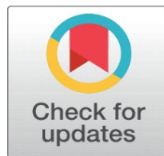
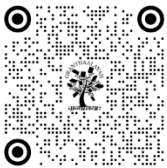


DEVELOPMENT, DISPLACEMENT AND GENDER DISCRIMINATION: A STUDY ON DAM DISPLACED PEOPLE IN INDIA

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ABSTRACT

We are living in 21st century. Still gender discrimination exists in the society. It is the need of the hour to change the traditional laws due to which women are facing discrimination. Dam are considered as 'temples of modern India'. But, unfortunately due to dam constructions millions of people have been displaced from their ancestral homeland. The displaced people have only been given monetary compensation according to Land Acquisition Act 1984. The main objective of the study is to examine how the displaced women face gender discrimination within and outside the family. According to R&R policy, they are considered as dependent family members. It has also been seen that the women are not only sidelined by the policy makers but also confront adverse situations within the family. The displaced families share their compensation money with the male members, but women are totally ignored. As far as employment is concerned, the government also prefers to give employment to the male members of the family instead of females. Due to discrimination, the socio-economic life of displaced women gets tremendously affected. The study suggests that respective state government should prepare gender neutral policy, so that displaced women do not face any kind of socio-economic problems in their life

Keywords: Gender, Women, Discrimination, Law, Dam, India



1. INTRODUCTION

We are living in 21st century. Still gender discrimination exists in the society. After the 1950s, first generation leaders considered hydropower projects as 'the temples of modern India'. For national interest, a large number of development projects were constructed in different parts of the country. The first and second Five Years plan mainly focused on industrialization, irrigations and dam projects and the displaced people were neglected under such planning (Patnaik, 2000). The temples of modern India have become the temples of doom for the displaced people (Goyal, 1996). Dependence of people on land, forest and other natural resources to fulfill their basic needs made them dependent on markets through land acquisition and displacement (Mohanty, 2005).

The problem of displacement is not merely economic; it is socio-cultural as well. Because it disturbs the network of social relationships supporting the ethos and way of life. It affects the entire spectrum of traditional activity and an established social order (Advani, 2009). It is quite evident that people, who are forcibly displaced, are bound to live in a new environment, a new place with new people and changed norms and values which lead to a change in the entire socio-economic life (Patnaik, 2000).

In the inherent patriarchal nature of society, women have been denied compensation for land as their ownership is only limited to cultivation rather owning the land itself. Men are the recognised heads of household but the owners and

inheritors of land as well; therefore, compensation is often paid only to male members (Asthana, 2012). This sows the seeds of gender inequality. The gender inequalities are comparatively more profoundly evident in hill region where women are more dependent on natural resources particularly for household activities, food and shelter. The dislocation of women from the resource rich regions lead not only to their dependence on men but on the market economy. Adding fuel to the fire, the rehabilitation packages do not consider women as equal partner in the compensation packages. Compensation is mainly granted in the name of men rather than in their joint names (both male and female members of the family) (Thukral, 1996). The ownership of landed property is an essential.

2. LAND ACQUISITION ACT (LAA) IN INDIA

Land acquisition for public purposes began in India with the enactment of a new law, i.e., Regulation 1 of 1824 of Bengal code. Its main aim is to make land available for salt pans and other purposes. In 1864, the forest laws were changed to suit British revenues that was needed to provide timber for railway sleepers and to build ships for colonial wars. (Advani 2009). The land acquisition Act of 1894, introduced by the then British Government, continues with some amendments in 1967 and 1984, and this Act facilitates the Government to acquire the people's land, by compulsion for both the public and private purposes (Mallavarapu, 2008).

This Act helps the state as a weapon for immediate land acquisition. In most of the cases, the Government officials have been paying the compensation to oustees after prolonged time, whereas they acquire the lands with one notification and within no time. However, the Land Acquisition Act did not say anything on the type or nature of compensation payable to oustees and period for payment of compensation (Mallavarapu, 2008).

The displaced people are given only the monetary compensation, people who depend upon the natural resources or working on land without legal title, sharecroppers, tenants, and landless people do not get any compensation under the LAA Act 1984. The Land Acquisition Act and the rest of the existing literature shows that the present legal system favors the state and the industrialists and ignores the livelihood of people who depend on the common property resources (Ghatak, and et al., 2013).

The Land Acquisition Act only deals with the compensation and not with rehabilitation of projects affected persons whose land has been acquired. The responsibility of the state towards the displaced people ends with the payment of compensation only. The Act considers the payment of compensation to individuals who have legal ownership rights over land (Kaushal, 2009). Under this Act, no compensation is payable to landless laborers; forest land users and forest produce collectors, artesian, and shifting cultivators (Mohanty and Mohanty, 2009). The act only recognizes individual property rights but not community rights over land. As a consequence, the right of the tribal and non-tribal communities over common land do not find any place in this law (Ibid).

In LAA 1984, the state has the exclusive right to acquire private property in its domain for a 'public purpose,' in other words, for a specific purpose, which is beneficial to the society as a whole. In India, this right is vested in each state government. State-sponsored development projects such as irrigations, roads, hydropower projects fall into the category of public purpose (Perera, 2000).

A very large numbers of studies have shown that most of the tribal and marginalized society has been affected by displacement. Since these people cultivated their land without legal titles, hence under the LAA Act 1984, they do not get any compensation. The State and project authority use sections 4 and 6, Section 4 of the Land Acquisition Act 1984 necessities publication of notifications for the acquisition and then empowers the government to order the survey and set up the boundary of the land. The act contemplates two types of acquisitions, one for the state and another for a company. Under this section, those people who cultivated their land without the legal title could not claim compensation because they are considered as encroachers (Perera, 2000).

Several states have enacted their Acts to extend the scope of the Land Acquisition Act, 1984. There are the Acts of Metropolitan cities, e.g., City of Bombay Municipal Act, 1888; Calcutta Municipal Corporation Act, 1980; Delhi Development Act, 1957; Madras City Improvement Trust, 1950. The Acts for acquiring land for railways (Indian Railways Act, 1989, Metro Railway) and national highway. Other types include Forest Acts, Slum Area Acts, Housing Areas Development Acts, Town, and Country Planning Act and Defence of India Act. These acts provide the government a wide range of powers to acquire land for public purposes (Advani, 2009).

In spite of several amendments, the Land Acquisition Act, 1894, is still operating. The Indian parliament passed the 1984 Act with several changes, yet this Act has the same objective (Advani, 2009).

In 2013, the Minister of law and justice again implemented the Land Acquisition Act of 2013 across India, except in Jammu and Kashmir. In this Act, the Indian government includes Resettlement and Rehabilitation Bill, which will be discussed separately under the heading Rehabilitation and Resettlement Issues. The 2013 Act is largely related to the acquisition of land for the development and infrastructural projects by the public sector or public-private partnership (PPP) which also includes projects for “residential purposes to the poor or landless or to persons residing in areas affected by natural calamities” (GOI, 2013 Ghose and Hazara, 2015).

In the 2013 Act, the affected population has also a choice of accepting either a one-time payment of only rupees five lakh per family or annuity policy of not less than rupees 2000 per month for 20 years. There is a provision of granting employment in the project to one member of the affected family (Minister of Law and Justice GOI, 2013).

The 2013 Act was amended through a presidential ordinance of 2014 and pass the amended Act in Lok Sabha but could not get it through in Rajya Sabha. The new “Right to fair Compensation Transparency in Land Acquisition and Resettlement and Rehabilitation (Amendment) Bill” was introduced by the Ministry of Rural Development in February 2015 in the Lok Sabha, replacing the ordinance of 2014. The main point of contention is the exemption of the development projects of defence, rural infrastructure including electrification, affordable housing and housing for rural poor, industrial corridors, etc. Having passed by the Lok Sabha, the Bill was awaiting the approval of the Rajya Sabha (Ghose, 2015).

In this segment of the Land Acquisition Act, there are several loopholes. In India, at various times, the land acquisition Act has been implemented by the government of India, but these policies do not mention the dam displaced people. The Act of 2013 particularly focuses on the industrial development and the infrastructure development project. But the dam displacement policies are still questionable and debatable. The 2013 Act does not give clarity about whether the displaced people will be giving permanent or temporary jobs in the projects and how the one-time compensation is helpful for displaced families who have lost their land, homes, and jobs or under the annuity policy how the displaced families will be benefited from 2000 rupees. There are so many questions that remain silent. Since 1984 the debate is still going on the Land Acquisition Act.

3. REHABILITATION AND RESETTLEMENT (R&R) ISSUES AND POLICY IN INDIA

In India, the post-independence economic developments are based on large dam projects and big industries such as coal, mines, road, and power plants, which have been accompanied by widespread displacement (Pervez, 2008). The majority of development projects have resulted in bringing changes to the land use pattern, water, and natural resources and the displacement of a large number of people from their original places of habitation (Pandey, 1998).

In the absence of a national Rehabilitation and Resettlement (R&R) policy, state governments or even specific project authorities have introduced their principles and handled the R&R of the displaced people by way of ad hoc plans (Pandey and Rout, 2004). Rehabilitation measures and policies adopted by most state governments based on the LAA of 1984 embraced a very narrow approach of compensation. According to Sundar, (1999) from the 1950s to the 1980s, there was no such R&R policy for displaced people. The resistance of the displaced people and civil society against the unjust rehabilitation started in 1946 with Hirakud dam in Odisha, but resistance gained momentum in the late 1970s in the Narmada dam agitation which later came to be known as the Anti- Dam movement, which played a major role in forcing the state to amend their resettlement and rehabilitation policy. It also put huge pressure on the Indian government to formulate a national policy on the resettlement and rehabilitation of the displaced people (Pervez, 2008).

The government of India initiated the drafting of the R&R policy only in the year 1985 when the National Commissions for SC&ST indicated that about 40 percent of the displaced people and the project affected persons were tribals. A committee was formed by the Central Ministry of Welfare to prepare a rehabilitation policy specifically for the displaced tribals. The committee however recommended that the policy should be for the benefit of all the displaced people and not only the tribals, but the state and the project authorities should also make it imperative to include rehabilitation as an integral part to every project (Fernandes, 2008 Negi, and Ganguly, 2011 Ghose and Hazara, 2015).

The next draft framed by the Ministry of Rural Development, came only during the time of World Bank’s withdrawal from the Sardar Sarovar project, in 1993. It was revised again in 1994 and 1998. Finally, in 2003 R&R prepared and came into force in 2004, but this bill again revised in (2007) (Fernandes, 2008). The main objectives of the National Resettlement and Rehabilitation Policy 2007 bill were to reduce the large scale of displacement, ensure adequate rehabilitation, to protect the rights of weaker sections of the society, especially SC&STs and to provide a standard of

living. But this policy again failed because the gender factor was ignored (Pervez, 2008). With time, the right to fair compensation and transparency in Land Acquisition, Rehabilitation and Resettlement Bill, 2013 passed by the Parliament though seen to be resolving many problems of the land acquisition with the resettlement and rehabilitation mechanism but was severely criticized by the political parties and media all over India (Government of India, 2013 Garada, 2015).

There is a lot of confusion in the resettlement and rehabilitation policy because each department of the government has a different R&R policy. The tall promises of proper rehabilitation with the provision of all basic amenities have not been fulfilled by industrial houses or by the government itself. A comprehensive package of rehabilitation with all basic facilities like proper infrastructure network, hospital, school, recreational club, etc., promised by the state government, became a distant dream for the displaced people (Mohanty and Mohanty, 2009).

The Resettlement and rehabilitation packages of each of the states varied, but it only looked good on paper and was not abided in reality (Ghose and Hazara, 2015). The packages also differ in terms of land ownership, but also the tribals largely having no legal documents to prove their land ownership, they were considered as 'encroachers,' and the packages offered to them were limited (Modi, 2004 c.f. Ghose and Hazara, 2015).

The study has found that there are several loopholes in the resettlement and rehabilitation bill of 2013. Further, how it will be applicable to already millions of displaced people who have been suffering for long is a question still unanswered. So far, unfortunately, a large number of displaced families in the country have been suffering in the resettlement site due to no or inadequate provision of compensation, rehabilitation and resettlement.

From the above discussion, the study has observed that the government did not talk about how the displacement will be reduced at a minimum level? How would each family members get proper benefits? How will the displaced people get adequate rehabilitation facilities? The literature shows that since Independence, millions of people have been displaced from their ancestral homeland, but only 25 percent of the displaced families resettled, and 75 percent are still waiting for the rehabilitation.

4. CONCLUSION

From the above discussion it has been seen that in India there is gender discrimination among displaced men and women. After the 1950, large number of projects were constructed for the economic growth in India, but none of the policy makers paid adequate attention towards gender issues, their policies, and problems. In Land Acquisition Act 1984, Rehabilitation policy and the compensation issues women do not consider any place. The study has found that compensation will be transformed to male members and women were totally ignored in term of compensation and other activities. In this patriarchal society, women have been denied compensation for land that they cultivate for years but did not have a registration in their name.

From the above discussion, it has been clearly seen that after displacement gender discrimination were seen among displaced families within and outside with regard to their compensation issues, employment, education and wages issues. Because, due to gender bias policies they did not get any kind of benefits neither from the government nor from the family. They are treated as dependent family members.

The study has also found that after the displacement most of the women have lost their regular source of income and social status. It is very difficult for the displaced women to regain their social status, because at the new place there is no scope for them to earn their better livelihood. It has been observed that displaced women and their children's (female) faced economic hardships.

5. SUGGESTIONS FOR POLICY MAKING

- Before construction any development projects proper survey should be conducted and prepared proper rehabilitation and resettlement plan, so that the affected people should not face any kind of problems.
- Land should be allotted in the name of displaced women, and widow.
- Displaced people should be considered for decision making process for selecting their resettlement site.
- It should be made compulsory for the project authorities to sponsor the education of the children's from the displaced families and special attention should be focused on girl's education.

- The Government should be provided Special training for displaced women, so that they do not faced any kind of problem regarding their livelihood in future roads, skill training etc.
- The respective state government should provide special scholarship schemes to displaced children for their educations.
- The state government should collaboration with funding agency to provide better education and health care facilities among displaced people.
- The rehabilitation and resettlement policy should be neutral, and it should not be gender bias. Gender related issues should be discussed before preparing any such policies.

CONFLICT OF INTERESTS

None.

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