

# Conservation-Induced Displacement

# Conservation

## *Nature Conservation and the Idea of Wilderness*

- Origin of the ideas about nature conservation – two important historical moments, these are (i) the enclosure movement in England during the 18th–19th century which transformed common property into private property, and (ii) the expansion of the 19th-century United States (US) model of “national parks,” which captured the imagination of political elites globally. (Jim Igoe 2004)
- Thus, began the social construct of wilderness, “nature,” and national parks. The assumption that only through having private property could natural resources be protected was strong (“tragedy of the commons”) – where resources understood as “open access” were seen as vulnerable to depletion, unless strict rules of sustainable use were implemented (Hardin 1968).

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- National parks are one such example of the fencing of forests by the state to protect these lands, rather than leaving them open to people who have been dependent on forest resources for millennia and managing the resources according to customary laws.
- Therefore, ideas of privatisation of land are pitted against collective rights. This process resonates with the concept of “primitive accumulation” proposed by Karl Marx as a process which divorces the worker from the ownership of the conditions of his own labour (Marx 1979: 875).

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- According to Michael Perelman (2007), “primitive accumulation” can occur in three key ways: (i) as the direct expropriation of people’s means of livelihood, (ii) by forcing people to enter wage labour, and (iii) by the manipulation of the division of labour. [These characteristics can be seen in different aspects of contemporary conservation policies and practices, but the catalyst is the “expropriation”.]
- The kind of direct expropriation of forestlands and forcing people to adopt wage labour is seen as necessary to create protected areas as undisturbed “wild” spaces for fauna, flora and tourists, which Dan Brockington (2002) calls “fortress conservation.”

# Displacement

- “Displacement” has been used as an omnibus term to cover a range of phenomena in the literature on displaced peoples, including loss of access or restrictions on livelihood opportunities or future income related to environmental resources (Cernea 2005).
- Indeed, the dictionary meaning of “displacement” is removal of a thing from its place, putting out of place (OED 1989), corresponds closest to the idea of physical removal of people from a place.

# Development and Displacement

- Unlike some of the effects of natural disasters or wars, displacement undertaken for development purposes is always permanent (Brand 2001: 962). [The permanency of displacement is also equally true of conservation-related origins]
- Displacement because of development interventions – typically related to infrastructure projects such as dams, roads, state-owned plantations, mining, pipelines, and urban reconstruction – is estimated to be between 100 and 200 million people since 1980.
- Cernea (2000: 6) estimates the total number of people displaced as a result of development-related projects between 1980 and 2000 to be close to 200 million.

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- The policy response to development-induced displacement and resettlements is depicted well in what Cernea (2000) calls his – Impoverishment, Risks, and Reconstruction (IRR) Model.
- Cernea identifies eight sources of risks (primarily economic in nature, that contribute to the impoverishment of displaced people), viz. landlessness, joblessness, homelessness, marginalization, food insecurity, morbidity and mortality, loss of access to common property and services, and social disarticulation.

# Conservation and Displacement

- Displacement is a consequence of conservation projects because conservation, like development, is inherently spatial. Conservation of species and ecosystems requires restrictions on human influences, local, state, and corporate – in areas where species or ecosystems are to be conserved.
- The growth rate of protected areas (PAs) has been steady over the past five decades, with faster growth in the 1990s (Naughton-Treves et al. 2005).
- The use of force is typically critical to displacement from PAs and that displacement has caused impoverishment, social disarticulation, and political disempowerment.



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- Conservation displacement, like other forms of displacement, compromise two processes (Cernea 2005b) (i) the forced removal of people from their homes; and (ii) economic displacement, the exclusion of people from particular areas in their pursuit of a livelihood (e.g. Horowitz 1998).

[People dwelling on the edge of a park but unable to gather firewood or wild foods, to hunt, or fish, or unable to walk to their farms on the other side of the park, would be unable to live as they were before.]

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- The core arguments for biodiversity conservation are its ethical necessity and its critical importance for future sustainable survival.
- The most important critique against displacement is the injustice involved in the involuntary removal of disadvantaged peoples from their homes and lands.
- Critics of conservation can emphasize the unethical basis of conservation simply by pointing to the incongruities related to displacement. Indeed, the increasing emphasis on poverty alleviation among international donors and aid organizations has often come at the expense of a concern with conservation.

# Conservation-induced Displacement

- Attempts at 'preservation via displacement' are an extreme manifestation of the 'fortress' or an exclusionary conservation paradigm, support for which has increased lately due to escalating conservation threats (Kabra 2009).
- Understanding the dynamic livelihood context of displaced communities, especially the ecological base of their livelihoods, is critical to any assessment of their pre- and post-displacement livelihood strategies and livelihood outcomes (such as income, poverty, food security and health).
- Displacement resulted in rapid proletarianisation and pauperisation, and their 'integration' into the national 'mainstream' occurred at highly disadvantageous terms.

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- Even though the policies and processes flowing from this paradigm are likely to produce positive conservation outcomes for some Protected Areas, historically the livelihood outcomes for the displaced people have not been as positive.
- In India and elsewhere, examples of successful resettlement and rehabilitation of households affected by conservation-induced displacement are rare, and unfulfilled promises and reduced livelihood security after relocation continue to be the norm (Geisler 2003; Schmidt-Soltau 2005).

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- The impoverishment risks and the destruction of livelihoods generally associated with displacement tend to vary with the degree of marginalization of the displaced community.
- Understanding the dynamic livelihood context of displaced communities, especially the ecological base of their livelihoods, is critical to any assessment of the livelihood outcomes of displacement (in terms of impact on variables like income, poverty, food security and health).
- A major limitation of the 'preservation via dislocation' strategy is its inherently regressive nature—among the people displaced from PAs, those who are politically marginalised tend to become more so, and are unable to obtain positive livelihood outcomes, while the more empowered and strong tend to corner all the advantages.

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- The steady rise in the number and geographical coverage of PAs in India has been accompanied by a rise in the number of conservation refugees—people who have been displaced as a consequence of conservation programmes.
- The case for people's relocation from PAs (in India and elsewhere) has been built explicitly or implicitly on the hypothesis that human use of their resources causes their degradation over time (Grove 1987; McCracken 1987; Tiani & Diaw 2006). This hypothesis postulates that people and wildlife cannot coexist, therefore, if natural areas are to be safeguarded, people will have to be removed (displaced forcibly or relocated voluntarily) from these.

- The concept of “nature conservation” is not just criticised for its practice, but also its ideology. Some scholars question the very foundation of conservation ideology which is seen as an imperialist agenda (MacKenzie 1988), as a “civilising mission,” and as having the mandate to “uplift the inferior races of the world” (Igoe 2004: 93). Others highlight that conservation is not as “noble” as it is thought to be (Duffy 2010).
- A large number of NGOs is involved in “teaching” people how to save and care for the environment. Converting them to “green and responsible” citizens is similar to the civilising mission of colonialism.



# **Conservation-Induced Displacement: The Case of Van Gujjars and the Sariska Tiger Reserve**



# Van Gujjar Pastoralists

- The Van (forest) Gujjars, surviving as forest pastoralists in the central part of the Indian Himalaya, are a people who, due to their nomadic lifestyle, have since colonial rule found themselves at the margin of Indian society.
- A unified legislation concerning management and protection of wildlife was passed in India in 1972. 'The Wildlife (Protection) Act 1972' deals with wildlife protection through the establishment of protected areas as well as regulation / prohibition of hunting and control of trade in wildlife products.
- To a large extent the Government's conservation policies that restrict Van Gujjars movements.

# Rights of Forest Dwellers

- The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, popularly known as the Forest Rights Act, was notified on January 1, 2008.
- 'Other traditional forest dwellers' here means any member or community who 'has for at least three generations prior to December 13, 2005, primarily resided in and who depends on the forest or forest land for bona fi de livelihood needs'.
- The Act confers rights over natural resources to forest communities in order to secure a living together with the responsibility to use such resources in a sustainable way.

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- As stated by Gadgil (2008):

In its preamble, the Act declares that the recognised rights of the forest dwelling scheduled tribes, and other traditional forest dwellers include the responsibilities and authority for sustainable use, conservation of biodiversity and maintenance of ecological balance, thereby strengthening the conservation regime of the forests while ensuring livelihood and food security of the forest dwelling scheduled tribes, and other traditional forest dwellers.

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- The Act provides belongingness in forest to pastoralists and nomads without them having a permanent address.
- The implementation of the Forest Right Act by the authorities has been criticised for putting too much stress on individual rights, while neglecting the promise of community right to manage, protect and conserve forests inherent in the Act (Gadgil 2008).
- The struggle over conservation has left most Van Gujjars in a state of limbo, still in the forest but with no decisive rights, negotiations over Forest Rights are likely to result in high stakes.

# The Sariska Tiger Reserve

- Many colonial states in Southeast Asia also implemented protected areas strategies for fear of declining resource availability or to preserve resources for exclusive colonial use.
- Most protected areas are officially to consist of a strictly protected inner core in which almost all anthropogenic activities are banned.

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- ◉ Top-down conservation approach
- ◉ 'Northern' vision of an untouched wilderness
- ◉ Wilderness approach: biodiversity is seen to be at its optimum in undisturbed natural areas.
- ◉ The idea of wilderness maintain that the presence of local communities is highly detrimental to conservation objectives (Oelschlaeger 1991).
- ◉ Conservation policies given rise to considerable conflict between governments, development institutions and local populations
- ◉ Dependence of local communities on the environment, and knowledge and traditions of the rural populations are often ignored

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- Current conservation methods have deprived these communities of opportunities necessary for their survival and development
- Communal land surrounding villages is being increasingly privatized.
- The conservation of natural resources is thus closely linked to the sustainable development of native populations in developing countries, and to the conservation of their way of life.
- Conservation of natural resources is not only important in terms of aesthetics, ecology or leisure activities, but also includes a dimension of equality and social justice.

# Sariska Tiger Reserve (Alwar, Rajasthan)

- ◉ A community-based approach
- ◉ Villagers' opinions about forest department authorities and official conservation policies—with particular emphasis on complex issues like delocalisation, and trade-offs between conservation and social development—with which these communities were confronted.
- ◉ Group discussions: local perception of conservation activities undertaken by the authorities of the protected area, and the socio-economic impact of the relocation of human settlements outside the Sariska Tiger Reserve.



## Relationship Between Villagers and Forest Authorities

- ◉ Sense of antagonism – negative conception of the Indian society towards tribal communities.
- ◉ The tribals are named *bhiladas* by the *bazarias* (city dwellers) and the *survan* (those that belong to a superior caste), and are considered backward and underdeveloped..
- ◉ Forest dwellers are considered subordinate to forest officers [suspicious]
- ◉ Forest officers are often the object of mockery

## ***Reduction of Rights of Access and Use***

- Illegal removal of wood is a source of conflict between different villages, especially if the forests are common.
- unequal distribution of tourism benefits and the lack of locals' involvement in tourism and development (Udaya Sekhar 2003).
- Restrictions on resource use and access lead to some forms of connivance between local communities and forest staff

## ***The Issue of Displacement***

- The forest department believes that the practices of the local communities and their demographic growth, contribute massively to the impoverishment of the biodiversity of the reserve.
- Director of Project Tiger in the Sariska Tiger Reserve:  
Until when the local communities will live in the reserve, the environment will be damaged. Our priority is to save the tiger and the other wild species. The displacement is not therefore only appropriate but also unavoidable.
- Wildlife Protection Act, 1972: a natural zone, to be a reserve, must not present any permanent human population inside its territory. [In the Sariska Tiger Reserve, it would mean displacement of 17 villages]

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- According to villagers, their presence did not considerably affect the biodiversity of the forest; on the contrary it prevented illegal activities like poaching or wood cutting by outsiders.
- *The Lack of Social Services in the Sariska Tiger Reserve*
- Observations and Conclusions:
  - 'Guns and fences' approach has undermined conservation itself by creating arenas of conflict
  - The answer to the question of *what, how and by whom* biodiversity should be protected must be based on an interactive form of dialogue between local populations and conservation authorities.



# **Environment Impact Assessment and National Rehabilitation & Resettlement Policy**

# Environmental Impact Assessment

- Environmental Impact Assessment (EIA) is a process of evaluating the likely environmental impacts of a proposed project or development, taking into account inter-related socio-economic, cultural and human-health impacts, both beneficial and adverse.
- UNEP defines Environmental Impact Assessment (EIA) as a tool used to identify the environmental, social and economic impacts of a project prior to decision-making. It aims to predict environmental impacts at an early stage in project planning and design, find ways and means to reduce adverse impacts, shape projects to suit the local environment and present the predictions and options to decision-makers.

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- According to The International Association of Impact Assessment (IAIA) – the process of identifying, predicting, evaluating and mitigating the biophysical, social, and other relevant effects of development proposals prior to major decisions being taken and commitments made.
- EIA is intended to prevent or minimize potentially adverse environmental impacts and enhance the overall quality of a project.
- EIA as a mandatory regulatory procedure originated in the early 1970s, with the implementation of the National Environment Policy Act (NEPA) 1969 in the US.
- Environmental Impact Assessment began in India in 1976-77.

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- EIA would necessarily involve the following stages:
  - (1) Screening to determine which projects or developments require a full or partial impact assessment study;
  - (2) Scoping to identify which potential impacts are relevant to assess (based on legislative requirements, international conventions, expert knowledge and public involvement), to identify alternative solutions that avoid, mitigate or compensate adverse impacts on biodiversity (including the option of not proceeding with the development, finding alternative designs or sites which avoid the impacts, incorporating safeguards in the design of the project, or providing compensation for adverse impacts), and finally to derive terms of reference for the impact assessment;
  - (3) Impact analysis: Assessment and evaluation of impacts and development of alternatives, to predict and identify the likely environmental impacts of a proposed project or development, including the detailed elaboration of alternatives;
  - (4) Mitigation: This step in EIA recommends the actions to reduce and avoid the potential adverse environmental consequences of development activities.



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(5) Reporting the Environmental Impact Statement (EIS) or EIA report, including an environmental management plan (EMP), and a non-technical summary for the general audience.

(6) Review of the Environmental Impact Statement (EIS), based on the terms of reference (scoping) and public (including authority) participation.

(7) Decision-making on whether to approve the project or not, and under what conditions; and

(8) Monitoring, compliance, enforcement and environmental auditing. Monitor whether the predicted impacts and proposed mitigation measures occur as defined in the EMP. Verify the compliance of proponent with the EMP, to ensure that unpredicted impacts or failed mitigation measures are identified and addressed in a timely fashion.

# Forms of impact assessment

## **Strategic environment assessment**

- Takes place at earlier stages of decision making cycle
- Pro-active approach to development proposals
- Also identifies environmental implications, issues of sustainable development
- Considers broad range of potential alternatives
- Early warning of cumulative effects
- Emphasis on meeting environmental objectives, maintaining natural systems
- Broad perspective, lower level of detail to provide a vision and overall framework
- Multi-stage process, overlapping components, policy level is continuing, iterative
- Focuses on sustainability agenda, gets at sources of environmental deterioration

# Stakeholders in the EIA Process

- ◉ Those who propose the project
- ◉ The environmental consultant who prepare EIA on behalf of project proponent
- ◉ Pollution Control Board (State or National)
- ◉ Public has the right to express their opinion
- ◉ The Impact Assessment Agency
- ◉ Regional centre of the MoEFCC

# ELA in India

- The MOEF (Ministry of Environment and forests) is the agency for environmental clearance. If necessary, it may consult a committee of experts with a composition specified in schedule III of notification.
- The main laws in India: 1. Water Act (1974) 2. Indian Wildlife Protection Act (1972) 3. Air (Prevention and control of Pollution) Act (1981) 4. Environment (Protection) Act (1981)
- The responsible body for this is the Central Pollution Control Board.

## National Rehabilitation and Resettlement Policy 2007

- To minimize displacement and to push, as so much as potential, non-displacing or least displacing alternatives.
- To confirm adequate rehabilitation package and timesaving implementation of rehabilitation with active people's participation.
- To guard the right of weaker sections, particularly SCs and STs.
- To produce higher customary of living and to confirm sustainable financial gain to affected families.
- To integrate rehabilitation issues into the event designing and implementation method.
- To facilitate harmonious relationship between the bodies that acquires land and the affected families through mutual cooperation that land at what price.

# Chapter – I (Preamble)

- Provision of public facilities or infrastructure sometimes requires the exercise of legal powers by the State under the principle of eminent domain for acquisition of private property which can lead to displacement of people.
- The thrust of National Rehabilitation Policy (NRP-2006) is towards meaningful addressal of these issues. It is acknowledged that many State governments and Central public sector undertakings/agencies either have their own resettlement and rehabilitation (R&R) policies or are in the process of formulating them. The provisions of NRP-2006 provide the basic minimum that all projects leading to involuntary displacement must address. State government and Central public sector undertakings/agencies are free to put in place greater benefit levels than those prescribed in NRP-2006. the principles of this policy may apply to the rehabilitation of persons displaced due to any reason.

## Chapter – II (Objective)

- (1) To minimize displacement and to promote, as far as possible, non-displacing or least-displacing alternatives;
- (2) To ensure adequate rehabilitation package and expeditious implementation of the rehabilitation process with the active participation of displaced persons;
- (3) To ensure that special care is taken for protecting the rights of, and ensuring affirmative State action for weaker segments of society, especially members of SCs and STs and to create obligations on the State for their treatment with concern and sensitivity;
- (4) To provide a better standard of living to displaced families;
- (5) To integrate rehabilitation concerns in to the development planning and implementation process; and
- (6) To facilitate harmonious relationship between the Requiring Body and displaced persons through mutual cooperation.

# Chapter – III (Definition)

(a) “affected zone”, means area of villages or locality notified by the Appropriate Government under para 6.1 of this policy.

(b) “agricultural land” includes lands used or capable of being used for the purpose of -

- (i) agriculture or horticulture;
- (ii) dairy farming, poultry farming, pisciculture, breeding or livestock and nursery growing medical herbs;
- (iii) raising of crops, grass or garden produce; and
- (iv) land used by an agriculturist for the grazing of cattle, but does not include land used for the cutting of wood only;



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(c) “Displaced person” means any tenure holder, tenant, Government lessee or owner of other property, who on account of acquisition of his land including plot in the abadi or other property in the affected zone for the purpose of the project or otherwise, has been displaced from such land or other property;

(d) “family” means a person, his or her spouse, minor sons, unmarried daughters, minor brothers or unmarried sisters, father, mother and other members residing with him/her and dependent on him/her for their livelihood.

(e) “holding” means the total land held by a person as an occupant or tenant or as both;

(f) “occupiers” means members of Scheduled Tribe community in possession of forest land prior to 25th October, 1980

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(g) “affected family” means a family whose place of residence or other properties or source of livelihood are substantially affected by the process of acquisition of land for a project or otherwise, and who has been residing continuously for a period of not less than three years preceding the date of declaration of the affected zone or practicing any trade, occupation or vocation continuously for a period of not less than three years in the affected zone; preceding the date of declaration of the affected zone;

(h) “Resettlement zone” means any areas declared under para 6.12 of this policy by the Appropriate Government.

## Chapter – IV (Social impact Assessment (SIA) of Projects)

- Any Requiring Body who desires to undertake a new project or expansion of an existing project, (except linear projects referred to in para 7.15) which involves physical displacement of 400 or more families en masse in plain areas, or 200 or more families en masse in tribal or hilly areas, DDP blocks and areas mentioned in Schedule V and Schedule VI of the Constitution of India, which is required as per existing laws, rules and guidelines to undertake environment impact assessment shall prepare a Social Impact Assessment (SIA) Report in the proforma to be prescribed simultaneously with the Environmental Impact Assessment (EIA) Report and submit it to the agency prescribed in respect of environmental impact assessment by the Ministry of Environment & Forests.

# What is SIA?

- Social impact assessment (SIA) is the process of identifying and managing the social impacts of industrial projects. It can also be applied to policies, plans and programmes.
- SIA is used to predict and mitigate negative impacts and identify opportunities to enhance benefits for local communities and broader society. Central to the principles and practice of SIA is the involvement of affected communities and other stakeholders in the process.
- SIA should inform decision-making by government and companies from the early stages of a project. Equally important is the role of SIA in the ongoing management of social issues throughout the whole project cycle until decommissioning and closure. As such, the social management plan that derives from an SIA is extremely important.

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- SLA is also an essential foundation for community agreements and in processes of free, prior and informed consent (FPIC) conducted with indigenous communities before the start of industrial development projects. This briefing explores the core principles of SLA and the SLA requirements of selected international instruments. It also considers some of the key challenges to implementing SLA in practice and offers some recommendations for future practice.

# SIA and Indigenous Peoples

- SIA is an important tool to assess the social, economic and cultural impacts of industrial activities on indigenous communities. This is particularly relevant for the extractive industries, whose activities frequently encroach on the lands and waters that indigenous peoples depend on for their traditional livelihood activities.
- An SIA identifies potential impacts on indigenous titled lands and territories of customary resource use. As such, it helps to avoid potential negative impacts on critical natural resources, such as water and forests, as well as impacts on cultural resources, such as sacred sites.

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- An SIA process also helps to identify ways that indigenous communities could benefit from a proposed development, for example, through infrastructure development, job creation or support for traditional enterprise, and should enable residents of that community to shape the way the development moves forward.
- The process of giving or withholding free, prior and informed consent (FPIC) and the negotiation of community agreements require accurate information about potential social impacts and benefits of a project.

[An SIA is therefore an essential foundation for these other processes.]

## Chapter – VI (Resettlement and Rehabilitation Plan)

- ◉ Declaration of affected zones
- ◉ Carrying out survey and census of affected persons.
- ◉ Assessment of government land available and to be acquired under the Land Acquisition Act, 1894 for resettlement and rehabilitation.
- ◉ Preparation of draft R&R plan and its final publication.
- ◉ Every survey shall be completed expeditiously and within a period of ninety days.
- ◉ Families may be settled preferably in group or groups and such sites should form a part of existing gram panchayat as far as possible.



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- Every survey shall contain in the following village-wise information of the affected families:
  - (i) members of the family who are permanently residing, practising any trade, occupation or vocation in the project affected area;
  - (ii) affected families who are likely to lose, or have lost, their house, agricultural land, employment or are alienated wholly or substantially from the main source of their trade occupation or vocation;
  - (iii) agricultural labourers and non-agricultural labourers; and
  - (iv) affected families who are/were having possession of forest lands prior to the 25th October, 1980, that is prior to the commencement of the Forest (Conservation) Act, 1980.

## Chapter – VII (R&R Benefits for Affected Families)

- Any affected family (AF) owning house and whose house has been acquired or lost, may be allotted free of cost house site to the extent of actual loss of area of the acquired house but not more than 150 sq.mt. of land in rural areas and 75 sq.mt. of land in urban areas.
- Each AF of BPL category shall get one-time financial assistance which is not less than what is given under any programme of house construction by the Government of India.
- In case of allotment of wasteland/degraded land in lieu of acquired land, each khatedar shall get a one-time financial assistance of Rs.10,000/- per hectare for land development. In case of allotment of agricultural land, a one-time financial assistance of Rs.5,000/- per AF for agricultural production shall be given.

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- Each affected person who is a rural artisan, small trader or self-employed person shall get a one-time financial assistance of Rs.10,000/- for construction of working shed/shop.
- R&R benefits for project affected families belonging to scheduled tribes and scheduled castes
- Infrastructure facilities and basic amenities to be provided at resettlement zone.
- The Plan shall also contain a programme for development of alternate fuel, fodder and non-timber forest produce (NTFP) resources on non-forest lands within five years sufficient to meet requirements of tribal communities who are denied access to forests.

## Chapter – VIII (Dispute Redressal Mechanism)

- In all cases where this policy applies, the State Government shall constitute a Grievance Redressal Cell under the chairpersonship of the Commissioner for Resettlement and Rehabilitation for redressal of grievances of AFs.
- The Grievance Redressal Cell shall also have an expert technical person. In case of projects involving land acquisition on behalf of a Requiring Body, the Cell would be funded by the Requiring Body. It would be ensured that the Cell functions efficiently and independently to ensure proper implementation of the R&R plan.

## Problem after Displacement and NEP

- Tribal
- Women
- Below poverty line people

“Government is nothing more than a puppet of industrialists and capitalists, snatching all natural resources away from the people. On the other hand, for the multitudes-Dalits, adivasis, agricultural workers, farmers, fish workers, artisans, forest dwellers – who have been facing the harsh reality of displacement and complete dispossession for years, there doesn't seem to be even the hope of rehabilitation now” said the frontline activist Medha Patkar.

# Impact of Displacement

## *Positive impact*

- A few persons may experience improvement in their status by way of increasing in the size of landholdings;
- A rise in income may occur;
- A break in some oppressive social hierarchies may also result.

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*Negative impact* (social, culture and economic)

- Production system get dismantled
- Productive assets and income sources get lost
- People get relocated to environment where their productive skills may be less applicable and the competition for resources greater
- Long established residential groups get disorganized
- Informal social network and safety nets are broken

# References

- Understanding EIA  
[<https://www.cseindia.org/understanding-eia-383>]
- National Rehabilitation and Resettlement Policy, 2007  
[<https://dlr.gov.in/sites/default/files/National%20Rehabilitation%20%26%20Resettlement%20Policy%2C%202007.pdf>]



# **Dispossession and Land Acquisition**

# Accumulation

- “Accumulation” is one of the basic concept on which capitalism is based. It means that when profit is made with capital or labor it gets reinvested in production or capital assets. [The reason for this reinvestment is that these assets will turn a profit in return which can be used to invest more money. And so a vicious cycle is started in which value is added to the total amount of capital in a certain place.]

# Primitive Accumulation

- According to Karl Marx (1977, 875), primitive (or original) accumulation is “the historical process of divorcing the producer from the means of production [and subsistence]” and creates the two basic classes of capitalist society (capitalists and workers).
- Marx's description of primitive accumulation reveals a wide range of processes – these include the commodification and privatization of land and the forceful expulsion of peasant populations; the conversion of various forms of property rights (common, collective, state, etc.) into exclusive private property rights; the suppression of rights to the commons; the commodification of labour power and the suppression of alternative (indigenous) forms of production and consumption; colonial, neo-colonial, and imperial processes of appropriation of assets (including natural resources); the monetization of exchange and taxation, particularly of land; the slave trade and usury, the national debt, and ultimately the credit system as radical means of primitive accumulation.

## Accumulation by Dispossession

- Harvey's (2003) “accumulation by dispossession” (ABD) is an inspiration from Marx’s seminal analysis of primitive accumulation – ‘the historical process of divorcing the producer from the means of production’ (1976: 875).
- Accumulation by dispossession: the neoliberal capitalist policies in many western nations, from the 1970s and to the present day, as resulting in a centralization of wealth and power in the hands of a few by dispossessing the public of their wealth or land.
- These neoliberal policies are guided mainly by four practices: 1) Privatization, II) Financialization, III) Management and manipulation of crises, and IV) State redistribution

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- Accumulation by dispossession can be used as a concept to explain the variations in development in regions.
- For instance, in resource rich regions in the global south, as demonstrated above, it is not uncommon that governments or corporations lay claim on area's inhabited or in use by the local indigenous people. The reason they lay claim these area's is that these are rich with certain natural resources.
- The capital that accumulates in these regions flows away to the corporations or national government. And the local people don't see any positive changes because of the 'development' that has taken place.

## Dispossession without Development and Land Grabs in Neoliberal India

- In *Dispossession without Development* (2018), Michael Levien demonstrates how the 'shift from state-directed capitalism to neoliberalism in the early 1990s led to the genesis of a new regime of dispossession' in India — can be characterised as one of 'land for the market' instead of 'for production' as the Indian government dispossesses people and uses or sells the land for non-labour-intensive purposes.
- Two types of dispossession in postcolonial India, developmental and neoliberal: During the developmental period, India dispossessed people of their land for public projects; post-1990s – the pressure of competition within the state and the temptation of legal and illegal rents provided the government with incentives to start dispossessing land for any reason that could be thought of. [mid-2000s with Special Economic Zones (SEZs)]

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- Development dams — ‘the paradigmatic form of state-led development and potent symbols of national progress’ — were the largest source of dispossession in postcolonial India.
- Post-liberalisation (1990s) growth was fuelled by Information Technology (IT) and Business Process Outsourcing (BPO), along with Major Multinational Corporations (MNC) like American Express, British Airways and General Electric.

# Land Acquisition in India

- Land Acquisition Act (LAA) of 1894 – a colonial law brought into practice by the then British government.
- The LAA 1894 is key to understanding the legal and institutional framework employed by the state in matters of land, displacement and development.
- Principally, the phrase ‘public purpose’ has been elaborated in the LAA 1894 under Section 3(f) as including the need for sites of planned development, extension or establishment of new villages, town planning, pursuing a government scheme or policy, housing for the poor and/or people affected by natural calamities, building of public or government offices, and for any other development scheme or plan, including construction of railways, irrigation canals, etc.



## Land Acquisition Act (Amendment) Bill 2009

- The LAA (Amendment) Bill 2009 broadened the category of persons who could claim compensation, including tenants who worked the agricultural land in question, as well as Scheduled Tribes and other traditional forest dwellers whose traditional rights over forest lands may have been lost (now recognized under the Scheduled Tribes and Other Traditional Forests Dwellers (Protection of Forest Rights) Act 2006). [This was an important change, attempting to recognize not only those who had proprietary rights over the land, but also those whose livelihood practices were to be affected.]

## **The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013**

- In 2011, on recommendations of NAC to combine the two Bills, a comprehensive Land Acquisition, Rehabilitation and Resettlement Bill was introduced in the Parliament to replace the existing Land Acquisition Act 1894 and bring the process of land acquisition and subsequent rehabilitation of the affected population into the ambit of one single law.
- This Bill included the increase in compensation values to four times the market price of land in rural areas, and two times the market value in urban areas.

# Cont.

- Consent was to be sought through *gram sabhas*, or village assemblies, as per existing Panchayati Raj institutions and laws, including PESA (Panchayats (Extension to Scheduled Areas)).
- Social Impact Assessment was to be conducted in the case of all land acquisition.
- The law that was finally passed in 2013 came to be known as the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (RFCTLARR 2013).
- It created exceptions for a range of acquisitions for which an SIA and informed consent was not required, including projects in mining, railways, electricity, and national highways, amongst others.

# Controversy

- From the days of the colonial-era legislation, the Land Acquisition Act, 1894, to the present-day law, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (known as the LARR Act), controversies and confusion have clouded the process of acquisition and fixing of the quantum of compensation in any land acquisition exercise for development projects of both State and Central governments.
- In 2012, the Supreme Court directed the state to enhance compensation to the highest market value of the land to any unwilling landowner, but the government does not seem to have taken a serious note of this.

# Cont.

- The LARR Act came into effect on January 1, 2014. The Narendra Modi-led National Democratic Alliance (NDA) government decided to bring amendments to it in 2015, which activists claimed were “corporate-friendly”. The move faced stiff opposition and the amendment could not be passed in the Rajya Sabha. However, to expedite the process of land acquisition for projects, the NDA government promulgated the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, on April 3, 2015.
- It contained provisions that would expedite acquisition for strategic and development activities such as national security or defence of the country, including preparation for Defence and Defence production; rural infrastructure, including electrification; affordable housing and housing for poor people; industrial corridors; and infrastructure projects, including projects under public-private partnership where land ownership vests with the government.

## Cont.

- Further, it proposed to empower the appropriate government to exempt project executors from “Social Impact Assessment” (SIA) and the “Special Provisions for Safeguarding Food Security” of the 2013 Act. This was challenged in the Madras High Court by a Tamil Nadu-based non-governmental organisation called Poovulagin Nanbargal (Friends of the Earth).
- Besides the 2013 Act, there are several Acts such as the National Highways Authority of India Act, 1956, the Railways Act, 1989, the SEZ Act, 2005, and the Atomic Energy Act, 1962, under which State and Central governments can acquire land for projects in specific sectors, though in consonance with the 2013 Act.