

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 7 | Issue 3

2024

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Right to Fair Compensation and Transparency in Rehabilitation and Resilience

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ABSTRACT

The right to fair compensation and transparency in land acquisition, rehabilitation and resettlement act, 2013 brings an important change in the Indian policy regarding land purchase for development project. The main features of the act are discussed in this article, including demands on consent, reasonable compensation, societal effect studies and through the settlement and rehabilitation plans. It also looks at the challenges faced in putting the act into practise and its effect on communities that have been displaced although it has a progressive foundation, its effective use is restricted by practical issues like valuation gaps and bureaucratic delays. To guarantee that the act is successful in promoting fair and equitable development. The article ends with recommendation for improving institutional capacity, simplifying procedures, increasing transparency, in community engagement and putting up strong monitoring measures.

Keywords: *Fair compensation, transparency, land acquisition, rehabilitation and resettlement, equitable development.*

I. INTRODUCTION

In India, the issue of displacement and relocating arises from development that has drawn significant attention in the past few years highlighting the dispute between social justice and economic growth, communities that are transplanted because of urbanisation, industrial growth and infrastructure development often suffer severe lifestyle disturbances to fully tackle these issues. The ancient land acquisition act of 1894 which was frequently dismissed for its uncertain and restricting methods was to be substituted with this legislation. The goal of the 2013 act is to guarantee that the procedure of acquiring land for growth initiatives is done in a way that is both ethical and legally correct³. It acknowledges the economic consequences of relocation by focusing on giving land owners and those dependent on fair compensation. The main primary feature of this act is that this act focuses on equal treatment and openness. Before any land get acquired, the social evaluating impact assessments must be performed out. These studies ensure

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³ Mitra, A. (2022, April 21). Right to Fair Compensation and Transparency in LARR Act, 2013. Law Corner. <https://lawcorner.in/right-to-fair-compensation-and-transparency-in-land-acquisition-rehabilitation-and-resettlement-larr-act-2013/>

that every impact taken into account are reduced by evaluating the possible effect on the social and economic well-being of the communities affected. The Act provides people the ability to participate in decision that directly affect them by obtaining the approval of a significant number of the affected land owners before moving forward with acquisition for commercial purposes⁴.

There are difficulties in putting these provisions into practice. The land acquisition procedure can often be slowed down by procedural problems and bureaucratic obstacles. Land valuation variation could give rise to disputes because landowner expectation may not always correlate with the determined market value. The strong corporation among various government organisations is necessary to provide effective rehabilitation and resettlements⁵. Despite these challenges, the 2013 act is a step in a positive way towards striking a balance between the right and the welfare of displaced people and the demand of development the act aim to reduce the negative effect of economic development on population at risk by offering a clear legal framework that places an importance on just compensation and effective relocation. To guarantee that the provision of this act are carried out effectively, it would be important to improve institutional capacities, reduce procedural requirements and encourage greater community participation.

(A) Historical context

The land Purchase Act of 1894 which was passed by the British government. This act is an essential component of the historical background of the land purchase in India. The main objective of this act was to enable the development of infrastructure and economic exploitation carried out by the colonial government. The act gave the government product authority to buy land for public uses⁶. Frequently with minimum consideration for the rights and means of existence of those affected communities and land owners. This led to suffer significant dissatisfaction and resistance among the native populations.

Post independence India began a rapid process of industrialization and economic growth, requiring large scale land acquisition for various kinds of projects such as the construction of highways, dams, urban growth and industrial areas. But these procedures continue to be regulated by the old land acquisition act 1894 at and its weaknesses became increasingly

⁴ Mahawar, S. (2022, November 26). The Land Acquisition Act, 2013 - IPLeaders. iPLEaders. <https://blog.ipleaders.in/the-land-acquisition-act-2013/>

⁵ PWIAS. (2023, November 3). Land acquisition in India - Legal framework and challenges - PWOnlyIAS. PWOnlyIAS. <https://pwnonlyias.com/editorial-analysis/land-acquisition-in-india/>

⁶ Sinha, K., & ** Singh, N. (2016). LAND ACQUISITION IN INDIA: HISTORY AND PRESENT SCENARIO [Journal-article]. JOURNAL OF LEGAL STUDIES AND RESEARCH, 21–23. <https://thelawbrigade.com/wp-content/uploads/2019/05/Kritya-Neha-Singh.pdf>

apparent. The Act has been criticised for being overly strict, providing insufficient compensation and having inadequate resources for the resettlement and rehabilitation of the displaced individual. Many instances of social injustice and violence resulted for the government ability to forcefully take or seize land without the consent of the affected people. Millions of the people were displaced by India's development programme in the second decade of 20th century. Leaving many of them disadvantaged and underprivileged. It was clearly apparent that the 1894 act was insufficient in addressing the economic effect of resettlement, along with the acts compensation frequently being below market value. There were no legislative requirements demanding the successful rehabilitation or resettlement of the displaced individual. Civic society and communities that were impacted by the national rehabilitation and resettlement policy of 2007 were among seven groups and communications that highlighted the need for new laws and regulations to guarantee sufficient rehabilitation and justice compensation for individuals affected by development projects. This act was developed as a consequence of these political and social factors and the awareness that a more equivalent transparent system of land acquisition was needed. The 1894 acts passed in India were meant to solve with this law, resulting in demand for social impact assessment, fair market value reimbursement and comprehensive rehabilitation and resettlement programmes. The 2013 act seeks to strike a balance between the Liberty and the welfare of the communities that are impacted and the needs of development, marking an important step towards an equitable approach. The history of land acquisition in India can be seen as moving from dictatorial colonial framework to one that is more democratic and which is based on rights. In response to the long standing concern and structural problem associated with the 1894 Act, the Act of 2013 was created with which represents India's growing commitment to social justice and sustainable development.

II. NEED FOR LAND ACQUISITION, REHABILITATION AND RESETTLEMENT (LARR) ACT, 2013

The LARR Act, 2013 Act was an essential substitute for the colonial law. Although the Land Acquisition Act of 1894 was amended multiple times, it was still highly antiquated. There was no specific legislation for the type of rehabilitation and resettlement but made possible by the LARR Act, 2013 before it was passed⁷. The rehabilitation and resettlement of those people who

⁷ Wikipedia contributors. (2023, September 26). Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Wikipedia. https://en.wikipedia.org/wiki/Right_to_Fair_Compensation_and_Transparency_in_Land_Acquisition%2C_Rehabilitation_and_Resettlement_Act%2C_2013#:~:text=The%20Act%20has%20provisions%20to%20provide%20fair%20compensation,Land%20Acquisition%20Act%2C%201894%20enacted%20during%20British%20rule.

were displaced as a result of the State purchasing their land was made possible by the LARR Act, 2013. It was also made possible to make provisions for equitably compensating those mentioned above for their lost means of subsistence.

(A) Key Provisions of the Act

The most significant modification to the laws governing land acquisition in India is the right to fair compensation and transparency in land acquisition rehabilitation and resettlement at 2013. This act aims to address the drawbacks of the previous legislation through the introduction of multiple significant components aimed to guarantee justice, accountability and transparency in the process.

1. Fair Compensation

Insuring landowners receive just compensation is a fundamental aspect of the act. According to the act, acquired land must be compensated at least twice the market value in urban areas and four times the market values in rural areas. With the help of this provision, landowner must be fairly provided compensation for their losses corresponding with the actual financial worth of their property. The goal of the substantial increase in compensation rates is to reduce the financial burden of relocating and to make up for previous injustices when landowner were frequently not even adequate compensation. The goal of the provision is to create a more equal framework that more equally shares the advantages of the progress.

2. Social impact assessment

Social impact assessment the obligation for a social impact assessment before any property acquisition is another important condition. A comprehensive procedure described as the SIA. It examines the potential of social and economic effects of land acquisition on the populations affected in order to determine the level of dislocation and specific needs for rehabilitation, entry settlement. This evaluation includes comprehensive discussion with stakeholders including families who have been affected. The SIA represent helps with determining possible negative consequences of land acquisition and creates plan to mitigate these effects. The SIA makes sure that development projects do not disproportionately harm communities that are disadvantaged and that the benefit of development are shared equitably by taking into account all possible impact on society.

3. Consent Requirement

Another important element related to community approval is introduced by the act. This act 70% of affected land owners must give permission to public private partnership project. 80% of

affected landowner must consent to private project Local community members are empowered by the this provision, since it gives them an important role in the decision making process⁸. By guaranteeing that land acquisition cannot move ahead without the approval of sizable majority of the impacted community, it reduces the possibility of forced relocation and possible disputes. The goal of the concept requirement is to ensure that development projects are carried out in a way that is agreeable to the local population and to them prioritisation of the land acquisition process by encouraging greater community engagement

4. Rehabilitation and Resettlement(R&R)

The comprehensive structure for the rehabilitation and resettlement of displaced families is provided under this act. It needs the provision of alternative land, housing, jobs and other essential so that those affected can reconstruct their lives in a safe and descent manner. Certain benefits, such as funding for home construction, utility discounts and access to health care and educational institution, are provided in the R&R Provision. This initiative have the goal to help displaced individual intricate socially and economically into new communities, while resolving the many issues they face. The comprehensive framework aims to provide displaced families, comprehensive help, ensuring that they receive not only financial assistance, but also the resources required to restore their means of survival

5. Transparency and accountability

Transparency and accountability are essential to the Acts implementation. The app requires the creation of land acquisition rehabilitation and resettlement authorities at the both state and central level in order to ensure compliance and manage complaints. These authorities are in responsibility of managing complaints, monitoring the act execution and ensuring the right of impacted families are respected. Transparency in every stage is ensured by the act which requires the disclosure of information on the purchase of land compensation and resettlement plans By establishing confidence between government official and impacted communities, this clause aims to reduce tension and increase the legitimacy of the land acquisition process By ensuring that all interested parties have access to relevant data, the transparency measures encourage accountability in the implementation of development initiatives and enable well informed decision making In general, a more equal and open framework for land acquisition in India is introduced by the act of 2013. In order to ensure that land acquisition is done in a fair, transparent and Justice manner, it seeks to achieve a balance among the needs of development

⁸ Banerji, O. (2021, October 8).The right to fair compensation and transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 - iPleaders. iPleaders. <https://blog.ipleaders.in/insights-into-the-right-to-fair-compensation-and-transparency-in-land-acquisition-rehabilitation-and-resettlement-act-2013/>

and the rights and well-being of those population who are affected though the enforcement of strong safeguard and addressing the historical weakness of the previous legislation. The act seeks to promote social fairness and sustainable development.

III. CHALLENGES IN IMPLEMENTATION

The right to fair compensation and transparency in land acquisition rehabilitation and resettlement act, 2013 includes numerous progressive pictures But there are a number of significant challenges that need to be solved before it can be put into effect. The act intended role of adequate compensation Open processes and fair rehabilitation for communities that were impacted are limited by these obstacles.

1. Delays and bureaucratic hurdles

The bureaucratic intricacy of the 2013 act is one of the main obstacles to its implementation. It takes a lot of effort and complication to carry out the social impact assessment. Get the necessary authorization from affected landlord owners, and make sure that the specific rehabilitation and resettlement requirement are followed Stakeholders, conversation, collecting information and extensive field work are all necessary for SIA which may be resource and technically challenging. The process is further postponed by the requirement for multiple ground of discussion and talks to obtain agreement from 70 to 80% of the impacted land owners. In addition, the administrative structure associated with land acquisition, including multiple state and federal government organisation frequently lacks the capability and coordination required for the efficiently handling these tasks, despite having the goal to protect the rights of those affected. These procedure limitations can causeway major delay in project execution, which disturbs programmers and the affected groups.

2. Discrepancies in Valuation

Establishing the fair market value of a property is an additional challenging task that is frequently Add issue and full with inconsistencies According to the act, compensation must be at least twice the market value in urban area and four times the value in rural area. The majority of the Times land owners believes their land is worth more than the estimated value. Emotional connexion, future value, expectation and comparison with compensation received by other individual in different situations. Frequently impact these judgments Land owners expectation and their understanding of market conditions might not always align with the measurement and the benchmark used by government appointed individuals throughout the valuation procedure. These discrepancies have the potential to causeway disagreements, legal problem and objection from land owners, which could hamper the complicate the buying process.

3. Inadequate rehabilitation and resettlement R&R measures

The actual carrying out of these procedures frequently comes short, although the fact that the 2013 act described R and R measures mean to assist displaced household with alternative land housing employment prospect and other necessary facilities. Many issues, such as inadequate fund, lack of coordination among individual among implementing agencies and insufficient monitoring and enforcement measures, are blamed for this shortage Funds needed for effective R&R might not always be available due to state and federal funding restriction. Corruption and bureaucratic inefficiency can prevent funds from being utilised properly, even after they are allocated⁹. Additionally, there are, there can often be a lack of coordination between the several government organisations that governs various aspect of R&R resulting in a disorganised and ineffective execution. These problems get worse by inner sufficient accountability and oversight systems which prohibit displaced individuals and families from getting all of the benefits and support that the act provides. Therefore, many displaced people remain in dissatisfied as the stated goals of re assembling lives with dignity and security are not fully accomplished.

4. Resistance from projects proponents

The stringent rules of the 2013 act are frequently criticised by developers and project supporters who claim that these regulation increase project cost and restrict economic progress. Higher pay rates, extensive procedural requirements and necessary vacation and recovery measures are seen as financial burdens that have the capacity to greatly raise project cost large scale infrastructure and industrial project where land acquisition cost account for a sizeable portion of the overall budget, are where the resistance is more noticeable. Producer claim that project become less attractive or financially unsustainable due to increasing cost and long legal processes which impacts on investment and economic growth. This point of view may result in effort to damage the goal of the act by promoting for changes to its provisions, or by aiming to get around them through the legal and political system. The act of 2013 represent a significant step forward in ensuring fair and Justice treatment of landowner and displaced communities. However, its implementation faces several challenges that need to be addressed to realise its full potential. Streamlining bureaucratic processes, ensuring accurate and fair land valuation. Effectively implementing R&R measures and balancing the need of development with the right of affected communities are critical to overcoming these challenges, addressing these issues will require concerned efforts from the government, civil society and the private sector to ensure that the

⁹ Kumar, N. a. P., & Mishra, N. P. A. (2023). Resettlement and rehabilitation in India: issues, methodologies, and lessons learned. *International Journal of Advanced Research in Science, Communication and Technology*, 52–55. <https://doi.org/10.48175/ijarsct-11611>

goals of the act are achieved in a manner that promotes equitable and sustainable development

IV. PROSPECT FOR IMPROVEMENT

- i. *Opportunities for development-* A variety of action can be created to ensure the successful implementation of the right to fair compensation and transparency in land acquisition, rehabilitation and resettlement at 2013 and solve the issues around his execution. The method mentioned above have the goal to improve institutional capability, enhance procedures, increase transparency, promote involvement in the community and establish resilient evaluation and tracking system¹⁰.
- ii. *Increasing institutional resilience-* Building the capacity of the group in charge of land acquisition and rehabilitation and resettlement. R&R is one of the crucial stacks towards improving the execution of the 2013 act. This involves
- iii. *Sufficient staffing:* Maintaining that the organisation have the sufficient number of skilled employees who are capable of handling the complicated details of the R and R and the land acquisition methods. Recruiting specialist online value, social impact evaluation and involvement in the community is also the part of it.
- iv. *Training and development:* maintaining staff members informed about regulation best practises and advancement in technology requires frequently training and development programmes. People will be able to perform their jobs more effectively and effectively as a result.
- v. *Resource allocation:* It is essential to provide these organisations with sufficient financial and technical resources. This involves making financial investment in modern technology, such as geographic information system to Accurate land mapping and review, as well as making sure there are sufficient finances for compensation and rehab measures.

(A) Streamlining processes

bureaucratic challenges and hold ups in the land purchase process can be significantly reduced by simplifying and streamline in the processes. Important area of focus consist of-

- *Analysis of social impact:* The process can be speed up by creating uniform and effective procedures for performing social impact assessments. This includes collecting and

¹⁰ Banafa, A. (2023, April 3). *Prospect for improvement: transparency in rehabilitation and resilience* | OpenMind. OpenMind. <https://www.bbvaopenmind.com/en/technology/digital-world/transparency-in-rehabilitation-and-resilience/>

evaluating data using technology tools which may speed up and increase accuracy of the processes. *Consent procedures:* Time can be conserved by simplifying the procedure for getting impacted owners' agreement. This may include providing land owners sufficient knowledge and support to enable them to make informed choices, as well as defining specific requirement and timelines for consent procedures.

- *Compensation distribution:* Digital payment method may speed up the compensation distribution process and ensure quick and transparent payment to impacted parties. This reduces the possibility of corruption and delays.

(B) Improving transparency

Enhancing transparency in the property purchase procedure is essential for developing trust among consumer and ensuring responsibility some of the actions that will enhance transparency are¹¹-

- *Using technology:* creating web portals where all the land acquisition traded information, such as SIA, pay schedules and R and R plans, is available to the public in general This ensured that the process is carried out transparently and allows participants to monitor the progress.
- *Sharing of information:* ensuring that everyone who has been affected is aware of their rights. The procedure, involvement in obtaining land in the amount of compensation to which they are eligible. Online interaction, brochures and community gathering can all be used to achieve this.
- *Third Party inspection:* Frequently carrying out third party audits of the land acquisition process to make sure that the act provision are being followed and to identify any problems or area that need improvement.

(C) Participation in the community

The act of 2013 can't be effectively carried out unless there is substantial participation with the affected groups. This includes

- *Participatory approaches:* Such as including community people in the process of planning and making decision are included in this. Public consultations, surveys and local advisory board may all help to achieve this.

¹¹ Espinosa, C., & Espinosa, C. (2024, February 28). Enhancing transparency is the property purchase procedure - Blue Goat Cyber. Blue Goat Cyber. <https://bluegoatcyber.com/blog/a-guide-to-Enhancing-transparency-is-the-property-purchase-procedure/>

- *Ongoing conversation:* To quickly address of its end concerned the authentic show as tablet's ingredients channel of communication with the local population. In addition to making sure the needs and goals of these who are infected are properly made, this bit trust.
- *Developing capacity:* Providing communities the knowledge and skill that they need to take an active role in the R and R and then acquisition processes. Project management, negotiating techniques and legal rights are all deal with this program.

(D) Monitoring in evacuation

To guarantee complaints and identify area in required development. In fact, its process for monitoring and evaluating the application of R and R initiatives are essential. This includes-

- *Establishing monitoring organisations:* Establishing independent oversight agencies to monitor the acts implementation at both the state and title level. These groups need to be able to carry out examinations Examine records and if needed, take collective measures.
- *Regular assessments:* Evaluating the effectiveness and effect of R&R accesses on a regular basis. This involves collecting data from web 10 populations and implementing it to provide the necessary modifications.
- *Performance indicators:* Establishing clear performance indicators for evaluating how well R&R initiatives are going. These metrics needs to include a range of topics, including Tim or India evaluating our initiatives are going the matrix needs to include a range of topics, including timeliness, Fair compensation, affected people's satisfaction and the socio-economic effect of relocation.

V. CONCLUSION

An important steps forward in detecting the rights of the machine displaced population is the right to fear compensation and transparency in land accusation of rehabilitation and the settlement at 2013 in order to address the decades, whole issues with land purchase under the British colonial land purchase acts of 1994 which frequently ended in arbitrary unfair and secretive method. This modern legislative legislation came into effect through a number of significant provision that guarantee a more invalid and humanitarian method of land acquisition. The 2013 ad solves these problems The act aims to provide land owners adequately and embers land for the land they purchase by establishing fear compensation standards. This particular provision is particularly significant in the ruler of communities, where land office serve as a

means source of income in order to ensure that the blind owner receive a decent payment, which did blend and it is significant through their livelihood. It is specified that the payment must be of the minimum of four times the market value in rural areas, double in urban area But the technique provides land monitoring cushion for the yacht department It is reducing the financial impact of displacement a social network assessment has been essential when analysts obtain holding at the potential event Now we can social well be affected. RKC address is the social impact assessment. It helps to determine the degree of displacement in the socioeconomic status in the population and the measures required for the recommendation that inhabitations.

SIA supports an inclusive strategy by ensuring that the viewpoint and the worries of those affected are recognised and taken into consideration by incorporating community members in the process of evaluations. The law authorization needs to increase community participation even more. 70% of affected main donors must keep permission to public, private partnership project. 80% of connected land only must agree to private projects, providing everyone an interest in the land acquisition process gives individual assets of importance. While ensuring that projects get forward without permission of majority of the individual affected their rights and prevent forced acquisitions. Another crucial component of the at this book, comprehensive framework and rehabilitation and resettlement. It explains that how alternate land housing jobs and other essential are meant to provide for families that have been affected. The goal of this comprehensive approach is to allow those effected and their families to rebuild their lives in a safe and respectful manner.

By addressing the economic and social implications of Displacement, the R&R regulations help maintain social stability by reducing adverse impacts. The act primary principles are transparency and accountability to deal with complaints and guarantee implementation to the acts conditions. Land acquisition rehabilitation and resettlement authorities have been created at both the federal and state levels. By functioning as watch dogs, these organisations make sure that the land acquisition process is carried out in an honest and equal manner. Inspection by the public and transparency can be made possible by the requirement of releasing information about land acquisition and compensation, which further improves transparency. The 2013 act will be challenging to put into effect even with Advance provision Due to the complex and lengthy processes associated with performing SIA, gaining authorization and ensuring compliance with R and R rules and regulations, delays and administrative challenges frequently arise Communities that are affected and the projects supporters will become uncertain because of these delays that have a chance to stop significant construction projects. Differences in the evaluation of land constitute further major challenge, establishing fair market value can be a

challenging task, variation in the value of the property and owner expectation may lead to lead to objection and conflicts.

Although The Acts comprehensive provision limited monitoring a task, a lack of administrative coordination and limitation on resources frequently stop these blizzards from functioning as planned. This may prevent Families that were affected from getting the support and facilities to which they are legally entitled, undermining the acts purposes. Another obstacle is objections from supporters of the project and developers. A number of measures are required to overcome these problems and ensure the acts effective execution That is essential to post institutional capacity by providing adequate staffing, training and resources. Administrative challenges and hold ups can be avoided by maintaining procedure for performing SIA, getting consent and collecting compensation, simple and effective using technology to create open and easily available channels for sharing knowledge. Increase public trust and responsibility.

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