
DEVELOPMENT INDUCED DISPLACEMENT AND ITS EFFECT ON TRIBAL RIGHTS AND LIVELIHOOD

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ABSTRACT

The human right situation of tribals in India today is far from satisfactory. They are the victims of unscientific development plans that totally undermine them. In India, to pave way for corporates and introduce development projects, they are forced to give away their homes which leads to loss of self-identity and livelihood. Resources are mobilized by the governments for the so-called public purposes and tribals are forcefully taken out of their habitats with no assurance of rehabilitation and resettlement. The article tries to examine about the tribal lives and how their displacement has affected their rights and livelihood.

INTRODUCTION

Recently the Supreme Court of India ordered the forced eviction of more than 1million tribal and other forest-dwelling households from forestlands across 16 states after the government failed to defend a law protecting their rights, i.e., the Forest Act, 2006. The final country-wide numbers of forced evictions are likely to rise substantially as other states are forced to comply with the court orders. The court's orders came in a case filed by wildlife groups questioning the validity of the Forest Rights Act. The petitioners had also demanded that all those whose claims over traditional forestlands are rejected under the law should be evicted by state governments as a consequence¹.

Tribals are popularly called in India as 'Adivasi' meaning original inhabitants. According to some scholars, they are the nation's native people who fled to forests and mountains and took refuge there from the invading Aryan armies.² Caught in between the world of myths and legends the tribals have remained largely invisible³. This cloak of invisibility that they confined themselves into have resulted in the marginalization of the community. For the reasons best known to them, they chose a lifestyle different from the mainstream population and while the rest drove their way into new civilizations, they decided to remain connected to the forest land. To quote Amish ".....In the eyes of the civilized city folk living along the great rivers, these tribals were backward creatures because they insisted on living in harmony with nature."⁴

H. H. Risley defines a tribe as,

"A tribe as we find in India is a collection of families or groups of families bearing a common name which as a rule does not denote any specific occupation, generally claiming common descent from a mythical or historical ancestor and occasionally from an animal, but in some parts of the country held together by the obligation of blood feud than by the tradition of kinship; usually speaking the same language and occupying professing or claiming to occupy a definite tract of country. A tribe is not necessarily endogamous"⁵.

¹ Wildlife Trust Of India & Ors. V. Ministry Of Environment & Forests & Ors., W.P (Civil)No.109of 2008

² DR. TAPAN BISWAL, HUMAN RIGHTS, GENDER AND ENVIRONMENT,146, (VIVA BOOKS, 2008 Reprint)

³ BISWAMOY PATI, ADIVASIS IN COLONIAL INDIA- SURVIVAL, RESISTANCE AND NEGOTIATION (2013).

⁴ AMISH, THE SECRET OF NAGAS(SHIVA TRILOGY), (Westland Press, 2011)

⁵ 1 H. H. RISLEY, CENSUS OF INDIA, 1901, 514, (Calcutta: Superintendent Of Government Printing, 1903).

The term tribe was used by the colonial government in India to categorise a large number of groups who did not have the categories of caste or Hindu. After independence the term scheduled tribe came to be used to denote tribes which were scheduled as such under the constitution of India, distinguished from other communities by relative isolation, cultural distinctiveness, and low level of production and subsistence, not necessarily original inhabitants .

As per reports, 10.42 crore Indians are notified as 'Scheduled Tribes' (ST), of which 1.04 crore live in urban areas. They constitute 8.6 per cent of the country's total population and 11.3 per cent of the total rural population⁶. There are hundreds of tribal communities with subgroups speaking over 100 dialects. Most of them constitute separate socio-cultural groups with distinct customs, traditions, kinship and inheritance system. Of their lifestyles, beliefs, religious practices and customs, some are akin to those of dominant mainstream Hindus, and many more are entirely alien. There are wide variations in their economic activities; many are settled agriculturalists, a few practice shifting cultivation and fewer still depend on gathering. They are closely- knit social groups⁷.

PRE COLONIAL, COLONIAL AND POST COLONIAL DEVELOPMENT TRENDS

Before the British rule, the tribal communities enjoyed free access to the forests and forest produce. Scientific management of forests introduced by British enhanced commercial values. Forests became an important source of Revenue for the colonial state⁸.

Several regulations were passed in mid nineteenth century with the object of protecting and regenerating forests for ecological reasons, as well as facilitating production of timber on a sustainable basis, for both revenue and imperial purposes and make government the only master. Laws relating to the management of forest and forest produce were subsequently consolidated in the Indian Forest Act 1927, which resulted in the large scale restriction on tribals over the forest produce.

The British annexed and confiscated the tribal lands in order to exploit the natural resources for their own development goals. The tribal people actively participated in the Independence

⁶ 2011 Census Of India, (Mar. 1, 2022, 10:20 AM) [Http://Censusindia.Gov.In](http://Censusindia.Gov.In)

⁷ D.C. SHAH, INVOLUNTARY MIGRATION, 42, (2003).

⁸ INDRA MUNSHI, THE ADIVASI QUESTION: ISSUES OF LAND, FOREST AND LIVELIHOOD 17 (New Delhi: Orient Blackswan 2012, Reprint 2015).

struggle and hoped for a better tomorrow wherein their ties with their homeland will be restored. But after attaining Independence the situation was no different to the tribal people as the Indian government made laws similar in line with the British by completely out casting the tribal people from forests and making forest laws hostile towards them. The Indian Forest Act and other Acts that promised to be in the best interest of the forests completely ignored the relation between forests and tribal people and how they can't be separated from each other. They imposed rules and regulations restricting the tribal entry into the forests. The creation of national parks and sanctuaries on forest lands excluded these communities from their survival base.

The status of tribal people in the forest has been reduced further in the post-independence era with them being treated as trespassers of land and illegal intruders. Paradoxically the post-colonial Indian state has continued with the colonial policy with the result that lakhs of shifting cultivation have no legitimate rights over the forests that have been their own for centuries⁹. Independent India inherited an economy wrought with intense poverty. Agricultural production was stagnant and productivity was low¹⁰.

INDIAN CONTEXT OF DEVELOPMENT AND TRIBALS

Development can aim different goals like social, political, cultural and economic but the Indian development concern is mainly oriented towards achieving economic development and accumulation of huge capital wealth with rapid growth. In achieving this goal, the sacrifices are made by the citizens of the nation especially the poor and vulnerable. The tribal people, who are the least beneficiaries of all the policy decisions, are bound to make the most sacrifices. They are forced to leave their habitat and means of livelihood to be left homeless for rest of their lives. Development is invariably a form of change, but not all forms of change can be termed development. There are forms of change that may disadvantage communities and thus not to development, but to deprivation¹¹. All the so called developments have been a backlash on the tribal communities. Over the years the governments have spent huge amount of money on urban developmental projects but on the other hand has let the noose down when it comes to upliftment and rehabilitation of the displaced. The poor records of rehabilitation suggest the

⁹ VIRGINIUS XAXA , TRIBES, FOREST AND LIVELIHOOD, 14-15, (Mumbai: Occasional Paper Series, Department Of Sociology, University Of Mumbai, 2007) .

¹⁰ BLYN, AGRICULTURAL TRENDS IN INDIA 1891-1947: OUTPUT AVAILABILITY AND PRODUCTIVITY, (University Of Philadelphia 1966) .

¹¹ DEV NATHAN AND VIRGINIUS XAXA, SOCIAL EXCLUSION AND ADVERSE INCLUSION, (2012).

same. In the name of development huge hectares of land is acquired by MNCs and other industrialists while the poor and obscure forest dwellers are even barred from entering their homeland in the name of scientific forest conservation. Liberalisation and the new economic policy have increased the tempo of acquisitions.

Dams, industries, mines, airports, railways, roads etc. are some of the developmental projects that demand the sacrifice of forest life. Behind the zeal for rapid economic development one can discern an insensitivity towards the ingenious masses which finds its worst manifestation in matters relating to development induced displacement; no matter whether the displacement is instituted by infrastructure development, industrial projects or large dams¹².

A very small section has benefited from the protective measures of the government, but the majority have been marginalised by the process of the so called development of the last decades since independence. Infact, they the most affected by the environment pollution caused by the rapid industrialization. They are the ones who have to pay the maximum price of progress. Land alienation, loss of their habitat, family breaks, loss of social identity, disruption of socio-cultural milieu and the trauma of reconstructing life in an unfamiliar environment have largely contributed to the shaping of their perceptions¹³. It is they who have borne the cost of industrialisation, urbanisation, construction of big dams, infrastructure, mining, and quarrying and other development activities. The state which is supposed to protect their interests has immensely contributed to their exploitation. But the most important question is, are they able to cope up with these pressures.

TRIBAL VULNERABILITY AND DEPENDENCY ON FORESTS

Compared to other sections of the society, the tribal population has the lowest Human Development Index (HDI). They suffer from geographical and social exclusion, high poverty rates, and lack of access to appropriate administrative and judicial mechanisms.

Land represents the most important source of livelihood, emotional attachment, and social stability in tribal communities. It is critical for cultivation, horticulture, forestry, and animal husbandry. The Draft National Tribal Policy testifies to it and notes that 'alienation of tribal

¹² D. C. SHAH, INVOLUNTARY MIGRATION, 16, (2003).

¹³ *Id* At 22.

land is the single most important cause of pauperisation of tribals, rendering their vulnerable economic situation more precarious'.

The tribal identity is intricately enmeshed with their right to the forest, land, water and natural resources. Their languages, culture, community, lifestyle, tradition, rituals and their 4 levelled democratic judicial system are very important to their existence. To provide them with their existential props, mentioned above; it is necessary that they be given back their rights to self-determination, autonomous government and self-rule in accordance with the U.N manifesto.

The amendment to the Land acquisition Act, 1894 and the enactment of the new Act, the Right to Fair Compensation, Transparency in Land acquisition, Rehabilitation and Resettlement Act, 2013, has made the process of acquisition easier and painless.

EFFECTS OF DISPLACEMENT

Displacement refers to not only those who are forced to physically relocate in order to make way for the project and its related aspects but also includes those who are displaced from their resource base and livelihoods¹⁴. The tribal lives suffer both deprivation of life and livelihood due to forced eviction. Displacement becomes a problem because of the dispossession that results from it.

Loss of tribal identity

The forest has been and continues to be a major source of food, timber for house construction and agricultural implements, fuel wood, medicines, and other necessities of everyday life. Scholars have suggested that 50 to even 80 per cent of the food requirement of the adivasis may in fact be provided by the forest¹⁵. For a large number of adivasis, the forest is the leitmotiv of their material and spiritual existence¹⁶.

The first and foremost problem that seriously affects the lives of tribals due to involuntary migration or forced eviction is the trauma. Several years of psychological trauma is caused to the tribal families as a result of forced eviction from their land and this trauma of losing

¹⁴ Bartolome.J And C.M. Danklemaier *Displacement, Resettlement, Rehabilitation, Reparation And Development, Argentina Report*, World Commission On Dams Review. (1999), (Mar. 1, 2022, 10:20 AM) [Https://Citeseerv.Ist.Psu.Edu](https://Citeseerv.Ist.Psu.Edu)

¹⁵ FERNANDES WALTER, FORESTS AND TRIBALS: INFORMAL ECONOMY, DEPENDENCE, AND MANAGEMENT TRADITIONS, 51, (1993).

¹⁶INDRA *Supra* Note 6, At 4.

everything lasts till their last breath. No trauma could be more painful for a family than to get uprooted from a place where it has lived for generations and to move to a place unfamiliar to it¹⁷. And nothing could be more irksome than being asked to switch over to an avocation which the family has not practiced before. Allotment of small plot of land will not compensate the trauma of involuntary displacement.

Involuntary migration increases impoverishment risks emerging from individual's inability to adjust to the demands of the mainstream economy. It causes disintegration of their social and traditional institutions. Lost their traditional livelihood and are now confined to the urban fringes, living in abysmal conditions and are dependent on informal means of livelihood.

The kinship and social network of the tribals are confined to a limited area. With their low educational level, tradition of life of comparative isolation, tribals find it difficult to adjust to an alien location characterised by heterogeneity of population, culture and levels of living. They are too much depended on forests and its produces, for their living, limiting their ability to take up new avocations and exploit economic opportunities and natural resources available in the new environment. Due to such factors the rehabilitation and adjustment of displaced tribals have not been smooth, and has created considerable discontent among the displaced communities leading to agitations, which sometimes adversely affects the working of the projects.

Some of the direct effects of development induced displacement are given below

- Development has hidden ecological, social and human costs which are paid by the tribal population residing near the project sites.
- A large number of tribals have to migrate to other areas/ cities in search of employment due to lack of jobs in their own areas.
- Loss of arable land, loss of forests, flora & fauna, extinction of indigenous populations are also caused as a result of displacement.
- The tribal women and children are the most vulnerable and affected class among the displaced.
- There is a disruption of the socio-cultural life of the tribals and physical displacement of the households.

¹⁷PARIYARAM M CHACKO, TRIBAL COMMUNITIES AND SOCIAL CHANGE, (2005).

- Displacement also leads to health deterioration and increased rate of mortality.

The effect of these processes on adivasi communities in India was succinctly reported by the International Alliance of Indigenous Tribal Peoples of the Tropical Forests:

Building the industries, mines, townships and dams, forest depots was both by decision and default imposed on the tribal people. They carried the burden of the economic growth of the nation. The land acquisition a piece of colonial legislation used to acquire lands for the crown became the main tool in the hands of the new state to take over tribal resources in the name of public interest, and by proxy hand the same over or divert its benefits to the advanced and advancing sections. One section reaped the gains, the tribals paid the cost. More than 10 million have been displaced and lost all that they had millions others stood by helplessly as the juggernaut of national development pushed their communities to the brink of ethnocide. The economic path chosen by the rulers has effectively marginalised the tribals in their own domain.¹⁸

Loss of livelihood

Tribal people are hugely dependent on the Common Property Resources (CPRs) for their livelihood and were forced to live with minimum land after displacement¹⁹. They were forced to live in a formal economy without adequate preparation. This drastically affected their lives as they did not know how to spend the amount of compensation in an economically viable manner and thus they usually end up in debts and other financial crisis. Land is the only tangible asset of a tribal family, other possessions being meagre at the present stage of their economy²⁰.

The destruction of indigenous people's traditional economic systems by involuntary displacement forces them to relate to the capitalist economic system in a way different from earlier. Systems of labour based on procurement for consumption have to give way to systems of income maximization and accumulation²¹.

¹⁸ International Works Group For Indigenous Affairs, *Adivasis- Indigenous Peoples In India A Brief Situationer, South Asia Regions. Delhi: International Alliance Of Indigenous And Tribal Peoples Of The Tropical Forest*, 14-15 (1998) (Mar. 1, 2022, 10:20 AM) [Https://Www.Ilo.Org](https://Www.Ilo.Org).

¹⁹ JOSE MURICKAN ET.AL., DEVELOPMENT INDUCED DISPLACEMENT CASE OF KERALA, (2003).

²⁰ E SELVARAJAN, ALIENATION OF TRIBAL LANDS IN TAMIL NADU, INDRA MUNSHI, THE ADIVASI QUESTION, ISSUES OF LAND, FOREST AND LIVELIHOOD, (2012).

²¹ DEV NATHAN, SOCIAL EXCLUSION AND ADVERSE INCLUSION, 279, (2012).

U.N. World Conference on Human Rights has described forced eviction as gross²². A UN Report on tribal development pointed out that tribal people in general derived either directly or indirectly, a substantial amount of their livelihood from the forests. They subsist on edible leaves and roots, honey, wild games and fish. They build their homes with timber and bamboo and practice cottage crafts with the help of local raw materials. They use herbs and medicinal plants available in the forests to cure their diseases. Even their religion and folklore are woven round the spirits of the forests. This dependency for their livelihood on the forests creates in the tribals an equally strong attachment to the forests²³.

Tribals residing in or near the forests collect various Minor Forest Produces (MFP) during the seasons of their availability, both for their own use, as also for sale either to government agencies or to contractors²⁴.

Agriculture and allied activities of tribals are also dependent on forests to large extent. Agricultural implements and tools are made from wooden poles and bamboos. The maintenance of cattle for agricultural purposes is dependent to a great extent on the existence of grazing facilities in the forest. Similarly house construction in tribal areas is undertaken with materials collected from the forests.

Tribals have always been sentimentally attached to the forests. Their folklore is full of references to the forests. The benefits accruing to tribals from forests are numerous and derived in a variety of ways. They are deeply accustomed to these benefits and these have become a part of their daily life.

REALITIES OF RESETTLEMENT & REHABILITATION

Resettlement is defined as the physical implantation in a new colony. It is primarily an economic initiative and is at best a step towards rehabilitation²⁵. The Indian model of resettlement is however a one-time relocation, with/without other economic, social and cultural

²² U.N. World Conference On Human Rights, Vienna, 1993. (Mar. 1, 2022, 10:20 AM) <https://www.ohchr.org>.

²³ UNITED NATIONS, Report On Development Of Tribals And Hill Tribe People In The ECAFE Region; (UN, Bangkok, Thailand, 1973).

²⁴ K. C. ALEXANDER, ET.AL. TRIBALS, REHABILITATION AND DEVELOPMENT, 7 (1991).

²⁵ WALTER FERNANDES AND MOHAMMED ASIF, DEVELOPMENT INDUCED DISPLACEMENT IN ORISSA, 1951-1995: A DATABASE ON ITS EXTENT AND NATURE, 126, (New Delhi: Indian Social Institute, 1997).

support. The state shows a callous and casual approach towards the evicted and their rehabilitation.

Rehabilitation is such an elastic term, which depending upon its context has come to mean everything from restoring to former capacity or condition, to making in an improved form²⁶. Rehabilitation in its practical conception is not only the services and techniques of functional restoration, but also the organisation of all the efforts of all the people involved, as well as the end result or goal of those efforts. It is individual as well as community adjustment.

If rehabilitation means restoration of the displaced to their ranks, privileges and reputation or putting them back in good condition, it implies that their situation after rehabilitation should be at least equal to their previous or should in fact be better because of the price they pay for development²⁷.

Rehabilitation of involuntary migrants begins with shifting of oustees and ends with reconstructing their broken socio-economic fabric in a new environment. It is a prolonged and complex socio-economic and political process. In its most benevolent form individual interests are subjugated to societal adjustment, and in its most Machiavellian form both social and individual adjustments are subjugated to bureaucratic insensitivity²⁸.

Land to the ousters, at best, is the first step towards their rehabilitation and for them to make productive use of this resource they must be given institutional support in terms of motivation, education, skill development and information and risk sharing. Entitlement of social services like health services, education, water and sanitation, economic infrastructure like extension support, credit facilities and input/output markets, get automatically converted into abilities of people only in normal circumstances. But involuntary migration is not a normal situation, more so if it involves tribal population²⁹.

Opting for land at distant places was not because of its better quality as compared to the land in nearby villages where their relatives had settled. But land in nearby villages was not available to them. Through such a process, tribal communities of the submerging villages get further

²⁶SAMUEL. W. BLOOM, REHABILITATION AS AN INTERNATIONAL PROCESS IN SOCIOLOGY AND REHABILITATION (Edited), 114, (American Sociological Association 1956).

²⁷ K. C. ALEXANDER ET.AL., TRIBALS, REHABILITATION AND DEVELOPMENT, (1991).

²⁸ *Id* At 42.

²⁹ SHAH, *Supra*, 100.

fragmented. There are also cases where resettled families in the new site are finding, to their dismay that portions of allotted land is coming under canal and road³⁰.

Most of the projects provide only resettlement and not rehabilitation. In many cases the rehabilitation becomes a reality only after severe agitation from the displaced or due to the pressure from the World Bank and at some rare occasions due to the interference of good administrators. In Rourkela, T. N. Singh's formula of giving one job per displaced family was evolved and was in force from 1961-86. There are better R&R policies in World Bank financed projects³¹.

The mere fact of absence of reliable data regarding the number and type of people affected and displaced by the projects even in the offices concerned proves the lack of human consideration for these victims of development. And many of the rehabilitation schemes are limited to providing monetary compensation. The amount of compensation received for the land acquired is far below the replacement value.

The sensitivity of the government towards the problems of development induced displacement is far below expectation. In the context of economic development, social and economic justice of the minorities is compromised by the government.

In the context of the intimate relationship between the tribals and the forests on the one hand and the need to evacuate the tribals from the core area of the forests for the purpose of preservation of forests or for developmental projects, the issue is to find ways and means to smoothen the process of translocation of the tribals.

CONSTITUTIONAL PROTECTIONS AND TRIBAL RIGHTS

The political, social and cultural heterogeneity of India was amply reflected in the deliberations of the Constituent Assembly. It sought to secure social, economic, and political justice, equality of status, of opportunity, and before the law to all the people, and promised adequate safeguards for minorities, backward, and tribal areas, depressed and other backward classes. The Indian Constitution has made important provisions for the development and welfare of the tribes. A list of tribes was adopted for this purpose. The list has been modified from time to time. In

³⁰ *Id* At 120.

³¹ JOSE, *Supra* 13.

1971, the list contained names of 527 tribes. Article 46 of the constitution clearly makes the state responsible for protecting the STs from social injustice and exploitation.

Rehabilitation is recognized as a fundamental right of Displaced Population, in the spirit of Article 21 which has been interpreted by the Supreme Court as right to live with dignity. It was so held in *Olga Tellis Vs. Bombay Municipal Corporation*³², a case which was brought by pavement dwellers to resist eviction of their habitat by the Bombay Municipal Corporation, the Supreme Court held right to livelihood is born out of the right to life, as no person can live without the means of living, that is, the means of livelihood.

The attitude of the Statesmen and judiciary at times towards the people involved in the development induced displacement projects are hostile. One of the finest examples of this antagonistic reaction can be seen in the case of Sardar Sarovar dam. During the displacement they are not awarded fair compensation and sometimes not even compensation as they reside on the common revenue land or in forests. In *Narmada Bachao Andolan v. Union of India*³³, the Indian Supreme Court turned its back on all the developments in the area of housing rights and displayed a complete disregard for both fundamental human rights and India's obligations under the ICESCR³⁴. The issue in this case was the continued construction of the Sardar Sarovar Project dam and its significant impact on both the environment and hundreds and thousands of tribal people in the Narmada valley, who have been displaced with inadequate resettlement and rehabilitation plans. The judgment contradicted all previous Supreme Court rulings that have upheld the right to shelters related to the right to life, as well as the Narmada Water Disputes Tribunal decisions.

BALANCING INTERESTS

Collective rights include Right to development, Right to self-determination, self-rule and autonomy, Right over land and natural resources, Right to free, prior and informed consent, Right against forcible evictions, Right to protect culture, Right to participate in the decision making process and the Right to conserve and protect environment through sustainable development. Development induced displacement is a challenge to sustainable economic development.

³² 1985 SCC (3) 545

³³ (2000) 10 SCC 664.

³⁴ International Covenant On Economic Social And Cultural Rights.

In *Banwasi Seva Ashram* case³⁵ the Supreme Court detailed safeguards to protect tribal forest dwellers who were being ousted from their forest land by the National Thermal Power Corporation Limited (NTPC) for the Rihand Super Thermal Power Project. The court permitted the acquisition of the land only after the NTPC agreed to provide certain court-approved facilities to the ousted forest dwellers.

CONCLUSION

Tribal people and forests cannot be separated from each other. Traditionally the tribal people were regarded as the custodians and guardians of the forests. They live alongside protecting and conserving the forests from any harm. The laws have marginalized the forest dwellers from their homeland and livelihood. Forests are the part and parcel of these people and alienating them from here is like uprooting a plant from the soil. But the only problem is that a plant could be revived if planted back in another soil but the case with the tribal people is that they wouldn't survive if they are separated from their homeland. Their lives are hugely dependent on the forest land from depending on it for their day today affairs, livelihood and religious practices, customs and traditions. For them the trees plants and land and forest are not just a part of their environment but the very heart of their existence. The traditional rights of the adivasis were neither recognised nor recorded.

The industrialists and the government bodies many a times acquire excess land than required for the developmental project. This has two consequences. First of all the original inhabitants are displaced from their habitat due to this unscientific project planning and second and the most important point that this excess land grabbed from the poor are then sold in great figures.

The lack of any rehabilitation policy for the nation for the development induced displaced people had further exacerbated the situation. This forced the World Bank to many a times dictate the government to take cognizance and action of the situation. Due to the compulsion from the World Bank the government has taken some steps for the rehabilitation and resettlement of the displaced and not by their own conviction. There are some necessary steps that must be taken by the governments before initiating resettlement process. They must ensure that the resettled tribals do not feel isolated and they must get a fair share in the fruits of the

³⁵ AIR 1987 SC 374

development project. For the sacrifice they do in ‘national interest’ must be acknowledged by the governments.

Former President of India, K.R. Narayan has once said that, “Let it not be said of India, that this great republic in a hurry to develop itself is devastating the green mother earth and uprooting our tribal population”.