

**INTERNATIONAL JOURNAL OF LAW  
MANAGEMENT & HUMANITIES**  
**[ISSN 2581-5369]**

---

**Volume 3 | Issue 2**

**2020**

---

© 2020 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Part of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com>)

---

This Article is brought to you for free and open access by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in International Journal of Law Management & Humanities after due review.

Further, in case of **any suggestion or complaints**, please contact [Gyan@vidhiaagaz.com](mailto:Gyan@vidhiaagaz.com).

---

**To submit your Manuscript** for Publication at **International Journal of Law Management & Humanities**, kindly email your Manuscript at [editor.ijlmh@gmail.com](mailto:editor.ijlmh@gmail.com)

---

## Development Induced Displacement and Challenges of Rehabilitation and Resettlement, With Reference to the Chhattisgarh State

---

MS.TANYA PANDEY<sup>1</sup> AND MR. ABHILASH ARUN SAPRE<sup>2</sup>

### ABSTRACT

*The Development paradigm that is accepted in India stands on the model of economic development. It needs infrastructure in the form of roadways, railways, airports, industrial corporations, dams, mines etc. the state while achieving this object needs land as the main resource. It uses its power of Eminent Domain to acquire land compulsorily for a public purpose; development of the nation on the above lines being an established public purpose. Thus the inevitable result of such mega development projects is the mass displacement of the people, who are the inhabitants of the land under compulsory acquisition, or who depend on such land for their livelihood. The contemporary society because of the ongoing impoverishment of displaced and project affected persons, during the last two decades development induced displacement has become a major issue on the human rights agenda and among socially conscious scholars. A major reason for it is the marginalization of the Displaced Person's Development Induced Displaced persons, a substantial number of whom are dependent on Natural Resources. Faultiness in the act and the burning topics like Compensation, Rehabilitation Resettlement has created a furore in the country against the government. In states like Chhattisgarh where it has experienced violent protests and internal disturbance from the red wing and the Government against the private project which has displaced population in lakhs. The Tribals had emotional attachment to their Jal,jungle and zameen and basically this a question of their identity and self-determination.*

### I. INTRODUCTION

In the era of modernizing world, the Dominant view was of the state is development which saw the development as the transformational beginning in the society which will develop the standard of living of the people.<sup>3</sup>As the modernizing theory began it saw the acceleration of developmental projects for a brighter and better future and if the people uprooted along the way it was deemed necessary step and make them more advanced and susceptible to change. In recent decades, “new development paradigm” is been articulated which promotes poverty

---

<sup>1</sup> Author, Advocate Jharkhand High Court, Ranchi.

<sup>2</sup> Co-Author, Asst. Professor of Law, Kalinga University, Naya Raipur, India

<sup>3</sup>Ashirbani Dutta, *Development Induced Displacement And Human Rights* (First published 2007, Deep and Deep Publications, 2007).

reduction, environmental protection, social justice and human rights. In this shift the development has its own pros and cons which will benefit as well as impose cost on the vulnerable people and marginalised sections of the society which mostly includes the tribal. Large scale projects were being made to execute developmental projects like Dams, mines, power plants, heavy industries, defence base, railway Projects, heavy industries, transportation corridors, others all which are very essential and pre-requisite for the land acquisition, leading to major changes in land use patterns, water and natural resources and subsequent displacement of large number of tribal who depend upon the land, forest and other natural resources for their livelihood. Thus, the developmental projects have been imposed cost for the tribal living in the forest and hilly area. The developmental projects which often regarded as the boon for the national progress and advancement had really affected the life of the tribal section in the form of marginalisation, dehumanization and the displacement. Displacement has been an eminent form of dominance which confers upon the government to take over private property and it had made only companion for the development.

“Development induced displacement can be defined as forcing of communities individuals out of their homes and homelands, for the purpose of economic and national development. Such geographical displacement can be within a city or district, from one village or neighbourhood to another, or displacement across long distances and borders, often to economically, socially and culturally quite different settings”<sup>4</sup>.

It evolves with a dilemma where in one side it ensures the economic development and standard of living of people and on other side displacement which does harm to millions of people by forcing out from their habitat in which they are dependent. Many critiques estimate that millions of people around the globe have been dislocated as a result of process of economic development. The effects of development induced displacement are felt strongly amongst social and economic marginalized groups and indigenous communities worldwide. The phenomenon of development induced displacement where people have abandon their home and habitat as a result of development process have been with us for several centuries, specially we turn the pages to British era, in which the agricultural farms have been privatized and the habitats were thrown out of their own homeland. Nevertheless, displacement became a new item for policy concern in the last two decades of the twentieth century, as development banks and agencies came under criticism for the effects of displacement caused by projects for which they are responsible but it was roughly then the extent of displacement caused by developmental

---

<sup>4</sup> Bjorn peterson, ‘Development Induced Displacement’ (May 2005) <http://www.narmada.org>

enterprises came into light and it was immense and at the same time various industries and developmental industries came into plight which contradicted the promise of development and brought its rationale into question. While aims and justifications of development promised poverty palliation and even meeting the industrial and infrastructure needs of the upper creamy hierarchy. Development does not benefit everyone equally and for millions of people around the world, development has cost them their homes, livelihood, health and even their lives.

Development has often led to forced relocation of thousands of people, uprooting their communities and shredding to pieces, their essential social fabric. The failure to address adequately the complex social and cultural problems inherent in the resettlement process has only magnified the scale of suffering. In human terms, the costs of developmental projects clearly remain excessive and borne unequally by the poor impoverished, downtrodden displaced population. The compensation which are given to the affected people, worked out on the basis of market prices of tangible assets, can hardly compensate with the total loss suffered by the downtrodden displaced community, due to dismantling of production system, scattering of kinship groups and family traditions, disorganization of informal social networks that provide mutual support and disruption of trade and market links. Thus Michael M. Cernea (1995) has stated that the development induced displacement leads to “eight Impoverishment risks”, i.e. landlessness, joblessness, homelessness, marginalization, food insecurity, morbidity and mortality, loss of access to common property and social disarticulation of the displaced population.<sup>5</sup>

## **II. DEVELOPMENT INDUCED DISPLACEMENT**

### **A. HISTORY OF DEVELOPMENT-INDUCED DISPLACEMENT**

The process of Socio-economic development initiated soon after independence of India Under successive plans, has given rise to building of large-scale irrigation projects. Infrastructural establishments and industrial complexes in the endemic resource regions, which were the traditional homes of a large number of isolated groups of tribe. Although Industrialization, Which was a necessary part of development, has brought about manifold for the nation as a whole, however, it resulted in large scale deforestation for raw materials and for acquisition of vast pieces of land under cultivation, for the establishment of factories, power plants, for excavation for purpose of mining, or for submergence for construction of reservoirs, dams, etc. and also needed for the needed residential complexes. The unintended consequences of these

---

<sup>5</sup> Balaji Pandey, *Displaced Development Impact of Open Cast Mining on Women* (Fredrich Ebert Stiftung,,4h edn 1998).

developmental works have been not only the loss of habitat for the tribes but also of their ultimate means of livelihood or substance. The groups thus displaced, on account of these developmental projects, have been mostly tribes of different ethnic stock and to a lesser extent, those belonging to scheduled caste and other communities who, for historical reasons, have been living for ages in these isolated environments, which are mostly the hills and dales of the central and eastern India, which are rich in water and mineral resources and which provided ideal locations for industrial and developmental projects.

The Industrial revolution of India which really began during the Second World War, was caught up with the ushering in of planned development in the fifties. The power, Irrigation and industrial projects in first and second Five year plan laid down the real foundation of industrial development. Ever Since the pace of Industrialization continued at an increasing rate with the discovery of natural resources in the different parts of the country and also the availability and of sophisticated technology, as a result, huge investments were made in the research and developmental activities.

As the industrialization became only the means of development, there has been widespread displacement of tribe from their ancestral habitat along with the loss of their traditional occupation. Industrialization has proved good to the nation, but for the tribal, it has proved to be disastrous.

So, involuntary displacement of people due to a deliberate economic policy is not new in India. It existed in the colonial times and has intensified in the decades of the planned development. A conservative estimate of the number of people displaced from 1940-1991 is about 2, 13, 00,000 (Fernandes, 1994), if only the study is restricted to the casual factors like dams, mines, wild life sanctuaries and industries. If the Urban displacement due to various deliberate or planned activities is also included, then the number of displaced population would rise to 35-55 million. As per Government records at least 75% of those displaced are still not rehabilitated.<sup>6</sup>, Which is clearly a sad reflection of lack of Governments sincerity and sense of responsibility towards the displaced and project-affected people.

Historical evidence suggests that in first half of 19<sup>th</sup> century a major wave of development-induced involuntary displacement took place between 1830 and 1842. This phenomenon was the result of colonial industrial policy of the British Government, which was aimed specifically at crushing at crushing the Indian manufacturers and Handicrafts. The most stunning blow was

---

<sup>6</sup> Walter Fernandes and Vijay Paranjpe, *Hundred Years of Involuntary Displacement in India: Is The Rehabilitation Policy and Adequate Rresponse?* "In the "Rehabilitation Policy and Law in India: Right to Livelihood" (Walter fernandes & Vijay Paranjpe, 6<sup>th</sup> edn, Indian Social Institute & ECONET, 1997)

to the indigenous textile industry, which collapsed due to dumping of mass-manufactured British textiles in India. In practice, it was accompanied by imposition of a tariff which protected woollen and silk manufacturers in Britain, at the expense of Indian weaver. The subsequent Collapse of the Indian Industry heralded an era of massive Unemployment which culminated in voluntary displacement.<sup>7</sup>In the Year 1864, British Government established the imperial Department of forests and a German expert, Dietrich Brandis, was invited to take over as the first Inspector-General of Forests in India. Recognizing the strategic Importance of forests, the colonial government passed the Indian forest Act of 1865, which facilitated acquisition of those forests lands that were earmarked for building railway lines. After a long process of administrative debate and refinement, a more stringent and Comprehensive law was enacted, which came into force as Indian forest Act of 1878. It established the absolute propriety right of the State and gave it a monopoly control over the Land by converting them into state property. Most of these lands had traditionally belonged to the community and did not carry any private Land title. The Act defined the State ownership, regulated its use and appropriated to itself the power to commute or extinguish customary rights as and when it is desired. In the history of development induced displacement, even before the promulgation or enactment of Land acquisition Act 1894, a law had been passed by the imperial British Government, which by one stroke of executive pen, attempted to destroy centuries of customary use by rural population all over India.<sup>8</sup> The ownership rights of all the people living in these reserved or protected forests had been delegitimised. Since Villages Continued to exist within the Forests, there were limited Physical displacement. However, Communities had been refrained from exerting any of their ownership rights, thereby turning them into encroachers on their own lands. The logic and justification of the British forest policy was “public interest”. Thus, the principle of state monopoly had been clearly established.

In the same year, the Land acquisition Act, 1894 was passed, which was an important legal instrument of economic control, oppression and exploitation promulgated by the British imperialist government. By using concept of “public domain” the British were able to theorize and legitimize their control over the land, which was the most fundamental resource for people’s survival. The moral justification was that private land belonging to Indians would be acquired for “public purpose” alone and that the erstwhile owners would be compensated so as to avoid making them worse-off in economic terms. Since, the enactment of this legislation,

---

<sup>7</sup>Goldy.M.George, ‘Free trade-A war Against Dalits and Adivasis’ [www.CounterCurrents.org](http://www.CounterCurrents.org) accessed on 15<sup>th</sup> july2004

<sup>8</sup> Gadgil and Guha, “Rehabilitation policy and law in india: right to livelihood” in Walter Fernandes & Vijay Paranjpe, “Hundred years of involuntary displacement in india:” (Walter Fernandes & Vijay paranjpe eds, 9<sup>th</sup> edn Pune: Indian Social Institute & ECONET, 1997).

millions of people has been displaced. In a democratic society, even when acquired through ostensibly democratic procedures, can be unlimited or absolute. Each right is inseparably linked to a duty.

In the case of Land acquisition Act, 1894, another law was necessary to locate the responsibility of rehabilitation on the State authority to counterbalance it. But no such Act or policy existed till the end of colonial rule, because it was never the intention of the British to be truly just. They acquired land for the railways, expansion of trade routes, Conversion of the forest and pasture lands into plantations of tea, coffee, rubber, indigo, establishment of army cantonments and ordinance factories, construction of dams and canals, creation of harbours and establishments of administrative institutions.

The first struggle against development induced displacement started in India in 1927. The struggle against the Mulshi dam and the hydro-electrical works located in the western India in the erstwhile Bombay presidency, is a landmark in the history of the involuntary displacement in India. The project was owned by the corporate industrial house of TATA, and had been commissioned in 1920. At this juncture when the TATA power company launched a scheme of building a dam at Mulshi-Peta (about 20 km. southwest of Pune), the limitations of the land acquisition 1894 come into play. A total of 11,000 persons to be displaced from their traditional paddy fields. The local inhabitants, the malvas, supported by the sympathisers from Pune, decided to resist the eviction. A protest with 1300 signature was prepared, and sent to the government. Later on, 16<sup>th</sup> April, 1927, 1200 men, women and children staged a Satyagraha and stopped work on dam site. Several hundred peoples were arrested and the agitation lasted for two and a half years.<sup>9</sup> The Satyagraha at Mulshi was led by Senapati bapat who fought against the unjust Compensation and displacement of several villages. Ultimately the moneylenders were able to persuade Malvas to accept land acquisition and monetary compensation. As a result of peasant struggle, a Fair compensation was given but ultimately it went into the hands of moneylenders to whom the peasants had been indebted.<sup>10</sup> Thus, the first peasant's agitation, related to dam-induced displacement, ended leaving the peasants moneyless, landless and homeless.

## **B. THE TRIBAL PERSPECTIVE ON DEVELOPMENT INDUCED DISPLACEMENT**

The Indian Constitution gives the status of Scheduled Tribes to over four hundred communities.<sup>11</sup> Relative isolation, largely self-sufficient lifestyle with minimum specialization

---

<sup>9</sup>Ibid 6

<sup>10</sup>Ibid 7

<sup>11</sup> Indian Constitution 1950, Art 366 Cl.25.

of functions, social system with no hierarchy and strong sense of belonging to their habitat are the main social and economic features that define the tribal communities. About 8.08%<sup>12</sup> of the Indian population belongs to the Scheduled Tribes. About 92%<sup>13</sup> of the tribal people in India live in rural areas, almost all of them in areas which are dry, forested or hilly. It follows that their habitat are often resource rich, and chosen sites for developmental projects.<sup>14</sup> Indian forest Act of 1878 established absolute property right of the State over forest lands and Land Acquisition Act came into operation in 1894. These Acts served the principle of Eminent Domain, giving supreme authority to the State to control and own all the property within the country's territory.

One of the most tragic consequences of the breakdown of isolation of tribal regions in the name of development, and the introduction of alien concepts of private ownership and state ownership of forests, was massive and steadied alienation of lands held in past by tribals into the hand of non-tribals. In independent India, excluded and partially excluded areas were transformed into sixth and fifth schedule areas respectively. The main difference was that the executive powers of the state automatically extended to the schedule areas, unless directed by the Governor. The Land Acquisition Act formulated in the British era, is used even today with only minimal alterations serving as the main tool to acquire land from the people for a public purpose. What is a public purpose is not strictly defined. The discretion lies with the state. And the Courts are also slow to interfere in this discretion. After independence the policy stresses the need to recognize tribal rights over land and forests and to help them 'develop a long lines of their own genius', but in reality, tribal communities have been progressively alienated from land forest, river and that has eroded the very basis of their existence.<sup>15</sup>

### C. CHHATTISGARH STATE

Chhattisgarh, the tenth largest state by area, with a population of 25.5 million<sup>16</sup> Chhattisgarh is 17<sup>th</sup> most population in the Country. It is rich resource state and a source of electricity and steel in India. State was made out of the fifteen southern districts of Madhya Pradesh on the first of November 2000. Prior to statehood, the area had developed a distinct socio-culture regional identity based on the large culture and socially strong population of tribes therein. This was accompanied by a sense of relative deprivation that had developed in the region. The new state

---

<sup>12</sup> Census of India 2011

<sup>13</sup> Ibid 10

<sup>14</sup> Report of an expert group to Planning commission, *Development Challenges in Extremist Affected Areas*, (Government of India, New Delhi, 2008)

<sup>15</sup> John.k.thomas, *Human Rights of Tribals* (Isha books, 2<sup>nd</sup> edn, 2005).

<sup>16</sup> Ibid 10



of Chhattisgarh guaranteed to bring back adequate attention and prosperity to a culturally affluent but developmentally impoverished people. The new government had to negotiate with some existing issues that the state suffered and keeps on suffering i.e., Naxalism.

'Naxalism' also called as Maoism and relevantly named after a 1967 peasant uprising in Naxalbari town in West Bengal, has spread like a creeping vine through the rural, marginalized, disadvantaged tribal of east and central India for past 40 years. The Naxalite ideology system has effectively found fertile soil in the underserved, exploited and vulnerable Adivasi (tribal) people of the area. This has resulted in enlarging swath of communist sentiment known as the "red corridor" running down the eastern edge of India encompassing at least 170 districts in 15 states and more the one-fourth of India's Land mass.

#### **D. MULTI-NATIONAL CORPORATIONS AND PUBLIC SECTOR UNDERTAKINGS**

More than 70% of India's population makes their living out of the land. However this land has a portion of the richest undiscovered mineral resources in the world as well as the greatest opportunity for foreign investment and economic growth, both the factors that are essential in India's effort to compete in a global market. Throughout history, popular discontent with land related institutions has been among the most common recognized factors in provoking revolutionary movements and other social turmoil. The situation in Chhattisgarh is the same. Above the ground, Chhattisgarh is home to probably the most vulnerable group in India whose lives are totally dependent on the land and forests while below the ground, Chhattisgarh host some of the Country's richest mineral reserves. It ought to be nothing unexpected at that point, that Multi-National Enterprises (MNCs) interested in investing in and exploiting these precious resources are included as parties to the present conflict.

The Naxalites have battled for quite a long time against what they see as the reckless loot of the land and resources and the exploitation of poor people who have been the stewards of that land for thousand years. Naxalites and their supporters are furious when the government invests large sums and cuts countless aged and even sacred trees to make a way for national highways to serve MNCs and their industrial transport needs when many villages still needs electricity.. In this campaign, the Naxalites have attacked mines, exploded power arches, decimated streets and bridges, burned cars used by contractors, and even set up "people's court" to punish and now and again execute individual who found to be Capitalist Collaborators.

The government considers industrialization to be important to create jobs and provide raw materials for financial development. Often promoted is the hedonistic and utilitarian argument that this sort of exploitation allows for the greatest good for the greatest number of people in India. Indeed, India is experiencing an industrial and economic boom started by the

government's grasp of multinational corporate investment and free trade agreements. Some foresee this economic upswing will bring the Nation out of its present third-world status. However there are now clear signs that the influx of new wealth will be disproportionately distributed and will create a nation polarized by both great wealth and devastating poverty and among those in the throes of poverty will be the Adivasi people who were carelessly displaced for the unreasonable resource extraction that is necessary to finance economic boom. Not exclusively should the government control Naxalite anti-development efforts with a specific end goal to avert voiding MOUs already signed but also some argue that the displacement of thousands of Adivasis is also part of the incentive package offered by the government to entice more MNCs into the region. At whatever point a MNC needs to make claim for the land they must experience a long and arduous process. The most complicated part of the process is that of displacing the people who are on the land. This effort is made significantly more entangled in the event that they are Adivasi individuals on Schedule V land. In this case, a Gram Sabah (all village meeting) must be held and the general population must consent to the terms of displacement.

#### **E. WAYS IN WHICH TRIBAL LAND ALIENATION TAKES PLACE**

Alienation of land of tribal communities and loss of rights to common Property Resources, mainly forests and large scale displacement and enforced migration takes place in following ways:

- Development – induced displacement by acquisition of land by the State based on principle of 'eminent domain' for 'public purpose' without a 'land for land' provision for rehabilitation. Acquisition by the state for development project also leads to alienation of land and displacement due to environmental pollution and damage to land in the area near projects but tribal people so displaced are not entitled to any compensation.
- Illegal land alienation takes place due to participation of revenue functionaries and officials, and incorrect interpretation of laws, manipulation of records and permission accorded to alienate land. State Laws are amended to include provision that facilitate land alienation of tribal communities.
- Community land of tribal communities is recorded as Government land in survey and settlement operation and most State tenancy laws recognize only individually owned registered land. Such lands have not been fully surveyed and there is no record of user practices, which would be shown as Government land.
- State action of acquiring tribal lands for settling refugees has resulted in land alienation and displacement. There is also encroachment of tribal land by immigrants.

- Creation of National Parks have resulted in alienation of rights and consequent displacement and forced migration of tribal people.
- Conflict in the Northeast have resulted in tribal people losing everything and being displaced from their home ground.<sup>17</sup>

#### **F. DATA REGARDING DISPLACED PERSON AND PROJECT AFFECTED PERSONS**

- The centre has not maintained either district-wise or State-wise data of community wise Displaced Person/Project-affected person or their rehabilitation and resettlement, which is symptomatic of the state' disregard for the adverse impact of displacement on various communities.
- The narrow definition of displaced person to mean 'a person who due to loss of home has to be resettled' and only landowners to be compensated has led to exclusion of project-affected persons (PAPs), who were deprived of their livelihood base, displaced from community land and socio-cultural and environmental resources. Fernandes and Paranjpe<sup>18</sup> estimated that the number of people displaced due to dams, mines, wildlife sanctuaries, industrial during the first four decade of independence was about 21 million and as per Government sources at least 75 percent have not been rehabilitated. Mahapatra<sup>19</sup> pegs the number at 25 million people from 1947-1999. Walter Fernandes, by updating data and by extrapolation based on available studies and case studies in State, where comprehensive studies have not been done, estimated that there were about 60 million DPs/PAPs, since independence to 2000. It was also estimated that 20 per cent were Dalits and another 20 per cent from other rural poor communities, like fishers-folk and quarry workers.<sup>20</sup> Researchers suggest that around 25 per cent of India's tribal become DP and PAP at least once, because their region are rich in natural resources. In absence of official data the Planning Commission report quotes the estimate 60 million DPs/PAPs arrived at by researchers. The Expert Group on Prevention of Tribal Land and its Restoration set up by the Government of India estimates that, of the total displaced due to development projects, 47 per cent are tribal population.

#### **G. VIEWS OF NATIONAL HUMAN RIGHTS COMMISSION**

---

<sup>17</sup> Ministry of Rural Development "Report of Committee on State Agrarian Relations and Unfinished and Unfinished task of land Reforms (GOI, 2009).Saxena kb, *Development is war; underdevelopment is benign: political economy of tribal displacement in india* (Konark Publishers pvt. Ltd, 2012). Ekka, *Status of Adivasis Indigenous Peoples Land Series*(Aakar Books, 4<sup>th</sup> edn, 2009).

<sup>18</sup> Ibid 4

<sup>19</sup> Mahapatra, *Resettlement, Impoverishment and Reconstruction in India: Development For The Deprived* (Vikas publishing House, 1<sup>st</sup> edn 1999).

<sup>20</sup> Fernandes, *Sixty Years Of Development Induced Displacement In India: Impacts And The Search For Alternatives* (1<sup>st</sup> edn, OUP, 2008).

- The National Human Rights Commission (NHRC) has noted that, there has been large scale displacement in four states with large tribal population viz., Andhra Pradesh, Chhattisgarh, Jharkhand and Orissa based on research studies of NGOs namely Action Aid, the Indian Social Institute and Laya. NHRC observed that where displacement and ‘involuntary settlement’ has received public attention due to efforts of NGOs or media the state had responded, but in other cases displacement had resulted in loss of livelihood and shelter. NHRC has advocated a rights based approach to Resettlement and Rehabilitation.<sup>21</sup>

Table: District-wise land acquisition according to project category in Chhattisgarh (1982-90, 1991-2007)

---

<sup>21</sup> NHRCReport, *Relief and Relief of Displaced persons* 2008 pg. 34-35.

**Table H: District-wise land acquisition according to project category in Chhattisgarh (1982-90, 1991-2007) in acres<sup>22</sup>**

District	Water Resource	Industry	Mineral	Non-hydel Power	Defence	Environment	Transport	HRD	Refugee Resettlement	Farms & fisheries	Urban Development	Housing	Social Service	Health Service	Education	Govt. Offices	Tourism	Total	%
Bastar	3027.9	801.61	36.28	106.82	3703.75	1.23	1081.11	12.47	0	0		15.31		0.2		7.59		8794.27	5.71
Bilaspur	45288.9	61.15	18.59	1612.86	185.67	4.98	7723.72	2.97	0	0.81	1.96	0.28	20.19			6.52		54928.6	35.65
Dantewada	224.88	6.42	9.18	0	0	0	372.3	0	0	0		3.58				1.51		617.87	0.40
Dhamtari	121.24	0	0	0	0	0	4.09	0	0	0								125.33	0.08
Durg	3189.65	223.15	3.41	3.72	7.3	0	242.64	0.76	0	0		11.37				2.01		3684.01	2.39
Janjgir-Champa	10889.	3.17	182.27	102.1	0	0	50	1.33	0	0		0.23				0.46	0.37	11229.03	7.29

<sup>22</sup> Gazette Notifications, *Madhya Pradesh 1982-2000: Gazette Notification, Chhattisgarh 2001-2007.*

	1																		
Jashpur	104 2.1 7	4.28	0	0	0	2.6	22.05	0.2 6	0	0	9.17	4.28		1.95		4.67		1091.43	0.71
Kabirdham	154 4.2 5	45.7	322. 94	0	0.2	0	47.64	71. 97	0	0					10. 49			2043.19	1.33
Kanker	372 .35	0	0	0	0	0	8.7	0	0	0		7.78						388.83	0.25
Korba	102 6.2 6	140. 87	11.2 7	1224 .97	0	0	56.96	0	0	0		0.23						2460.56	1.60
Koriya	153 .94	0	0	0	0	0	10.43	0	0	0		4.42						168.79	0.11
Mahasamu nd	922 .55	0	0	0	0	0	35.28	0	0	0								957.83	0.62
Raigarh	189 9.1 1	986. 51	319. 37	631. 29	0	0.6	86.35	0.1 1	0	0.85		41.6 7	0.3 4		2.6	8.77		3977.57	2.58
Raipur	100 44.	1287 .63	13.7 8	131. 76	0.14	1.52	26847 .3	0	2.61	0	406.56	159. 67	20. 71	4.91		372.9		39293.81	25.50

	4																		
Rajnandga on	541 8.7 8	2144 .68	0.37	0	0	0	483.7 4	0	2.61	0		0.78			4.5 9			8055.55	5.23
Sarguja	152 66	8.67	475. 35	274. 77	5.08	32.3 9	190.5 3	5.9 1		0	3.88					4		16266.58	10.56
Chhattisga rh	100 431 .5	5713 84	1392 .81	4088 .29	3902 .14	43.3 2	37262 .84	95. 78	5.22	1.66	421.57	249. 52	41. 24	7.06	17. 68	408.4 3	0.3 7	154083.3	100.0 0

**Table I below shows the land acquisition for different categories of development projects in the state of Chhattisgarh before and after its formation in 2000.**<sup>23</sup>

Table I: Land acquisition by project category in Chhattisgarh (1982-90, 1991-2007) (in acres)

S. No.	Project Category	1982-1990	%	1991-07	%	Total	%
1	Water Resources	49001.96	96.05	51429.54	49.90	100431.5	65.18
2	Industry	279.73	0.55	5434.11	5.27	5713.84	3.71
3	Mines	62.05	0.12	1330.76	1.29	1392.81	0.90
4	Non-hydel Power	5.25	0.01	40.83.04	3.96	4088.29	2.65
5	Defence	3.74	0.01	38.98.4	3.78	3902.14	2.53
6	Environment Protection	39.23	0.08	4.09	0.00	43.32	0.03
7	Transport	1480.6	2.90	35782.24	34.72	37262.84	24.18
8	HRD	0.11	0.00	95.67	0.09	95.78	0.06
9	Refugee Resettlement	5.22	0.01	0	0.00	5.22	0.00
10	Farms & Fisheries	0	0.00	1.66	0.00	1.66	0.00
11	Urban Development	39.68	0.08	381.89	0.37	421.57	0.27
12	Housing	57.34	0.11	192.18	0.19	249.52	0.16
13	Social Welfare	0.34	0.00	40.9	0.04	41.24	0.03
14	Health	0	0.00	7.06	0.01	7.06	0.00
15	Education	9.9	0.02	7.78	0.01	17.68	0.01
16	Govt. Office	31.41	0.06	377.02	0.37	408.43	0.27
17	Tourism	0	0.00	0.37	0.00	0.37	0.00
	Chhattisgarh	51016.56	100.00	103066.7	100.00	154083.3	100.00

When the two time periods of the above study, namely 1982-90 and 1991-2007 are compared one finds that, while 96.05 percent of the water projects were notified in the decades of the

<sup>23</sup>Gazette Notifications, *Madhya Pradesh 1982-2000: Gazette Notification, Chhattisgarh 2001-2007.*



1980s, only 49.90 percent of the water resources project were notified, from 1990s till date. However, whereas industry projects were only 0.55 percent during 1982-90, they are much higher now with 5.27 percent. Similarly, there was a jump in the non-hydel power project as well as from 0.01 percent in 1982-90 to 3.96 in 1991-07. A similar increase was very sharp in transport and communication sector from 2.09 percent in 1982-90 to 34.72 percent during 1991-07. Even in the category of mine projects, an increase can be seen from 0.12 percent during 1982-90 to 1.29 percent in 1991-07

There is a clear shift from the past to the present. However, the above data is only an indicator of the process of industrialization that is taking place now.

## **J. CONSEQUENCES OF DEVELOPMENT-INDUCED DISPLACEMENT**

Causes of categories of development-induced displacement include the following: water supply (dams, reservoirs, irrigation); urban infrastructure; transportation (roads, highways, canals); energy (mining, power plants, oil exploration and extraction, pipelines); agricultural expansion; parks and forest reserves; and population redistribution schemes. Michael Cernea, a sociologist based at the World Bank, who has researched on development-induced displacement and resettlement for two decades, points out that being forcibly ousted from one's land and habitat carries with it the risk of becoming poorer, than before displacement. Those displaced "are supposed to receive compensation of their lost assets, and effective assistance to re-establish themselves productively; yet this does not happen for a large portion of oustees" (Michael Cernea, 1996). Cernea's impoverishment risk and reconstruction model proposes that "the onset of impoverishment can be represented through a model of eight interlinked potential risks intrinsic to displacement" which lead to gross violation of human rights of the victims of development-induced involuntary displacement and resettlement. These are:

### **1. Landlessness**

Expropriation of land removes the main foundation upon which people's productive systems, commercial activities and livelihoods are constructed. This is the principle form of de-capitalization and pauperization of displaced people, as they lose both natural and human-made capital.<sup>24</sup> This grossly violates the right of displaced population to own property or assets like land.

---

<sup>24</sup>Michael m. Cernea, 'Risks, Safeguards and Reconstruction: A Model for Population, Displacement and Resettlement', *Economic and Political Weekly* (New Delhi 7 October, 2000)

## 2. Joblessness

The risk of losing wage employment is very high both in urban and rural displacement for those employed in enterprises, services or agriculture. Yet, creating new jobs is difficult and requires substantial investment. Unemployment or underemployment among resettlers often endures long after physical relocation has been completed. This tends to violate the right to employment of displaced or project affected people, which they possess like other human beings.

## 3. Marginalization

Marginalization occurs when families lose economic power and spiral on a “downward mobility” path. Middle-income farm households do not become landless, they become small landholders; small shopkeepers and craftsmen downsize and slip below poverty thresholds. Many individuals cannot use their earlier acquired skills at the new location; human capital is lost or rendered inactive or obsolete. Economic marginalization is often accompanied by social and psychological marginalization, expressed in a drop in the social status, in resettler’s loss of confidence in society and in themselves, a feeling of injustice and deepened vulnerability. The coerciveness of displacement and the victimization of resettlers tend to depreciate resettler’s self-image, and they are often perceived by the host communities as a socially degrading stigma.

## 4. Food Insecurity

Forced uprooting increases the risk that people will fall into temporary or chronic undernourishment, defined as calorie-protein intake levels below the minimum necessary requirement for normal growth and work. This grossly violate the basic right to food, to which the displaced persons are entitled, like other human beings.

## 5. Increased Morbidity and Mortality

Massive population displacement threatens to cause serious declines in health levels. Displacement-induced social stress and psychological trauma are sometimes accompanied by the outbreak of relocation-related illnesses, particularly parasitic and vector-borne diseases such as malaria and schistosomiasis. Unsafe water supply and improvised sewage systems increase the vulnerability to epidemics and chronic diarrhoea, dysentery, etc. The weakest segments of the demographic spectrum, i.e. the infants, children and the elderly, are affected most strongly. This mostly affects the right to basic standard of health and living conditions of the affected or displaced population.

## 6. Social Disarticulation

Forced displacement tears apart existing social fabric. It disperses and fragments communities, dismantles patterns of social organization and inter-personal ties; kinship groups become scattered as well. Life sustaining informal networks of reciprocal help, local voluntary associations and self-organized mutual services are disrupted. This is a net loss of valuable “social capital” that compounds the loss of natural, physical and human capital. The social capital lost through social disarticulation is typically coerced and uncompensated by programmes causing it and this real loss has long-term consequences. The fundamental feature of forced displacement is that it causes a profound unraveling of existing patterns of social organization. This unraveling occurs at many levels. When people are forcibly moved, production systems are dismantled. Long-established residential communities and settlements are disorganized, while kinship groups and family systems are often scattered. Life sustaining informal social networks that provide mutual help are rendered non-functional. Trade linkages between producers and their customer-base are interrupted and local labour markets are disrupted. Formal and informal associations, and self-organized services, are wiped out by sudden scattering of their membership. Traditional management systems tend to lose their leaders.

### **J. DISPLACEMENT IN CHHATTISGARH DUE TO CONFLICT**

One of the reasons for displacing tribal people is conflict between the Maoist and Government (both centre and State) and ‘Salwa Judum’, a state sponsored armed campaign that was launched to combat Maoists. Through it is argued that Salwa Judum was a spontaneous reaction of the civilians to the Maoists, there is evidence to show the hand of the state machinery in the whole process. Shri. K.S.Subramanian, a former Director General of Police, was quoted as saying-

“While official sources maintain that the campaign, led by a local legislature, is hugely successful with the tribal people joining it in large numbers, local enquiries revealed a different picture. In the name of Salwa Judum, the tribal people are being forced to join a far from spontaneous mobilization; hundreds have been killed on both sides. A large area of land remains uncultivated; tribal people who are meant to work on the land deserted the villages and are living under open skies and are starving. A vast amount of corruption has crept in as a result of this misconceived campaign with the Ruling party spending huge amounts on it.”

During the visit of HCL to Bastar, NGO representative had narrated the problem of innocent tribal villagers being caught between security forces and Left Wing Extremists and claimed

that thousands of villagers had been displaced as a result of counter-insurgency movement many had been forced to migrate and that one lakh tribal people were missing. Neither the Central nor the State government monitors the number of people displaced due to conflict. Whatever data is available on the displaced persons in Chhattisgarh concentrated only on displacement caused by Salwa Judum from 2005 to 2007. Based on number of camp resident staying as on 21/1/2007 in twenty camp located in 11 Blocks of three districts it has been surmised that 47238 persons were affected by Salwa Judum. Researchers feel that this may not give the total picture Out of 1354 villagers in undivided Dantewada district, 644 villages were affected by Salwa Judum,<sup>25</sup>In addition 20,000 tribal people have fled to the forests of Andhra Pradesh as mentioned in the report of The Internal Displacement Monitoring Centre of the Norwegian Refugee Council.

The State Government should collect data of tribal people affected by conflict and take up measures to ensure that displaced people are resettled and rehabilitated in their villages and it is the responsibility of the State to provide security and promote peace between those who joined Salwa Judum and those who did not. The tribal who were displaced, due to the conflict should not face alienation of their land.

### **III. REHABILITATION AND RESETTLEMENT**

#### **A. REHABILITATION AND RESETTLEMENT IN INDIA**

The Displacement not only evicts the owner from the land and destroys his livelihood and employment opportunities, but also affects the families like the agricultural labourers, village servants (blacksmiths, carpenters, cobbler, and so on). They are primarily those who work as labourers, milkmen, tillers, harvesters, cow and sheep readers, and flower and vegetable vendors. As a result of the sale of the land their lives are affected. They are seldom a category in the rehabilitation package. These groups of people who were dependent on land indirectly lose also their right to life or existence, security, employment and livelihood opportunities as a part of their basic human rights. They are not counted among the Displaced Person's/Project Affected Person's and get no compensation because land is treated only as a commodity for planting land building, not as the livelihood of all its dependants.<sup>26</sup>

The Land Acquisition Act, 1894 has some semblance of justice, for those ousted from their habitat because of the compulsory acquisition. But is limited only to the land owners and

---

<sup>25</sup>Nandini Sundar, 'Pleading for justice' (India Seminar,2010), [http://www.india-seminar.com/2010/607/Nandini\\_sundar.html](http://www.india-seminar.com/2010/607/Nandini_sundar.html)

<sup>26</sup>Sarbeswar Sahoo, "Tribal Displacement and Human Rights Violation", Tribal Displacement and Human Rights Violations in Odisha, Social Action: A Quarterly Review of Social Trends Vol.55 (April-June2005).

tenants; the above mentioned wide range of Project affected Persons, is not within their area of the statue, to receive any kind of compensation for being uprooted from their environment. As such, the lives and livelihoods of numerous such Project-affected-Persons are sacrificed at the altar of the so-called national or public interest, which is the strong justification of compulsory acquisition under the Land Acquisition Act, 1894. It is an irony that India is armed with a highest law, in the form of the Land Acquisition Act, 1894 but correspondingly does not have a statutory obligation to rehabilitate and resettle, all the Project-affected-Persons, who are involuntary ousters of developmental projects. In absence of a statutory right to Rehabilitation, such victims of displacement stare towards the policy, in stark ignorance of their rights, question the uncertainty and darkness of their future without a shelter over their head, and a living to support. To put it in a nutshell, Article 21 of the Constitution of India guarantees the right to life, to every person. The apex court through its various decisions, interpreted the right to life as not mere animal existence, but the right to live with human dignity.<sup>27</sup> While reinforcing the right of the Project-affected-persons, to 'live with human dignity' as enshrined in Article 21 of the Constitution, the court observed that such a right cannot be an absolute right.<sup>28</sup> It held that even if recourse is had to Article 19, the victims of involuntary displacement do have their right to habitat, environment, social fabric and source of living; but no such right is absolute; it can always be tempered with a reasonable restriction, which is in public interest. The Hon'ble court was of the opinion that the development projects are no doubt in public interest and having invested enormous public money in building of the development project, it felt that stalling it for being in violation of the right of project-affected-person, shall also be against public and national interest. The Court examined the Award of NWDT<sup>29</sup>, and found that it contained various provisions for indicating the deprivation of the victims of displacement and good rehabilitation and resettlement policy for them. Considering this to be a sufficient act on the part of the State, to respect the human dignity of the project-affected-person of displacement the court expressed its constraints installing the overall project. Multiple displacements of the project-affected persons due to Government apathy become so acute that several groups have even faced displacement more than once. No nature of compensation exists for such action.<sup>30</sup>

## **B. RIGHT TO REHABILITATION AND RESETTLEMENT**

---

<sup>27</sup> *Francis Collarie Mullin V. Union Territory of Delhi* (1981), AIR 1981 SC 746.

<sup>28</sup> *Ibid*

<sup>29</sup> Narmada Water Dispute Tribunal (3 June 2015) <[http://www.nca.gov.in/aboutus\\_nwdt.html](http://www.nca.gov.in/aboutus_nwdt.html)>

<sup>30</sup> Asit Das & Sanhati, *The Displacement: Indian's State War on its people*, FRONTLINE OF REVOLUTIONARY STRUGGLE (October 3, 2011), <https://revolutionaryfrontlines.wordpress.com/2011/10/03/displacement-the-indian-state%E2%80%99s-war-on-its-own-people/>.

The Right to Rehabilitation and Resettlement is not a right guaranteed in any law for the Development Induced Displaced person, in contradiction to the power of the State to compulsorily acquire land and displace persons. The duty to rehabilitate Development Induced Displaced person can be traced to the National Rehabilitation Policy, 2007, and prior to that the other policies available at the national level. Sometimes the right can be traced to the policy framed by the project authority for instance – Coal Bearing companies, Thermal Corporations etc.

The Development Induced Displaced person have at times, when their cause was advanced by some public spirited person or organization, approached before the Courts demanding their rights against displacement and the right to be rehabilitated. The approach of the court in such cases is being examined in the present part. It is submitted that the right of Development Induced Displaced person to rehabilitate cover various rights, which have been already discussed at length. But the source of all the rights is Article. 21 of the Constitution, as any person who is ousted from his habitat, his land and his environment, is deprived of his right to live with human dignity as guaranteed by Article. 21, it can be observed while going through these cases that, as the expanse and sensitivity of Article. 21 went on increasing, over the years, the Courts' indulgence in protecting the right to rehabilitation, also became more frequent.

In *Karjan Jalashay V. State of Gujarat*<sup>31</sup>: issue before the court was, whether the stay to acquisition of land, for Karjan Jalashay should be lifted, to facilitate the Public Purpose of completing the dam.

On the petition of the petitioners, the possession of land was stayed to be transferred from the landholders to the State, and consequently, the construction of dam was also stayed. But, in view of the oncoming rains and the area getting submerged, the Apex Court vacated the stay on the condition of following detailed steps given in the order. The State was directed to report back within 15 days, whether the conditions prescribed were followed in to? For the first time, concept like land for land, Relocation costs, right to R & R prior to physical dispossession, etc. were expressed in favour of Development Induced Displaced person.

The case may further have taken its course, but it is worthy to note that these directions of the court were purely under its extra ordinary writ jurisdiction under Article 32 of the constitution of India. There were no policies on R & R at any level, neither any international instruments governing the same. It is thus clear, that the right to be rehabilitated in case of displacement due to compulsory acquisition is very basic to any constitution which is consistent with human

---

<sup>31</sup> *Karjan Jalashay V. State of Gujarat*, 1986 supp SCC 350.

rights jurisprudence. It follows that the premise is established beyond all doubts vis-à-vis the Indian Constitution. In *Narmada Bachao Andolan Vs. Union of India*<sup>32</sup>, when the Dam was at a height of 90 m, the Narmada Bachao Andolan filed a writ petition in the Supreme Court. The direct challenge was that of the fundamental right of the tribal's, who were being ruthlessly displaced, for a project which was not for the benefit of the people at large as well.

It is pertinent to note that, the court was faced with the issue of a conflict of Fundamental Rights of the Development Induced Displaced person and the national interest in building, the dam. The court observed that the right to life does include the right to shelter and similarly Article 19 also guarantees a similar right to habitat and residence. But both the rights are not absolute and are subject to reasonable restrictions.

Thus viewed, the human right of the tribal's is not violated, just because they are displaced from their habitat because of the dam, so long as they are rehabilitated in new sites, in better amenities and decent standard of life. The Supreme Court had a report before it, from impartial authorities that the State of MP was slacking in the rehabilitation work and many oustees were rendered homeless leading to other complicated problems. But still, without staying the construction of the dam, the SC gave time bound direction to the States to carry out the rehabilitation.

It is worthy to note that the apex court may have had its own limitations to stay the entire construction of the Dam, but due to its review of the entire matter, the rights of the project-affected displaced group's vis-à-vis rehabilitation and resettlement gained judicial recognition. This is of peculiar significance as their right to rehabilitation and resettlement is still not traceable to a law and as such to corresponding duty to rehabilitate the project affected persons prior to displacement, can be traced legally on the state.

Pertinent to note that the core rights like right to be informed, right to prior consultation and participation in decision making etc. were not the subject matter of discussion before the apex court in the present proceedings. The Apex Court's decision has been attacked with scathing criticisms by the anti-Dam activists. The Court had refused to stay the further raising of the height of the Dam and waited for the report of the oversight group constituted by the PM, to report back on the status of R & R of the people displaced at the new height of the Dam.

Stressing the *pari passu principle* too far, the Apex Court almost refused to intervene as there is an onsite committee to monitor the R & R the activists argue that, this stance has diluted the earlier verdict of the Apex Court and the unequivocal term of the NWDT Award that, the lands

---

<sup>32</sup> *Narmada Bachao Andolan Vs. Union of India* (2000) 10 SCC 664.

should be allotted to the Development Induced Displaced person at least one year prior to submergence and the rehabilitation should be complete at least six months prior to submergence.<sup>33</sup>

In *Karnataka Industrial Areas Development Board Vs. C. Kenchhappa and others*.<sup>34</sup> While assessing the validity of acquisition of land for a development project, the court relying upon the principle of sustainable development, insisted on a compulsory clearance by the Ministry of Environment. This Court observed that before acquiring a piece of land for development, its impact upon the environment and ecology should be assessed beforehand.

It is submitted that, in the same analysis, the impact of the acquisition on the people and their social fabric should also be made imperative.

#### IV. CONCLUSION

The first area of consensus required is the very understanding of displacement induced impoverishment. By it we mean the deterioration in their status as individuals and communities after displacement, not their economic status prior to it. In defining it we go beyond the economic factors, particularly of the formal type, which those inclined to justify displacement use as the sole criterion. They calculate losses and gains on the basis of monetary income alone, and conclude that the status of the Displaced Persons has improved after displacement since in many cases their monetary income rises.

We have studied in this paper the nature of benefit-sharing in development projects and obstacles to it. Based on this understanding we have searched for new approaches to rehabilitation. The examples given show that the Displaced Persons need something more than economic support for resettlement. Their social systems have to be rebuilt. They need self-confidence which they cannot acquire if they are treated as people without rights. Even when a fairly good economic resettlement scheme exists, to cope with the changes they need transition that builds up their self-confidence and skills required for the new situation.

Past experience also shows that one cannot speak of either displacement or rehabilitation as a onetime event. They are two important parts in a long process that begins much before physical displacement and ends many years after resettlement. So for rehabilitation to be meaningful, one has to begin by questioning the very decision-making process about displacement. Otherwise the future Displaced Persons are forced to depend on rumors spread by those who want to acquire their assets and get the benefits that are their due. The insecurity that absence

---

<sup>33</sup> Ramaswamy Iyer, *Narmada, Abandoning the displaced-dams, rivers and people* (6<sup>th</sup> edn May 2006).

<sup>34</sup> *Karnataka Industrial Areas Development Board V. C. Kenchhappa and others* (2006) 6 SCC 371.



of information generates is an important step in the process that results in their marginalization. New approaches have, therefore, to be found to rehabilitation. The main feature of an alternative in rehabilitation is that it ensures that the benefits reach the Displaced Persons/Development Induced Displaced Persons that their right to total rehabilitation is recognized, and they are helped to rebuild their self-image as human communities with a right to a life with dignity. It has material components such as jobs, a share in the ownership and product of the project and replacement value for compensation.

While these steps are an integral part of this process, basic to them is an ideology of people's development and an understanding that the benefits are tools of a counter-process meant to help them to get over the negative consequences of the dehumanization set in motion by their displacement. The alternative should, therefore, begin with the decision concerning the projects, continue through all its stages like identification of the Displaced Persons and assets to be acquired, criteria for compensation and transition to a new life. Its objective is their economic and social self-reliance and psychological self-confidence. The basic issue is their right to total rehabilitation that results in a better lifestyle after displacement, because they pay the price of development. Thus rehabilitation is not a welfare scheme planned by the project authorities but a right of the Displaced Persons/Development Induced Displaced Persons.

It is the duty of government to provide suitable environment to all for development of the society so the government should always create a situation where no one losses. The policy of government for the compensation, Rehabilitation and Resettlement has failed due to the lack of efforts of the government. For a fair compensation, market value of the land has to be assessed and in our country we are relying on outdated land records and the corruption has added to the problem which makes difficulty to assess the actual price of land and hence it becomes difficult to arrive at fair compensation. The compensation provided by the government is proper but is very less against the value of land. The process of obtaining the award is unnecessarily lengthy and in the interim affected groups is effectively uncompensated and landless. Another problem is the act presumes there is no unwilling seller and goes on to acquire land it does not find another way or alternative to it. There can be many reasons behind such unwillingness like sometimes people get influenced by the political parties and NGOs for not surrendering land to the government even the purpose behind the government is for achieving greater good and for the interest of Society. There will be protests and agitations against the acquisition until and unless a transparent and fair mechanism is provided. The legislators must not misuse their power to do things indirectly for the grain of private interest.

## **V. SUGGESTIONS**

In line with the major findings and conclusion of the study, the Researcher gives the following suggestions to remedy problems involved in the phenomenon of development induced displacement:

1. Enactment of law which could make land titles clear
2. When they do not accrue the benefits of the projects the State must accept complete responsibility of compensating and rehabilitating them on a long-term basis.
3. A proper mechanism for Land Pooling and approved planning for urbanization so that a win a win situation can be achieved for both state and the land loser.
4. Restoring the provision for 'return of unused land' so that if it remains unused then the government cannot sell it to private companies. Though there is provision for providing profit of the sale to the owner but the land will benefit more the land owner and it will make the process more transparent.
5. States should fully explore all possible alternatives to any act involving forced eviction.
6. States should ensure that adequate and effective legal or other appropriate remedies are available to any persons claiming that his/her right of protection against forced evictions has been violated or is under threat of violation.

India is proclaimed to the policies of a welfare State. The preamble to the Constitution coupled with the Directive Principles of State Policy, carve out positive obligations of a welfare State. The issue of development induced displacement is rapidly growing in India, as is the need for infrastructure to cater the growing population. The rural population, which is hard hit in case of development induced displacement, should be so strengthened in terms of literacy, awareness and vocational training, that they should be able to resettle themselves even after displacement. The researcher is not opposed to the idea of Development, what is needed is an approach to development from the perspective of Human rights and the Declaration on the Right to Development.