4 Land Acquisition and Displacement in Gujarat, 1947–2004

Lancy Lobo

Insatiable Demand for Land and Displacement

Planned development in post-independent India, especially the growth of the core sector, 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 the 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.

All this has happened in the name of larger or national interest. Millions are forcibly uprooted from their homes, habitats, communities and not even resettled, leave alone rehabilitated. Sometimes, even bare minimum compensation is denied to these people, bringing into question the validity and sanctity of the so-called national interests. The fact that they are denied fundamental rights guaranteed by the Constitution and several international covenants, and the growth of people's movements against such practices, brings into focus the unjust

nature of the principles of eminent domain that get predominance in what is considered protection of national interests.

The Land Acquisition Act of 1894 (LAA 1894) introduced the concept of the 'public purpose'. 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. He was charged with surveying the land required, establishing the nature of the individual claims on it, settling any disputes among 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.

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. Land was acquired for these projects by the state during 57 years have been of three types: revenue (private), forest and government (common property resources). Data for this chapter are 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 (ibid.) provides hard authentic 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 the society. The data cover a span of nearly 60 years from 1947 to 2004. Since no secondary data were available from any one department of the Government of Gujarat, the scholars had to scan nearly 80,000 gazette notifications and then to code and re-code the information for maintaining 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 in the category of displaced in the post-independent Gujarat (Table 2). 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 caused a large number of displacements. The 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 urbanization 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'. Sixty-one per cent of the land acquired in for water resources which are mostly in tribal areas in the eastern forest regions of Gujarat. Subsequently, 59 per cent of the total families displaced or affected are tribals. Table 1 shows the distribution of phase-wise revenue land acquired for different categories of projects and the families displaced and affected.

Spatial/Regional Analysis

Gujarat can be divided into two: mainland Gujarat, and Saurashtra and Kutch. Mainland Gujarat can be further divided into north, central and south Gujarat. One can see the differential character of development in these regions.

North Gujarat

North Gujarat provides connectivity to northern India, especially with the recent strengthening of the national and state highways. The region has three major dams: Dantiwada, Meshwa and Dharoi, which generate electricity, as well as water for irrigation. This has benefited the State, which would not otherwise have been able to cope with the drought faced by the north Gujarat region during 1964–74, when more than 70 per cent of the villages suffered human and material losses.

Water resource projects in the region have taken 60 per cent (4.2 lakh hectares) of the total land acquired, affecting 48 per cent of the families. Transportation projects, such as the national and state highways in the region, have affected an estimated 40,000 families or 2.2 lakh persons. The region has the lowest land acquisition for industries, urban development and water resource projects in the state.

Table 1

Phase-wise Distribution of Land Acquisition and Families Affected by Categories of Projects

Categories	*1947–60*		*1961–80*		*1981–90*		*1991–2004*		*Unknown*		*Grand Total*	
	LAQ[1]	*FAM*[2]	*LAQ*	*FAM*	*LAQ*	*FAM*	*LAQ*	*FAM*	*LAQ*	*FAM*	*LAQ*	*FAM*
Water Resources	32,261 (13.89)	30,306 (40.48)	674,051 (56.55)	76,119 (52.61)	689,958 (66.93)	78,700 (64.43)	522,12 (78.22)	68,919 (76.09)	2,794 (71.33)	75 (21.25)	1,921,188 (61.45)	254,119 (58.74)
Industries	2,891 (1.24)	369 (0.49)	40,741 (3.42)	4,844 (3.35)	87,181 (8.46)	6,291 (5.15)	49,415 (7.40)	3,541 (3.91)	68 (1.74)	11 (3.12)	180,296 (5.77)	15,056 (3.48)
Mines	24 (0.01)	85 (0.11)	30(0.00)	1 (0.00)	2,090 (0.20)	98 (0.08)	4,918 (0.74)	257 (0.28)	0 (0.00)	0 (0.00)	7,062 (0.23)	441 (0.10)
Non Hydel	179 (0.08)	332 (0.44)	5,727 (0.48)	317 (0.22)	8,507 (0.83)	394 (0.32)	1,874 (0.28)	118 (0.13)	639 (16.31)	51 (14.45)	16,926 (0.54)	1,212 (0.28)
Defence & Security	60 (0.03)	42 (0.06)	861 (0.07)	64 (0.04)	4,981 (0.48)	109 (0.09)	890 (0.13)	46 (0.05)	81 (2.07)	3 (0.85)	6,873 (0.22)	264 (0.06)
Environment Protection	17 (0.01)	23 (0.03)	1,543 (0.13)	240 (0.17)	289 (0.03)	17 (0.01)	0 (0.00)	0 (0.00)	0 (0.00)	0 (0.00)	1,849 (0.06)	280 (0.06)
Transport and Communication	168,625 (72.58)	40,753 (54.43)	309,046 (25.93)	56,201 (38.85)	175,049 (16.98)	34,236 (28.03)	67,081 (10.05)	13,574 (14.99)	216 (5.51)	116 (32.86)	720,017 (23.03)	144,880 (33.49)
Human Resources	9,634 (4.15)	495 (0.66)	51,045 (4.28)	954 (0.66)	9,372 (0.91)	271 (0.22)	374 (0.06)	26 (0.03)	0 (0.00)	0 (0.00)	70,425 (2.25)	1,746 (0.40)
Farms & Fisheries	1,080 (0.46)	362 (0.48)	1,837 (0.15)	355 (0.25)	826 (0.08)	45 (0.04)	3 (0.00)	1 (0.00)	0 (0.00)	0 (0.00)	3,746 (0.12)	763 (0.18)

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Urban Development	13,605	693	75,258	3,244	32,137	1,306	15,918	3,861	0	0	136,918	9,104
	(5.86)	(0.93)	(6.31)	(2.24)	(3.12)	(1.07)	(2.38)	(4.26)	(0.00)	(0.00)	(4.38)	(2.10)
Refugee Resettlement	8	4	67	22	0	0	794	43	0	0	869	69
	(0.00)	(0.01)	(0.01)	(0.02)	(0.00)	(0.00)	(0.12)	(0.05)	(0.00)	(0.00)	(0.03)	(0.02)
Social Welfare	1,023	330	23,602	1,392	5,444	443	317	22	0	0	30,386	2,187
	(0.44)	(0.44)	(1.98)	(0.96)	(0.53)	(0.36)	(0.05)	(0.02)	(0.00)	(0.00)	(0.97)	(0.51)
Tourism	131	27	284	26	99	7	112	9	0	0	626	69
	(0.06)	(0.04)	(0.02)	(0.02)	(0.01)	(0.01)	(0.02)	(0.01)	(0.00)	(0.00)	(0.02)	(0.02)
Government Offices	772	305	2,953	226	14,626	139	3,361	125	0	0	21,712	795
	(0.33)	(0.41)	(0.25)	(0.16)	(1.42)	(0.11)	(0.50)	(0.14)	(0.00)	(0.00)	(0.69)	(0.18)
Unknown	2,020	749	4,860	670	286	96	351	39	119	97	7,636	1,651
	(0.87)	(1.00)	(0.41)	(0.46)	(0.03)	(0.08)	(0.05)	(0.04)	(3.04)	(27.48)	(0.24)	(0.38)
Total	232,330	74,875	1,191,905	144,675	1,030,845	122,152	667,532	90,581	3,917	353	3,126,529	432,636

1. Land acquisition in hectares
2. Estimated families affected (figures in bracket = %)

Note: Families affected is based on the assumption that one plot acquired is equal to one family dependent on it.

Table 2

Category-wise Regional Distribution of Land Acquisition and Affected Families in Gujarat, 1947–2004

Project Category		Regions										
		North Gujarat	Per cent	Central Gujarat	Per cent	South Gujarat	Per cent	Saurashtra & Kutch	Per cent	Unknown	Per cent	Gujarat
Water Resource	LAQ	4,35,226	22.65	7,56,454	39.37	5,28,135	27.49	2,01,005	10.46	368	0.02	19,21,188
	FAM	49,252	19.38	1,02,075	40.17	89,021	35.03	13,696	5.39	75	0.03	2,54,119
Industry	LAQ	14,192	7.87	50,311	27.90	91,685	50.85	24,040	13.33	68	0.04	1,80,296
	FAM	1215	8.07	5613	37.28	6879	45.69	1338	8.89	11	0.07	15,056
Mines	LAQ	29	0.41	100	1.42	2268	32.12	4664	66.05	0	0.00	7061
	FAM	8	1.81	88	19.95	116	26.30	229	51.93	0	0.00	441
Non-Hydel	LAQ	73	0.43	2939	17.36	12,443	73.51	833	4.92	638	3.77	16,926
	FAM	2	0.17	498	41.09	617	50.91	44	3.63	51	4.21	1212
Defense & Security	LAQ	510	7.42	1059	15.41	199	2.90	5105	74.28	0	0.00	6873
	FAM	92	34.85	77	29.17	32	12.12	63	23.86	0	0.00	264
Environment Protection	LAQ	51	2.76	1359	73.50	439	23.74	0	0.00	0	0.00	1849
	FAM	13	4.64	179	63.93	88	31.43	0	0.00	0	0.00	280
Transport & Communication	LAQ	1,66,005	23.06	2,75,332	38.24	2,18,078	30.29	60,387	8.39	215	0.03	7,20,017
	FAM	40,353	27.85	65,156	44.97	30,389	20.98	8866	6.12	116	0.08	1,44,880
Human Resources	LAQ	14,838	21.07	18,751	26.63	36,664	52.06	172	0.24	0	0.00	70,425
	FAM	576	32.99	881	50.46	277	15.86	12	0.69	0	0.00	1746

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Farm & Fisheries	LAQ	188	5.02	1139	30.41	2049	54.70	370	9.88	0	0.00	3746
	FAM	29	3.80	416	54.52	302	39.58	16	2.10	0	0.00	763
Urban Development	LAQ	5213	3.81	55,328	40.41	66,643	48.67	9735	7.11	0	0.00	1,36,918
	FAM	390	4.28	3680	40.42	1577	17.32	3457	37.97	0	0.00	9104
Refugee	LAQ	65	7.48	748	86.08	56	6.44	0	0.00	0	0.00	869
	FAM	19	27.54	40	57.97	10	14.49	0	0.00	0	0.00	69
Social Welfare	LAQ	2150	7.08	7182	23.64	20,159	66.34	895	2.95	0	0.00	30,386
	FAM	16	0.73	743	33.97	1309	59.85	119	5.44	0	0.00	2187
Tourism	LAQ	117	18.69	384	61.34	72	11.50	53	8.47	0	0.00	626
	FAM	11	15.94	44	63.77	10	14.49	4	5.80	0	0.00	69
Government Office	LAQ	1561	7.19	10,606	48.85	8682	39.99	864	3.98	0	0.00	21,712
	FAM	106	13.33	236	29.69	414	52.08	39	4.91	0	0.00	795
Not Known	LAQ	1659	21.73	3323	43.52	1481	19.39	1054	13.80	119	1.56	7636
	FAM	359	21.74	713	43.19	390	23.62	92	5.57	97	5.88	1651
Total	LAQ	6,41,876	20.53	11,85,015	37.90	9,89,052	31.63	3,09,177	9.89	1408	0.05	31,26,529
	FAM	92,441	21.37	1,80,459	41.71	1,31,431	30.38	27,975	6.47	350	0.08	4,32,636

Note: LAQ = Land acquired (in hectares) and FAM = Families affected (numbers).

Central Gujarat

Central Gujarat, also known as the 'food bowl' of the state, was in need of irrigation alternatives, and land was acquired mostly for the canals located upstream of major rivers such as the Sabarmati, Watrak and Mahi. Though the canal network was constructed by land acquisition, the canals themselves proved to be beneficial to the farmers. Large areas of land also had to be given up for the Wanakbori thermal power project.

Central Gujarat also has the highest amount of land acquired for roads, with the purpose of connecting the villages to boost the cooperative movements and participate in 'Operation Flood'. Later, the massive acquisition for the National Expressway after 1985 resulted in the loss of 10,000 hectares or more of prime agricultural land. The green revolution in Gujarat began through agricultural initiatives in the Anand and Kheda districts, and ushered a high productivity phase in Vadodara, Surat, the south of Ahmedabad, Mehsana, the north of Rajkot, Jamnagar, Junagadh and Amreli in Saurashtra. The Charotar belt did not complain about the land acquired for canals and roads. The utilization of government and *gauchar* (grazing lands) land, on which the Dalits and OBCs depended, had an adverse effect on these people.

Apart from agricultural production in Central Gujarat, the eastern hilly districts of Panchmahal and Dahod have numerous mineral resources. The main minerals extracted are limestone, marble, stone, sand, bauxite, manganese, etc. Located in the tribal-dominated forest tracts, these areas were leased for mining till recently, when the courts restricted mining in forest tracts.

The massive canal network of the major irrigation projects was a Godsend for Central Gujarat. Even though there were numerous check dams, bore wells and *khet talavdi*s (lakes); the state had created irrigation problems in the region. Industries around the Vadodara sub-region acquired nearly 2,500 hectares of land for various industrial uses, the most prominent being the petrochemical complexes. The region accounts for 37 per cent (11.85 lakh hectares) of the total land acquired in the state; of these, 64 per cent (7.5 lakh hectares) were for water resources, 22 per cent (2.75 lakh hectares) for transportation, nearly five per cent for industries, and the remaining for other uses. An estimated 1.8 lakh families or one million persons were affected by these development projects: nearly 51 per cent by the water resources projects and 36 per cent by the transportation ones. Industries/projects have deprived 5,000 families or 27,000 persons in the region of their cultivable land.

South Gujarat

South Gujarat seems to have borne the brunt of the development demands of the state. Being one of the rich forest and mineral reserves of the state, the region was exploited to provide the much-needed water for irrigation. Presently identified as a chemical zone, South Gujarat is also known for the cultivation of sugarcane for Gujarat's sugar factories. The canal network in the region was mainly developed to facilitate sugarcane farming and horticulture. Developed after the 1980s, this region is home to the chemical and hazardous industrial estates of Gujarat. The golden corridors of the region, from Bharuch to Vapi, have been experiencing rapid industrial development. The region has the largest chemical estates in Ankleshwar, Vapi and Surat, in addition to the traditional diamond and textile industries in Surat. The textile trade in the region has received a serious setback, with states such as Tamil Nadu and Maharashtra contributing a larger share to India's textile trade post in the 1990s. The development of the industries in South Gujarat is certainly not based on the region's skills and human resource availability, but largely due to the state's incentives to industries, cheap labour and lax environmental policies.

The transfer of forestlands to development projects, including mining and the timber trade, has also seriously affected South Gujarat. A major cause of displacement of the tribals is the activities of the Forest Department; people are treated as 'encroachers' in their own land and their presence within the forest is challenged. Of the 35,000 hectares of forestland transferred to the State, nearly 14,000 hectares have been transferred from the Surat, Bharuch and Valsad districts.

The 9.2 lakh hectares of land acquired for the water resources and industrial development projects in the region have affected an estimated 1.31 lakh families, 7.2 lakh persons. Of the thin stretch of cultivable land available in the region, one lakh hectares were acquired for industries, accounting for 50 per cent of the total land acquired for industries in the state. An estimated 5.2 lakh hectares of land have been acquired for water resource projects, mainly for the dam and canal networks of three multipurpose and a dozen medium dams.

Saurashtra and Kutch

Till 1965, the region had developed a small and medium irrigation scheme which resulted in its becoming a major contributor to the food-oil seed production in the State and in the country. The development of the road network resulted in the penetration of the industries into the region. The Kutch district had developed a hub for the Export Processing Zone (EPZ) in Kandla Port since the 1970s.

Industrial development in the district is mainly related to the services required at Kandla Port Trust, under the Free Trade Zone, which has been converted to a Special Economic Zone (SEZ) to extend the benefits provided to the industries. Traditionally, during British India, Saurashtra – especially Jamnagar, Junagadh and Rajkot – was also a developed region for manufacturing diesel engines, brass parts, clocks and tiles. The development of cement and lignite industries provided the development potential for other ancillary industries in the region. After the 2001 earthquake, the government invited industries to Kutch by easing the region's already lenient tax regime. Salt and chemical industries were widely developed in the Great and Little Rann of Kutch. The fragile ecosystem was disturbed and damaged by leasing more than 1,000 hectares of land to large corporates, for salt pans, mining/farming.

The Jamnagar Petrochemical Complex is one of the largest concentrations of private and public petrochemical industries in the country. The people in the region were evicted to accommodate the oil and gas terminal imported by the industries. After the earthquake, the government facilitated industrial development near the Marine National Park and the coastal zones of Saurashtra and Kutch. The State Government transferred nearly 10,000 hectares of the Marine National Park to the industries for salt pans.

The region had figured low on the development priority till 1980, and so had received little attention from policy-planners. Since the 1990s, the industrialization policies boosted investment along the Silver Corridors (Ahmedabad–Jamnagar and Rajkot–Bhavnagar). Of the total 3.2 lakh hectares of land acquired for development projects, nearly 66.6 per cent, i.e., 2.3 lakh hectares were used for water resource projects. The industries in the region have acquired 24,000 hectares of land, mainly for the petrochemical industries around Jamnagar and for the medium industries around Rajkot, Jamnagar, Bhuj, Mundra and Kandla.

The Gujarat state with a population of 50 million (year 2001) has a geographical area of 1,96,000 sq km (19.6 million ha) and the cultivable area of 12.36 million ha. Of these, nearly 28 per cent (3.5 million hectares) of the cultivable land was acquired for various development projects in the State directly affecting 2.5 million persons (5% of the total population of the state). Since late 1990s, 2002 general election and 'Vision 2020' campaign, and a significant section of the middle class and media have become terribly impatient 'to make India a developed country' and in pursuit of this goal they are willing to take blatantly anti-poor stance. This is evident from the recent demolition

of the slums in Mumbai, Delhi (for commonwealth games), Ahmedabad (for Sabarmati River Front Development), etc. Twenty years ago, big industries were wary for asking government apart from the designated required land for setting industries, now they do not hesitate in asking for 60,000 hectares of land for setting up Special Economic Zone (SEZ). The state being a party to not only anti-people adventures in being a facilitator for the large-scale industries, but also falling into the trap laid by the multinational corporations and industries. The recent red carpet welcome received by the industries in the Vibrant Gujarat 2007 summit attracting 4.1 lakh crores worth investment makes one of the preferred investment destination in the country. The dual need of the multipurpose project such SSP has created a body of water, which enables to fulfil not only the agricultural requirement but also water consumption in industrial and urban areas. The state planners for the new development projects now capture the areas, which were earlier considered to be natural barriers for development.

Impact of Land Acquisition and Displacement

Displacement and poverty have been linked together by social scientists such as 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) 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.

Eight interlinked potential risks intrinsic to displacement are:

1. *Landlessness:* Expropriation of land removes the main foundation upon which people's productive systems, commercial activities, and livelihoods are constructed.
2. *Joblessness:* The risk of losing wage employment is very high both in urban and rural displacements for those employed in enterprises, services or agriculture. Yet, creating new jobs is difficult and requires substantial investment.

3. *Homelessness:* Loss of shelter tends to be only temporary for many people being resettled; but, for some, homelessness or a worsening in their housing standards remains a lingering condition. In a broader cultural sense, loss of a family's individual home and the loss of a group's cultural space tend to result in alienation and status deprivation.
4. *Marginalization:* Marginalization occurs when families lose economic power and spiral on a 'downward mobility' path. Many individuals cannot use their earlier-acquired skills at the new location; human capital is lost or rendered inactive or obsolete. Economic marginalization is often accompanied by social and psychological marginalization.
5. *Food insecurity:* Forced uprooting increases the risk that people will fall into temporary or chronic undernourishment, defined as calorie-protein intake levels below the minimum necessary for normal growth and work.
6. *Increased morbidity and mortality:* Displacement-induced social stress and psychological trauma, the use of unsafe water supply and improvised sewage systems, increase vulnerability to epidemics and chronic diarrhoea, dysentery or particularly parasitic and vector-borne diseases such as malaria and schistosomiasis.
7. *Loss of access to common property:* For poor people, loss of access to the common property assets that belonged to relocated communities (pastures, forest lands, water bodies, burial grounds, quarries and so on) result in significant deterioration in income and livelihood levels.
8. *Social disintegration:* Displacement causes a profound unraveling of existing patterns of social organization. This unraveling occurs at many levels. When people are forcibly moved, production systems, life-sustaining informal networks, trade linkages, etc. are dismantled.

The study on Gujarat (Lobo and Kumar, 2009) corroborates the risks identified above that are intrinsic to the character of development pursued in the State.

Policy Issues in Gujarat

Our study on development-induced displacement in Gujarat during the period 1947 to 2004 has uncovered a mottled picture in the state, which may be looked into while formulating the 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 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 the depletion of Gujarat's resources. A policy should look into the sustainable development policies having minimum negative implications on the land and human resources.

1. *People displaced and deprived by development projects:* In Gujarat, four lakh 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., during 57 years. On the recent land earmarked for by the special economic zones, the Chief Minister has repeatedly stated that barren, waste and saline lands will be used. But it is believed that the 60 SEZs and the proposed Special Investment Regions will take away quite a bit of the agricultural land. The state should balance the land utilization for agricultural as well as industrial uses based on the regional social, resources and economic evaluation of the state.
2. There has been a gradual shift in the pattern of land utilization in Gujarat, moving from the primarily agricultural to the non-agricultural. The consequence of the present pattern of development is the continuing powerlessness of the 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 five lakh 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. Hydro-electrical and irrigation projects have been the largest cause of displacement and the destruction of habitat. Policy on the R&R should look into the long term negative fallout of such development approach and appropriate initiatives to mitigate them.
3. *Decadal change:* As mentioned earlier, after the formation of Gujarat, the state's focus shifted from transportation projects to water resources projects. The highest land acquisition in the state was during 1981–90 for both water resources as well as industrial projects; it amounted to 10.3 lakh hectares, and directly affected 1.22 lakh families. Between 1971 and 1980, the state had acquired 70 per cent of the total land acquired till 2004. The quantity of the land acquired should be minimized for the industrial projects

infrastructure) have a greater potential for displacing people. Projects such as industrial complexes, power plants and townships may benefit the displaced both in the short and long term. The mining projects have varied impacts depending on the nature of the mining taking place. In such cases, land is permanently lost to the project; the landowners' only economic gain is the compensation received. Land loss may be less for linear projects such as roads, canals or pipelines: such projects rarely displace people. However, the better compensation policy of the SSNL and the Highway Authorities has helped land losers to get good value for their land. The impact of linear projects may be high only when land loss is caused by multiple projects. Such cases have occurred in Central and North Gujarat where the loss of the village land is so high that it has deprived people of all cultivable land. The policy should be specific to the nature of the project. Project-specific strategies need to be formulated for the R&R in the state.

8. *The inadequacy of compensation:* Those displaced or affected by development projects seldom receive a satisfactory return on the land acquired. The Land Acquisition Act does not recognize 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 the 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 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 from their occupation, how is the payment of the current market price of their land as compensation justified what could be the price of land after 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.

9. The Central Government plans to amend the Land Acquisition Act of 1894 and remove the section inserted in 1984 during Indira Gandhi's regime that 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. The government will, however, retain powers to intervene if vested-interest elements adopt malafide 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.

10. 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 authorize 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 Constitution of the United States and of the several states. The provisions by which the power is chiefly limited are: (a) that property shall not be taken for public use without just compensation, and (b) that no person shall be deprived of his life,

liberty or property without due process of law (for elaborate discussion see Dias, 2006: 61 ff).

11. *The concept of 'public purpose'*: The Land Acquisition Act 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 utilization of the term 'public purpose', the Supreme Court has been helping the government by making a controversial judgment 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' (*Business Standard*, March 21, 2007).
12. The expropriation of tribal land in Gujarat smacks of the *terra nullius* (literally 'no one's land or unoccupied land'). Saurashtra had *zamindari*, mainland Gujarat (especially British districts) had ryatwari, while eastern Gujarat had a kind of community ownership of land. They had customary laws and the civil law came much later. British had expropriated much of this tribal land and after independence too only the state could allow the tribal to sell land through the permission of the Collector. Thus, the tribals were doubly vulnerable with reference to their land ownership and transfer. The poor implementation of PESA in scheduled tribal areas added to the tribal misery.

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