



Resettlement and Rehabilitation: Indian Scenario



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Resettlement & Rehabilitation: Indian Scenario

ABBREVIATIONS

ADB- Asian Development Bank
BPL- Below Poverty Line
DDP- Desert Development Programme
DM- Disaster Management
DP- Displaced Person
IBD- Indian Bengal Delta
IDP- Internally Displaced Persons
INR- Indian Rupee
KEIP- Kolkata Environment Improvement Project
LARR- Land Acquisition, Resettlement and Rehabilitation
MD- Mahanadi Delta
NGO- Non-Governmental Organizations
OSDMA- Odisha State Disaster Management Authority
PAF- Project Affected Families
PAP- Project Affected Persons
PMU- Project Management Unit
R&R- Resettlement and Rehabilitation
RP- Resettlement Plan
SIA- Social Impact Assessment
SC- Scheduled Castes
ST- Scheduled Tribes
UNHCR- United Nations High Commissioner for Refugees
WB- West Bengal

1. History of resettlement and rehabilitation in India

Displacement of people in India, is largely triggered by factors such as, development projects, political conflict, setting up Protected Area Networks and Conservation areas and natural disasters, amongst others. The International Displacement Monitoring Centre in 2007 reveal that about 50 million people in India had been displaced due to development projects in over 50 years. A study conducted in six states estimated the figure at around 60 million between 1947-2000 (Fernandes, 2007; Negi & Ganguly, 2011). The latest data in the website of Internal Displacement Monitoring Centre (IDMC) show that at least 616,140 have been internally displaced in India due to various conflicts as of April, 2015. The figure for people displaced due to disasters is at least 3,428,000 and there are about 11,042 political refugees originating from the country as of January, 2014¹

Although, these approximate figures for displacement in India may be staggering, there remains no reliable data on the total number of people actually displaced nor the number of people that have been resettled and rehabilitated. This review highlights issues relating to resettlement and rehabilitation, majorly focusing on the following causes, political/ethnic conflict, and developmental projects.

1.1 Political/Ethnic Conflict

India has a history of providing asylum to refugees of its neighbouring countries. There were major events that took place which led to large influx of refugees in the country; the partition of India and creation of West and East Pakistan² in 1947; invasion of Tibet by China in 1950; the Bangladesh Liberation War in 1971; Sri Lanka's anti-Tamilian Programme (1983-2013), to name a few. The United Nations High Commissioner on Refugees (UNHCR) show a figure of more than 200,000 refugees of various countries living in India,³ while the US Committee for Refugees and Immigrants⁴ indicate more than 400,000 refugees. India is not a party to the UN Convention on Refugees (1951) and lacks a national legal framework on refugees, but it is a member of the executive committee (ExCom) of the UNHCR since 1995 and works in close cooperation with it, as well as with NGOs and other stakeholders, to protect, assist and find durable solutions for refugees and other people of concern (Kaur, 2002)

Review of literature on the resettlement and rehabilitation of these refugees, would shed light on the complexity of the problem. Political and administrative decisions govern the status of refugees in India, leading to varying treatment of different refugee groups, where some enjoy full legal benefits whilst others are criminalized and denied basic resources (HRLN, 2007). Case studies on refugee resettlement portray differential treatment on the part of the government. Tibetan refugees have been accorded more facilities than any other refugee groups in India, at least those Tibetan refugees that came in the initial phase (1959-1962). They were granted a legal status of refugees and were provided asylum by the government; settled in almost 38 settlements (first settlement was set up in Bylakuppe, Mysore in early 1960) in different states of the country, with the allotment of leased land for housing and income generation (however, which could not be sold by the allottees), educational facilities (exclusive provision of Central School for Tibetans, expenses of which are incurred by the government) and most importantly the issuance of Registration Certificates (similar to Identity Cards) which granted them the

¹<http://www.internal-displacement.org/south-and-south-east-asia/india/>

² Now Bangladesh

³ <http://www.unhcr.org>

⁴ <http://www.refugees.org/>

privileges enjoyed by an Indian citizen, except for the right to vote and work in government offices (Artiles,; Bhatia, et.al., 2002; HRLN, 2007; Tarodi, 2011). But the refugees of other origin in India have not been so fortunate in this regard, like for example the Afghans (migrating in the early 1980's), who although have been given refuge in New Delhi have not been accorded a legal status nor the formal right to work or establish business in India and have also been denied resident permits (UNHCR, 2000).

Studies reveal the problem of integration with the original residents and the new 'settlers' in the resettled area; ecological incompatibility, where the resettled area is in stark contrast to the environment in which the refugees have been accustomed to living, change of occupation, misappropriation of funds and resources, lack of social support network, lack of information about government schemes and unable to enjoy full rights accorded to the Indian citizens. (Hans, 1993; Bhatia et.al., 2002; HRLN, 2007; Sharma, 2009; Chaudhury&Dey, 2009; Balasubramanian, 2009; Tarodi, 2011; Tibet Justice Centre, 2011; Raizada, 2013; Paul & Nag, 2015). The conditions in the temporary relief camp sites even more deplorable. The living spaces provided are often congested, unsanitary and lacking basic amenities. Employment opportunities being limited to the informal sector, are low paying, labour intensive and dangerous. Health and medical facilities are also limited (HRLN, 2007; Chaudhury&Dey, 2009; Raizada, 2013; Paul & Nag, 2015).

History reveals that the resettlement issue in India has also taken a violent turn, elucidating the example of East Pakistan refugees being (after Partition of India in 1947, which affected Bengal and Punjab) forcibly evicted, in what is infamously known as the "Marichjhapi Massacre" (1979). The major brunt of the large influx of East Pakistan refugees was borne by West Bengal, being in close proximity to the former region. The government however decided to resettle these refugees (nearly about 42,000, belonging to the lower class- the 'Untouchables') in different parts of the country, but most notably in 'Dandakaranya' (shared between Madhya Pradesh and Odisha) - a region that was physically and culturally different from the place where they had originated from. The refugees, largely belonging to the lower class and accustomed to semi-aquatic and plain-land agriculture, found it extremely difficult to eke out a living in a rugged and shallow terrain and thus with low economic prospects. Clashes between tribals and non-tribals also developed over discriminatory land distribution and other assistances provided to refugees. But they carried on with their lives, depending on their own trade and occupation, without government assistance. The incident however took a political turn when the Opposition party (Communist) demanded that the Government (Congress) resettle these refugees in more familiar terrain, like the deltaic plains of Sundarbans and vehemently discouraged their rehabilitation outside the state, in spite of the Government's contention that surplus land to rehabilitate the refugees in a densely populated Bengal was not possible and as such each states of the country should rehabilitate the refugees (July, 1954). The opposition, however changed sides once they came into power, altering their agenda towards the refugees. Dissatisfied, the refugees from Dandakarnya now took the matter in their own hands and marched and settled themselves in and around the Sundarbans. The settlers in Marichjhapi Island highlights the hapless situation of the refugees, caught between party politics. These settlers were forcibly evicted, through a policy of economic blockade- cutting of food and water supply to the island, termed as illegal encroachers on forest land and even resorted to extreme violence- police firing randomly at the refugees, and even cases of sexual abuse of women (Gupta, 1965; Elahi, 1981; Mallick, 1999).

1.2 Development projects

India, after Independence in 1947, geared towards the path to development, leading to construction of large multipurpose river valley projects (third largest dam builder in the world), thermal power, mining, transport linkages etc. According to the Working Group on Human Rights in India and the UN Report, India has the highest number of people displaced due to development projects in the world, largely the traditional forest dwellers and the Scheduled Tribes (WGHR, 2012). The report of the Lok Sabha Secretariat of 2013 show a figure of 60 million from the period 1947-2000, the worst sufferers being again the Adivasis or the Scheduled Tribes of the country (Human Rights Watch, 2006; Lok Sabha Secretariat, 2013). However, before 1980, most of the development projects, did not have a clear resettlement plan (Asif, 2000; Negi & Ganguly, 2011).

Sardar Sarovar Project

The issue of resettlement and rehabilitation of the people displaced due to development projects, in particularly large multi-purpose river valley projects, came to the limelight with the emergence of the *Narmada Bachao Andolan*. The Sardar Sarovar project was the first to be taken up (started in 1987), in the government's ambitious plan of creating more than 3000 large and small dams. The project included the construction of a high dam on the Narmada River, the creation of a reservoir submerging land in the states of Gujarat, Maharashtra and Madhya Pradesh, and an extensive canal and irrigation system in Gujarat, that was likely to displace approximately 100,000 people residing in 245 villages of the states of said states (EPW, 1993), largely tribals and a lot more likely to be affected. In 1985, the World Bank entered into credit and loan agreements with India (\$450 million) and the concerned three states, to help finance the construction of the Sardar Sarovar project.

Despite the benefits, studies (Berger, 1993; Garikipati, 2002) reveal that the human and environmental costs of the project have not been investigated thoroughly. Prior consultation of the displaced population with regard to the R&R packages was not undertaken, leading to something of an 'involuntary resettlement' and non-consideration of human rights. The R&R packages of each of the states varied, but it only looked good on paper and were not abided in reality (Berger, 1993; Garikipati, 2002; EPW, 1993). The packages also differed in terms of land ownership, but the tribals largely having no legal documents to prove so, were regarded as 'encroachers' and the packages offered to them were limited (Modi, 2004). The credit and loan agreements of the World Bank with the states concerned, only accorded those persons whose villages would be affected by submergence as 'project-affected' individuals, entitled to resettlement and rehabilitation. The land for land package in the R&R package was contentious, as it was granted to only those who were landowners i.e., those who had legal titles, the tribals on the other hand were largely 'encroachers' (Morse & Berger, 1992).

Whitehead's (1999) study of the oustees of the Sardar Sarovar project in resettlement sites in Vadodara, Gujarat focuses more on the change in the livelihood of a self-sufficient tribal community dependent on natural resources or on non-timber forest produces, to an agricultural labourer, even migrating to other states or urban areas as wage labourers, thereby leading to their impoverishment. A study by Garikipati (2002) in the resettled sites in Gujarat reported that although the displaced population had been resettled and the new resettled sites had been provided the amenities of water, electricity, school, roads etc, about 96% of the households felt that their lives have deteriorated after relocation, the reason being the degraded quality of agricultural land and the condition of other amenities at the resettlement sites. There appears to be a mismatch between the government resettlement documents and the actual reporting of the people, as the former focused only on the quantitative attributes of resettlement and not on the qualitative (Garikipati, 2002). The dam led to the submergence of villages or the people were

harped with the threat of submergence and as a result were displaced norfully resettled or rehabilitated. Other inadequacies of the resettlementprocess in the three states includenon-availability of land, incomplete land surveys, incorrect enumeration of the project-affected *adivasis*, non-granting of land rights, dissatisfaction among the 'encroachers', unsatisfactory compensation, poor quality of land either rocky, barren, waterlogged or saline, disparity in resettlement policies of the states concerned, incorrect definition of project-affected persons, corruption, ill maintenance of the facilities provide in the resettled sites(Morse& Berger, 1992; Whitehead's 1999; Sangvai, 2001; Levien, 2006; Shunglu, et.al., 2006).

Modi (2004) claims that the resettlement packages were based on a patriarchal definition of family, which did not provide compensation for women-headed households, unmarried daughters, deserted or divorced women and widows. Losing their customary rights on land and also income, the women's' access to resources was mediated through their husbands or other kins. Reduced supply of food crops and increase in their prices led to cutting down the calorific intake among the resettlers which impacted majorly the women and female children. The other issues that emerged were breakdown of families and social ties due to dispersion of people, hostile relations with host communities due to competition over scarce resources, utilization of same land by different families due to land shortage therefore leading to conflicting situations (Modi, 2004). Gender inequality in resettlement planning was also highlighted by Sikka (2014), focusing on the provision of civic amenities in the resettlement sites in Gujarat, especially lack of separate sanitation facilities.

Theprotest movement garnered support and resulted in vehement protests for the rights of the 'oustees' from individuals and organizations from all round the world, notably those carried out by the *Narmada Bachao Andolan*- a body comprising of civil society organizations and individuals, led by social activist Medha Patekar. It has now taken shape into a larger platform called the 'National Alliance for People's Movement'. (Narula, 2008; Nayak, 2010; Peterson, 2010)

The issue can be summed up by the excerpts extracted from theabove mentioned Committee, the World Banks' Morse Report (1992)⁵, *"We think the SardarSarovar Projects as they stand are flawed, that resettlement and rehabilitation of all those displaced by the Projects is not possible under prevailing circumstances, and that the environmental impacts of the Projects have not been properly considered or adequately addressed.....There was no proper appraisal made of the SardarSarovar Projects; no adequate appraisals of resettlement and rehabilitation, or of environmental impact, were made prior to approval. The Projects proceeded on the basis of an extremely limited understanding of both human and environmental impact, with inadequate plans in place and inadequate mitigative measures under way."*

This report of the Independent Review ultimately led to the World Bank withdrawing from the project. However, the Indian Government continued with the project through other sources of fund and affirmed commitment to the R&R and environmental standards embedded in its agreements with the Bank. The Sardar Sarovar dam was finally completed in 2006 in Gujarat by the Government of India, resulting in the displacement of approximately 320,000 people, more than the estimated population (Narula, 2008). But it is argued that the withdrawal of the World Bank from the project, resulted in the removal of *a"body that had the obligation and ability to hold the project to a higher set of standards than the Indian government would have adhered to on its own"*, and also *"reduced the Indian government's accountability to the outside world"*

⁵ Due to protests regarding the SardarSarovar Projects, The World Bank deputed the Morse Commission, an Independent Review Panel to evaluate the project and suggest ameliorative measures, under the Chairmanship of Bradford Morse, Former head of UNDP in 1991.

(Narula, 2008). However, it can also be argued that the Narmada Bachao movement as well as the withdrawal of the World Bank from the project had significance in the light that the issue of displacement and of resettlement and rehabilitation garnered attention, globally, something that was ignored before (Cullet, 2007).

Selected Dam Projects

Displacement and R&R due to dams, elsewhere in India, have shed light on its dismal situation. The report of the Independent People's Tribunal on Environment & Human Rights of Bargi dam (1992) observed even cases of deaths due to starvation among the resettled people resulting from lack of planning and unfulfilled promises. Sometimes the resettled population also face multiple displacement, where the places that they have been formerly resettled are again converted for development projects or have turned inhabitable for some related reason, like for example the displaced population of the Rihand dam (1964) and the Bargi dam (1974) (Ray, 2000).

The point of contentions of the people in the dam sites of the Garhwal region in India were the non-involvement of the people in decision making process by the project developers, the depletion of natural resource base and shrinking arable land, on which the people's livelihoods are dependent, unsatisfactory compensation packages, displacement of human settlements and homelessness and hiding information about construction activities by the authorities or the developers (Sati, 2014).

The Hirakud Dam constructed on the Mahanadi river in the state of Odisha was conceived, sometime in late 1940's by the Government of India together with the Government of Odisha, with the primary objective of deterring repetitive and severe floods and droughts in the state, along with hydropower generation, irrigation and navigation. The first notification for land acquisition was issued in 1946. The figures for the number of displaced population differs from 100,000 (Nayak, 2010) to 110,000 to 180,000 (Fernandes, 2008). A study on the oustees of the **Hirakud dam** in Odisha, observed that the choice of place for resettlement by the tribals depended on its close proximity to the forest, availability of agricultural options, easy access to water and pasture for animals, prior acquaintance with their would-be cohabitants and also access to urban labour market. Besides being dependent on forest, their reason for selecting areas close to the forest was because of their lack of resources to buy cultivable land in old established villages. The resettled population in the new area, faced the problem of adjustment with the host population, unproductive land and change in occupation, economic decline and dependence on informal moneylenders, health issues and psychological issues (Baboo, 1997). The compensation that was paid to the oustees were meagre, which were further not received by some of the households as they did not have legal land rights (Mishra, 2002; Pati & Manas, 2009). Those who received, utilized it unproductively in consumption, litigation, household expenses etc. Further the oustees were dissatisfied with the rehabilitation and resettlement measures accorded to them and hence preferred to settle themselves but often coming back to their own native village, due to difficulty in adjusting elsewhere (Baboo, 1997).

Other Development Projects

Apart from multi-purpose river valley projects in India, the other leading causes of displacement are mining, urbanization projects and creation of conservation areas or protected area networks. The displacement due to creation of such protected area networks involve lesser displacement of people than river valley projects or mining, and are also focused less in Resettlement literature, but the issues remain the same. Focusing on the impact of displacement on women due to various mining projects in two districts of the state of Jharkhand in India, a study (Ahmad & Lahiri Dutt, 2006) identified certain inadequacies in the rehabilitation centres.

The resettled population were not entitled to legal rights over the land in the resettled area; unemployment (jobs being granted preferably to male members); the centres lacked basic amenities like access to safe drinking water, sanitation facilities, health and education services. Study by Kabra (2009) on the displaced population due to creation of the Kuno Wildlife Sanctuary in Madhya Pradesh and Bhadra Wildlife Sanctuary in Karnataka, observed decline in self-sustaining communities being transformed into agricultural labourers, thereby decreasing the per capita income of the resettled community, lack of access to resource base leading to unemployment, poor agricultural land, increase in migrant wage labour, higher incidence of poverty, inadequacy of rehabilitation package and gaps in implementation.

Urban Development Programme

In West Bengal, the Kolkata Environment Improvement Project (KEIP), with loan from the Asian Development Bank (ADB), was introduced in the year 2000⁶, with the aim of making the municipal services accessible to the people of Kolkata, especially those belonging to the Below Poverty Line (BPL), in order to improve their welfare and wellbeing, through an improved urban environment and an effective municipal management system. The project also involved land acquisition and resettlement of resettlers, largely belonging to the BPL category, with instances of child labour working in teashops, roadside stalls, prawn processing centres, trash sorters in landfill sites or industries and girls as domestic helpers. The Resettlement Plan covered 75 encroachers, 625 trash sorters and an estimated 3200 families (9670 persons). The project followed a gender-participatory approach in the formulation and implementation of the Resettlement Plan, with involvement of the resettlers, local NGOs, government bodies, private organization, through repetitive consultations and stakeholder workshops (ADB, 2008).

In case of compensation, the colonial Land Acquisition Act of 1894, as also the West Bengal Land Acquisition Manual of 1991, were referred. The Resettlement Plan of the project was revised when a verification survey in 2002-2003, found out an increase in the number of APs than what was estimated earlier. The relocation component in the Resettlement Plan (RP) changed from 'land-based horizontal resettlement' to 'vertical multi-storied housing settlement'. The APs were initially relocated in makeshift transit camps and were resettled later in permanent houses or 'apartments'. The APs had the option of either settling in an area of their preference or in the project relocation site. Those opting for the former were given equivalent amount to the replacement value of assets that they owned earlier. The new plan provided the APs who had legal titles, with a plot of 17 sqm (0.0017 ha) for households with five members and 20 sqm (0.002 ha) for households with more than five members or more than three adult members; for those who did not have legal titles, the package included a plot of land for a house, replacement value of the existing structure that they owned, assistance for upgrading the construction materials from thatched roof to bamboo and roofing material and resettlement allowance for a reasonable period. But the APs were to build their own house in the resettlement sites on a cost sharing mechanism- 5% (INR 3930) to be borne by them, while the rest by the government and the project (ADB, 2008). It may be noted that as per Sustainable Development Index, at least 150 sqft⁷ of living space should be provided to each adult member of a household and as such, the allocation of 20sqm for more than three adult member, appear extremely inadequate for healthy living.

Rehabilitation activities included in the Kolkata Environment Improvement Programme were integrated with the social-development component of the Project's "Slum Improvement Programme", which included conducting awareness programmes on health and education, formation of Self Help Groups (SHG) and neighborhood groups for carrying out income

⁶ A six year project, ending in mid-2006

⁷ 1sqft=0.092903sqm

generating enterprises, also taking advantage of the poverty alleviation schemes of the government for the identified vulnerable groups (ADB, 2008)

Survey by the project case study team in 2006, in four resettled areas in TP basin, Keorapukur, Manikhali, Churia, shows mixed responses of the APs in the resettlement sites, where some felt that their lives had improved after resettlement and were satisfied with the resettlement, while on the other hand some had no improvement in income and were dissatisfied with the mitigation measures (ADB, 2008). It was observed that the majority of the APs could not afford to pay even the 5% of their share of the total cost of the new house in the resettlement site and was forced to avail loan from the traditional money lenders who charged a high rate of interest (ADB, 2008). This was due to no significant increase in income of the households even in five years of being resettled (2000-2005). Constant revision of the resettlement principle and the entitlement matrix along with a weak governance since the start, contributed to the APs mistrusting the Project Management Units (PMU). The project however shows a weak grievance redressal mechanism. The other issues were lack of coordination of implementing agencies and inefficient administration procedures (ADB, 2008).

In Odisha, Das (2002), analysed the state's Disaster Management System in the wake of the 'Super Cyclone' of 1999, elucidating its flaws and the need for social or community mobilization starting from the planning to the execution of rehabilitation, be it short-term or long-term, after disasters. Mohanty's (2011) study on resettled tribal families of Mahanadi Coal Fields (Ib Valley) project located in Jharsuguda district of Orissa observed decline in Joint Family System, landlessness, unemployment and increase in worker population, homelessness, food insecurity, loss of access to common property, social disintegration, decline in the role of women and relationship in the family and increased morbidity and mortality due to physical and psychological trauma.

2. Policy analysis

In the International arena, involuntary resettlement was recognized only in the year 1957, with the passing of Convention 107 by the International Labour Organization (ILO), which required that indigenous or tribal oustee families be "*provided with lands of quality at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development.*" India subsequently ratified the convention on September 29, 1958 (UNHCR, 2000).

In the Indian Constitution, the responsibility for acquiring private land and other property for a public purpose lies solely with state governments (ADB, 2014). The Government of India, initiated the drafting of the Resettlement & Rehabilitation policy only in the year 1985, when the National Commission for Scheduled Castes and Scheduled Tribes indicated that about 40% of the Displaced Persons and the Project Affected Persons, were tribals. A Committee was formed by the Central Ministry of Welfare to prepare a Rehabilitation Policy for only the tribal DPs. It was however recommended by the Committee that the policy should cover all the DPs and not just tribals, that rehabilitation should be integral to every project and that it should be binding on the state and the project implementing agencies (Gol, 1995, Fernandes, 2008; Negi & Ganguly, 2011). The next draft framed by the Ministry of Rural Development, came only during the time of World Bank's withdrawal from the Sardar Sarovar project, in 1993. This was revised again in 1994 and 1998. Finally the policy was finalized in 2003 and came into force in 2004, but was again revised in 2007 (Fernandes, 2008). The civil society organizations also had a role to play in the creation of the initial drafts but was left out of the process when the final policy was finalized in 2003 and came into effect in 2004. The Rehabilitation and Resettlement Plan in the

National Rehabilitation and Resettlement Policy (2007) of India, entails carrying out a survey for SIA and census of the affected areas with participation of the local governing bodies, the Gram Panchayats or the Municipalities. The R&R benefits include land for land, compensation packages, rehabilitation grant that varies according to the type of land and purpose of acquisition, employment for at least one person per nuclear family, vocational training, scholarships and other skill development opportunities, allotment of outsource contracts shops or other economic opportunities and labour work in the project site. Further, the STs and SCs have been accorded separate R&R benefits, aiming to safeguard their ethnic, linguistic and cultural identity, ensuring that they be located in similar ecological settings, also maintaining the social-cultural relations and harmony. Besides, these the resettlement sites should be provided with amenities and infrastructural facilities like roads, public transport, drainage, sanitation, safe drinking water, drinking water for cattle, community ponds, grazing land, land for fodder, plantation (social forestry or agroforestry), Fair Price shops, Panchayat *ghars*, Cooperative Societies, Post Offices, Seed-cum-fertilizer storage, provision for irrigation, electricity and health centres, child and mother supplemental nutritional services, children's playground, community centres, schools, institutional arrangements for training, places of worship, land for traditional tribal institutions, burial/cremation grounds and security arrangements. These infrastructural facilities could also be utilized by the already existing communities, in case relocation takes place in populated areas. The policy also had provisions for monitoring and reviewing the implementation of the R&R plan and also a mechanism for grievance redressal. This was the responsibility of either the Administrator for Resettlement and Rehabilitation or by an R&R Committee. It is also mandated that there should be an R&R Committee at even the state and district level. The issues of grievance redressal are looked after by an Ombudsman appointed by the state concerned.

But it is seen that the National R&R policy specifies a limit of number of families that may be affected viz., 400 or more families in the plain areas or 200 or more families in Tribal or hilly areas, Desert Development Programme (DDP) blocks or areas falling under Schedule V⁸ or VI⁹ of the Constitution, for the SIA to be conducted or that the affected people would be eligible for R&R benefits. Thus, -this specification of the number of people, makes the policy not applicable for projects that involve displacement of families less than the specified number and overlooks the affect of acquisition of common property land or those which sustains livelihood and which could lead to indirect displacement of people. Further the land for land provision is only applicable subject to availability of land with the government (Fernandes, 2004). The issues in the Policy were attempted to rectify with the passing of the Land Acquisition, Rehabilitation and Resettlement Bill in 2011 The Bill after several revisions was finally passed as the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act in 2013.

India, for years, was still abiding to the colonial Land Acquisition Act of 1894 (amended in 1984). The Act of 1894, gave the authority to the government to acquire land for public purposes, in return for monetary compensation, on the basis of the issuance of a notification without prior informed consent of the landowners and no provision for resettlement or rehabilitation. Vehement protests and after several amendments, a new "*Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act*", was passed in 2013. This however, is being subject to further amendments in 2015, scrapping down certain essential clauses. The revised amendment draft proposed exemption of projects like defence, rural infrastructure projects, construction of affordable housing projects, creation of industrial corridors and social infrastructural projects from the provisions of 'prior informed

⁸ Provisions relating to Scheduled Areas or Scheduled Tribes in different states in India

⁹ Provisions relating to the North Eastern tribal states of Assam, Meghalaya, Mizoram and Tripura

consent', 'social impact assessment', 'special provisions for safeguarding food security' and the time period for the return of unutilized land. These amendments, if accepted would give a lot of leeway to the said projects, thereby compromising the accountability of the project to the people.

The 2013 Act, largely relating to acquisition of land for development and infrastructural projects, by public sector undertakings or public-private partnerships also includes projects for *"residential purposes to the poor or landless or to persons residing in areas affected by natural calamities"* (Gol, 2013). The major changes brought into this new Act, was the clause of 'prior informed consent' and the clauses relating to 'Resettlement and Rehabilitation'. In the case of acquisition for private companies, prior informed consent of at least 80% of the Project Affected Families (PAF) is required, while in the case of public-private partnerships, consent of at least 70% of the affected families. However, the Act does not specify the required percentage of consent in the projects solely for public purpose. The Act also included the clause of Social Impact Assessment (SIA), which should be conducted in consultation with the concerned Panchayat, Municipality or the Municipal Corporation, at any level that is required. The SIA should include assessment of the feasibility of the project, estimation of affected and displaced families, extent of land that would be acquired, alternative or viable options and social impacts of the project, the nature and cost of addressing them vis-à-vis the benefits of the project. However, in case of emergencies or in case of irrigational projects, the government can bypass the above clauses.

The provisions for R&R to the affected families inclusive of land owners as well as those whose livelihoods are dependent on the land acquired, relate to housing in case of displacement, land for land, choice of annuity or employment, compensation packages in case of subsistence grant for displaced families for a period of one year, transportation cost for displaced families, cost for cattle shed or petty shops, one time grant to self-employed, artisans, small traders, fishing rights and one time resettlement allowance of Rs. 50,000 only. Under the two heads viz., housing in case of displacement and choice of annuity or employment, the affected population could opt for either the provisions or for compensation in lieu mentioned under each of the categories. Like for instance, in case of housing, either a constructed housing would be provided to the affected population or they could opt for a one time financial assistance of not less than Rs. 1,50,000 in urban areas and the equivalent cost of the house would be provided. Provisions of infrastructural facilities in the new resettled area or colony has also been enlisted, which includes, accessible and *pucca* roads within the villages, proper drainage and sanitation facilities, assured sources of drinking water for each family and for cattle, grazing land, fair price shops, Panchayat Ghars, village level Post-Office with facilities for savings, seed-cum-fertilizer storage facility, basic irrigation facilities, suitable public transport facilities, burial or cremation ground according to caste or religious preferences, electric connections for each household and public lighting, Anganwadi's (mother and child nutritional care provider), Schools, Health Centres at Primary and Sub level, playground for children, community centre, worship centres/places, separate land for traditional tribal institutions, rights over forest resources, security arrangements and veterinary service centre. This Act considers widows, divorcees and women deserted by families as separate families. Separate provisions have been granted to STs and SCs in this Act, keeping in mind their socio-cultural aspects. Regarding monetary compensation, it is debatable whether the amount for land that has been provided in the Act, is actually enough for the resettlers; Land price tends to fluctuate and is comparably lower in the rural areas than in the urban areas. There is also the question of whether the money would be utilized actually for it is stipulated for, by the affected population. The Act is not clear in its dealing with people facing multiple displacement and resettlement and also people that are likely to be affected after the establishment of the project. The provision of granting employment in the project to one member of the affected family is also dubious, due to the fact that the duration of his/her

employment (permanent or temporary) is not known. The affected population also has a choice of accepting either a one time payment of only Rs. 5,00,000 per family or an annuity policy of not less than Rs. 2000 p.m for 20 years. The question remains as to whether such an amount would actually be enough for people who have lost their livelihood due to the project. Also, the Act does not give a clear timeline under which the facilities for resettlement and rehabilitation would be provided to the would-be-resettlers.

Although the Act has inserted a clause for acquisition of land for creation of residential areas for people living in areas affected by natural disasters, but the Act appears to cater more to the developmental projects-displaced population. Further, it is also seen that the provisions of the Act are not applicable to the following enactments relevant to land acquisition:

- Ancient Monuments and Archaeological Sites and Remains Act, 1958
- Atomic Energy Act, 1962
- Damodar Valley Corporation Act, 1948
- Indian Tramways Act, 1886
- Land Acquisition (Mines) Act, 1885
- Metro Railways (Construction of Works) Act, 1978
- National Highways Act, 1956
- Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962
- Requisitioning and Acquisition of Immovable Property Act, 1952
- Resettlement of Displaced Persons (Land Acquisition) Act, 1948
- Coal Bearing Areas Acquisition and Development Act, 1957
- Electricity Act, 2003
- Railways Act, 1989
- SEZ Act, 2005

Further, the Acts listed above do not incorporate provisions for resettlement and rehabilitation, inspite of the fact that they involve land acquisition.

The progress of the implementation of the R&R schemes and post-implementation social audits is the responsibility of the R&R Committee which is to be constituted by the appropriate government, consisting of members of both the parties of project proponents and the affected population.

However, this Act is being subjected to further amendments that have sparked debate. The 2013 Act was amended through a Presidential Ordinance of 2014 and has since been renewed at least twice. This was necessary in view of the fact that the ruling party in the Parliament could pass the amended Act in Lok Sabha but could not get it through in Rajya Sabha, because of lack of majority. So the recourse to the Ordinance was taken. The new *“Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Bill”* was introduced by the Minister of Rural Development on February, 2015 in the Lok Sabha¹⁰, replacing the Ordinance of 2014. The main point of contention is the exemption of the development projects of defense, rural infrastructure including electrification, affordable housing and housing for rural poor, industrial corridors, social infrastructural projects including projects under Public-Private Partnership (PPP), from the provisions of prior informed consent and SIA, special provisions for safeguarding food security and period of return of unutilized land.

¹⁰ Lower House of the Indian Parliament system

Having passed by the Lok Sabha, the Bill was awaiting the approval of the Rajya Sabha¹¹ (Ghose, 2015).

Analyzing the relevant R&R policies at the Delta or the State level, following observations could be made.

In Odisha, the R&R Policy (2006) was formulated with the objectives of avoiding or minimizing displacement, facilitate resettlement and rehabilitation process by safeguarding the needs of the indigenous and vulnerable communities and ensuring environmental sustainability through a participatory and transparent process and to develop an institutional mechanism for implementation, monitoring, conflict resolution and grievance redressal. The R&R Plan and the selection of the resettlement site is to be made in consultation with the Gram Sabha or the Panchayat of the displaced population, addressing the specific needs of women, vulnerable groups and indigenous communities. The Rehabilitation Assistance provided, has been segregated for different projects viz., industrial, mining, water resources/national parks and sanctuaries, urban projects and linear projects, but is more or less similar. The assistance includes land for homestead (1/10th of an acre of land, free of cost), employment to one nominated member of the family who can also opt for cash compensation depending upon the level of severity of displacement, vocational training to at least one member of the family, help construct infrastructure like shops and service units for self-employment, construct houses for the displaced families in the resettlement habitat, self-relocation grant of Rs. 50,000 in lieu of homestead land, house building assistance of Rs. 1,50,000, whether in the resettlement habitat or in the self-relocation area. Besides these, a monthly allowance of Rs. 2000 would be provided per displaced family for a year, Rs. 10,000 for temporary shed and Rs. 2000 as transportation allowance or free transportation to the resettlement habitat or their chosen location. In case of multiple displacement, additional compensation of 50% more than the normal compensation payable to each displaced family, would be granted. The Plan also calls for acclimatizing the resettled people in the new habitat by developing cordial social relationship with the host communities. The monetary packages for resettlement were increased under different heads mentioned above, according to a resolution passed in 2012 and again in 2014 (GoO, 2014). The packages have been increased quite substantially, like for instance, house building assistance from Rs. 1,50,000 to Rs. 2,55,000; financial assistance in lieu of employment for families losing land including homestead land from Rs. 5,00,000 to Rs. 8,50,000. The report of the Comptroller and Auditor General of India (2014) noted several lapses in the implementation of the R&R policy of Odisha; inadequate institutional mechanism and improper planning, leading to non-completion of the resettlement and rehabilitation procedure and non-granting of benefits, during the period of 1992-2013; it also noted incomplete databases of the total number of people affected or displaced or the benefits accrued; discrepancies in socio-economic surveys; lapses on the part of Rehabilitation and Periphery Development Advisory Committee; inadequacy in the implementation of rehabilitation plan and also the grievance redressal mechanism. So inspite of such monetary revisions, the implementation of the policy still lags behind.

Reviewing the Act and policies of R&R¹², it can be seen that development projects have been given primary importance, than other factors. In this regard, review of the Disaster Management Act (DM Act, 2005), Plans and National (2009) and State Policies on their position towards R&R of those displaced by disasters, mainly natural calamities, might be worthwhile.

¹¹ Upper House of the Indian Parliament system

¹² The R&R Policy of the state of West Bengal is not available in the public domain

The Disaster Management Act of 2005, makes it mandatory for every Ministry or Department of the Government of India, National or State, to prepare a DM Plan and accords them responsibility of providing assistance in case of relief operations, rehabilitation and reconstruction after disasters. The Act ensures that the government and related authorities take *"necessary measures for preparedness to promptly and effectively respond to any threatening disaster situation or disaster"*. The assistance for emergency responses, relief and rehabilitation is to be met by the National Disaster Response Fund (NDRF) and the mitigation during disasters is to be borne by the National Mitigation Fund, along with the State and District delineations of each of the afore mentioned funds. But the Act does not have a definite plan on resettlement or rehabilitation of such displaced population.

The National Policy on Disaster Management (2009) has focused on both short-term relief operations as well as long-term rehabilitation measures such as, reconstruction of houses in safer locations and provision of basic amenities, like drinking water, sanitation, roads, education, viable livelihood systems, health care, and upgradation of farming technologies etc., in the relocated areas, at the same time being gender sensitive.

The West Bengal DM Policy (2010) believes that 'relocation' as a result of 'need-based considerations' and not due to extraneous factors, taking into account the nature of the calamity and the extent of damage and would involve carrying out activities such as, gaining prior consent of the affected population, land acquisition, urban/rural land use planning, relocation packages, legal authorization for relocation and rehabilitation and livelihood rehabilitation activities for relocated communities. The rehabilitation activities in the policy deals with reconstruction of infrastructure, economy (services and industry), agriculture, health and education.

The Recovery and Rehabilitation phase is one of the strategy of the Odisha DM Policy (2005), where concerted efforts will be made to ensure quick transition from relief to rehabilitation, after disaster. After an initial damage assessment, the Odisha State Disaster Management Authority (OSDMA) would take up the reconstruction and rehabilitation programmes following a time-bound R&R Plan. For the rehabilitation of orphans, widows and physically or mentally challenged individuals, community-based or an institutional rehabilitation approach would be adopted, being the responsibility of the Women and Child Development Department of Odisha. But the policy is not clear on the types of activities that would/should be taken under Rehabilitation and has nothing on resettlement.

At the state level, the West Bengal Disaster Management Plan (2014) addresses both 'short-term recovery' and 'long-term recovery' - focusing on community restoration of the disaster victims, under the responsibility of nodal Departments like the Public Works Department (PWD), Health & Family Welfare, Electricity Boards, Development Authority, Roads & Buildings and Water Supply and Sanitation. The state has INR 2774.54 crore available for State Disaster Response Fund for the year 2010-2015, with 75% (INR 2080.90 crore) shared by the Centre and 25% (INR 693.64 crore) by the state.

In the Disaster Management Plan of Odisha (2014), the Revenue and Disaster Management Department is responsible for providing immediate relief to people affected by calamities. The Special Relief Department, under its wing, is responsible for facilitating relief, restoration and rehabilitation. The District administration has the responsibility to undertake post-disaster rehabilitation and reconstruction activities. The plan acknowledges gender discrimination during relief and rehabilitation phases, as one of the socio-economic vulnerability in times of disasters, due to their poor access to information (Odisha DM Plan, 2014). Each of the departments of the state Government of Odisha in a way is directly or indirectly responsible for relief, reconstruction and rehabilitation activities at the state and at the district level.

The national DM Act of 2005, stipulates that every district of the states should prepare a District Disaster Management Plan in consultation with the local authorities. Scaling down to the district level in the case of West Bengal, it is seen that the Disaster Management Plans of both South (2015) and North 24 Parganas (2014) only mentions about rehabilitation of the affected people due to disasters but lacks a plan of execution.

3. Case studies

In both the Indian Bengal Delta and the Mahanadi Delta, one case study has been selected, the cause of resettlement and rehabilitation being, submergence of islands and severe coastal erosion respectively. The studies also reflect the type of government action taken in this regard and the impact on the people.

3.1 Indian Bengal Delta

In the Indian Bengal Delta, the resettlement and rehabilitation of people from the submerged island of Lohachara and the villages of Ghoramara to the neighbouring island of Sagar, has been selected as a case study. The resettlement was carried out due to the submergence and large scale erosion of islands/villages, by the state government of West Bengal, through the local administrative body- the Panchayat (Harms, 2013; Chakma, 2014; Mukherjee, 2014; Harms, 2015).

Time series analysis reveal that in 1975, the island of Ghoramara had a total area of 8.51 sq.km, which decreased to 4.43 sq.km in 2012. During 1975–1990, the rate of erosion was the highest and also led to the submergence of the islands of Lohachara, Suparibhanga and Bedford Islands, along with the villages of Khasimara, Khasimara Char, Lakshmi Narayanpur, Bagpara, Baishnabpara of Ghoramara (Ghosh, T et.al., 2014). Scientists have predicted that the submergence of the islands and the rapid erosion, especially in the southern part of the delta region, could be due to sea level rise (3.14 mm per year, which is higher than the global rate of 2 mm per year), rather than the dearth of sediments or human interventions (Hazra, et.al., 2002). Ghoramara was once a part of Sagarisland but was detached during 1901-1905. Administratively, it is still a part of the Sagar Community Development Block (Chakma, 2014). Ghoramara now, has a population of 5236 in 899 households (Danda, et.al., 2011).

The total number of people displaced varies from 4000 (Ghosh, T. et.al., 2014) and 6000-7000 (CSE, 2007; Mukherjee, 2014). The displaced population have been resettled (not all) in the neighbouring Sagar island in five 'Colonies' viz., Phuldubi Colony, South Haradhanpur Colony, Bankimnagar Colony, Gangasagar Colony and Jibantala-Kamalpur Colony, by the state government of West Bengal, through the local administrative bodies, the Panchayat (Harms, 2013; Chakma, 2014). The resettlement in these colonies started around the year 1964 till 2006. Government Settlement Records of up to 1995 shows a total of 327 families being displaced, from which 192 families were rehabilitated. But there are new colonies which are sprouting up and some of the colonies have also been planned to take in people from the neighbouring block of Kakdwip¹³(Mukherjee, 2014). The rehabilitation packages offered, were rather generous in the beginning but as time passed and as the number of resettlers grew, the package slowly started diminishing. The package consisted of land (varying across colonies and decreasing in size from 0.9 ha to 0.1 ha) or house (temporary or pucca) or sometimes both (Mukherjee, 2014; Chakma, 2014; Harms, 2015; Ghosh, 2014). Further, the resettlement has taken more of a

¹³Administratively, Indian Sundarbans Delta has 19 blocks, Kakdwip is one of them

political turn, (CSE, 2007; Harms, 2013; 2015) with the benefits being accorded to those who support a particular political party and depriving those who do not

There have been few research conducted on the rehabilitated populations, surveying the Colonies. Evaluation of the rehabilitation programme by the resettled population reveal dissatisfaction among the people, with people facing problems such as diminishing land allotment, unemployment, high level of illiteracy, change of occupation leading to reduced income, lack of primary health facilities, sanitation, education, transportation, electrification, drinking water and instances of conflict between the residents and the settlers have also been reported. Besides these problems, the resettled population are also battling with natural like salinization, waterlogging, flood, erosion etc. [CSE, 2007; Mukherjee, 2014; Chakma, 2014; Dutta & Ghosh (in press)]. The irony of the situation however lies in the fact that Sagar island itself is viewed as vulnerable and is facing severe coastal erosion (Bandhopadhyay, S., 1997; 2000; Kumar, et.al., 2001; Hazra, et.al., 2002; Gopinath&Seralathan, 2005; Purkait, 2008; Roy & Sen, 2013;).

3.2 Mahanadi Delta

The case study selected for Mahanadi Delta is very recent¹⁴. The resettlement is being carried out by the Department of Relief and Rehabilitation, Government of Odisha from the villages of Satabhaya¹⁵ and Kanhupur of Satabhaya Gram Panchayat (GP) in Kendrapara district, to Bagapatia under Rajnagar Tehsil of the same district (R&DM, 2011).

A total of 571 families is proposed to be resettled. The resettlement is being carried out due to severe coastal erosion in the area. Comparing the Land Records of Satabhaya GP, Government of Odisha, it shows a loss of 165 sq.km., in 2000 than the demarcated land area of 320 sq.km., for the Satabhaya GP comprising of seven villages, in 1930, approximately leading to a land loss of 155 sq.km. The GP also has a cultural significance, immortalized as the home of the fabled 'Topoi'¹⁶. Starting from the early 1980's, the GP has lost the villages of Govindpur, Mahnipur and Kuanrora; and two more villages of Kharikula and Sarpada in the mid 1990's. Some of the people from these displaced villagers were temporarily resettled on government land who finally migrated to other areas sometime around 1986-88, while for others no trace could be found (Mahapatra, 2006; Pati, 2010.). Satabhaya and Kanhupur are the remaining villages which is proposed to be relocated.

In 1992, a proposal had been mooted to resettle the inhabitants of Satabhaya at Bagapatia and an amount of Rs. 1 crore was sanctioned by the then Chief Minister of Odisha. Of it, Rs 14 lakh was spent on development of the site and the rest amount remains with the district administration. The foundation stone for the colony was laid in February, 2004 (Pati, 2010; The Indian Express, 2015). But the project failed to take ground because of administrative indecisiveness over the site selection of the proposed colony (KarManoj, 2014a).

¹⁴The references are largely based on media articles and few government documents.

¹⁵Also spelt as Satavaya

¹⁶ The typical Oriya legend of Topoi associated with the maritime history of Orissa is popular and has religious significance. Unmarried girls of coastal Orissa worship a goddess called Bhalukuni/ Khudurukuni in the month of September every year, to get rid of all dangers. According to this folk mythology, this goddess who was worshipped by Topoi during her time of grief is a goddess of peace and prosperity for the girls. Topoi, the parentless girl was tortured by her sisters-in-law in the absence of her brothers who were away in the islands of Java and Sumatra on their trade. Topoi's grief vanished at the arrival of her brothers, when the sisters-in-law were punished.

The Resettlement and Rehabilitation package, offered by Government of Odisha stands as follows:

- Each household will be provided with up to 1/10th of an acre of homestead land at the relocation site. Patta would be issued in the name of both the spouses.
- A dwelling house under the Indira AwasYojana (IAY)/Mo Kudia scheme would be constructed. The required number of houses will be allocated from the admissible quota for calamity related housing provision at the state level under IAY. In case any family is not eligible to avail the IAY scheme housing, then a special allocation may be proposed.
- Provision for basic facilities and amenities would also be provided which includes, (i) Electrification of households under RGGVY scheme, (ii) hand pump tube wells for potable drinking water and sanitary facilities (iii) Primary schools (iv) Road and (v) Strengthening of protection embankment (R&DM, 2011)

The total financial outlay for the resettlement and rehabilitation is estimated at Rs. 37,56, 97,314 (R&DM, 2010).

It was proposed that the affected families would be resettled by March 31st, 2013. But the process has not yet started till August 2015. So far only 16 acres of private land has been acquired out of a total of 132.97 acres (84.47 acre govt land; 48.50 acre private land). The project has also witnessed protests from the private landowners because of the meagre compensation (Rs. 30,000 per acre) paid to them for land acquisition. (PTI, 2012; KarManoj, 2014b; Sagar Sandesh, 2014; 2015;) and is also awaiting Forest clearance as the proposed resettlement colony at Bagapatia falls under the 'ringed out village' of Bhitarkanika wildlife sanctuary's jurisdiction (KarManoj, 2014a).

So far allocation of land, to the would-be resettled people and construction of basic amenities and facilities, is underway. House building grants worth Rs. 70,000 to each of the plot owners have been sanctioned. Once they resume the construction work, fresh grants would be sanctioned to them. Out of the 571 beneficiaries, around 30 families were left out from the housing grant benefits as they were economically well off and did not come under the eligibility criterion of the scheme (Odisha Channel Bureau, 2014).

National Human Rights Commission has also intervened and has directed the government to take appropriate steps, seeking an 'Action Taken Report' from the Chief Secretary over the proposed resettlement (The Pioneer, 2014). Due to such prolonged delay, hunger strike was carried out by the villagers, in January 2014, demanding their immediate rehabilitation (The Statesman, 2014; The Indian Express, 2015).

4. Conclusion

Resettlement and Rehabilitation are often taken to be synonymous by the authorities concerned, who fail to understand that the two are different. Resettlement is the process of physical relocation, while Rehabilitation, involves a longer process of rebuilding people's physical and economic livelihood, their assets, their cultural and social links, and psychological acceptance of the changed situation. (Fernandes, 2008).

Asif (2000) while trying to answer the query “Why displaced persons reject project resettlement colonies?” argues that the resettlement site is something of a ‘panopticon’¹⁷, where the resettled population are constantly and intricately monitored and controlled by those in power- the government or the ones carrying out the resettlement. The displaced populations have no say even in selection of the resettled site, which are often inaccessible even for the authorities to initially survey. This rejection of resettlement colonies, even if they offer better prospects than what the displaced population can achieve independently, is therefore a form of reaction to the exertion of power and in turn they prefer monetary compensation, in order to resettle themselves rather than being resettled in the government-chosen areas (Asif, 2000). The author further feels that the major drawback in R&R in India, is that the authorities who are themselves outsiders, tends to homogenise the displaced and impose their understanding on them. This could be taken as a threat by the displaced population.

In the case of studies of political or ethnic refugees reviewed above, the movement of people largely involves crossing international boundaries and their resettlement depends on the kind of relations that India has with the country from which the people have originated from. The other type of displacement due to causes such as development projects, creation of conservation areas and natural disasters involves more or less internal displacement of people. In such cases, the resettlement might be the responsibility of the central government and the state concerned (both origin and destination).

The Act, Plans or Policies of R&R in India, largely deal with acquisition of land for developmental projects. The DM Plans and Policies- National, State and Districts, focus more on short-term relief and rehabilitation, mainly reconstruction activities like durable houses or embankments and emphasize less on the long-term measures. It can also be observed that the subject of ‘Relocation’ has only been dealt by the West Bengal DM Policy, which is however missing in the WB State DM Plan. Although, under the list of projects for land acquisition that falls under the jurisdiction of the R&R Act of 2013, the construction of residential purposes for the poor or landless or for persons residing in areas affected by natural calamities, has been mentioned, but the clauses or provisions for Rehabilitation, caters more to those population that are displaced by development projects. The Disaster Management Plans of both South and North 24 Parganas, covering Indian Bengal Delta, have no plans for rehabilitation of displaced population due to disasters. Even the National Action Plan on Climate Change and the respective State Climate Action Plans- West Bengal and Odisha, do not address the issue of displacement, let alone relocation and resettlement. Further, the state of West Bengal has still not formulated its own R&R Policy.

As such, the cause of displacement in both the selected cases of resettlement and rehabilitation, in Indian Bengal Delta and the Mahanadi Delta, are yet to be addressed by the National legal framework. In the case of IBD, the resettlement of population can be viewed in terms of both post-event strategy as well as precautionary. While in the case of MD, it is a preventive measure. The question would be whether the government would consider resettlement due to Climate Change disasters, a preventive or a post-event strategy.

The issues that could emerge from resettling those affected by natural disasters induced by climate change, which are more or less similar to that being faced by the resettled population due to other causes could be, the problem of finding available arable land with similar ecological, physical and socio-cultural setting in ‘safer’ locations, in an already shrinking landscape, in addition to the increase in population density; willingness of people to relocate; change in livelihoods, insufficient or lack of monetary or funding support; lack of willingness of the

¹⁷ Relating to the Theory developed by Jeremy Bentham and Micheal Foucault,

authorities concerned to take responsibility, lack of policy or legislation; problems faced due to reintegration and cultural divide and also of cultural assimilation, where a particular cultural group might be so integrated in the new resettled area that the earlier existence of its own culture is lost and the issue of 'multiple-displacement'. The policies and laws fail to acknowledge that displacement as well as resettlement and rehabilitation affect the male as well as the female of a household, equally. This gender aspect is often not taken into consideration during the process of resettlement and rehabilitation. During the process of resettlement, the men are taken to be as representatives of the entire community, while women often remain uninformed, unaware about the project or the details of the rehabilitation (Ahmad & Lahiri Dutt, 2006).

Resettlement as a precautionary measure may not be taken up willingly by the would-be-affected people themselves, because of financial inability, as expected by the authorities, as relocation involves a complex process of moving people from one place to another along with their economic, socio-cultural, natural physical and built environment-infrastructure. Added to these issues, is the failure to accept displacement or even migration as one of the impact of climate change in the Climate Change Action Plans- National or State. It may be mentioned here that the out of the listed options for cause of Migration, 'Natural disaster' (introduced in 1991 census), was dropped from the format for the collection of the Census Migration data in India in the census of 2001 and the recent census of 2011. Most of the policies on R&R often fail to delve into the psychological and socio-cultural impacts of the process on the oustees and also fail to address gender needs.

The impact of the R&R process, either short-term or long-term, on the people can only be assessed once it would be completed. India's approach to resettlement and rehabilitation due to development projects have not been so commendable in the past or in the present and the cases of disaster-induced R&R are very few for one to make an analysis. The success of the process might be more, if a bottom-up rather than a top-down approach is practiced. It is evident that the resettled population have no choice in the selection of new locations for resettlement and often do not have the advantage of negotiation. As such, continuous monitoring and conducting social audits of the resettled sites is essential, but which is hardly done. The advantages and disadvantages of cash compensation needs to be assessed thoroughly. Misuse of the money by the project officials and even the resettled population might crop up (WCD, 2000; ADB, 2014). Public participation of the displaced population in the planning of their resettlement and rehabilitation, is extremely essential.

The Sanremo Consultation organized by the UNHCR, the Brookings-LSE Project on Internal Displacement and Georgetown University's Institute for the Study of International Migration on "Planned Relocation, Disasters and Climate Change: Consolidating Good Practices and Preparing for the Future" in 2014, concludes that a well-planned relocation could be both a form of Disaster Risk Reduction and a form of Climate Change Adaptation. Planned Relocation should only be taken as a last resort, when all in-situ options have been tested, requiring the support of multiple actors like the funding agencies, coordinating bodies, international organizations, regional bodies, civil society, academic experts, concerned government authorities etc., and the need for guidance for such relocation to national and local authorities (UNHCR et.al., 2014).

Lessons can be learnt from resettlement and rehabilitation practices that have been carried out in other countries, be it as a precautionary measure or a post-disaster strategy. McNamara & Combes (2015), considers the initial phase of 'relocation' of Vunidogoloa village in Fiji islands (in 2014), a success due to a combination of factors; the active initiative of the community itself in their relocation in their preferred habitat, backed by the government and the assistance provided by external organizations to establish new livelihood strategies at the resettlement site, eg Department of Fisheries provided fish ponds due to lack of easy access of the communities to

ocean resources, International Labour Organizations providing commercial fruit growing plants etc. The relocation could be seen as a result of failure of alternative adaptation options. But the actual impact of such resettlement may be understood after a longer time span. The case study of resettlement of villages of Satabhaya Gram Panchayat in Odisha, is similar to that of the above example of Fiji islands, where the government as well as the would-be displaced population have actively participated in the relocation process, but the viability of the process cannot be assessed at this point of time.

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