

# Land Acquisition and Displacement among Tribals, 1947–2004

Lancy Lobo

---

## **Insatiable Demand for Land and Displacement**

Planned development in post-independent India, especially the growth of the core sectors, including power, mining, heavy industry, irrigation and related infrastructural developments, came about at an enormous cost, borne by millions of persons who were displaced involuntarily or otherwise deprived of their livelihood. Even conservative guesses of the numbers of such people vary between 30 million and 50 million. Nearly 40 to 50 per cent of them are tribals. According to estimates, not more than 25 per cent of the displaced since the First Five-Year Plan have been resettled. Indeed, the experience of the first four decades after independence shows that development projects benefit primarily a few at the cost of many. The projects, instead of promoting even and holistic development of society, widen the gap between the haves and the have-nots, between regions, communities and sections of society, contributing to widespread unrest, conflict, as well as extensive socio-environmental crises.

The single largest community to bear the brunt of the development paradigm of the first four decades in India is the tribals. The number of tribals who have received compensation is very small. The reason is the principle of ‘*eminent domain*’, under which only land that is individually owned may be compensated. Tribal lands are often community owned or in the name of dead ancestors. Much of their land is classified as common property resources (CPRs) for which no compensation is paid. Being in administratively neglected backward regions, they get paltry sums in exchange for the private lands they lose.

This chapter explores the quantum of revenue land acquisition in general and transfer of forest and government land in particular for developmental projects in tribal areas, the process of land acquisition and finally some policy implications.

# I

## Land Acquisition and Displacement in Gujarat over Time and Space

Since Independence, the state of Gujarat has been undertaking developmental projects such as water resources (large, medium and small dams), transport and communications, industries, mines, non-hydel, defence and security, environment protection, human resources, farms and fisheries, urban development, refugee resettlement, social welfare, tourism, government offices, and so on. The land that was acquired for these projects by the state since independence is of three types: revenue (private), forest and government (CPRs). Data for this chapter is largely drawn from an earlier study (Lobo and Kumar 2009) titled *Land Acquisition, Displacement and Resettlement in Gujarat: 1947–2004*. While revenue land is acquired by the state with some compensation, the forest and government lands are transferred to the projects. Therefore, people dependent on forests and government land are likely to suffer the most.

The study by Lobo and Kumar (2009) provides data on number of families displaced and deprived by various so-called development projects. It is also an attempt to study the impact of displacement and deprivation on various strata of society. The data covers a span of nearly sixty years, from 1947 to 2004. Since no secondary data was available from any one department of the Government of Gujarat, the scholars had to scan nearly 80,000 gazette notifications and then code and re-code the information in order to maintain uniformity in measurements of land. They also examined land acquisition documents and visited project offices in the different parts of the state to get information about monetary compensation under various projects. Moreover, the study has carried out a sample survey of the households affected by different categories of projects, to understand the conditions of the displaced people in the new locations. Hence, this study is not merely a compilation of primary and secondary data but it also provides analysis of different aspects of the problem at various levels.

This study shows that nearly 2.5 million households, one fifth of the population, have lost their land and/or habitat, and fall into the category of displaced in post-independent (1947–2004) Gujarat. Eighty per cent

of the displaced are powerless and belong to the lower strata of society. Irrigation and industries are the main development projects, which have caused a large number of the displacements. In the foreword to the book Shah notes,

[t]he authors rightly demonstrate, with enough empirical evidence, that “Gujarat’s model of development is a shadow of the model prevalent in India and in the world at large. This is a model that relies heavily on the use of non-renewable energies, increases urbanisation at the cost of rural life, and causes environmental damage and destruction. This model helps a few to gain at the cost of the pain and misery of many. A large number of people face the risk of losing their knowledge just as they lost their lands, resources, languages and lives.” (2009: xix)

Sixty-one per cent of the land acquired, which lies in the tribal-dominated eastern forested region of Gujarat, is for water resources. Subsequently, 59 per cent of the total families displaced or affected are tribals. Table 10.1 shows the distribution of revenue land acquired for different categories of projects and the families displaced and affected.

**Table 10.1: Distribution of Land Acquisition and Families Affected/Displaced by Categories of Projects**

<i>Categories</i>	<i>LAQ</i>	<i>Percentage</i>	<i>FAM</i>	<i>Percentage</i>
Water resources	1921188	61.4	254,119	58.7
Industries	180296	5.8	15,056	3.5
Mines	7062	0.2	441	0.1
Non-hydel	16926	0.5	1,212	0.3
Defence & security	6873	0.2	264	0.1
Environment protection	1849	0.1	280	0.1
Transport & communication	720017	23.0	144,880	33.5
Human resources	70425	2.3	1,746	0.4
Farms & fisheries	3746	0.1	763	0.2
Urban development	136918	4.4	9,104	2.1
Refugee resettlement	869	0.0	69	0.0
Social welfare	30386	1.0	2,187	0.5
Tourism	626	0.0	69	0.0
Government offices	21712	0.7	795	0.2
Unknown	7636	0.2	1,651	0.4
<b>TOTAL</b>	<b>3126529</b>	<b>100.0</b>	<b>432,636</b>	<b>100.0</b>

*Source:* Lobo and Kumar (2009).

*Note:* FAM=Families/households.

Of the total 18,000 odd villages in Gujarat, one finds that 7,220 villages have been deprived of land at varying proportions, as shown in Table 10.2.

Around 40 per cent of the villages have lost land. Of these 7,220 villages, nearly 60 per cent have lost less than 5 per cent of the total village land; 30 per cent villages have lost between 5–20 per cent land; 6 per cent villages have lost between 20–35 per cent, and so on (see Table 10.2).

**Table 10.2: Percentage of Villages with Land Acquired by Development Projects in Relation to Total Area of Villages**

<i>Region</i>	<i>&lt;5</i>	<i>5–20</i>	<i>20–35</i>	<i>35–50</i>	<i>50–75</i>	<i>75&gt;</i>	<i>Total Villages</i>
North Gujarat	865	641	169	59	49	110	1,893
Central Gujarat	807	880	347	168	134	183	2,519
South Gujarat	494	703	303	136	129	142	1,907
Saurashtra & Kachchh	516	267	59	18	16	25	901
Percentage	57.3	29.6	6.6	2.0	1.8	2.8	
TOTAL	2,682	2,491	878	381	328	460	7,220

*Source:* Lobo and Kumar (2009).

## II

### Water Resource Projects and Tribal Areas

Of all the categories of developmental projects, the water resource projects take up the largest share of land acquired and families displaced in Gujarat. Hence, this is the category we choose to discuss here. The location of water resources, viz., large, medium and small dams are mostly in forested tribal areas. Central Gujarat accounts for 39 per cent of land acquired for water resources and 40 per cent of families affected; south Gujarat accounts for 28 per cent of land acquired and 35 per cent of families affected; and, finally, north Gujarat accounts for 22 per cent of land acquired and 19 per cent of the total families affected or displaced. Central and south Gujarat together account for 67 per cent of land acquired and 75 per cent of families affected or displaced. As noted earlier, most of them are tribals.

It can be noted from Table 10.2 that land is acquired from multiple sources, viz., revenue, forest and government for water resources in the different tribal regions of Gujarat. Considerable forested land is transferred for these projects, which for centuries has provided subsistence and livelihood to the tribals. Food, fodder and fuel came largely from these forested habitats.

Gujarat has acquired an estimated 1.9 million ha of land under the Land Acquisition Act for various water resources projects out of an

estimated 2 million ha for 192 major, medium and minor projects. In addition, as per our estimates, 35,000 ha of forests might have been utilised for the water resources projects, including the 25,000 ha of land submerged by various dams from 1960–61 to 1984–85 (GoG 2000), and 124,000 ha of government land have also been utilised by water resources projects. A majority of the land has been utilised by major irrigation projects (Table 10.3).

It is estimated that 80 per cent of the land utilised from the forests has displaced forest dwellers without providing any suitable alternatives. Livelihood of at least 20 per cent of the state's total tribal population is solely dependent on forests and this number may increase to nearly 30–40 per cent in the talukas where more than 80 per cent of the population belongs to scheduled tribes (STs). The loss of forest cover from one region cannot be reclaimed in another. Not only persons living inside the forest but also those who live on the periphery utilise forest resources. As has happened in Ukai, Karjan and Sardar Sarovar projects, the loss of forests has indirectly affected larger settlements than just those submerged by the projects. Thus people affected by forest land depletion would be 0.3 million persons out of a total tribal population of about eight million in the state during the 2001 census.

### III

## Land Acquisition Acts and the Process of Acquisition

The British authorities had already acquired significant areas of land before the benchmark Land Acquisition Act of 1894 was promulgated. The imperial Department of Forests was established in 1864 and was headed by a notable German expert, Dietrich Brandis. The following year (1865) saw the introduction of the Indian Forest Act, which, recognising the strategic importance of railways and of the forest resources facilitated the acquisition of forest lands for approach roads and for the timber that was exported for sleepers and other construction purposes. A more comprehensive set of regulations was put in place through the Indian Forest Act of 1878.

The Land Acquisition Act of 1894 (LAA 1894) introduced the concept of the 'public domain'. The government could acquire land from private owners for public purposes or for a company. The agency vested with the power to make the acquisition was the District Collector.

**Table 10.3: Type of Land Acquired for Major Water Resource Projects in Gujarat**

<i>Project Name</i>	<i>District</i>	<i>Taluka</i>	<i>Area Submerged</i>	<i>Private</i>	<i>Forest</i>	<i>Government</i>
1. Narmada	Narmada	Tilakwada	37,690.0	11,279.0 (29.9)	1,3542 (35.9)	12,869 (34.2)
2. Karjan Reserve	Bharuch	Bharuch	35,424.7	29,269.5 (82.6)	2,887.4 (8.2)	3,267.8 (9.2)
3. Ukai	Surat	Surat	24,280.3	21,519.0 (88.6)	0 (0.0)	2,761.3 (11.4)
4. Panam Irrigation	Panchmahals	Santrampur	22,181.0	12,890.0 (58.1)	4,166 (18.8)	5,125 (23.1)
5. Kadana Reserve	Panchmahals	Santrampur	17,008.0	9,258.0 (54.4)	7,750 (45.6)	0 (0.0)
6. Damanganga Irrigation	Valsad	Dharampur	5,144.0	2,747.7 (53.4)	1,202.3 (23.3)	418 (8.1)
7. Koliyari Irrigation	Panchmahals	Godhra	4,006.8	3,986.8 (99.5)	20 (0.5)	0 (0.0)
8. Sipu Reserve	Banaskantha	Dhanera	2,892.0	2,892.0 (100.0)	0 (0.0)	0 (0.0)
9. Kabutari Irrigation	Dahod	Limkheda	2,132.0	2,112.0 (99.1)	20 (0.9)	0 (0.0)
10. Dev Irrigation	Panchmahals	Halol	1,952.0	1,526.0 (78.2)	213 (10.9)	213 (10.9)
11. Watrak Reserve	Sabarkantha	Malpur	1,810.9	1,810.9 (100.0)	0 (0.0)	0 (0.00)

12.	Guhai Reserve	Sabarkantha	Himmatnagar	1,712.0	1,204.0 (70.3)	0 (0.0)	334 (19.5)
13.	Kabutari Irrigation	Dahod	Limkheda	1,700.0	233.7 (13.8)	0 (0.0)	1,466.3 (86.3)
14.	Mazam Reserve	Sabarkantha	Modasa	1,309.4	1,309.4 (100.0)	0 (0.0)	0 (0.0)
15.	Goma Irrigation	Dahod	Baria	955.0	587.0 (61.5)	156 (16.3)	212 (22.2)
16.	Hadaf Irrigation	Panchmahals	Godhra	892.0	650.0 (72.9)	0 (0.0)	242 (27.1)
17.	Karad Canal	Dahod	Devgad-Baria	867.7	568.8 (65.6)	0 (0.0)	208.82 (24.1)
18.	Machannala Irrigation	Dahod	Zalod	697.0	634.0 (91.0)	18 (2.6)	45 (6.5)
19.	Singor Reserve	Dahod	Baria	401.0	279.0 (69.6)	59.3 (14.8)	0 (0.0)
20.	Kali Irrigation	Dahod	Jhalod	314.9	113.3 (36.0)	102.1 (32.4)	99.45 (31.6)
21.	Harnav Irrigation	Sabarkantha	Vijaynagar	310.0	111.5 (36.0)	82 (26.5)	116.5 (37.6)
22.	Wankleshwar Irrigation	Dahod	Devgad Baria	283.3	283.3 (100.0)	0 (0.0)	0 (0.0)
23.	Waidy Irrigation	Sabarkantha	Meghraj	243.6	243.6 (100.0)	0 (0.0)	0 (0.0)
24.	Umaria Irrigation	Dahod	Limkheda	235.8	139.5 (59.2)	35.3 (15.0)	54.9 (23.3)

Source: Lobo and Kumar (2009).

He was charged with surveying the land required, establishing the nature of the individual claims on it, settling any disputes amongst the existing right-holders, and any that may arise between the owners and the body acquiring the land, and awarding compensation. The landowners and right-holders of the land to be acquired were to be compensated in cash. The collector had the initial power to make the award but his award could be referred to the determination of the court, provided an appeal was filed within six weeks of his award. There were provisions that made the collector personally accountable for excessive awards, thus ensuring that he did not attempt to minimise appeals to the court by overly generous payments.

The LAA 1894 is the enabling law that the state uses most often to displace or deprive people of their livelihood. Its first notification under section 4.1 gives the affected people two months time to raise objections. This is followed by the second notification that deals with the objections and gives a final decision. The third step is the award that announces the decision on the compensation and other issues around the land to be acquired. The first two notifications are published in the state gazettes and the third is given to the individual land loser (Ramanathan 1999: 19ff). The LAA also has emergency clauses that enable the state to take land away at short notice. For reasons of urgency, this period is 15 days, while for an emergency it can even be 48 hours. Land acquisition (LAQ) deals with private land, but there is no law for the acquisition of CPRs: they are considered state property and are handed over to the project through an inter-departmental agreement or a Government Order (GO). In the Sixth Schedule areas, the state has to come to an agreement with the District Autonomous Council and in most cases has to get the consent of the village chief (Prabhu 2002: 247ff). Thus, the LAQ empowers the state to acquire private land for a public purpose but does not recognise the CPRs as people's sustenance.

## Sources of Information

The aforementioned study visited 139 sampled sites of project affected/displaced people across time, space and category of project given the quantum of land acquired for different projects. Table 10.4 shows the distribution of the displaced/affected social groups. The table also shows that 42 per cent of the total respondents are tribal, 5 per cent are dalits, 24 per cent are from Other Backward Classes (OBCs) and 29 per cent



constitute others. It also shows that of the total 814 tribal respondents, 70 per cent are the displaced people while 30 per cent are affected; of the total 90 dalits, 20 per cent are displaced and 80 per cent are affected; of the 472 OBCs, 20 per cent are displaced and 80 per cent affected; and of the rest, 561 (29 per cent) are displaced and 71 per cent affected.

**Table 10.4: Gender and Social Profile of the Respondent Households**

<i>Projects</i>	<i>Gender Profile</i>			<i>Social Profile</i>				
	<i>Male</i>	<i>Female</i>	<i>Total</i>	<i>ST</i>	<i>SC</i>	<i>OBC</i>	<i>Others</i>	<i>Total</i>
Defence	21	2	23	3	0	8	12	23
Environmental protection	75	21	96	73	1	22	0	96
Human resource development	31	7	38	0	0	24	14	38
Industries	513	98	611	57	44	191	319	611
Mines	30	13	43	43	0	0	0	43
Non-hydel	37	4	41	40	0	1	0	41
Social welfare	5	1	6	0	0	0	6	6
Transportation	150	15	165	2	10	92	61	165
Tourism	31	9	40	37	1	1	1	40
Urban development	71	19	90	0	14	34	42	90
Water resources	671	113	784	559	20	99	106	784
TOTAL	1635	302	1937	814	90	472	561	1937

*Source:* Lobo and Kumar (2009).

We have tried to investigate displaced and project-affected people's sources of information about the projects. In the case of most projects, the project officials and other government officials informed the households about the land acquisition (see Table 10.5). Most households may not have received formal notification, which is reflected in the high percentage of households mentioning 'other sources' apart from the information sources mentioned. In the case of water resources projects and the forest oustees from the Dangs, people are still not aware of the reasons for their displacement. The industries and the Oil and Natural Gas Corporation Ltd (ONGC) have adopted the most legal approaches to land acquisition.

Even in a project like the National Expressway, the affected households were not aware of land acquisition until the official land survey began. In the Capital Project, 30 per cent of the households were formally informed through an initial notification. In the Vadodara Petrochemical Complex, the government had initially earmarked the land for industrial projects.

**Table 10.5: Sources of Information on Project-affected People**

<i>Project Categories</i>	<i>Political Leaders</i>	<i>Beating of Drums</i>	<i>Radio/ Newspaper</i>	<i>Notification</i>	<i>Panchayat</i>	<i>Other Villagers</i>	<i>Project/ Other Govt Officials</i>		<i>Acquisition Award</i>	<i>Still Do Not Know</i>		<i>Any Other</i>	<i>Not Applicable</i>
Defence	0	0	1	12	4	1	6		1	2		8	0
Environmental protection	0	0	0	11	1	3	56		1	25		10	6
Human resources development	0	0	0	0	0	0	3		0	4		32	2
Industries	8	2	18	163	72	37	148		13	65		176	36
Mines	0	0	0	16	6	4	14		0	0		19	0
Non-hydel	3	0	0	0	5	11	3		4	8		6	3
Social welfare	0	0	0	3	0	0	0		0	0		3	1
Transportation	1	0	1	45	13	11	16		7	19		93	2
Tourism	0	0	0	3	6	7	16		0	12		11	0
Urban development	0	0	1	28	11	0	19		8	15		24	0
Water resources	9	4	1	82	52	116	193		5	104		269	18

*Source:* Lobo and Kumar (2009).

## Problems Faced after Announcement

Almost all households were deprived of cultivable lands immediately after the announcement or the first notification of land acquisition. The rumours about the projects and their implications were the first things that people thought of as was evident among the oustees from the Gir National Park, Junagadh. Ongoing development projects in the villages and the government's project sites ground to a halt (Table 10.6).

## Initial Reaction to Announcement

How did the ill-informed oustees react to the projects? Those who knew what was coming were eager to plan their future. For most oustees, the fear of losing land and livelihood was prominent. As people came to know about the project they felt helpless. Anger and fear of losing land/houses were the predominant emotions among more than 70 per cent of households. This was more evident in the water resources projects, especially dams, where the tribals were fearful of the project activities in their areas. More than 40–70 per cent of the respondents across the projects were deprived of their normal activities and were discontent with their present life. There was some hope for employment among the people affected and displaced by industrial projects. The dam oustees could not even hope for jobs in the project (less than 2 per cent had any hope). The helplessness of the people displaced by defence projects was greater since they feared the aggressive behaviour of project authorities.

## Local Leaders' Reactions to the Announcement of the Projects

The respondents uniformly felt that their local leaders could not do much when they came to know about the land acquisition. In the case of water resources projects like Ukai, Macchu, Madhuban, and Dantiwada, more than 40 per cent could not do much about the fate of their own people. Some leaders tried to unite the people, as in the case of the Saputara Hill Station and the Positra Port Project. Nearly 12–15 per cent of the respondents said that their leaders had called meetings to inform the people about land acquisition for projects. Almost 54 per cent of the people deprived by the Positra Port Project said that meetings were organised by the affected to discuss and protest against the project. But they did not mention any support from non-governmental organisations (NGOs). Of all the projects,

**Table 10.6: Problems Faced Immediately after Announcement**

Project Categories	Development Projects		People Began Cutting Trees	Not Allowed to Cultivate	Rumours Spread to Scare People	People Began to Steal	Some Tried to Buy our Assets at a Very Low Price		Others	Not Applicable
	Stopped									
Defence	0		1	8	1	0	1	4		1
Environmental Protection	2		5	19	19	1	6	24		12
Human Resource Development	0		2	3	19	0	3	4		7
Industries	1		44	160	122	1	48	68		66
Mines	2		8	1	26	0	0	4		1
Non Hydrel	0		8	18	3	0	4	4		2
Social Welfare	0		2	1	0	0	0	2		1
Transportation	13		50	39	23	0	4	47		3
Tourism	1		8	22	8	0	6	12		1
Capital Project	5		20	15	15	0	10	14		0
Water Resources	15		117	204	163	25	29	69		47

*Source:* Lobo and Kumar (2009).

it was in the case of the Reliance Petrochemical Complex that 23 per cent of the people believed that the village leaders had conspired with project authorities and had become their agents.

In some projects, like the Kakrapar Nuclear Power Project, for example, about 14 per cent of households said that their leaders had supported the project. Similar leadership support of projects is observed in the forest, human resource development, the Hazira Industrial Areas and the Gir National Park displaced. This may imply that local leaders like the sarpanchs and the village elders were made to understand the project and its land requirements, so that they tried to convince the villagers to allow the projects to use their lands, although, in some cases, the leaders were agents of the project authorities.

In very few projects did the project officials meet the people directly. In most cases, people were not given any opportunity to express their objections: only half of the total respondents had some interaction with the project officials. In most of the cases of dams, the officials had group discussions and few individual interactions with the people. Even though the local leaders were mostly aware of the project, the officials had exclusive discussions with them on some of the industrial projects like the Hazira and Reliance Petrochemical complexes. In the National Expressway project, the officials met only the leader; no meetings took place at the community level. In most cases, project officials informed the leaders that they needed to vacate the lands for the national highway, in the interests of the nation. A similar rhetoric was used to acquire large tracts of land for the dams. In the Kakrapar Nuclear Power Plant project, the people were not even informed till they were forced to vacate the plot.

The promises made by project officials outside of the meetings were recorded mostly in the case of land acquisition for industries; for instance, in the petrochemical complex projects in Vadodara and Jamnagar. Such promises were also made in the Ukai Project (8 per cent, that is, 85 households, reported such incidences). In Saputara and Gir national parks, the promises made by the project authorities were generally related to land, compensation and jobs. Officials and leaders promised the oustees the compensation demanded and land in most of the water resources projects. For land acquisition by the Gujarat Industrial Development Corporation (GIDC), 40 per cent of the respondents said that the project officials had promised them employment. About 80 per cent of the displaced tribals reported promises of land and compensation in the case of the Gir National Park project.

## Compensation and Deprivation

Across the projects that we investigated, more than 75 per cent of households reported loss of land. One of the most problematic losses of land is the forest department's acquisition of tribal lands for forest areas and wildlife sanctuaries.

In the tribal areas of the Ukai and Karjan dam sites and the Purna Reserve Forest, agriculture is the major occupation. The traditional method of *farti kheti* (shifting cultivation) was followed till the early 1970s. Presently, land is jointly held by the villagers and is cultivated. There is a difference between land acquisition in revenue areas (where people are eligible for compensation) and the forest village areas that are administered by the forest department (where people are not compensated for land that is not 'owned' by them). People are dependent on the forest department when they are deprived of the core forest areas without proper compensation.

In most cases, transportation charges and some money for the construction of homes were disbursed; these were not above (approx.) ₹700–1000, which was not even 10 per cent of the cost of reconstruction during the 1970s. A high average compensation was paid in some industrial areas. There are two reasons for this: (a) high land value due to the location of industries near major transportation corridors, and (b) fertile agricultural tracts that have a higher valuation than hilly lands. People of the tribal and backward areas were not much aware of the valuation criteria for compensation.

Of all the surveyed households, only 19 per cent had any knowledge about the criteria for compensation. This is a result of the lack of information or the misinformation given to people by an inappropriate medium of dissemination. We have come across cases where the first and second land acquisition notices under the Land Acquisition Act was served to the panchayat offices, but had not been displayed here. There were also some deliberate attempts made by the project authorities to keep the displaced and deprived people uninformed about forthcoming projects.

## Employment in the Project for the Displaced

While investigating the project authorities' promises to the people in terms of employment or any other benefits, it was found that only 3 per cent of the households reported any kind of employment provided by the project. For the local people, the project meant nothing except a few influential

leaders gaining some monetary benefits. A minimum scope for secondary employment for the semi-skilled deprived population was available in the Hazira and Reliance industrial areas; this too was temporary in nature. In most cases, people worked during construction, which lasted for one to three years. Beyond this period, the project was incapable of engaging the people directly.

Over the years, compensation for the land acquired for various projects by the state was thought to be the norm, but the amount was less than the expectation of the displaced people: more than 85 per cent of the respondents did not think their compensation was adequate. Only 10 per cent of the respondents (those who were displaced by the Hazira and Reliance complexes) were satisfied with their compensation. People expected more than twice or thrice the amount that they actually received. Most of them responded saying they had received only a quarter (25 per cent) of the amount they had expected from the projects. Since very few people were aware of the compensation criteria, they could not say whether they had received adequate compensation in the Karjan and Madhuban dam projects. Lack of education and lack of the knowledge about the compensation criteria could be the possible reasons for such resentment on the amount of compensation.

Fertility and productivity of land were major reasons why people felt they deserved better compensation. At some places we found some faulty valuation processes which did not compare with the market value of the land. The present valuation process looked only at the last few sale transactions to fix compensation and not its earning potential. One must also be aware that the land record system does not update itself as quickly as the transactions take place. Usually there are a number of legal dependents on the land and its resources, and, hence, taking away the land deprives not only the registered owner but also these dependents. This is very common in Gujarat's villages, in light of the joint family system, where lands are often divided within the family. Compensation, as defined by the Land Acquisition Act, does not look at this issue. Lands in the plains are not frequently mutated/sub-divided as in the fertile agricultural regions.

The compensation paid was not enough for the survival of those who were living in joint families, resulting in mass migrations to the nearby cities of Surat, Bharuch, Vadodara, and Valsad. Illiteracy and lack of leadership also resulted in meagre compensation: the dam oustees from south Gujarat, mainly tribals, were not able to avail of legal help or appeal for more compensation. The system worked for the more literate persons in the industrially developed regions.

The displaced people received compensation after the government acquired the land, that is, within one to two years of acquisition. But in many cases, compensation was paid in three instalments. For the dam projects, the displaced received meagre compensation at an average of (a maximum of) ₹800–1,200, over a two-year period. This phased release did not help them buy land elsewhere. In most cases this money was spent on survival.

## Protests against Unjust Compensation

Collective protest by the displaced during project planning and construction was by and large missing in the Madhuban and Ukai projects. Thus, the project authorities easily sidelined the demands of some groups who protested. It seemed that until 1975–76 there was virtually no opposition from the people, political parties and intellectuals. As our study moved to newer projects like Karjan (Rajpipla) and Machchu (Rajkot), the respondents were more aware and protested in order to get a little more compensation. Protests were mostly registered by groups displaced by water resources projects like Dantiwada, Madhuban and Ukai dams and by the forest expansion plans in the Dangas. Individual as well as group protests were found mostly in the industrial projects like Vadodara Petrochemicals, Reliance Petroleum Ltd and the Hazira Industrial Area. Individual applications were mostly made in the ONGC projects, since they acquired small pieces of land scattered throughout the state. Most of these protests were for the amount of cash compensation, with the exception of the Saputara Hill Station project, where land was demanded (Table 10.7).

Of the projects investigated, less than 30 per cent of the respondents had filed legal protests in the district court or the high court. The ONGC, GIDC, Vadodara Petrochemicals, Hazira Industrial Area, Reliance Petrochemicals, and the National Expressway mainly found legal protests in cases of land acquisition. Of all the projects, people from Positra were the most successful in reclaiming the lands acquired by the state. The people affected by the industrial projects were also able to protest against the project officials. It is surprising to find that the seat of the local government or Panchayati Raj Institutions (PRIs) (village panchayats or taluka/district panchayats) were of little help to the displaced and the project-affected people.

There were no positive responses from either the project authorities or the courts to most of the protests filed by the displaced and deprived people. This is especially true of the water resources projects. It is only in the case



**Table 10.7: Respondents' Protests Regarding Compensation**

<i>Project</i>	<i>Yes</i>	<i>No</i>	<i>NA*</i>	<i>NP**</i>	<i>Total Sample</i>
Army cantonment, Bhuj	17	4	0	2	23
Forest displaced, the Dangs	0	3	7	39	49
Gir National Park, Junagadh	25	10	3	9	47
Human Resource Development	8	13	3	18	42
GIDC	117	56	29	47	249
Hazira Industrial Area	37	15	10	6	68
ONGC	80	24	5	13	122
Reliance Petrochemical Complex	13	23	1	2	39
Vadodara Petrochemical Complex	61	37	13	22	133
Lignite Mine, GMDC	17	15	3	8	43
Kakrapar Nuclear Power Plant	11	22	6	3	42
Social welfare	5	0	1	0	6
National expressway	61	38	1	15	115
Positra Port & SEZ	46	2	0	2	50
Saputara Hill Station	18	12	3	7	40
Capital Project (Gandhinagar)	48	36	3	9	96
Dantiwada Dam	20	46	13	19	98
Karjan Dam	52	32	1	18	103
Madhuban Dam	11	70	15	21	117
Machchu Dam	34	22	6	3	65
Ukai Dam	38	238	40	74	390
TOTAL	719	718	163	337	1,937

*Source:* Lobo and Kumar (2009).

*Note:* \*NA = Not Available

\*\*NP = Not Applicable

of the National Expressway and the ONGC projects that were less than 20 years old and located in developed districts that the project-affected people were able to increase compensation. With regard to court cases, most of the respondents could not get any decision pointing to the lack of sensitivity shown them. In such cases, it was easier to get the amount of compensation raised than to get land for land. In 40 per cent of the cases, the court ordered a raise in the compensation amount. Litigation was more positive in the industrial areas where unlike those displaced by the water resources projects, the medium and large-scale farmers could get justice. This was largely because they were well educated and had access to lawyers and courts.

## **Expenditure for Securing Compensation Amount**

In most cases, the respondents incurred various expenditures, ranging from a few hundred rupees to over a ₹0.1 million for securing compensation.

With the increase in the amount of compensation, their expenditure also increased. Some expenditure was incurred for travelling to project offices and court. Payments were not easy to come by, even in the case of small amounts: in some cases the displaced had to deal with middlemen. People did not remember the exact amount they had to spend in cases where the project was more than 20 years old. Not many responded to the question of bribing officials to secure compensation. Court cases were a major head of the expenditure in the ONGC, GIDC and Hazira Industrial Areas. Court expenditure was also high in the Karjan and Machchu dam projects.

## Mode of Spending Compensation

The amount of compensation was generally meagre and the respondents spent it during the initial years of displacement. In projects that were 25 years old, like the Ukai and Madhuban dams, people could not clearly remember how they had spent the amount. Respondents who could reply to the question said that they had spent the amount on the construction of houses, on food and groceries. The exception was in the case of the industrial areas where it was spent on social occasions, that is, marriages, etc. Households of the Karjan and Madhuban dams purchased more land than any other project-displaced since all their lands were taken by the projects.

The respondents of most of the projects also spent some amount on purchasing household articles — this is especially true of the water resources projects displaced — which means that the sudden receipt of money may have changed their consumption patterns (Table 10.8).

The process of displacement does not bring transparency in the workings of the project authorities in land acquisition and compensation. The inadequacy of the compensation and waiting for the amount declared or awarded by the land acquisition officers had negatively affected the displaced. In some cases, they had to wait for nearly two years before they could construct houses, and had to labour hard on uneven and poor quality land to make it suitable for cultivation. The households which had enough resources were able to survive; those that didn't almost perished due to sheer want of money. The generation that lost lands to these projects was no longer respected by family members of the current generation, as in the case of the Ukai, Madhuban and Karjan dams: they think their forefathers could have done better by resisting land acquisition.

The question is whether they could have at all resisted, since they were bulldozed by the 'public purpose' claims of LAQ; could they have turned

**Table 10.8: Project-wise Mode of Spending Compensation**

Project	Purchased		Land Improvement	Land	Other Goods	Food & Groceries			Used on			On Jewellery	Started Businesses	Loan Repayments	Unaccounted	Others	Not Applicable
	Land	Articles				Animals	Household Groceries	Constructed Houses	Social Occasions								
Defence	4	7		0	3	0	4	8	9			1	1	0	0	2	2
Environmental protection	0	1		0	1	0	1	2	0			0	0	0	0	0	90
Human resource development	2	6		0	2	0	7	9	13			0	1	0	0	12	7
Industries	22	97		46	35	17	82	141	119			10	34	0	13	87	99
Mines	2	6		1	0	0	3	24	6			0	0	0	1	4	7
Non-hydel	0	9		4	8	2	8	5	1			0	0	0	1	1	6
Social welfare	0	1		1	0	1	2	1	3			0	1	0	0	0	0
Transportation	1	31		8	8	3	39	11	23			2	7	0	3	33	55
Tourism	9	17		1	3	0	20	5	10			0	0	0	0	5	2
Urban development	3	16		3	13	1	24	16	42			0	10	0	0	18	5
Water resources	57	153		32	68	35	123	308	42			3	9	0	32	36	104

Source: Lobo and Kumar (2009).

a deaf ear to the slogan of national development, without opposition from local leaders. In the industrial areas the displaced have resisted better, since in the last two decades there has been more awareness of the rights of the landowners and they have not been afraid to take recourse to the law. Some of the displaced have organised themselves in the Hazira, GIDC, ONGC and *Reliance Petroleum Ltd* projects and achieved partial success in receiving better compensation.

In most water resources projects, the compensation was paid in cash and that too in instalments by project authorities or revenue officers. In the industrial projects, compensation instalments were paid mainly through cheques, the only exception being the Vadodara Petrochemical Project in 1969–72. It has been observed that compensation in cash is popular wherever the rate of compensation is low.

Displacement and poverty has been linked together by social scientists like Michael Cernea, a sociologist who has researched development-induced displacement and resettlement for the World Bank. He points out that being forcibly ousted from one's land and habitat carries with it the risk of becoming poorer than before displacement, since a significant portion of the people displaced do not receive compensation for their lost assets and the assistance required to re-establish themselves productively.

Cernea (1999: 1ff) has identified eight interlinked potential risks intrinsic to displacement. Others have suggested the addition of other risks such as the loss of access to public services, schooling for children, and civil rights or the abuse of human rights such as loss of property without fair compensation, or violence from security forces or risks of communal violence in resettlement areas to Cernea's list. The study on Gujarat corroborates the risks identified earlier that are intrinsic to the character of development pursued. The eight interlinked potential risks intrinsic to displacement are: landlessness, joblessness, homelessness, marginalisation, food insecurity, increased morbidity and mortality, loss of access to common property, and social disintegration (Lobo and Kumar 2009).

## IV

### Policy Issues in Gujarat

Our study on development-induced displacement in Gujarat during the period 1947–2004 has uncovered a mottled picture in the state, which may be looked into while formulating the Resettlement and Rehabilitation (R&R) policy of the state. The Gujarat Ecology Commission reports readied in 1995 on the status of air, water and land are yet to be released by

the government as they are damning to its growth-centric development. It is said that Gujarat's Gross Domestic Product (GDP) is 14 per cent, and that of the rest of the country is 10 per cent. Few, however, speak about the rapid rate of depletion of Gujarat's resources. A policy should look into sustainable development policies with minimum negative implications on land and human resources.

**People displaced and deprived by development projects:** In Gujarat, 0.4 million households (2.5 million persons; 5 per cent of the state's total population) have been displaced or affected by developmental projects such as water resources, transport and communications, industries, mines, defence, sanctuaries, human resources, government offices, tourism, etc., in the 57 years since independence. On the recent land earmarked for special economic zones (SEZs), the chief minister has repeatedly stated that barren, waste, and saline lands will be used. But it is popularly believed that apart from the 15 operational SEZs, the proposed 45 new ones will take away quite a lot of agricultural land. The recent agitation at Mahuva in Bhavnagar district is a clear example of agricultural land being set aside for a cement factory. The state should balance land utilisation for agricultural as well as industrial uses based on regional social resources and economic evaluation of the state.

There has been a gradual shift in the pattern of land utilisation in Gujarat, moving from the primarily agricultural to the non-agricultural. The consequence of the present pattern of development is the continuing powerlessness of weaker sections of society: they are often displaced without getting any benefits from the projects. Since independence, development projects of the five-year plans have displaced about 0.5 million persons each year in India, primarily as a consequence of land acquisition. This figure does not include displacement by non-plan projects. In addition, changes in land use, acquisition for urban growth and loss of livelihood have also caused environmental degradation and pollution. Hydroelectric and irrigation projects have been the largest cause of displacement and also the destruction of habitat. Policy on R&R should look into the long-term negative fallout of such a development approach and the appropriate initiatives to mitigate them.

**Social Groups Affected:** From the sample data of the study, it may be seen that the victims of the development projects have been, for the most part, the tribal communities, especially in the water resources, mining and forestry projects. The dalits and the backward communities in central and south Gujarat have often had to part with small landholdings for canal

networks and industrial complexes. The industrial regions of Saurashtra and Kachchh have seen the larger, agriculture-dependent communities (who worked as agricultural labourers) especially in Jamnagar, Rajkot, Bhavnagar, and Kachchh districts, suffer due to land acquisition. Our survey across the state reveals that the communities already economically and socially neglected by the state could not regain their livelihood, and lost both their lands and their pride. The policy should consider R&R specific to the different social groups affected.

**Gender:** It is women who suffer the most from the process of displacement. A great number of women who were mostly dependent on agricultural land, forests and water bodies for their livelihood have been forced to work against their wishes. The female workforce from tribal communities was forced to work in the sugar cane fields in south Gujarat; women from central and north Gujarat were uprooted from their own fields and had to work as labourers in factories; some are even pushed into becoming a part of the urban mainstream and work in cities as domestics. Women have thus been made to feel insecure and have been subject to violent atrocities not only at home but also outside. The policy on R&R should be able to address the problems of women and children.

**The Inadequacy of Compensation:** Those displaced or affected by development projects seldom receive a satisfactory return on the land acquired. The LAA does not recognise the 'displaced', or recommend resettlement and rehabilitation packages for the project-affected except in terms of monetary compensation which can never be commensurate with the value of the land. Till the early 1980s, the general trend of compensation in the state was low as compared to current rates where people's awareness and government policy have played a significant role in raising the compensation amount. This amount was smaller in tribal regions due to two factors: (a) the non-transferable character of tribal lands lowered the value of land (as compared to marketable lands); (b) the low price of land was also due its location and lack of productivity. Since valuation is largely dependent on sale instances of the land under question, the valuation of certain lands may be lower than others at the same site. As mentioned earlier, compensation also depends on the type of agency and the nature of the project: industrial projects, for instance, have higher rates of compensation than others. It is necessary to observe if compensation is based on the current value of land (as seen from the revenue perspective) or on its earning potential over the next 10–15 years. Is the compensation paid to farmers comparable with the Voluntary

Retirement Scheme (VRS) offered to various public sector undertakings which compensates employees not only for the loss of income but also for the income they might have earned until their retirement? Similarly, if land acquisition makes farmers retire early from their occupation, they should be compensated at current market prices, plus the earning potential for the next 10 years. Thus, either the state needs to reconsider its compensation policy or formulate a rehabilitation plan for landholders who have been deprived by development projects. Most projects might not be capable or willing to rehabilitate project-affected persons. In such cases, mandatory compensation and rehabilitation by allowing projects to pay costs to the state or local bodies for the development of the affected is highly recommended.

The central government plans to amend the LAA and remove the section inserted in 1984 (during Indira Gandhi's regime) which empowered the government's acquisition of land for private parties for the purpose of industrial development in backward regions. The amendment also redefines the public purpose for which the government is allowed to acquire private land. It is thought that this will terminate the government's right to acquire land for promoting industrial estates and SEZs.<sup>1</sup>

The government will, however, retain the power to intervene if vested-interest elements adopt mollified means to prevent the establishment of the SEZ or that of any other project. While one of the key amendments will require private parties and developers to buy land from the owners through negotiations without any government help, the government will step in if 90 per cent or more land has been acquired but there is resistance against the purchase of the remaining 10 per cent. Under the proposed amendment, the government can notify resisting landowners to compulsorily sell their land. In such a case, the owners would be entitled to the highest price that the project promoters had paid, for any part of the land acquired for the project.

The public purpose in the United States is known as the 'eminent domain'. Eminent domain is generally defined as the power of the nation or sovereign state to take, or to authorise the taking of, private property for public use without the owner's consent, conditioned upon the payment of just compensation. The exercise of the power of eminent domain is subject to all the prohibitions found in the constitutions of the United States and of the several states. The provisions by which the power is chiefly limited are: (i) that property shall not be taken for public use without just compensation, and (ii) that no person shall be deprived of his life, liberty, or property without due process of law.<sup>2</sup>

**The Concept of ‘Public Purpose’:** The LAA does not define the term ‘public purpose’ — this is left to the discretion of the ‘concerned authority’. The government often misuses this term. The original owner of land is, of course, entitled to compensation for the loss of property. Compensation is calculated as per the market value of land at the time of the notification. It is the concerned authority that conducts the valuation, not an independent agency. For the effective utilisation of the term ‘public purpose’ the Supreme Court has been helping the government by making a controversial judgement wherein it states:

By contributing a trifling sum, the character and pattern of acquisition could be changed by the government. In the ultimate analysis, what is considered to be an acquisition for facilitating the setting up of an industry in the private sector could get imbued with the character of public purpose acquisition, if only the government comes forward to sanction the payment of a nominal sum towards compensation.

The expropriation of tribal land in Gujarat smacks of *terra nullius* (literally, ‘no one’s land or unoccupied land’). Saurashtra had zamindari, mainland Gujarat (especially British districts) had ryotwari, while eastern Gujarat had a kind of community ownership of land. They had customary laws; civil law came much later. The British had expropriated much of this tribal land and even after independence only the state could allow the tribals to sell land through the permission of the Collector. Thus, the tribals were doubly vulnerable with regard to landownership and transfer. The poor implementation of the Panchayats Extension to the Scheduled Areas, Act 1996 (PESA) in scheduled tribal areas added to tribal misery.

## Conclusion

A people-centric policy approach calls for special mention in the R&R of the following displaced and deprived groups: the STs, scheduled castes (SCs), small and marginal farmers, and those who live in backward talukas and forest regions. Informed consent is obtained from those displaced and affected by providing all the necessary information about the project well in advance. In the displacement process, people have to undergo traumatic experience and taking a humane approach could alleviate this.

The displaced and affected people should get first preference of the benefits accruing from a project; for example, could the displaced tribals be getting land in the command area? The term ‘public interest’ needs to



be revised due to the damage and negative impact it has created. There are clearly some projects that can be passed off as coming under 'public interest' such as educational, health, defence, human resource development, government offices, etc., while water resource related projects, industries, mines, sanctuaries and national parks and tourism cannot be easily considered as falling in this category.

The LAA is antiquated. The fact that few changes have been introduced in it even after independence shows the kind of abuse it has lent itself to.

Social and environmental impact guidelines must be laid out and studies must be carried out to assess the same prior to executing a developmental project. In addition, the monitoring and assessment of development projects (public and private) must be undertaken by a neutral agency.



## Notes

1. The Gujarat Special Economic Zone Act, 2004, set up the SEZ in Gujarat in March 2004.
2. For an elaborate discussion, see Dias (2006: 1ff).

## References

- Cernea, M. 1999. 'Why Economic Analysis Is Essential to Resettlement: A Sociologist's View', Michael M. Cernea (ed.), *The Economics of Involuntary Resettlement: Questions and Challenges*, pp. 1–49. Washington DC: The World Bank.
- Dias, Anthony. 2006. 'Development-induced Displacement and its Impact', in Tharakan Siby (ed.), *The Nowhere People: Responses to Internally Displaced Persons*, pp. 1–23. Bangalore: Books for Change.
- Government of Gujarat (GoG). 2000. *Gujarat Forest Statistics*. Gandhinagar: Office of the Principal CCF.
- Lobo, Lancy and Shashikant Kumar. 2009. *Land Acquisition, Displacement and Resettlement in Gujarat: 1947–2004*. New Delhi: Sage Publications.
- Prabhu, Pradip. 2002. 'Land Alienation, Land Reforms and Tribals in Maharashtra', in Ghanshyam Shah and D.C. Shah (eds), *Land Reforms in India: Performance and Challenges in Gujarat and Maharashtra*, pp. 247–94. New Delhi: Sage Publications.
- Ramanathan, Usha. 1999. 'Public Purpose: Points for Discussion', in Walter Fernandes (ed.), *The Land Acquisition (Amendment) Bill 1998: For Liberalisation or for the Poor?* pp. 19–24. New Delhi: Indian Social Institute.