

Navigating Rights and Realities of...

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[Walter Fernandes](#) has written extensively on [displacement due to government policies](#). He often discusses the lack of official statistics on displaced persons and project-affected persons, highlighting the routine distortions in compensation and **the struggles of affected people**.

What is Displacement in India?

Displacement has become an increasingly common issue in India, a country that is rapidly urbanizing and developing its infrastructure. As the government pursues large-scale projects like dams, highways, urban renewal, and industrial development, the question of where and

how these projects take place often comes at a high human cost. For millions of poor and marginalized communities, these developments mean more than just progress; **they signal the loss of homes, livelihoods, and a way of life.**

[The scale of displacement in India is staggering. According to various estimates, over 60 – 65 million people have been displaced due to development projects since independence.](#) These projects, while crucial for the nation's growth, often disproportionately affect the poor tribal populations, small farmers, and urban slum dwellers, who are left to bear the brunt of the consequences. For these communities, displacement isn't just about losing physical space; it's about losing their social networks, cultural ties, and economic stability.

While the Indian government has introduced laws and policies aimed at safeguarding the rights of those displaced, the implementation of these measures has been inconsistent and often inadequate. The result is a complex landscape where the promise of fair compensation and rehabilitation is frequently unmet, leaving displaced people to navigate a challenging reality of uncertainty and hardship.

In the face of such challenges, the resilience of displaced communities stands out. Yet, their struggles also underscore the urgent need for a more compassionate approach to development, one that balances the demands of progress with the rights and dignity of all citizens, especially the most vulnerable. As India continues to grow, the question remains: **how can the country ensure that its development path is inclusive and just for all its people?**



Understanding the Legal Framework for Displacement in India: What are the laws governing this aspect?

In India, the displacement of people due to government-led development projects is governed by a complex legal framework aimed at balancing the needs of development with the rights of those affected. Over the years, the government has introduced several laws and policies to protect the rights of displaced individuals and communities, ensuring fair compensation, rehabilitation, and resettlement. However, the effectiveness of these measures often varies in practice.

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

The cornerstone of India's legal framework for displacement is the [Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 \(LARR Act\)](#).

This law replaced the colonial-era Land Acquisition Act of 1894 and was a significant step forward in providing more comprehensive protections for those affected by land acquisition.

[Key provisions of the LARR Act include:](#)

1. **Fair Compensation:** The Act mandates that landowners and those whose livelihoods depend on the land (such as tenant farmers and workers) receive fair compensation. Compensation must be at least four times the market value in rural areas and two times in urban areas.
2. **Consent:** For land acquisitions involving private companies, the Act requires the consent of 80% of the affected families. In the case of public-private partnerships, 70% consent is required. This provision empowers communities and ensures that their voices are heard in the acquisition process.
3. **Social Impact Assessment (SIA):** Before land acquisition can proceed, the Act mandates a Social Impact Assessment (SIA) to evaluate the potential effects on the community, including the impact on livelihoods, culture, and the environment. The SIA must involve public hearings and consider the concerns of the affected people.
4. **Rehabilitation and Resettlement (R&R):** The Act emphasizes the need for proper rehabilitation and resettlement of displaced families. It requires the government to prepare a detailed R&R plan that includes provisions for alternative housing, employment opportunities, and access to basic amenities like education and healthcare.
5. **Special Provisions for Marginalized Groups:** The LARR Act recognizes the particular vulnerabilities of Scheduled Castes, Scheduled Tribes, and other marginalized communities. It includes special provisions to ensure that these groups are adequately protected during the land acquisition process, including safeguards for their cultural heritage and traditional rights.

[Challenges and Gaps in Implementation](#)

While the LARR Act represents a significant improvement over previous laws, its implementation has faced several challenges:

1. **Inconsistent Application:** The Act's provisions are not always uniformly applied across different states and projects. In some cases, land acquisition has proceeded without adequate consultation or proper compensation, leading to conflicts and prolonged legal battles.
2. **Delays in Compensation and Resettlement:** Even when compensation and resettlement packages are promised, delays in their delivery are common. This can leave displaced families in limbo, struggling to rebuild their lives without the resources they were promised.

3. **Lack of Awareness:** Many displaced individuals, particularly those from marginalized communities, are not fully aware of their rights under the LARR Act. This lack of awareness can lead to exploitation and inadequate compensation.
4. **Exemptions and Amendments:** Over time, various state governments have sought to amend or bypass the LARR Act to expedite land acquisition, often citing the need for faster development. These amendments can dilute the protections offered by the original Act, leaving displaced communities more vulnerable.

Other Relevant Laws and Policies

In addition to the LARR Act, several other laws and policies also play a role in governing displacement in India:

- [**The Forest Rights Act, 2006**](#): This law recognizes the rights of forest-dwelling communities to land and resources that they have traditionally used. It is particularly relevant in cases where development projects affect tribal lands.
- [**The National Rehabilitation and Resettlement Policy, 2007**](#): This policy outlines the government's approach to resettlement and rehabilitation, emphasizing the need for a humane and transparent process.

Displacement Examples of Indian Poor People: How does it feel to get displaced from your own home?

In India, the displacement of poor communities due to development projects has sometimes led to severe consequences, exacerbating their hardships rather than alleviating them.

One prominent example is the displacement caused by the **Narmada River Valley Project**. [The construction of the Sardar Sarovar Dam on the Narmada River displaced over 200,000 individuals, primarily from tribal and rural backgrounds.](#) These communities, who had lived off the land for generations, were promised resettlement and compensation. However, many faced significant issues with inadequate compensation, and their new settlements were often poorly equipped with basic amenities. The loss of fertile land and access to the river, which was crucial for their agriculture and daily needs, severely impacted their livelihoods. [Despite extensive protests led by the Narmada Bachao Andolan, many displaced individuals continue to face economic instability and struggle with the loss of their traditional way of life.](#)

Another stark example is the **demolition of the Yamuna Pushta slums** in Delhi in 2004. The government's decision to clear these slums was part of a broader urban development plan, including preparations for the Commonwealth Games. Approximately 150,000 people were displaced as a result. The demolition led to their relocation to resettlement colonies on the city's outskirts, far from their previous neighbourhoods and workplaces. [These new areas were often devoid of essential infrastructure such as water, electricity, and sanitation. The abrupt displacement caused immense disruption, with many families finding themselves in poverty, struggling to adapt to their new environments, and experiencing the detrimental effects of losing their previous social networks and economic opportunities.](#)

The displacement of poor communities for large-scale projects often reflects a pattern where the promises of development fail to account for the immediate needs and rights of those affected. These instances underscore the need for more thoughtful and equitable approaches to development, ensuring that the benefits of progress do not come at the expense of the most vulnerable members of society.

The News: What is Nazul Bill 2024?

In the landscape of India's rapid urbanisation and development, displacement due to government policies is an all-too-common reality. While the promise of progress is often cited as the driving force behind these policies, the human cost of such actions can be profound. The recent passage of the [Uttar Pradesh Nazul Properties \(Management and Utilization for Public Purposes\) Bill, 2024](#), brings this issue to the forefront, highlighting the delicate balance between development and the rights of long-standing communities.

The U.P. Nazul Properties Bill, passed in the Uttar Pradesh Vidhan Sabha, aims to regulate Nazul land, which are government-owned properties not directly managed as state property. The Bill seeks to prevent the conversion of these lands into private ownership, ensuring they remain under government control. While the intent may be to protect public assets, the legislation has ignited a firestorm of controversy, [both within the government and among the public](#).

Nazul land has a complex history dating back to the British colonial era when large tracts of land were taken from defeated kings and other local rulers. [After independence, these lands were often left without clear ownership, and over the decades, many have been leased out or occupied by people who have lived there for generations.](#) **The new Bill threatens to upend the lives of these residents, who face the possibility of displacement as the government moves to reassert control over these properties.**

[The passage of the Bill has exposed significant fractures within the ruling National Democratic Alliance \(NDA\) in Uttar Pradesh.](#) Prominent allies, including Apna Dal leader and Union Minister Anupriya Patel, and NISHAD Party chief Sanjay Nishad, have voiced strong opposition to the legislation. Patel took to social media to describe the Bill as “unnecessary” and “against public sentiments,” calling for its immediate withdrawal. Nishad echoed these concerns, warning that displacing people who have lived on Nazul land for 70-80 years could have dire political consequences in the 2027 elections.

The fears expressed by Patel and Nishad are not unfounded. For many of the poor and marginalized people living on Nazul land, the prospect of losing their homes is a devastating blow. These communities have built their lives on these lands, often in the absence of formal ownership but with a sense of stability, nonetheless. The threat of displacement not only disrupts their daily lives but also poses a significant challenge to their economic and social well-being.

Amidst the political turmoil and public outcry, the **resilience of these communities stands out**. For those at risk of displacement, the focus is now on finding ways to cope with the uncertainty and advocating for their rights. Community leaders and activists are rallying to ensure that the voices of the affected are heard and that any relocation or resettlement efforts are conducted with fairness and compassion.

As the debate over the U.P. Nazul Properties Bill continues, **it serves as a poignant reminder of the human cost of government-led relocation**. While development is essential for progress, it must not come at the expense of those who have already endured so much. The resilience of these communities in the face of potential displacement is a testament to their strength, but it is also a call to action for policymakers to consider the full impact of their decisions on the lives of ordinary people.

To Sum Up

The displacement of poor communities in India due to government policies and development projects reveals a profound tension between progress and human rights. The recent controversy surrounding the Uttar Pradesh Nazul Properties Bill, 2024, highlights this issue, demonstrating the delicate balance between urban development and the welfare of long-standing residents. While the quest for growth and modernization is crucial for national advancement, it must be tempered with compassion and respect for those who bear the brunt of such changes. Ensuring fair treatment, adequate compensation, and genuine consideration of displaced people's needs is essential for a just and inclusive development process. **The resilience of these communities underscores the urgent need for a development approach that truly values and protects every citizen's rights and dignity.**

About The Author



My name is Sakkcham Singh Parmaar. Currently, I am pursuing a B.A.LL.B (HONS.) at Jindal Global Law School, O.P. Jindal Global University, Delhi NCR. I am deeply passionate about legal research, recognizing its importance in a legal career. As a sophomore, I am eager to

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