasons are not far to see. Encroached forest & government land were taken away & not compensated for by the project. In the relocated settlements, shifting cultivation was restricted. No land was earmarked for grazing as wastelands for DPs. DPs were relocated away from the forest. DPs also faced serious hostility from the host population who did not let them use government or forest land near relocation sites. Rengali Dam Project is a typical case of a series of piecemeal or ad hoc rehabilitation measures implemented in a non-consultative manner.

²¹ The study was done by Anita Agnihotri, who was also the Director of R&R in Orissa. See for details, Anita Agnihotri, 'Poverty Alleviation Concerns in the Orissa State Policy on resettlement' in *Development Projects and Impoverishment Risks: resettling Project -Affected people in India*, (New Delhi: Oxford university Press, 1998), p. 246.

The present policy, we have already pointed out, is participatory and consultative. Rengali did not have a significant tribal composition in population. One would argue that special provisions of present policy for tribals should also extend to habitations with traditionally heavy dependence on CPRs (Common Property Resources).²² The idea is to let such groups have easy access to CPRs and have an eco friendly zone in a private relocation site which they would themselves develop and maintain. Under OWRCP entitlement of encroachers has already been recognised as a mandatory supplementation to policy. Its time, policy itself incorporates this.

As a pre-observation, data collected from completed Rengali Dam Project categorically illustrate that homelessness has been overcome to a large extent. 93.43 per cent of families now have their own home, compared to 63.94 per cent in the pre project state. Percentage of families within two-roomed house has also gone up to 52.72 per cent from 36.70 per cent so that percentage of families with three or four-roomed house. The Rengali Action Plan also suggests some improvements in infrastructure.²³

In case of Rengali Dam Project, judicious use of compensation money by DPs and use of RA to improve the facilities of housing created, honest use of one time disbursement of CPRs (Common Property Resources) grant could have been the factors for overcoming the risk factor.

Rehabilitation experience in the state seems to uphold that there is an inherent tendency among the DPs to overcome this risk. Often this is the first use of compensation money, which is put so. This is also the reason why people do not opt for government sponsored colonies fearing these will be inconveniently located, or houses will be poorly constructed and choose to make their own arrangements.

²² Kathakali S. Bagchi, *Natural Resource Management: Eastern Region*, India watch Monograph Series 1, (New Delhi: Upalabdhi Trust for Development Initiative, 1999), p. 95.

²³ Report shows the following developments: Tanks improvement-28, construction-1; Kata improvement-11, construction-1; Sanitary well, construction-7, repair-9; Tube well construction-4, repair-1; School building repair-8; dugwell-1; Bridge-1; approach road improvement-3, construction-1; Bandha; improvement-1; improvement of bahal-1; Monitoring and Evaluation of Resettlement and Rehabilitation, OWRCP, *Final Draft*, M and E Consultancy, Utkal University, p. 24.

Badanalla Project

In Badanalla project, an interesting thing happened. Submergence occurred before the government colony was ready & the DPs had to bring about their own resettlement. The colony is now ready but 42 DPs of Kandhachakunda settled in Pujariguda, have not got back the contribution of Rs. 5,000/- per family that they made two years back for house construction in the government colony. They do not show any inclination to come back to the sponsored colony, though they want their contribution back. The DPs own resettlement colony at Pujariguda is spacious, clean and houses neatly arranged. They look quite happy & well settled there.

The aforesaid examples illustrate that more than the physical sense of not having a roof over their head; the DPs are more concerned with tackling the fear of 'placelessness'.²⁴ This is the reason why they choose to sense with their friends & relatives. Joint families are visible in a typical tribal of Orissa. Mobility within a generation is low. It is found that women & older people feel deeply anguished when they are compelled to leave their ancestral homes, settled over generations. But younger male members seem better oriented to a change of place. It needs to be mentioned here that availability of agrarian land near the homestead land is a crucial factor. The NGOs need to carefully counsel the DPs so that they choose their homestead, agricultural land or other viable livelihood options in such a manner that material survival does not become a problem. Increasing landprice and scarcity of cultivable land have broken integrated tribal villages into pieces in the past. There is, however, no detailed specific study on the 'placelessness' phenomena as on date in the state.

Displacement brings about with itself a disintegration process, which goes unnoticed by planners who tally only material targets and achievements of well-being. With relocation, the social organization of communities gets dismantled, the informal and formal networks get disrupted and loss of this social capital inwardly erodes human mobilisation and awareness build up around issues of relevance.

²⁴ The term 'placelessness' refers to a kind of situation where people who are affected by the project are uprooted by the project are uprooted forcibly by the agency which is responsible for evacuating even for the purpose of resettlement. When the affected or displaced families are forcibly withdrawing themselves, they may not feel at home in the new place where they are located again, as the larger experiences of resettlement shows that the new place is not viable for the displaced people.

In fact, perception of the risk of social disarticulation is inherent in minds of DPs, much prior to relocation and this is one of the reasons they tend to resist new project that may actually relocate them. This risk is not generally overcome is proved when we see even with nearly 4 lakh people displaced in large & medium water projects alone, their organised voice is never audible. This risk is further accentuated in a society where grass root level political institutions are dormant or weak, political power is concentrated in the hands of the elite and general level of awareness and literacy is low.

Orissa is a typical situation, which displays all the aforesaid symptoms. Tribal Orissa is even more difficult. In a medium project like Badanalla located in Rayagada (erstwhile Koraput), where time and cost over-run has been considerable, there has been no public criticism from the DPs who have been made to evacuate without proper Rehabilitation assistance. It has been mentioned above the problem of their not getting back money contributed for house building. Tribals, who have strong community leadership tries and are yet to get into the mainstream market economy, feel threatened by the government power hierarchy who do inevitably exercise their nuisance value even in the most democratic situation. After relocation, they get even more fragmented, weak and inherently unable to organise. Disappearing community ties caused by geographical dispersal and threats of commercial forces squeeze their spirits from both ends.

While interacting with DPs of Pujariguda at Badanalla, Anita Agnihotri, the Director of R&R, saw them melt and disappear at the sight of a Land Acquisition *Amin*, who they thought were far more powerful locally than the Director and would not appreciate their self-expression.²⁵ This perception is sad but true. The policy of course provides for NGOs involvement. In fact, involvement of Agramee, the NGO who have quietly transformed the Indravati DPs, by building up their skill awareness and leadership, with Rayagada project has already started showing results.

Agricultural land and ancestral homesteads provide food and economic security to a large proportional rural population, even if the landholding size is inadequate to meet dietary requirements of the household throughout the year. Land holding had declined for majority of the PAPs after resettlement of seven projects. An exception to decline in land holding was

²⁵ Anita Agnihotri, Op. Cit., p. 20.

observed in Upper Indravati Hydroelectric power project as the compensation package ensured a minimum unit of irrigated land for all male adults including the landless. In parasitically managed projects where more than 90 per cent of households ceased to be landowners, a large number of PAPs were employed by the project, thereby ensuring economic security for the family.²⁶ These jobs, however, did not guarantee economic activity for other adult household members, especially females, and for children of the employees after they became adults.

Physical reproducible assets such as quality of housing and household assets were largely dependent upon the income levels of the household. A large number of PAPs had utilized part of their compensation to construct better quality of houses and buy household assets such as transistors, radio, tape, recorder etc. soon after resettlement. However, the “economic prosperity” experienced by the PAPs immediately after resettlement could not be sustained, and therefore the “standard of living” adopted by most PAPs soon after receiving compensation had declined. For instance, several households were unable to afford basic maintenance of the house and repair of electric goods after a few years of resettlement because of inadequate finances.

At Badanalla, the Rengali Affected Persons (RAPs) is still under implementation to resettle the evacuees displaced in 1989 without NGO involvement fully. Demands for full provision of infrastructural facilities like roads, tanks, schools, electricity and potable water have become strong in the recent months. The project authorities have already initiated action for filling up these gaps. Inclusion of DPs in the Reservoir Cooperative Society is being taken up as an issue with the NGO's help.

Another lacuna in the policy is that it does not talk about the advisability of either alternative project designs like the reduction of height of dams, relocation of the dam, smaller dams on the upper tributaries of the river etc. In spite of all these problems, the 1994 policy emphasises the evaluation by an independent agency at least twice in the minimum, which is also a welcome step.

²⁶ Savitri Ramaiah, “Impact of Involuntary Resettlement of Level of Living of Project Affected Persons (PAPs)”, paper presented on *Impoverishment Risks Analysis*, The World Bank Social Development Unit, New Delhi, March 12-14, 1996, p. 4.

A Critical Evaluation

There was a primary emphasis on 'land for land', and allowance was made for the transfer of mortgages on land etc. Limits were placed on the fragmentation or severance of village and individual land. New restrictions were placed on 'compensatory employment' in the project works, which was a significant departure from the 1990 policy in which up to 50 per cent of the new employment created could be allocated to DPs. The policy also emphasised the need for systematic monitoring and for independent evaluations to be carried out twice during resettlement and rehabilitation. Government of Orissa department responsibilities (including the establishment of an R&R cell) were specified. The socio-economic baselines were to be used in the preparation of rehabilitation plans for the new resettlement sites. Clarity in budgeting was highlighted; and the cost of R&R was to be included in the project costs. The policy of 1994 is flawed as the individual landholder; if his or her condition after acquisition of his agricultural or non-residential land is reduced to a socially and economically unviable living cannot qualify to be a displaced person. The problem with the policy laid out by the State government is that it has been assumed in the policy that government will be the principal actor in the process of R&R. While the policy mentions about the certain state-specific concerns and contains some unexceptional statements, yet they are essentially governmental exercises within the conventional framework.

Comprehensive Sector Guidelines and 'Policy Practice'

The 1994 policy provides the most comprehensive guidelines for Department of Water Resources (DoWR). The policy document runs into 30 plus pages. Drafted in English, it was quickly translated into Oriya to ensure its provisions were widely disseminated. This was supported by the World Bank.²⁷ Mining, thermal power and industry are also covered by sector guidelines, but none of these are as extensive as the DoWR ones. The DoWR document has been the leading role; the other sectors have taken many, but not all, of the finer points of the DoWR document into consideration in drafting their own guidelines. Regrettably none of the guidelines are consistently followed. There is strong donor demand for their implementation, but there is little effective demand within the implementing or administrative agencies for adherence to their requirements. 'R&R' is seen as, necessarily, a far more pragmatic exercise; creativity in the interests of 'easy administration' and adherence to local

²⁷ Ibid., p. 13.

social mores are seen as more important than adherence to donor-pressured rules. It should be emphasised that the 'implementation deficits' are not the result of the lack of or over-abundance of high-level direction or shortage of resources. Resources are made available; but they are not reaching to the local areas.

Section VIII on the payment of compensation is the weakest part of the policy document adopted by the Government of Orissa. The objects are not mentioned in proper and systematic manner in which the rights over trees and compensation to be paid for these rights are to be assessed for payment of compensation. It is known widely in tribal areas that persons planting and rearing trees, over one's own land, or anybody else's land or on the common property or on government land enjoy traditionally absolute ownership rights over these trees. Invariably, the compensation paid for the trees is niggardly and bears no logical relationship with the real market value of the trees. As the rights over trees go to the actual planter, who may be a woman or a child, the head of the household does not have a claim over the compensation he is paid for the trees owned by other members of his family. In order to ensure adequate and proper compensation for the value of trees, the market values may be determined by some officer of the Forest Department and not by the land Acquisition officer, who might not be having any experience in the marketing of wood.

'Social Policy Practice' at District level

Often a project will take place within a single district. In this case District Collector is the chief officer of the district and directly responsible for the collection of taxation and other revenue, land administration, the administration of law and order, the co-ordination of economic and social development, and for local government. He also serves as the reporting officer for the staff of all the technical departments - for example, agriculture, health, education etc. He is boss of a department whose functions include social programme co-ordination, justice, taxation, land records and development. He, or she, in some cases, is the ideal portmanteau administrator for compensation and for R&R. All the significant secondary stakeholders in DIDR at a typical district level will report to him/her or acknowledge his/her supremacy. They include subordinates in revenue collection and land administration; the magisterial function; in local government function; DRDA and the organisation of the development effort through blocks; Forest Department; Police; Engineers of the Project

Implementing Authority (e.g. from DoWR or from Coal India); Health; Agriculture; Livestock; Fisheries; Education; in a sense, this system for co-ordination should be flawless.

The Collector can easily set up committees for co-ordination. He may choose to establish one of these as a Resettlement Advisory Committee. The critical point for the implementation of policy and action is that there is always a single point of reference. In practice, the workloads are difficult to balance and the appropriate personnel are not in place, poorly motivated or are overloaded. But the formal system is designed to make co-ordination of effort a high priority.

Land Acquisition Action

The DIDR process starts with the assembly and purchase of land through compulsory purchase orders. The Project Implementing Authority (PIA) experts assess the specific area and co-ordinates of the land that the project needs to acquire. The Revenue Department is then solely responsible for establishing the ownership and value of the land and for acquiring it from the current owners. There are few co-ordination problems, but many administrative problems arising from the adjustment of formal rules to local practices and past declarations.

It can be stated, very firmly, that the empirical evidence from Orissa is that none of the DPs are satisfied with the valuation of their land and assets. In part, their administrative co-ordination is easiest. Dissatisfaction will follow their inability to realise their positive hopes and expectations at the point of negotiation and, because compensation is a once-and-for-all cash assessment of their major source of current livelihood. The cash sum is, thus, often large but clearly insufficient to purchase other land nearby. The problems arise mainly because the land is always undervalued. The owners are usually fully complicit in the under valuation. They will have maintained under-valuations for years to ensure that they pay lower land taxes; or have failed to declare the division of a property to sons etc. Moreover, the calculations are based on recent land sale transactions, of which there may be very few recorded, and the Revenue Department may not take account of the potential impact on the local land market of the new project-induced scarcity. If small packages of land in half or fractional plots are left after project needs are met these pockets should also be purchased so that the aggregate sum available in compensation will allow purchases elsewhere.

To put it differently, administrators mainly accept that 'the project' is also entitled to the market rate as well as the cultivators. No account is taken of the productivity gains and transfers which come from the new irrigation or industrial activity; or of the transfers of land from the rural poor to the company rental housing sector, since land is acquired both for the productive side of the project and for company 'colonies'. Most DPs find that there is no land available nearby and they are reluctant to go to a strange place. The market mechanisms at work to set land prices in distant areas are beyond the local man's knowledge. Much of the frustration with land valuations stem from the inability to offer replacement values.

Valuation Actions

Another problem in implementation comes in the various valuations, which are made by different authorities. Land values are assessed by the Revenue Department. The engineering staff of the PIA calculates the value of houses. Fruit bearing trees may be evaluated by either Revenue officials or by Horticulture; infrastructure by Public Works or by PIA engineers. The forest department assesses non fruit-bearing trees. No one is responsible for assessing loss of amenity, unless it is somehow included in the Revenue Department assessment. Uncertainties and the potential for unhelpful administration can proliferate as a result.

Process and Practice of Appeal

If DPs or PAPs are not satisfied with the valuations and compensation package, the law requires them to accept the settlement as an interim measure, with a note of protest recorded. This recorded protest allows them to appeal to the Civil Courts. In fact, very few DPs or PAPs appeal because of lack of knowledge and fear of the consequences of official encounters. Their right to appeal may be further restricted by potential Government of India regulations, which expect the District Collector to be the sole arbitrator of the appeal. Some NGOs try to help; but many more people meekly submit to their fate.

If more than one district or agency is involved, co-ordination does become a problem and the provision for a Resettlement Advisory Committee (RAC) will need to be invoked. It alone can ensure, on a regular basis, that there is secondary stakeholder co-ordination if the population of two or more districts or states are involved. In practice RACs meet infrequently, their recommendations are not followed-up and there is no representation of DPs or other

PAPs. As a result, they lose touch with the realities of the project. A crucial distinction is needed between the co-ordination arrangements required when all the project's secondary or institutional stakeholders are departments of State Government and some are parastatals (all Government of India undertakings) or private sector businesses. In a majority of cases, the staff responsible for rehabilitation following DID will be located in the engineering divisions of PIAs outside of State Government. In this second case, their personnel can all too easily pass the responsibility for the detail of DIDR to specific departments of the State Government on the grounds that they lack the political responsibility and skills. In many cases, these private companies or parastatal PIAs will have created R & R units with, usually, far more staff and financial resources available to them than those which are available to State Governments.

In theory, therefore, they may aspire to take action independently; in no case, however, can the PIA act alone. Its R&R staff must resort to the State Government's Revenue Department to mediate their relations with the DPs and PAPs. Many problems in the co-ordination of action arise in this area of overlap; and multi-agency implementation is the norm for DIDR projects rather than the exception. The key PIAs are from the power, mining, industrial and water resource sectors. The only one of these sectors that is controlled wholly within the State is for water resources. In the power and mining sectors, the PIAs are usually GOI undertakings or parastatal companies although there are plans afoot to privatise some of these, especially in the coal mining industry. The industrial sector is mainly operated by private sector undertakings. There are no road developments in Orissa that have significant DIDR implications.

Delegation (and displacement) of the Displacement Problem: R&R 'Cells':

One way that the District Collector has the power of capitalising the extra administrative demands made on him by DIDR projects is to use the services of a specially created Rehabilitation Officer. This is an especially critical post when project implementation is wholly the responsibility of State Government, as in water resource projects. Even then, the role requires considerable liaison between the project engineers, and the land administration, welfare and rehabilitation functions of government. There is almost always a shortage of manpower in key processes. The Rehabilitation Officer, who may be part of the District collector's staff or of the PIA, is often alone individual located at field level.

Experience in Orissa shows that he may have initial responsibility for the displacement and rehabilitation of some 2,500 to 5,000 families. The sheer volume of DP families means the work is often carried out mechanically.

The great range of duties, which cover almost all DIDR tasks downstream of land acquisition, ensure that an adequate quality of implementation of DIDR plans is most unlikely. The duties cover: compensation disbursement; follow-up to complaints about compensation made by DPs; enumeration of displaced individuals within the project affected families; administering temporary income support during relocation; determining the eligibility of individuals for R&R assistance (for example, authorising assistance to the children of PAPs who have become adult during the project's implementation); implementing the decisions and choices which have been made for the disbursement of the project grants available to assist the rehabilitation of DPs; where DPs purchase land and construct their own houses, to certify the authenticity of the land purchase and advance money for house construction; administer the process of establishing alternative livelihoods and income restoration schemes, through verifying certificates of purchase of land or business assets.²⁸

The woefully inadequate level of staffing for what is the core of the social development work in DIDR leads, almost inevitably, to considerable confusion on the part of the post-holder as well as on the part of the DPs. Administration, if undertaken in other than a cursory or formalistic way, is always highly labour intensive. Social development activity, and DIDR in particular, is especially demanding of careful attention and sensitive and caring judgments. The workloads in R&R units rarely allow an adequate quality to be maintained in this work. Even if there were enough of them, Rehabilitation Officers usually lack the skills needed to help people suffering the traumas of displacement and rehabilitation. Typically, they have been posted to the job from an engineering or administrative background. They often lack any natural sympathy for the specific disruptions suffered by the DPs. They have only very rarely been asked to 'stand in the shoes of an oustee'. Their career orientation makes them more interested in the progression of the project's construction works or engineering; or they have the administrator's trained capacity to look mainly upwards for the key instructions on job performance.

²⁸ Department of Water Resources (1994), p. 27.

These shortcomings in the social development skills needed for a critically overloaded job could be reduced through intensive training programmes. The current post-holders, however, are often not the ideal candidates for such training/retraining. They come with a lifetime's conditioning to routine top-down administration and physical engineering operations. They are very far removed in orientation from the perspective and skills needed to implement DIDR with due attention to the needs of both PAPs and economic growth. Training packages for R & R have been developed in recent years, especially with the encouragement of the World Bank. As delivered in Orissa, these packages outline the State's R&R policy guidelines and then highlight rehabilitation topics as discrete skills or organisational responsibilities. For example, the role of microfinance, entrepreneurship, women's issues, NGO roles, and community services are dealt with. It is the reorientation in perspective necessary to deal with DPs and the disarticulation of their relationships, status and livelihood coping strategies that has been missing. In other words, exposure to discrete skills and topics may help; but something more fundamental in training is required to equip the trainees' to alter current policy practice. The training should seek to make the trainees angry and concerned about the miseries of displacement and rehabilitation - but it rarely does so.

The quality and motivation of the staff posted is also questionable. Posting to an R&R job is often seen as a 'punishment'. First, social development work in the State (and more generally in India) is not especially valued. Second, R&R tasks are of especially low esteem. There are few career prospects seen in such work. Moreover, the tasks and responsibilities are highly visible in a political sense. Opposition groups frequently use R&R issues to mount campaigns against the incumbent government; district officials then become exposed in unpredictable ways. The political visibility also leads to much high level interference as senior administrators try to adjust the systems to meet what they see as urgent management needs. This pattern of low valued work is beginning to change, mainly as a result of donor pressure, but the rate of change is very low. The creation of R&R cells can make a difference by giving clear indications of career progression and official approval for the work. This is especially the case if the cell is/can be supported by a donor partner. In the absence of donor encouragement, the R&R cell and its staff can be highly vulnerable. One indication of this is found in the wholly State Government run R&R cell for Irrigation Development. There have been four Directors in four years despite the fact that they have all been senior members of the senior Indian civil service, the IAS. The pressures and struggles over transparency behind

such major changes of staffing at the most senior level can only be guessed at. It is widely believed that corruption and nepotism in the work have been endemic.

Cautious concern and file movement Given the low ranking of the R&R function, and the lack of a comprehensive development vision for DIDR, there is also few incentives in the bureaucracy for speedy decision-making or for the internal co-ordination of work by officers at similar levels. The spirit of 'cautious concern' surrounding DIDR means that 'file movement' must follow the strict order of bureaucratic authority. Decisions can only be made 'on file' and files must first go 'up' then 'across' then 'down'. The chances of common problem identification and speedy flexible solutions through local level teamwork are monitoring and evaluation (M&E) of Outcomes. Although project agreements usually make provision for routine M & E and the collection of impacts, such data collection and evaluation is rarely undertaken since there have been few positive impacts. M&E and progress reports account for activities and disbursements, not the satisfaction of aims and qualities. The NGOs find that progress reports only very rarely give a true picture of the situation.

There are many gaps between reality and commitments and assurances are often bland. For example, there may be a statement about the number of drinking water wells dug; but no account to establish that the wells do indeed have water in them. NGOs have come to the process only lately and their ability to change the situation is restricted. After the promulgation in 1994 of the latest State government policy, NGOs were given commissions to help them facilitate implementation processes in the field. They are not usually welcome, however, when they state some of the ground realities or convey the strong feelings of the communities for whom they have been hired. They feel under pressure to confirm to the official views that implementation is broadly on track but perhaps suffering from a few local difficulties. The constraints they perceive are so serious that they have argued, for some time, that the only way forward will be to appoint an independent commission to review the DIDR impacts.

There are currently quite weak provisions for public participation in the formulation of DIDR plans and implementation mechanisms. The main text of the 1994 policy states only that: "Representatives of the oustees and voluntary organisations may be involved in the process of identification of settlement sites at different places." (25296/WR; Item 4) "... with

a view to integrating the displaced and host population, resettlement plan and programme should be chalked out in such a manner that the host communities are involved from the stage of planning for development of the site itself. All development related problems of host communities should be solved so that they do not feel neglected in any manner” (25296/WR; Item 5). On the other hand, in the last few years there has been a noticeable increase in awareness of the need for community participation. The 1950s and 1960s had seen a complete silence on project-induced displacement. DID was seen as an inevitable consequence of economic growth and restructuring; it was a seemingly technical requirement of new investment in which land acquisition needs would be dealt with under the colonial compulsory land purchase law and compensation to those losing landed property would follow. There was silence on other entitlements and the direction of development.

The 1994 Orissa Policy recognised that communities will have views and major worries, even if the drafting of the policy puts most emphasis on maintaining peace in the host communities rather than participatory learning about needs and livelihoods of the displaced communities. The draft N72 Policy of 1994 stated the principles more forcefully and did not restrict participation to the selection of settlement sites in the post-displacement context. The draft national policy states: “... a participatory process, involving the representatives of people in the planning and execution of development plans at appropriate levels is required. All phases of planning, execution and monitoring must involve the representatives of affected people (item 4.7). A recent Report of the Council for Social Development in New Delhi concerns industrialisation and right of DPs to be represented in project design.

High levels of community participation, and institutional and policy arrangements to secure high quality support and facilitation for it, are essential to economic rehabilitation. The absence of provisions for participation at the planning stage of projects, and the worries of NGOs about the lack of impact assessment and the reluctance of Government of Orissa officials to respond creatively when community discontent is relayed to them, do seriously hamper economic rehabilitation. The solutions and mechanisms are there in theory. Reasonably substantial grants are made available to DPs when they have identified alternative means of employment or business. The project can help identify a list of income generating activities (IGAs) and DPs are encouraged to make proposals and to request start-up grants for specific needs of equipment, premises or other start-up costs. There are very few strictly

administrative problems encountered in processing the grant applications; almost anything, which looks more or less practical and feasible, will be funded on receipt of a certificate of intending or actual purchase. The concept of a particular IGA (eg a rickshaw hire business or a shop) does not arise because no initiatives have emerged from the DPs, often even when NGOs are promoting opportunities and ideas. The only exception to this lack of DP initiative concerns the purchase of land; there is usually no reluctance in this area, only a shortage of suitable purchases.

One explanation could be the reluctance of people - whose skills, occupational experience and social status has hitherto been restricted to their sphere of life as cultivators - to engage in trade or manufacture. A more likely explanation is that the policy process has created such disbelief that no solutions can be trusted and so none emerge. There is insufficient appreciation of the differences in timescale between engineering components and the emergence of new economic activity. DPs will not rush into these until they have re-established their houses and basic facilities. They frequently experience very high levels of delay in dealing with resettlement and its facilities that frustration; anger and finally distrust grow to such an extent that no solutions are acceptable because trust is so weak. The potential for linking economic growth in the industrial sector with the rehabilitation of the DPs is not realised. For example, the potential for building rental housing to accommodate employees of the industrial plants has never taken off because the parastatals concerned quickly build their own 'housing colonies' and establish, in effect, a dual economy and society. The opportunity to develop intensive horticulture or dairying to feed the housing colonies or nearby towns has not been seized, partly because of inertia on the part of the PIA and on the part of the DPs and PAPs. The spirit of partnership and participation in rehabilitating development is missing.

The developmental projects raise questions of equity, fairness, justice and equality before the court in the matter of distribution of benefits and burdens. Today the project affected people are no longer in a mood to suffer displacement along with its concomitant attributes like occupational degeneration, social disorientation, pauperization, and loss of dignity and often getting cheated of the compensation which serve to make the experience a trauma. This has given rise to protest movements.

An interesting feature of the growing protest movement has been the creation of a national awareness of the problem. The press, the activist groups, the social workers and the judiciary have combined together to not only educate the masses about the problem but allows to build up a national consciousness. The refrain has also been taken up by the political parties and even by the global civil society organizations to give to it a wider than national connotation. The international conference of nations on Environment at Rio de Janeiro in 1992 has served sufficiently to internationalise the issue. The world financial institutions can go to the extent of withholding loan and aid so as to get fulfillment for its ecological concerns in case of Sardar Sarovar Project. The activities of Indravati Gana Sangharsa Parishad, a democratic movement launched to protect the interests of project-affected persons, have been suppressed by the police by repressive methods. Activists have been jailed for months together.²⁹ Within this backdrop, the next chapter looks at people's resistance, movements and the role of NGOs in greater details.

²⁹ Sekhar Singh and Pranab Banerji, *Op. Cit.*, p. 73.

Chapter Four
Displacement and People's Resistance:
Role of Civil Society in Orissa

Chapter Four

DISPLACEMENT AND PEOPLE'S RESISTANCE: ROLE OF CIVIL SOCIETY IN ORISSA

The role of civil society is quite cognizable in case of developmental projects. But the question arises as to what is meant by civil society. Civil society constitutes those associations, which mediate between family and the state with the objective to bring about people welfare. These civil society organizations have played a major role in the upliftment of the Orissa people in general and tribals in particular. More importantly, in last few decades they are trying to mobilize rural youth to improve the literacy level in backward areas of Orissa. Arguably due to their prolonged assistance and service to the people, there has been a marked change in the standard of living of the poor people. During the two decades in India in general and Orissa in particular, social activism has brought new hope for the victims of these developmental projects. By focusing on the grievances of the displaced people and opposing such mega projects. However, despite being preoccupied with the campaigning against mega projects, leading civil society organizations feel shy of getting involved with the tedious and long drawn out process of rehabilitation of the project affected people.

Within this framework, this chapter tries to explore the role of the civil society, that is, people's struggle, role of non-governmental organizations (NGOs) and social movement in the context of development, displacement and rehabilitation in Orissa. As the majority of displaced are tribals, an attempt has also been made to study the tribals' resistance to the development in Orissa.

Displacement and Role of Civil Society

While exploring the various aspects of development, the role of civil society acquires paramount importance as the space of civil society also provides the spaces of resistance and contestation. Civil society constitutes some embedding virtues, which sustain democratic interactions, equality and social cooperation that are very important for any kind of analysis on issues of displacement. The aftermath of development projects in the post-independence period reveals that social movements, which are part of civil society, have on the whole played a peripheral role. In most of the cases it was seen that these civil society organizations

have connived with the state authorities to reap maximum benefits for themselves instead of catering to the needs of the people.

The issue of displacement has invited a lot of attention from NGOs not only in portraying the sufferings of affected people but also debating the very rationale of setting up of a mega-project. The differences have really emerged between the practices of the state and those of grassroots organisations. Although the state and its institutions use the languages like popular participation and people's empowerment of the grassroots movements which are coming under the ambit of civil society, yet the nature of practices that flow from such language translate differently within the grassroots organisations compared to those of the state and its institutional development programmes.

The mushrooming growth of civil society groups including the grassroots movements has brought into the debate of displacement to the forefront along with the mainstream theories of development. The concern for democracy and equality has urged civil society groups to intervene in making the contradictions of development more clear and magnitude of displacement more visible.

Over the past four decades, social movements have become a particularly important form of collective action for people to engage in to promote or resist change as they act on behalf of common interests or values to which they strongly adhere. However, the term 'social movement' must be employed with caution. There are many kinds of organizational activity of a neighborly or communal character that do not automatically qualify as social movements, although in some cases they may form the base or provide the pre-conditions for the formation of a social movement.

Social movements must develop a sense of collective purpose and the kind of political goals that involve interaction with other political actors. The political goals of social movements are expressed as claims to rights or on the extension and exercise of rights. The demands of social movements in specific situations thus call upon a common language of rights that contributes to the establishment of alliances among them. This language of rights provides the means to organize the elements of social struggle and has found broad application by many different movements in many different cultures. Since this language has

shown itself to be very effective in mobilization, there is a kind of strategic economy in its adoption and adaptation. The language of rights thus provides a form of 'master frame' for promoting effective.¹ Since in the modern era, the power to grant or withhold rights is vested primarily in the state, social movements make demands on the state. In that sense, Foweraker suggests, social movements seek to mediate the relationship between the individual and the state, particularly in the protection of the individual from state oppression by defending their rights. Unlike NGOs or interest groups, social movements must also mobilize their supporters to pursue their goals, although they stop short of guerrilla activity or armed revolutionary insurrection.²

Resistance and Protest

The phenomenon of resistance has recently emerged as a major area of interest in social sciences. Resistance connotes an oppositional response to the exercise of domination. It also involves a continuum of forms, ranging from passive foot dragging, non-appearance at official sites and times, inability to understand instructions and other 'weapons of the weak,' as described to protest meetings, civil disobedience to outright rebellion and warfare.³ For instance, People in Orissa have resisted the setting up of a steel plant as they assumed that they would lose their livelihood as they would be displaced from that area. . Narayan Reddy, a communist leader of Chhatrapur in Ganjam district led the movement, which proved to be successful. It was seen that although the affected people were being paid huge compensation yet they stiffly resisted the move to build this plant.⁴

Peoples' Resistance in Orissa: Some Case Studies

Indravati

The resistance of the affected people in Indravati became prominent in the first half of the last decade. People took to the streets, organized meetings, and gheraos government

¹ Joe Foweraker, "Towards a Political Sociology of Social Mobilization in Latin America," Presented at the conference on *Latin American Sociology and the Sociology of Latin America*, FL Gainesville: Center for Latin American Studies, University of Florida, 2004, p. 4.

² Ibid, 4.

³ D.C., Shah, "Resistance Development: Involuntary Displacement and Rehabilitation", *Madhya Pradesh Journal of Social Sciences*, 6(2), July-December 2001, p. 75.

⁴ *Smbad* (Oriya Daily), February 16, 2001.

officials and barricaded the road leading to the dam site.⁵ The resistance eventually transformed into a series of workshops and public meetings.

On 11th December 1990, the NGO called Agramee organized a workshop entitled "Peoples' Workshop on Displacement" at Khatiguda. The main issues came up as a result of that workshop were:⁶

- Access the extent of displacement.
- Get a proper feedback from analyzing the views from the Phase I and Phase II displaced persons.
- Initiate an open and clear dialogue between project authorities and R & R officials and the displaced persons for a healthy interaction.
- Disseminate information regarding R & R policies of government of Orissa and Agramee.
- Get more information from the resettlement clusters.
- Build-up a forum for planning and policies on R & R.

A large number of displaced and resettled people who were to be evacuated from Phase II and Phase III attended the workshop and many of whom were women. A section of top officials from the project, R & R Personnel's, Investigators, Project co-coordinator of Agramee were present. Workshops also took place in Benakhamar and Charumula to deal with the issues related to development-induced displacement in Orissa.⁷ Agramee also focused on food security for the people including the displaced people.⁸

In Orissa, the displaced families organized under the Indravati Gana Sangharsha Samiti (IGSS) had threatened to commit suicide in the reservoir, if the government failed to address their grievances and redeem the old premises.⁹ In case of Hirakud Dam in Orissa, there were few attempts of organized protests in Sambalpur and Padmapur towns under the

⁵ *Samaj* (Oriya daily), October 25, 1990.

⁶ Agramee, "Base line Socio-Economic Study and Preparation of Action Plan of Rehabilitation and Resettlement for Upper Indravati Project Koraput", *Final Report, Part-III*, (Annexures), Kashipur, Koraput, Orissa.

⁷ For details, see *ibid*.

⁸ For details, see Bob Currie, *The Politics of Hunger in India: A Study of Democracy, Governance and Kalandi's Poverty*, Macmillan India Limited, Chennai, 2000, pp. 133-172.

⁹ *Manishara Barta O Swabhimani* (Oriya Fortnightly), Review Article, January 2, 1995.

banner of the Communist Party as the people had great doubts regarding the benefits in comparison to the present loss of their ancestral homes and best-cultivated land.¹⁰

Referring to these public protests, a Government of Orissa report states: "The people had great doubts regarding the benefits in comparison to the present loss of their ancestral homes and best cultivated land. But the protest was curbed by elaborate propaganda regarding the agitation and the benefits of the dam and government took responsibility to provide all the people of the submerged area with land for cultivation and houses to live inside Sambalpur district."¹¹

Hirakud

The construction of the Hirakud dam was a part of the post-war reorganisation programmes and as an anti-flood measure for the coastal districts of Orissa in the aftermath of the Khosla Report. When it was announced in 1945 a substantial mass agitation, anti-Hirakud dam campaign was launched by the people of Sambalapur district since it was expected to submerge 108 full and 141 part revenue villages of Sambalpur district and also 3 full 33 part villages in Pesar and Saria PS Madhya Pradesh, respectively, and since most fertile tract of the Sambalpur district was to submerge.¹²

Bharat Nayak, a retired deputy collector, opposed the move in 1946 because of laying out canals in Sambalpur, due to unsuitable terrain; loss of cultivable land and production resulting in movement of population from Sambalpur; emotional problems and prior shortage of labor affecting agriculture. He also suggested alternative ways for control and generation of electricity from Duduma waterfall and assessed the loss to Sambalpur district vis-à-vis the gains to coastal districts. On July.12, 1946, he argued that there would be a loss of 15 lakh tons of paddy per annum along with loss of mineral resources like diamond, graphite, etc. He also recalled the uproar when a few villages had to be displaced in the Greater Cutback Plan and the existing problem of unemployment of the local population in the Birla owned paper mill at Brajraj Nagar.

¹⁰ Balgovindo Baboo, "State Policies and Peoples' Response: Lessons from Hirakud Dam", *Economic and Political Weekly*, XXVI(41), October 12, 1991, p. 2374.

¹¹ Government of Orissa, *Report on the Benefits of Hirakud Irrigation: A Socio-Economic Survey*, (Cuttack: Bureau of Statistics and Economics, 1968), p. 11.

¹² Shradhakar Supakar, *Itihasara Parihas* (oriya), Trimurti Publications, Sambalpur, 1988, p. 10.

The main issue was why should Sambalpur suffer for the benefits of the coastal districts; but if necessary the flood-affected people could be shifted and rehabilitated. In the last resort the separation of Sambalpur from the rest of Orissa was their ultimate demand in the meeting of November 10, 1946, which was attended by 30,000 people who demonstrated in front of the governor of Orissa at Sambalpur. A series of public meetings were organized following the inauguration of the dam, under the leadership of the Gountias (landlords) of different villages. About 4,000 people demonstrated under the leadership of Budhram Dube, Prahallad Rai Lai, etc, when the PWD minister visited the dam site. After the first notification served on September 15, 1946 for acquisition of land in 95 villages, processions and meetings were started in Sambalpur. On November 10, 1946, IPC 144 was clamped in Sambalpur and for three months no meetings and processions were allowed in Bargarh and Sadar subdivisions; 144 was clamped and served on leaders like Budhram Dube, Bishnupada Purohit, etc, not to hold/attend any meeting for two months.

Once the demand for separation of Sambalpur from Orissa formed an important basis for the organization and mobilization of the people, the local Congress leaders withdrew from the agitation charging it as a conspiracy by the former rulers' of the Gadajats against democratic planning and development and trying to perpetuate feudal rules, and propagated statements to touch the national sentiments. The state and National Congress including Gandhiji also disapproved the move.

The opposition, on the other hand, gathered all possible information including the 26 paged typed technical report of M G Rangeya questioning all the rationale offered for the construction of the dam. The movement fizzled out because of the imposing image of the Congress at that time, the arrest of important leaders leading to closure of communication channels, the casual participation of the people especially of the submergible area, the sheer disbelief of people that the rivers like Mahanadi and Ib could ever be dammed, the withdrawal of local Congress leaders and the betrayal of leaders like Budhram Dube, etc, and the projection of the dam not merely as an anti-flood measure but as a major developmental project in Orissa in general, and Sambalpur district in particular. It was stressed that Orissa had tremendous wealth in human power which remained unemployed/ underemployed; it had water resources which were wasted and it had vast forest and mineral resources which could

be exploited with the availability of cheap power, and 'this can be solved through the construction of Hirakud dam. This would facilitate flood control, irrigation, navigation and generation of electricity.

Following from it there would be intensive cultivation and incorporation of more land in cultivation, increased productivity and gross production, security against uncertainty and loss in agriculture; 'new efficient agricultural practices and optimum utilization of various types of land, crop diversification, labor absorption/more employment, large scale industrialisation, etc. There might also be indirect benefits from social improvement facilities in the form of education, sanitation, medical care, income of state/centre/ people, income tax, postal and railway fare, land revenue and sales tax, water rate, betterment levy, sale proceeds of power, etc. Further, it would help in absorbing/moderating flood menace and in preventing erosion of top soil from mountainous land and improving the fertility of the soil. Even green manures can be grown in fields during May-June.

Several youth associations of Sambalpur region had actively participated in the agitation. The main thrust of the agitation was based on the demand for full and proper compensation for the land, adequate rehabilitation of each village and provision of basic facilities for the affected people such as water, electricity, roads and schools.

The local people residing adjacent to Hirakud protested against dam with the slogans such as, 'Hirakud band karo' (stop Hirakud Project). Simultaneously, in all these cases, the government was successful in curbing the agitation. The outsiders, who were brought into the construction of the dam, were in favour of the dam. This is because they not only had nothing to lose but also only gained by way of employment and other scrupulous activities.

By arresting the protest leaders, the government stopped communication between the people and their leaders by successfully preventing the dissemination of useful and relevant information. In other words, Government of Orissa was trying to dilute the protest by using different means. At the same time, lack of proper leadership and adequate information left the people entirely handicapped, which has resulted for the abortion and weakening of protest movements.

Rengali, Badanala and Harabhangi

In Rengali, peoples' resistance took a unique color with the involvement of indigenous people, which for the first time showed to the world, whenever the State policies affect the livelihood of the innocent tribals, protest become the last resort. The tribals with a unique tradition of their own living in hilly areas become very revolutionary, attacked the government officials (was anavaration), since they were going to loose the philosophy of their life that is land (Verrier Elwin), which is related to their cultural identity. The tribals lack leadership because of lack of education. So, they needed leadership from outside of their society that was provided by the upper caste people. Consequently, the movements comes to somehow clampdown.

People's protest against the rehabilitation policy and the process was first seen in 1973 when the Rengali Irrigation cum Project was sought to be implemented. In case of Hirakud Dam, Institute for Socio-Economic Development, a Bhubaneswar based NGO, which has done an extensive work with displaced persons, revealed that the land provided to the oustees for agricultural purposes was often unsuitable for cultivation as well as production.¹³ Irrigation facilities to the resettled have remained an elusive promise; civic amenities remain only in government paper. Compensatory jobs on ad hoc basis remain perpetually under the threat of loosing. In case of many projects of Orissa, the guidelines of the government are rarely followed. These are followed when a protest gathered the strength and that affected people's presence and problems looked into with a biased eye.

However, there was a growing movements but it has a long way to go. These movements have not been able to achieve their aims and objectives for which they have been formed. They are launching protest and agitations, but the State government of Orissa has little to respond.

The day these projects were announced, there was massive peoples agitation against these projects. Most of those people who were displaced were tribals. These people depended on natural resources for their livelihood and so they struggled. These forced the government

¹³ For details, see A. B. Ota, *Countering Impoverishment Risks: The case of Rengali Dam Project*, Prachi Prakashan, New Delhi, 1996, p. 126-145.

to announce a package, which was satisfying for these people, and as a result there is no such peoples movement against these projects.¹⁴

Displacement, Civil Society and Social Movements in Orissa: The Role of NGOs

The social movements are drawing support from the ranks of the marginalized, the dalits, women and the victims of ecological destruction. By taking into account the ideological positions, political practice and the support bases, the emergence of social these movements have been resisting the dams such as Hirakud, Rengali, Badanala, Harabhangi, Indavati etc. as they have caused mass displacement. Against the coercive State with a limited representation, they are seeking to put forth their agenda of social transformation. The agents of civil society are gauging the coercive nature of the State and the limitations of bureaucratic structures in initiating change in the fractious society of Orissa.

These social movements assert that the guardian role of the State is not acceptable to them, as in the name of national interests, the State displaces number of vulnerable and marginalised sections of the Orissa society. They protest against a system where the interests of the ruling class are projected as national interest.¹⁵ Relating to politics, Rajni Kothari argues that these movements are 'really to be seen as part of an attempt at redefining politics at a time of massive attempts to narrow its range, different from electoral and legislative politics which has relegated large sections of the people outside the process of power.'¹⁶

It has been observed that the performance of the State was one of the significant factors responsible for the emergence of the voluntary sector. The voluntary sector ideology chose to register its protests by expressing a complete disbelief in the state. The state was seen as incapable of delivering the goods and services and therefore needed to be by-passed in the process of social transformation. Instead, the sections of civil society were appealed to reconstruct the pattern of development. Thus, the emergence of the voluntary sector also began a trend within the social movements in which the machinery of the State was

¹⁴ Council of Professional Social Workers, *Socio-Economic survey and Rehabilitation Plan for PAPS of Harabhangi Irrigation Project*, Report submitted to Water Resources Department, Government of Orissa, 1999.

¹⁵ Amita Baviskar, *In the Belly of the River: Tribal Conflict Over Development in the Narmada Valley*, (New Delhi: Oxford University Press, 1995), p. 38.

¹⁶ Quoted in *Ibid*, pp. 38-39.

critiqued,¹⁷ questioned and delegitimised. Therefore, the social movements rather than confronting the State choose to sideline it and focused on the civil society. Now the role of grass-root movements has been glorified in the transformation of civil society. These grass-root movements basically addressed the subtle, local level problems. The struggles of the grass-root organisations are described as micro struggles.¹⁸

Many of the specific aspects of social movements in fact may take the form of what has been termed a “non-governmental organization” (NGO). NGOs are not generally social movements, but may become allies or parts of social movements. These organizations have become an integral feature of contemporary development policy and practice. For instance the appearance of NGOs like Thrive, Antyodaya, Lok Drushti, Gram Bikash and Agragamee. In Orissa these Organizations are in far flung areas which have come up during 70s and are considered as the best means for the distribution of development resources and also as the best providers of development expertise. But the working of these NGO s in Orissa also have a flip side. Most of them engage in practices where they would gain a lot and by behaving as the so-called agents of the international financial organizations. They do to get funds and in course of time they merely act as puppets in the hands of these external agencies As a result they are no more autonomous bodies rather they become the hand maid of these agencies.

So what is perceived by most of the people in Orissa is that the civil society organizations are just a farce. So indeed it would be wrong to generalize about the working of the anti people policies of these NGOs. It has been seen that Organizations like Lok Drushti and Thrive mobilize the unemployed youth in Orissa to fulfill their own vested interests rather than those of the poor people. From the development perspective, these NGOs have frequently been seen as catalysts through which local people could become participants in rather than objects of development efforts.. In other cases, however, NGOs like Agragamee and Gram Bikas which are in Kasipur in Koraput and Mohuda in Ganjam district respectively, have given priority to local needs like These associations have abstained themselves from these low practices of profiteering and have brought forth immense benefits to the people of those areas .

¹⁷ Vijay Mahajan, “Challenges Before Voluntarism,” *Seminar*, no. 473, January, 1999, p. 85.

¹⁸ Harsha Sethi, “Micro-Struggles, NGOs and the State” in Manoranjan Mohanty and P. N. Mukherjee (eds.), *People,s Right: Social Movements and the State in the Third World*, (New Delhi: Sage Publications, 1998), p.409.

The NGOs in Orissa depend on donors for funding and they justify their role and actions by the claim that, as non-governmental organizations, NGOs can eliminate many of the problems of inefficiency and corruption inherent in the bureaucratic functioning of governmental agencies. NGOs depend on communities for legitimacy. Since their fundamental model is participatory, without the active involvement of local people, they lose their raison d'être and become simply top-down development professionals.

NGOs take different roles in resettlement work. Some NGOs work for the entity promoting the development project in the planning of resettlement communities. Others work to improve the conditions of those communities that have accepted or have already been resettled. For example, Agramee found total opposition to the Indravati Project, Gram Bikash in Harbhangi and Badanala Project unrealistic and elected to improve resettlement policy of the Indian States involved and the resettlement conditions of the communities designated for relocation.¹⁹ Still others work to assist those communities that have chosen to resist resettlement, providing information, media assistance, organizational capacity, networking and financial resources.

Though there is a mushrooming growing of NGOs in Orissa, only two or three NGOs are active with the issues related to displacement and rehabilitation. In this context, Agramee turns out to be one of the most important NGO that actively dealing with the social issues. Achut Das in 1981, a prominent figure, who was a member of different advising committees of the Union government and the Orissa government as well, founded this organization. From 1981 onwards, this NGO is engaged in addressing the problems of project affected people in Koraput and Kalahandi districts, especially, it helps the government to in rehabilitating the dam-affected people of Indravati. Still it is fighting for the tribal people of that area, who are the major victims.

Gram Bikash is a leading NGO in the coastal Orissa with its headquarter at Mahuda near Berhampur of Ganjam district, Orissa. It worked on many projects related to development-induced displacement with the State government. Some of the important

¹⁹Monitoring and Evaluation of Resettlement and Rehabilitation OWRC, *Final Draft*, (Utkal University: M & E Consultancy, 1996), pp. 17-18. For similar kind of argument, see Ranjit Dwivedi, "Resisting Dams and 'Development': Contemporary Significance of the Campaign against the Narmada Projects in India," *European Journal of Development Research*, 10(2), 1998, p. 150.

projects that have been operationalised are Ghodahada project and Chhelligoda project etc. in Ganjam district. The significant work that has been done by this NGO is the resettlement of the project-affected people of Harbhangi and Badanala project and the post-project evaluation of the two above-mentioned projects. During the projects, it gave some practical suggestions related to the viable implementation of R & R settlement.²⁰

The increasing importance of NGOs in development work, including their access to significant financial resources, has greatly enhanced their participation in the various problems in resettlement in general. The expansion of the number of NGOs working in DIDR resistance is largely among those devoted to environmental and human rights issues. The linkage of these two global movements- environmentalism and human rights- with the resistance of people threatened with relocation or suffering from poorly implemented resettlement entails a critique not only of the model of development that accepts the necessity of relocating people for national priorities, but also a questioning of the scale of development interventions that create major disruption for both people and environment.

Any kinds of theorizations about the movements are identified as spontaneous expressions of dissent and positive attempts to rebuild the civil society. People's movements initiated by Gram Bikas within the ambit of civil society has acquired much importance as these movements, which comprise groups having links with the Socialist Party, environmentalist of various shades, Gandhians and Neo-Gandhians favour an alternative models of development by opposing the onslaught of present pattern of development. These people's movements also operate within the local areas of Ganjam Gajapati, Boud and Kandhamala districts in Orissa and have support bases among the project-affected people. The people have distinct identity in order to justify the uniqueness of experiences of injustice faced by each groups.

There are committed NGOs in Orissa such as Agrammee, Gram Bikash etc., sincerely believing in their crucial but transitional role in empowerment of women, tribal and other uprooted people by helping the displaced people to cope with their problems of organization, leadership and interacting with authorities for faster development and to bring to

²⁰ *Dainik Asha*, (Oriya Daily), December 25, 1998, Berhampur.

the notice of the authorities the unintended negative consequences of their well intentioned programmes and courses of action.

The NGOs play a vital role compensation fixation and investment but only from the start of evacuation of the displaced persons until effective resettlement and rehabilitation of oustees. Involvement of volunteers from among the displaced people, by inference of the people's institutions has been welcomed for assisting the Resettlements and Rehabilitation Officer, but not for advising him or his staff. This partially claims the drawbacks of the Resettlement and Rehabilitation policy, where it failed to recognize the real displaced oriented policy. The constitution of colony wise organisations should be emphasized by acquiring organisational and technological knowledge and skill.

If resettlement today figures prominently on the development agenda, the credit goes to civil society groups. The continuous and persistence campaigns by the NGOs give voice to the displaced people. The NGOs have done a lot to bring about a perceptible change in the way the resettlement task is visualized. The civil society groups are also lobbying for full fledged and comprehensive rehabilitation policy. At the national level, the NGOs have come up with alternative rehabilitation proposal by emphasizing upon the strengthening of budgets. In addition to provide human resources to implement effective Resettlement Action Plans, NGOs also provide important lobbying functions to ensure greater compliance with the newer and stranger policy guidance.

It is clear from the struggles made by NGOs and social movements is that in the beginning, the NGOs and social movements were more concerned about refinement or demand for full fledged rehabilitation policy, but since last two decades, their struggle is against the construction of dam itself. So, in this sense, the struggle was first a protracted struggle and later on it has become the continuous one. But the limitation of these movements and organisations is that entirely disentangling the role of big dams is practically impossible, as large dams work as a unit in bringing water to the agricultural field.

While some thought that an alternative to the official policy amounted to taking displacement for granted and that one should aim at displacement policy, others felt that the policy and laws they were drafting were based on the principles that displacement cannot be

taken for granted was implicit in their demand. They wanted to go beyond it to work on a policy that makes displacement difficult. The draft policy was finalized by NGOs in September 1995 and presented to the Secretary, Ministry of Rural Development in early October. Some of the main features of this draft were:²¹

- By focusing on people's rights, they felt that the principle already enunciated that compensation is to be based not on market value but on replacement value, responds to the most of the displaced peoples belonging to the informal sector who lose their livelihood without any alternatives being provided. The alternative that is suggested is replacement value would involve quantifying the livelihood they lose, the psychological trauma of forced displacement and the loss of the socio-cultural and other community support system. Compensation should include these factors.
- The second suggestion made by NGOs is to underline the importance of the principles of equity and fairness as the basis of development. In other words the right of the people to take their own decision or be involved in official decisions concerning their livelihood that is to be sharers in the decision concerning the project itself be respected. They have a right to have adequate knowledge about the public purpose of the project, the non-displacing and least displacing alternatives should be given due importance.
- The next suggestion includes the minimization of displacement.
- There should be one law to govern both rehabilitation and land acquisition.
- The NGOs gave due importance to the principle that the formalities of rehabilitation has to be completed before taking physical possession of land. This principle should not only focus on merely economic but also to attend to every aspect like, the people should be made literate and equipped for skilled and semi-skilled jobs made available by the project. However, the focus of the NGO alternative was based on community, not individuals or even families.

²¹ Walter Fernandes, "National Draft Policy for Rehabilitation: Principles of the NGO Alternative" in David Marsden and Hari Mohan Mathur (eds.), *Development Projects and Impoverishment Risks: Resettling Project Affected People in India*, (New Delhi: Oxford University Press, 1998), pp. 268-274.

The voluntary organizations emphasize a participatory approach in arriving a decision as to whether a project has a public purpose. The need for organizing the displaced persons is advocated. The NGOs have also suggested changes in the manner of identifying of eligible persons. In fact, studies are called for so that all eligible persons are included in the list. The voluntary organizations also emphasize the need for school, medical aid and infrastructure for the displaced people.

The role of NGOs in pre- displacement and post-displacement periods deserves specific observations. NGOs usually concentrate more on questioning the legitimacy of the specific industrial or infrastructure project, which also gives an edge to their ideological fervour. The moment the NGOs take a stand against a project, they fight shy of entering into the task of implementing a good resettlement and rehabilitation policy even if it is proposed by the project. There are numerous NGOs campaigning against displacement in Orissa in the context of the present pattern of development, however, no well-established NGOs come forward to associate with rehabilitation and resettlement. Due to this, inexperienced local NGOs try to implement rehabilitation and resettlement or the fate of the project-affected people is left to the project officials and ultimately the result does not suit the affected people.²²

The role of civil society groups including NGOs is important because they not only focus on the inadequacy of rehabilitation and resettlement programmes but also question the very basis of such projects executed by the government in the name of public interest. At last, it can be said that though the enterprise of development brings in the problems of displacement, yet there is enough scope to respond and cushion the sufferings and traumas faced by the people and it can be done through a comprehensive process of rehabilitation and resettlement. NGOs along with social movements are instrumental in initiating protests and campaigns against large dams. Their protest is based upon the idea of dissatisfaction with the present pattern of development and search for alternative paradigm of development, which is feasible for both the development project and uprooted people.

²² R. N. Sharma, "Involuntary Displacement: A Few Encounters," *Economic and Political Weekly*, March 1, 2003, pp. 911-912.

The role of civil society groups is significant and crucial in bringing about re-rapprochement between the oustees in resettlement clusters or colonies and also in the neighbouring villages whose infrastructure and common property resources share with resettlement colonies. Now the NGOs have stood with the project affected people in good stead for securing higher compensation and better rehabilitation packages. The involvement of civil society in the Project Rehabilitation Advisory Committees has ensured the weight given to the views of problems of oustees. The NGOs are now a days associated with Base Line Survey, implementing Rehabilitation Action Plan and Retrofit Programmes etc. and organizing self-employment and reskilling of the affected people.

The NGOs, as part of civil society, also provide capacity and expertise building in the community and this becomes quite important as after the project is completed, the people's institution they help in forming in the colony or resettlement cluster may manage the maintenance and development of infrastructure and amenities.

Civil society is the inclusive society, in which both the oustees and project affected population, the victims of the development projects and the beneficiaries of the project, form parts. The displaced people are getting more and more organized to protest and agitate against involuntary displacement through voluntary organizations as they perceive their own interests and the interests of the project beneficiaries as reconcilable.

The proliferation of grassroot organizations like Agragamee, Gram Bikas and Thrive signifies a political space separate from and in opposition to the state. Most of the affected people who waged peoples movement against these dams were tribals and this put an enormous pressure on the Government of Orissa to take heed to their demands. In the case of development-induced displacement, a space for commonplace assertion can be created and through this negotiation can be done in favour of the affected as such which was not taken care of during the building of Indravati and Hirakud dams. There is a need for NGOs to scrutinize the desirability and justifiability of the project development intervention itself. During the implementation phase, the need is really to examine issues like human rights violation during appropriation of assets, disruption of nomadic routes crucial to the survival of nomadic communities and alienating people from their basic assets of livelihood. The social scientists can also play a role in post-resettlement monitoring and evaluation in order

to assess the trauma of displacement. However, Smithu Kothari gave utmost importance to NGOs along with social scientists in the sphere of development intervention.²³

The assimilation of project affected people's struggles into the anti-development/environmentalist agenda, the modern-reformist agenda or the socialist project neglects history, i.e., that the original inhabitants people have always fought against outside oppression on their own terms. Their history of resistance long precedes the advent of developmental, environmentalism or socialism. Whether or not the affected people go "environmentalist" or become "rights/justice oriented" and recognize the "failed promise of development" by the state, is dependent on a process of popular education that seeks to widen the scope and purpose of such movements to include state-centered-develop mentalist critique, resistance, articulation of new visions of the good life and/or make demands on the state to fulfill its commitments to them. In these instances, a process of popular education would also seek to have victims' consider the possibility of joining in solidarity with other groups that profess such agendas, thereby essentially inviting them to participate in a wider process of resistance and redefinition of social structures and values. Ideally, this would be a victim decision and not the result of some populist mobilizations engineered to co-opt them into a struggle that is not of their design or choosing.

²³ Cited in R. N. Sharma, Op. Cit., p. 911.

Conclusion

CONCLUSION

The urge for planned development in post-independence India has resulted in economic resurgence, particularly in the core sector including power, mining, heavy industry, irrigation and related infrastructures developments. But this has happened at an enormous cost borne by teeming millions of persons, who have been involuntarily displaced or otherwise deprived of their livelihood. While reiterating the right of all people to develop through an appropriate development policy, the experience of the past four decades shows that development has not reached the periphery. In this context, it is necessary to highlight the issues and concerns of development, displacement and rehabilitation, which this work has focused upon.

The primary reason for the failure of the Orissa government's rehabilitation effort seems to lie in the fact that it failed to perceive the issue of displacement in its totality and looked at it merely from an economic point of view. Hence, the alternatives it offered were exclusively of an economic nature ignoring the human dimension. Land was acquired from the people, compensation paid, and the Orissa government drew up a rehabilitation scheme. In the whole process the people who were affected directly were being relegated to the background and their voices were not paid much heed. There was a total lack of people's involvement and participation in Orissa and at no stage were they taken into confidence by the policy makers of the state.. All decisions regarding them were taken unilaterally by the Orissa government by not catering to the interests of the affected people .These decisions were merely communicated to the people and the worse, imposed upon them. Nor was any attempt made, opportunity created or body constituted to appreciate the concerns and needs of the affected peoples of Orissa

The compensation itself was extremely inadequate, meager and the rehabilitation scheme lacked an integrated approach. The problem was further compounded by the unhealthy practices adopted by government officials, petty businessmen and middlemen. This further added to the stress and strain of displacement. All this led to the miserable conditions of the people who in due course of time felt left out and alienated from the system as their demands and the state authorities did not address to concerns. The middlemen and the bureaucrats in this process of development which led to the displacement of teeming millions were the ones who reaped too much of profits at the cost of poor people . The presence of widespread corruption and exploitation demands that, in addition to drawing up a scheme and appointing an implementing agency, the government should see that the scheme is

carried out fully and the displaced persons are settled satisfactorily. Inbuilt regular checks and monitoring measures would have restricted corrupt practices to the minimum.

Another significant issue emerges from the high rate of illiteracy among the affected people and their low exposure to outside culture. The semi-urban culture that suddenly burst upon their tradition-bound society, created a culture shock which the people in general and the tribals in particular were unable to comprehend and resolve. That the people should be able to successfully encounter such a shock wave is either not even thought of or is simply presumed. Therefore, to equip the villagers to successfully handle their new socio-economic environment caused by the on-slaught of an alien culture, the affected need to be educated and mentally prepared.

Coercing them to resettle in artificially created rehabilitation camps can only serve to aggravate the pain of resettlement. For instance, the Hirakud oustees who made a heroic attempt to settle down in areas of their choice received some financial and other support from the government by way of provision of public facilities like drinking water, schools and Primary Health Centers (PHCs,). On the contrary, even today, the Revenue Department refuses to recognize those villages in which the displaced persons have rehabilitated themselves. Tilgi and Urda are the two examples to justify this fact. As a result, these villages fall outside the existing administrative structure and are not under the purview of any development al schemes.

In Orissa, a autonomous body, Rehabilitation Directorate took the responsibility to bring about greater participation of oustees and other affected peoples in the rehabilitation and resettlement process, particularly in Upper Indravati Hydro-Electric Project. But due to total mismanagement by the officers who had never worked in development sector, the rehabilitation could not be made people-oriented. There is a need to take care of these uprooted while formulating the rehabilitation policy in the future.

The experience of the empirical study of project affected peoples (PAPs) of the Rengali dam project makes it clear that the eight key risk factors, mentioned elsewhere, which cause impoverishment are interlinked because of either causal relations and their resultant impact on the displaced persons. It is, therefore, essential to take precautionary measures at

every stage by participation of the victims in the policy making which affect their day to day lives in the post displacement period .

Cultural considerations of all types of affected peoples, especially the tribal people of Orissa, must be taken into consideration while implementing any rehabilitation policy.¹ There is need to shift the focus from economic to cultural and social dimensions throughout the entire process of implementation. There is a need to educate the project engineers about the indigenous cultural knowledge of the affected people of Orissa.

The chapters in this work have been organized around the issues related to displacement. As the problem of development-induced displacement has attracted more attention, various ideas have been put forward to minimize the problem of mitigating its consequences. It is interesting to give some suggestions that may work out well for the said purpose.

Resettlement and rehabilitation issues need to be taken more seriously than they have been in the past. Hence an efficient national rehabilitation policy is needed, which will minimize the gap between the standard of living and quality of life of the pre-displace period and post-displaced period of the victimized people.

Rehabilitation is a delicate human task requiring a good deal of understanding and dedication. Therefore the need of the hour is for a comprehensive and legally binding policy on the subject, along with officials who are motivated and genuinely interested in implementing such policy.

In the planning and implementation of development projects, the authorities should explore all feasible alternatives to avoid displacement altogether. Where it cannot 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, displacements should not

¹K. C. Alexander and Others, *Tribals, Rehabilitation and Development*, (Jaipur: Rawat Publications, 1991), pp. 135-136.

threaten life; dignity, liberty or security² and it should be effected in conditions of adequate shelter, safety, nutrition and health. Simultaneously, an approach based on 'recognition of rights' and 'assessment risks' should be developed as a tool for future planning and decision-making. Such an approach would build upon the normative framework and the evolving network of governments, international organizations and private organizations committed to their implementation.

The important fact is that there is rethinking in the 'matter of resettlement and rehabilitation.'³ There is a realization that deprivation commences long before the launching of the project; not only because of the trauma and anxiety, but also because all development programmes cease as soon as a plan for a project is made. There seems to be more of a meeting ground between the authorities, activists and the voluntary organizations. Perhaps, this will result in a fairer justice to the deprived in the on going and further projects.

Further, it can be suggested that those working in the development field increasingly recognize that the highest priority is to avoid displacement in the first place. Failing that, a positive next step towards minimizing the negative consequences of development induced displacement would be to expand the guiding principle to spell out procedural guarantees, thereby ensuring that displacement is carried out in a manner consistent with international human rights and humanitarian law. Such guarantees could play a key role in the work of those whose aim it is to analyze potential impacts, where social, economic, cultural or environmental, minimize impoverishment risk, and maximize reconstruction potentials.

As far as the resettlement project is concerned, we need to hold together, and to keep apart, four key elements in a resettlement project: (i) the political realities and power differentials; (ii) the logic and the bureaucracy of planning and implementation; (iii) funding; and (iv) the complexities of the processes that arise when we try to combine providing people with increased options through development projects, with at the same

² A. P. Barnabas, "Development, Disasters and Displacement: An Appraisal of Policy for Resettlement," *The Indian Journal of Social Work* 63(1), January 2002, pp. 72-73.

³ Sujit Kumar Mishra, "Displacement: A Major Trauma in the Name of Development", *Madhya Pradesh Journal of Social Sciences*, 7(1), January-June, 2002, p. 97.

time depriving them of options by moving them, usually against their will.⁴ This imposes an ethical obligation upon all of us who are involved in any kind of way with the resettlement process and with any kind of influence upon it.

The first requirement in countering impoverishment is to restore confidence and faith among project affected peoples by ensuring transparency in the working of the project. People must know its pros and cons.⁵ They must also see its urgency in the best interests of the nation. Currently the projects are being implemented without taking into confidence the affected people who are going to be affected most adversely. This leads to confrontation between the people and the project authorities.

The rehabilitation packages should be developed mainly by the project-affected peoples, for which the agencies concerned should play a facilitator's role. These must go into the minutest details, keeping in view the interests of all people. At present it is the powerful amongst the project-affected peoples, who get the lion's share from the rehabilitation package, especially the jobs.

One major concern should be to ensure just and timely payment of compensation money and rehabilitation assistance to each eligible project affected people. The general experience is that the compensation money is paid much before the actual resettlement, with the result that most of it is spent on consumer goods for mere survival rather than acquiring land or other productive assets. Due to unusual delay in providing rehabilitation assistance, most project-affected peoples are forced to live in extreme hardship.

NGOs, because of their proximity to the people and greater access to information, should assist project affected peoples in exploring better sites for resettlement and in ensuring their participation in decision-making processes for a smooth transition. NGOs, along with project- affected peoples, should prevail on the authorities for prompt and proper development of resettlement sites with all amenities and infrastructure. They should help the authorities to

⁴ Chris De Wet, "Economic Development and Population Displacement: Can Everybody Win?," *Economic and Political Weekly*, 36(50), December 15, 2001, p. 4645.

⁵ L. K. Mohapatra, "The Orissa Resettlement and Rehabilitation of Projects Affected Persons Policy, 1994: A Critique," *Social Action*, 45(6), July-September 1995, p. 323.

distribute the compensation money in a transparent manner. NGOs, in fact, should facilitate the formation of a pressure group of the oustees to ensure better negotiation with the administration as well as to oversee development works on the resettlement site.

Involvement of a panel of reputed resettlement experts, including international experts where necessary, is extremely useful in transferring international best practice to the efforts to design resettlement. Such expertise is routinely employed during resettlement implementation, usually as part of an environmental review panel. The use of such panels during the planning stage can help substantially improve the resettlement programmes.

The development project should also include the following main aspects: systems for preparation, review and approval of resettlement plans should be established; early detailed surveys of who is affected, in what ways and when should be conducted; discussion on feasible resettlement alternatives with the affected people, and design mitigation for all categories of impacts; verification of the technical, legal, financial and economic feasibility of the resettlement entitlements; feasibility assessment of resettlement sites should be conducted; strong institutional design should be ensured to deliver the promises; the schedule of dam construction and resettlement implementation should be linked; working out of institutional mechanisms to consult affected people throughout the planning and implementation phases; consultation should be made to the host communities, grievance redress system should be established etc.

Free and fair dealings by project authorities are crucial to ensure smooth rehabilitation and thereby minimize the impoverishment risks. Experience suggests that most project-affected peoples suffer a great deal due to under-valuation of their assets for compensation. Family enumeration is another aspect where anomalies are substantial, which go against the interests of project-affected people. They have a real challenge in making the authorities amenable to accept the wrongs on both counts and in rectifying them without delay.

Project-affected peoples require guidance for proper use of their compensation money. Generally, it is found that once compensation money reaches the project-affected family, voices follow immediately. In the absence of proper counseling, touts swindle a sizeable amount through false promises and misleading suggestions. If the compensation and

rehabilitation money is invested judiciously, a more satisfactory economic rehabilitation is possible. Support from the financial institutions may be ensured for furthering the economic activities with viable marketing linkages. NGOs, who are well accepted among the project-affected peoples, have the advantage of acting as catalysts for restructuring their social fabric and improving their economic condition through a process of collective thinking and community action.

A rehabilitation policy should not be based on the assumption that displacement is inevitable. It should rather ensure that non-displacing or least displacing alternatives are studied and a people-displacing scheme is the last resort for a genuine public purpose. For example, some noted hydro-engineers are of the view that medium dams on the tributaries of the main river can yield nearly the same benefits in power generation and flood control as major dams do. The alternatives suggested are quicker and cheaper to build, do not pose the sort of threat the big dams do, and cause less and at times no displacement (Singh 1995: 4). There is a better chance of their benefits reaching the local communities while most benefits of large projects go to outsiders. What is said dams are equally true about other projects.

A policy should be realistic. If a participatory approach is proposed it should be reflected at the implementation level. A proportionate representation of project-affected peoples from all sections of society (caste, gender, religion, occupation etc.) should be included in the committees constituted for the purpose. The NGOs should have a proportionate representation and the local community should select them.

There should not be ambiguities in a policy. The policy promises a booklet containing information on the project, but the time when it is to be given is not specified. To make it purposeful the booklet should be circulated at least a year before beginning action for land acquisition. With advance information on the rehabilitation benefits, which they are entitled to, the displaced peoples/project affected peoples will be in a better position to negotiate with the project authorities than if they are ignorant of what is due to them. They may also be helped to plan the use of their compensation amount in a productive manner, and be able to put their grievances across to the authorities and make a more rational choice among the alternatives offered than they would do without this knowledge.

All purchase, sale and lease of land in the affected as well as beneficiary, one should be frozen at least one year before the notification. The former is meant to ensure that outsiders do not buy small plots in the area in order to get the benefits of displaced peoples and so that the inflation of land prices can be checked and the project affected peoples can buy land in the 'benefited zone' with the compensation money.

Replacement value, not market value should be the basis for compensation. Since land for land and replacement value is fundamental principles, it is reasonable that the compensation payable for land acquired is the same as the cost of the replacement land. Hence the compensation quantum should meet the extra cost involved in buying it, attend to the replacement of community property rights and other community systems, and assist the project affected peoples in their psychological, social and economic adaptation and to cope with the trauma of displacement.

Materials like seeds, fertilizers, implements etc. required for agriculture should be supplied free of cost to the project affected peoples for the first year and on loan for the subsequent two years.

There is a provision for income generation of the project-affected peoples through schemes like dairy, poultry, pisciculture, agro-based and forest-based industries etc. But the policy makers remain silent on the issue of marketing, which is controlled by a few vested interests and has been found to be extremely exploitative in nature. The project-affected peoples may not get anything out of the scheme if only income generation schemes are suggested without serious thought given to marketing. Therefore, the planners should think in terms of cooperative societies with adequate management training given to oustees in forward and backward linkages. The cost of the training should be borne by the project. The Government should also think in terms of translating the policy into a law.

Finally, it must be kept in view that while working for the rehabilitation of project-affected peoples, it is the project-affected peoples, who should be put into the centrality of all efforts. The interventions should aim at twin objectives, first to ensure definite means to counter impoverishment risks much before the commencement of the project, and secondly to initiate a process towards empowering them through the formation of 'people's institutions' in

the villages and equipping them with information and knowledge and required skills so that they may be in a position to safeguard their interests themselves.

Conclusion

Though the policy makers have expressed their desire to formulate a comprehensive resettlement and rehabilitation policy, the ultimate product does not come up to these expectations. The basic assumption of the policy seems to be that displacement is inevitable and that an effort should be made to minimize its trauma. As such it retains its welfare perspective, despite the terminology used. For example, despite the talk of total rehabilitation, for all practical purposes, it limits itself to economic resettlement. At times one gets the impression that it is an effort made to get funds from the World Bank at one end and to stop the agitation of the displaced peoples at the other.

The issue of Rehabilitation and Resettlement should be taken far more seriously than has been done till now. The policy makers should understand the trauma the displace peoples/project affected peoples go through, and provide adequate protection to them to ensure that the planners and project authorities respect them, are sympathetic to their traditional economy and Knowledge systems in such a way that the project affected peoples gain much from the project even while losing their land to it.

This cannot be done as long as the policy makers limit themselves into economic resettlement. One has to go beyond and think of their right to improve their standard of living after displacement. For this to be achieved, the very understanding of development has to change. Today many are deprived hood in the name of national development. But its benefits reach a small minority. A rehabilitation policy has to be such that the project becomes a genuine tool of national development and its benefits reach all the segments of the population. The Orissa policy does not live up to these objectives and has to be changed in that direction.

Annexure

GOVERNMENT OF ORISSA
DEPARTMENT OF WATER RESOURCES
No. 25296 / WR., Bhubaneswar Dt. 27.08.94
Major-Irr-1WB/104/93

RESOLUTION

Sub: Orissa Resettlement & Rehabilitation OF Projects affected Persons policy.

Construction of Water Resources projects is likely to affect human settlement. Consequently there is cause for resettlement of the affected persons. It should be the objective of the Government in general and the concerned project authorities in particular to resettle and rehabilitate the affected persons in a manner so that they do not suffer from adverse effects and their former standard of living is restored in the minimum. With a view to providing for the resettlement and rehabilitation of persons displaced from lands which are acquired for Water Resources Projects and for streamlining the procedure connected therewith, Government after careful consideration, have been pleased to lay down the following policy guidelines, namely:-

THE ORISSA RESETTLEMENT & REHABILITATION OF PROJECTS AFFECTED PERSONS POLICY, 1994.

1. Short Title & Commencement.

- (1) This policy may be called the Orissa Resettlement & Rehabilitation of Projects affected persons policy, 1994.
- (2) They shall come into force with effect from the date as would be notified by the State Government and shall repeal all the existing orders and Instructions etc., on the subject from the date of such notification.

2. Definition.

In this policy unless the context requires otherwise :

(a) "Affected Zone, In relation to a project/means the area comprising the lands already acquired under Land Acquisition Act, 1894 or through other procedures determined by the Govt. by notification for the purpose of Project activities."

Note: Villages isolated due to construction of any water resources projects and there by becoming socio-economically unviable may be declared as affected village.

(b) "Affected person" means a person who is affected in respect of his/her land including homestead land and structures thereon, trade and occupation due to construction of the project within the affected Zone.

Note: A displaced person is a project affected person, but a project affected person may not necessarily be a displaced person.

(c) "Agricultural land" means land used or capable of being used for raising of crops, grass or garden produce, horticulture, dairy farming, breeding and keeping of live stock and used as pasture or for any other purpose where such use is ancillary to agriculture.

(d) "Benefited zone" means the area that would get benefit from a project. In relation to an irrigation project, it is the command area.

(e) "Director" means the director of Resettlement & Rehabilitation appointed by Government.

(f) "Displaced Person" means a person who since at least one year prior to the date of publication of the notification Under Section 4 of (the Land Acquisition Act, 1894, has been ordinarily residing, and who on account of acquisition of his/her land including homestead land in the submergence zone for the purpose of the project is displaced from such land. This would also include landless labourers.

Note: A person, who has not to leave his /her place of residence, does not get physically displaced. Hence cannot be termed 'displaced' person.

(g) Family, in relation to a displaced person, means,

(i) Such person and his or her spouse, minor sons, unmarried daughters, minor brothers or sisters, father & mother and other members residing with him & dependent on him for their livelihood.

(ii) A son who is more than 18 years of age irrespective of his material status,

(iii) The unmarried daughter who is more than 30 years of age.

(iv) Physically and mentally retarded persons, irrespective of their age and sex.

(v) Minor orphans who have lost (he parents and have nobody to fall back upon. Such orphans numbering more than one in a particular family will be clubbed together & counted as one family.

(vi) Share croppers/holders if recorded as such in the Record of Rights, (vii) Divorcees and widows having no source of livelihood.

(viii) A person in whose favour encroachment if any within the affected zone is settled as per the law of the land.

Note:

1. (i) Certificate issued by a registered and duly authorized medical practitioner In the particular discipline will form the basis for acknowledging the claims of physically and mentally retarded persons.

(ii) The blind, the deaf, the orthopaedically handicapped and mentally retarded persons suffering from more than 40% permanent disability may be enumerated as separate family for the purpose of rehabilitation.

(iii) The certificate furnished by the medical practitioner should indicate the nature & percentage of disability.

(iv) In case of any doubt, the case may be referred to the Medical Board. After receipt of the report from the Medical Board, the case will be disposed of on its own merit.

2. For the purpose of treating a woman as divorcee, legal document If any in support of the claim will be sufficient. The claimant can also make an affidavit and file her claim along with a copy of such affidavit for eventual decision after due enquiry by the R, &R.O

3. For (he purpose of treating divorcees and widows having no source of livelihood as separate family, financial benefits like old ;ige pension etc. availed of by them should not be taken into account.

(h) "Government ", means the State government.

(i) "Holding", means the total land by held by a person as a land owner including share cropper/ share holder and Govt. lease holder.

(j) "Land", shall have the same meaning as defined in the land Acquisition Act, 1894 which slates "the expression 'land' includes benefits to arise out of land and things attached to the earth of permanently fastened to anything attached to the earth".

(k) "Land Acquisition Officer", means an officer appointed by the Govt. by an order lo perform such duties under Land Acquisition Act 1894, for that project. U also includes a special Land Acquisition Officer.

(l) "Landless Labourer", for the purpose of this policy, means a person of either sex who docs not hold any land but who resides in the submergence area for a period not less than one year immediately before the declaration of notification Under Section 4 of the Land Acquisition Act, 1894 of the village (revenue village) in question and earns livelihood principally by manual labour on agricultural land or as a rural artisan and who is deprived of earning of such livelihood due lo conversion of the said area into submergence zone.

(m) "Non Govt. Organization", means any organization outside the Government machinery duly registered under Society Registration Act and devoted to performing socio-economic voluntary activities.

(n) "Outstees", means same as displaced person.

(o) "Project", means the construction, extension or improvement of any work (Reservoir, dam and appurtenant, canals) for the supply of water for the purpose of irrigation construction, extension, improvement or development of which adversely affects persons from lands which may be used for such work.

Mole: Government by notification may also include any other work/project of public utility for adoption of this policy.

(p) "Resettlement & Rehabilitation Officer", In relation to a project, means an officer appointed by the Government by an order in writing for that Project for the purpose of this policy.

(q) "Submergence Zone/area", means the area which comes under submergence due to impounding of water in the reservoir of the project. Note: It will come under the "affected Zone", but may not be the whole of the "affected zone".

(r) "Schedule", means schedule appended to this policy.

3. Socio-Economic baseline survey.

The main objective of the resettlement and rehabilitation of displaced persons is to ensure that the persons so displaced by a project receive benefits from it and are re-established in such a manner that their former standard of living (prior to displacement) is restored, in the minimum. In order to achieve this, an accurate baseline survey in the area to come under submergence/affected zone must be done. Detailed guidelines for conducting socio-economic baseline survey are given in Schedule 'A'.

4. Identification of new R & R Site

As far as possible, adequate and suitable land for resettlement of the displaced families should be selected in the Command Area of Irrigation Project concerned and the land should be free from all encumbrances so that there is no difficulty in recording the land in favour of the resellers. The site so selected should be very close to the submergence area as far as practicable, so that there is not much of environmental differences; and those displaced persons who have left with their balanced agricultural land unsubmerged can continue to cultivate them even after shifting. Representative of the outstees and voluntary organizations may be involved in the process of identification of settlement sites at different places.

Note: For the purpose of settling displaced persons on land, Government may be subject to any rules made in this behalf to acquire land.

5. Host Population:

Pressure on land leads to encroachment. This is intensified due to the prospects of irrigation water that would be available on completion of the water distribution system. Hence if the site selected for resettlement purpose lies in the Command Area, the same is likely to be occupied by encroacher. This may create obstacle in effective resettlement of displaced persons, if not well studied and incorporated in the action plan. Detailed census of such host population is, therefore, very much necessary. Not only that, with a view to integrating the displaced and host population, resettlement plan and Programme should be chalked out in such a manner that the host communities are involved from the stage of planning for development of sites itself. All development related problems of host communities should be solved so that they do not feel neglected in any manner.

6. Development Plan for the New Settlement Sites.

Resettlement planning should begin immediately after the basic baseline survey is completed. Planning should be made for each displaced/affected village and resettlement site and should have a distinct, lime frame for all activities. The content and level of details of any resettlement plan will vary depending on the magnitude of resettlement activities. Guidelines for the preparation of R & R Action Plan arc indicated in .Schedule 'B'.

7. Identity Cards/Dissemination of Project information.

"Praman Patras" or identity cards may be issued to all displaced heads of family, In token of their displacement. The card would contain the names of the head of the family, his age, caste, father's name, village and thana from which displaced, name and age of other family members dependent upon him. There would be an attested passport size photograph too of the person ' issued with Identity cauls. The card would be delivered on the date of shilling under proper acknowledgements.

Prior to the issue of identity cards, informations related to the project (its salient features, benefits, etc,) the salient features of the Resettlement and Rehabilitation policy and the resettlement Programme in brief must be disseminated in from of booklet. Other credible and reliable means of information dissemination should also be adopted so that the displaced persons arc fully aware of their fate sufficiently before (he actual resettlement process begins. Further there should be information campaigns and meetings with all the project affected persons so as to enable them to be thoroughly knowledgeable about the proposed R & R activities.

8. Payment of Compensation.

Due process of law outline by the Government should be followed in acquiring land and properly and in payment of compensation.

Note: Government shall set up Lok Adalat for the purpose of speedier disposal ofgrlcyanccspf project affected persons relating to award and payment of Compensation which are subjudice in the courts. 'Procedure to be adopted for constitution of Lok Adalal is at Annexure -.1

All compensation money due, to the displaced persons should be paid well before the date of his/her shifting, in order to ensure that (here is no misuse or abuse of the said money, by the awardees. Government may also prescribe withdrawal of money of the recommendations of The R & R.O

As regards public property like school building, club house, Hospitals, Electrical installation etc., the depreciated value of the properly submerged/affected should be deposited with the, Departments/Agenc es owning Them for substitution at appropriate place as would he determined by Them. Differential cost if any for such substitution will be borne by the Department/ Agency concerned.

Note: Public property here for this limited purpose means, those property /amenities which arc not to be provided in the resettlement colony as per the R & R policy.

Compensation money (awards submergence of temples and other religious places as admissible would be deposited with the organization administering the management of the same and the project authorities will help in their resettlement at places identified by the respective organizations. Differential money if required for construction of a similar type of temple, mosque etc, before submergence, will be paid by the project. There will be no additional payment if any beyond compensation money, towards cost of new site. Allotment of land made for the deity by the project, should be as is applicable for a displaced family.

9. Rehabilitation facilities.

(a) Shifting:

All displaced families will be provided free transport for themselves and for the house building materials which they can salvage from their old houses up to the new site of settlement.

Shifting to the new settlement colony sponsored by the project authorities will not commence until the infrastructure development required to be done there have been done. Nevertheless shilling has to be ensured before the impounding the reservoir commences. The gap between the time of payment of compensation money and the actual shifting results in wasteful expenditure of the amounts and makes the settlement of the displaced persons in the new places more difficult. On the other hand during the interim period perspective out sees continue to cultivate their land and stay in their houses. Hence physical shifting should be commensurate with the payment of compensation money & rehabilitation assistance. The guidelines to be followed for evacuation of perspective out sees are indicated in Schedule 'C'.

(b) Allotment of Land:

(I) Allotment of Government Land:

(a) "Land for land should be the main objective of R & R. Land may be allotted in the benefited zone. For that matter, ceiling surplus land may be assessed for allotment to affected persons. Government may also consider acquisition of land for such allotment. But land gradually becoming scarce, should not be allotted indiscriminately. Displaced persons losing whole of their land will get priority over those losing land partially and displaced persons losing homestead land will be given developed homestead plot in the colony with all civic amenities. However, In case of tribal, land for land should be very meticulously followed. Agricultural land @ 2 acres (Irrigated) or 4 acres (un-irrigated) and homestead land @ A 0.20 per displaced family should be allotted. Reclamation of the allotted land should be done at project cost.

Note: 1. While allotting land, its status at the time of allotment I.e. whether irrigated or Un-irrigated will be taken into account and the future scope of irrigation facilities will be ignored for the purpose.

2. Where any land held by a displaced person at the time of acquisition is burdened with a mortgage, debt or any other encumbrance, such mortgage, debt or other encumbrance shall be deemed to be transferred there from and attach itself to the land allotted to the said displaced person at the new place. b) For the purpose of displacement, village should be taken as a unit. Any village where homestead land is not affected or partially affected; but more than 75% of the total agricultural land is acquired or it is found on due enquiry that partial acquisition of land and property in submergence zone may lend to a socially and economically unviable living, the entire village may be treated as fully submerged village and R & K benefits given to all the villagers as per R & R policy. For this purpose, balance land left with the individuals/ community institutions etc. may be acquired and taken over to Government account for compensatory afforestation, plantation and similar other uses.

c) A person who loses land for lie project but is not displaced and who is entitled, to get compensation for such acquisition will get an equal area of land if un-irrigated or half the area if irrigated but not more than four acres of un-irrigated land or two acres of irrigated land as rehabilitation benefit along with reclamation cost.

d) A person losing his/her only house due to acquisition for the project, but the village is not displaced and who are entitled to get compensation will be given an equal area of house site subject to maximum of AO. 20 along with house building assistance as applicable to the outsees.

e) A person of the affected village who has no landed properly whatsoever will not be entitled to any rehabilitation benefit, if The village is not evacuated due to construction of the project but if the whole village gets relocated, he/she will get the rehabilitation benefits as at (c) and (b) above.

f) A person who loses a portion of his only holding and thereby is compelled to lead an uneconomic living, he or she will gel all R & R benefits as al (c) and (d) above.

g) In case of displacement from encroached Government land, rules and procedure as in force in settlement of encroachment will be followed vide Annexure-I.

Complete details of the land available with the project authorities for allotment to the affected persons should be maintained with the R & R.O. in his office and before allotment, the allottee should be shown these lands to know their option if any. The strategy should be to relocate particular communities, especially the tribal as such at the new site, instead of relocating the displaced persons as individuals.

(ii) Land for purchase:

(a) In the exceptional cases where The Government are unable to provide land for land for any agricultural, homestead land or The Government lands offered to The outsees are not acceptable to him on valid grounds, the R & R O will hold the outsees in purchase of private land from the compensation money/rehabilitation assistance due to them. For that purpose a "Purchase Committee" shall be formed under the Chairmanship of the R & R.O. The committee among others will be duly represented by the local peoples' representatives and representatives of the affected persons.

Note: (1) The displaced persons will give their option in writing about land to be allotted/ not allotted to them.

(2) Pallas issued to the displaced persons should be recorded jointly in the names of such entitled person and his or her spouse if any.

(b) For effective implementation of the land purchase scheme, Government may enact legal measures so as to prevent indiscriminate transfer of land especially in the benefited /one of the project. The purchase committee can also be empowered to accord prior concurrence of transfer of land if any.

c) The registration fees and stamp duty to the outsees families who purchase land within limit of 2 acres of irrigated or 4 acres of un-irrigated and A0.20 of homestead land within three years from the date of receipt of rehabilitation assistance will be reimbursed by The project authorities. Further such reimbursement will be admissible for purchase of land up to a limit equal to the rehabilitation cash grant. Necessary administrative arrangements may be made in this regard so that there is no difficulty faced by the land purchasers.

iii) Irrigation -Agricultural land not likely to get irrigation from the project should be provided with irrigation facilities (minor irrigation, lift points etc.) as far as technically feasible!

iv) Allotment of non-agricultural land:

Those outsees who cannot be allotted with agricultural land may be allotted with waste land/degraded forest land up to 4 acres for raising commercial forest plantation. Cost of development of the land for plantation would be born by the Project.

c) House constructions:- The outsees should build their own houses in the colonies where they resettle themselves. House building assistance as would be prescribed by Government would be given to them as one time grant. Further self-reliant low cost, and resource conserving building practices should be encouraged so that the resettlers can utilize efficiently the locally available resources. House building materials as far as practicable should be made available by the project on payment.

Note:

1. House building assistance @ Rs.20000/-per displaced family may be given. The base year being 1994, there may be provision for escalation every year as per official index prescribed by Government and revision of the amount of assistance in every 4th year. 2.The H. B. assistance will be granted jointly in favour of such entitled person and his or her spouse if any.

d) The following civic amenities should be provided in the sponsored resettlement colonies.

1. One two roomed primary school for every 100 families or less. There will be a drinking water well too in the school campus. 2. Drinking water well with trough as per the norm prescribed by Government of India under minimum needs programme.

3. One village pond for each colony irrespective of number of families resettled there.

4. One community Centre in the colony irrespective of the number of families. There will be a drinking water well also near it.
5. One dispensary for every 500 families.
6. Each colony should be linked to main road by all weather roads.
7. Each and every colony should be electrified.
8. Amenities like schools for higher education, Veterinary Dispensary, Pancliyal Ghar, etc., should also be provided by the respective administrative Department duly being supplemented by the Project.

Note: Operation and maintenance of the public institutions like .Schools, Dispensary, etc. should be tied up with the concerned line Departments of Government from the very beginning.

The colonies set up by the Project authorities must contain all civic facilities necessary for a decent community living. Fair price shops wherever required may be set up by the resettlers by forming cooperative societies or individually as the case may be. The Government should also pay equal attention for the development of the area near about the settlement colonies so as to create a healthy guests (resettlers) and hosts relationship.

In case of outsees opting to make their own rehabilitation arrangements and resettling in groups or clusters of ten and more number of families; minimum civic amenities of drinking water wells/lube wells, tanks etc. should be provided at Government cost. Effort¹, should be made to integrate them with the host population living in the respective revenue villages/^ hamlets. Further civic amenities like primary schools, community centres etc. if not existing in the host village, may be provided there or for group of clusters at project cost.

(e) Subsistence/Maintenance Allowance:

In order to compensate for the wages lost at the old site and to meet the daily necessities, each out see family should be paid subsistence/maintenance allowance as would be prescribed by the Govt. per month for a period of one year to be counted from the actual date of shifting. This may be on monthly basis or on one time basis for 12 months as would be decided by Government. Further this will be subject to the condition that the displaced family shifts from (the area in question as per the programme framed by the project authorities.

Note: 1. Subsistence/Maintenance allowance @ Rs.500/-per family per month may be given. The base year being 1994, there may be provision for escalation every year as per official index prescribed by Govt. and revision of the amount of allowance in every 4th year.

2. The subsistence/maintenance allowance will be granted jointly in favour of such entitled person and his or her spouse if any.

(f). Alternative Strategies:

Land, especially agricultural land being scarce, alternatives to land should be found out. However, homestead land as far as practicable should be allotted by the project. The R & R Programme should be seen as an integrated process which not only includes provision of housing and basic civic amenities but also measures to strengthen community organizations, promote and restore income generating activities, provide vocational training and social assistance services aimed at ensuring (the long term viability of the communities in the new and changed environment.

The viable alternatives to land could be:-

(i) Plantation around reservoir, social forestry, etc.

Plantation in and around the reservoir fringe should be developed with the participation of displaced persons.

(ii) Cottage Industry -Agrobased and forest based collage industries should be encouraged with provision of subsidy.

(iii) Dairy, pisciculture including reservoir pisciculture should be encouraged too under project patronage.

(iv) Vocational training -The resettler who are not fanners may wish to continue in their traditional occupations as Blacksmiths, tailors, barbers etc. There may also be others who do not belong to these trades, but want to take them up as their occupation. Hence free training facilities should be provided in different skilled and semiskilled jobs by identifying number of seals in existing institutions nearby; so that after training they can be on their own. Further Government will provide resources for self employment schemes.

(v) Eligible affected persons should be given first opportunity for employment in the project establishment and elsewhere in different project activities in Class III and Class IV posts for which no specific recruitment rules have been prescribed.

Note:

1. First priority will be given to the fully affected persons. Next priority will be given to the partly affected person.

2. Only one member from the affected family will be given This benefit.

(vi) Allotment of Shops/Houses.

At project cost, buildings for locating shops for different commodities should be constructed on Government land close to the project and allotted to those outsees who do not have aptitude for cultivation or employment, on long term lease basis. Finance IT required for running; the shops should also be arranged by Government for these outsee. Built up shops should also be allotted to the resettlers in the colonies after assessing the requirement.

(vii) Development programme:

In order to assist the resettlers to regain or improve the previous standard of living, secondary employment sources should constitute a major thrust In all resettlement programmes. After the infrastructural and operational linkages are organized during the stage of development of resettlement sites itself, the arriving resettlers should be covered under the following financial and technical assistance programmes. The Resettlement & Rehabilitation Officer should be made responsible for this and he will work in coordination with respective line Departments of Government to avail of benefits of different schemes. Special privileges as and where prescribed under normal rules should also be extended to the displaced persons.

(viii) Treatment of Tribals.

Keeping the customary rights of the tribal over forest and forest produce in view, and with a view to resettling them effectively, following arrangements shall be made.

a) Care should be taken to resettle the tribal people in groups and for which site should be selected accordingly, as far as possible very close to the area of displacement. The tribal being closely in socially cohesive groups, it is essential that they are rehabilitated in surroundings which are similar to the area from which they are displaced.

b) For resettlement of tribals forest land may be de-reserved. In case of difficulty in getting forest land for such purpose, steps may be taken to identify Government/Private land close to the area of displacement for resettlement of tribals. It should be the complete responsibility of the R & R O/Spl. L.A. & R.O. to relocate and resettle the displaced tribals in land based economy as far as practicable. In this regard, representatives of State T. W. Department should be closely associated.

- c) The tribal outsees who can't be allotted with agricultural land and whose living is mainly based on forest and forest produce should be enlisted to take to forestry and for this they may be allotted with waste land up to 4 acres for raising commercial forest plantation.
- d) All privileges enjoyed by the S.T./S.C. beneficiaries under various developmental and poverty alleviation schemes should be extended to the displaced tribal/S.C. persons too.
- e) In case of employment, outsees belonging to S.T./S.C. will be given priority over other categories of outsees.
- f)

10. Rehabilitation cash grant.

Although land for land should be the guiding principle of R & R of the outsees, there may be many of them who would like to be on their own and instead of moving to the project sponsored colonies would like to go and settle in place of their own choice. Such outsees on giving their options in writing will be given rehabilitation cash grant in lieu of land entitled to them. Detail accounts of all the outsees receiving cash grant should be kept and their mode of affective rehabilitation should be monitored so that the money received is not frittered away. Allotment of land in part and payment of rehabilitation cash grant for the remaining part of land out of total entitlement may also be given. In order to guarantee that cash grants are used for productive purposes, rehabilitation cash money may be kept In joint account of the outsees (in the name of the enlisted person and his/her spouse if any). Government will decide the payment of this grant to be made either as one lime grant or in suitable installments keeping the need of the resettles in view for fruitful investment. ,

Note:

1. Cash grant may be @ Hs.20.000/-per acre of irrigated land and homestead land and @ Rs. 10.000/-per acre of un-irrigated land. The base year being 1994, (here may be provision for escalations every year us per official index prescribed by Government and revision of the amount of grant in every 4th year. This includes cost of reclamation too.
2. Cash grant will be sanctioned jointly in favour of such entitled person and hisorherspou.se if any. Similar arrangements should also be made in respect of grant of other allowances as and when prescribed.

II. Review/Monitoring.

The Resettlement and Rehabilitation Officer will review the progress of evacuation of affected families and their effective resettlement, regularly every month. Monitoring should start with pre-displacement socio-economic base line survey and end with complete R & R activities. Among other the R & R. 0. will ensure the following.

Note: Complete R & R activity means a time frame of 2 years from the date of provision of R & R benefits.

- a) Enumeration of all project affected persons has been done properly.
- b) Shifting has been done as per schedule and the outsees have got their dues in lime.
- c) Local ion of colonies has been done at correct places. Allotment of land, provision of civic amenities in the colonies has been made as per norm and as per schedule. Construction of buildings, roads, tanks etc. is ensured as per standard specification.
- d) The colonies arc declared as revenue villages where necessary.
- e) Public services provided in the colonies are smoothly available to resellers.
- f) "Pallas" are distributed in time and encroachment, if any, is removed.
- g) Eligible resettlers are enrolled as voters to exercise franchise.
- h) The assets created in the colonies are transferred to the respective administrative departments well in time so that because of delay there is no difficulty in maintaining

them. This is very much necessary because after completion of the project construction period, the civic amenities created remain uncared for. Lack of timely maintenance and repair results in either complete damage or heavy expenditure on repair.

- i) Socio-economic, cultural, health etc. levels of resettlers. (Attempt may be made to improve these levels).
- j) Development programme as contemplated are in execution to the full advantage of the resettlers.

Responsibility of the R & R organization in the matter of resettlement and overall development of the resettlers is a time bound activity. It ceases almost with the completion of the project activities. Hence it is necessary that this responsibility is taken over by the respective line department of Government. Most often it is seen that the shift of responsibility from the project authorities to the line departments is very slow. Hence it is necessary to associate the line departments in resettlement programmes from the very beginning and the progress of shift of responsibility should be monitored regularly.

Another important aspect to monitor is to see that the resettled population are not forced out by real estate speculation once infrastructure and other basic services are completed in the resettlement sites.

12. Organisation.

a) Government Organisation.

(i) At the project level (here should be "one independent officer each for Land Acquisition and Resettlement and Rehabilitation, along with supporting staff of different disciplines as in the schedules D & E respectively. Of them the important disciplines are Agriculture and Co-operation, Soil Conservation, Small Scale Industries, Animal Husbandry and Pisciculture.

There will be a distinct development/construction wing also under it to execute programmes. The Rehabilitation Officer may be the senior Administrative Officer. He is the Chief Co-ordinating Officer between all the line Departments in the matter of planning and programming of resettlement programmes and implementing them too. Only officers and staff who are genuinely interested in the human problems of the outsees should be selected and kept in charge of the implementation of the programme.

(ii) There will be a Rehabilitation Advisory Committee as in Schedule "G"

The main functions of this committee inter alia will be to examine the rehabilitation schemes prepared for the affected persons to review their implementation schedule and results, recommend improvements, if any, etc. This committee will also ensure that the environment lost, if any, due to construction of the project and setting of settlement colonies is appropriately compensated and there are sufficient safeguards against deterioration of physical as well as social environment.

(iii) At the Government level there should be a separate Directorate of Land Acquisition/Resettlement and Rehabilitation in Department of Water Resources as in Schedule 'F' to supervise the L.A. & R.R. works in respect of all projects. The L.A. & R.R.O. will be directly responsible to Director.

Details of the staffing pattern of the office of L.A.O. /Spl. L.A.O., R & R.O. and the Director and the composition of the Rehabilitation Advisory Committee and their duties and functions are furnished in Schedules D, E, F & G respectively.

b) Community Organizations

In order to organize the resettlers, to educate and motivate them, to provide group support and to hold them to choose any vocation which can be used by them productively, colony wise organizations should be constituted. They will be provided with opportunities to acquire skills in

community organization, basic knowledge in application of modern agricultural implements, pesticides and fertilizers, animals care, etc. These committees will also endeavor that the resettlers in the colonies are accepted by the host population close by, as their partners in every walk of life. Further they will act as liaisons agencies between the project authorities and the affected persons in the matter of redressal of grievances if any. In absence of voluntary organizations, they will perform the work expected of a Voluntary Organization.

c) Voluntary Organisation.

There are certain inherent drawbacks in any structured organisations. The organisational capabilities of the R & R establishment can be usefully enriched by the active participation of well meaning, dedicated N.G.Os in implementation of different R & R schemes.

Non-Government organisations should be involved from the start of shifting till effective resettlement and rehabilitation of the outsees. Women's participation wherever possible should be encouraged. It is women who are to a very great extent responsible in making the natural resources productive & thereby enriching their families in particular and society in general. Instead of involving any and every organization, that organisation having experience in rural and community development works should be associated. Political consideration, if any, should be avoided. It should also be endeavored that involvement of such organisations if turns into conflicts between the resettlers and project authorities should be avoided. For that matter the involvement of these organisations should be well defined vide Schedule 'H'.

The project authorities may also utilise the services of volunteers from among the displaced persons to assist the R & R.O. and his staff in effective implementation of the R & R action plan.

13. Evaluation.

There should be a prepared chronology of all (the Resettlement and Rehabilitation activities too) of a project so that perspective of the activities can be had at a glance. An Independent evaluation work should be conducted by an organisation not associated with the project in any manner, to obtain an impartial view of the problems encountered and the ways of resolving them. Acceptable recommendations made by this body should be given due consideration for implementation.

Evaluation should be done twice in the minimum, i.e., once in the mid implementation stage of R & R activities and the next on completion of R & R activities.

14. Budget & Allotment

Expenditure for various components of land acquisition, resettlement and rehabilitation activities programmed should be calculated properly and incorporated in the project costs itself. Allotment of funds for this should be kept apart from the other project activities controlled by the Chief Engineer/S.H./B.B. of the project concerned. There may be provision made for reimbursement of expenditure on land acquisition & resettlement and rehabilitation by the donor agency if any. Institutional arrangements for quick disbursement of finances for R& R needs should be made in the project with provision for flexibility depending on the need. Besides the project fund, development programmes as discussed under Para-9 (vii) could be executed in the resettlement colonies from the funds available from respective line departments of government, hence care should be taken to see that there is no duplication of development activity and provision of funds. On the other hand efforts should be made to extend the benefits to the resettlers by maximizing the use of project funds to finance only those R & R activities which are not covered by schemes available through line departments. To add to it, charts and diagrams should be drawn to indicate the implementation of development activities. It is to be ensured that all infrastructure

development activities for resettlement of the oustees, were complete before physical transfer from the submergence area commences.

Effect

This resolution will be given effect to from 1st Sept/94. Displaced families, who have already been provided with rehabilitation assistance either in shape of land for in shape of cash prior to 1.9.94 will not be entitled to the assistance provided in this resolution.

This has been concurred in by Law Department in their U.O.R. No.1408 L Dated 14.6.94.

ORDER

Ordered that (his resolution be published in the extra ordinary issue of the Orissa Gazelle for general information of the public and copies of The same forwarded to all Department^o, of Government/ 55.R.C. and Rehabilitation Commissioner/All Heads of Departments/ Government of India, Ministry of Wafer Resources/Chairman, Central Water Commission/Engincer-in-Chief, Irrigation/All Chief Engineers of D.O.W.R./ All R.D.Cs./ All Collectors/ All Special Land Acquisition and Rehabilitation Officers of D.O.W.R./ All Resettlement & Rehabilitation Officers of D.O.W.R./ Secretary, Legal Aid and Advice Hoard, Orissa/ A.O., Orissa, Bhubaneswar / Sr. D.A.Ci. (Works) Orissa, Pun/Secretary to Governor.

By the Order of the Governer

M.M.MOHANTY
Commissioner-cum-Secretary
to Government

SCHDULE 'A'

GUIDELINES FOR CONDUCTING SOCIO-ECONOMIC BASELINE SURVEY (PARA-3) FOR PROJECT AFFECTED PERSONS

Displacing people involuntarily gives rise lo severe economic, social and environmental problems. Rehabilitation plans and programme are therefore required lo be prepared to minimise such problems and to ensure that the people so displaced regain al least their previous standard of living. For this information about the magnitude of the problem in displacement of the inhabitants of the area coming under submergence zones and the impact of submergence on the socioeconomic aspects of the persons affected thereby should be obtained. The following procedure may be, adopted in obtaining detailed information.

(n) Identification of the area:

The area that would come under the submergence zone should be demarcated properly. For this,detailed study of the village-wise revenue maps, the reservoir capacity curve should be studied. In this regard The Revenue officials may be consulted and associated.

(h) Census of family/population:

The available data from the Census of India reports may be inadequate in drawing up an R & R plan for the oustees of the project. For this purpose, a detailed socio-economic survey has to be carried out among the affected population. While conducting such a survey, all categories of households including land holders, landless, artisans etc. should be enumerated. Dale of

publication of the notification under Section 4 of The L.A. Act, 1894 should be regarded as the date of reference and survey should be made accordingly to know the actual number of individual families for evacuation and resettlement. The list may be updated as on 1st January of the year in which actual displacement takes place.

The Census data will cover two profiles i.e., family profile and village profile.

Family Profile.

- (I) A family profile should cover the following aspects:-
- (II) Name and address of the head of the families.
- (III) Name of other members in the family.
- (IV) Caste and religion.
- (V) Age, Sex, educational qualification of individual members

Properly inventory (it should contain information on extent of land i.e., homestead, agriculture, whether irrigated or unirrigated and their classification, trees standing on them, houses with number of rooms, whether pucca, or tiled or tinned or thatched, farm equipments and livestock, wells, ponds, etc. and their cost as assessed by the L.A. staff. Details of Government land and properly if encroached upon, nature of encroachment, cost of the property if any standing thereon should also be furnished).

Production System: (Cropping pattern and production, livestock production, artisan activity etc.)

Standard of livelihood: It should contain occupation of individual member of the, family (cultivation, service, artisan, wage earner, agricultural laborer, industry, business etc. with source.) and average monthly/annual income.

Utilisation of compensation money:

Consumption details.

Eligibility under R & R policy.

Details of rehabilitation package to the family.

Family needs for resettlement and rehabilitation.

Problems faced/envisaged if any by the family.

Access to development/welfare programme of Govt. if any.

Since women constitute a substantial percentage of rural population, the impact of displacement of their household and economic activities may be ascertained! Particular attention is required to assess their economic needs and aspects relating to the household requirements like firewood and other forest, produce collection.

(ii) Village Profile.

A village as identified under submergence should be surveyed in terms of its resources. It is important that there is a clear picture of the village coming under the submergence area with regard to their common resources i.e. roads, building, schools and colleges, dispensary, club houses, temples etc. Details of these properly along with depreciated value should be indicated in the report. The objective is to assess the need for substituting them if necessary at the new settlement sites.

A village profile should invariably include its location, demographic features, social structure and institutions, natural resources like land, water, forests, grazing area etc. and cultural, anthropological, educational and health status of people likely to be displaced.

Organisation either Government or Non-Government that can assist with designing and implementing the R & R Programme and attitude of the displaced persons on R & R option should also be ascertained.

(c) Conducting Socio-economic Survey.

The survey should be conducted in accordance with the identification of the submergence area and the house to house sites getting affected. Families getting displaced/affected should be identified as per the criteria laid down in the R & R policy.

(d) Sources of Data:

Besides the socio-economic survey carried out among the affected and host population, vulnerable, communities among them like woman member, handicapped, destitute, old and aged etc., other relevant information should also be collected through the following secondary sources. Revenue officials with regard to land particulars for both acquisition of properties and resettlement of outstees. Census records, voters list etc. for demographic features. Project authorities to find out the submergence area, status of submergence, estimates of the cost of infrastructural development etc.

Development agencies like DRDA, ITDA etc. to get information on various developmental programmes for specific sections of population like those living below poverty line (landless, marginal and small farmers etc.) tribal, SCs etc.

Other development departments like Agriculture, Co-operation, Animal Husbandry, Health & Family Welfare, District Industries Centre, Khadi & Village Industries Board, Minor Irrigation and other related departments/organisations to find out various development/welfare programmes

being implemented in the area for the welfare of the local population, This will help in exploring the possibilities of dovetailing such programmes within the R & R measures proposed for the affected population.

Local organisations including NGO's in order to involve them and integrate their activities in the economic development programmes of the displaced population.

(e) Methods of Data Collection:

Household level contacts and interviews with each affected family for completing the household socio-economic profile.

Contact Woman headed households, on sample basis to collect information in different aspects through appropriate questionnaire.

Similar individual contacts are required for other sections of the population including handicapped, artisans etc.

Contact various concerned Government officials to get relevant data for the planning exercise.

Participatory rural appraisal exercise with the involvement of affected persons particularly in mapping and modeling the submergence of villages and the new resettlement sites, Identification of the infrastructure required, development of common resources etc. In this exercise, woman member of the affected families, as well as representative of the host-population should also be involved so as to get their views and opinion on the over all planning of the resettlement sites.

Undertake extensive field visits of line affected, as well as the resettlement area with emphasis on field level observations and discussions with the village communities, Government officials, Non-Government Organisations etc. Discussions with different section of affected and host-population, in particular, will help in understanding their problems and preferences.

A capability assessment of NGO's operating in the area In order to identify one or more NGO's depending upon the magnitude of the problem of human displacement due to submergence.

(f) Analysis:

All the data should be coded and entered in the computer not only for analysis but also its retrieval for monitoring and evaluation of R & R Programmes. While analysing and interpreting data, it is necessary to give equal weightage to quantitative and qualitative aspects so that it reflects a balanced reality of the impacts of land acquisition and the needs of the affected and their choices.

The socio-economic baseline survey should be done with utmost care and for this notice in advance should be given for information of all concerned, so that either no genuine person is left out of survey or no impersonation is done.

SCHEDULE - 'B'
GUIDELINES FOR PREPARATION OF R & R ACTION PLAN (PARA-6)

The socio-economic baseline survey report, when prepared correctly, works as mirror to understand the issues relating to the displacement and to plan meet resettlement and rehabilitation programme to meet the requirement. As a matter of fact, planning for K & R should begin simultaneously with the socio-economic baseline survey. Further it is a continuous process till the objective of R & R is achieved.

Identification of Area.

The first and foremost task to be undertaken is to identify land for the resettlement and rehabilitation of the displaced persons. For this assistance and cooperation of concerned revenue officials should be availed of. Land which is free from encroachment and encumbrances should be identified for this purpose. Further suitability of the area in terms of water resources (particularly drinking water), soil capability, grazing and forest lands (for fuel wood and oilier forest produce for both household consumption, as well as raw-material for artisans/processing activities) etc. should be examined. While estimating the potential of common resources particularly of grazing and village forest lands, attention should be given to carrying capacity of such resources and potential for intensification in relation to the requirements of the population of not only host communities but also of those getting relocated. This is particularly important so as to avoid any future conflict among the two communities.

The new resettlement sites as far as practicable should be identified in existing settlement village, taking into account the socio-ethnic characteristics of both the outsees and host population. It is desirable that a site selection Committee is constituted for the purpose. Among other the representative of the outsees, NGOs etc. should be taken in as members of this Committee.

Normally very little attention is paid to environmental aspect. With the influx of resettlers to the new site, environmental issues like deforestation, overgrazing, soil erosion, health issues are likely to become serious. Hence the comprehensive R & R plan should include appropriate mitigating measures. In case of difficulties, alternative relocation sites should be identified.

Layout Plan

An ideal colony may consist of one hundred families. Accordingly detailed engineering lay out plan should be prepared to set up colonies to accommodate all the displaced families. Written consent from each and every displaced families should be obtained before evacuation takes place for their resettlement in particular colonies so that lay out plan can be prepared accordingly, it is

The colony should be designed to accommodate the homestead plots which should have space for construction of houses to suit the way of life of the seller and additional space for poultry, dairy animals, kitchen garden, fruit and flowering trees etc.

Besides the agricultural lands, there should be sufficient open space as per Orissa Land Settlement Act to grow wood lots for fire wood purposes, fodder plots for domestic animals and space for other non-farm activities. Land for community uses and for future expansion of the colony should also be set apart clearly in the lay out plan.

For better appreciation project authorities may also avail of assistance of suitable Architects, in this regard.

Maps of the resettlement lay out plan indicating all the details should be prepared in 1:10,000 scale.

Land Reclamation.

The land earmarked for resettlement colony as well for agriculture should be reclaimed properly at the project cost.

Action Plan for Economic Rehabilitation:

It should be ensured that the R & R packages including all models of alternative development strategies are spelled out in the Action Plan clearly, so that the affected families make their choice among the alternatives available and offered. For that matter the different aspects of these packages including their financial implication should be indicated in the plan and explained to the displaced persons.

Estimate for each package with number of families to be benefited should also be prepared. Based on the socio-economic profile of each affected family (particularly keeping in view the educational background, skill possession, occupational pattern, income level, needs and preferences etc.). These packages should be developed. Some of these are (the list is neither exclusive nor exhaustive).

1. Agricultural intensification through irrigation, land development and reclamation, improvement in agricultural practices including farm inputs etc. in the land allotted by the Govt. or purchased by D.Ps.
2. Live stock development like dairy, sheep and goat rearing, poultry and similar other schemes
3. Reservoir fisheries
4. Sericulture development.
5. Household and cottage industries based on the local skills, availability of raw materials, and market potential
6. Transport activities like rickshaw pulling, motor driving etc.
7. Tree plantation programmes including horticultural development.
8. Processing activities of both agriculture and forest produce. ..
9. New trades like electrical and mechanical works, auto repairs, etc.
10. Small trade and business to capitalize on the market both within and outside the area.

For each of the development package and financing for inputs, estimates of output expected, extent of involvement of women members, and the extent of likely restoration of income/living standards should be specified.

Also the training needs for each development package should be indicated and the training institutions etc. should be specified along with cost estimate.

While proposing alternative development packages there is a need to assess the likelihood of boom towns growth not only to take advantage of such a development in the

resettlement process but also to undertake presentation/mitigation measures with regard to any expected adverse social/environmental effects.

The possibilities of dovetailing various development/training programmes of the Government in the area for the restoration of economic levels of the displaced families should be explored. The idea is that there should not be any duplication of development activity.

The extent of compensation money and rehabilitation grant to be received by each family in accordance with the provisions of R & R policy should be estimated and programmes should be chalked out as to how best these amount can be used for the re-establishment of family both physically and economically. Subsidy as would be available should be extended to the displaced persons. For the tribal outsees and S.C. outsees and those who are not able to repay the loan to be availed of if any because of their weak economic condition, higher percentage of subsidy may be allowed.

Roles and responsibilities of organisations (both Government and Non-Government) who can be involved in the R & R Programme for the project affected persons should also be specified.

Time plan and Budget.

Resettlement schedule should be broken into specific activities and coordinated with chronogram of construction and reservoir filling/canal excavation. A PERT diagram should be drawn up to summarize the plan showing all activities by month and year with 0 as shifting year and activities prior to shifting to be marked as -2, -1 years and after shifting as 1, 2 and so forth until the plan of shifting is completed. The end of the plan period will coincide with the families attaining at least the levels of income they had prior to their displacement.

The cost of implementing R & R programme should be broken down according to main and sub-categories. The norms for each unit of item should be indicated. Budgeting and flow of funds should be as per the schedule of activities shown under PERT diagram.

Essentially the budget statement will indicate:

- i) Cost of socio-economic survey and preparation of R & R Action Plan.
- ii) Compensation for properties lost:
 - Land
 - house site
 - house/other structures
 - irrigation units
 - trees
 - other immovable properties (specify)
- iii) Items under cost of shifting outsee include
 - Movement of families and transport of household goods
 - transit camps
 - food arrangements
 - medical care
 - others (specify)
- iv) Cost of relocation and rehabilitation include
 - land development for house sites
 - infrastructural development
 - rehabilitation package
 - subsistence allowance
 - training of PAPs
 - others (specify)
- v) Administrative overheads: under these are included the following items:

- physical facilities (office building and furniture)
- vehicles Materials (office equipment, stationery etc.)
- office establishment cost (including Mali salaries)
- training for staff members,
- monitoring and evaluation,
- consultancies/technical assistance contingencies
- others (specify)

The R&R Action Plan is an integral part of the project estimate. It is therefore necessary that this action plan along with estimate for different R&R activities is prepared well in time and integrated with the project report for clearance of the project and for the plan.

SCHEDULE -'C'

GUIDELINES FOR EVACUATION OF VILLAGES [(PARA 9 (A))]

Among (lie manifold important, responsibilities of the R & R.O., timely and orderly evacuation of the people from the affected zone is one. It requires detailed planning, much in advance.

With a view to ensuring smooth evacuation, following aspects need special attention.

1. Time of Evacuation.

- a) Evacuation may commence at least one year before Impounding of the reservoir in question and other construction activities commences.
- b) It should be done during the period from January to April, after the harvest season is completed. Further it should be commenced early in the morning and completed well before sunset of the particular day.
- c) Before evacuation takes place, it should be ensured that the identified resettlement colony sponsored by the Project is ready with all civic amenities as provided under the R & R Policy In consultation with D.Ps. In case of those displaced families, who opt to make their own resettlement and rehabilitation arrangements, details in writing should be obtained from them. The idea is to see that such families opting for self arranged resettlement and rehabilitation are not put in discomfiture.
- d) Last but not the least, it should be ensured that the families to be evacuated get all their dues like compensation money towards land acquisition, rehabilitation assistance etc. from the project authorities before evacuation takes places. As far as practicable pattas for agricultural land and house sites, where land is allotted by the Government should also be prepared and kept ready for delivery on arrival at the new place for settlement.

2. Motivation.

he village wise time schedule drawn by the R & R.O. to effect evacuation should be given wide publicity through notices, beat of drums, loud speakers, etc. at least six months prior to evacuation. The public Relation Officer has a great role to play in this regard. In assistance with the Zone Officers and other officers as detailed by the R & R.O. , he will visit the villages to be evacuated from time to time and motivate the people to construct their living houses either place of resettlement so that they do not face any difficulty after the village is evacuated. Involvement of N.G.Os also in this activity may be explored.

3. Ransit Camp.

due to delayed construction of houses by some of the families to be evacuated, if it is established that the displaced persons immediately after evacuation cannot move straightway into their houses in the project sponsored colonies, arrangements should be made for their stay in school building, club buildings etc. till they construct their houses. Improvised shelter may also be provided. Such transit stay is purely temporary and the duration may not exceed three days. Food at a rate to be prescribed by Government will be provided by project. Evacuation programme should be chalked out in such a manner that the number of families to stay in transit camp is absolutely minimum and the transit period between the day of evacuation and the day of resettlement at the new settlement site is within three days. The likely number of people requiring transit treatment should be assessed about a month in advance after verifying the progress of construction activities in the field.

As far as practicable, the transit camp should be in the resettlement colony itself or very close to it so that there is no need for making elaborate arrangements for second time shift.

4. Planning.

The Director R & R, in a meeting at the project site to be taken by him, at least one month prior to the date of shifting will review the plan of evacuation programme, operation and other allied activities to ensure that the operation becomes smooth. In this regard he will take the assistance and guidance of the Collector/Sub-Collector, appropriate Police Officer, Health Officer, Inspector of Schools, Project Engineer, Land Acquisition Officer, etc. Any other officer as deemed necessary may also be invited to the review meeting.

5. Transport Arrangements.

As per the R & R Policy, the project will make necessary arrangements for the transport of the persons to be displaced and all their belongings. Trucks should be arranged for this to be dispatched colony wise. Keeping the capacity of the truck, the size of the family and their belongings in view, more than one family may be clubbed together for such transport. Further adequate number of trucks should be arranged well in time so that there is no dislocation in the shifting operation. The objective should be to shift the entire people of a particular village in one particular day. The timing of departure should be so arranged that there is no unnecessary crowding and overlapping of operation. For the movement of very old, invalid persons, due care may be taken. If needed, separate transport arrangements may be made for them.

The Zone Officer in charge of transport will keep all records of trucks, their movement, payment, etc. He will ensure that the trucks are fully equipped with fuel, mechanical application whatsoever in transit. Keeping the distance in view, fuel pump of the project may be utilised as far as practicable; otherwise adequate provision for stocking fuel at the custody of the officer in charge of shifting may be kept provided the truck owners are not in a position to make (their own arrangements in this regard.

For smooth transport and shifting operation, the R & R.O. will distribute the villages to be shifted among his Zone Officer and he will supervise their works.

Shifting of public institution will be done under the direct supervision of authorised representatives of the respective Institutions.

Note: Persons desirous of making their own shifting arrangement may also do so and transport charges as would be admissible to them may be paid. Cost of food for the day of transit may also be paid.

6. Medical Facilities.

It should be ensured that medical staff are specifically detailed to attend to ladies in advanced stage of pregnancy and apprehended health hazards, in the villages to be evacuated. Medical

facilities should also be provided at least for a period of 15 days in the resettlement area, as the change over to the new environment is likely to give rise to various health problems for the people so evacuated. Medical care being a very basic minimum need for the people, it should be ensured that medical officers are specifically detailed to visit the colonies at regular interval. The hospital/dispensary if any programmed to function in resettlement areas should start functioning immediately. Similar arrangements should also be made for the visit of authorised Veterinary and Animal Husbandry Officer to give service to the domestic animals.

7. Educational Institution & Other Public Institutions.

Arrangements will be made with the education Department well in time so that the concerned Supervisory officers of that Department ensure start of educational institutions immediately at the new place of location. Similar steps will be taken by other departments. The idea is that the resettlers do not face any difficulty for the services they used to get before evacuation for the non-availability of the same at the changed place of settlement.

8. Repair of Roads.

The route by which shifting will take place should be finalised well in time and the trucks should not be allowed to take any route and every route as the driver chooses. It is therefore necessary to ensure that the route so identified is made worthy of truck movement by undertaking barest minimum repair to the road by The Agency in whose books the road find place. In urgency, if felt necessary the R & R.O. will ensure repair by meeting the expenditure from project funds.

9. Supply of Essential Commodities.

The shift from the old place to new one may put the resettlers into difficulties in obtaining essential commodities like rice, oil, sugar, kerosene oil, condiments etc. The R & R.O. with the help of District Supply Administration will see that the new settlement colonies are tagged to the fair price shops if any already functioning nearby and sufficient commodities are available to meet the requirement of the resettlers. If needed, new fair price shops may be opened to meet such requirement.

10. Police Arrangement.

Unscrupulous people and unsocial elements may take advantage of evacuation as well as settlement at the new place. It is therefore necessary to ensure law and order at both the places. For this The Police authorities should be requested to arrange for police patrol before evacuation, during evacuation and resettlement. Executive Magistrates should also be detailed in maintaining law and order as well as evacuation and resettlement operations.

11. Duties of Officer-in-Charge of Evacuation.

a) Dates of evacuation should be fixed one month before the actual evacuation and should be announced prominently for the information of all concerned.

b) There should be at least one officer in the village to be evacuated and one officer at the resettlement colony. In case of few numbers of families to be evacuated and resettled; officers may also be detailed for a group of villages/colonies. The officers so detailed must hold camps at their respective sites well before the operation for which they are detailed, commences.

c) Duties of officers in charge of evacuation (at the villages to be submerged).

i) To ensure that there is no displaced family left out, who has not got his prescribed entitlement.

(ii) To see that identity cards are issued to all entitled families.

iii) To plan the process of evacuation in detail and assign specific duties to the officials to be engaged. Keeping the number of families, their belongings etc. to be evacuated in view, he will arrange for trucks, P.O.L. for the trucks, ambulance if necessary for the old, invalid oustees if any

and keep accounts of them. The log book maintained as per Appendix 'II' will be countersigned by the Officer-in-charge of evacuation as well as the officer in charge of resettlement in support of date and time of departure from village evacuated and arrival at the resettlement site respectively.

(iv) to see that the household articles of the displaced families are loaded orderly and expeditiously after the trucks report at the scheduled time.

(v) to arrange sufficient drinking water for Government officials on duty and posted in the village. Accommodation for their stay if necessary should also be arranged. However, food for them may be arranged on payment by the officials.

(vi) to arrange for food and water to the displaced persons during transit, at some convenient place.

(vii) to keep liaison with law and order ensuring authorities.

(viii) to maintain the register of evacuation in the Proforma given in Appendix 'A'

(ix) to ensure that the officials in charge of Land Acquisition take over possession of land and other immovable property (other than structures which the displaced persons can salvage) for which compensation has been paid immediately after the evacuation commences; and in the presence of the person getting such compensation. Due procedure as laid down under L.A: Act & Rules etc. should be followed in this regard.

(x) to submit report to the R & R. O. on completion of a day's evacuation operation, (xi) to perform such other duty as may be assigned by the R & R.O.

d) Duties of officers in charge of resettlement.

(i) to see that all civic amenities have been provided in the new place of settlement and they are functioning properly.

(ii) to see that the fair price shops are functioning and they are adequately stocked with essential commodities.

(iii) to keep liaison with the medical personnel and law and order enforcing personnel in case of emergency.

(iv) to arrange sufficient drinking water for the families at the time of their arrival and also for the officials on duty. Further he will arrange for accommodation of the officials on duty. Food for them may be arranged on payment.

(v) to see that the displaced families unload their belongings expeditiously and smoothly near their houses. In case of difficulty arrangements should be made to accommodate them temporarily in school building/Community Centres etc.

(vi) to see that maintenance allowance as prescribed by Government is paid on the day of arrival for one month in advance.

(vii) to maintain the register in the form prescribed in Appendix 'C'. (viii) to see that the resettlers get their respective pattas for the land allotted to them.

(ix) to submit report to the R & R.O. on completion of a day's work for which he has been detailed.

(x) to perform such other duty as assigned by the R & R.O.

Note: The above duties are applicable to the officers who are detailed in project sponsored colonies and also when people move in groups to places of their own choice and for which similar arrangements can be made. In case people disperse here and there as they like, it may not be possible to make such elaborate arrangements.

APPENDIX 'A'
VILLAGE EVACUATION REGISTER

Name of the Village

Sl. No.	Name of the head of the family	No. of the family members	Regn. No. of truck by which evacuated	Name of the resettlement site to which evacuated	Sign. of the head of the family	Signature of the OIC evacuation	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

APPENDIX 'B'
LOG BOOK

Truck No.....

Name & address of owner

Date	Place of departure and time	Place of arrival and time	Name of the head of the family using truck	Diesel in tank	Diesel supplied	Total	Diesel consumed	Balance in tank	No. of Kms. covered	Sig. of driver	Sign. of Officer-in-charge
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

APPENDIX 'C'
RESETTLEMENT REGISTER

Name of the Village

Date of evaluation.....

Sl. No.	Name of the Head of the family	No. of family members	Reg. No. of truck by which evacuated	Name of sub-mersible village from where evacuated	Amount of maintenance allowance paid	Signature of the Head of the family	Signature of the OIC of evacuation	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

SCHUDULE - 'D'
LAND ACQUISITION ORGANISATIO [Para 12(a) (i)]

Major Projects	L.A.&R.R.	Medium projects for both	
Spl. L.A.O. (O.A.S.I.)	1	Spl. L.A & R.O.	
Zone Officer (OAS II or equivalent)	4	(OAS Class I)	
Supervisor	4	Dy. LA & RO (OAS II)	1
Revenue Inspector	8	Asst. Engineer	1
Amin	64		
Processes Server	24	Jr. Engineer	2
Chainman	64		
Head Clerk-cum-Accountant	1	Head Clerk-cum-Accountant	1
Cashier	1		
Sr. Clerk	2	Sr. Clerk	2
Jr. Clerk	2	Jr. Clerk	2
Steno	1	Typist	1
Treasury sarkar	1	Amin	4
Chowkidar as admissible	1	Chainman	4
Peons as admissible		Revenue Inspector	2
		Driver	1
Clerk-cum-Accountant	4		
For Zone Office Driver	5	Peons as admissible Chowkidar as admissible Treasury sarkar I	

SCHEDULE – 'E'
RESETTLEMENT & REHABILITATION ORGANISATION [PARA 12(A) (1)]

Resettlement & Rehabilitation Officer (OAS/IAS)	1
Zone Officers (OAS II)	4
Executive Engineer	1
Asst. Engineer	2
Jr. Engineer	8
Community Relation Officer	1
Agriculture Extension Officer	1
Cooperative Extension Officer	1
Veterinary & Animal Husbandry Officer	1
Draftsman	2
Divisional Accountant	1
Storekeeper	1
Head Clerk	1
Senior Clerk	2
Jr. Clerk	3
Peons as admissible	
Steno	2
Typist	2
Supervisor	4
Revenue Inspectors	8
Amin	16
Treasury Sarkar	1
Chainman	
One village level worker for every 500 families	
Driver	
Clerk-cum-Accountant to Zone Offices	8
Chowkidar as admissible	4

DUTIES AND FUNCTION OF THE RESETTLEMENT AND REHABILITATION OFFICER

The Resettlement and Rehabilitation Officer is the Head of the office relating to Resettlement and Rehabilitation activities of the project. He will work under the supervision and guidance of the Director, Resettlement and Rehabilitation in the Department of Water Resources. It shall be the duty of the Resettlement and Rehabilitation Officer.

(a) to ensure accurate and timely completion of socio-economic base line survey of the affected zone and preparation of its report indicating therein all the required data;

(b) to assess the extent of land which may be required for allotment to displaced persons. He will assess the availability of land for such allotment and as far as practicable he will also arrange for availability of land with the help of land purchase Committees. Further he will indicate the location of such lands where resettlement will be made. While doing so, provisions made under Clause-4 of the Resettlement and Rehabilitation Policy should be kept in view. The engineering personnel available in the R & R Unit will assist in this regard;

- (c) to call upon the persons to be displaced in the form of notice to intimate in writing before the data specified for the purpose whether they require land for resettlement, or any other form of rehabilitation as provided in the Policy;
- (d) to prepare detailed draft scheme of resettlement and rehabilitation, place it before the Rehabilitation Advisory Committee and obtain appropriate orders of Government through the Director, Resettlement and Rehabilitation;
- (e) to prepare time schedule for evacuation of the persons from the submergence zone and to ensure timely and smooth evacuation;
- (f) to ensure smooth and timely implementation of the Resettlement and Rehabilitation scheme as approved by Government. For this purpose he should be given adequate financial powers;
- (g) to identify committed N.G.Os if any and involve them in implementation of Resettlement and Rehabilitation activities;
- (h) to act as the coordinator and liaison officer between the project and different agencies in the field executing development/poverty alleviation programmes;
- (i) to perform such other functions as is entrusted to him by the Director, Resettlement and Rehabilitation or Government.

2. Duties and Function of the Executive Engineer/ Asst. Engineer.

The engineering personnel attached to the resettlement and rehabilitation unit will work under the supervision, guidance and direction of the resettlement and rehabilitation officer. They will be responsible for smooth execution of all construction activities required in connection with resettlement and rehabilitation of the displaced persons. Director, Resettlement & Rehabilitation and the Resettlement & Rehabilitation Officer may also authorise any other work to be done by them.

3. Duties and Functions of the Community Relation Officer

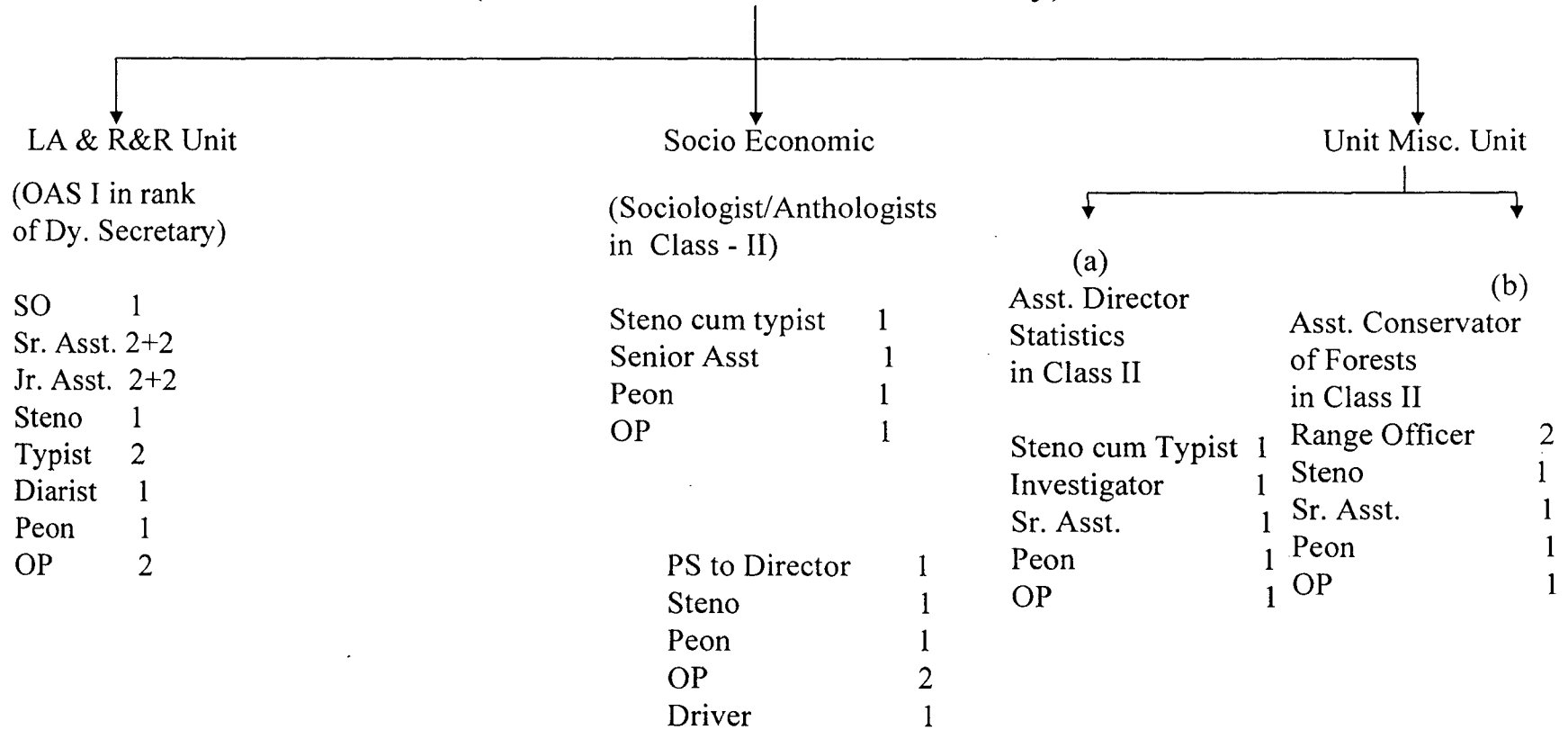
The Public Relation Officer will work under the supervision and guidance of Resettlement and Rehabilitation Officer. He will act as the Contact Officer between the people and the resettlement and rehabilitation unit. He will help in disseminating all the required informations relating to the salient feature of the Project, Resettlement & Rehabilitation Scheme etc. for the information of the affected as well as benefited people.

4. Duties and Function of Agricultural/ Cooperative/ Veterinary & Animal Husbandry Officer.

They will work in their respective fields under the supervision and guidance of the Resettlement and Rehabilitation Officer.

SCHEDULE – 'F'
RESETTLEMENT & REHABILITATION DIRECTORATE

Director
(IAS in the rank of Addl. Secretary)



DUTIES & FUNCTIONS OF THE RESETTLEMENT & REHABILITATION OFFICER

The Director of Resettlement & Rehabilitation is the Head of the Department under the Department of Water Resources. It shall be the duty of the Director:

- (a) to see that acquisition of land for different project activities is done speedily as per Rules in force and compensation due to the affected persons is paid in time;
- (b) to see that the resettlement and rehabilitation plan is prepared in keeping with the policy, guide-lines of Government and the same is implemented in time and successfully;
- (c.) to visit the work sites, supervise the work relating to land acquisition, payment of compensation, resettlement and rehabilitation of displaced persons and give, proper advice and direction to the officers under him during their work from time to time;
- (d) to prepare/cause to be prepared annual budget for providing funds for carrying out L.A. and resettlement and rehabilitation activities in different projects in the State. He will also function as the Controlling Officer in respect of these activities and will be responsible for proper utilisation of funds;
- (e) subject to the general or special orders of the State Government, if any, to disburse, out of the grants duly sanctioned by law for L.A. and resettlement and rehabilitation activities, sums to such Officers and authorities at such intervals according to their requirement, as he may think fit for carrying out the purposes of this policy;
- (f) to arrange, as far as practicable, for implementation of different development schemes, vocational training creation of employment opportunities etc., for the displaced persons;
- (g) to coordinate the work relating to land acquisition and resettlement and rehabilitation between the implementing agencies on the one hand and different Depts. of Government on the other, For better functioning of the Directorate, he may be given Secretariat status to assist the Govt. in the formulation of policy and plans relating to L.A. resettlement and rehabilitation activities and issue of sanction orders and executive instructions, whenever necessary;
- (h) to see that the interest of the displaced persons are duly safeguarded and the provisions made for them under the resettlement and rehabilitation policy are observed;
- (i) to dispose of grievances against the decision of the R & R.O./Spl. L.A. and R.O. relating to enumeration of affected families, provision of rehabilitation benefits etc.;
- (j) to give advice to Govt. in all matters relating to the L.A. and R.O. resettlement and Rehabilitation activities of Projects; and
- (k) to perform such other functions as the State Govt. may, from time to time by an order in writing entrust to him.

2. Duties and Functions of the Sociologist/Antropologist.

He will work under the direct supervision and guidance of the Director. His duties shall be:

- (a) to supervise and ensure that the Socio-economic baseline survey is prepared promptly and correctly;

(b) to supervise and assist in the activities, so that the displaced persons are resettled effectively in close coordination with host population and their Socio-cultural bias is not disturbed in the new settlement;

(c) to supervise and assist the resettlement and rehabilitation staff in the field so as to ensure that the displaced persons at least regain their pre-submergence socio-economic status and efforts are made to better it;

(d) to assist the Director/resettlement and Rehabilitation Officer in selecting the site for resettlement, finding avenues for the land based as well as economic rehabilitation of the displaced persons etc.; and

(e) to perform such other functions as the Director or the State Govt. may from time to time entrust to him;

3. Duties and Functions of Asst. Director, Statistics.

He will work under the direct supervision and guidance of the Director. His duties shall be.

(a) to assist the Director in preparation of statistical reports and returns;

(b) to assist the Director in review of the monitoring progress reports and returns, evaluation

(c) to assist the Director in evolving sound and effective management information system Relating to land acquisition and resettlement and rehabilitation activities; and

(d) to perform such other functions as the Director, or State Govt. may from time to time entrust to him.

4. Duties and Functions of Asst. Conservator of Forests.

He will work under the direct supervision and guidance of the Director. His duties shall be:

(a) to aid and advise in the matter of environmental protection and management relating to resettlement and rehabilitation activities;

(b) to help the resettlement and rehabilitation Organisation in raising of woodlots, plantation including social forestry, allotment and utilisation of waste land/degraded forest land etc.;

(c) to act as Contact Officer for everything relating to forest, forest materials and environment; and

(d) to perform such other functions as the Director or State Government may from time to time entrust to him;

SCHEDULE – ‘G’

REHABILITATION ADVISORY COMMITTEE [PARA 12 (a) (II)]

a). Constitution of Rehabilitation Advisory Committee for major projects	
1. Revenue Divisional Commissioner of that Division	Chairman
2. Collector of the concerned District	Official member
3. Chief Engineer of the Project	-do-
4. Conservator(s) of Forest	-do-
5. Soil Conservator Officer of the district(s)	-do-
6. Dist. Agricultural Officer(s)	-do-
7. Chief Medical Officer	-do-
8. Dist. Veterinary Officer	-do-
9. Dist. Fisheries Officer	-do-
10. Director, Environment	-do-
11. Chief Inspector of Schools	-do-
12. Director, Resettlement & Rehabilitation	-do-
13. Director, Tribal Welfare	-do-
14. Project Director of DRDA/IFDA	-do-

- | | |
|---|---------------------|
| 15. Spl. Land Acquisition Officer of the Project | -do- |
| 16. Representative of the Land Bank of the District | Member |
| 17. Resettlement & Rehabilitation officer of the Project | Member Secretary |
| 18. MP (Lok Sabha) | Non Official Member |
| 19. MLA | -do- |
| 20. Chairman, Panchayat Samity | -do- |
| 21. One Voluntary Organisation working in the affected benefited zone | -do- |
| (b) Constitution of the Rehabilitation Advisory Committee, for Medium Irrigation Project | |
| 1. Collector | Chairman |
| (if the project affects/benefits more than one district, the RDC will be the chairman) | |
| 2. Superintending Engineer of the Projects | Official Member |
| 3. Divisional Forest Officer | -do- |
| 4. Soil Conservative Officer | -do- |
| 5. Dist. Agricultural Officer | -do- |
| 6. Director, Resettlement & Rehabilitation | -do- |
| 7. Director, Tribal Welfare | -do- |
| 8. Director, Environment | -do- |
| 9. Project Director, DRDA/ITDA | -do- |
| 10. Chief Medical Officer | -do- |
| 11. Dist. Veterinary Officer | -do- |
| 12. Dist. Fisheries Officer | -do- |
| 13. Dist. Inspector of School | -do- |
| 14. Representative of the Land Bank of the district | -do- |
| 15. Land Acquisition & R&RO of the project | Member Secretary |
| 16. MP (Lok Shaba) | Non Official Member |
| 17. MLA | -do- |
| 18. Chairman, Panchayat Samiti | -do- |
| 19. Not more than three sarpanchats of Gram Panchayats | -do- |
| 20. One voluntary Organisation working in the affected/benefited zone | -do- |

FUNCTION OF THE COMMITTEE

1. The Committee shall examine the report on the socio-economic bench mark survey and suggest amendments if required.
2. They shall inspect or examine the details regarding acquisition of land and property and payment of compensation due.
3. They shall inspect or examine the R & R Plan prepared by the Project authorities and suggest/ recommend modification/improvements if necessary.
4. They shall inspect or examine the details regarding areas earmarked for R & R of displaced persons and recommend improvements if any.
5. They shall inspect or examine and recommend regarding the nature of common facilities to be provided to the displaced persons both in the project sponsored colonies/colonies set up by displaced persons on their own choice.
6. They shall recommend about irrigation facilities that can be provided for the resettlement areas.
7. They shall approve the shifting/rehabilitation and resettlement programme, coordinate the implementation of various schemes under the rehabilitation programme and examine from time to time the progress achieved.

8. They shall examine the bottlenecks if any in the implementation of the R & R Plan and recommend measures to remove them.
9. They shall examine the grievances if any of the displaced persons and recommend measures to resolve them.
10. They shall examine and suggest measures to make the implementation of the R & R Plan successful.
11. They shall examine and recommend on any other aspect as assigned.

The suggestions/recommendations of the Committee are subject to approval of the Government.

The Committee shall meet at least once in three months.

The term of the committee shall be till completion of all R&R activities.

TA & DA of the non official members of the committee shall be claimed as admissible to Class I State Govt. Officials.

SCHEDULE -'H'

ROLE OF N.G.OS IN R & R PROGRAMMES [(PARA 12 (c))]

N.G.Os have a great role to play in R & R programmes. It is necessary that the N.G.Os and the R & R Organisation work in cohesion for the successful implementation of different programmes. Most often it is seen that the displaced persons are in dark about their entitlement. Hence, the N.G.Os should work as eyes and ears in the matter of smooth execution of these programmes. For this good, genuine and committed N.G.Os working in the locality should be identified. Among different works, the works that can be assigned to the N.G.Os are:-

1. Assisting the R & R Organisation in conducting -
 - a. Smooth and correct socio-economic baseline survey
 - b. Payment of compensation to the affected persons for the loss sustained by them
- Smooth evacuation of the displaced persons from the villages to be evacuated to the area of new settlement.
- c. Organizing transit camps along with preparation and supply of food to the displaced persons
- d. Assisting the R & R Organisation in effective resettlement at the new site;
- e. Motivating the resellers in availing of different development as well as poverty alleviation programmes
- f. Organising literacy campaigns and any other activities relating to economic rehabilitation programmes that can be availed of by the resettlers and
- g. Any other programmes as and when assigned to them by the Government,

Note: The N.G.Os can also be entrusted with construction activities like colony roads, plantation-etc.

SCHEDULE -I

MANNER OF PAYMENT OF COMPENSATION IN RESPECT OF UN-OBJECTIONABLE ENCROACHED LAND

[PARA 12 (b) (g)]

1. For payment of compensation to a person who has encroached land in the affected zone, the eligibility of the encroacher shall have to be determined first within the ambit of the O.P.L.E. Act, 1972 as amended in 1987. For this, it is to be ascertained first whether the land encroached is objectionable or unobjectionable. The aforesaid Act defines the following categories of land as objectionable.

- a) Land recorded as Rakhit Gochar, or Sarbasadharan in any record of rights prepared under any law,
- b) Land which are -
 - (i) Set apart for the common use of villages;
 - (ii) Used as house-site, back-yard or temple-site whether or not recorded as such in the record of rights;
 - (iii) Likely to be required for any development scheme and are declared as such by the State Government by a notification; and
- c) Hands belonging to an establishment or undertaking owned, controlled or managed by
 - i) any State Government or a Department of such Govt;
 - (ii) any company in which not less than fifty one percent of the share capital is held by one or more State Government , or;
 - (iii) a corporation established by law which is owned, controlled or managed by any State Government.

Land which is unobjectionable in character can be settled. Further settlement will be notional only in favour of the encroacher in the following manner as laid down in the OPLE Act.

a. Before the Tahasildar proceeds with the settlement of unauthorisedly occupied land for agricultural or for homestead purposes, he shall publish a proclamation in prescribed form inviting objections, if any, fixing a date for hearing of objections.

b. Such proclamation shall be published by beat of drums and by affixing a copy of the same at a conspicuous place in the village in which the land is situated in the presence of not less than two persons. If the village is uninhabited, the notice shall be published in the aforesaid manner in the nearest inhabited village. A copy of the proclamation shall be published by affixing in The Notice Hoard of Tahasil Office and a copy thereof shall also be sent to the Gram Panchayat/ Notified Area Council/Municipality/ Spl. Planning Authority or the Development Authority as the case may be under which the land is situated.

c. On expiry of a period of fifteen days of hearing the objection, if any, and after from the date of publication of the proclamation in the village and after conducting such enquiry as he may consider necessary, the Tahasiklar shall record a finding stating whether The land can be settled in favor of the encroacher under the Act. If the Tahasiklar comes to a finding that the land cannot be settled or the encroacher is not entitled to settlement, he shall proceed to evict the encroacher as prescribed under the Act.

d. If the Tahasildar comes to a finding that the land can be settled or the encroacher is entitled to settlement under the Act, he shall make an order granting such settlement and issue an intimation slip in prescribed form in the name of the person concerned and shall cause correction of the record-of-rights in his office and in the Office of the Revenue Inspector as well.

e. If the encroacher land situated within an urban area, the Tahasildar shall record his finding in the case record on being satisfied that there is no prima facie objection, he shall direct the encroacher to file an affidavit in prescribed form if not already filed, to the effect that neither he nor any member of his/her family living within common mess own a house or house-site any where in the state except in respect of the land acquired for beneficial enjoyment of a Mentioned under sub clause (ii) of clause (b) of the second provision to sub section 2 or sub section. Thereafter he shall send the case record to the concerned Subdivisional who shall on receipt of

the same, order the encroacher to pay the assessment/penalty and fine, if any already levied or imposed by the Tahasildar and shall determine the market value which shall be the same as has been fixed for the urban area under rule 8 of the Orissa Govt. Land Settlement Rules, 1983. Provided that Government may direct a lower market value to be paid by a specified class of the persons.

f. Thereafter, the Sub-divisional Officer shall order settlement of the land and send the case record to the Collector of the district for confirmation.

g. If the Collector is satisfied on scrutiny of the case record that the procedure prescribed under the Act and these rules has been observed he shall confirm the order of the settlement passed by the Sub-Divisional Officer in the same case record. If he is not satisfied about the procedure followed or he considers that the land cannot be settled or the encroacher is not entitled to settlement under the Act, he shall send back the case record to the Tahasildar through the Sub Divisional Officer for effecting eviction of encroacher.

h. In all cases where settlement is granted, the Sub Divisional Officer shall direct the encroacher to pay the market value so determined by a date not later than ninety days from the date of order in one or more installments to be fixed by him. If the market value is not paid within the period fixed by the Sub Divisional Officer he shall send back the case record to the Tahasildar for effecting eviction of the encroachment. After the market value is paid an intimation slip in prescribed form shall be issued by the Tahasildar in the name of the person with whom the land is used and ensure demarcation of land and correction of the record-of-rights in his office and in the office of Revenue Inspector as well. The land ordered for settlement under sub rules (4) and (7) shall be recorded in such status as are applicable to the tenure of similar land in the vacancy for similar purposes under the same terms and conditions which are applicable to such tenures.

If use of the land is non-agricultural and it is to be recorded under pattadari or similar other status, the encroacher shall be required to execute an agreement containing such terms and conditions as are fixed by the Government for similar lands in the locality to which the land belongs.

i. If use of land encroached for more than thirty years.

For settlement of land under section 8-A of O.P.L.E. Act, the onus of the proof that the encroacher has been in actual continuous and undisputed occupation of the land for more than thirty years by the date of institution of the proceeding shall be on the encroacher. If the Sub Divisional Officer orders settlement of the land under sub-section (3) of Section 8-A he shall fix rent of the land in the manner prescribed under Rule 4 and shall direct the person to pay rent for the entire period of occupation subject to the provisions of limitation prescribed under the Orissa Limitation (Recovery of Revenue Act, 1904 (Orissa Act 14 of 1964)-In case no payment is made within the time fixed by the Sub Divisional Officer the order of settlement shall not be affected.

2. In the event of acquisition of lands settled in favour of the encroacher for the project activities, compensation may be paid in the following manner.

(a) Those unobjectionable encroachers who are landless (as defined in the O.P.L.E. Act) will get ex gratia/one time solatium equal to compensation for a maximum of one standard acre and this will be proportionately less when the encroached land is less than one standard acre.

Note: According to O.P.L.K. Act "Landless person" means a person, the total extent of whose land excluding homestead together with lands of all the members of his family who are living with him in common mess, is less than one standard acre and whose total annual income of all the members of his family who are living with him in common mess, does not exceed rupees six thousand and four hundred or an amount which the State Government may, by notification from time to time specify in that behalf.

- (b) Unobjectionable encroachers who are homesteadless (as defined in the O.P.L.E. Act) will get ex gratia/once time solatium towards cost of structures subject to a maximum of Rs.10,000/- per family. In addition to this they will be eligible to get homestead land in the rehabilitation colony as laid down in the Rehabilitation policy.

Note: According to the O.P.L.E. Act, a homesteadless person "means a person who, together with all the members of his family who are living with him in common mess, does not have any homestead land anywhere in the State and owns less than one standard acre of land other than homestead and whose total annual income, together with the annual income of all the members of his family living with him in common mess, does not exceed rupees four thousand and two hundred or an amount which the State Govt. may, by notification from time to time, specify in that behalf.

SCHEDULE -'J'

PROCEDURE THAT MAY BE ADOPTED FOR CONSTITUTION OF LOK ADALAT (PARA-8)

I-"or speedier disposal of grievances of Project Affected Persons relating to award and payment of compensation which are sub-judice in the Courts, Committees on Lok Adalat comprising the following functionaries may be constituted for individual Projects as and when necessity arises.

- | | |
|--|----------|
| 1) Collector and District Magistrate of the concerned District | Chairman |
| 2) Chief/Superintending Engineer of the Project | Member |
| 3) Secretary, Orissa Legal Aid and Advice Board | Member |
| 4) Govt. Pleader of the District concerned | Member |
| 5) Two Conciliators appointed by the Orissa Legal Aid and Advice Board | Member |
| 6) Secretary, Legal Aid & Advice Committee of the Dist concerned | Member |
7. Land Acquisition Officer/Special Land Acquisition Officer of the Project Method of working of the Committee on Lok Adalat.

(i) Identification of cases:

All the pending cases of land/structures pertaining to the project seeking enhanced compensation registered under section of the L.A. Act may be listed with the help of the Courts, District Govt. Pleader and the Secretary Legal Aid and Advice Committee of the district by the L.A.O./Special L.A.O. who is the Member Secretary of the Lok Adalat.

(ii) Prioritization of cases:

Since it is not possible to take up all the pending cases at a time, those may be prioritised as follows by the L.A.O./Special L.A.O. of the Project.

- (a) Cases pertaining to the land and structure of the village getting submerged.
(b) Cases pertaining to the land acquired for canals, distributaries, rehabilitation colonies/irrigation track, roads etc.

(iii) Preparation of case files:

All pending cases will be listed village wise and 4(1)/6(1) Notification wise case files comprising copies of (1) relevant judgment of High Courts/Civil Courts (2) Sales statistics of the Sub-Registrar (3) Price statistics of the purchase committee (4) Yield Statistics of the Agriculture Dept./Dist. Horticulture Officer etc., will be prepared by The L.A.O./Spl. L.A.O. and copies of such case files will be furnished to the State Legal Aid and Advice Board for the purpose of briefing the Committee.

(iv) Updating the Record of Rights:

The Collector and District Magistrate of the District concerned/may advise the Tahasildars concerned to update Khalas in respect of deceased claimants and to bring The legal representatives on the record of rights by effecting mutations wherever ' necessary before commencement of enquiry by the Committee on Lok Adalat for settlement of claims on inadequate land compensation. The Counsel for the parties will also be requested to extend full cooperation in this regard.

(v) Information Campaign:

Hand outs should be distributed among all the affected land owners highlighting the prospects of amicable settlement of the dispute in question, outside the Court, speedily and at a lesser expense along with the time table of enquiries and spot inspections of the Committee on Lok Adalat. Besides public announcement, may be made by the beat of drums/loud speakers in the villages concerned. Press Notes may also be released In News Papers for wide publicity.

Gram Sabhas may also be conducted by the L.A.O./Special L.A.O. with participation of the concerned Resettlement and Rehabilitation officer, Tahasildar, B.D.O., Executive Engineer/ A.B.E. etc. in the village concerned. Attention of the affected land owners will be invited to the present system of quick, inexpensive and amicable settlement of the claims for the enhanced compensation through the Lok Adalat. They will also be advised to get their records of rights updated. All possible efforts will be put forth to motivate the affected landowners for a voluntary and amicable settlement of their claims outside the Court.

Meetings should be conducted by (the Collector and District Magistrate who is the Chairman of the Lok Adalat, the designated places with the participation of the Counsel, their clients (affected land owners), Secretary, Legal Aid and Advice Committee of the District, Government Pleader of the District and other officers connected with the Lok Adalat. Informal discussions may be held regarding (1) the situation of land values/ prices (2) the compensation expected by the affected land owners (3) the legal remedies available through the mediation of Lok Adalat (4) the rehabilitation measures undertaken by Govt. and collection of information etc., with the sole objective of building a rapport and conviviality between the machinery of the Lok Adalat and the claimants.

(vi) Spot Enquiry by the Committee:

The Committee on Lok Adalat for the settlement of the claims of enhanced land compensation may visit the lands & structures acquired for the project on the appointed date and obtain the views of the proper owners regarding, enhancement of their properties original valuation. The Committee may also verify (1) cropping pattern, (2) the average yield, (3) the nature of land, and soil (4) market prices with reference to recent sale statistics and (5) the potential factor supposed to justify the claim for enhancement of compensation.

(vii) Compromise through Conciliations/Mediations:

In every identified case, compromise/consent for a specific price of land/structures is very essential. This is obtained as an ultimate product of the series of conciliation, mediations and

negotiations held by the Chairman, Conciliators and other members of the Committee. No party is compelled to accept any suggestion of the Members of the Lok Adalat. So the mediations may be held at the appointed places by the Committee under the Chairmanship of the Collector and District Magistrate concerned and the willingness of (the parties to take part in these proceedings with an open mind is solicited. If the above process facilitates to arrive at a mutually acceptable price of the property in question, necessary proceedings to that effect will be drawn. If these conciliations fail, the case will proceed before the Court where it is pending.

(viii) Compromise decree:

The Committee on Lok Adalat will prepare a report on the compensation payable to the parties and submit the same to the Govt. within a period of one month for approval. The parties and their counsel will be advised to file compromise petition before the jurisdictional Courts praying for passing of a compromise decree as soon as a Government order is issued. The Court being convinced of voluntary settlement will pass a compromise decree.

(ix) Satisfying compromise decree:

After issue of a compromise decree, the L.A.O./Special L.A.O. will work out the total compensation payable at the rate as fixed by the Lok Adalat by allowing statutory allowances viz., solution, interest etc. He should issue a notice to that effect to the affected land owners requesting them to prefer claims in the prescribed form. All such claims will be forwarded by the L.A.O./Special L.A.O. to the appropriate Officer of the Project in charge of payment. The L.A.O. / Special L.A.O. will thereafter ensure payment to the affected land owners under due acknowledgements and thereafter he will report compliance to the jurisdictional Courts in token of satisfying the compromise decree.

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