

The need for the setting up of a National Commission on Displacement, Resettlement and Rehabilitation

The presumption that displacement is an inevitable consequence of all development efforts needs to be reassessed in the light of the enormous cost of human suffering in the implementation of such projects. The compulsory acquisition of land by the state forcibly uproots and displaces people, forcing them to give up their homes, assets, means of livelihood and vocations and to reside elsewhere and start their life all over again. It has been an important reason for pauperisation of affected families, frequently leading them to a state of shelterlessness, loss of livelihood and assetless destitution. That in the past there has been grave injustice to the people and communities compelled to sacrifice for development projects is today known and widely accepted. And yet, on the ground, the situation remains in many fundamental ways unaltered. The enormous avoidable trauma of the people of Harsud is only the most recent example of continued state unaccountability in displacement. It is important that people be placed at the centre of the processes of development.

The projects displace sometimes lakhs of people through submersion of their lands, or acquisition of their properties for project sites, or change of land use patterns of the affected lands. Almost invariably, there is a degeneration in their lives and they are forced to become migrant labourers or urban slum dwellers. Apart from depriving them of their lands, livelihoods and resource-base, displacement has other traumatic psychological and socio-cultural consequences as well. The displaced persons often end up as beggars, vagrants and sex-workers. The need to avoid such large-scale displacement, particularly of tribals, and in cases of unavoidable displacement, their comprehensive resettlement and rehabilitation, has become one of the central issues of the developmental process itself.

Cash compensation for loss of assets is the main mode of compensation known to the law. There is little concern for, or awareness of, the problems of the total and profound deprivation of livelihoods, habitat and way of life that the projects so often cause. It needs to be recognised that the system of paying cash compensation alone does not, in most cases, enable the affected families to regain cultivable agricultural land, homesteads and other resources which they are compelled to surrender to the state. Most such families fail to acquire new means of livelihood out of the compensation awarded, or out of their own resources. The problem is even more acute for persons who are critically dependant on the acquired assets and on local resources and spaces for their subsistence livelihoods, but who have no legal title to them, such as landless agricultural workers, encroachers, tenants and artisans, because their distress and destitution is not severe, yet they are not in the majority of projects eligible even for cash compensation.

The issue involves constitutional norms and human rights. On the one hand, the large majority of developmental projects raise questions of equity, fairness, justice and equality before law, in the matter of distribution of benefits and burdens. On the other hand, the sufferings, agonies and deprivation of displaced humanity contravene the very right to survival, not to mention the basic right to live with dignity.

It is indeed tragic that for more than half a century of planned development in India there is no legally enforceable rational policy on displacement, resettlement and rehabilitation and a Commission to enforce it. A recent policy announced by the outgoing central government facilitates displacement more than secures the rights of the affected people. There have been objections raised against this policy by many groups affected by it.

The only law that exists for compulsory acquisitions of land is the colonial Land Acquisition Act. This act gives overwhelming powers to the state to acquire land, but deprives people losing their shelters and livelihoods of their basic rights including those of survival.

It is therefore proposed that the National Advisory Council recommend the constitution of a Commission/Commissioner on Rehabilitation for the displaced. This Commission could propose within a period of three months a legally enforceable national policy on land acquisition, displacement and rehabilitation, with powers to oversee its implementation.

The terms of reference of the proposed commission should include suggesting laws and policies with the following objectives

- i) Amendments to existing legal provisions for compulsory acquisitions of land, to make these more just and transparent
- ii) To minimise displacement and prevent state-sanctioned impoverishment of people on account of compulsory acquisition of land, for the state, or multinational or national corporate and commercial interests, leading to loss of livelihood and shelter, through a legally enforceable Resettlement and Rehabilitation (RR) Policy.
- iii) To search for non-displacing or least displacing alternatives to people displacing projects;
- iv) To ensure that norms are established to be carried out before initiating the eviction of any people, whether in cities or rural areas and from slums or forests.
- v) To ensure that the packages for RR are equitably distributed in a manner which ensures highest relief and protection to those most vulnerable, including tribals, scheduled castes, landless labourers, artisans and small and marginal farmers, including providing reasonable protection to their loss of livelihood and productive assets, dwelling and habitat, so as to ensure that displaced and adversely affected families achieve a standard of living always superior to the one before their displacement and, in any case, have a sustainable income significantly above that prescribed as the poverty line

- vi) To enable affected communities to assess and react in an informed way about the stated public policy, and all other aspects of any project the proposed public interest the necessity of displacement and acquisition proposed by state authorities including ecological and human impacts proposed benefits and the rehabilitation package;
- vii) To ensure that all matters related to displacement and rehabilitation will be conducted in a transparent and consultative manner, with effective modes of enforcing redressal and accountability.