

## 1 INTRODUCTION

*“Everyone has the right to a standard of living adequate for the health and wellbeing of himself and his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same protection.” (Universal Declaration of Human Rights, Article 25)<sup>1</sup>*

### 1.1 Purpose

Indigenous and tribal people are often adversely affected by infrastructure development projects. Often they do not have any effective way of redressing their grievances, particularly against the government and its policy implementation. This thesis explores the avenues open to affected tribal peoples to redress their grievances regarding the negative impacts of the Narmada Dam project. The aim of this thesis is to explore how successful the Government of Gujarat has been in incorporating indigenous peoples' interests into the policies that affect them. This is done through a case study of the Narmada Project on the Narmada River in Gujarat State.

The thesis also provides a critical assessment of India's National Rehabilitation and Resettlement policy. It will analyze how the Indian state has integrated indigenous or tribal concerns in their programs for displaced populations. In India, there are several causes of displacement, but my aim is not to record each and every one of them, but rather to analyze the responses of the state towards tribals or indigenous people who are victims of displacement and yet are forced to stay within the borders of their own country. Therefore, I will restrict my research project to displacement due to infrastructure development projects for dam building in India.

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<sup>1</sup> <http://www.un.org/en/documents/udhr/index.shtml#a25> Accessed on 19 October 2011.

My involvement with Non-Government Organizations and with local communities affected by the Narmada Project has provided enormous insights and information to inspire me to endeavour to research this topic. The primary question that has arisen has been the following: “How do tribal people (particularly the socio-economically deprived and powerless) in developing countries force an entity such as the government to follow its own formulated policies and packages if they are not consulted?”

The government has certain goals to achieve with its political power. It is a fact that the affected tribal communities can complain through existing administrative mechanisms in the state judicial system. However, the process is lengthy and tedious. I found that the majority of the tribal people are illiterate and do not understand the civil procedures. The government should establish a special route for grievances for these groups.

When analyzing the Narmada Project, a lack of adequate compensation, resettlement, and legal protection for indigenous people becomes apparent. This led me to the examination of human rights violations and rising concerns regarding the protection of indigenous persons affected by the development projects. Hence the objectives of the study are to examine and ascertain the impacts of a major irrigation project in Gujarat which resulted in the internal displacement of local populations. Another reason for choosing the Narmada Dam project for analysis is that it provides a suitable context for my analysis for the following reasons:

(1) Availability of information; (2) the controversy over how development practices are carried out and justified by the Government of India; and (3) the conflicts of interest between indigenous people and the government that pit development practices against calls for protection of indigenous rights. In addition, the Narmada Dam project has “obtained a representative status in development discussion” in relation to issues of responsibility and the protection of displaced indigenous peoples’ rights in development-induced displacement practice, not only in the country of India but across the globe, which has not been obtained to the same extent by other projects” (Cullet, 2007, p. 1).

## **1.2 The Narmada Project**

Much has been written about the Sardar Sarovar Project (SSP) through reports, surveys, documents and intense debate. This need not be repeated here. Only a brief history and outline of the controversies on the Narmada Project are discussed here.

In 1946, prior to Independence, the central government was requested by the concerned states to undertake a survey in order to explore the possibility of using water resources in the Narmada Valley. After Independence, the Central Water and Electricity Commission (CWEC) were set up and commenced work on the project in 1947. In 1956, the Commission prepared a scheme known as the “Bharuch Project”, where it was decided to provide irrigation to 10.97 lakh<sup>2</sup> acres of land by building a barrage of 162 feet height near Gotagam. In 1957, the site for this barrage was change to Navagam village<sup>3</sup> (Joshi: 2000, 13; Joshi: 1991, 2; Varghese, 1994: 120-21).

Then, in 1960, when Gujarat state emerged on the political map of India, this scheme was immediately sanctioned. The Planning Commission sanctioned both dams, namely the 162 feet Chesham Dam of ‘Bharuch Project’ and the 320 feet Narmada dam. In 1962, the Gujarat State Government gave administrative sanction to the project and the implementation work commenced. In 1962-63, negotiations between the two states of Madhya Pradesh (MP) and Gujarat were held; however, MP was not willing to allow the height of the Navagam Dam to be raised to 426 feet. (See Appendix 1 for timeline of the Narmada Project.) Further, on the 5<sup>th</sup> September 1964 the Navagam Water Resource Development Committee was formed under the chairmanship of Dr. A. N. Khosla. It studied the problems in detail and submitted a report. According to this report the annual average water volume came to 360 lakh acre-feet. According to the recommendations of the Committee, Gujarat was to have a share of 106.6 lakh acre feet for 46.8 lakh acres of land, Madhya Pradesh was to have a share of 1 lakh acre feet and Rajasthan was to have a share of 2.5 lakh acre feet of the water resource (Joshi: 2000:13, Joshi: 1991, Supata: 2006: 1, Varghese: 1994: 120-21, Reynolds and Williams: 2012:2)<sup>4</sup>.

The Narmada Project involves the construction of 30 large, 135 medium and 3000 small dams on the Narmada River (Reynolds: 2012: 03, Banerjee et al.: 2005: pp. 120-121).

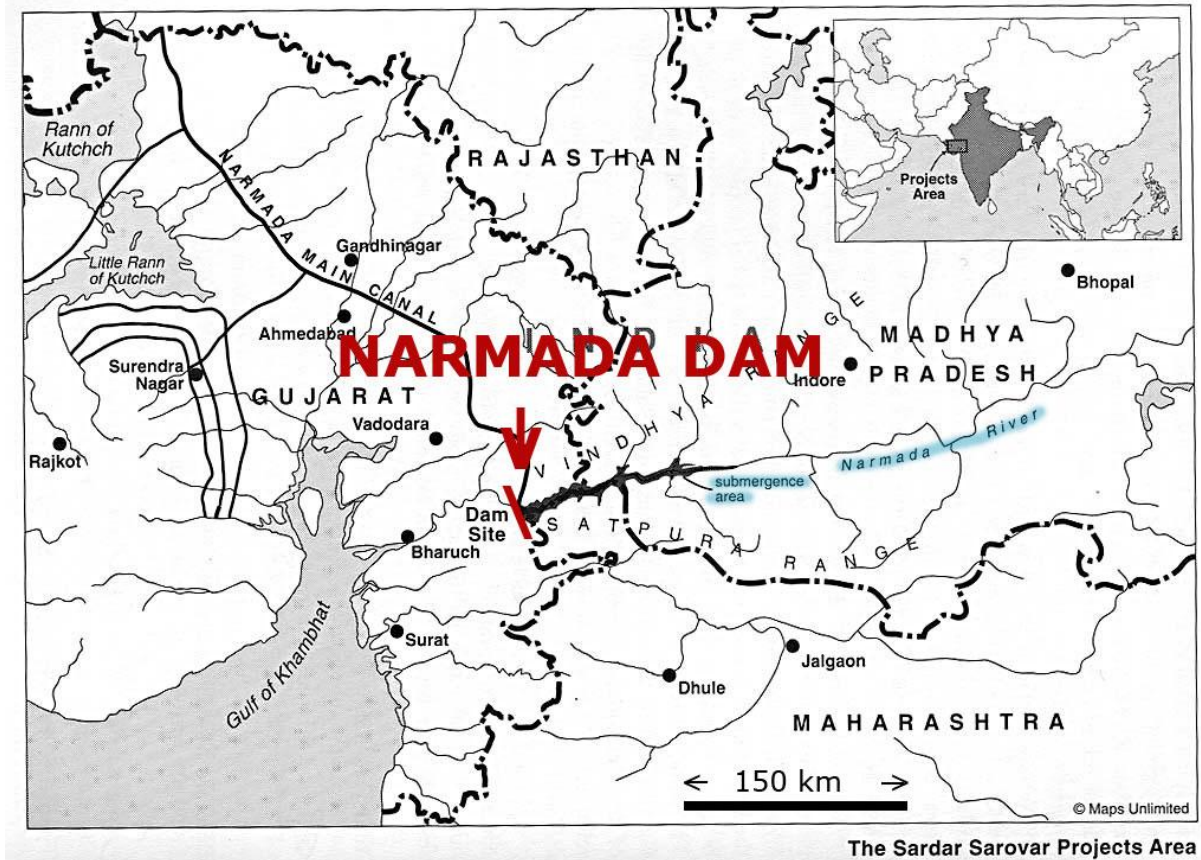
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<sup>2</sup> A lakh is a numbering unit in India. It is widely used in official and other contexts equalling 100,000.

<sup>3</sup> Originally, the Narmada Dam was near Navagam village. Presently, it is near Vadgam village in Gujarat State.

<sup>4</sup> For more details of history and progress see [www.sardarsarovarnarmadadam.org](http://www.sardarsarovarnarmadadam.org) , [www.narmada.org](http://www.narmada.org) , and [www.oro.open.ac.uk](http://www.oro.open.ac.uk)

Figure 1.1 Location of Narmada Project



[Source: Map Provided by the Sardar Sarovar Punarvasvat Agency, Vadodara, Gujarat 2011]

The Narmada Project is now poised at a crucial juncture. It is ready to be 'run-in' like a new engine. The Narmada Project is one of the vital components of the Narmada Valley Project (NVP), the single largest river valley project in India. Every development project has its cost, and the Narmada Project has to be viewed from the national perspective. Gujarat state, which is relatively deficient in irrigation potential, has launched the giant scale Narmada Project, popularly known as the Sardar Sarovar Project.

### 1.2.1 Current Controversy over the Sardar Sarovar Project (SSP)

The Narmada Project, which is a multi-purpose project, is one of the largest of its kind in the world. Since its inception it has been controversial and has invited criticism and appreciation from different sections of society. There are many issues associated with this project like the huge cost, multiple delays, environmental issues, resettlement issues, compensation and human rights. In support of the project, the major arguments

recognize that this project will cater for the water requirements, both irrigation and drinking, of Gujarat and Rajasthan. Scarcity of water in the states has recently become a major problem due to frequent droughts. This project will also generate electricity which is also badly needed. Besides this, many other advantages are put forward by those who favour the dam. However, this project is not free from controversies as has been highlighted by many experts, NGOs and individual researchers. Recently, Medha Patkar, who has been associated with Narmada Bachao Andolan (NBA)<sup>5</sup> – Save Narmada Movement – and was an arch critic of the dam right from its inception, has been advocating for the rights of those who have been displaced from their traditional land in the vicinity of the dam. She has also highlighted many other issues related to the dam, and has suggested that it is not viable.

The Narmada Control Authority (NCA) was permitted to increase the height to 138.68 meter on 1<sup>st</sup> April 2010 (Shah: 2010: 07). This was permitted on condition that the Central Water Commission could assure that there would not be any additional submergence. Suddenly, under the leadership of Medha Patkar, many supporters went on a hunger strike arguing that the dam height should not be increased till all those who have been displaced are adequately resettled and rehabilitated (full R & R) and have received proper compensation. Her hunger strike drew the attention of the Central Government and the concerned State Governments and the matter was subsequently referred to the Supreme Court for its intervention (Shah *et al.*, 2006, p. 13). The Supreme Court, in its recommendation, suggested to the concerned parties that the work of R&R should be completed and all affected people should be provided with full compensation. However, the Supreme Court did not recommend that the work be stopped on the Narmada Project as demanded by Medha Patkar and her supporters. In the light of the Supreme Court judgement, Medha Patkar discontinued her hunger strike. Undoubtedly, she has been able to sensitize concerned authorities to the plight of those people who are going to be affected by the raising of the height of the dam, but at the same time she has invited a lot of criticism of herself and her supporters from the people of Gujarat and Rajasthan, particularly as these states very badly require the Narmada water. The whole issue of the Narmada Project has taken a new twist between those who are in support of it and wanting to complete it at any cost and at the earliest time possible, and those who

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<sup>5</sup> NBA is a non-government organization working with indigenous people, farmers, environmentalists and human rights activists against the Narmada Dam Project.

are opposing the project. It has become more complex as different states are involved each of which has its own local and regional political considerations. Moreover, the Central Government is in a dilemma as to whether it should support the Narmada Project or oppose it because of the issues raised by the NBA. Given all these political issues, it is very difficult to say when the project will be completed, as recently, at an all-India level this controversy has generated a national debate and we really do not know what the fate of the Narmada Project will be (SNNL: 2011)<sup>6</sup>.

One would have hoped that the Narmada Project could have served as an example of a project which provided the best solutions for the indigenous people. This is because of the fifteen year struggle of the displaced people, because of the original involvement of the World Bank, because of the national and international media attention and debate, and because of the ongoing case in the highest court of the nation. And yet, the study shows that innocent indigenous people pay the highest price for national development. It is a fact that the vast majority of the internally displaced people (IDPs) are indigenous or tribal. Between 95 to 98 percent of the IDPs are from indigenous groups (Dwivedi: 2006, Morse & Berger: 1992: p 81).

It is apparent that most of the displaced people are land losers and are socially deprived, and most among them belong to Schedule Castes (SCs) and Schedule Tribes (STs). The Narmada Valley is the home of several tribals groups called 'Adivasi'.

### **1.3 Identifying “Projected Affected People” (PAP)**

#### **1.3.1 Target Groups**

For the purpose of understanding the implications of displacement due to development projects, it is necessary to have an understanding of who PAPs are: A central focus of this thesis relates to PAPs. The target groups are from three states: Madhya Pradesh, Maharashtra and Gujarat. This Narmada Project has displaced approximately 100,000 to 300,000 people (Bosshard, 2008; Dwivedi, 2006; Morse & Berger, 1992, p. 81) from these three riparian states, and most of them have been settled in Gujarat state.

For this research study, the term “Projected Affected Peoples,” is used to indicate all categories of people affected by the dam development project. These PAPs are mostly

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<sup>6</sup> SNNL, (Sardar Sarovar Narmada Nigam Limited) Gandinagar, Gujarat 2011

*Adivasi* or tribal groups who are the aboriginal population of India. These groups are traditionally shifting cultivators living in hilly and forested areas and are known as “tribal” or ‘*Adivas*’ in the government records. The terms “indigenous people”, “tribal group”, “ethnic minorities” and “schedule tribe” describe social groups with a social, cultural and ethnic identity different from the dominant society, and this makes them vulnerable to being disadvantaged in the development process. For the purpose of this research study, “indigenous people” is the term which will be used to refer to these groups.

‘Big Dams’ benefit a large section of society, but pose a serious threat and often adversely affect the people who are deprived of their land and resources. This is due to their lack of political influence, their lack of awareness of the issues and their rights, lack of access to mainstream resources and lack of access to legal and other solutions. The displaced people are uprooted not only from their land but also from their socio-cultural milieu making them paupers. The conditions of the IDPs are also desperate and even the scanty resources from which they scratched a living have been lost with the development of the dam. The debate over rehabilitation and resettlement has reached a dead end at the level of higher authorities in the government. However, the people’s struggle to build new lives continues.

The area this thesis is concerned with is the living conditions of the Narmada Project-affected people, who are affected by the Narmada Project, its policy and its programs. Indigenous people have their distinct culture and their own identity away from mainstream society and Hindu civilization in India. The latest study suggests that the Narmada Dam has displaced more than 41,000 families (over 200,000 people) in the three states of Gujarat, Maharashtra, and Madhya Pradesh (Thakkar: 2010: 1). These people are primarily comprised of Indian tribals. Thakkar pointed out that over 56 percent of the people affected by the dam are indigenous people. This is the reason why there is a discussion in this thesis about indigenous people and their rights. Whereas Roy estimated that 57.6% of PAPs displaced by the Sardar Sarovar Dam were tribal people, according to the Commissioner for Scheduled Castes and Tribes, it is about 60% (Roy: 1999: 3).

In the following sections, I will discuss my experiences as a researcher in the surveyed villages, the objectives of my research, research questions, research methods, target groups and I will give a brief outline of my thesis. In the subsequent chapters, I

discuss the experiences of the displaced indigenous people; provide background information on the Rehabilitation and Resettlement (R&R) policy as well as the policy package and current living conditions in the resettled villages (see Appendix 2 for various policies). The compensation packages gave land as compensation to those displaced people who could prove their legal status. Therefore, all the displaced people who live on and used land (common and government) for generations, or those who cultivated their own land but were unable to provide ownership documentation, were not given any land compensation. For many years, NGOs, human rights activists and tribal people demanded that the government consider the rights of the local indigenous people seriously and recognize their close affinity with nature and their ancestral lands – demands which have brought about few modifications in the policy provisions.

The history of involuntary displacement in India and ongoing resettlement practices indicates that it is somewhat naive to rely on the goodwill of the state and national governments and project officials to act in the interest of the displaced people. This is for numerous reasons. First, there is a huge gap between resettlement policy and practice. For instance, during the survey, it was noticed in the field that every rainy season in the newly resettled sites, the majority of the displaced families were hoping for alternative resettlement. This was because many face problems in the monsoon season with inundation and damage to their homes, lands and farms. This inundation and damage to their property is contrary to the country's 'best' and 'progressive' policy of displacement. Second, the policy is ignored in order to serve the interests of the influential. In the context of the present research on displacement due to development in the context of the Narmada Project in Gujarat state, I noticed that in the Maharashtra state, project-affected families have not improved their status in the 23 years since their resettlement, and the affected people of Madhya Pradesh have been provided with cash compensation instead of land-for-land. There are several issues which were involved in acquiring land, especially good or fertile land, for displaced people. Thirdly, the government lost interest and has neglected certain vulnerable people in the society, who should expect government protection and support.

However, resettlement carried out by the government for the project-affected people emphasized only the economic aspects. The attempt to investigate the rehabilitation of displaced people is insufficient and inadequate. The anthropological and cultural parameters are missing from the approach. This thesis endeavours to



understand the effects of rehabilitation of the projected-affected people through primary investigation in sixteen selected villages. Moving has involved their abandoning their attachment to their ancestral property and being deprived of the opportunity of living among their kinsmen. In addition, the IDPs were also apprehensive of tribal rivalries and unhappy interactions when people from different subgroups and villages converged on new settlements.

Overall, findings indicate that the uprooting of the tribals from their ancestral land and relocating them in a different environment will not only disrupt their way of life but also erode and eventually destroy their social, cultural, religious and economic traditions. Based on my findings, the displaced people require a planned approach of rehabilitation in order to minimize the hardships faced in resettling. Some of the possible measures for systematic planned rehabilitation of displaced tribal people are outlined.

#### **1.4 Research Questions**

Within the context of this thesis, I pose the following research questions, as a guide to the overall scope of the study: (1) Has the R&R scheme facilitated the majority of indigenous people affected by the project in restoring and improving their livelihoods; are they more or less deprived than before? (2) What are the human rights implications of the impact of the dam on the lives of indigenous people affected by the Narmada Project? (3) Do the Indian and State Governments' irrigation projects foster full respect for the dignity, human rights and cultures of indigenous peoples? (4) How effective are the governments' policies in influencing displacement patterns and resettlement programs in Gujarat? (5) Has the Indian Government successfully integrated gender sensitivity into the R&R scheme and policy for communities displaced by development projects especially in the case of the Narmada Dam Project?

The Narmada Project is a suitable context for my analysis because of the delays in the project; the availability of information; the controversy over how rehabilitation and resettlement practices are carried out and justified by the Government of India; and the issues arising between the indigenous community and the government over demands for the protection of indigenous rights.

#### **1.5 Significance of the Study**

The research should be able to enhance the approach to resettlement and rehabilitation policies followed by the project authorities, state government and also the

present draft national policy. Developing the human rights approach to rehabilitation and resettlement and its understanding would be a unique contribution towards achieving the desired objectives of international agencies. The outcomes of the research might also be useful for both government and community organizations to better understand the needs of displaced persons. The knowledge and understanding of the authorities towards individual and community rights regarding natural and commons resources, shelter rights, and the rights of children and women can be improved. The research may also inspire other researchers to undertake serious projects in the areas of involuntary displacement due to development projects.

This research project should also provide suitable methodological inputs in how to deal with the study of the human rights issues of persons displaced by development projects in countries like India. The study undertook investigations of the tribal community, which is least understood in terms of human rights issues. The findings and recommendations should be useful for the agencies and community organizations working with these groups.

## **1.6 Methodology**

Details of the research design with respect to the population, sample tools, nature of fieldwork for data collection and data analysis are in the next chapter (Chapter 2) of the thesis. Data were collected through questionnaires and schedules from selected sites within Vadodara (formerly Baroda) district in Gujarat State. Secondary data were also collected from extensive Indian Government documents (from Union to *panchayat*<sup>7</sup> level) and other reports. The study involves the use of both quantitative and qualitative information and relies on the application of mixed methods.

Samples of 200 displaced households from the Vadodara district of Gujarat State were selected for the study. The sample was stratified on the basis of households resettled within 0-5 years, and those displaced more than ten years previously.

## **1.7 Chapters in the Thesis**

This thesis is based on The University of New England's 'thesis by journal publication format'. Each chapter is, therefore, written as a journal paper. As a journal paper, each chapter contains its own introduction, methodology, relevant literature and

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<sup>7</sup> A village council in India

discussions. While each chapter has its own thematic issue, it is however, broadly linked to the overall objective of the thesis. Individual chapters/articles cover the history of the resettlement policy; human rights boundaries of resettlement requirements; field data on the results of resettlement; and the role of NGOs in supporting indigenous communities and gender issues in resettlement. The arguments and composition of the study are presented in nine chapters as detailed below:

In this first chapter the contextual background of the issue of development-induced displacement is discussed. This establishes a context: the impact of the Narmada Project on the tribal people in the state of Gujarat. It discusses the rationale for and significance of the study.

In the second chapter I discuss the detailed exploration of the plan and procedures adopted and the primary and secondary data which were collected for carrying out the research. This chapter is divided into three sections. The first section provides a detailed discussion of the history of the study area. The second section contains the research methodology, detailing a discussion of both the quantitative and the qualitative research methods. The final section contains the research framework as developed for the purpose of this research.

The third chapter is the literature review. With a view to determining the significance as well as the relevance of the issue, views from several experts and scholars are presented to highlight and pinpoint the crucial nature of the problem. The views are selective as the vast literature available could not be presented in its totality.

The fourth chapter analyzes the Rehabilitation and Resettlement policy for the displaced people of the country. Although there is still no national policy for the displaced people to date, I have discussed the chronological evolution of the policy and its history and how the government and certain individuals have played a role in shaping policy. I have also analyzed how this policy was implemented in the field. (This chapter has been published in "Journal of Internal Displacement" (2011) Vol.1 No. 2 pp. 81-100, Canada).

The fifth chapter discusses the human rights implications of India's Narmada Dam Projects for the Indigenous Peoples of Gujarat. In this chapter, I explore the impact of the Indian Government's Dam project from a rights-based perspective. I argue that,

though the right to develop is a right in itself, the ramifications of such third-generation rights have also great implications for the right to life and to one's cultural well-being. Based on secondary data sources, this chapter explores international practices, and the universal guidelines for protection mechanisms for internally displaced people (IDP). (This chapter has been accepted by the Indian Journal of Human Rights and Law, Serials Publications, New Delhi-India. It will be published in the Jan-June 2013 issue.)

The sixth chapter describes gender justice and the feminist perspective which provides strong alternative ways to look at sustainable development and the equality of women, especially tribal women, and their rights. Gender issues, gender injustice and gender empowerment are a serious concern for all those who are against the injustice done to the affected people. Women play a vital role in sustaining their families. Especially in the tribal-rural context of India, social status and family income are totally dependent on exploitation of natural resources. Families become incapacitated without these resources after displacement. (This chapter is currently under review by the Multidisciplinary Journal of Gender Studies, Hipatia Press, Barcelona, Spain).

The seventh chapter provides an overview of the impacts of the Narmada Project on tribal people of Gujarat State. This chapter is based on the outcome of field work and household surveys of sixteen rehabilitation sites and the displaced people in the chosen district of Vadodara, from September 2010 to February 2011. It also deals with rehabilitation and resettlement and transformation in physical amenities such as the provision of house sites, road and transport facilities, potable water, sanitation, education, and provision of health care centres. The present study provides a picture of the post-displacement conditions of project-affected families (PAFs). Finally, the paper depicts major findings from the surveyed villages. (This chapter has been accepted by the Hawaii International Conference on Arts and Humanities, Honolulu, USA on January 11-14, 2013. It will publish in the conference proceedings- University of Louisville-USA).

The eighth chapter, based on field work, illustrates the role and contribution of NGOs in IDP community development in the resettlement sites. It also attempts to understand how information and support from NGOs helped the indigenous community to improve standards for IDPs. The roles of NGOs in indigenous community development were analyzed through a case study examining eight NGOs in Vadodara District of Gujarat State. This chapter analyzes the qualitative data from the responses to the open-

ended questions of the questionnaire. (This chapter has been accepted in the International NGO Journal, Vol 8 (2), pp.44-53 February 2013)

The ninth chapter highlights the findings, sums up discussion and draws significant conclusions on an important issue – the Rehabilitation and Resettlement policy in the context of Narmada Dam Project.

This research is then discussed as a modest attempt to probe into a problem which has multiple dimensions. Of course, it does not answer all possible questions which have emerged over the Narmada Project. Maybe it will provide incentives for social scientists to further probe the issues that this thesis raises.

## 2 RESEARCH METHODOLOGY<sup>8</sup>

### 2.1 Introduction

This chapter provides an overview of the research methodology as adopted by the researcher for her doctoral research. It outlines the research design for this exploratory study and the manner in which the research was conducted. This chapter covers the research sample, research method, research instrument and data analysis practices. Both qualitative and quantitative methods have been adopted in the collection and the analysis of data for this study. Both primary and secondary data were collected on Internally Displaced People (IDP) from NGOs and the office of the Sardar Sarovar Punarvasavat Agency (SSPA),<sup>9</sup> and the government of Gujarat, India. Two specific methods have been used. The first consists of a qualitative assessment of the conditions of IDP and their relocation villages involving observations made during on-site visits, interviews using semi-structured questionnaires with people affected by the project, elders, women's groups, youth and local authorities' representatives. The purpose of these interviews was to obtain information on internally displaced people affected by the Narmada Project, their social structure including their clan origin (i.e. the home area), process of displacement, personal security, and their coping mechanisms and conditions examined throughout the process. The second method consists of quantitative analysis of questionnaire schedules from household surveys carried out to obtain information on economic conditions experienced by households and individuals. The household survey has focused primarily on the sources of household income, socio-economic and psychological conditions, and on issues relating to food security, housing, land and income generation after displacement. The input of SSPA (which handles the displacement process) in Gujarat is very much involved in the relocation process of the displaced population. There was limited access to the IDPs in the interior part of the Vadodara district due to physical insecurity and lack of roadways and markets. For this reason the information on IDP's livelihood had to be obtained by qualitative methods.

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<sup>8</sup> This chapter explains the overall methodological structure of the thesis, but the individual chapters have followed a specific approach of methodology suited to the context of each chapter.

<sup>9</sup> Sardar Sarovar Punarvasvat (resettlement) Agency (SSPA) is a project authority of Government of Gujarat located in Vadodara.

Structurally, the chapter is divided into three sections. The first section provides a detailed discussion of the history of the study area. The second section contains the research methodology, detailing a discussion of both the quantitative and the qualitative research methods. The final section contains the research framework as developed for the purpose of this research.

## **2.2 Section A: Background of the Study Area- Vadodara District, Gujarat State, India**

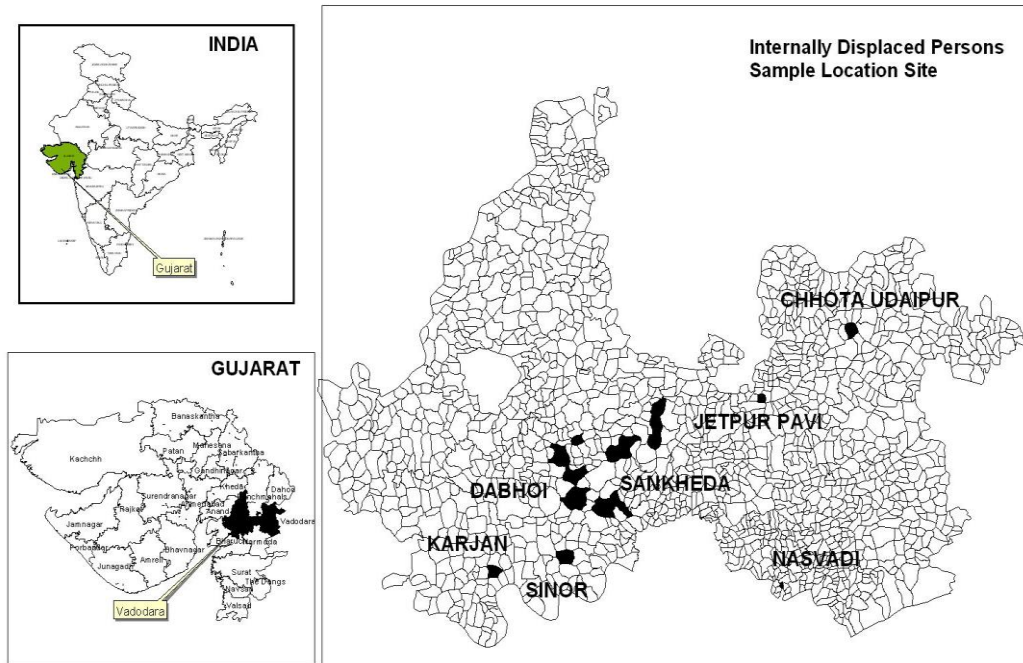
### **2.2.1 Area covered for the study**

As can be seen on the map below (Figure 2.1), Vadodara District is located in the eastern part of Gujarat in western India. The city of Vadodara (formerly Baroda) is located in the western part of the district, and is its administrative headquarters. Vadodara District covers an area of 148.95 sq km. As of the 2001 census (Government of India, 2001)<sup>10</sup>, it had a population of 3,641,802 of which 45% were urban. It has been divided into three parts: Vadodara, Dabhoi and Chhota Udaipur and has 13 *talukas* (blocks) :Chhota Udaipur, Dabhoi, Karjan, Kawant, Naswadi, Padra, Pavijetpur, Sankheda, Savali, Shinor, Vadodara City, Vadodara Rural and Waghodia. The main occupation of the people is agriculture. Until recently, the women usually looked after household chores, the raising of children, looking after cattle, and collecting fodder from the field, as well as helping the men in the threshing and harvesting of the crop.

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<sup>10</sup> See Census of India 2001, District Census Handbook Part Xii-A&B, Vadodara District part I, Village and Town Directory Series 25

**Figure 2.1:** Location of Field Sites (Surveyed Villages).



[Source: Author's fieldwork, 2011]

As stated above, the study was conducted in the Vadodara district of Gujarat state in India (as shown Fig. 2.1) during September 2010 to February 2011. Within the locale of Vadodara district these locations are the major displacement resettlement sites of the displaced people as defined by the development infrastructure project. Among 276<sup>11</sup> project affected families (PAFs), 176 (approximately 63%) have been resettled in this region. For the same reason, the leading NGOs engaged in the process of the rehabilitation and resettlement is also found within this area. Representatives of NGOs, think-tanks, government officials, political leaders and persons from the project authority were interviewed within the same locations and beyond. Representatives of NGOs and concerned authorities were contacted through email and telephone, to invite them to participate in the proposed research.

The project areas of the Narmada Project in Gujarat state were chosen for this study for significant reasons. The study aims were to understand the effects of the

<sup>11</sup> These numbers provided by the Sardar Sarovar Narmada Nigam – a project authority office of Vadodara Division.



project on the displaced people and any violations of their basic rights. It also provides scope for examining the rehabilitation policy adopted, and for understanding how the displaced people have benefited from this process of rehabilitation. Another major reason for choosing this Narmada project is that the project is located in remote and socially-deprived areas and more than 200,000 people have been affected, which is the largest number of IDPs in the history of the country. Thus there is ample scope for examining the state's R & R process under the Narmada Project.

## **2.3 Section B: Research Methodology**

### **2.3.1 The Ethnographic Research Design**

Ethnography is basically a study of culture and social institutions through participant observation and interviewing, an approach known as 'fieldwork' (Boaz & Wolfe, 1997). The 'Ethnographic approach presents interpretive and explanatory analysis of the symbolic and appropriate meanings that notify routine practices of everyday life (Wortham, 2010).' The aim of ethnographic research is to acquire an in-depth description of the subject of study, with an emphasis on portraying the everyday experiences of people by observing and interviewing them and relevant others (Fraenkel & Wallen, 1990). The ethnographic study includes narrative interviewing and ongoing participation in a situation (Fraenkel & Wallen, 1990), and, in attempting to capture the whole picture, it reveals how people describe and structure their world. Collections of both quantitative and qualitative data are essential features of the ethnographic research study (Stephen & Schensul, 1999). Life histories and narrative analysis are methods that gather, analyze, and interpret the stories people tell about their lives (Amos & Richard, 1995).

The ethnographic research in the present study allows a comprehensive study of the key informants and highlights the concept of empowerment experienced and practised in the cultural milieu of the study area under the particular socio-economic conditions found there. The ethnographic design was therefore chosen for the present study to acquire knowledge to understand the issues of the displaced people and to represent their everyday life. Also, in order to study these problems, the project has adopted the following methods:

1. Interviewing
2. Observation- field note taking-field notebook.

**Interview:** This is an oral questionnaire whereby the subject supplies the required information in a face-to-face relationship. For the present study, the investigator collected information regarding the problems of displacement and the displaced people.

### **2.3.2 Participant Observation**

According to Bodgan (1972), participant observation is “research characterized by a prolonged period of intense social interaction between the researcher and the subjects, in the milieu of the latter, during which time data, in the form of field notes, are unremarkably and systematically collected”. The observation record deals with the overt behaviour of persons in controlled or uncontrolled situations. As a research tool, it must be carefully planned, purposive and well conducted and noted down. My personal experiences and observation provided a holistic view of the research problem.

### **2.3.3 Research Ethics**

Before interviews could be carried out, there were ethical considerations that needed attention. Application had to be made to the Human Research Ethics Committee (HREC), University of New England for permission to conduct interviews. The research office had provided a letter along with the protocol form that had to be completed by the researcher and submitted to the HREC of the University of New England. After getting approval from HREC (Approval No: HE10/094) (see Appendix 8 for approval) the fieldwork and the interviews were arranged. Permission was obtained from the Centre for Culture and Development, Green Eminent Research Consultancy and from the representatives of NGOs to use their libraries at Vadodara district in Gujarat state. We then conducted interviews with targeted populations. (See Appendix 9 for permission granted from NGOs and research institutes in India.) All participants taking part in both the surveys and interviews were given full details of the purposes of the research. A front sheet was attached to the questionnaire for the respondents. The information sheet listed background information about the researcher, the purpose of the research and information on privacy and anonymity and their right to withdraw from the process at any time.

#### **2.3.4 Sampling/ Sampling Method**

Sampling is associated with selecting the 'right' cases from a known reservoir of cases, and it is an essential step in designing qualitative research, as it is the step in which one reduces the potential infinite horizon of possible materials and cases for a study to a manageable and justifiable selection of cases and materials (Bodgan, 1972). As the researcher, I do have prior knowledge of the area and I know the culture very well. I also have done previous networking there, which assisted me in identifying the key informants for this study.

According to Flick (2007), sampling in qualitative research involves profound understanding; it is a way of managing diversity so that the variation and variety in the phenomenon under study can be captured in the empirical material, as far as possible. The sampling process continues during interview, as samples of statements are taken from the host of answers, or from a long life history, in interviews, which address the issue of the specific study directly or which are relevant to it (Flick, 2007). I have also interviewed people working with these key informants in their work places, as well as in their social lives. Since Vadodara district is a small area, most of the people know each other. With the help of the contacts, which I already had, I was able to select the initial informants and through them I reached other informants. Thus, these informants were selected by using snowball sampling (Bogdan & Biklen, 1996 & 1982; Patton M Q, 1990). However, as Rubin and Rubin (1995) suggest, that kind of sampling in qualitative research should be 'iterative' and 'flexible' (cited by Flick, 2007). This means one should be ready to adapt to the conditions in the field and to new insights resulting from data collecting, which might suggest changes in the original sampling plan (Flick, 2007).

Before data collection, the samples from which data were to be collected were closely considered. This is a crucial element of academic research. According to Cresswell (1998 & 2009), sampling is the process of finding the people or a place to study; to gain access for this study; and to establish a questionnaire so that respondents may give appropriate data. During the process of sampling, the aim is to get a sample that is as representative as possible of the target population (Mouton, 1990). The major benefits of careful sampling are lower cost, faster data collection and improved accuracy and data quality.

### **2.3.4.1 Cluster Sampling**

According to Robert (2004), cluster sampling is an example of “two stages of sampling” or “multistage sampling”: in the first step a sample of areas is chosen; in the second stage a sample of respondents within those areas is selected. This can reduce travel and administrative costs.

Kothari (2004) explains that if the area of interest is a large one, then a suitable way in which a sample can be taken is to divide the area into smaller non-overlapping areas and then to randomly select a number of these smaller areas, generally called ‘clusters’, with the ultimate sample consisting of all units in these smaller areas or ‘clusters’.

Therefore, in this study, cluster sampling has been employed. The samples were selected through multi-stage random sampling. Various *Taluka*<sup>12</sup> (blocks) of Vadodara district in Gujarat state from each zone, that is, north, south, east and west, were selected randomly. In the second stage the clusters from each block from Vadodara district were randomly selected. In the third stage, the households for each cluster were selected randomly. A total of 200 households were selected from the displaced households in the Vadodara district in Gujarat state by using this method. (See Appendix 3 for selection of households.)

### **2.3.5 The Sample Size**

#### **2.3.5.1 Universe and Sampling**

The primary data were collected through formal interview Schedules A and B, and the number of respondents was 200 and 20, respectively. Schedule A covered all the information about project affected families before and after relocation.

Schedule B was used only for 20 people – about 10 percent of Schedule ‘A’ respondents were chosen at random. The sampling size was a total of 200 household members. Selection into this target population affects the criteria put forward in the framework (Fig. 2.2).

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<sup>12</sup> A sub-division of a district; a group of several villages organized for revenue purposes.

In total, 16 relocation sites were surveyed from the Vadodara district in Gujarat State (See Appendix 4 for the list of surveyed villages.) The sampling frame for door-to-door interviews was based on the list provided by the Sardar Sarovar Punarvasvat Agency (SSPA)<sup>13</sup>, Government of Gujarat, Vadodara division. A total of 200 households were selected for interviewing. The sample design is stratified, multistage, and probability is proportional to size.

Following points were considered for the households surveys:

- Selected probability proportionate to size of relocation sites.
- Selected 10% of households for each relocation sites.
- Start point chosen at random. Then one family from every two houses chosen.
- One respondent from each family chosen, preferably older persons or the head of the family.
- The average interview length was 40-45 minutes.

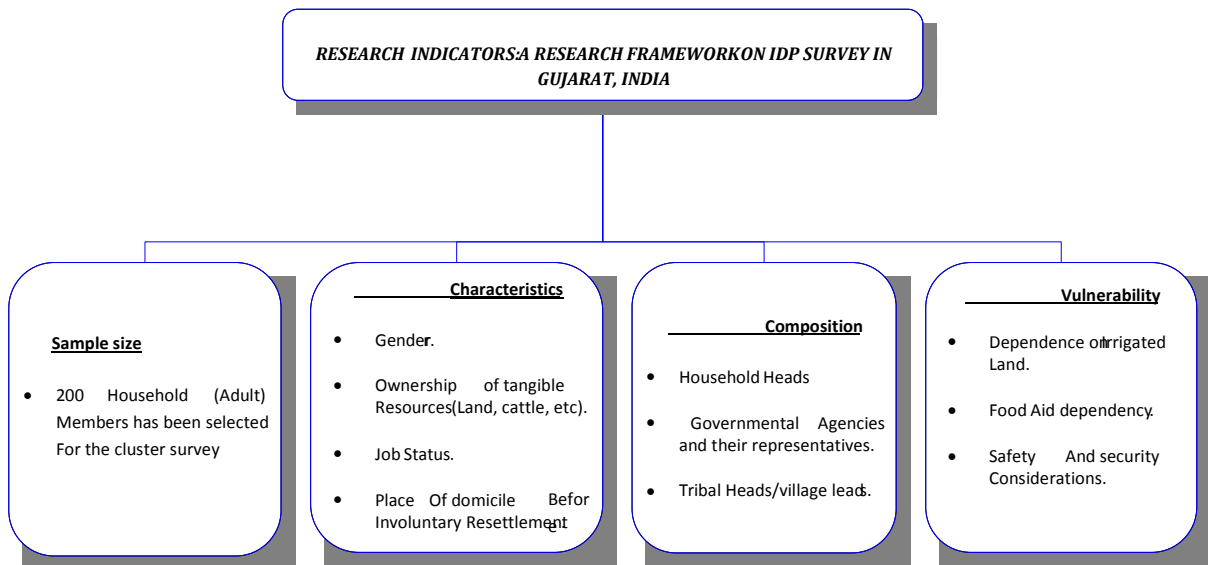
The study involved the use of both primary and secondary sources of data. The secondary data were collected from government documents and reports of NGOs, and from the reports of social science research institutes, as well as from individuals.

To achieve the intended outcome of this research exercise, a conceptual framework was developed that took into consideration the following research variables: status in IDP camp, place of domicile before involuntary resettlement, education level, ownership of tangible assets, such as irrigated land, and jobs. The aim was to get a balanced opinion, that took into consideration the perceptions and opinions of displaced people on the perceived efforts of displacement, as well as of the impact of governmental re-insertion programmes for these IPDs. The variables are illustrated in Figure 2.2.

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<sup>13</sup> In 1992, the Sardar Sarovar Punarvasvat Agency (SSPA) was constituted for implementing the Resettlement and Rehabilitation (R&R) activities of the Sardar Sarovar Project Affected Families (PAFs) in Gujarat. SSPA is responsible for effective and efficient R&R of the Project Affected Families. (Information taken from: <http://www.sspa.gujarat.gov.in/whatissspa.htm> accessed on 10/10/12.

**Figure 2.2**



### 2.3.6 Research Indicators for Respondents in the Villages under Study

#### 2.3.6.1 'Universe'

Our universe consisted of those affected people of Maharashtra, Madhya Pradesh and Gujarat, who resettled in Vadodara district in Gujarat State. A profile of those households whose houses were submerged and who relocated elsewhere is presented in this section. A total of 200 households were approached and the male or female adult in the family was interviewed by investigators, supervised by the Principal Supervisor. These households were all resettled in the Vadodara district, in different *Talukas*.

Vadodara district had 150 households resettled from Gujarat, and 102 households were from the other two states, namely, Madhya Pradesh and Maharashtra, while all 49 respondents who were interviewed in Dabhoi and Shakheda *taluka* were from MP and in the Vadodara District, while others were from Maharashtra State. This reveals that 50 (25%) of the respondents resettled in Gujarat were from other states. The following table shows the *taluka* distribution of household surveys. This is based on 10% of those resettled from each state now in Gujarat.

**Table: 2.1a** Original Taluka (Block)-wise Distribution of Households

District	Taluka (Block)	No. of Households	From which State
Vadodara	Dabhoi	123	110 Gujarat, 13 MP PAFs
	Shankheda	66	30 Gujarat, 36 MP
	Shinor	10	All Gujarat PAFs
	Waghodia	1	MH PAF
	<b>Total</b>	<b>200</b>	

**Table: 2.1b** Final Taluka (Block)-wise Distributions of Households after the exclusion of 20 Madhya Pradesh households who refused to be interviewed.

District	Taluka (Block)	No. of Households	From which State
Vadodara	Dabhoi	123	110 Gujarat, 13 MP PAFs
	Shankheda	46	30 Gujarat, 16 MP
	Shinor	10	All Gujarat PAFs
	Waghodia	1	MH PAF
	<b>Total</b>	<b>180</b>	

### 2.3.6.2 Selection of Sites

A sample of 200 households from affected villages was selected from four *talukas* Dabhoi, Shakheda, Shinor and Waghodia of Vadodara district in Gujarat State. They were selected by using a proportionate random sampling method. The final total number of respondents was 180 after 20 households originally from MP had refused.

As a starting point, I introduced myself and then and then gave them the information letter (see Appendix 5 for the information letter) and asked the participants to sign a letter of consent. I assured participants that the information collected would be

securely stored and would only be available to me and my supervisors and that all responses would be analyzed in accordance with the University of New England, Australia Code of Ethics.

Then I repeated my assurance about the confidentiality of the information that they would provide. I explained that they could respond in their mother-tongue. This was very helpful for the participants as it made for a more relaxed atmosphere.

### **2.3.7 Data Collection Strategies**

#### **2.3.7.1 Phase of the Study**

In the first phase, after completing all the formalities on September 2010, the researcher along with the staff of the Sardar Sarovar Punarvasvat Agency (SSPA)<sup>14</sup> and representatives of NGOs visited the field area and identified the villages under study as per the SSPA records and had discussions with the people and officials of the area concerned.

I met with the project officials, academics, representatives of NGOs, retired officials and others who were engaged to provide information and arguments on all sides of the issues presented. I had discussions with the SSPA officials at Vadodara Division, office of rehabilitation and resettlement and sought their cooperation in getting relevant information about the IDPs. All officials of the project authority and the representatives of the NGOs cooperated fully and provided whatever information or materials were requested.

I also interviewed and talked with the non-governmental organizations such as Arch-vahini, Divya Sewa Trust, Mangal Bharati Trust, Engineering Seva Trust, Sir Sayaji Rao Diamond Jubilee Trust, BIAF, Sahiyar, and social science research institutes such as the Centre for Culture and Development, the Centre for Social Studies, and the Green Eminent Research Centre, Sahiyar<sup>15</sup> and Narmada Bachao Andolan (NBA).

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<sup>14</sup> A project authority

<sup>15</sup> The Sahiyar is an NGO working for women and their rights and has been actively functioning in Vadodara since 1985. The organization has been working on issues like, dowry, rape, harassment, domestic violence, declining sex ratio, etc., known as “women’s issues”. Wider social issues like housing rights, communalism, casteism, and democratic and human rights are also addressed by the organization.



They were extremely cooperative and provided the required information such as a list of the villages affected by the project and a list of the relocation sites, adopted government resolutions and policy documents.

The second phase of the study was concerned with the actual data collection through structured interview schedules, observations, and collection of information regarding various issues relating to the process of land acquisition and resettlement of the IDPs affected by the Sardar Sarovar Narmada project.

I obtained permission from the Commissioner of Rehabilitation and Resettlement and Planning division of Vadodara district (see Appendix 6 for permission from Commissioner, Government of Gujarat) to visit the selected resettled villages.

In the third phase of the study, the data collected through the two schedules was scrutinized. With the help of SPSS and the Centre for Social Studies, Surat, the data were entered into the computer. During the same period the theoretical background framework of the study, analysis, plan and other arrangements had been finalized.

The fourth phase, which started in December 2010, involved the interpretation of the study and writing the draft report for submission by the end of January 2011.

### **2.3.8 Organization of Field Visit**

The principal part of the fieldwork took place from September 2010 until February 2011 during which time I conducted face-to-face interviews as well as semi-structured, individual interviews with expert informants in 16 villages located in the same province where I would conduct the quantitative surveys. In October 2010, with the help of Divya Sewa Trust, an NGO, and Sardar Sarovar Punarvasavat Agency (SSPA), I organized my fieldwork that lasted three months. At the end of the household survey of 200 project-affected families, I selected 20 representatives of NGOs and academics to conduct interviews in the PAF study. These are 165 resettled villages and 16 were in the sample in a province located 65 kilometres from Vadodara. From October 2010 to November 2010, I visited 16 survey villages in Vadodara district and collaborated with Divya Sewa Trust (NGO) and Sardar Sarovar Punarvasavat Agency. Thus I saw many villages and their conditions.

Along with the staff member of Sardar Sarovar Purnavasavat Agency, Vadodara division and representatives of NGOs, I made field visits to the sample districts to collect the data. The current Executive Officer and Commissioner of Rehabilitation and Resettlement, SSPA, Vadodara Division, provided their staff and vehicle for the field visits. During the field visits, data were collected through the structured questionnaire, face-to-face interviews of PAFs and from representatives of NGOs and academics who were engaged in the process of rehabilitation and resettlement and in the formulation of policy on displacement in Gujarat State. The project-affected families were asked to describe their problems and experiences while relocating from their old villages, and in the villages to which they were moved after the implementation of the R & R package. They were given freedom to express the way they felt. While some questions gave structure to the interviews, a considerable freedom was given to the respondents to shape the direction of the discussions.

I visited the 16 resettlement sites at regular intervals. I noted down the nature of difficulties and problems faced by the PAFs in relocation sites. After scrutinizing these schedules, I spent a considerable time in the field. These visits served two purposes:

- (1) To learn about any violations of human rights of the PAFs during relocation and at their new location.
- (2) To check amenities provided to the PAFs at the new sites. The idea was to ascertain their perceptions of a variety of issues impinging on their living and working conditions. Individual meetings and group interviews with village people were both held for this purpose.

Another key objective was to look at what was and what was not granted to the displaced persons by the state and to ascertain the people's response to this.

### **2.3.9 Data recording strategies**

I kept a field diary on a daily basis to record my day-to-day experiences. The informants were also requested to provide any documents such as personal diaries, emails or photographs, if they so desired, which may have been helpful for the study. For example, I was getting copies of land document (see appendix 12 for land document). With the consent of the informants, the interviews were recorded<sup>16</sup> for future reference.

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<sup>16</sup> Very few interviews were recorded as respondents did not allow me to record their views especially if they were government officials.

### **2.3.9.1 Methods of Data collection and Description of the Schedule**

The data have been collected through personal interview with the respondents with the help of an interview schedule. The interview schedule was a primary source of data collection and was deliberately selected in the place of a questionnaire for the following reasons:

- (1) The respondents would not have been able to fill in a questionnaire because of their very low educational standards;
- (2) the respondents would not have been able to understand exactly what the interviewer had in mind while asking the questions and;
- (3) due to the rapport established, the answer would be more authentic.

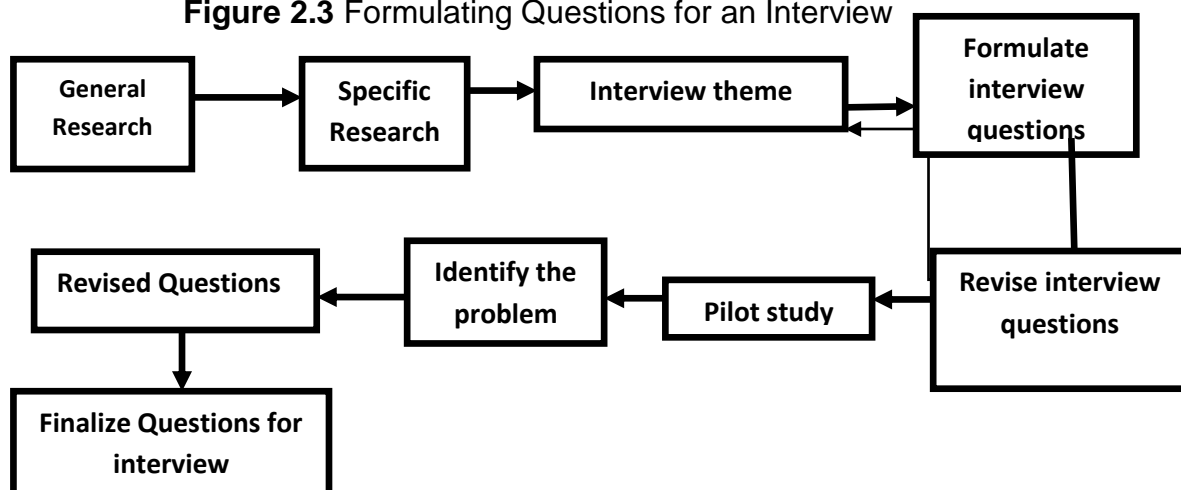
To begin with, it was difficult to define a respondent. They could be a land loser as per records, or an affected male or female member of a relocated family.

Keeping the above facts in mind, I decided that the ideal tool for conducting the study would be an interview schedule, so that the factual data could be gathered. This interview schedule as prepared had both open-ended and close-ended questions for eliciting the needed information. The interview schedule comprised 19 questions to obtain data from the respondents on:

- a. Policy implementation;
- b. Attitude of the PAFs towards the rehabilitation policy approach.

The methodology adopted was of two stages. The survey was conducted with two types of questionnaire (schedules). Schedule A was designed for a large sample to collect the information about general socio-economic background and the characteristics of the IDPs. Schedule B was designed for those who were engaged in the process of rehabilitation and resettlement, that is, representatives of NGOs, academicians, urban planners and think-tanks. The objective was to compare the situations of IDPs before (i.e.1989) and after (i.e. 2001) relocation. The following framework was employed for preparing the questionnaire.

**Figure 2.3** Formulating Questions for an Interview



**2.3.9.1.1 Schedule A:** Its basic purpose was to collect the required information related to the displaced people. It had 19 questions. The schedule sought general information related to the *vasahat* (resettlement site/village), family background, information regarding social conditions, economic conditions, health aspects, age, sex, caste, category, education, distance from original village, family composition, infrastructure amenities, living conditions of PAPs, land resources and agriculture, and the process of land acquisition and displacement.

**2.3.9.1.2 Schedule B:** It also consisted of 19 items related to conditions of displaced people, violation of human rights and implications of the displacement before and after relocation, the rehabilitation process and so on. It was usually completed by the *pradhan* (village leader), representatives of NGOs or individuals. (See Appendix 7 for the tools.)

According to Stephen and Schensul (1999) “all communications between researcher and the members of the targets group under study must be based on the group’s own linguistic structure”. For that reason, the following points were kept in mind while framing the tools:

- Originally the questionnaire was written in English, but simple Gujarati language was preferred with a view to getting a better response, as 90% of the population speak Gujarati language.
- The questions do not demand much mental strain from respondents.

*‘Pre-testing’*

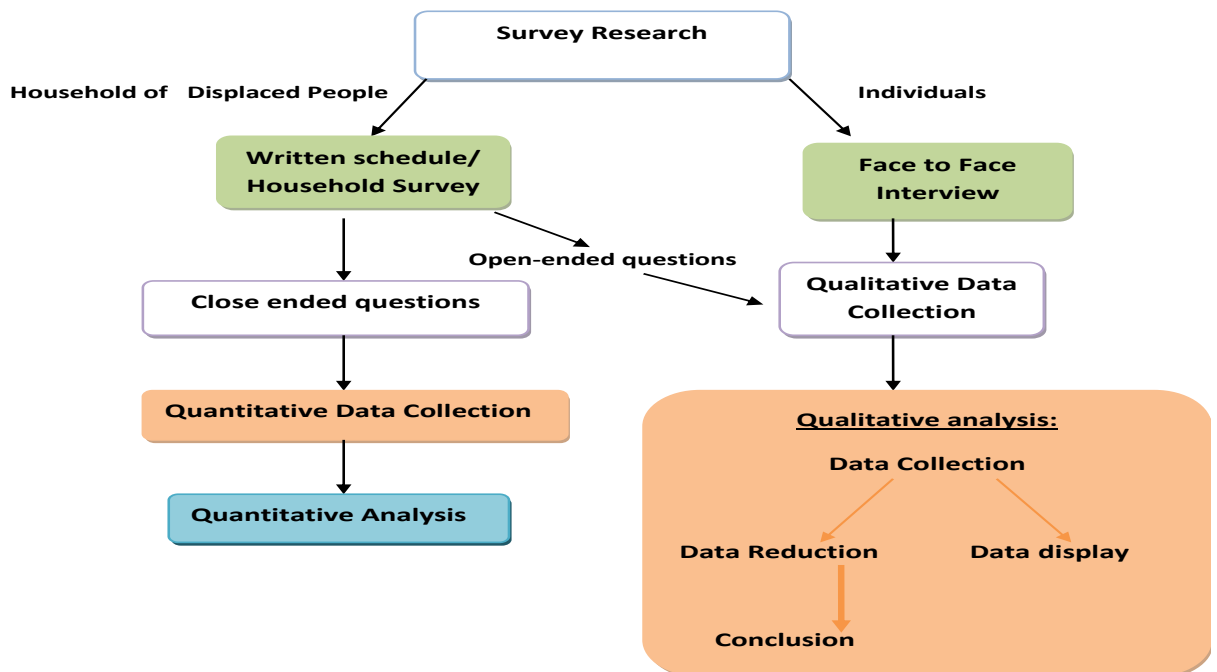
The draft schedule was pretested for correct wording and framing of questions to get authentic response from PAFs. Thus the pre-testing was done on five respondents from the rehabilitated village in *Vadaj-2* in Dabhoi *taluka*.

### 2.3.10 Data Processing and Data Analysis

After the completion of the collection of formal field data through Schedule A and B were scrutinized by me and my principle supervisor, Prof. Helen Ware. To ensure a smooth, effective and efficient field survey, it is imperative to maintain the uniformity of data collection, as well as the quality of data.

A software package, Statistical Package for Social Science (SPSS), and a spread sheet were used for analyzing the data. The following framework (Fig. 2.4) summarizes the data for this research study.

**Figure 2. 4** Frameworks for Analysis



### 2.3.11 Research Grants

I spent a considerable time in collecting data to help understand the issue of displacement and discussing related problems with PAFs. From May 2010 until June 2010, I wrote research grant proposals to fund the project. For the fieldwork in India, the University of New England (UNE) granted me a Keith and Dorothy MacKay Postgraduate

Travelling Scholarship, and also a research grant from the School of Humanities, Faculty of Art and Sciences, UNE.

### **2.3.12 My Research Journey**

I carried out my surveys in the 16 resettled villages in Vadodara district. My travel to survey villages began at 7 a.m. every day accompanied by representatives of NGOs and a staff member from the Sardar Sarovar Punarvasvat (resettlement) Agency (SSPA). In some remote villages, there was no passable road so I had to walk one or two kilometres to enter the resettled village to interview people. I interviewed people in the local Gujarati language but my knowledge of tribal dialect was often insufficient for me to communicate effectively with them. Members of NGOs and staff of SSPA helped me to communicate with these tribals. The tribals (indigenous people) considered me a stranger, which made it a difficult task.

Often it took two or three hours of walking for me to reach selected survey villages (list villages are appended). I used to visit two villages each day. First, I surveyed Vadaj-1 village in Dabhoi *taluka* for my pilot study. In almost all visited villages, small shops (these small shops served tea and snacks and biscuits) were noticed (See photo No. 16).

The villages were well planned. The structures of the villages were arranged in rows with sealed and unsealed roads dividing them into clusters. Before inundation, the PAFs' villages had been located in the forest and hilly regions. The structures of the houses were different from one another. Conversely, in the new resettled villages, there was an observed lack of indigenous traditional socio-culture originality, compared to the inhabitants' original villages. They all looked alike and they had a common background and similar facilities such as roads, water tanks, schools, canals, tree platforms and medical centres. However, these facilities were not all included in the early Rehabilitation and Resettlement Policies. Rehabilitation was restricted to the indigenous people's economic capacity by decreasing their reliance on and usage of natural resources. The latest draft policy has been modified due to agitation by activists, NGOs and civil society advocates.

### 2.3.13 Methodological Issues and Field Problems

The following problems were faced in the field:

No.	Methodological Issues and Field Problems
1	Sometimes people were not ready to provide information; and in certain resettlement sites they became aggressive.
2	Sometimes they were not able to understand, especially in Madhya Pradesh (MP) and Maharashtra (MH) sites because of language problems.
3	Majority of the population were illiterate so that it was difficult to explain.
4	Sufficient numbers of people were not available from the resettled site. It was really difficult in the field to catch and hold of the respondents in the daytime, as many were out working in the fields, and hence, the researcher had to go to the field early in the morning and stay in the field till late in the evening, when respondents would be available. However, the overall response was good and it gave rich insights into their problems.
5	At times the researcher was mistaken for a government official by the respondents. They expected some benefit or other from whoever trusts them.
6	A large majority of the respondents treated me as if I had visited them to listen to their problems and help them.
7	The researcher was able to gain their cooperation by convincing them with the help of staff members of SSPA with a friendly and informal approach.
8	It was very much more difficult to interview women as they felt shy and thus hesitated to provide answers in front of males and the researcher.

## **3 LITERATURE REVIEW**

### **3.1 Introduction**

To have a clear concept of the subject of development induced displacement, it is indispensable to study the issues associated with various developments projects and decisions made towards solving them. Similarly, to draw up policies for planned rehabilitation and resettlement, it is necessary to be familiar with the programmes of site selection, compensation, provision of alternative land for agriculture, provision of minimum basic facilities in the new areas, preference for jobs and community based activities In connection with the project already implemented. Thus this chapter involves a systematic analysis of the available literature on two thematic areas: Human rights and Internal Displacement. It examines the issues and patterns of displacement from a right-based perspective. In as much as this review is exploratory, its aim is to also identify the research gaps in the literature that this study will attempt to fill. It is divided into two sections. Section one deals with the review of legal and other instruments concerning human rights and internal displacement. It is important to note that some of these instruments will not be reviewed here, but will be examined in full in their specialized contexts and used extensively in the following chapters. The second section deals with a review of government policy papers and scholarly works dealing with issues of human rights and displacement in a non-civil conflict context. In this section, the review is subdivided into two: the global and localised (Indian) contexts.

### **3.2 Section A: International Policy and Practice of Human Rights and International Displacement: Towards a Research Question.**

#### **3.2.1 Historical Overview**

Although human rights may have been a concern for a very long time— [some would say since the Cyrus Cylinder of 539 BCE] —some scholars (see, for e.g. Sepulveda et al 2004; Forsythe 2000; Kapoor 2001 Gibney 2003; contend that several factors, such as the emergence of the age of Enlightenment in the 18<sup>th</sup> century, the first and second World Wars, the emergence of the United Nations, and other international organisations, the rise of colonialism (around the 17 Century) the emergence of anti-colonial agitations in what became known as the ‘third world’ (developing countries) after



the second world war, all accounted for the increasing internationalisation of human rights.

It is important to note here that the formation of the United Nations and with it the moral coming together of nations did much to affirm the rights of man (used in its gender-neutral form) in many countries, especially the Indian sub-continent. Being the first country to attain its independence from the British Empire through peaceful means India has emerged as a major player in the universalisation of rights, albeit with some attachments to its Hindu culture. Under the Indian law, Kapoor (2001) argued that much of the *conditio sine qua non* and human rights instruments within the national legislation—especially the Protection of Civil Rights Acts, 1955; the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989; the National Commission for Women Act, 1990; and the National Commission for Minorities Act, 1992 among others—had their roots in the universal human rights declaration of 1948.

Criticism of the western thinking on rights, and its potential influence in distorting their Hindu civilization has led many in the Indian continent to rethink rights—and possibly to *Gandhi-nise* what rights mean for the people of India. Anchored in what I have referred to as the “*Gandhi-nised* perspective of Indian Human Rights,” is the ‘*Satya graha*’ (‘nonviolence and truth’) (see, for e.g. Parekh 1999). In his testimonial, titled ‘an autobiography: The Story of My Experiments with Truth’ (1929; reprint translation 1993; translated by Mahadev Haribhai Desai) Gandhi wrote “Nonviolence and truth (*Satya*) are inseparable and one presupposes the other. There is no god higher than truth.” In his analysis of the political discourse of Gandhi, Parekh (1999: 121) contends that the Hindu religion—on which Gandhi, and ultimately the legal system of India is anchored—is extremely complex and diverse in its sociological thought processes and ideals. The Hindu universe is embedded in the cosmic power of the mind which places a “duty of universal, *maitri* or friendliness and goodwill.” In other words, Parekh (ibid) postulates further, man is “expected to respect the integrity of the other orders of being and to recognise them as his equal partner”—hence the emergence of the notion of equal rights within the Hindu civilization.

### **3.3 Definition of Human Rights- Contention and contradictions: towards a research Question**

The multidimensional nature of the term 'Human Rights' has led to a major contention between the universalist and cultural relativist schools of thought. For the universalists, human rights, both in their implied and explicit forms, are rights that human beings are entitled to because they are human (Parekh 2006: 19) and the basic unit of the state is the individual. Proponents of this school (see Donnelly 2003) note that human rights are indivisible and interrelated (see Vienna Declaration and Programme of Action (1993: para. 5). Contrary to this, the cultural relativists contend that the individualistic nature of communities, which are the basic form of social units, makes it unlikely that people will share the same notion of what freedom and rights mean. Hence the collective gains precedence over the individual. What makes this contention more subject to political interpretation is the fact that western countries are championing the need for the internationalization of liberal notions of democracy and human rights to maintain their dominance in the international arena, raising much opposition from states that see it as another means to perpetrate neo-colonialism; hence their adherence to cultural interpretations to suit their historical and political needs.

However, following the emergence of the UN as a major global player, many states that are, a priori, opposed to the universal nature of 'rights' are becoming more receptive to institutionalised rights—especially for development purposes. Until recently, institutions like the World Bank had yet to come to realise the need to mainstream human rights issues as part of their broader goals in foreign financial and developmental assistance, especially for developing countries, such as India. India is not an exception to human rights violations. In India human rights violations take place in the form of women's right violation, indigenous rights violations, caste and class rights violations, SC/ST people's rights violations and other type of violations. Not a single day passes without newspapers reporting a violation of human rights. Human rights violation has become a global phenomenon and is rising every day, thus developing country like India, which boasts of 'unity in diversity' witnesses such violations every day. Women, indigenous, '*adivasis*', minorities, children and other marginalized groups are discriminated against for no fault of their own. It is true that many countries, including India have endorsed laws with the sole purpose of putting an end such violations. But

sadly one does not find any decreasing tendency in the occurrence of human rights violations. Shamsi (2003) explains that according to the authentic sources the rate of human rights violations is increasing every day. The people are besieged by human rights violations in all fields, both internal and external. This institutionalised and globalised nature of rights has led many to attempt to provide a one-size-fit-all definition of human rights.

### **3.4 Section B: Displacement and Human Rights in a non-Conflict Context: Towards a Conceptual Framework**

#### **3.4.1 A: Global and Local Context**

The term ' involuntary displaced person' or 'forced migrant' has emerged in recent years, in both academic and policy circles, as a catch-all label for a person who has been forced to leave his or her home, or homeland, for whatever reason. 'Involuntary Displacement' has become, in effect, the name of a new problem-oriented field of academic enquiry, potentially combining the study of political, environmental and developmental displacement. And yet research on different categories of displaced people tends to proceed as though on parallel tracks, a good example of this being the so-called 'research divide' which Michael Cernea (1996) has identified between the study of refugees and the study of forced resettlers. It will be argued later that the main reason for the fragmentation of research on displacement is the heavy dependence of this research on categories and concepts that are the product of policy considerations rather than of scientific needs (Wet: 2006: 13).

There is a conflict over the statistics on the numbers of displaced persons affected by infrastructure development projects world-wide. Several scholars have put forward two arguments. The first school posits the problem of continuity—i.e. displacement is an ongoing problem. The second school of thought contends that, although the problem of continuity affects the collection of data, the crux of the issue is the lack of obligatory protection for IDPs—unlike the International refugee conventions, the International protocol on IDP protection is based on states' goodwill.

Unlike refugees and internally displaced persons (IDPs), there are no institutions devoted to tracking overall development-induced displacement and resettlement (DIDR), either at the global or national levels. For an indication of magnitude, most scholars, policy-makers, and activists accept the World Bank Environment Department's (WBED) estimate that approximately 10 million people are displaced each year due to dam construction, urban development, and transportation i.e. expansion of highways and other infrastructure development programs. This number is surprisingly high, but it still fails to account for large numbers of the displaced. Displacement tallies almost always refer only to persons physically ousted from legally acquired land in order to make way for the planned projects, ignoring those without legal title and those living in the vicinity of, or downstream from, projects, whose livelihoods and socio-cultural milieu might be adversely affected by the project. A count that considers this wider conception of development-induced displacement would be much higher than the World Bank Environment Department's (WBED's) estimate. Furthermore, the global count of displacees would increase again with a consideration of displacement stemming from development projects other than those included in the WBED's count, such as natural resource extraction projects.

Recently the data of the Internal Displacement Monitoring Centre (IDMC:2010) that at the end of 2009, the number of people internally displaced by conflict, generalized violence or human rights violations across the world stood at approximately 27.1 million. This figure represented an increase of over a million people compared with the 26 million IDPs estimated for 2008 and also for 2007. According to the report, in India, at least 500,000 people have been displaced by various reasons. A statement by Taneja and Thakkar (2000) points out that estimates on displacement in India from dam projects alone range from 21 million to 40 million. The WBED report notes that, in 1993, World Bank projects in China accounted for 25 per cent of people displaced in Bank-assisted projects world-wide, while Bank-assisted projects in India accounted for 50 per cent of the Bank total.

The Narmada Dam Project on the River Narmada in Gujarat state in India, is set to displace 41,000 families (over 200,000 people) in the three states of Gujarat, Maharashtra and Madhya Pradesh (Thakkar: 2010:1). Another estimate (Benerjee 2005: 116) is that a minimum of 23,500 people in Gujarat, 20,000 in Maharashtra and 120, 000

in Madhya Pradesh are expected to be displaced by the Narmada dam project. Unfortunately, accurate estimates of the number of people displaced are not yet available.

The findings of various studies point out that in many cases, the rehabilitation and resettlement measures are inadequate and violate the human rights of the displaced people. This exposes the indigenous affected people to radical changes, and in some cases lingering disaster. The Morse and Berger Report (1992) is the final report of the Morse Commission, the World Bank's internal review of the Narmada Project, which found systematic violations of Bank policies and loan agreements, particularly those concerning the environment and resettlement. That Report eventually led the World Bank to withdraw funding from the Narmada project and has been cited as an important factor in pushing the Bank to create its Inspection Panel, a body tasked with investigating claims from citizens in cases where the Bank has allegedly failed to enforce its own policies, procedures, and loan agreements (Stanley:2000: 1).

There are four main categories of internal displacement in India.

1. Political/ethnic conflict IDPs:
2. Religious Identity-based IDPs:
3. Localized cultural violence IDPs:
4. Environmental and development-induced IDPs:

Michael Cernea (1997, 1998 and 2000), a World Bank sociologist developed the Risk and Reconstruction Model, which he used to establish that displacement causes impoverishment. The model had been developed based on empirical evidence. Cernea emphasised a set of eight recurrent risks that need to be monitored very carefully. These risks are (1) landlessness; (2) joblessness; (3) homelessness; (4) marginalization; (5) food insecurity; (6) mobility and (7) social disarticulation (8) loss of common property resources. He believes that all these characteristics are distinct and individual. However, this 'Risk and Reconstruction Model' (RRM) provided a much required conceptual framework to understand the risks faced by displaced people. This model is now widely used in resettlement research (see for instance, the book by Mathur and Marsden 1998) and one of its purposes is to help operationalise concerns in resettlement planning processes (ibid). This RRM is widely acceptable to researchers, planners and officials seeking to develop an understanding of predictable risks. This also inspired them to

develop effective appropriate rehabilitation and resettlement packages for the displaced people (Cernea and McDowell 2000, Fernandes 1995, Thakural 1992).

For gaining fast economic growth, over 500,000 people have been displaced by development projects in India (Mehta: 2009: xxv). Roughly 40% of the displacement is attributed to large dams and the rest to urban development and transportation programs that are started each year (Garikapati: 2009:02). One estimate suggests that at least 600,000 people are displaced in India for reasons related to conflict and localized violence (iDMC, 2008, p. 2). A majority of internally displaced people (IDPs) have not been able to return to their homes for years, due to protracted conflicts or unresolved disputes over land and property. The government's response to displaced people is often *ad-hoc* and largely insufficient, and the IDPs frequently find themselves in an extremely vulnerable situation (DMC: 2007, p.2).

It is also observed that the displaced people have very low economic status and mainly they are powerless and voiceless. A study by Baviskar (1997) on indigenous people who are fighting against displacement due to Narmada dam project suggests that the complexity of indigenous politics cannot be reduced to an opposition between 'development' and resistance. It was found from her study that the situations of indigenous people are still in limbo after displacement. There are also human rights violations, which are associated with the displacement of people for building a massive dam project and this frequently gets ignored (Dash: 2008, p. 663). Similarly, India Human Right Report (2009) stated that, 'government failed to act to address the longstanding violations of the rights of vulnerable groups, including the religious minorities and children' (p.16). Furthermore, this report (2009: Part: v.p.65) stated that, 'the right of the indigenous were often violated in the Gujarat state. However, World Report India (2011) found that, 'the Indian government took some positive action on women's rights in 2010. India still lacks comprehensive legislation on some women's issues but in 2010 government began to consider reforms in such laws (Human Right Watch: 2011: p.1).

As mentioned above, the types of development projects causing displacement range across a wide spectrum. For the purposes of this research, these projects have been divided into three categories: dams, urban renewal and development, and natural

resource extraction. In India, the indigenous peoples<sup>17</sup> and tribal peoples displaced by various infrastructure development projects such as large dams, expansions of highways and thermal power seem to have experienced landlessness, unemployment, indebtedness, and hunger. This study will also document the adverse and positive impacts of displacement on displaced persons. The following table indicates an overview of the displacement by infrastructure development projects in India.

**Table 3.1** Development Projects and Displacement (Approximate Figures) in India  
Up to 2000- An Overview

<b>Category of Projects</b>	<b>No of Displaced tribal Families In Lakhs<sup>18</sup> (Approx.)</b>
Dams	63.21
Mines	13.30
Sanctuaries	4.50
Industries	3.13
Others	1.25
	85.31

*Sources: Ota A.B: July 2009:03*

India's population includes almost one hundred million "tribal people"<sup>19</sup> (Kurup: 2008:01). Of all the displaced Scheduled Tribes, 64 per cent are yet to be rehabilitated. The indigenous form 55 per cent of the displaced whereas they are only 8 per cent of the total population of the country. It was due to this that this segment of the Indian population had surveys planned to study their working and living condition in the new environment of industrial life along with their coping mechanisms (Fernandes, 1994).

<sup>17</sup> Historically, the scheduled tribes people called 'Adivasi' or indigenous people and 'Girijan' by Mahatma Gandhi have lived in hilly, mountainous and forest areas. The terms "indigenous people", "Tribal group", "ethnic minorities" "scheduled tribe" describes social groups with a social, culture and ethnic identity different from dominant society that makes them vulnerable to being disadvantaged in the development process. For the purpose of this research study, "indigenous people" is the term which will be used to refer these groups.

<sup>18</sup> 10 Lakhs = 1 million (Lakh or Lac is a numbering unit in India and is widely used in official and other contexts).

<sup>19</sup> According to Government of India Census 2001, 8.2 per cent of India's populations are tribal.

The WBED has calculated that roughly 40 per cent of development-induced displacement every year – over 4 million people – is a result of dam projects. Over the range of projects assisted by the World Bank, 63 per cent of involuntary displacement and resettlement occurs in dam projects. Overall estimates of dam displacement during the latter half of the twentieth century range between 30 and 80 million people. As with the figures for all development-induced displacement, these estimates often do not cover the full extent of displacement outside dam and reservoir sites.

The literature on dams and their economic, environmental, and social impacts is vast. McCully's study (2001) and the WCD report (2000) provide comprehensive overviews of the impacts of large dam projects, including direct displacement and resettlement, but also other impacts that could lead to indirect displacement. These include: the inundation of valuable farmland and animal habitat; the capturing of sediment by dams, leading to erosion and soil degradation downstream; the endangerment of freshwater habitats, leading to the extinction or threatening of river and wetland life forms; reservoir-induced seismicity; the spread of diseases by insects that thrive in stagnant reservoir water; and environmental destruction and human death as a result of dam failure or collapse. The report by Bartolome *et al.* (2000), prepared to inform the WCD report-writing process, offers a comprehensive discussion of recent practices concerning the displacement, resettlement, rehabilitation, and development of people adversely affected by dam projects. It also suggests a number of ways to improve accountability and facilitate negotiation in future resettlement schemes.

Colchester's paper (2000) has mentioned the impact of dam projects throughout the world on indigenous populations and ethnic minorities. It has been reported that these minority groups make up a disproportionately large percentage of those whose livelihoods are adversely affected by development projects – for example, as noted above, despite constituting only 8 per cent of India's population, 'Adavasis' (tribal peoples or indigenous)) are estimated to make up 40-50 per cent of those displaced by development projects in the country. Colchester's paper found out that the experience of indigenous peoples with dams has been characterized by cultural alienation, dispossession of land and resources, lack of consultation, insufficient or even a complete lack of compensation, human rights abuses, and a lowering of living standards. The specific and strong cultural connection that many indigenous groups have with the land



on which, and the environment in which, they live makes their physical dislocation potentially more harmful than is often the case for other groups.

Many studies have focused on some human rights and some legal problems. Studies such as Shihata (1993) have mentioned some of the important legal issues – including those relating to eminent domain and human rights law – relevant to involuntary resettlement. In her essay, Ricarda Roos (1999) also discussed whether or not the prohibition of genocide in international law can be applied in cases of forced resettlement of indigenous peoples or ethnic minorities. She concludes that, while a broad interpretation of ‘intent to destroy’ might cover cases of physically and culturally harmful resettlement, the case law of the international criminal courts does not support such a wide application.

Hari Mohan Mathur (2009) recently reported that dams have been a major cause of displacement, Development projects tend to displace tribal people more than others. Displacement is rarely achieved without the use or threat of force. In projects where tribal people are involved, displacement is sometimes carried out in a ruthless manner. A United Nations Environment Programme report (2003) cites the examples of the *Karjan* and *Sukhi* reservoirs in Gujarat State that displaced only tribal groups. Tribal people constitute 8% of India’s population, and about 40% of them have been displaced by infrastructure development projects (Fernandes 2008).

### **3.5 B: from theory to Practice: the development of policies, standards, and guidelines on involuntary resettlement**

According to Oliver-Smith (2006) challenging the currently dominant policies, voices articulating alternative approaches to development have appeared in the many regions of the world that have been forced to confront a wide variety of losses, costs and calamities brought about by development projects of many kinds. One of the voices increasingly heard today is that of the people who have been displaced and resettled by development projects. Uprooting and displacement have been among the central experiences of modernity. Development-induced displacement and resettlement (DIDR) is, in many ways, a clear expression of the ambitious engineering projects of a state with

a monopoly on the management of force. Conversely, to be resettled is one of the most acute expressions of powerlessness because it constitutes a loss of control over one's physical space. Indigenous peoples, the poor and other marginalised groups are increasingly choosing to resist DIDR in the hope that this will prove more effective in protecting their long-term interests than co-operation (Fisher 1999).

While there is nothing new about development-induced displacement, it was long the case that project sponsors – be they governments, multi-lateral or bilateral development agencies, export credit agencies, or private developers – had no policies or guidelines on involuntary resettlement. It was common for states to have policies on eminent domain, many of which dealt solely with the legal process of expropriation, a number of which outlined compensation mechanisms, but none of which dealt in detail with resettlement in ways that would prevent impoverishment.

In 1980, the World Bank broke new ground by formulating the first policy on involuntary resettlement of any development agency engaged in funding or constructing projects that caused displacement. Cernea (1993) offers a brief history of the policy's birth and development up to the early 1990s. Since it first appeared, the World Bank's policy has been through a number of upgrades and alterations, although its core has remained the same. The latest version (OP/BP 4.12) was released in December 2001. The World Bank's Operations Evaluation Department (WBOED) has produced two reports – one in 1993 and one in 1998 – examining the World Bank's experience with involuntary resettlement and measuring it against the policies and standards that have been developed since 1980. The World Bank also has a policy on indigenous peoples, which is relevant in many cases of involuntary resettlement. It aims to ensure that 'the development process fosters full respect for the dignity, human rights and cultures of indigenous peoples.'

The Asian Development Bank and the Inter-American Development Bank have followed suit, developing their own policies on involuntary resettlement, the latest versions of which were released in 1995 and 1998 respectively. The African Development Bank's Sustainable Development and Poverty Reduction Unit (PSDU) are in the process of formulating a similar operational policy. Governments have been slower in developing their own policies on involuntary resettlement, although the larger multi-lateral lending agencies, particularly the World Bank, have at times used their leverage to

push this process along. Today, relevant policies on involuntary resettlement exist in a number of countries, including China, Côte d'Ivoire, Uganda, and the Central African Republic. Three states in India – Maharashtra, Madhya Pradesh, and Karnataka – also have resettlement legislation.

### **3.6 Studies on National Rehabilitation & Resettlement Policy (R&R)**

There are several drafts of a “national rehabilitation policy” prepared by the government and in “private” circulation, and critiques have begun to appear. The government of India has been responsible for the for capable uprooting and displacement of some two to five million citizens of the country since independence, in the name of “development planning” and it has ensured the satisfactory rehabilitation of only a small minority of this total number (the history and background information of the R&R policy is discussed in detail in chapter four of the thesis).

Even since the World Bank was forced to undertake its own worldwide review of “involuntary resettlement” in its projects (World Bank 1994), to a large extent because of the campaign around the Narmada project, it has been heavily pressuring the government of India to come up with a national rehabilitation policy.

After nearly two decades and several drafts, the government in February 2004 announced the National Policy on Rehabilitation & Resettlement for Project Affected Families. Manshi & Rifat's (2006)<sup>20</sup> article on “National Rehabilitation Policy-2006”, critically mentioned the drawbacks of the new policy showing that it did not address issues raised in the policy draft prepared by the civil society groups in 1995. Further, this policy had no provisions for addressing second generation problems. According to them the biggest problem with the 2004 policy was that it continued to ignore the issue of the acquisition of land. On the other hand, Jai Sen (2000)<sup>21</sup> has mentioned that a good point about the national rehabilitation policy is that it will bring benefits to the displaced persons and people who are being uprooted from the soil. Equally welcome is the blunt recognition that displacement continues to represent violation of people's most

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<sup>20</sup> <http://infochangeindia.org/environment/analysis/displacement-in-the-time-of-development.html> accessed on 10th December 2012

<sup>21</sup> [www.narmada.org/articles/JAI\\_SEN/](http://www.narmada.org/articles/JAI_SEN/) accessed on 10<sup>th</sup> December 2012

fundamental rights both under the constitution of the country [the right to settle and reside anywhere in the country, Art 19 (1) (e)] and several international Human Rights covenants.

D.C. Sah (2003) in his book “Involuntary Migration,” found the second generation problems of the project affected people. It has also found some of the risk areas associated with involuntary migration. According to his study, the involuntary migration associated with the Narmada Project has created incompatible forces that disregard civil society’s equity and justice norms. Shobhita Jain and Madhu Bala (2006), believe that in India there has been a long history of lack of rehabilitation and ill-planned, badly executed inadequate and in appropriate rehabilitation.

Fernandes (2003) believes that the recent rehabilitation policy has emerged from a long process but still it does not reflect the inputs of various factors including the bureaucracy, the displaced persons and project affected families, researchers and the rest of civil society. He feels that those who pay the price have a right to a better lifestyle after the project than before it and have to enjoy its first benefits. The policy and law should be changed accordingly. NPRR-2003 (National Policy of Rehabilitation & Resettlement) does not meet this demand so it should be changed.

In a same way, Mallavarapu (2006) also believes that rehabilitation and resettlement policy are not practiced in the right spirit. Further he argues that an absence of a rehabilitation Act at the National level and violation of protective laws, regulations, legislations, and court orders causes deprivation for tribal and weaker sections.

However, Vidyut Joshi (1987), in his book entitled, “Rehabilitation is Possible” which is based on his studies in 19 submerged villages of Gujarat suggests that the displacement due to Narmada dam Project is a problem which can be successfully handled. His study suggests that rehabilitation of displaced people is possible and a large majority of such people have been already rehabilitated by the Government providing basic amenities. He believes that government has made good efforts to settle the displaced tribal people and the policy of displacement has been implemented in right spirit. The R&R policy and packages has the paradigm of the nation.

Another study brought out the inadequate rehabilitation and resettlement actions in terms of absence of alternative sources of livelihood for those who depend on daily

earnings. Thakural (1988), while analyzing the various aspects of rehabilitation and resettlement actions associated with the Narmada dam project, has stated that this project is one of the many cases of neglected displaced indigenous people. The indigenous people were not aware of the nature of displacement and the magnitude of the area of land to be submerged. The number of tribals to be affected by this dam project is underestimated and inadequate evidence is encouraged in order to ensure that the project meets the various critical approvals.

In this regard, the most significant criticism of the Morse Review (1992) is that the strategy of incremental changes in the R & R adopted by the World Bank has failed and that it must be abandoned. The Morse Report further claimed that the Government of India's Ministry of Environment and Forest (MOEF) did not give environmental clearance to the Narmada Dam Project in February 1983, because the proposal did not meet the MOEF's guidelines. When the clearance was finally given in June 1987, a condition was attached which required the environmental measures to be planned and implemented *Pari-pasu* with the project works. This *Pari-pasu* clause has been severely criticized by Morse Berger, and he argued that rehabilitation would not be feasible in Gujarat or in any other state.

In addition, the Committee categorically states that all traditional land encroachers in 14 out of 33 villages of Maharashtra would be treated as landless with part entitlements and will face ruin after resettlement. The Morse Berger Committee makes such a dramatic statement not once, but six times in their "Letter to the President" and achieved the desired result. The Berger view is that thousands of displaced tribal people will face ruin and that intricate network of inter-dependent relationship between land owners and landless labourers in the rich and fertile region will be completely destroyed because of submergence.

William Fisher's (1995) "*Toward Sustainable Development*", also presents a critique of the Narmada Dam Project. According to his study, that the project has repeated the mistakes, lapses and inadequacies that emerged at one stage in the evaluation of the project. The Narmada Project continues to be subjected to wide criticism which takes the form of "Isn't the Narmada Project a large dam?" This argument ignores the fact that the Narmada Project has yet to provide detailed empirical evidence to corroborate the general critique of large dams.

### 3.7 Studies on Land Acquisition: Law and Policy

Tribal people suffer from physical displacement mainly because of the laws that do not recognize the communal customary rights of tribal people to their territories. The resettlement literature is full of case studies of how development projects ignore the customary access rights of the tribal people and treat them as illegal occupants of government land. Such an approach invariably leads to the impoverishment of once settled communities, just the opposite of what development promises. For example, in the Upper *Indravati* Hydroelectric Project, the tribal people were forcibly removed from their lands despite having *patta* (legal title to land). In addition, they were given no compensation for losing their common resources—pastures, forest lands, water bodies, burial grounds, and quarries. Without those resources, their income and quality of life significantly deteriorated (Nath and Behera 2006).

Tribal people who are moved for development projects are impoverished by this loss of access to natural resources (Cernea 2006). “Such impoverishment is even more pronounced when people have to move from resource rich areas such as those targeted for conservation” (Fernandes and de Wet 2000).

As the World Commission on Dams (2000) pointed out, “Due to neglect and lack of capacity to secure justice because of structural inequities, cultural dissonance, discrimination and economic and political marginalization, indigenous and tribal peoples have suffered disproportionately from the negative impacts of large dams, while often being excluded from sharing in the benefits.” They face relatively more risks of impoverishment because they rarely go to the courts to vindicate their rights or get their wrongs redressed. The legal system is cumbersome, dilatory, expensive, and often weighted against them because of their poverty, illiteracy, and low social status. Officials tend to deny them even what they are due by law. It is common for the officials to keep the project costs low by calculating cash compensation for land that is below the real value of the property.

In India the Land Acquisition Act lays down that among the factors that are not to prevail with any court of law is “any disinclination of the person interested to part with the land” (Ramanathan: 44 in SOC 163). There is no need for the State/Owner to demonstrate to the people to be displaced that the project is indeed in the public interest.

The same is the case with the Ghanaian State Lands Act of 1962 and its subsequent amendments that provided for the acquisition of land in the national interest (Africa Report 1999). The Public Interest Appropriation Law was used in Argentina to acquire land with just monetary compensation and no provisions for resettlement or development (Argentina Report 1999). The notion of eminent domain, still very much entrenched, has put public purpose beyond public debate and even judicial appeal. Land acquisition is more than just an administrative process of transferring ownership. Underlying it is a discourse built around the principle of eminent domain, assuming the inherent superiority of the state in determining the public interest.

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

In "Land Acquisition, Displacement and Resettlement in Gujarat: 1947-2004" Lancy Lobo, a sociologist and Shashikant Kumar (2009), a geographer, gave a detailed analysis (probably the first) of the land acquired for development projects and the impact on the displaced and Project Affected Persons in Gujarat state,. Their study has found that the present paradigm of 'development', rooted in the capitalist production system, encourages private ownership and individual profit at the cost of the social-wellbeing of all. To benefit those few with greater hold and access to production assets is the inherent characteristics of such a paradigm. Through its operation, 'the rich become richer and the poor becomes poorer', 'the privileged gets more privileged, the underprivileged gets more and more deprived'. The present analysis makes an attempt to explore how the problems caused by development can be minimized and egalitarian social order achieved. For the authors, this is possible to achieve following these principles in the planning process:

i) Development-induced displacement should adhere to the principles of the 'larger good', which should not be decided arbitrarily by the state authorities.

ii) The affected community needs to be involved in the process, and its members to have a decisive say in the development project.

iii) The project should aim at reducing inequality; and enhance freedom, economic opportunities and the basis of self-respect.

The Independent Review Mission (IRM) (1992) report calls upon the World Bank to "Step Back" from the Sardar Sarovar Narmada project on the grounds that the rehabilitation is "Impossible." Human Rights, especially those of the tribal population are being and must necessarily be integrated and that on account of the lack of water, Narmada project will in any event "not perform as planned."

The findings of the IRM report would be condemned by millions of potential beneficiaries. They included even the so-called project affected persons still subject to continued deprivation and impoverishment at the point when an opportunity was almost within their hands reach after a decade's long controversy, adjudication, investigation and mobilization (which might be able to effect a positive transformation in their lives). There are many insights and suggestions in the IRM report.

However, the Report published in the government brochure, 'Meeting the Challenges of Development' (Government of Gujarat, 1997, p. 47) published jointly by Dr. Hari Singh of Gaur University, Sagar and the M & E Agency of the Government of Madhya Pradesh says, (a) "Majority of the displaced people feel that their post settlement socio-economic status is almost the same. However, more than one third of the displaced people considerer post-settlement life better than the earlier life. In conclusion, some people are happy with the present situation." (b) "One of the main reasons behind their happiness is that shifting has changed their socio-economic status. Under the package each one has received two hectares of land and has become land owners." "Culture change too has been observed among PAPs of Lilora village, as Hindi mixed with Gujarati is the common language of conversation among them. Economic conditions of PAPs are much better than the life in old villages."

To answer the question of when displacement ends, an extensive enquiry was undertaken by the Brookings Institution's Project on Internal Displacement and the



Institute for the Study of International Migration at Georgetown University—with the collaboration of the Internal Displacement Monitoring Centre of the Norwegian Refugee Council—spearheaded by Erin Mooney and Susan Martin who held a series of broad-based consultations — with governments, donors, international agencies and NGOs, civil society and IDP organizations —in order to gain the perspectives of a wide variety of actors. Indeed, the hallmark of the process was its broad collective nature which resulted to a book titled “When displacement ends”, (2007). It explored the issue from three angles: (1) Substantive legal framing to establish the problem, and the gap between theory and practice, (2) people’s experiences, and how these relate to the first, and (3) a Case-Specific Study of 15 countries. The first part was done through an analysis of the normative framework, namely the *Guiding Principles on Internal Displacement*. Second, the refugee experience was explored, though the relevance of this approach had been found to be somewhat limited given the different legal situation, and reasons for displacement, of persons displaced in their own country. The third angle looked at a number of specific case studies of internal displacement. Different types and phases of displacement were considered, in particular emergencies, post-conflict situations and cases of protracted displacement. While the focus of the research and discussions was primarily on displacement due to conflict and serious violations of human rights, it was recognized that displacement caused by natural disasters and development-induced displacement would also need to be considered, though perhaps because of the particular issues involved might require different sets of criteria.

Three possible approaches to the question—cause-oriented, needs-focused and solutions-based—were developed and tested in the consultations: a) cause-based (whether the cause that compelled flight had changed); b) needs-focused (whether IDPs still had needs emanating from their displacement); and c) solutions-based (whether the displaced had returned, integrated locally, or settled in another part of the country). The consensus to emerge was that while each approach shed light on important aspects of the issue, no one approach adequately covered its complexity. The resulting preference was for particular weight to be given to a blend of needs-focused and solutions-based approaches (see Summary Reports; see also the *Forced Migration Review’s* special issue on “When does internal displacement end?” May 2003).

The culmination of the process was the development of a Framework for Durable Solutions, which shows that the ending of displacement occurs not at one point in time but is a gradual process during which the need for specialized assistance and protection for IDPs begins to diminish. Drafted by Susan Martin, the Framework sets forth a series of steps for determining solutions to situations of internal displacement. Specifically it addresses the problems IDPs may face in different situations and proposes solutions to accord with respect for their human rights.

To recapitulate, international institutions are already looking for ways to mitigate some of the problems, including acknowledging the right of indigenous peoples to land in their territories and respecting their traditions and cultures. For example, the World Bank in 2001 commissioned a review of extractive industries to determine how such projects can assist in poverty reduction and sustainable development. Based on extensive discussions, the review recommended public and corporate governance that works on behalf of the poor, effective social and environmental policies, and respect for human rights as key pillars of poverty reduction and development in areas where such industries are concentrated (World Bank 2004).

Policy, whether at the local level, at the state level or at the central level has to conform to the provisions laid down in the Constitution, as these constitutional provisions address to the fundamental rights of the citizens of India. Also the administrative apparatus imposes its own restrictions on the choice. The reason is that government, everywhere or anywhere, with whatever ideology it holds, is compelled to rely on the bureaucracy and the technocracy for the execution of their purposes and policies. The Indian bureaucracy, with its post-colonial ethos, has its own ramification on the policy making process, and so its role in the process of implementation is viewed to be inevitable. Policies, specifically public policies, are made to carry the best of the nation's goals, aims, and intentions. They are the means for their realization. The ultimate aim they carry is the well-being of the people; implementation is an action-oriented process. It translates into reality the plans, projects and programmes declared by a competent authority, which are abstracted by mature policy-making. It takes into consideration various external factors, like the constitutional guidelines and directives to operation within the legal framework of the laws of the land, the customs, the traditions and the conventions. The execution of public policy, therefore, is a function of different persons

within a given political set up, who play the assigned roles in order to attain the set national goals. Public policies are those which are developed by actors like the government and their agencies.

Policy implementation is not an end of policy-making. It is rather a continuation of framing further policies through other means. A new policy is derived on the basis of an experience of implementation. It then turns out to be a revision, or rather improvement on the present one or the previous one. It is thus a process of gradual enhancement of the policy-vision to help further enhancement in the implementation to ensure eventual enhancement in the conditions of the affected people, the environment, people's well-being and the overall economic strength of the country. So, all efforts must be made to improve upon the implementation process so that not only the best results of the existing policies could be attained but the exercise proves to be more fruitful for making the best policies in the times to come.

It is in the light of the background given above; the survey research design and its implementation have been discussed in the following chapters of the thesis.

### **3.8 Conclusion**

Most of the studies reviewed above have convincingly confirmed that for most of the infrastructure development projects, the damages caused overshadow the benefits gained. Therefore, it is clear that development projects need a more practical and systematic plan. Furthermore, most of the studies are based on secondary data and such as only a few variables have been taken into analysis. Major development projects are considered to be one of the important reasons for long term resettlement and rehabilitation measures and panning, which is not dealt with in most of the studies. This calls for use of more appropriate variables for studying the issue of rehabilitation and resettlement and related information through empirical exploration. In fact, before going into such further studies it is indispensable to look in to the policies framed and measures adopted during the plan periods in connection with massive dam irrigation projects which are considered as a temple of the progress of the nation.