

# Commons for Internally Displaced Persons (IDPs): Excluded from Policy

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## Abstract

Almost half of the displaced persons in India are tribals, most of whom are located in the natural resource-rich dryland and rain-fed areas of central Indian tribal belt and in North-Eastern region. Apart from losing private properties, IDPs also lose access to common property resources. Commons are prime providers of food, especially for fodder and fuel wood in these areas. Small and marginal farmers and agricultural laborers are more dependent upon commons for their redistributive role. Commons also add to social stickiness of communities leading to stronger social ties among them. Security of livelihoods is an important guiding principle for rehabilitation policies. The assessment of impact of displacement as stated in the rehabilitation bill (2007) includes assessment of Commons from livelihood perspective. However, the provisions for resettlement, in the bill, do not accommodate Commons as a part of compensation. In absence of any specific policy, the case for conflict-induced IDPs is even worse. Moreover, as the institutions around commons are locally embedded, they cannot be created in absence of an enabling policy framework for communities. Similarly, the access to commons of indigenous population as against IDPs is also an ambiguous area. National policies on most of the natural resources deal with the state and private control only, augmenting to the neglect of significance of Commons in all other development policies, including one for IDPs. The IFAD framework for sustainable livelihood examines the livelihood of poor by linking different elements like assets, vulnerabilities, policies etc., within a context. It examines the linkages between 'service delivery agencies' like institutional arrangement for commons and 'enabling agencies' like policy-making bodies, on livelihoods. IFAD framework can bring out the criticality of commons for IDPs. An analysis of current situations and legal-policy frameworks for resettlement in select states will help to bring out the lacunae in given agro-ecological and social contexts.

Key words: IDPs, Commons, Policy, Livelihood.

## INTRODUCTION

Since independence India has witnessed internal conflict based on ethnicity, religion, language etc and suffered heavy casualties in terms of human lives and infrastructures. Although, the country has been prone to violence, it has generated few refugees unlike neighboring Bangladesh. But, the prolonged conflict within the country has created a high level of displacement of people. Internally displaced persons (IDPs) are those who are forced to move out of their habitat, whether it is individually and formally owned, or a

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traditional, customarily and collectively owned areas. In case of IDPs, the displacement takes place within the country unlike refugees, where the movement is across the borders. Guiding principles of the United Nations defines IDPs as “Persons who have been forced or obliged to flee or to leave their homes or places of habitual residence in particular as a result of, or in order to avoid the effect of, armed conflict, situation of generalized violence, violations of human rights or natural or human-made disasters, who have not crossed an internationally recognized state border”.

The enormous involuntary displacement caused due to industrialization, state-sponsored developmental projects, ethnic conflicts, and separatist movements etc., over a prolonged period of time, has made the issue of IDP, a compelling one. A lot has been discussed and debated on IDPs and most of these discussions have adopted a right-based approach while dealing with IDPs. The issue of IDP is projected as more of human right violation and the state is attributed a villainous role while deliberating on this issue. There is no denial of the fact that displacement without proper resettlement and rehabilitation is a violation of civil right. But, displacement is also deprivation of livelihood, of opportunities and the debate on IDP should focus more specifically on livelihood restoration. The present response of Government towards IDP is restricted to land reallocation and developing access to CPRs. The approach looks more like an exchange scheme where give-and-take kind of policy works the best. As history of performance in resettlement and rehabilitation shows that such an approach is inadequate to deal with the crisis of IDP, this is more so when the IDPs happened to be forest dependent communities. The policies on forest, water etc also seems to be less of being capable to include IDPs as their intended beneficiaries. These policies are more focused in managing and preserving the resources; rather than developing sustainable livelihood of people based on these resources. The experience of displaced populations reveals that one time compensation like land allocation are not sufficient to meet the livelihood demand and a more detailed effort is required to design livelihood plan involving commons. The paper aims to explore the space given by various policies to IDPs, and their livelihood issues based on commons.

## **IDPs IN INDIA**

Considering the large geographical spread of the country, monitoring and estimating IDPs is problematic. In absence of a central authority to address the issue of IDPs, the correct number of IDPs in our country is still not comprehensible. However, researchers working on IDPs in India have estimated that there are about 21.3 million IDPs in India for the period 1951-90. For the period 1947-2000, the total number of displaced persons (DPs) and Project-affected-persons (PAP) is more than 60 millions. On a state basis, West Bengal has 7 millions of the total 60 million IDPs while; Assam has 1.9 million of IDPs. Out of the 60 millions IDPs, only one-third have been settled in a planned manner. For rest of the IDPs, there is no evidence of any organized settlement (IDMC, 2007). The nature and cause of displacement in India is varying and due to political sensitivities, the state agencies are not prudent enough to deal with IDPs in a transparent manner. The literature on displacement highlights three main causes for displacement- due to development projects like dam, mining etc., due to natural

calamities like flood, earthquakes etc. and due to internal conflict like ethnic violence ( Dey & Ray Chaudhuri, 2007).

In Indian context, till recent years, development-induced-displacement has dominated the discourse on displacement. Displacement due to dams in Gujarat, mining projects in Orissa, hydel projects in North-East states etc. has got the maximum attention in public debate. However, apart from development, a large chunk of people in India are being displaced due to “low intensity wars” like ethnic violence, insurgency etc. Apparently, there are four broad categories of displacement in India (Lama, 2000). Various political movements like separatist movements are a major source of displacement in India. Post independence, there are political unrest in states like Manipur, Assam, Nagaland, Kashmir etc. In North-East part of India, there are two separatist movements which require special mention. First one is led by the National Socialist Council of Nagaland (NSCN) in Nagaland and second one is led by All Assam Student Union (AASU) in Assam. Both these movements have generated a steady flow of displaced people in last three decades. The separatist movement in Kashmir has generated displacement of around 2, 50,000 people in last two decades. A large number of Kashmiri pundits have fled Kashmir in all these years and resettled themselves in places like Delhi and Jammu.

The second cause of displacement is identity-based autonomy movements. Movement in Punjab and Assam has made a large number of people to flee their native place and these people now live in camps. In last two decades, the Bodo separatist movement in Assam has generated a large number of displaced people, who are mainly Bengali speaking Muslims and tribal like Saanthsals. These people are yet to be resettled by State government. Third cause of displacement is the localized violence due to caste disputes and religious fundamentalism. People have been displaced from villages in Uttar Pradesh and Bihar, because of being from a lower caste. Also the communal riots of Aligarh, Bombay, and Bhagalpur etc. has made people flee their residences and localities. Displacement due to environmental and developmental issues comprises the fourth factor responsible for internal displacement. As the country has invested hugely in industrial projects, dams, mines, power plants and new cities etc. to achieve economic growth, there is massive acquisition of lands. The acquisition has resulted in large displacement of people, a majority of whom are tribal from central India.

As mentioned earlier, although displacement due to development has gained more space in public forums through media, a sizable population of IDPs in India are comprises of people displaced due to naxalite violence. In central India, States like Jharkhand and Chhattisgarh has witnessed violence due to clashes between forces of State and naxalites. As result of such clashes, people of indigenous origins had to vacate their villages and are forced to live in camps. Dantewada district is one of the worst hit areas by displacement. More than 45,000 civilians threatened by violence are living in relief camps in these areas (IDMC, 2007). People have also fled from neighboring states like Andhra Pradesh and Orissa as result the naxalite movement. There is a high proportion of tribal among IDPs because, they inhabit mineral rich areas in the country and are also heavily affected by separatist movements. The tribals

represented 8.08 per cent of India's total population in 1991, but are estimated to represent around 40 per cent of IDPs (Fernandes: 2007). At least 20 per cent are Dalits (Mahapatra, 1994) and a big proportion of the rest are other asset-less rural poor like marginal farmers, poor fishermen and quarry workers (Fernandes, 2008).

## **COMMON AND LIVELIHOOD**

The conventional view of economic change refers to transition between economic structure and performance that can be distinguished from each other (Ellis, 1998). Such a notion considers sectors as compartmentalized like rural is contrasted with urban, agriculture is contrasted with industry. Under such a paradigm, the notion of livelihood is limited to engagement of people in one of these sectors and enhancing the flow of income. However, in recent years, the notion of livelihood has been expanded to combine concepts like sustainability, equity and capability. The development discourse focusing on poverty and livelihood has graduated from livelihood to "sustainable livelihood". One of the earliest attempts to define sustainable livelihood was made in a report of World Commission on Environment and Development (WCED). The report titled, "Food 2000: Global Policies for Sustainable Agriculture" defined sustainable livelihood as follows,

"Livelihood is defined as adequate stocks and flows of food and cash to meet basic needs. Security refers to secure ownership of, or access to, resources and income-earning activities, including reserves and assets to offset risk, ease shocks and meet contingencies. Sustainable refers to the maintenance or enhancement of resources productivity on a long-term basis. A household may be enabled to gain sustainable livelihood security in many ways- through ownership of land, livestock or trees; rights to grazing, fishing, hunting or gathering; through stable employment with adequate remuneration; or through varied repertoires of activities".

As the definition argued, livelihood is an integrating concept, and a precondition for sustainable and rightful access to resources by household. Livelihood is not limited to remain engaged in income-earning activities and is a mean of achieving the objective of equity and sustainability. The conventional way to measure equity is restricted to income distribution. But in the paradigm of sustainable livelihood, equity implies a less uneven distribution of assets, capabilities, and opportunities. Sustainability refers to self-sufficiency and ability to survive in the long-term. In the context of sustainable livelihood, sustainability refers to the ability to maintain and improve livelihood while maintaining, or enhancing the local and global assets and capabilities on which livelihood depends (Chambers & Conway, 1991). Chambers and Conway have added the concept of capability while defining sustainable livelihood. Capability refers to abilities to cope up with stress and shocks, and being able to find and make use of livelihood opportunities. They defined sustainable livelihood as follows,

"A livelihood comprises the capabilities, assets (stores, resources, claims and access) and activities required for a means of living; a livelihood is sustainable which can cope with and recover from stress and shocks, maintain or enhance its capabilities and assets, and provide sustainable livelihood opportunities for the next generation; and

which contributes net benefits to other livelihood at the local and global levels and in the short and long term”.

The definitions discussed above have widened scope for concept of livelihood from just being an income generating activity to enhancement of skills and access and management of resources. In context of communities who are dependent on commons, their accesses to these resources are integral for a sustainable livelihood. As the case for India, most of the displaced populations are communities who are heavily dependent on commons. Once they are displaced, allotment of land or other resources at individual level are not enough to ensure the livelihood of these people, as they are traditionally tuned to manage community resources better than individual resources.

Tangible and intangible assets comprise an important part of livelihood portfolio for any household (Swift, 2006). Tangible assets include food, stocks, stores of value such as gold, jewellery and woven textiles etc. Resources like land, water, trees and livestock etc are also part of tangible assets. The second category of asset includes intangible assets like claims and access. Claims constitute demands and appeals which can be made for materials like food, loans, gifts etc and other supports. Demands can be made during the time of stress or shock and can be made to friends, relatives, Government agencies etc. Access is the opportunity in practice to use a resource, to obtain information, technology etc. Access to various services include transport, education, health, access to various income-earning activities include right to commons like grazing land, village ponds etc. Rural livelihood constructs of both these tangible and intangible assets, and reinforces the criticality of common in building livelihood strategies.

#### **Fishermen of Mundra: Example of distortion of livelihood systems because of displacement from commons**

Livelihood of fisherfolk is at stake as the Mundra special economic zone (SEZ) on the northern shore of the Gulf of Kutch gets underway. Potentially the largest SEZ in the country, it covers 28 km of coastline and is spread across 13,000 hectares (ha). There are seven fishing settlements along the coastal fringe. Tattered hessian sacks stitched together and wrapped around wooden post frames form simple dwellings that are home to the fisherfolk for 10 months of the year (the settlements are abandoned from June 10 to August 15 on account of the monsoon fishing ban).

Fisherfolk in these settlements practice two forms of fishing, *lagadia* and *pagadia*. Their settlements, which lack even basic infrastructure, are not recognized by authorities. According to the Gujarat fisheries department census (1997-98), these fishing settlements have a population of 3,979, representing 705 households. Because neither the government nor the Adani group recognizes the presence of these settlements, the fisherfolk fear they will be evicted.

The government sees the issue not just as a development versus displacement debate. They argue that the SEZ will bring about a positive transformation for the local communities. D Rajagopalan, principal secretary for industries and mines in Gujarat, says agricultural land in the state is limited because of scanty rainfall.

But villagers said that they have had little contact with the developers and do not believe that medical treatment will be provided. Besides, even if it is given, they would not be able to afford the services. They are not particularly excited by the prospect of working as laborers for wages of Rs 65-100 per day either. "We are free and in charge of our own livelihoods. We know only fishing. If we work in a factory we will be slaves to the Adanis," says Mamud Jafar Jam, a fisherman.

Fisherfolk aside, even pastoralists' land is at stake. The long history of industrialization in Gujarat and the conversion of 'common' land for other purposes caused many pastoralists to lose the grazing land they depended upon. In 1973, the government passed an order allocating 16 ha of *gauchar* (grazing) land per 100 animals per village and prohibited the selling of such land for any other purpose. But nine villages have lost their *gauchar* land to the Mundra SEZ. (Mackinnon, 2007, *Down to Earth*)

## **DISPLACEMENT: ALIENATION FROM COMMON**

Displacement is not only alienation from habitat, but also is a deprivation from common property resources (CPRs) like water, fodder and forest etc. The displaced population, mostly dalits and tribals depend heavily on CPRs for their livelihood and the current legal provision for IDPs does not recognize the role played by CPRs in lives of displaced population. Displaced people lose all access to most of their land, but their houses/properties may be left untouched. For instance, many groups that are forest dependants are denied access to their livelihood when their habitat is declared a park or sanctuary, but do not move out physically (Ramanathan, 1999). India's laws, however, recognize so far only individually titled land ownership. Land for which there is no formal (either individual or group) title is considered state property. Therefore, those who are physically alienated from such lands, or restricted in their use of lands and resources that are under untitled customary tenure, are neither compensated nor resettled in an organized manner. The state does not recognize these people as owners of the areas they inhabit. This discrepancy between law and reality is the source of huge social and economic problems. Most tribes in India are CPR dependants and as such do not have an ownership title to their customary lands. The same is the case of the fishing communities that depend on the marine or riverine CPRs; of quarry workers and others whose livelihood is their workplace, where they do their productive activities to sustain their livelihoods (Fernandes, 2009). Land alienation forces them to move out of their habitat. Some derive their livelihood from land owned by others, working as landless agricultural laborers or performing various service activities. They also sustain themselves by rendering services to the village as a community. In a nutshell, for most of the marginalized community, common is not only a support system, rather a source of livelihood.

The difference between poor rural communities and tribal communities is their degree of dependence on commons. Unlike traditional rural households, tribal are dependent heavily on commons. A traditional household derive their livelihood mainly from landholding and commons acts as a support to their livelihood. While in case of tribal, the CPR forms the basis of their livelihood as they have community landholding rather than individual landholding. CPRs are the resources accessible to whole community of

a village and to which no individual has exclusive property rights (Jodha, 1986), including community forests, grazing land, waste dumping ground, village ponds etc. Dalit communities do not have claims to land directly and they do not live by cultivating agricultural land; rather they sustain themselves by offering service to village community and working as labor in agricultural field. For these sections of people, the village community can be referred as common (Fernandes, 2009). Although, most of the dalits do not have ownership rights to agricultural land, but their livelihood depends directly on such lands. Land not only supports the owner, but also acts as a mean of survival for the laborers working on it. The agricultural land has the same value for non-owning dalit communities as forest for tribal.

The management of CPR in context of tribal is different from that in context of dalits. For tribal, the CPR is often community managed and constrained by traditional norms. The managing system also varies from one group of tribe to another. The core to community-managed CPR is a distinction between family and social sphere, and clear division of work based on gender. In case of dalits, as there is an individual ownership of land, the terms of livelihood is not decided by community or village council rather by the owner of land. Irrespective of the differences in nature of CPRs, both dalits and tribal are alienated from CPR once they are displaced and it brings in additional burden on them to sustain their livelihood.

Forced displacements due to developmental projects or conflicts have serious implications on livelihood of IDPs through their alienation from CPRs. The legal system in India considers land only as a place for cultivation and building, and ignores its role in the livelihood of its dependents. Land is looked as an individual property and individual having ownership can use his land as per wish without protecting the right of its indirect dependent. Any piece of land like forest land etc. without individual property right is considered as state property and state can decide the purpose for which such land will put to use. The consequence of such a legal system is that the State can deprive people from their CPRs without any proper compensation. In fact, as we explore the policy response towards IDP, we can see that access to CPR is not a part of the response. As a natural progression of these systems, IDPs are always alienated from CPRs, on which their entire livelihood is dependent.

## **IDP AND COMMON: POLICY RESPONSE**

The policy response towards inclusion of common for IDPs can be examined with a two-fold approach. The first one would be to look at policies aimed at addressing the issues of IDP and how common is placed in these policies. Second approach would be to examine various policies on common to explore how they have looked at IDPs as stakeholders.

As a comprehensive policy on CPR is yet to come out, policies on forests, revenue wastelands, water etc. fill the gap, providing a window for common property rights for communities. The Panchayati Raj Act, Panchayat Extension in Scheduled Areas (PESA) Act, Joint Forest Management Guidelines, Forest Rights Act, National Water Policy and National Forest Policy provide some of the regulatory framework for

governance of common property resources in general. The focus of these policies is on managing the resources available to communities and their right to access these resources.

PESA was passed by parliament in the year 1996 with a view of protecting the right and resources of communities in Schedule V areas, which are inhabited by people of indigenous origin. PESA recognized *gram sabha* as a competent authority to act on several issues including ownership of minor forest produce. The *gram sabha* can regulate or restrict the access to CPRs and are supposed to ensure that communities must be consulted before acquisition of land or land based resources.

PESA facilitates tribal self-governance and recognizes that communities are entitled to safeguard and preserve their cultures and tradition, exercise control over natural resources etc. PESA is applicable to nine states of India, which comes under the schedule V on Indian constitution. The states include, Andhra Pradesh, Jharkhand, Chhattisgarh, Gujarat, Madhya Pradesh, Orissa and North-eastern states. It is interesting to note that most of these areas are rich in minerals at one end and on the other end they form a substantial part of the infamous “red corridor”- the naxal dominated area. Both the features made these areas vulnerable towards displacement. The committee on State Agrarian Relation and Unfinished Task of Land Reforms, 2009 chaired by the rural development minister and with representation from bureaucracy, academics and civil society pointed out that “tribal areas continue to be subject to steady erosion due to connivance of the Government machinery, weak implementation, a political economy growing around the tribal lands and marginalization of tribal in national policy”. Populations in several North-Eastern states have also suffered on this account. In Assam alone, about 3, 91,772 acres of land has been transferred for development projects without any consideration for ecological consequence or other adverse affect on life and livelihood of marginalized communities. The report says that around 7.50,000 acres of land have been transferred for mining and about 250,000 acres for industrial purposes during last two decades. All these acquisition of lands has generated a large number of displaced populations. The committee recommends that proper implementation of PESA in these areas can help in protecting livelihood of tribal and can reduce turbulence in these areas.

Although PESA was brought in with a kind objective of protecting the right of tribal to access CPRs, it has been characterized with poor track record of implementation (Dandekar & Choudhury, 2010). The state legislation under PESA has failed to resolve how the communities will address the large scale displacement of people and protect their right to livelihood. Although the act does not mention any specific measures for displaced people, but it authorize *gram sabha* to manage CPRs as per the necessity. But, in recent years, none of the PESA implementing states has taken any step to address the issue of displacement and alienations. The condition of civil war in states of Chhattisgarh and Jharkhand has affected over 600 villages and residents from these villages have fled to Andhra Pradesh and Orissa, which are also governed under PESA. These displaced communities are extended no entitlement with a justification that they do not originally belong to that state.



One former panchayat member whose village was burnt down in the reprisal, and who has been leading a displaced life since the past five years said, "The Salwa Judum burnt our village and said it will finish the Naxals in 3 months. But the Naxals are there. The security forces are there. Our lives have been crushed". (Quoted from *"PESA, Left-Wing Extremism and Governance: Concerns and Challenges in India's Tribal Districts"*)

Displacement as well as loss of access to forest and water resources due to developmental projects and insurgency are threat to livelihood of people and also indicate failure of PESA. Effort should be made to broaden the scope of PESA to address the critical issues of displacement and IDP's right to resources. State governments can take adequate step to bring in new legislation to include IDPs under PESA and can make the devolution of panchayat raj more meaningful.

The Forest Right Act allows community to claims forest produce; the Act protects the right of community to collect minor forest produce, like bamboo and tendu leaves, which is major source of revenue both for the Forest department as well as for communities. The Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, also called as Forest Right Act ensures "community rights of uses or entitlements such as fish and other products of water bodies, grazing and traditional seasonal resources access of nomadic or pastoralist communities". Although, the Act ensures rights of community to forest produce, the forest department is not doing enough for availing the provisions under the Act (Mahapatra et al., 2010). Apart of from administrative hurdle, the Act itself is inadequate to address issue like forest right of IDPs. The Act does not recognize IDPs as one of the beneficiaries. The Chapter III, "Recognition, Restoration and Vesting of Forest Rights and Related Matters" mentioned about inclusion of displaced people, but it is not adequately defined and detailed. The section 4(8) reads "...Act shall include the right of land to forest dwelling Scheduled Tribes and other traditional forest dwellers who can establish that they were displaced from their cultivation without land compensation due to State development intervention". Although the Act attempts to address people displaced due to land acquisition, but it is silent on conflict induced displacement, which is a major cause of displacement in most of the tribal areas of central India. Moreover, as tribal do not have individual ownership over their landholdings; it is difficult for them to establish that they were displaced from their cultivable land.

PESA and FRA are not only important for settling community claims but also because of the people oriented processes that are articulated in these acts. The participatory process prescribed under both the acts provide basis for governance of commons. The institutional space provided under both the Acts empowers communities to manage their common property resources. As usage rules on CPRs evolve organically with continuous discussion on the resource base within the community, such an enabling environment becomes important.

National Forest Policy was formulated in 1988, which formed the ground for preparing guidelines for Joint Forest Management (JFM). The National Forest Policy encouraged people's involvement, particularly that of women in meeting their basic forest related needs and in managing their local resources. The guidelines for JFM were formulated in 1990 to ensure involvement of village communities and voluntary agencies in regeneration of degraded forests. The primary objective of JFM is to ensure sustainable use of forests to meet local need equitably while ensuring environmental sustainability. JFM acknowledged the need to give greater right and authority to community groups. JFM guidelines put more control in the hands of Forest Department, and basically, it is more the sharing of responsibility than benefits that resonates in JFM agreements. The confusion arising out of the overlapping between minor forest produce cooperatives in various states and JFM agreement has made JFM a lopsided agreement. JFM do not make any separate provisions for IDPs as their target beneficiaries, as the guidelines are more focused on managing the forest resources with participation of people rather than targeting on communities dependent on forest produce. However, the role of Forest Department as an external intervener is useful in the context of IDP. As displaced persons would require an external intervener, to initiate discussions on common properties with original inhabitants as well as to initiate discussions within, because of unknown nature of newly acquired resource.

Beside forest, water is another important resources on which livelihood of communities are dependent. The National Water Policy was formulated in 2002 by Ministry of Water Resources, Government of India to plan, develop and manage water resources. Not much work has been done since then in the direction of implementing the policy at operational level. The policy attempts to cover a number of issues including developing an information system, planning for water resources, building an institutional mechanism for delivering the services etc. The water allocation priorities outlined by the policy are in the following order- drinking water, irrigation, hydro-power, ecology, Agro-industries and non-agricultural industries, navigation and other uses. The policy does not specify any particular provision for IDP in detail; however it does mention about water storage for project-affected- population (PAP) (section 10: Resettlement and Rehabilitation). The policy says that a skeletal national policy needs to be formulated so that PAP shares the benefits of water storages through proper rehabilitation. It is expected that State government will develop their own resettlement and rehabilitation policies for the sector, considering the local conditions. The policy has failed to address most of the critical issues related to IDP and water bodies. It has overlooked the role of water in the livelihood of forest dependent communities who are displaced from their habitation. It has defined displacement in a very narrow form, taking into account only displacement due to developmental projects. It has ignored large section of people displaced due to conflict and violence.

The above discussion on policies covering resources like water, forest etc clearly indicate that till now most of these policies has overlooked the issue of displacement and right of IDPs to access common. The policies have taken a very static viewpoint of community and are largely remain mute on inclusion of IDP as their intended beneficiaries. These policies are more focused on management of resources available

to communities rather than defining their beneficiaries and their right to access CPRs. Interestingly, as one examines the policy aimed at rehabilitation of IDPs, the focus on livelihood based on CPR is also found to be missing. In other words, the policies addressing CPRs have missed the agenda of IDPs and the policies aimed at IDP have evaded the issue of CPRs. In the following section, we look at rehabilitation policies for IDP to examine the status of CPRs within the policy framework.

The policy response to address the issue of displacement has been criticized both on the design as well as implementation front. For a long time, India did not have any rehabilitation and resettlement policy, to address displacement. The only Act which was addressing displacement is the Land Acquisition Act (LAA). LAA prescribed how land could be appropriated with payment of compensation, but did not proceed towards people's entitlement to rehabilitation. After long public debates advocating a fair policy on resettlement and rehabilitation, Ministry of Rural Development formulated the resettlement and rehabilitation policy in the year 2004. The policy was inadequate in many grounds and faced severe critique from various sections. Considering the drawbacks, Ministry came up with a new draft policy, the Draft National Rehabilitation Policy, 2006. Finally, the National Rehabilitation and Resettlement Policy, 2007 came into being notified on 31<sup>st</sup> October 2007.

Although, the policy uses the terms rehabilitation and resettlement together, in practices however, they are two different processes. Resettlement is a one-time effort of physical relocation. The displaced populations are generally resettled after their displacement. It is more of an exchange of habitation with the State machinery. On the contrary, rehabilitation is a long-time process, involving rebuilding people's physical and economic livelihood, their assets, their cultural and social links, and psychological acceptance of the changed situation (Fernandes, 2008). Rehabilitation is a more detailed response towards displacement and focused on building livelihoods for displaced people. Response in the form of rehabilitation and resettlement are more prevalent as one deal with development-induced-displacement. But in case of conflict-induced- displacement, it has been looked as law and order situations and in most cases, state government have responded through creation of temporary shelters, called as relief camp. These shelters are planned for a limited period of time, assuming that Government will soon bring the law and order under control and displaced population can go back to their habitat. But, the track record in past reveals that in most cases, displaced have stayed back in relief camps for more than expected period. The non-Bodo populations, who were displaced during early nineties from Bodo dominated districts of Assam, are still living in Government shelter camps even after more than 15 years of displacement. Government has failed to respond in a planned manner to help these displaced populations with their livelihood. Within this context, a proper resettlement and rehabilitation policy targeting at both development-induced and conflict-induced displaced, and aiming to protect and support livelihood of people, is essentially the need of hour.

The objectives of National Rehabilitation and Resettlement Policy, 2007 is to minimize displacement and to promote least-displacing alternatives. The policy did mention about

involuntary displacement but did not specify anything about conflict induced displacement. The policy has made some provision for creating facilities like water, grazing land etc for displaced population, but it's applicable only in cases where a sizable number of families (400 families in plain and 200 families in tribal areas) are displaced. The policy suggests that

“A Tribal Development Plan shall be prepared, in such form as may be prescribed, laying down the detailed procedures for settling land rights due but not settled and restoring titles of tribals on alienated land by undertaking a special drive together with land acquisition. The Plan shall also contain a programme for development of alternative fuel, fodder and non-timber forest produce (NTFP) resources on non-forest lands within a period of five years sufficient to meet requirements of tribal communities who are denied access to forests”. (Section 7.21.1).

The rehabilitation plan has created some scope for CPRs to be developed for communities which are CPR dependent. But, benefits are clearly targeted at people affected by projects only, and exclude people affected due to conflict. The policy does not promise any benefit in case of small intensity displacement. The need of displaced people belonging to various categories differs. The landowners may be resettled by making provision for land, but the population who survives themselves through serving village communities needs a different rehabilitation plan. Same is true for landowners and communities dependent on CPRs. However, the rehabilitation policy adopts a blanket approach and does not get into these specifications.

Compensation for displaced people has never been up to the expectation and requirement. In most of the cases, Government has failed to compensate for CPRs which are lifeline of tribal communities. CPRs are the major target in most of the land acquisition by Government and consequently tribals become the worst sufferers as they are predominantly CPR dependent. In Orissa 58 per cent of the land acquired for NALCO in the tribal majority Korapur district was CPR, most of it tribal livelihood (Fernandes, 2008). The displaced got no compensation for the land acquired and it was difficult for them to start a new life without any major support on livelihood. The calculation of compensation at individual level also creates hurdles towards supporting livelihood of displaced population. In case of a society, where community ownership is the norm, how the compensation can be calculated at an individual level? Such a compensation design is not equipped to protect the right of displaced population to access CPRs and enhance livelihood.

## **CONCLUDING THOUGHTS**

Till now, rehabilitation efforts of Government are discussed more in light of protest against displacement and development. The discourse is focused more on lack of adequate compensation package and poor implementation of mechanism. However, the biggest setback for any displaced population is the loss of livelihood and the policy response should be more oriented towards creating sustainable livelihood. As mentioned earlier, most of the displaced population are tribal and are dependent on CPRs for their livelihoods, the policy towards IDP should focus on CPRs in greater

detail. Various policies on resources like forest, water etc. have confined to be mere management of resources with participatory mechanism. The policies are not looked at from the broader perspective of livelihood, although a substantial population depends directly on these resources for their livelihood. These policies have been excluding IDPs while focusing on commons and vice versa. However, what we need is more balanced approach towards IDPs while dealing with commons and also inclusion of commons in greater details as we address the issue of displacement.

An effective way to understand the livelihood of poor people is to identify the links between various factors that affect their livelihood. The IFAD framework for sustainable livelihood examines livelihood of poor by linking different elements like assets, vulnerabilities, policies etc., within a context. The framework recognizes CPR as livelihood assets and emphasizes on accessibility to such assets to define vulnerability of poor. It examines the linkages between 'service delivery agencies' like institutional arrangement for commons and 'enabling agencies' like policy-making bodies, on livelihoods. In this paper, IFAD framework is being quoted so as to make a point for developing a livelihood perspective towards the issue of IDP and their accessibility towards CPR. Any framework which can bring out the criticality of commons for IDPs can be adopted in an effort to re-look at the policy responses towards IDPs.

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