PUSHED ASIDE

Displaced for 'Development' in India

JULY 2016

THEMATIC REPORT

NRC NORWEGIAN REFUGEE COUNCIL

iDMC internal displacement monitoring centre

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Cover photo: Families still awaiting permanent resettlement since their eviction more than eight years ago from the Sabarmati Riverfront Development Project in Ahmedabad, Gujarat. The Ganeshnagar interim resettlement site has an estimated 7,500 residents living next to the city waste collection area and under high tension power lines. Credit: IDMC/Marita Swain, March 2016

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SUMMARY

By providing a first-hand account of development projects and business activities that have caused displacement across India, this report documents and analyses the scale, process and impacts of this phenomenon. It contributes to the existing body of evidence on this type of displacement and aims to raise awareness among policy-makers, business elites, academics, NGOs and operational decision-makers at the national and international level.

The report examines nine cases of displacement caused by development in the states of Gujarat, Jharkhand, Kerala and the national capital territory of Delhi. They reveal failed regulation, inadequate enforcement and harm to communities that extend to other cases elsewhere in India. They show that land acquisitions have pushed people aside with no regard for their rights or needs for decades. They are the result of government indifference and a failure to monitor the human rights impacts of projects and establish accountability mechanisms to address them.

The report shows that:

1. **Government power over land and its severe approach to dissent are key factors in enabling and perpetuating displacement in the context of development projects.** Land acquisitions are facilitated by the exploitation of "public interest" to justify project approval, the use of "special economic zones" to circumvent legal safeguards, inaccurate land categorisation, prejudice against the poor and working classes, and lack of transparency. With international evictions standards not adhered to, indigenous peoples' rights are not respected, and those affected face a power imbalance when trying to assert their rights.

2. **The authorities' indifference to – and neglect of – the adverse human and socio-economic impacts on the displaced and society at large lead to a fall in living standards and fractured social networks**. IDPs' access to livelihoods becomes more difficult after eviction and income levels, food security, health and education suffer as a result. Housing conditions deteriorate because compensation, resettlement assistance and rehabilitation support are insufficient or not provided. Women and indigenous peoples tend to suffer the adverse effects of displacement disproportionately.

3. **Data on the patterns of IDPs' movement and their progress towards durable solutions is inadequate, leading to underestimates of the scale and consequences of displacement.** Patterns of movement are not documented because nationwide data on the number, location and needs of those displaced is not publicly available, whether they are resettled or not. In many cases however, displacement tends to become protracted and durable solutions are rare.

The case studies for this report contribute to the global evidence base on displacement caused by development. The detrimental impacts of development projects in India highlight the need to address the issue in key policy agendas and discussions. Despite IDPs' awareness of their rights and resistance to their eviction and displacement, they will not escape poverty without significant external support and systemic changes to social and economic policies.

The findings of the case studies can help to inform the implementation of new and upcoming UN frameworks on sustainable development at the national and local level, such as the 2030 Agenda for Sustainable Development and the New Urban Agenda. Both agendas commit to "leave no one behind" and explicitly include IDPs. They could also be used to inform the creation and revision of corporate and financial institutions' policies on displacement and resettlement, and the work of UN mandate holders, treaty body committees and agencies.

Global development agendas should ensure that while development projects may alleviate poverty for some, they should not at the same time create new poor or heighten the existing economic vulnerabilities of those evicted. Neglecting those evicted and displaced would undermine the achievement of global development goals. The timescale for planning and implementing projects provides ample opportunity to avoid or minimise displacement, and to put measures in place to ensure that those who are displaced achieve durable solutions.


Sites visited by IDMC in India, July 2016
Capital
State capital
Nearest major city
Displacement/resettlement site
International boundary
State boundary
Savda Ghevra
Baprolla
New Delhi
0 5 km
Line of Control
Area occupied by China and claimed by India
JAMMU & KASHMIR
HIMACHAL PRADESH
CHINA
PAKISTAN
PUNJAB
UTTARAKHAND
HARYANA
DELHI
New Delhi
NEPAL
ARUNACHAL PRADESH
SIKKIM
BHUTAN
RAJASTHAN
UTTAR PRADESH
BIHAR
ASSAM
NAGALAND
MEGHALAYA
BANGLADESH
MANIPUR
TRIPURA
MIZORAM
JHARKHAND
Ranchi
WEST BENGAL
MYANMAR
Ahmedabad
Sabermati
GUJARAT
MADHYA PRADESH
CHHATTISGARH
ODISHA
Bay of Bengal
0 5,2 km
Ahmedabad
Ganeshnagar
Vatva 2
Vatva 1
MAHARASHTRA
TELANGANA
GOA
KARNATAKA
ANDHRA PRADESH
JHARKHAND
Ranchi
WEST BENGAL
Chandil dam
Iccha dam
Noamundi mines
KERALA
TAMIL NADU
INDIAN OCEAN
ICTT
Kochi
Kakkanad
Perandur canal
Kochi
SRI LANKA
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by IDMC.
IDMC
0 200 km
www.internal-displacement.org

1 INTRODUCTION

As of the end of 2015, there were 40.8 million people internally displaced by conflict and violence worldwide, the highest figure ever recorded. During the year, conflict, violence and disasters caused 27.8 million new incidents of internal displacement in 127 countries. More than 19.2 million were triggered by rapid-onset natural hazards in 113 countries and 8.6 million by conflict and violence in 28 countries.[1] Data is scarce for other triggers, but development projects and business activities also cause very significant displacement. The most frequently cited global estimate is 15 million people a year.[2]

The impacts on the lives of people driven from their homes or land by such ventures can be just as severe in terms of scope and duration as those experienced by people displaced by conflict, violence and disasters. These internally displaced people (IDPs) suffer a range of human rights violations, including their rights to adequate housing, land, food, water, health, education and freedom of movement. Displacement caused by development projects tends to affect the poorest and most marginalised groups, and – paradoxically – makes inequality worse rather than better.[3] It also causes tensions that in some cases have fuelled violent conflict, and with it further displacement.

In its efforts to paint a comprehensive global picture of the nature and scope of internal displacement, in 2015 IDMC institutionalised its work on that caused by development and business activities. The issue was introduced in IDMC's 2016 Global Report on Internal Displacement as a trigger in need of specific attention. IDMC has gathered information on it since the organisation was founded in 1998, but this report represents IDMC's first formal attempt to investigate, conceptualise and analyse the phenomenon.

IDMC chose to focus on India for two reasons. First, the number of people reportedly displaced by development projects in the country is among the highest in the world. Such displacement has been taking place for

Adivasi women who have been displaced by the Noamundi mines in Kobhta, Jharkhand over 30-40 years ago who have received no compensation for their lost land, houses and livelihoods. Nor did they receive resettlement assistance. See case study on page 33.
Credit: IDMC, March 2016

decades in many parts of the country, in both urban and rural areas, and as a result of different types of projects, offering a range of cases to study. Second, India has a vibrant civil society that has dedicated work to the issue. The experience and knowledge gained over the years provided a good foundation for contacts, information and insight.

OBJECTIVES

1. To put the issue of displacement caused by development firmly on IDMC's policy and research agenda

2. To provide first-hand examples of development projects that have led to displacement in India

3. To document and analyse the scale, process and impacts of displacement caused by development projects and business activities

4. To contribute to the existing evidence on displacement triggered by development projects worldwide

5. To raise awareness among policy-makers, business elites and operational responders of the humanitarian impacts and social and economic costs of development projects

6. To broaden the scope of IDMC's partners around the world in an effort to document and analyse internal displacement more comprehensively

Given that this report is IDMC's first formal attempt to focus on the phenomenon, myriad follow-up research projects and advocacy activities will be needed to achieve these objectives.

TARGET AUDIENCE

1. Policy makers and operational decision-makers at the national and international level working on internal displacement, development and related issues

2. Academics and NGOs researching and analysing development issues, internal displacement and related policy and operational responses

METHODOLOGY

This report is based on the findings of three weeks of field research conducted in March 2016 in three Indian states and the national capital territory of Delhi, during which IDMC interviewed more than 35 people including IDPs, academics, human rights activists and civil society representatives. The interviews were conducted in Kakkanad, Santhom colony and Thuthiyoor in Kerala; Chandil, Kobhta and Kokoch in Jharkhand; Ahmedabad, Ganeshnagar and Vatva in Gujarat; and New Delhi, Savda Ghevra and Baprola in Dehli.

IDMC chose the geographical areas of study based on each having good security situations and a range of public and private sector development projects in urban and rural areas, but different socio-economic indicators. Local contacts identified IDPs for interviews, which were done through interpreters. Just over half of the interviewees were men. Their names and other identifying details have been withheld for their protection.

The report is also based on a review of literature on displacement caused by development in India and elsewhere. This was supplemented by consultations with experts by email and telephone. IDMC also sent written requests for specific information to government officials in charge of resettlement and rehabilitation in Delhi, Gujarat, Jharkhand and Kerala, and the companies involved in the cases studies. At the time of writing, IDMC had received no responses.

KEY TERMS AND CONCEPTS

Several terms and concepts key to analysing displacement caused by development are defined below in alphabetical order. Experts on the phenomenon do not use them consistently, and meanings may vary when they are applied to other analyses, but this report uses them in the following way:

Local residents draw water from a pump on the edge of their village which is adjacent to the Noamundi iron ore mines near Kobhta, Jharkhand. Residents have lost their land and livelihoods and received no compensation or resettlement assistance, and the mines have severely impacted the health of locals. See case study on page 33. Credit: IDMC, March 2016

COMPENSATION

Compensation refers to an amount of money or land offered to people for the loss of their home, land or other property as a result of a public or private development project.

DISPLACEMENT CAUSED BY DEVELOPMENT

Displacement caused by development is the forced movement of people from their homes and/or land as a result of governments acquiring or diverting land for development projects and business activities. Governments may invoke their power of eminent domain to acquire land or divert public land. Various types of development displace people, including water, transport, energy and mining projects, urban renewal, commercial infrastructure, agriculture and climate mitigation schemes, and mega-sporting events.

Principle six of the Guiding Principles on Internal Displacement states that displacement by large-scale development projects is arbitrary if it is not "justified by compelling and overriding public interests". It may become arbitrary when the requirements of necessity and proportionality that underlie an evaluation of such interests are not met, or when the scale and impact of the displacement exceed the public gains that a project provides.

The notion of displacement covers both people forced to leave for illegitimate reasons and in violations of their rights, and resettlement that is compulsory but legitimate and legal. Whether they are forced to leave arbitrarily or legitimately to make way for development projects or business activities, those affected have no choice to remain and should be considered displaced until such time as they have achieved a durable solution.

EMINENT DOMAIN

An individual's right to own, possess or use private property is not absolute. It may be subject to public interest as provided for by law, and/or limitations such as "the just requirements of morality, public order and the general welfare in a democratic society".[4] In such cases, states are entitled to take ownership of private property for public purposes according to the doctrine of eminent domain. Expropriation, however, can only be imposed in exceptional circumstances and never arbitrarily. The Guiding Principles state that expropriation is only permissible when provisions of necessity and proportionality are met, which requires an examination of whether involuntary resettlement could be avoided or minimised.[5]

FORCED EVICTION

Forced evictions are a form of arbitrary or unlawful displacement prohibited under international law.[6] They are carried out against a person's will and fail to meet certain conditions and legal standards. Their consequences may include population transfer, ethnic cleansing and other practices involving the coerced and involuntary removal of people from their homes, land and communities.

The UN Committee on Economic, Social and Cultural Rights defines forced evictions as "the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection".[7] It is by definition a human rights violation, and meets the criterion of coercion stipulated in the Guiding Principles definition of an IDP even if legal standards are met.

INTERNALLY DISPLACED PEOPLE

The Guiding Principles define IDPs as "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised State border".[8]

The definition highlights two elements: the coercive or involuntary nature of the movement and the fact that it takes place within national borders. The Guiding Principles' list of causes of displacement are not exhaustive, and cover people who are obliged to leave their homes or places of residence because of development projects. This report uses the terms "IDP" and "displaced" interchangeably to refer to people forced from their homes and land.

PROJECT-AFFECTED PEOPLE

Project-affected people are those who suffer the adverse impacts of development projects. They include people who lose their homes and/or land, as well as those who lose access to land, livelihoods and common property resources.[9] A project-affected person is not necessarily displaced.

REHABILITATION

Rehabilitation refers to the process of achieving durable solutions to displacement. A durable solution is achieved when IDPs no longer have specific assistance or protection needs linked to their displacement and can exercise their rights without discrimination on account of it. National authorities, development organisations, financial institutions, civil society and academia employ the term "rehabilitation" in this sense, but some experts use it interchangeably with "resettlement".

The Inter-Agency Standing Committee (IASC)'s framework on durable solutions for IDPs provides criteria against which to measure progress towards their achievement. They are physical security, which includes freedom of movement, adequate standard of living, access to documentation, remedies for lost housing and property, remedies for violations suffered, access to livelihoods, family unity and participation in public affairs. The criteria are relevant to displacement caused by development, but project officials and experts on the phenomenon do not use the IASC framework in planning for resettlement and rehabilitation. It is mainly used by humanitarians.

RESETTLEMENT

Resettlement refers to the physical relocation of people from homes and/or land that a state has acquired or diverted to a designated settlement area. Displaced people should be resettled to an adequate location where they are helped to improve or at least restore their lives, as stated in the UN Basic Principles and Guidelines on Development-Based Evictions and Displacement.

2 DISPLACEMENT CAUSED BY DEVELOPMENT IN THE WORLD TODAY

CAUSES

Development work should benefit society through poverty reduction, environmental protection, social justice and technological progress. The anti-poverty push of the Millennium Development Goals helped to halve world poverty, child deaths and lack of access to drinking water between 1990 and 2015.[10] Other development projects such as power plants, roads and dams can also improve lives through the provision of electricity, irrigation and access to markets. As such they can also contribute to economic growth and the realisation of human rights.

At the same time, development can have adverse effects and violate human rights. Projects usually require large tracts of land, and when the land in question is not public a state may exercise its right of eminent domain to make it available through compulsory acquisition. It may also divert public land that people use for livelihoods and sustenance. People living on such land are forcibly removed to make way for the development project, and those using it are deprived of the resource. Others may suffer indirectly long after a project is completed and even at a distance, the loss of fisheries as a result of dam construction being just one example.[11]

Foreign investors and governments have also increasingly acquired land. The pace and scale of such acquisitions have accelerated to such an extent as to constitute a global land rush, encouraged by agricultural, financial and international trade policies in place since the 1980s.[12] In parallel, international financial institutions and development agencies have established liberal economic rules that support such investments and land markets in developing countries.[13] Land policies have also facilitated such acquisitions since the 1990s, easing private investment and the concentration rather than diversification of land ownership.[14]

The global land rush has many drivers. Since the global commodity crisis in 2008, arable land has been acquired as a means of achieving food security.[15] Climate change has also contributed to the increase in acquisitions in response to concerns about the growing scarcity of fresh water, to produce biofuels as an alternative to fossil fuels and to accrue benefits for carbon storage through plantation. Population growth and urbanisation have put pressure on urban and peri-urban land, because of the growing demand for housing, infrastructure and services. The increased global demand for certain raw materials, particularly fibre and wood products, has also contributed, as have speculative investment, weak land governance a failure to protect local land rights.[16]

DATA

There is a paucity of data on people forced from their homes by development projects worldwide. The most frequently cited global estimate is 15 million people a year displaced by public and private projects across all sectors, and the figure is considered conservative.[17] Project documents are not always publicly available, and when they are the number of people to be resettled may be excluded or under-reported in an effort to ensure approval for the scheme. Figures for those affected may not be verified or revised at the end of the project, and they may exclude those without title deeds and those displaced by its indirect effects.[18] Such people are less visible and seldom assisted in formal resettlement operations, and no methodology exists to estimate their number.[19]

Displacement data is only available only for some countries and sectors. Country figures only appear to be available for China, where 80 million people were displaced between 1950 and 2015; and India, where 65 million were displaced between 1950 and 2005.[20] In the absence of data for all sectors, dam construction appears to displace most people worldwide.[21] The World Commission on Dams reported in 2000 that such projects had displaced between 40 to 80 million people worldwide since 1950. Data on land deals exists for some countries, but figures for displaced people have not been extrapolated.[22]

IMPACTS

The process of dispossession caused by land acquisition for development projects is complex and protracted, and begins before actual dislocation. People are displaced at different points and for different reasons - when they hear rumours of the project, receive eviction threats, are notified of land acquisition or eviction, services

are curtailed or cut, they are physically evicted, their homes are razed or new construction begins on the land.[23] Displacement can also take place beyond the expropriated area as a result of pollution, water table damage, the diversion of resources and other changes in the ecosystem. Agriculture, for example, becomes unviable, forcing people to leave.[24] Tensions over a project's impacts may arise during construction or after its completion, and in some cases they have led to violence and conflict. Disasters may also make environmental degradation worse, in both cases causing further displacement.

Decades of academic study have shown that impoverishment has been the rule rather than the exception following displacement caused by development projects around the world.[25] A World Bank internal review for the period of 1986 to 1993 showed that declines in post-relocation incomes were as high as 40 per cent for people who were poor before their displacement.[26] Similarly, a study of 50 dams worldwide by the World Commission on Dams found that the long-term consequences of the vast majority of such projects and the resettlement associated with them included a deterioration in living conditions for those affected.[27]

Impoverishment also becomes protracted. In China, at least one third of the 10 million people displaced by reservoir projects were still living in extreme poverty two decades later.[28] In India, 75 per cent of more than 20 million people displaced by development projects over four decades were still impoverished by the early 1990s.[29]

Those displaced lose access to basic rights, including the right to adequate housing, land, food, water, health and education. This can lead to homelessness, unemployment, food insecurity and increased morbidity. Community disintegration and marginalisation are also common.[30] This causes psychological stress, as do evictions, the anticipation of displacement and resettlement and the lack of, or conflicting information about the procedures involved.[31]

People's tenure security is often weakened because they are unable to afford to buy or rent housing and land after their displacement, whether the result of insufficient compensation, resettlement or income. This is turn makes them take on more debt and they become vulnerable to further eviction.[32] Faced with a lack of livelihood opportunities in resettlement areas, family members often migrate for work.[33] Such factors can also trigger tensions and conflict in resettlement areas.[34]

Indigenous people are more exposed to such risks and endure the adverse effects of displacement dispro-

On the periphery of Delhi, Baprola is home to over 500 families who have been 'shifted' from urban informal settlements at the end of 2015. Families have been moved to poorly constructed two-room tenements that are far away from livelihoods and affordable transport. See case study on page 38. Credit: IDMC, March 2016

portionately.[35] Development projects are often undertaken in underdeveloped but resource-rich areas where land and political costs are lowest. Such areas tend to be populated by groups at an inherent disadvantage when confronted with powerful political and economic forces.[36] Almost all of the larger dam schemes that have been built or proposed in Philippines have been in areas where the country's seven million indigenous people live.[37] A global study of the effect of dams found that displaced indigenous people suffered a disproportionate loss of assets, unemployment, debt burden, hunger and cultural disarticulation.[38]

RESPONSE

These adverse impacts arise and endure despite compensation and help with resettlement and rehabilitation. Eligibility criteria differ from project to project, and not all of those displaced are entitled to or receive compensation or other assistance. Some of those eligible may not have the documentation required to prove it. Those who receive compensation are not always able to secure alternative housing and livelihoods, either because the sums of money involved are insufficient or because the land on offer is unsuitable in terms of its fertility or location.

Resettlement is not always offered, and when it is sites are not always fully serviced with housing and infrastructure before the displaced arrive. Rehabilitation assistance is extremely rare. Recovery is also impeded by the belief of those implementing a project that the compensation offered is sufficient, that they are not responsible for non-economic losses and that their responsibility ends when construction is complete.[39]

Over the past three decades there has been increasing acknowledgement that people displaced by development projects require protection. In 1980 the World Bank adopted its first formal policy guidelines governing its projects that involve forced resettlement. Today, every major multilateral development bank has a policy that provides such minimum guidelines, and more than 80 private banks and financial institutions have adopted the Equator Principles, a framework to manage the social and environmental risks associated with development projects. Development banks have also instituted complaints procedures for people who feel they have been or may be harmed by the projects they finance.

Other law and policy developments also reflect this acknowledgement. The Pact on Security, Stability and Development in the Great Lakes Region (also known as the Great Lakes Pact) and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (known widely as the Kampala Convention) provide specific protection for people affected by public and private sector development projects.[40]

Domestic laws and policies on internal displacement in Kenya, Nepal, Mozambique and Peru have been adopted with provisions devoted to displacement caused by development, as have land acquisition laws in China, India and Mozambique.[41] At the UN, the Guiding Principles, the Basic Principles on Development-Based Evictions and Displacement, and the Guiding Principles on Business and Human Rights all aim to protect people displaced by development projects.

Though scarce, reported good practice has emerged. Incomes have been successfully restored when those displaced were able to share in the immediate benefits created by the project that forced them from their homes. Examples include helping those affected develop aquaculture and fisheries in new reservoirs in Indonesia, granting landless people access to irrigated land in Senegal and prioritising those affected to take advantage of commercial opportunities created by new infrastructure in Argentina.[42] Hydropower projects in Brazil, Canada, China, Colombia and Norway have allocated a percentage of the revenue generated by the sale of electricity to the displaced and local government.[43]

3 DISPLACEMENT CAUSED BY DEVELOPMENT IN INDIA

'Land in India is more than a resource base and it has more than market value. It has emotional associations for those who inherit it from their ancestors, it enables to grow food for subsistence and cash crops with which to obtain money to buy essentials. It is often considered to be sacred, a status symbol that provides guarantee for easy access to loans and helps in getting better marriage alliances in the family and represents self-sufficiency and independence in a society bound by feudal norms'.

Pandey B, Depriving the Underprivileged for Development, Institute for Social Development, 1998, p.106

BACKGROUND

People have been displaced to make way for development in India for centuries. The earliest recorded case was during the Gupta dynasty in the middle ages, but it became a serious issue in the colonial period.[44] Britain's objective of supplying capital and raw material for its industrial revolution displaced an estimated 35 million people.[45] Revolts followed in the 1830s and 1920s.[46] Legal developments culminated in the 1894 Land Acquisition Act (LAA), which is based on the principle of eminent domain. Under it, the state owns all biodiversity, natural resources and land without individual titles, and the state alone has the right to define a public purpose and deprive individuals of their land.

After independence in 1947, vast areas of land were required to jumpstart the developmental vision that guided the new nation's policies.[47] Increasing numbers of people were forced from their homes and land, and rapid economic growth accelerated the process still further. Avoiding displacement was not on planners' agendas in the first two decades after independence, nor were there any strong voices against development projects, barring a few protests in the 1960s and 70s. Development and its consequences were viewed as peoples' contribution to nation-building.

From the 1980s, however, protests erupted against impoverishment. Grassroots movements of people displaced and affected by projects played an active role in informing affected communities of their rights and facilitated better coordination in advocating collectively against private and state entities.

In the 1990s, the government began to institute significant macroeconomic reforms in line with the development paradigm promoted by globalisation, liberalisation and privatisation. India witnessed unprecedented growth and shifted the global economic centre of gravity together with Brazil, China and Russia. Today it is the world's fastest growing economy and the tenth largest. After being the largest recipient of World Bank loans for 70 years, it is no longer eligible.[48] The country's twelfth five-year plan, for 2012 to 2017, focuses on economic sustainability and aims to make such growth irreversible.

Large tracts of land have been needed to achieve this growth. Equating economic development with public purpose, the state acquired or diverted common and private land to reach its national macroeconomic objectives. The land was put to many uses, including infrastructure such as roads and airports, industries such as mining and chemical plants and the provision of services such as irrigation and electricity from hydropower dams.[49]

Urban land has also been claimed from "encroachers" to make way for "beautification" projects, upgrades to transport and technological infrastructure and the development of public and commercial spaces including parks, malls and office complexes. Such efforts gathered pace in preparation for the 2010 Commonwealth Games to showcase Delhi as a world-class city and India as a prosperous host.[50]

The control over land and natural resources is a politically sensitive issue in India. The 2011 defeat of the Left Front government in West Bengal, which had been in power for 34 years, was attributed to widespread discontent, protests and violence triggered by land acquisitions for a chemical industry hub and car factory.[51] The price of land has soared over the last decade, and unfulfilled promises of resettlement and rehabilitation have undermined trust.[52]

At the same time, the link between land use and specific development goals has not been made explicit. Decisions to implement projects are made on the basis of ad hoc pressures and a desire to please investors.[53] The general trend is toward the increased expropriation of land.[54] The number of districts with land acquisition cases increased from 130 to 165 between 2011 and 2014.[55] As land acquisitions accelerated, employment rates stagnated and in 2015 India ranked only 130th out of 173 in the UN Development Programme (UNDP)'s human development index, below Tajikistan and above Honduras.[56]

SCALE AND PROCESS

Displacement caused by development in India has been extensively researched, and the literature available helps in understanding the scale, process and future of the phenomenon. In the absence of government data, independent researchers estimate that at least 65 million people were displaced by development projects between 1950 and 2005.[57] It is an issue that touches all corners of the country and viewed in its entirety amounts to a national crisis.[58] An estimated 90 per cent of people displaced by development in India were forced from their homes by state-run projects.[59] Much of the funding for such projects has been provided by public sector banks, and this has increased in recent years.[60]

The government acquires or diverts land in two ways. It can forcibly expropriate forest, private and common land for purposes it deems in the public interest, and it can reclassify forest and common land under the regulatory regime, for example to create a national park or wildlife sanctuary, which may obstruct the rights of those using it. By 2011, more than 6.5 million hectares of land had been diverted to "public interest" projects in the agri-business, infrastructure, resource extraction and renewable energy sectors. The decision-making processes for projects, land acquisition, environment impact assessments and forest clearances run in parallel through different ministries and at different levels of the federal structure.[61] Final decisions are taken at the central or state level on a project by project basis.[62]

Until recently, the state had no legal obligation to resettle or rehabilitate the people it acquired land from (see annex). At best, those displaced received a paltry sum toward rebuilding their lives. Faced with growing discontent over several decades, however, the authorities have adopted policies that entitle those displaced to compensation, resettlement and rehabilitation. A culture of secrecy means little data is available on the distribution of such entitlements, but decades of research show that they vary considerably.[63] Fair compensation, resettlement and rehabilitation packages are the exception rather than the rule. Some officials have said projects would not be viable if they had to pay adequate compensation and fully resettle and rehabilitate those affected.[64] There is also a lack of due process across land acquisition, displacement, resettlement and rehabilitation procedures.

Development is set to continue causing displacement, and on an unprecedented scale. The country plans major projects over the next 15 years in the agrifuel, infrastructure, resource extraction and renewable energy sectors, and these will require 11 million hectares of land.[65] The creation of 100 "smart cities," cities that provide core infrastructure, a decent quality of life to citizens, a clean and sustainable environment and "smart" solutions to urban challenges, will also lead to significant displacement.[66] Some experts also argue that large dams will remain a necessary development option to provide water for industry and agriculture, because small reservoirs dry up during ever more frequent periods of drought.[67] India's dense and growing population also means that land will become more scarce.

4 KEY FINDINGS

The key findings below are derived from the case studies presented in chapter four and other research on displacement caused by development in India. Each relates to more than one of the case studies and is corroborated by reports on displacement elsewhere in the country. As such, they apply beyond the geographical areas this report focuses on and are relevant to the country as a whole.

STRUCTURAL FACTORS THAT ENABLE DISPLACEMENT

Government exploits the land acquisition process

The justification of public purpose is exploited in the approval of development projects across India. The country's laws empower states to define public purpose, and recent amendments by those such as Gujarat and Rajasthan widen their scope to do so. Many current projects, however, do not serve the public interest.[68] A study of three displacement cases in Chennai, Delhi and Mumbai found there was no demonstrable public purpose to justify the evictions that took place.[69] Public purpose often serves as a façade for gentrification, whereby the urban poor are removed from coveted areas to make way for commercial ventures and high-income housing. This was the case for those displaced from the Perandur canal in Kochi, Kerala and from central New Delhi to Savda Ghevra and Baprola.

The authorities and courts also use pejorative language to justify human rights derogations in the name of driving development and the current real estate boom across the country. Evictions in urban areas are often justified on the grounds of removing "illegal encroachers". The term suggests residents are trespassers or squatters rather than rights-holders, and frames the poor as unworthy of legal and constitutional protection.70 The result is that only the poorest residents are evicted on account of their irregular or illegal status, as happened in the case of the Perandur canal and evictions from the banks of Delhi's Yamuna river.71 These examples add to an evidence base which shows that land acquisition and resettlement processes reflect prejudice against India's poor and working classes.[72]

The inaccurate categorisation of land also facilitates acquisitions. The government uses "wasteland" as an overarching category that includes all rural land other than forests and privately held agricultural and grazing land.73 There is no consistent or legal definition of wasteland, and much of the land acquired for development projects tend to fall under this category. Behind the opaque term lie common property and shared resources that are neither state nor privately owned. The lack of a regulatory framework for this type of land blurs matters further.74 Data and records on acquisitions of such land, upon which many of India's most vulnerable and marginalised people live and depend, is also scarce. This highlights the need for transparency in land classification and access to public documentation.

The national government is making increasing use of special economic zones (SEZs) to expedite large land acquisitions and circumvent legal safeguards. As of May 2016, there were 417 formal approvals for SEZs across India, of which 330 have been notified.75 The majority of acquisitions concern fertile agricultural land that is then converted to industrial and commercial use, such as for the smart city in Kochi.76

SEZs facilitate land acquisitions for private gain, because the government acquires land under eminent domain for public purpose and then sells it to commercial stakeholders. Buyers receive tax breaks and exemptions from labour and environmental legislation, which mean large tracts of land can be acquired at once. Rapid clearance processes bypass safeguards and do not require public participation or consultation, or the consent of affected communities before their eviction.

The land acquisition process is shrouded in a lack of transparency, which provides ample cover for the corruption of resettlement financing and eligibility. Corruption is prevalent, because there is money to be made in acquisition and resettlement in terms of land, contracts and services.[77] The diversion of funds from a national urban renewal initiative to resettle "eligible" families displaced by the Sabarmati riverfront development project in Ahmedabad instead of using project finance is but just one example.

International eviction standards are not adhered to

Before eviction

For all nine of projects IDMC visited, there were no public consultations before evictions took place, and communities did not participate in the resettlement process.

IDMC's findings are consistent with other cases in India, where land acquisition and evictions often take place with little or no prior notice or consultation. People find out about plans from neighbours, when officials come to measure the land or when the bulldozers arrive.[78] An estimated 200,000 people were evicted from 19 sites demolished in preparation for the 2010 Commonwealth Games in New Delhi, part of large-scale land acquisitions that paved the way for the building of sports arenas, roads, parking areas and hotels, and initiatives to "improve security" and clean up the city.[79] There were no consultations or public hearings in any of the cases, and in the majority residents received no notice before evictions took place.[80]

The absence of public consultation and participation is consistent with global trends.[81] A survey of 800 people evicted for development projects in eight countries found that only 12 per cent were consulted, and when they were the procedures were poorly conceived and implemented. Most did not receive the information they needed to take an informed view of the project plans, nor did they know how to get such information.[82]

Social and environmental impact assessments were not carried out for any of the nine projects IDMC visited, which appears to be the norm in India and contributes to the exclusion of displaced people from decision-making processes. Detailed studies of displacement caused by projects in Chennai, Delhi and Mumbai also found that no such assessments had been undertaken.[83] In cases where they have been carried out they underestimated impacts, neglected whole groups of affected people and included false information.[84]

During eviction

Evictions are often carried out under a disproportionate and threatening police presence, and sometimes excessive force is used. This was the case not only for half of the projects IDMC visited - in Ahmedabad, Delhi, Jharkhand and Kochi - but also in Odisha, formerly Orissa, and across India as a whole.[85] People displaced by preparations for the 2010 Commonwealth Games said police had threatened some residents in an effort to get them to vacate the area.[86] Earlier evictions along the Yamuna river in Delhi in 2004 also involved a heavy police presence, which led to injuries and deaths and contributed to "an atmosphere of uncertainty and terror".[87]

After eviction

The perpetrators of violence during evictions tend to go unpunished and those displaced have few avenues for recourse. The studies in Chennai, Delhi and Mumbai showed there had been no prosecution or trial of officials involved in the violence and destruction that accompanied the evictions, despite multiple incidents of injury. Nor did the government provide any medical aid or compensation to the victims.[88] Of further concern is that there is no evaluation mechanism to monitor the implementation of rehabilitation plans, or any recourse for failure.[89]

Power imbalance in negotiations between project implementer and affected community

Given that only the state can define and defend public purpose, the government has the upper hand in negotiations on land acquisition, resettlement and rehabilitation from the outset. A lack of secure tenure means that many communities are unable to negotiate on equal terms. The result is a glaring power imbalance with government, companies and beneficiary middlemen on one side, and those facing eviction and their supporters on the other.

The imbalance becomes more asymmetric still after displacement, because it widens the economic and social inequality between the two sides. The displaced are mostly poor and marginalised, they end up poorer and more isolated than before and they are seldom beneficiaries of the projects that displace them. The authorities and companies have more access to information, are affluent and do not bear any costs. Provisions that require consultation are manipulated or ignored.[90]

In response, people affected by development projects have increasingly taken up forms of resistance throughout the country, ranging from protests and hunger strikes to mass uprisings, guerrilla warfare and armed conflict.[91] Opposition is often met with state violence, which has cost protesters their lives and in some cases led to conflict, but it has not deterred people from opposing the displacement they face.[92] Local community resistance efforts have grown into larger social movements made up of indigenous people, farmers, environmentalists and human rights activists with support from local and international civil society organisations and the media.

A woman in front of the grave of her husband who was killed in protests in 1982 against the Iccha dam in Jharkhand. Protestors against development projects India-wide are at serious risk of mistreatment and abuse. See case study on page 32. Credit: IDMC, March 2016

They include local efforts to improve living conditions and access to services in Savda Ghevra, Kannagi Nagar and Vashi Naka in New Delhi, which were started by the displaced themselves.[93] They also include the decades-long and still strong Save the Narmada campaign against a series of dams on the river, and a movement in Odisha that has been resisting plans for a vast steelworks to be built and operated by the multinational POSCO corporation for more than a decade. Some struggles have led to projects being withdrawn, as for the proposed bauxite mine in Niyamgiri, and declarations of new protected areas dropped, but they have had limited effect on the general practice of land acquisitions.

The cases IDMC studied show that when those displaced have managed to negotiate a better outcome, their efforts have largely depended on civil society, political and media support, and their level of education and affluence.[94] In Kochi, the displaced displayed remarkable agency in their struggle to obtain fairer compensation and rehabilitation support.95 The gains people displaced from the Perandur canal and Moolampilly in Kerala achieved were the result of community cohesion, media coverage and support from religious leaders and human rights officials.[96] Tireless activism was key in the case of the Chandil dam, and personal connections in the case of Ahmedabad.[97]

Overall, the impacts of eviction and displacement depend largely on the agency of affected households and their supporters, and the eligibility criteria for resettlement assistance, rather than the type of project, those implementing or financing it or its location. India's past information asymmetries have also reduced as access to technology has increased, leading to better organisation and assertion of rights. [98]

This display of agency takes place in the face of huge obstacles. Maintaining such a struggle involves the loss of time and wages, the cost of long distance travel to the state or national capital and legal expenses. Those taking part also face threats from local officials and the police.[99] In prioritising the acceleration of growth, the government has generally taken the side of companies rather than displaced people.[100] This was the case for IDPs in Kokoch in Jharkhand, who have received no remedy from either Tata Steel or the government for their displacement to make way for the Noamundi iron ore mine, despite years of protest.

There are also major impediments to securing judicial remedies in India. A court case lodged by IDPs in Kokoch 22 years ago is still at the first instance. This is not unusual, given that the Indian court system has a backlog of 27 million cases and is in need of a complete overhaul.[101] Compensation and resettlement packages tend to be viewed as welfare rather than a matter of right, and treatment of those displaced as people without rights further entrenches inequality.[102]

Indigenous rights are not systematically respected in land acquisitions

India's tribal or indigenous people account for only 8.6 per cent of the country's population, but at least 40 per cent of those displaced by development projects.[103] For dam projects the figure rises to 60 per cent. They are disproportionately affected because they tend to live in areas rich in natural resources. Figure 1 below depicts the situation in Jharkhand, where scheduled tribes accounted for 30 per cent of the population while they represent 42 per cent of the displaced for the period 1951-1995.

National legal frameworks to safeguard indigenous rights are not systematically implemented, and in states including Andhra Pradesh, Jharkhand and Odisha the extent of indigenous land has been drastically reduced. Much land has been lost to non-tribals or acquired by the government and reclassified as forest or revenue land - agricultural land which cannot be used for industrial or residential purposes. Such processes violate the Indian constitution and national laws to protect indigenous rights.104 The fifth schedule of the constitution has been reinforced by a Supreme Court ruling that prohibits the acquisition of trbal land by non- tribals.[105] Despite these legal provisions, however, ministries continue to approve its acquisition. Neither does the state always protect tribals in cases where private companies fail to protect their rights, the campaign of the Rajmahal Pahad Bachao Andolan movement against a Union of India coalmine in Jharkhand being a case in point.[106]

Grievances born out of the government's failure to protect the land and livelihood rights of indigenous groups has led to guerrilla warfare and conflict. The Naxalite-Maoist insurgencies of the so-called Red Corridor, which stretches from Andhra Pradesh to West Bengal, began as a peasant uprising in West Bengal in the 1960s. The insurgents tap the extractive industry to finance the conflict, and they have found it easy to mobilise local displaced populations, the majority of whom are indigenous and have suffered the negative impacts development projects.[107] The government has responded with counter-insurgency operations that have caused further displacement. It has also labelled protesters and those resisting land acquisitions as Maoists, making it easier to justify repressive measures against them.[108]

The displacement of indigenous communities leads to more than economic losses for those affected. Indigenous IDPs tend to suffer far more than their counterparts in the general population, because they lose a way of life that goes beyond what any resettlement initiative can compensate for.[109] The displacement of indigenous villages amounts not only to impoverishment, but also "cultural genocide, since every aspect of the social structure is fundamentally altered and undermined, including the economy, political system, material culture, relationship with the environment, religion and system of values".[110] The fate of the Ho people in Jharkhand is but one example. Some of those affected end up as slum-dwellers in the nearest town, because they lack the education and skill sets necessary to adapt to life and work in urban settings.

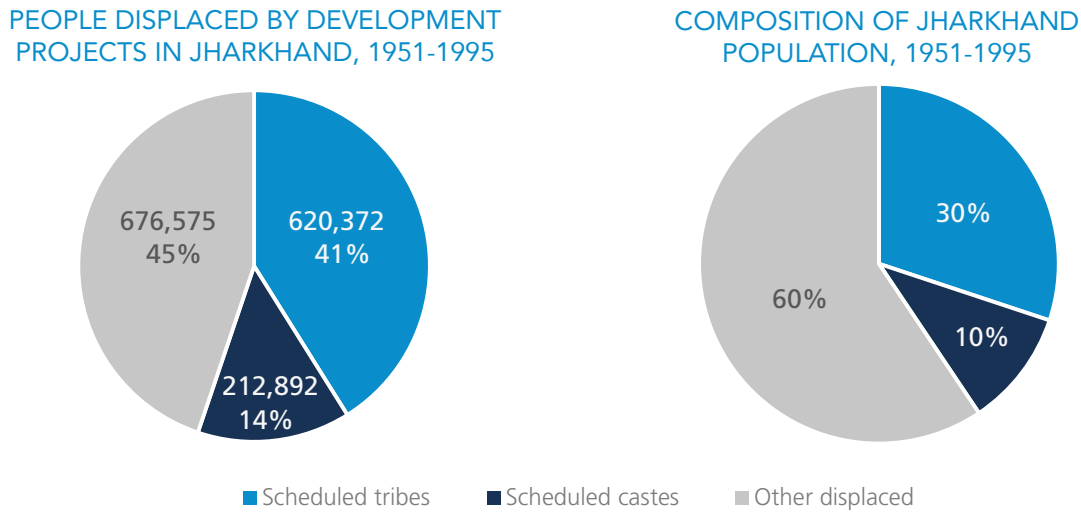


Figure 1. Impact of development projects on scheduled tribes in Jharkhand, 1951-1995
Average composition of Jharkhand population: IDMC estimates based on: Arup Maharatna, Rasika Chikte, "Demography of Tribal Population in Jharkhand 1951-1991", in Economic and Political Weekly, November 20, 2004, p. 5054, http://goo.gl/6XJq6g; Amit Prakash, Jharkhand: Politics of Development and Identity, 2001, p. 172, https://goo.gl/L787C8; Jharkhand Data Highlights: The Scheduled Tribes - Census of India 2001. http://goo.gl/4aGiVJ; Data Highlights: The Scheduled Castes - Census of India 2001. http://goo.gl/aUJSvG

There is, however, cause for hope. Some *gram sabhas*, or village assemblies, have recently vetoed the approval of development projects in forest areas.[111] In 2013, the Supreme Court upheld the decision of one such assembly in Odisha's Niyamgiri hills to reject plans for a bauxite mine. The ruling was seen as a landmark victory in recognising indigenous rights.[112] More recently, a tribunal in Himachal Pradesh state endorsed a *gram sabha* decision to reject a hydroelectric power plant that would have submerged forest and farmland and deprived local people of their livelihoods.[113]

Authorities respond severely to opponents of projects

IDPs and activists have been defending the rights of people affected by development projects and business activities in India for decades.[114] As some of those IDMC spoke to for this report describe, both state and private agents have targeted such campaigners with killings, torture, physical assaults, raids, arrests and arbitrary detentions.[115] Numerous cases have highlighted a nexus between the police and the private sector.[116] The threats activists face have led some to seek refuge in the forest or other towns during times of repression.[117] In Mandala, Mumbai, hundreds of people were detained while conducting a peaceful protest against the demolition in June 2015 of the homes of 3,000 returnees who had originally been evicted in 2005.[118]

The authorities have also labelled human rights defenders as Maoists, Naxalites, "anti-development opponents of progress" and "anti-national" elements resisting the state.[119] The government in Odisha has taken a heavy-handed approach to any opposition to development projects, especially to private sector mining, industrial and other ventures. Community resistance is perceived as anti-government resistance, and arrests and detentions are common.[120] Similarly in Uttar Pradesh, female leaders of the National Trade Union Initiative and the All India Union of Forest Working People were arrested and detained in June 2015 for resisting construction of the Kanhar dam. They were accused of "waging war against the state".[121]

IMPACTS OF DISPLACEMENT

Evictions result in community disintegration

Displacement rarely involves the direct relocation of an intact community to a purpose-built resettlement site. People tend to be displaced at different times during the land acquisition and eviction process and in different directions, atomising their social and community networks.

This happens for a number of reasons. In some cases, a number IDPs are obliged go first to an interim resettlement site while others are able to negotiate direct resettlement. In others, resettlement is not agreed before eviction and those affected are left to their own devices until a package is offered, if it is offered at all. Some of the people resettled to Savda Ghevra in New Delhi were homeless for months following their eviction while they waited for a resettlement offer, and a study of displacement from Bawana revealed similar findings. Some lived in the ruins of their demolished homes or with family members, but a large number were rendered homeless.[122]

Some IDPs are not considered eligible for resettlement. Most states set a date before which families must have been living in the area in order to qualify. Cut-off dates range from years to decades and differ among eviction processes.[123] Such arbitrary limits exclude significant numbers of people who moved to the area after the date in question, or who are unable to provide documentation to prove they moved before it. Either way, they are forced to separate from their community when resettlement takes place.

Resettlement plans can also be used to deliberately divide communities. Close-knit and mixed religious communities in Pushta in New Delhi and the Sabarmati riverfront in Ahmedabad were broken up during their relocation, ostensibly to hasten the process of mixing and integrating families in their new locations, but more likely as a political move to counter the possibility of organised resistance.[124]

Eviction is already a painful process, and community disintegration makes it more so. IDMC interviews confirm that displacement caused by development projects has a profound psychological impact on those affected. For many, losing their home and land is akin to losing a loved one, and talking about their eviction evokes distressing memories even years after the event.[125] The effects of leaving behind ancestors and homes that have been built over the years with hard-earned money cannot be fully quantified and compensated. Relationships that provide security and a sense of community are lost, heightening vulnerability and helplessness.[126]

IDPs' housing conditions deteriorate

Compensation for expropriated property tends to be insufficient for people to procure decent housing after their displacement. In the five cases IDMC studied where cash was on offer, not all IDPs were eligible and those who did receive it found it was not enough to buy or build a new home. Rather the cash was used to repay old debts, make short-term investments in material items or buy alcohol, driven at best by a lack of aware-

Two apartment blocks were built to house a third of the IDPs displaced by the Perandur Canal in Kochi, Kerala. The apartments are on the outskirts of Kochi and residents now face a long and expensive commute to jobs. See case study on page 29. Credit: IDMC, March 2016

ness about financial planning and investment for the future, and at worst by despair.[127]

In the three cases where compensation took the form of land, either IDPs built homes with borrowed money or the plots lie vacant because of their poor quality or location. Under-compensation results from the undervaluation of land and property, an India-wide phenomenon to reduce taxes, and otherwise negligent valuations.[128] Dramatic increases in property values during the period between acquisition and eviction are also a factor, as are the use of non-market land values and corruption.[129] Land officers also tend to set low acquisition prices.[130]

In the resettlement sites IDMC visited, residents said conditions in their government-allocated apartments had deteriorated significantly. This was the case in Santhom colony in Kochi, Vatva in Ahmedabad and Baprola in New Delhi. Beneficiaries in Santhom and Vatva have, nevertheless, to repay a sum for the unit over a number of years. Though recently built, poor construction standards and long periods of vacancy mean the apartment blocks are morphing into "vertical slums". Beneficiaries are not allowed to form residents' associations until all units are occupied, one result being that the upkeep of common spaces is neglected. Uncertain tenure is also a factor.

Apartments were not always allocated according to families' size and needs. Some disabled residents in Baprola were given units on upper floors, and all families were given two-room apartments regardless of the number of married couples in the household, leading to cramped conditions and a lack of privacy. The latter finding is corroborated across the country, in both urban and rural areas.[131] IDPs who had to resolve their own housing needs did not always build safe, large enough or well-serviced structures that protected them properly against the elements. People resettled to Bawana in New Delhi faced poorer quality of housing with reduced access to services in an area with few jobs.[132] These conditions negatively affected their health.[133]

At the other end of the spectrum, those displaced by the smart city project in Kochi built and live in concrete structures as opposed to their previous clay-built homes, possess title deeds and have paid off any debt they incurred during construction.[134]

The vast majority of urban resettlement sites IDMC visited were on the outermost periphery of the city in question, between 20 and 40 kilometres from the areas people were evicted from. Given that they lack job opportunities, schools and health centres, some IDPs and their children commute daily to work and school in

the areas they used to live in, and incur extra transport costs in doing so. For others, resettlement has led to isolation, because they are unable to afford to commute or visit family members and former neighbours who resettled elsewhere.

In rural areas, IDPs in Kokoch have settled with family members because they did not receive compensation or alternative accommodation. Some in Chandil have been resettled in purpose-built sites, one of which provides conditions similar to nearby towns. Twenty-six years after eviction, however, only eight of the 13 resettlement sites envisaged have been built and seven of them do not provide living conditions comparable with nearby towns.

Displacement caused by development is India tends to be characterised by deteriorating housing conditions in terms of habitability, affordability, accessibility, tenure security and community cohesion.[135] Studies in Odisha also found that the rehabilitation programmes associated with most projects were conceived in an ad hoc and uncoordinated way, and did not consider the link between housing and livelihoods.[136]

IDPs' poverty and vulnerability increase

The displaced have tended not to benefit from India's unprecedented economic growth or the projects that have displaced them. In only two of the nine displacement sites IDMC visited did the rehabilitation plan provide livelihood support in addition to compensation or alternative accommodation. The plan for the Chandil dam gave some IDPs the opportunity to take up fish farming in the reservoir it created, where they now run cooperatives. The plan for an international container trans-shipment terminal (ICTT) in Kochi allocates each family a job to compensate for lost livelihoods. Eight years after displacement, however, the jobs are yet to materialise.

The situation is similar for other IDPs elsewhere in India.[137] Those in Kokoch, Jharkhand, continue to call for jobs at the Noamundi iron ore mine that displaced them. Findings at the national level show that neither the state nor private enterprise have gainfully employed the people they displaced.[138] This challenges the argument often used that establishing new industries in rural areas will increase employment to the benefit of local people.

Displaced households' income tends to fall because they struggle to keep their work or secure other employment following their eviction. There were few job or livelihood opportunities in the vast majority of the resettlement sites IDMC visited, and IDPs who do not commute to hold onto their previous jobs survive on casual labour such as handicrafts and rubbish sorting, or remittances from family members.

IDPs in Kokoch previously depended on their land to cultivate rice. Without the funds to acquire land after their displacement, they sell rice beer, firewood and leaves for kindling. Elsewhere in India, and irrespective of the type of projects, people displaced tend to experience a drastic drop in employment security, and their families a corresponding fall in their standard of living.[139] In Kerala there is not a substantial difference between IDPs' income and that of their counterparts in the general population, but IDPs shoulder more debt.[140]

The IDPs IDMC met also face added expenses as a result of their displacement, be it the cost of food, drinking water, transport or registering their allotted plot of land. Bureaucratic barriers, corruption and the negative attitude of some authorities towards residents of resettlement sites also mean IDPs are unable to rely on social security schemes to offset their extra costs.[141]

India's ration card system provides important support for poor families, covering as much as 25 per cent of their living costs, but even IDPs who had a card before their displacement were unable to use it afterwards, either because they couldn't update their address or they were asked to pay a bribe despite fulfilling the eligibility criteria.[142] Some IDPs were also asked to pay a bribe on top of the registration fee for their plot of land in order to guarantee their allocation.[143] Public sector corruption is perceived as widespread despite government promises to rein it in.[144]

Other factors increase vulnerability of the displaced, such as the issue of eligibility. To be eligible for resettlement families must submit a list of requisite documents, but doing so does not guarantee they will be resettled. Those eligible are also often evicted without any compensation or rehabilitation. Most of the families resettled to Kannagi Nagar in Chennai, Savda Ghevra in New Delhi and Vashi Naka in Mumbai were unable to fulfil the requirements because they lost the necessary documents during the eviction process, or because government agencies regularly replace them such as to alter residency duration.[145] Some documents were burned in earlier house fires and now their new ration cards were dated 1999 leaving them ineligible.[146]

The combination of their loss of assets, lack of livelihood support, drop in income and added expenses leads to IDPs' long-term impoverishment and heightened vulnerability. Most of those IDMC spoke to had not recovered, even decades after their eviction. A study of 30-year old resettlement sites in Delhi also found that residents'

average income was still below the official minimum wage.[147] An NGO study of the Bawana resettlement site in New Delhi found that households that had been able to survive and recover from temporary impoverishment triggered by shocks before their eviction had been thrown into a state of permanent poverty by their displacement and resettlement.[148]

The consequences of sustained impoverishment are many. Some of the IDPs IDMC met were unable to pay for the housing unit the government allocated to them because of the drop in their income, which in turn undermines their tenure security.[149] Some families have taken their children out of school and sent them to work, others cook less to save on fuel and other still keep their costs to a minimum by not leaving the resettlement site.[150]

Such negative coping strategies lead to food insecurity, chronic hunger and malnutrition, the risk of labour exploitation and isolation. Unable to pursue higher education, children are unlikely to escape the deprivation suffered by their parents, as has been well documented by scholars in India. [151]

Women suffer the adverse effects of displacement disproportionately

Not all women are affected by displacement and resettlement in the same way, but the process tends to undermine their status and reinforce existing patriarchal structures.[152] The breakdown of kinship networks aggravates the situation.[153]

Women spend more time doing domestic chores following their resettlement. The loss of access to common resources as a result of rural development projects such as mines and dams mean that women are forced to travel further in search of fuel, food, fodder and water for the family.154 The situation is similar in urban resettlement sites, which decreases the amount of time they are able to devote to working, caring for and educating their children and sleep.[155] Limited or no access to previous livelihoods is the norm.

In rural areas, the loss of access to forests and common property tends to have a greater impact on women's livelihoods, because managing such resources for the household was primarily their task.[156] In urban areas, the long commute between resettlement and peoples' former places of residence takes significant time out the day and the cost puts further strain on the family budget. As a result women either give up their jobs or, as was the case in Savda Ghevra, they leave early in the morning and return late at night, putting their health and safety at risk.[157] Still responsible for household duties and care of family members, women endure a particular burden following displacement. In many cases, women are not the direct recipients of compensation payments, nor are they included in job creation programmes.[158]

Women and girls displaced in urban areas face particular challenges in terms of their privacy, security and dignity. At an interim resettlement site in Ahmedabad, the absence of toilets means they have had to resort to defecating in the nearby forest.[159] Those displaced in Delhi have also experienced acute difficulties in terms of their access to sanitation.[160] At the Bawana resettlement site, the latches on public lavatory doors have been removed, leaving them vulnerable to sexual harassment. There is also a charge for using the toilets, leading many to use nearby fields, but here too they face abuse and assault.[161]

Displacement and resettlement also disrupt marriage and dowry systems, which can create difficulties in negotiating spouses. Land and houses often form part of dowry arrangements, and the loss of them, along with reduced wages and unemployment, can make women less eligible for marriage. Families have fewer or no assets with which to negotiate, and displaced families are also often seen as having lower social status. As marriage prospects diminish, the dowry rate rises, making it more costly for so-called destitutes.[162] Dowry has also crept in to indigenous marriage practices, where it did not exist before their communities were displaced as a result of living in new communities and being exposed to practices unseen before.[163]

Another coping mechanism is to marry girls younger.[164] This was the case in Savda Ghevra, where girls were married at the age of 14 or 15 as a means of protecting them from physical insecurity and violence in the community. The threat of violence in public places limits women's and girls' mobility, hinders schooling and reduces their prospects of finding work.[165] Criminal activities that include sexual harassment and violence against women have also been cited as a consequence of displacement in other studies in India.[166] Communities react by curtailing their rights, privileges and entitlements.[167]

Alcohol consumption and domestic violence increase after displacement.[168] Cheap alcohol was prevalent in some of the resettlement sites IDMC visited, such as Savda Ghevra, where some unemployed, indebted and impoverished men took out their frustrations on women, subjecting them to violence.[169] Nor is the violence confined to the home. It is a significant element of life generally in both Savda Ghevra and Bawana, where tensions are high, clashes frequent and theft and attacks take place with impunity. Police protection is absent or unreliable.

PATTERNS OF MOVEMENT

Fate and whereabouts of IDPs are largely unknown

IDPs' return to their former homes and land appears to be rare. Some informal return takes place spontaneously and without any external support, and such returnees are at risk of further eviction. Formal return is achieved through the courts or other legal channels, which reinstate IDPs' rights to their former home and land. IDPs' right to return is guaranteed where circumstances allow, but it is not protected.

Land acquired for development projects can remain unused or vacant years after evictions take place. This could be due to construction delays, administrative hurdles or projects being presented as a façade for an altogether different type of development such as gentrification. Irrespective of the reasons, developers appear unable to keep up with the scale of acquisitions and/or take measures to minimise or avoid acquisitions.

In some cases, such as the Perandur canal and the Chandil dam, IDPs have returned to their previous residences under their own initiative after noticing their land was unused. Former residents on land acquired for the Commonwealth Games in Delhi are seeking the return of unused plots through the courts.[170] In other cases documented in the literature on displacement caused by development in India, excess land acquired for projects has been sold at a profit rather than being returned to those displaced from it.[171]

An estimated 17 per cent of people displaced by development projects have been resettled, but there is little if any information on their fate, or the extent to which they have been able to integrate locally. There is less still on the fate and whereabouts of the vast majority who have not been resettled. There is also no information on those who have moved on again from their resettlement area, whether within the country or across a border.

There is no mechanism to track IDPs' progress towards achieving durable solutions. The result is that the true scale of displacement caused by development in India is unknown. Based on decades of literature showing inadequate resettlement and the lack of rehabilitation, however, it is assumed that the vast majority of IDPs live in protracted displacement and still face protection and assistance needs.[172]

Nationwide data on IDPs is inadequate

There is no reliable central or state government database that collates the number, location and living conditions of people displaced or adversely affected by development projects in India.[173] Neither has the amount of land acquired or diverted for development purposes been consistently tracked at the national, state, municipal or district level.[174] Overall, there is little data publicly available on new and protracted displacement caused by development projects and business activities at any level.

Efforts to invoke freedom of information laws to access project documents and land acquisition data have been largely futile. Instead NGOs, activists and academics have taken it upon themselves to collect whatever information they are able to. Only one NGO, the Delhi-based Housing and Land Rights Network (HLRN), compiles figures on evictions countrywide. It reports that at least 234,000 people were evicted in urban areas between 2010 and 2015.[175] This is a significant start to clarifying the scale of the problem, but the figure reflects only a small fraction of all the evictions that take place. Neither does HLRN's database track those whom the state does not resettle following their eviction, meaning that the whereabouts and fate of the vast majority of evictees is unknown.

The number and fate of those who are not resettled is a significant information gap. Following evictions from Pushta in New Delhi to make way for the Yamuna riverfront development, only 6,000 of the 27,000 families affected were resettled.[176] The rest, a significant majority, are essentially invisible and likely to be worse off. These same is true of IDPs left homeless following their eviction evicted in preparation for the 2010 Commonwealth Games in Delhi, and those living in Ganeshnagar, an interim resettlement site in Ahmedabad.[177] Data on multiple and onward displacement is not captured.[178]

Overall, the result is that the full scale of the issue nationwide is unknown and many, possibly the vast majority, of those displaced are rendered invisible.[179] Financiers and implementers, whether the government or private corporations, have obligations to monitor IDPs' situations beyond a project's completion. Their failure to do so, and government's failure to collect broader data on the number and fate of those displaced, are further evidence of a negation of responsibility toward people affected by evictions to make way for development projects.

5 IMPLICATIONS FOR POLICY AND RESPONSE

The cases studied for this report give a sense of how displacement caused by development unfolds in India. Despite the adoption of a number of laws and policies on land acquisition, resettlement and rehabilitation, the phenomenon has had detrimental impacts on the lives of those affected. International standards on evictions are not adhered to when land is taken for development, leading to human rights abuses in the process. The government accelerates its development agenda in a number of ways, including by exercising its power of eminent domain and the exploitation of "public purpose" to acquire land with little consultation or accountability. Affected communities face a power imbalance when trying to assert their rights, and the activists who defend their rights risk reprisals.

Far from using resettlement as an opportunity to improve IDPs' lives, the authorities' indifference to – and neglect of - its human and socio-economic impacts tends to lead to a fall in living standards, reduced access to livelihoods, healthcare and education, and fractured social networks. Women are left particularly vulnerable and indigenous communities are affected disproportionately. Rather than being priority beneficiaries of the projects that displace them on account of their losses, IDPs tend to find themselves trapped in permanent poverty. This is in stark contrast to the profits made as a result of development projects and land resale values that far exceed the compensation on offer.

Displacement caused by development in India tends to lead to impoverishment and marginalisation, but the degree and processes vary. Processes do not necessarily follow a linear path and their pace differs from place to place and project to project. Sometimes people are displaced to resettlement sites not fit for habitation, others have been made to live in interim resettlement sites for up to a decade with no information about their future, and others still have been left without resettlement and compensation for more than three decades. IDPs will not escape poverty without significant external support and systemic changes to social and economic policies.

A husband and wife in their house on the outskirts of Kochi Kerala where they have resettled following displacement to make way for the international container trans-shipment terminal (ICTT). They feel isolated and the lack of affordable transport options has distanced them from their family and friends. See case study on page 30. Credit: IDMC, March 2016

Given the limited availability of project documents and the lack of systematic monitoring, the true scale of displacement at the national level is unknown, as are the location and needs of many of those affected. There is no tracking of displacement following eviction, and a seeming lack of concern as to the seriousness of its impacts, including homelessness, in government policy. This is the case regardless of the type of development project or the implementer. Displacement tends to become protracted and durable solutions are rare. Comprehensive and disaggregated data is required for the protection and assistance of those already displaced, as is further transparency about ongoing and upcoming development projects.

The case studies presented in this report raise issues relevant to the implementation of new global development agendas. The 2030 Agenda for Sustainable Development and the draft New Urban Agenda both commit to "leave no one behind" and explicitly include IDPs. Those already displaced by development projects and those who will inevitably be displaced during the implementation of these agendas should benefit in terms of income and access to basic resources and services. For this to happen, disaggregated data on their number, location and needs, and mechanisms to ensure their participation are needed.

Monitoring of the implementation of these and other global development agendas, such as the Paris climate agreement, should look beyond national averages. To ensure the displaced are not left behind, and to prevent a false sense of progress, it should take setbacks as well as gains into account. These agendas present an opportunity to address, prevent and mitigate the detrimental impacts of displacement caused by development by including the issue of people living in protracted displacement and those who will inevitably be displaced to make way for projects in the future. Given the lack of global data on the phenomenon, however, it is not possible to determine its socio-economic costs.

Other work could also be done to ensure projects do not undermine sustainable development objectives or leave the displaced behind. Businesses and international, regional and national finance institutions could ensure their activities put people at the centre of their work. They could comply with national laws and respect international guidelines and principles for business and human rights, as well as their own policies, and publish data on displacement, resettlement and rehabilitation.

UN special rapporteurs could investigate and report on the impacts of development projects and business activities, and UN treaty body committees could solicit information on displacement from states and call on UN agencies to assist the displaced and help to protect their rights. Parliamentarians, policymakers, religious and community leaders, civil society organisations, academics and voters could all contribute to the formulation of policies that foster development while ensuring that it is financed and carried out responsibly in terms of its social and environmental impacts.

Continuing to impoverish people and exploit the natural resources on which sustainable development depends has the potential to cause displacement beyond those immediately affected by a project. Resistance, tensions and conflict can erupt as a result of mismanagement, environmental damage, corruption and the unequal distribution of benefits. Large carbon-intensive energy sector projects such as oil extraction, coal mining and biofuel plantations not only displace people but also generate greenhouse gas emissions that contribute to global warming. Global efforts to reduce carbon emissions to mitigate the effects of climate change, such as carbon sequestration through reforestation, will also need to address the displacement they cause.

Development projects can lift millions out of poverty, but they should not simultaneously create new poor or heighten the economic vulnerabilities of those evicted. This undermines global sustainable development objectives. Governments that do not deal adequately with the negative socio-economic impacts of displacement caused by development will have failed to realise the potential of their projects to generate employment, relieve poverty and promote social integration.

National governments need to commit to a development model that puts all humans at its centre and does not countenance displacement without compensation, resettlement and full rehabilitation as an inevitable price to be paid for sustainable development. Laws on land acquisition, resettlement and rehabilitation need to be adopted and implemented. As we embark on implementing the post-2015 global development agendas, IDPs should be included to ensure displacement does not undermine their achievement.

6 ILLUSTRATING THE FINDINGS: CASE STUDIES

The case studies for this report cover projects implemented by the Indian government and Tata Steel. They include evictions carried out to prepare for the 2010 Commonwealth Games in Delhi, and mining, dam and urban development projects. Some projects displaced indigenous people, who have legal protection from displacement in India and internationally, while others displaced slum dwellers, who are the subject of national policy. Some were financed through public sector bank loans. Table 1 gives an overview of the cases.

All of these factors are important in determining which regulatory frameworks apply and where responsibility lies for the respect of IDPs' rights. For a list of the applicable frameworks, which contain provisions for both the government and the private sector, see the annex.

The case studies are based on interviews with IDPs, NGOs and academics, and are an illustration of the displacement situations IDMC researched. The key findings in chapter four are derived from them and are corroborated with other research on displacement caused by development in India.

Adivasi villagers in Kobhta, Jharkhand who have been displaced by the Noamundi iron ore mine between 30 and 40 years ago who have received no compensation for their lost land, houses and livelihoods. Displacement from their ancestral land has detached them from their culture and identity. See case study on page 33. Credit: IDMC, March 2016

A woman stands outside her home that now faces a road overpass that has cut her island of Moolampilly, Kerala in two. There has been a long and hard fought battle for compensation for lost houses and land and the rehabilitation package has yet to be fully delivered.
Credit: IDMC, March 2016

KERALA STATE

GENTRIFICATION BY ANOTHER NAME: KOCHI

The Perandur canal is one of several storm water run-offs in the vibrant coastal city of Kochi in Kerala.[180] During 2006 and 2007, 38 households were displaced from three separate areas along the banks of the canal to make way for a small-scale urban renewal project, ostensibly to widen the waterway. As of March 2016, no such widening had taken place.

The Kochi Municipal Corporation classified the evicted residents as "illegal encroachers", despite the fact that they had lived in the area since 1975, and had paid property taxes and amenity charges. Some had also purchased their land. Some 423 "encroachments" were identified, but only 38 households were notified and evicted.[181] There are hotels, residential quarters for the military and higher-income housing along both banks of the canal, but the only families notified and evicted because they impeded the "canal widening" were those living in informal settlements.

Residents were informed orally and in writing of their pending eviction, but some families were not given precise dates and were in the middle of cooking when bulldozers arrived to demolish their homes. No resettlement plan was put forward with the eviction notices, and the courts issued a number of stay orders until such proposals were presented. The municipal corporation only shared its plans after three years of negotiations with the residents, when it promised 40 square metres of land for each family and a loan for house construction within three months.

Unconvinced and without interim solutions, the families lobbied politicians for temporary accommodation to avoid the prospect homelessness, and the majority were offered space in a run-down former government hotel. This "temporary" arrangement lasted for between five and seven years depending on the family.[182]

Inadequate living conditions at the Libra hotel, including sewage and drainage problems, caused many illnesses among the IDPs. The long wait for a viable resettlement option and poor conditions at the hotel attracted the attention of India's ombudsman, human rights commissioner and women's commissioner, along with local clerics and the media. As a result of public pressure the municipal corporation delivered on its promise to provide resettlement accommodation, but only to some families.

About a third of the IDPs were resettled to two-room tenements in purpose-built four-storey concrete blocks on the outskirts of Kochi. No compensation or support was provided for those who lost their livelihoods because the site was too far away for them hold on to their previous employment. The apartments were

generally adequate, but too small for large families, and residents were unclear as to their tenure status. No rent or repayment scheme was in put place. Long and expensive commutes were the main obstacle to rebuilding livelihoods and maintaining social connections, which left residents feeling isolated.

Priority was given to families with young daughters, and many families were not allocated an apartment. Instead they were offered a one-off payment of 500,000 rupees ($7,400) upon proof of purchase of title deeds for a new house.[183] The amount on offer, however, was inadequate given the high price of land in the surrounding area. Some of those affected had to take on debt which they have yet to repay. Others returned to the canal and re-established their homes there because the land was still lying unused.

Efforts to secure resettlement, rehabilitation and compensation for lost land and assets involved a long and hard-fought battle with authorities that led to inadequate solutions for the majority of the families displaced.

COMMUNITY DISINTEGRATION BY FORCE: KOCHI

Kochi is undergoing a period of major transformation via state and foreign investment to boost economic growth in the area. The first phase of an international container trans-shipment terminal (ICTT) was completed in 2011 to enable the port to handle more cargo vessels. The ICTT on Vallarpadam island did not in itself displace people, but the road and rail infrastructure to connect it with Kochi has affected 326 families, either through the loss of their homes, part of their land or property or their livelihood options.

This large-scale urban infrastructure project has been the biggest driver of displacement in Kochi in the last decade. Ninety hectares of land with an estimated compensation value of just over 600,000 rupees ($8,900) a hectare were required for the project.[184] The communities to be affected first heard about it around 2000, and they received official written notice following a household survey in 2005. Most of the land acquisitions took place in 2008. All families had title deeds for their property and had been living in the area for generations.

Seven villages agreed to the proposed resettlement and rehabilitation package, despite the land and buildings to be demolished being undervalued. In some cases, coercion and threats were a factor. Not all of the affected families were willing to accept the offer, however, and after unsuccessful attempts to negotiate ten of 22 families living on Moolampilly island were evicted by force in 2006 following an order from the authorities.[185]

A peaceful protest lasting 45 days and supported by religious representatives, politicians and the general public was subsequently held outside the district collector's office. The protest was not against the ICTT project itself, but a call for a fair resettlement and rehabilitation package. The proximity of local elections galvanised additional support and an improved package was proposed to the ten families who had not accepted the original compensation. It offered the equivalent of 80,000 rupees for a cent of land (around $1,200 per 40 square metres), but the compensation was not uniform.

As of March 2016, the revised rehabilitation package had not been fully delivered. Some families received rental support for six years while permanent resettlement options were found, but it stopped abruptly in 2014. According to the displaced themselves, nor was the land offered as part of the rehabilitation package of equivalent value or quality to that they owned before their displacement. Some plots had no services and were on the outskirts of town, more than 15 km from the eviction site. They were also situated on marshland, next to a waste management facility, which led to respiratory problems.

As a result, most of the plots were left vacant, despite their offering tenure security and resale rights after ten years. Displaced to different areas of Kochi and its surroundings, long and expensive commutes prevent community members from maintaining family and other connections, which has led to a sense of isolation and alienation for some.[186]

Much of the land acquired was wetlands, and the rich ecosystems of Kochi's estuaries were polluted during the construction of the road and rail infrastructure.[187] Many displaced families depended on the area's rich natural resources for their livelihoods, alternating between rice cultivation, prawn farming and fishing. The combination of losing of access to these areas and environmental degradation means many families have lost their livelihoods altogether, but as of March 2016 they had received no compensation or support.[188] The revised rehabilitation plan envisaged each family being offered a job at the ICTT, but this has not happened.

SMART CITIES NEED SMART SOLUTIONS: KAKKANAD

As part of Kerala's ongoing drive to attract international and multi-national investors, the peri-urban area

of Kakkanad on the outskirts of Kochi was designated an SEZ in 1984, with plans for a medium-scale project to construct an information technology park. The area was designated a "smart city", earmarking it for urban infrastructure development and upgrades. SEZs also benefit from tax exemptions to create a more attractive investment environment.[189] The land acquired was a rural agricultural area bordering Kakkanad township with paddy fields and orchards that had been farmed for generations.

Residents first learned about the project via a newspaper announcement in 2003. They received written notification from the district collector in 2005. Between 2003 and the acquisition in 2007, land values in the area rose sharply, which made the foreseen compensation inadequate to purchase equivalent land and property locally. Following a two-year struggle between 2005 and 2007, which religious leaders of various faiths and the media supported, a more favourable compensation rate was agreed.[190] IDPs received both land with secure tenure after three years and cash, however some families received additional land.[191]

In 2007, 58 families were displaced from 59 hectares of land and most moved to the new location on offer in 2008. The land for resettlement was allocated by lottery, was situated next to the IT park, which meant only minimal disruption to the community's ties and its access to schooling, healthcare and places of worship. As of March 2016, however, the smart city project was still incomplete.

Among the development projects IDMC visited for this report, the Kakkanad IT park had one of the better resettlement plans, given that it included land with secure tenure close to the eviction site, albeit less land than what was acquired from them. Residents were generally satisfied with the resettlement process and the compensation, which some observers consider a "rare successful finish to a struggle where displaced express satisfaction with their rehabilitation".[192] It should be noted, however, that those displaced had to fight to defend their rights rather than the authorities respecting them as a matter of course.

Nor was living close to their former land all positive. Residents were concerned about the environmental pollution of their land and the river, and deforestation made the area warmer in the summer months by removing the trees that provided shade. The construction of homes on the resettlement site has been completed, but as of March 2016 work on basic infrastructure such as roads, drainage and waste management systems was still unfinished.[193] The loss of their land and not regaining a similar amount and quality of land also meant losing a substantial food source. Jobs in the IT park were meant to be part of the resettlement package, but they did not materialise. Nor was the necessary training for such roles offered.

Resettled families displaced by the Smart City in Kochi, Kerala now look over a construction site on their former land. Local resettlement has enabled residents to maintain community ties and maintain proximity to schools and healthcare facilities, however the loss of jobs dependent on agricultural land have not been compensated. See case study on page 30. Credit: IDMC, March 2016

Chandil Dam, Jharkhand has yet to be used for its original purpose of hydroelectricity and irrigation. In the last few years fish farming schemes have developed and have proven a lucrative income source for a small portion of those displaced.
Credit: IDMC, March 2016

JHARKHAND STATE

INDIGENOUS PEOPLE RESIST DISPLACEMENT: KOKOCH

Residents of Kokoch first heard about plans to construct the Iccha Karkai multipurpose dam across the Karkai river in 1960. The dam was to be used mainly to irrigate 360,000 hectares of land, but also to provide electricity and reduce flood damage.[194] Construction began in 1982 but was then put on hold, the result of funding shortfalls, corruption in the allocation of funds and officials prioritising other matters.

The national government recently reactivated the project as part of its accelerated irrigation benefit programme. Kokoch residents were notified orally of land acquisition, but have not received written confirmation. The village is one of around 123 in both Jharkhand and Odisha whose residents are at risk of displacement, and residents fear they may be forced to vacate at any moment.[195]

The residents of Kokoch are Ho people. Because the Ho are a scheduled tribe group, land acquisition and compensation require the permission of their chief under the 1996 PESA Act. Permission has not been given, however, and the group refuses to leave because their culture, identity and livelihoods are deeply tied to the land. Their ancestors are buried around their homes and their holy sites tied to local nature.

The Kokoch residents' main source of livelihood is rice cultivation, and they are worried that they may not be able to continue to subsist after displacement, and instead might become beggars. Some families are already dependent on a food ration of 35 kg of rice a year. They are also concerned about the future of their children's education.

The government has not disclosed any information about how much land or how many villages will be affected by the project. Nor have social or environmental impact assessments been carried out, and residents have not told where they will be resettled to or what rehabilitation assistance is on offer. Meantime, the river and its banks are used for cattle farming, fishing, washing and brick-making.

Residents say the government is trying to force them to accept 235,000 rupees ($3,455) a hectare in cash for the land they own. Compensation for their homes and movable assets is not included. The residents say the compensation on offer is not enough to buy land, and many are actively campaigning for a fairer deal. Some people have accepted the current offer, but as of March 2016 no one had moved out.

The community believes stop dams would be a better alternative to the single large dam planned, because they would displace fewer people and rainwater harvesting

could be used to improve irrigation in the area. Residents, however, have not been consulted on the alternatives to acquisition and eviction, and so have not had an opportunity to put their proposals to the government.

Those to be affected have long opposed the project. A community movement against the dam started in 1982, and escalated into violent clashes with the police. One community leader was killed. Since construction work has resumed, village heads have gathered community members together to decide what to do next. Among their considerations are discussions with, and letters to government officials, and sit-in protests. Residents regret not having the media's support for their cause.

PRIVATE SECTOR IGNORES THE DISPLACED: KOBHTA

Construction of Tata Steel's Noamundi opencast iron ore mine began in 1919, and around 10,000 people were displaced in 1928. The mine has continued to expand over its lease area of 1,160 hectares ever since, causing displacement from numerous villages over the decades.

One community of 65 families was displaced between 30 and 40 years ago to the village of Kobhta. They received no prior notification of acquisition or eviction, but fled when blasting began in their presence. Given that neither Tata Steel nor the government offered compensation or resettlement assistance, they took refuge with relatives in Kobhta. They do not have title deeds for the houses they have built there, nor for their original homes which were also on public land.

Kobhta is a highly impoverished village. Having lost cultivable land, IDPs who were formerly farmers sell rice beer, firewood and leaves for kindling at the local market to get by. Those who relied on the Kusum tree to make a living also lost their livelihood when Tata Steel established and expanded the mine. Some IDPs receive livelihood assistance from a local NGO. More than 30 years after their eviction, those affected still felt displaced. "We are staying here as refugees," they say. Some of the land they were evicted from remains unused by Tata Steel.

Malnutrition is prevalent. About half of the IDPs have a ration card, but the others have refused to pay the bribe required to be issued one. As such, they do not receive their due entitlements and are food insecure, given that they have still not recovered from the loss of their land. Corruption has increased food insecurity. Families with a ration card are entitled to 35kg of rice a year, but some have only received 20 kg. There is no electricity or reliable drinking water supply in Kobhta, and the nearby river runs red with iron. Residents have to walk five kilometres to access clean water. Health problems included anaemia and digestive, respiratory and skin problems.

All of the displaced are Adivasi people from the Ho tribe. The graves of their ancestors and their places of worship were on the land they have been evicted from, some of which is now a housing compound for Tata Steel employees. Over time the company has destroyed all but one grave, which community members are able to visit. The IDPs say it has been "painful from the bottom of [our] heart to leave our holy ancestral land" and that their "ancestors' souls have been left behind". Displacement has detached them from their culture and identity.

Tata Steel promised orally to pay compensation at the time of acquisition, but did not do so despite its stated policy of offering what is provided for in state-level resettlement and rehabilitation policies.[196] Neither has the government provided any assistance or compensa-

In the heart of an iron ore mining region, many residents in Gua, Jharkhand have lost their source of livelihoods as surrounding land is acquired for mine expansion. The environmental and health toll of the mine is both serious and unaddressed. Credit: IDMC, March 2016

tion, nor has it pressed Tata Steel to do so. Community members from Kobhta launched a court case against the company 22 years ago, requesting rehabilitation following their displacement. The case remains at the first instance, an indicator of the significant barriers to judicial remedies in India.[197]

Some members of the Kobhta community formed the Adivasi Association Noamundi, which is calling for return of their land, and compensation and jobs for the displaced. The president of the association, an IDP himself, was jailed for two months in 2015 in a case related to his work in defence of the community. The association has received no replies to the letters it has sent letters to all levels of government, and has organised sit-in protests since 2010 outside of the Noamundi Circle government office. The media has not taken up the IDPs' their cause, and their fate has generally been met with indifference on all fronts.

Tata Steel recently demarcated more land to be acquired in the neighbouring village of Murga Bera. People living in the area are at risk of displacement, but they have not received any notification of land acquisition.

DISPLACED FOR NOTHING: CHANDIL

The Chandil dam forms part of the Subernarekha multipurpose project, an initiative of the three eastern states of Jharkhand, Odisha and West Bengal. It was constructed on the Subernarekha river near the town of Chandil to provide irrigation and electricity in all three states. Land acquisition began in 1981 and lasted nearly a decade. Construction started in 1982. The dam was completed by 1990, but the irrigation canals were never finished after work was suspended during the 1993 to 1998 financial crisis. Neither has the dam ever been used to generate electricity.

More than 1.4 billion rupees ($21 million) was spent on the project, according to local community leaders. It was funded by the National Bank for Agriculture and Rural Development (NABARD). The World Bank also initially sanctioned $127 million for the project, but later withdrew its funding following protests by local residents.[198]

Villagers first heard about the dam construction in 1978, but information about the project was lacking. A local movement called the Forward Bloc was created, which disseminated information to local residents and resistance quickly escalated into violence. The police killed nine people in 1978. The Forward Bloc suspended its activities temporarily in response, but resumed them later on. Police have threatened members of the movement over the years, but it has maintained a non-violent approach and has received the media's full support.

By 1987 the dam had reached a height of 173 metres, and acknowledging opposition to dam construction would be futile, the Forward Bloc shifted its focus to compensation rates and entitlements. It also conducted a community survey. It demanded land, homes, a household rehabilitation package and a fish-farming cage for each family. As a result of protest campaign, the planned height of the dam was lowered to decrease the number of affected families, compensation was increased for 12,000 households and 2,200 IDPs were given jobs in government departments.

The creation of the reservoir behind the dam submerged 116 villages, and the first displacements as a result took place in 1990. Many residents waited until their homes were about to be submerged before leaving, and some later returned to land that remained above the waterline. Estimates of the number of families displaced range from the government's figure of 15,000 to the NGO Visthapit Mukti Vahini's 25,000.

The compensation amount increased several times over the years. In 1987, those affected by the project received 20,000 rupees ($300) per 0.4 hectares of land and a further 20,000 rupees for their house. Not all IDPs received compensation, however, and the Forward Bloc took up their cause. In 2012, the government increased the lump sum compensation offer to 657,000 rupees ($9,700), which around 10 per cent of the displaced families have received. They were also entitled to 10,000 rupees ($150) for transport and a livelihood grant of 72,000 rupees ($1,060).

The government established 13 resettlement sites for those evicted to make way for the dam and its reservoir. Twenty-six years after the first evictions, eight sites are functional and land had been set aside for the other five. People do not own the land they were given, but they have the right to use it. Most of the sites have schools, but not all have health centres. The most developed site, Chilgu, which is about 20 kilometres from Chandil, is home to 300 families. It has a school, community centre and basic health centre.

The reservoir has been used for fish farming schemes supported by the government and administered by the Fisheries Cooperative Society of the Displaced. Cooperatives pay the government to use the reservoir and earn between 80,000 and 160,000 rupees ($1,200 to $2,400) a year, and members are also eligible for a housing scheme for fishermen. India's planning commission has recognised the cooperative society as a leading livelihood model, but only a very small proportion of IDPs have been deemed eligible for the scheme and access to it remains limited. Tata Steel sells water from the dam reservoir, an unintended use of the reservoir.

A young family of seven who have been resettled from the Sabaramati Riverfront Development Project in Ahmedabad, Gujarat to Vatva on the periphery of Ahemdabad to live in a two-room apartment. Credit: IDMC, March 2016

GUJARAT STATE

INADEQUATE RESETTLEMENT AND REHABILITATION: AHMEDABAD

The Sabarmati river flows through the city of Ahmedabad in Gujarat. Between 2002 and 2012 an estimated 30,000 households were displaced from its banks to make way for a major urban renewal project. Residents from 70 formal and informal settlements along a nine-kilometre stretch of the river were evicted as part of a 12 billion rupee ($178 million) infrastructure project to provide the city with a "meaningful waterfront environment".[199]

Some of the land acquired has been used to create footpaths, roads and public parks, and the remainder is being developed into commercial real estate. The project had been heralded as a good example of "changing the character of a city from the centre outwards in a way that is environmentally and socially responsible".[200] Thousands of former residents, however, are still without adequate housing.

For many of the communities affected, the eviction process was confusing and uncertain, because no resettlement plan was made public. Residents were unsure if and when they would be evicted or if they were eligible for resettlement. Families had lived on the land for between 40 to 50 years and many depended on the river and local markets for their livelihoods.[201] Eligibility for resettlement required documented proof of residence prior to the arbitrary cut-off date of 1976. It was not clear what was envisaged for those who had settled in the area after the cut-off date, or were unable to provide the necessary documentation.

The mobilisation of concerned residents prompted the authorities to improve respect for IDPs' rights. NGOs and a grassroots movement called the Sabarmati Citizens Rights Forum launched public interest litigation in 2005, and the court issued a stay order putting the evictions on hold until it had seen and was satisfied with official resettlement plans.[202] The ruling led to improvements in transparency and notice periods.

Ahmedabad Municipal Corporation, however, diverted funds away from a national urban housing renewal initiative (JNNURM) to finance resettlement rather than using project funds.[203] This took away funds from other families in need of upgrades to their existing housing.

As of March 2016, resettlement was incomplete. More than 7,500 people were still living in makeshift shelters at an "interim site" called Ganeshnagar next to the municipal rubbish dump and underneath high-tension power lines.[204] The site becomes waterlogged during the monsoon season, and has unreliable water and electricity supplies, and unusable toilets. Overall it is an entirely inadequate location in which to house families for any length of time. The site was meant to serve as a temporary location for 18 months until permanent

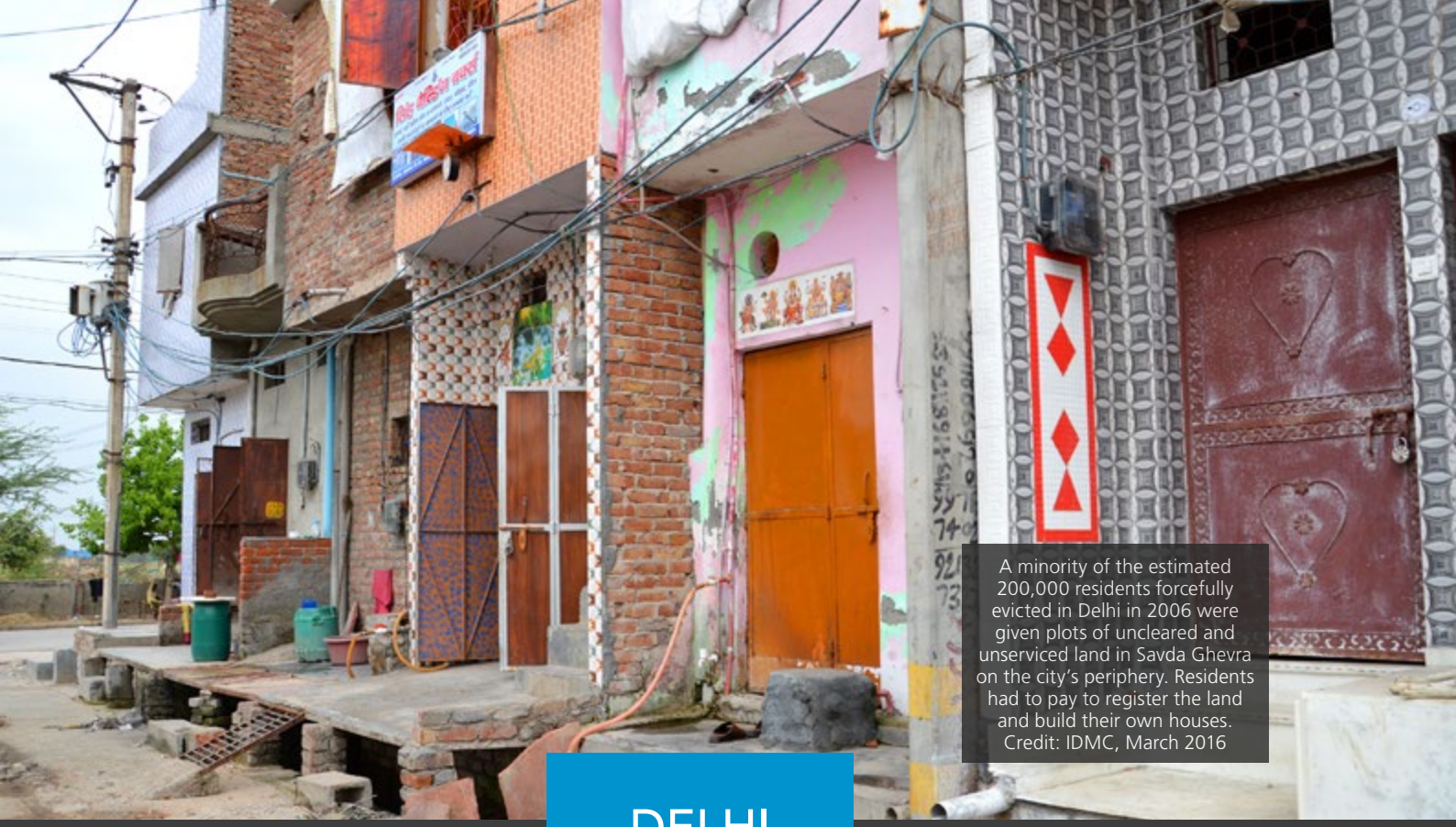
housing had been constructed. Eight years later, many families still have no clear information about their eventual fate.[205]

Many of the families who have been resettled have become poorer in the process. Resettlement locations on six sites were allocated by lottery, scattering communities across the city. Some families were resettled more than 14 kilometres away from their previous dwellings, reducing their access to their previous livelihoods. The distance between their original place of residence and their resettlement site was identified as the most significant cause of post-displacement impoverishment.[206] No efforts have been made to restore people's access to livelihoods, or to provide job opportunities in and around the resettlement sites.

Conditions in resettlement sites do not meet the criteria for adequate housing. Units are uniform four-storey, two tenement concrete blocks, and despite being built in the last decade, conditions have deteriorated to point of becoming "vertical slums".[207] The lack of maintenance has been attributed to delays in establishing Resident Welfare Associations because not all of the apartments have been allocated, and residents' uncertainty about their tenure security.

The resettlement process also contributed to the segregation of communities along religious lines. At the Vatva resettlement site, which houses around 5,000 families, authorities allocated housing according to people's religious affiliations despite the fact that residents had lived in mixed communities before their displacement and had expressed no desire to be segregated. Religious tensions and segregation are rife in Ahmedabad, and such a move risks aggravating the situation further.[208]

Ganeshnagar interim resettlement site is home to 7,500 people displaced by the Sabarmati Riverfront development project in Ahmedabad, Gujarat, who have been waiting over eight years for a durable solution. See case study on page 35.
Credit: IDMC, March 2016



A minority of the estimated 200,000 residents forcefully evicted in Delhi in 2006 were given plots of uncleared and unserviced land in Savda Ghevra on the city's periphery. Residents had to pay to register the land and build their own houses. Credit: IDMC, March 2016

DELHI

COMMONWEALTH GAMES PREPARATIONS DRIVE FORCED EVICTIONS: SAVDA GHEVRA

Around 200,000 people were evicted from more than 20 sites in central New Delhi in 2006 to make way for infrastructure for the 2010 Commonwealth Games, and for "city beautification" and "security" reasons.[209] The majority received no compensation or rehabilitation, despite having lived on the sites in question for more than 20 years.[210] A minority were offered land on a handful of resettlement sites on the city's periphery, including in Savda Ghevra, between 30 to 40 kilometres away from the eviction sites. Several of the areas from which people were evicted have never been used and in some case families are seeking to return to their land.[211]

The majority of those affected received no notice of their evictions and no consultations or public hearings took place. Evictions were carried out under a heavy police presence, and violent clashes erupted on some sites. More than 5,000 homes were demolished in slum areas that were eventually razed. Given the abrupt nature of the evictions and demolition, many people lost documents and movable property, and were unable to salvage building and other materials. Moneylenders were on hand at time of the demolition work, catching those affected at a highly vulnerable time.

The authorities did not initially offer any resettlement, compensation or other assistance. After IDPs protested, however, the Delhi Urban Shelter Improvement Board announced the allocation of small plots of land, either 12.5 or 18 square metres, to some families, depending on the issue date of their food ration cards, which was taken as indicative to the length of the length of time they had lived on the site in question.[212] Those evicted were not consulted on the location of the resettlement site. Some families were homeless for up to a year before they received their plot.

The IDPs received no financial help with their relocation. Rather, they had to pay 7,000 rupees ($100) to obtain a document for their land in Savda Ghevra, for which all of them took out a loan. They took on further debt, on average 50,000 rupees ($740), to build homes on the land they received. All are still in debt, and have only managed to only pay off the interest on their loans.

They also had to clear the forested resettlement area and install drainage canals themselves. They built their homes bit by bit, and not always to adequate building standards. The ten-year leases IDPs were given on their plots expired in 2016, but the authorities have provided no information on what will happen next. Concerned about being evicted again, they have stopped investing in their housing.

Long and expensive commutes, in some cases up to three hours one way, mean those displaced lost access to their livelihoods or had opportunities to earn a living severely curtailed. Before their displacement, many women worked as domestic workers and men as daily wage labourers. Some IDPs have jobs in Savda Ghevra, but their salaries do not cover the higher living costs they have incurred. Disabled IDPs commute daily to a temple in the city to beg, and to receive food donations from their former communities.

Living conditions in Savda Ghevra are inadequate. There is no piped water, and residents have to pay for drinking water at an automated dispenser or buy it from tankers operated by the Delhi Jal Board and private companies. The poor water quality at the site initially caused a number of health problems, including a cholera outbreak, and only improved when the dispenser was installed. There is no sanitation system and families have installed their own sewage tanks. There are seven schools in the vicinity, but IDPs say the quality of education provided is poor. A ten-bed hospital built in the area is still to open, and ambulances do not serve the area after 6 pm.

IDPs do not feel safe living in Savda Ghevra. They cite murders, criminality, domestic abuse and a lack of police protection. Parents have married off daughters as young as 14 and 15 as they did not consider it safe for them to live there.[213] Alcoholism and jealousy among IDPs towards those who had been able to improve their homes have led to social tensions. The liquor stores and betting shops on the site are seen as a source of problems for the community and IDPs have called for them to be shut down. The local legislative assembly member has promised to set up a police substation and improve living conditions, but nothing has yet been done.

LIMITED ACCESS TO SCHOOL, LIVELIHOODS AND BASIC SERVICES: BAPROLA

Residents of more than 15 informal settlements in New Delhi received written allocation notices in 2012 to make way for an urban renewal and housing upgrade project. The notices allocated housing units in Baprola, a purpose-built resettlement site around 20 kilometres from the city centre. Around 520 families from Jwalapuri had moved to Baprola by the end of 2015. The site can accommodate more than 5,500 families, and row upon row of empty, fenced-off apartments surround the occupied units. No specific date has been set for when the site will be fully occupied.

The units are two-room apartments of between 25 and 35 square metres. The buildings, however, were faulty and poorly constructed, and had been lying vacant since 2009. Residents report water leaking through the floor, which has caused tensions between them. The Delhi Urban Shelter Improvement Board is responsible for repairs, but has not responded to residents' requests. Nor have units always been allocated with people's needs in mind. Some disabled residents were given units on upper floors.

Residents had to pay 68,000 rupees ($1,020) to the Delhi Urban Shelter Improvement Board for the apartment with interest, and another 30,000 rupees ($450) for building maintenance. Those with scheduled caste certificates had to pay 31,000 rupees ($465), including maintenance. Their tenure status is unclear. They believe they have ten-year leases but do not know what their situation will be once the leases have expired and they have paid off their housing costs.

There are few livelihood opportunities in the vicinity of the settlement. A few residents have set up kiosks selling basic goods, some pay 80 rupees ($1.20) one-way to commute to work elsewhere in the city and others are unemployed. Women have found it difficult to secure and keep work as maids, because the resettlement site is too far away from middle and upper class neighbourhoods.

Residents were evicted midway through the school year, and given that there is no school in Baprola, parents have had to pay for their children to commute for an hour to their previous schools, putting further strain on family budgets. The lack of street lighting makes the settlement unsafe at night, particularly for women and girls. The site has water and electricity supplies, and water is provided free of charge, but residents complain about its poor quality.

Local NGOs have been trying to help Baprola residents improve their living conditions since 2015, raising issues with government officials including the education minister. These efforts, however, had not yielded results as of March 2016.

TABLE 1 – CASE STUDIES AT A GLANCE

Project	Implementer	Type of location	Date of first land acquisition notice	Number of years displaced	Number of displaced households	Resettlement and rehabilitation package	Compensation paid	Campaigns and outcomes	Eviction by violence or other violations	Project realised as envisaged	Most serious abuse of UN Basic Principles and Guidelines on Development-Based Evictions
KERALA											
Perandur canal, Kochi	Municipal Corporation of Kochi	Urban	2006	10	38	Apartments in multi-storey blocks for 12 families	500,000 rupees ($7,400) for purchased house	Yes, leading to court order stays on demolitions, closure of interim settlement site and allocation of newly built apartments to most vulnerable	During rainy season when children were at school Inadequate notice	No	Lack of livelihood opportunities at resettlement site, time and cost of travel to and from workplace puts excessive demands on budget, result is unemployment
Smart city, Kakkanad	Government of Kerala Smart City Private/ public partnership with foreign investors	Peri-urban	2003	8	58		240 sq metres of land with tenure after three years 80,000 rupees ($1,200) per cent of land for those who had more than six cents of land	Yes, leading to increase in compensation rate	None	No	Loss of land-based livelihood, job promises have not materialised
International container trans-shipment terminal, Kochi	Government Dubai Ports World Private/ public partnership with foreign investors	Peri-urban	2005	8	326	Rental support for five years of 5000 rupees ($75) a month One job per family 10,000 rupees ($150) for move to resettlement site 12 per cent tax waived on receipt of compensation	80,000 rupees ($1,200) per cent of land 240 sq metres of land connected to electricity and water supplies, roads and sewage system	Yes, leading to revision of the resettlement and rehabilitation package. Struggle continued in 2015 because only 38 families have built homes because of poor land quality	Violence	Yes	Physical assault, property destruction

Project	Implementer	Type of location	Date of first land acquisition notice	Number of years displaced	Number of displaced households	Resettlement and rehabilitation package	Compensation paid	Campaigns and outcomes	Eviction by violence or other violations	Project realised as envisaged	Most serious abuse of UN Basic Principles and Guidelines on Development-Based Evictions
JHARKHAND											
Iccha dam, Kokoch	Government	Rural	Have known about project since 1960, but no written notification	0	150 villages at risk of displacement	None	94,000 rupees ($1,400) per 4000 sq metre of land	Yes, no result yet	No eviction yet	No	Lack of consultation and no full, prior and informed consent from indigenous group
Chandil dam, Chandil	Government	Rural	1989	26	25,000	13 resettlement sites planned, of which eight are functional	10 per cent of families have received 657,000 rupees ($9,700)	Yes, leading to increased compensation and allocation of government jobs	Violence	No	Violent protests led to nine deaths
Noamundi iron ore mine, Kobhta	Tata Steel	Rural	1928	30-40	Tens of thousands displaced, 65 households to Kobhta	None	None	Yes, no result yet	Violence	Yes	Lack of consultation and no full, prior and informed consent from indigenous group
GUJARAT											
Sabarmati riverfront development project, Ahmedabad	Government	Urban	2002	4-14	30,000	Apartment in multi-storey building with obligation to repay 67,000 rupees ($985) in three installments	None	Yes, initiated litigation that put stay order on evictions until court satisfied with resettlement plans. Resulted in greater transparency and improved notice	None	Yes	Interim relocation site situated in next to waste site, under high voltage wires and without adequate sanitation

Project	Implementer	Type of location	Date of first land acquisition notice	Number of years displaced	Number of displaced households	Resettlement and rehabilitation package	Compensation paid	Campaigns and outcomes	Eviction by violence or other violations	Project realised as envisaged	Most serious abuse of UN Basic Principles and Guidelines on Development-Based Evictions
DELHI											
Savda Ghevra resettlement site	Government	Urban	None	10	24,000	Land 12.5-18 square yards with 10-year lease, must pay 7,000 rupees ($100) for registration	None	Yes, no results to date	Violence	No	Resettled to un-serviced forest land. Residents had to clear land and build their own housing and drainage with no financial assistance
Baprola resettlement site	Government	Urban	2012	3	550	Housing unit with 10-year lease, must repay 31,000 rupees ($460)	None	Yes, no results to date	None	Unclear	Inadequacy of resettlement site. Few livelihood opportunities, no nearby school

ANNEX: REGULATORY FRAMEWORKS

GOVERNMENT

International Obligations

India has ratified a number of international legal instruments that protect the right to adequate housing and oblige states to refrain from and protect against forced evictions from people's homes and land. They include the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of Persons with Disabilities. India is legally obliged to implement the provisions of these instruments and report regularly to the UN treaty bodies responsible for monitoring their implementation.

Although not legally binding, other international standards and guidelines also contain provisions that protect IDPs' rights. They include the 1998 Guiding Principles on Internal Displacement, the 2007 UN Guidelines on Development-Based Evictions and Displacement, the 2007 Pinheiro Principles on Housing and Property Restitution for Refugees and Displaced Persons and the 2011 UN Guiding Principles on Business and Human Rights. The latter set out governments' duty to protect people from human rights abuses related to business activity, to enact and enforce a legal framework to prevent such abuses, and to ensure accountability and redress when they occur. They lack guidance, however, on government regulation of companies' human rights impacts and do not call for mandatory monitoring and reporting on them.

National obligations

Land is primarily a matter for India's 29 states and seven union territories. There are, however, a number of national laws that govern acquisitions. They complement constitutional protections, and judicial interpretations of human rights instruments and government policies on housing.

Key legislation

The 2013 Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (LARR) is a progressive legislative development because it includes, for the first time in India's history, an obligation to carry out social impact assessments. It also provides for increased compensation for farmers, compulsory resettlement and rehabilitation and, when the private sector is involved, mandatory informed consent provisions.

LARR is considered a landmark development for India, and it came about largely as a result of pressure from civil society, IDPs, other people affected by projects, social activists and researchers. Its main shortcomings, however, are that it does not address urban evictions or the displacement of people from land they do not own, and it does not adequately define "public purpose". Since its adoption there have been and continue to be attempts to dilute the legislation. States such as Gujarat and Rajasthan have introduced regressive amendments.

LARR replaced the colonial era Land Acquisition Act 1894 (LAA), which allowed the state to acquire land without resettlement and rehabilitation, and only provided for monetary compensation based on market value at the time of preliminary notification. In force for more than twelve decades, LAA laid the ground for India's industrial development. Much of the country's infrastructure, including dams, roads, industrial townships and airports was completed under its auspices. A 1984 amendment allowed the state to acquire land for private projects and no longer only for projects of public purpose, which LARR also permits.

Under the 2006 Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, companies that wish to acquire forest land must obtain the consent of the indigenous communities that depend on or use it and its resources before it is diverted through local decision-making institutions. For a gram sabha decision to be valid, the assembly must achieve a quorum of at least two-thirds of the adult population of the village and a third of its women. Gram sabha validation is one of the only platforms indigenous communities and other forest dwellers have to try to protect their land from state acquisition. This too is being diluted, amended or simply ignored.

The 2005 Special Economic Zones Act provides for land acquisitions by the government to establish areas that can then be sold to commercial stakeholders to promote economic investment. SEZs offer tax exemptions and expedited approval, which does not provide for public participation and consultation with affected communities.

The 2015 Mines and Minerals (Development and Regulation) Amendment Act establishes 50-year leases granted via auction for land allocations in the mining sector. It does not mention informed consent, except when the land to be acquired is a fifth schedule area (see below) and "reasonable compensation" for those affected is loosely defined. It amends the 1957 Mines and Minerals Act.

The 1957 Coal Bearing Areas Act allows land to be vested in central government for use by public sector mining companies. Under its provisions, land containing coal reserves is sold via auction. It contains no provisions for citizens to veto land acquisitions for public purpose.

The 1996 Panchayats (Extension to Scheduled Areas) Act (PESA) grants people affected by development in indigenous areas the first claim on benefits from the projects that displace them. It provides for mandatory *gram sabha* approval before the granting of a lease for a "minor mineral" and consultation of *gram sabhas* before the acquisition of land and people's resettlement.

Constitutional protections

The fifth schedule of the constitution protects indigenous people living in scheduled areas in nine states from the transfer of land and natural resources to non-indigenous people. The sixth schedule of the constitution provides for governance structures in four north-eastern states that grant greater autonomy over decisions related to land.

Policy framework

There are a number of national policies relevant to displacement caused by development. They are non-binding, but provide an indication of government objectives. The 2007 national urban housing and habitat policy has a core focus on the provision of "affordable housing for all", with particular emphasis on vulnerable sections of society such as scheduled castes and indigenous groups, backward classes, minorities and the urban poor.

The 2005 Jawaharalal Nehru National Urban Renewal Mission (JNNURM) covered housing and infrastructure upgrades in urban areas. It included the Basic Services for the Urban Poor (BSUP) programme, which provided for housing upgrades for informal settlers in an effort to improve access to secure and affordable housing. Since JNNURM's abolition, a number of new housing and urban development schemes have been put in place. They include the Atal Mission for Rejuvenation and Urban Transformation (AMRUT), the Smart Cities Mission, the Heritage City Development and Augmentation Yojana (HRIDAY) and the Pradhan Mantri Awas Yojana - Housing for All (Urban).

State policies

Some states, including Jharkhand, Karnataka, Madhya Pradesh, Maharashtra and Odisha, have developed their own resettlement policies. Odisha's was developed in 2006 in conjunction with UNDP and involved in-depth research and consultation. It contains obligations to plan resettlement and rehabilitation "after due consideration with displaced communities", including *gram sabhas*. It also has provisions on rehabilitation assistance, according to the type of project that causes displacement. All state resettlement policies are non-binding.

There are a number of other relevant policies, such as the 2021 Delhi master plan, which includes the provision of adequate housing, particularly for the "weaker sections of society"; and the 2006 Delhi city development plan, which includes strategies for "slums and the urban poor".

Mixed judicial interpretation of the right to housing

Indian courts have delivered inconsistent rulings on IDPs' rights. In the landmark 1985 Olga Tellis vs Bombay Municipal Corporation judgment, the Supreme Court recognised that the right to livelihood is an "important facet" of the right to life, and that the eviction of people from informal "pavement dwellings" will lead to the deprivation of their livelihoods and consequently their lives. The case established ground rules for evictions, including minimum notice periods of a month and the opportunity to be heard, and relocations that should not be "further away from place of work in terms of distance".

Other Supreme Court decisions, including Shantistar Builders vs Narayan Khimalal Ghotame and others in 1990 and Chameli Singh vs State of Uttar Pradesh in 1996, held that housing constituted a fundamental right under article 21 of the constitution on the right to life. In Ahmedabad Municipal Corporation vs Nawab Khan Gulab Khan and others (1990), the court ruled that there was a constitutional duty to provide shelter in order to make the right to life meaningful.

Other Supreme Court and state high court decisions have, however, ruled otherwise. In Lawyers Cooperative Group Housing Society vs the Union of India in 1993 and Almitra Patel vs the Union of India in 2000, both the High Court of Delhi and the Supreme Court viewed the poor as "trespassers" and "encroachers". Such decisions reveal an unresolved judicial tension, as the NGO Housing and Land Rights Network in India notes, "between attempting to incorporate the right to housing in the fundamental rights framework and allowing the state to proceed with its macro-economic policies promoting 'slum-free cities'."

PRIVATE SECTOR

Governments have primary responsibility for promoting and ensuring respect for human rights, but corporations also have responsibilities. They should have policies and procedures in place that ensure human rights abuses do not occur, and that they undertake due diligence in identifying and mitigating human rights problems effectively. The 2011 UN Guiding Principles on Business and Human Rights describe the basic steps that companies should take to respect human rights, avoid complicity in abuses and provide adequate remedy if they occur. Some companies have their own resettlement and rehabilitation policies, but Tata Steel is not one of them. Rather it implements state policies where they exist.

COMMONWEALTH GAMES FEDERATION

The federation entrusts the Commonwealth Games Association (CGA) of the host country with the organisation of the games. The CGA establishes an organising committee, which has legal status and is responsible for staging the games. The event is funded via the sale of international broadcasting rights, corporate sponsorship programmes, ticket sales, licensing and merchandising sales and contributions from central and local governments. Human rights are not mentioned in the federation's constitution, but it plans to adopt a code of ethics that promotes integrity, respect and human rights by the end of 2016.

FINANCE SECTOR

The Equator Principles are an international benchmark for responsible finance. Signed by 80 banks around the world, they provide a credit risk management framework for identifying, assessing and managing environmental and social risk in project finance. The Infrastructure Development Finance Company (IDFC) is the only Indian bank to have signed the principles. IDFC's environment and social policy, and its environmental and social management systems and procedures are based on International Finance Corporation standards.

The Small Industries Development Bank of India and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) have co-developed voluntary national guidelines on responsible finance for India's financial institutions. They aim to integrate environmental, social and corporate governance principles into both lending and investment decisions. Given that not all projects are not implemented as planned, these guidelines may serve as a useful tool to improve lending practices and due diligence. As guidelines, however, they cannot be enforced.

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