

Agenda Item: - 7/ 8Voluntary fund beneficiary: Mrs. Kaushalya MundaJharkhand, India.

Backdrop: Since independence in 1947, India has been undertaking development projects to improve the quality of life of its people through planned development. Under the successive Five-Year Plans. Such projects include dams, power, mining, industrial and allied infrastructures, transport network, urban development, commercial forestry and other projects. Some of these projects have brought adverse effects in the form of displacement of people from their original place of habitation due to large-scale land acquisition. **Development-induced displacement** in the country has brought severe economic, social and environmental problems to the displaced people. Magnitude of people displaced and severity of the problems due to multipurpose dam projects is too high as compared to other projects in the country. They also lead to submergence of high quality of land, destruction of the watershed, disturb the delicate ecological balance and distort the surrounding environment, loss of wildlife and precious irreplaceable flora, etc. and most notorious problems of flooding, water-logging and salinity. The experience of post-Independence period from projects across the country suggests that the long drawn out process of displacement has caused widespread traumatic psychological and socio-cultural consequences. These include the dismantling of traditional production systems, desecration of ancestral sacred zones, graves and places of worship, scattering of kinship groups, disruptions of family system and informal social network (Kothari, 1995). Michael M. Cernea (1997) has developed the risk and reconstruction model, which has already been tested to be applicable to the **development induced displacement** situation in the country. The model is built around a core concept: **the risks of impoverishment**. The **eight-impoverishment** risks are

1. landlessness,
2. joblessness,
3. homelessness,
4. marginalization,
5. food insecurity,
6. increased morbidity and mortality,
7. loss of access to common property and
8. social disarticulation.

Impact on indigenous people: A large part of our natural resources lie in the hilly areas as well as the major rivers originate from the mountains; most of the development projects have been executed in those areas. These areas are the place of habitation of the indigenous people - the most disadvantaged sections of the society. Thus, a significant number among the displaced people are the indigenous people, and other economically marginalized rural people, who have depended upon the natural resource base for their livelihood. The

Twenty-ninth Report of the Commissioner of Scheduled Castes and Tribes (1990) says that even though indigenous people are roughly 8.2 per cent of the total population, over 40 per cent, of those displaced till 1990

belonged to these communities. A report of the Official Working Group on Development and Welfare of Scheduled Tribes during the Eighth Five-Year Plan (1990-1995) on the rehabilitation of indigenous people, based on a comprehensive study of 110 projects, has concluded that out of the 1.694 million people displaced by these projects, almost 50 per cent (814,000) were indigenous people (Government of India, 1993).

The most important and serious consequence of **development-induced displacement** for the indigenous people has been the dispossession of land, both agricultural and homestead, along with the loss of their traditional occupation. The indigenous people are deprived of compensation and rehabilitation benefits as per the Land Acquisition Act, 1894 (as amended in 1894) because they do not possess any legal documents to prove their ownership right on their land they occupy and earn their livelihood even if for centuries together.

Compensation: The tenancy (private) land owners whose lands are being acquired by the development projects are entitled to cash compensation at market prices as per the legal instruments such as Land Acquisition Act, 1894 and Coal Mining Bearing Act, 1957.

The meager and inadequate compensation paid for the land and property under acquisition and also rehabilitation assistance, hardly rebuild the previous standards of living of the displaced people. In addition, the niggardly compensation worked out on the basis of so-called market prices of tangible assets, is hardly commensurate with the total loss the displaced community faces all of a sudden without having developed any self management institutions or alternative livelihood to face such a crisis. Disparities and

arbitrariness in valuing their land and other immovable assets for calculating compensation and long delay in payment of compensation and rehabilitation assistance have impoverished them. Corrupt practices by officials involved in the payment of cash compensation and rehabilitation assistance make their situation worse. They are also instances of scandals in payment of compensation especially to indigenous people by siphoning away major chunk of the amount and many instances of exploitation by land owners, money lenders, bank officials and lawyers (Centre for Science and Environment, 1985; Thukral, 1989; Reddy, 1993 and Pandey, 1998a). In absence of no proper rehabilitation plan compensation amount received by the displaced persons is spent mostly on domestic and living expenses, clearing debt, performance of social functions, etc. makes them destitute in the long run.

Resettlement and Rehabilitation Policy: After Independence when India initiated development projects in different parts of the country, no specific policy was ever formulated either by the Central or the State governments to address the issue of displacement of people that took place.

The first Prime Minister Jawaharlal Nehru of India while inaugurating multipurpose Hirakud Dam in the year 1948, in his address while dedicating dam to the nation said – dams are temple of nation and people who are displaced are mostly from indigenous community, for them I would say - *"If you are to suffer, you should suffer in the interest of the country."* - . Such statement made by the country leader encourages discrimination for indigenous people.

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. Different State governments and ministries of central government followed different policies on resettlement and rehabilitation in the absence of a national Resettlement and Rehabilitation (R&R) policy. So far, States such as Maharashtra, Madhya Pradesh and Karnataka have resettlement legislation. But, most State governments rely not only on law or universal policies, instead on ad hoc administrative instructions, in conformity with the bureaucratic preference for what is described as case-by-case approach.

Noting the high incidence **Development-induced displacement** in the country that has brought severe economic, social and environmental problems among indigenous people and the magnitude of this displacement and severity of the problems is very high particularly due to multipurpose dam projects as compared to other projects in the country.

My organization call upon the United nation human Rights commission that under the purview of United Nations Declaration on the Rights of Indigenous Peoples adopted on 29 June 2006 the rights of humanism should not be violated.

This study is based on reports published either by Govt. or NGOs or individuals. I thank Mr. Chairman and team member of united nation human rights commission for giving me an opportunity to present on serious and vital issues of displacement that indigenous peoples (globally) are under threat of marginalization and struggling to survive, all the more fighting for their right to humanism at their own capacity and knowledge.

Thank You.

Kaushalya Munda

09/07/14