

Development Project Caused Resettlement and Rehabilitation Policy: Overviews on Dam Projects In Odisha (India)

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Abstract: *The Dam project as probably the most development initiative of modern civilization manages the water for the economic development of nation-state worldwide. However, it brings forth a mixed consequence of water's use, abuse, power and pollution worldwide. The project usually tends to have some appropriate ends to achieve and means to attain these through different strategies and procedural processes that mostly include land acquisition, displacement, compensation, resettlement and rehabilitation starting from its commencement to its end or throughout the construction of the project. However, the project authorities by using these processual strategies take their rights to displace people from their hearths and homes but without having a qualm of introspection that the project displaced people hardly have their rights to development after displacement. However, the resettlement and rehabilitation policy seems to be resolving the crisis of human displacement versus economic development but to what extent it does remains a significant research query. Our overviews on Dam projects reveal a divergence thesis of human displacement versus economic development for the possibility of their convergence. In this context, the displacement projects in Odisha have been undergoing lots of changes and challenges in the last several decades. The paper analyses the Dam project caused land acquisition and related resettlement and rehabilitation issues in Odisha. The annals of such studies will help rectifying the problems related to resettlement and rehabilitation issues in the country.*

Key Words: *Dam Project, Land Acquisition, Compensation, Resettlement, Rehabilitation*

I. Introduction

Since time immemorial the Dam project has been the core mechanism to the process of human survival and economic development throughout the world. Now its use is unimaginable. It is not simply used in irrigating lands, increasing land's productivity and bringing more land under cultivation but largely utilized in controlling floods, harnessing electricity and catering to certain requirements of industrial establishments worldwide (see, Robinson, 2003; WCD, 2000; Cernea, 2000). To setting up the irrigation and hydro-electrical projects has been the most development aims of every nation-state worldwide. The human civilisation over the centuries prioritising water projects has been witnessing the sweeping socio-economic changes in the world. However, this explains one sided picture since the Dam projects also cause adversities around their prosperities. Thus, to what extent the Dam/water projects facilitate the process of development without producing adverse effects is the serious research questions. The overviews on major dam projects namely the Hoover Dam project in US, Gorges Dam projects in China, Kariba Dam project in South Africa, and Sardar Sarovar dam project in India reveal the tales of Dam caused prosperity and adversity in the international level. For example, the Hoover Dam completed in 1936 in US destroyed the rich downstream fisheries in Colorado River, the Kariba Dam built in the 1950s in Southern Africa made the displaced people to suffer from famines and impoverishments, the Bhakra Dam built in the 1960s in India created the water logging, salinity of earth, etc, and the Banqiao Dam in China brought the world's largest dam catastrophe of killing of 171,000 people in 1975 (see, Terminski, 2013; Robinson, 2003; WCD,2000; Dreze, Samson and Singh, 1997; Cernea,1997). This adversity goes without appropriate calculation. But its effect on human displacement is somehow being estimated for human progress worldwide in last several decades. The World Commission on Dam estimates the increasing magnitude of dam induced population displacement worldwide. According to WCD the dam projects had physically displaced between 40 and 80 million people up to 2000 (WCD, 2000). However, it was only an incomplete estimates as a large numbers of people living upstream and downstream of the dams were not counted (Robinson, 2003). In India the dam projects alone displaced around 21 million to 40 million people during 1950-2000 (Taneja and Thakkar, 2000). According to an estimate made by Indian Social Institute (ISI) out of 21.3 million persons displaced by different development projects in India as much as 76.99 per cent belonged to dam projects (Robinson, 2003). So far all most all human displacements were forcefully materialised by the development projects. The Dam projects generally displace more people and therefore, cause more human rights violation comparison to other projects in India. Because of this problem there are cases where construction of dam projects was opposed by people tooth and nail. For, instance, the construction of Sardar Sarovar Dam project was stopped by grass root movement in India (see, Ramanathan, 2008, Sangvi, 2002; Morse and Berger, 1992).

However, the displaced people are neither anti-Dam project nor anti-development initiatives taken by the government as elsewhere in the world. But what they want is - the projects must go ahead without violating human rights and causing severe environment degradation. So far this was quite impossible because this LA Act, 1894 empowers the government to forcefully acquire land in the name of public purpose or in a plea of national urgency. In the history of land acquisition by the development projects in India the land owners hardly had any right nor had sufficient time to object the land acquisition (see, Garada, 2012; Pandey; Fernandes and Paranjpayee; 1997). The amendment to LA Act, 1894 in 1984 also could not resolve these nagging problems. In case of LA Act, 1894, only government could acquire land but following its amendment in 1984, both public and private sector agencies can acquire lands (see, Garada, 2012; Dhagamber 2003; Fernandes and Paranjpayee, 1997). Really it is so obvious that except some visible compensation mechanism, the provision of resettlement and rehabilitation for displaced people were neither seriously implemented nor taken into consideration in the country. It does not mean that there has been no national policy over the decades in the country. But the national level initiatives like National Rehabilitation & Resettlement Policy 2007 could not go beyond its top down authoritarian approach of central government. In this context, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Bill, 2013 passed by the Parliament though seems to be resolving many problems of land acquisition with rehabilitation and resettlement mechanism but was severely criticised by the political parties and media all over India (Government of India, 2013). Further, how it will be applicable to already displaced people those who have been suffering since long is a question. Even the recent Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Bill, 2015 cannot be free from criticism. So far unfortunately, many displaced families in the country have been suffering in the resettlement sites due to no or inadequate provisions of compensation, resettlement and rehabilitation. For instance, according to an estimate made by Walter Fernandes (2008) out of 6,942,807 total displaced persons in seven states (Andhra, Assam, Goa, Gujarat, Kerela, Odisha and W.Bengal) only 17.94 per cent have now been resettled. And in case of Odisha out of total 548,794 displaced persons only 35.27 per cent have been resettled. In Odisha the major Dam projects namely the Hirakud, Balimela, Machhkund, Salandi, Rengali, Kolab and Indravati dams have displaced large numbers of people (Fernandez and Asif 1997). According to an estimate provided by Balaji Pandey (1998) about 64903 families were displaced / affected by Irrigation and Hydel Power (Dams) in Odisha. However, there are not adequate data available as how much of them were resettled and rehabilitated by the dam projects in the state. Another important thing to be mentioned here that each and every case of development induced displacement is unique and needs separate strategy for the rehabilitation and resettlement of the displaced people. Thus, the annals of each development induced displacement must be studied to rectify the problems related to Rehabilitation and Resettlement (R&R) issues in the country. In this article, we make an effort to explore the historical mooring of R&R Policy in the state, Odisha particularly taking certain major dam projects.

II. Dam Induced Displacement and R&R Policy in Odisha: Historical Overviews

Though the colonial history of land acquisition perpetuated the supremacy of government over people's landed property until 1936 when Odisha became a separate state the issues related to resettlement and rehabilitation became a historical phenomenon. Nonetheless before Independence it was visualised to be crucial in some cases but largely neglected. It was hardly a historical fact till late 1970s as there was no visible policy in the state. However, since late 1970s onwards the idea of R&R policy was taken into consideration due to the interventions of irrigation department in the state. It was only in 1973 a new history of rehabilitation policy guideline began when Rengali dam project evolved a resettlement and rehabilitation policy in the state (Government of Odisha, 1993; Dalua, 1993). Consequently, other government orders followed such as rehabilitation policy for displaced persons of the Rengali Dam project in 1978 and of major and medium water resources project in 1989. But till 1990s it was highly neglected. Thus, post independent Odisha did not have any uniform R & R policies till 1990 (Dalua, 1993). In fact, in course of time the different government departments started framing different R&R policies reacting to each other and responding to such development elsewhere in India. For instance a uniform R&R policy, 1990 and 1992 for different irrigation projects came into being (see, Pandey, 1998; Dey, 1997; Government of Odisha, 1993). Finally in 1994, putting all these orders together the State Government further amended the uniform R&R policy with active involvement of NGOs and World Bank. Then on August 27th 1994, the policy was promulgated as the Odisha Resettlement and Rehabilitation of Project Affected Persons Policy, 1994 (Dey, 1997). It was a liberal policy as compared to R&R policies of other projects. But the odyssey of R&R policy was brought to debates when MCL and NTPC framed their policies in the state. In between Odisha became poor state due to lack of development initiatives and largely due to recurrence of natural calamities like floods, draught, cyclone, and for instance, the super cyclone occurred toward end of 1990s which entirely disrupted the coastal agro-economy. But since early 2000s onward the state became desperate to bring structural change in her economy following neo-liberalism tendency of the government of India. Consequently, a boost to mining industries came up and Odisha started recovering

her crisis of financial overdrafts. On the other hand the land acquisition caused conflict took place in different places from Kashipur to Kalinga Nagar industrial areas where the grassroots politics exposed the weakness of state government to the world. As a result, for the first time government of Odisha brought a comprehensive R&R policy – a unique of its kind in the country in 2006. However, the state still could not resolve the problems of human displacement. It is because of the impact of colonial legacy of land acquisition in State.

III. Land Acquisition by Dam Projects in Odisha

The guidelines of LA Act, 1894 were applied in its nature and practice in all irrigation projects in Odisha. After independence the needs of resettlement and rehabilitation policy were diverted toward compensation issues. For instance, in 1948, Odisha Government had adopted “Odisha Development of Industries, Irrigation, Agriculture, Capital Construction and Resettlement of Displaced Person (Land Acquisition) Act”. Though, this act made the provision of compensation for the loss of land, standing crops and house structures but neglects the policy guidelines for resettlement and rehabilitation of the oustees (Garada, 2012; Pandey, 1998; Government of Odisha, 1948). Accordingly the Multipurpose Hirakud Dam submerged 167376 83 acres of land under the LA Act, 1894. It affected 249 villages from the Sambalpur district of Odisha and 36 villages adjoining Raigarh district of Madhya Pradesh. The construction of Upper Kolab multipurpose project in Koraput district on River Kolab (1984-85) had submerged 32,163 acres of lands (Government of Odisha, 1981). The Upper Indravati Hydroelectric Project acquired 32,530.87 acres of land (RRU, 1995). It affected 97 villages (53 from Kalahandi and 44 from undivided Koraput district). All these dams/irrigation projects in Odisha acquired lands from the people in the name of public purpose. It is also true that the natural disaster due to recurrent floods in coastal belt brings huge economic loss and disruption in human habitations during rainy seasons in the state. The people living in the downstream suffer a lot. The major dam projects could check these problems to a large extent. Thus, these projects protect the state from huge economic loss and damages every year. These projects also provide irrigation facilities to the downstream people. It also generates low cost electricity through hydroelectricity projects. Thus, no doubt the state as a whole and the people from the downstream were largely benefitted. But to what extent the people who lost their lands, lived in the upstream of the dam projects and resettled in faraway places from the projects are benefitted is a matter of question. The purpose of projects and the purpose of the people those who lost the lands for the projects are not similar. Was there any mechanism to address the issues as what happened to the people because of whom the dam projects came into being in the state? In fact, none of the irrigation projects had adequate social impact assessment (SIA) and environmental impact assessment (EIA) before actual land acquisition took place in the affected villages. It was a deliberate strategy adopted by the irrigation department while acquiring lands throughout the state in the past. In the name of five year plans, economic development and funding agency like WB the state succumbed to the capitalistic path of development over the years. Since none of the projects could ever expose the legal guidelines to the land oustees as how land acquisition would take place almost the land oustees hardly aware of land acquisition process in the past (Pandey,1998). Further, the displaced people hardly had prior informed consent on whether they would like to support or oppose the land acquisition. The processes of land acquisition under LA Act, 1894 such as notification, objections and evacuations are immaterialised for the large section of oustees than what it was supposed to be there. There are cases where the oustee knew that it was pro-project and anti-people but they could not help except surrendering to the repression of LA Act guidelines operationalized by the government authority. Thus, a win-win prospect between projects and the affected people were not visualised at the time of land acquisition for irrigation projects.

III.I. Compensation against Land Acquisition by Dam Projects

Compensation means something is given back to loser equivalent to his loss, damage, injury, etc caused by the development projects. However, how to ensure the mechanism to classify, calculate and disburse the compensation on fair and equal manner is debateable. In case of Odisha the compensation given by irrigation projects has been resolved on the basis of the guide lines of LA Act, 1894. First the lost properties like lands, houses, wells, trees, etc were classified and then these are compensated as per their prevalent market values. For instance, in case of Hirakud Dam the lands were classified into 22 different types and compensated on the basis of their rental or market values (Dalua, 1993; Pandey, 1998). The rental value was calculated taking 192 times the deduced rent of each class of land whereas the market value was calculated by the officials on the basis of local price prevalent on lands at that time(Viegas, 1992, Mishra,2002). In case of Rengali Dam the market value of land was calculated on the basis of its geographical position, productivity, annual harvest, etc (see, Mishra,2002; Bahumukhi Jatiya Yojana, Rengali, 1978). The project authority first classified the houses into 12 categories on the basis of the type of material used, the quality of construction observed and status of their present condition, and then they were compensated as per their market value. The classification procedures on lost assets were made complicated but hardly debatable or bargainable to the affected people at that time. The criteria of fixing market values on the submerged wells, trees, fruit bearing trees, etc was also largely arbitrary

in practice (Pandey, 1998; Ota, 1998). Reacting the valuation of lost properties there was no prompt mechanism to support the people. The valuation strategy was seemed to be pro-project as the people's participation was hardly sought by the project authorities while classifying the lost properties, calculating the loses and declaring the amount of compensation. The legal procedures are so complicated that there were hardly any examples to note that the land oustees either could get fair compensation or enhanced compensation. For example in case of Rengali Dam project even after lapse one and half a decade the state government failed to settle a large number of cases of compensation claims (Sahu, 2000).

Figure No. 1: Dam Projects and Compensation Practice

Sl No.	Classification		Compensation		Replacement Cost
	Lost Property	Methods	Criteria	Valuation	Replacement Values
1	Land	Local Categorization	Geographical Position, Productivity, Annual Harvest,	Market Valuation	NA
2	House	Pucca and Kachha Classification	Material used, The Quality of Construction Observed and Their Status of Present Condition	Market Valuation and rented value	NA
3	Trees	Fruit and non-fruit bearing trees	Use of Trees	Market value	NA

Note: NA- Not Applicable

Source: Our Own

Thus, it is assumed that the replacement costs on the lost properties were not taken into consideration in the Dam projects (see, Figure- 1). The replacement cost determines the amount sufficient to replace the lost assets including the transaction cost (Involuntary Resettlement Source book, 2004). It is therefore, the value of equivalent productive potential land will be the actual replacement cost to the lost land but it was hardly taken into consideration in the state. In fact, the cash compensation was given far below than the replacement values on lost properties. As a result, whatever the cash compensation the land oustees got was generally found insufficient to replace their equivalent properties after resettlement. This also led to the land oustees' diversion toward unproductive expenditures on marriages, family rituals, drinking alcohol, paying debts, ceremonies, pilgrimages, etc (Pandey, 1998; Baboo, 1992).

IV. Status of Dam Caused Resettlement and Rehabilitation Policy in Odisha

IV.I. Early Phase 1869-1948

After Na-Anka Durvikshya (Great Famine) in 1866 the East India Irrigation and Canal Company initiated a major irrigation project in 1869 in Odisha. It was subsequently undertaken by the Government of India in order to develop the irrigation system and to control the flood of Mahanadi River in the coastal belt of Odisha. However, this project neither caused the submergence of the catchment area nor led to human displacement (Biswal, 2000). Thus, the questions of resettlement and rehabilitation were not raised at that time. The Rushikulya irrigation system (1884-1890) came in the Ganjam district under Madras Presidency also did not project the issues related to resettlement and rehabilitation at that time (ibid). In the early 1940s the inter-state Machhkund Hydel Project in Koraput not only caused a huge volume of human displacement but also equally affected the life and livelihood of tribal and dalit who were living there for centuries. But unfortunately, out of total 2,938 displaced families only 20 per cent were rehabilitated by the project and that too no displaced scheduled caste could be rehabilitated at that time (Pandey, 1998; Mahapatra, 1990). In 1948, the Odisha Development of Industries, Irrigation, Agriculture, Capital Construction and Resettlement of Displaced Person (Land Acquisition) Act came into being as stated earlier which made provision for compensation against lost assets but did not make any visible provision for the rehabilitation and resettlement of displaced and affected families (Pandey, 1998; Government of Odisha, 1948). The Hirakud Dam multi-purpose project started in 1946 affected 22,144 families in the Sambalpur district of Odisha (Pandey,1998;Dalua,1991&1992, Baboo,1992). Pandit Jawaharlal Nehru, the then the prime minister of India who laid the foundation stone of the Hirakud Dam declared in his speech that nobody would be destitute after losing lands to Dam project (Pandey,1998,Sahoo,Mishra). The general perception was that the losses could be repaid in the same coin as land for land and house for house after displacement. But it was hardly translated into reality after displacement. The Government of Odisha announced its rehabilitation policy in 1946 which contained the provisions of cash compensation and physical rehabilitation. However, it was many shortcomings in its guidelines and implementation procedures. The cash compensation was not an adequate alternative to the rehabilitation of the

displaced farmers at that time. The idea of reclaiming the forest lands along with supply of manures and fertilizers for cultivation was also not effectively implemented in the affected areas (Government of Odisha, 1993). The project and government authority also could not fulfil the promises of allotting land for land rehabilitation. The legal title holders and common property resources (CPRs) dependents like food gatherers, hunters, forest produce collectors and tribal artisans could not be rehabilitated. Thus, the project authority could not realise the displaced people's extent of agrarian loss (Baboo, 1992). The authority also could not provide adequate civic amenities in the resettled colonies (ibid, Mishra, 2002). The Balimela hydro-electricity project (1962-1977) displaced 2000 families in Koraput district (Dalua, 1991). It had similar shortcomings following Hirakud Dam's R&R policy.

IV.II. Subsequent Phase of 1960s-1980s

The Salandi Irrigation Project (1960-1981) affected 589 families (93.23% tribal) in Keonjhor district of Odisha (Pandey, 1998; Dalua, 1991). Like Hirakud Dam, this Project also brought the same plight to the displaced persons. Though the project funded by the World Bank but ignored its policy guidelines. The next Rengali Dam multipurpose river valley projects built on the river Brahmani (from 1973 to 1993) in the Angul district of Odisha affecting 11,289 families from 263 villages (Sahu, 2000; Pandey, 1998; Ota, 1998; Government of Odisha, 1973). The Rengali Dam R&R policy, 1973 was a better policy comparison to earlier policies in the state. In this policy the displaced family included as the displaced person and his or her spouse, minor sons, unmarried daughters, minor brothers or sisters, parents and other dependent residing with him. In this policy the homeless, landless, dependent on acquired land and the people who lost their livelihood were also treated as displaced persons (Sahu, 2000). Lands were allotted to the oustees irrespective of their status (ibid; Pandey, 1998). The forest land allotment to the land oustees could not revive the earlier agro-economy at the resettlement sites. It was largely due to infertility of forest lands and no extension of minor irrigation to such lands (ibid). The lack of motivation among marginal farmers and landless oustees and their unproductive use of cash compensation also largely disrupted the agro-economy after displacement. The land oustees used their cash compensation on constructing houses and married up their sons and daughters, etc, (ibid). The resettled oustees also could not generate earlier attachment to their resettled locations in the absence of inadequate amenities in the colonies and clusters. Whatever, the amenities provided was neither maintained by the project authority nor improved by the government over the periods (ibid). The R&R policy 1973 of Rengali Dam project was further amended and extended to Upper Kolab and Upper Indravati Hydroelectric Project in the state. In case of The Upper Indravati Hydroelectric Project a total of 5448 families were displaced from 97 villages in Koraput and Kalahandi districts of Odisha. The R & R benefit was extended to the members of project displaced families with their eligibilities such as more than 18 years old sons irrespective of his marital status, all physically and mentally disabled persons and minor orphans who have lost both parents, divorcees and widows (Sahu 2000; Pandey 1998; Dalua 1991). The R & R policy also had provisions for building social infrastructure like drinking water facilities, link road and other civic amenities in the resettlement colonies. Upper Kolab project had affected 13,095 families from 149 villages (Sahu, 2000; Government of Odisha, 1981). It also caused the same problems to the oustees following the Rengali Dam R&R policy, 1973. Consequently a new policy came into being in 1977.

The next R&R policy, 1977 framed by the irrigation department of Government of Odisha was revised and improved upon the R&R policy of 1973 (Fernandes & Raj, 1992; Dalua, 1991). The land for land provision was the most positive stand of this policy. The land based rehabilitation was extended to landless and homeless families in the policy. Besides rehabilitation this policy had provisions for providing basic civic amenities in the resettlement colonies as like mentioned in the earlier policies. The policy had provision for developing homestead land, reclaiming forest lands, constructing approach road, shifting of displaced people, etc in the resettlement sites (see, Pandey, 1998; Dalua, 1991 & 1992; Government of Odisha, 1977). However, some important guidelines were missing in the policies. In its eligibility criteria for project benefit it left out the widows, divorcees physically handicapped and mentally retarded persons. The policy also could not extend the benefit differently to the members of nuclear and joint families as it did not make any difference between two families till 1989 when it was amended. With regard to employment provision nothing was found in the policy and it also did not have guidelines for providing alternative occupations to the non-agricultural oustees. There was also no special provision for displaced tribal families in the policy (see, Pandey, 1998; Dalua, 1991 & 1992).

IV.III. Prospective Phase of 1990s

Refereeing to the shortcomings of earlier policies, in August 21, 1990, the Irrigation Department announced a uniform R&R policy for irrigation projects which had many improved provisions on previous ones. Married or unmarried son (above 18 years) including physically handicapped person and mentally retarded person were extended project benefits (Pandey, 1998; Mahapatra, Ota and Mohanty 1998). Minor orphans and divorcees were also taken into consideration for compensation benefits. However, it did not recognise women

for the same (ibid). Displaced families were provided with pucca house (two rooms kitchen & bathroom), homestead plot and land (irrigated or unirrigated) along with monthly maintenance allowance for one year (ibid). There was provision for employment such as 50 per cent of the unskilled and clerical posts were to be filled up from among the oustees who had the requisite qualification and the rest 50 per cent were to be filled by left out unrehabilitated oustees (ibid). But unfortunately, the illiterate and unskilled displaced people in general and SCs and STs in particular could not take advantage of this benefits and even there was no such mechanism to literate and train them for their employment at that time (ibid). Since there was no mechanism to ensure the cash compensation with prevalent market rate of land the oustee could not purchase replacement lands after displacement (Pandey; 1998). The house building assistance and maintenance allowances provided to each family hardly replace the cost of purchasing building materials and maintaining households at the resettlement sites. It did not recognize unmarried women as separate family. The policy did not guarantee the allotment of land for land provision to those affected persons who had retained their houses in the same village. As compared to Hindu joint families, the nuclear tribal families were less benefited because the former family members got more land as they had more brothers whereas the latter family got fewer members as they had hardly any brother living with them (Pandey; 1998; Mahapatra, Ota and Mohanty 1998).

Consequently the next R&R policy, 1994 came into being revising the R&R policy, 1994 by the Department of Water Resources, Government of Odisha. The R&R policy, 1994, was framed in consultation with NGOs and World Bank (Government of Odisha, 1994). The objective was to adopt the policy of World Bank- to rehabilitate and resettle the affected persons in a manner so that they would not suffer from adverse effects and restore back to their minimum standard of living (Fernandes and Asif, 1997). This policy for the first time consider all project affected persons irrespective of their loses- landed and non-landed properties including their occupations, local business, etc, eligible for the rehabilitation and resettlement benefits (Government of Odisha, 1994). However, only physically displaced people were prioritised for the benefits (Pandey; 1998). It not only divided the people into physically displaced and affected people it also clearly spelled out the meaning of affected zone (project site under LA Act, 1894) different from the affected village (due to the construction of water resource project). Since the provision for socio-economic baseline was there for the R&R package a large number of people such as unmarried daughter, share croppers, helpless widows without income and persons earning on encroached land were taken into consideration for rehabilitation benefits (Pandey, 1998; Government of Odisha, 1994). The policy also stressed on allotment of land to eligible affected persons in nearby submerged areas and involvement of representatives of the oustees, NGOs and the host communities in the process of planning the resettlement sites. The head of every displaced family was issued with "Praman Patra" (identity cards) and a booklet containing information about the salient features of the project and rehabilitation programme.

Other provisions included land for land rehabilitation options, house building assistance, assistance for cottage industry, dairy development, pisciculture and other skill developmental programme including vocational training (Pandey, 1998; Fernandes and Asif, 1997; Government of Odisha, 1994). There were also provisions for the basic civic amenities like panchayat house, community centre, primary school, drinking water supply structure, wells, village pond, road, community centre, dispensary, etc, in the resettlement colonies. However, the policy, 1994 did not treat rehabilitation as oustee's rights. So, it was seemed to be a welfare measure. That too, it was an exclusive policy as it was limited to only water resource projects and also excluded the indirectly affected families in its policy guidelines. With regard to compensation the replacement value on lost lands was not given and the encroached land went without compensation as the oustees hardly could prove them as unobjectionable lands. Though there was a provision for escalation of annual maintenance allowance and the revision of amount in every fourth year but these were hardly practiced as there was hardly any evidences to prove that. The policy also did not spell out any compensation to be paid for the loss of trees. The provision of Lok Adalat for speedy disposal of the grievance was no doubt a welcoming step but it was seemed to be deliberately made and run by the government authorities. Despite favourable statement about NGOs' support, the policy did not have any space for the involvement of NGOs in the settlement of grievances (Fernandes and Asif, 1997). The withdrawal of the provision of employment benefit was also not progressive in the policy (Pandey, 1998: 21). It was seemed to be an economic package only as it did no account the displaced people's psychological strain and stress and the disruptions of their the community support base- socio-cultural network, institutional mechanism, etc. The Odisha Government also did not enact the policy into law. Thus, it is assumed that with many shortcomings the earlier resettlement policies neither made any provision for reducing the scale of displacement nor emphasized on project affected people's livelihood reconstruction (Mathur, 2008).

IV.IV. Promoting Phase since 2006

The earlier R&R policies were also weak in regard to associating the affected people and NGOs in the overall R & R matters. Rather these policies reflect resettlement as if a burden but not development or not for sharing project benefits with the affected/displaced families. Against the aforementioned shortcomings in earlier

policies the R & R policy 2006, came into being as one of the finest policies in India (Government of Odisha, 2006). The policy as an UNDP initiative was generally perceived to be made responding to new challenges triggered by globalization, liberalization and privatization and development-induced displacement in the state. The policy has been unique in the state because it was based on the six field based research studies conducted by well known displacement experts familiar with the local situations. The findings of the research studies conducted in 2005 on the lower Suktel Irrigation project by Agnihotri, national highway project in the state by Ota, Coal mining projects in Angul and Jharsuguda districts by Pandey, the industrial projects (Tata Steel at Gopalpur, NTPC project at Kaniha, NALCO at Damanjodi and Bhusan Ltd at Jharsuguda) by Ravindran, tribal issues by Mahapatra and gender issues by Ray. It also referred to the lessons gained through stakeholders' consultations from the project site to divisional and state headquarters and also consultation by workshops and study visits of the concerned researchers (Mathur, 2008). Thus, the Involuntary Resettlement Policies, 2006, came out with participatory approach including stakeholders' consultation, some innovative provisions and field studies which are not yet common in many other policies. With better prospect the policy has many provisions such as possible ways of avoiding/minimizing displacement, payment of due compensation before the relocation of affected people, selection of resettlement site in consultation with the displaced families, assistance for homestead land, house building assistance for self-relocation, shifting assistance, convertible preference share, employment in projects, training for self employment and construction of shop and service units. It also takes into account of tribal and gender issues and their participation in project activities, etc. The redress grievance mechanism, monitoring system, etc were also included in this policy.

But this policy is also not free from criticism. The policy is applicable to all types of displacement projects such as canals, roads, railways, airports, seaports, dams, conservation, parks, bio-reserves, sanctuaries, power stations, mining, industries, sports complexes, urban housing and shopping complexes, amusement parks, slums clearance project, defence establishments, etc. But it prescribes the rehabilitation benefits differently. For instance, while there is employment provision only in 'A' type and 'B' type projects, the provisions for assistance of agricultural land in 'C' type projects, either land or employment in 'D' type projects and no provision for 'E' type projects are found in the policy. In case of linear projects though there is provision for employment but it is applicable where total displacement is caused. However, for PAPs/DPs, it does not matter whether it was industry or non-industry project but they want employment and what help them to reconstruct their earlier sources of livelihood after displacement. The policy neither assures of providing replacement value for lost land nor ensure of providing sustainable employment avenues for the oustees.

The policy did not recognize the displaced people's right to compensation on their loss of access to CPRs. The policies also did not mention the needs of exploring the impoverishment risks and risks mitigating mechanism for proper rehabilitation and resettlement of the oustees. For survey and identification of displaced families and even for the SEA and EIA, the roles of academicians, NGOs and civil societies are not made mandatory in the policy. Indeed the responsibility is being vested with concerned projects and government authorities that always tend to bypass the nature and consequences of the project. Since there is no mention of bottom up mechanism for survey and identification of displaced families for which the vested interest, corruption, favouritism, limitation of legal documents, etc cannot be avoided. The anomalies in Land Acquisition Act, Coal Bearing Act and other such Acts are not clearly rectified in the policy. Even the differences between different acts are not being resolved. Negotiation of price for land purchase though ensured in the policy but it was hardly operationalised against the earlier practices of exploitation of sale statistics and revenue rate by the project authority. There was also no clear provision for returning the unutilised lands the oustees. The policy also does not have any mandatory provision to take the village committees, civil societies, intellectuals, displacement specialists and concerned social activists for the selection of resettlement sites. Instead the rehabilitation and periphery development advisory committee made by the government would select the site for the resettlers. Though there is provision for taking immediate steps to make the revenue village status of the resettlement site but did not clarify as how it will take place and how much specific time period is required for any human habitation to become revenue village in the state. Thus, without changing the state level rules and regulations taking steps to declare any resettlement site as revenue village will be futile. Thus, the implementation of the policy is not viable.

V. Conclusion

We can conclude that the LA Act and R&R policy are arbitrarily used by government and project authorities for the construction of dam projects in Odisha. In the name of public purpose the people are involuntarily displaced however, not developed as expected before construction of the Dams. For the first time in 2006 the government of Odisha brought a comprehensive R&R policy 2006- a unique of its kind in the country. However, the state still could not resolve the problems of Dam induced human displacement. Unfortunately, many displaced families in the country have been suffering in the resettlement sites due to inappropriate compensation, resettlement and rehabilitation guidelines as and when developed by the

government. It is because of the impact of colonial legacy of land acquisition Act in State. However, each and every case of development induced displacement is unique and needs separate strategy for the rehabilitation and resettlement of the displaced people. In this regard, the R&R policy in the state over the decades though has been progressive but the history of its application has been not up to the mark. Thus, the actual history of compensation, rehabilitation and resettlement needs to be addressed for a better future. It is an open secret that the replacement cost of displacement cannot be entertained by the government authority as because they tend to compensate against displacement in order to actualise the project but not to develop the affected people. This bureaucratic mindset has to be changed for the betterment of all stakeholders of the projects. In this article we have explored four different phases of R&R policy experiences such as early phase 1869-1948, subsequent phase of 1960s-1980s, prospective phase of 1990s and promoting phase since 2006 in the state. Our study reveals that the first phase diverted the policy of rehabilitation and resettlement toward compensation issues, the 2nd phase realised the need of policy guidelines for rehabilitation and resettlement of the oustees, the 3rd phase seriously acknowledged the shortcomings of earlier R&R policy guidelines comparing the world Bank directives and 4th phase brought out a unique R&R policy for the displaced people in the state. Each successive phase though revised and amended on the earlier ones but failed to rectify the nagging problems crept in the R&R policy over the time. Unfortunately, though past experiences help improving the next policy but could not help it to be applied for the victimised displaced and affected people for all the time to come. Thus we must think that now we cannot make another Hirakud Dam in order to apply the new R&R policy.

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