

Original Paper

Rehabilitation and Resettlement Policy and its Implementation: A Case Study of Indira Sagar Project in Andhra Pradesh, India

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Abstract

After Independence to achieve rapid economic growth India has invested in various development projects to create new infrastructure. This has been made possible through massive acquisition of land for various development projects in the country. Development projects, such as hydropower, irrigation dams or mines, trigger forced population displacement. Number of people who have been displaced due to development projects are between 60-65 million. Of these displaced, over 50% are tribals. The High Level Tribal Committee Report 2014 reveals that tribal people are the worst sufferers by development projects, when compared to others. It is largely this group that is paying for the development of India. A majority of the displaced people have not been properly resettled or given adequate compensation. Improper implementation of rehabilitation and resettlement policy fail to resettle people sustainably and instead cause their impoverishment. With the above backdrop, the present paper discusses the issues related to implementation of rehabilitation and resettlement policy in India and united Andhra Pradesh. The paper also makes an attempt to assess and evaluate the implementation of the rehabilitation and resettlement policy of Indira Sagar project. It is an empirical study of Indira Sagar Project in Andhra Pradesh. In-depth interviews and focus group discussions tools were used to collect data from displaced community and with government officials. Research findings revealed various impacts experienced by households economically and socially.

Keywords

irrigation dam, displacement, tribal people, resettlement, compensation, impoverishment, rehabilitation and resettlement policy

1. Introduction

After Independence to achieve rapid economic growth India has invested in various development projects to create new infrastructure. This has been made possible through massive acquisition of land for various development projects in the country. Development projects, such as hydropower, irrigation dams or mines, trigger forced population displacement. Number of people who have been displaced due to development projects are between 60-65 million. Of these displaced, over 50% are tribals. Land in tribal areas is acquired for various development projects of national importance. This makes the tribal people vulnerable to dislocation from their habitats. More often than not, the displaced populations are not rehabilitated properly. The problem exists because both, the Rehabilitation and Resettlement policy as well as its implementation are not satisfactory. The Resettlement policies have been criticized for not being consistent; the compensation and support levels vary from project to project, leading to differing perceptions of various benefits among affected persons.

The High Level Tribal Committee Report 2014 reveals that tribal people are the worst sufferers by development projects, when compared to others. It is largely this group that is paying for the development of India. A majority of the displaced people have not been properly resettled or given adequate compensation. Improper implementation of rehabilitation and resettlement policy fail to resettle people sustainably and instead cause their impoverishment.

2. Indira Sagar Project

There are 185 numbers of large dams under Major, Medium & Minor Irrigation sectors in the State of Andhra Pradesh that are constructed in the river sub-basins of *Krishna*, *Godavari*, *Penna* and other minor basins spread over the districts of AP. The Government of Andhra Pradesh in the year 2004 it embarked on a *Jala Yagnam*, water prayer, campaign to construct as many irrigation facilities as possible for the struggling farmers during its five-year term in power. Construction of irrigation projects is taken up on a massive scale in Andhra Pradesh (Roy, Arundhati, 1999). Twenty six major and medium irrigation projects are taken up for execution. Out of this, 8 projects are programmed to be completed within 2 years and the balance 18 projects within 5 years. In addition to these 26 projects, it is proposed to construct several other major irrigation projects like *Polavaram*, *Pranahitha* and *Chevella*.

The Indira Sagar (known as Polavaram) project is a major multipurpose irrigation project which is constructed on Godavari River, close to Ramayyapeta village of Polavaram mandal in West Godavari district, Andhra Pradesh. The Indira Sagar Project is the most awaited major irrigation project for many decades. Most Central and state-based political parties have given priority to construction of this project across the Godavari River. The construction of Indira Sagar dam is a political and controversial issue involving political parties, civil society organizations, independent researchers and NGOs. Though, many people are agitating against it and there is much opposition but finally work on the

project has gained momentum in the year 2004. The Andhra Pradesh State Re-organization Act, 2014 declared the project as a national project in March 2014 (Government of India, 2014).

The Indira Sagar Project (Polavaram) brings misery to more than 2.0 lakh people, by submerging and displacing 276 villages - predominantly tribal villages in an area of about one lakh acres including forest land. To know the magnitude of displaced people and the implications of rehabilitation and resettlement policy, an empirical study conducted in East and West Godavari district. The fieldwork of research was conducted in February 2015 and continued till May 2015. The second phase of the fieldwork was conducted in November and December 2015. For the collection of primary data and to reach the objectives of the study, six months of fieldwork conducted in the project-affected area. The study of involuntary displacement is methodologically complex in nature. Therefore, multiple tools and techniques were used to study the various aspects of displacement, and rehabilitation. The following various anthropological tools and techniques were used: observation, informal and formal discussion, household interview, case study, and focus group discussion.

Land Acquisition for Development Projects

Land has been at the centre of developmental actions by the State. Acquisition of land, often by force, for the development projects and public purpose is a major issue across the country and more so in tribal areas. Land in tribal areas is acquired for various projects. There is a high demand for land in tribal areas for development projects, which is considered as one of the main causes of tribal alienation. The State acquires land in the name of public purpose without a compulsory "land for land" provision for rehabilitation of the land oustees. Construction of dams and mining activities, among others, have been the most frequent cause of acquisition of large extents of tribal lands and forced displacement of tribal communities.

The history of legislations for acquisition of lands in India began in 1824. The first legislation of land acquisition was the Bengal Regulation I of 1824, enacted by the British government in India. The law applied to the Bengal province, to obtain land for roads, canals and railways. Later the Presidencies of Bombay and Madras enacted similar legislations.

The first uniform law that had application to the whole of British India was enacted in 1857. After few amendments and replacements, a new Land Acquisition Act 1894 was enacted that was in effect for a long time, until the end of the British regime. This was later adopted by the Indian government in 1948. Land acquisition was done until recently mainly vide the Land Acquisition Act of 1894 (it was amended multiple times, mainly in 1984), which was a British legacy. Arbitrary, outdated, where the expression "public purpose" had not even been defined, such an obsolete Act had been used by the State until the end of 2013 (Koteshwara Rao K, 2018a).

Saxena K. B. (2013) has mentioned that there are several laws; central and state, under which land is acquired. While most other laws confine the acquisition to a specified sector of public purpose such as coal mines, atomic energy, post and telegraph, highways, town planning, bulk of acquisition takes place under the Land Acquisition Act, 1984 which applies to acquisition for any public purpose and also

provides the general structural framework for it. The law was enacted by the colonial government along with the Indian Forest Act, 1965 to have control over natural resources of the country for their commercial exploitation. The acquisition law was continued to be used by the government after independence for diverse developmental activities. This led to the displacement of a large number of people from their land, habitat and livelihood.

The changes made in the Act in 1984 extended its use to acquisition of land for companies, public and private, including registered societies and cooperatives as well, which has enormously extended the scope of acquisition. The shift to a neo-liberal economy and its integration with the global economic order has widened the scale of acquisition of land and accelerated its pace after the 1990s. The enactment of Special Economic Zone (SEZ) Act, 2005 has brought a new dimension to the demand for acquisition of land in terms of area, location, size and geographical spread. Resistance to such acquisition has been spontaneous and widespread and the government has responded with use of force to suppress this.

Acquisition of land for various development projects is evident in tribal areas. It can be well understood in the context of recent major projects such as the Sardar Sarovar (Narmada) and Polavaram projects. For these two projects lands were massively acquired displacing largely the tribals. Though details of land acquisition are not maintained at Central level (for State-level acquisitions) or State level (for district-level acquisitions), available estimations indicate the magnitude of land acquisition in rural and tribal areas. For instance, the Government of united Andhra Pradesh had acquired about 10-12 lakh acres of agricultural lands in the name of development projects in 4 years during 2004-08; it had acquired 1.14 lakh acres of private lands between 2004 and 2006 for the on-going irrigation projects and planned to acquire an additional 43 lakh acres (as per certain sources).

Such massive amount of acquired lands were allotted to private companies/powerful lobbies for establishing industries, special economic zones (SEZs), coastal corridors, mining etc., in addition to acquisitions for constructing irrigation projects by the government (Koteswara Rao, K, 2018a). Land acquisition in the case of Indira Sagar project, 94,357 acres of land is going to submerge for the dam construction, which includes private, public and forest land in the Scheduled Areas, as well as 371 villages.

Rehabilitation and Resettlement Policy and its Implementation in India

In India, before 1980, there was no clear cut policy for resettlement planning. Resettlement plans were based on case by case approach and only a few development projects offered house and infrastructure as compensation to the displaced. After 1980, some sort of policies existed and states defined and adopted their own policies. Before and after 1980s many of the displaced people were not properly rehabilitation. However, India as a whole did not have a national rehabilitation law or policy until the end of 2003.

Absence of Comprehensive Policy

Several studies on resettlement and rehabilitation have revealed that in pre-independence India there

were no well-defined provisions or Rehabilitation and Resettlement policies (henceforth called R&R policies) for resettlement and rehabilitation (R&R) of persons affected due to the acquisition of land. In particular, the Land Acquisition Act 1894, which allowed forced acquisition of land, did not provide for R&R of persons displaced from their lands. Compensation for lands acquired was also very low under this law, as the rates were determined by the Collector/government.

Until 1980, across the globe, there were no policies or framework to address the problems of land oustees affected by development projects. In the year 1980 World Bank became the first organization to formulate policy on involuntary resettlement for any development agency engaged in funding or constructing projects that caused displacement. Further changes were made in the policy in the 1990s after examining and experiencing the works on involuntary resettlement by World Bank's Operations Evaluation Department (WBOED); although its core remained the same.

Other International organizations like the Asian Development Bank and the Inter-American Development Bank have their own policies on involuntary resettlement. However, individual governments have been slower in developing their own policies on involuntary resettlement. (Stanley. J, <https://www.alnap.org/system/files/content/resource/files/main/fmo022.pdf> access on 24/11/2016).

In India, since independence, several developmental interventions such as industries, irrigation, infrastructure and defence have been initiated by the government, public and private sectors. These are aimed at achieving economic growth, improving infrastructure facilities and quality life of the people, but no specific policies or set of rules were formulated either by the central or the state governments to address the issues of displacement of people that took place due to these projects.

In the face of such a human impact the efforts made thus far for the resettlement of displaced persons is utterly disappointing – hardly touching even the fringe of the problem. The approach at best has been ad-hoc, provisional and unprincipled. It varies from State to State, from project to project and from authority to authority and hence no single, uniform, comprehensive common national policy has been adopted. The framework and principles of the only national law of acquisition of property, namely, the Land Acquisition Act, 1894 under which all lands and other properties are acquired for all projects is totally unsuitable to meet the needs of community displacement, compensation for the lost resource-base and livelihood and resettlement. Cash compensation is the only real mode of compensation known to the law (National Working Group on Displacement, 1989, in Walter Fernandes and Thurkral 1989).

The Government was confined to the payment of compensation and construction of houses with the minimum amenities for shifting people to the relocation site, leaving the rest of the affected people to manage through their own efforts. The Government had never been concerned about the welfare of oustees to arrange for income restoration, development of infrastructure, provisions of core amenities and social facilities (Saxena, K. B: 2008).

In the past resettlement and rehabilitation of the displaced people had been based on ad-hoc plans, resolutions and orders, passed for specific states or even projects when the need arose. This resulted in

discriminatory treatment extended to the displaced persons in different places and at different times. On account of the federal nature of the polity, there was also no uniformity in the benefits provided to the displaced persons in central and state funded projects. Thus many of the oustees have not received due compensation benefits. To overcome these issues, the central government advised the state governments to be balanced in allotting the waste land to the oustees.

In 1990s resettlement policies were brought out by Coal India and National Thermal Power Corporation, though they were limited in the framework of resettlement envisaged. There was no national policy which applied to all development projects taken up by the central government or its organizations. There was reluctance, even resistance, to the framing of a national policy despite pressures to this effect from some political representatives and civil society organizations. In contrast to the central government, the states came out with their policies much earlier and, in some cases, even enacted laws for this purpose (Saxena, K. B: 2008).

In India, until 2003 no Resettlement and Rehabilitation policy was enunciated. However some ad-hoc set of rules formulated by central and state governments have been in operation since the 1980s as some states have adopted their own state policies for resettlement and rehabilitation. Particularly, the States of Maharashtra, Madhya Pradesh and Karnataka enacted laws for rehabilitation of persons displaced by irrigation projects in the 1980s. Orissa and Rajasthan formulated similar policies in the 1990s. The state of Gujarat passed several Government Orders for the R&R of the displaced people of Sardar Sarovar Project but the state is yet to come out with a comprehensive R&R policy for the displaced people of various development projects. Andhra Pradesh, Tamil Nadu and Rajasthan have passed several government orders, for R&R of the displaced people due to development projects; most of them funded by the World Bank (Thangraj, 1996 quoted in Fernandes and Paranjpe, 1997).

There were instances of few ministries/ departments and public sector companies of central government having their own policies and guidelines for resettlement and rehabilitation. In particular, draft policies on rehabilitation and resettlement by Ministry of Rural Development, Ministry of Water Resources Development, National Thermal Power Corporation Limited (NTPC) and Coal India Limited (CIL) were in existence since 1994, but they were only drafts that were never discussed in Parliament (Guha 2005).

The public sector companies of NTPC and CIL formulated their sectoral resettlement policies in 1993 and 1994 respectively, with the NTPC revising its policy in 2005, 2010 and 2017 and the CIL revising its policy in 2008 and 2012. The National Hydro-Power Corporation (NHPC) finalized its policy in 2006. However, India as a whole did not have a national rehabilitation law or policy until the end of 2003 (Koteshwara Rao. K, 2018)

Looking at the precedents mentioned above, it is observed that most state governments rely not on law or universal policies, but instead on ad-hoc administrative instructions, in conformity with the bureaucratic preference for what is described as case-by-case approach. As a result of this ad hoc approach many of the displaced were left out of the process. Though there is an absence of accurate

national database regarding population displacement, studies on displacement from 1951-1995 completed in six states and other research shows that their real number from 1947-2000 is probably around 60 million (Fernandes, 2004).

The Narmada waters Disputes Tribunal issued its award in 1979 setting out a number of maxims to be followed in rehabilitating displaced persons. Most important in the award is the provision that an agricultural family losing more than 25% of its holding should be compensated with agricultural land equal in size to the area lost in submergence, subject to a minimum of 2 ha per family, provided that it does not exceed the limits set by the ceiling laws in the region concerned (Clause VI (7)).

It also lays down in clause XI, 1(3) of the tribunal that every major son should be treated as constituting a separate family unit for this purpose. The tribunal defines an oustee as “any person who since at least one year prior to the date of notification has been ordinarily residing, or cultivating land or carrying on any trade or occupation or working for gain in the area likely to be submerged”. The Narmada Tribunal has also recommended allotment of a residential plot of 60’x 90’ and resettlement grant of Rs. 750 (As per clause IV(3), (a) of Tribunal) to every affected family, besides grant-in-aid determined as one-third of the compensation payable for the property lost in submergence (NWDTA, 1979).

The Government of Gujarat, which is resettling people displaced by the Sardar Sarovar Project from within the state as well as from Maharashtra and Madhya Pradesh, not only accepted the guidelines of the Narmada Tribunal Award but even made some improvements on them. In 1979 the Gujarat Government spelt out the criteria for the provision of civic amenities for the resettled communities as follows:

- Primary School for every 100 families;
- Well with trough for every 50 families;
- Tree platform for every 50 families;
- Shrine for every 100 families.

These are besides approach roads, electricity lines etc. By two resolutions adopted late in 1987 to 1988, the Gujarat Government further revised the resettlement and rehabilitation policy, abolishing the distinction between landless and landed oustees, and undertaking to allot 2 hectares of irrigable land to every family and also to every major son without any distinction whether an oustee is landless or a land-owner with pucca legal title or an encroacher (NWDTA, 1979).

In the Haran Reserved project a working group consisting of experts drawn from different disciplines was set up by the Ministry of Environment and Forests (Government of India) to go into the question of environmental impact and rehabilitation problems resulting from the construction of Haran Reservoir Project. The guidelines suggested by them were published in a brochure in 1985. Emphasizing the general approach that rehabilitation needs should be viewed from the socio-economic as well as humanitarian angles, the working group made the following recommendations:

1. Loss of land is to be compensated by allotment of agricultural land in the command area on a pro-rata basis as per an agreed formula.

2. Grants should be given to individual families for construction of house and cattle sheds besides other common facilities at the resettlement sites such as school, panchayat ghar, wells, post office etc.
3. The promise of granting land for land should be accompanied by appropriate legislation for acquiring lands in the command area (The Act passed by the Maharashtra Government in 1986 is cited as an example in this context)
4. Compensation for assets destroyed in the submerged area should be on the basis of real costs involved in setting them up again, i.e. replacement cost at present value.
5. Adequate training is to be imparted to the affected persons to prepare them for changed cultivation practices (in command area) as well as for absorption in new traders or professions as skilled workers.
6. Pertaining to the tribal oustees in particular, a master plan to accommodate them as cohesive groups needs to be formulated in consultation with them.

The same brochure published by the Ministry of Environment and Forests presents, as an annexure, a note from the office of the Prime Minister which offers a mature suggestion. "The real way the problem can be solved to the satisfaction of those whose lands are likely to be submerged is to create in them an interest in the execution of the project. As suggested earlier, government lands and wastelands in the command area could be assigned to these displaced persons. It might be worthwhile to think of a system in which at least larger landholders in the command area are compelled to part with a part of their land for the purpose of resettling the displaced persons.

It may be worthwhile to take note of a few observations of the World Bank regarding some of the resettlement programs carried out in India, pointing out serious drawbacks in some cases and also indicating a turn for the better in some other recent cases. The relevance of noting these observations is that whether or not one takes the assistance of the World Bank for any particular project, the general principles are worth heeding to.

World Bank Observation on Policy Implementation

The World Bank's review of resettlement programmes carried out in different parts of the world between 1986 and 1993, titled "Resettlement and Development Report" and published in 1996, states that many resettlement operations in both non-Bank and bank-assisted projects have failed to rehabilitate a proportion of the displaced people and no federal legislation or policy statement defines the country's general resettlement norms.

The report also mentions that though resettlement is regarded as a state matter, most Indian states lack state-level resettlement policies. They use laws which provide for compensation only but do not provide for socio-economic rehabilitation. The report cites some cases from Orissa and Karnataka. Recently India informed the Bank that some federal ministries are drafting guidelines for resettlement and rehabilitation but no such guidelines have yet been issued (World Bank Report, 1996).

The main highlights of the World Bank report are:

- Non-Bank assisted projects paying only monetary compensation.

- Bank-assisted projects have taken the position that customary land rights should be recognized under bank-assisted projects as valid and eligible for land compensation.
- Singoor project as another example of faulty planning. The project displaced 42,000 people to provide irrigation for 140 settlements. However, studies have shown that ground water supplies are not adequate for irrigation.
- Problems in compensation assessment and delays in the compensation disbursement in four states.
- People displaced by Karnataka Irrigation Project in 1970s are yet to receive their compensation.
- Although resettlement in upper Krishna II project was done properly it required a lot of persuasion.
- Almati and Narayanapur dams in Karnataka displaced 2,20,000 people during 1989-90 and resettlement work was not satisfactory.
- Inadequate staffing of resettlement administration is adversely affecting large projects, such as Narmada Sardar Sarovar, Hyderabad water supply, upper Indravati Hydroelectric Project.

The report concludes that the main reason for unsatisfactory execution of resettlement and rehabilitation programs across projects is that engineers are given responsibility for all aspects of these projects, as a result, resettlement and rehabilitation have typically been done in an uninformed and ad-hoc manner.

The Ministry of Rural Development notified the National Policy on Resettlement and Rehabilitation (NPRR) for project-affected families, 2003. This policy provided for compensation only for assets and not for livelihoods.

According to the draft of the National Tribal Policy (2006), the policy NPRR 2003 had the following shortcomings:

- Mechanism for clearance was not defined properly
- Lack of an effective nodal agency to monitor implementation
- Consultation with Gram Sabhas not mandatory
- No provision for land to land compensation
- Absence of special provision for tribals and Scheduled Areas
- No legal compulsion to ensure rehabilitation and resettlement upfront before executing the project.

In spite of lacking the above provisions, the national policy for rehabilitation came into existence on 17 February 2004, after putting in two decades of preparation. It was called “National Policy on Resettlement and Rehabilitation for Project Affected Families–2003”. Prior to the NPRR, the problems and issues of project-affected communities were largely dealt with under the Land Acquisition Act, which primarily dealt with acquisition of land and only provided for compensation for land to the title owners (Government of India. 2004).

The National Resettlement and Rehabilitation Policy (NRRP), 2007

It was later revised to “National Rehabilitation and Resettlement Policy, 2007” and came into effect from 31 October 2007. The revised policy sought to address various issues related to land acquisition and rehabilitation and resettlement (Government of India, 2007). The main objectives of the policy are as follows:

- To minimize displacement and promote, as far as possible, non-displacing or least displacing alternatives;
- To ensure adequate rehabilitation package and expeditious implementation of the rehabilitation process with the active participation of the affected families;
- To ensure that special care is taken for protecting the rights of the weaker sections of society, especially members of the Scheduled Castes and Scheduled Tribes and to create obligations on the state for treating them with concern and sensitivity.
- To provide a better standard of living, and making concerted efforts for providing sustainable income to the affected families;
- To integrate rehabilitation concern into development planning and implementation process; and
- Where displacement is on account of land acquisition, to facilitate harmonious relationship between the requiring body and affected families through mutual cooperation.

The National Resettlement and Rehabilitation Policy (NRRP), 2007 is applicable to all development projects leading to involuntary resettlement of people. On the basis of NRRP 2007 the State Governments have formulated their own Rehabilitation and Resettlement Policies for displaced people. It is an attempt to better address the subject of development induced displacement & to eliminate and integrate certain crucial aspects which were unaddressed in the earlier policy. It reflects certain pronounced deviations from its predecessor, namely National Policy for Resettlement & Rehabilitation, 2003. The whole approach of NRRP has a paradigm shift from exclusive welfare based approach to Rights-based approach and has distinct developmental connotations (Government of India, 2007; NRRP, 2007; <http://dolr.gov.in/sites/default/files/National%20Rehabilitation%20%26%20Resettlement%20Policy%2C%202007.pdf> access on 16/08/2017).

The Government of India has proposed for new amendment - land acquisition act replacing the colonial land Acquisition Act, 1894. The Government first introduced the Land Acquisition Bill, 2007 in the Lok Sabha (MoRD, 2007). The bill was referred to the Parliamentary Standing Committee in 2008. Based on the recommendations of the committee, some changes were made in the bill of 2007 and the revised bill was introduced in the Lok Sabha in 2009 (MoRD, 2009). In May 2011, the National Advisory Council recommended combining the provisions of Land Acquisition and Rehabilitation and Resettlement (R&R) within a single Bill. In this direction, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Bill, 2012 (formerly known as the Land Acquisition, Rehabilitation and Resettlement Bill, 2011) was introduced in the Lok Sabha on 7

September 2011. The Bill was passed on 29 August 2013 in the Lok Sabha and on 5 September 2013, in the Rajya Sabha (Saxena, K. B. 2013).

Finally, the “Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013” (hereafter, RFCTLARR Act 2013) came into force from 1 January 2014 in India. The RFCTLARR Act 2013 is a landmark Act, since it brings an end to the era of forced land acquisition. Integrating land acquisition with rehabilitation and resettlement and bringing transparency in the process of acquisition, compensation, and rehabilitation as a matter of right is a historic step. It was important to have a law to prevent forcible land acquisitions, which had increased during the last few decades due to large industrial and development projects. Providing fair compensation and R&R to the farmers, land-owners and livelihood losers in all acquisitions became critical in the context of increasing alienation, displacement, deprivation, and disentitlement to the resources of livelihood.

Koteshwara Rao. K, (2018b) in his paper mentioned that though the resettlement and rehabilitation under this Act are considered to be far better than that of the earlier R&R policies (Central and State), such comprehensive policy/Act on R&R did not happen suddenly. It has evolved in the course of time from the earlier R&R policy 2003, through R&R policy 2007. The RFCTLARR Act 2013 is comprehensive and progressive. Some salient features of the Act are:

- It is the first to legally mandate resettlement and rehabilitation of project affected people and seems to be a panacea for the entire project affected people and their problems.
- The Act tries to ensure a fair and just legislative regime for Scheduled Tribes, with certain favourable features.
- It mandates fair compensation and rehabilitation, and conducting of Social Impact Assessment.
- According to this Act, all the affected families – both landowners and the families whose livelihood is primarily dependent on land acquired – are entitled as specified in the Second Schedule of the Act.
- The Act provides for housing units, land for land, choice of annuity or employment, subsistence grant, transportation cost, one-time resettlement allowance etc.

The RFCTLARR Act, 2013 states that there shall be least disturbance to the owners of the land and other affected families, and should provide just and fair compensation to the affected families whose land has been acquired or proposed to be acquired or are affected by such acquisition. The Act also ensures that the cumulative outcome of compulsory acquisition should be that, affected persons become partners in development leading to an improvement in their post-acquisition social and economic status. According to the Act, consultation with institutions of local self-government (panchayats) and Gram Sabhas established under the Constitution is essential for a humane, participative, informed and

transparent process for land acquisition for development projects.

Displacement, Rehabilitation and Resettlement Policy in the state of Andhra Pradesh

The Governor issued the A.P Scheduled Area Land Transfer Regulation, (Regulation 1 of 1959) (which came into force on 4 March 1959) partially repealing the earlier Agency Tracts Land Transfer Act 1917. This regulation is to prohibit transfer (“transfer” means sale, lease, mortgage with or without possession, gift, exchange or any dealing with the immovable property in the Scheduled Areas) of lands between tribals and non-tribals in the Scheduled Areas without previous sanction of State Government. This was made to regulate the transfer of lands in the scheduled areas of East Godavari, West Godavari, Visakhapatnam and Srikakulam. In spite of the regulation, as was observed by several committees, the non-tribals were able to find ways and means to circumvent the provisions by entering into benami transactions and other clandestine transactions with tribals ignorant of legal provisions (Koteshwara Rao. K, 2018a).

Koteshwara Rao (2018a) in his paper discusses the following protective laws for the tribals:

- The Panchayats Extension to Scheduled Areas (PESA), Act of 1996 is an act that recognises the legal rights of tribes to their land and natural resources. These laws have not been put into practice to achieve an effective outcome (<https://tribal.nic.in/actRules/PESA.pdf>). The Act lacks the vigor in its implementation thereby leaving the aim of communal management a distant dream. Based on the status of PESA, Samatha, an NGO in Andhra Pradesh, filed a case on behalf of the tribes that were affected. The Supreme Court of India declared that the forests and lands in Scheduled Areas whether owned by the government or tribal people cannot be leased to non-tribal people or private parties.
- The Samatha judgment prevents the state from endorsing the diversion of land and natural resources from tribals to non-tribals. However, another judgment clarified that this judgment was passed in specific context and is applicable to the state of Andhra Pradesh and not necessarily to the entire country (Samatha, 1997).
- Forest Rights Act, 2006 under this act, certain individual rights and community rights are granted. Individual Rights relate to habitation and cultivation for livelihood. Community rights relate to collection of minor forest produce (MFP), fishing (using water bodies), grazing and Community Forest Resource management (Protection, Conservation & Management for sustainable use).

Subba Reddy (1996) in his report provides an excellent review of the past experience of resettlement and rehabilitation policies in Andhra Pradesh. In his report he discussed success and failure resettlement plans of displaced population. The first part of the report he provides the outline of the resettlement and rehabilitation policies pursued at different point of times in the region of Andhra Pradesh, while the second part concentrates on the recent discourse on this subject at the national and international levels. His long review of R&R policies provides a note of caution about the kind of mistakes that need to be avoided in the future.

Like this there so many case studies, for example, Singoor (Singur) Project, Yeleru Reservoir project, and Yeleswaram dam mentioned in the work of Subba Reddy, 1996 and Stewart and Rukmini, 2006, said that the Andhra Pradesh government did away with the practice of an elaborate rehabilitation policy for above projects. Instead it was replaced by departmental memos and orders. Politicians and high officials express surprise at the inadequate implementation of their plans, but do nothing to ensure fair outcomes.

The following projects Balimela, Jolaput, Upper Sileru, Lower Sileru, Tadipudi, Pushkaram, Bhupathipalem, Surampalem, Musurumilli, and Kovvada are completed recently in Andhra Pradesh. Local people till now struggle to receive fair compensation for their losses. In the case of Indira Sagar project the first of displacement covered under Andhra Pradesh Rehabilitation and Resettlement Policy, 2005 through G.O. Ms. No 68 issued by the Government of Andhra Pradesh.

The Rehabilitation and Resettlement (R&R) Policy of Government of Andhra Pradesh, 2005 (also called as the “Policy on the Rehabilitation and Resettlement for Project Affected Families – 2005) came into effect through a G.O. Ms. No. 68 on 8th April 2005 issued by Irrigation and CAD (projects wing) department. This was in conformity with the national policy on R&R 2003. This policy also recommends land-to-land compensation in case of project-affected families (PAFs) belonging to ST community. This policy stands different from the earlier G.O.s only in providing wage compensation to landless people. Various projects during 1990 to 2005 revealed that the provisions of G.O. No. 64 of 1990 were never implemented in any irrigation project constructed during this period. Therefore, this policy is no different from earlier ones unless it is implemented in its true spirit (GoAP. 2005; 2006a; 2006b).

Recently the Government of united Andhra Pradesh initiated a large number of projects (74 irrigation projects and 99 Special Economic Zones) and tried to acquire about 12 lakh acres of agriculture land. For this they have adopted the national policy with certain modifications for providing certain relief for the project-affected people in the state. The modification and adaptations were made in 2005. Even though this policy was presented as the best one among all the policies of rehabilitation in the entire country, the following better policies were already in existence:

- Orissa Resettlement and Rehabilitation Policy 2006,
- NTPC’s Policy on Resettlement & Rehabilitation 2005 (later revised in 2010 and 2017).

In the course of time, however, the Andhra Pradesh R&R policy 2005 was modified several times for making it better – first in 2006 in response to the protests by the oustees of Gundlakamma reservoir project and another important one in 2009 to incorporate the provision of Social Impact Assessment in compliance with the National R&R policy 2007.

However, for a policy to be a better one and successful, its proper implementation is also important. This implementation largely depends on the better and operational provisions, as well as the knowledge (and proper understanding) of the policy and the interest and concern among the project/government

authorities and the officials connected with this implementation.

Due to the negligence in its implementation in letter and spirit, presence of vested interests, and pressure tactics on the oustees mounted by the authorities, several problems arose in the process of resettlement and rehabilitation, leading to corruption, improper distribution of benefits, and deprivation of R&R to project affected families.

These problems are in addition to the unexpected problems faced by the oustees due to their being uprooted from their roots and attempting to relocate and resettle them in totally alien areas (with a different culture, language, and social milieu), where the locals could treat them as “intruders.”

In view of the above, the rehabilitation and rehabilitation policy of erstwhile Government of Andhra Pradesh could not safeguard the project-affected people in rural and tribal areas of the state. Thus, the earlier R&R policies (central and state) were obscure, problematic in operation, lack in certain crucial provisions, and their implementation depended on the interest and mercy of authorities as they were just “policies”. These problems are clearly visible in the major irrigation projects of the earlier Gundlakamma reservoir project in Prakasam district and the ongoing Polavaram project in West Godavari district, and to some extent in the medium irrigation projects of Bhupathipalem and Musurumilli projects in the Rampachodavaram Agency area of East Godavari district.

Objectives of the Rehabilitation and Resettlement (R&R) Policy of Government of Andhra Pradesh, 2005 (GoAP, 2005; 2006a; 2006b; <http://apenviis.nic.in/All%20PDF%20Files/COMMON/Rehabilitation%20&%20Resettlement%20Policy%20Andhra%20Prdaesh%20-2005.pdf> access on 21/03/2014).

Apart from the above projects Government of united Andhra Pradesh had acquired about 10-12 lakh acres of agriculture lands in the name of development projects in the 4 years during 2004-08; it had acquired 1.14 lakh acres of private lands between 2004 and 2006 for the on-going irrigation projects, and needed to acquire 43 lakh acres and more (Ramachandraiah & Venkateswarlu, A., 2014) (as per certain sources) what are those sources. Such massive amount of acquired lands were allotted to the private companies/powerful sections for establishing of industries, special economic zones (SEZs), coastal corridors, mining etc., in addition to acquisitions for constructing irrigation projects by the government.

G.O. Ms. No. 64 of 1990, Issued by Government of Andhra Pradesh (GoAP, 2005; 2006a; 2006b; https://www.academia.edu/19231154/rehabilitation_issues 12/02/2015)

Though the above G.O. clearly states that the instructions apply to all those projects already executed or being executed in tribal areas, no effort was made to implement this G.O. in any project during later years. Some of the submergence villages in Yeleru project: D. Kristavaram in Addatheegala mandal, Ramuladevapuram and Lingavaram in Gangavaram mandal, were under Notified Scheduled Areas. Neither a comprehensive rehabilitation plan nor any one of the above provisions was implemented in these villages. Still, authorities did not bother to apply the provisions of this G.O. to compensate the sacrifice of people of those villages.

Indira Sagar Project: Implementation of Rehabilitation and Resettlement policy

The Indira Sagar project (Polavaram) was recognized as a national project in the year 2014. In this project the villagers were displaced phase wise and in the first phase 14 villages were displaced from West and East Godavari districts to the new location. The villagers were displaced according to the Andhra Pradesh R&R policy 2005. Till the 31st December 2013 they adopted the same policy for rehabilitation of the people.

After the 31st of December 2013 from 1st January 2014 they adopted RFCTLARR 2013 Act 2013 for the rehabilitation of the remaining villagers. The first phase of displaced people from the 14 villages reported that they are not satisfied with the compensation of R&R policy 2005 because of the following reasons:

1. They were displaced from their ancestral homes and they were deprived of lands assets
2. They were not happy with the compensation and R&R package of Andhra Pradesh R&R policy 2005
3. There were many problems of implementation of resettlement and rehabilitation policy
4. People faced numerous problems at the rehabilitation centres
5. They were displaced very far from the original villages
6. Agricultural lands were provided to them very far from their homes.
7. The new location lacked proper infrastructural facilities at such as drinking water, electricity, roads, schools, and healthcare facilities.
8. They were not able to coping with other local people at the new location due to the differences in culture and socio-economic lifestyle
9. They had lost access to forest resources and products,
10. They felt that other villagers are relatively better because they were rehabilitated according to the RFCTLARR Act 2013. (<http://legislative.gov.in/sites/default/files/A2013-30.pdf>)

The displaced families in the first phase were paid compensation on their loss of assets & household grant through G.O.Ms No 68 while currently the displaced families under second phase are being paid through the RFCTLARR Act 2013. The displaced people who received household compensation in the first phase are unhappy that they have received inadequate compensation compared to the displaced people of second phase. The displaced people from the 14 villages of West Godavari and East Godavari Districts are expecting benefits & provisions of the RFCTLARR Act 2013.

Although the above policies came into existence in revised form there were problems in its implementation by the Central and State governments. For example, in Indira Sagar project the Government of Andhra Pradesh implemented 2005, 2007 and 2013 policy for rehabilitation and resettlement of displaced people. Villagers were not informed about the project displacement; they were not sensitized through meetings. Projects officials did not make any serious efforts to explain about the details of R&R package, not even bother to translate them in to local language. In many of the panchayat Gram Sabha was not convened. Officials not served any kind of notice to the households

to vacate their places.

There was delay in payment of compensation. At time of acquisition of land they committed to complete the compensation package as early as possible but till today, some of the villagers have not received the package. Most of the displaced people reported that they faced many problems at the rehabilitation centres. The agricultural lands were not provided nearer their location. Overall officials did not properly implement the rehabilitation and resettlement policy in the study village.

3. Discussion

Serious implications of Indira Sagar project (Polavaram Dam) is that the dam submerging 276 villages, over 2 lakhs people mostly tribals (adivasi) population. Deposits of chromites, graphite, iron ore and coal-bearing area, 3 705 ha forest land under submergence. Parts of Papi Hills wild life sanctuary also under submergence. Most of the tribal people have not been informed about details of the project. The executive summary of the Environment Impact Assessment (EIA) report has not been made available to them in their local language. They are also not aware of the rehabilitation packages being offered. In the beginning of project due to lack of proper implementation of R&R policy lot of violations taken place such as human rights violations, public hearing violations, and EIA violations. And environmental clearance under suspicious circumstance and the environmental clearance without forest clearance. In short the State administration has totally failed to make the affected people in remote villages understand the implications of the project. The people are by and large kept in dark about the project.

Despite the constitutional protective laws tribals have been displaced due to development projects. According to the report of the high-level committee on tribal communities of India (2014) many of the tribal people are still being deprived of their basic rights to life, guaranteed by the Constitution. Poverty and landlessness is rampant amongst the STs. 51% of all STs are below the poverty line compared to 40.2% for the national average, and 65% of the STs are landless as per the 2011 Census. The displaced of Indira Sagar Project will be forced to become migrant labourers and urban slum dwellers to which they will not be able to adjust in their lifetime. The situation thus would lead to many social and political conflicts.

To stop the above violations in all the development projects there is a need of proper implementation of Act or policy. Implementation of policy also depends on the commitment of the people involved (from top to bottom) in its implementation in better and right spirit. A suitable mechanism needs to be evolved for regular monitoring of policy implementation involving people from areas such as judicial, academic, civil society organizations, Ministry of Social Justice and Ministry of Tribal Affairs.

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