

DRAFT

DAMS, DISPLACEMENT, POLICY AND LAW IN INDIA

This paper seeks primarily to establish some benchmarks for policy and law for displacement and rehabilitation in India. It will do this by looking briefly at the actual experience of displacement due to big dams in India in 50 years, the resistance to big dams, and also by examining some of the major issues in the discourse about displacement and development in India.

PART I

THE EXPERIENCE OF DISPLACEMENT AND BIG DAMS IN INDIA

Two decades after his uprootment from the land of his ancestors, Nanhe Ram still speaks little. Looking much older than his sixty years, he sits for long hours outside his dilapidated hut in the resettlement village of Aitma. He has no land, no cattle, no sons; it is his ageing wife who labours all day in the forests or fields of the big farmers of the village, to keep the fire burning in their kitchen.

There is anguish but little recrimination, as he talks haltingly of the past. The first time they heard about the large dam that would submerge his village, he recalls, was when daily wages were 12 annas (which would probably be in the mid-1950s). Their village, like the entire region, was entirely unconnected to the outside world, and until then they had rarely encountered government officials. When men on bicycles wearing trousers and shirts would ride into their villages to speak of the dam, all the tribal residents of the village would run away in fear into the forests.

He did not know then that a gigantic thermal power complex was being planned in the neighbourhood of his village, at Korba, for which the two rivers of his ancestral habitat, the Hasdeo and Bango, were to be dammed. Fifty-nine tribal villages like his were to be submerged, 20 completely and the rest partially, along with 102 square kilometres of dense sal forest, to create a vast new reservoir of 213 square kilometres. No one consulted with or even informed the 2721 families of these 59 villages, who had been condemned to be internal refugees to the cause of 'national development', about the project and how it would alter their lives so profoundly and irrevocably. Some 2318 of these families, or an overwhelming 85 per cent, were tribals or dalits, who like Nanhe Ram were the least equipped by experience, temperament or culture to negotiate their new lives amidst the ruins of their overturned existence.

The survey work continued for six or seven years, and it was in 1961 that the first phase of the project, for the construction of the barrage and major canal was sanctioned. Nanhe recalls the fear and excitement when a small plane flew in as part of the on-going survey work. However, it was only a decade and a half later, in 1987, that the first settlement, Nanhe's village Aitma, was actually submerged. In the intervening years, construction continued apace, but no one from the government planned or as much as spoke with them about how they were to reconstruct their ravaged future.

In 1977, a few months before their actual submergence, the farmers of Aitma were packed into a truck and driven to the divisional headquarters of Bilaspur, located in the heart of the Chhatisgarh region of Madhya Pradesh. Nanhe recalls that they arrived at the imposing office building housing the District Office in the late afternoon, and were bundled into a courtyard. An official addressed them, informing them that their village would be drowned by the dam reservoir only months later during the next monsoon, and that the government was therefore paying them the first instalment of their compensation.

For Nanhe, this was a niggardly five hundred and forty rupees. When their truck returned them into their village, it was morning. They found that the local revenue officer, the tehsildar was waiting for them, to recover from their compensation Nanhe's land revenue dues. Nanhe lost to him three hundred rupees, and the remaining two hundred and forty also disappeared before long merely in day-to-day survival.

During the meeting at the District Office, someone had timidly asked— But where are we to go when our village drowns in the next monsoon? The official had replied tersely— How do I know? Why don't you go to your relatives' homes?

But some weeks later, a band of activists held a series of meetings in their village. How can they ask you to go to the homes of your relatives? — they thundered. Did your relatives build this dam?

They organised demonstrations and rallies, in which many young tribals of the village also participated. Nanhe was bewildered and terrified, and he held himself aloof. Eventually, the government conceded that they would be given house sites in a resettlement colony located in the forest uplands.

In the few months that remained, Nanhe made plans in his own way for the future. Where and how they would live, he did not know. He was worried first about his cow, whom they all loved. He knew that he would not be able to take care of her in the resettlement village, at a time when even keeping his wife and two daughters alive would be very hard. He also could not think of selling her, because she was like a member of the family. So he gave her to an Ahir cowherd, and promised to pay him a hundred and fifty rupees each year so that he would look after her. Nanhe continued despite all his subsequent tribulations to save and send money for the upkeep of the cow for ten years, until the cow died.

Just a day before the monsoon, the trucks arrived. They were given only a few hours to bundle their belongings into the trucks. They were then driven to the resettlement village, in which house plots of 0.05 acres of land each had been hurriedly cleared for them in the forest. The rains broke early, and Nanhe and his family spent the entire monsoon huddled with their few belongings under a mahua tree. In the dry spells, Nanhe struggled with building a small hut, while his wife scoured the forests for food.

The remaining instalments of compensation were paid only 15 years later, in 1992. Nanhe received a cheque of two thousand rupees, which he used to repay loans to the moneylender. It was around then that for the first time, under pressure from activists, the government initiated a few livelihood programmes. Although the government has since spent some twenty million rupees in the resettlement region in recent years to belatedly provide livelihoods to the displaced families, there has been little success. Fishing in the new reservoir is dominated by outside contractors. Four million rupees were spent on a poultry farm, which ran for a few months, with 12 beneficiaries who were given 100 birds each. The birds suddenly died of some illness, and the farm closed down. Amber charkhas or spinning looms were installed, but raw material supply and marketing were erratic. The looms provided wages in fits and starts, and that too of only one rupee a day.

The resettlement villages are at the periphery of the large artificial reservoir, connected by earth roads that get submerged after the rains each year. In these inaccessible, remote, artificial settlements, not only are jobs hard to come by but life is very hard in other ways as well. Schools, health centres, credit cooperatives and ration shops rarely function. If someone is seriously ill during the rainy months, the only way to reach a hospital is a perilous journey of three hours aboard a small leaking dinghy.

Not surprisingly, of the 208 families that had been resettled in Aitma, only 60 remain. The rest have migrated, either as encroachers in the forests or into the city slums, in desperate search of means for bare survival.

Nanhe is among the few who remain, because he had neither the strength nor the hope to struggle to start life anew one more time. He sits quietly outside his hut for most of the day. But sometimes when he speaks, he says softly to anyone who is willing to hear—

When I am on a boat in the middle of the reservoir, and I know that hundreds of feet below me, directly below me, at that very point, lie my village and my home and my fields, all of which are lost forever, it is then that my chest rips apart, and I cannot bear the pain....

[A record of Nanhe's story as told to the paper writer in resettlement village Aitma in 1997]

In this part of the paper, we will observe how 50 years of planned development in India have entailed large-scale forced evictions of vulnerable populations, without the countervailing presence of policies to assist them to rebuild their lives. Most of the negative aspects of displacement, such as lack of information, failure to prepare in advance a comprehensive plan for rehabilitation, the undervaluation of compensation and its payment in cash, failure to restore lost assets or livelihoods, traumatic and delayed relocation, problems at relocation sites, multiple displacement, and neglect of the special vulnerabilities of the most disadvantaged groups are in fact the direct result of state policy.

Prior to 1947, water resource development works in India comprised mostly of diversion weirs or small earth dams not exceeding 15 to 20 metres in height, mainly in the form of small tanks and bunds with localised networks of canals. In fact there were only 30 dams that were 30 metres or more in height before the onset of Independence. (Central Board of Irrigation and Power 1979). However, many of these systems involved extensive and sophisticated modes of water harvesting, sometimes with massive canal systems, and involving creative application of indigenous technologies.

With the adoption of policies for planned development after freedom in India, a major priority for policy-makers was the harnessing of the country's water resources for irrigation and power. Support to earlier technologies, based on diversion or run-of-the-river schemes, gradually diminished in favour of large dams. The visibility, scale and sweep of mega-dams made them potent emblems of the reconstruction and regeneration of the battered economies of long-suppressed post-colonial nations.

Large storage works such as the Bhakra, the Hirakud, the Tungabhadra and the Damodar Valley Dams were amongst the earliest projects undertaken in the post-Independence period in the country. Construction of high dams for hydropower generation was also taken up, especially in peninsular India, and this included schemes such as the Machkund, Pykara and the Kundah hydro-electric projects.

The national plans also attempted to incorporate wherever possible a multi-purpose orientation to dam projects, including hydro-power, flood control and navigation, in addition to irrigation. Some 3,300 big dams have been constructed in India in the last 50 years. Budget provisions for major irrigation projects outstrip most other sectors, including health and education, in the annual plans of many state governments. These are also far in excess of financial allocations for establishing or strengthening decentralised irrigation schemes.

Although enthusiasm for mega-dam projects amongst policy-makers remains largely undimmed, a formidable body of independent empirical research into many of these large dams has established how their social, human and environmental costs have been ignored or grossly understated in the planning of these projects, and the expected benefits exaggerated. The actual output of irrigation and power of these projects has fallen short, sometimes spectacularly, of the level on the basis of which investment on the project was initially justified.

Of the very many neglected costs of the big dams, some of the most grave are the social and human consequences of displacement. In this paper, we will restrict ourselves to an analysis of these human and social impacts of displacement, and especially to those that result directly or indirectly from the omissions or commissions of policy.

It was clear from the start that mega-projects would require the displacement or forced uprooting of substantial populations, particularly for hydraulic projects which entail large-scale submergence for reservoirs. However, national leaders and policy-makers typically viewed these as legitimate and inevitable costs of development, acceptable in the larger national interest. Nehru, India's first Prime Minister, while laying the foundation-stone for India's first major river valley project, the Hirakud Dam in Orissa in 1948, said to the tens of thousand facing the grim prospect of displacement: 'If you have to

suffer, you should do so in the interest of the country' [quoted in Roy 1999]. The same sentiments were echoed 36 years later by Prime Minister Indira Gandhi in a letter to one of India's most respected social workers, Baba Amte. She wrote:

I am most unhappy that development projects displace tribal people from their habitat, especially as project authorities do not always take care to properly rehabilitate the affected population. But sometimes there is no alternative and we have to go ahead in the larger interest...

[quoted in Kothari, 1996:1476]

There is painful irony, and possible design, in the fact that there are no reliable official statistics of the numbers of people displaced by large projects since Independence. Many researchers place their estimates between 10 and 25 million. In an influential 1989 study, Fernandes, Das and Rao provide an estimate of some 21 million displaced persons (see also Fernandes 1991). Scholar-administrator and currently Secretary of India's Planning Commission, Dr. N. C. Saxena, places his estimate of persons displaced by big projects since 1947 at nearly double this figure — 50 million.

This is also the figure quoted by celebrity writer Arundhati Roy in a recent essay 'The Greater Common Good: The Human Cost of Big Dams'. It is worth quoting her persuasive reasoning:

According to a detailed study of 54 Large Dams done by the Indian Institute of Public Administration, the average number of people displaced by a Large Dam is 44,182. Admittedly 54 Dams out of 3,300 is not a big enough sample. But... it's all we have... let's err on the side of *abundant* caution and take an average of just 10,000 people per Large Dam. 33 million... That's what it works out to... What about those that have been displaced by the thousands of other Development Projects?... Fifty million people...I feel like someone who's just stumbled on a mass grave.

[Roy 1999:7]

Going beyond the numbers and based on the large body of painstaking research into the experience of displacement in India, and confirmed by the direct observation of the Sardar Sarovar and Hasdeo Bango projects by the writer of this paper, in this part of the paper we will attempt to identify some of the recurring and predominant trends in the experience of displacement and rehabilitation as a result of big dams in India.

Failure to be consulted and informed

From the inception of planning of most projects, through various stages of displacement and resettlement, it is to be expected that those likely to be negatively affected by the projects would be consulted and kept informed in such a way as to enable them to best rebuild their ravaged lives. This, however, is very far from being the case. There is typically bewilderment and confusion among resettlers in virtually every large project about even the precise contours of submergence — which villages or segments of villages would be submerged, and when. The indefensible experience of the Bargi Project on the Narmada has been recorded, in which 70,000 villagers from 101 villages were informed that they would be displaced. But when, without prior warning, the reservoir was filled, 162 villages were submerged displacing 114,000 people [Roy 1999; Desai 1993].

Again, typically oustees are rarely consulted or even informed about the phasing and content of their rehabilitation package, their entitlements and their choices. This is partly because of bureaucratic lassitude and insensitivity, but as a MARG (Multiple Action Research Group, a respected activist research group) team finds, misinformation may not always be by oversight.

In all the villages visited so far by the MARG team, the level of information that the oustees had regarding the dam, submergence and subsequent displacement due to them, was lamentably low. By and large the oustees had received little or no information from official sources i.e. the authorities formally required to communicate relevant information. As other officials seldom or never visited these villages, it was from the survey teams who had either come to take down details of their family, landed property etc. or lay stone markers, or during the site visits, that the villagers had gathered stray information about their subsequent submergence or resultant displacement. In the absence of any proper information the oustees had guessed from looking at the stone markers, the extent of loss of land.

The forest department, on its part, was adopting an equally callous attitude. None of the forest villages was officially informed by the forest department about their possible submergence and displacement. The villagers had gathered information from passing officials, neighbouring villages and surveys teams belonging to the irrigation department, who had come to survey the land and to lay stone markers showing reservoir levels. Sometimes it was some junior official of the forest department or the forest guard, who passed on the information, not as a matter of duty, but in the course of conversation or when asked by the villagers.

Lack of information is in itself a very serious matter, but even more unforgivable is the incomplete and defective information being provided to the people. For example, some of the oustees have been told that they will get compensatory land *only* if they go to Gujarat, and that too a *maximum* of 5 acres [i.e., 2 ha] irrespective of the area of land lost, whereas under the Award, they are entitled to get a *minimum* of 5 acres as compensation *either* in Gujarat or in Madhya Pradesh. Some oustees from the villages of Kukshi *tehsil* have been told that cash compensation will be paid to them in instalments, though the Award specifies that it is to be given in a lump-sum.

[Ganguly Thukral 1989:52–53, 56–57]

Absence of Advance and Comprehensive Planning for Rehabilitation

In the absence of a statutory rehabilitation law or even a national policy, there is no legal imperative for state governments or project authorities to integrate comprehensive rehabilitation planning into the planning of a project. Indeed, it has been found that even the existence of state and project-specific policies is not sufficient to ensure this. The so-called *pari passu* or incremental approach of allowing land acquisition and project construction activities to proceed parallel to displacement and rehabilitation, has led in practice to ad hoc, piecemeal and minimalistic rehabilitation. More often than not, project authorities are interested mainly in the relocation rather than the rehabilitation of project affected persons, in their physical transference from the submergence zone rather than their long-term welfare.

In fact, as Mankodi (1984) points out 'generally rehabilitation policies are made up by State Governments, most often as knee-jerk reactions to the manifestations of disaffection of populations on land which is acquired for "public purposes" ' [quoted in Chakraborty 1986:30]. Chakraborty adds 'precedents set the tone, court orders and agitations stimulate government response which is more akin to crisis management'. Further,

Reports in the case of the Ukai dam confirm that the rehabilitation policy consisted of about 20 different resolutions made by various departments of the Gujarat state government over a period of five years. The Andhra Pradesh government in the early 1960s had a project-specific rehabilitation policy. In the case of the Nagarjunasagar Project in 1960, the state government declared its willingness to take the responsibility for the full rehabilitation of the dislocated. However, by 1965 this concern for full rehabilitation had been considerably eroded. In the case of Pochampad in 1965 and Srisailem in 1977, the Andhra Pradesh government did away with the practice of an elaborate rehabilitation policy. Instead it was replaced by departmental memos and orders to suit the need of the hour . Obviously governance by executive fiat gives the executive greater room to manoeuvre. However, for the potential oustees it

raises uncertainty and stress which could have been avoided if government at the outset had set clear guidelines covering various aspects of resettlement.

[Chakraborty 1986:30]

In the context of the Bargi Project, the then Divisional Commissioner of Jabalpur Division is reported to have said:

What really appears about the project is the situation of the proverbial cart having been placed before the horse. Any such project requires meticulous planning and careful implementation including complete and accurate information of all important variables to be dealt with — socio-cultural, environmental, economic and the rest of them. A plan for the resettlement of the persons to be displaced should be ready before the work starts on the project. In the instant case the dam is more or less complete and is expected to attain full reservoir level this year. But the plan for resettlement is being thought of now — a clear example of placing the cart before the horse. Rehabilitation of a people uprooted from their lands and homes is a delicate matter and requires a good deal of understanding and dedication. The socio-cultural patterns of the oustees, the level of economy, their cultural ethos and psychological make-up and all such other aspects need to be studied and understood before any scheme for their resettlement could be thought of.

[quoted in Desai 1993:9–10]

He also notes that rehabilitation is grossly under-financed, especially when compared to the total cost of the project—the total rehabilitation budget is a niggardly Rs.1.7 million, when the cost of the project is about Rs.4120 million [Desai 1993], a proportion that works out to an astounding 0.04 per cent.

In fact, as we shall observe, it is only in recent years that, chiefly under the impact of people's movements, project authorities, state governments and international funding agencies have accepted responsibility for rehabilitation—one that extends beyond the payment of monetary compensation for expropriated individual assets and the provision of house sites.

This neglect of rehabilitation assumes the gravest aspect when seen in relation to older projects, particularly those that commenced or were concluded in the first three decades after Independence. The influential Citizens' Fifth Report (1999) published by the Centre for Science and Environment documents, for instance, the plight of about 12,000 Biranchi families in the Rengali dam area of Orissa, displaced in 1973, who continue to have no land for cultivation, no drinking water and no health care. Ousteers from the first major river valley project in free India, Hirakud, in the absence of any rehabilitation plan, occupied whatever open lands they could locate. These lands are still not legally theirs, and they are harassed to vacate these lands by forest officials. [CSE 1999]

Similarly Parasuraman documents vividly the fiasco of the Upper Krishna Irrigation Project:

The government of Karnataka, which had no official R&R [resettlement and rehabilitation] policy, resettled people with only the absolute minimum of provisions. Displacement affected all social and economic groups. Those who were left with some land and invested the compensation money in land purchase, agricultural improvement, and irrigation, and made the most of their position as PAPs, were able to recover or even improve upon the standards of living they had enjoyed prior to displacement. This group accounted for about one-fourth of all households, and included primarily the high caste Lingayats and a few Kuruburs. The Dalits and other low-caste groups who were originally landless or owned very little land, suffered more. They could not buy land due to a lack of resources and were eventually pushed into the category of migrant labourers and construction workers. Displacement aggravated poverty in this group.

[Parasuraman 1999:177]

Almost every major project in India carries in its trail the same sorry tale of official neglect and abdication of responsibility for rehabilitation.

Undervaluation of Compensation

The only significant reparation for displaced persons guaranteed by law is the payment of monetary compensation for compulsorily acquired individual assets, mainly land or houses. However, the manner in which the law is framed and interpreted ensures that the displaced land-owner or house-owner is always the loser. Lokayan in 1982 documented the trauma undergone by the 21,094 families in the 100 villages submerged by the Srisailem project in Andhra Pradesh. The report states :

The government has conceived and executed the Srisailem project... without taking into consideration the human problem seriously... The disbursement of compensation (in cash) did not encourage plans for resettlement. In the disbursement of compensation there appears to have been widespread corruption. Large and rich farmers managed to receive compensation, for both house sites and land lost, at reasonably competitive terms; people with low economic and social status did not get fair compensation for the property lost. The people were neither educated nor taken into confidence regarding the various issues involved in computing compensation, evacuation and rehabilitation. Except for a few educated people, the overwhelming majority (95 per cent in the sample) were not conversant with the relevant provisions of the Land Acquisition Act. The Government made no effort to educate the people in this regard. This led to ' legal cheating' of the people. State power, including police power was used in a most brutal manner to evict the villagers. The Government had no rehabilitation programme worth its name.

[quoted in Paranjpye 1990:182–183]

Some of the major problems leading to the undervaluation of compensation are as follows:

The practice is to pay compensation for lost fixed assets like agricultural land at the prevailing market rate, calculated as an average of registered sales prices of land of similar quality and location in the preceding three or five years. However, it is an open secret that most land transactions in India are grossly undervalued to evade registration fees. Therefore, the oustee receives a rate which is much below the market rate, and the solatium of 30 per cent (or even 100 per cent as is being proposed in a new draft Land Acquisition Act (LAA) Bill under consideration with the Government of India) is far from enough to bridge the gap between the market and the registered prices. In Scheduled Areas (areas with high tribal concentration listed in the Constitution for special state protection), the problem is compounded by the fact that the law restricts sale of land by tribals to non-tribals to prevent tribal land alienation. This otherwise progressive measure has the unintended outcome of further depressing the market price of land and quantum of compensation to the the tribal land oustee.

Land and houses are paid for at the alleged market value rather than `replacement value'. To consider only one typical example, the Fact-finding Committee on the Srisailem Project (1986) found that the replacement value of one acre of dry land was around Rs 5000, and for one acre of wet land Rs 13,800. The compensation actually paid (including solatium) was only Rs 932 and Rs 2,332 respectively. In this way, the amount paid as compensation was five times less than the amount that would be required by the oustees to purchase agricultural land of equivalent quantity and quality.

The Fact-finding Committee found a similar discrepancy in the amount of money paid as compensation for houses. In their survey, the villagers set the value of a stone house at Rs 11,564 and a hut at Rs 2,500. However, the Government paid an average of Rs 5,561 for stone houses. For huts, the government paid an average of Rs. 645—that is, one-third of the value estimated by the villagers [Fact-finding Committee on the Srisailem Project 1986:258] .

Typically land prices shoot up sharply around any large project because of enhanced demand for land and in anticipation for irrigation, likewise houses are depreciated in value for age. In this way, oustees are

not compensated for their land or houses at rates which would enable them to buy land or construct houses elsewhere similar to those that are lost. In projects like the SSP, the Gujarat government is providing land to oustees purchased at open market prices, and this has been found to be much higher than the rates at which compensation was paid.

Compensation is only for persons in possession of undisputed legal title. In any average Indian village, the tyranny and corruption of the *patwari* or village accountant charged with the responsibility of maintaining land records ensures that land records are neither accurate nor updated, and this complicates the chances a land-owner will be able to prove title and secure compensation.

Tenants, sharecroppers, wage-labourers, artisans and encroachers are usually not considered eligible for compensation because they do not have legal title to agricultural land, whereas they are paradoxically the most vulnerable and in need of support.

Community assets like grazing grounds and forests, which again may be critical for the livelihood of the poorest, are not compensated for under the LAA.

The value of the land is calculated as on the date of the gazette notification and interest is liable to be paid only from the date of taking possession up to the date of payment of full compensation. The LAA thus does not take into consideration the escalation of the market value between the time of notification and the date of actual possession.

The limited provisions in the LAA to challenge the rate of compensation are, in practice, inaccessible to the indigent and illiterate oustees, because they may not be aware of the legal nuances or else cannot afford the expensive remedy of courts. Even those that are able to access courts fritter away a substantial proportion of the gains that they achieve in legal costs. The Srisailam Fact-Finding Committee noted in this regard :

Only those landowners who were familiar with the legal details of the Land Acquisition Act — and who had connections in the city — took their cases to court. Others who were unaware of the Act lost their opportunity to appeal because they accepted the initial compensation payment without protest. Those who went to court had to spend considerable sums of money on lawyers' fees and other expenses. In some cases, a percentage of the money awarded in compensation was taken by the lawyers — many of whom charged far more than their usual fees. Significantly, the courts ruled in favour of all those who appealed — ordering increases in compensation ranging from 12 to 254 per cent. However, in most cases, the appellants benefited little owing to the high legal costs involved.

[Fact-finding Committee on the Srisailam Project 1986:258]

Payments are delayed, uncertain and the oustee is vulnerable to graft in the disbursement of compensation.

Inability to handle cash compensation

Even more lethal for rural oustees is the provision that whatever compensation is fixed, is paid as a rule in cash rather than kind. Especially tribal people, but to a lesser degree most rural people, have little experience in handling cash. Many studies have recorded how cash compensation is depleted by oustees in short periods, by fraud, for repayment of old debts, in liquor and conspicuous consumption. The roar of Hero Honda motorcycles, raising a trail of dust in village roads, is ubiquitous wherever compensation has been disbursed. A lifetime of livelihood security or shelter is squandered in months, sometimes weeks, condemning displaced persons to assured and irrevocable destitution.

Failure to acquire alternate cultivable lands

The problems listed earlier, of the absence of a comprehensive rehabilitation plan, of undervaluation of compensation and the inability to negotiate a money economy, combine as serious barriers for displaced land owners to secure alternate cultivable lands. Chakraborty (1986:34) cites the instance of Srisailam, where the average land-holding size of the oustees declined between 53 per cent and 63 per cent for all categories. This is indicative of the economic marginalisation of the oustees. [This is one of the impoverishment risks discussed by Cernea (1999). See Part II for details]

The only recourse for the dispossessed cultivator caught in what Cernea describes as the 'spiral of impoverishment' is typically one of two alternatives. The erstwhile land-owner either migrates to the slums of the cities in search of work, or fans out to neighbouring wastelands or forest tracts and clears them for cultivation. Whether it is the Bargi or Srisailam, Hasdeo Bango or Ukai, the result is the same: tenuous survival on sub-marginal lands and the perennial insecurity of expropriation by the local revenue or forest bureaucracy.

Traumatic forced and delayed relocation

Involuntary relocation is always extremely painful, but a sensitive project bureaucracy can do much to relieve its trauma. In practice however, it has been observed that the driving objective of project authorities has not been to prepare and assist the families to relocate and to make a gradual and less painful transition to their new habitats. Instead frequently the only objective is to vacate the submergence zone of what are perceived to be its human encumbrances, with the brute force of the state if necessary. The experience of the Srisailam project oustees, as reported by the Fact-finding Committee (1986) makes painful reading but is no exception to what has occurred elsewhere.

The evacuation of the villages was carried out with brutal insensitivity towards the feelings of the villagers who, not unnaturally, were bewildered and distressed at being forced out of their homes. The villagers were not properly informed about the details of the evacuation: some did not even know where to go once they had been ordered to move. Many villagers did not take government announcements about the evacuation seriously. "The government is always announcing things which it never carries out," they told us. Some refused to believe that their villages would be submerged — or thought that, at worst, their lands would only be flooded when the Tungabhadra and Krishna rivers were in spate. Still others delayed moving either because they had no money to do so or because they had failed to find alternative housing and employment. The evacuation programme was so rushed that few villagers had enough time to move all their belongings to the resettlement sites. Worse still, when the villagers reached the new sites, they found them lacking in basic amenities — including proper housing.

During the last week of March 1981, the government announced — for the first time — that all villagers had to leave their homes. Two months later, convinced that the villagers would not move whilst their houses and huts were still standing, the authorities launched 'Operation Demolition'. Under heavy police guard, officers and staff from the Departments of Revenue and Irrigation and Power, accompanied by hired labourers from the towns, set about demolishing those villages which were to be flooded. Some 20,000 houses and huts were destroyed—leaving 100,000 people (21,000 families) homeless. The houses were either knocked down or dismantled by removing door frames, window frames and roofs. Demolition work on the huts was carried out with much vigour and zeal. Utensils and other belongings were thrown out on to the streets, cattle were let loose and entire families were unceremoniously driven out of their homes. The operation was carried out without any regard for the villagers, who were already in a state of shock. An old woman in Rolampad village reported that her ankle and the bone of her right hand were broken when she was dragged by the police from her hut. Not surprisingly, the villagers are still bitterly resentful of the behaviour of the authorities.

[Fact-finding Committee on the Srisailam Project 1986:258,259]

Often this forced relocation occurs without even settlement of compensation claims. In the case of the Hirakud Dam, to take an early instance, it is reported that only one-third of compensation claims had been

disbursed and 11,341 arbitration cases were pending, when in March 1956 people were displaced without compensation, rendering them homeless as well as resourceless [Pattanaik, Das and Mishra 1987:56].

Problems at Resettlement Sites

Resettlement sites are often inhospitable in a number of ways and their locations are selected without reference to availability of livelihood opportunities, or the preferences of displaced persons themselves.

For instance, contrary to official claims with regard to SSP oustees in Madhya Pradesh, in almost all the villages visited by a MARG research team, irrespective of the *tehsil* they belonged to, villagers reported that they had not been consulted about where they would like to be relocated; only where the surveyors were slightly more conscientious, they had asked the oustees if they would like to go to Gujarat. A number of villages remained unsurveyed. [Ganguly Thukral 1989]. In Bargi, five 'model villages' were established at considerable cost, but because no cultivable land was made available and there were no livelihood prospects in the vicinity, . People migrated in droves, reducing the model villages almost to ghost towns. Starvation deaths were alleged in the 'model' village of Gorakhpur [Roy 1999].

There is little attempt to recreate the lost milieu of the submerged villages, and many oustees feel lost in the semi-urban design and PWD-style construction of the new settlements, and pine for the forests and vast open spaces of the village. Sometimes even temporary shelters are unavailable, and since forced eviction often takes place only with the filling of the reservoirs, the first few months in the new site are spent in the monsoon rains under the open sky.

House-sites are often much smaller than those in which the oustees lived in the village, and temporary structures where they exist are made of tin or other inappropriate material and design. There is also the problem of learning modes of survival in an entirely alien surrounding, from 'being self-sufficient and free, to being impoverished and yoked to the whims of a world you know nothing, *nothing* about'. [Roy 1999:21]. The writer goes on to describes poignantly the situation in a resettlement site Vadaj near Baroda for oustees of the Sardar Sarovar Project :

The man who was talking to me rocked his sick baby in his arms, clumps of flies gathered on its sleeping eyelids. Children collected around us, taking care not to burn their bare skin on the scorching tin walls of the shed they call a home. The man's mind was far away from the troubles of his sick baby. He was making me a list of the fruit he used to pick in the forest. He counted forty-eight kinds. He told me that he didn't think he or his children would ever be able to afford to eat any fruit again. Not unless he stole it. I asked him what was wrong with his baby. He said it would be better for the baby to die than to have to live like this. I asked what the baby's mother thought about that. She didn't reply. She just stared.

[Roy 1999:20–21]

In Hasdeo Bango and Bargi, even years after the relocation, basic facilities are not established in the resettlement sites. The locations themselves are sometimes small islands, perched on top of hilltops, surrounded by kilometres of reservoir waters. For many settlements at Hasdeo Bango, small perilous wooden boats are still the only uncertain modes of transporation. Earth roads are submerged six months in a year.

The Indian People's Tribunal on Bargi deputed a retired judge of the Bombay High Court, Justice S.M. Daud, to enquire into the situation of oustees of the Bargi Dam. He reports:

The new homesteads situated at higher levels were in some cases reduced to the status of islands. One person... Lalaram, spoke of being forced to live with his family within two to three terrifying metres of swift flowing water. According to him fear was a constant companion for he never knew when the flowing water would submerge his home and carry away not only his meagre belongings but also members of his family. Lalaram had been given only 4.5 acres of land and had to feed nine mouths. Under the

circumstances he was surprised, amused and upset at the question as to whether or not his starving children were receiving any education. In fact, he stated bitterly, children from several other homes who were studying in the high school also had to be withdrawn.

[Desai 1993:13–14]

Although the Hasdeo reservoir was built to support a network of super thermal power projects in Korba, the majority of the settlements of displaced families remain in darkness, with no prospect of electrification even decades ahead.

Similarly, health and education facilities are `provided' merely by the creation of buildings for sub-health centres or schools. Health workers or teachers are not positioned, health centres are not provided with the requisite equipment and infrastructure, and in the end buildings crumble and begin to resemble ghost town structures.

In the Bargi resettlement colonies, several school-going children have been forced to use boats, or walk muddy paths, or give up going to school entirely [Dogra 1993].

Communities of oustees are often fragmented and randomly atomised, tearing asunder kinship and social networks and traditional support systems. The Gujarat government in settling displaced families of Sardar Sarovar has depended mainly on voluntary sale of agricultural land. Therefore, closely knit tribal communities have been dispersed into tens of villages in the unfamiliar Baroda region. Official reports confirm that displaced families from 19 affected villages in Gujarat have been resettled in over 150 locations, driven by open-market availability of agricultural land.

With the destruction of community and social bonds, the displaced are mired in anomie and a profound sense of loneliness and helplessness. The inflow of money creates greater pressure on family bonds. The outcomes are psychological pathologies and alcoholism, common among displaced populations. As one despairing oustee remarked to the Independent Review led by Morse: `Our society is not here. We are like dead people. What is the purpose of living like dead people?' [Morse et al. 1992]

It has been documented that this greatly enhanced psychological and psycho-social stress caused by involuntary resettlement heightens morbidity and mortality.

There are other health risks as well. Sunil K. Roy (1987) in his paper on the Tehri Dam quotes Dr. Ramalingaswami, an expert on public health:

Water impoundments will increase favourable vector sites at times of the year when they were previously scanty. Water is essential for the development of mosquitoes. They transit a number of tropical diseases. A majority holds that `real economic returns from water resource development projects may be seriously compromised by enhanced disease transmission of vector-borne diseases. The states of Punjab and Haryana have now become endemic for malaria on account of these factors, as also the Raichur district of

Karnataka state after Tungabhadra damming and canal network development'.

[Roy 1987: 68]

Multiple Displacement

Arguably the most culpable aspect of state-induced impoverishment of displaced populations is the phenomenon of multiple displacement. It has been documented, for instance, that as a direct result of the lack of co-ordination between the multiplicity of irrigation, thermal power and coal-mining agencies in Singrauli, most oustees have been displaced at least twice, and some three or four times in a matter of two or three decades and 'with each displacement the villagers were progressively pauperised' [Lokayan and Environmental Defence Fund 1987 quoted in Ganguly Thukral 1989].

The utter casualness with which oustees are sometimes subjected to multiple displacement is described in the Bargi Tribunal report:

The plots allocated to the oustees for construction of new homes were chosen in cavalier fashion by the authorities. This becomes apparent when one learns of the fact that their carefully re-established homes — such as they were — fell victim to submergence once more without the slightest hint of a warning from the engineers and planners of the dam. Traumatized once, the loss of their security for the second time was unimaginable. For this second displacement no compensation was paid, compounding several times over the original injustice of forcing them to occupy plots barely one-tenth the size of their original holdings. The villagers had no choice but to put up the money to re-house themselves as they had no alternate shelter, or place to stock provisions and stores safe from the vagaries of weather.

[Desai 1993:13]

To impose the trauma of forced relocation on any population once is grave enough. To do it again and again merely because of casualness or slipshod advance planning or lack of coordination by engineers and project officials reflects bureaucratic insensitivity and callousness at its nadir.

Failure to provide alternative livelihoods

In the wake of the reluctance to adopt and operationalise a land-for-land policy, the challenge for project authorities and state governments under pressure to rehabilitate the oustees has been to find sustainable non-land based livelihoods.

Even in non-crisis rural situations, most states have failed to foster successful self-employment strategies under programmes like the discredited IRDP. The chances of success amidst the multiple disabilities and 'spirals of impoverishment' that involuntary resettlement imposes are even more remote.

The writer of this paper has witnessed how in the Hasdeo Bango Project of Madhya Pradesh, for instance, some four million rupees were spent on a poultry farm, for 12 beneficiaries who were given 100 birds each. It ran for a few months till the birds suddenly died of some illness, and the farm has since been closed, the buildings gradually reduced to ruins.

One major exception to the general rule of difficulty in finding suitable avenues for economic diversification of oustees into non-land based activities, is fisheries. Each of these projects creates large reservoirs, and the impounding of such large quantities of water creates tremendous potential for new livelihoods from freshwater fisheries. The experience in Hasdeo Bango, however, was that in the absence of scientific management, fish yield declined rapidly. The state government for many years did not recognise the reservoir as a valuable source for livelihood for the oustees and instead fishing rights were auctioned in the open market. Fishing contractors in cohorts with officials of the fisheries department, used brute force to block oustees from fishing in the reservoir, and the officials confiscated their boats and nets.

The experience in Bargi was similar, but with the facilitation of Medha Patkar of the Narmada Bachao Andolan and Dr. B.D. Sharma of the Bharat Jan Andolan, a people's organisation 'Bargi Bandh Visthapith Evm Prabhavit Sangh' was formed. They organised civil disobedience by mass fishing and blockage of fishing auctions. Finally, the state government gave exclusive rights for fishing and sale to federations of cooperative fishing societies in Bargi in 1994 and subsequently the Hasdeo Bango and Tawa in 1997.

Problems of host communities

A frequently neglected, but extremely serious problem, is the unwillingness of host populations to accept resettled oustees in their midst. The problem is that rarely do there exist large unoccupied areas available for resettlement of oustees (and such as exist are unsuitable or degraded lands). Where they are settled amidst existing settlements, there is inevitably competition for scarce resources and jobs. There may also be social and cultural incompatibility. In most cases, the displaced people are at a disadvantage in these conflicts : because they are outsiders, because of their economic fragility and frequent social vulnerability. If such conflicts are not mitigated, the result can be distress sales by resettled oustees, resulting *de facto* in one more forced resettlement on even more disadvantaged terms.

Special vulnerabilities

The various problems associated with displacement are compounded several times over for oustees who are also otherwise specially vulnerable, variously by class, caste, gender or age.

We have already noted that at least 40 per cent, and in several projects a much higher proportion, of displaced persons are tribals (see Table 1)

Table 1 : Dams and the displacement of tribal people

Name of Project*	State	Population facing displacement	Tribal people as percentage of displaced
Karjan	Gujarat	11,600	100

Sardar Sarovar	Gujarat	200,000	57.6
Maheshwar	M.P.	20,000	60
Bodhghat	M.P.	12,700	73.91
Icha	Bihar	30,800	80
Chandil	Bihar	37,600	87.92
Koel Karo	Bihar	66,000	88
Mahi Bajaj Sagar	Rajasthan	38,400	76.28
Polavaram	A.P.	150,000	52.90
Maithon & Panchet	Bihar	93,874	56.46
Upper Indravati	Orissa	18,500	89.20
Pong	H.P.	80,000	56.25
Inchampalli	A.P. – Maharashtra	38,100	76.28
Tultuli	Maharashtra	13,600	51.61
Daman Ganga	Gujarat	8,700	48.70
Bhakra	H.P.	36,000	34.76
Masan Reservoir	Bihar	3,700	31.00
Ukai Reservoir	Gujarat	52,000	18.92

Source : Satyajit Singh, *Taming the Waters*, OUP, 1997, and Government figures.

Note: Projects are either under construction or have been planned.

Tribal people share the problems of other rural people but they are even more dependent on forests and common property resources, their documented legal rights on cultivable lands are even more tenuous, their ability to handle cash transactions in a market economy even more shaky, their skills for diversified livelihood not based on forests or land are even more rudimentary, and their ability to negotiate with state officials and courts even more weaker.

It is not surprising that fewer tribal oustees are able to access whatever facilities for rehabilitation are provided by project authorities compared to non-tribals. As Fernandes point out `studies have shown that in Maharashtra only 15.18 per cent of the 10,147 tribal families eligible were granted land, compared to 31.4 per cent of the non-tribals (Fernandez 1990: 36). The data from Orissa (Mahapatra 1992) and other states (Fernandes 1993) confirm this picture of fewer tribals than non-tribals being resettled or getting the benefits of the project' [Fernandes 1995:15–16].

The vast majority of tribal people displaced by big projects are thus pushed inexorably into a vortex of increasing assetlessness, unemployment, debt-bondage and hunger. Chakraborty (1986) reports a precipitous 40 per cent fall in the income of Srisailam respondents, the large majority of whom were tribals, as compared to the pre-relocation period. Further `the respondents' debt burden was found to have increased manifold in the post-relocation period; a sizeable part of cash compensation was reportedly used towards redeeming debts which further constrained investment into production assets and aspects required for agriculture' [Chakraborty 1986:38].

Some studies have effectively documented also how women and children are disproportionately burdened by displacement. The payment of compensation in cash directly disempowers women, because typically women are much less able, within the family, to influence decisions related to how the money is to be spent. Parasuraman (1999) documents the special vulnerabilities of women to displacement :

The case studies have one outcome in common. That is, any loss of access to traditional sources of livelihood — land, forest, sea, river, pasture, cattle or saltpan land — marginalizes women on the labour market. It is only when land and other sources are replaced that women at least partially regain their economic status.

Women not only suffered in terms of health and nutrition, they also lost the capacity to provide a secure future for their children. By resorting to seasonal migration they have unwittingly denied their children access to school, health care, child welfare, and other welfare services.

[Parasuraman 1999:226]

Mridula Singh (1992) documents how resettlement and rehabilitation policies are mostly blind to the rights of women.

The biggest shortcoming of all these policies [the rehabilitation policies of the State Government of Gujarat, Maharashtra, Madhya Pradesh and Uttar Pradesh with regard to the SSP and Tehri Projects] is that women are not recognised as a separate entity unit . A widow, unmarried adult daughter and a deserted woman will be considered as dependents.

According to the definition of a family laid down in the policies, a widow is to be treated as a dependent to the head of the family. A widow's right ceases to exist in the allotted land as the alternative land is allotted to the head of the family, i.e., her son. Only in 1990, did the Gujarat government decide to recognise women who were widowed after 1980. They will now be considered as separate units and will be entitled to separate packages. The other states have nothing to say on this issue.

Adult unmarried women are still not being given the same status as adult sons. A family with only an adult daughter will therefore receive only one package. The policy for the oustees from Maharashtra clearly states that an adult woman will not be entitled to any land. The Madhya Pradesh policy is silent on this front. Instances in which the adult daughter has lost her father and is dependent on her brothers just might be abandoned if none of her brothers is willing to support her.

The Uttar Pradesh policy is even more gender biased. If a couple holds property separately, they will be considered one unit and will receive one package. In this situation, a woman will have to forego her right to the package as it will be given to the head of the family: the man.

A deserted woman has not even been referred to in any of the state policies. Only through the court can she file for claim in the monetary compensation received by her husband. She will not be entitled to a separate package. A deserted woman with three children, who was to be displaced by the Tehri project, did move the court under the Amendment Act 1984, for claims in the compensation money received by her husband. There must be other deserted women in both these project-affected areas who have gone unnoticed.

[Singh 1992:15–16]

Another extremely vulnerable group of oustees is oustees without land, including landless agricultural workers. We have already observed that the only legal reparation to displaced persons recognised by the statutes in India today is compensation for loss of assets that are compulsorily acquired by the state for what the state designates as a 'public purpose'. However a landless family dependent on the acquired land for their livelihood, may be most severely pauperised by the displacement because it loses its only source of economic survival. However, the law and most rehabilitation policies still do not recognise this profound vulnerability.

At the margins of any society are people like the destitute, beggars, the uncared for aged, women victims of violence and abandonment, the disabled, leprosy patients, the mentally ill, and children deprived of adult care. In normal circumstances, rural society has traditional means of social security and support for some — but not all — of these groups. These support systems collapse in times of crisis, and people who are anyway condemned to the margins are likely to be the first to fall by the wayside.

PART II

OPPOSITION TO BIG DAMS: LESSONS FOR POLICY

You tell us to take land in Gujarat. You tell us to take compensation. For losing our lands, our fields, for the trees along our fields... But how are you going to compensate us for our forest? ... How will you compensate us for our river- for her fish, her water, for the vegetables that grow along her banks, for the joy of living beside her ? what is the price of this?.....Our gods, and the support of our kin what price do you put on that? Our adivasi life – what price do you put on that?

.... We have lived in the forest for generations. The forest is our moneylender and banker. In hard times we go to the forest. We build our houses from its wood. From its rushes and splints we weave screens. From the forests we make baskets and cots, ploughs and hoes, and many other useful things... We get various kinds of grasses; and when the grasses become dry in summer, we still get leaves... If there is a famine we survive by eating roots and tubers. When we fall sick, our medicine men bring us back to health by giving us leaves, roots, bark from the forest. We collect and sell gum, tendu leaves, bahera, chironji and mahua. The forest is like our mother; we have grown up in its lap. We know how to live by suckling at her breast. We know the name of each and every tree, shrub and herb; we know their uses. If we were made to live in a land without forests, then all this knowledge that we have cherished for generations will be useless and slowly we will forget it all.

.... The river too is our sustenance. The Narmada has many kinds of fish in her belly. Fish is our stand-by when we have unexpected guests. The river brings us silt from upstream which is deposited on the banks so that we can grow maize and jowar in the winter, as well as many kinds of melons. Our children play on the river's banks, swim and bathe there. Our cattle drink there throughout the year, for the river never dries up. In the belly of the river, we live contented lives. We have lived here for many generations; do we have a right to the mighty river and to our forests or don't we?

..... After the forests and the river, how can we live in the plains or in cities? You city people live in separate houses. You ignore each other's joys and sadness.

We live with our clan, our relatives, our kin. All of us pool together our labour and build a house in a single day, weed our fields, and do any small task as it comes along. Who will come to lend a hand and make our work lighter in Gujarat?

....The land in Gujarat is not acceptable to us. Your compensation is not acceptable to us. We were born from the belly of the Narmada, and we are not afraid to die in her lap... In the summer before the monsoons, our village will be filled with water and we will drown.

We will drown but we will not move.

[Excerpts from a letter from Bava Mahalia of Jalsindhi village in Jhabua district to the Madhya Pradesh Chief Minister in 1994]

In this part of the paper, after briefly recounting the history of resistance to big dams in India, we will attempt to examine some of the major issues in the opposition to big dams related specifically to displacement, in order to derive lessons for policy. Opponents of big dams have challenged the model of development of which big dams are both a symbol and an integral component. They have questioned the assumption that development necessarily entails displacement, and that decisions regarding displacement are essentially technical or managerial in nature. Instead they have affirmed the fundamentally political content of such decisions. Challenging the eminent domain of the state and its unfettered right to acquire private and community lands without consent, they seek to enforce upon state and project authorities a recognition of their central responsibility for just, humane, comprehensive and developmental rehabilitation so that those

who are displaced and their offspring become not only sustainably better-off, but in fact become direct project beneficiaries.

Resistance to Big Dams in India: A Brief History

No survey of big dams in India would be complete without reference to the resistance put up by local people to such projects. In many projects, particularly the earlier ones, this resistance was sporadic, localised and disorganised, reflecting the spontaneous dissatisfaction and anger of those who were to be displaced. Increasingly in recent decades, such resistance has been more organised, sustained and has succeeded in building powerful alliances. In cumulative terms these struggles have had profound influence on the entire discourse of dams, displacement and development. An effective summary of the perspective of people's movements on the issues of displacement, resettlement and development is given in a paper by activist Ravi Hemadri, given in Annexure 1.

Even before Independence, there were instances of anti-dam struggles such as the one led by Senapati Bapat in opposition to the Mulshi hydroelectric project in the Western Ghats. The first large river valley project in India, Hirakud, resulted in widespread protests in 1946 after the initial notifications. In one of the few instances of mainstream political parties playing a central role in active resistance to big dams, socialist leader Ram Manohar Lohia led a struggle against the Rihand project in 1963-64. However, such early protests could not be sustained, partly because of their failure to attract larger alliances, under the overwhelming influence of the nationalist rhetoric of nation-building that accompanied the construction of large dams in India.

The success of the mobilisation against the Silent Valley project, resulting in the decision to shelve the project in 1983, led to a new phase in the history of resistance to big dams in India. In this project, environmental consequences rather than displacement were the central focus. However, alliances between environmentalists, scientists and tribal rights activists succeeded in securing the withdrawal of not only the Silent Valley, but also the Bhopalpatnam, Inchampalli and Bodhghat projects proposed over the Godavari and Indrawati rivers. Other notable early struggles against big dams were local movements opposed to the Suvarnarekha, Koel Karo and Srisailem projects [CSE 1999].

The most celebrated protest movement against big dams so far has centred around the mega Sardar Sarovar Project on the river Narmada. This project, designed to irrigate 2 million hectares of agricultural land, is expected to displace as many as two hundred thousand people, the majority tribal, through reservoir submergence and canals. A number of protest groups gathered under the charismatic leadership of activist Medha Patkar and in 1988, local resistance organisations federated into a common platform known as the Narmada Bachao Andolan (Save the Narmada Movement). Resistance strategies borrowed from Gandhian satyagraha included non-cooperation and civil disobedience, refusal to co-operate with project authorities, blocking of all project-related work, and refusal to leave their villages. The movement derived strength and credibility also from extensive and outstanding studies on social and environmental impacts of big dams.

One of India's most revered social workers, Baba Amte, left his work of 40 years among leprosy patients at Anandvan to join the struggle in 1989. His declared intention was to 'dam the flood of tears in the Narmada'. Activists and intellectuals from India and other parts of the world expressed active solidarity with the struggle. The World Bank, which was funding the project, in 1991 set up an independent review of the project led by Bradford Morse, which concluded that 'resettlement and rehabilitation of all those displaced by the project is not possible under the prevailing circumstances'. In 1993, the World Bank withdrew from the project and the Union Government for the first time sat on the negotiation table with the NBA. In 1995, the Supreme Court stayed the height of the dam until issues related to the resettlement of oustees were sorted out. In a major setback in 1999, the Court in an interim order has permitted construction on the dam wall to start again.

Although the best known, the NBA's is not the only struggle against big dams in India. Protest movements, for instance, have led to the withdrawal of the Rathong Chu project in Sikkim in 1997 and the Bedthi project in 1998. Determined protests have led to review of the rehabilitation package for Tehri, and the stalling of work on the Koel Karo project. Construction work in Bisalpur and Mansi-Wakal projects continues amidst organised protests, and work has commenced under police protection in the newest project over the Narmada at Maheshwar [CSE 1999].

A significant development has been the recent revival of struggles by people displaced by dams completed years ago, such as on the Bargi (completed 1990), Koyna (1964), Tawa (1975) and Mahi-Kadana (1978)[CSE 1999]. We have already noted the success at Bargi and Tawa to secure fishing rights for cooperative societies of oustees in the dam reservoirs.

It is important to assess the influence of these resistance movements, especially as they go well beyond their local impact on specific projects and populations. The greater success of these movements has been the fact that they have given political voice to groups that were hitherto almost completely excluded from mainstream political processes. We have already observed that development and displacement are essentially political processes, reflecting the relative power of various groups involved. We have also noted that the appalling inequity of several of the decisions relating to these processes have been possible because of the political exclusion and resulting powerlessness of large populations.

It is this muffled silence of the populations dispossessed by big projects that protest movements have most significantly succeeded in breaking. They have succeeded in restoring their political voice, in ensuring their political significance in mainstream political processes. They have begun to challenge the mainstream discourse on development, and the assumptions about who must win and who must lose.

By ensuring that these voices are heard, these movements have succeeded in compelling governments, both central and state, and powerful funding agencies like the World Bank, to rethink their policies on displacement and rehabilitation. However, the political voice of those excluded in the past is still by no means as powerful as it should be—and as is warranted by their numbers and their need. But it would be safe to hypothesise that the strength of these movements will continue to contribute to the empowerment of these vulnerable groups, and the gradual—sometimes grudging—influence over state development policies in their favour.

In the remaining part of this section, we will examine some of the most powerful arguments that have been raised against big dams from the viewpoint of displaced people and their implications for policy.

Big Dams and the Model of Development

Opponents of big dams have argued that big dams are part of a development strategy that intrinsically impoverishes and disempowers the poor. The debate and struggles around big dams in India since independence in fact have been inextricably intertwined with largely irreconcilable ideological battlelines about the nature and impacts of state-induced development. A perspective on the ideology underlying big dams and the discourse of displacement is put forward in the paper by Vijay Kumar in Annexure 2.

In the years immediately after Independence, the overarching ideology of nation-building favoured a development model of accelerated economic growth through the agency of a mixed economy, combining centralised planning and command investment with capitalist free enterprise. Equity concerns were pushed to the backburner, and it was believed that growth would itself take care of poverty and unemployment, hunger and inequality.

Mega-projects like big dams, towering steel and power plants, mines and ports, symbolised breaking the colonial chains of underdevelopment. Dam-building was considered synonymous with nation-building and the ascendancy of humanity over nature. When Nehru, India's first Prime Minister, described big dams as

the secular temples of modern India, while inaugurating the Nagarjunasagar Dam in Andhra Pradesh, his optimism and reverence resonated in vocal sections of the population.

However from the start this model of development was challenged by ideological sceptics, which included also followers of Gandhi. Although their voices were in the beginning muted amidst the nationalist rhetoric and charisma of mega-projects, this alternative view questioned a model of development which equated development merely with increased production of goods and services. It demanded that the human, social, equity and environmental impacts of such `development' interventions be carefully assessed. It was based on the conviction that much more important than merely how much was produced were questions about what was produced, how was it produced, at what costs and for whom?

Apart from the displacement implications of big dams ,opponents of big dams have identified several other grave adverse social consequences for disadvantaged people which are inherent in a development strategy predicated on large-scale technological intervention. For instance, Smitu Kothari points out that

the dominant patterns of economic development continue to depend quite heavily on the intensive and extensive utilisation of natural resources. For communities who depend on these resources as the primary source of their livelihood, the extractive processes play havoc usually setting into motion a dynamic that forces them onto increasingly fragile lands. Despite growing evidence from all over the country, a host of environmental problems remain unacknowledged. For instance this concentration of large numbers of people on increasingly fragile ecosystems most often lead to further unsustainability of resources. All this leads to increasing economic marginalisation and cultural insecurity which compel most of the displaced to seek desperate means of survival cultivating increasingly fragile lands, migration, bondage, contract crime, even prostitution.

[Kothari 1995:11]

Manab Chakraborty documents how large dams and introduction of irrigation accentuate existing social inequalities:

- *—irrigation improvement creates appropriate conditions for agricultural intensification through the use of HYVs (High Yielding Varieties) and other modern inputs*
- *—the large farmer is often in a better position to use the new opportunities. The difference between large and small farmer rapidly increases.*
- *—because of higher productivity, the landlords find it profitable to cultivate directly with the help of hired farm labour and / or machinery*
- *—tenancy rentals are further raised or dispensed with. .Tenants turn into landless labourers. The net outcome is strengthening of economic power of the rich peasantry.*

[Chakraborty 1986:14]

Whether irrigation is in fact a force that tends to deepen inequalities is a much-debated proposition among economists particularly in the context of the Green Revolution. Some economists have argued that structural biases in access to irrigation water and drainage undermine the much-vaunted scale-neutrality of HYV technologies [for instance, see Sivaraman 1973]. Empirical evidence from the Tawa and Hirakud bears out this picture. In Hirakud's command area, some 64 per cent of the holdings are less than hectare but these receive only 24 per cent of irrigation benefits .Holdings above 4 hectares, some 13 per cent of the total, get 47 per cent of irrigation benefits. In Tawa, the 15 per cent of command area covered by holdings of more than 10 hectares gets half the irrigation [Dogra 1992] .

Hirsch (1987) points that the politics of large dams goes beyond centralising water-management, to promoting the centralised state at the expense of local and non-state interests.

Apart from centralising water management, large dams are important political instruments in a number of other ways. The accessibility of previously isolated areas afforded by roads made necessary for construction of the dam, and to a lesser extent by the reservoir, gives State authorities for construction of the dam, and to a lesser extent by the reservoir, enhanced control over peripheral populations. Resettlement of scattered populations gives a high degree of control by the State resettlement authorities over every aspect of the lives of those affected. The agriculture served by new irrigation schemes follows the Green Revolution mode, and as such relies on centralized technology, inputs and knowledge systems.

[Hirsch 1987:14]

The Inevitability and Technical Neutrality of Displacement

The opponents to big dams in India have also challenged the dominant orthodoxy that development, especially state-induced development, by necessity entails the human costs of displacement or involuntary resettlement. This view is enunciated repeatedly in a variety of ways, but we will quote here the example of SC Verma (then Chairperson of the Narmada Valley Development Agency, now a Member of Parliament):

No trauma could be more painful for a family than to get uprooted from a place where it has lived for generations and to move to a place where it may be a total stranger. And nothing could be more irksome than being asked to switch over to an avocation which the family has not practised before. Yet the uprooting has to be done. Because the land occupied by the family is required for a development project which holds promise of progress and prosperity for the country and the people in general. The family getting displaced thus makes a sacrifice for the sake of the community. It undergoes hardship and distress and faces an uncertain future so that others may live in happiness and be economically better off.

[quoted in Alvares and Billorey 1988:18]

A fundamental presumption underlying the belief in the inevitability of displacement is that the location of any large irrigation project, with the consequent of distribution of benefits and displacement costs, is a purely technical outcome of factors relating to topography and the hydrological potential of the range of possible locations. However, we have already noted the fact that displacement has affected tribal people far more than other sections of the population.

The disproportionately high burden of displacement that is carried on the shoulders of the socially and economically most vulnerable sections of rural Indian society, suggests that development and displacement are in fact not merely technical, politically neutral decisions, but instead reflect the power of economically, socially and politically strong groups and regions to impose sacrifices on the weak. As Kothari (1996) puts it:

The issue of displacement and resettlement has to be viewed within the broader question of distribution of power. Despite constitutional mandates and an emphasis on favouring the underprivileged, in an overwhelming number of cases, national and regional (and increasingly global) interests — the primary beneficiaries of the developmental process — transgress on or violate the interests of politically and economically weaker groups and individuals..... This question is therefore essentially linked to democratising the planning process itself and integrally involving the historically underprivileged and disempowered in decisions that so crucially affect their lives, livelihoods and lifestyles.

[Kothari 1996:1476]

With the debunking of theories positing the technical neutrality of decision-making regarding development and displacement, and the recognition of the essentially political character of such decision-making, our

initial question viz., whether displacement is an inevitable consequence of induced development, remains.

Cernea (1996) recognises that 'certain national or regional interests cut across the interests of smaller groups and . . . individuals. The former interests usually prevail, especially when confronting poor and politically weak population segments.' [Cernea 1996:191] However, he feels that :

Development can never be completely free of such contradictions and conflicts, and population displacement imposed by more broadly based interests is only one case in point. Recognizing that some degree of displacement cannot be avoided during development does not mean, however, that induced development should accept it as a God-given tragedy worthy of little more than a compassionate shrug of the shoulders.

[Cernea 1996:191]

The implications for policy of such a view is that displacement should be minimised, but where it is unavoidable, the trauma of its impact must be mitigated. This position is also challenged by opponents of big dams on the ground that even if some displacement, in the limited sense of change in land-use, is indeed inevitable with development, it still does not follow that involuntary displacement is also always inevitable. The latter presumption hinges on concepts relating to the 'eminent domain' of the state and 'public purpose'. We shall examine these issues in the next sub-section.

Eminent Domain and 'Public Purpose'

A third important issue in the debate around big dams in India is the question of whether the state should retain the power to compulsorily acquire private land for development projects without the consent of the owner or owners of such land.

The only prevailing law relating to involuntary displacement with an all-India coverage remains the colonial Land Acquisition Act of 1894 (LAA). Other such laws, but without direct relevance to big dams, include the Coal Bearing Areas (Acquisition and Development) Act 1957, the Forest Act 1927 and the Army Manoeuvres and Practice Act 1938.

The most important principle underlying the LAA and related acts is the doctrine of eminent domain, according to which the state enjoys ultimate power over all land within its territory. It follows that the state has the right to invoke this right for the 'public good', and the consequent compulsory acquisition of land cannot be legally challenged or resisted by any person or community.

What constitutes 'public purpose' is deliberately left open in the law, and the power to determine its definition rests essentially with the state. It is significant that subsequent amendments to the LAA, and the new draft of the Land Acquisition (Amendment) Bill 1998, currently under consideration by the Government of India, do not undermine either the eminent domain of the state nor the unassailable power of the state to determine what constitutes in any specific instance a 'public purpose'.

The power of eminent domain conflicts most obviously with Constitutional imperatives contained in Part XVI of the Constitution of India, designed to protect Scheduled Tribes. Most state legislatures have passed elaborate statutes to protect tribal land owners from alienation of their lands, but paradoxically no protection is extended to tribals for loss of lands to the single most important source of their expropriation, namely the state itself.

On the contrary, Usha Ramanathan (1995) describes the absurdity of the conversion of a protective provision into a disability, witnessed in a decision of the Andhra Pradesh High Court. (Special Thasildar vs. Posayya etc. 1994).

Concerned with a case of enhanced compensation where land had been acquired from tribals in the process of constructing an earthen dam for Jalleru and Yerrakaluva reservoirs, the court used invented a logic for lowering the compensation. It sought to apply one of the standards used in the computation of compensation which requires consideration of what a willing purchaser will pay a willing seller.

'It must be borne in mind that the lands are situated in an agency area where the alienation of the lands is prohibited to any outsider except to a Scheduled Tribe by virtue of A.P. Scheduled Area Land Transfer Regulation, 1959', the Court said. Therefore what is the capacity of a Scheduled Tribe willing to purchase the property will have to be taken into consideration and not with reference to the capacity or willingness of a plainsman. Scheduled Tribes may not have the capacity and may not be willing to pay so much of amount for purchasing the lands and there is no demand for the land from the tribal'.

[Ramanathan 1995:45]

In general, courts in India have endorsed the doctrine of eminent domain. For instance, the Supreme Court in a ruling in 1994 (quoted by Usha Ramanathan) held :

The power to acquire private property for public use is an attribute of sovereignty and is essential to the existence of a government. The power of eminent domain was recognised on the principle that the sovereign state can always acquire the property of a citizen for public good, without the owner's consent..... The right to acquire an interest in land compulsorily has assumed increasing importance as a result of requirement of such land more and more everyday, for different public purposes and to implement the promises made by the framers of the Constitution to the people of India. [Ram Chand v. Union of India 1994].

[Ramanathan 1995:53-54]

However, such unbridled power of the state, both to unilaterally determine what constitutes the 'public good' and to compulsorily appropriate private and community lands for such alleged 'good' has been challenged by people's movements as intolerably undemocratic and inequalitarian. They argue that it is incongruous that a colonial law, designed to promote colonial interests, has been retained in what is claimed to be a democratic welfare state.

One body of opinion calls for the complete elimination of the power of the State for compulsory acquisition. However, the belief that all displacement should be consensual also is not without its problems, because it can be used to justify the full play of unbridled market forces and the retreat of the state, even in its responsibility for equity-promoting interventions. The state must continue to be held responsible and accountable, for instance, for land reforms, health, education, shelter and livelihood security of the poor, and each of these can on occasion require the compulsory acquisition of land.

One answer that has been suggested is that for commercial and profit-making activities, consensual displacement based on free negotiation with those in occupation and dependent for their livelihoods on the land in question, should become the rule. However, such negotiations between economically powerful corporations and relatively powerless and unorganised small land-owners allowing the free play of the market also has obvious attendant dangers. Moreover those without legal rights on land would not be involved in the negotiations at all. Therefore, although compulsory acquisition may be debarred in such cases, but state regulation to ensure the equity of the negotiations would continue.

'Public purpose' must be defined without ambiguity and in a limited sense. The burden of proof must be on the state to establish the public good involved in any proposed acquisition, and this must be judicable.

A draft Land Acquisition, Rehabilitation and Resettlement Bill, 1999 prepared after a series of consultations with people's movements, academics and NGOs is a step in this direction. It proposes that 'public purpose' should include such purposes by which the Government intends to bring into effect the

Directive Principles of State Policy of the Constitution of India. The Directive Principles of State Policy are an unimpeachable listing, as part of the Constitution, of responsibilities of the state, chiefly related to social equity. Further, the draft proposes that land acquired for individuals or companies producing or offering goods or services for profit shall not be considered a public purpose. However, it is silent about the need for the state to regulate such negotiations to ensure equity. Therefore the purpose of the suggested amendment is that when acquisition is sought to be resorted to by state, the burden of proof must be on the state to prove that it is for a purpose related to social equity.

The Responsibility of the State for Successful Rehabilitation

The next issue in the debate is the nature and extent of state responsibility for the rehabilitation of the displaced. The state in India has been reluctant to admit responsibility beyond the payment of compensation as determined by law. It is significant that whereas the statute books arm the state with what many perceive to be draconian powers of compulsory land acquisition, there is still no national law — not even a national policy — for ensuring that rehabilitation is an enforceable right of persons affected. The preferred way has been instead to allow the concerned state governments and funding institutions to work out policies specific to each project.

It is chiefly under the impact of people's movements, supported by painstaking empirical social science research, that the state has in recent times acknowledged that its responsibility for rehabilitation to extend beyond the payment of market value for compulsorily acquired assets. However, the state in India has continued to resist the laying down of the nature of its precise responsibilities for rehabilitation in the form of even a comprehensive policy statement, let alone legislating the right to rehabilitation as a legally enforceable right. The infirmity of political will underlines the importance not merely of a policy, but of legal and institutional mechanisms for its enforcement.

For their part, most state governments either do not have comprehensive rehabilitation policies or legislation, or where these do exist in whatever form, the governments themselves are observed to have directly or tacitly blocked their implementation. The state governments of Madhya Pradesh and Maharashtra, for instance, have passed laudable laws that provide for acquisition of land in the command area of big dams for rehabilitation of oustees, but these are only enabling provisions and the state governments have chosen not to exercise these powers for any project. The Karnataka legislature adopted a bill on resettlement, but the state government has blocked its implementation by failing to fulfil the formality of putting it up to the State Governor for his formal assent. Most state governments rely not on law or universal policies, but instead on ad hoc administrative instructions, in conformity with the bureaucratic preference for what is described as a 'case-by-case approach'.

Among people's movements and in the academic literature, however there is wide consensus about the responsibilities of the state. There are many theoretical models which seek to define the precise contours of the responsibility of the state, and what constitutes 'just rehabilitation'. The two most influential theoretical models (which have not been developed specifically in the context of India but are widely applicable) are those of Scudder and Cernea.

Scudder states that the goal of dam-induced resettlement should be that both the resettled and host populations become project beneficiaries. This means that 'the income and living standards of the large majority must improve to the extent that such improvement is obvious both to themselves and to external evaluators' [Scudder 1997:47].

To achieve this objective, he suggests reliance on his four-stage model. 'Briefly, the four stages are characterised by planning; efforts by the resettlers to cope and to adapt following removal; economic development and community formation within resettlement areas; and handing over and incorporation'. According to him, the responsibility for successful resettlement is not a one-shot affair—'at minimum, it should be implemented as a two-generation process' [Scudder 1997:48].

Cernea (1998) proposes a 'risks and reconstruction' model of rehabilitation. He believes that 'targeted measures – economic, technical, legal and cultural — must be undertaken to orient from the outset the planning of resettlement towards the reconstruction of livelihood, so as to prevent impoverishment'.

When the state takes up a project entailing displacement, 'the people who will be displaced are subjected to huge risks, typically without their knowledge, participation or consent'[Cernea 1998:43–44]. He identifies the risks as follows: 'landlessness; joblessness; homelessness; marginalization; increased morbidity and mortality; food insecurity; loss of access to common property and services; and community disarticulation' [Cernea 1998:47].

His hypothesis is that the state can reverse the risks by the following reconstructive actions :

- from landlessness to land-based resettlement;
- from joblessness to re-employment;
- from food insecurity to safe nutrition;
- from homelessness to house reconstruction;
- from increased morbidity to better health care;
- from social disarticulation, marginalization and deprivation of common assets, to community reconstruction and social inclusion.

[Cernea 1998:47]

Against this background, Cernea defines clearly the role of the state for rehabilitation:

The state assumes a responsibility when it forces people to relocate and it has a responsibility for not leaving them impoverished. For the state, the recovery of resettlers' livelihoods is first a matter of political will and financial resources. Resource allocation is a political matter, not just an economic one. My simple argument holds that, because government agencies employ the weight of the state and the force of the law to impose expropriation and displacement, it is incumbent upon the same government to also enable those displaced to get back on their feet and benefit from the development for the sake of which they are displaced.

[Cernea 1999:20]

What these models require are precise policy guidelines and legal and institutional mechanisms required to secure the goals of just rehabilitation such as sustainable livelihoods and an equitable sharing of project benefits.

PART III

DISPLACEMENT AND REHABILITATION: SUGGESTED DIRECTIONS FOR POLICY

The Bargi dam forced us to flee our lands. We received a little compensation, like alms to a Brahmin. In search for work, taking each other's help, we came to Jabalpur city. For some days, we worked with brick and mortar, then I pushed a hand-cart, and we worked as wage labourers. We knew how to cycle, and learnt to pull a rickshaw. In this way we learnt to eke out a a living...

As the waters filled our village, we had to flee. We stubbornly braved the waters until the end. But when our children began to drown, and the waters entered our houses, then we had to run away. Understand this, it was the waters that forced us in the end to move away from our homes...

In our own land we were king. In this city of strangers, we are dogs. We can never find happiness here. We will die speaking of our woes, but none will listen. Anyone here gives me a shove, says? push this handcart, and I will give you two rupees. What does he know or care where we are from, what we were, what did we do? Today we are people of the streets, of no value, Sahib, no respect...

[Viran, an oustee of the Bargi Project,now a slum-dweller in the city ofJabalpur

Speaking in the documentary film Kaise Jeebo Re

(How do I Live, My friend)]

The preceding parts of this paper attempted to summarise the major issues in the debate and struggles around big dams in India and the principal problems experienced by displaced people as the direct result of state policies for displacement and rehabilitation. In this part we will attempt to analyse and suggest ,in the context of the Indian experience, some possible policy directions for dealing with displacement and rehabilitation .

We will argue that it is not enough to speak of a policy for resettlement and rehabilitation. There must be a comprehensive policy on displacement and rehabilitation, of which the cornerstone must be a commitment to avoid or minimise displacement. For this, `public purpose' and official claims that less displacing alternatives are not available must be justiciable, a regime of transparency and right to information must be in place and human and social costs must be genuinely incorporated in assessing the benefit-cost ratio of any project.

We will attempt to establish benchmarks for a just and humane policy for compensation, resettlement, and rehabilitation, in cases where displacement occurs. The goal of such policy must be to facilitate affected populations to directly and sustainably benefit from the project. Such a rehabilitation package must be negotiated with affected populations to constitute a legally enforceable right. Detailed planning for rehabilitation must be integrated into project planning, and phasing must be tailored to the interest of the oustees rather than construction schedules. Populations whether affected directly or indirectly must be eligible and compensation must enable replacement of lost livelihoods, shelter and assets. Land-for-land must be the cornerstone of the rehabilitation policy, based on compulsory acquisition from larger holdings in the command area. Important non-land based assistance could include exclusive fishing rights in the new reservoir. Physical relocation, where unavoidable, must be in resettled communities at sites and habitats selected by the resettlers with the consent of host communities, and basic facilities must be assured in advance. The policy must contain special measures for most vulnerable groups and people.

In separate sections relating to displacement, compensation, relation and rehabilitation, we will examine alternatives and propose what we regard as the most satisfactory arrangements. We will look not only at principles of policy and packages, but even more importantly at processes and mechanisms of enforceability, because experiences such as with the utterly inadequate implementation of the relatively progressive package of the Gujarat government for SSP oustees underline the gap between promise and delivery and the need for effective delivery mechanisms.

In attempting to suggest directions for policy regarding displacement and rehabilitation in India, we will examine among others the Draft National Policy, Packages and Guidelines for Resettlement and Rehabilitation, 1998 (NRR 1998). Various draft policies have been under preparation by the Government of India since the mid-1980s, but none ultimately saw the light of day. The latest draft NRR 1998 was prepared and widely debated by the Government of India, including with people's movements, though it is reportedly still stalled at the level of the cabinet. The draft NRR 1998 is still used in this paper as a benchmark, because it constitutes the most comprehensive official draft policy so far, and its preparation involved wide consultations including with people's movements and social scientists. But it is important to bear in mind that it has not received official sanction so far, and the prospect of this happening in the near future remains uncertain, even remote.

Since the World Bank has funded a significant proportion of mega-dams in India, and therefore has considerable influence on official policy, we shall also look closely at relevant clauses of the 1998 World Bank policy. There are a number of drafts prepared by people's organisations and social scientists. Based on these, and our own assessment of the problem with various policies, proposed and implemented, we shall make recommendations for policy and law.

DISPLACEMENT

We have observed at some length how the construction of large dams raises fundamental questions of equity, fairness, justice and equality before law, in the matter of distribution of benefits and burdens. The deprivation suffered by displaced people raises vital issues of constitutional norms and human rights, including the right to survival, and the basic right to live with dignity. The plight of uprooted tribals, systematically pauperised in their search for work and livelihood so that 'the nation' may thrive and progress is particularly ironical in the light of special constitutional guarantees to protect Scheduled Tribes. We have also observed that decision-making about 'development' is not exclusively, or even primarily, technical or managerial in nature, but essentially political, reflecting power to impose costs on some groups and to benefit others.

Seen in this light, it becomes clear that the objectives of any just and equitable law and policy dealing with the colossal social and human impacts of big dams, cannot be limited only to minimising the trauma of displacement, and ensuring the just resettlement of the victims of displacement. It must incorporate the objective to end, or severely curtail, displacement itself, to no longer accept state-induced involuntary resettlement as an inevitable cost of all development projects. It must enable people to effectively challenge as equal partners, a form of development which takes for granted the inevitability of displacement.

The NRR 1998 considered by the Government of India, states as its initial objectives:

To minimise displacement and to prevent state-induced impoverishment of people on account of compulsory acquisition of land for the State, semi-government or private interests, leading to loss of livelihood and shelter, and to search for non-displacing or least displacing alternatives to people displacing projects.

Likewise, the first overall objective of the World Bank's policy on involuntary resettlement is stated to be that 'involuntary resettlement should be avoided, where feasible, or minimised, exploring all viable alternative project designs'. It lays down that in financing projects, the Bank should satisfy itself that

the borrower has explored all viable alternative project designs to avoid the need for involuntary resettlement and, when it cannot be avoided, to minimise the scale and impacts of resettlement (for example, it is pointed out that realignment of roads or reduction in dam height may reduce resettlement needs).

[World Bank 1998:13]

It is possible to state this principle even more categorically, that forced relocation must be avoided, except in very exceptional circumstances. In such cases, all necessary measures must be taken to minimise the scale and impact of displacement.

However, the problem is not so much the statement of principle, however enunciated. The principle itself, from the viewpoint of developmental equity, is no doubt a massive step forward from the position that has actually informed decision-making regarding development investment so far, both by the Government of India and the Bank. The principle is in conformity also with the resolution in the Programme of Action adopted by the World Summit for Social Development in Copenhagen in 1995, which advocated 'wherever possible, development schemes that do not displace local populations[must be preferred], and designing an appropriate policy and legal framework to compensate the displaced for their losses, to help them to re-establish their livelihoods and to promote their recovery from social and cultural disruption' [quoted in Oxfam 1997:19].

The problem is with the legal policy and institutional mechanisms to enforce the principle . In the absence of reliable enforcement mechanisms, it is likely that the avoidance of displacement would remain a pious statement of intent, whereas project authorities, governments and funding agencies would continue in practice to make development related decisions for investment in projects entailing large-scale displacement of populations.

The challenge before law and policy makers to establish such mechanisms is probably the most difficult in the whole gamut of policy challenges regarding big dams. We do not claim to have all the answers, but some suggestions are given below:

Justiciability of 'public purpose'

The only 'public purpose' that should be recognised by the law should be a purpose that has a clear and direct linkage to promoting the objectives enshrined in the Directive Principles of State Policy of the Indian Constitution, and should exclude any activity which related to the creation of profit. It must be incumbent upon government to justify the public purpose of the proposed project, by publishing for public dissemination, the following information, in addition to how far the project is expected to promote which Directive Principle of State Policy?

How far does it lead to the optimum utilisation of existing resources, keeping in mind the priority needs of the common people, especially the disadvantaged and dependent sections?

How does it alter the existing distribution, use, access and control over the natural resources in question? In whose favour and in accordance with what principles of equity and distributive justice, and at whose costs, is such a change made? In other words, who are the beneficiaries and who are the victims of the development project?

What is the total impact of the project upon life, society and the ecosystems within which these survive.

It should be legally permissible for not only persons to be affected by the project, but also any other person or group, to challenge this claim of 'public purpose' of the project. This would be in conformity with the principle established in the context of public interest litigation in India, that in issues involving concerns of social justice one does not need to establish that one is directly affected to have recourse to legal remedies.

Establishing that this is the 'least-displacing' alternative

It is also incumbent upon the government before the launching of the project to justify that in the light of various technical and locational options, this is the least displacing alternative available. This claim should also be justiciable.

For example, small reductions in height of a large dam may dramatically reduce displacement, with a proportionately much smaller fall in benefits. But going much further, maybe a network of small and micro-minor division schemes and earthen bunds, within a overall paradigm of integrated watershed development, may result in far less displacement and a far more equitable sharing of benefits by small farmers engaged in dryland agriculture.

The literature now recognises the pervasiveness of 'engineering biases' which block the exploration of technically and economically viable alternatives to reduce displacement. Apart from involving the people in the debate, which we shall touch upon in the next section, the obligation on the state to justify its choices in the light of other technical and locational choices available, may itself be expected to reduce the 'engineering' biases' that push for greater displacement.

Right to information

The right of populations that may be affected by any proposed project, and all other concerned citizens or groups, to challenge claims regarding the necessity of displacement and public purpose of any project, is dependent critically on the right to information. As Ramanathan (1995) says:

It is imperative that the population likely to be affected by the acquisition be involved in the process from the time that decisions are sought to be made about where a project is to be located. They should be given full information;

- *To help them participate in decisions about whether the stated purpose is a public purpose;*
- *To explore options which may be less displacing;*
- *To work out the costs it involves for them;*
- *To find out how they may gain from the process of change that the acquisition will bring*

[Ramanathan 1999:20–21]

There does exist in India burgeoning support for the movement for a statutory people's right to information as an essential part of the fundamental rights of life, speech and expression. In the context of big dams, it would entail full access to all technical aspects of the project, including:

- *the assessment of all costs and expected benefits; the assessment of the range of technical and locational options;*
- *reasons for selecting one alternative from the constellation of options;*
- *full details of communities and areas to be affected and the precise nature of impacts.*

The right to information must extend to 'all aspects of the project, including the detailed project report, financial plan, economic/financial viability studies, social impact-assessment and other studies, social cost-benefit analysis, environmental impact assessment, environment rehabilitation plans' [NRR 1998] , detailed resettlement and rehabilitation plans, and conditionalities of loan sanction for the project, where applicable.

It is not enough that all this information be available in public libraries, including in the district headquarters of all affected areas. An endeavour must also be made to demystify and translate it into non-technical local terminology, to actively distribute and explain it to the affected populations. Each project must provide for an information centre at the project site itself. Project and state authorities must be legally bound to consult with potentially affected people about all viable alternatives to avoid or minimise displacement.

Right to be consulted

Apart from the right to information of the individual, is the right of affected populations to be actively consulted in the event of any proposed land acquisition. As the NRR 1998 states

It must be a compulsory obligation on the part of the project planning and implementation authorities to involve and consult the representatives of the affected communities, including women and members of disadvantaged groups, in all phases of planning, execution and monitoring of the RR (resettlement and rehabilitation) Plan. The entire decision making process regarding RR Plans must be completely transparent. The comprehensive plan for resettlement must be made public. It must be brought to the notice of the people likely to be affected through channels like the local language media, local exhibition, meetings, etc. It is important that the government and the project authority are under an obligation to take the information to the doorstep of the affected population so as to enable even non-literate persons in the most distant area to acquire full knowledge of the plan for their resettlement. It should be mandatory and enforceable that the project-affected people [must] be given the right to participate at this very stage so that they can bring their full weight to bear on the design and content of the plan.

[NRR 1998:134–135]

Consultation with the Gram Sabha or the entire assembly of adult residents of a village is now a statutory imperative for all areas predominantly inhabited by tribal people, (known as Schedule V areas). This same legal requirement should be extended to Gram Sabhas in non-tribal areas.

All Gram Sabhas in which even one person is affected by a proposed project should be required to be consulted before acquisition proceedings are initiated, by the procedure prescribed as follows.

Along with a request to commence acquisition proceedings under the LAA, the acquiring authority would have to prepare and submit to the District Collector, the following information:

Full details of land proposed to be acquired along with khasra numbers and other details;

Full details of land expected to be affected by the project but which is not being acquired;

Purpose for which acquisition is proposed with full details including the specific use to which each segment of land is expected to be put to;

Reasons why the quantity of land proposed to be acquired is necessary and justified in relation to the purpose of the project;

Details of all options considered and reasons why the proposed acquisition is the least displacing alternative available

Full details including plot numbers of land-for-land and resettlement sites, capacity building and employment and phasing of the rehabilitation plan in consonance with the national rehabilitation policy;

Full details of social impacts including on host community in area of resettlement;

Full time-table with details on phasing of resettlement and rehabilitation; and

Full details of the expected environmental impacts—both short and long-term especially its impact on public health and on the forests, water, air and mineral resources.

The Collector, with the co-operation of the acquiring authority, will ensure that the information indicated in the previous paragraph is communicated in a manner fully accessible to affected individuals and the Gram Sabha, using a variety of methods such as: (a) publication in two local newspapers in the local language; (b) beat of drum ; (c) pasting on the notice board of the Gram Panchayat; and (d) individual notices to all affected persons. The Collector would also be encouraged to elicit the help and cooperation of from the elected representatives, especially of the district, block and village Panchayats, and local NGOs in communicating this information.

Affected individuals and Gram Sabhas must be given at least 60 days after the date of such publication to submit their queries, requests for further information and objections. On a date duly publicised in advance, a Gram Sabha meeting must be organised in each affected Gram Sabha. All written requests for clarifications and further information must necessarily be met prior to this meeting. The Collector or a senior official deputed by the Collector and the acquiring authority would both necessarily attend this meeting. In the Gram Sabha meeting, the Collector and requiring authority would again present and elaborate on the information referred to above. All objections obtained in advance, as well as verbally during the consultation, must be dealt with one-by-one. The members of the Gram Sabha must be given the opportunity to explain the reasons for their objections and the requiring authority would be free to respond. In case of a consensus, this would be duly recorded. However, in case of a disagreement, the Collector would record a synopsis presenting the arguments of both sides and her or his decision in a Speaking Order. This Order would be appealable as with any other orders of the Collector.

After the maximum period for appeal against any such order of the Collector has lapsed and if no such appeal has been lodged, the Collector would be free to initiate land acquisition proceedings. However, in case of an appeal being filed, the Collector would await the decision of the appeal.

Even if urgency clauses for acquisition are invoked, it would continue to be mandatory that the consultation procedure defined above be followed.

[Mander 1999:28–29]

Social Cost-Benefit Analysis

Another institutional mechanism to limit displacement is to ensure that in the planning of any project the social and human costs are more accurately assessed and internalised in the cost-benefit analysis of the project. In practice, project engineers and administrators tend to exaggerate greatly the expected benefits of any project, whereas social and human social costs are severely downsized or ignored. The many levels at which this distortion occurs is documented in Annexure 3 by Ashima Sood.

Part of the reason why displacement costs were never fully accounted for was that , except for land acquisition outlays they were in fact pure externalities under the LAA. In recent years however recognition

of the principle that social costs should be fully internalised while assessing projects has begun to appear in government or Bank policy documents. How this principle may be operationalised is also discussed in Annexure 3.

COMPENSATION, RESETTLEMENT AND REHABILITATION

In the literature, there is considerable confusion, and some fuzziness, in the use of the terms 'compensation', 'reparation', 'resettlement' and 'rehabilitation'. These are sometimes used interchangeably, but often different social scientists and policy documents use the terms with variations in emphasis and meaning. This confusion is serious not merely because of lack of academic precision, but because speaking of compensation interchangeably with rehabilitation can be used in effect to devalue the scope of rehabilitation.

In this paper, we shall understand 'compensation' as packages in cash or kind, for persons directly or indirectly adversely affected by developmental projects, as reparation for their acknowledged losses, not only of assets but also of livelihoods, common resources, shelter and habitat. We shall understand 'resettlement' as the packages and processes provided in new resettlement sites in addition to compensation, for those who are physically dislocated from their original habitations as a result of any developmental project. Finally, 'rehabilitation' may be seen as packages and processes provided in addition to those for compensation and resettlement, in order to ensure that persons affected by projects and their offspring are sustainably better off as a result of the project. The three concepts may be understood in terms of a series of concentric circles, in the sense that rehabilitation is inclusive of packages and processes for compensation and resettlement, but contains more.

The Goal of Rehabilitation

The NRR 1998 states as its goal the endeavour 'to minimise the trauma of displacement on account of compulsory acquisition of land', and to establish statutory minimum standards for packages and benefits to ensure that displaced persons are better off as the result of the project. The Bank policy states that 'where displacement is unavoidable, resettlement programs should be conceived and executed as development programs, providing sufficient investment resources to give the persons displaced by the project the opportunity to share in project benefits'. It also mandates that the affected people should be 'offered opportunities to participate in planning and implementing resettlement programs'; and that 'displaced persons should be assisted in their efforts to improve their former production levels, income earning capacity and living standards, or at least to restore the production levels, income earning capacity and living standards they would have achieved in the without-project case' (World Bank 1998:1).

The advantage of this formulation is that rehabilitation is not merely reduced to a set of palliative measures for welfare and relief; it is an integral component of the development project ensuring that all affected persons actually benefit, and are not pauperised by it. As pointed out in a thoughtful and constructive critique of Bank policy by Oxfam [Oxfam 1997] the formulation should be further strengthened to state that displaced persons should directly benefit from the project, in ways to which they consent. This stress on the paramount importance of the right of displaced persons to secure direct benefits of their choice from dam projects, is important, among other things, to safeguard their entitlement of land-for-land, to which we shall return later.

Legal and institutional mechanisms

Once again, the problem is not so much with the goals of developmental rehabilitation that we have enunciated, as with the legal and institutional mechanisms for the enforcement of these goals and their attendant packages. In other words, for a policy to bite, it must have teeth. In India, as we have noted, the only national law regarding displacement is the Land Acquisition Act of 1894 (LAA), which places no legal obligation on either the project authorities or the state, beyond a limited conception of adequate 'compensation'. The goal of developmental rehabilitation, and the range of rehabilitation packages that we will outline below, could easily be reduced to pious intentions, except where to the extent that displaced persons are organised. The dismal story of the implementation of the Gujarat SSP package (See, for example Paranjpye 1990 and Parasuraman 1999) which, in terms of stated intent is considered more progressive than any other rehabilitation policy for big dams in India, shows the vast gap between

precept and practice in implementation of rehabilitation packages for big dams. Given the power of 'engineering biases', the only real imperative exercising project authorities in most cases is only to remove human encumbrances from submergence and construction zones, and to blunt the edge of their resistance.

Clearly, developmental rehabilitation has any chance of becoming a reality only if it is backed by effective sanctions, of law and institutions. Firstly, the narrow definition of 'compensation' in the Land Acquisition Act needs to be expanded to incorporate elements of developmental rehabilitation, as enunciated in this paper. Further this definition must be in the nature of a legal and enforceable obligation on project authorities towards those negatively affected by the project in various ways, including host populations.

The content of the rehabilitation package must be negotiated with all categories of the affected populations, not only in the village community or Gram Sabha but also separately with collectives of each vulnerable category like the landless, artisans, women, tribals and dalits. They must be informed about their options and rights pertaining to resettlement; and consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives. The right to information and consultation, would apply also with regard to various stages of planning and implementation of the rehabilitation package, and participatory mechanisms for monitoring and evaluation. In fact, it is essential that both displaced and host populations participate in the design, planning, implementation, and monitoring and evaluation packages.

The package negotiated with affected individuals and Gram Sabhas must legally conform at least to the minimum standards prescribed in this paper, although project authorities, governments and lending agencies would be encouraged to exceed what is assured. Before land acquisition proceedings are initiated, it should be a legal requirement that a tripartite agreement is entered into between each of the affected heads of family and each Gram Sabha on the one hand, and the project authorities and state government on the other. It should be in the nature of a legally enforceable contract, which states clearly what, and in what time frame, the affected family and Gram Sabha are entitled to. Project authorities find it easier to deal with atomised families rather than communities, but insistence upon consultation, consent and agreement with Gram Sabhas and collectives of vulnerable groups, instead of just heads of families, is essential to preserve and build upon community support structures during resettlement and also to encourage political organisation for redressal of grievances.

The Government of India has established a fairly strong and independent mechanism to assess the environmental feasibility of all large projects, and no project can be commenced without an environmental clearance. It is long overdue that a parallel process be put into position for the 'rehabilitation clearance' of such large projects. This will ensure that detailed rehabilitation planning is integrated into the overall planning of the project, and that affected populations are extensively informed and consulted. The feasibility of the rehabilitation package should also be studied in advance before construction. This is all the more necessary to avoid cases like the SSP, with regard to which the Independent Commission headed by Morse concluded in 1992, almost a decade after construction commenced, that rehabilitation of the large affected populations was not possible, a conclusion also supported by independent social science research (Parasuraman 1999).

Phasing of Rehabilitation

Not only must detailed rehabilitation plans be prepared before the project is assessed, but its implementation should be planned according to careful schedules, driven not by construction requirements but the needs and best interests of the affected and host populations.

In practice, in the phasing of rehabilitation and resettlement for irrigation projects in India, the *pari passu* or incremental approach has typically been followed, in that people have been resettled according to construction and submergence schedules. The government defended the incremental approach by stating that

in large irrigation projects, R&R process that continues over a long period of time has to be carried out in steps and not in one go. Lands under submergence cannot be kept frozen for the purpose of acquisition over years, to the detriment of the displaced. The entire process is a time stream of actions and has to be judged from how far the scheduled R&R targets are in keeping with the main physical works of the projects and how best they have been met with

[Chitale 1992 quoted in Parasuraman, 1999:229–230]

The NRR 1998 seeks to distance itself from this approach by stating as follows:

The displacement of project affected persons (PAPs) must be handled through a phased programme with minimum hardship, and their resettlement must be treated as a part of the project itself. No developmental project can be justified if a section of society is pauperised by it, even less if these people to start with were socially and economically weak. If people are uprooted, alienated, and turned into destitutes, helpless and wandering in search of livelihood, then whatever principles of justice one may invoke or apply, the project must be seen to have failed. As such, the welfare and development of project affected persons is a precondition, an inseparable part of the project itself, not merely an unwanted appendage to be executed unwillingly.

[NRR 1998:127]

The World Bank policy does not distance itself as clearly from what is today in the literature a largely discredited 'incremental' approach.

In projects where priorities are driven primarily by construction, actual practice is directed at vacating the submergence basin, rather than assisting displaced persons to become project beneficiaries. The incremental approach becomes an excuse for ad hocism, a fig leaf for the lack of any genuine rehabilitation planning. As Oxfam (1997) points out

in its review of the SSP, the Morse Report states that 'the demands of engineering [seem to] carry far more weight in the Bank than the needs of the people to be affected or of the environment.' The SSP did not prepare a relocation timetable at the outset which meant that seventy per cent of the affected population were supposed to move in one year- the last year of the project.

[Oxfam 1997:19]

We have already noted the enormous and avoidable trauma of relocation timed close to submergence and how, in practice, relocation is forced to occur only months, sometimes weeks or days before actual submergence in most cases.

The policy of rehabilitation must contain safeguards for detailed advance planning for rehabilitation. Mere statement of principles, however lofty should not be acceptable without full details of the measures proposed to operationalise the principles. For instance, a policy like that of the Gujarat government for the SSP provides for a minimum of 2 hectares of irrigated land for various categories of displaced persons. What it does not contain, which is one main reason why it has not been operationalised is details of what its full requirement of land would be, where this land is located, and how it would be obtained, according to which time-schedule etc. Only such a detailed advance plan would enable the affected populations, state governments, funding institutions, and the people at large, to assess whether rehabilitation as suggested is feasible and acceptable. However, it was only after construction had reached an advanced stage did it become clear that the Gujarat government intended to acquire land for settlement only by 'voluntary sales', so that oustees from even the 19 affected villages of Gujarat had to be dispersed into 150 settlements. This was contrary to the principle of enabling communities to be resettled without being fractured. What is even more grave, the availability of land in the state of Gujarat for oustees from other

states, including for the landless and adult members for each household as provided for in the policy, is highly unlikely if land is to be obtained only from voluntary sales.

Not only must detailed rehabilitation plans be prepared before the project is assessed, but implementation should also be planned according to careful schedules, driven not by construction requirements but the needs and best interests of the affected and host populations.

Eligibility for Compensation and Rehabilitation

The prevailing law in India (the Land Acquisition Act 1894) recognises only those with legal rights on land to be eligible for compensation. The Bank definition is wider, as follows:

Displaced persons in the following two groups are entitled to compensation for loss of land or other assets taken for project purposes:

those who have formal legal rights to land or other assets (including customary and traditional rights recognized under the laws of the country); and

those who do not have formal legal rights to land or other assets at the time of commencement of the census, or at the time of delineation and effective public disclosure of the area affected by the project, whichever is earlier, but have a claim to such legal rights – provided that such claims become recognized under the laws of the country through a process identified in the resettlement plan. Such rights could be derived from adverse possession, from continued possession of public lands without government action for eviction (that is, with the implicit leave of the government), or from customary and traditional law and usage etc. The absence of legal title to land or other assets is not, in itself, a bar to compensation for lost assets or other resettlement assistance.

[World Bank 1998:6]

Displaced persons in these two groups are also entitled to in the Bank policy for compensation for loss of other assets, in particular, structures and crops, and other resettlement assistance.

A third group of displaced persons – those who are occupying land in violation of the laws of the country and who do not fall within the category described (b) above – is not entitled to compensation for loss of land under this policy. However, they are entitled to resettlement assistance in lieu of compensation for land, as necessary to achieve the objectives set out in this policy, if they occupy the land prior to the date of the commencement of the census or prior to the delineation and public dissemination of information on the project area, whichever is earlier. All such displaced persons are entitled to compensation for loss of assets other than land, in particular, structures and crops.

A much wider and generally satisfactory definition of 'project affected persons' is in the NRR, 1998:

The definition of 'project' includes every activity, public, semi-public or private, which results in acquisition of land or displacement or disturbs the habitat and way of life of people. All persons whose source of livelihood, place of residence or other property is affected notwithstanding the legal status enjoyed by them in relation to the concerned location of the resource base for their livelihood and subsistence, shall be deemed to be project affected persons (PAPs). In particular they shall include:

Persons interested in agricultural land as owners, subtenants, occupants with or without legal status.

Persons dependent on public resources, such as cultivators of river-bed lands, fisher folk, cattle rearers, collectors of minor forest produce, occupants of forest, revenue, community, or common lands in the

directly affected areas, newly established sanctuaries and such like, farmers and fisherfolk down stream of major reservoirs.

Persons whose economy is dependent on the community and the people who face dislocation and displacement such as agricultural labourers, artisans, petty traders and groups providing a variety of services such as barbers, midwives, scavengers and the like.

Persons living in habitations which are acquired or rendered non-viable and who may be having their houses or huts in the abadi or outside on private, common, community, revenue or forest lands, some houses, hamlets even communities may be rendered non-viable, say by getting encircled by water on all sides.

[NRR 1998:128-129]

However, Scudder (1997) in addition suggests that host populations should be included in

the improved social services and economic development opportunities intended for the resettlers. While such an approach will increase the financial costs of resettlement in the short run, in the long run it will enhance the possibility of multiplier effects as well as reduce the intensity of conflict. Unfortunately, such incorporation of the host population with resettlement programs is rare.

[Scudder 1997:43]

Adverse downstream affects need also to be assessed, and included in any comprehensive rehabilitation plan.

In practice, most project authorities and government agencies tend to underestimate, sometimes precipitously, the numbers of persons displaced, directly and indirectly, by any project. This means that many victims of the project are not even acknowledged, let alone assisted, that the cost-benefit analysis of the project is deliberately skewed, and that the project design does not contain adequate provisions for the compensation and rehabilitation of all the persons who are displaced.

This also underlines the critical need for comprehensive, and independent, initial benchmark studies to establish the numbers and categories of those displaced. These benchmark studies should also document the pre-project living standards of the various categories of displaced persons, so that the success of the guiding premise that affected populations should be better off as a result of the project, can be monitored and assessed. As the NRR 1998 suggests:

[The] benchmark survey should be carried out by a team, on which representatives of the displaced persons and NGOs should be compulsorily represented, and completed before the publication of notification under LAA for land acquisition, to collect the following information about each family.

Human resource base of each family.

Economic status of each individual member of the family.

Ownership of property – movable and immovable.

Deprivation of property including lands, structures, trees, houses either occupied or owned with tenancy rights or even as encroachers or those de-facto in possession.

Deprivation of means of livelihood due to stagnation of developmental activities soon after the project, loss of property, loss of access to clientele, loss of jobs due to physical re-location, loss of gainful employment, loss of access to income generating resources.

Deprivation of community life, community properties and resource base, community amenities and services, socio-cultural value.

Loss of habitats and lands, degradation of land and water resources, environmental degradation, adverse impact on health etc. as an after effect of the project.

The purpose of this survey is to identify types of impact and accordingly categorise displaced persons, develop entitlements and prepare resettlement plan for each family.

[NRR 1998:173–174]

Principles for Assessment and Payment of Compensation

We have already observed that the only statutory obligation in India for reparation for the impacts of displacement, is the payment of compensation to one category of displaced persons, namely individuals who lose legal rights over land and fixed assets. We have also noted that payments at recorded market value results in gross undervaluation, and that delays, leakages, overall land scarcity, escalating land prices, and the inexperience of the rural poor in handling cash transactions, result in the squandering of cash compensation. Only a small proportion of usually better off oustees are able to use the compensation to acquire land of equivalent scale and productivity. For houses and other immovable assets including wells and trees, payment at depreciated value rarely enables oustees to use the compensation to reconstruct houses and other lost assets of the type in which they were before displacement.

If the guiding principle of rehabilitation is that displaced persons should become better off than they were in the past, one proviso that needs to be firmly embedded in the law is that compensation must be paid not at market but at replacement value. There should be transparent and judiciable mechanisms to calculate the replacement value, and the date for calculation should not be the date of original notification, but instead the date on which the compensation was actually disbursed.

The second guiding principle for assessment and payment of compensation should be that it is not only the loss of assets but also, far more significantly, the loss of livelihoods that must be compensated. In this way, the loss of hundreds of acres of agricultural land by a family of absentee landlords would entail little obligation for rehabilitation beyond the payment of cash compensation. On the other hand, the loss of livelihood of extremely vulnerable landless workers, tenants and small encroachers, of ferry oarspersons displaced by the building of a bridge across a river, of tribal hunters and gatherers displaced by submergence of forests, of livestock-rearers displaced by submergence of traditional grazing lands, must entail a comprehensive responsibility to replace and rebuild sustainably the lost livelihood base.

This principle has far-reaching implications for landless agricultural workers and others dependent on agriculture but without land rights. That these most vulnerable groups are better off after relocation, cannot be ensured if they are expected to find work among resettled land-owners. The production base of the resettled farmers would be fragile, and there would be competition for farm employment with farm workers of the host community. If it is loss of livelihood and not loss of assets that is to be replaced, this can be secured by providing the landless minimum viable units of cultivable land.

A third guiding principle is that any displaced person must be fully compensated before displacement from land, house or livelihood is executed. In practical terms, it has been the experience that project authorities are far more willing to assist and negotiate with displaced persons before they are displaced,

than after they have physically vacated the required land. The rehabilitation plan must provide for full disbursement of compensation at least one year prior to any physical dislocation.

A fourth guiding principle is that except for absentee landlords and income-tax payers, unless it is the informed choice of the oustee, compensation for loss of livelihood should be paid for not in cash, but in the form of alternate land. Even where cash is demanded, the female head of household must give her consent to the decision, and payment must be made in the joint name of the female and male members of the household. It may be stressed that this right to land compensation would apply also to those vulnerable groups dependent on agricultural lands who did not originally own lands – food-gatherers, landless labourers, sharecroppers, tenants, artisans, nomads etc. The implications of this principle of land-for-land will be examined more fully in the next section.

Land-for-Land

If the objectives of rehabilitation of persons displaced as a result of large dams is to ensure that they are not only better off, but are direct project beneficiaries, then at the heart of such a strategy must be a policy of replacing agricultural land and agriculture-based livelihoods with alternate agricultural land of viable size and productivity and with appropriate complements of credit and input assistance.

The World Bank Policy outlines a few circumstances in which the cash compensation option may be appropriate:

where the land taken for the project is a small fraction of the affected asset and the residual is economically viable; where livelihoods are not land-based; and active markets for land, housing and labor exist, displaced people regularly use such markets, and there is sufficient supply of land and housing. Cash compensation levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets.

[World Bank 1998:4]

In the Indian rural context, such situations where active markets for land exist, and displaced persons regularly use them, would be rare. The Bank recommends land-based resettlement options in all other situations. According to the Bank,

these options may include resettlement on public land, or on private land acquired or purchased for resettlement. Whenever replacement land is offered, resettlers are provided with sites for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the old site. If sufficient land is not available, options built around opportunities for employment or self-employment should be provided in addition to cash compensation.

[World Bank 1998:4]

It is significant that compulsory acquisition from larger holdings in the command area is not even mentioned as a possible source of land for reparation to the oustees. Moreover, the problem with only recommending such a policy as desirable, without making it mandatory, is that because it is politically the most difficult to implement, project authorities and state governments would tend to continue to opt for the easy cash compensation option. A policy of land-for-land can become a reality only if it is mandatory.

The draft NRR 1998 is far more categorical:

Allotment of agricultural land shall be mandatory for all tribal agricultural families displaced... Similarly, it would be mandatory to provide irrigated agricultural land, if land of the displaced family has been acquired for the purpose of any public irrigation project

The argument most commonly put forward against the 'land-for-land' policy is that in India, agricultural land is scarce and the rural population is burgeoning. Land-hunger of the poor remains unfulfilled even in normal circumstances. It is argued that enough agricultural land is just not available with thousands of land oustees—not only land-owners, but even those dependent for their livelihoods on land—to be compensated.

This argument holds good if project authorities intend to rely only on open-market sales for land, as the Gujarat government has done in its half-hearted implementation of the SSP package. Very little land would be available in the open market, and certainly nowhere near the quantities required for rehabilitation of oustees of big dams.

However, land is available for rehabilitation of oustees in any irrigation project, if government has the imagination and the will to acquire it for this purpose. This is land in the newly created command area of the project. As the NRR 1998 envisages it could be made a statutory obligation for the state to 'acquire up to 50 per cent of land in excess of 2 standard hectares of each land holder benefiting from the new command.... One standard hectare means one hectare of irrigated agricultural land capable of yielding two crops in a year.... Consolidation of holdings would have to be undertaken, in such a way as to ensure that displaced persons from a village are allotted land in close proximity' [NRR 1998:148].

Such consolidation is anyway recommended on technical grounds for optimal harnessing of the irrigation potential of any large dam. Further 'in case the displaced agriculturist chooses to be allotted land outside the command area, this option must be respected subject to availability, and the cost of land development and irrigation of irrigable land allotted under the scheme [would] be borne by the requiring authority' [NRR 1998:149].

It is interesting that this option was considered as early as in 1902, 'by Sir M. Visvesvaraya [who] put forward the principle that those whose lands were being submerged for irrigation projects should be resettled in the command of the same irrigation projects. When, as a junior engineer, he drew up the plans for the Nira Canal system in Maharashtra, he had worked out detailed exchange of holdings in the command which would not only accommodate the oustees in the irrigated region, but would also lead to equitable apportionment of waters amongst the command area farmers. (Irrigation Commission, 1902). This scheme served the principles of natural justice but for obvious political reasons was never implemented' [Paranjpye 1990].

In fact, land ceiling laws throughout the country require imposition of highly reduced ceiling limits to the amount of land that can be held by any landholder, after the land is irrigated by public funds. However, like other land reforms, this law is observed almost universally in the breach. There are also enabling provisions for state governments to acquire land according to a prescribed formula, from the command for rehabilitation of oustees from irrigation projects in a special law enacted for this purpose by the Madhya Pradesh government, and in the Maharashtra policy. But it is significant that this provision has never actually been used to resettle dam oustees.

The merit of acquiring a fraction of land from larger land-owners in the command area, to enable the rehabilitation of persons who have lost their entire land and livelihoods to make the project feasible, from the point of view of equity is obvious. But the resolute neglect both principles of equity and the law, flow from the same reasons that inequitable development decisions are made in the first place. The political power of the beneficiaries of the project in the command ensures that they are not called upon to sacrifice of even a fraction of their assets.

The only way that governments and command area beneficiaries can be forced to accede to sharing project benefits of the command with displaced persons, is by establishing the first legal right of the oustee over the benefits of the command. We have already spoken of project rehabilitation clearances

being introduced as a statutory requirement. Land-for-land for project oustees must also be made a statutory requirement for any rehabilitation plan for dams. And if as we have argued such land can be made available only by compulsory acquisition of land from bigger land-owners in the command area, the choice before governments and intended project beneficiaries would be clear. Either they accept the sharing of command area benefits with the oustees, or else the project is declared not feasible from the standpoint of rehabilitation.

As a subsidiary measure, the exclusive rights of displaced persons over draw-down land, or land that is freed from reservoir submergence for some months every year, must also be established. The NRR, 1998 makes the following provision for draw-down land, and which is worthy of emulation.

In most irrigation projects, significant quantities of rich agricultural land become available as dam waters recede annually, for rabi and summer crop cultivation. At present, in most projects, such land is auctioned annually, with no special preference for PAFs. It must instead be given on a special permanent patta to interested PAFs of the village. PAFs who were dependent on agriculture prior to displacement, with or without title, and who have lost their entire livelihood on land, would be eligible. Allotment would be permanent and heritable, subject to fulfillment of patta conditions, to enable investment by the PAF for land improvement. The project would be responsible for ensuring the irrigation of the draw-down land by diesel pumps, within 2 years of the first submergence.

[NRR 1998:150]

Non-land Based Activities

Land-based rehabilitation is guaranteed to meet with a high degrees of success because land remains the fundamental productive resource in the Indian countryside, the fulcrum of economic and social security, and already-existent cultivation skills need only to be adapted for cultivation in irrigated areas. The success of development bureaucracies with livelihood promotion in non-land based sectors has been much less common, because of the difficulties in establishing linkages with markets and raw materials.

Nonetheless, the scope for complementary non land-based livelihoods should also be explored along with land-based strategies. One such livelihood opportunity that is always created as a by-product of any large dam project is fresh-water fishing in the large reservoir.

We have observed in the context of India that though exclusive rights to fishing from the reservoir these rights were obtained after prolonged struggle in Bargi and Tawa, in most other artificial reservoirs outside commercial interests secure through auction legal rights for fishing and are known to protect these rights against displaced persons often through use of force. The Bargi and Tawa experience, subsequently also adopted in Hasdeo Bango, in which fishing rights are reserved exclusively for federations of fishing cooperatives of displaced persons should be made mandatory. State government agencies could assist in the scientific management of the reservoir, such as stocking the reservoir annually with fingerlings, and with credit and training. The state government could fix a royalty for the cooperatives, to go not to the state exchequer but instead into a development fund for these societies. The displaced persons cooperatives may themselves decide what proportion of these funds to use to improve inputs and facilities for fishing and the fishing stock of the reservoir, and what proportion to use for developing general infrastructure and services such as in education and health.

However, success in making displaced persons project beneficiaries through fisheries depends not only on granting fishing rights to their cooperatives. Activist state support is needed to prepare and equip the displaced persons, most of whom have been cultivators with no experience of fishing. They need to be intensively trained and assisted with inputs like boats and nets. The experience of Hasdeo Bango (discussed in Part I) shows that official neglect can lead to a precipitous decline in reservoir potential. The fledgling fishing cooperatives of displaced persons may also need protection from the external commercial fishing contractors' mafia, as was illustrated in the epic struggle of displaced persons in Bargi.

Finally, inexperienced cooperatives may need to be assisted to access large external markets for fish, which may on occasion be located hundreds, even thousands of kilometres away.

Assistance in relocation

A large proportion of oustees in most dam projects need to be physically relocated, because their homes fall within the zone of submergence. Relocation may also be required because of complete or substantial destruction of their resource base, or because their homes even if not submerged become inaccessible by being surrounded by reservoir waters i.e. tapu land.

For oustees requiring physical relocation, Bank policy lays down that

in new resettlement sites or host communities, infrastructure and public services [be] provided as necessary to improve or maintain accessibility and levels of service. Alternative or similar resources are also to be provided to compensate for the loss of access to community resources (such as fishing areas, fuel or fodder) Patterns of community organisation appropriate to the new circumstances should be based on choices made by the affected communities. To the extent possible, the existing social and cultural institutions of resettlers and any host communities [be] preserved and resettlers' preferences with respect to relocating in pre-existing communities and groups [be] honoured.

[World Bank 1998:5]

It is important for project authorities to recognise that the trauma of uprootment from one's home and habitat is enormous, even more so for rural and tribal communities, and that in financial terms it is impossible to compensate oustees for this pain and loss. Therefore, locational decisions must place special stress in avoiding displacement of habitats, and whenever such displacement occurs, it should be handled with sensitivity in such a way as to minimise the trauma.

It should not be legally permissible to shift resettlers to a new location to which they have not consented. This means that alternative options must be discussed in open Gram Sabha meetings of affected populations, and the oustees or their representatives assisted in visiting possible alternate sites. Care must be taken especially to ensure proximity and access to their new planned livelihood base, and that the new habitat is environmentally and culturally as similar to that which is being lost. Also that community and kinship bonds are recognised, and communities are not fragmented during relocation.

To avoid subsequent conflicts, host communities must also be taken into confidence before any site is selected. Their resistance may be overcome if they can be seen to benefit from the improved social services, infrastructure and livelihood opportunities that would be created as the result of resettlement.

If the resettlement site is rural, it is important that the size of the house-sites and its lay-out should conform to the average norms in the original village. It has been observed by town and country planners that rural people in India do not live in houses, but around them, and therefore planning of the new resettlement should provide for adequate private and community spaces. We have already noted the imperative that houses be paid for at replacement value, because only then would the resettler be able to reconstruct a house of a scale and design comparable to the one that is lost.

The NRR, 1998 lists adequately the basic facilities to be provided in new in new resettlement colonies at the cost of the requisitioning authority. These are:

Within the resettled villages, roads, passages and easement rights for all the resettled families should be adequately arranged and proper drainage as well as sanitation plan are executed before physical resettlement;

One or more assured sources of safe drinking water for each 50 families settled in a pocket has to be ensured, capable of yielding enough water to meet the demand @ at least sixty litre per capita per day (lpcd).

Necessary plantation of inhabited areas should be taken up under social forestry or agro-forestry schemes;

Educational facilities are to be so provided in isolated localities as is required for proper education of the children;

Community hall should be set up;

A reasonable number of fair price shops should be set up;

Panchayat Ghars, as appropriate, should be established in each newly settled village;

Efforts should be taken to set up one Primary Agricultural Co-operative Society with facility for selling of essential consumer articles in every resettled village;

Village level Post Offices, as appropriate, with facilities for opening saving accounts should be set up;

Health centres, as appropriate, should be established;

Appropriate seed-cum-fertiliser stores should be set up;

Efforts should be taken to provide basic irrigation facilities to the agricultural land allocated to the resettled families;

Institutional arrangements for training under the TRYSEM, easy access to financial institutions for availing of financial assistance from the IRDP or any other Governmental schemes or bankable schemes;

Homestead land, dwelling house and agricultural land should be made available to the resettled families as per their entitlement as provided for similar categories of affected families;

Panchayati Raj Institutions (PRIs) should be immediately brought under operation in the newly settled villages/ colonies above;

Anganwadi house should be constructed near to each of the primary school set up in the newly settled areas;

Appropriate security arrangements should be provided for the settlement, if needed.

All new villages established or a cluster of new hamlets constructed for resettlement of displaced families should be provided with electricity connection, provided, however, that such rural electrification programme has reached the nearby traditional villages;

All new villages established for resettlement of the displaced persons shall be provided with suitable transport facility which may include all weather road and public transport facilities through local bus services with the nearby growth centres / urban localities;

It should be ensured that banking facilities are available to the resettled population of the newly established villages within a reasonable distance;

A site has to be developed as public cremation ground for the Hindus;

Suitable lands should be provided for common burial grounds separately for Muslim and Christian Communities, if the settlement contains such communities;

Separate land should be earmarked for traditional tribal institutions;

The forest dweller families should be provided with their traditional rights on minor forest produce and common property resources, if available close to the new place of settlement and, in case any such family can continue their access or entry to such forest or common property in the area close to the place of eviction, they may continue to enjoy their earlier rights to the aforesaid sources of livelihood;

The beneficiaries of resettled areas irrespective of caste, creed, religion or economic status, should be allowed to construct for themselves all other facilities essential for community life by taking suitable projects for which finances are available from governmental schemes. In addition, members of a resettled family should be encouraged to undertake suitable self-employment schemes for which finances are available under Governmental and / or any bankable scheme.

[NRR 1998:167,168,169]

The importance of functioning health facilities is heightened by the empirically observed enhancement in morbidity and mortality in the aftermath of displacement. Declining standards of nutrition are also observed in new resettlement colonies and require a network of nutritional centres for children and pregnant women. It may be stressed that the mere creation of buildings for health and nutrition centres and schools as often happens is not enough, and the state government must ensure that personnel are deployed and the institutions duly equipped.

Since these would often be relatively remote settlements, one institutional mechanism to ensure that personnel perform and are accountable is to constitute panchayats or decentralised elected village local bodies, and to place the entire social sector personnel and institutions under their direct control and supervision. The positioning of fully empowered elected local bodies as early as possible in the new resettlement colonies would be in general the most sustainable institutional mechanism to ensure that services are created and maintained and common resources conserved.

The new resettlement colony must be readied, certified by an independent authority as having in position and functioning the prescribed minimum facilities, and the oustees must be paid in full the replacement cost of their houses, at least one year before physical relocation is required from the point of view of the construction schedule. This intervening time may be used by the oustees to make a gradual transition, for a while retaining a base in both the old and new locations. Assistance in terms of free transportation, and supplying cheap building materials on site, and temporary transit shelters of local design in the new village, must be provided for resettlers to build their new homes and start life anew.

Finally, to prevent human rights abuses in forced relocation, the use of force by governments or project authorities to shift populations from any location, must without exception be abjured by law.

Special measures to protect most vulnerable groups

We have observed that persons and groups disadvantaged by social origin, class, caste, gender or age, are especially vulnerable to the rigours of forced resettlement, and any plan for developmental rehabilitation must contain strong social security measures for their protection.

We have also noted in the Indian context that the largest majority of displaced persons from big dams have been tribal people, with their concomitant multiple vulnerabilities. It is reiterated that payments of

compensation in cash, even more strongly than for other rural folk, should be strictly abjured for tribal oustees and land-for-land entitlement be ensured. It is possible especially in mega-projects that the command area may be located at too far a distance geographically and culturally to be acceptable to tribal oustees. This choice must be respected, but it should not be permitted to absolve the government and project authorities of the responsibility to provide them with the same quantity and quality of cultivable land closer to their original habitat. The project authorities would be required in these circumstances to provide facilities for irrigation, such as from groundwater, lift or diversion schemes, to the tribal resettlers at the cost of the project.

Apart from land, tribal people are particularly dependent on forests for their livelihood and their resettlement must as far as possible be in a similar habitat. Their traditional rights on minor forest produce and common property resources at the new place of settlement must be secured, as also, if access is possible, to their original habitat. In exceptional circumstances if it is not possible to relocate tribals near forests, project authorities should be required to implement a food-for-work guarantee public works programme for a minimum period of 10 years during the non-agricultural season.

Where forests accessible to resettled villages are degraded and depleted, resettled tribals should be constituted into Joint Forest Management Societies, charged with the protection and regeneration of their forests.

In tribal communities, fuel and fodder needs are met from the forest—howsoever degraded—accessible to communities at a distance even of 50 or 100 kilometres at times. How these needs would be fulfilled at new sites, including provision of grazing land, community forest land etc. must be thought of and planned for in advance. The striving must be to enable the displaced people and communities to recreate in the new place all that they have lost, and more.

The resettlement sites for displaced tribal families should be selected with great care and in consultation with the traditional/elected leaders or representatives of the displaced families as well as host populations, and established local NGOs. Efforts should be made to ensure that all tribal families of ousted villages are resettled together in a particular area. Under no condition should linguistic and ethnic tribal group be fragmented during resettlement. For settlements of tribal families in a new locality, common property land for religious and community gatherings should be allotted free of cost.

Prior to the acquisition of land for any project in any tribal area, an enquiry must be made by the competent revenue authority to determine whether any tribal lands have been transferred in violation of the law. Social activists and prominent local NGOs should be associated with this enquiry. Urgent measures should be taken to cancel such transfers and restore the rights and title of the tribals on their alienated land, before acquisition proceedings are started.

Measures should also be taken to record the rights of tribals on land previously allotted to them or under their possession. All forest land under occupation of the tribal families on or before 24th October, 1980 shall be deemed to have been allotted or owned by the concerned tribal families, and in case of displacement such families shall be entitled to full compensation and land replacement.

There are very few examples of best practices sensitive to the special vulnerabilities of women. A few principles may be indicated. Firstly women headed households or single women should not be discriminated against in eligibility for benefits. A suggested definition of a family unit for purposes of the rehabilitation policy is that every major adult member, her/his spouse, along with unmarried minor children below the age of 18 would be considered a separate family unit. For a single individual without spouse or children, all benefits of this policy would be halved.

A second problem universally faced by women is that they lack clear and equal rights to land. To the extent that compensation is paid for in the form of land-for-land, it should be prescribed that the land allotted for rehabilitation would always have to be in the joint name of the female and male heads of the

family and that the spouse of the male head of family and in her absence, the oldest female member of a family be regarded as the female head of the family. Likewise, homestead land must be allotted in joint name.

It has been observed that payment of compensation in cash tends to go against the interests of women, because they are able to exercise less control over decisions regarding the disposal of cash. In order to preserve choice, although land-for-land must remain the norm, we have allowed project-affected families to opt for compensation in cash rather than in terms of land. But it must also be ensured is that the woman head of the family also gives her consent to cash before the option is accepted. All payments of cash compensation, including the replacement value of houses, must be paid into a bank account in the joint names of the female and male heads of households.

The various provisions for consultation and consent, such as with regard to the design of the rehabilitation package and the location and facilities of the resettlement village, must include women as equal partners. In the special Gram Sabhas held for this purpose, a quorum of 50 per cent attendance must also include 50 per cent attendance of women.

The need for creation of community resources of fuel and fodder, and facilities for health, nutrition and clean drinking water, has already been referred to. These have special importance for women. In the planning of supplementary livelihoods too, women's self-help savings and credit groups should form the fulcrum.

The sale of liquor in resettlement colonies constitutes a major threat both of violence and pauperisation for women. The special vulnerability in resettled villages is the conversion of assets into liquid cash, with the accompanying stress and anomie which together fuel alcoholism. The Madhya Pradesh legislature has passed a law that if at least 50 per cent women in any Gram Sabha vote to close down a liquor shop, it would be closed down. Gram Sabhas in resettlement colonies must be equipped with same powers.

We have noted that the most vulnerable are people already on the outermost margins of any society, such as the destitute, beggars, the uncared for aged, the disabled, leprosy patients, the homeless, mentally ill, widows and abandoned women and orphaned and abandoned children. Rural society still has its own traditional support systems for such marginalised people. But in the huge social upheaval of displacement, these systems often collapse. The initial benchmark survey must be specially mandated to identify such people, and the assistance of professionals must be sought to plan specialised interventions for them. In the absence of such measures, these people are likely to be the first to go under.

Oustees of Earlier Dams

We are left, in the end, with the most difficult issue of displaced persons from older dams. It has been estimated that as many as 3 out of every 4 persons displaced by big dams in India have been rendered worse off than they were before. In most cases, we do not even know where they are, and if they are surviving, how and in what circumstances. Many subsist illegally in forests, others live in sub-human shanties in city slums. It is unconscionable that we only look ahead, not behind, that we resolve that nothing can now be done for the millions of internal refugees spawned by our development strategies of the last 50 years. Some reparation must be made, some attempt to rebuild so many millions of broken lives.

The task is admittedly monumental but not insurmountable. An international fund may need to be created, with liberal contributions from governments of both the global North and South, and international funding institutions. The attempt must be to trace the victims of 50 years of big dams and their offspring, and for those whose lives remain fragile, assistance according to the principles laid out in this paper for new oustees must be accorded. For those who are very poor and in illegal occupation of government agricultural lands, with no alternative sources of livelihood, tenurial rights may be needed and assistance to develop and irrigate their holdings. For encroached house-sites in city slums and the countryside,

tenurial rights and upgradation of shelter may be called for. A number of dispossessed oustees may still be resettled in fisherfolk co-operatives in the reservoirs. And there remain the large holdings in the command area, which can be shared with the most indigent oustees, through measures already outlined, including implementation of existing land reform laws applicable to irrigated lands.

GLOSSARY

Ahir	A traditional cattle rearing caste, low in the caste hierarchy
Anna	Part of the old Indian currency of the pre-metric era, equivalent to approximately 6 paise, about a ninth of a cent
Bahera	Terminalia Belerica
Bargi Bandh Visthapit Evem Prabhavit Sangh	Association of People Displaced or Affected by the Bargi Dam
Bharat Jan Andolan	India People's Movement
Chironji	Buchanania Latifolia
Dalit	Literally 'the oppressed', a preferred term to describe communities traditionally subject to untouchability
Gram Sabha	Assembly of all adult members of a village, an institution which has constitutionally been equipped with a wide range of statutory powers
Indira Awas Yojana	A welfare housing scheme
Jowar	Sorghum
Khasra	The number/address used to identify/demarcate/designate a particular plot of land.
Kurburs	A low caste group in north Karnataka
Lingayats	Peasant caste of south India, particularly Karnataka
Lok Sabha	The House of the People in the Indian Parliament
Mahua	Madhuca indica, a tree revered by tribal people and which yields foodstuffs and liquor
Narmada Bachao Andolan	Save the Narmada Movement
Panchayat	A local, constitutionally recognised form of self-government comprising one or more villages
Patwari	Government appointed village accountant whose principal responsibility is the maintenance of land records
Sal	Shorea Robusta
Scheduled Castes	(Dalit) Caste Groups listed in the Vth Schedule of the Constitution of India
Scheduled Tribes	Tribal groups listed in the Vth Schedule of the Constitution of India
Tapu	An island ,formed by the backwaters of a reservoir
Tehsil	An administrative sub-division of a district
Tendu	Doispyros Embroypteris

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In addition, regarding policy I benefited from Dr. N. C. Saxena's 'Draft National Policy: Packages and Guidelines for Resettlement and Rehabilitation' (1998) (unpublished) and the Draft National Policy on Developmental Resettlement of Project-Affected people of the National Working Group on Displacement (1988) (of which the co-convenors were Ms. Medha Patkar and Dr. Smitu Kothari), and Dr. B. D. Sharma's draft policy for Madhya Pradesh (1996).

Notes

1[1] For an excellent and accessible review of the LAA 1894 (and subsequent amendments) see MARG (1997), 'The Land Acquisition Act and You'.

1[1] How deep-rooted this attitude is, even at the highest levels, is illustrated by what Morarji Desai had to say to the Pong Dam oustees in 1961: 'We will request you to move from your houses after the dam comes up. If you move it will be good. Otherwise we shall release the waters and drown you all' [Roy 1999:6]

1[1] For an interesting discussion of the dynamics of resettlement, both economic and social (i.e. interaction with host communities) see Sah 1997.

1[1] Quoted in Roy 1999

1[1] For an account of this opposition, see S.K. Pattanaik, B. Das and A. Mishra 1987.

1[1] See Dreze, Samson and Singh (eds.) (1997) 'The Dam and the Nation' for a wide-ranging look at the genesis of the project and the debate around it

1[1] For a through account of the struggle, see Parasuraman (1997) and Patel (1997) in the aforementioned volume.

1[1] Roy (1999) provides a good account of the emotive content of this victory.

1[1] For a somewhat more critical look at the effort of voluntary organizations see Mankodi (1989) in Fernandes, Walter and Enakshi Ganguly Thukral (eds.) 'Development, Displacement and Rehabilitation'. See also Dhaghamwar 1997 in 'The Dam and the Nation' .

1[1] A lively and insightful discussion on the relation between irrigation systems and political power, particularly in pre-colonial India and the very important issue of alternatives to the 'big dam' model of irrigation and development, see 'Dying Wisdom' (CSE 1997) .

1[1] As the Twenty-ninth Report of the Commissioner of Scheduled Castes and Tribes (1987) establishes, whereas tribal people constitute 7.5 per cent of the population in India, more than 40 per cent of those displaced by big dams are tribals. If the socially discriminated scheduled castes are also included, the figure would be around 60 per cent. Other estimates for the proportion of tribals displaced, such as Fernandes ('Power and Powerlessness : Development Projects and Displacement of Tribals' Social Act 41, 1991) place the figure even higher at 59 per cent. The Central Water Commission's 1990 Register of Large Dams estimates that 60 per cent of large dams are located in tribal regions, which would inevitably imply even higher proportions of displaced tribals.

1[1] Kothari (1995,1996) and Ramanathan (1995,1996) provide a rich source of ideas on the issues of eminent domain and public purpose .

1[1] For instance, some significant rulings of the Supreme Court in this regard are Butu Prasad Kumbhar v SAIL 1995 Supp 2 SCC 225; Banwasi Seva Ashram v State of UP (1992) (Ramanathan 1996)

1[1] For a comprehensive discussion of the Land Acquisition (Amendment) Bill 1998 see Walter Fernandes (ed.) (1999) 'The Land Acquisition (Amendment) Bill 1998 :For Liberalisation or for the Poor'.

1[1] A comprehensive introduction to and review of rehabilitation policy and law in India is to be found in Walter Fernandes and Vijay Paranjpye (eds.) (1997) 'Rehabilitation Policy and Law in India : A Right to Livelihood'.

1[1] For a more detailed version of Scudder's model see 'A Sociological Framework for the Analysis of New Land Settlements' in Michael M. Cernea (ed.) (1991) 'Putting People First: Sociological Variables in Rural Development'.

1[1] See also discussion in part II

1[1] This theme, viz. the need for integrated watershed development keeping in view socio-cultural and ecological considerations, has been echoed frequently particularly in the debate around the Tehri dam (see for instance, Dogra 1992). For other attempts to project alternatives to dams see Shrivastava (1995) in H.M. Mathur (ed.) 'The Resettlement of Project-Affected People'.

1[1] Given the present ways of officialdom, it is likely that these requirements will remain mired in half-heartedness. The contribution of people's groups and NGOs in this sphere cannot be underestimated and would, in fact, be useful to institutionalize.

1[1] The whole question of the implementability of the proposed rehabilitation packages implicit in a rehabilitation clearance introduces an element of realism into project appraisal. An interesting institutional twist to this debate is added by Dreze's concept of voluntary bargaining (Dreze 1994)

1[1] See for instance Smitu Kothari (1995) for further points pertaining to the issue of land-for-land.

1[1] Again the Gujarat SSP experience (Parasuraman 1999) serves as an exemplifier of how relocation sites must not be thrust onto unwilling resettlers.

1[1] This assistance in visiting alternate sites can also turn into a farce as documented by the MARG research team (1992) that visited Barwani Tehsil as it faced the prospect of submergence under the SSP.

1[1] A useful and comprehensive discussion on relocation is given in ADB's 'Handbook on Resettlement: A Guide to Good Practice'

1[1] As with issues around displacement and resettlement, this one, too, has important bearings on more general environmental and social policy, specifically on forest policy; and concomitant adjustments in policy framework may prove necessary.

1[1] Though there is a wealth of constitutional and legal safeguards for the protection of tribal rights, the provisions are more often observed in the breach. See the Twenty-nine Report of the Commissioner for Scheduled Castes and Scheduled Tribes (1987) for a good review of the status of tribals with respect of displacement.

1[1] Two papers dealing specifically with women in displacement in the Indian context are S. Parasuraman (1999) and Enakshi Ganguly Thukral (1996).

1[1] Fernandes, Das and Rao (1989:750) suggest that about 25 per cent of those displaced by dams in the past have been fully rehabilitated. Among those that fell victim to official apathy were oustees of the Bhakra, Hirakud and Nagarjunasagar dams.