

**POLAVARAM PROJECT: A STUDY ON REHABILITATION  
AND RESETTLEMENT PACKAGE AND THE PLIGHT OF  
ADIVASIS**

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## **List of Abbreviations**

ASHA: Association for Social and Humanize Action

INR: Indian Rupees

GS: Gram Sabha

LAA: Land Acquisition Act, 1894

LARR: Land Acquisition, Rehabilitation and Resettlement Act, 2013

MRO: Mandal Revenue Officer

PAP: Project Affected People

PESA: Panchayat Extension to Scheduled Areas Act, 1996

PVTG: Particular Vulnerable Tribal Groups

ROFR: Recognition of the Forest Rights Act, 2006

R&R: Rehabilitation and Resettlement Package

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## **Introduction**

“Water is a zone where our inequalities stand naked”, said P. Sainath in one of his speeches. Polavaram Dam, the largest dam construction in the country; largest not only in terms of its humongous dimensions but also in terms of the number of people the construction of the dam displaces. The project has also achieved the status of Central Project under Andhra Pradesh Reorganisation Act, 2014. With every inch of its construction, acres of land will be submerged while swarms of indigenous people will have no where to go. Andhra Pradesh has been hit by the bifurcation blues and is haunting the tribal people and adivasis in the East Godavari district. With no survey for relief and rehabilitation package, the Adivasis are only living in ambiguity with no growth or hope for future. Agreed that the dam construction yields benefit to the irrigation projects, hydro power, drinking water, navigation, etc. but the other side of the coin holds the bitter truth of displacement of thousands of people, submergence of land including forests, a major hit to the biodiversity. The dam is precisely to interlink Godavari and Krishna rivers, which according to environmentalists is detrimental in the longer run, as it would affect the monsoon cycle and the natural process of rivers flowing into the ocean. There has been a lot of criticism from the opposition parties, civil society activists and environmentalists but nothing seems to stop the Andhra Pradesh government from building the largest dam in the country.

Past experiences have clearly portrayed that the construction of dams come with a huge loss and cost to natural habitat and disrupts the normalcy of the people living in the regions. Yet, the government is focusing on larger dams and improved technology against the plight of the Adivasis and their voices remains unheard. Polavaram Dam is expected to displace and cause more impairment than Narmada’s Sardar Sarovar project. In the given report, the Law and Policy components of the Polavaram dam is covered extensively backed by research data from our field visit from National Law School of India University to Chinturu, one of the mandals in the East Godavari district, Andhra Pradesh. The mandal along with the surrounding villages will be completely submerged once the dam is constructed. While the government is doing everything in their power to catalyze and hasten the construction, the Adivasis are moving one step closer to a despair and bleak future. In the given report, we have collected data from the Chinturu Mandal and have taken insights from the village Panchayat, the adivasis, officials in the bureaucracy with the help of ASHA Foundation

(Association for Social and Humanize Action) who have been working relentlessly in this field and are striving towards providing the Adivasis a deserving future.

It is quite distressing to realize that these mandals will no longer exist in the near future and only time will tell what will be done with the tribals. Our interaction has been fruitful in understanding how there has been violations of Forest Rights Act, heavy misinterpretation of LARR and how the Resettlement & Rehabilitation package has been mitigated and the fundamental rights of these Adivasis have been compromised.

## **1. Displacement: From Colonial State to the Present**

This section provides a brief overview of displacement during the colonial period through the post-independence period. It speaks about absolute displacement figures along with a break-up along social groups that have borne the cost of displacement.

### **1.1 Colonial State**

Displacement induced by state action during the colonial period was primarily brought about using the instrument of the Land Acquisition Act, 1894. The LAA is based on the principle of state's eminent domain. Two important operational components of this act with wide ranging consequences were (a) all natural resources and land without titles belong to the state and (b) the state alone had the right to define 'public purpose' and deprive individuals of their land. The act did not have any provisions for a humane resettlement and rehabilitation for Project Affected People (PAP). The act brought about process-induced displacement to a large section of Dalits and tribal. Studies done on this period points to a situation where displaced peoples were reduced to bonded and indentured laborers.

### **1.2 Post-Independent State**

The colonial LAA continued during the post-independence period. The independent Indian state went through with a massive infrastructure build-up mainly in the form of dams but also mining, power stations, defence installation, etc. The estimates of the PAP during this period, stands at a staggering 10 million. The states, which have had highest number of displaced peoples, include Andhra Pradesh, Bengal and Gujarat. Water related projects such as dams and irrigation projects are the highest contributors to displacement with an estimated 7

million peoples being displaced (refer Table 1).

**Table 1: Number of displaced people since Independence**

| State/Year   | 1951-1995      |                |               |                | 1947-2000      |                | 1947-04        | 65-95        | Total           |
|--------------|----------------|----------------|---------------|----------------|----------------|----------------|----------------|--------------|-----------------|
|              | Andhra         | Jharkhand      | Kerala        | Orissa         | Assam          | Bengal         | Gujarat        | Goa          |                 |
| Water        | 1865471        | 232968         | 133846        | 800000         | 448812         | 1723990        | 2378553        | 18680        | <b>7602320</b>  |
| Industry     | 539877         | 87896          | 222814        | 158069         | 57732          | 403980         | 140924         | 3110         | <b>1614402</b>  |
| Mines        | 100541         | 402882         | 78            | 300000         | 41200          | 418061         | 4128           | 4740         | <b>1271630</b>  |
| Power        | 87387          | NA             | 2556          | NA             | 7400           | 146300         | 11344          | 0            | <b>254987</b>   |
| Defence      | 33512          | 264353         | 1800          | NA             | 50420          | 119009         | 2471           | 1255         | <b>472820</b>   |
| Environment  | 135754         | 509918         | 14888         | 107840         | 265409         | 784952         | 26201          | 300          | <b>1845262</b>  |
| Transport    | 46671          | 0              | 151623        | NA             | 168805         | 1164200        | 1356076        | 20190        | <b>2907565</b>  |
| Refugees     | NA             | NA             | 0             | NA             | 283500         | 500000         | 646            | Nil          | <b>784146</b>   |
| Farms        | NA             | NA             | 6161          | NA             | 113889         | 110000         | 7142           | 1745         | <b>238937</b>   |
| Hum Res.     | NA             | NA             | 14649         | NA             | 90970          | 220000         | 16343          | 8500         | <b>350462</b>   |
| Health       | NA             | NA             | NA            | NA             | 23292          | 84000          | NA             | 1850         | <b>109142</b>   |
| Admin        | NA             | NA             | NA            | NA             | 322906         | 150000         | 7441           | 3220         | <b>483567</b>   |
| Welfare      | 37560          | 0              | 2472          | NA             | 25253          | 720000         | 20470          | NA           | <b>805755</b>   |
| Tourism      | 0              | 0              | 343           | 0              | 0              | 0              | 26464          | 640          | <b>27447</b>    |
| Urban        | 103310         | 0              | 1003          | NA             | 1241           | 400000         | 85213          | 1750         | <b>592517</b>   |
| Others       | 265537         | 50000          | 0             | 100000         | 18045          | 0              | 15453          | 840          | <b>449875</b>   |
| <b>Total</b> | <b>3215620</b> | <b>1548017</b> | <b>552233</b> | <b>1465909</b> | <b>1918874</b> | <b>6944492</b> | <b>4098869</b> | <b>66820</b> | <b>19810834</b> |

Source: Extracted from *Development-Induced Displacement: The Class and Gender Perspective*, Walter Fernandes

In terms of social groups, tribals and dalits have been disproportionately affected. For instance, tribes constitute 8% of the population while their share in displacement figure stands at nearly 30%. Andhra Pradesh, Gujarat, Jharkhand and Odisha have the highest figures of displaced tribals (refer Table 2).

**Table 2: Caste/Tribe break-up of displaced peoples for some states**

| State     | Tribals        | %            | Dalits         | %            | Others         | %            | NA             | %            | Total           |
|-----------|----------------|--------------|----------------|--------------|----------------|--------------|----------------|--------------|-----------------|
| Andhra    | 970654         | 30.19        | 628824         | 19.56        | 1467286        | 45.63        | 148856         | 04.63        | <b>3215620</b>  |
| Assam     | 416321         | 21.80        | NA             | NA           | 609015         | 31.90        | 893538         | 46.30        | <b>1918874</b>  |
| Goa       | NA             | NA           | NA             | NA           | NA             | NA           | 66820          | 100          | <b>66820</b>    |
| Gujarat   | 1821283        | 44.43        | 462626         | 11.29        | 1791142        | 43.70        | 23818          | 0.58         | <b>4098869</b>  |
| Jharkhand | 620372         | 40.08        | 212892         | 13.75        | 676575         | 43.71        | 38178          | 02.47        | <b>1548017</b>  |
| Kerala    | NA             | NA           | NA             | NA           | NA             | NA           | 552233         | 100          | <b>552233</b>   |
| Orissa    | 616116         | 40.38        | 178442         | 11.64        | 671351         | 48.01        | 0              | 0            | <b>1465909</b>  |
| W. Bengal | 1330663        | 19.16        | 1689607        | 24.33        | 2566223        | 36.95        | 1357999        | 19.55        | <b>6944492</b>  |
| Total     | <b>5775409</b> | <b>29.15</b> | <b>3172391</b> | <b>16.01</b> | <b>7781592</b> | <b>39.28</b> | <b>3081442</b> | <b>15.55</b> | <b>19810834</b> |

*Source: Extracted from Development-Induced Displacement: The Class and Gender Perspective, Walter Fernandes*

## **2. Understanding the Rehabilitation and Resettlement Package**

Understanding the grievous misinterpretation of the R&R package is an imperative part of the Polavaram dam construction. With a submergence threat to 276 villages, which includes the displacement of 2-5lakh Girijans (PVTG). The Polavaram dam has become a nightmare for the tribals in Chinturu Mandal. With the construction underway, the development of the districts that will be submerged has been completely blocked. While the adivasis have no access to health or education, the primary school children attend school in a dilapidated school building, which will not take more than two showers of rain to collapse to the ground. For a long time, the Panchayat of Chuturu village has been trying to voice their opinions and concerns that have fallen on deaf ears. The R&R package comes with huge promises and no substantial implementation. While the government official records shows the consent of the

gram sabhas in reality it has a different picture. The adivasis are despondent at the blatant cheating and double standards of the administration. As per the LARR, prior to any developmental intervention a prior survey needs to be conducted and the R&R package should be calculated accordingly. It is only after the R&R package is formulated; dam construction work gets a green signal. However, in this case, neither the survey nor the consent has been taken from the tribal hamlets and the entire R&R package is flawed in its implementation. The harsh reality reiterates the difference between *what ought to be done* vs *what is being done*. While the R&R package promises ‘developed’ and sustainable lifestyle, the reality holds a different story.

As per the LARR, each farmer is entitled to land-to-land compensation and beyond the limit of acres, a monetary compensation is promised. However, the bureaucracy has clearly failed in determining the value of land and the adivasis are entrapped into false promises.

**Table 2: Land and Monetary Compensation Schemes as mentioned in LARR Act, 2013**

| <b>Compensation</b>   | <b>Land-to-Land</b> | <b>Cash</b>             |
|-----------------------|---------------------|-------------------------|
| Before 2013           | First 6 Acres       | 1,15,000 over 6 acres   |
| After 2013 (LARR Act) | First 2 ½ Acres     | 7,50,000 over 2 ½ acres |

Table 2 provides the format of compensation while the market value of the land stands at INR 10, 50,000. During our field research, we have understood that only 20 families in Chuturu village have received the compensation in 2009 and each family got a compensation of INR 1,15,000. Now, the government is denying a fair compensation against the LARR to the remaining families. The MRO has a hand in the compensation anomalies, if two brothers hold 10 acres of land; the local bureaucracy divides the land into 5 acres each and reduces their claim on monetary compensation. There is a strong likelihood of the PAP get land-to-land compensation in a place close to their village. While this is the plight of the adivasis who have land, the D-form patta holders have no hopes since the land already belongs to the government that they are cultivating on. The government is yet to complete the land-to-land compensation. There is no land to spare and here a question arises as to from where will the government acquire such huge lands. The farmers cannot be given wastelands or lands where other farmers are already cultivating since that will only lead to more chaos. The adivasis are

hardly left with any choice, with all the development at halt and a bleak future ahead; they are all set to migrate to the cities. When the adivasis have shown the government forestlands (for compensation) with resources that can be used for cultivation, the government had a ready-made negative response since it is forestland and they hold no authority of distribution. What infuriates the villagers more is the fact that while development had been totally curbed in these villages; there is a 4-lane road construction undertaken till Papikondalu (which is also likely to be submerged). The profit seeking political bureaucracy has also done a full-fledged survey on granite lands that will be submerged. With no proof of documents or family tree (since the land is ancestral), it is a herculean task for the adivasis to prove their landholdings at the hands of the contempt of the local bureaucracy

### **3. Legal Perspective**

#### **3.1. Land Alienation & Local Governance: Twin Challenges**

One of the Key pieces of legislation that stands between the tribal populations living in scheduled areas and genuine local governance is the Panchayat Extension to Scheduled Areas Act, 1996 (PESA). This federal act covers scheduled areas in 10 states-Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan and Telangana. The act, passed in 1996, seeks to formalize the governance structure at the village level by devolving substantial powers to (a) preserve and safeguard their customs, community resources, customary mode of dispute resolution and (b) plan and execute social and economic projects for the wellbeing of the community.

Land relations in scheduled areas are regulated by the Vth schedule of the constitution and are not alienable. PESA, specifically empowers the village/gram sabha with-

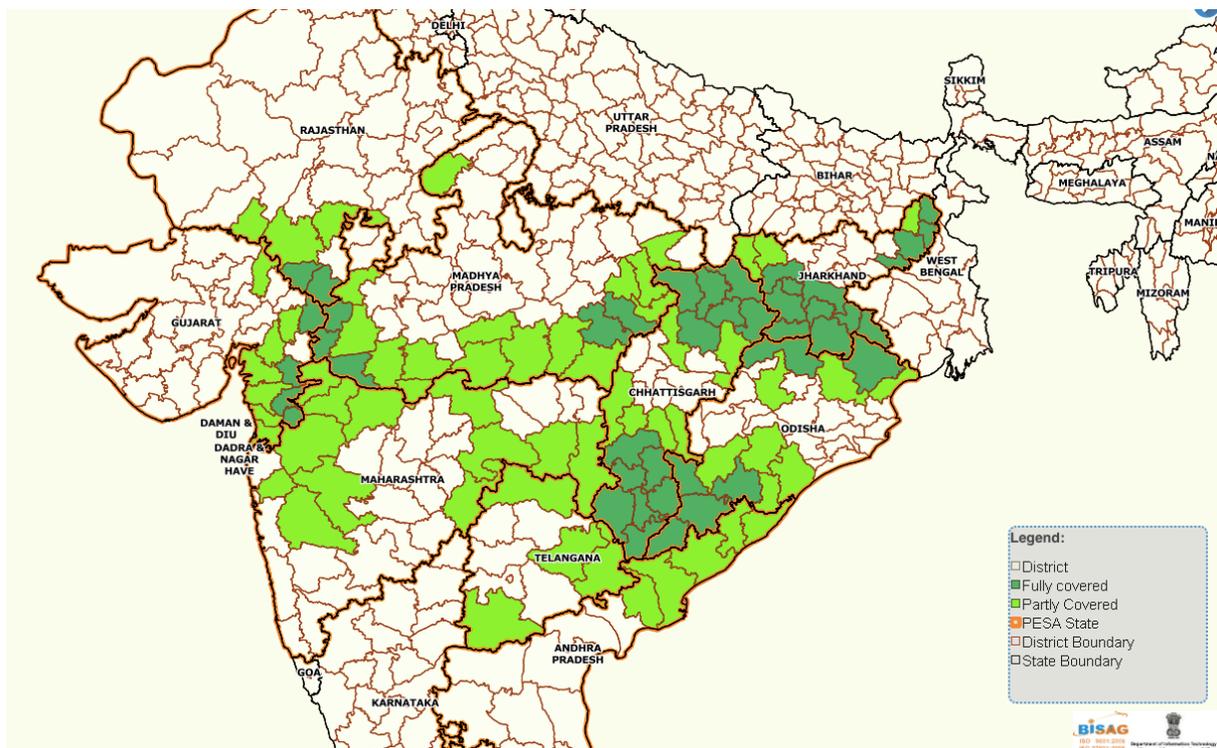
- The right to mandatory consultation in land acquisition, resettlement and rehabilitation of displaced persons (Section 4)
- Prevent land alienation and restore alienated land (Section 4)

These provisions make the gram sabha (GS) an important stakeholder when it comes to acquisition of land by government bodies for development purpose. So, the capacity of GS to be a deliberative body that can actively engage with the government for the purpose of consultation, resettlement and rehabilitation is key.

### 3.2. State of Local Bodies in Andhra Pradesh with special reference to Chinturu

The implementation of PESA in letter and spirit has happened in only a few places. Data from the government indicates that the act is sparingly implemented. Except for a few sub-regions in Chhattisgarh, Jharkhand, West Bengal, Madhya Pradesh and Gujarat the act is not fully implemented. The government's own classification of the regions under the act indicates that it is only partially implemented in Andhra Pradesh.

**Figure 1: Implementation of PESA across the country**



*Source: Extracted from Pesadarpan website*

Our field research was revealing in this respect. The formal structure of the sabha was certainly formed in most of the villages that we visited. But, participation in the proceedings of the GS is not active. In many cases people reported that they are summoned to the meeting on the behest of the local bureaucrat like the mandal revenue officer or the village president and mostly spend the time listening. The frequency of such meetings ranges from anything between once in three months to a year. The issue related to GS is captured in the table 3.

**Table 3: Mobilization for meetings by the Gram Sabha**

| <b>Villages</b>                               | <b>Mobilization for Meeting</b>                                | <b>Frequency of Meeting</b> | <b>Nature of participation</b>       | <b>Key Impediments</b>                                       |
|---|--|-----------------------------|--------------------------------------|--|
| Mukhnoor,<br>Mamaliguedem,<br>Chatti, Chuturu | Generally people mobilized by village president/Mandal Officer | 3-6 months                  | Ratifying forum and not deliberative | Presence of local bureaucrats impeded free exchange of ideas |

Source: From field study

### **3.3. Salience of Local Governance to the Polavaram Issue**

PESA is a key instrument to negotiate with the displacement inflicted by the Polavaram dam. The legislation empowers the GS to engage and negotiate with the government. But this possible only when the GS is free to function and take decisions that will be honored by the administration. Another dimension to this issue is, how to make the formal institution of GS a truly deliberative body with the participation of everyone in the village. This second dimension is especially important to safeguard the interests of vulnerable groups within the village.

### **3.4. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of the Forest Rights) Act, 2006**

The ROFR recognises the forest rights and occupation in forest land by the forest dwelling Schedule Tribe and other traditional forest dwellers who have been residing in such forests for generations. The legislation entitles the forest dwellers both individual and community forest rights. It is clearly mentioned in the legislation, that the Scheduled Tribes and the other traditional forest dwellers are entitled to pattas or land titles.

As of the ROFR, it is the gram sabhas who make vital decisions in due respect of the existing community forest rights of the adivasis. The gram sabhas in the Polavaram project affected area had come in consensus to the fact that the forest region would be submerged due to the ambitious irrigation project. These claims are still pending with the state's divisional and sub-divisional level committees and no concrete action has been taken on this issue. Rather with the state bifurcation of Andhra Pradesh and Telangana, the government of Andhra Pradesh is spearheading this project, determinedly disregarding all sensible objections from the affected

locals. The tribal are being deprived of the Constitutional protection and privilege of special laws.

Table 4 does an in-depth evaluation of the fallacies in implementation of the forest rights of the indigenous people of the Chintur Mandal of East Godavari district in Andhra Pradesh.

**Table 4: Negligence of the ROFR**

| Issues Relating to ROFR                       |   |  |
|---|---|--|
| Pattas or Land Titles                         | <ul style="list-style-type: none"> <li>The indigenous people are not aware of their entitlement to land.</li> <li>The local authority in many of the places have not taken the initiative to provide the necessary ROFR pattas</li> </ul>   |  |
| Provision of Basic Infrastructure             | <p>Like any other place within the country the villages in the jungle are eligible for amenities, such as</p> <ul style="list-style-type: none"> <li>Primary health centre</li> <li>Schools</li> <li>Drinking Water Supply</li> <li>Proper road connectivity</li> </ul> <p>No developmental work has been undertaken since it is been considered that the tribal hamlets will get submerged in the near future.</p> |  |
| Transgressions in ROFR (Implementation Stage) |   |  |
| Transgression Type                            | Description   | ROFR Act, 2006 provisions  |
| Consent of Gram Sabhas                        | <ul style="list-style-type: none"> <li>In order to go ahead with a particular project in a forest area, getting the consent of the gram sabha is a vital facet.</li> </ul> <p>In the case of the Polavaram irrigation project this salient feature of ROFR act has been neglected.</p>  | Section 6 gives credence to the decisions made by the gram sabhas. |

|  |   |               |
|--|---|---------------|
| Recognition of Forest Rights (ROFR) Land | <ul style="list-style-type: none"> <li>• Clear demarcation of ROFR land has not been done.</li> <li>• There wise proper compensation claims cannot be made</li> </ul> | Section 3(1)  |
| Community Resource Rights                | Clarity regarding land titles for the community forest resource is misty.   | Section 3 (1) |

### **3.5 Land Acquisition, Rehabilitation and Resettlement Act, 2013**

The LARR in consensus with the local self-government envisions to establish a participative and transparent process for land acquisition for industrialisation and development of essential infrastructural facilities. The intention is to cause least disturbance to the affected families and provide a just compensation. The act also outlines the aspect of making adequate provisions for the rehabilitation and resettlement of the affected household.

But the execution of the LARR Act, 2013 has lapsed in several aspects in the case of the Polavaram multipurpose project. Table 5 gives a concise understanding of the transgression taken place in each and every villages which are to be submerged due to the ambitious Polavaram project. As per the Schedule II of the act, special provisions exist for the landless farmers and fishing community. The act also has the basic provisions outlined for the resettlement colonies which needs to be provided to the affected families. During our field work, we came upon the fact that the tribal were not aware of many of the provisions mentioned in the act. They have been literally left in the lurch by the Government of Andhra Pradesh. The whole procedure of compensating and resettling the natives of the place is improperly executed. In a nutshell, the negligence of the LARR Act, 2013 is causing a painful existence for the tribal as they are being socially, economically and culturally uprooted from the place they always knew to be their home.

**Table 5: Anomalies of the LARR Act, 2013**

| Issues Relating to Rehabilitation & Resettlement (Pre-Implementation Stage) |   |   |
|---|---|---|
| Land Survey   | <p>There is a dearth of information regarding individual plots &amp; ownership details</p> <ul style="list-style-type: none"> <li>• Lacks clarity on the status of the land titles</li> <li>• Discrepancies in the technicalities followed in survey of land. In few villages, it has been determined that few households will submerge and others will not.</li> </ul> |   |
| Notification under 1894/2013 Acts   | <p>The challenge of implementing R&amp;R package under the existing act and the old act</p> <ul style="list-style-type: none"> <li>• Submergence areas notified prior to 2013 are compensated under 1894 Act &amp; after 2013 under the LARR, 2013 act</li> <li>• Brings up issues relating to equity and justice</li> </ul>  |   |
| Transgressions in LARR, 2013 (Implementation Stage)                         |   |   |
| Transgression Type  | Description   | LARR Act, 2013 provisions   |
| Land Valuations   | Compensatory land prices offered to the villagers are arbitrary and range from INR 1.15L-7.5L   | Section 26 of the act stipulates that market price of the land needs to be determined |
| House for Landless  | The entitlement of INR 50,000 to the landless is not forthcoming and in many cases the landless are unaware of their rights   | Schedule II of the act  |
| Subsistence Grant / Resettlement Allowance                                  | There is no awareness regarding the annual grant of INR 50,000 toward subsistence grant and resettlement allowance  | Schedule II of the act  |
| Fishing Rights  | No clarity on fishing rights for communities dependent on fishing as a scope of livelihood  | Schedule II of the act  |
| Resettlement Infrastructure   | Basic amenities in resettlement area such as roads, primary health  | Scheduled III of the act  |

|  |  |  |
|--|--|--|
|  | centres, primary schools, etc. are not operational (E.g. , Devipatnam) |  |
|--|--|--|

#### 4. Government's Perspective

Post bifurcation of Andhra Pradesh, the newly appointed state government had demanded for national status to be conferred on the ambitious Indirasagar multipurpose irrigation project. The irrigation project has very recently received the national status and all the vital decisions regarding the project is taken by the Central Water Commission (CWC), an apex organization of the Ministry of Water Resources, River Development & Ganga Rejuvenation. The project area is mostly situated in the tribal agency of Andhra Pradesh. There wise at the state level the project is administered by the Integrated Tribal Development Agency (ITDA). We had interacted with the ITDA officials at Yerampet and Rampachodavaram respectively to get an unbiased understanding of the accomplishment of the rehabilitation and resettlement (R & R) package of the project. The state government intends to complete the Polavaram dam construction by 2018. This has generated a huge confidentiality and aggressiveness in the project. Because of the high confidentiality of the project, the officials at the ITDA, Yerampet did not divulge any information about the R & R package. We then approached the higher officials in the ITDA, Rampachodavaram. The officials provided with certain useful insights about the irrigation project. Table 6 gives inputs pertaining to the execution of the Polavaram Irrigation Project. Several information provided by the government officials contravenes with that of the indigenous people we interviewed. The government paints a rosy picture on one hand and, on the other hand the exasperation of the tribal populace for being uprooted from their home was clearly evident.

**Table 6: Governmental insights on Polavaram Irrigation Project**

|   |   |
|---|---|
| Tentative Deadline of the Completion of the Project | 2018  |
| Reduction in the Dam Height                         | <ul style="list-style-type: none"> <li>• In the initial blueprint of the project, the dam height was decided at 148 feet</li> <li>• Due to the urgency of completion of the dam construction, the dam height has been reduced to 135 feet.</li> </ul> |

|  |   |
|--|---|
| Number of villages to be submerged       | <ul style="list-style-type: none"> <li>• With the reduction in dam height, the number of villages to be submerged also gets reduced. Around 94 villages from the list of 276 villages would not get inundated.</li> </ul>   |
| Consent of Gram Sabhas                   | <ul style="list-style-type: none"> <li>• The gram sabhas have provided with the necessary consent required for the operation of the massive irrigation project</li> <li>• This contradicts with the inputs given by the tribal of the affected revenue villages.</li> </ul>   |
| Distribution of the compensation package | <ul style="list-style-type: none"> <li>• The affected panchayats in the West Godavari district gets a higher compensation package than the panchayats in East Godavari district.</li> <li>• The villages in West Godavari is closer to the project site. Technical survey done by the state government state that the effect of inundation would be more in W. Godavari than E. Godavari.</li> <li>• This has caused resentment among the tribal in E. Godavari but the government is not in a position to provide a higher compensation package because of the tight budget allocation for the project.</li> </ul> |

## 5. Policy Recommendations

The dispensation of compensation for the PAP was started in the year 2009, when YS Rajashekara Reddy was the Chief Minister. A combination of R&R packages has been offered by the state governments from 2009 onwards, Currently the compensation is calculated on the basis of LARR based on which the compensation figures have been arrived at. Lessons have not been learnt from prior experiences of PAP due to huge irrigation projects built in the past such as Bhakra Nangal dam and Sardar Sarovar Dam. There has been continuous opposition from various quarters against the construction of the dam. A poor planning and implementation of the R&R package simply shows the apathy of the state and central governments towards the tribal rights and the land acquisition issue.

Our visit to Chinturu and other villages helped us understand the gaps in the R&R package implementation. Our interactions with the village locals, business class and officials has enabled us in providing certain policy recommendations:

- **A better understanding of the tribal relations:** The government needs to have a different take in regards to the R&R especially in the tribal areas. The tribal communities are a closely-knit group of people and it has remained like that for past several centuries. A disturbance of that sense of community by displacing them to different areas is unfair and inhuman. The government has to give due respect to the socio-economic aspect of a tribal life while executing R&R policy.
- **Documentation of ownership:** The concept of ‘ownership of land’ is not that prominent in a tribal community. This attributes to lacunae in the tribal getting proper compensation against the existing R&R policy. The absence of the pattas or land titles creates confusion for both the government and the adivasis. There are individuals in the tribal community who have claimed settlement arbitrarily and this has led to conflicts within the community. The conflict between the government and the tribal groups could have been resolved if there was a proper system which would have ensured complete documentation of land ownership. In most cases, the adivasis do not own pattas since a cumbersome process is involved in registering their land. Removing few of the administrative functioning’s might help in resolving this issue and in the due process they been entitled to enjoy the R&R policy.
- **Maintenance of record of compensation given to each household in a village:** In many cases it has been observed that the compensation is not meted to the whole village community. The reality is that only a few households have received compensation in a particular village e.g., in Mukhnoor village only 30households out of 160 have received compensation. In the official procedure, which is in place now, the disbursal of compensation to even a few households often acts as a qualifier to denote that a whole village has been compensated. So, a registry of all the households and the compensation given to each one of them needs to be maintained. The signatures of the owners of the households should also be obtained as a mark of acknowledgement.

- **Compensation for the landless labourers:** A major fraction in each village we visited consisted of landless labourers. It was seen that none of the landless families were compensated. There are presently provisions in the official compensation package for the landless labourers, but the compensation is not being provided to them. The absence of any land and other official records is being used as a pretext by the government for not providing them with any compensation. One step which the government can do to ensure is initiate a thorough and complete survey of the number of landless labourers in each village and come up with a compensation package which can help such families to start a new life in the new place they are relocated to. (One request from the landless labourers from almost all the villages we visited was to provide them with a compensation of Rs 50,000 so that they could make a small house. This is a figure which is very much affordable for the government since this compensation amount is very less as compared to the compensation given for occupants with land)
- **Compensation for the forestland lost:** Several tribal villagers had their own forestland. Many of the tribal had a ROFR patta to prove their ownership of the forestland. It is understandable that compensating such cases is not easy as there is a very less probability of finding a forest area of equivalent area in another place. For such cases the government should initiate a committee consisting of several ecologists, biologists and accountants in order to device the criteria to value the forest land which would be submerged and successively come up with the compensation figures in order to compensate the tribal villagers who have lost their forest land.
- **Removing the element of coercion during the gram sabha meeting:** After the implementation of PESA act, it has been made mandatory that local governance in the form of gram sabha meetings is held in areas under the fifth schedule. But it has been observed that often the gram sabha meetings is attended by a government official along with a few policemen. This has led to resolutions passed by gram sabha, which are against the wishes of the villagers. Even in the case of Polavaram, where the consent from each village was to be obtained in order to go ahead with the project, it was observed that the consent was obtained from the gram sabhas only after threatening the

village occupants during the gram sabha meeting. In order to remove the element of threat, the government should make it mandatory that each gram sabha meeting is video recorded and an unedited version of that is used to see if that village grants an official consent. For that, each village has to be provided with a digital camera of decent video clarity and one which records audio clearly.

## **6. Conclusion**

It is indeed distressing to see how ‘development’ on one side is done at the cost of the others. As quoted by Rabindranath Tagore, “while food leads to wealth, food production leads to misery” which is undeniably true to this case. With the construction of the Polavaram Dam, the government is only taking these adivasis 50 years backwards. Through our research, it is important to answer the question of ‘what is development?’ and its definition in the changing times. The farmers are the authentic backbone of our country and it is their skills alone that was/is/will feed us. While the government aims to rekindle the rich urban spaces that have no scarcity, for so many adivasis, their hopes evaporate by the day. The next question that we need to pose is that post displacement, the issue of migration/merger of the adivasis into the urban spaces and the question of land acquisition. While the rights of the Adivasis remain only on paper, the implementation of PESA, FRA and the interpretation of LARR reflect on the poor governance for which the poor farmer has to pay the price. Our research work has been an eye-opener since we have carefully understood the double standards of the political bureaucracy and the declining importance of Panchayat Raj. It is almost impossible to think of what the future awaits these Adivasis who had/have no say in the construction work. We are indeed caught up in the nexus of this intersection of the Indian realities.

We would sincerely like to thank Samata Organization who has been striving for the tribal rights and all their associates who have been extremely hospitable and for having given us this opportunity to understand ground realities and the experiences of rural lifestyle.

It is organizations like Samata that redefine willingness, dedication and commitment to help build a cohesive community that rekindles the spirit of hope in the coming generations.

## 7. References

- Fernandes, Walter. *Development-Induced Displacement: The Class and Gender Perspective*.  
<http://pesadarpan.gov.in/en>.
- Gujja, Biksham. *Perspectives on Polavaram, a Major Irrigation Project on Godavari*. Academic Foundation, 2006.  
<http://aprr.gov.in/aprr/RREnglish.do>.
- Menon, Meena. "<http://www.epw.in/journal/2016/44-45/commentary/unmaking-forest-rights-act.html>." *Economic & Political Weekly*, 2016.