
Problem of Development Induced Displacement and its Suggested Solutions - In Tamil Nadu

Corresponding Author: S.JohnKaviarasu

*Assistant Professor, School of Human Excellence, Loyola College (Autonomous), Chennai – 34
Email: johnkavia@gmail.com Mobile: 9600118052*

J. Jai Dinesh

*Assistant Professor, School of Human Excellence, Loyola College (Autonomous), Chennai 34
Email: jaidineshj@gmail.com Mobile: 99404 28022*

Mathew Thomas Cruz

*Assistant Professor, School of Human Excellence, Loyola College (Autonomous), Chennai-34
Email: mathewthomasloyola@gmail.com*

Abstract: Every nation aspires to develop its economic status. Through the flow of capital fund across the world, there is a possibility for the development to all. Mainly the countries are focusing the infrastructural sector due to easy availability of foreign capital and the demand by multinational corporate. When they try to develop the infrastructure in the urban areas, the informal labourers staying in slums are forced to evacuate. The government while implementing the rehabilitation programmes often fails miserably in providing livelihood options to the evictees. This article analyses the infrastructural development of the country and its consequences in India in general and Tamil Nadu in particular. Though this article relies on both the primary and secondary sources, mostly the secondary sources have been utilized. The findings of this research reveal that rehabilitation programmes have not been given due importance. Hence, it calls for constructive and effective policies and legislations that address the issues of not only the development, but also rehabilitation and resettlement of the displaced.

Keywords: Development, Displacement, Rehabilitation, Resettlement, Infrastructural Development, Livelihood options, Evictees, Informal Labourers.

1. INTRODUCTION

When we deeply analyse the rehabilitation and resettlement measures provided to the evictees of the slum dwellers to outskirts of the Chennai city at Kannagi Nagar¹ and Semmanchery² in Tamil Nadu State in the name of expansion and beautification of the city, it clearly suggests that the people are pushed to the untold suffering and problems due to no proper facilities and basic necessities in their lives, according to the proportion of the populations.

"Being forcibly ousted from one's land and habitat by a dam, reservoir or highway is not only immediately disruptive and painful, it is also fraught with serious long term risks of becoming poorer than before displacement, more vulnerable economically, and disintegrated socially" (Michael Cernea, 1996)

It is true that the displaced populations from the city of Chennai are becoming more vulnerable, economically weak, socially disconnected and culturally uprooted. Therefore, this article brings to light that this kind of development is induced displacement, which is not at all liked by the people. Because it forced in the past and also it still continues to weed out not only the voiceless individuals but also the community to drive out of their dwelling places and homelands for the purposes of economic development of the nation. It leaves a question here that this kind of development is aimed at achieving what.

1. Why the development of such projects planned by the nations has to chase away the voiceless people like a stray dog.

¹Kannagi Nagar (KN), home for more than 15,000 families, is the dumping ground of the poor and downtrodden of Chennai.

²a slum resettlement colony off the Old Mahabalipuram Road.

2. Is it because admitting the rich as part of inclusive development of the nation by excluding the poor and indigenous people from their homes?
3. What do we call this development which leaves the people in lurch and reel under poverty stricken situation that they were living?

The plan like natural resource extraction, urban renewal and infrastructure projects such as expanding highways and railway tracks, constructing bridges and dams, and developing irrigation canals and so on necessarily require often large quantity of land. One common consequence emerging out of this kind of projects and development is the upheaval and displacement of individuals first and then the communities. It is clear from the estimation that 10 million populations were displaced per annum by these so called "developmental activities" which was typically and characteristically viewed by the planners, national leaders elected representatives, and policy-makers as legitimate and inevitable costs of development, acceptable in the larger national interest. Therefore, long back it was uttered by then the Prime Minister of India Pt. Jawaharlal Nehru 'If you have to suffer, you should do so in the interest of the country.

2. BACKGROUND AND CONTEXTUAL ANALYSIS

Mainly the Infrastructural development projects that are carried out by the state and central government frequently result in the displacement of peoples from their dwelling places giving way to dams, highways, railways, beautification the city, extending the drainage, building parks or other large-scale construction projects of the government. This research article aptly focuses on applying an ethical and strategic analysis of the tension between the right to development in one direction, and concomitant effects and also the resulting risks being caused to human security and their human rights, on the other direction. Therefore, this article subtly presents an argument that displacement is a multidimensional phenomenon and this is not merely confined to physical relocation. Because such projects make the people still vulnerable and marginalized living conditions and also it gradually reduces the "quality of life" of human beings and further exposes them to live in sub-human conditions.

Studies on the social impact of development projects clearly suggest that indigenous people, migrant workers, ethnic minorities, pavement dwellers and people living in slums of various cities in India are truly affected due to displacement.

Unsystematic, haphazard and piecemeal approach to development has finally resulted in high depletion of the nature and environment and also a great loss of ecological balance. It is suggested that this unsystematic and chaotic displacement of humans amounts to a gross violation of Article 21 of the Constitution of India, leaving behind only the sufferings to the poor populace who exposed to destiny of living in such inhuman conditions. The judiciary has further played an important role in protection of environment by incorporating "right to clean and healthy environment" under Article 21.

The founding fathers of the Constitution of India under the leadership of Dr. Ambedkar stated clearly in Article 39 by imposing a mandate on the state towards decent and clear distribution of resources so as to sub-serve common good for the citizens. However, the law which has been consistently invoked for land acquisition is a pre-constitutional law dated 1894 with 'compensation' and this package of compensation is from then on to till date said to be the only remedy and solution for the displaced people and also for the persons who are affected by such acquisitions and having no provisions for rehabilitation and resettlement.

Also, the Article brings out the emphasis on various international policy guidelines and mechanisms that are designed well to safeguard and protect those people who are displaced internally as an upshot of development projects carried in the country. In the light of the above mentioned problems and violations, this article suggests the view that a comprehensive National Policy on Rehabilitation and Resettlement (NPRR) of displaced population be framed replacing the anomalies of NPRR, 2007.

3. IMPACT OF DISPLACEMENT

People who were compulsorily driven out from one's land and habitat carry with it many kinds of risks and danger in their lives. People who are evicted from the slums of Chennai city in the name of beautification, and expansion of

Chennai city are relocated in the places of Kannagi Nagar and Chemmencherry are experiencing interlinked potential risks intrinsic to displacement.

To cite few examples, though the people who lived in the slums of Chennai have been relocated to live in the above said places, the impact that brought due to displacement were the following:

1. They are truly feeling homelessness in the places than that of before when they lived in slums of Chennai city.
2. They have totally lost their regular livelihood which they had earlier.
3. They are feeling idleness and marginalized.
4. They also have food Insecurity.
5. Experience of increased Morbidity and Mortality is very high.
6. They are put to the loss of access to common property
7. They are feeling loss of Social Disintegration.

4. THE IMPACT OF DEVELOPMENT- DISPLACEMENT ON ENVIRONMENT

1. In achieving the so called 'greater common good', the environment and the beauty of the mother earth is not safeguarded.
2. In promoting the so called 'the national interest', the long run adverse impacts on the natural resources are partly ignored.
3. Various developmental projects stands accused of the destruction of entire environments, including water quality, water quality deterioration, transmission line impacts, quarries and borrow pits.
4. Cutting of trees bring deforestation
5. Establishment of industries that are not wanted in abroad are coming to Tamil Nadu have brought the result of climate change and inconsistent weathers.
6. The pollution (air, water, soil and noise) caused by the industries accentuate the miseries of the present as well as the generations to come.
7. The environmental impact assessment of most of the big and mega projects reveal nothing but surviving at human and environmental costs-

Therefore, it is high time that the politicians, national leaders, policy makers and planners need to realize the need of transforming our developmental policies to pave the way for human and environmental requirements until it becomes too late.

5. HUMAN RIGHTS CHALLENGES ARISING OUT OF DEVELOPMENT-INDUCED DISPLACEMENT

Development and development benefits are needed by all means for the county to progress and for the human being to live peacefully and their dignity have to be restored and respected. But these should not be weighed against human rights. Therefore these insist the vital point here is that human rights have to be considered independently.

Right to life and livelihood: In 1986, the UN General Assembly adopted a Declaration on the Right to Development³. The discussion of the heart of the problem agreed by the members of such assembly was that people displaced by development projects are generally seen as a necessary sacrifice on the road to development. Here, the Human rights that are affected are **right to life and livelihood**. These are ultimately threatened by the loss of home of mostly the ordinary human beings and voiceless people who belonged to middle lower class and poverty stricken families. This clearly speaks that these people are not allowed to make a living when they are displaced from habitual residences and traditional homelands. UDHR (Article 3) and the ICCPR (Article 6)⁴ clearly suggest that the

³UN General Assembly, 1996

⁴The Brookings Institution-SAIS Project on Internal Displacement, May 2003

right to life of people has been protected. But it has been completely ignored. Therefore here the question arises for what purpose these declarations have been made and agreed upon.

In Indian context, The Supreme Court in *Olga Tellis* case envisaged right to livelihood under the aegis of Article 21 and condemned the unjustifiable displacement of people from their land. Right to life doesn't mean merely animal existence but living with human dignity and all that goes along with it like right to shelter⁵.

Moreover, the induced development is not properly checked and examined the kind of impact it would create and bring forth in the environment. This clearly shows that this is unsystematic and piecemeal approach to development ultimately resulted in depletion of the environment which "makes life worth living, materially and culturally⁶. And so it has led to violation of right to clean and healthy environment.

Right to own Property: The rights to adequate housing and security of the person and **property** serve to protect individuals and communities from being arbitrarily displaced from their homes and land. The right to own **property** and not to be arbitrarily deprived of this **property** is spelled out in the UDHR Articles 17 as well as in Article 6 of the ICESCR.

Rights to Residence: The eviction or displacement of persons unlawfully amounts to violation of the rights to freedom of residence⁷. Even this is reflected in the Article 19(e) of the Indian constitution which clearly asserts the right to residence as fundamental right of human beings.

All the above rights are of direct relevance in the case of displacement or relocation of people out of Chennai city. In many cases, we could indeed find that not only socio-economic rights but also the right to housing are at stake. More so, a number of civil and political rights may be violated if the government tries to force or pressurize mainly slum dwellers to move out from their homes.

6. DEFECTS IN COMPENSATION, REHABILITATION AND RESETTLEMENT POLICY

In the name of development, government and its agents of development offered the cash compensation to the people in the past for the large scale developmental projects. Therefore, cash compensation seemed to be the only solution for the problems induced by displacement. After this, it has been revamped that there should be a policy for rehabilitation. Indeed, it is very hard to believe the calculation that how land, means of livelihood and social loss resulting from displacement can be quantified and compensated in monetary terms? The law which is framed for this purpose in such a manner clearly ensures that displaced land-owner is considered to be loser. It does not account who lived in the house. Therefore someone who lived in the house on a rental basis per month is not taken into account in terms of compensation and it is thus human rights violation.

The Land Acquisition Act which is in practice now is inaccessible to the penniless and illiterate oustees. Only few landowners who were thoroughly familiar with the legal details of the Land Acquisition took this as an issue and filed their cases to court. In this case, the value of the land is merely calculated based on the date of the gazette notification and accordingly the interest is liable to be paid to them only from the date of taking possession up to the date of payment of full compensation. The drawback here is that The Land Acquisition Act (LAA) does not take into consideration the escalation of the market value between the time of notification and the date of actual possession.

The ill-effects of the displacement induced by development were heavy and multifarious in terms of the emotional, cultural, social, political and economic losses. All these were not taken care off by the state and necessary arrangement thereof made. It is the duty of the government to provide a safe habitat to the displaced person to start their life afresh. Here the rehabilitation measures and policies were partly taken care off to restore to the former condition and thus, all that was lost by displacement (the emotional, cultural, social, political and economic losses) were not restored at a priority basis than to the Project itself, which is the cause of the impoverishment. This brings to the question that where development has taken place. It always favours the rich and haves, but it does not care off the indigent and illiterate oustees.

⁵Article 11 of the ICESCR

⁶Rajagopal, Human Rights and Development

⁷Article 12 of the UN International Covenant on Civil and Political Rights (ICCPR)

7. THE ETHICS OF DEVELOPMENT INDUCED DISPLACEMENT AND REHABILITATION

In dealing with such issues of development and displacement happening in many parts of India, the following important ethical questions are raised by various people including social activists.

1. Why displacement often is considered morally and ethically objectionable and disagreeable?
2. Under what rationale can a development project justify displacement?
3. Is it ethically fair and right to put out of place and also disrupt people so long as they are compensated? If that is so, what type of compensation is owed to displacees?

Three broad ethical perspectives such as public interest, self-determination, and egalitarianism should be kept in mind to use to justify development-induced displacement, said by **Peter Penz**⁸. He further elaborates the above three ethical perspectives in the following ways.

1. In the public interest perspective, embodied in cost-benefit analysis, it supports the decision that brings the greatest net benefits to the population as a whole.
2. In the self-determination perspective, there are privileges, freedom and personal control. In its form, forced displacement is unjust because it violates **property** rights.
3. In the egalitarian perspective, privileges actions that reduce poverty and/or inequality⁹.

Therefore, these can be justified theoretically here if it benefits the poor at the cost of the wealthy, but questions are raised when a project benefits an under-privileged group at the cost of another such group.

As Peter Penz points out, it is an ethically complex issue, in which public interest and distributive concerns stand in tension with self-determination and individual rights. Therefore, he concludes that there are conditions under which can be justified, but that these conditions must be strong¹⁰.

They include the avoidance of mandatory and compulsory displacement in favour of negotiated settlement, the minimization of resettlement numbers, the full compensation of displacees for all losses, and the use of development benefits to reduce poverty and inequality. Unfortunately, in most cases of Development Induced Displacement and Rehabilitation, these conditions have been violated.

8. INTERNATIONAL AND NATIONAL ORGANISATION AND POLICIES

In the past, a variety of guidelines, laws and best practices were formulated by different international legal entities and institutions to respond to the human rights impacts and risks of development-induced displacement. Some of the most important international guidelines and practice on this issue are the following:

1. The UN Guiding Principles on Internal Displacement.
2. The OECD's Guidelines for Aid Agencies on Involuntary Displacement and Resettlement in Development Projects, 1992.
3. World Bank's Operational Directive 4.30 on Involuntary Resettlement.
4. United Nations and Other International Organizations- Different agencies of UN work as cluster and have sectoral responsibility to deal with the issue of development-induced displacement rehabilitation and resettlement in the following way.
 - a. **The Representative of the Secretary-General on IDPs:** The report formed by this agency is the basis for the provisions in the Guiding Principles on protection against displacement.
 - b. **Internal Displacement Unit:** Using the Guiding Principles as an overall framework, the Unit identify and draw attention to gaps in the response to internal displacement

⁸The Director of Centre for Refugee Studies, York University, Toronto

⁹International Development Ethics Association

¹⁰Ethics of Development-Induced Displacement (EDID) research project, York University, Toronto

- c. **World Food Program:**The essential condition for the provision of WFP food is the food insecurity of displaced people.
- d. **UN Development Programme:**UNDP in particular has become increasingly involved in programs involving the resettlement and reintegration of internally displaced populations.
- e. **UN-Habitat:**The twin goals of the Habitat Agenda are “adequate shelter for all” and “sustainable human settlements development” in an urbanizing world.

9. RECOMMENDATIONS

Ill-consequences of the displacement lead to the requirement of policies and legislations that address the issues of not only development induced displacement, but also about rehabilitation and resettlement. Following are some suggestion and recommendations to deal with problem of displacement caused by development:

1. It is a must by the state to conduct the impact assessments of the evictions prior to the initiation of any project in order to handle the consequences arising out of development-based displacement. Therefore, the state should ensure by all means in securing the human rights of all poor, needy and marginalized sections of the potentially affected communities, groups and persons.
2. States should fully explore all possible alternatives to any act involving forced eviction.
3. Based on the Right to Information Act, the state should provide sufficient information to all the potentially affected communities, groups and persons concerning all state projects and its implementation processes of start of the eviction, the place of resettlement and its facilities provided there and the purpose for which eviction takes place. Moreover, the state should inform the affected about the benefit which they are going to get in the resettlement place. Also, it is very must by the state to disclose to the affected about who will benefit from the evicted site.
4. In the event of eviction for developmental projects of the state, there should be fair compensation by the state for any losses of personal, goods or property including the rights.
5. The place of resettlement should really help the people to lead their life and promote them to have better living conditions, including the access to go for employment.
6. If the resettlement is planned, the State should keep in mind about the resettlement policies clearly specified in the international human rights law and therefore resettlement has to take place in a just and equitable manner.
7. The State should necessarily ensure the effective legal remedies to any affected persons, if he or she claims his or her right of protection against forced evictions has been violated or is under threat of violation.
8. There should be a provision of making a new law on rehabilitation, when the forced eviction completely goes against the rights of the poor.
9. The very basis of the Land acquisition policies in its legal premises is required to be compatible with constitutional frame of Fundamental Rights, Directive Principles of State Policy and Special Provisions for the Scheduled Castes / Tribes and weaker sections.

10. CONCLUSION

The effects of displacement have been experienced by the poor and marginalized people for generations in the past, in the name of developmental projects of the State. The sufferings of the affected persons have been the loss of their traditional employment, total change of environment, dislocated community life and their relationship and psychological trauma and disturbance. Keeping in mind the above issues and problems, the State should ensure that the issue of displacement has to be consistent with socio-economic and political circumstances, and it appears to have failed in doing so. Therefore, it is of paramount importance and also the strong need to put legal thoughts into issues concerning the land acquirers as well as to thoroughly investigate issues regarding removing the imbalance from the system.

REFERENCES

- [1] Michael Cernea, 1996, "Bridging the Research Divide: Studying Development Oustees." In Tim Allen (ed), In Search of Cool Ground: War, Flight and Homecoming in Northeast Africa (London: United Nations Research Institute for Social Development, Africa World Press and James Currey).
- [2] Michael Cernea, 1999, "Why Economic Analysis is Essential to Resettlement: A Sociologist's View." In Michael Cernea (ed) The Economics of Involuntary Resettlement: Questions and Challenges (Washington, DC: World Bank)
- [3] Descriptions of the first seven risk factors are drawn from Michael Cernea, 2000, "Risks, Safeguards and Reconstruction." The description of the eighth risk, social disintegration, is from Michael Cernea, 1996, Public Policy Responses to Development-Induced Population Displacements (Washington, DC: World Bank Reprint Series: Number 479). In later writings, Cernea has used the term "social disarticulation" in place of "social disintegration."
- [4] Tham, Carl Poverty, environment and development., in ÜnnerKirdar (ed.), Change: Threat or Opportunity for Human Progress? Volume V, Ecological Change, UNDP, New York, 1992.
- [5] UN General Assembly, 1996, Declaration on the Right to Development (A/RES/41/128).
- [6] Robinson, W. Courtland. Risks and Rights: The Causes, Consequences, and Challenges of Development-Induced Displacement, The Brookings Institution-SAIS Project on Internal Displacement, May 2003.
- [7] Article 11 of the ICESCR, recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing.
- [8] Rajagopal, Human Rights and Development, p. 10.
- [9] Article 12 of the UN International Covenant on Civil and Political Rights (ICCPR) covers the right to liberty of movement and freedom to choose one's residence.
- [10] Kothari, Miloon and Kothari, Ashish, "Displaced People: Forced Evictions and Human Rights," Frontline, (May 21, 1993).
- [11] International Development Ethics Association - <http://www.development-ethics.org/>
- [12] Ethics of Development-Induced Displacement (EDID) research project, York University, Toronto, Canada <http://www.edid.yorku.ca/>
- [13] Ramanathan, Usha. "Displacement and the Law," Economic and Political Weekly, vol. 31 (1996).