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Displacement in Jharkhand

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This paper looks into the displacement caused by development projects in the state of Jharkhand and shows how the people most in need of protection are displaced, and how in cases where displacement was essential for mining purposes no proper rehabilitation of the affected people has taken place.

In view of the long history of the systematic deprivation of the tribal people of their rights over the land and natural resources that had been theirs for years, various legislations have been passed to secure the land rights of the tribal people.

One of the most important legislations of recent times, which protects the rights of the tribal people over their land and the natural resources, is the Panchayat (Extension to Scheduled Areas) Act, 1996. Extension of the 73rd Amendment of the Constitution to the scheduled areas through this Act seeks to ensure effective participation of the tribal people in the process of planning and decision-making by laying down provisions to be followed by the State Legislatures. The Act is laudable for the fact that it does not treat citizens as mere objects of development decisions, and makes them a part of the development process.

The provisions laid down aim to achieve a very noble goal, but there is lack of information on the state of implementation of the Act, the experiences of the government and non-government agencies have not been documented nor have they been subjected to

systematic research, there is need to know how far the Gram Sabha and Panchayats have been able to exercise control over government schemes, what are the mechanisms developed by them to manage natural resources, and how have the Panchayats and the Gram Sabha been able to protect and conserve their customs and traditions. In spite of the importance of the act in the process of empowerment of the people in the scheduled areas, panchayat elections have not been held in Jharkhand ever since the creation of the new state.

However in spite of the principle of protecting the land rights of the tribal people, the state still has the supreme right to acquire land irrespective of the fact whether the land lies within the scheduled areas as specified in the constitution.

The right of eminent domain is the right of the State through which it asserts its dominion over any parcel of the soil of the State on account of public exigency and for public good. The legislations based on this principle are the Coal Bearing Areas (Acquisition and Development) Act, 1957; Atomic Energy Act, 1962 etc. and the most important of all being the Land Acquisition Act, 1894.

The Land Acquisition Act seeks to achieve acquisition and not confiscation. Two inbuilt conditions namely the right of the owner to receive compensation and acquisition of land solely for public purpose are embedded in the law, however other than the problems with regard to implementation of the Act such as payment of compensation, there are several inbuilt drawbacks in the Act.

The most glaring drawback of the Land Acquisition Act is that it contains no provisions for rehabilitation, it only provides for monetary compensation which does not in any way guarantee a normal life for the displaced people and the monetary compensation in no way compensates to raise the standard of living of the people. The compensation is only given for the value of the land, however when displacement occurs in the scheduled areas the question is not just about land, because the inhabitants of these areas depend on the forest for more than fifty per cent of their food and other needs. Thus monetary compensation is not the solution and more so when the displacement occurs in the scheduled areas since the land acquisition act does not take into consideration the special conditions involved. Another major blemish of the Land Acquisition Act with regard to the tribal people is that it only recognizes legal rights and does not recognize customary rights such as that of nomads, fisher folk etc. for grant of compensation.

Another ironical feature of the Land Acquisition Act is that it does not take into consideration the impact on various ongoing land reforms. There are no remedial measures provided to take care of these special cases for e.g. the case of a landless labourer who has been given agricultural land by the land reform plan of the government, but again loses land through acquisition for a development project.

The total number of people displaced in Jharkhand from the year 1951 – 1995 is 15, 03,017. Out of which 6, 20,372 belong to the scheduled tribe, 2, 12,892 belong to the scheduled caste and 6, 76,575 belong to other categories

In the name of development various large-scale industrial, mining, irrigation and power projects were launched in the state such as the Tata Iron and Steel Company, Heavy Engineering Corporation, Suber-narekha Dam Project, Chandil Power project etc. but the benefits arising out of these projects have only accrued to the big business houses and all that the displaced people have got is wages for providing manual labour required by these projects.

In fact besides causing displacement to enable mining activities, mining has resulted in displacement which

has occurred due to the threat of disasters which may occur due to past or ongoing mining activities. The Jharia Coalfields are one such example. Because of unscientific and irregular development, extraction and abandonment of mines, the Jharia coalfields are facing the brunt of mine fire and subsidence. The impact of the development projects on the marginalized section is such that the environmental hazards threaten the very existence of the communities that have depended on natural resources and have preserved them for centuries.

Another major threat of displacement in the state of Jharkhand is the implementation of the Koel-Karo Hydro-Power Project. The Koel-Karo area is about 80 kms from Ranchi, it is in the south-west region of Ranchi district. The implementation of the project has been stalled for over three decades because of the tribal people's movement against the project; it is one of the oldest power projects in the country. Initially during the year 1973-74, the people demanded the employment of the local people in the construction work of the dam. The people were then not informed of the submergence and the displacement that would result from the construction of the dam. After the people learned of the consequences they immediately stopped all construction work relating to the project in the year 1974-75. The people's movement against the construction of the dam consolidated under the name of the organization 'Koel-Karo Jan Sanghathana', the movement has now been going on for over three decades.

The irony however is that the movement has not really entered into the mainstream national discourse. The reason for this is that the mainstream national media has not given sufficient coverage to this issue.

In spite of all the hope that with the implementation of various development projects development would take place in various sectors like infrastructure development, health, education etc. Jharkhand still ranks poorly in terms of most social and economic indicators. It can thus be said that industrialization in Jharkhand has in no way contributed to the well being of the tribal people and to raising their standard of living; it has only worsened the situation by displacing a large number of people and depriving them of their basic right of occupation of their lands, keeping in mind the limited means that the tribal people have to work their way up the socio-economic ladder.

The exploitation of the people over the years has resulted in widespread turmoil amongst the tribal people. In fact tribal politics in India, by and large can be described as the politics of resistance, a long struggle against the violation of tribal rights on water, forest and land. Various movements like the forest andolan in Singhbhum against the planting of teak and the commercialization of forests, movements against the construction of big dams like Koel-Karo, Subarnarekha are central to the politics in the state. The movement for the creation of the separate state of Jharkhand was to make way for local people to regain control over the resources of the state, however the government of Jharkhand with the industrial policy of 2001 is geared to follow the same path of so called development.

The recent signing of MoUs by the Jharkhand government indicates the fact that we are heading on the same path again. The government hopes through the Industrial Policy of Jharkhand 2001 that the downward filtration theory would work and industrialization would lead to the development of the state and the welfare of its people. However our past is witness to the fact that mere industrialization has never led to development, what is required is various measures by the government to lead the path to development. The Jharkhand government has signed about forty-two MoUs with several companies and needs about 60,000 acres of land for the various projects. The bringing of private players in to the state is no result of desiring development for national interest; it is only in the interest of the rich capitalist class who wish to make profits by making use of the cheap and abundant opportunity available in the state. Moreover the government has made such a big decision without putting into place a proper resettlement and rehabilitation policy. It is an irony that the miseries of the local people that was responsible for the demand and the creation of the new state, is only going to be furthered if the government goes ahead with its plan as laid down in the Industrial Policy 2001.

It is to be remembered that out of Jharkhand's 22 districts, 12 fully and two partially comprise scheduled areas. Displacement of the tribal people in these areas require special attention, mere grant of monetary compensation as seen in the past does not guarantee the well being of the tribal people. What is required is the resettlement of the people and a guaranteed share in the benefits arising out of the development projects. The omission to do the same would be the failure of the State to uphold the constitutional goal of the welfare of the tribal people.

As stated earlier the Land Acquisition Act contains no provisions for rehabilitation of the displaced people and ironically the country till date does not have a central legislation to address the issue of resettlement and rehabilitation of the people affected by the various development projects, there however exists a National Policy on Resettlement and Rehabilitation (2004), without the backing of any legislative and statutory powers.

However there have been legislations with this regard in certain states though not holistic. In 1985 the Madhya Pradesh government enacted a law for resettlement and rehabilitation that did not apply to central government projects but to irrigation and power projects of the state, Karnataka also enacted a rehabilitation law in 1987 with the same limitations as that of Madhya Pradesh.

In the absence of a law on relief and rehabilitation, rehabilitation policies have been implemented from

project to project, wherein the nature of rehabilitation depends on the voluntary undertaking of the company and does not depend on a set of rules and regulations which address the issues of the displaced people and this gives rise to several problems. For e.g. the NALCO Project in Damanjodi (Orissa), which has been set up decades ago, is yet to complete its rehabilitation activities properly.

Thus there is need to put into place a central legislation which provides for the resettlement and rehabilitation of the people displaced by development projects all over the country, keeping in mind that it is the lowest rung of society that is affected by it and unless this basic right is protected every effort made to improve the socio-economic condition of the downtrodden is futile. The reason for the absence of such an important enactment is obviously lack of political will. The near future doesn't seem to be bright either, the Common Minimum Programme of the UPA government does not speak of rehabilitation of the people affected by development projects.

The recent turn of events raises the important issue of displacement in the scheduled areas, which have been protected by the Constitution and the land rights of the tribal people, which have been protected by various legislations. The question that arises is whether it would be just to displace the tribal people for development projects, which do not in any way contribute to their well being, as has been seen in the past. Acquiring land for development projects without providing for resettlement violates the basic rights of the tribal people, displacing the tribal people without providing for their resettlement deprives them of their basic right of occupation of their land which results in several problems like deprivation of their means of livelihood, migration to other places in search of work and living in poor conditions there, all of this just goes to show that displacement worsens the current position of the people. Since the need to provide special protection to the tribal has been recognized it would be an irony that when they are made to sacrifice to contribute for national development, their rights are completely violated and they are deprived even of their due basic r